



Item:	B-1
Minutes for:	05/04/2022
Adopted:	09/21/2022

Minutes of a Regular Meeting of the Madera City Council

**May 4, 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: 829 9274 2453. Comments will also be 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 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, Attorney Shannon Chaffin, City Engineer Keith Helmuth, Interim Finance Director Anthony Forestiere, Fire Division Chief Matt Watson, Grants Administrator Marcela Zuniga, Human Resources Director Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Works Director Dan Foss, Planning Consultant Robert Smith, and Communication Specialist Joseph Carrello.

INVOCATION: Mayor Pro Tem Anita Evans

PLEDGE OF ALLEGIANCE: Councilmember Jose Rodriguez

APPROVAL OF AGENDA:

Late distribution announcement made by City Clerk, Alicia Gonzales. Pursuant to government code section 54957.5, members of the public are advised that less than 72 hours prior to this evening's meeting, Item B-7 was distributed to the Council and posted on the City's website after the agenda packet was posted. Members of the public wishing to view or obtain a copy of this item may do so by visiting the City

of Madera meeting and agenda page located on the City's website. Copies of this item are also available at the podium.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, 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.

Public Comment was heard from community members Carmen Velasquez Hernandez and Cynthia Ortegon.

Public Comment was heard from Isaac Lopez, Madera High Activities Director, and students.

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

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Proclamation Recognizing Letter Carrier's Stamp Out Hunger Food Drive Day
2. Proclamation Recognizing May as CASA Awareness Month

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 COUNCILMEMBER MONTES, THE CONSENT CALENDAR WAS APPROVED BY A 7/0 VOTE EXCLUDING ITEM B-4. 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 – November 17, 2021

Recommendation: Approve the City Council Minutes of November 17, 2021

B-2 Informational Report on Register of Audited Demands for April 9, 2022 to April 22, 2022

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Informational Report on Contract City Attorney Services and Litigation Expenditures

Recommendation: This report is submitted for informational purposes only and there is no action requested from the City Council (Report by Arnolando Rodriguez)

B-4 Madera Americans with Disabilities Act (ADA) Advisory Council Bylaws

Recommendation: Adopt a resolution amending the Madera ADA Advisory Council Bylaws (Report by Wendy Silva)

Councilmember Gallegos comments were heard.

Councilmember Montes comments were heard.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM B-4 WAS APPROVED BY A 7/0 VOTE EXCLUDING ITEM B-3 AND ITEM B-4 OF SECTION 2 OF THE BYLAWS. 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 22-55 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE MADERA AMERICANS WITH DISABILITIES ACT (ADA) ADVISORY COUNCIL BYLAWS

B-5 Porsche Club of America Autocross Events at the Municipal Airport

Recommendation: Adopt a Resolution Approving a Permit for the Use of Designated Areas at the Municipal Airport for use by the Porsche Club of America Autocross at a rate \$350 per event during 2022-2023 (Report by Daniel Foss)

RES 22-56 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SPECIAL ACTIVITY PERMIT CERTIFICATE FOR THE USE OF DESIGNATED AREAS OF THE MADERA MUNICIPAL AIRPORT FOR THE 2022-2023 PORSCHE CLUB OF AMERICA AUTOCROSS EVENTS

B-6 Amendment No. 4 to CA Pacific Investments, LLC Lease Agreement

Recommendation: Adopt a Resolution Approving Amendment No. 4 to Lease Agreement between the City and CA Pacific Investments, LLC relating to lease financing (Report by Daniel Foss)

RES 22-57 RESOLUTION APPROVING AMENDMENT NO. 4 TO LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND CA PACIFIC INVESTMENTS, LLC RELATING TO LEASE FINANCING

B-7 Actions Relating to Pecan Square Subdivision (Tract No. 20-S-02): Final Map for Pecan Square Subdivision (Tract No. 20-S-02) and Improvement Agreement

