



Item:	B-1
Minutes for:	08/16/2023
Adopted:	09/06/2023

Minutes of a Regular Meeting of the Madera City Council

August 16, 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: 845 0956 0758#. 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 Artemio Villegas, District 6

Absent: Councilmember Anita Evans, District 4

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Shannon L. Chaffin, Chief Building Official Rafael Magallan, City Engineer Keith Helmuth, Community Development Director Will Tackett, Director of Financial Services Michael Lima, Fire Battalion Chief Ralph Duran, Director of Human Resources Wendy Silva, Director of Parks and Community Services Joseph Hebert, Planning Manager Gary Conte, Chief of Police Dino Lawson, Police Commander Giachino Chiaramonte, Public Works Director Ismael Hernandez, Wastewater Treatment Plant Manager Gabriel Bostan, Senior Planner (Consultant) James Troyer, Administrative Analyst (P/W) Sergio Martinez Orozco and Communication Specialist Joseph Carrello.

INVOCATION: Joyce Dale, Representative for Senator Caballero

PLEDGE OF ALLEGIANCE: Joshua Babcock, Representative for Congressman Duarte

APPROVAL OF AGENDA:

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

Kirk Atamian mentioned his gratitude to Police Chief Dino Lawson as he retires from the City. He also mentioned the deteriorating state of the City and how the City is not business friendly when obtaining building permits, etc.

Raul Ramirez mentioned that he has been assaulted six (6) times by men that worked for three (3) businesses. He stated he called the Sheriff's office and the Police Department but they didn't follow-up with those men.

Latinos Madera Club thanked the Police Department for the support in the Safe Communities class where Police Officer Felix Gonzales addressed the community in Spanish where he highlighted the importance for communication with the community and the Police Department to achieve the security of the City of Madera. They thanked Police Chief Dino Lawson and presented him with a certificate for his service, support and dedication to the community.

Gilbert Felix, District Director for Assemblywoman Esmeralda Soria thanked the City for their support. He read a letter from Assemblywoman Soria which they will be sending to all the community members that have contacted them regarding the closure of Madera Community hospital. This item has been Assemblywoman Soria's number one priority since she was elected November 2022.

Abraham Arias of Roberts Avenue brought to Council's attention that drivers on his street speed. He has been advised that speedbumps are not allowed in Madera. He has put out signs for cars to slow down but they are ignored. He's been advised to contact the Police Department, so that there is a police presence in the area but he would like this issue studied as not a whole lot has been done to address it.

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

WRITTEN COMMUNICATIONS: None

- PRESENTATIONS:**
1. Proclamation Recognizing National Senior Citizens Day
 2. Proclamation Recognizing Police Chief Dino Lawson's Retirement from the City of Madera

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Informational Workshop Regarding the City of Madera Budget, Capital Improvement Program (CIP) and Master Fee Schedule for Fiscal Year 2023/24 (Report by Mike Lima)

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

B-1 Minutes – August 2, 2023

Recommendation: Approve the City Council Minutes of August 2, 2023 (Report by Alicia Gonzales)

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for July 22, 2023 to August 4, 2023 (Report by Michael Lima)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-4 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)

RES 23-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONTINUING THE DECLARATION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY – JANUARY 2023 WINTER STORMS IN ACCORDANCE WITH MADERA MUNICIPAL CODE TITLE III, CHAPTER 2

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 Arnolando Rodriguez)

RES 23-140 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 Distressed Hospital Loan funding for Madera Community Hospital

Recommendation: Adopt a Minute Order Authorizing the City to Submit a Letter of Support for Madera Community Hospital's request for \$80 Million in State Funding from the Distressed Hospital Loan Program (Report by Arnolando Rodriguez)

B-7 Federal Transit Administration Grant Application for Transit Operating Assistance

Recommendation: Adopt a Resolution Authorizing the Submittal of a Federal Transit Administration (FTA) Section 5307 Grant Application in the amount of \$1,757,924 (Report by Mike Lima)

RES 23-141 RESOLUTION AUTHORIZING THE FILING OF APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53; TITLE 23, UNITED STATES CODE, OR OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

B-8 Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2023/24 Grant

Recommendation: Adopt a Resolution Authorizing the Submission of an Application to the Edward Byrne Memorial Justice Assistance Grant program for Fiscal Year 2023/24

RES 23-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR AWARD TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

B-9 City's Participation in the Old Timers' Day Parade

Recommendation: Adopt a Resolution Waiving the Fees to Cover the Costs of Police, Public Works, and Parks Services Relating to the Old Timers' Day Parade in the Amount of \$3,143 (Report by Dino Lawson)

RES 23-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE, PUBLIC WORKS, AND PARK FEES RELATING TO THE OLD TIMERS PARADE FOR MADERA DOWNTOWN ASSOCIATION, MADERA SUNRISE ROTARY CLUB 587, IN THE AMOUNT OF \$3,143.00

B-10 Proclamation Recognizing September 15, 2023 as the 200th Anniversary of Mexican Independence Day and Diplomatic Relations between the U.S. and Mexico

Recommendation: Adopt a Minute Order Approving a Proclamation to be Presented to the Mexico Consulate at the September 6, 2023 Council Meeting (Report by Alicia Gonzales)

B-11 Porsche Club of America Permit for events at the Madera Municipal Airport

Recommendation: Adopt a Resolution Approving a Special Activity Permit for the Use of Designated Areas of the Madera Municipal Airport for Porsche Club of America Autocross Events (Report by Ismael Hernandez)

RES 23-144 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SPECIAL ACTIVITY PERMIT FOR THE USE OF DESIGNATED AREAS OF THE MADERA MUNICIPAL AIRPORT FOR THE 2023-2024 PORSCHE CLUB OF AMERICA AUTOCROSS EVENTS

C. PUBLIC HEARINGS: None

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

D-1 Third 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 Third Amendment to the Service Provider Agreement with O&E Transportation LLC for services at a cost of \$100,000 and an extension of the term through March 31, 2024 (Report by Dino Lawson)

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

RES 23-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE THIRD AMENDMENT TO THE SERVICE PROVIDER AGREEMENT WITH O&E TRANSPORTATION LLC FOR ADDITIONAL SERVICES AT A COST OF \$100,000 AND AN EXTENSION OF THE TERM THROUGH MARCH 31, 2024

D-2 Issue a Notice of Award for Two Social Equity Commercial Cannabis Business Permits to Nebrina Madera, LLC and California Cannoisseur, LLC

Recommendation: Adopt a Resolution Issuing a Notice of Award for Social Equity Cannabis Permits to Nebrina Madera, LLC and California Cannoisseur, LLC. (Report by Will Tackett)

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

RES 23-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING A NOTICE OF AWARD OF SOCIAL EQUITY CANNABIS BUSINESS PERMITS TO NEBRINA MADERA, LLC AND CALIFORNIA CANNOISSEUR, LLC

D-3 Co-Locator Lease Agreement with Madera Unified School District

Recommendation: Adopt a Resolution Approving a Two-Year Co-Locator Lease Agreement between the City of Madera and Madera Unified School District for the Occupation and Use of Facilities at the John W. Wells Youth Center and Authorize the Mayor to Execute the Co-Locator Lease Agreement (Report by Joseph Hebert)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-3 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER EVANS. ABSTAIN: NONE.

RES 23-147 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AND MADERA UNIFIED SCHOOL DISTRICT FOR A TWO-YEAR CO-LOCATOR LEASE AGREEMENT

E. ADMINISTRATIVE REPORTS:

E-1 Response to Madera County Grand Jury Final Report 2223-02: "City of Madera Fails to Enforce the Golf Course Contract Requirements"

Recommendation: It is recommended the City Council (Council) review the proposed Response to the Grand Jury Report (Report) and approve the Response as presented or provide direction on changes to the proposed Response (Report by Arnoldo Rodriguez)

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

E-2 Direction Regarding Golf Course Advisory Committee Composition

Recommendation: This report is submitted to request direction from the City Council on the Golf Course Advisory Committee Members (Report by Joseph Hebert)

ON MOTION BY MAYOR PRO TEM MEJIA AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM E-2 APPOINTING EDWARD MCINTYRE WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER EVANS. ABSTAIN: NONE.

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 had nothing to report.

Councilmember Montes had nothing to report.

Councilmember Rodriguez requested a future agenda item regarding using City revenues derived from tax dollars to form a down-payment assistance program for residents, or other retention strategies that will incentivize residents to stay in Madera. He asked Council to consider an RFP for a City-owned property on Yosemite Avenue, to lease the space for commercial use as a revenue source for the City. He asked that the RFP require that the applicants' business model align with the Downtown Specific Plan vision. He also mentioned the CalVans program that provides passenger vans for the agricultural community for transportation and work purposes.

Mayor Pro Tem Mejia commended Assemblywoman Esmeralda Soria for her advocacy for the citizens of Madera and for the 700+ backpacks that were given away during her Back-to-School event. She announced the "Save the Hospital" candlelight vigil at Madera Community Hospital that took place on Thursday, August 17th.

Councilmember Villegas had nothing to report.

Mayor Garcia mentioned the Backpack Giveaway held by the Office of Assemblywoman Soria that offered a multitude of services and resources to the students and families. He also attended the Lifetime Achievement Awards held by the Madera Chamber of Commerce, that honored community members who have made a significant impact in Madera. He mentioned the swearing-in ceremony for our newest Police Department officers and staff and the 33rd Annual Fresno/Madera Counties Police Chief's Association Citizens Awards Ceremony that recognized remarkable citizens who have demonstrated heroic acts and philanthropy in the community.

G. CLOSED SESSION: None

ADJOURNMENT: Meeting was adjourned at 9:25 p.m.

UPCOMING MEETING DATES:

- Wednesday, September 6, 2023
- Wednesday, October 4, 2023

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEÓN, Deputy City Clerk