



Item:	B-1
Minutes for:	02/20/19
Adopted:	06/05/19

**MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL AND
SPECIAL MEETING OF THE MADERA CITY COUNCIL**

**February 20, 2019
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER – The meeting was called to order at 6:02 p.m.

ROLL CALL:

Present: **Mayor Andrew J. Medellin**
 Mayor Pro Tem Steve Montes, District 3
 Council Member Cece Foley Gallegos, District 1
 Council Member Jose Rodriguez, District 2
 Council Member Derek O. Robinson Sr., District 4
 Council Member Santos Garcia, District 5
 Council Member Donald E. Holley, District 6

Absent: **None.**

Others present were City Manager Arnolando Rodriguez, Temporary City Attorney Michael Youril (Liebert Cassidy Whitmore), City Clerk Sonia Alvarez, Director of Community Development David Merchen, Director of Financial Services Tim Przybyla, City Engineer Keith Helmuth, Public Works Operations Director John Scarborough, Chief of Police Dino Lawson, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Acting Planning Manager Chris Boyle, Division Fire Chief Matt Watson, Commander Gino Chiaramonte, and Lieutenant Brian Esteves.

INVOCATION: April Molina, Love Madera

PLEDGE OF ALLEGIANCE: Mayor Medellin

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.

Ron Montoya, thanked Madera Police Department and discussed his concerns with City policies.

No other comments given

PRESENTATIONS

1. Presentation by Madera Co. LPC on Program and Services Provided – Tina Najarian, Director

Tina Najarian with Local Child Care Planning Council (LPC) discussed Madera County LPC’s vision and programs they oversee.

2. Madera Co. Public Health Update - Alan Gilmore and Maria Barragan

Alan Gilmore and Maria Barragan with Madera County Public Health presented the City Council with information on the dangers of second-hand smoke and asked the Council to support an ordinance to ban smoking at City parks.

INTRODUCTIONS None.

A. WORKSHOP

- A-1 Workshop on Naloxone Administration of Opioid Overdose Medication (Presentation by Brian Esteves)

Lieutenant Esteves provided City Council with presentation discussing the opioid crisis and the standing order from California Department of Health to Madera Police Department to administer the lifesaving drug Naloxone.

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.

Grants Administrator Ivette Iraheta pulled item B-4.
Council Member Gallegos pulled item B-10.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER GALLEGOS, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-4 AND B-10, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

- B-1 Minutes – 3/21/18, 10/10/18, 1/16/19, 1/30/19

- B-2 Register of Audited Demands 1/26/19 - 2/11/19 (Report by Tim Przybyla)

- B-3 Consideration of a Resolution Appointing Nick Davis to the City of Madera Airport Advisory Commission (Report by John Scarborough)

RES. NO. 19-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPOINTING NICK DAVIS TO THE CITY OF MADERA AIRPORT ADVISORY COMMISSION

B-4 Consideration of a Resolution Appointing Ms. Maria Luna and Ms. Otilia Morales as Members of the City of Madera Transit Advisory and Board Representing District 3 and District 5 Respectively (Report by Ivette Iraheta)

Grants Administrator Ivette Iraheta reported that a name on the report and resolution should be corrected from Maria Luna to Marie Luna.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM B-4, WAS APPROVED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 19-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPOINTING MS. MARIE LUNA AND MS. OTILIA MORALES AS MEMBERS OF THE CITY OF MADERA TRANSIT ADVISORY BOARD REPRESENTING DISTRICT 3 AND DISTRICT 5 RESPECTVELY.

B-5 Consideration of a Resolution Appointing Muhammad Latif and Matilda Villafan to the Loan Review Committee (Report by Ivette Iraheta)

RES. NO. 19-35 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPOINTING MUHAMMAD LATIF AND MATILDA VILLAFAN TO THE LOAN REVIEW COMMITTEE

B-6 Consideration of a Minute Order Authorizing the Mayor to Execute the Final Proof of Loss for Reimbursement of Repairs Totaling \$10,510.32 to Police Unit 6016, a 2018 Ford Explorer (Report by Wendy Silva)

B-7 Consideration of a Resolution Accepting Public Utility Easement Deed, Offered by The Wareeth Group, LLC, at Madera Avenue and Gateway Drive, and Authorizing the City Clerk to Execute and Cause to Be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 19-36 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ACCEPTING PUBLIC UTILITY EASEMENT DEED, OFFERED BY THE WAREETH GROUP LLC, AT MADERA AVENUE AND GATEWAY DRIVE, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE.