Recommendation: Staff recommends that the Council

- 1) Adopt Resolution:
 - a. Approving the Final Map for the Pecan Square Subdivision; and
 - b. Approving Improvement Agreement for the Pecan Square Subdivision (Tract No. 20-S-02); and
 - c. Authorizing staff to record the Final Map and Agreement for the Construction of Improvements for the Pecan Square Subdivision (Tract No. 20-S-02); and
 - d. Accepting the Dedication of Land for Public Use (Report by Keith Helmuth)

RES 22-58 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE FINAL MAP FOR THE PECAN SQUARE SUBDIVISION (TRACT NO. 20-S-02) AND IMPROVEMENT AGREEMENT (AGREEMENT)

B-8 Written request submitted by Madera High School to assist in an educational program titled "Every 15 Minutes"

Recommendation: Adopt a Resolution Waiving the Fees and Costs for necessary permitting and Police and Public Works Services in the amount of \$1040 (Report by Dino Lawson)

RES 22-59 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE AND PUBLIC WORK SERVICES RELATING TO MADERA HIGH SCHOOL'S EVERY 15 MINUTES EDUCATIONAL PROGRAM IN THE AMOUNT OF \$1,040.00

B-9 Villages at Almond Grove Specific Plan: Specific Plan (SP) No. 2017-01 (Adopting the Villages at Almond Grove Specific Plan); Pre-zone/Rezone (REZ) No. 2017-05; Zoning Ordinance/Madera Municipal Code Amendment (OTA) No. 2022-01; and Annexation (ANX) No. 2022-01

Recommendation:

- 1) Adopt an Ordinance of the City Council of the City of Madera adopting the proposed Villages at Almond Grove Specific Plan (Specific Plan No. 2017-01) by title only, and waive the second full reading; and
- 2) Adopt an Ordinance of the City Council of the City of Madera amending Section 10-3.301 of Chapter 3 of Title 10 of the City Municipal Code and adding Sections 10-3.11.601 through Section 10-3.11.604 of Subchapter 11 of Chapter 3 of Title 10 of the City Municipal Code to provide for Specific Plan Zones (SP) by title only, and waive the second full reading; and
- 3) Adopt an Ordinance of the City Council of the City of Madera amending the official City of Madera Zoning Map to rezone approximately 1,883 acres within the Villages at Almond Grove Specific Plan, whose location is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, from Agricultural Rural Exclusive – 40 acres (ARE-40) and Agricultural Rural Exclusive – 20 acres (ARE-20), as well as PD 4500 (Planned Development, one unit per 4,500 square feet of site area) to the Specific Plan (SP) zone district by title only, and waive the second full reading; and
- 4) Adopt a Resolution initiating annexation of the Villages at Almond Grove Specific Plan area (Annexation No. 22-01) (Report by Gary Conte)

ORD 991 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1,883 ACRES WITHIN THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN, WHOSE LOCATION IS BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST, FROM AGRICULTURAL RURAL EXCLUSIVE - 40 ACRES (ARE-40) AND AGRICULTURAL RURAL EXCLUSIVE - 20 ACRES (ARE-20), AS WELL AS PD 4500 (PLANNED DEVELOPMENT, ONE UNIT PER 4,500 SQUARE FEET OF SITE AREA), TO THE SPECIFIC PLAN (SP) ZONE DISTRICT

ORD 992 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING SECTION 10-3.301 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE AND ADDING SECTIONS 10-3.11.601 THROUGH SECTION 10-3.11.604 OF SUBCHAPTER 11 OF CHAPTER 3 OF TITLE 10 OF THE CITY MUNICIPAL CODE TO PROVIDE FOR SPECIFIC PLAN ZONES (SP)

ORD 993 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (SPECIFIC PLAN NO. 2017-01)

RES 22-60 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA INITIATING ANNEXATION OF THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN AREA (ANNEXATION NO. 22-01)

B-10 Appointments to the Planning Commission

Recommendation: Adopt a Resolution Approving the Appointment of Jose Chavez Garcia and Saim Mohammad to the Planning Commission (Report by Gary Conte)

RES 22-61 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE APPOINTMENT OF JOSE CHAVEZ GARCIA AND SAIM MOHAMMAD TO THE CITY OF MADERA PLANNING COMMISSION

B-11 Appointments to the Americans with Disabilities Act (ADA) Advisory Council

Recommendation: Adopt a Resolution Approving the Appointment of DJ Becker and Saim Mohammad to the Americans with Disabilities Act (ADA) Advisory (Report by Wendy Silva)

RES 22-62 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE APPOINTMENT OF DJ BECKER AND SAIM MOHAMMAD TO THE CITY OF MADERA AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL

B-12 Acceptance of Improvements for La Spezia II Subdivision (Tract No. 19-S-01)

Recommendation: Adopt a Resolution

- 1) Accepting the Improvements for La Spezia II Subdivision (Tract No. 19-S-01); and
- 2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
- 3) Authorizing staff to record the Notice of Acceptance of Subdivision Improvements; and
- 4) Rescinding Resolution 22-51 (Report by Keith Helmuth)

RES 22-63 A RESOLUTION ACCEPTING IMPROVEMENTS FOR LA SPEZIA II SUBDIVISION (TRACT NO. 19-S-01), AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID SUBDIVISION IMPROVEMENTS, AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE, AND RESCINDING RESOLUTION NO. 22-51

B-13 Acceptance of Improvements for La Spezia III Subdivision (Tract No. 19-S-02)

Recommendation: Adopt a Resolution

- 1) Accepting the Improvements for La Spezia III Subdivision (Tract No. 19-S-02); and
- 2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
- 3) Authorizing staff to record the Notice of Acceptance of Subdivision Improvements; and
- 4) Rescinding Resolution 22-52 (Report by Keith Helmuth)

RES 22-64 A RESOLUTION ACCEPTING IMPROVEMENTS FOR LA SPEZIA III SUBDIVISION (TRACT NO. 19-S-02), AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID SUBDIVISION IMPROVEMENTS, AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE AND RESCINDING RESOLUTION NO. 22-52

B-14 Consideration of a Resolution Approving a Date for Prop 218 Public Hearing for Water, Sewer, Storm Drainage and Solid Waste Rate Increases

Recommendation: Adopt a Resolution Amending the date set in Resolution No. 22-43 for Conducting the Proposition 218 Public Hearing for Proposed Water,

Sewer, Storm Drainage and Solid Waste Rate Increases (Report by Anthony Forestiere)

RES 22-65 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING THE DATE SET IN RESOLUTION NO. 22-43 FOR CONDUCTING THE PROPOSITION 218 PUBLIC HEARING FOR PROPOSED WATER, SEWER, STORM DRAINAGE AND SOLID WASTE RATE INCREASES

B-15 Letter of Support for 2022 Multimodal Project Discretionary Grant (MPDG) Application: Madera High-Speed Rail Station Project

Recommendation: Approve a Minute Order Approving Letter of Support for Grant Application for the 2022 Multimodal Project Discretionary Grant (MPDG) Application: Madera High-Speed Rail Station Project (Report by Arnoldo Rodriguez)

C. PUBLIC HEARINGS:

C-1 Appeal of the Planning Commission approval of the Amond World Cold Storage Warehouse Site Plan Review (SPR 2021-41) and adoption of a Mitigated Negative Declaration (ENV 2021-61)

Recommendation: Hold a public hearing and make the necessary findings, and take the following actions:

- 1) Adopt a Resolution of the City Council of the City of Madera denying the appeal of, and affirming the decision of, the Planning Commission's approval of Site Plan Review 2021-41 (SPR 2021-41) as conditioned, and mitigated negative declaration (ENV 2021-61), subject to mitigation measures (Amond World Cold Storage Warehouse Project) (Report by Gary Conte)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-1 WAS APPROVED BY A 7/0 VOTE EXCLUDING. 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 22-66 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA DENYING THE APPEAL OF, AND AFFIRMING THE DECISION OF, THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW 2021-41 (SPR 2021-41) AS CONDITIONED, AND MITIGATED NEGATIVE DECLARATION (ENV 2021-61), SUBJECT TO MITIGATION MEASURES (AMOND WORLD COLD STORAGE WAREHOUSE PROJECT)

