



Item:	B-1
Minutes for:	01/18/2023
Adopted:	03/15/2023

**Minutes of a Regular Meeting of the Madera City Council and Special Meeting of the
Madera City Council as Successor Agency to the Former Madera Redevelopment Agency**

**January 18, 2023
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: 827 0081 2027#. 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 6:01 p.m.

ROLL CALL:

Present: Mayor Santos Garcia (Zoom)
Mayor Pro Tem Elsa Mejia, District 5
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4 (Zoom)
Councilmember Artemio Villegas, District 6 (Zoom)

Others present were City Manager Arnoldo Rodriguez (Zoom), City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, City Engineer Keith Helmuth, Community Development Director Will Tackett, Fire Battalion Chief Ralph Duran, Grants Administrator Marcela Zuniga, 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, Police Lieutenant Mark Trukki, Interim Public Works Director Jamie Hickman, Deputy City Engineer Ellen Bitter, Senior Civil Engineer Matt Bullis, Financial Services Manager Anthony Forestiere, Wastewater Treatment Plant Manager Gabriel Bostan, Senior Planner (Consultant) James Troyer, (HR) Administrative Analyst Eric Battles, (Parks) Administrative Analyst Gabriela Salazar and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Tim Echevarria, Remnant Church Madera

PLEDGE OF ALLEGIANCE: Mayor Garcia

APPROVAL OF AGENDA

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, THE AGENDA WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM 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.

David Ortiz and Moises Sanchez asked that Hazel Avenue be closed off due to the amount of crime, dumped garbage, stolen cars, used condoms, broken appliances, theft, used needles, etc. They mentioned turning the area into a botanical garden.

Mayor Garcia asked that the gentlemen leave their contact information with the City Clerk.

Alex Manriquez, Michelle Tritler and Zion Ortiz also asked that Hazel Avenue be closed off due to the items mentioned above. Ms. Tritler stated that the Fire and Police Departments could have keys to the gate for their use.

John Tipton mentioned that he wondered if the homeless from the riverbed under the bridge had been relocated due to the current weather.

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

WRITTEN COMMUNICATIONS: None

PRESENTATIONS: None

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 COUNCILMEMBER VILLEGAS, THE
CONSENT CALENDAR WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

B-1 Minutes – 10/19/22

Recommendation: Approve the City Council Meeting Minutes of October 19, 2022

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for December 10, 2022 to January 6, 2023 (Report by Joy Canfield)

B-3 Informational Report on Personnel Activity

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

B-4 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 City Council (Report by Arnolando 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 Arnolando Rodriguez)

RES 23-01 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 Acceptance of Building Demolition Completion at 651 East 4th Street and 16557 Austin Street

Recommendation: Staff recommends that the City Council Approve Minute Order Approving:

- 1) Acceptance of the Demolition at 651 East 4th Street and 16557 Austin Street; and
- 2) The Recording of Notice of Completion; and
- 3) The Release of Retention 35 days after recording of the Notice of Completion (Report by Joseph Hebert)

B-7 Appointment of City Treasurer

Recommendation: Adopt a Resolution Appointing Arnolando Rodriguez, City Manager, to serve as the Interim City Treasurer until such time that the City hires a permanent Director of Financial Services (Report by Joy Canfield)

RES 23-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPOINTING ARNOLDO RODRIGUEZ, CITY MANAGER, AS THE CITY TREASURER

B-8 Access to The Superior Court of California, County of Madera Web-Based Portal

Recommendation: Adopt Resolution Approving an Agreement between The Superior Court of California, the County of Madera, and the City for access to the Justice Partner Portal (Report by Dino Lawson)

RES 23-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A USAGE AGREEMENT BETWEEN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA, AND THE CITY FOR ACCESS TO THE JUSTICE PARTNER PORTAL

C. PUBLIC HEARINGS: None

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

D-1 Emergency Repairs to Avenue 13 Sewer Trunk Main at Granada Drive

Recommendation: Adopt a Resolution making a finding of emergency relating to sewer failures on the sewer main at Avenue 13 and Granada Drive, affirming the emergency actions taken by the City Manager to make emergency repairs on the sanitary sewer main, and ratifying the award of emergency contracts without competitive bidding for the emergency repairs on the sewer main (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-1 WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 23-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, MAKING A FINDING OF EMERGENCY RELATING TO SEWER FAILURES ON THE SEWER MAIN AT AVENUE 13 AND GRANADA DRIVE, AFFIRMING THE EMERGENCY ACTIONS TAKEN BY THE CITY MANAGER TO MAKE EMERGENCY REPAIRS ON THE SANITARY SEWER MAIN, AND RATIFYING THE AWARD OF EMERGENCY CONTRACTS WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY REPAIRS ON THE SEWER MAIN

D-2 Actions Related to Successor Agency Annual Budget Reporting to the Department of Finance (Action on this item by the Successor Agency)

Recommendation:

- 1) Adopt a Resolution Adopting the Recognized Obligation Payment Schedule (ROPS) Representing Period of July 1, 2023 to June 30, 2024, for the City of Madera as the Successor Agency of the Former Redevelopment Agency; and

- 2) Adopt a Resolution Approving the Administrative Budget for the City of Madera as the Successor Agency of the Former Madera Redevelopment Agency of the City of Madera for the Period of July 1, 2023 – June 30, 2024 (Report by Joy Canfield)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-2 (1&2) WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

SA RES 23-01 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AS THE SUCCESSOR AGENCY OF THE FORMER MADERA REDEVELOPMENT AGENCY OF THE CITY OF MADERA, ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) 23-24 PURSUANT TO SECTION 34177 OF THE CALIFORNIA HEALTH AND SAFETY CODE FOR FISCAL YEAR 2023-2024 FOR THE PERIOD OF JULY 1, 2023 THROUGH JUNE 30, 2024

SA RES 23-02 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AS THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY OF THE CITY OF MADERA, APPROVING THE SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR JULY 1, 2023 THROUGH JUNE 30, 2024

D-3 Update on the Progress of the Madera Transit Plan and Request Approval to Extend Phase 2 of the Current Agreement with the Addition of Task 6 and Task 7

Recommendation: Adopt a Resolution Approving No. 1 to the Agreement with WSP USA of the to include additional Tasks 6 and 7 for \$78,945.99 (Report by Joy Canfield)

ON MOTION BY MAYOR GARCIA AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-3 FAILED BY A 5/2 VOTE. NOES: COUNCILMEMBERS GALLEGOS, RODRIGUEZ, MONTES, EVANS AND MEJIA. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

YES: 2 –
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

NO: 5 –
COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM MEJIA

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, STAFF WAS DIRECTED TO FACILITATE A MEETING WITH WALMART TO ENSURE

THE REVISIONS WITHIN THE MADERA TRANSIT PLAN ALIGNS WITH WALMART'S OBJECTIVES AND IF IT DOES, THE ITEM MAY RETURN TO COUCIL FOR FURTHER CONSIDERATION.

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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

D-4 Amendment to Utilize the Remaining Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA) Funds for Eligible Capital Projects within the City Transit and Fleet Maintenance Section

Recommendation: Adopt a Resolution Approving the Submission of a Corrective Action Plan (CAP) to the Department of Transportation to Authorize the Use of the Remaining \$839,556 PTMISEA Funds for other Eligible Projects within the City Transit and Fleet Maintenance Section (Report by Joy Canfield)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-4 WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 23-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING SUBMISSION OF A CORRECTIVE ACTION PLAN (CAP) TO THE DEPARTMENT OF TRANSPORTATION TO AUTHORIZE THE USE OF REMAINING PTMISEA FUNDS FOR OTHER ELIGIBLE CAPITAL PROJECTS WITHIN THE CITY TRANSIT AND FLEET MAINTENANCE DEPARTMENT

D-5 Amendment to Existing Service Provider Agreement with O&E Transportation LLC relating to Litter Abatement in the Fresno River

Recommendation: Adopt a Resolution Approving the First Amendment to the Service Provider Agreement with O&E Transportation LLC for Additional Services at a Cost of \$180,025 and an Extension of term through June 30, 2023 (Report by Dino Lawson)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-5 WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

RES 23-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE FIRST AMENDMENT TO THE SERVICE PROVIDER AGREEMENT WITH O&E TRANSPORTATION LLC FOR ADDITIONAL SERVICES AT A COST OF \$180,025 AND AN EXTENSION OF THE TERM THROUGH JUNE 30, 2023

E. ADMINISTRATIVE REPORTS:

E-1 Informational Report on the City's Cannabis Program

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

E-2 Mayor's Appointments to Outside Boards

Recommendation: Approve a Minute Order Approving the Mayor's Appointments to Outside Boards, Commissions, and Committees (Report by Alicia Gonzales)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM MEJIA, ITEM E-2 TO TABLE THIS ITEM TO THE FEBRUARY 1, 2023 COUNCIL MEETING WAS APPROVED UNANIMOUSLY 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 EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

E-3 Support for local public health emergency declared upon closure of Madera Community Hospital (MCH)

Recommendation:

1. Receive informational update.
2. Adopt a resolution supporting Madera County's declaration of a local emergency due to the public health risk involved with the closure of MCH.

3. Determine whether to participate in Madera County's efforts to evaluate potential options. (Report by Arnolando Rodriguez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM E-3 WAS APPROVED BY A 5/2 VOTE. NOES: COUNCILMEMBER RODRIGUEZ AND MAYOR GARCIA. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 5 –
COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS

NO: 2 -
COUNCILMEMBER RODRIGUEZ
MAYOR GARCIA

RES 23-07 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA SUPPORTING THE COUNTY'S PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE CLOSURE OF MADERA COMMUNITY HOSPITAL

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 gave a shout out to the Wastewater Treatment team (Gabriel Bostan, Peter Gallegos, and Anthony Munoz) and Sergeant Gonzalez who worked throughout the night to ensure the broken sewer line was protected and ready for repairs. She also thanked the public and those attending the meeting for staying late into the evening.

Councilmember Montes thanked staff for their attention to emergencies and for helping the City to run smoothly through the storm and pipeline failure. He highlighted the volunteer opportunities with the Fresno/Madera Continuum of Care and encouraged the public to apply and help out.

Councilmember Rodriguez thanked those in attendance for exercising their civic duty and commended them for staying for the lengthy meeting. He also reiterated to his colleagues the importance of understanding and adhering to Legal Counsel's guidance.

Councilwoman Evans thanked staff and everyone who has worked on the sewer main and those who worked on clearing out the Fresno River, so that the recent rains did not negatively impact the community. She thanked Mark Souders for helping with technical support during the meeting.

Mayor Pro Tem Mejia recognized and acknowledged City staff for their efforts in ensuring Madera has experienced minimal flooding compared to surrounding areas and for their quick reaction to the sewer main collapse, that helped to avoid a greater emergency.

Councilmember Villegas had nothing to report.

Mayor Garcia thanked the Martin Luther King, Jr. Local Host Committee for inviting him to participate in the celebration event at Martin Luther King Middle School. He also thanked the Association of

Mexican American Educators for hosting a dinner event. Mayor Garcia acknowledged Parks and Public Works for their work on the sewer main. He urged the public to avoid the repair site and follow the detours, so that the City and its partners can get the sewer main up and running in a timely manner.

G. CLOSED SESSION:

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

Title: City Manager

G-2 Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code §54956.9(a)

One Case: Madera Police Officers' Association; Randy Williams; Thomas Burns vs. City of Madera

City Attorney Hilda Cantu Montoy made the closed session announcement at 8:51 p.m.

Council returned from Closed Session at 9:58 p.m. with all members of Council present.

Mayor Garcia stated there was no reportable action.

ADJOURNMENT: Meeting was adjourned at 9:59 p.m.

UPCOMING MEETING DATES:

- Wednesday, February 1, 2023
- Wednesday, February 15, 2023

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk