



Item:	B-1
Minutes for:	04/19/2023
Adopted:	06/07/2023

Minutes of a Regular Meeting of the Madera City Council

April 19, 2023
6:00 p.m.

Council Chambers
City Hall

The Madera City Council meetings are 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: 869 3519 7956#. 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 Elsa Mejia, District 5
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4
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, Chief Building Official Rafael Magallan, 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, Chief of Police Dino Lawson, Deputy City Engineer Ellen Bitter, Financial Services Manager Anthony Forestiere, Administrative Analyst (Engineering) Haley Christenson, Police Officer II Michael Powell, Deputy City Clerk Zelda León and Communication Specialist Joseph Carrello.

INVOCATION: Councilmember Anita Evans

PLEDGE OF ALLEGIANCE: Joseph Hebert

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE AGENDA WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. 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.

City Manager Arnoldo Rodriguez announced that Information Services Manager Mark Souders was separating from the City and joining SJVAPCD (San Joaquin Valley Air Pollution Control District). He acknowledged that due to Mr. Souders, they can operate smoothly, they have the resources to work remotely and he has been tremendous at saving the community money. Mr. Rodriguez thanked Mr. Souders for his service.

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

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Proclamation Recognizing April as National Community College Month
2. Proclamation Recognizing April 23 – April 29, 2023 as Crime Victims' Rights Week
3. Proclamation Recognizing April as Volunteer 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 COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM MEJIA, THE CONSENT CALENDAR WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

B-1 Minutes – February 15, 2023, March 1, 2023, and March 20, 2023

Recommendation: Approve the City Council Minutes of February 15, 2023, March 1, 2023, and March 20, 2023 (Report by Alicia Gonzales)

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for March 25, 2023 to April 7, 2023 (Report by Anthony Forestiere)

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 (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 the City Council (Council) (Report by Arnoldo Rodriguez)

B-5 Local State of Emergency Related to the Closure of Madera Community Hospital

Recommendation: Adopt a Resolution Continuing to Support Madera County's Proclamation of a Local Emergency due to the Closure of Madera Community Hospital for 30 days (Report by Arnaldo Rodriguez)

RES 23-42 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 FOR A PERIOD OF 30 DAYS

B-6 Letter of Support for Assembly Bill 412 as Introduced by Assemblywoman Esmeralda Soria

Recommendation: This report is submitted for informational purposes only, and no action is requested from City Council (Council) at this time (Report by Arnaldo Rodriguez)

B-7 Facility Use Agreements with Madera Unified School District

Recommendation: Adopt a Resolution Authorizing the City Manager to Execute No-fee Facility Use Agreements for City's Use of Madera Unified School District Facilities (Report by Wendy Silva)

RES 23-43 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING THE CITY MANAGER TO EXECUTE NO-FEE FACILITY USE AGREEMENTS WITH MADERA UNIFIED SCHOOL DISTRICT

B-8 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 the City Manager Job Classification (Report by Wendy Silva)

RES 23-44 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE REVISED CITY OF MADERA FULL TIME SALARY SCHEDULE EFFECTIVE DECEMBER 31, 2022

B-9 Second Reading and Adoption of an Ordinance Repealing Outdated Section 10-3.419 of the Madera Municipal Code, Telecommunications, Towers, Antennas and Structures (OTA 2022-02)

Recommendation: Waive the Full Reading and Adopt a Regulatory Ordinance (i) Repealing Section 10-3.419 of Title X, Chapter 3 of the Madera Municipal Code Relating to Telecommunications Towers, Antennas and Structures and (ii) finding the Ordinance is not a project subject to the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378, and Alternatively, Exempt from CEQA under CEQA Guidelines Section 15061(b)(3) (Common Sense) (Report by Will Tackett)

ORD 998 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA REPEALING SECTION 10-3.419 OF TITLE X, CHAPTER 3 OF THE MADERA MUNICIPAL CODE RELATING TO TELECOMMUNICATION TOWERS, ANTENNAS AND STRUCTURES AND FINDING THE ORDINANCE IS NOT A PROJECT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15378, AND ALTERNATIVELY IS EXEMPT FROM CEQA UNDER CEQA GUIDELINES SECTION 15061(8)(3) (COMMON SENSE)

B-10 California Automated Permit Processing (CalAPP) Program Grant Application

Recommendation: Adopt a Resolution Authorizing Submission of the Grant Application to the California Energy Commission (Report by Will Tackett)

RES 23-45 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING SUBMISSION OF THE APPLICATION(S) FOR THE CALIFORNIA AUTOMATED PERMIT PROCESSING (CalAPP) PROGRAM GRANT

C. PUBLIC HEARINGS:

C-1 Adoption of the 2022 California Building, Plumbing, Mechanical, Electrical, Fire, Residential, Energy, and Green Building Standards Codes.

Recommendation: Conduct a Public Hearing, Waive Full Reading, and Introduce an Ordinance of the City Council of the City of Madera Adopting the 2022 California Building, Plumbing, Mechanical, Electrical, Fire, Residential, Energy, and Green Building Standards Codes, including Appendix P of the California Building Code and Appendix Z of the California Residential Code, by Repealing Chapter 1 of Title IX, and Adding Chapter 1 of Title IX of the Madera Municipal Code Ordinance, with the Associated CEQA Findings (Report by Will Tackett)

Director of Community Development Will Tackett stated that there is a slight change to the Ordinance. Currently, Section 9-1.09 indicates, "..... and including Appendix Z Net-Zero Energy Compliance Path..... Mr. Tackett stated it should be, "..... and including Appendix Z Emergency Housing.....

No public comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM C-1 AS REVISED WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

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

D-1 McNally Park Amenities and Play Equipment Purchases

Recommendation: Adopt a Resolution Approving a Cooperative Purchase Agreement with Superior International Industries for McNally Park Amenities and Play Equipment in the Amount of \$213,123.18 (Report by Joseph Hebert)

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.

RES 23-46 RESOLUTION APPROVING A COOPERATIVE PURCHASE AGREEMENT WITH SUPERIOR INTERNATIONAL INDUSTRIES FOR MCNALLY PARK AMENITIES AND PLAY EQUIPMENT IN THE AMOUNT OF \$213,123.18

D-2 Request to Waive Rental Fees for Rotary Park for the Farmers Market between June 1, 2023 – September 14, 2023

Recommendation: Adopt a Resolution Waiving the Rental Fees of Rotary Park Relating to the Farmers Market 2023 Summer Season in the Amount of \$2,040 for 16 Events (Report by Joseph Hebert)

Omair Javaid spoke in favor of this item.

Sulman Yanez spoke in favor of this item.

A local farmer spoke in favor of this item.

Ignacia (no last name given) spoke in favor of this item.

Antonia Diaz has attended the Madera Farmers' Market for 10 years. She spoke in favor of this item.

Maria Ferrer has attended the Madera Farmers' Market since 2011. She spoke in favor of this item.

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

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

THE MOTION PASSED WITH THE FOLLOWING VOTE:

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

NO: 2 -
COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ

RES 23-47 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE RENTAL FEES FOR ROTARY PARK RELATING TO THE FARMER'S MARKET 2023 SUMMER SEASON IN THE AMOUNT OF \$2,040

Item E-2 was moved to be heard after Item D-2.

D-3 Rescind Resolution No. 23-05 with a Revision to Amend and Reapportion \$788,703 of the Remaining PTMISEA Grant Funds to the Required Correction Action Plan (CAP) for Eligible Capital Projects within the City Transit and Fleet Maintenance Section

Recommendation: Adopt a Resolution:

- 1) Approving the Amendment to Rescind Resolution No 23-05: and
- 2) Approving the Submission of a CAP to the Department of Transportation (DOT) to Reappropriate \$788,703 of the Remaining \$868,703 PTMISEA Funds for other Eligible Capital Projects Within the City Transit and Fleet Maintenance Section; and
- 3) Approving the Retention of \$80,000 for the Completion of Necessary Improvements to the Madera Transit Center (Report by Anthony Forestiere)

City Attorney Hilda Cantu Montoy advised Grants Administrator Marcela Zuniga and Council that the resolution needed to be revised to remove mention of rescinding a resolution as that information was not mentioned in the agenda. Ms. Zuniga stated she would revise the resolution per Ms. Montoy's directive.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-3 AS REVISED WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

RES 23-48 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 REAPPROPRIATION OF \$788,703 OF THE REMAINING \$868,703 PTMISEA FUNDS FOR OTHER ELIGIBLE CAPITAL PROJECTS WITHIN THE CITY TRANSIT AND FLEET MAINTENANCE DEPARTMENT

Councilmember Gallegos left the meeting at 8:10 p.m.

D-4 Madera Transit Plan – Fixed Route System Revision

Recommendation: Adopt a Resolution Approving the Revision of the City's Transit (Madera Metro) Fixed Route System (Report by Anthony Forestiere)

A community member commented that there should be outreach about the revision in Spanish.

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

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

RES 23-49 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE REVISION OF THE CITY'S TRANSIT (MADERA METRO) FIXED ROUTE SYSTEM

D-5 Declaration of Surplus Property and Approval of Piggyback Purchase Agreement for Paint Stripping Truck

Recommendation: Adopt a Resolution Declaring the City's Paint Striper as Surplus and Authorizing its Use as a Trade-in for a New Unit, and Approving Piggybacking off of Sourcewell Contract No. 080521-EZL for a net cost of \$229,039 (Report by Jamie Hickman)

No public comment was presented. Public Comment was closed.

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

RES 23-50 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA DECLARING THE CITY'S PAINT STRIPER, CITY UNIT #392, AS SURPLUS, AUTHORIZING ITS USE AS A TRADE-IN, AND APPROVING SOURCEWELL CONTRACT NO. 080521-EZL FOR A NET COST OF \$229,039

D-6 Public Hearing relating to the formation of Underground Utility District No. 20 located at Yosemite Avenue and Elm Street

Recommendation: Staff recommends that the City Council (Council):

- 1) Conduct the Public Hearing;

- 2) Find that Underground Utility District No. 20 is Exempt from CEQA Analysis under Class 2 Categorical Exemptions, California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15302.d; and
- 3) Adopt a Resolution Making Findings of Public Necessity, Health, Safety, and Welfare and Establishing Underground Utility District No. 20 in Designated Real Property between Yosemite Avenue and Elm Street (Report by Keith Helmuth)

No public comment was presented. Public Comment was closed.

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

RES 23-51 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA MAKING FINDINGS OF PUBLIC NECESSITY, HEALTH, SAFETY, AND WELFARE AND ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 20 IN DESIGNATED REAL PROPERTY BETWEEN YOSEMITE AVENUE AND ELM STREET

E. ADMINISTRATIVE REPORTS:

E-1 Emergency Repairs to Avenue 13 Sewer Trunk Main at Granada Drive – Update #6

Recommendation: This report is submitted for informational purposes only and there is no action requested from the City Council (Council) at this time (Report by Keith Helmuth)

No public comment was presented. Public Comment was closed.

E-2 Informational Report Regarding Senate Bill 227

Recommendation: This report is submitted for informational purposes only, and no action is requested from City Council (Council) at this time (Report by Arnoldo Rodriguez)

Deputy City Clerk Zelda León provided Spanish translation for those in attendance and English translation of the public's comments to Council.

Pedro (no last name given) spoke in favor of SB 227 unemployment benefits for undocumented field workers. He said they deserve these benefits as they give a lot to this/his country (USA).

A community member spoke in favor of SB 227 and asked that this item be put onto the next Council agenda for action.

Rosa Hernandez of Oaxaca spoke in favor of SB 227. She is a field worker, and they are always affected during the months without work. They must ask others for loans. They were affected by COVID. They do not have savings or gas but they must continue to live. Without money, they do not have food or money for rent. It is sad for them. She said there are a lot of undocumented people in Madera.

Ervia Dominguez spoke in favor of SB 227. She has lived in Madera for 22 years. She works in the fields and has always done her taxes without fail and has never gotten any unemployment benefits due to her immigration status. She stated that COVID and rains have made for difficult

times. She has at times been without work for a month and it is difficult economically for rent and utilities especially as a single mother. She asked that Council support SB 227 so they can get these unemployment benefits as it would be a fundamental help to all families.

City Attorney Hilda Cantu Montoy advised Council that the way the item is worded on the agenda, they are unable to take action or give direction to staff. She stated, if Council decided, that those in attendance could give public comment but if it became very repetitive, Council could ask those in attendance had anything different to add. Then afterwards, Council could ask to see how many in attendance were in support of the item. Councils take this approach, so that people don't have to come back and give public comment at the next Council meeting as the report would mention the number of people who spoke in favor of Council supporting the measure.

Serai Martinez, Executive Director of Centro Binacional Para El Desarrollo Indigena spoke in favor of SB 227. She asked for those in attendance to stand to show who was in support of this item. City Clerk Alicia Gonzales counted 38 people who stood. Ms. Martinez stated that SB 227 would provide a safety net for undocumented workers. She said they are advocating for this law and need Madera leaders to be their voice at the state level. She stated that New York has this law and Colorado passed it last year.

A community member spoke in favor of SB 227. She stated that it took courage for all the individuals in attendance to be there that day. They contribute to the fund and it would be nice for them to have the bare minimum.

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

ON MOTION BY MAYOR PRO TEM MEJIA AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM E-2 DIRECTING STAFF TO ADD THIS ITEM OFFERING A LETTER OF SUPPORT AND RESOLUTION IN SUPPORT OF SB 227 TO THE MAY 3, 2023 AGENDA WAS APPROVED BY A 6/1 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: COUNCILMEMBER GALLEGOS.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 -
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

ABSTAIN: 1 - COUNCILMEMBER GALLEGOS

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 agendaized and which meet other requirements for action.

Councilwoman Gallegos had nothing to report.

Councilmember Montes had nothing to report.

Councilmember Rodriguez reported that the Transportation Commission authorized a Request for Proposals seeking consultant services for the purpose of moving Measure T to the 2024 election ballot.

Councilwoman Evans had nothing to report.

Mayor Pro Tem Mejia mentioned the Salt of the Earth Conference at Madera Community College and invited her colleagues to attend.

Councilmember Villegas had nothing to report.

Mayor Garcia had nothing to report.

G. CLOSED SESSION: None

ADJOURNMENT: Meeting was adjourned at 8:47 p.m.

UPCOMING MEETING DATES:

- Wednesday, May 3, 2023
- Wednesday, May 17, 2023


ALICIA GONZALES, City Clerk


SANTOS GARCIA, Mayor


MINUTES PREPARED BY
ZELDA LEÓN, Deputy City Clerk

