



Item:	B-1
Minutes for:	09/19/18
Adopted:	01/16/19

**MINUTES OF A REGULAR MEETING
OF THE MADERA CITY COUNCIL
CITY OF MADERA, CALIFORNIA**

**September 19, 2018
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER – The meeting was called to order at 6:00 p.m.

ROLL CALL:

Present:

**Mayor Andrew J. Medellin
Mayor Pro Tem Jose Rodriguez, District 2
Council Member Cece Foley Gallegos, District 1
Council Member William Oliver, District 3
Council Member Charles F. Rigby, District 5
Council Member Donald E. Holley, District 6**

Absent:

Council Member Derek O. Robinson Sr., District 4

Others present were City Administrator Steve Frazier, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, City Engineer Keith Helmuth, Chief of Police Dino Lawson, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Information Services Manager Mark Souders, Planning Manager Chris Boyle, Commander Gino Chiaramonte, Public Works Administrative Analyst Mary Church, Program Manager Grants Jorge Rojas and Division Fire Chief Matt Watson.

INVOCATION:

Pastor Tim McGraw, Yosemite Christian Center

PLEDGE OF ALLEGIANCE:

Mayor Medellin led in the Pledge of Allegiance.

PUBLIC COMMENT:

The first fifteen minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Lori Gonzales, Homeless Outreach Worker, shared that her family has helped get people off the street and spoke regarding the ongoing problems of homeless coming from Fresno.

PRESENTATIONS

1. Madera Noon Rotary Presentation of a Mini Grant to City of Madera

Sue Thornton, Alicia Bennett, and Dana Lennemann of the Madera Noon Rotary Club presented the City with a donation of \$4,132 to go towards the purchase of a pool table and other items for the Parks Department programs.

2. Proclamation Recognizing Old Timers' Week

Mayor Medellin presented the proclamation recognizing Old Timers' Week to Sheryl Berry with the Madera Historical Society. Ms. Berry shared information on Old Timers' Week activities.

Late distribution Announcement – The City Clerk made a late distribution announcement for items B-4 and B-5.

INTRODUCTIONS There are no introductions.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR

Items on the consent calendar are adopted with a single motion and vote of the council. Items pulled from the consent calendar for further discussion are adopted under separate action.

Mayor Medellin pulled items B-5, B-11 and B-12. Council Member Oliver pulled item B-3.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER GALLEGOS, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-3, B-5, B-11 AND B-12, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

B-1 Minutes – There are no minutes for consideration.

B-2 Warrant Disbursement Report 8/29/18 – 9/10/18 (Report by Tim Przybyla)

B-3 Consideration of a Resolution Approving a Lease Agreement and Memorandum of Lease with AT&T Wireless for Antenna Space on the Madera Loy E Cook Water Tower and for an Equipment Pad Location on the Grounds Below the Water Tower and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mark Souders) *[Item pulled for discussion]*

Following discussion, Council consensus was reached to table item B-3. Staff direction was given to bring back a modified agreement addressing AT&T's rights regarding antennas on structure.

B-4 Consideration of a Resolution Approving the Award of Contract for Madera Transit Center City Project No. Trans-1, in the Amount of \$3,838,500 to BMY Construction Group, Inc., Authorizing Construction Contingencies of Up to 10%, Construction Inspection and Management of Up to 10%, and Authorizing the Mayor to Execute the Contract on Behalf of the City; and

Consideration of a Resolution Approving a Contract with Krazan & Associates, Inc., for On-Demand Testing Services not to Exceed \$25,000 for the Madera Transit Center City Project No. Trans-1, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Keith Helmuth)

RES. NO. 18-173 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR MADERA TRANSIT CENTER CITY PROJECT NO. TRANS-1, IN THE AMOUNT OF \$3,838,500 TO BMY CONSTRUCTION GROUP, INC., AUTHORIZING

CONSTRUCTION CONTINGENCIES OF UP TO 10%, CONSTRUCTION INSPECTION AND MANAGEMENT OF UP TO 10%, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACTS ON BEHALF OF THE CITY

RES. NO. 18-174 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT WITH KRAZAN & ASSOCIATES, INC., FOR ON-DEMAND TESTING SERVICES NOT TO EXCEED \$25,000 FOR THE MADERA TRANSIT CENTER CITY PROJECT NO. TRANS-1, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

