

Item:	B-1
Minutes for:	12/20/17
City Adopted:	12/05/18
MPFA Adopted	11/20/19

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

**December 20, 2017
6:00 p.m.**

**Council Chambers
City Hall**

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

The special meeting of the Housing Authority of the City of Madera was also called to order.

ROLL CALL: - Roll was called for all agencies.

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

Others present were 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 Gino Chiaramonte, Interim Division Fire Chief Matt Watson, and Battalion Chief Jim Forga.

INVOCATION: Pastor David Dougherty, Harvest Community Church

Pastor David Votaw of Harvest Community Church gave the invocation in place of Pastor Dougherty.

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.

Rachel Martin spoke on behalf of Sierra Valley Almonds. She distributed a timeline to the Council regarding water for the property located in the County. She expressed frustrations regarding the process that has been going on for a year.

Mark Turmon, owner of Sierra Valley Almonds, spoke regarding the investment they are making for their new plant. He expressed concerns regarding the run around they have been receiving over the last year from the City regarding permits.

Khalid Chaudhry, business owner in Madera, California, spoke regarding moral and technical mandate and advised that tiered water rates have been declared unconstitutional by the Supreme Court.

Rob Teran expressed safety concerns. He mentioned Maple Street, Stadium Road and Yosemite Avenue and asked that the City fix roads. He also had questions regarding bike lanes and his water bill.

Johanna Torres, resident of Madera, California, spoke regarding spending and that they keep in mind that this is a low-income community. She also referred to what's been on the news and asked that the Council agendaize that.

Justin (last name not given) spoke regarding the need to educate the community on the effects of climate change.

Marylin Delejia thanked Mayor Medellin and Council Members Oliver and Rodriguez for meeting with Madera Votes. She asked that they keep in mind everything they discussed and that they hope to have future discussions.

Vickie Sloan, residing in Madera, California, expressed concerns regarding salaries; whether the Council had considered the individual who is willing to take on challenges of the City Administrator for a lower salary; that people are watching to see what they do; and the potential for a recall.

Gabriela Angeles spoke regarding salaries, growth in surrounding cities, the deficit and asked that they look at alternatives and do something about it.

Michelle Garcia, residing in Madera, California, agreed with the last speaker. She stated she is not in favor of excessive salaries when this town has nothing to offer. She wants change or will take it to the voting polls.

Jose Gomez, residing in Madera, California, stated he feels Madera should come first as a City. He loves the City and people here are amazing.

Mayor Medellin moved to the Housing Authority meeting (6:28 p.m. – 6:33 p.m.). The City Council and Madera Public Financing Authority joint meeting was called back to order at 6:33 p.m.

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.

No items were pulled from the consent calendar.

ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

- B-1 Minutes – 3/15/17
- B-2 Warrant Disbursement Report (Report by Tim Przybyla)
- B-3 Bi-Weekly Water Conservation Report for 11/20/17 – 12/10/17 (Report by Dave Randall)
- B-4 Consideration of a Resolution Accepting Grant Funding from Kaiser Foundation Hospitals (KFH) for the Madera Heal Zone III Project, Approving the Grant Agreement with KFH and Authorizing the City Administrator to Execute the Agreement and Related Documents on Behalf of the City; and

Consideration of a Resolution Amending the FY 2017 – 18 Parks and Community Services Budget to Recognize the Proceeds of the Grant and Appropriate Funds to Specified Accounts (Report by Mary Anne Seay)

RES. NO. 17-193 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ACCEPTING GRANT FUNDING FROM KAISER FOUNDATION HOSPITALS (KFH) FOR THE MADERA HEAL ZONE III PROJECT, APPROVING THE GRANT AGREEMENT WITH KFH AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS ON BEHALF OF THE CITY

RES. NO. 17-194 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE FY 2017-18 PARKS AND COMMUNITY SERVICES BUDGET TO RECOGNIZE THE PROCEEDS OF A KAISER FOUNDATION HOSPITALS GRANT AND TO APPROPRIATE FUNDS TO SPECIFIED ACCOUNTS

- B-5 Consideration of a Minute Order Approving Settlement of a Claim Filed with Nationwide Insurance Company for Property Damage (Report by Wendy Silva)
- B-6 Consideration of a Minute Order Rejecting a Claim filed by Maribel Shaw (Report by Wendy Silva)
- B-7 Consideration of a Minute Order Rejecting a Claim filed by F. Loduca Co. (Report by Wendy Silva)
- B-8 Consideration of a Resolution Approving an Agreement between the City of Madera and Thales Consulting, Inc. to Prepare and File the City's Financial Transactions Report, the Financing Authority Special District Report, and the Annual Transit Report for Fiscal Years 16/17, 17/18 and 18/19 and Authorizing the Mayor to Execute the Three-Year Agreement (Report by Tim Przybyla)

RES. NO. 17-195 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND THALES CONSULTING, INC. TO PREPARE AND FILE CITY'S FINANCIAL TRANSACTIONS REPORT, THE FINANCING AUTHORITY SPECIAL DISTRICT REPORT, AND THE ANNUAL TRANSIT REPORT FOR FISCAL YEARS 16/17, 17/18 AND 18/19 AND AUTHORIZING THE MAYOR TO EXECUTE THE THREE YEAR AGREEMENT

- B-9 Consideration of Resolution Approving a Grant of Easement Agreement with the County of Madera for an Easement Needed to Construct a Portion of the Gateway/UPRR Trail Undercrossing, Authorizing the Mayor to Sign the Agreement on Behalf of the City and

Authorizing the City Clerk to Execute and Cause to be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

RES. NO. 17-196 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A GRANT OF EASEMENT AND AGREEMENT WITH THE COUNTY OF MADERA FOR AN EASEMENT NEEDED TO CONSTRUCT A PORTION OF THE GATEWAY/UPRR TRAIL UNDERCROSSING, AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY AND AUTHORIZING THE CITY CLERK TO EXECUTE AND CAUSE TO BE RECORDED, A CERTIFICATE OF ACCEPTANCE

B-10 Consideration of a Resolution Approving a Lease Agreement with First Transit, Inc. for its Office at the Intermodal Facility and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report by Ivette Iraheta)

RES. NO. 17-197 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A LEASE WITH FIRST TRANSIT, INC. FOR ITS OFFICE AT THE INTERMODAL FACILITY

B-11 Consideration of a Resolution Appointing Linda Clark, Cynthia Ortegón, and Alex Salazar as Members of the City of Madera Transit Advisory Board (Report by Ivette Iraheta)

RES. NO. 17-198 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING LINDA CLARK, CYNTHIA ORTEGÓN, AND ALEX SALAZAR AS MEMBERS OF THE CITY OF MADERA TRANSIT ADVISORY BOARD

B-12 Consideration of a Resolution Approving a Contract with PredPol, Inc. to Provide Predictive Policing Crime Analytics Services and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Brian Esteves)

RES. NO. 17-199 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT WITH PREDPOL, INC. TO PROVIDE PREDICTIVE POLICING CRIME ANALYTICS SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

B-13 Consideration of a Resolution Approving a Contract with Vigilant Solutions, LLC to Provide Automatic License Plate Reader Equipment, Data Collection and Software Access and Authorizing the Mayor to Execute the Contract on Behalf of the City (Report by Brian Esteves)

RES. NO. 17-200 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A CONTRACT WITH VIGILANT SOLUTIONS, LLC TO PROVIDE AUTOMATIC LICENSE PLATE READER SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

B-14 Consideration of a Resolution Approving the Award of Contract for E. Yosemite Avenue (SR 145) & Elm Avenue Traffic Signal Installation City Project No. TS 17-02, CDBG Project No. B17MC060053 (REBID) in the Amount of \$516,310 to Bush Engineering, Inc., Authorizing Construction Contingencies of Up to 10% and Construction Inspection and Management Contingencies 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. 17-201 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR E. YOSEMITE AVENUE (SR 145) & ELM AVENUE TRAFFIC SIGNAL INSTALLATION CITY PROJECT NO. TS 17-02, CDBG PROJECT NO. 817MC060053 (REBID) IN THE AMOUNT OF \$516,310 TO BUSH ENGINEERING, INC., AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AND CONSTRUCTION INSPECTION AND MANAGEMENT CONTINGENCIES OF UP TO 10% AS APPROVED BY THE CITY ENGINEER, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

B-15 Consideration of a Resolution Approving the Award of Contract for Water Main Installations at Various Locations City Project No. W 16-03 to Emmett's Excavation Inc., Authorizing Construction Contingencies of Up to 10% as Approved by the City Engineer, Construction Management and Inspection Costs Up to 5% and Authorizing the Mayor to Execute the Contract on Behalf of the City; and

Consideration of a Resolution Approving Funding Amendments to the City of Madera Fiscal Year 2017/18 Capital Fund Budget for Water Main Installations at Various Locations City Project No. W 16-03 (Keith Helmuth)

RES. NO. 17-202 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR WATER MAIN INSTALLATIONS AT VARIOUS LOCATIONS CITY PROJECT NO. W 16-03, IN THE AMOUNT OF \$671,037.00 TO EMMETT'S EXCAVATION INC., AND AUTHORIZING CONSTRUCTION CONTINGENCIES OF UP TO 10% AS APPROVED BY THE CITY ENGINEER AND CONSTRUCTION MANAGEMENT AND INSPECTION COSTS UP TO 5% AS APPROVED BY THE CITY ENGINEER, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

RES. NO. 17-203 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING FUNDING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2017/18 CAPITAL PROJECTS BUDGET FOR THE INSTALLATION OF WATER MAINS AT VARIOUS LOCATIONS PROJECT, CITY PROJECT NO. W 16-03**

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

C-1 Consideration of a Resolution of the Madera City Council Approving a Lease, a Sublease and an Assignment Agreement; and Authorizing Execution of Documents and the Taking of All Necessary Actions Relating to the Lease Financing
(City – Report by Tim Przybyla)

Director of Financial Services Tim Przybyla presented the report for items C-1 and C-2 concurrently due to related subject matter and action required by both agencies. Also presenting was Municipal Advisor Ken Dieker of Del Rio Advisors.

ON MOTION BY COUNCIL MEMBER RIGBY AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM C-1, RES. NO. 17-204, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 17-204 **RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A LEASE, A SUBLEASE AND AN ASSIGNMENT AGREEMENT;**

**AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL
NECESSARY ACTIONS RELATING TO THE LEASE FINANCING**

- C-2 Consideration of a Resolution of the Madera Public Financing Authority Approving a Lease, a Sublease and an Assignment Agreement; and Authorizing Execution of Documents and the Taking of All Necessary Actions Relating to the Lease Financing (MPFA – Report by Tim Przybyla)

Director of Financial Services Tim Przybyla presented the report for items C-1 and C-2 concurrently due to related subject matter and action required by both agencies. Also presenting was Municipal Advisor Ken Dieker of Del Rio Advisors.

ON MOTION BY AUTHORITY MEMBER HOLLEY, AND SECONDED BY AUTHORITY MEMBER RODRIGUEZ, ITEM C-2, MPFA RES. NO. 17-04, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

MPFA RES. NO. 17-04 A MADERA PUBLIC FINANCING AUTHORITY RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE, A SUBLEASE AND AN ASSIGNMENT AGREEMENT; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE LEASE FINANCING

D. WRITTEN COMMUNICATIONS

- D-1 Request for Letter in Support of the San Joaquin Joint Powers Authority (SJJPA) and the San Joaquin Regional Rail Commission's (SJRRC) Transit and Intercity Rail Capital Program (TIRCP) Grant Application (Report by Ivette Iraheta)

Grant Administrator Ivette Iraheta presented the report. Dhillon Stone with Madera County Transportation Commission was also present to answer questions.

Members of the Council expressed concerns regarding the possible relocation of the Amtrak Station from Road 26 to Avenue 12 as part of the study and potential impact on future development in the City. The Council tabled the item until they have additional information. Mr. Stone offered to facilitate a workshop with Mr. Dan Leavitt of the San Joaquin Joint Powers Authority.

Gayle McIntyre, Eddie Block, April Molina, Al Galvez and Ed McIntyre spoke against moving the station.

