



| | |
|--------------|----------|
| Item: | B-1 |
| Minutes for: | 10/03/18 |
| Adopted: | 10/16/19 |

**MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL AND
SPECIAL MEETING OF THE MADERA CITY COUNCIL AS THE
GROUNDWATER SUSTAINABILITY AGENCY**

**October 3, 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 Gallegos, District 1
Council Member William Oliver, District 3
Council Member Donald E. Holley, District 6

Absent: Council Member Derek O. Robinson Sr., District 4
Council Member Charles F. Rigby, District 5

Others present were City Administrator Steve Frazier, City Attorney Brent Richardson, 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, Chief Building Official Steve Woodworth, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Police Lieutenant Brian Esteves, Acting Planning Manager Chris Boyle, Fire Battalion Chief James Forga, Human Resources Administrative Analyst Eugene Hayes, and Public Works Administrative Analyst Mary Church.

INVOCATION: Pastor David Dougherty, Harvest Community Church

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.

David (no last name given) discussed water enterprise funding concerns and provided information on his research. He believes that we need more solutions on fact-based findings.

Donald Holley spoke on behalf of his church Care Ministry. They are projecting to help many homeless people this year. If you are wishing to help, please give him a call before November 11, 2019.

No other comments were offered.

City Clerk Sonia Alvarez made late distribution announcement regarding items B-10, B-11, C-2 and E-2.

PRESENTATIONS None.

INTRODUCTIONS None.

A. WORKSHOP

A-1 Discussion and Direction Regarding the Initiation of a Proactive Annexation North of the Current City Limits (Presentation by David Merchen and Chris Boyle)

Director of Community Development David Merchen and Acting Planning Manager Chris Boyle presented report.

After discussion, the Council provided the following direction: Mayor Medellin stated that the City needs move forward with the proactive annexation study. Council Member Oliver concurred that we need to start the dialog with LAFCO (Local Agency Formation Commissions) and bring back to City Council.

Mayor Medellin asked Council if item D-1 could be taken out of order and moved before Item C-1. Council concurred.

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.

Item B-6 and B-11 was pulled by Mayor Medellin for discussion.

Item B-10 was pulled by City Attorney Brent Richardson for discussion.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, THE CONSENT CALENDAR WITH THE EXCEPTION OF ITEM B-10 WAS ADOPTED BY A VOTE OF 5-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS, RODRIGUEZ, GALLEGOS, OLIVER, AND HOLLEY. NOES: NONE. ABSENT: COUNCIL MEMBERS ROBINSON AND RIGBY. ABSTAIN: NONE.

B-1 Minutes – 9/20/17, 9/05/18

- B-2 Warrant Disbursement Report 9/11/18 – 9/24/18 (Report by Tim Przybyla)
- B-3 Informational Report on Personnel Activity (Report by Wendy Silva)
- B-4 Consideration of a Resolution Amending the City of Madera FY 18/19 Budget for the Rental of a Street Sweeper (Report by John Scarborough)

RES. NO. 18-187 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2018/19 ANNUAL BUDGET TO INCREASE EXPENDITURE ALLOCATIONS IN THE STREET CLEANING FUND BUDGET TO PROVIDE FOR THE RENTAL OF A STREET SWEEPER**

- B-5 Consideration of a Resolution Approving Agreement for Outside of City Water and Sewer Service with the Madera Unified School District (MUSD) for the Matilda Torres High School Located at 16645 Road 26 (Country Club Drive), Approving Covenant to Annex, Authorizing the Mayor to Execute the Agreement and Covenant on Behalf of the City and Directing Staff to Record the Agreement and Covenant (Report by Keith Helmuth)

RES. NO. 18-188 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT, FOR OUTSIDE OF CITY WATER AND SEWER SERVICE FOR 16645 ROAD 26 (COUNTRY CLUB DRIVE), APPROVING THE COVENANT TO ANNEX, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND COVENANT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT AND COVENANT**

- B-6 Consideration of a Resolution Accepting an Irrevocable Offer of Dedication Deed from the Property Owner for the Olive Avenue Widening and Reconstruction Project Between Gateway Drive and Knox Street (Report by Keith Helmuth)

RES. NO. 18-189 **A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING THE IRREVOCABLE OFFER OF DEDICATION DEED FROM THE PROPERTY OWNER FOR THE OLIVE A VENUE WIDENING AND RECONSTRUCTION PROJECT**

- B-7 Consideration of Resolution Approving Agreement and Engagement Letter for Audit Services with Price, Paige & Company, Authorizing the Mayor to Execute the Agreement, Authorizing the Mayor and the City Administrator to Execute the Engagement Letter and Amending the City of Madera 2018/2019 Budget (Report by Tim Przybyla)

