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

November 15, 2017
6:00 p.m.

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, Planning Manager Chris Boyle, Commander Dino Lawson, Lieutenant Brian Esteves, Program Manager Grants Jorge Rojas, Recreation and Community Programs Manager David Huff and Division Fire Chief David Allen.

INVOCATION: Pastor Sammie Neely, Mount Zion Baptist 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.

Kay Rhoads, business owner in Madera, spoke regarding the article in the paper regarding the big deficit, administration wages, and their prior request to City for funding for Friends of Madera Animal Shelter.

Khalid Chaudhry, business owner in Madera, stated he has the same issue as Ms. Rhoads and the cost of living adjustments.

Anthony Castillo, resident of Madera, spoke regarding pollution concerns.

Tom DaSilva, residing in Madera, spoke regarding the letter in the newspaper by Mr. Pistlesi about the inflated salaries and the sales tax increase just passed.
PRESENTATIONS

1. Proclamation Promoting Small Business Saturday

Mayor Medellin recognized small business owners in attendance. He encouraged support of small business and proclaimed Saturday, November 25, 2017 as Small Business Saturday. He encouraged all to shop local.

2. Recognition of CSJVRMA Safety Award Recipient David Huff, Recreation & Community Programs Supervisor

Director of Human Resources Wendy Silva recognized David Huff, Recreation & Community Programs Manager, for the recent award he received for developing an Incident/Accident flow chart to assist staff with risk management. Mr. Huff thanked the Council for the recognition.

A. WORKSHOP

There are no items for this section.

B. CONSENT CALENDAR – REGULAR MEETING

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.

City Administrator David Tooley declared a conflict of interest on item B-15 and the requested the item pulled from the consent calendar.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-15, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

B-1 Minutes – 02/15/17

B-2 Information Only – Warrant Disbursement Report

B-3 Bi-Weekly Water Conservation Report for 10/23/17 – 11/05/17 (Report by Dave Randall)

B-4 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Agreement for Monalisa J. Mata for a Neighborhood Stabilization Program 1 First Time Home Buyer Loan and Authorizing the City Administrator to Sign the Subordination Agreement on Behalf of the City of Madera (Report by Ivette Iraheta)

RES. NO. 17-169 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SUBORDINATION AGREEMENT FOR MONALISA J. MATA FOR A NEIGHBORHOOD STABILIZATION PROGRAM 1 FIRST TIME HOME BUYER LOAN AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE SUBORDINATION AGREEMENT ON BEHALF OF THE CITY OF MADERA

B-5 Consideration of a Resolution Approving Amendment #1 to the FY 2017-18 Site Management Contract Between the City and the Fresno-Madera Area Agency On Aging (FMAAA) and Authorizing the Mayor to Execute the Amendment to the Agreement on Behalf of the City; and
RES. NO. 17-170  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT #1 TO THE FY 2017-18 SITE MANAGEMENT CONTRACT BETWEEN THE CITY AND THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE CONTRACT ON BEHALF OF THE CITY.

RES. NO. 17-171  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE FY 2017-18 GENERAL FUND/ORG 10206218 - SENIOR CITIZEN COMMUNITY SERVICE PROGRAM BUDGET TO RECOGNIZE $28,000 IN ADDITIONAL REVENUE

B-6  Consideration of a Resolution Approving Amendment #1 to the FY 2017-18 Adult Day Care (ADC) Contract Between the City and the Fresno-Madera Area Agency On Aging (FMAAA) and Authorizing the Mayor to Execute the Amendment to the Contract on Behalf of the City (Report by Mary Anne Seay)

RES. NO. 17-172  RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT #1 TO THE FY 2017-18 ADULT DAY CARE (ADC) CONTRACT BETWEEN THE CITY AND THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE CONTRACT ON BEHALF OF THE CITY.

B-7  Consideration of a Resolution Approving a Labor Management Workers' Compensation Alternative Dispute Resolution Agreement Between the City of Madera and the Law Enforcement Mid Management Group and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)


B-8  Consideration of a Resolution Approving an Agreement with Accurint Crime Analysis to Track Crime Data and Authorizing the Mayor to Sign On Behalf of the City (Report by Daniel Foss)

RES. NO. 17-174  RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT WITH ACCURINT CRIME ANALYSIS AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY.

B-9  Consideration of a Resolution Accepting Public Utility Easement, Offered by Valley West Christian Center, A Non-Profit Religious Corporation, Located at 101 West Adell Street, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)
RES. NO. 17-175
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING PUBLIC UTILITY EASEMENT, OFFERED BY VALLEY WEST CHRISTIAN CENTER, A NON-PROFIT RELIGIOUS CORPORATION, LOCATED AT 101 WEST ADELL STREET, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

B-10 Consideration of a Resolution Accepting Street Easement Deed, Offered by Madera Unified School District, for the Virginia Lee Rose School Located at 1001 Lilly Street, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 17-176
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING STREET EASEMENT DEED, OFFERED BY MADERA UNIFIED SCHOOL DISTRICT, LOCATED AT 1001 LILLY STREET, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

