



Item:	B-1
Minutes for:	06/01/2022
Adopted:	10/05/2022

Minutes of a Regular Meeting of the Madera City Council

**Wednesday, June 1, 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: 856 7169 2434#. 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, City Attorney Hilda Cantu Montoy, City Engineer Keith Helmuth, Interim Director of Financial Kingsley Okereke, Fire Division Chief Matt Watson, IS Manager Mark Souders, Interim Parks Director Joseph Hebert, Planning Manager Gary Conte, Police Chief Dino Lawson, Commander Gino Chiramonte, Interim Public Works Director Dan Foss, Deputy City Engineer Ellen Bitter, Assistant Engineer Alexis Raymundo, Administrative Analyst II Eric Battles, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Fred Thurman, New Life Assembly

PLEDGE OF ALLEGIANCE: Councilmember Jose Rodriguez

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, THE APPROVAL OF AGENDA WAS APPROVED BY A 7/0 VOTE, MOVING ITEM E-1 TO BE HEARD AFTER THE CONSENT CALENDAR, AND ITEM G-2 WAS REMOVED FROM THE AGENDA TO A FUTURE COUNCIL MEETING. 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.

Resident at 2828 Monocott Avenue requested traffic study.

Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS: None

INTRODUCTIONS:

City Manager Arnoldo Rodriguez introduced Kingsley Okereke, Interim Finance Director.

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 MONTES AND SECONDED BY COUNCILMEMBER EVANS, 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 – 12/15/21

Recommendation: Approve the City Council Minutes of December 15, 2021

B-2 Informational Report on Register of Audited Demands for May 7, 2022 to May 20, 2022

Recommendation: No Action Required (Report by Kingsley Okereke)

B-3 Section 125 Flexible Benefits Plan Amendment

Recommendation: Adopt a Resolution

- 1) Approving an Amendment to the City of Madera Flexible Benefits Plan; and
- 2) Authorizing the City Manager to sign the Amendment and any related documents (Report by Wendy Silva)

RES 22-73 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE AMENDMENT TO THE CITY OF MADERA FLEXIBLE BENEFITS PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND ANY RELATED DOCUMENTS

B-4 Sale of Two Police Canines

Recommendation: Approve a Minute Order Authorizing the Sale of Two Police Canines for \$1.00 each (Report by Dino Lawson)

B-5 Three Easement Deeds for Sidewalk Improvements on Maple, Santa Cruz, and Monterey Streets City Project R-84

Recommendation: Adopt a Resolution Approving Three Purchase and Sale of Real Property Agreements and Authorizing the City Clerk to prepare the Certificate of Acceptance and Record Three Easement Deeds (APN No. 012-096-006, 012-095-004, and 012-096-016) (Report by Keith Helmuth)

RES 22-74 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THREE AGREEMENTS FOR PURCHASE AND SALE OF REAL PROPERTY (APN NO. 012-096-006, 012-095-004, 012-096-016) WITH THE PROPERTY OWNERS AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CERTIFICATE OF ACCEPTANCE AND RECORD THE EASEMENT DEEDS FOR THE SIDEWALK IMPROVEMENTS ON MAPLE STREET, SANTA CRUZ STREET AND MONTEREY STREET, CITY PROJECT NO. R-84

B-6 Consultant Services Agreement with Madera Unified School District

Recommendation: Adopt a Minute Order Approving the Consultant Services Agreement with the Madera Unified School District (MUSD) for the Foster and Homeless/Families in Transition Enrichment Services Program not to exceed \$40,000 (Report by Joseph Hebert)

B-7 Clean California Local Grant Program – Fresno River & Vernon McCullough River Trail Project

Recommendation: Adopt a Resolution Approving a Restricted Grant Agreement with the California Department of Transportation for the Clean California Local Grant Program and Authorizing the City Manager to Execute the

Agreement for the Fresno River & Vernon McCullough River Trail Project
(Report by Joseph Hebert)

RES 22-75 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FRESNO RIVER &
VERNON MCCULLOUGH RIVER TRAIL PROJECT

Item E-1 was presented. Staff provided Council and the Public with an update on the Fresno River cleanup.

