

|              |            |
|--------------|------------|
| Item:        | B-1        |
| Minutes for: | 07/19/2023 |
| Adopted:     | 08/02/2023 |

## Minutes of a Regular Meeting of the Madera City Council

July 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](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.

**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  
Councilmember Anita Evans, District 4  
Councilmember Artemio Villegas, District 6

Absent: Mayor Santos Garcia

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantú-Montoy, City Engineer Keith Helmuth, Community Development Director Will Tackett, Division Fire Chief Justin McCombs, Grants Administrator Marcela Zuniga, Planning Manager Gary Conte, Police Commander Giachino Chiamonte, Public Works Director Ismael Hernandez, Senior Civil Engineer Steve Bettencourt, Administrative Analyst I (Engineering) Nicole Say, Administrative Analyst I (Engineering) Haley Christenson, Senior Planner Robert Smith, (P/T) Administrative Analyst (Parks) Gabriela Salazar, Administrative Analyst (HR) Eric Battles and Communication Specialist Joseph Carrello.

**INVOCATION:** Councilmember Evans

**PLEDGE OF ALLEGIANCE:** Councilmember Villegas

**APPROVAL OF AGENDA:**

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, 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.

DJ Becker of the Madera News brought attention to the blight, weeds, trash and neglect throughout the City.

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

**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.*

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

**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)

**RES 23-118** 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-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 Arnaldo 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)
- RES 23-119** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE CITY OF MADERA FULL TIME SALARY SCHEDULE EFFECTIVE JUNE 17, 2023
- 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)
- RES 23-120** 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-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)
- RES 23-121** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE TULARE COUNTY AND THE CITY OF MADERA AND AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM

**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)

**RES 23-122** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A PORTION OF THE IMPROVEMENTS REQUIRED TO BE INSTALLED IN CONNECTION WITH IVEYWOOD I SUBDIVISION, AND AUTHORIZING THE FILING OF A NOTICE OF PARTIAL ACCEPTANCE FOR SUCH IMPROVEMENTS

**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)

**RES 23-123** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE IMPROVEMENT AGREEMENT AUTHORIZING CONSTRUCTION AND REIMBURSEMENT OF A STORM DRAINAGE BASIN ADJACENT TO THE IVEYWOOD I SUBDIVISION PROPOSED TO BE CONSTRUCTED BY SUBDIVIDER

**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)

**RES 23-124** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AGREEMENT FOR OUTSIDE CITY LIMITS WATER CONNECTION FOR 26307 MARTIN STREET AND 26319 MARTIN STREET (APN 038-010-007)

**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)

**RES 23-125** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT NO. 6 TO THE AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES

BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

**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)

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

**RES 23-126** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ANNEXATION NO. 2023-07 FOR ANNEXATION OF IVEYWOOD II SUBDIVISION (TRACT NO. 21-S-01) INTO ZONE OF BENEFIT 51; CONFIRMING THE DIAGRAM AND ASSESSMENT FOR CITY OF MADERA LANDSCAPE MAINTENANCE DISTRICT 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

**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)

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

**RES 23-127** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTIONS 15301 (EXISTING FACILITIES), 15303 (NEW CONSTRUCTION), 15305 (MINOR ALTERATIONS IN LAND USE LIMITATIONS), AND 15314 (MINOR

ADDITIONS TO SCHOOLS), AND APPROVING THE VACATION OF A PORTION OF PUBLIC SERVICE EASEMENT CROSSING GEORGE WASHINGTON ELEMENTARY SCHOOL BETWEEN EAST LINCOLN AVENUE AND EAST SOUTH STREET

**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)

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

**RES 23-128** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE PURCHASE OF BUS SHELTERS FROM DUO GUARD AND PURCHASE OF SOLAR LIGHTING FROM TOLAR MANUFACTURING WITH PTMISEA FUNDS AND SB 1 FUNDS

**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)

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

**RES 23-129** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR THE ALLEY PAVING VARIOUS LOCATIONS FEDERAL PROJECTS CML 5157(128) AND CML 5157(122) CITY PROJECT ALY-01 AND ALY-03 IN THE AMOUNT OF \$880,791.00 FOR THE BASE BID PLUS BID SCHEDULE A ADD ALTERNATE #1 AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

**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)

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-3 WAS APPROVED BY A 5/1 VOTE. NOES: COUNCILMEMBER RODRIGUEZ. ABSENT: MAYOR GARCIA. NONE. ABSTAIN: NONE.**

**INTRO ORD** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA REPEALING CHAPTER 1 OF TITLE II OF THE MADERA MUNICIPAL CODE AND ADOPTING NEW CHAPTER 1 OF TITLE II TO THE MADERA MUNICIPAL CODE RELATING TO THE CITY COUNCIL

**RES 23-130** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING CITY COUNCIL PROTOCOLS GUIDEBOOK

**RES 23-131** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING RULES OF PROCEDURE FOR CONDUCTING CITY COUNCIL MEETINGS

**E. ADMINISTRATIVE REPORTS: None**

**E-1 Ceremonial Documents Guidelines**

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

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

**RES 23-132** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPOINTING A COUNCIL MEMBER TO THE GOLF COURSE ADVISORY COMMITTEE

**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.*

Councilmember Gallegos announced that the City has partnered with CASA, Madera Unified School District, and the Arts Authority to clean up the downtown area and more murals like the Mural of Hope can be expected in the future. She also gave a shoutout to the Fire Department and the Police Department for ensuring the 4<sup>th</sup> of July Fireworks Spectacular and residential

celebrations took place safely and for responding to numerous calls for service. Councilmember Gallegos urged residents to be patient while City crews work to abate weeds and the overgrowth of grass in public areas such as sidewalks and islands around town.

Councilmember Montes expressed appreciation to City Attorney, Hilda Cantú-Montoy for her years of service and counsel.

Councilmember Rodriguez stated his appreciation for Ms. Cantú-Montoy's service to the City. He also requested that there be some updating of ordinances with respect to illegal fireworks and fireworks being detonated in the days leading up to and following Independence Day as several residents have expressed their concern regarding this public nuisance. He also introduced an idea that staff or a media consultant develop a video showcasing various parts of Madera to highlight progress made and to promote civic pride. Councilmember Rodriguez proposed that residents, business owners and other agencies partner with the City to help sustain beautification efforts in the downtown area.

Councilwoman Evans congratulated the City Attorney Ms. Cantú-Montoy on her retirement. She also invited those in attendance to visit the CASA Mural of Hope located at 112 South C Street.

Mayor Pro Tem Mejia commended the individuals who organized the 4<sup>th</sup> of July Spectacular for bringing back a popular and family-friendly event. She attended an Empowerment Workshop graduation held by Pequeños Empresarios where she heard testimonials from many residents on how the workshop has had a positive impact. She mentioned a group of local volunteers who are coming together to fundraise and host a Guelaguetza event to promote Oaxacan culture and traditions for the residents of Madera. The event is slated to take place on Sunday, October 8, 2023 with more details to follow. Mayor Pro Tem Mejia gave a shoutout to the Public Works Director, Ismael Hernandez and his team for their quick response regarding receptacles that were in need of cleanup.

Councilmember Villegas stated that the Arts Authority will continue to focus on murals to beautify downtown Madera. He also thanked Ms. Cantú-Montoy for all she has done for City Council, staff and the community during her tenure.

**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 Case:** One Case

City Attorney Hilda Cantú-Montoy made the closed session announcement at 7:51 p.m. She and Council returned from Closed Session at 9:05 p.m. with all members of Council present




except for Mayor Garcia who was absent. Ms. Cantú-Montoy stated there was no reportable action.

**ADJOURNMENT:** Meeting was adjourned at 9:05 p.m.

**UPCOMING MEETING DATES:**

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

  
\_\_\_\_\_  
ALICIA GONZALES, City Clerk

  
\_\_\_\_\_  
SANTOS GARCIA, Mayor

  
\_\_\_\_\_  
MINUTES PREPARED BY  
ZELDA LEÓN, Deputy City Clerk

