

Item:	B-1
Minutes for:	08/16/17
Adopted:	08/01/18

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

**Wednesday, August 16, 2017
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 Cece Foley Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Donald E. Holley, District 6
Council Member Derek O. Robinson Sr., District 4
Council Member William Oliver, District 3
Council Member Charles F. Rigby, District 5

Others present were City Administrator David Tooley, 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 David Randall, Chief of Police Steve Frazier, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Commander Dino Lawson, and Lieutenant Gino Chiamonte.

INVOCATION: Pastor Joyce Lane, Glory of Zion Ministries

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.

Mayor Medellin opened public comment.

Eddie Block, residing in Madera, California, stated his wife owns the B&B Thrift Store downtown. He spoke regarding the homeless issue downtown and asked for the Council's help on finding a program to clean up downtown.

Maria Contreras stated she lives and works on the east side of Madera. She spoke regarding the homeless issue and hopes something can be done about it.

Kim Salter, residing in Madera, California, also spoke regarding the homeless situation specifically regarding a huge encampment and the time that it takes to address under the City's ordinance.

Mayor Medellin closed public comment.

LATE DISTRIBUTION - The City Clerk made a late distribution announcement regarding item B-9.

PRESENTATIONS Recognition of Babe Ruth 13-Year-Old All Stars

Mayor Medellin recognized and presented certificates of recognition to the coaching staff and Babe Ruth 13-Year-Old All Stars team: winners of the District 3 Championship and the Central California State Championship; and for their efforts at the Pacific Southwest Regional Tournament. Present: Coach Frank Borges, Coaches Matthew Borges and Chuy Garcia, and board members; team members Joshua Castro, J.R. Garcia, David Ramirez, David Zavala, Ivan Ponce, Murf Gray, Jonathan Spraggins, Michael Monreal, Evan Candelaria, Matthew DeFranco, Anthony Gamiz, David Monge.

A. WORKSHOP

A-1 The First of a Three Workshop Series on Cannabis and California Cities (David Hale)

David Hale, Attorney at Law, presented the report which included the legislative history, benefits and advantages for permitting cannabis uses in your community, and challenges with permitting cannabis uses.

Recess: 7:34 p.m. – 7:39 p.m.

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.

Council Member Rigby requested item B-4 pulled for discussion.

Council Member Rodriguez requested item B-11 pulled for discussion.

Mayor Pro Tem Foley Gallegos requested items B-5 and B-9 pulled for discussion.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-4, B-5, B-9 AND B-11, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

B-1 Minutes – 9/21/16, 10/19/16

B-2 Information Only – Warrant Disbursement Report

B-3 Bi-Weekly Water Conservation Report for 7/24/17 – 8/6/17 (Report by Dave Randall)

B-4 Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency On Aging (FMAAA) for Fiscal Year 2017-18 for **Adult Day Care** and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and

Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency On Aging (FMAAA) for Fiscal Year 2017-18 for **Site Management** and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and

Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency On Aging (FMAAA) for Fiscal Year 2017-18 for the **Transportation Program** and

Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay) *[Item pulled for discussion.]*

B-5 Consideration of a Resolution Approving the Award of Contract for MAX Bus Shelters and Amenities City of Madera Project No. TRANS-6, in the Amount of \$213,632 to David J. Boyle Electric Shop LLC, 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 (Report by Keith Helmuth) *[Item pulled for discussion.]*

B-6 Consideration of a Resolution Approving a Pipeline Crossing Agreement between the Union Pacific Railroad Company and the City of Madera for the Installation of a 24-inch Steel Casing Underneath the Existing At-Grade Public Road Crossing Along Almond Avenue for the Well 27 Pipe Outfall Extension Project (Report by Keith Helmuth)

RES. NO. 17-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A PIPELINE CROSSING AGREEMENT BETWEEN THE UNION PACIFIC RAILROAD COMPANY AND THE CITY OF MADERA FOR THE INSTALLATION OF A 24-INCH STEEL CASING UNDERNEATH THE EXISTING AT-GRADE PUBLIC ROAD CROSSING ALONG ALMOND AVENUE FOR THE WELL 27 PIPE OUTFALL EXTENSION PROJECT

B-7 Consideration of a Resolution Approving the Master Agreement between the Madera County Transportation Commission and the City of Madera for Fiscal Year 2016-17 Allocation of Regional Surface Transportation Program Funding (Report by Keith Helmuth)

RES. NO. 17-110 RESOLUTION APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF MADERA FOR THE FISCAL YEAR 2016-17 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE FUNDING

B-8 Consideration of a Resolution Approving an Agreement for Professional Janitorial Services, RFP No. 201718-01, to the Best Value Bidder, ServiceMaster by J&C Brown, and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Dave Randall)

RES. NO. 17-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ACCEPTANCE OF AGREEMENT WITH SERVICEMASTER BY J&C BROWN TO PROVIDE PROFESSIONAL JANITORIAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT ON BEHALF OF THE CITY OF MADERA