E. ADMINISTRATIVE REPORTS

- E-1 Consideration of a Resolution Approving a Cooperative Agreement with the County of Madera and the City of Chowchilla to Facilitate Intergovernmental Collaboration to Benefit the Greater Madera County Area (Report by Sonia Alvarez)

Mayor Medellin provided background information on the potential collaboration between the agencies through the Cooperative Agreement.

ON MOTION BY COUNCIL MEMBER RIGBY, AND SECONDED BY COUNCIL MEMBER HOLLEY, ITEM E-1, RES. NO. 17-205 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 17-205 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A COOPERATIVE AGREEMENT WITH THE COUNTY OF MADERA AND THE CITY OF CHOWCHILLA TO FACILITATE INTERGOVERNMENTAL COOPERATION TO BENEFIT THE GREATER MADERA COUNTY AREA

E-2 Discussion and Appointment of Interim City Administrator and Appointment of Ad Hoc Committee to Negotiate Terms and Conditions of Appointment (Report by Brent Richardson)

City Attorney Brent Richardson presented the report.

MAYOR MEDELLIN MADE A MOTION TO APPOINT THE CHIEF OF POLICE STEVE FRAZIER AS THE INTERIM CITY ADMINISTRATOR. THE MOTION WAS SECONDED BY COUNCIL MEMBER OLIVER AND PASSED UNANIMOUSLY BY A VOTE OF 7-0.

MAYOR MEDELLIN AND COUNCIL MEMBERS OLIVER AND RIGBY WERE APPOINTED TO SERVE ON THE AD HOC COMMITTEE.

F. COUNCIL REPORTS

Council Member Robinson reported on his attendance at the Pomona Ranch Ribbon Cutting.

Council Member Foley Gallegos announced that Fire Chief David Allen retired after 33 years.

Council Member Rigby reported on the Pomona Ranch Housing for homeless families, the success of the program, and thanked staff for adopting a family for the holiday.

Council Member Rigby referred to comments that they are a poor City and they are not. He also spoke regarding other comments that have been made that bring division to the City.

Council Member Rigby expressed his gratitude to Chief Frazier for his professionalism, for bringing in more officers with Measure K voted in by the voters, taking the position this evening, and for the Police Department's great work.

Council Member Rigby spoke regarding the success of grants obtained by the Parks and Community Services Department over time as well as other grants obtained by the City.

Council Member Rigby thanked former City Administrator David Tooley and expressed his appreciation for his leadership and a job well done including the Freedom Industrial Park.

Council Member Holley also thanked David Tooley who is a great friend.

Council Member Holley commented that it took an article in the paper for people to come, that the Council does not take this lightly, and if people don't vote then they have nothing to say. He also stated his appreciation to City staff.

Mayor Pro Tem Rodriguez commended Madera Votes for visiting with members of the Council separately and thanked them for keeping them accountable.

Mayor Pro Tem Rodriguez reported on his attendance at the Pomona grand opening and commended Council Member Rigby on the program.

Council Member Oliver stated he has the utmost confidence in Chief Frazier to lead the City. He also thanked staff and encouraged them to stay focused.

Council Member Oliver reported that there is potential grant funding to become available through SB1. He commended the Grant Administrator Ivette Iraheta and her staff for working with other agencies on the Sustainable Communities Grant for downtown.

Mayor Medellín welcomed input from the public. He stated that they are transparent and open to ideas and suggestions. He encouraged people to come to City Hall and express their concerns.

Mayor Medellín reported on his attendance at Pomona Ranch. He also recognized his mother Marge Medellín who is attending this evening and shared that she was part of a team in the late 70's/early 80's where the land for Pomona Ranch was donated.

Members of the Council wished all happy holidays.

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

The Council adjourned to closed session at 8:19 p.m. to discuss items G-2 and G-3 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 Public Employee Discipline/Dismissal/Release - Pursuant to Government Code §54957

G-4 Closed Session Report – City Attorney

The Council returned from closed session at 8:32 p.m. with all members present.


Item G-2 - No reportable action.

Item G-3 - The Council unanimously approved an agreement concerning resignation for purposes of retirement for the Executive Director of the Successor Agency to the Former Redevelopment Agency.

ADJOURNMENT - The meeting was adjourned at 8:33 p.m. Next regular meeting January 3, 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

