MINUTES OF A REGULAR MEETING OF THE MADERA CITY COUNCIL AND
REGULAR MEETING OF MADERA PUBLIC FINANCING AUTHORITY BOARD

November 20, 2019
6:00 p.m.  
Council Chambers
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
Council Member Donald E. Holley, District 6

Absent:  None.

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Montoy Cantu, Police Chief Dino Lawson, Fire Battalion Chief Anthony Garcia, Interim Parks Director John Scarborough, City Engineer Keith Helmuth, Grant Administrator Ivette Iraheta, Human Resources Director Wendy Silva, Information Services Manager Mark Souders, Assistant Planner Jesus Orozco, Finance Accountant Don Theisen, Madera County Assessor Gary Svanda, Housing Authority Interim Executive Director Sally Bomprezzi, and Housing Authority Executive Secretary Maria Dominguez.

INVOCATION:  Pastor Sammie Neely, Mt. Zion Church

PLEDGE OF ALLEGIANCE:  Mayor Medellin

APPROVAL OF AGENDA

Mayor Medellin requested item F-1 be moved after the Consent Calendar Section.

No other revisions were made by council or staff.

ON MOTION BY MAYOR MEDELLIN AND SECONDED BY COUNCIL MEMBER GARCIA, THE AGENDA WAS APPROVED WITH A CHANGE UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTE, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

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, but are not required, 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.

Gary Svanda, Madera County Assessor presented the City Council with Madera County Assessor’s Office’s first annual report.

Joanna Torres thanked City Council for co-sponsoring Financial Health week in October, the community benefited from all of the services that were provided.

No other comments given.

**WRITTEN COMMUNICATIONS:**

1. Consideration of a Resolution Approving Written Request by the Madera Evening Lions, seeking City Council Approval to Cover the Cost of Police Efforts in the Amount of $1,378.00 in Association with the Candlelight Christmas Parade of Lights on December 5th, 2019, as well as $101 in permit fees (Report by Josiah Arnold)

Police Chief Dino Lawson presented report.

**ON MOTION BY COUNCIL MEMBER HOLLEY, AND SECONDED BY COUNCIL MEMBER ROBINSON, WRITTEN COMMUNICATIONS ITEM 1., RES NO. 19-187, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES. NO. 19-187**  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE SERVICES RELATING TO THE CANDLELIGHT CHRISTMAS PARADE OF LIGHTS FOR THE MADERA EVENING LIONS IN THE AMOUNT OF $1,378.60, AND PERMIT FEES IN THE AMOUNT OF $101

**PRESENTATIONS:**

1. Proclamation Promoting Small Business Saturday

Mayor Medellin proclaimed November 30, 2019 Small Business Saturday.

**INTRODUCTIONS:** None.

A. **WORKSHOP:** None.

B. **CONSENT CALENDAR**
Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

Staff pulled Item B-7 for discussion.

ON MOTION BY COUNCIL MEMBER GALLEGOS, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, THE CONSENT CALENDAR, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: COUNCIL MEMBERS NONE. ABSTAIN: NONE.

B-1 Minutes – 10/18/17 MPFA, 12/20/17 MPFA, 07/05/18 MPFA, 06/12/19 MPFA Rescind, 06/12/19 MPFA, 05/01/19 MPFA, 04/17/19 MPFA, 04/03/19 MPFA, 12/12/18s, 12/12/18s2

B-2 Informational Report on Register Audited Demands (Report by Don Thiesen)

B-3 Informational Report on Contract City Attorney Service Expenditures (Report by Wendy Silva)

B-4 Consideration of a Resolution Authorizing Acceptance of Grant from the State of California Department of Alcoholic Beverage Control Grant Assistance Program ($18,000) and Authorizing the City Manager to Sign all Related Grant Application Documents on Behalf of the City of Madera; and

RES. NO. 19-188 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A GRANT AWARD FROM THE CA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT ASSISTANCE PROGRAM AND AUTHORIZING CITY MANAGER TO EXECUTE ALL RELATED GRANT APPLICATION DOCUMENTS

Consideration of a Resolution Approving Budget Amendment Appropriating $18,000 to the City of Madera Fiscal Year 2019/2020 Police Department Budgets for the Implementation of ABC Grant Activities (Report by Ivette Iraheta)