B-5 Consideration of a Resolution Approving the Award of Contract for Fire Station No. 58 Fire Station Construction Northwest City Project No. FD-00002 in the Amount of \$6,568,364.60 to Davis Moreno Construction, Inc., Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management of Up to 5%, and Authorizing the Mayor to Execute the Contract on Behalf of the City; and

Consideration of a Resolution Approving a Contract with Moore Twining Associates, Inc., for On-Demand Testing Services not to Exceed \$35,000 for Fire Station No. 58 Fire Station Construction Northwest City Project No. FD-00002, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Keith Helmuth) *[Item pulled for discussion]*

Following discussion, Council consensus was reached to table item B-5 due to the late distribution letter received. Item will be brought back at the next meeting.

B-6 Consideration of a Resolution Authorizing Participation in the State Interagency Intercept Collections Program and Authorizing the Mayor to Execute the Intent to Participate and Any and All Documents Necessary to Facilitate Participation in the Program (Report by Brent Richardson)

RES. NO. 18-175 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING PARTICIPATION IN THE STATE INTERAGENCY INTERCEPT COLLECTIONS PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE INTENT TO PARTICIPATE AND ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE PARTICIPATION IN THE PROGRAM**

B-7 Consideration of a Minute Order Acceptance of the Construction of Well – 27 Pipeline Outfall Extension Southwest Corner of Almond Ave. & Pine St. City Project No. W 17-03 (Report by Keith Helmuth)

B-8 Consideration of a Resolution Approving a Master Agreement with California Surveying and Drafting Supply, Inc. for Virtual Surveying Network Services for Surveying Various City Projects, and Authorizing the Mayor to Execute the Master Agreement (Report by Keith Helmuth)

RES. NO. 18-176 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A MASTER AGREEMENT WITH CALIFORNIA SURVEYING AND DRAFTING SUPPLY, INC. FOR VIRTUAL SURVEYING NETWORK SERVICES FOR SURVEYING VARIOUS CITY PROJECTS AND AUTHORIZING THE MAYOR TO EXECUTE THE MASTER AGREEMENT**

B-9 Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency on Aging (FMAAA) for Fiscal Year 2018-19 for **Site Management** and Authorizing the Mayor to Execute the Agreement on Behalf of the City and Rescinding Resolution No. 18-132; and

Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency on Aging (FMAAA) for Fiscal Year 2018-19 for the **Transportation Program** and Authorizing the Mayor to Execute the Agreement on Behalf of the City and Rescinding Resolution No. 18-133 (Report by Mary Anne Seay)

RES. NO. 18-177 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FISCAL YEAR 2018-19 FOR SITE MANAGEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY AND RESCINDING RESOLUTION NO. 18-132

RES. NO. 18-178 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FISCAL YEAR 2018-19 FOR TRANSPORTATION PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY AND RESCINDING RESOLUTION NO. 18-133

B-10 Consideration of a Resolution Approving a Deed Granting a Public Utility Easement at the Madera Transit Facility, Located on Parcel 11, Freedom Industrial Park Subdivision, Authorizing the Mayor to Execute the Deed, Accepting the Public Utility Easement on Behalf of the City and Authorizing the City Clerk to Execute a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 18-179 A RESOLUTION APPROVING A DEED GRANTING A PUBLIC UTILITY EASEMENT AT THE MADERA TRANSIT FACILITY, LOCATED ON PARCEL 11, FREEDOM INDUSTRIAL PARK SUBDIVISION, AUTHORIZING THE MAYOR TO EXECUTE THE DEED, ACCEPTING THE PUBLIC UTILITY EASEMENT ON BEHALF OF THE CITY AND AUTHORIZING THE CITY CLERK TO EXECUTE A CERTIFICATE OF ACCEPTANCE

B-11 Consideration of a Written Request by the Madera High School Seeking Council Approval to Waive Permit Fees and Cover the Cost of Police and Public Works Efforts in Association with Their Homecoming Parade and Request for the City to Pay \$1,500 towards the Rental of Barricades (Report by Dan Foss) *[Item pulled for discussion]*

