



Item:	B-1
Minutes for:	09/06/2023
Adopted:	10/04/2023

Minutes of a Regular Meeting of the Madera City Council

September 6, 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: 832 7738 4335#. 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 6:02 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 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, Grants Administrator Marcela Zuniga, Director of Human Resources Wendy Silva, Director of Parks and Community Services Joseph Hebert, Planning Manager Gary Conte, Police Commander Giachino Chiaramonte, Police Lieutenant Josiah Arnold, Public Works Director Ismael Hernandez, Deputy City Engineer Ellen Bitter, Assistant Planner Adileni Rueda and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Sammie Neely, Mount Zion Baptist Church

PLEDGE OF ALLEGIANCE: Joseph Hebert, Director of Parks and Community Services

APPROVAL OF AGENDA:

City Clerk Alicia Gonzales announced that the resolution for Item C-3 was revised after the agenda was published. A copy of the resolution was distributed to Council and copies available at the podium for members of the public.

City Attorney Shannon Chaffin advised Council that the ballots from the developer for Item C-2 had not been received and if ballots were not received by the time the item was heard then it may be recommended that this item be continued to the next regular Council meeting.

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.

No Public Comment was presented. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

- PRESENTATIONS:**
1. Proclamation Recognizing September 15, 2023 as the 200th Anniversary of Mexican Independence Day and Diplomatic Relations between the U.S. and Mexico
 2. Proclamation Recognizing Old Timers' Week
 3. LOVE Madera (Presentation by April Molina)
City Clerk Alicia Gonzales announced that this presentation will be made at a later date as Ms. Molina was unable to attend.

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 EVANS, THE CONSENT CALENDAR WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

B-1 Minutes – August 16, 2023 and August 24, 2023

Recommendation: Approve the City Council Minutes of August 16, 2023 and August 24, 2023 (Report by Alicia Gonzales)

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for August 5, 2023 to August 25, 2023 (Report by Michael Lima)

B-3 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 Arnolando Rodriguez)

B-4 2023 Old Timers Day Parade and Booths in the Park Event Entries

Recommendation: Approve a Minute Order Authorizing the City Manager to Execute Documents Necessary for any City Entries in the Old Timers Day Parade and Related Booths in the Park Event Scheduled September 30, 2023 (Report by Alicia Gonzales)

B-5 Acceptance of a Grant Award from the State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP)

Recommendation: Adopt Resolutions:

1. Accepting the Grant Award in the amount of \$125,000; and
2. Amending the City's 2023/24 Budget to Reflect Revenues and Expenditures Related to the Grant (Report by Dino Lawson)

RES 23-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING GRANT AWARD FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE AMOUNT OF \$125,000 AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZING OFFICIAL TO ACCEPT THE GRANT AWARD

RES 23-151 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2023/2024 BUDGET

B-6 Budget Amendment Relating to the Third Contract Extension with O&E Transportation for Litter Abatement in the Fresno River

Recommendation: Adopt a Resolution Approving a Budget Amendment to the Fiscal Year 2023/24 Operating Budget in the amount of \$100,000 for Fresno River Clean-up Efforts (Report by Dino Lawson)

RES 23-152 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROPRIATING \$100,000 TO THE CITY OF MADERA FISCAL YEAR 2023-24 ADOPTED BUDGET FOR RIVER CLEAN-UP EFFORTS

B-7 Golf Course Advisory Committee Composition

Recommendation: Adopt a Resolution Establishing the Composition of the Golf Course Advisory Committee, Including Establishing Two-year Term Limits for the Service Organization Representative, Golfer/At-large Community Member and Non-Golfer/At-large Community Member (Report by Joe Hebert)

RES 23-153 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ESTABLISHING THE COMPOSITION OF THE GOLF COURSE ADVISORY COMMITTEE, INCLUDING ESTABLISHING TWO-YEAR TERM LIMITS FOR THE SERVICE ORGANIZATION REPRESENTATIVE, GOLFER/AT-LARGE

COMMUNITY MEMBER AND NON-GOLFER/AT-LARGE COMMUNITY MEMBER

B-8 Groundwater Monitoring Wells at the Wastewater Treatment Plant, Project No. WWTP 20-01

Recommendation: Adopt a Resolution Approving Project Contingencies for the Groundwater Monitoring Wells - Wastewater Treatment Plant, Project No. WWTP 20-01 (Report by Keith Helmuth)

RES 23-154 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING CONSTRUCTION CONTRACT CONTINGENCIES FOR THE CONTRACT WITH MAGGIORA BROTHERS DRILLING, INC. FOR THE INSTALLATION OF GROUNDWATER MONITORING WELLS AT THE WASTEWATER TREATMENT PLANT – WWTP 20-01

B-9 Piggyback Purchase Agreements for Fleet Division-Related Purchases

Recommendation: Adopt a Resolution Approving State of California Piggyback Agreements for the Purchase of a Chevrolet Blazer from Winner Chevrolet for an Estimated Amount of \$43,000 using Contract Number 1-22-23-23D, and Five Ford Pursuit Utility vehicles from Folsom Lake Ford for an Estimated Amount of \$365,000 using Contract Number 1-22-23-14C (Report by Mike Lima)

RES 23-155 RESOLUTION APPROVING STATE OF CALIFORNIA PIGGYBACK AGREEMENT FOR I) PURCHASE FROM WINNER CHEVROLET FOR NEW BLAZER IN THE ESTIMATED AMOUNT OF \$43,000; AND II) PURCHASE FROM FOLSOM LAKE FORD OF FIVE FORD PURSUIT UTILITY VEHICLES IN THE ESTIMATED AMOUNT OF \$365,000

B-10 Informational item on the Implementation Progress of the Madera Transit Plan – Fixed Route System Revision

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

C. PUBLIC HEARINGS:

C-1 Rezone Property Located at 405 Vineyard Avenue (Rezone 2023-02)

Recommendation: The City of Madera Planning Commission recommends the City Council hold a public hearing, make the necessary findings, and take action as follow:

1. Adopt Findings of a Class 15 Categorical Exemption under California Environmental Quality Act (CEQA) Guidelines Section 15315 and Common Sense exemption set forth under CEQA Guidelines Section 15061(b)(3), and Waive Full Reading and Introduce an Ordinance of the City Council amending the official City of Madera Zoning Map Rezoning Approximately 0.3 acres at 405 Vineyard Avenue (APN 008-071-001) from a R2 (One unit for each 3,000 square feet of site area) zone district to a R1 (One unit for each 6,000 square feet of site area) zone district (Report by Will Tackett)

An announcement was made that translation was available for this item and those in attendance were asked if they needed translation. No members of the public asked for translation.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-1 TO WAIVE FULL READING AND INTRODUCTION OF THE ORDINANCE WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

INTRO ORD AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 0.3 ACRES OF PROPERTY LOCATED AT 405 VINEYARD AVENUE (APN: 008-071-001) FROM THE R2 (ONE UNIT FOR EACH 3,000 SQUARE FEET OF SITE AREA) TO THE R1 (ONE UNIT FOR EACH 6,000 SQUARE FEET OF SITE AREA) ZONE DISTRICT

C-2 Public Hearing Regarding Annexation No. 1 (Madera Place Apartments) into Community Facilities District No. 2013-1 Under the Mello Roos Community Facilities Act of 1982 and Related Actions

Recommendation: That Council consider the following:

1. Hold the Public Hearing; and
2. Adopt a resolution of the City Council (Council) of the City of Madera authorizing Annexation of Territory (Annexation No. 1) to Community Facilities District No. 2013-1 (CFD 2013-1); authorizing the Levy of a Special Tax; and Submitting the Levy of Tax to the Qualified Electors; and
3. Conduct the Election of the Qualified Electors of Annexation No. 1; and
4. Adopt a Resolution of the Council of the City of Madera Making Certain Findings, Declaring and Certifying the Results of an Election, and Adding the Territory Identified as Annexation No. 1 to CFD 2013-1 (Public Services) (Report by Will Tackett)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER EVANS, ITEM C-2 WAS CONTINUED TO THE OCTOBER 4, 2023 COUNCIL MEETING AS NO BALLOTS WERE RECEIVED. THE MOTION WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

C-3 Public Hearing to Consider Changes to the Master Fee Schedule for Planning Fees and a Technical Adjustment to Solid Waste Fees

- Recommendation:**
1. Conduct a Public Hearing to hear testimony regarding the proposed fee increases; and
 2. Adopt a Resolution Approving Proposed Increases in Planning fees and Solid Waste Fees for Multi-Family Residential

The Resolution was revised after agenda distribution but prior to this meeting. The revised resolution adopts changes to the Master Fee Schedule for Solid Waste Fees (Multi-Family Residential). Proposed increases in Planning Fees are no longer addressed in the resolution.

