

Item:	B-1
Minutes for:	08/18/2021
Adopted:	04/06/2022

Minutes of a Regular Meeting of the Madera City Council

August 18, 2021
6:00 p.m.

Council Chambers
City Hall

This meeting was conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. The City Council meeting was live streamed on the City's website at www.madera.gov/live. Members of the public were able to participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 893 7755 4313 # followed by *9 on their phone to speak. Comments were also accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: 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 (Arrived at 6:02 p.m.)
Councilmember Anita Evans, District 4

Absent: Vacant, District 5

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Chief Building Official Steven Woodworth, City Engineer Keith Helmuth, Fire Battalion Chief Anthony Garcia, Interim Grants Administrator Joseph Hebert, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Ellen Bitter, Senior Civil Engineer Victor Aldama, Administrative Analyst (Public Works) Adam Gonzales, Police Lieutenant Josiah Arnold, and Communication Specialist Joseph Carrello.

INVOCATION: Councilmember Evans

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Villegas

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

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.

No public comment was presented at the time of this announcement, however public comment was read after the announcement of Closed Session.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS: None

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Update on Water, Sewer, Storm Drainage and Solid Waste Rate Studies

Recommendation: Information Workshop. No formal action is requested. (Report by Anthony Forestiere)

B. CONSENT CALENDAR: None

C. PUBLIC HEARINGS: None

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

D-1 Contract Award and Funding Amendment to the Fiscal Year (FY) 2021/22 for the Construction of 2020-21 SB-1 (RMRA) Seals and Overlays, City Project No. R-78

Recommendation:

- 1) Adopt a Resolution Approving the Contract Award for 2020-21 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlays, City Project No. R-78 (Project), in the amount of \$1,364,258.00 to Emmett’s Excavation Inc.
- 2) Adopt a Resolution Approving Funding Amendment Appropriating \$250,000.00 to the

City of Madera Fiscal Year (FY) 2021/22 Capital Projects Budget for the Construction of the 2020-21 SB-1 (RMRA) Seals and Overlays, City Project No. R-78 (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM D-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 21-114 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR 2020-21 SB-1 (RMRA) SEALS AND OVERLAYS PROJECT, CITY PROJECT NO. R-78 IN THE AMOUNT OF \$1,364,258.00 TO EMMETT'S EXCAVATION INC AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

RES 21-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING FUNDING AMENDMENT APPROPRIATING \$250,000 TO THE CITY OF MADERA FISCAL YEAR (FY) 2021/22 CAPITAL PROJECTS BUDGET FOR THE FOR THE CONSTRUCTION OF 2020-21 SB-1 (RMRA) SEALS AND OVERLAYS, CITY PROJECT NO. R-78

D-2 Professional Planning and Environmental Review Services Agreement with QK, Inc.

Recommendation: Adopt a Resolution Approving the Professional Services Agreement between the City of Madera and QK, Inc. for City Planning and Environmental Services and Rescinding Resolution 21-56 (Report by Gary Conte)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-2 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 21-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT BETWEEN THE CITY OF MADERA AND QK, INC. FOR PROFESSIONAL PLANNING AND ENVIRONMENTAL REVIEW SERVICES AND RESCINDING RESOLUTION 21- 56

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.

Councilmember Gallegos had nothing to report.

Councilmember Rodriguez stated Congressman Jim Costa visited on Monday and thanked everyone who was present for that event.

Councilmember Montes thanked staff for the tour at the Waste Water Treatment Plant. He also thanked Congressman Costa for the funds awarded to the City of Madera.

Councilmember Evans stated that the funds used at the Waste Water Treatment Plant were needed and well spent. She thanked City Engineer Keith Helmuth and staff for having Adell Street paved.

Mayor Pro Tem Villegas stated it was a great thing to get help from the State and Congressman Costa.

Mayor Pro Tem Villegas stated he wanted the following items added to an agenda:

- Sidewalks on South "I" Street on the east side of Olive Avenue.
- Sidewalks on South Madera Avenue from Carl's Jr. all the way south.
- Sidewalks east on Pecan Avenue starting at Barnet all the way to Golden State Boulevard. The north side doesn't have any sidewalks.

Mayor Garcia acknowledged the funds that Congressman Costa gave the City of Madera. He acknowledged the United Domestic Workers, their food drive and backpack giveaway, and their contributions to the local community.

G. CLOSED SESSION:

G-1 Conference with Legal Counsel – Anticipated Litigation

Consideration of the Initiation of Litigation Pursuant to Government Code Section §54956.9(d)(4)

One Case: City of Madera v. Jesus Lopez

G-2 Conference with Legal Counsel – Anticipated Litigation

Consideration of the Initiation of Litigation Pursuant to Government Code Section §54956.9(d)(4)

One Case: City of Madera v. Jeffrey Streeter

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 7:36 p.m. and asked that G-2 be heard first.

PUBLIC COMMENT:

Public comment was read following the announcement of the Closed Session items noted above.

The Haverkamps, Margaret Bucholtz and Marisa Poppy submitted written correspondence regarding Marisa Silva and her neighbors who have police and code enforcement issues, but none have been resolved. They ask that the City of Madera take action against the neighbor, so that Ms. Silva can enjoy her home.

Mayor Garcia asked if the other public comment was for the same issue and Ms. Gonzales replied in the affirmative. Mayor Garcia asked that the reading of the other items be suspended.

City Clerk Alicia Gonzales stated that the other correspondence was from Jeanette Chambers (daughter of Ms. Silva), and Steven and Sue Gonzales (son and daughter-in-law of Ms. Silva). Mr. and Mrs. Gonzales also supplied photographs of some of their concerns. City Clerk Alicia Gonzales shared her screen and showed the photographs.

G. CLOSED SESSION (Continued from above):

Council adjourned to Closed Session.

Council returned from closed session at 8:47 p.m. with six (6) Councilmembers present as District 5 is currently vacant.


City Attorney Hilda Cantu Montoy stated the City Council determined that the City authorized litigation against Jesus Lopez to establish and ask the court for a civil nuisance abatement in the receivership for property that Mr. Lopez owns at 209 South "O" Street in Madera.

ADJOURNMENT: The meeting was adjourned at 8:49 p.m. Next regular meeting on September 1, 2021.

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.


ALICIA GONZALES, City Clerk


MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk

