

Item:	B-1
Minutes for:	05/15/19
Adopted:	06/19/19

MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL

May 15, 2019
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 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 Arnaldo Rodriguez, Interim City Attorney Hilda Montoy Cantu, Interim City Clerk Claudia Mendoza, Chief of Police Dino Lawson, Division Fire Chief Matt Watson City Engineer Keith Helmuth, Information Services Manager Mark Souders, Parks and Public Works Operations Director John Scarborough, Acting Planning Manager Chris Boyle, Grant Administrator Ivette Iraheta, Commander Gino Chiamonte, Engineering Project Coordinator Ellen Bitter, Engineering Project Manager Frank Holguin, and Assistant Engineer Victor Aldama. .

INVOCATION: Charles Fryer, Hull Avenue Church of Christ

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 discussed an animal that was abused with a hammer. If we can't take care of our animals, how can we take care of people? We should be known for developing a program for animals. Friends of

Madera has a great spay and neuter program and they need their help. He also mentioned that he would like speed bumps at Knox Street and a street light on Olive Avenue and Knox Street.

No other comments given.

PRESENTATIONS

1. Recognition of the MadTown Robotics Team 1323

Mayor Medellin presented the MadTown Robotics Team 1323 team with Certificates of Recognition and a personalized banner.

2. Presentation Regarding the Renovation of Madera County Memorial Courthouse Park (Report by Nicholas Salinas with Board of Supervisors)

Nicholas Salinas, Chief of Staff with Board of Supervisors and Tristen Shamp, Grant Services Manager with Madera County Administration provided the City Council with a report on the Madera Memorial Courthouse Park Renovation Project. They are looking for community input on the project.

Discussion followed.

INTRODUCTIONS: None.

A. WORKSHOP

- A-1 Presentation of Technical Memorandum 1 Demand Analysis, Tank Configuration, Material Evaluation, Pipeline Routing and Budgetary Estimate for the Proposed Northeast Water Storage Tank, Pump Station and Transmission Mains (Report by Keith Helmuth)

Engineering Project Coordinator Ellen Bitter and consultants with Carollo Engineers, Inc. presented the Council with a quarterly update and sought recommendations from the City Council.

After discussion, Council provided staff with direction to look into a concrete storage tank with capacity of 2 ½ million gallons in an area west of D Street.

Interim City Clerk made late distribution announcement regarding item C-6.

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.

No items were pulled for discussion.

ON MOTION BY COUNCIL MEMBER HOLLEY AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

- B-1 Minutes – 2/6/2019 and 2/13/2019
- B-2 Warrant Disbursement Report for 4/20/2019 – 5/3/2019 (Report by Tim Przybyla)
- B-3 Water Conservation Report for 3/18/2019 – 4/21/2019 (Report by John Scarborough)
- B-4 Consideration of a Minute Order Approving and Accepting the City of Madera Investment Report for the Quarter Ending March 31, 2019 (Report by Tim Przybyla)
- B-5 Consideration of a Resolution Amending the City of Madera Classification Plan by the Addition of Crime Analysis Technician and Setting the Salary for the Classification (Report by Wendy Silva)

RES. NO. 19-71 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE CITY OF MADERA CLASSIFICATION PLAN TO ADD THE CRIME ANALYSIS TECHNICIAN JOB DESCRIPTION AND SETTING THE ASSIGNED SALARY RANGE FOR THE POSITION

- B-6 Consideration of a Resolution Approving an Agreement with Peters Engineering Group in the Amount of \$10,176 for Professional Engineering Services and Authorizing Optional Services up to \$1,018 for Installation of Splitter Islands at the Intersection of Caitlan Drive and Isla Vista Court and Authorizing the Mayor to Execute the Agreement; and

Consideration of a Resolution Approving Funding Amendment Appropriating \$50,000 to the City of Madera Fiscal Year 2018/19 Capital Projects Budget for the Design and Construction of Splitter Islands at the Intersection of Caitlan Drive and Isla Vista Court, City Project No. TS-30 (Report by Keith Helmuth)

RES. NO. 19-72 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH PETERS ENGINEERING GROUP IN THE AMOUNT OF \$10,176 FOR PROFESSIONAL ENGINEERING SERVICES AND AUTHORIZING OPTIONAL SERVICES UP TO \$1,018 FOR INSTALLATON OF SPLITTER ISLANDS AT THE INTERSECTION OF CAITLAN DRIVE AND ISLA VISTA COURT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

RES. NO. 19-73 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING FUNDING AMENDMENTS AND APPROPRIATING \$50,000 TO THE CITY OF MADERA FISCAL YEAR 2018/19 CAPITAL PROJECTS BUDGET FOR THE FOR THE DESIGN AND CONSTRUCTION OF SPLITTER ISLANDS AT THE INTERSECTION OF CAITLAN DRIVE AND ISLA VISTA COURT, CITY PROJECT NO. TS-30

- B-7 Consideration of a Minute Order Rejecting All Bids for Sunset Avenue Sidewalk and Safety Improvements Pine Street to Double Tree Way, City Project No. R-66, Federal Project No. HSIPL 5157 (111) (Report by Keith Helmuth)
- B-8 Consideration of a Resolution Approving Amendment No. 5 in the Amount of \$15,509 to the Agreement with Lars Andersen & Associates, Inc. for the Engineering Services Relating to the

Construction of the Fresno River Trail Undercrossings at Gateway Drive and Union Pacific Railroad (Report by Keith Helmuth)

RES. NO. 19-74 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 5 TO THE AGREEMENT WITH LARS ANDERSEN & ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATING TO THE CONSTRUCTION OF THE FRESNO RIVER TRAIL UNDERCROSSINGS AT GATEWAY DRIVE AND UNION PACIFIC RAILROAD**

B-9 Consideration of a Resolution Approving Amendment No. 2 in the Amount of \$10,350 to the Professional Engineering Design Services Agreement with Giersch & Associates, Inc. for Sewer Main replacements at Sherwood Way and Wessmith Way Near Lake Street (Report by Keith Helmuth)

RES. NO. 19-75 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING DESIGN SERVICES AGREEMENT WITH GIERSCH & ASSOCIATES, INC. FOR SEWER MAIN REPLACEMENTS AT SHERWOOD WAY AND WESSMITH WAY NEAR LAKE STREET**

B-10 Consideration of a Resolution Approving a Facility Use Agreement with Fresno County Office of Education (FCOE) for Use of Scout Island Outdoor Education Center and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by John Scarborough)

RES. NO. 19-76 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A FACILITY USE AGREEMENT WITH FRESNO COUNTY OFFICE OF EDUCATION FOR USE OF SCOUT ISLAND OUTDOOR EDUCATION CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

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

Mayor announced that Item C-4 would be moved ahead of C-1 in the agenda.

C-1 Consideration of a Resolution Approving a Standard Offer, Agreement and Escrow Instructions for Purchase of Real Estate for Parcels 14 and 15 Within the Freedom Industrial Park with TranPak, Inc., Authorizing the Mayor to Execute the Agreement, Authorizing the City Clerk to Acknowledge and Notarize the Grant Deeds and Authorize the City Manager to Take All Actions and Execute Documents Necessary Pursuant to the Escrow Instructions Included in the Agreement (Report by Keith Helmuth)

The report was presented by City Engineer Keith Helmuth

Discussion followed.

ON MOTION BY COUNCIL MEMBER GARCIA AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-1, RES. NO 19-77, WAS ADOPTED BY A VOTE OF 5-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS

MONTES, ROBINSON, GARCIA, AND HOLLEY. NOES: COUNCIL MEMBERS GALLEGOS AND RODRIGUEZ. ABSENT: 0. ABSTAIN: 0.

RES. NO. 19-77 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR PURCHASE OF REAL ESTATE FOR PARCELS 14 AND 15 WITHIN THE FREEDOM INDUSTRIAL PARK WITH TRANPAK, INC., A CALIFORNIA CORPORATION

C-2 Consideration of a Resolution Approving a Contract for \$596,947 dollars with Motorola Solutions, Inc. for the Purchase of Radio System Upgrade Equipment (Report by Gino Chiaramonte)

The report was presented by Commander Gino Chiaramonte.

ON MOTION BY COUNCIL MEMBER GARCIA AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-2, RES. NO 19-78 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 19-78 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT FOR \$596, 947 DOLLARS WITH MOTOROLA SOLUTIONS, INC. TO PURCHASE RADIO SYSTEM UPGRADE EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

C-3 Consideration of a Resolution Amending the Fiscal Year 2018/2019 Annual Budget to Appropriate Funds in the Amount of \$136,000 in the Measure K Fire Department Budget for the Purchase of Equipment (Report by Matt Watson)

The report was presented by Division Fire Chief Matt Watson.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ AND SECONDED BY COUNCIL MEMBER GARCIA, ITEM C-3, RES. NO. 19-79 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 19-79 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FISCAL YEAR (FY) 2018/19 ANNUAL BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF \$136,000 IN THE MEASURE K FIRE BUDGET FOR THE PURCHASE OF EQUIPMENT

C-4 Second Reading and Consideration of Adoption of an Ordinance Amending Chapter 7 of Title V and Repealing in its Entirety Chapter 5 of Title VII of the Madera Municipal Code in Order to Update Existing Regulations Associated with Smoking, Including the Prohibition of Smoking in City Park Facilities (Report by Chris Boyle)

Item was taken out of order and was discussed before Item C-1.

The report was presented by Interim Planning Manager Chris Boyle.

Mayor Medellin opened the public hearing.

Alexia Ortiz is a Madera South student and a member of Students Working Against Tobacco (SWAT). She believes smoke free parks are important because kids shape the future. How can kids shape the future if their kids are not healthy enough to do greater things.

Analee Perez is a high school junior and a member of SWAT since June 2018. She joined because tobacco is a big problem in Madera. Smoke free parks may seem small, but it will benefit us and future generations. It may prevent kids from starting smoking. Tobacco products are a significant source of litter.

Nayelie Ramon invited Council Members to their public health fair at the John Wells Youth Center on May 31, 2019.

Mayor Medellin closed the public hearing.

The ordinance was read by title by the City Clerk.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ AND SECONDED BY COUNCIL MEMBER GARCIA, FURTHER READING WAS WAIVED AND ITEM C-4, ORD. 962 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. 962 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING CHAPTER 7 OF TITLE V AND REPEALING IN ITS ENTIRETY CHAPTER 5 OF TITLE VII OF THE MADERA MUNICIPAL CODE IN ORDER TO UPDATE EXISTING REGULATIONS ASSOCIATED WITH SMOKING, INCLUDING THE PROHIBITION OF SMOKING IN CITY PARK FACILITIES

C-5 Second Reading and Consideration of Adoption of an Ordinance Rezoning Approximately 25 Acres Located at the Northwest Corner of the Intersection of Sunrise Avenue and Tozer Street from the R1 (Low Density) Zone District to the PD-4500 (Planned Development) Zone District (Report by Chris Boyle)

The report was presented by Interim Planning Manager Chris Boyle.

Mayor Medellin opened the public hearing.

Joseph Crown, owner of Crown Construction, stated he would appreciate a favorable vote from the City Council. In five years, he has developed affordable custom homes in the City. They are building communities here. Both projects he has in the City include two neighborhood parks.

Jose Lemos, Civil Engineer for Crown Construction provided an exhibit to the Council Members. He discussed one of the neighbor's concerns regarding the new construction.

Mayor Medellin closed the public hearing.

Discussion followed.

The ordinance was read by title by the City Clerk.

ON MOTION BY MAYOR PRO TEM MONTES AND SECONDED BY COUNCIL MEMBER ROBINSON, FURTHER READING WAS WAIVED AND ITEM C-5, ORD. 963 C.S. WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. 963 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 25 ACRES OF PROPERTY (APN: 008-180-001, 008-180-002, 008-180-003, 008-180-004) LOCATED ON THE NORTHWEST CORNER OF SUNRISE AVENUE AND TOZER STREET, FROM THE R1 (LOW DENSITY) TO THE PD-4500 (PLANNED DEVELOPMENT) ZONE DISTRICT

C-6 Consideration of a Resolution Approving an Agreement for Interim Legal Services (Report by Arnoldo Rodriguez)

Interim City Attorney Hilda Cantu Montoy recused herself due to potential conflict of interest.

The report was presented by City Manager Arnoldo Rodriguez.

ON MOTION BY COUNCIL MEMBER HOLLEY AND SECONDED BY COUNCIL MEMBER GARCIA, ITEM C-6, RES. NO. 19-80 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 19-80 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT FOR INTERIM LEGAL SERVICES BETWEEN THE CITY OF MADERA AND MONTOY LAW CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

D. **WRITTEN COMMUNICATIONS:** None.

E. **ADMINISTRATIVE REPORTS:** None.

F. **COUNCIL REPORTS**

Council Member Robinson attended a Consulate General of Denmark workshop at University of Fresno.

Council Member Gallegos thanked Madera Realtors Association, Starbucks and Habitat for Humanity for rehabbing Rotary Park's restroom and playground equipment.

Council Member Gallegos also thanked Joshua. He is interning from Sherman Thomas High School.

Council Member Garcia stated they try to do the best they can with all the issues within the City. No one item is more important than the other. He had conversation with Mayor Medellin about ways to shorten meeting without taking out content. If they have consensus they can move forward with the items before them. In the future we are going to get better at this. Especially since we will allow any

member of the public to ask questions on any item. We will get better in gauging the sentiment and move along the questions. He thanked Mayor for the opportunity.

Council Member Holley thanked Chief Lawson. Friday night Big Brothers and Big Sisters had an event and Chief Lawson was the keynote speaker and he spoke from his heart. The function went well and he did great.

Council Member Holley stated he will be leaving on Monday to go to Virginia. He will be attending his son's graduation.

Council Member Holley also reported that his wife is sick and she is not getting better. She is not suffering. She has Alzheimer's disease. He appreciates the continued prayers.

Council Member Robinson reported the League of Cities will have a golf tournament on Friday in Dinuba.

Mayor Medellin reported that last Saturday, there was a youth conference. Approximately 110-120 eighth graders attended. He thanked Joseph Carrello for the video he made for the event.

Mayor Medellin thanked Officer Juarez and Community Outreach Assistant Christina Herrera for business watch meeting at Pastor Tim Echevarria's church. A lot of businesses attended. The big success is partnerships not only with the City, but with each other. He knows Christina and Officer Juarez have been tirelessly knocking on doors and that program is taking off.

Council Member Holley stated that he was proud of the Mayor at the Prayer Breakfast.

No other reports were given.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

Council adjourned to Closed Session at 8:52 p.m.

G-2 Conference with Labor Negotiators pursuant to Government Code §54957.6
Agency Designated Representatives: Arnolando Rodriguez, Wendy Silva, & Che Johnson

Employee Organizations: General Bargaining Unit
 Madera Police Officers' Association
 Mid-Management Employee Group
 Law Enforcement Mid-Management Group

G-3 Conference with Real Property Negotiators-Pursuant to Government Code 54956.8

Property: Real Property Parcel - Olive Avenue Project
City of Madera: APN: 011-330-002
Agency Negotiator: Keith Helmuth & Lester Jorgensen
Negotiating Party: Bernabe Castillo

Under Negotiation: Price & Terms

G-4 Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation pursuant to Government Code Section 54956: (one case)

G-5 Closed Session Report – City Attorney

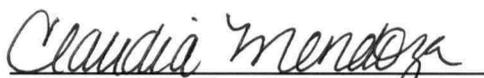
Council returned from closed session at 10:58 p.m. with Council Members Medellin, Montes, Gallegos, Rodriguez, Robinson, and Garcia. Council Member Holley left at 10:55 p.m.

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

ADJOURNMENT – The meeting was adjourned at 10:59 p.m. Next regular meeting June 5, 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

