November 2, 2016 6:00 p.m. Council Chambers City Hall

CALL TO ORDER

The regular meeting of the Madera City Council and the special meeting of the Housing Authority of the City Madera for 11/2/16 were called to order by Mayor/Commissioner Poythress at 6:00 p.m.

City Clerk Sonia Alvarez called roll for both agencies.

ROLL CALL:

Present: Mayor Robert L. Poythress
Mayor Pro Tem Charles F. Rigby
Council Member Andrew J. Medellin
Council Member Donald E. Holley
Council Member Derek O. Robinson Sr.
Council Member William Oliver
Council Member Cece Foley Gallegos

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, Director of Human Resources Wendy Silva, Director of Parks and Community Services Mary Anne Seay, Grant Administrator Ivette Iraheta, Chief Building Official Steve Woodworth, Planning Manager Chris Boyle, Lieutenant Gino Chiaramonte, Battalion Chief Jim Forga, and Battalion Chief Matt Watson.

INVOCAITON: Pastor Don Caballero, The Clay Ministries

PLEDGE OF ALLEGIANCE: Mayor Poythress 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.

Roger Leach, residing in Madera, California, stated he just wanted to again thank Mayor Poythress and Council. They were able to find an individual that would do the sign “In God We Trust”. It came from the Sign Ranch out of Kingsburg. He noted that it was put up about two or three weeks ago. He stated that it was a joy watching it go up. He thanked the Council again for allowing him to serve them. He restated that it was a joy and he looks forward to see something that they can stand up on every time he walks in here.
and that their County is under “In God We Trust”. He thanked them for their support and their cooperation on this project.

Mayor/Commissioner Poythress thanked Pastor Leach for leading that effort.

John Rigby, resident of Madera and Marge Medellin introduced themselves as Co-Chairs of the Yes on Measure K Keep Madera Safe Committee. Ms. Medellin told them to vote yes.

Mr. Rigby stated they are here tonight to invite Council, staff and everybody here to a fundraiser tomorrow evening at Sal’s from 5:00 p.m. to 8:00 p.m. He stated that they appreciate all the hard work that Council, staff and other members including Police Officer’s Association and Fire Association have put into it. He added that what is really outstanding is the cooperation between all groups, the integrity shown by all groups to support this, and just know what it is about to put feet on the ground for their police officers, for their Fire Department, and facilities. They thanked them for the opportunity to serve.

Ms. Medellin stated she would give a mini-report. She advised that they have had a large volunteer group that has been making phones calls Tuesday, Wednesday, and Thursday’s of every week for about two months now. They have been going door to door with door hangars, talking to people, and she is happy to say that the results they are getting are very, very positive. She feels very good. She noted that with God’s help, they will get Measure K passed and they can hire more officers and build their fire station. She added that she is just happy to have been involved in this effort.

Mayor Poythress thanked them for their report and for being here.

Cynthia Ortegon, residing in Madera, California, stated she wants to introduce herself to the Council Members that don’t know her. She advised that she is with the City of Madera ADA Advisory Council and she has been on it since 2006. She noted that tonight the Council is appointing a new member, D.J. Becker. Ms. Ortegon stated that a couple of them are here to support Ms. Becker in her appointment to their council. Ms. Ortegon added that Ms. Becker was very instrumental in starting the ADA group with them in 2006. She thanked the Council for their appointment and added that she is sure Ms. Becker will do some good work for them. They still have a lot to do in the City and they are still here. Ms. Ortegon invited Council Members who have not been to their meeting, they would appreciate if they would come to their meeting and introduce themselves. They meet the third Tuesday of every month at 2:00 p.m. at City Hall. She noted this is so they will get to know the Council Members and what their interests are with getting the City in compliance with the ADA (Americans with Disabilities Act).

Mayor Poythress thanked Ms. Ortegon.

Debra Bernal with Madera County Public Health advised the Council that Friday will be her last day with Madera County serving the community. She has been offered a position with Fresno County as their Literacy Coordinator. She wants to have the Council continue to support Mayra Miranda, the tobacco control efforts and all the wonderful work that has been happening there. She asked that they don’t let it fall, keep them in mind, and keep up the great work. She thanked them for the opportunity to serve the community.

Mayor Poythress thanked Ms. Bernal.

Council Member Holley thanked Ms. Bernal for all she has done with their City and County. He has worked with her on several programs that she has put on. He added that just having her in their midst was a wonderful treat for him to know her and to recognize her. He knows Ms. Miranda will do good work because they are not going to let her off the hook. He stated on behalf of the City and himself, he just wanted to say thank you for all she has done.

Mayor Poythress stated that if there are no other comments then they will shift into the special meeting of the Housing Authority.
City Attorney Brent Richardson stated he thinks they will take both closed session items at the end.

Mayor Poythress agreed and stated they will continue with the City Council agenda, consent calendar.

A. **WORKSHOP**

There are no items for this section.

B. **CONSENT CALENDAR**

B-1 Minutes – 12/16/15, 1/06/16

B-2 Information Only – Warrant Disbursement Report

B-3 Consideration of a Minute Order Rejecting a Claim filed by Jacob Saldate (Report by Wendy Silva)

B-4 Weekly Water Conservation Report 10/17/16 – 10/23/16 (Report by Dave Randall)

B-5 Consideration of a Resolution of the City Council of the City of Madera, California Approving Participation in a Regional Assistance to Firefighters Grant Application with the County of Madera and City of Chowchilla to Replace Self-Contained Breathing Apparatus (Report by David Allen)

B-6 Consideration of a Resolution Approving an Agreement with Moy and Associates to Provide Technical Public Transit Assistance for the City of Madera and Authorizing the Mayor to Sign the Agreement (Report by Ivette Iraheta)

B-7 Consideration of a Resolution Appointing DJ Becker to the City of Madera ADA Advisory Council (Report by Wendy Silva)

B-8 Consideration of a Resolution Approving Agreement for Outside of City Water Service for Property Located at 26844 Martin Street, 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)

B-9 Consideration of a Resolution of the City Council, of the City of Madera, California, Approving a Subordination Agreement for Patricia S. Carreon for a CalHome 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)

Mayor Poythress asked if there are any items on the consent calendar that a Council Member would like to have pulled for further discussion or elaboration. No requests were made and Mayor Poythress announced that he would accept a motion for action.

**ON MOTION BY COUNCIL MEMBER OLIVER, AND SECONDED BY MAYOR PRO TEM RIGBY, THE CONSENT CALENDAR WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.**

**RES. NO. 16-169**

A resolution of the City Council of the City of Madera, California, Authorizing a Regional Application for Assistance to Firefighters Grant with Madera County as the Lead Agency

**RES. NO. 16-170**

Resolution of the Council of the City of Madera Approving an Agreement with Moy and Associates for Technical Public
C. Hearings, Petitions, Bids, Resolutions, Ordinances, and Agreements

C-1 Public Hearing and Consideration of Resolutions Authorizing the Annexation of Property into Community Facilities District (CFD) 2005-01, Levying a Special Tax Associated with the CFD, Calling for and Conducting a Special Election Addressing Annexation into the CFD, Certifying the Results of the Election and Adding Territory to the CFD

Planning Manager Chris Boyle stated that at their September 21st hearing, the Council took the initiating actions to annex property into CFD (Community Facilities District) 2005-01 including the resolution of intent to annex and the adoption of maps in support of that annexation. He advised that the Council’s action tonight includes a public hearing, elections, and adoption of specific resolutions in support of those actions. Mr. Boyle stated that if there aren’t any questions from the Council, he would defer to the Mayor in opening the public hearing.

Mayor Poythress opened the public hearing. No comments were offered and Mayor Poythress closed the public hearing.

City Clerk Sonia Alvarez requested to make a few announcements before the hearing is closed.

Ms. Alvarez declared that the notice of public hearing was published on October 22, 2016. She also declared that no written protests were received, that there are less than 12 registered voters within the community facilities district, that written consents to holding the community facilities district elections today have been received from all landowners within the proposed Annexation No. 3. She further added that she concurs with the holding of the special election for Annexation No. 3.

Mayor Poythress asked if there are any questions regarding the election or the announcement. No questions were asked and Mayor Poythress closed the public hearing.

Mayor Poythress announced that he would accept a motion for action on the first resolution.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, RES. NO. 16-174 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-174 Resolution of the City Council of the City of Madera, California, Authorizing the Annexation of Territory To
COMMUNITY FACILITIES DISTRICT NO. 2005-01 AND AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING THE LEVY OF TAX TO THE QUALIFIED ELECTORS

Mayor Poythress called for a motion on the next resolution.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER ROBINSON, RES. NO. 16-175 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-175 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF ANNEXATION NO. 3 OF CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01 A PROPOSITION REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 3 TO FINANCE POLICE PROTECTION SERVICES, FIRE PROTECTION AND SUPPRESSION SERVICES, PARK MAINTENANCE, AND STORM DRAINAGE SYSTEM OPERATION AND MAINTENANCE WITHIN THE DISTRICT

Mayor Poythress announced that the next item is the special election.

Ms. Alvarez advised that at this time they will be opening two ballots received and tabulate them. She added that Mr. Merchen, the Community Development Director, will assist.

Ms. Alvarez stated that there were 22 votes possible. She announced that for Proposition A they have 22 yes votes and zero no votes. Ms. Alvarez announced that the proposition passes unanimously.

Ms. Alvarez requested that the Council consider adoption of the third resolution declaring the election results.

Mayor Poythress expressed his congratulations to the CFO for the fantastic victory on this election. Mayor Poythress stated he would accept a motion for action on the third resolution.

ON MOTION BY MAYOR PRO TEM RIGBY, AND SECONDED BY COUNCIL MEMBER OLIVER, RES. NO. 16-176 WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

RES. NO. 16-176 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, MAKING CERTAIN FINDINGS, CERTIFYING THE RESULTS OF A SPECIAL ELECTION AND ADDING THE TERRITORY IDENTIFIED AS ANNEXATION NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 2005-01

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 Consideration of Request by the Madera Cemetery District to Allow for the Deepening of One of Their Wells in Lieu of Connecting to the City's Water System

City Engineer Keith Helmuth stated that this item addresses the Madera Cemetery District request for a deepened well. He commented on why Council is seeing this request when they normally wouldn't. He advised that this location might normally be denied at the staff level given its proximity to existing City sewer mains and staff's adherence to the policy that requires connection to those mains if they are available. He commented on why new or deepened private wells. He noted that they may compete with and jeopardize nearby City wells or even other private wells. He added that they represent uncontrolled and unmonitored
use of one of the City’s most precious resources and they are not at present metered. He commented that they may represent a concern relative to health and safety of City residents as well as the wells represent unprotected and again, unmonitored link to the water table.

Mr. Helmuth stated that there are exceptions to almost every rule. He noted that hardship is one of the key considerations in that. For example, does a well cost significantly more than the cost of extending water line? He added that if the extended water line is actually more reasonable deepening the well, sometimes that is a factor and a well is allowed to be drilled. Mr. Helmuth stated that water in this case is reasonably nearby but financial impacts and other special considerations of connecting occurred much greater than the allowance of a deepened well. He commented on why this might be a hardship even though the City has pipes in the area. He stated that the City water main is approximately 600 feet from the nearest connection. He advised that is a fair distance to go ahead and extend a water line and they do make a fair demand on the system so it would be a reasonably large pipe. He commented on City pressure and advised that typically they guarantee about a 40 psi pressure within the system and the Madera Cemetery uses about 70 psi coming off their well. What that means is that their system would have to be reworked in some form or fashion to do that. He added that it might mean that they go ahead and reduce the number of areas that they work on so and so forth. He added that reworking of their system might disrupt existing gravesites.

Mr. Helmuth commented on whether a connection to the City system is possible. He stated yes. He noted that there are impacts to the City system. The demands that the cemetery currently uses would represent about 20% of an average City municipal well. The City generates about 1,330 gallons per minute on an average well when you take the high and the low producers. He added that a well costs the City about $1.5 million and those are old numbers. He stated that represents about a $300,000 cost that the City over time might have to go ahead and replace.

Mr. Helmuth stated that the connection to the system is within an existing residential area. Their connection to the system, if their demands stay relatively high, might mean that the existing City water system in that area might need to be reworked a little bit to go ahead and make certain they maintain pressure to the existing services in that area or it might mean that they have to take additional measures on site. For instance, they might be able to get back up to 70 psi but they would install a booster pump to do that. He noted that booster pumps aren’t necessarily cheap.

Mr. Helmuth stated that staff does acknowledge that there are unique circumstances and those circumstances may provide a reasonable basis of the deepening of the well. He believes there are several representatives from the Madera Cemetery District present and they may wish to speak on the subject as well for Council’s possible consideration of approving of the deepening of the well.

