



Item:	B-1
Minutes for:	09/06/17
Adopted:	08/15/18

**MINUTES OF A REGULAR MEETING  
OF THE MADERA CITY COUNCIL  
And  
SPECIAL MEETING OF THE  
MADERA PUBLIC FINANCING AUTHORITY  
CITY OF MADERA, CALIFORNIA**

**September 6, 2017  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER** - The joint meeting was called to order at 6:00 p.m.

**ROLL CALL:**

**Present:** Mayor Pro Tem/Authority Member Cece Foley Gallegos, District 1  
Council/Authority Member Jose Rodriguez, District 2  
Council/Authority Member Donald E. Holley, District 6  
Council/Authority Member Derek O. Robinson Sr., District 4  
Council/Authority Member William Oliver, District 3  
Council/Authority Member Charles F. Rigby, District 5

**Absent:** Mayor/Authority Member Andrew J. Medellin

Others present were City Administrator David Tooley, City Attorney Brent Richardson, City Clerk Sonia Alvarez, Director of Community Development David Merchen, City Engineer Keith Helmuth, Public Works Operations Director David Randall, 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, Planning Manager Chris Boyle, Parks Business Manager Mark Etheridge, Fleet Manager Randy Collin, Administrative Analyst Robin Bravo, Special Transportation Projects Coordinator Les Jorgensen, Division Fire Chief David Allen and Battalion Chief Jim Forga.

**INVOCATION:** Pastor Mike Unger, Madera Rescue Mission

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem/Authority Member Foley Gallegos 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/Agency on items which are within the subject matter jurisdiction of the Council/Agency. 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/Agency 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/Agency does not respond to public comment at this time.

DJ Becker, residing in Madera, California, thanked the Council for the recent cleanup of the homeless encampment near Tozer Bridge. She also asked the Council to agendaize at a future meeting a discussion on homelessness issues.

Gary Svanda, residing in Madera, California, spoke regarding the Intergovernmental Coalition meeting scheduled 9/30/18 and asked participants to considering staying for golf after the meeting that day.

Renee Benoit, residing in Madera, California, thanked DJ Becker for her comments on homelessness. She also thanked the Council for what they've done so far regarding homelessness but knows there is more they can do such as more support for the mission.

Kym Salter, residing in Madera, California also thanked DJ Becker for her comments on homelessness and the Council for their efforts on homelessness. She added that there are other problem areas and she would like to see this on agenda.

Council Member Oliver advised that there is a request to discuss homelessness as part of the Intergovernmental Coalition and asked for staff to follow up.

LATE DISTRIBUTION - The City Clerk made a late distribution announcement regarding item B-5.

**PRESENTATIONS**      Old Timers Day Proclamation

Mayor Pro Tem Foley Gallegos presented to Bob Winslow of the Madera County Historical Society the proclamation proclaiming September 19-23, 2017 as Old Timers' Week in the City of Madera.

**A.      WORKSHOP**

**A-1      The Second of a Three Workshop Series on Cannabis and California Cities  
(MuniServices)**

Larry Bergkamp with MuniServices gave an overview of the commercial cannabis industry for cities including an overview of Proposition 64, local authority, use, public safety and health, enforcement, cultivation, and understanding the market and related issues and risks.

**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/Authority Member Rodriguez requested B-5 pulled for discussion.

Mayor Pro Tem/Authority Member Foley Gallegos requested item B-1B pulled for discussion.

**ON MOTION BY COUNCIL/AUTHORITY MEMBER OLIVER, AND SECONDED BY COUNCIL/AUTHORITY MEMBER ROBINSON, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-1B AND B-5, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR/AUTHORITY MEMBER MEDELLIN.**

- B-1      A. City Minutes – 11/02/16, 11/16/16  
            B. MPFA Minutes – 10/07/15j *[Item pulled for discussion.]*
- B-2      Information Only – Warrant Disbursement Report
- B-3      Bi-Weekly Water Conservation Report for 8/7/17 – 8/27/17 (Report by Dave Randall)
- B-4      Consideration of a Resolution Enacting Drought Water Restriction Level B (Report by Dave Randall)

**RES. NO. 17-117      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ENACTING LEVEL B DROUGHT WATER RESTRICTIONS**

- B-5 Consideration of a Resolution Approving an Agreement for Temporary Staffing Services, RFP No. 201718-02, with US IT Solutions, Inc., and Authorizing the Mayor or His Designee to Sign the Agreement and Related Documents (Report by Dave Randall) *[Item pulled for discussion.]*
- B-6 Consideration of a Minute Order Rejecting a Claim filed by Lucio Mendoza (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by Malcolm Gatz (Report by Wendy Silva)
- B-8 Consideration of a Minute Order Rejecting a Claim filed by Delila Bowles (Report by Wendy Silva)
- B-9 Consideration of a Resolution Approving a Consultant Services Agreement with Madera Unified School District (MUSD) for Partial Administration of the District's Academic Year 2017-18 After School Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Mary Anne Seay)

**RES. NO. 17-119      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A CONSULTANT SERVICES AGREEMENT WITH MADERA UNIFIED SCHOOL DISTRICT (MUSD) FOR PARTIAL ADMINISTRATION OF THE DISTRICT'S ACADEMIC YEAR 2017-18 AFTER SCHOOL PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

- B-10 Consideration of a Resolution Declaring Property as Surplus and Sale of Utility Truck #257 to the Housing Authority of the City of Madera (Report by Randy Collin)

**RES.NO. 17-120      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING PROPERTY AS SURPLUS AND SALE OF UTILITY TRUCK #257 TO THE HOUSING AUTHORITY OF THE CITY OF MADERA**

- B-11 Consideration of a Resolution Amending the Fiscal Year 2017/18 Annual Budget to Recognize Four (4) Grant Awards from Federal Transit Administration in the Madera Area Express – Capital Outlay Budget to Purchase Nine (9) New Buses for Dial-A-Ride and Fixed Route Transit Services (Report by Ivette Iraheta)

**RES. NO. 17-121      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING THE FISCAL YEAR 2017/18 ANNUAL BUDGET TO RECOGNIZE FOUR (4) GRANT AWARDS FROM FEDERAL TRANSIT ADMINISTRATION IN THE MADERA AREA EXPRESS - CAPITAL OUTLAY BUDGET TO PURCHASE NINE (9) NEW BUSES FOR DIAL-A-RIDE AND FIXED ROUTE TRANSIT SERVICES**

- B-12 Consideration of a Resolution Rescinding Resolution No. 17-13 and Approving the Amended Application for Transportation Development Act - Local Transportation Funds for Fiscal Year 2016/17, and Authorizing the City Engineer to Execute and Submit the Amended Application to the Madera County Transportation Commission (Report by Keith Helmuth)

**RES. NO. 17-122      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RESCINDING RESOLUTION NO. 17-13 AND APPROVING THE AMENDED APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT-LOCAL TRANSPORTATION FUND FOR FISCAL YEAR 2016/17, AND**

**AUTHORIZING THE CITY ENGINEER TO EXECUTE AND SUBMIT THE  
APPLICATION TO MADERA COUNTY TRANSPORTATION COMMISSION**

- B-13 Consideration of a Resolution Consenting to the Assignment of the Agreement with RNL Interplan, Inc. for Professional Architectural & Engineering Services to the City of Madera for Construction of the New Transit Operations Facility Project from "RNL Interplan, Inc." to "Stantec Architecture Inc." (Report by Keith Helmuth)

**RES. NO. 17-123      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONSENTING TO THE ASSIGNMENT OF THE AGREEMENT WITH RNL INTERPLAN, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF MADERA FOR CONSTRUCTION OF THE NEW TRANSIT OPERATIONS FACILITY PROJECT FROM "RNL INTERPLAN, INC." TO "STANTEC ARCHITECTURE, INC."**

- B-14 Consideration of a Resolution Amending the City of Madera FY 17/18 Budget to Designate Eligible Projects for SB 1 Road Maintenance and Rehabilitation Account Funding (Report by Dave Randall)

**RES. NO. 17-124      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE FY 2017/18 ANNUAL BUDGET TO DESIGNATE ELIGIBLE PROJECTS FOR SB1 ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDING**

- B-15 Consideration of a Resolution Authorizing the City to Make an Application for Award to the Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation (Report by Ivette Iraheta)

**RES. NO. 17-125      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE CITY TO MAKE AN APPLICATION FOR AWARD TO THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION

B-1      B. *MPFA Minutes – 10/07/15j*

City Clerk Sonia Alvarez requested action by the MPFA.

**ON MOTION BY AUTHORITY MEMBER RIGBY, AND SECONDED BY AUTHORITY MEMBER OLIVER, ITEM B-1B, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: AUTHORITY MEMBER MEDELLIN.**

- B-5      *Consideration of a Resolution Approving an Agreement for Temporary Staffing Services, RFP No. 201718-02, with US IT Solutions, Inc., and Authorizing the Mayor or His Designee to Sign the Agreement and Related Documents (Report by Dave Randall)*

Public Works Operations Director Dave Randall and other staff members addressed the questions/comments from Council Member Rodriguez and other members of the Council.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM B-5, RES. NO. 17-118 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**RES. NO. 17-118      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT WITH US IT SOLUTIONS, INC.,**

**FOR THE PROVISION OF TEMPORARY EMPLOYEES AND AUTHORIZING  
THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND  
RELATED DOCUMENTS ON BEHALF OF THE CITY**

**ITEM D-2 MOVED UP FOR DISCUSSION**

*D-2 Request for Letter of Support Temperance Flat Dam (Madera County Supervisor David Rogers)*

Madera County Supervisor David Rogers presented his request for a letter of support from the Council.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-2, THE REQUEST FOR A LETTER OF SUPPORT REGARDING TEMPERANCE FLAT DAM, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

RECESS: 7:44 p.m. – 7:50 p.m.

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

- C-1 Consideration of a Resolution Approving a Standard Offer, Agreement and Escrow Instructions For Purchase of Real Estate For Parcel 16 Within the Freedom Industrial Park (Report by David Merchen)**

Community Development Director David Merchen presented the report.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-1, RES. NO. 17-126, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**RES. NO. 17-126 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 PARCEL 16 WITHIN THE FREEDOM INDUSTRIAL PARK**

- C-2 Consideration of a Resolution of the Madera Public Financing Authority Electing Officers (MPFA - Report by Sonia Alvarez)**

City Clerk Sonia Alvarez presented the report.

**ON MOTION BY AUTHORITY MEMBER OLIVER, AND SECONDED BY AUTHORITY MEMBER RODRIGUEZ, ITEM C-2, MPFA RES. NO. 17-01, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**MPFA RES. NO. 17-01 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MADERA PUBLIC FINANCING AUTHORITY ELECTING OFFICERS**

- C-3 Consideration of a Resolution of the City Council of the City of Madera Approving the Agreements with Del Rio Advisors, LLC for Professional Services on a Limited Scope Related to Potential Bond Refunding Opportunities and Authorizing the Mayor to Execute the Special Services Agreement and the Director of Financial Services to Execute the Engagement Agreement (City - Report by Tim Przybyla)**

Director of Financial Services Tim Przybyla presented the report.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-3, RES. NO. 17-127, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**



**RES. NO. 17-127      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE AGREEMENTS WITH DEL RIO ADVISORS, LLC FOR PROFESSIONAL SERVICES ON A LIMITED SCOPE RELATED TO POTENTIAL BOND REFUNDING OPPORTUNITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SPECIAL SERVICES AGREEMENT AND THE DIRECTOR OF FINANCIAL SERVICES TO EXECUTE THE ENGAGEMENT AGREEMENT**

- C-4      Consideration of a Resolution of the Board of Directors of the Madera Public Financing Authority Approving the Agreements with Del Rio Advisors, LLC for Professional Services on a Limited Scope Related to Potential Bond Refunding Opportunities and Authorizing the Chairperson to Execute the Special Services Agreement and the Director of Financial Services to Execute the Engagement Agreement (MPFA - Report by Tim Przybyla)**

Director of Financial Services Tim Przybyla advised the report given for C-3 was action by the City. Item C-4 is the same subject matter for action by the MPFA.

**ON MOTION BY AUTHORITY MEMBER RIGBY, AND SECONDED BY AUTHORITY MEMBER RODRIGUEZ, ITEM C-4, MPFA RES. NO. 17-02, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

**MPFA RES. NO. 17-02 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MADERA PUBLIC FINANCING AUTHORITY APPROVING THE AGREEMENTS WITH DEL RIO ADVISORS, LLC FOR PROFESSIONAL SERVICES ON A LIMITED SCOPE RELATED TO POTENTIAL BOND REFUNDING OPPORTUNITIES AND AUTHORIZING THE CHAIRPERSON OF THE MADERA PUBLIC FINANCING AUTHORITY TO EXECUTE THE SPECIAL SERVICES AGREEMENT AND THE DIRECTOR OF FINANCIAL SERVICES TO EXECUTE THE ENGAGEMENT AGREEMENT**

**D.      WRITTEN COMMUNICATIONS**

- D-1      Consideration of a Written Request by the Original Madera Kiwanis Club Seeking Council Approval to Cover the Cost of Police and Public Works Fees in Conjunction with the Old Timers Day Parade (Report by Steve Frazier)**

Lieutenant Brian Esteves presented the report.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM D-1, A WRITTEN REQUEST BY THE ORIGINAL MADERA KIWANIS CLUB SEEKING COUNCIL APPROVAL TO COVER THE COST OF POLICE AND PUBLIC WORKS FEES IN CONJUNCTION WITH THE OLD TIMERS DAY PARADE, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: MAYOR MEDELLIN.**

- D-2      Request for Letter of Support Temperance Flat Dam (Madera County Supervisor David Rogers)**

Item D-2 was heard earlier in the meeting immediately following the consent calendar.

**E.      ADMINISTRATIVE REPORTS**

There are no items for this section.

## **F. COUNCIL REPORTS**

Council/Authority Member Holley reported on his travels to Philadelphia and his visit to their historic city hall.

Council/Authority Member Oliver reported that he attended the Lifetime Achievement Awards. His Uncle Steve Copland was one of the honorees.

Council/Authority Member Oliver reported that he participated in the Parks and Community Services Spring Men's Recreational Basketball League. His team won the championship.

Council/Authority Member Oliver thanked staff for making themselves available to meet with him.

Council/Authority Member Rigby reported that he is looking forward to the Madera County Fair this weekend.

Council/Authority Member Rigby commented on the fires and events happening in the nation and expressed his prayers to those affected.

Council/Authority Member Rigby commented on the Deferred Action of Childhood Arrivals and the action taken in Washington, D.C. He advised that he also asked the Mayor to draft a letter of support to the legislature.

Council/Authority Member Robinson reported that he attended the Madera County Adult Probation Department Summer 2017 Transition Ceremony.

Council/Authority Member Robinson reported that he helped on Hurricane Relief for Houston.

Mayor Pro Tem/Authority Member Foley Gallegos announced that youth from the NAACP are collecting clothing for Hurricane Harvey victims.

Mayor Pro Tem/Authority Member Foley Gallegos reported that she along with Council Member Oliver and Mayor Medellin attended the OLIVE event.

Mayor Pro Tem/Authority Foley Gallegos commended staff for taking care of the Jennings St. Neighborhood's concern regarding paved lines on their street.

Council/Authority Member Holley announced that the opening dedication for Rose Elementary is scheduled 9/27/17.

## **G. CLOSED SESSION**

### **G-1 Closed Session Announcement – City Attorney**

The Council adjourned to closed session at 8:26 p.m. to discuss items G-2 through G-4 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) 1 case

**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:** 4 Parcels

LEWIS HELEN F TR ETAL APN: 013-050-007, 013-050-008, 013-050-009,  
013-050-010

Agency Negotiators: David Tooley, David Merchen

Negotiating Parties: Sheila Urbanek & Joel Mazmanian Representing Lewis Helen F  
Tr. Etal

Under Negotiations: Price and Terms

**Property 2:** 2 Parcels

MCINTYRE EDWARD J & GAIL ETAL APN: 013-200-012, 013-200-013

Agency Negotiators: David Tooley, David Merchen

Negotiating Parties: Edward and Gail McIntyre

Under Negotiations: Price and Terms

**Property 3:** 1 Parcel

MCINTYRE EDWARD J & GAIL ETAL APN: 013-200-015

Agency Negotiators: David Tooley, David Merchen

Negotiating Parties: Edward and Gail McIntyre

Under Negotiations: Price and Terms

**Property 4:** 2 Parcels

SCHULTZ, WILLIAM & GLORIA APN: 013-270-016, 013-270-017

Agency Negotiators: David Tooley, David Merchen

Negotiating Parties: Buk Wagner Representing William & Gloria Schultz

Under Negotiations: Price and Terms

**G-5 Closed Session Report – City Attorney**

The Council returned from closed session at 9:34 p.m. with all members present.

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

**ADJOURNMENT** - The joint meeting was adjourned at 9:35 p.m. Next regular meeting September 20, 2017.

**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.

  
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SONIA ALVAREZ, City Clerk

  
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ANDREW J. MEDELLIN, Mayor

