

Item:	B-1
Minutes for:	10/02/2024
Adopted:	10/30/2024

**Minutes of a Regular Meeting of the Madera City Council and
Special Meeting of the Madera City Council as the Groundwater Sustainability Agency**

**October 2, 2024
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: 873 8756 0010#. 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 Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2 (Arrived @ 6:04 p.m.)
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4
Councilmember Elsa Mejia, District 5 (Attended via Zoom. Left @ 6:25 p.m.)
Councilmember Artemio Villegas, District 6

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Shannon L. Chaffin, City Engineer Keith Helmuth, Community Development Director Will Tackett, Director of Financial Services Michael Lima, Fire Battalion Chief Ralph Duran, Director of Information Technology Gary Price, Chief of Police Giachino Chiamonte, Public Works Director Ismael Hernandez, Program Manager (Grants) Xochilt Villaseñor, Administrative Analyst I (Parks Dept.) Gabriela Salazar, Administrative Analyst I (HR) Eric Battles and Communication Specialist Joseph Carrello.

INVOCATION: Jim Garrison, United Methodist Church

PLEDGE OF ALLEGIANCE: Councilmember Villegas

Mayor Garcia announced that a Spanish translator and translation equipment was available for anyone interested in participating that way. None was requested.

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER VILLEGAS, THE AGENDA AMENDED TO MOVE SECTION F TO FOLLOW THE CONSENT CALENDAR WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 7 – MAYOR PRO TEM GALLEGOS

COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA

PRESENTATIONS:

1. **Proclamation Recognizing Indigenous People Day**
2. **Proclamation Recognizing Breast Cancer Awareness Month**
3. **Proclamation Recognizing Disability Awareness Month**
4. **Proclamation Recognizing Domestic Violence Awareness Month**
5. **4th of July Spectacular Sponsorship Recognition**

Mayor Garcia called for a recess at 6:40 p.m. Meeting resumed at 6:45 p.m.

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 Clerk Alicia Gonzales announced that Councilmember Mejia left the meeting at 6:25 p.m. and since there is no Councilmember on Zoom, it is no longer required to take roll call votes.

Vincent Paul Enriquez owner of Pablo Taxi spoke about Gold Taxi violations and his concerns which he stated have not fully been addressed through Code Enforcement and the Police Department. Mr. Enriquez stated he wants these issues resolved before end of year and that he is in the process of suing the Police Department and Claudia Mendoza (Neighborhood Preservation Supervisor). He handed some pictures to the City Clerk.

Lynette Cortes Howden, a resident of Madera expressed disappointment with members of the Council including Mayor Garcia and Councilmember Rodriguez for giving public comment at the SECD Board of Trustees meeting yesterday without being properly informed. She asked that Council, including the Mayor refrain from making public endorsements or statement without proper discussion or directives from their constituents. She is certain Council has enough issues to address that are within the scope of their jurisdiction. Mayor Garcia asked that Ms. Howden provide her contact information to City Clerk Alicia Gonzales.

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

- A. **PUBLIC HEARINGS:** 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.

City Clerk Alicia Gonzales informed Council that Item B-6 has updated recommendations and seeks approval of the recommendations as seen on the staff report.

ON MOTION BY MAYOR PRO TEM GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, THE CONSENT CALENDAR WITH THE NEW RECOMMENDATIONS FOR ITEM B-6 WAS APPROVED BY A 6/0 VOTE. ABSENT: COUNCILMEMBER MEJIA.

B-1 Minutes – September 4, 2024, September 18, 2024

Recommendation: Approve the City Council Minutes of September 4, 2024 and September 18, 2024 (Report by Alicia Gonzales)

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for September 7, 2024 to September 20, 2024 (Report by Michael Lima)

B-3 Receipt of \$352,938.44 to reimburse the City for January 2023 Winter Storm emergency bypass pumping (61 days +)

Recommendation: Adopt a minute order accepting \$352,938.44 in Federal and State funds as reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and California Disaster Assistance Act for City-incurred expenses to perform emergency bypass pumping for the period beyond 60 days from the start of the California Severe Winter Storms, Flooding, Landslides, and Mudslides Event (Report by Wendy Silva)

B-4 Outdoor Recreation Legacy Partnership Program Grant Award for Tozer Park

Recommendation: Adopt a Resolution Amending the City’s Fiscal Year 2024/25 Budget Approving Related Revenue and Expenditure Line Items Related to the Outdoor Recreation Legacy Partnership Program Grant Award for Tozer Park at \$1,319,280 (Report by Joseph Hebert)

RES 24-151 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING THE CITY’S FISCAL YEAR 2024/25 BUDGET APPROVING RELATED REVENUE AND EXPENDITURE LINE ITEMS RELATED TO THE OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM GRANT AWARD FOR TOZER PARK AT \$1,319,280

B-5 Matilda Torres High School Fee Waiver Request

Recommendation: Adopt a Resolution waiving the rental fees of the John Wells Youth Center dance studio on 15 dates in October 2024 through January 2025, related to the Matilda Torres High School Competition Dance/Pom Team in preparation for regional and national competitions, at an anticipated fee rental of \$1,025 (Report by Joseph Hebert)

RES 24-152 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA WAIVING THE RENTAL FEES OF THE JOHN WELLS YOUTH CENTER DANCE STUDIO ON 15 DATES IN OCTOBER 2024 THROUGH

JANUARY 2025, RELATED TO THE MATILDA TORRES HIGH SCHOOL COMPETITION DANCE/POM TEAM, AT AN ANTICIPATED FEE RENTAL OF \$1,025

B-6 Motorola Service Provider Agreement

The recommendations below are the updated recommendations as seen on the staff report.

Recommendation: Adopt Resolutions:

1. Approving Service Agreement, Cybersecurity Online Terms Acknowledgement, and Cyber Subscription Renewals and Integrations Addendum With Motorola Solutions, Inc. for support and maintenance of the Police Department's Verint Dispatch call logging system in the amount of \$9,399.78 with a 10 percent contingency for applicable taxes
2. Approving Motorola Master Customer Agreement, Cybersecurity Online Terms Acknowledgement, Cyber Subscription Renewals and Integrations Addendum, Mobile Video Addendum, and Subscription Software Addendum for the upgrade, support, and maintenance of Motorola Solutions, Inc. Redactive software in the amount of \$2,700 (Report by Giachino Chiaramonte)

RES 24-153 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING SERVICE AGREEMENT, CYBERSECURITY ONLINE TERMS ACKNOWLEDGEMENT, AND CYBER SUBSCRIPTION RENEWALS AND INTEGRATIONS ADDENDUM WITH MOTOROLA SOLUTIONS, INC. FOR SUPPORT AND MAINTENANCE OF THE POLICE DEPARTMENT'S VERINT DISPATCH CALL LOGGING SYSTEM IN THE AMOUNT OF \$9,399.78 WITH A 10 PERCENT CONTINGENCY FOR APPLICABLE TAXES

RES 24-154 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING MOTOROLA MASTER CUSTOMER AGREEMENT, CYBERSECURITY ONLINE TERMS ACKNOWLEDGEMENT, CYBER SUBSCRIPTION RENEWALS AND INTEGRATIONS ADDENDUM, MOBLIE VIDEO ADDENDUM, AND SUBSCRIPTION SOFTWARE ADDENDUM FOR THE UPGRADGE, SUPPORT, AND MAINTENANCE OF MOTOROLA SOLUTIONS, INC. REDACTIVE SOFTWARE IN THE AMOUNT OF \$2,700

B-7 Request to Waive City Fees Relating to the Downtown Christmas Parade

Recommendation: Adopt a Resolution Waiving the Fees to Cover the Costs of Police, Public Works, Parks, and Engineering Services Relating to the Downtown Christmas Parade in the Amount of \$2,956 (Report by Giachino Chiaramonte)

RES 24-155 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA WAIVING THE FEES TO COVER COSTS OF POLICE, PUBLIC WORKS, PARK AND ENGINEERING SERVICES RELATING TO THE DOWNTOWN CHRISTMAS PARADE FOR MADERA DOWNTOWN ASSOCIATION AND MADERA EVENING LIONS IN THE AMOUNT OF \$2,956

B-8 Amendment No. 4 to Agreement with GHD, Inc. for Professional Engineering Services Relating to the Lake Street, 4th Street, and Central Avenue Intersection

Recommendation: Adopt a Resolution Approving Contract Amendment No. 4 for Professional Engineering Services for \$45,738 (Report by Keith Helmuth)

RES 24-156 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING AMENDMENT NO. 4 TO THE AGREEMENT WITH GHD, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO THE LAKE/4TH/CENTRAL INTERSECTION IMPROVEMENTS, CITY PROJECT NO. R-57

B-9 Accepting Improvements for the Iveywood I Subdivision (Tract No. 19-S-03)

Recommendation: Adopt a Resolution:
1. Accept Improvements for the Iveywood I Subdivision (Tract No. 19-S-03); and
2. Authorize the filing of the Notice of Acceptance for said subdivision improvements (Report by Keith Helmuth)

RES 24-157 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING IMPROVEMENTS REQUIRED TO BE INSTALLED IN CONNECTION WITH IVEYWOOD I SUBDIVISION, AND AUTHORIZING THE FILING OF A NOTICE OF ACCEPTANCE FOR SUCH IMPROVEMENTS

C. WORKSHOP: None

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

D-1 Resolution Establishing a Measure T Annual Work Plan Review

Recommendation: Adopt a Resolution Establishing an Annual 30-day Public Review Period for Measure T for Proposed Use of Funds by the City (Report by Arnoldo Rodriguez)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY MAYOR PRO TEM GALLEGOS ITEM D-1 WAS APPROVED BY A 6/0 VOTE. ABSENT: COUNCILMEMBER MEJIA.

RES 24-158 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA TO EXTEND THE ANNUAL PUBLIC REVIEW PERIOD FOR EXPENDIURES RELATED TO MEASURE T TO 30 DAYS

D-2 Amendment No. 2 to the West Coast Arborists, Inc. Agreement for City-wide Tree Management and Maintenance Services

Recommendation: Adopt a Resolution Approving the Second Amendment to the Agreement for Tree Management and Maintenance Services with West Coast Arborist, Inc. (WCA) Not to Exceed \$200,000 Per Year (Report by Joseph Hebert)

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-2 WAS APPROVED BY A 6/0 VOTE. ABSENT: COUNCILMEMBER MEJIA.

RES 24-159 RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT FOR TREE MANAGEMENT AND MAINTENANCE SERVICES WITH WEST COAST ARBORIST, INC. NOT TO EXCEED \$200,000 PER YEAR

D-3 City Manager At-Will Employment Agreement

Recommendation: This report has been prepared at the direction of the City Council (Council); therefore, there is no staff recommendation provided. Council is asked to consider and determine whether to adopt the Resolution approving the City Manager At-Will Employment Agreement (Report by Wendy Silva)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-3 WAS APPROVED BY A 5/1 VOTE. NO: COUNCILMEMBER RODRIGUEZ. ABSENT: COUNCILMEMBER MEJIA.

RES 24-160 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A CITY MANAGER AT-WILL EMPLOYMENT AGREEMENT

E. ADMINISTRATIVE REPORTS:

E-1 Spanish Language Interpretation Services at City Council Meetings

Recommendation: Staff is seeking Council direction regarding the provision of Spanish interpretation services at City Council meetings. Council is asked to consider options for integrating translation services to enhance accessibility for Spanish-speaking residents. Potential options include the use of artificial intelligence (AI)-powered translation solutions or traditional in-person interpretation services (Report by Alicia Gonzales)

Staff was directed to return to Council with contract options, amounts and a potential agreement.

E-2 Select Recipient for the Proclamation in the Month of November

Recommendation: Request for Councils Selection of a Recipient for the Proclamation Recognizing Small Business Saturday (Report by Alicia Gonzales)

Council selected the following recipients for the Small Business Saturday proclamation: Madera Cleaners, Plaza Flower, Taco Express and Casa de Tacos Nesa. Councilmember Rodriguez nominated The Vineyard during Item G, Councilmember Communications.

E-3 Madera Subbasin Joint Groundwater Sustainability Plan (GSP) – Department of Water Resources (DWR) Review of the Annual Report for Water Year 2023

Recommendation: This is an informational report. Staff will receive comments and direction as may be offered from the City Council (Council) (Report by Keith Helmuth)

F. FUTURE AGENDA ITEMS:

This portion of the meeting is reserved (i) to initiate new matters and to request updates, and (ii) and to initiate new agenda items. No single item may exceed one minute. All votes shall be conducted electronically, with the results announced by the Chair. If voting is not available by electronic methods, another method may be used by the Chair unless otherwise determined by a majority of the Councilmembers present. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

Mayor Garcia requested that staff add a future agenda item for staff to negotiate a CWTA (Community Workforce Training Agreement) with the Fresno, Madera, Tulare and Kings County

Building Trades Council. Staff is to bring back a renegotiated agreement, so that all future City of Madera projects exceeding \$1 million dollars per project be brought to Council for discussion and approval. Councilmembers Evans, Villegas and Mayor Garcia electronically voted yes. Motion failed.

Councilmember Rodriguez motioned to bring this item back as a presentation and for discussion. All council electronically voted yes. Councilmember Mejia was absent.

No other future agenda items were presented.

G. COUNCILMEMBER COMMUNICATIONS (REPORTS/ANNOUNCEMENTS):

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, and (ii) to make announcements.

Mayor Pro Tem Gallegos thanked Nick Salinas and Sunrise Rotary for the Old Timers Day Parade. It was a great event with many in attendance. She thanked the Police and Fire Departments for having their vehicles out there for the community to see. She also thanked the family that stayed throughout the meeting.

Councilmember Rodriguez also thanked those in attendance. He thanked City Clerk Alicia Gonzales for her effort in the Old Timer's Day Parade. The event had a great turnout. He stated Councilmember Villegas was out there with a Charro's suit. He advised City Clerk Alicia Gonzales that his nomination for the Small Business Saturday was The Vineyard. City Attorney was asked and responded that since there was a majority of Councilmembers who agreed with the nomination, it was acceptable to add to Item E-2.

Councilmember Montes was not present during this portion of the meeting.

Councilmember Evans expressed her appreciation to everyone involved in the Old Timers' Day Parade, calling it an awesome event. She also thanked her colleagues who attended Thursday's Education of Excellence event, where Leonard Perez was honored as "Administrator of the Year". She mentioned that earlier this morning, at 6:30 a.m., she participated in the Walk to School event, which began at the Pan Am Center and included activities for the public. It was well attended, and she noted that more Walk to School events are planned. She also thanked the Health Department for their role in organizing the event.

Councilmember Villegas had nothing to report.

Mayor Garcia thanked the NAACP, Madera Chamber of Commerce, Madera Coalition for Community Justice, and CAPMC for hosting the Candidates' Forum for City Council and Mayoral candidates the previous evening. He noted that it was a well-attended event.

H. CLOSED SESSION:

H-1 Conference with Legal Counsel—Existing Litigation (Government Code Section 54956.9(d)(1))

Name of Case: City of Madera v. Summer Nastich and Phenos of Madera, Inc. (Real Party in Interest), Madera County Superior Court Case No. MCV090358

H-2 Public Employee Performance Evaluation - Pursuant to Government Code Section §54957(b)(1)

Title: City Clerk

H-3 Conference with Labor Negotiators - Pursuant to Government Code Section §54957.6
Agency Designated Representatives: Mayor Santos Garcia


Unrepresented Employee: City Clerk

City Attorney Shannon Chaffin made the closed session announcement at 8:20 p.m. Mr. Chaffin and Council returned from Closed Session at 9:10 p.m. Mr. Chaffin announced the following for Item H-1: The basic terms of the settlement are that Phenos waives all of its appeal rights, it dismisses and withdraws any contesting issues, a release to the City and a waiver of any known or unknown rights; and the City, in exchange, will dismiss its Writ of Mandate.

ADJOURNMENT: Meeting was adjourned at 9:11 p.m.


ALICIA GONZALES, City Clerk


SANTOS GARCIA, Mayor


MINUTES PREPARED BY
ZELDA LEÓN, Deputy City Clerk

