

Item:	B-1
Minutes for:	12/21/2022
Adopted:	03/01/2023

Minutes of a Regular Meeting of the Madera City Council

December 21, 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: 857 2111 8838#. 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 Pro Tem Elsa Mejia, District 5
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3 (Arrived at 6:05 p.m.)
Councilmember Anita Evans, District 4
Councilmember Artemio Villegas, District 6

Absent: Mayor Santos Garcia

Others present were City Manager Arnoldo Rodriguez, City Attorney Hilda Cantu Montoy, Division Fire Chief Matt Watson, IS Manager Mark Souders, Director of Parks and Community Services Joseph Hebert, Police Chief Dino Lawson, Police Lieutenant Josiah Arnold, Interim Public Works Director Jamie Hickman, Senior Civil Engineer Steve Bettencourt, Deputy City Engineer Randy Bell and Police Officer II Michael Powell.

INVOCATION: Rev. Sammie Neely III, Mount Zion Missionary Baptist Church

PLEDGE OF ALLEGIANCE: Councilmember Gallegos

APPROVAL OF AGENDA:

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

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.

Division Fire Chief Matt Watson stated that the City was recognized with a Silver Design Award for Fire Station 58. The plaque will be displayed at Fire Station 58.

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

Councilmember Montes arrived and took his seat.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS: None

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Workshop on Clean California State Beautification Program – Madera Block Wall Enhancement Project

Recommendation: Receive a presentation focused on the Block Wall Enhancement Project and entertain the concept of a cooperative agreement prepared between the City, the Department of Transportation, and the Madera Arts Council for this project (Report by Joseph Hebert)

No Public Comment was presented. Public Comment was closed.

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.

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, THE CONSENT CALENDAR WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

B-1 Minutes – 10/05/22

Recommendation: Approve the City Council Meeting Minutes of October 5, 2022

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for November 26, 2022 to December 9, 2022 (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 Adoption of Updated City of Madera Full Time Salary Schedule

Recommendation: Adopt a Resolution Approving the Revised City of Madera Full Time Salary Schedule reflecting a two percent cost of living adjustment for applicable positions (Report by Wendy Silva)

RES 22-216 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE CITY OF MADERA FULL TIME SALARY SCHEDULE EFFECTIVE DECEMBER 31, 2022

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 22-217 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 Annual Local Appointment List on City Boards, Commissions, and Committees

Recommendation: Approve a Minute Order Authorizing the City Clerk to File the 2022 Annual Local Appointments List (Report by Alicia Gonzales)

B-7 Agreement for Affordable Care Act (ACA) Reporting Services

Recommendation: Adopt a resolution approving an agreement for 2022 ACA reporting services with Workterra (Report by Wendy Silva)

RES 22-218 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT WITH WORKTERRA FOR 2022 AFFORDABLE CARE ACT REPORTING SERVICES

B-8 Adoption of New Purchasing Procedures Ordinance

Recommendation: Waive the Second Reading and Adoption of an Ordinance of the City of Madera Repealing Sections 2-2.501, 2-2.502, and 2-2.503 of the Madera Municipal Code and Adopting New Chapter 4 to Title II of the Madera Municipal Code Relating to Purchasing Procedures and Including Adoption of the Uniform Public Construction Cost Accounting Act and Rescinding Current Procurement Procedures that are Inconsistent with this Ordinance (Report by Joy Canfield)

ORD 996 C.S. AN ORDINANCE OF THE CITY OF MADERA REPEALING SECTIONS 2-2.501, 2-2.502, AND 2-2.503 OF THE MADERA MUNICIPAL CODE AND ADOPTING NEW CHAPTER 4 TO TITLE II OF THE MUNICIPAL CODE RELATING TO PURCHASING PROCEDURES AND INCLUDING ADOPTION OF UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

B-9 Ratification of Revisions to COVID-19 Emergency Policy No. 2

Recommendation: Adopt a Minute Order ratifying issuance of Revised COVID-19 Emergency Policy No. 2: COVID-19 Paid Leave by the City Manager in his role as Director of Emergency Services (Report by Wendy Silva)