RES. NO. 18-190 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AGREEMENT AND ENGAGEMENT LETTER WITH PRICE PAIGE & COMPANY FOR PROFESSIONAL AUDITING SERVICES, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE ENGAGEMENT LETTER AND APPROVING AMENDMENT TO THE CITY OF MADERA 2018/2019 BUDGET**

- B-8 Consideration of a Resolution Accepting Public Utility and Pedestrian Easement Deed, Offered by Tommy Lee Jarrell, in Conjunction with a New Residential Complex Being Constructed at 733

Linden Street, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 18-191 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING PUBLIC UTILITY AND PEDESTRIAN EASEMENT DEED, OFFERED BY TOMMY LEE JARRELL, LOCATED AT 733 LINDEN STREET, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

B-9 Consideration of a Resolution Accepting Public Utility Easement Deed, Offered by Arturo Mejia and Micaela A. Mejia, in Conjunction with a Used Automotive Sales Business Located on the Northwest Corner of Yosemite Avenue and High Street, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 18-192 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING PUBLIC UTILITY EASEMENT DEED, OFFERED BY ARTURO MEJIA AND MICAELA A. MEJIA, IN CONJUNCTION WITH A USED AUTOMOTIVE SALES BUSINESS LOCATED ON THE NORTHWEST CORNER OF YOSEMITE AVENUE AND HIGH STREET, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

B-10 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)

After discussion City Attorney recommended no action at this time. Will bring back at a future meeting.

B-11 Consideration of a Resolution Approving Three Agreements for Purchase and Sale of Real Property with the Property Owners and the Acceptance of Three Easement Deeds for the Olive Avenue Widening and Reconstruction Project Between Gateway Drive and Knox Street, Authorizing the Mayor to Execute the Agreements, Authorizing the City Clerk to Execute the Certificate of Acceptance for the Easement Deeds, Authorizing the City Engineer to Open Escrow Services and Authorizing the City Administrator to Execute all Documents Necessary to Effectuate the Purchase (Report by Keith Helmuth)

RES. NO. 18-193 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THREE AGREEMENTS FOR PURCHASE AND SALE OF REAL PROPERTY WITH THE PROPERTY OWNERS AND THE ACCEPTANCE OF THREE EASEMENT DEEDS FOR THE OLIVE AVENUE WIDENING AND RECONSTRUCTION PROJECT BETWEEN GATEWAY DRIVE AND KNOX STREET, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS, AUTHORIZING THE CITY CLERK TO EXECUTE THE

CERTIFICATE OF ACCEPTANCE FOR THE EASEMENT DEEDS, AUTHORIZING THE CITY ENGINEER TO OPEN ESCROW SERVICES AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURCHASE

B-12 Consideration of a Resolution by the City Council, of the City of Madera, California, Declaring a Shelter Crisis Pursuant to Senate Bill 850 (Chapter 48, Statutes of 2018 and Government Code Section 8698.2) (Report by Ivette Iraheta)

RES. NO. 18-194 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, DECLARING A SHELTER CRISIS PURSUANT TO CALIFORNIA SB 850 (CHAPTER 48, STATUTES OF 2018 AND GOVERNMENT CODE §8698.2)

B-13 Consideration of a Resolution Approving California State Department of Health and Human Services Vendor Application for Transportation Services to Central Valley Regional Center and Authorizing the Mayor to Execute the Application and All Related Documents on Behalf of the City (Report by Ivette Iraheta)

RES. NO. 18-195 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CALIFORNIA APPROVING THE CALIFORNIA STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES VENDOR APPLICATION FOR TRANSPORTATION SERVICES TO CENTRAL VALLEY REGIONAL CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION AND ALL RELATED DOCUMENTS ON BEHALF OF THE CITY

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

C-1 Second Reading and Consideration of Adoption 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 (Report by Chris Boyle)

Acting Planning Manager Chris Boyle presented report.

The ordinance was read by title by City Clerk Sonia Alvarez.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED, AND ITEM C-1, ORD. NO. 955 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS, RODRIGUEZ, GALLEGOS, OLIVER, AND HOLLEY. NOES: NONE. ABSENT: COUNCIL MEMBERS ROBINSON AND RIGBY. ABSTAIN: NONE.

ORD. 955 C.S. 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"

C-2 Consideration of a Resolution Approving Employment Agreements with the Grant Administrator, Director of Community Development, City Engineer, Director of Parks & Community Services, Chief of Police, Chief Building Official, Information Services Manager, Director of Financial Services, and Director of Human Resources (Report by Wendy Silva)

City Administrator Steve Frazier presented report.

Santos Garcia urged Council to postpone the approval of the agreements to include the new City Manager.

Steven Montes stated that he believes bringing this back with the new City Manager to look at would be the best.

Johanna Torres requested that the Council does not move forward with this without getting the input of the new City Manager

Debi Brea asked if these are expiring contracts or contracts that are being extended to change benefits. City Administrator Steve Frazier responded all the contracts have been opened and have been rewritten with Council direction.

Rod Hatzman stated that contract negotiations can be extended even if someone's contract is expiring. You are not under any deadline.

Discussion followed.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GALLEGOS, RECOMMENDATION TO PULL ITEM UNTIL NEW CITY MANAGER IS HIRED FAILED BY A VOTE OF 2-3. AYES: COUNCIL MEMBERS RODRIGUEZ AND GALLEGOS. NOES: MAYOR MEDELLIN, COUNCIL MEMBERS OLIVER, AND HOLLEY. ABSENT: COUNCIL MEMBERS ROBINSON AND RIGBY. ABSTAIN: NONE.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GALLEGOS, RECOMMENDATION TO TABLE ITEM UNTIL NEW CITY MANAGER STARTS, GIVEN 60 DAY REVIEW, AND BRINGS RECOMMENDATION BACK TO COUNCIL WAS APPROVED BY A VOTE OF 3-2. AYES: COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, AND OLIVER. NOES: MAYOR MEDELLIN AND COUNCIL MEMBER HOLLEY. ABSENT: COUNCIL MEMBERS ROBINSON AND RIGBY. ABSTAIN: NONE.

D. WRITTEN COMMUNICATIONS:

Item D-1 was moved ahead of Item C-1 on the agenda.

D-1 Request by David Delawder to Discuss 2016 CUP Granted to 2037 W. Cleveland Avenue

David Delawder Property Manager for Madera Marketplace presented report. He discussed concerns with Conditional Use Permit (CUP) granted to the Adult School and issues with the parking.

Madera Marketplace tenants Lorraine Salazar with Sal's Mexican Restaurant, Julio Segura with Walmart, Tracy Scott Contreras with Madera County Workforce, Jay Mahil owner of 2037 West Cleveland Avenue (Madera Workforce building), Dave Raygoza with Madera Adult School also discussed concerns with parking.

E. ADMINISTRATIVE REPORTS

E-1 Informational Report Regarding Current City Water Regulations and Request for Direction to Staff Regarding Modifications (Report by John Scarborough)

Director of Public Works John Scarborough presented report.

E-2 Discussion and Action by Council as to the Use of City Facilities for Candidate or Political Forums (Report by Brent Richardson)

City Attorney Brent Richardson presented report.

After discussion the Council provided the City Attorney with direction to create a City policy to address these types of events.

F. COUNCIL REPORTS

Council Member Holley reported that the Care Ministry will be putting together some care baskets. If you are interested, please contact him.

Council Member Holley also reported that he joined the Walk to School Sierra Vista and Virginia Rose event this morning. There was a great turnout and he thanked everyone who participated.

Council Member Oliver reported he participated in two Neighborhood Watch meetings. Grapewood Drive and Sherwood Drive. Both had great discussions. He thanked Keith and Engineering staff for working with residents and addressing concerns with speeders on Granada Drive.

Mayor Medellin reported:

- Code Enforcement has now moved over to the Police Department and are under Lieutenant Brian Esteves. He thanked Police Chief Dino Lawson for the smooth transition.
- There are over 100 Neighborhood Watch neighborhoods participating. This is a huge plus for our community.
- The Love Madera event was fantastic. Over 140 volunteers participated in the cleanup of Downtown and Fresno River.
- Old Timers Parade last Friday was great and well attended. This is the last year the Kiwanis Club will organize event, but he is sure that another club or organization will step up.
- On October 18, 2019 National Night Out Connect event will take place at Hatfield Hall.

No other reports were offered.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 8:55 p.m. to discuss the items as listed on the agenda.

G-2 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) - 2 cases

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

Agency Designated Representatives: Steve Frazier, Wendy Silva

Employee Organization: Madera Police Officers' Association

Unrepresented Positions: City Manager, City Attorney and City Clerk

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 10:15 p.m. with all members present.

City Attorney reported there was no reportable action taken for items G-2 and G-3.

ADJOURNMENT - The meeting was adjourned at 10:20 p.m. Next regular meeting October 17, 2018.

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.

ALICIA GONZALES, City Clerk

ANDREW J. MEDELLIN, Mayor

Prepared by:

CLAUDIA MENDOZA, Deputy City Clerk