B-11 Consideration of a Resolution Accepting Street Easement Deed, Offered by CMSS Properties, LLC, A California Limited Liability Company, Located at 3211 Aviation Drive, and Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 17-177
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING STREET EASEMENT DEED, OFFERED BY CMSS PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, LOCATED AT 3211 AVIATION DRIVE, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

B-12 Consideration of a Resolution Approving Program Supplement Agreement No. F056 for the Construction of Pedestrian Facilities Around Schools and Commercial Areas, City CIP Project Number R-62, Federal Project Number CML 5157 (108) and Authorizing the City Engineer to Execute Program Supplement Agreement No. F056 on Behalf of the City (Report by Keith Helmuth)

RES. NO. 17-178
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. F056 FOR THE CONSTRUCTION OF PEDESTRIAN FACILITIES AROUND SCHOOLS AND COMMERCIAL AREAS, CITY CIP PROJECT NUMBER R-62, FEDERAL PROJECT NUMBER CML 5157 (108) AND AUTHORIZING THE CITY ENGINEER TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. F056 ON BEHALF OF THE CITY

B-13 Consideration of a Resolution Approving Program Supplement Agreement No. F055 for the Alley Paving Project at Various Locations, City CIP Project Number ALY-02, Federal Project Number CML 5157 (109) and Authorizing the City Engineer to Execute Program Supplement Agreement No. F055 on Behalf of the City (Report by Keith Helmuth)

RES. NO. 17-179
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. F055 FOR THE ALLEY PAVING PROJECT AT VARIOUS LOCATIONS, CITY CIP PROJECT NUMBER ALY-02, FEDERAL PROJECT NUMBER CML 5157 (109) AND AUTHORIZING THE CITY ENGINEER TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. F055 ON BEHALF OF THE CITY
B-14 Consideration of a Resolution Approving Program Supplement Agreement No. F057 for the Shoulder Paving Project on Golden State Blvd from Pecan Avenue to Madera Community Hospital, City CIP Project Number R-68, Federal Project Number CML 5157 (110) and Authorizing the City Engineer to Execute Program Supplement Agreement No. F057 on Behalf of the City (Report by Keith Helmuth)

RES. NO. 17-180 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. F057 FOR THE SHOULDER PAVING PROJECT ON GOLDEN STATE BLVD FROM PECAN AVENUE TO MADERA COMMUNITY HOSPITAL, CITY CIP PROJECT NUMBER R-68, FEDERAL PROJECT NUMBER CML 5157 (110) AND AUTHORIZING THE CITY ENGINEER TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. F057 ON BEHALF OF THE CITY

City Administrator David Tooley exited the Council Chambers for item B-15 and returned after action was taken.

B-15 Consideration of Resolutions Approving Amendment No. 1 to the 2017/2018 Community Development Block Grant Agreements for Services as follows: (Report by Ivette Iraheta) [Item pulled for separate action.]

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, ITEM B-15, RES. NOS. 17-181 THROUGH 17-187, WERE ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

B-15 Consideration of Resolutions Approving Amendment No. 1 to the 2017/2018 Community Development Block Grant Agreements for Services as follows: (Report by Ivette Iraheta)

A. The Community Action Partnership of Madera County to Coordinate with the Fresno/Madera Continuum of Care

RES. NO. 17-181 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY

B. The Madera County Workforce Investment Corporation for the Vocational Training/Certification Program

RES. NO. 17-182 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COUNTY WORKFORCE INVESTMENT CORPORATION

C. The Madera Coalition for Community Justice to Coordinate the Zocalo Madera Program

RES. NO. 17-183 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE MADERA COALITION FOR COMMUNITY JUSTICE

D. The City of Madera Parks and Community Services Department to Provide Nutrition, Fitness, Recreation and Education Services to Seniors
RES. NO. 17-184  A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT

E. The Housing Authority of the City of Madera for the Pomona Ranch Housing for the Homeless Project

RES. NO. 17-185  A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE HOUSING AUTHORITY OF THE CITY OF MADERA

F. The City of Madera Engineering Department for the East Yosemite Avenue and Elm Street Traffic Signal Project

RES. NO. 17-186  A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA ENGINEERING DEPARTMENT

G. The City of Madera Engineering Department for the George Washington Elementary School Sidewalk Project

RES. NO. 17-187  A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR SERVICES WITH THE CITY OF MADERA ENGINEERING DEPARTMENT

B-16 Consideration of a Resolution Approving a Side Letter Agreement between the City of Madera and Operating Engineers Local Union No. 3 Related to Compensation for Wastewater Treatment Plant Positions and Authorizing the City Administrator to Execute the Agreement (Report by Wendy Silva)

RES. NO. 17-188  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF MADERA AND OPERATING ENGINEERS LOCAL UNION NO. 3 RELATED TO COMPENSATION FOR WASTEWATER TREATMENT PLANT POSITIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT

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

C-1 Second Reading and Consideration of Adoption of an Ordinance Rezoning Approximately 7,500 Square Feet Located on the West Side of North K Street, North of its Intersection with West Yosemite Avenue (118 North K Street) from the R2 (Medium Density Residential) to the R3 (High Density Residential) Zone District (Report by Chris Boyle)

Planning Manager Chris Boyle presented the report.

