

Item:	B-1
Minutes for:	01/17/18
Adopted:	12/19/18

**MINUTES OF A REGULAR AND SPECIAL MEETING  
OF THE MADERA CITY COUNCIL  
CITY OF MADERA, CALIFORNIA**

**January 17, 2018  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER** – 6:00 p.m.

**ROLL CALL:**

**Present:**

**Mayor Andrew J. Medellin  
Mayor Pro Tem Jose Rodriguez, District 2  
Council Member Cece Foley Gallegos, District 1  
Council Member William Oliver, District 3  
Council Member Charles F. Rigby, District 5  
Council Member Donald E. Holley, District 6**

**Absent:**

**Council Member Derek O. Robinson Sr., District 4**

Others present were Interim 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, Interim Chief of Police Dino Lawson, Director of Human Resources Wendy Silva, Parks and Community Services Director Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Planning Manager Chris Boyle, Interim Division Fire Chief Matt Watson, Deputy City Clerk Zelda Leon, Project Development Coordinator Ellen Bitter, and Interim Commander Gino Chiaramonte.

**INVOCATION:**

Pastor John Pursell, Believers Church of Madera

**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.

Eddie Block, residing in Madera, California, announced that he met with the Chief of Police and Commander. They will be holding a meeting on February 13, 2018 at the Elks Lodge regarding downtown and everyone is invited to express their views. He also invited everyone to attend on February 1, 2018 the first anniversary celebration of his thrift store located downtown.

Ron Montoya, residing in Madera, California, suggested that the next time they consider raising sales tax that they do so for youth programs. He spoke against giving officers more money and in favor of community involvement.

Khalid Chaudhry, business owner in Madera, California, commented that the City needs an investigation or he will sponsor a recall.

**PRESENTATIONS** – None.

**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.*

Council Member Rigby pulled item B-14.

Council Member Foley Gallegos pulled items B-10 and B-11. Council Member Oliver also requested item B-11 pulled.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER FOLEY GALLEGOS, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEMS B-10, B-11, AND B-14, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

- B-1 Minutes – There are no minutes for consideration.
- B-2 Warrant Disbursement Report 12/27/17 – 1/08/18 (Report by Tim Przybyla)
- B-3 Bi-Weekly Water Conservation Report for 12/21/17 – 1/07/18 (Report by David Merchen)
- B-4 Consideration of a Resolution Approving a Contract with Nichols Consulting for the Preparation and Filing of the State Mandated Cost Claims for Period from Execution of the Contract until June 30, 2018 and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Tim Przybyla)

**RES. NO. 18-04      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SPECIAL SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND NICHOLS CONSULTING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

- B-5 Consideration of a Resolution Approving the Award of Contract for Well-27 Pipeline Outfall Extension Southwest Corner of Almond Ave. & Pine St. City Project No. W 17-03 in the Amount of \$191,005 to Emmett's Excavation, Inc., Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management Costs of Up to 10% as Approved by the City Engineer, and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report By Keith Helmuth)

**RES. NO. 18-05      A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR WELL-27 PIPELINE OUTFALL EXTENSION SOUTHWEST CORNER OF ALMOND AVE. & PINE ST. CITY PROJECT NO. W 17-03 IN THE AMOUNT OF \$191,005 TO EMMETT'S EXCAVATION, INC, AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT COSTS OF UP TO 10% AS APPROVED BY THE CITY ENGINEER,**

**AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF  
OF THE CITY**

- B-6 Consideration of a Minute Order Rejecting a Claim Filed by Filiberto Trujillo Salazar (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Rejecting a Claim Filed by Rosa Trujillo (Report by Wendy Silva)
- B-8 Consideration of a Resolution Amending the Madera Americans with Disabilities Act Advisory Council Bylaws (Report by Wendy Silva)

**RES. NO. 18-06            A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING  
THE MADERA AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL  
BYLAWS**

- B-9 Consideration of a Resolution Approving an Addition and/or Amendment to Escrow Instructions Related to the Sale and Purchase of Real Estate for Parcel 16 Within the Freedom Industrial Park (Report by David Merchen)

**RES. NO. 18-07            A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA,  
APPROVING AN ADDITION AND/OR AMENDMENT TO ESCROW  
INSTRUCTIONS RELATED TO SALE AND PURCHASE OF REAL ESTATE FOR  
PARCEL 16 WITHIN THE FREEDOM INDUSTRIAL PARK**

- B-10 Consideration of a Resolution Accepting a Grant Award from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Hiring Program (Report by Ivette Iraheta) *[Item pulled for discussion.]*
- B-11 Consideration of a Resolution Authorizing the City Administrator or His/Her Designee to Execute Agreement with the California Department of Transportation Related to the Sustainable Communities Grant Award (Report by Ivette Iraheta) *[Item pulled for discussion.]*
- B-12 Consideration of a Resolution Approving a Lease Agreement with Madera Cab Company for Use of Office Space at the Intermodal Facility and Authorizing the Mayor to Execute all Related Documents (Report by Ivette Iraheta)

