



Item:	B-1
Minutes for:	10/19/2022
Adopted:	01/18/2023

Minutes of a Regular Meeting of the Madera City Council

October 19, 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: 864 6198 5178#. 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 Steve Montes, District 3
Councilmember Elsa Mejia, District 5
Councilmember Artemio Villegas, District 6

Absent: Councilmember Jose Rodriguez, District 2

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, City Engineer Keith Helmuth, Community Development Director Will Tackett, Interim Director of Financial Services Kingsley Okereke, Division Fire Chief Matt Watson, Director of Human Resources Wendy Silva, IS Manager Mark Souders, Director of Parks and Community Services Joseph Hebert, Planning Manager Gary Conte, Chief of Police Dino Lawson, Interim Public Works Director Jamie Hickman, Deputy City Engineer Ellen Bitter, Senior Civil Engineer Matt Bullis, Wastewater Treatment Plant Manager Gabriel Bostan, Senior Planner (Consultant) James Troyer, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Mike Souza, Harvest Community Church

PLEDGE OF ALLEGIANCE: Councilmember Villegas

LATE DISTRIBUTION ANNOUNCEMENT:

City Clerk Alicia Gonzales stated that pursuant to Government Code Section 54957.5, members of the public were advised that less than 72 hours prior to this evening's meeting, Item D-2, 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.

APPROVAL OF AGENDA:

ON MOTION BY MAYOR PRO TEM EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER RODRIGUEZ. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
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.

A member of the public spoke on spay and neuter services through Madera Spay Neuter Clinic.

Monica Bravo stated she supports Juneteenth Day as it is an important date and needs to be celebrated. She asked that recognizing Juneteenth Day be added to the next agenda.

Marcela Andrews stated she supports Juneteenth Day. One of the reasons people don't want to recognize Juneteenth Day is because white people don't want to be reminded about the past.

Pastor Neely of the Mount Zion Missionary Baptist Church spoke on the concerns of Juneteenth Day proposal. He understands that it is a proposal for a paid holiday. He understands it is not disrespect or disregard of Juneteenth Day. This is not a black thing. This is not a black holiday. It is a release of the holiday for the nation. He speaks on behalf of the whole community.

Melody Buton a Madera Unified School District (MUSD) employee stated the district is striving for equity. She stated other nationalities celebrate their independence in this country and this is their independence as even though there was an Emancipation Proclamation, it still didn't happen. It was the black culture that stood up and found in the Civil Rights Movement for equality for all.

Gabriel Hernandez submitted Public Comment. He mentioned that Councilmember Villegas' voting practices seem to align with Mayor Garcia's to the point that if Mayor Garcia voted "no" then Councilmember Villegas would change his vote during a re-vote. He stated that Councilmember Villegas and all other councilmembers should not be afraid to vote as they want.

Gloria Brown, President of the Madera NAACP Branch submitted Public Comment. She urged Council to reconsider their prior stance on not voting in the "affirmative" to make Juneteenth Day a paid Holiday for all City employees.

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

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Proclamation Recognizing October as Domestic Violence 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 MAYOR PRO TEM EVANS AND SECONDED BY COUNCILMEMBER MONTES, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER RODRIGUEZ. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 –
COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

B-1 Minutes – 6/15/22, 6/16/22

Recommendation: Approve the City Council Minutes of June 15, 2022 and June 16, 2022

B-2 Informational Report on Register of Audited Demands for September 24, 2022 to October 7, 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 Informational Report on Contract City Attorney Services and Litigation Expenditures

Recommendation: No Action Required (Report by Arnaldo Rodriguez)

B-5 Remote City Council Meetings Under Brown Act Requirements (AB 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 Arnaldo Rodriguez)

RES 22-172

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-6 Matching Grant for Airport Drainage Improvements

Recommendation: Adopt a Resolution Accepting the Grant Award for the California Aid to Airports Program Grant Agreement for Airport Improvement Program (AIP) with the Federal Aviation Administration in the amount of \$58,644 for drainage improvements (Report by Jamie Hickman)

RES 22-173 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE SUBMITTAL OF AN APPLICATION, ACCEPTANCE OF AN ALLOCATION OF FUNDS AND EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, FOR AN AIRPORT IMPROVEMENT PROGRAM (AIP) MATCHING GRANT

B-7 Madera Municipal Code Ordinance Text Amendment (OTA) No. 2020-02 relating to Wireless Facilities on Private Property and a Small Wireless Facilities in the Public Rights-of-Way Policy

Recommendation:

- 1) Adopt an Ordinance of the City Council of the City of Madera adding Chapter 9 to Title X of the Madera Municipal Code Relating to Wireless Facilities on Private Property by Title Only, and Waive the Second Full Reading; and
- 2) Adopt a Resolution of the City Council of the City of Madera Adopting a Small Wireless Facilities in the Public Rights-of-Way Policy (Report by Will Tackett)

