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## **REGULAR MEETING OF THE MADERA CITY COUNCIL**

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

### **NOTICE AND AGENDA**

**Wednesday, February 16, 2022  
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: 890 5245 9216#. 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 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 Anita Evans, District 4  
Councilmember Cece Gallegos, District 1  
Councilmember Jose Rodriguez, District 2  
Councilmember Steve Montes, District 3  
Councilmember Elsa Mejia, District 5  
Councilmember Artemio Villegas, District 6

**INVOCATION:** Pastor John Pursell, Believer's 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 by Madera County Public Health Department)

**INTRODUCTIONS:**

1. Gabriel Baston, Wastewater Treatment Plant Operator (Introduction by Dan Foss)

**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 Minutes – 06/16/21**

**Recommendation:** Approve the City Council Minutes of June 16, 2021

**B-2 Informational Report on Register of Audited Demands for January 22, 2022 to February 4, 2022**

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

**B-3 Informational Report on Personnel Activity**

**Recommendation:** No Action Required (Report by Wendy Silva)

**B-4 Claims Settlement Authority Delegated to the City Manager**

**Recommendation:** Waive Full Reading and Adopt an Ordinance of the City of Madera Amending Section 1-6.18 of Title I Chapter 6 of the Madera Municipal Code relating to City Manager Authority on Claims Against the City (Report by Wendy Silva)

**B-5 State Ballot Measure 21-0042A1, the Taxpayer Protection and Government Accountability Act**

**Recommendation:** Adopt a Resolution Establishing the City's Opposition to State Ballot Measure 21-0042A1, Taxpayer Protection and Government Accountability (Report by Arnaldo Rodriguez)

**B-6 Second Amendment to Professional Services Agreement with The Pun Group for completion of Fiscal Year (FY) 2020-21 and FY 2021-22 financial audits**

**Recommendation:** Adopt a Resolution Approving a Second Amendment to the Agreement for Professional Services with the Pun Group to extend the Agreement for Completion of the FY 2020-21 and FY 2021-22 Financial Audits and set the fee for the FY 2021-22 Audit Services not to Exceed \$54,636 (Report by Anthony Forestiere)

**B-7 Amendments to Agreements between the City and MV Public Transportation, Inc.**

**Recommendation:**

- 1) Adopt a Resolution Approving Amendment No. 2 to Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc. to include required FTA Regulatory Provisions and Rescinding Resolution No. 21-137; and
- 2) Adopt a Resolution Approving Amendment No. 2 to the Lease Agreement between the City and MV Public Transportation, Inc. to include required FTA Regulatory Provisions and Rescinding Resolution No. 21-138 (Report by Anthony Forestiere)

**C. PUBLIC HEARINGS:**

**C-1 Public Hearing Relating to Annexation of Certain Properties into Zone of Benefit 40 and Zone of Benefit 51 to the Citywide Landscape and Lighting Assessment Districts (LMD) Zone for Fiscal Year 2022/23**

**Recommendation:** Continue Public Hearing to City Council Meeting of March 2, 2022, at 6:00 PM (Report by Keith Helmuth)

**C-2 General Plan Amendment and Related Rezoning of Property for the Development of the Sunset Apartment Project**

**Recommendation:** It is recommended that the City Council hold the Public Hearing and after it is closed take the following actions by separate motion in order presented:

- 1) Adopt a Resolution Amending the General Plan Land Use Map for Property (Approximately 0.875 Acres) Located at the Northeast Corner of the Intersection of Sunset and Orchard Avenues, Amending the Commercial General Plan Land Use Designation to High Density Residential and Adopting a Negative Declaration (APN: 006-182-007); and
- 2) Waive full reading and introduce an Ordinance Rezoning the Approximately 0.2 Northern Acres of the Property Located at the Northeast Corner of the Intersection of Sunset and Orchard Avenues (APN: 006-182-007) to Adjust the Boundaries of the R3 (*One unit per 1,800 square feet of site area*) Zone District and Delete the R1 (*One unit per 6,000 square feet of site area*) Zone District (Report by Arnolando Rodriguez)

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

**D-1 Agreement for Lions Town & Country Park Renovation**

**Recommendation:** Adopt a Resolution awarding contract to Nish-ko, Inc. under IFB 202122-09 for Lions Town & Country Park Ballfields #1 & #2 Renovation, estimated at \$65,216 and approving a Contractor Services Agreement (Report by Joseph Hebert)

**D-2 Planned Caltrans Project on State Route 145 (SR 145)**

**Recommendation:** Consider Adoption of a Resolution Approving Caltrans Proposed Road Diet to be Constructed as Part of Caltrans Downtown Madera CAPM Project (06-0Y180) and/or Provide Direction (Report by Keith Helmuth)

**D-3 Coordination of Ongoing Federal Transportation Administration Funded Activities for the Madera Urbanized Area**

**Recommendation:** Adopt a Resolution Approving the Memorandum of Understanding between the City of Madera and Madera County Regarding Coordination of Ongoing Federal Transportation Administration (FTA) Funded Activities for the Madera Urbanized Area (Report by Anthony Forestiere)

**D-4 Remote City Council Meetings Under Brown Act Requirements (Assembly Bill 361)**

**Recommendation:**

- 1) Council to decide to allow 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; or
- 2) Council to decide to adopt a Resolution Reauthorizing 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)

**D-5 Administrative Hearing Officer**

**Recommendation:**

- 1) Adopt a Resolution Approving an Agreement for Services with David Austin to Serve as the Administrative Hearing Officer; and
- 2) Approve a Budget Amendment Not to Exceed \$25,000 to Cover Costs Associated with the Agreement (Report by Arnoldo Rodriguez)

**D-6 Revisions to the Appointment Process for City Boards, Committees, and Commissions**

**Recommendation:** Waive full reading and introduce an Ordinance Amending §2-3.101 OF TITLE II, CHAPTER 3 of the Madera Municipal Code relating to the appointments process for City Boards, Committees, and Commissions (Report by Arnoldo Rodriguez)

**E. ADMINISTRATIVE REPORTS:** None

**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 Public Employee Performance Evaluation**

Pursuant to Government Code Section 54957(b)(1)

**Title:** City Manager

**ADJOURNMENT:**

**UPCOMING MEETING DATES:**

- Wednesday, March 2, 2022
- Wednesday, March 16, 2022
- Wednesday, April 6, 2022

▪ Wednesday, April 20, 2022

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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 February 16, 2022, near the front entrances of City Hall and on the City's website [www.madera.gov](http://www.madera.gov) at 9:30 p.m. on February 10, 2022.



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Alicia Gonzales, City Clerk