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM C-3 WITH THE REVISED RESOLUTION WAS APPROVED BY A 6/1 VOTE. NOES: COUNCILMEMBER MONTES. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 - COUNCILMEMBER GALLEGOS

**COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER EVANS
MAYOR PRO TEM MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

NO: 1 - COUNCILMEMBER MONTES

RES 23-156 RESOLUTION ADOPTING CHANGES TO THE MASTER FEE SCHEDULE FOR SOLID WASTE FEES (MULTI-FAMILY RESIDENTIAL)

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

D-1 Agreement for On-Call Asphalt and Concrete Patching Services

Recommendation: Adopt a Resolution Approving an Agreement with Witbro, Inc. for On-call Asphalt and Concrete Patching Services for \$590,000 (Report by Ismael Hernandez)

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

RES 23-157 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH WITBRO, INC. DOING BUSINESS AS SEAL RITE PAVING AND GRADING FOR ON-CALL ASPHALT/CONCRETE PATCHING SERVICES

E. ADMINISTRATIVE REPORTS:

E-1 Parks & Community Services Department FY 2023-24 Planned Improvement Projects

Recommendation: This report is submitted to provide the City Council an informational report on the status of the Parks & Community Services Department Planned Improvement Projects (Report by Joe Hebert)

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 stated she appreciates the hard work of the Parks workers who work on Saturday. She mentioned that it is Fair week and asked that people try to make it out there.

Councilmember Rodriguez stated that Congressman Duarte extended the opportunity to apply for certain grants. Councilmember Rodriguez would like funding increased for flood control so the City can utilize some of the additional funds to help clean up the river. He encouraged staff and Council to apply for those grant funds. Councilmember Rodriguez added that Congressman Duarte has stated that his office can assist the City of Madera in getting permits faster when it comes to working in the river. Councilmember Rodriguez stated that the hospital issue is being addressed at the State level. He stated that he will be in Washington D.C. next week to advocate for the valley and for their community regarding transportation needs.

Councilmember Montes wished everyone a good and safe Labor Day. He thanked staff and asked staff to keep up the good work.

Councilmember Evans stated she sits on the San Joaquin River Conservancy board and everyone to take a look around and visit the river. She mentioned having cabins along the river and that maybe staff can plan an event out there. She thanked everyone who worked on the river clean-up and those who continue to work on it. Councilmember Evans stated that today is the 13th year anniversary of her daughter's passing due to cancer. She encouraged everyone to get checked and to keep her family in their prayers.

Mayor Pro Tem Mejia thanked the Madera District Fair for the invitation and stated she will be attending; she is not sure which day. She mentioned the Vive La Guelaguetza event that will occur on Sunday, October 8th at the Rotary Sports Complex from 11:00 a.m. to 5:00 p.m. It is an open invitation to everyone, and she hopes to see them there. This event will showcase Oaxaca culture and traditions.

Councilmember Villegas had nothing to report.

Mayor Garcia stated he had the honor to attend the grand opening of the Madera Wrestling Club on Saturday. Many collegiate and professional wrestlers have come out of Madera. He stated that he toured the remodeled Madera County Behavioral Health building located near the Post Office/Frank Bergon Senior Center. Mayor Garcia stated that the Madera Community College has started its first sport team. It is a women's soccer team. They have played two (2) games and won them both.

G. CLOSED SESSION: None

G-1 Conference with Labor Negotiators pursuant to Government Code §54957.6

Agency Designated Representatives: Arnolando Rodriguez and Wendy Silva

Employee Organizations: Madera Affiliated City Employees Association and Mid Management Employee Group

Unrepresented Employees: City Engineer and Information Services Manager

G-2 Conference with Legal Counsel – Anticipated Litigation

Deciding Whether to Initiate Litigation Pursuant to Paragraph 4 of Subdivision (d) of Government Code Section 54956.9

One Case

City Attorney Shannon Chaffin made the closed session announcement at 7:27 p.m. He and Council returned from Closed Session at 9:02 p.m. with all members of Council present. Mr. Chaffin stated there was no reportable action.

ADJOURNMENT: Meeting was adjourned at 9:03 p.m.

UPCOMING MEETING DATES:

- Wednesday, October 4, 2023
- Wednesday, October 18, 2023

Alicia Gonzales

ALICIA GONZALES, City Clerk

Santos Garcia

SANTOS GARCIA, Mayor

Zelda Leon

MINUTES PREPARED BY

ZELDA LEÓN, Deputy City Clerk