Public Comment was made by DJ Becker, Jesus De La Gomez, and Michael Varlas.

Comments were made by Mayor Pro Tem Evans, Councilmember Rodriguez, Councilmember Montes, and Mayor Garcia.

C. PUBLIC HEARINGS:

C-1 Public Hearing to consider the proposed Annual Assessment for Zones of Benefit of the City-Wide Landscaping and Lighting Maintenance Assessment District and to Consider Increasing the Annual Assessment for Certain Zones of Benefit of the City-Wide Landscaping and Lighting Maintenance Assessment District as Required by the Landscaping and Lighting Act and Proposition 218

Recommendation: Staff recommends that the City Council take the following actions:

- 1) Conduct the public hearing and receive any public comments.
- 2) Direct the City Clerk to tabulate protests for Zones of Benefit for annual assessments and to tabulate ballots for proposed increase of annual assessments.
- 3) Adopt Resolution No. 22- __:
 - a. Declaring the results of the Proposition 218 proceedings to increase assessments for certain Zones of Benefit 3, 7, 8, 9, 10A, 10D, 10G, 10H, 10I, 13, 14, 15B, 15C, 16, 17A, 17C, 17D, 20B, 21A, 23, 25C, 26, 26B, 26C, 26D, 27B, 28B, 31A, AND 36B.
 - b. Confirming the diagram and assessments as set forth in said Engineer's Report for the Landscape and Lighting District of the City of Madera, as the same may be modified for Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50, and 51 of the City Wide Landscape and Lighting Assessment District.
 - c. Levying the assessments as set forth in said report of the Engineer for Fiscal Year 2022/2023 *[NOTE: if a majority protest exists for any Zone of Benefit, any such Zone of Benefit shall not include the imposition of an extended or increased assessment and will be deleted from the Proposed Resolution at the hearing].*
 - d. Authorizing and directing the City Engineer to file the diagram and assessments with the Madera County Auditor's Office and to make any clerical corrections (Report by Keith Helmuth)

Presentation by Nicole Say, Administrative Analyst.

Public Comment was made by community members David a resident in Zone 31A and Iris Esteves a resident in Zone 16, both in opposition of Proposition 218.

Comments were also made by Staff, Councilmember Rodriguez, and Councilmember Montes.

The Public Hearing was closed.

A recess was called at 7:28 p.m. while the City Clerk and staff tabulated the ballots in the lobby of City Hall.

The meeting reconvened at 7:35 p.m. Council agreed to continue with the meeting and consider other agenda items while the ballots were being tabulated.

An amendment was made to section III of the resolution based on the Proposition 218 ballots. Because none of the Zones of Benefits received a majority vote in favor, no assessment increases were imposed.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM C-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 22-76 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING THE RESULTS OF THE PROPOSITION 218 PROCEEDINGS TO INCREASE ASSESSMENTS FOR ZONES OF BENEFIT 3, 7, 8, 9, 10A, 10D, 10G, 10H, 10I, 13, 14, 15B, 15C, 16, 17A, 17C, 17D, 20B, 21A, 23, 25C, 26, 26B, 26C, 26D, 27B, 28B, 31A, AND 36B; CONFIRMING THE DIAGRAM AND ASSESSMENTS; ORDERING THE LEVY AND COLLECTION FOR ZONES OF BENEFIT 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50, AND 51 OF THE CITY WIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2022/2023; AND AUTHORIZING THE CITY ENGINEER TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR

C-2 First Reading of an Ordinance Relating to the Police Department's Use of Military Equipment Per Assembly Bill 481 (AB 481)

Recommendation: Waive the full reading and introduce the Ordinance Adding Chapter 16 to Title III of the Madera Municipal Code (MMC) (Report by Dino Lawson)

Presentation by Chief Lawson and Commander Chiramonte.

Comments were made by Councilmember Rodriguez, Councilmember Montes, Councilmember Gallegos, and Mayor Pro Tem Evans

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**

INTRO ORD AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADDING CHAPTER 16 TO TITLE III OF THE MADERA CITY CODE RELATING TO ADOPTION OF A MILITARY EQUIPMENT USE POLICY

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

D-1 Approval of a New Schedule "A" Agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2022, to June 30, 2023, for Fire Service Operations

Recommendation: Adopt a Resolution Approving a New Schedule "A" Agreement with the California Department of Forestry and Fire Protection (CAL FIRE) for fire service operation from July 1, 2022, to June 30, 2023 (Report by Matthew Watson)

Presentation by Chief Watson.

Comments were made by Councilmember Gallegos, Councilmember Rodriguez, Mayor Pro Tem Evans, and Councilmember Montes.

ON MOTION BY MAYOR GARCIA AND SECONDED BY MAYOR PRO TEM EVANS, ITEM D-1, WAS APPROVED BY A 5/2 VOTE. NOES: COUNCILMEMBER GALLEGOS AND MEJIA. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 - COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

**NO: 2 - COUNCILMEMBER GALLEGOS
COUNCILMEMBER MEJIA**

E. ADMINISTRATIVE REPORTS:

E-1 Fresno River Cleanup Update

Recommendation: Informational Report (Report by Arnoldo Rodriguez)

This item was presented after the Consent Calendar.

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 thanked the City Manager, Station 58, and Chief Watson for welcoming the 9/11 beam during the Memorial Day celebration. She also expressed her appreciation for Madera Irrigation District for their partnership with the City in the Fresno River clean up and advised those who are working in rising temperatures to stay hydrated.

Councilmember Montes voiced appreciation for the Memorial Day 9/11 beam event. He and Councilmember Gallegos also participated in the Red Cross Sound the Alarm event, which provided for the installation of 172 smoke alarms in 89 Madera households. Additionally, he requested Staff review the actions the City may take to protect citizens from rent hikes related to Assembly Bill 1482, which was raised during the Public Comment portion from the prior Council meeting.

Councilmember Rodriguez had nothing to report.

Mayor Pro Tem Evans mentioned the VFW and Memorial Day celebrations were outstanding. She will be attending graduation at James Monroe Elementary, where she will deliver a speech and present graduates with gift bags provided by the City. She also highlighted Juneteenth, which will fall on Friday, June 17th this year due to Father's Day falling on the 19th. A banner, donated by Andy's Sports & Designs, will be displayed from the Courthouse to the old City Hall for this occasion. The City will be holding an event at Courthouse Park to commemorate this holiday and all are invited to attend.

Councilwoman Mejia had nothing to report.

Councilmember Villegas thanked the Fire Department and all other agencies who are participating in the river cleanup.

Mayor Garcia highlighted a professional dance group, "Mexico en el Corazon," who donated their time to perform at the Memorial Day event. He also praised Madera County for their work involved in bringing a historical beam from the Twin Towers to Madera. Finally, he reminded the public that June 7th marks County Election Day and encouraged the public to exercise their right to vote.

G. CLOSED SESSION:

G-1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code §54956.9(d)(1): 1 case:

- 1) Oscar Garcia WCAB No. ADJ13541904

G-2 Liability Claim Pursuant to Section §54956.95 - Agency Claimed Against: City of Madera

Claimants:

- 1) Randy Williams
- 2) Thomas Burns
- 3) Madera Police Officers' Association

G-3 Conference with Real Property Negotiators pursuant to Government Code Section §54956.8

Property: Parcel #045-121-006 and Parcel #045-121-007
Agency Negotiators: Arnolando Rodriguez, Daniel Foss, and Keith Helmuth
Negotiating Parties: Sordi and Sons Inc.
Under Negotiation: Price and Terms

City Attorney Hilda Cantu Montoya made the closed session announcement at 8:34 p.m.

Item G-2 was removed from the agenda and moved to future meeting date.

Council returned from Closed Session with all members of the Council present.

City Attorney announced there was no reportable action.

ADJOURNMENT: Meeting was adjourned at 9:45 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