Isaac Lopez, Activities Director for Madera High School and Lindsay, ASB President, shared information regarding the upcoming Homecoming Parade. They were joined by other students.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER GALLEGOS, ITEM B-11, A WRITTEN REQUEST BY THE MADERA HIGH SCHOOL SEEKING COUNCIL APPROVAL TO WAIVE PERMIT FEES AND COVER THE COST OF POLICE AND PUBLIC WORKS EFFORTS IN ASSOCIATION WITH THEIR HOMECOMING PARADE AND REQUEST FOR THE CITY TO PAY \$1,500 TOWARDS THE RENTAL OF BARRICADES, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

B-12 Consideration of a Written Request by the Madera South High School Seeking Council Approval to Waive Permit Fees and Cover the Cost of Police and Public Works Efforts in Association with their Homecoming Parade and Request for the City to Pay \$1,200 Towards the Rental of Barricades (Report by Dan Foss) *[Item pulled for discussion]*

Justin Potter, Activities Director for Madera South High School, spoke regarding the upcoming Homecoming Parade.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM B-12, A WRITTEN REQUEST BY THE MADERA SOUTH HIGH SCHOOL SEEKING COUNCIL APPROVAL TO WAIVE PERMIT FEES AND COVER THE COST OF POLICE AND PUBLIC WORKS EFFORTS IN ASSOCIATION WITH THEIR HOMECOMING PARADE AND REQUEST FOR THE CITY TO PAY \$1,200 TOWARDS THE RENTAL OF BARRICADES, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

B-13 Consideration of a Resolution Naming the Youth Leadership Institute as the Youth-Serving Organization as Called Out in the City Ordinance Pertaining to the City-Wide Madera Youth Commission (Report by Mary Anne Seay)

RES. NO. 18-180 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA NAMING THE YOUTH LEADERSHIP INSTITUTE AS THE YOUTH-SERVING ORGANIZATION AS CALLED OUT IN THE CITY ORDINANCE PERTAINING TO THE CITY-WIDE MADERA YOUTH COMMISSION

B-14 Consideration of Resolution Approving an Agreement between the Union Pacific Railroad Company and the City of Madera for Crossing Improvements at Pine Street, DOT # 760993J, and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

RES. NO. 18-181 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE UNION PACIFIC RAILROAD COMPANY AND THE CITY OF MADERA FOR CROSSING IMPROVEMENTS AT PINE STREET, DOT# 760993J, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

B-15 Consideration of Resolution Approving an Agreement between the Union Pacific Railroad Company and the City of Madera for Crossing Improvements at N. Gateway Drive, DOT # 760983D, and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

RES. NO. 18-182 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE UNION PACIFIC RAILROAD COMPANY AND THE CITY OF MADERA FOR CROSSING IMPROVEMENTS AT GATEWAY DRIVE, DOT# 760983D, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

C. HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS

C-1 Public Hearing and Consideration of Introduction of an Ordinance Rezoning Four Parcels Located in Proximity to the Intersection of North C Street and East 5th Street (121, 125, 200 and 204 North C Street) from the PF (Public Facilities) and the C1 (Light Commercial) Zone Districts to the PD-1500 (Planned Development) Zone District; and

Consideration of Adoption of a Resolution Amending the General Plan Land Use Map for Four Parcels Located in Proximity to the Intersection of North C Street and East 5th Street (121, 125, 200 and 204 North C Street), Changing the General Plan Land Use Designations from the P&SP (Public and Semi-Public) and C (Commercial) to the HD (High Density) Land Use Designation (APNs: 007-082-004 and 005, 007-112-014 and 015) (Report by Chris Boyle)

The report was presented by Planning Manager Chris Boyle.

Mayor Medellin opened the public hearing and there being no speakers, closed the public hearing.