B-9 Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District for Partial Administration of the District's Foster Youth and Homeless/Families in Transition Programs and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and

Consideration of a Resolution Amending the FY 2017-18 General Fund/Org 10206200 – Parks and Community Services Recreation Budget to Recognize \$80,000 in Additional Revenue and Associated Expenditures (Report by Mary Anne Seay) *[Item pulled for discussion.]*

B-10 Consideration of a Resolution Approving Administrative Solutions, Inc. as the City of Madera's Administrator for its IRS Section 125 Flexible Spending Accounts and Authorizing the City Administrator to Sign all Related Documents (Report by Wendy Silva)

**RES. NO. 17-114 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING ADMINISTRATIVE SOLUTIONS, INC. AS THE ADMINISTRATOR
FOR ITS FLEXIBLE SPENDING ACCOUNT PLAN AND AUTHORIZING THE
CITY ADMINISTRATOR TO SIGN ALL RELATED DOCUMENTS**

B-11 Consideration of a Resolution Declaring an Emergency Situation in Which Two Gear Boxes for Aeration System at the Waste Water Treatment Plant Must be Purchased and Installed in an Expedited Manner; and

Consideration of a Resolution Amending the Fiscal Year 2017/18 Annual Budget to Appropriate Funds in the Sewer Utility Wastewater Treatment Plant Budget to Purchase and Install Gear Boxes at the Waste Water Treatment Plant (Report by Dave Randall) *[Item pulled for discussion.]*

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION

B-4 *Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency On Aging (FMAAA) for Fiscal Year 2017-18 for **Adult Day Care** and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and*

*Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency On Aging (FMAAA) for Fiscal Year 2017-18 for **Site Management** and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and*

*Consideration of a Resolution Approving an Agreement with the Fresno-Madera Area Agency On Aging (FMAAA) for Fiscal Year 2017-18 for the **Transportation Program** and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)*

Director of Parks and Community Services Mary Anne Seay addressed the questions/comments from Council Member Rigby and Mayor Pro Tem Gallegos.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM B-4, RES. NOS. 17-105, 17-106, AND 17-107, WERE ADOPTED BY A ROLL CALL VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, HOLLEY, ROBINSON, OLIVER, RIGBY. NOES: MAYOR PRO TEM FOLEY GALLEGOS.

**RES. NO. 17-105 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 2017-18 FOR ADULT
DAY CARE AND AUTHORIZING THE MAYOR TO EXECUTE THE
AGREEMENT ON BEHALF OF THE CITY**

**RES. NO. 17-106 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 2017-18 FOR SITE
MANAGEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE
AGREEMENT ON BEHALF OF THE CITY**

**RES. NO. 17-107 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 2017-18 FOR THE
TRANSPORTATION PROGRAM AND AUTHORIZING THE MAYOR TO
EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.**

B-11 *Consideration of a Resolution Declaring an Emergency Situation in Which Two Gear Boxes for Aeration System at the Waste Water Treatment Plant Must be Purchased and Installed in an Expedited Manner; and*

Consideration of a Resolution Amending the Fiscal Year 2017/18 Annual Budget to Appropriate Funds in the Sewer Utility Wastewater Treatment Plant Budget to Purchase and Install Gear Boxes at the Waste Water Treatment Plant (Report by Dave Randall)

Public Works Operations Director Dave Randall addressed questions/comments from members of the Council.

ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM B-11, RES. NOS. 17-115 AND 17-116, WERE ADOPTED BY A ROLL CALL VOTE OF 5-2. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS HOLLEY, ROBINSON, OLIVER, RIGBY. NOES: MAYOR PRO TEM FOLEY GALLEGOS, COUNCIL MEMBER RODRIGUEZ.

RES. NO. 17-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING AN EMERGENCY SITUATION IN WHICH TWO GEAR BOXES FOR THE AERATION SYSTEM AT THE WASTE WATER TREATMENT PLANT MUST BE PURCHASED AND INSTALLED IN AN EXPEDITED MANNER

RES. NO. 17-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2017/18 ANNUAL BUDGET TO INCREASE EXPENDITURE ALLOCATIONS IN THE SEWER FUND BUDGET TO PURCHASE AND INSTALL GEAR BOXES AT THE WASTE WATER TREATMENT PLANT

B-5 *Consideration of a Resolution Approving the Award of Contract for MAX Bus Shelters and Amenities City of Madera Project No. TRANS-6, in the Amount of \$213,632 to David J. Boyle Electric Shop LLC, 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 (Report by Keith Helmuth)*

Mayor Pro Tem Foley Gallegos commended staff on choosing a local business.

ON MOTION BY MAYOR PRO TEM FOLEY GALLEGOS, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM B-5, RES. NO. 17-108, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 17-108 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AWARD OF CONTRACT FOR MAX BUS SHELTERS AND AMENITIES CITY OF MADERA PROJECT NO. TRANS-6 IN THE AMOUNT OF \$213,632 TO DAVID J. BOYLE ELECTRIC SHOP LLC, 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

B-9 *Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District for Partial Administration of the District's Foster Youth and Homeless/Families in Transition Programs and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and*

Consideration of a Resolution Amending the FY 2017-18 General Fund/Org 10206200 – Parks and Community Services Recreation Budget to Recognize \$80,000 in Additional Revenue and Associated Expenditures (Report by Mary Anne Seay)

Mayor Pro Tem Foley Gallegos commended staff on the partnership.

ON MOTION BY MAYOR PRO TEM FOLEY GALLEGOS, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM B-9, RES. NOS. 17-112 AND 17-113, WERE ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 17-112 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S FOSTER YOUTH AND HOMELESS/FAMILIES IN TRANSITION PROGRAMS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

RES. NO. 17-113 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2017-18 GENERAL FUND/ORG 10206200 - PARKS AND COMMUNITY SERVICES RECREATION BUDGET TO RECOGNIZE \$80,000 IN ADDITIONAL REVENUE AND ASSOCIATED EXPENDITURES

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

There are no items for this section.

D. WRITTEN COMMUNICATIONS

D-1 Presentation by California Consulting on Grant Writing Services (Tristan Shamp, Statewide Grants Manager)

Tristan Shamp, Statewide Grants Manager for California Consulting, gave an overview of their services.

E. ADMINISTRATIVE REPORTS

E-1 Review of Permit and Processing Costs for the Building, Planning and Engineering Departments and Direction to Staff Regarding the Preparation of a Development User Fee Schedule for Future Consideration by the City Council (Report by David Merchen)

Community Development Director David Merchen presented the report.

Following discussion, Council direction was given to pursue a higher cost recovery and look at incentive programs for zones that may benefit from that such as infill projects that already have services.

E-2 Request for Direction on Council Participation in Old Timers Day Parade; and

Consideration of a Minute Order Authorizing the Mayor to the Sign Hold Harmless Agreement or Related Documents (Report by Sonia Alvarez)

City Clerk Sonia Alvarez presented the report.

COUNCIL CONSENSUS WAS REACHED TO PARTICIPATE IN THE PARADE. ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY MAYOR PRO TEM FOLEY GALLEGOS, THE

MINUTE ORDER AUTHORIZING THE MAYOR TO THE SIGN HOLD HARMLESS AGREEMENT OR RELATED DOCUMENTS WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

F. COUNCIL REPORTS

Council Member Robinson reported that last week he attended the League of Cities General Membership meeting and they appointed new officers.

Council Member Robinson reported that on the 14th he attended the Oversight Board meeting.

Mayor Pro Tem Foley Gallegos commended the Police Department on the luncheon they gave for the city employees and volunteers that supported National Night Out.

Mayor Pro Tem Foley Gallegos shared that Madera Unified School District's new branding statement is "We Believe."

Council Member Rigby stated his appreciation for staff's cooperation as they begin to provide services in areas not normally covered such as Parkwood and possibly Parksdale in the future.

Council Member Rigby stated he and Council Member Holley will be at Martin Luther King Middle School this Friday handing out backpacks along with the Fresno State President's wife.

Council Member Rodriguez reported that he, along with Council Member Oliver, attended the Symposium regarding the 2025 Vision. Council Member Oliver shared that they compared the priorities to today and it was eye opening.

Council Member Oliver reported that on Monday he attended a CPUC (California Public Utilities Commission) meeting in Bakersfield. Discussion was on PG&E's Economic Development Rate.

Mayor Medellin thanked Eddie Block for staying for the meeting and wanting to be part of the solution on homelessness.

Mayor Medellin asked if they can discuss or give direction regarding Redevelopment and exit strategies. City Administrator David Tooley advised discussion should be with the Successor Agency's Director.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 9:29 p.m. to discuss items G-2, G-3, and G-4 as listed on the agenda.

G-2 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1): 2 cases:

Marvin Ward WCAB No. ADJ10539100 & ADJ 10590003

G-3 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): 1 case

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

Property:	1 Parcel
City of Madera	APN: 035-080-026

Agency Negotiators: Keith Helmuth
Negotiating Party: Jason Sanders
Under Negotiations: Price and Terms

G-5 Closed Session Report – City Attorney

The Council returned from closed session at 9:54 p.m. with all members present.

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

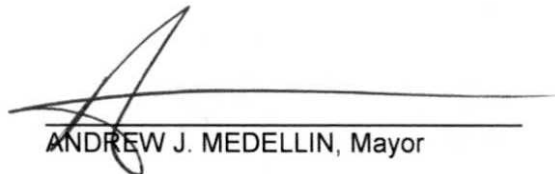
ADJOURNMENT - The meeting was adjourned at 9:55 p.m. Next regular meeting 9/06/17.

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

