

Item:	B-1
Minutes for:	06/15/2022
Adopted:	10/19/2022

Minutes of a Regular Meeting of the Madera City Council

June 15, 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: 824 4914 8626#. 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 (Zoom)
- 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 Services Kingsley Okereke, Fire Division Chief Matt Watson, Grants Administrator Marcela Zuniga, Director of Human Resources Wendy Silva, IS Manager Mark Souders, Interim Director of Parks and Community Services Joseph Hebert, Planning Manager Gary Conte, Chief of Police Dino Lawson, Public Works Administrative Analyst Adam Gonzales, Financial Services Manager Anthony Forestiere, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Fred Thurman, New Life Assembly

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Evans

Mayor Garcia asked if there was Public Comment on approval of the agenda.

City Clerk, Alicia Gonzales stated there were no written public comment and then asked the audience if there was anyone who wanted to present Public Comment.

Mr. S, a Math teacher and Martial Arts instructor spoke on behalf of Cannabis.

Jason Turner of Chowchilla spoke on evictions.

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER VILLEGAS, THE APPROVAL OF 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.

Baldwin Moy spoke on evictions. He asked that this issue be added to the next meeting agenda, so that the City can start to address the issues. Councilmember Montes stated that at the last meeting, it was determined that the City Attorney was going to respond by correspondence to Mr. Turner and Mr. Moy regarding this item.

Nazreen Johnson of Red Rock Environmental discussed the solid waste contract and stated that it is time for the City to open a new RFP (Request for Proposals) for this service. Mayor Garcia pointed out that Item E-1 on this agenda will discuss this item and asked that she hold any further comments until that item is called.

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

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Certificate of Recognition - Thomas Jefferson Middle School 8th Grade Baseball 2022 CVAL Champions
2. Certificate of Recognition - Thomas Jefferson Middle School 7th Grade Softball 2022 CVAL Champions
3. Proclamation Recognizing Juneteenth Day
4. Proclamation Recognizing June as Pride Month
5. Neighborhood Farmers Market at Madera Community Hospital

6. Comcast – Improving Broadband

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 MONTES AND SECONDED BY MAYOR PRO TEM 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 – 11/03/21

Recommendation: Approve the City Council Minutes of November 3, 2021

B-2 Informational Report on Register of Audited Demands for May 21, 2022 to June 3, 2022

Recommendation: No Action Required (Report by Kingsley Okereke)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-4 Olive Avenue Widening and Reconstruction Gateway Drive to Knox Street, Phase 2 Utility Undergrounding Project

Recommendation: Adopt a Resolution Increasing the Allowable Project Contingencies from 10 to 25 percent for the Olive Avenue Widening and Reconstruction - Gateway Drive to Knox Street Phase 2, Utility Undergrounding City Project No. R-000010 (Report by Keith Helmuth)

RES 22-78

A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AN INCREASE IN CONSTRUCTION CONTRACT CONTINGENCIES FOR THE CONTRACT WITH MID CAL PIPELINE AND UTILITIES, INC. FOR THE OLIVE AVENUE WIDENING AND RECONSTRUCTION – GATEWAY DRIVE TO KNOX STREET PHASE 2, UTILITY UNDERGROUNDING CITY PROJECT NO. R-000010

B-5 Applications for Transportation Development Act (TDA) – Local Transportation Funds (LTF) and State Transit Assistance (STA) Funds for Fiscal Year (FY) 2022/23

Recommendation: Adopt a Resolution Approving the Applications for TDA – LTF and STA Funds for FY 2022/23 and Authorizing the City Engineer to execute and submit the Applications to the Madera County Transportation Commission (MCTC) (Report by Keith Helmuth)

RES 22-79 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING APPLICATIONS FOR TRANSPORTATION DEVELOPMENT ACT (TOA)- LOCAL TRANSPORTATION FUNDS (LTF) AND STATE TRANSIT ASSISTANCE (STA) FUNDS FOR FISCAL YEAR (FY) 2022/23 AND AUTHORIZING THE CITY ENGINEER TO EXECUTE AND SUBMIT THE APPLICATIONS TO MADERA COUNTY TRANSPORTATION COMMISSION (MCTC)

B-6 Project List for Fiscal Year (FY) 2022/23 Funded by Senate Bill (SB 1) Road Maintenance and Rehabilitation Account (RMRA) – Local Streets and Roads Funding Program

Recommendation: Adopt a Resolution Approving the City Project List for FY 2022/23 Funded by the SB 1 RMRA Account of the Local Streets and Roads Funding Program (Report by Keith Helmuth)

RES 22-80 RESOLUTION ADOPTING THE CITY OF MADERA PROJECT LIST FOR FISCAL YEAR (FY) 2022/23 FUNDED BY SENATE BILL (SB 1) ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) – LOCAL STREETS AND ROADS FUNDING PROGRAM

B-7 Adoption of the 2022-2025 City of Madera Title VI Program Update Regarding Policies and Procedures to Assure Nondiscrimination in Public Transit Services

Recommendation: Adopt a Resolution Adopting the 2022-2025 City of Madera Title VI Program Update (Report by Kingsley Okereke)

RES 22-81 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE 2022-2025 CITY OF MADERA TITLE VI PROGRAM UPDATE

B-8 Revisions to Airport Advisory Commission (AAC) Rules of Procedure

Recommendation: Adopt a Resolution Approving Revised Airport Advisory Commission (AAC) Rules of Procedure (Report by Daniel Foss)

RES 22-82 A RESOLUTION OF THE CITY COUNCIL OF MADERA, CALIFORNIA APPROVING RULES OF PROCEDURE REVISIONS TO AIRPORT ADVISORY COMMISSION (AAC) RULES OF PROCEDURE

B-9 Adoption of an Ordinance Relating to the Police Department's Use of Military Equipment Per Assembly Bill 481 (AB 481)

Recommendation: Waive Full Reading and Adopt an Ordinance Adding Chapter 16 to Title III of the Madera Municipal Code (MMC) relating to the use of Military Equipment (Report by Dino Lawson)

ORD 994 C.S. 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

B-10 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 that was not included in the report to Council at the June 1, 2022 Council meeting

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)

RES 22-83 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING 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, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF MADERA

B-11 Remote City Council Meetings Under Brown Act Requirements (Assembly Bill 361)

Recommendation: 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 Arnolando Rodriguez)

RES 22-84 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

B-12 Initiating Proceedings for Annexation of Pecan Square Subdivision (Tract No. 20-S-02) into City of Madera Landscape Maintenance District Zone of Benefit 8

Recommendation: Adopt a Resolution Initiating Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for the Annexation of Property into City of Madera Landscape Maintenance District Zone of Benefit 8, to Review the Improvements and Assessments for Fiscal year 2023/24, and Setting a Public Hearing (Report by Keith Helmuth)

RES 22-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA INITIATING PROCEEDINGS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE ANNEXATION OF PROPERTY INTO CITY OF MADERA LANDSCAPE MAINTENANCE DISTRICT ZONE OF BENEFIT 8, TO REVIEW THE IMPROVEMENTS AND ASSESSMENTS FOR FISCAL YEAR 2023-2024, AND SETTING A PUBLIC HEARING

C. PUBLIC HEARINGS:

C-1 Public Hearing on the Community Development Block Grant (CDBG) 2022-2023 Action Plan Funding Allocation

Recommendation: Conduct the Public Hearing to Approve Tentative Allocations for the use of CDBG 2022-2023 Action Plan Funds in the Amount of \$982,010 (Report by Kingsley Okereke)

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

D-1 Amendment No. 3 to Professional Services Agreement with Provost & Pritchard Consulting Group

Recommendation: Adopt a Resolution Approving Amendment No. 3 to Agreement for Professional Planning Services with Provost & Pritchard Consulting Group, Designating Source of Funds for Amendment No. 3, and Approving Amendment to the General Fund Budget for a Budget Line-Item Increase of \$100,000 (Report by Gary Conte)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY MAYOR PRO TEM EVANS, 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 22-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AMENDMENT NO. 3 TO AGREEMENT FOR PROFESSIONAL PLANNING SERVICES WITH PROVOST & PRITCHARD CONSULTING GROUP, DESIGNATING SOURCE OF FUNDS FOR AMENDMENT NO. 3, AND APPROVING AMENDMENT TO THE CITY OF MADERA GENERAL FUND BUDGET FOR A BUDGET LINE ITEM INCREASE OF \$100,000

D-2 Continuing Resolution In Lieu of timely FY 2022-2023 Budget Adoption and Authorization of 60 days Extension to Prepare and Present the Fiscal Year 2022-23 Budget

Recommendation: Adopt a Resolution to Continue Expenditures and Revenues in Accordance with the Fiscal Year 2021-22 City Budget in Lieu of Fiscal Year 2022-23 Budget Adoption (Continuing Resolution), and Authorization of 60 days extension to Prepare and Present the Fiscal Year 2022-23 Budget (Report by Kingsley Okereke)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM EVANS, ITEM D-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 22-87 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA CONTINUING EXPENDITURES AND REVENUES IN ACCORDANCE WITH THE FISCAL YEAR 2021-2022 CITY BUDGET IN LIEU OF FISCAL YEAR 2022-2023 BUDGET ADOPTION

E. ADMINISTRATIVE REPORTS:

E-1 Mid-Valley Disposal Contract Update

Recommendation: Informational Report (Report by Arnaldo Rodriguez)

Keith Ester, General Manager for Caglia Environmental (Red Rock Environmental) spoke on their capabilities as a waste disposal company.

Joseph Kalpakoff owner of Mid Valley Disposal spoke on how they've complied with all goals for the last seven years under his leadership and they look forward to a new agreement with the city.

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.

Councilmember Gallegos had nothing to report.

Councilmember Rodriguez invited the public to two upcoming 4th of July events. The Fireworks Spectacular will be held at the Madera District Fairgrounds and a golf tournament fundraiser to

benefit the fireworks display at the Madera Municipal Golf Course. He thanked the many sponsors for their help in reaching the funding goal for the event.

Councilmember Montes clarified his comments on Item C-1 in that there are additional programs and funding that pertain to rental assistance for those who need of relief.

Mayor Pro Tem Evans highlighted the Juneteenth commemoration which was held at Courthouse Park on Friday, June 17th and invited her colleagues and the public to attend.

Councilmember Mejia mentioned the Farmers Market at Madera Community Hospital and acknowledged farm workers for their hard work in bringing fresh food from farm to table.

Councilmember Villegas mentioned the Madera Probation Department's graduation ceremony and those individuals who completed the Correction Community Transitional program.

Mayor Garcia had nothing to report.

G. CLOSED SESSION:

G-1 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-2 Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(d)(1))

Name of Case: Golden State Environmental Justice Alliance v. City of Madera (real party in interested Origo Cold Madera, LLC), Madera County Superior Court Case No. MCV087157

City Attorney Hilda Cantu Montoy made the closed session announcement at 9:43 p.m.

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

Council discussed Item G-1 three (3) Tort Claims where former employees disputed the pay-out amounts and referenced their MOUs (Memorandum of Understanding). Council voted 7/0 to reject the claims.

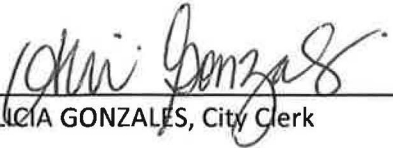
ADJOURNMENT: Meeting was adjourned at 9:43 p.m.

UPCOMING MEETING DATES:

- June 16, 2022 – Special Meeting at 6:00 p.m. in the Council Chambers
- Wednesday, July 6, 2022
- Wednesday, July 20, 2022

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

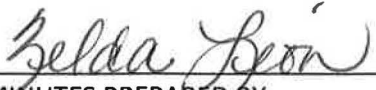
Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.



ALICIA GONZALES, City Clerk



SANTOS GARCIA, Mayor



MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk

