

Item:	B-1
Minutes for:	10/17/18
Adopted:	10/16/19

## **MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL**

**October 17, 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 Derek O. Robinson Sr., District 4. Arrived after roll call at 6:11 pm.  
Council Member Charles F. Rigby, District 5  
Council Member Donald E. Holley, District 6

**Absent:** None.

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, Grant Administrator Ivette Iraheta, Police Commander Gino Chiaramonte, Acting Planning Manager Chris Boyle, Division Fire Chief Matt Watson, Information Services Manager Mark Souders, Human Resources Administrative Analyst Eugene Hayes, Grants Program Manager Jorge Rojas, Engineering Project Coordinator Ellen Bitter, Assistant Engineer Victor Aldama, and Public Works Administrative Analyst Mary Church.

**INVOCATION:** Pastor Barry Bernard, West Side Christian Fellowship

**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.

Graciela Valdez with Madera County Department of Health thanked the Council for the support and participation on the Walk to Schools Event held on October 3, 2018. Also, next Wednesday will be the first annual Walk to School for George Washington Elementary. It begins at 6:30 am from the John Wells Youth Center and walking to the school at 7:15 am.

Mayor Medellin stated that it was fun event. He also thanked Madera Police Department for providing escorts to the school.

No other comments were offered.

### **PRESENTATIONS**

Mid Valley Disposal 2018 First and Second Quarter Reports (Annette Kwock)

Annette Kwock with Mid Valley Disposal presented report.

**INTRODUCTIONS**        None.

#### **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.*

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER GALLEGOS, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

B-1     Minutes – 10/04/17, 09/06/18

B-2     Warrant Disbursement Report 9/25/18 – 10/08/18 (Report by Tim Przybyla)

B-3     Water Conservation Report for 8/20/18 – 9/23/18 (Report by John Scarborough)

B-4     Consideration of a Resolution Approving an Agreement with Live Oak Associates, Inc. for On-Call Professional Environmental Services to the City of Madera for Routine Maintenance of City-owned Bridges along the Fresno River and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

**RES. NO. 18-198        A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH LIVE OAK ASSOCIATES, INC. FOR ON-CALL**

**PROFESSIONAL ENVIRONMENTAL SERVICES TO THE CITY OF MADERA FOR  
ROUTINE MAINTENANCE OF CITY-OWNED BRIDGES ALONG THE FRESNO RIVER  
AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

- B-5 Consideration of a Resolution Approving Amendment No. 1 to the Agreement for Services for the 2018/2019 Community Development Block Grant Pomona Ranch Homeless Housing Project (Report by Ivette Iraheta)

**RES. NO. 18-199      A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT FOR SERVICES FOR THE 2018/2019 COMMUNITY DEVELOPMENT BLOCK GRANT POMONA RANCH PHASE II HOMELESS HOUSING PROJECT**

- B-6 Consideration of a Resolution Approving the Program Supplement Agreement No. 059-F for the Purchase of One Diesel PM Certified Street Sweeper, State Project Number CMLNI 5157 (105) and Authorizing the City Engineer to Execute the Program Supplement Agreement No. 059-F on Behalf of the City (Report by Keith Helmuth)

**RES. NO. 18-200      A RESOLUTION APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. 059-F FOR THE PURCHASE OF ONE DIESEL PM CERTIFIED STREET SWEEPER, STATE PROJECT NUMBER CMLNI 5157 (105) AND AUTHORIZING THE CITY ENGINEER TO EXECUTE THE PROGRAM SUPPLEMENT AGREEMENT NO. 059-F ON BEHALF OF THE CITY**

- B-7 Consideration of a Resolution Approving an Agreement with 2ndnature Software Inc. for Software Service for Storm Water Quality Management and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)

**RES. NO. 18-201      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH 2NDNATURE SOFTWARE INC FOR SOFTWARE SERVICE FOR STORM WATER QUALITY MANAGEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

- B-8 Consideration of a Resolution Approving an Agreement with Pitney Bowes for Lease of Mail Processing Equipment and Authorizing the Mayor to Execute the Agreement and Related Documents (Report by Rosa Hernandez)

**RES. NO. 18-202      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH PITNEY BOWES FOR LEASE OF MAIL PROCESSING EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS**

- B-9 Consideration of a Resolution Approving the Revised 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 and Rescinding Resolution No. 18-174 (Report by Keith Helmuth)

**RES. NO. 18-203      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE REVISED 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 AND RESCINDING RESOLUTION 18-174**

B-10      Consideration of a Resolution Ratifying the Adoption of Chapter 10 of the Local Assistance Procedures Manual (LAPM) (Report by Keith Helmuth)

**RES. NO. 18-204      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RATIFYING THE ADOPTION OF CHAPTER 10 OF THE LOCAL ASSISTANCE PROCEDURES MANUAL (LAPM)**

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

C-1      Consideration of a Resolution Setting a Public Hearing to Determine Whether the Public Interest and Necessity, Safety or Welfare Require the Formation of Rule 20B Underground Utility District No. 19 in Designated Real Property Located within and Adjacent to the Olive Avenue Widening Project from Gateway Drive to Knox Street (Report by Keith Helmuth)

Engineering Project Coordinator Ellen Bitter presented report.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-1, RES. NO. 18-205 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES. NO. 18-205      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA SETTING A PUBLIC HEARING TO DETERMINE WHETHER THE PUBLIC INTEREST AND NECESSITY, SAFETY OR WELFARE REQUIRE THE FORMATION OF RULE 20B UNDERGROUND UTILITY DISTRICT NO. 19 IN DESIGNATED REAL PROPERTY LOCATED WITHIN AND ADJACENT TO THE OLIVE AVENUE WIDENING PROJECT BETWEEN GATEWAY DRIVE AND KNOX STREET**

C-2      Public Hearing and Consideration of Introduction of an Ordinance Amending Subsection B of Section 3-5.08 of Chapter 5 of Title III of the Madera Municipal Code Relating to Speed Limits in Certain Zones (Report by Keith Helmuth)

Assistant Engineer Victor Aldama and City Engineer Keith Helmuth presented report.

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

**ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER HOLLEY, FURTHER READING WAS WAIVED AND ITEM C-2, THE INTRODUCTION OF AN ORDINANCE, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**INTRO. ORD.                    AN ORDINANCE AMENDING SUBSECTION B OF SECTION 3-5.08 OF CHAPTER 5 OF TITLE III OF THE MADERA MUNICIPAL CODE RELATING TO THE ADJUSTMENT OF SPEED LIMITS IN CERTAIN ZONES**

- C-3      Consideration of a Resolution Approving a Program Development Agreement Between the City of Madera and ENGIE Services U.S. Inc. for the Preparation of an Integrated Energy Assessment and Identification of Energy Conservation Measures and Authorizing the Mayor to Execute the Agreement (Report by David Merchen)

Director of Community Development David Merchen and Carolyn Kiesner with ENGIE presented report.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-3, RES. NO. 18-206 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES. NO. 18-206                RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A PROGRAM DEVELOPMENT AGREEMENT WITH ENGIE SERVICES U.S. INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

- C-4      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

City Engineer Keith Helmuth presented report.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM C-4, RES. NO. 18-207 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES. NO. 18-207                A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA 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**

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)

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER GALLEGOS, ITEM C-4, RES. NO. 18-208 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**RES. NO. 18-208**      **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT WITH MOORE TWINING & ASSOCIATES.INC., FOR ON-DEMAND TESTING SERVICES NOT TO EXCEED \$35,000 FOR THE 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**

C-5      Consideration of a Resolution Approving a Fifth Amendment to the City Attorney At-Will Employment Agreement and Authorizing the Mayor to Execute the Amendment (Report by Wendy Silva)

City Administrator Steve Frazier presented report.

Mayor Medellin made the following announcement:

If approved, the proposed amendment to the City Attorney's At-Will Employment Agreement would extend the term of the existing agreement by sixty (60) days for the purposes of ongoing contract negotiations.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM C-5, RES. NO. 18-209 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS RODRIGUEZ, GALLEGOS, OLIVER, ROBINSON, RIGBY, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**RES. NO. 18-209**      **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A FIFTH AMENDMENT TO THE CITY ATTORNEY AT-WILL EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

**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 Holley reported he believes Mayor Medellin did awesome job during his First 5 Madera County 20 Year Anniversary celebration this morning. Mayor Medellin stated that he was honored to be the keynote speaker for this event. His biggest takeaway was the community collaborations.

Council Member Gallegos stated that she is looking forward to National Night Out Event tomorrow night.

Council Member Rigby reported that today was the first intake meeting for Pomona Ranch. This is a collaborative effort between government agencies and private agencies. There is an incredible team that we get to be a part of.

Council Member Rigby also mentioned that his mother started out in early child care development for First 5 Madera County and it was a big part of his life. He now has a 3-year-old and a 2-year-old and reading is a big part of his household. Council Member Rigby presented books to the other Council Members and relayed request by First 5 Madera County that they read those books or give to a family that will read to their children.

Mayor Medellin stated thanked everyone for supporting First 5 Madera County and their efforts. The statistics over the last 20 years were astounding. At one time Madera County ranked last in the amount of children having the access to preschool. It was an honor to speak today, bring up some of those statistics, and ask for partnerships. There is a lot we can do advocating for children ages 0 to 5. It has been a great 20 years and there is a lot more work to be done. First 5 Madera employees are extraordinary people, he cannot thank them enough.

Council Member Holley thanked City staff for the work done with Victim Services.

Mayor Medellin thanked staff for work on affordable housing project on 5<sup>th</sup> and C Street. There was also Madera County transportation meeting today. He is hoping we will know by Friday if we will obtain funding for the widening of Highway 99.

No other reports were offered.

**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.

G-2 Conference with Legal Counsel – Pending Litigation pursuant to Government Code §54956.9(d)(1) - 1 case: Johnnie Smith WCAB No. ADJ10868300

G-3 Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 - 1 potential case.

G-4 Conference with Labor Negotiators Pursuant to Government Code §54957.6

Agency Designated Representatives: Steve Frazier, Wendy Silva  
Unrepresented Positions: City Manager, City Attorney and City Clerk

G-5 Closed Session Report – City Attorney

The Council returned from closed session at 9:04 p.m. with all members present.

City Attorney reported there was no reportable action taken for items G-2, G-3 and G-4.

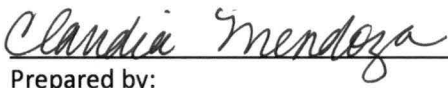
**ADJOURNMENT** - The meeting was adjourned at 9:05 p.m. Next regular meeting November 7, 2018.

**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