**RES. NO. 18-10            A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE ON  
BEHALF OF THE CITY A LEASE AGREEMENT WITH THE MADERA CAB  
COMPANY FOR USE OF THE INTERMODAL FACILITY**

- B-13 Informational Report on Emergency Sewer Repairs Completed in 5<sup>th</sup> Street at Flume Street and Status of Citywide Video Inspection of Sewer Mains (Report by Keith Helmuth)
- B-14 Consideration of a Minute Order Rejecting a Claim Filed Dora Martinez (Report by Wendy Silva) *[Item pulled for discussion.]*

**ITEMS PULLED FOR DISCUSSION**

- B-14    Consideration of a Minute Order Rejecting a Claim Filed Dora Martinez (Report by Wendy Silva)**

Council Member Rigby declared a conflict of interest on item B-14 due to relationship with named family through his youth group. Council Member Rigby exited the Council Chambers and returned after action was taken.

On motion by Council Member Rodriguez, and seconded by Council Member Holley, item B-14, a Minute Order Rejecting a Claim Filed Dora Martinez, was adopted unanimously by a vote of 5-0. AYES: Mayor Medellin, Council Members Rodriguez, Foley Gallegos, Oliver, Holley. Absent: Council Member Robinson. Abstention: Council Member Rigby.

*B-10 Consideration of a Resolution Accepting a Grant Award from the U.S. Department of Justice's Community Oriented Policing Services (COPS) Hiring Program (Report by Ivette Iraheta)*

Grant Administrator Ivette Iraheta and Interim Chief of Police Lawson provided an overview of the grant and addressed Council's questions.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND COUNCIL MEMBER FOLEY GALLEGOS, ITEM B-10, RES. NO. 18-08 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

**RES. NO. 18-08            A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A GRANT AWARD FROM THE U.S. DEPARTMENT OF JUSTICE'S COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING PROGRAM**

*B-11 Consideration of a Resolution Authorizing the City Administrator or His/Her Designee to Execute Agreement with the California Department of Transportation Related to the Sustainable Communities Grant Award (Report by Ivette Iraheta)*

Grant Administrator Ivette Iraheta provided an overview of the grant and addressed Council's questions.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, ITEM B-11, RES. NO. 18-09, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

**RES. NO. 18-09            A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE TO EXECUTE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 145 (YOSEMITE AVENUE) AS DOWNTOWN MAIN STREET PROJECT**

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

C-1     Consideration of a Resolution Authorizing the Issuance of Special Tax Refunding Bonds for and on Behalf of the City of Madera Community Facilities District No. 2006-1, Approving and Directing the Execution of a Fiscal Agent Agreement, Approving Sale of Such Bonds on a Private Placement Basis, and Approving Other Related Documents and Actions (Report by Tim Przybyla)

Director of Financial Services Tim Przybyla presented the report. Municipal Advisor Ken Dieker of Del Rio Advisors also presented.

Ron Montoya stated he is thankful for the City meeting with his neighborhood for past increase however he feels they are still paying a lot with no new improvements.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY COUNCIL MEMBER RIGBY, ITEM C-1, RES. NO. 18-03 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

**RES. NO. 18-03            A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX REFUNDING BONDS FOR AND ON BEHALF OF THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2006-1, APPROVING AND DIRECTING THE EXECUTION OF A FISCAL AGENT AGREEMENT, APPROVING SALE OF SUCH**

## **BONDS ON A PRIVATE PLACEMENT BASIS, AND APPROVING OTHER RELATED DOCUMENTS AND ACTIONS**

### **D. WRITTEN COMMUNICATIONS**

#### **D-1 Written Communication from Michael Pistoresi Regarding Water Rates**

Director of Financial Services Tim Przybyla introduced Habib Isaac of Raftelis. Mr. Isaac presented a PowerPoint and provided an overview of the study conducted in FY 14/15.

Mike Pistoresi, residing in Madera, California, stated he is looking at this from the standpoint of expense to community and a lot are on a fixed income. He expressed concerns regarding city employees charged to water and sewer and that tiered rates are prohibited on Proposition 218.

Louise Holding, residing in Madera, California, stated expenses are too high and they need to look at cutting conservation.

Kevin Peters, owner of nursery on Granada Avenue, stated the community has slowly deteriorated and rates are high.

Maxine Barnett, residing in Madera, California, stated she received the Beautification Award and can't afford to keep up with the water going up.

Velvet Rhoads, business owner on Pine Street, referred to department head salaries shown on Transparent California and asked for independent audit.

Franklina Bogin, residing in Madera, California stated she is on a fixed income and can't afford increases.

Direction was given to staff to look at conservation component first then consider having consultant provide a proposal to look at fees.

### **E. ADMINISTRATIVE REPORTS**

#### **E-1 Consideration of a Resolution Supporting the Dream Act and the Deferred Action for Childhood Arrivals (Mayor Medellin)**

Mayor Medellin presented the report and consideration of the resolution to urge Congress to pass comprehensive immigration reform.