The introduction of an ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, FURTHER READING WAS WAIVED AND ITEM C-1, THE INTRODUCTION OF AN ORDINANCE, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

INTRO. ORD. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING APPROXIMATELY .86-ACRE OF LAND LOCATED ON THE NORTHWEST AND SOUTHEAST CORNERS OF THE INTERSECTION OF NORTH C STREET AND EAST 5TH STREET FROM THE PF (PUBLIC FACILITIES) AND THE C1 (LIGHT COMMERCIAL) ZONE DISTRICTS TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM C-1, RES. NO. 18-183, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-183 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT OF THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY .86-ACRES OF LAND LOCATED ON THE NORTHWEST AND SOUTHEAST CORNERS OF THE INTERSECTION OF NORTH C STREET AND EAST 5TH STREET FROM THE P&SP (PUBLIC AND SEMI-PUBLIC) AND C (COMMERCIAL) LAND USE DESIGNATIONS TO THE HD (HIGH DENSITY) LAND USE DESIGNATION

C-2 Public Hearing and Consideration of a Resolution Approving the 2017/2018 Community Development Block Grant Consolidated Annual Performance and Evaluation Report and Financial Summary (Report by Ivette Iraheta)

The report was presented by the Grants Administrator Ivette Iraheta.

Mayor Medellin opened the public hearing.

Tracy Scott Contreras spoke on behalf of the Madera County Workforce.

Lourdes Herrera spoke on behalf of the Madera Coalition.

Santos Garcia, residing in Madera, California, questioned projects from 2010 not yet completed.

Elizabeth Wisener spoke on behalf of the Continuum of Care.

Mayor Medellin closed the public hearing.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-2, RES. NO. 18-184, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-184 A RESOLUTION APPROVING THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT AND FINANCIAL SUMMARY REPORT

C-3 Consideration of:
(1) A Resolution Adopting a Boundary Map Showing the Territory Proposed for Annexation to City of Madera Community Facilities District No. 2005-01; and

- (2) A Resolution Declaring the City's Intention to Authorize the Annexation of Territory into City of Madera Community Facilities District No. 2005-01 (Report by Chris Boyle)

The report was presented by Planning Manager Chris Boyle.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-3, RES. NOS. 18-185 AND 18-186, WERE ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.

RES. NO. 18-185 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING TERRITORY PROPOSED FOR ANNEXATION TO CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01

RES. NO. 18-186 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY (ADELAIDE AND RIVERWALK SUBDIVISIONS) TO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01 (PUBLIC SERVICES) ANNEXATION NO. 4

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

There are no items for this section.

F. COUNCIL REPORTS

Council Member Gallegos reported on her attendance at the Arts/Civic Center meeting.

Council Member Rigby reported on his attendance at the League of California Cities Annual Conference.

Council Member Rigby invited everyone to attend the LAFCO public workshop on annexations scheduled 9/26/18.

Council Member Holley shared that he is mentoring kids at four schools.

Mayor Pro Tem Rodriguez reported on his attendance at a symposium in San Diego.

Mayor Pro Tem Rodriguez thanked the Parks and Community Services Director for clarification on monies for Rotary Park.

Council Member Oliver reported on his attendance at the Fastway Chicken 40th Anniversary.

Mayor Medellin reported on his trip to Washington D.C. and the mission to find funds for the 99 corridor.

Mayor Medellin announced that Love Madera is this Saturday.

Mayor Medellin thanked Officer Juarez for the Business Watch meetings.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 7:35 p.m. to discuss the items as listed on the agenda. Absent: Council Member Robinson.

G-2 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1) - 3 cases: Sean Plymale WCAB No. ADJ11377698, William Spears WCAB No. ADJ10756443, Jerry Smith WCAB No. ADJ10567884

G-3 Conference with Labor Negotiators Pursuant to Government Code §54957.6

Agency Designated Representatives: Steve Frazier, Wendy Silva

Unrepresented Positions:

City Clerk, City Administrator/City Manager, City Attorney, Planning Manager, Director of Community Development, Police Chief, Grant Administrator, City Engineer, Information Services Manager, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, Public Works Operations Director and Director of Human Resources

G-4 PUBLIC EMPLOYEE APPOINTMENT – Pursuant to Government Code Section 54957(b)(1)

Title: City Manager

G-5 Closed Session Report – City Attorney

The Council returned from closed session at 9:59 p.m. with all members present. Absent: Council Member Robinson.

There was no reportable action for items G-2, G-3 and G-4.

ADJOURNMENT - The meeting was adjourned at 10:00 p.m. Next regular meeting 10/03/18.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.

SONIA ALVAREZ, City Clerk

ANDREW J. MEDELLIN, Mayor