B-8 Consideration of a Resolution Accepting Public Utility Easement Deed and Public Street Easement Deed, Located Near the Northeast Corner of Pecan Avenue and Madera Avenue (SR 145), Offered by Brar Holdings, Inc. and Dealer Properties LLC, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 19-37 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ACCEPTING PUBLIC UTILITY EASEMENT DEED AND PUBLIC STREET EASEMENT DEED, LOCATED NEAR THE NORTHEAST CORNER OF PECAN AVENUE AND MADERA

AVENUE (SR 145), OFFERED BY BRAR HOLDINGS, INC. AND DEALER PROPERTIES LLC, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE.

B-9 Consideration of a Minute Order Acceptance of the Water Main Installations at Various Locations Project, City Project No. W 16-03; and

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2018/19 Capital Fund Budget for Water Main Installations at Various Locations City Project No. W 16-03 (Report by Keith Helmuth)

RES. NO. 19-38 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2018/19 CAPITAL FUND BUDGET FOR THE WATER MAIN INSTALLATIONS AT VARIOUS LOCATIONS PROJECT, CITY PROJECT NO. W 16-03

B-10 Consideration of a Resolution Appointing Donald Horal to the Board of Trustees of the Madera County Mosquito and Vector Control District (Report by Sonia Alvarez)

Council Member Gallegos discussed concerns she had about the appointment.

Discussion followed.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM B-10 WAS APPROVED BY A VOTE OF AYES: 5- NOES: 2.

RES. NO. 19-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPOINTING MS. MARIE LUNA AND MS. OTILIA MORALES AS MEMBERS OF THE CITY OF MADERA TRANSIT ADVISORY BOARD REPRESENTING DISTRICT 3 AND DISTRICT 5 RESPECTVELY.

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

C-1 Second Reading and Consideration of Adoption of an Ordinance Rezoning Two Parcels Located in Proximity to the Intersection of Barnett Way and Gary Lane from PD-3000 (Planned Development) and PD-4500 (Planned Development) Zone District to the PD-1500 (Planned Development) Zone District (APNs: 012-270-001 and 002) (Report by Chris Boyle)

The report was presented by Planning Manager Chris Boyle.

Discussion followed.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, FURTHER READING WAS WAIVED, AND ITEM C-1, ORD. NO. 960 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. NO. 960 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING TWO PARCELS (APN: 012-270-001, 012-270-002) FROM THE PD-3000 (PLANNED DEVELOPMENT) AND PD-4500 (PLANNED DEVELOPMENT) ZONE DISTRICTS TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

C-2 Consideration of a Resolution Approving the Award of an Emergency Contract Change Order for the Madera Wastewater Treatment Plant Rehabilitation Project in the Amount of \$1,363,601 for Constructing a New Primary Effluent Pump Station, Increasing Construction Contract Contingencies by \$300,000, Construction Inspection and Management Costs, and Third-Party Testing, Surveying, Biological or Consulting Services by \$100,000 as Approved by the City Engineer and Approving a Budget Amendment to the Fiscal Year 2018/19 Capital Fund Adding \$1,763,601 to City Project WWTP 18-02 (Report by Keith Helmuth)

The report was presented by City Engineer Keith Helmuth.

Discussion followed.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-2, RES. NO. 19-40 AS APPROVED BY A VOTE OF 7-0.

