MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL

June 19, 2019
6:00 p.m. Council Chambers
6:00 p.m. 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 Steve Montes, District 3
       Council Member Cece Foley Gallegos, District 1
       Council Member Jose Rodriguez, District 2
       Council Member Derek O. Robinson Sr., District 4
       Council Member Santos Garcia, District 5

Absent: Council Member Donald E. Holley, District 6

Others present were City Manager Arnoldo Rodriguez, Interim City Attorney Hilda Montoy Cantu, Interim City Clerk Claudia Mendoza, Chief of Police Dino Lawson, Assistant Fire Chief Matt Watson, Interim Finance Director Susan O’Haro, City Engineer Keith Helmuth, Human Resources Director Wendy Silva, Chief Building Official Steve Woodworth, Information Services Manager Mark Souders, Parks and Public Works Operations Director John Scarborough, Acting Planning Manager Chris Boyle, Grant Administrator Ivette Iraheta, Commander Gino Chiaramonte, Grants Program Manager Debra McKenzie, Engineering Project Manager Frank Holguin, Assistant Engineer Jose Sandoval, Battalion Chief Anthony Garcia, Grants Program Manager Jorge Rojas, Housing Authority Executive Director Linda Shaw, Finance Administrative Analyst Eric Battles, Parks Community Program Coordinator Corinne Long Folk, Detective John Rosel, Corporal Brent Cederquist, and Deputy Engineer Jose Aguilar.

INVOCATION: Pastor Fred L. Thurman, New Life Assembly 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.
Raquel White with California Industry Force Account Council (CIFAC) provided information regarding the programs offered CIFAC.

Angel Reyna President of Madera Community College Center introduced himself and thanked Council for their service in the community. He looks forward to collaborating with the City.

Joanna Fleek with Madera County School District requested that the Council should consider providing funding for police officers at the high schools.

Paul Jay Lee expressed his concerns with 5G and the harmful high-frequency radio airwaves.

No other comments given.

PRESENTATIONS: None.

INTRODUCTIONS: None.

A. WORKSHOP

A-1 Communities Facilities District Workshop (Presentation by Chris Boyle)

Acting Planning Manager Chris Boyle provided presentation to the council.

Interim City Clerk made late distribution announcement regarding item B-3, B-4, B-9 and C-4. Also mentioned correction in agenda title for item C-1.

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.

Item B-6 was pulled by Council Member Robinson for discussion.

ON MOTION BY COUNCIL MEMBER GALLEGOS, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM B-6, WAS ADOPTED BY A VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, ROBINSON, RODRIGUEZ AND GARCIA. NOES: 0. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.

B-1 Minutes – 04/17/2019, 05/01/2019, and 05/15/2019

B-2 Warrant Disbursement Report for May 18, 2019 to June 7, 2019 (Report by Susan O’Haro)

B-3 Consideration of a Resolution Approving Amendment No. 3 for the 2017/2018 Community Development Block Grant Agreement for the George Washington Elementary School Sidewalk Improvement Project and Authorizing the Mayor to Sign the Amendment (Report by Ivette Iraheta)

B-4 Consideration of a Resolution Approving an Amendment for the 2018/2019 Community Development Block Grant Agreement for the High-Intensity Activated CrossWalk (HAWK) Pedestrian Signal at the Intersection of Stadium Road and Gary Street and Authorizing the Mayor to Sign the Amendment (Report by Ivette Iraheta)


B-5 Consideration of a Minute Order Appointing Councilmember Santos Garcia to the City's Cannabis Ad Hoc Committee (Report by Arnoldo Rodriguez)

B-6 Consideration of a Resolution Setting a City Council Health Benefits Equal to Health Benefits Received by Mid Management Employee Group (Report by Wendy Silva)

After discussion Council moved to approve item B-6.

ON MOTION BY COUNCIL MEMBER GALLEGOS AND SECONDED BY COUNCIL MEMBER MONTES, ITEM B-6, RES. NO 19-94, WAS ADOPTED BY A VOTE OF 5-1-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, AND GARCIA. NOES: COUNCIL MEMBER ROBINSON. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.

RES. NO. 19-94  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA SETTING THE HEALTH BENEFITS RECEIVED BY CITY COUNCIL MEMBERS EQUAL TO HEALTH BENEFITS RECEIVED BY THE MID MANAGEMENT EMPLOYEE GROUP

B-7 Consideration of a Resolution Accepting Public Utility Easement and Pedestrian Deed, Offered by Bronco Professional Park LLC, at Almond Avenue and Emily Way, and Authorizing the City Clerk to Execute and Cause to Be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 19-95  A RESOLUTION ACCEPTING PUBLIC UTILITY AND PEDESTRIAN EASEMENT DEED, OFFERED BY BRONCO PROFESSIONAL PARK LLC, AT ALMOND AVENUE AND EMILY WAY, AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE
B-8 Consideration of a Minute Order Accepting the Pedestrian Facilities Around Schools and Commercial Areas, City Project No. R-62, Federal Project No. CML-5157(108) Project that Includes National Avenue, 3rd Street, Williams Avenue, Howard Road and Authorizing Recording of the Notice of Completion and Authorizing the Release of Retention (Report by Keith Helmuth)

B-9 Consideration of a Resolution Approving Annexation of Love’s Country Stores of California, Love’s Hospitality of CA, The Tint Shop (Jose Flores and Francisco Flores), Madera County Public Health and Department of Social Services (Madera H&HS LLC), Boston Motor’s Inc. (Arturo Mejia and Micaela A Mejia), Starbucks Drive-Thru & Outdoor Patio (First Priority Funding, LLC), Nassar Parcel Map 19-P-01 (Palepino, LLC), Crown Tozer Subdivision (Joseph Crown Construction and Development Inc.), Burger King (Pasquale Desantis and Carmela Desantis), East Almond (Mukker) Medical Office (Jalebi, LLC), and CVI Group Subdivision into Zone of Benefit 51; Confirming the Diagram and Assessment for City Wide Landscape and Lighting Assessment District (LMD) Zone of Benefit 51 for Fiscal Year 2019/2020; Authorizing the Mayor to Execute the Covenant on Behalf of the City (Report by Keith Helmuth)

RES. NO. 19-96
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ANNEXATION OF LOVE’S COUNTRY STORES OF CALIFORNIA, LOVE’S HOSPITALITY OF CA, THE TINT SHOP (JOSE FLORES AND FRANCISCO FLORES), MARADERA COUNTY PUBLIC HEALTH AND DEPARTMENT OF SOCIAL SERVICES (MADERA H&HS LLC), BOSTON MOTOR’S INC. (ARTURO MEJIA AND MICAELA A MEJIA), STARBUCKS DRIVE-THRU & OUTDOOR PATIO (FIRST PRIORITY FUNDING, LLC), NASSAR PARCEL MAP 19-P-01 (PALEPINO, LLC), CROWN TOZER SUBDIVISION (JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT INC.), BURGER KING (PASQUALE DESANTIS AND CARMELA DESANTIS), EAST ALMOND (MUKKER) MEDICAL OFFICE (JALEBI, LLC), AND CVI GROUP SUBDIVISION INTO ZONE OF BENEFIT 51; CONFIRMING THE DIAGRAM AND ASSESSMENT FOR CITY WIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT (LMD) ZONE OF BENEFIT 51 FOR FISCAL YEAR (FY) 2019/2020; AND AUTHORIZING THE MAYOR TO EXECUTE THE COVENANT ON BEHALF OF THE CITY

B-10 Consideration of a Resolution Approving Agreement for Outside of City Water and Sewer Service for Property Located at 28261 Avenue 14 1/2, Approving Covenant to Annex, Authorizing the Mayor to Execute the Agreement and Covenant on Behalf of the City and Directing Staff to Record the Agreement and Covenant (Report by Keith Helmuth)

RES. NO. 19-97
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH JOSEFINA MEJIA AND LUIS MARTINEZ FOR OUTSIDE OF CITY WATER AND SEWER SERVICE FOR 28261 AVENUE 14 1/2, APPROVING THE COVENANT TO ANNEX, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND COVENANT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT AND COVENANT

B-11 Consideration of a Minute Order Appointing Councilmember Derek Robinson to the City’s Golf Course Ad-Hoc Committee (Report by Arnoldo Rodriguez)
C. **HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS**

Mayor announced that Item F-1 would be moved ahead of C-1 in the agenda.

**C-1** Consideration of a Resolution Adopting the Community Development Block Grant (CDBG) 2019/2020 Action Plan, Approving Allocations Totaling $892,89 and Authorizing the City Manager to sign the Certifications (Report by Ivette Iraheta)

Grants Administrator Ivette Iraheta presented staff report.

**ON MOTION BY COUNCIL MEMBER RODRIGUEZ AND SECONDED BY COUNCIL MEMBER MONTES, ITEM C-1, RES. NO 19-98, WAS ADOPTED BY A VOTE OF 4-1-1-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, ROBINSON, AND RODRIGUEZ. NOES: COUNCIL MEMBER GALLEGOS. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: COUNCIL MEMBER GARCIA.**

**RES. NO. 19-98**  
A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2019/2020 ACTION PLAN, APPROVING ALLOCATIONS AND AUTHORIZING THE CITY MANAGER TO SIGN THE CERTIFICATIONS


City Engineer Keith Helmuth presented staff report.

**ON MOTION BY COUNCIL MEMBER GALLEGOS AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-2, MINUTE ORDER APPROVING ENGINEER’S REPORT FOR CITY WIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONES WAS ADOPTED BY A VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, ROBINSON, RODRIGUEZ AND GARCIA. NOES: 0. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.**

**ON MOTION BY COUNCIL MEMBER MONTES AND SECONDED BY COUNCIL MEMBER GARCIA, ITEM C-2, RES. NO 19-99 WAS ADOPTED BY A VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, ROBINSON, RODRIGUEZ AND GARCIA. NOES: 0. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.**
RES. NO. 19-99

C-3 Consideration of a Resolution Approving the Applications for Transportation Development Act-Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2019/20 and authorizing the City Engineer to Execute and Submit the Applications to the Madera County Transportation Commission (Report by Keith Helmuth)

Deputy City Engineer Jose Aguilar, City Engineer Keith Helmuth, Grants Administrator Ivette Iraheta, and Grants Program Manager Debra McKenzie presented staff report.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ AND SECONDED BY COUNCIL MEMBER GARCIA, ITEM C-3, RES. NO 19-100 WAS ADOPTED BY A VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, ROBINSON, RODRIGUEZ AND GARCIA. NOES: 0. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.

RES. NO. 19-100
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT - LOCAL TRANSPORTATION FUNDS AND STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2019/20 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE AND SUBMIT THE APPLICATIONS TO THE MADERA COUNTY TRANSPORTATION COMMISSION

C-4 Consideration of a Resolution of the City Council of the City of Madera, California Approving a New Schedule “A” Agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2019 to June 30, 2020 for Fire Service Operations and Authorizing the Mayor to Sign the Agreement on Behalf of the City of Madera (Report by Matt Watson)

Assistant Fire Chief Matt Watson presented staff report.

ON MOTION BY COUNCIL MEMBER GARCIA AND SECONDED BY COUNCIL MEMBER GALLEGOS, ITEM C-4, RES. NO 19-101 WAS ADOPTED BY A VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, ROBINSON, RODRIGUEZ AND GARCIA. NOES: 0. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.

RES. NO. 19-101
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A NEW SCHEDULE "A" AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FROM JULY 1,
C-5 Introduction of an Ordinance of the City Council of the City of Madera, California Amending Title II, Chapter 1 of the Madera Municipal Code Relating to the City Council Voting (Report by Arnoldo Rodriguez)

City Manager Arnoldo Rodriguez presented staff report.

The ordinance title was read by title by the Interim City Clerk.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ AND SECONDED BY COUNCIL MEMBER MONTES, FURTHER READING WAS WAIVED AND ITEM C-5, ORD. 963 C.S. WAS ADOPTED BY A VOTE OF 6-1. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, ROBINSON, RODRIGUEZ AND GARCIA. NOES: 0. ABSENT: COUNCIL MEMBER HOLLEY. ABSTAIN: 0.

INTRO. ORD. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING TITLE II, CHAPTER 1 OF THE MADERA MUNICIPAL CODE RELATING TO CITY COUNCIL VOTING

D. WRITTEN COMMUNICATIONS: None.

E. ADMINISTRATIVE REPORTS: None.

F. COUNCIL REPORTS

Item was taken out of order and was discussed before Item C-1.

F-1 Madera County Arts Council Update and Discussion of Contribution of Start-up Costs (Report by Council Member Gallegos)

Madera County Arts Authority President Dr. Julie O’Kane presented staff report.

City Manager Arnoldo Rodriguez stated that the City’s 2019/2020 budget does not include requested funds and he recommended the Council bring this item back in couple of months once budget is approved. Mayor concurred.

F-2 Mayor’s Appointment of a Board Member to the Community Action Partnership of Madera County (CAPMC) Board (Report by Mayor Andrew Medellin)

Mayor Medellin presented report and appointed Mayor Pro-Tem Montes to serve as the primary representative the Community Action Partnership of Madera County Board.

Council Member Robinson reported that he toured the Fire Station on D Street & 4th Street.
Council Member Robinson also reported he attended the California League of Cities Committee on economic housing and community. They discussed housing shortages. He recommended the City adopt a Marshall plan.

Council Member Gallegos reported that she went on a ride along with Madera Police Department on Friday. She was truly impressed and proud to say she is a citizen of Madera.

Mayor Pro-Tem Montes thanked Mayor for appointing him as the City's representative to the CAPMC Board.

No other reports were given.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

Council adjourned to Closed Session at 8:56 p.m.

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

Agency Designated Representatives: Arnoldo Rodriguez, Wendy Silva, & Che Johnson

Employee Organizations:
- General Bargaining Unit
- Madera Police Officers' Association
- Mid-Management Employee Group
- Law Enforcement Mid-Management Group

G-3 Public Employee Appointment Pursuant to Government Code Section 54957(b)(1)

Title: Executive Director of the Successor Agency to the Former Madera Redevelopment Agency

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

Property: 1 Parcel

City of Madera APN: 011-201-002

Agency Negotiators: Keith Helmuth, Les Jorgensen

Negotiating Party: Scott and Melissa Chase

Under Negotiations: Price and Terms

G-5 Government Code section 54956.9-CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9 (Deciding Whether to Initiate Litigation): One Case

G-6 Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) – 3 cases

G-7 Closed Session Report – City Attorney

Council returned from closed session at 10:39 p.m. with all members present.
Interim City Attorney Hilda Montoy Cantu stated there was one reportable action on claim by Paul Escalante regarding an accident that occurred on 4/18/2019. The City Council determined by a vote of 6-0 to pay the claim of $7,764.53.

ADJOURNMENT – The meeting was adjourned at 10:39 p.m. Next regular meeting July 3, 2019

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.

CLAUDIA MENDOZA, Interim City Clerk

ANDREW J. MEDELLIN, Mayor