

Item:	B-1
Minutes for:	02/16/2022
Adopted:	07/20/2022

Minutes of a Regular Meeting of the Madera City Council

Wednesday, February 16, 2022
6:00 p.m.

Council Chambers
City Hall

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. 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 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.

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

ROLL CALL:

All Present: 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

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 Chief Matt Watson, Interim Parks Director Joseph Hebert, Interim Director of Financial Services Anthony Forestiere, Information Services Manager Mark Souders, Police Chief Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Randy Bell, Assistant Engineer Alexis Raymundo, Gabriel Bostan, Wastewater Treatment Plan Operator, Adam Klier, Assistant Planner, Marcela Zuniga, Grants Administrator, David Huff, Program Manager, Adam Romero, Recreation/Community Program Coordinator, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor John Pursell, Believer's Church

PLEDGE OF ALLEGIANCE: Councilmember Steve Montes

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM EVANS, THE AGENDA WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER 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.

Kirk Atamian submitted written public comment regarding applications for cannabis dispensaries.

No further Public Comment was presented. Public Comment was closed.

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.

ON MOTION BY MAYOR PRO TEM EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, THE CONSENT CALENDAR WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

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)

ORD 984 C.S. AN ORDINANCE OF THE CITY COUNCIL 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 CITY

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 Arnoldo Rodriguez)

RES 22-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, OPPOSING STATE BALLOT MEASURE 21-0042A1, TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

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)

RES 22-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES WITH THE PUN GROUP

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

RES 22-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING REVISIONS TO AMENDMENT NO. 2 TO THE AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC., AND RESCINDING RESOLUTION NO. 21-137

- 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)

RES 22-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING REVISIONS TO AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC., AND RESCINDING RESOLUTION NO. 21-138

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)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM C-1 WAS CONTINUED TO THE MARCH 2, 2022 CITY COUNCIL MEETING BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

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

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 Arnoldo Rodriguez)

Report presented by Sara Allinder, Provost & Pritchard Consulting Group

Mayor opened Public Comment.

Mrs. Leslie H. Hayes submitted an email for Public Comment.

Public comment was made by Mr. Roger Evans.

Mayor closed Public Comment.

City Council comments were heard.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM C-2 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 22-22 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AMENDMENT TO THE GENERAL PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 0.875 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SUNSET AVENUE AND ORCHARD AVENUE TO MODIFY THE LAND USE DESIGNATION OF COMMERCIAL TO HIGH DENSITY RESIDENTIAL (APN: 006-182-007) AND ADOPTING A NEGATIVE DECLARATION

INTRO ORD AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE THE APPROXIMATELY 0.2 NORTHERN ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SUNSET AND ORCHARD AVENUES (APN: 006-182-007) FROM THE R1 TO THE R3 ZONE DISTRICT

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)

Presentation by Adam Romero, Recreation/Community Program Coordinator

Mayor Garcia opened Public Comment.

No Public Comment was submitted. Public Comment was closed.

City Council comments were heard.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-1 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 22-23 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AWARDDING A CONTRACT RELATING TO INVITATION FOR BID NO. 202122-09 TO NISH-KO, INC. AND APPROVING A CONTRACTOR SERVICES AGREEMENT

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)

Presentation by City Engineer Keith Helmuth and Caltrans Staff.

Mayor opened Public Comment.

Public Comment was made by Mona Davies on behalf of the Madera Downtown Association.

Written Public Comment was submitted by the Madera Downtown Association.

Written Public Comment was also submitted by Bobby Kahn, Madera EDC, Supervisor Leticia Gonzalez, Madera County, and Supervisor Brett Frazier, Madera County.

No further Public Comment was presented. Public Comment was closed.

City Council comments were heard.

City Engineer comments were heard.

City Manager comments were heard.

ON MOTION BY MAYOR GARCIA AND SECONDED BY COUNCILMEMBER MEJIA, ITEM D-2 WAS APPROVED AND THE RESOLUTION TO INCLUDE CONSIDERATIONS OF ROUNDABOUTS AND MEDIANS BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 22-24 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING CALTRANS PROPOSED ROAD DIET TO BE CONSTRUCTED AS PART OF CALTRANS DOWNTOWN MADERA CAPM PROJECT (06-0Y180)

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)

No Public Comment was submitted. Public Comment was closed.

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-3 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 22-25 A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MADERA AND MADERA COUNTY REGARDING COORDINATION OF ONGOING FEDERAL TRANSPORTATIONADMINISTRATION (FTA) FUNDED ACTIVITIES FOR THE MADERA URBANIZED AREA

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 Arnaldo Rodriguez)

No Public Comment was submitted. Public Comment was closed.

Councilmember Gallegos comments were heard.

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-3 WAS APPROVED BY A 6/1 VOTE. NOES: COUNCILMEMBER GALLEGOS. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

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

NO: 1 - COUNCILMEMBER GALLEGOS

RES 22-26 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA REAUTHORIZING REMOTE TELECONFERENCE 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 THIRTY DAYS

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 Arnaldo Rodriguez)

No Public Comment was submitted. Public Comment was closed.

Councilmember Gallegos comments were heard.

City Attorney comments were heard.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-3 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 22-27 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AWARDED RFP NO. 202122-05 TO DAVID AUSTIN AND APPROVING A CONSULTANT SERVICES AGREEMENT

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 Arnaldo Rodriguez)

No Public Comment was submitted. Public Comment was closed.

City Attorney comments were heard.

Mayor Garcia comments were heard.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-6 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

INTRO ORD AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION § 2-3.101 OF TITLE II, CHAPTER 3 OF THE MADERA MUNICIPAL CODE RELATING TO APPOINTMENTS AND TERMS TO CITY BOARDS, COMMITTEES, AND COMMISSIONS

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 agendaized and which meet other requirements for action.

Councilwoman Gallegos mentioned it is Kind Week at the City schools and asked everyone to spread kindness throughout the community.

Councilmember Rodriguez: Mentioned the steering committee for Measure T is still holding its meetings with the next meeting scheduled for today. Updated everyone about the 4th of July Event and mentioned they have published an informational flyer.

Councilmember Montes had nothing to report.

Mayor Pro Tem Evans mentioned February is Black History Month and shouted out City Fire, PD, and the food bank for assisting with the event celebrating Black History Month.

Councilwoman Mejia mentioned she attended the Community Connections event held at Madera South High School. She appreciated the collaboration between City Parks and Binational of Central California who are offering free income tax preparation to low-income residents.

Councilmember Villegas had nothing to report.

Mayor Garcia requested staff update Council about cannabis during the next Council meeting.

G. CLOSED SESSION:

G-1 Public Employee Performance Evaluation

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

Title: City Manager

City Attorney Hilda Cantu Montoy made the closed session announcement at 8:17 p.m.

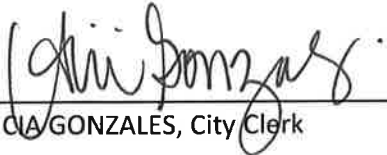
Council returned from Closed Session at 9:02 p.m. with all members of the Council present.

City Manager announced there was no reportable action.

ADJOURNMENT: The meeting was adjourned at 9:03 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.


ALICIA GONZALES, City Clerk


SANTOS GARCIA, Mayor