Santos Garcia, resident of Madera and member of Madera Votes spoke in support of the resolution.

Ramon Lopez, residing in Madera, California expressed concerns regarding breaking families apart and spoke in favor of immigration reform.

Mariana (last name not given), residing in Madera, California, stated she is a Dreamer and DACA recipient. She thanked the Mayor for supporting them.

Johanna Torres, residing in Madera, California, shared that she met a student who was a Dreamer at a rally last year in support of DACA. She stated her support.

Marilyn Deleija, resident of Madera and member of Madera Votes spoke in favor of the resolution. She has talked to Dreamers and they want to be engaged in the community.

Daniel O'Connell, resident of Fresno, California, member of Madera Votes and Executive Director of the Central Valley Partnership spoke in support of the resolution. He commended the Council for bringing this forward.

Jasmine Rueda, resident of Madera, California, spoke in support of this action and that they need to stand united as a community.

Teresa Castillo, residing in Madera, California, spoke in support of the resolution.

**ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM E-1, RES. NO. 18-11 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

**RES. NO. 18-11            A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, SUPPORTING THE DREAM ACT AND THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS**

- E-2      Discussion and Consideration of Solicitation for Consultant(s) to Perform an Employee Compensation Study and/or Other Services Related to Review Internal City Operations to Address Council Concerns (Mayor Medellin)

Mayor Medellin opened the discussion.

Kay Rhoads, business owner in Madera, California, spoke in favor of an independent auditor.

Michelle Garcia, residing in Madera, California, spoke against using Ron Manfredi and in favor of someone independent.

Teresa Castillo, residing in Madera, California, asked that they also review the job description and job qualifications of individual.

Eddie Block, residing in Madera, California, spoke in support of audit but suggested that they don't hire the same people from last time.

Following discussion, direction was given to issue request for proposals for management compensation study and audit of enterprise funds. Direction was also given to issue a request for proposal for the city administrator recruitments and bring back an item for Council to make selection.

*MOVE TO SPECIAL MEETING*

**B.      CONSENT CALENDAR**

- B-1      Consideration of a Minute Order Approving a Letter of Support to the Madera County Transportation Commission in Favor of a Grant Application for Funding of the State Route 99 Widening from 4 to 6 Lanes Between Avenue 12 and Avenue 17 Under the Trade Corridor Enhancement Program (Report by Keith Helmuth)

City Engineer Keith Helmuth addressed the questions from members of the Council and offered to get additional information for the Council.

**ON MOTION BY COUNCIL MEMBER RIGBY AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM B-1 ON THE SPECIAL COUNCIL MEETING AGENDA, A MINUTE ORDER APPROVING A LETTER OF SUPPORT TO THE MADERA COUNTY TRANSPORTATION COMMISSION IN FAVOR OF A GRANT APPLICATION FOR FUNDING OF THE STATE ROUTE 99 WIDENING FROM 4 TO 6 LANES BETWEEN AVENUE 12 AND AVENUE 17 UNDER THE TRADE CORRIDOR ENHANCEMENT PROGRAM, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

**E.      ADMINISTRATIVE REPORTS**

- E-1      Discussion and Direction Regarding Preferred Annexation Strategies (Report by Chris Boyle)

**ON MOTION BY MAYOR PRO TEM RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GALLEGOS, THE MOTION TO TABLE ITEM E-1 TO THE NEXT MEETING WAS PASSED UNANIMOUSLY BY A VOTE OF 6-0. ABSENT: COUNCIL MEMBER ROBINSON.**

*RETURN TO REGULAR MEETING*

**F. COUNCIL REPORTS**

Council Member Rigby requested the Parks and Community Services Director to provide an update on the lighting of parks due to daylight savings time.

Mayor Pro Tem Rodriguez reported on meeting with local businesses to discuss advertising of alcohol and tobacco products in an effort to make it a cleaner and safer place for their residents. Also in attendance: Mayor Medellin, Council Member Holley, Interim City Administrator Frazier, Interim Chief of Police Lawson

Council Member Oliver reported on meeting with different stakeholders regarding the business incentive program. Also in attendance: Mayor Pro Tem Rodriguez, Council Member Rigby, Interim City Administrator Frazier.

Council Member Oliver reported on the Homeless Point in Time Count scheduled next week.

Mayor Medellin followed up on Council Member Oliver's report regarding meeting with businesses who are interested in beautifying Madera. He shared how this came about.

Mayor Medellin referred to SB 1 funding. He asked staff to share process on how bus stop canopies are located.

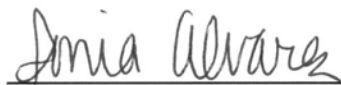
**G. CLOSED SESSION**

There are no items for this section.

**ADJOURNMENT** – 10:02 p.m. Next regular meeting February 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.



SONIA ALVAREZ, City Clerk



ANDREW J. MEDELLIN, Mayor

