



Item:	B-1
Minutes for:	12/15/2021
Adopted:	06/01/2022

Minutes of a Regular Meeting of the Madera City Council

December 15, 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. 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: 830 0945 0933#. Comments were also accepted via email at 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.

ROLL CALL:

Present: 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

Absent: Mayor Garcia

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, Interim Financial Services Director Anthony Forestiere, Fire Division Chief Matthew Watson, Grants Administrator Marcela Zuniga, Director of Human Resources Wendy Silva, 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 Steve Bettencourt, Program Manager Grants David Huff and Communication Specialist Joseph Carrello.

INVOCATION: Stanley Mackey of 3M Ministries

PLEDGE OF ALLEGIANCE: Councilmember Gallegos

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: MAYOR GARCIA. ABSTAIN: NONE.

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.

Public comment was made by an anonymous caller indicating she called in previously about Mayor Garcia and a Board of Supervisors' meeting he attended. She stated she would like the Mayor's term of office reduced to two years and that current councilmembers address this subject in the Council Reports section. She put Councilmembers on notice if they don't respond to their concerns.

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. Proclamation Recognizing the 2021 National FFA Veterinary Science Career Development Champions
3. Proclamation Recognizing the Madera South High School Cross-Country Team Division I Champions
4. The Impact of Flavored Tobacco on Youth and Our Community (Report by Madera County Tobacco Control Program)

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Proposition 218 Rate Study for Water, Sewer, Storm Drain, and Solid Waste (Report by Anthony Forestiere)

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 RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, THE CONSENT CALENDAR WHILE PULLING ITEM B-8 FOR DISCUSSION WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

B-1 Minutes – June 7, 2021

Recommendation: Approve the City Council Minutes of June 7, 2021

B-2 Informational Report on Register of Audited Demands for Nov. 20, 2021 to Dec. 3, 2021

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 Salary Range Assignments for Part Time Positions due to Increases in the California Minimum Wage

Recommendation: Adopt a Resolution Approving the City of Madera Part Time Salary Schedule effective January 1, 2022 (Report by Wendy Silva)

RES 21-173 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING COMPENSATION RANGES FOR PART TIME POSITIONS

B-5 Approval of Test Rental and Use Agreement for Employment-Related Testing Services

Recommendation: Adopt a Minute Order Approving the Test Rental and Use Agreement with CPS HR Consulting and Authorizing the City Manager to Execute the Agreement (Report by Wendy Silva)

B-6 Annexation of Linden Apartments into Zone of Benefit 4 and Camarena Health into Zone of Benefit 51 of Landscape and Lighting Assessment Districts (LMD) Zone for Fiscal Year 2022/23

Recommendation: Adopt Resolutions Approving Annexation of Linden Apartments and Camarena Health into their respective Zones of Benefit, 4 & 51, and Confirming the Diagrams and Assessments for Citywide Landscape and Lighting Assessment District of their respective Zones of Benefit: 4 & 51 (Report by Keith Helmuth)

RES 21- 174 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ANNEXATION OF LINDEN APARTMENTS INTO ZONE OF BENEFIT 4, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR CITYWIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONE OF BENEFIT 4 FOR FISCAL YEAR (FY) 2022/23, AND AUTHORIZING THE CITY CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR

RES 21- 175 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ANNEXATION OF CAMARENA HEALTH INTO ZONE OF BENEFIT 51, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR CITYWIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONE

OF BENEFIT 51 FOR FISCAL YEAR (FY) 2022/23, AND AUTHORIZING THE CITY CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERACOUNTY AUDITOR

B-7 Revisions to the Civil Service Commission Composition and Appointment Process

Recommendation: Waive further Reading and Adopt an Ordinance Amending §2-2.303 of Title II of the Madera Municipal Code Relating to Number of Commissioners and Method for Making Appointments to Civil Service Commission (Report by Wendy Silva)

ORD 982 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION 2-2.303 OF TITLE II, CHAPTER 2 OF THE MADERA MUNICIPAL CODE RELATING TO NUMBER OF COMMISSIONERS AND METHOD FOR MAKING APPOINTMENTS TO THE CIVIL SERVICE COMMISSION

B-8 Underground Service Alert of Northern California and Nevada (USA) Membership Agreement

Recommendation: Adopt a Minute Order Approving the First Amended Membership Agreement with USA (Report by Daniel Foss)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM B-8 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

B-9 Agreement for Police Canine Training Services

Recommendation: Adopt a Resolution Approving an Agreement for Contract Services with Law Dog K9 for Police Canine Training estimated at \$10,800 per year and increasing to \$11,340 per year in January of 2024 (Report by Dino Lawson)

RES 21-176 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH LAW DOG K9 FOR POLICE CANINE TRAINING SERVICES

B-10 Evaluation of the Loy Cook Water Tower

Recommendation: Adopt a Resolution Approving an Agreement with Beyaz & Patel, Inc. for the Structural Evaluation and Interior and Exterior Coating Evaluation of the Loy Cook Water Tower in the Amount of \$104,798.38 and a Contingency of 10 percent of the Contract Amount (Report by Keith Helmuth)

RES 21-177 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH BEYAZ & PATEL, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE STRUCTURAL EVALUATION AND INTERIOR AND EXTERIOR COATING EVALUATION OF THE LOY COOK WATER TOWER IN THE AMOUNT OF \$ 104,789.38 AND A 10 PERCENT CONTINGENCY

B-11 Appointment of City Representative to the Board of Trustees of the Madera County Mosquito and Vector Control District

Recommendation: Consider Adoption of a Resolution Appointing Donald Horal to the Board of Trustees of the Madera County Mosquito and Vector Control District for an Additional Two-year Term (Report by Alicia Gonzales)

Don Horal stated he would like to be reappointed to the Mosquito District.

RES 21-178 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING DONALD HORAL TO THE BOARD OF TRUSTEES OF THE MADERA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

C. PUBLIC HEARINGS: None

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

D-1 Consideration of an Ordinance for Organic Waste Disposal Reduction, Recycling, and Solid Waste Collection per Senate Bill (SB) 1383

Recommendation: Waive full reading and introduce an Ordinance Amending the Title V "Sanitation and Health" of the Madera Municipal Code by Adding New Chapter 3A Relating to Organic Waste Disposal Reduction, Recycling, and Solid Waste Collection and confirming a CEQA Categorical Exemption (Report by Arnaldo Rodriguez)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

D-2 Consultant Services Agreement with T J K M for Design Services for Traffic Signals and New Signal Controller Upgrades

Recommendation: Adopt a Resolution Approving an Agreement with T J K M in the amount of \$128,738.77 for design services for:

- 1) New Traffic Signal at the Intersection of Cleveland Avenue and Granada Drive; and
- 2) New Traffic Signal at the Intersection of South Street and D Street; and
- 3) New Signal Controller Upgrades at the Intersection of Howard Road and Pine Street, and the Intersection of Olive Avenue, W. Yosemite Avenue, and Q Street (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-2 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 21-179 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN CONSULTANT SERVICES AGREEMENT WITH TJKM, IN THE AMOUNT OF \$128,738.77 FOR ENGINEERING DESIGN SERVICES FOR A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF CLEVELAND AVENUE AND GRANADA DRIVE, CITY PROJECT TS-24, FED PROJECT CML 5157(124); A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF SOUTH STREET AND D STREET, CITY PROJECT TS-32, FED PROJECT CML 5157(125); AND NEW SIGNAL CONTROLLER UPGRADES AT THE INTERSECTION OF HOWARD ROAD AND PINE STREET AND THE INTERSECTION OF OLIVE AVENUE, W. YOSEMITE AVENUE AND PINE STREET (HOPYQ), CITY PROJECT TS-23, FED PROJECT CML 5157(121)

D-3 Amendment to the Agreement between the City and MV Public Transportation, Inc. pertaining to Madera Metro

Recommendation: Adopt a Resolution Approving Amendment to No. 3 to the Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc. Relating to Holiday Service Hours and Driver Certification Requirements (Report by Anthony Forestiere)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-3 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 21-180 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 3 TO THE AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

D-4 Request by Pistoresi Ambulance Paramedics to Extend the Lease Agreement for Space at Fire Station 57

Recommendation: Adopt a Resolution Approving a Three-month Extension to the Original Lease Agreement with Pistoresi Ambulance Paramedics beginning on January 1, 2022 at a Monthly Rate of \$2,040 (Report by Matt Watson)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-4 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 21-181 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH PISTORESI AMBULANCE PARAMEDICS FOR SPACE AT THE CITY OF MADERA FIRE STATION 57

E. ADMINISTRATIVE REPORTS:

E-1 Seek Direction Regarding the 2022 Regular City Council Meeting Schedule

Recommendation: Deliberation and Direction Given from Council (Report by Arnoldo Rodriguez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM E-1 CITY COUNCIL MEETING CALENDAR 2022 AS PRESENTED WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: 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.

Councilmember Gallegos asked staff to include the introduction of the new Grants Administrator on the next agenda. She also asked that staff and legal counsel gather information regarding the Mayoral seat and include it on the next agenda.

City Manager Arnoldo Rodriguez stated legal counsel would prepare information on rotating Mayoral seat or change in election term and place the item on the next agenda.

Councilmember Mejia reminded everyone of the Madera Coalition event on Monday, December 20th.

Councilmember Rodriguez mentioned a ribbon cutting that took place in November regarding a multi-unit commercial complex. He mentioned that Council needs to continue to gain governance training formally through the City or seek it individually. He wished everyone a happy holiday.

Councilmember Montes thanked staff for their hard work this year and wished everyone a happy holiday.

Councilmember Villegas mentioned the bicycle giveaway taking place at the Ford dealership this Saturday at 10:00 a.m. He mentioned that next Tuesday, the Islamic Temple will be giving away clothes and food to those in need.

Mayor Pro Tem Evans thanked Mid Valley for the lunch that various Councilmembers attended. She thanked staff for all they do and thanked the public for participating in the future of the City. She wished everyone a blessed and safe holiday.

G. CLOSED SESSION:

**G-1 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Arnoldo Rodriguez and Wendy Silva**

Employee Groups: General Bargaining Unit, Madera Police Officers' Association, Mid Management Employee Group, Law Enforcement Mid Management Group

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

Workers' Compensation: Christian Gomez – One (1) claim
Mark Trukki – One (1) claim

G-3 Liability Claim Pursuant to Government Code §54956.95

Agency Claimed Against: City of Madera
Claimant: Darrel R. Rustigian, Esq. ASO Sylvia Barrientos

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 9:19 p.m.

Council returned from Closed Session at 10:21 p.m. with six (6) Councilmembers present as Mayor Garcia is absent.

City Attorney Hilda Cantu Montoy stated that Councilmember Mejia recused herself from Item G-3. There was no reportable action.

ADJOURNMENT: The meeting was adjourned at 10:22 p.m. Next regular meeting on January 19, 2022.

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

