



Item:	B-1
Minutes for:	11/03/2021
Adopted:	06/15/2022

## Minutes of a Regular Meeting of the Madera City Council

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

**Council Chambers**  
**City Hall**

The Council Chambers was open to the public. This meeting was also available for public viewing and participation through Zoom. Members of the public were also able to observe the live streamed meeting on the City's website at [www.madera.gov/live](http://www.madera.gov/live). Members of the public were able to 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 were also 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 observed the Madera County Public Health Department physical distancing recommendations. This may have limited seating in the Council Chamber; however, the City had seating available in the foyer. All persons visiting City facilities shall observe health and safety protocols.

**CALL TO ORDER:** The meeting was called to order at 6:00 p.m.  
Microphones were not immediately turned on.

### **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  
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 Steve Woodworth, City Engineer Keith Helmuth, Fire Division Chief Matt Watson, Director of Human Resources Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Works Director Dan Foss, Interim Director of Financial Services Anthony Forestiere, Grants Program Manager Joseph Hebert, Senior Planner John Thomason, Senior Civil Engineer Victor Aldama, Deputy City Engineer Ellen Bitter, and Communication Specialist Joseph Carrello.

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

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Villegas

**APPROVAL OF AGENDA:**

**ON MOTION BY COUNCILMEMBER MONTES 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.*

Ramon Lopez stated he has noticed that many times people speak out to complain. He was not there to complain. He thanked Council for their service and stated he believes Madera is moving forward.

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

**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.*

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM VILLEGAS, THE CONSENT CALENDAR 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**

**B-1 Informational Report on Register of Audited Demands for Oct. 9, 2021 to Oct. 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)

**RES 21-153** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE, PUBLIC WORKS, AND PARK FEES RELATING TO THE DOWNTOWN MADERA CHRISTMAS PARADE FOR MADERA DOWNTOWN ASSOCIATION AND MADERA EVENING LIONS CLUB IN THE AMOUNT OF \$2,935.00

**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 Arnolando Rodriguez)

**RES 21-154** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AWARDDING RFP NO. 202122-03 TO WEST COAST ARBORISTS, INC. AND APPROVING A CONTRACTOR SERVICES AGREEMENT

**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)

**RES 21-155** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH MALETIN INC. FOR OUTSIDE OF CITY WATER SERVICE FOR 28127 MONO STREET, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT

**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)

**RES 21-156** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH REGINALDO MEDINA AND AURORA MEDINA FOR OUTSIDE OF CITY SEWER SERVICE FOR 27722 AVENUE 16, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT

**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)

**RES 21-157** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH MKN & ASSOCIATES IN THE AMOUNT OF \$419,446.20 FOR PROFESSIONAL ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES AND AUTHORIZING OPTIONAL SERVICES UP TO \$98,952.49 FOR THE AVENUE 13 SEWER INTERCEPTOR REHABILITATION, CITY PROJECT NO. SS-00014

Item D-1 was heard prior to C-1 as it was not 7:00 p.m. yet.

**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)

A concerned citizen called via zoom and stated that Mayor Garcia showed up with a consultant and a PowerPoint presentation yesterday where he twisted the Fair Map Act to fit his political agenda. She stated his presentation made it about race and that they need to completely redraw the map to benefit the Hispanic community. She urged everyone to read the bill. It has nothing to do with race. It is about population and existing communities. She asked that Council consider a censor for the Mayor for trying to start a race war in Madera.

Ramon Lopez stated he would like to see redistricting done again in five (5) years while taking into account Planning Department staff input as they are aware of new housing development and new population in those areas. Mr. Lopez also stated that he was surprised to hear Mayor Garcia say that the County was doing a good job with redistricting as when he attended one of the hearings, it was ugly.

Written Public Comment was received from Kathy Grate asking what is being done to make constituents in District 5 aware, seeing as there is a lack of Council representation there.

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

**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 Sourcewell 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)

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**RES 21-158** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A PURCHASE AGREEMENT FOR A ROSENBAUER TYPE-1 FIRE ENGINE FROM ROSENBAUER SOUTH DAKOTA, LLC A SOURCEWELL COOPERATIVE PURCHASE CONTRACT #022848- RSB; AUTHORIZING

EXECUTION BY CITY MANAGER; AND AMENDING THE 2021/22 ADOPTED BUDGET APPROPRIATING \$751,549.74 FOR THE PURCHASE IN THE MEASUREK FIRE BUDGET FOR THE PURCHASE OF EQUIPMENT

**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 Arnaldo Rodriguez)

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-2 WAS APPROVED BY A 5/1 VOTE. NOES: MAYOR GARCIA. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**ORD 979 C.S.** AN ORDINANCE OF THE CITY COUNCIL OF MADERA, CALIFORNIA AMENDING SUBSECTIONS (G) AND (H) OF SECTION 6-5.14 OF TITLE VI, CHAPTER 5 OF THE MADERA MUNICIPAL CODE RELATING TO APPROVAL OF CANNABIS BUSINESS PERMITS

**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 Arnaldo Rodriguez)

Ramon Lopez stated that at Planning Commission there was a big concern that it is easier to start a cannabis business than it is to start a tobacco business. He stated he did not want them close to the schools or parks.

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM D-3 (1) AND (2) WAS APPROVED BY A 4/2 VOTE. NOES: COUNCILMEMBER RODRIGUEZ AND MAYOR PRO TEM VILLEGAS. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**THE MOTION PASSED WITH THE FOLLOWING VOTE:**

**YES: 4 – COUNCILMEMBER GALLEGOS  
COUNCILMEMBER MONTES  
COUNCILMEMBER EVANS**

**MAYOR GARCIA**

**NO: 2 - COUNCILMEMBER RODRIGUEZ  
MAYOR PRO TEM VILLEGAS**

**ORD 980 C.S.** 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

**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)

No Public Comment was presented. Public Comment was closed.

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-4 (1) AND (2) WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

**RES 21-159** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR ANNEXATION 2021-01, TENTATIVE SUBDIVISION MAP 2021-02 AND PRECISE PLAN 2021-04 IDENTIFIED AS LINKS RANCH SUBDIVISION LOCATED ON THE SOUTH SIDE OF WEST CLEVELAND AVENUE BETWEEN AVENUE 16 AND ROAD 23

**ORD 981 C.S.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA 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

**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)

No Public Comment was presented. Public Comment was closed.

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM D-4 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**

**RES 21-160 A RESOLUTION APPROVING THE 2020/2021 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT AND FINANCIAL SUMMARY REPORT**

**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)

**ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM E-1 (1) TO ALLOW CITY MANAGER AT HIS DISCRETION TO CALL FOR A SPECIAL MEETING TO BRING THIS ITEM BACK FOR DISCUSSION IF A PUBLIC HEALTH CRISIS SHOULD ARISE WAS APPROVED BY A 5/1 VOTE. NOES: MAYOR GARCIA. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**



There was no motion for Item E-1 (2).

**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.*

Councilwoman Gallegos gave a shout out to the community members, businesses, volunteers, and staff for their execution of 22 events over the last week.

Councilmember Rodriguez thanked the individuals in attendance at last night's meeting and congratulated those who ran in Tuesday's election for Council District 5.

Councilmember Montes echoed the comments made by Councilwoman Gallegos concerning all the Halloween events around the City and he thanked both candidates for running for office for the betterment of the community.

Councilwoman Evans echoed the comments made by Councilmember Montes regarding the recent election. She thanked Police Chief Dino Lawson, Interim Public Works Director Dan Foss, City Engineer Keith Helmuth and City Manager Arnoldo Rodriguez for the improvements that are currently in progress on Adell Street. Councilmember Evans mentioned she will be at James Monroe Elementary on Wednesday to have lunch with seven students.

Mayor Pro Tem Villegas mentioned all the wonderful Halloween events that took place across the City.

Mayor Garcia stated he attended a Dia de los Muertos event held at Courthouse Park and thanked those who organized the event. He stated he joined the Police Department at their Haunted Command Post and thanked the Police Department for making it possible.

**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:** Arnoldo 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

City Attorney made the closed session announcement at 7:47 p.m.

Council returned from closed session at 8:44 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

City Attorney Hilda Cantu Montoy stated there was no reportable action.

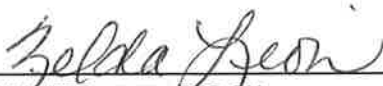
**ADJOURNMENT:** The meeting was adjourned at 8:45 p.m. Next regular meeting on November 17, 2021.

**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

  
\_\_\_\_\_  
SANTOS GARCIA, Mayor

  
\_\_\_\_\_  
MINUTES PREPARED BY  
ZELDA LEON, Deputy City Clerk