C. **PUBLIC HEARINGS:** None

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

D-1 Wastewater Pathogen Monitoring Agreement with Verily Life Sciences

Recommendation: Adopt a resolution approving a Materials Transfer Agreement with Verily Life Sciences LLC to analyze wastewater samples in support of public health monitoring (Report by Jamie Hickman)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-1 WAS APPROVED BY A 5/1 VOTE. NOES: COUNCILMEMBER RODRIGUEZ. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 22-219 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A MATERIALS TRANSFER AGREEMENT WITH VERILY LIFE SCIENCES LLC

D-2 Amendment to an Agreement with Beyaz and Patel Inc. Regarding the Loy Cook Water Tower

Recommendation: Adopt a Resolution approving Amendment No. 1 to the Consultant Services Agreement with Beyaz & Patel Inc. for the preparation of engineering plans and specifications for the renovation of the Loy Cook Water Tower in the amount to of \$119,149.37 and a contingency of 10 percent of the contract amount (Report by Keith Helmuth)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-2 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 22-220 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT NO. 1 TO THE CONSULTANT SERVICES AGREEMENT WITH BEYAZ & PATEL, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PREPARATION OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE RENOVATION OF THE LOY COOK WATER TOWER IN THE AMOUNT OF \$119,149.37 AND A 10 PERCENT CONTINGENCY

D-3 Improvement Agreement Amendment No. 1 for the Pecan Square Subdivision (Tract No. 20-S-02) Allowing Reimbursement for Park Improvements

Recommendation: Adopt a Resolution Approving Amendment No. 1 to the Improvement Agreement Authorizing Construction of Park Improvements withing the Pecan Square Subdivision and Reimbursement for Park Improvements Proposed to be Constructed by Subdivider (Report by Keith Helmuth)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-3 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 22-221 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE IMPROVEMENT AGREEMENT AUTHORIZING CONSTRUCTION OF PARK IMPROVEMENTS WITHIN THE PECAN SQUARE SUBDIVISION AND REIMBURSEMENT FOR PARK IMPROVEMENTS PROPOSED TO BE CONSTRUCTED BY SUBDIVIDER

D-4 Purchase of New Body-Worn Cameras (BWC) for the Police Department

Recommendation: Adopt Resolutions:

- 1) Approving the Motorola Master Customer Agreement, Online Terms Acknowledgement, and Notice to Proceed for the purchase of 48 new Motorola WatchGuard body-worn cameras and related equipment and software in the amount of \$108,934.50
- 2) Approving a Budget Amendment to the Fiscal Year 2022/23 Operating Budget to appropriate Measure K funds for the purchase of body-worn cameras (Report by Dino Lawson)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-4 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 22-222 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE MOTOROLA MASTER CUSTOMER AGREEMENT, ONLINE TERMS ACKNOWLEDGEMENT, AND NOTICE TO PROCEED FOR THE PURCHASE OF 48 NEW MOTOROLA WATCHGUARD BODY-WORN CAMERAS AND RELATED EQUIPMENT AND SOFTWARE IN THE AMOUNT OF \$108,934.50

RES 22-223 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING AND APPROVING AN AMENDMENT TO THE CITY OF MADERA FISCAL YEAR 2022/2023 BUDGET TO APPROPRIATE MEASURE K FUNDS FOR THE PURCHASE OF BODY-WORN CAMERAS FOR THE POLICE DEPARTMENT

D-5 Budget Amendment to transfer from fund balance and appropriate \$200,000 for the purchase of new equipment for the new Type 1 fire engine.

Recommendation: Adopt a Resolution transferring \$200,000 from designated Fire Equipment Replacement Fund balance and appropriating the funds for purchase of new Type 1 fire engine equipment in accordance with City purchasing procedures (Report by Matthew Watson)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-5 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA. ABSTAIN: NONE.

RES 22-224 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA TRANSFERRING \$200,000 FROM THE MEASURE K FIRE EQUIPMENT REPLACEMENT FUND TO THE MEASURE K FIRE FISCAL YEAR 2022/23

OPERATING BUDGET FOR PURCHASE OF NEW TYPE 1 FIRE ENGINE
EQUIPMENT IN ACCORDANCE WITH CITY PURCHASING PROCEDURES

E. ADMINISTRATIVE REPORTS:

E-1 Update on the Fire Hydrant Maintenance Program

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

No Public Comment was presented. Public Comment was closed.

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 Evans wished everyone a Merry Christmas. She stated that they held the Extravaganza this weekend. Over 150 toys were distributed to students and their siblings from a list given to them by Principal Perez. They had a dilemma that morning as Santa couldn't attend but they reached out to Police Chief Lawson and Sheriff Pogue. Officers along with Mr. Grinch showed up to assist. Councilmember Evans thanked Chief Lawson and Police Officer Lori Alva that took the lead.

Councilmember Gallegos congratulated Mayor Pro Tem Mejia for the great job she is doing chairing her first meeting that evening. She gave a shout out to the Grants and Parks Departments on the Jolly Holly Trolley. They had a great turnout. She stated that they also had Cocoa with a Councilmember that night and about 200 people came out. People were served cocoa and cookies. Councilmember Gallegos thanked the Engineering team for stepping up as City Engineer Keith Helmuth had a loss in the family. She stated that there were several December birthdays: City Clerk Alicia Gonzales, City Manager Arnoldo Rodriguez, City Attorney Hilda Cantu Montoy, Mayor Pro Tem Mejia. She wished them a Happy Birthday along with any staff and employees who also had December birthdays.

Councilmember Montes wished everyone a Merry Christmas and Happy New Year. He stated that he, along with Councilmembers Gallegos and Rodriguez, participated in the Jolly Holly Trolley. The next day he helped give out food boxes from the Food Bank to about 500 people. People also received gifts from the CHP (CA Highway Patrol). He thanked all the partners and organizations who participated in the Food Bank. He expressed prayers for City Engineer Keith Helmuth and his family.

Mayor Pro Tem Mejia thanked everyone for their patience and guidance while chairing her first meeting that evening. She wished everyone a Merry Christmas and Happy New Year. Mayor Pro Tem Mejia acknowledged law enforcement during the holiday season and hoped that nobody drinks and drives and that there are no tragedies.

Councilmember Rodriguez stated that Cynthia Montes and he prepared food that morning at the Madera County Food Bank event. He thanked Ryan McWherter for putting the event together. They gave out candy and glow sticks which people appreciated. Councilmember Rodriguez asked City Manager Arnoldo Rodriguez to update Council on Cannabis Measure R at a future meeting. He wished everyone a Merry Christmas and thanked Mayor Pro Tem Mejia for allowing comments soon after the presentation and considering her colleagues. He also thanked Law Enforcement and Fire

for their work. Councilmember Rodriguez thanked Chief Watson and wished him well in his retirement.

Councilmember Villegas wished staff happy birthdays and wished everyone Merry Christmas. He stated that he attended a bike giveaway event on December 17th. Lots of bikes were given away and there were a lot of happy kids. This is his second time participating in this event. Councilmember Villegas thanked Division Fire Chief Watson and wished him well in his retirement.

G. CLOSED SESSION:

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

Title: City Manager

City Attorney Hilda Cantu Montoy made the closed session announcement at 7:54 p.m.

Council returned from Closed Session at 9:00 p.m. with all members of Council present.

City Manager Arnoldo Rodriguez stated there was no reportable action.


ADJOURNMENT: Meeting was adjourned at 9:00 p.m.

UPCOMING MEETING DATES:

- Wednesday, January 18, 2023
- Wednesday, February 1, 2023



Arnoldo Rodriguez, City Manager
Acting Recording Secretary



SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk