



## REGULAR MEETING OF THE MADERA CITY COUNCIL

205 W. 4<sup>th</sup> Street, Madera, California 93637

### NOTICE AND AGENDA

Wednesday, November 3, 2021  
6:00 p.m.

Council Chambers  
City Hall

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The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at [www.madera.gov/live](http://www.madera.gov/live). Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: #872 9862 0717 Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

The City will observe the Madera County Public Health Department physical distancing recommendations. This may limit seating in the Council Chamber; however, the City will have seating available in the foyer. All persons visiting City facilities shall observe health and safety protocols.

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#### **CALL TO ORDER:**

**ROLL CALL:** Mayor Santos Garcia  
Mayor Pro Tem Artemio Villegas, District 6  
Councilmember Cece Gallegos, District 1  
Councilmember Jose Rodriguez, District 2  
Councilmember Steve Montes, District 3  
Councilmember Anita Evans, District 4  
Vacant, District 5

**INVOCATION:** Sammie Neely, Mt. Zion Missionary Baptist Church

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**PUBLIC COMMENT:**

*The first 15 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 comments. 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.*

**WRITTEN COMMUNICATIONS:** None

**PRESENTATIONS:**

1. Department of Public Health Update on COVID-19 (Report Madera County Public Health Department)
2. Certificate Recognizing Sergeant Thomas Burns for Over 27 Years of Service to the City of Madera Police Department

**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.*

**B-1 Informational Report on Register of Audited Demands for October 9, 2021 to October 22, 2021**

**Recommendation:** No Action Required (Report by Anthony Forestiere)

**B-2 Ratification of COVID-19 Prevention Program (CPP) Amendments**

**Recommendation:** Adopt a Minute Order Ratifying Issuance of Amended COVID-19 Emergency Policy No. 3: COVID-19 Prevention Program by the City Manager in his Role as Director of Emergency Services (Report by Wendy Silva)

**B-3 Amendments to Injury and Illness Prevention Program (IIPP)**

**Recommendation:** Adopt a Minute Order Amending Administrative Policy 45: Injury and Illness Prevention Program to add language in Section 8-1, Communication Resources (Report by Wendy Silva)

**B-4 Waiving of fees for the Downtown Madera Christmas Parade**

**Recommendation:** Adopt a Resolution Waiving the Fees to Cover the Costs of Police, Public Works, and Parks Services Relating to the Downtown Christmas Parade in the amount of \$2,935 (Report by Dino Lawson)

**B-5 Agreement for Tree Management and Maintenance Services**

**Recommendation:** Adopt a Resolution Awarding RFP No. 202122-03 to West Coast Arborists, Inc. for City-wide Tree Management and Maintenance Services, Estimated at \$150,000 per year, and Approving a Contractor Services Agreement (Report by Arnaldo Rodriguez)

**B-6 Request for Connection to the City's Water System**

**Recommendation:** Adopt a Resolution Approving an Agreement for Outside of City Water Service for Property Located at 28127 Mono Street (Report by Keith Helmuth)

**B-7 Request for Connection to the City's Sewer System**

**Recommendation:** Adopt a Resolution Approving an Agreement for Outside of City Sewer Service for Property Located at 27722 Avenue 16 (Report by Keith Helmuth)

**B-8 Engineering and Construction Management Services for the Avenue 13 Interceptor Sewer Rehabilitation**

**Recommendation:** Adopt a Resolution Approving an Agreement with MKN and Associates for \$419,446.20 for Professional Engineering and Construction Management Services and Authorizing Optional Services up to \$98,952.49 for the Avenue 13 Interceptor Sewer Rehabilitation, City Project No. SS-00014 (Report by Keith Helmuth)

**C. PUBLIC HEARINGS:**

**C-1 7:00 PM - Public Hearing #2 to Receive Input from the Community Regarding the Redrawing of Council District Boundaries**

**Recommendation:** Conduct a Public Hearing to Receive from a Report from Staff and the City's Redistricting Consultant on the Redistricting Process and to Solicit Public Comments and Input on Council District Boundaries (Report by Alicia Gonzales)