ORD 995 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADDING CHAPTER 9 TO TITLE X OF THE MADERA MUNICIPAL CODE RELATING TO WIRELESS FACILITIES

RES 22-174 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING A POLICY ON SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

B-8 Pyrethroid Management Plan for the San Joaquin River Basin

Recommendation: Adopt a Resolution Approving a Pyrethroid Management Plan (PMP) in accordance with California Regional water Quality Control Board (CRWQCB) Water Quality Basin Plan Amendment (BPA) for the San Joaquin River Basin (Report by Keith Helmuth)

RES 22-175 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN PYRETHROID MANAGEMENT PLAN IN ACCORDANCE WITH THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD WATER QUALITY BASIN PLAN AMENDMENT FOR THE SAN JOAQUIN RIVER BASIN

C. PUBLIC HEARINGS:

C-1 Public Hearing for the Naming of future Park at Olive Avenue and Knox Street

Recommendation: Conduct a Public Hearing, Invite Public Input, and if Council determines to name the Park, Adopt a Resolution Approving the naming of the Olive Avenue/Knox Street Park Site (Report by Joseph Hebert)

Victor Montes a county resident recommended naming the park after Cesar Chavez. He also stated that naming it after Mr. Taubert was also an option as Mr. Taubert had done a lot for the community and deserves to be recognized.

Jim Taubert's wife spoke on some of the projects and efforts that her husband has done for the community and children including being a baseball coach. She is very proud that they want to name the park after him and hopes they decide to do so. That it has to do with kids is even better as kids are close to his heart.

Maddie Mendez stated she is also in support of naming the park after Mr. Taubert. She worked closely with him and it was an honor.

Councilmember Montes stated he received a comment from Mayra Torres, realtor in support of naming the park after Mr. Taubert.

Nick Salinas, Chief of Staff at Madera County and city resident spoke in support of naming the park after Mr. Taubert. He stated Mr. Taubert has been a great mentor.

Joana Torres who works for a local legal aid office stated she is in support of naming the park after Mr. Taubert.

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

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-1 WAS APPROVED BY A 4/2 VOTE. NOES: MAYOR PRO TEM EVANS AND COUNCILMEMBER VILLEGAS. ABSENT: COUNCILMEMBER RODRIGUEZ. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 4 - COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
COUNCILMEMBER MEJIA
MAYOR GARCIA**

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

RES 22-176 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA NAMING THE PARK TO BE LOCATED AT THE SOUTHWEST INTERSECTION OF OLIVE AVENUE AND KNOX STREET

C-2 Establishment of Appeal Hearing Fees for Cannabis Business Permit Appeal Hearings

Recommendation: Conduct a Public Hearing and Adopt a Resolution to Establish an Appeal Fee of \$6,110 for Cannabis Business Permit Appeals Held Before a City Appointed Cannabis Hearing Officer and an Appeal Fee of \$1,305 for Cannabis Business Permit Appeals Held Before the City Council (Report by Will Tackett)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM EVANS, ITEM C-2 WAS APPROVED BY A 5/1 VOTE. NOES: COUNCILMEMBER VILLEGAS. ABSENT: COUNCILMEMBER RODRIGUEZ. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 - COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA**

MAYOR GARCIA

NO: 2 - COUNCILMEMBER VILLEGAS

RES 22-177 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ESTABLISHING FEES FOR COMMERCIAL CANNABIS BUSINESS PERMIT APPEAL HEARINGS

C-3 Vacation of a Portion of Clark Street Right-of-Way Between Owens Street and Taylor Street (ABN 2022-01)

Recommendation: Item Withdrawn for Further Noticing (Report by Will Tackett)

C-4 Vacation of Portion of an Alley Adjacent to and Paralleling Noble Street (ABN 2020-01), Grove Street South of Maple Street (ABN 2020-02) and a Portion of the Northeast Corner of the Intersection of Noble and Maple Streets (ABN 2021-01)

Recommendation: Item Withdrawn for Further Noticing (Report by Will Tackett)

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

D-1 Agreements for Professional On-Call Engineering Services

Recommendation: Adopt a Resolution Approving Consultant Service Agreements for three years with AECOM, Yamabe & Horn Engineering, Blair, Church & Flynn Consulting Engineers, Provost & Pritchard Engineering Group, Peters Engineering Group, O'Dell Engineering, Quad-Knopf (QK), AM Consulting Engineers, AKEL Engineering Group and TJKM Consultants in the amount of \$900,000 for each agreement for Professional On-Call Engineering Services (Report by Keith Helmuth)

Kirk Atamian submitted Public Comment. He asked why they needed 12 on-call engineering services at \$900,000 per agreement. He suggested narrowing down the number to five (5) or less to handle the job. He stated \$10,800,000 is a bit hit to the city budget.

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

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

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 22-178 A RESOLUTION APPROVING CONSULTANT SERVICE AGREEMENTS WITH AECOM, YAMABE & HORN ENGINEERING, BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS, PROVOST & PRITCHARD ENGINEERING GROUP, PETERS ENGINEERING GROUP, ODELL ENGINEERING, QUAD-KNOPF (QK), AM CONSULTING ENGINEERS, AKEL ENGINEERING GROUP AND TJKM CONSULTANTS IN THE AMOUNT OF \$900,000 FOR EACH AGREEMENT FOR PROFESSIONAL ON-CALL ENGINEERING SERVICES

D-2 Consideration of an Appropriation of Funds from the General Fund for Purposes of the Planning Department Personnel Support Contracted Services Account

Recommendation: Adopt a Resolution appropriating funds from the General Fund for the Planning Department Contracted Services (1020-4100-6440) Account (Report by Will Tackett)

Recess was called at 7:31 p.m. as several Councilmembers left the room. Meeting was reconvened at 7:35 p.m.

No Public Comment was presented. Public Comment was closed.

Mayor Garcia asked and City Attorney Hilda Cantu Montoy responded that since no Councilmember was on Zoom they didn't have to take roll call after the motion.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM EVANS, ITEM D-2 WAS APPROVED UNANIMOUSLY BY A 6/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER RODRIGUEZ. ABSTAIN: NONE.

RES 22-179 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROPRIATING FUNDS FROM THE GENERAL FUND FOR THE PLANNING DEPARTMENT CONTRACTED SERVICES (1020-4100-6440 ACCOUNT IN THE AMOUNT OF \$237,563.23)

E. ADMINISTRATIVE REPORTS:

E-1 Lions Town and Country Park Trail Update

Recommendation: This report is submitted to provide the City Council an informational update on the Lions Town and Country Park trail system conditions and rehabilitation plans and there is no action requested (Report by Joseph Hebert)

E-2 Round 6 State of California Outdoor Recreation Legacy Partnership Program

Recommendation: This report is submitted as an informational report on the Round 6 State of California Outdoor Recreation Legacy Partnership Program funding opportunity. Staff intends to apply for funding for future park near Tozer Street, north of Sunrise Avenue (Report by Joseph Hebert)

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 congratulated the newest Officers to join the Police Department. She made mention of Measure T that is on the upcoming ballot. Councilmember Gallegos stated that Madera High School has a homecoming game and parade on Friday, October 21st and encouraged the community to attend the game and show support. She thanked her colleagues who supported the naming of James Taubert Park.

Councilmember Montes thanked City Manager, Arnaldo Rodriguez and City Engineer, Keith Helmuth for arranging to meet with a local religious institution to discuss potential water given as their well has had issues and they do not have potable water.

Mayor Pro Tem Evans requested that Juneteenth Day be recognized as a city holiday, be placed on a future Agenda for a public hearing to allow for additional input and feedback. This request did not receive the majority vote needed to be placed on a future Agenda.

Councilwoman Mejia expressed concern about Council processes and asked for clarification on the procedures of local government that would benefit all members of Council. She mentioned Breast Cancer Awareness Month and encouraged women to complete their annual exams. Councilmember Mejia expressed her disappointment regarding disparaging remarks made by a Los Angeles City Councilmember and urged the public to support the communities affected and advocate for the resignation of any city officials involved. She requested an update from Staff, regarding the play structure for the Sunrise Rotary Sports Complex at a future meeting. Councilmember Mejia invited the community to attend the upcoming Dia De Los Muertos event on November 2nd at Courthouse Park.

Councilmember Villegas had nothing to report.

Mayor Garcia stated he attended several events including Madera Eats, City of Madera Health Fair and Furman High School Career Day. He invited the public to attend Senator Caballero's presentation to the City of Madera. She will present a check to assist with the Pecan Avenue/Avenue 13 Sewer Rehabilitation.

G. CLOSED SESSION:

G-1 Conference with Labor Negotiators - Pursuant to Government Code §54957.6

Agency Designated Representatives: Arnaldo Rodriguez, Wendy Silva, and Che Johnson

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

G-2 Conference with Labor Negotiators - Pursuant to Government Code §54957.6

Agency Designated Representatives: Arnaldo Rodriguez and Che Johnson

Unrepresented Employees: Police Chief, City Engineer, Director of Human Resources, Public Works Operations Director, Director of Parks & Community Services, Information Services Manager, Planning Manager, Chief Building Official, Director of Community Development, Director of Financial Services, and City Clerk

G-3 Public Employee Performance Evaluation - Pursuant to Government Code Section §54957(b)(1)

Title: City Clerk

City Attorney Hilda Cantu Montoy made the closed session announcement at 8:11 p.m.

Ms. Cantu Montoy and Council returned from Closed Session at 9:09 p.m. with all members of Council present except for Councilmember Rodriguez who was absent.

ADJOURNMENT: Meeting was adjourned at 9:09 p.m.

UPCOMING MEETING DATES:

- Wednesday, November 2, 2022
- Wednesday, November 16, 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



ELSA MEJIA, Mayor Pro Tem



MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk

