



## Regular Meeting of the Madera City Council

205 W. 4<sup>th</sup> Street, Madera, California 93637

### NOTICE AND AGENDA

Wednesday, July 19, 2023  
6:00 p.m.

Council Chambers  
City Hall

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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](http://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: 856 7600 0942#. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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#### **CALL TO ORDER:**

**ROLL CALL:** 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

**INVOCATION:** Councilwoman Anita Evans

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

#### **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.*

**WRITTEN COMMUNICATIONS:** None

- PRESENTATIONS:**
1. Recognition of Dutch Bros. donation to the City of Madera Youth Sports Programs
  2. Recognition of Rohi Zacharia contribution to Madera’s 4<sup>th</sup> of July Fireworks Spectacular Show
  3. Recognition of Hilda Cantú Montoy, City Attorney

**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.*

**B-1 Minutes – 06/07/23, 06/21/23, 06/28/23, and 7/12/23**

**Recommendation:** Approve the City Council Minutes of June 7, 2023, June 21, 2023, June 28, 2023, and July 12, 2023 (Report by Alicia Gonzales)

**B-2 Informational Report on Register of Audited Demands**

**Recommendation:** Review Register of Audited Demands Report for June 10, 2023 to July 7, 2023 (Report by Michael Lima)

**B-3 Informational Report on Personnel Activity**

**Recommendation:** No Action Required. (Report by Wendy Silva)

**B-4 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 Arnoldo Rodriguez)

**B-5 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-6 Medical, Dental, Vision, Life and Long Term Disability, and Employee Assistance Program Plan Renewals**

**Recommendation:** Adopt a Minute Order:

1. Approving the renewal of the City’s medical, dental, vision, and life and long-term disability plans as presented; and
2. Ratifying participation in the Employee Assistance Program under the Central San Joaquin Valley Risk Management Authority; and
3. Authorizing the City Manager to execute any documents necessary to effectuate the plan renewals (Report by Wendy Silva)

**B-7 Adoption of Updated Salary Schedule for Full Time Employees**

**Recommendation:** Adopt a Resolution Approving the Revised City of Madera Full Time Salary Schedule Reflecting a Two Percent Cost-of-Living Adjustment effective June 17, 2023 (Report by Wendy Silva)

**B-8 Continuing Declaration Proclaiming the Existence of a Local Emergency – January 2023 Winter Storms**

**Recommendation:** Adopt a Resolution Continuing the Declaration Proclaiming the Existence of a Local Emergency – January 2023 Winter Storms in accordance with Madera Municipal Code Title III, Chapter 2 (Report by Wendy Silva)

**B-9 Memorandum of Agreement between the County of Tulare and the City of Madera for Mutual Aid**

**Recommendation:** Adopt a Resolution Approving a Memorandum of Agreement (MOA) between the County of Tulare and the City of Madera for Mutual Aid due to Flooding (Report by Dino Lawson)

**B-10 Accepting a Portion of the Improvements for the Iveywood I Subdivision**

**Recommendation:** Adopt a Resolution:

1. Accept a Portion of the Off-Site Improvements for the Iveywood I Subdivision; and
2. Authorize the Filing of the Notice of Acceptance for Said Off-Site Improvements (Report by Keith Helmuth)

**B-11 Improvement Agreement Amendment No. 2 for the Iveywood I Subdivision (Tract No. 12 S-03) Allowing for the Reimbursement of construction of a Storm Drainage Basin**

**Recommendation:** Adopt a Resolution Approving Amendment No. 2 to the Improvement Agreement Authorizing Construction of a Storm Drainage Basin adjacent to the Iveywood I Subdivision and Reimbursement of Said Storm Drainage Basin Proposed to be Constructed by Subdivider (Report by Keith Helmuth)

**B-12 Consideration of a request by Olegario H. Romero and Ines Romero for connection to the City's water system**

**Recommendation:** Adopt a Resolution Approving an Agreement for Outside City Limits Water Connection for 26307 and 26319 Martin Street (APN 038-010-007) (Report by Keith Helmuth)

**B-13 Amendment to the Management and Operations Agreement between the City and MV Public Transportation, Inc. Relating to the Vehicle Service Hourly Rates and the Fixed Monthly Fees**

**Recommendation:** Adopt a Resolution Approving Amendment No. 6 to the Agreement for Management and Operation of Madera Transit Services correcting the Vehicle Service Hourly Rate and the Fixed Monthly Fees effective July 1, 2023 (Report by Michael Lima)

**B-14 Acceptance of PG&E Charitable Contributions Movies in the Park**

**Recommendation:** Adopt a Minute Order Accepting a Charitable Contribution from PG&E for Movies in the Park in the amount of \$10,000 for Fiscal Year 2023/2024 (Report by Joseph Hebert)

**C. PUBLIC HEARINGS:**

**C-1 Public Hearing to Consider the Proposed Annexation of Property Within the Crown Tozer II (Iveywood II) Subdivision into Landscape Maintenance District Zone of Benefit 51 for Fiscal Year 2023/24**

**Recommendation:** Adopt Resolution Approving Annexation No. 2023-07 for Annexation of the Iveywood II Subdivision (Tract No. 21-S-01) into Zone of Benefit 51, Confirming the Diagram and Assessment for Landscape Maintenance District (LMD) Zone of Benefit 51 for Fiscal Year (FY) 2023/24; and Authorizing the City Clerk to File the Diagram and Assessment with the Madera County Auditor (Report by Keith Helmuth)

**C-2 George Washington Elementary School Public Service Easement Partial Vacation (ABN 2022-02)**

**Recommendation:** Hold a Public Hearing and Adopt a Resolution adopting a Categorical Exemption Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections, 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations) and Section 15314 (Minor Additions to Schools) and Approving the Vacation of a Portion of Public Service Easement Between East Lincoln Avenue and East South Street (Report by Will Tackett)

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

**D-1 Procurement of Fixed Route Amenities Utilizing the Remaining Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA)**

**Recommendation:** Adopt a Resolution Approving the Purchase of Bus Shelters from Duo Guard in the amount of \$108,967.12 and Solar Lighting in the amount of \$163,455.93 from Tolar Manufacturing with PTMISEA Funds and Senate Bill (SB) 1 Funds (Report Michael Lima)

**D-2 Contract Award for the Alley Paving Various Locations Project**

**Recommendation:** Adopt a Resolution Approving the Contract Award for the Alley Paving at Various Locations Project, Federal Project No.'s CML 5157(128), City Project No. ALY-01 and CML 5157(122), City Project No. ALY-03 in the amount of \$880,791 for the Base Bid plus Bid Schedule A add Alternate to Witbro, Inc. dba Seal Rite Paving & Grading (Report by Keith Helmuth)

**D-3 Consider Ordinance Relating to City Council and Resolutions Relating to Council Protocols Guidebook and Council Meeting Rules of Procedure**

**Recommendation:**

1. Waive Full Reading and Introduce an Ordinance Adopting New Chapter 1 of Title II of the Madera Municipal Code Relating to City Council and repeal of current Chapter 1 of Title II; and
2. Adopt a Resolution Approving City Council Protocols Guidebook; and
3. Adopt a Resolution Approving Rules of Procedure for Conducting City Council Meetings (Report by Hilda Cantu Montoy)

**E. ADMINISTRATIVE REPORTS: None**

**E-1 Ceremonial Documents Guidelines**

**Recommendation:** Consider and provide direction on the Protocols Guidebook section concerning Ceremonial Documents (Report by Arnolando Rodriguez)

**E-2 Direction Regarding City Council Member Golf Course Advisory Committee Appointment**

**Recommendation:** Adopt a Resolution Approving an Appointment of a City Councilmember to the Golf Course Advisory Committee (Report by Joseph Hebert)

**E-3 Informational report on the Implementation of the Madera Transit Plan**

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

**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.*

**G. CLOSED SESSION:**

**G-1 Conference with Legal Counsel - Existing Litigation Pursuant to Government Code §54956.9(a)**

**One Case:** Madera Police Officers' Association; Randall Williams; Thomas Burns vs. City of Madera (MCV 088246)

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

**Name of Case:** Phenos of Madera, Inc. dba Phenos of Madera Cannabis Appeal Before Hearing Officer

**G-3 Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code §54956.9(d) (4) Deciding Whether to Initiate Litigation**

**Number of Cases:** One Case

**ADJOURNMENT:**

**UPCOMING MEETING DATES:**

- Wednesday, August 2, 2023
- Wednesday, August 16, 2023

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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov). Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: City Clerk, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide

appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.

- The services of a translator can be made available. Please contact the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.
  - Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov).
  - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
  - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.
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I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Regular Meeting of the Madera City Council for July 19, 2023, near the front entrances of City Hall and on the City's website [www.madera.gov](http://www.madera.gov) at 7:45 p.m. on July 13, 2023.



Alicia Gonzales, City Clerk