**D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:**

**D-1 Purchase of Rosenbauer Type-1 Custom Fire Engine and Related Budget Amendment**

**Recommendation:** Adopt a Resolution Approving a Purchase Agreement for a Rosenbauer Type-1 Fire Engine from Rosenbauer South Dakota, LLC under Sourcwell Cooperative Purchase Contract #022848-RSB; Authorizing Execution by City Manager; and Approving Amendment to the 2021/22 Adopted Budget Appropriating \$751,549.74 for the Purchase in the Measure K Fire Budget for the Purchase of Equipment (Report by Matt Watson)

**D-2 Second Reading and Adoption of an Ordinance Amending the City's Municipal Code Relating to the Approval Authority of Vertically Integrated, Cultivation, Distribution, Manufacturing, and/or Test Labs**

**Recommendation:** Conduct a Public Hearing and Waive Full Reading and Adopt an Ordinance Amending Subsections (G) and (H) of Section 6-5.14 of Title VI, Chapter 5 of the Municipal Code Relating to Approval of Certain Cannabis Business Permits (Report by Arnolando Rodriguez)

**D-3 Adoption of a Negative Declaration and Second Reading and Adoption of Ordinance Amending the City's Municipal Code Relating to Cannabis**

**Recommendation:**

- 1) Adopt the Negative Declaration that determined that the proposed project will not have significant adverse effects on the environment; and
- 2) Waive Full Reading and Adopt an Ordinance of the City of Madera, California Amending Section 6-5.33 (D) Of Title VI, Chapter 5 of the Madera Municipal Code Relating to

Location and Design of Cannabis Businesses [Relative to Lions Town & Country Community Park] (Report by Arnoldo Rodriguez)

**D-4 Prezone of Links Ranch Tentative Subdivision Map 2021-02 (TSM 2021-02) and Precise Plan 2021-04 (PPL2021-04) and Adoption of Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program (ENV 2021-31) (Second Reading)**

**Recommendation:**

- 1) Adopt a Resolution Adopting a Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program for Tentative Subdivision Map No. 2021-02, Annexation Application No. 2021-01, and Precise Plan Application No. 2021; and
- 2) Waive Full Reading and Adopt an Ordinance Amending the Official City Zoning Map to Prezone an Approximately 40 Acre Property (APN: 033-18-003 (Portion), located on the South Side of Cleveland Avenue Between Avenue 16 and Road 23, from Agricultural Rural Exclusive (ARE, Madera County) to the Planned Development (P-D 4500) Zone District of the City of Madera, Pending Annexation (Report by Gary Conte)

**D-5 Public Hearing and Consideration of a Resolution Approving 2020/2021 Community Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and Financial Summary**

**Recommendation:** Public Hearing, Invite Public Input and Adopt a Resolution Approving 2020/2021 Community Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and Financial Summary (Report by Anthony Forestiere)

**E. ADMINISTRATIVE REPORTS:**

**E-1 Direction on Remote City Council Meetings Under New Brown Act Requirements (AB 361)**

**Recommendation:**

- 1) Council to decide to continue Public Meetings by the City Council and All Boards, Commissions, and Standing Committees of the City with the remote meeting requirements set forth by the Brown Act
- 2) Council to decide to adopt a Resolution Authorizing Remote Teleconference Public Meetings by the City Council and All Boards, Commissions, and Standing Committees of the City in Accordance with Assembly Bill 361 for a Period of 30 Days (Report by Arnoldo Rodriguez)

**F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:**

*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.*

**G. CLOSED SESSION:**

**G-1 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation - Pursuant to Government Code §54956.9(d)(2)**

Workers' Compensation: Tom Burns – One (1) claim

**G-2 Conference with Labor Negotiators - Pursuant to Government Code §54957.6**

**Agency Designated Representative:** Arnaldo Rodriguez

**Employee Group:** Mid Management Employee Group

**Unrepresented Employees:** Police Chief, City Engineer, Director of Human Resources, Information Services Manager, Chief Building Official, and Planning Manager

**ADJOURNMENT:** – Next regular meeting on November 17, 2021

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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (559) 661-5405 or by email at [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov).
  - The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
  - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk’s Office at (559) 661-5405.
  - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.
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I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Regular Meeting of the Madera City Council for November 3, 2021 near the front entrances of City Hall and on the City’s website [www.madera.gov](http://www.madera.gov) at 7:30 p.m. on October 29, 2021.



Alicia Gonzales, City Clerk