The ordinance was read by title by the City Clerk.
ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, FURTHER READING WAS WAIVED, AND ITEM C-1, ORD. NO. 948 C.S., WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

ORD. NO. 948 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING AN APPROXIMATELY 7,500 SQUARE FOOT PARCEL LOCATED AT 118 NORTH K STREET FROM THE R2 (MEDIUM DENSITY RESIDENTIAL) ZONE DISTRICT TO THE R3 (HIGH DENSITY RESIDENTIAL) ZONE DISTRICT AS IDENTIFIED WITHIN EXHIBIT "A"

C-2 Public Hearing and Consideration of Introduction of an Ordinance Amending Section 4-15.02 of Chapter 15 of Title IV of the Madera Municipal Code Pertaining to the Cultivation of Cannabis (Report by Brian Esteves)

Lieutenant Brian Esteves presented the report.

Mayor Medellin opened the public hearing and there being no speakers, closed the public hearing.

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

On motion by Council Member Oliver, and seconded by Council Member Rodriguez, further reading was waived, and item C-2, the introduction of an ordinance, was adopted unanimously by a vote of 7-0.

Council Member Rigby suggested that staff bring back a report in June or July to review process.

INTRO. ORD. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING SECTION 2 OF CHAPTER 15 OF TITLE IV (4-15.02) OF THE MADERA MUNICIPAL CODE PERTAINING TO THE CULTIVATION OF CANNABIS

D. WRITTEN COMMUNICATIONS

D-1 Consideration of a Written Request by the Original Madera Kiwanis Club Seeking to have the City Cover Police and Public Works Costs in Conjunction with the Downtown Madera Lighted Christmas Parade (Report by Steve Frazier)

Chief of Police Steve Frazier presented the report.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, ITEM D-1, THE REQUEST BY THE ORIGINAL MADERA KIWANIS CLUB SEEKING TO HAVE THE CITY COVER POLICE AND PUBLIC WORKS COSTS IN CONJUNCTION WITH THE DOWNTOWN MADERA LIGHTED CHRISTMAS PARADE WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

E. ADMINISTRATIVE REPORTS

E-1 Discussion and Direction to Staff Regarding the Structure of the Development Impact Fee Program and Its Applicability to Public Agency Facility Projects (Report by David Merchen)

Community Development Director David Merchen presented the report.

Council direction was given to include wording in the Development Impact Fee program, as it is created, to clarify specific school applicability and to further define how the fee program will be applied for public agency
building projects. In addition, for the pending projects, move forward with the reduction in fees and charges as suggested in the report to Council.

F. COUNCIL REPORTS

Council Member Robinson reported on his attendance at the CalPERS board meeting.

Mayor Pro Tem Foley Gallegos reported that she has been busy with neighborhood watch.

Mayor Pro Tem Foley Gallegos reported on her attendance at the Veteran's ceremony. Council Members Holley and Rodriguez also attended. She asked anyone who is a veteran to stand and thanked them.

Council Member Rigby reported that they are getting ready to launch the Pomona Ranch project. Three families will move in this weekend and they hope to get four other families in by December. Mayor Medellin commented that this is about giving them a hand up.

Council Member Holley reported that he served as a judge at the Rose Elementary Spelling Bee.

Council Member Holley reported that the Second Missionary Baptist Church had their 96th church anniversary. Mayor Medellin and Mayor Pro Tem Foley Gallegos also attended.

Council Member Holley announced that the VA Hospital is holding a memorial service on Saturday at 10:00 a.m. to honor veterans.

Council Member Rodriguez reported on his attendance at the Local Childcare and Development Planning Council.

Council Member Rodriguez wished everyone a Happy Thanksgiving.

Council Member Oliver reported on his attendance at the first Riverview Drive Neighborhood Watch meeting. Mayor Medellin and Mayor Pro Tem Gallegos also attended.

Council Member Oliver reported on his attendance at the San Joaquin River Conservancy meeting. He provided an overview on the approval of the final Environmental Impact Report for the Eaton Trail Extension Project.

Mayor Medellin stated they are close to 90 neighborhoods for neighborhood watch.

Mayor Medellin announced that the graduation for the 8th Citizen Academy Class is tomorrow evening.

Mayor Medellin announced that today they held the first academy for high school students.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 7:43 p.m. to discuss items G-2 and G-3 as listed on the agenda.

G-2 Conference with Labor Negotiators pursuant to Government Code §54957.6

Agency Designated Representatives: David Tooley & Wendy Silva

Employee Organizations: Operating Engineers Local Union No. 3
Madera Police Officers' Association
Mid-Management Employee Group
Law Enforcement Mid-Management Group

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

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 9:06 p.m. with all members present.

Items G-2 and G-3 - No reportable action.

ADJOURNMENT - The meeting was adjourned at 9:07 p.m. Next regular meeting December 6, 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.

SONIA ALVAREZ, City Clerk

ANDREW J. MEDELLÍN, Mayor

City of Madera
205 West Fourth Street
Madera, CA 93637

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