Mayor Poythress thanked Mr. Helmuth for doing a great job on the staff report. He advised that he wants to give everybody a chance to talk that wants to talk. He commented that he definitely welcomes input from his colleagues but he would just like to mention at this time that based on the observations that Mr. Helmuth made in the report and outlining the special situations and the unique conditions... it is a cemetery. It is the one and only here in the City of Madera. It is a fairly large area and it’s not like this is an industrial business or manufacturer making a request. It is a very special situation. He added that it is a legacy institution in their City and they have done a great, great job. They have been awarded and recognized throughout the State, throughout the nation for the great job that they do. In his opinion, why fix something that’s not broken. He would like to recommend that they allow the deepening of the well. He encouraged his colleagues to feel free to enter in. He told Mr. Helmuth he thinks he has made a really good report. It lays out a case to where he feels comfortable making that recommendation.

Council Member Medellin stated he would echo the Mayor’s comments and agree with him. He stated that obviously 600 feet is a long way to go so he understands that cost is an issue and then the safety issue with the amount of pressure that must be maintained. His question to Mr. Helmuth is more about standards or thresholds. He asked if this is a case by case basis when this happens or do they use a certain amount of feet away from City utilities or... for future reference he is just asking, do they have standards set in place for just such a thing.
Mr. Helmuth replied that they try to make it as simple to understand as possible. Basically it comes down to is it a more reasonable assumption to extend the water line, tend to dig a new well. He stated that if a well costs $10,000 to drill and the nearest water line connection is 1,000 feet away, you might go ahead and say that that water line extension is going to cost about $30,000 depending upon how you do it. He recently got an estimate in for 1,000 feet of pipe and they are saying to go ahead and do a few of the things that they need, including fire hydrants, additional connections for other parcels and the like, that came in at $185,000. Depending on how they shake that out, try to spread it out amongst the different parcels that might need it, it is a lot of money to extend when a water well might cost $10,000. Over time they can try to tie that down a little bit more but it seems to work out about right. They don’t want to impose those sort of costs necessarily on individual property owners.

Council Member Medellin stated he can appreciate taking that into consideration especially in this case. He stated his agreement with the Mayor. He certainly would recommend the deepening of the well and he appreciates all the efforts of the Madera Cemetery District and what they do for their community.

Council Member Oliver asked if they have an inventory number as to the private wells that exist in the City today.

Mr. Helmuth replied that they do not keep track of it. He would probably go ahead and say it is on the order of about 100 or less wells. He could be off one way or the other and he could be significantly off.

Council Member Oliver stated this might be a question for Mr. Randall. At the last meeting they had an extensive conversation about consolidation with adjacent water districts specifically to Parkwood. He added that obviously there is special consideration there because they are considered a DAC (Disadvantaged Communities) community and asked if they see any angles of opportunity working with the State Water Resources Board on future grant money for consolidation of a system like this with their City system. He asked if there is anything they are aware of or is that even something they can engage or discuss on.

Public Works Operations Director Dave Randall replied that there is nothing really on their radar right at this point. He stated that it is an individual user. It is not a system per se. He noted that there is not any immediate money that they can see and again it isn’t a very disadvantaged community like Parkwood, it is simply in a disadvantaged area. He noted it may not even under census meet that. He advised that there are always new opportunities coming up for different types of things so there may be some in the future. At present, they are not aware of anything.

Mayor Poythress asked if there are any other questions for Mr. Helmuth. No other questions were asked and Mayor Poythress announced that he is willing to accept a recommendation or a motion for action.

MAYOR PRO TEM RIGBY STATED HE WOULD LIKE TO MOVE THAT THEY ALLOW THE MADERA CEMETERY DISTRICT TO DEEPEN THEIR WELL AS PRESENTED. THE MOTION WAS SECONDED BY COUNCIL MEMBER OLIVER AND WAS ADOPTED UNANIMOUSLY BY A VOTE OF 7-0.

F. COUNCIL REPORTS

Council Member Robinson reported that on October 20th he attended the Madera County Economic Summit. He stated that it ran pretty well.

Council Member Robinson reported that he attended the job fair on Kennedy Street and that was real nice for their Housing Authority.

Council Member Robinson reported that he attended the Union Pacific Railroad Reception and the High Speed Rail Authority Chief was there. He mentioned the WYE to him and why they need that facility not only the big one but the small one too.
Council Member Robinson reported that on the 26th he attended the Fish Hatchery. They had the grand opening for their new parking trail and it was real nice.

Council Member Robinson reported that on the 27th he attended the United Way. They met with Congressman Valadao trying to get more help for Fresno and Madera counties.

Mayor Poythress commented that Council Member Robinson has been busy.

Council Member Robinson stated not to mention the San Joaquin River.

Council Member Foley Gallegos stated she has been phone banking the last two Tuesdays with several of their volunteers and officers; positive input. Everybody seems to be well receptive of what they are trying to pass on Measure K.

Council Member Foley Gallegos stated she also went with some of their Code Enforcement to post signs for the homeless encampments that they were cleaning up the following Saturday. She commented that that was interesting because they came up against a bulldog in the river. They had to call Officer Bravo who did a very good job and helped their Code Enforcement get in there and get their job done. She stated that was very enlightening.

Council Member Medellin asked if she didn’t get in there.

Council Member Foley Gallegos stated she did.

Mayor Pro Tem Rigby reported that he had the pleasure of joining their Housing Authority Director Linda Shaw at the California Coalition of Rural Housing Summit in Monterey last week. There were some great classes on rural homelessness and how several cities are dealing with their homelessness situation. He got a lot of feedback, a lot of great ideas. He is sure he and Ms. Shaw will be sharing those later.

Mayor Pro Tem Rigby reported that he got a chance to join the Madera Ministerial Association yesterday at the Annual Night Light event held at the Madera Fairgrounds. He believes they had well over 3,000 residents come in and have a safe Halloween alternative. He stated it was a great job and they had a great time.

Council Member Holley reminded everyone of the Pomegranate Festival this weekend. He hopes they are all out there to enjoy the festival.

Council Member Holley stated that his job here lately has been mentoring kids through the NAACP (National Association for the Advancement of Colored People). He mentors 15 kids so he’s got a busy week coming up.

Council Member Medellin reported that he showed up very late to Chablis Neighborhood last night just in time to take a picture. He noted that was a cool thing. He added that it was their third meeting so it is another neighborhood that has completed three meetings and they get their sign. He commented that it is a great neighborhood with a lot of great feedback. He stated that the Mayor was there as well as his colleague Council Member Will Oliver.

Council Member Medellin stated he would like to take this time to thank Mrs. Medellin and Mr. Rigby, the Measure K Co-Chairs who have been working very, very hard, pretty much every day for the last few months or so. He told them that their efforts are certainly not going unnoticed and they have just less than a week to go. They are sure it will be successful and he is sure he speaks for his colleagues up there when they thank them deeply for all of their efforts and hard work going into keeping Madera safe. He thanked them.

Council Member Oliver reported, as previously mentioned by Council Member Medellin, that he also attended the Chablis Street Neighborhood Watch meeting last night. He stated that this is their official
neighborhood formation but more importantly, they were really pleased to meet their new beat officer, Officer Huerta. They are also really pleased to learn that she is from Madera and that is something that they wanted to reiterate to the Council and to the Police Department that they are proud of.

Mayor Poythress reported that he along with Council Member Medellin had a chance to attend the EDC (Economic Development Commission) Executive Committee meeting. He stated that Council Member Medellin talked about partnerships and working together in an effort for improvements in downtown Madera and that was a good discussion.

City Attorney Brent Richardson announced that they would do closed session announcements for both meetings.

G.  CLOSED SESSION

G-1  Closed Session Announcement – City Attorney

City Attorney Brent Richardson announced that the Council will adjourn to closed session on one item pursuant to Government Code §54957 as described under item G-2.

The Council adjourned to closed session at 6:32 p.m.

G-2  PERSONNEL EVALUATION--Pursuant to Government Code §54957

Position: City Administrator

G-3  Closed Session Report – City Attorney

The Council returned from closed session at 7:57 p.m. with all members present.

City Attorney Brent Richardson announced that the Council met in closed session on one item pursuant to Government Code §54957 as described under item G-2 and reported that no reportable action was taken.

ADJOURNMENT

Mayor/Commissioner Poythress adjourned the meetings of the Madera City Council and the Housing Authority of the City of Madera at 7:58 p.m.

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

CECELIA FOLEY GALLEGOS, Mayor Pro Tem

City of Madera

City Council Minutes

March 27, 1907
Madera, CA 93637