RES. NO. 19-40 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE AWARD OF AN EMERGENCY CONTRACT CHANGE ORDER FOR THE MADERA WASTEWATER TREATMENT PLANT REHABILITATION PROJECT, CITY PROJECT WWTP 18-02, IN THE AMOUNT OF \$1,363,601 FOR CONSTRUCTING A NEW PRIMARY EFFLUENT PUMP STATION, INCREASING CONSTRUCTION CONTRACT CONTINGENCIES BY \$300,000, CONSTRUCTION INSPECTION AND MANAGEMENT COSTS, AND THIRD-PARTY TESTING, SURVEYING, BIOLOGICAL OR CONSULTING SERVICES BY \$100,000 AS APPROVED BY THE CITY ENGINEER, AND APPROVING A BUDGET AMENDMENT TO THE CITY OF MADERA FISCAL YEAR 2018/19 CAPITAL PROJECTS BUDGET ADDING \$1,763,601 TO CITY PROJECT WWTP 18-02

C-3 Consideration of a Resolution Approving a Three-Year Lease Agreement (\$28,560) with Greyhound Lines, Inc. for the Lease of Property at the Madera Intermodal Facility; and

The report was presented by Grants Administrator Ivette Iraheta.

Discussion followed.

ON MOTION BY COUNCIL MEMBER MONTES, AND SECONDED BY COUNCIL MEMBER GALLEGOS, ITEM C-3(1), RES. NO. 19-41 WAS APPROVED BY A VOTE OF 7-0.

RES. NO. 19-41 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A THREE-YEAR LEASE AGREEMENT (\$28,560) WITH GREYHOUND LINES, INC. FOR THE LEASE OF PROPERTY AT THE MADERA INTERMODAL

FACILITY, AND AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY OF MADERA

Consideration of a Resolution Approving a Three-Year Lease Agreement (\$6,300) with Madera Cab Co. for the Lease of Property at the Madera Intermodal Facility, and Authorizing the Mayor to Execute the Lease Agreements on Behalf of the City of Madera (Report by Ivette Iraheta)

ON MOTION BY COUNCIL MEMBER MONTES, AND SECONDED BY COUNCIL MEMBER GALLEGOS, ITEM C-3(2), RES. NO. 19-42 WAS APPROVED BY A VOTE OF 7-0.

RES. NO. 19-42 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A THREE-YEAR LEASE AGREEMENT (\$6,300) WITH MADERA CAB CO. FOR THE LEASE OF PROPERTY AT THE MADERA INTERMODAL FACILITY, AND AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY OF MADERA

C-4 Consideration of a Resolution Accepting a Grant Award in the Amount of \$2,762,649 from the Federal Transit Administration to Support Operating and Capital Assistance for Madera Area Express and Amending the FY 2018/19 Budget (Report by Ivette Iraheta)

The report was presented by Grants Administrator Ivette Iraheta.

Discussion followed.

ON MOTION BY COUNCIL MEMBER GALLEGOS, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-4, RES. NO. 19-43 WAS APPROVED BY A VOTE OF 7-0.

RES. NO. 19-43 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A GRANT AWARD IN THE AMOUNT OF \$2,762,649 FROM THE FEDERAL TRANSIT ADMINISTRATION TO SUPPORT OPERATING AND CAPITAL ASSISTANCE FOR MADERA AREA EXPRESS AND AMENDING THE FISCAL YEAR 2018/19 BUDGET

C-5 Consideration of a Resolution for Bid Award to Municipal Maintenance Equipment, Inc. for the Purchase of One Diesel PM Certified Street Sweeper in the Amount of \$249,530.65 (Report by John Scarborough)

The report was presented by Public Works Operations Director John Scarborough.

Discussion followed.

ON MOTION BY COUNCIL MEMBER GALLEGOS, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-5, RES. NO. 19-44 WAS APPROVED BY A VOTE OF 7-0.

RES. NO. 19-44 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AWARDING A BID TO MUNICIPAL MAINTENANCE EQUIPMENT, INC. FOR THE

PURCAHSE OF ONE DIESEL PM CERTIFIED STREET SWEEPER IN THE AMOUNT OF \$249,530.65.

- C-6 Consideration of a Resolution of the City Council of the City of Madera, California, Approving a Special Services Agreement Between the City of Madera and William C. Statler and Authorizing the Mayor to Execute the Agreement (Report by Tim Przybyla)

The report was presented by Finance Director Tim Przybyla.

Discussion followed.

ON MOTION BY COUNCIL MEMBER ROBINSON, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, ITEM C-6, RES. NO. 19-45 WAS APPROVED BY A VOTE OF 7-0.

RES. NO. 19-45 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A SPECIAL SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND WILLIAM C. STATLER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

D. WRITTEN COMMUNICATIONS: None.

E. ADMINISTRATIVE REPORTS

- E-1 Consideration of a Minute Order Approving and Accepting the City of Madera Investment Report for the Quarter Ending December 31, 2018 (Report by Tim Przybyla)

The report was presented by Finance Director Tim Przybyla.

Discussion followed.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM E-1, MINUTE ORDER APPROVING AND ACCEPTING CITY OF MADERA INVESTMENT REPORT FOR QUARTER ENDING DECEMBER 31, 2018 WAS APPROVED BY A VOTE OF 7-0.

E. ADMINISTRATIVE REPORTS - SPECIAL MEETING AGENDA

- E-1 Request for Direction on Obtaining Interim Legal Services and Next Steps in Filling the City Attorney Vacancy (Report by Arnolndo Rodriguez)

The report was presented by City Manager Arnolndo Rodriguez.

Discussion followed.

Council provided direction on both short-term and long-term legal services:

Short-term: Human Resources Department and City Manager will handle temporary legal services.

Long-term: Ad Hoc Committee made of Council Members Garcia and Rodriguez are to work with Human Resources Department and City Manager to develop Request for Proposal (RFP) for City Attorney position and a separate RFP for contract legal services.

F. COUNCIL REPORTS

Council Member Gallegos thanked Code Enforcement Officer Nicholas Salinas for years of service.

Council Member Garcia thanked City Manager Arnoldo Rodriguez for allowing him to sit in on a Code Enforcement meeting.

Mayor Pro-Tem Montes also thanked Code Enforcement Officer Nicholas Salinas. He thanked Chief of Police Dino Lawson for ride along with Madera Police Department

Mayor Medellin reported that he attended a meeting in Sacramento with the Inland California Rising Coalition. The coalition is made of 17 counties representing 11 million people. He discussed widening of Highway 99 in Madera and environmental reviews of Avenue 7 and Avenue 12.

Mayor Medellin thanked Engineering Department for providing information on SB1 and other tax money.

Mayor Medellin also reported that he and Council Member Garcia attended ribbon cutting ceremony for new Camarena Center in Downtown area. He thanked Camarena Health Care Centers for the services they provide and for investing in the Downtown area.

No other reports were given.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 9:48 p.m. to discuss the items as listed on the agenda.

G-2 Conference with Labor Negotiators Pursuant to Government Code §54957.6

(A) Agency Designated Representatives: Arnoldo Rodriguez

Unrepresented Positions:

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

(B) Agency Designated Representatives: Andy Medellin, Jose Rodriguez, Donald Holley

Unrepresented Positions: City Attorney, City Clerk, City Manager

G-3 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1) – 1 case: Johnnie Smith WCAB No. ADJ10868300

G-4 Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8

Property: 1 Parcel
City of Madera APN: 011-201-002
Agency Negotiators: Keith Helmuth, Les Jorgensen
Negotiating Party: Scott and Melissa Chase
Under Negotiations: Price and Terms

G-5 Closed Session Report – City Attorney

The Council returned from closed session at 11:17 p.m. with Council Members Medellin, Montes, Gallegos, Rodriguez and Garcia: Council Member Holley left at 11:05 p.m. and Council Member Robinson left at 11:10 p.m.

There was no reportable action for items G-2 through G-4.

ADJOURNMENT - The meeting was adjourned at 11:20 p.m. Next regular meeting March 6, 2019.

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.

CLAUDIA MENDOZA, Interim City Clerk

ANDREW J. MEDELLIN, Mayor