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS: None

E. ADMINISTRATIVE REPORTS:

E-1 Appointment of an Ad-Hoc Committee to Negotiate a Tax Sharing Agreement between the City and the County of Madera

Recommendation: Appoint Councilmembers to serve on the Ad-Hoc Committee (Report by Arnoldo Rodriguez)

A recess was called at 7:26 p.m. The meeting was reconvened at 7:39 p.m.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE MOTION TO APPOINT COUNCILMEMBERS GALLEGOS AND MONTES AS MEMBERS OF THE AD-HOC COMMITTEE WAS APPROVED BY A 5/2 VOTE. NOES: MAYOR GARCIA AND MAYOR PRO TEM EVANS ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 - COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS**

**NO: 2 - MAYOR PRO TEM EVANS
MAYOR GARCIA**

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY MAYOR PRO TEM EVANS, THE MOTION FOR THE CITY MANAGER TO CONFER WITH THE COUNTY OF MADERA BOARD OF SUPERVISORS IN GOOD FAITH IF AN ADDITIONAL COMMITTEE MEMBER WOULD BE ACCEPTABLE 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
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR PRO TEM EVANS
MAYOR GARCIA**

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 expressed prayers to a Madera Police Officer who experienced an incident and is undergoing recovery. She also congratulated Lieutenant Foss for raising \$50,000 at the O.L.I.V.E Fundraiser.

Councilmember Montes voiced prayers to the MPD Officer in his healing as well. Thanked Lieutenant Foss and commended him for founding the O.L.I.V.E. and the work he has done to advance their mission. He mentioned RAZA event that occurred April 30th in which the City was presented with a plaque.

Mayor Pro Tem Evans mentioned the groundbreaking ceremony for Fire Station 11 in North Fork and thanked Chief Watson for hosting and offered additional thanks to City Manager, Arnoldo Rodriguez, CalFire, North Fork Rancheria of Mono Indians. She also brought to public's attention that Madera Community Hospital offers COVID testing each morning and are also offering COVID vaccinations. She further sent a reminder Juneteenth will be celebrated on June 17th this year as the 19th falls on Father's Day and invited those in attendance to show their support.

Councilwoman Mejia mentioned the City's and County Public Health's collaboration in providing PPE to family childcare providers. She also gave a shout out to the Fire Department for attending Día De Los Ninos on Saturday, April 30th.

Councilmember Villegas mentioned he offered his best wishes to our MPD Officer who was injured. He thanked City Manager, Arnoldo for attending the Fire Station 11 groundbreaking event with him. He reminded the public of Cinco De Mayo and encouraged others to learn the history of this holiday. Councilmember Villegas also wished a "Happy Mother's Day" to all mothers.

Mayor Garcia mentioned Madera Unified School District invited him to throw the first pitch at a softball game to honor Coach Shaubach on her 700th win. Mayor Garcia threw a strike and received a signed softball by the team and the Coach. He commended her on her amazing record.

G. CLOSED SESSION:

- G-1 Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Section 54956.9(d)(4):** One case
- G-2 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation Pursuant to Section 54956.9(d)(2):** One case - Madera Police Officer's Association
- G-3 Conference with Labor Negotiator Pursuant to Section 54957.6**
Agency Designated Representatives: Arnoldo Rodriguez, Wendy Silva, and Anthony Forestiere
Employee Organization: Madera Police Officers' Association

Attorney Shannon Chaffin made the closed session announcement at 7:54 p.m.

Council returned from Closed Session at 8:41 p.m. with all members of the Council present.

Attorney announced there was no reportable action.

ADJOURNMENT: Meeting was adjourned at 8:41 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


ANITA EVANS, Mayor Pro Tem