RES. NO. 19-189 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING FUNDING APPROPRIATION OF $18,000 TO THE CITY OF MADERA FISCAL YEAR 2019/2020 MADERA POLICE DEPARTMENT BUDGETS FOR THE IMPLEMENTATION OF CA DEPARTMENT OF ALCOHOL BEVERAGES CONTROL OFFICE OF TRAFFIC SAFETY GRANT

B-5 Consideration of a Resolution Appointing Muhammad Latif as a Member of the City of Madera Transit Advisory Board (Report by Ivette Iraheta)


B-6 Consideration of a Resolution Approving the Amended Application for Transportation Development Act (TDA), State Transit Assistance (STA) Funds for Fiscal Year (FY) 2019/20 with
STA FY 2008/09 Carryover Balances of $24,471.53 and Authorizing the City Engineer to Execute and Submit the Application to the Madera County Transportation Commission (MCTC) (Report by Keith Helmuth)

RES. NO. 19-191  RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AMENDED APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT, STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR (FY) 2019/20 WITH CARRYOVER BALANCES FROM FY 2008/09 OF $24,471.53 AND AUTHORIZING THE CITY ENGINEER EXECUTE THE REVISED APPLICATION AND SUBMIT IT TO THE MADERA COUNTY TRANSPORTATION COMMISSION

B-7  Consideration of a Minute Order Acceptance of the Construction of Golden State Boulevard Shoulder Paving from Pecan Avenue to Madera Community Hospital Entrance Project City Project No. R-68, Federal Project No. CML-5157 (110) (Report by Keith Helmuth)

Assistant Engineer Victor Aldama presented the amended report.

After discussion council approved item with the other Consent Calendar items.

B-8  Actions Relating to Final Map for Melanie Meadows II and III Subdivision (Tract No. 19-S-04):

1) Consideration of a Resolution of the City of Madera Approving the Final Map for the Melanie Meadows Phase II and III Subdivision (Tract No. 19-S-04) and Improvement Agreement (Agreement) and Authorizing the Mayor to Execute the Agreement on Behalf of the City; and


2) Consideration of a Resolution of the City of Madera Approving Annexation of the Melanie Meadows Phase II and III Subdivision (Tract No. 19-S-04) into Zone of Benefit 21D; Confirming the Diagram and Assessments for City Wide Landscape and Lighting Assessment District Zone of Benefit 21D For Fiscal Year (FY) 2020/2021; And Authorizing the City Clerk to File the Diagram and Assessment with the Madera County Auditor (Report by Keith Helmuth)

B-9 Consideration of a Minute Order Accepting the City of Madera Wastewater Treatment Plant, City Project No. WWTP 18-02 and Authorizing Recording of the Notice of Completion and Authorizing the Release of Retention (Report by Keith Helmuth)

B-10 Consideration of a Resolution Approving the Award for Consideration of a Resolution Approving the Award of Contract for Centennial Park, Pan American, and Frank Bergon ADA and Lighting Improvements, City Project No. PK-62 & PK-63, CDBG Project No. B15MC060053, B17MC0053, and B18MC060053 in the Amount of $268,522 to Serna Construction, Inc., and Authorizing the Mayor to Execute the Agreement (Report by Keith Helmuth)


B-11 Consideration of a Resolution Approving an Amending Agreement for Online/Phone Payment Services with Paymenitus Corporation and Authorizing the Mayor to Execute the Agreement (Report by Becky McCurdy)

RES. NO. 19-195 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AMENDING AGREEMENT TO MASTER SERVICES AGREEMENT FOR ONLINE/PHONE PAYMENT SERVICES WITH PAYMENTUS CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

B-12 Second Reading and Consideration of Adoption of an Ordinance: Waive Full Reading and Adopt Ordinance Rezoning Two Parcels Encompassing Approximately 0.29 Acre Located Approximated 200 Feet West of the Intersection of Sonora and Rush Streets (120 Wilson Ave. and 117 W. Rush St.) from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District (Report by Jesus Orozco)

ORD. 966 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 0.29 ACRES OF PROPERTY LOCATED APPROXIMATED 200 FEET WEST OF THE INTERSECTION OF SONORA AND RUSH STREETS (120 WILSON AVE. AND 117 W. RUSH ST.) FROM THE R3 (HIGH DENSITY) TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT (APN: 003-093-006 AND 008).

City Clerk Alicia Gonzales made late distribution announcement regarding Item F-1.

Item F-1 was moved after the Consent Calendar Section.

F-1 Discussion and Consideration of Options Relating to Tenant Evictions

City Manager Arnoldo Rodriguez presented report.

Mayor Medellin opened public comment at 6:41 p.m.
Greg Terzakis with California Apartment Association voiced his support of the urgency ordinance and answered some of the Council’s questions.

Claudia (no last name given) stated that the families and children will be burdened the most. It is important that these families are heard.

Debbie Garza discussed her concerns with the eviction notification given.

Desiree (no last name given) requested that the City Council help the tenants at Laguna Knolls.

Abegail Vallero is a tenant of Laguna Knolls. Passing the ordinance would be a benefit.

Danny O’Connell with the Central Valley Partnership the law is directed towards protecting against predatory businesses.

Joanna Torres urged council to help tenants by passing the emergency ordinance.

Filomena Espinoza requested that the City Council please consider passing the emergency ordinance.

Daniella Vasquez stated she supports the ordinance and requested City Council to pass the emergency ordinance.

Ramon Lopez with St. Joachim’s Church stated that there is so much need in this community and he supports the urgency ordinance.

Michelle (no last name given) stated if this ordinance does not pass, they will be on the streets. Asked the City Council to please do what is right.

Corina Gutierrez is also a tenant and there is no housing available. Please pass the ordinance.

Luis Silva is a tenant and he urged the City Council to pass this ordinance.

Abegail Vallero answered some of the council’s questions.

Salvador Huerta asked City Council to pass the urgency ordinance.

Janine Nkosi, Professor of Sociology with Fresno State, discussed her findings on an eviction study in the Central Valley. There is an eviction and affordable housing crisis in California. She urged City Council to pass the ordinance.

Abraham Alomadi is a landlord in Madera and supports passing the urgency ordinance.

Claudia (no last name given) answered some of the council’s questions.

Madilyn Harris with Leadership Council urged the City Council to adopt the urgency ordinance.

Mayor Medellin closed public comment at 7:39 p.m.
1) Direction to Staff Relating to Tenant Evictions

After discussion, Council moved to proceed with adopting an urgency ordinance a moratorium on evictions.

2) Consider Adopting an Urgency Ordinance of the City Council of the City of Madera Adding Chapter 17 to Title IV of the Madera Municipal Code Relating to Temporary No Fault Evictions Through December 31, 2019

The ordinance title was read by title by City Clerk Alicia Gonzales.

ON MOTION BY COUNCIL MEMBER GALLEGOS, AND SECONDED BY COUNCIL MEMBER RODRIGUEZ, ITEM F-1(2), URGENCY ORD. NO. 967U C.S., WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE

ORD. 967U C.S. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADDING CHAPTER 17 TO TITLE IV OF THE MADERA MUNICIPAL CODE RELATING TO TEMPORARY NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019, FOR RESIDENTIAL REAL PROPERTY

Mayor Medellin called for a brief recess at 7:52 p.m.

Mayor Medellin reconvened the meeting at 7:58 p.m.

C. PUBLIC HEARINGS: None.

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENT

D-1 Consideration of A Resolution To Approve A New Logo For Madera Metro (Report by Ivette Iraheta)

Grant Administrator Ivette Iraheta, Cynthia Fidel Director of Customer Relations with Jeffrey Scott Agency, Agapita Rocha and Rohi Zacharia with the Beatification Committee of the presented report.

DJ Becker with the ADA Advisory Committee discussed concerns with visibility. Cynthia Fidel responded to concerns.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GARCIA, ITEM D-1, RES NO. 19-196, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 5/2. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, RODRIGUEZ, ROBINSON, AND GARCIA. NOES: COUNCIL MEMBERS GALLEGOS AND HOLLEY. ABSENT: NONE. ABSTAIN: NONE

RES. NO. 19-196 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ADOPTING A NEW LOGO FOR MADERA METRO

D-2 Consideration of Initiation of Annexation into CFD No. 2005-01:
Assistant Planner Jesus Orozco presented report.

1) A Resolution Adopting a Boundary Map Showing the Territory Proposed for Annexation to City of Madera Community Facilities District No. 2005-01; and

ON MOTION BY COUNCIL MEMBER MONTES, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-2(1), RES NO. 19-197, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE

RES. NO. 19-197 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADIERA, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING TERRITORY PROPOSED FOR ANNEXATION TO CITY OF MADIERA COMMUNITY FACILITIES DISTRICT NO. 2005-01

2) A Resolution Declaring the City’s Intention to Authorize the Annexation of Territory into City of Madera Community Facilities District No. 2005-01 (Report by Jesus Orozco)

ON MOTION BY COUNCIL MEMBER MONTES, AND SECONDED BY COUNCIL MEMBER ROBINSON, ITEM D-2(2), RES NO. 19-198, WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE


D-3 Consideration of a Resolution of the City of Madera Approving Request for Deferral of Development Impact Fees for the La Spezia II Subdivision (Tract No. 19-S-01) and the La Spezia III Subdivision (Tract No. 19-S-02) (Report by Keith Helmuth)

City Engineer Keith Helmuth presented report.

Developer Joseph Crown discussed Council Member’s concerns.

Manuel Nevarez is a lender and he discussed the benefits of deferring the impact fees.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GARCIA, ITEM D-3, RESOLUTION WAS DENIED UNANIMOUSLY BY A VOTE OF 6/1. AYES: COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: MAYOR MEDELLIN. ABSENT: NONE. ABSTAIN: NONE
D-4  Consideration of a Resolution of the City of Madera Approving Request for Deferral of Development Impact Fees for the Bellava and Berk Subdivision (Tract No. 18-S-01) (Report by Keith Helmuth)

City Engineer Keith Helmuth presented report.

Manuel Nevarez provided some background on the project.

Rohi Zacharia discussed concerns with project funding.

ON MOTION BY COUNCIL MEMBER RODRIGUEZ, AND SECONDED BY COUNCIL MEMBER GALLEGOS, ITEM D-4, RESOLUTION WAS DENIED UNANIMOUSLY BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCIL MEMBERS MONTES, GALLEGOS, RODRIGUEZ, ROBINSON, GARCIA, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE

Mayor Medellin recessed the Regular Meeting of the Madera City Council and Regular Meeting of Madera Public Financing Authority at 9:14 p.m. and he handed the meeting over to Chairperson Gallegos to open the Special Meeting of the Housing Authority.

Housing Authority Chairperson Gallegos opened the Special Meeting of the Housing Authority of the City of Madera, calling for items as listed on the agenda. The Housing Authority meeting was adjourned at 9:21 p.m.

Mayor Medellin reconvened the Regular Meeting of the Madera City Council and Regular Meeting of Madera Public Financing Authority at 9:21 p.m.

E.  ADMINISTRATIVE REPORTS: None.

F.  COUNCIL REPORTS

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

F-1  Discussion and Consideration of Options Relating to Tenant Evictions

1)  Direction to Staff Relating to Tenant Evictions

2)  Consider Adopting an Urgency Ordinance of the City Council of the City of Madera Adding Chapter 17 to Title IV of the Madera Municipal Code Relating to Temporary No Fault Evictions Through December 31, 2019

Item F-1 was moved after the Consent Calendar Section.

No other reports were given.
G. **CLOSED SESSION:**

G-1 Closed Session Announcement – City Attorney

Council adjourned to Closed Session at 9:22 p.m.

G-2 Liability Claims pursuant to Government Code §54956.95
Agency Claimed Against: City of Madera
Claimants:
1. Kamaljit Kaur
2. Ajmer Singh

G-3 Conference with Legal Counsel – Significant exposure to potential litigation pursuant to Government Code §54956.9(d)(2): 4 cases

G-4 Conference with Legal Counsel - Existing Litigation pursuant to Government Code §54956.9(d)(1)
Pete Rios WCAB No. F0E0238568.

G-5 Conference with Labor Negotiators pursuant to Government Code §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-6 Closed Session Report – City Attorney

Council returned from closed session at 11:09 p.m. with all members present.

City Attorney Hilda Montoy Cantu stated that Council voted 7/0 to reject claims related to Item G-2.

**ADJOURNMENT** – The meeting was adjourned at 11:09 p.m. Next regular meeting December 4, 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.

[Signatures]

AUCIA GONZALES, City Clerk

CLAUDIA MENDOZA
Prepared by:
Claudia Mendoza, Deputy City Clerk

ANDREW J. MEDELLIN, Mayor

City of Madera
205 West Fourth Street
Madera, CA 93637

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