



Item:	B-1
Minutes for:	06/16/2021
Adopted:	02/16/2022

Minutes of a Regular Meeting of the Madera City Council

June 16, 2021
6:00 p.m.

Council Chambers
City Hall

This meeting was conducted pursuant to the provisions of the Governor’s Executive Order which suspends certain requirements of the Ralph M. Brown Act. The City Council meeting was live streamed on the City’s website at www.madera.gov/live. Members of the public were able to participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 934 5723 0806# followed by *9 on your phone to speak. Comments were also 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 Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4

Absent: Vacant, District 5

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Chief Building Official Steven Woodworth, City Engineer Keith Helmuth, Financial Services Director Roger Sanchez, Fire Division Chief Matt Watson, Grants Administrator Ivette Iraheta, Human Resources Director Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Chief of Police Dino Lawson, Interim Public Work Director Dan Foss, Parks Programs Coordinator Corrine Long-Folk, Assistant Planner Adam Klier, Public Works Administrative Analyst Adam Gonzales, Program Manager Grants Alex Estrada, Administrative Analyst II Mary Church, Planner (Consultant) Steve Bettencourt, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Fred Thurman, New Life Assembly

PLEDGE OF ALLEGIANCE: Administrative Analyst Adam Gonzales

LATE DISTRIBUTION ANNOUNCEMENT:

City Clerk Alicia Gonzales announced that pursuant to Government Code Section 54957, members of the public were advised that less than 72 hours prior to that evening’s meeting, Item D-3 was distributed to the Council after the agenda packet was finalized. Members of the public wishing to view or obtain a copy

of the item may do so by visiting the City of Madera meeting and agenda page located on the City's website.

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

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 submitted. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Proclamation Recognizing Juneteenth Day

INTRODUCTIONS: None. (See information before Item C-1.)

A. WORKSHOP: Street Cross Sections (Report by Keith Helmuth)

Council asked that this item be brought back to Council with additional information.

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.

Councilmember Rodriguez asked that Item B-4 be pulled for discussion. Mayor Garcia asked him to go ahead with this question. His question was answered by HR Director Wendy Silva.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, THE CONSENT CALENDAR AS AMENDED TO EXCLUDE B-5 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

B-1 Minutes – 4/26/21, 05/05/21

Recommendation: Approve the City Council Minutes of April 26, 2021 and May 5, 2021

B-2 Informational Report on Register of Audited Demands for May 22, 2021 to June 4, 2021

Recommendation: No Action Required (Report by Roger Sanchez)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-4 Side Letter Agreements Regarding the City's Contribution to Health Insurance

Recommendation: Adopt a Minute Order

- 1) Approving Side Letter Agreements with the Mid Management Employee Group (MM) and the Madera Affiliated City Employees' Association (MACEA) Modifying the City's Contribution to Health Insurance Effective July 1, 2021; and
- 2) Authorizing the City Manager to sign the Side Letters (Report by Wendy Silva)

This item was pulled for discussion by Councilmember Rodriguez prior to Consent Calendar being adopted. Councilmember Rodriguez asked Director of Human Resources Wendy Silva who responded that the side letters would stay in place until the City of Madera finalizes the new MOUs which is probably in about 2-4 weeks.

B-5 Reimbursement Agreement with Full Throttle Suspension for Storm Drain Public Improvements (Site Plan Review No. 2019-05)

Recommendation: Adopt a Resolution Approving Reimbursement Agreement with Full Throttle Suspension for Storm Drain Public Improvements Relating to Site Plan Review No. 2019-05 and CUP Nos. 2019-03 and 2019-04 (Report by Keith Helmuth)

Removed from the agenda during adoption of the Consent Calendar.

INTRODUCTIONS:

City Manager Arnoldo Rodriguez introduced Alex Estrada as a new employee and Accountant in the Finance Department but is currently assisting in the Grants Department. Mayor Garcia welcomed Mr. Estrada to the City of Madera.

C. PUBLIC HEARINGS:

C-1 Public Hearing to Approve the Community Development Block Grant (CDBG) COVID-19 Round 3 Funding Allocation and Approve Subrecipient Agreements

Recommendation: Conduct the public hearing to receive final public input and

- 1) Adopt a Resolution Approving a 2020/21 CDBG Subrecipient Agreement for Services (\$122,322) with Community Action Partnership of Madera County, Inc.
- 2) Adopt a Resolution Approving a 2020/21 CDBG Subrecipient Agreement for Services (\$280,321) with Madera Coalition for Community Justice (Report by Ivette Iraheta)

Mayor Garcia asked for public comment. No public comment for this item was presented.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM C-1 (1) & (2) WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
 COUNCILMEMBER RODRIGUEZ
 COUNCILMEMBER MONTES
 COUNCILMEMBER EVANS
 MAYOR PRO TEM VILLEGAS
 MAYOR GARCIA**

RES 21-78 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$122,322) WITH COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY, INC.

RES 21-79 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$280,321) WITH THE MADERA COALITION FOR COMMUNITY JUSTICE

C-2 Public Hearing on the Community Development Block Grant (CDBG) 2021-2022 Action Plan Funding Allocation

Recommendation: Conduct the Public Hearing to Approve Tentative Allocations for the use of CDBG 2021-2022 Action Plan Funds in the Amount of \$1,312,191 (Report by Ivette Iraheta)

Mayor Garcia opened public comment.

Stephanie representing Pequeños Empresarios requested funds for their program.

Baldwin Moy representing Madera Coalition for Community Justice commented on two (2) items. He asked for additional funding for the Madera Rental Assistance Program and for the Madera Street Art Project.

Marina Harutyunyan with Habitat for Humanity Greater Fresno Area gave a brief description of their program.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-2 (ADMINISTRATION) WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM C-2 (PUBLIC SERVICES) WAS APPROVED BY A 5/1 VOTE. NOES: MAYOR GARCIA. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS**

NO: 1 - MAYOR GARCIA

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM VILLEGAS ITEM C-2 (CAPITAL PROJECTS/PUBLIC IMPROVEMENTS) WAS APPROVED BY A 5/1 VOTE. NOES: COUNCILMEMBER EVANS. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES**

**MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

NO: 1 - COUNCILMEMBER EVANS

C-3 Public Hearing for Second Reading Adoption of Two Ordinances Relating to Cannabis to the Municipal Code

Recommendation: Conduct a public hearing and waive the full reading of two ordinances amending the Madera Municipal Code as follows:

- 1) A Zoning Ordinance Amending Sections §10-3.802 (Light Industrial), §10-3.902 (Heavy Commercial), §10-3.1002 (Industrial zones), and §10-3.11.503 (Industrial Park Zones) of the Zoning Ordinance
- 2) A Regulatory Ordinance Adding Chapter 5 to Title VI of the Madera Municipal Code Relating to Cannabis Businesses; Repealing Section §4-15 (Medical Marijuana and Cultivation; Chapter 15 to Title IV: Public Welfare); and Adding Section §6-1.95 (Cannabis; Chapter 1 to Title VI: Businesses, Professions, and Trades) (Report by Arnoldo Rodriguez)

Mayor Garcia opened Public Comment.

Bidai Maaza had a couple of questions regarding cannabis which City Manager Arnoldo Rodriguez answered.

Rico Saldivar representing Mainstream Medicinal Club spoke about equity licenses.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, COUNCIL WAIVED THE FULL READING OF THE ORDINANCES AND ITEM C-3 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

ORD 976 C.S. AN ORDINANCE OF THE CITY OF MADERA AMENDING SECTIONS 10-3.802, 10- 3.902, 10-3.1002, AND 10-3.11.503 OF THE MADERA MUNICIPAL CODE RELATING TO AUTHORIZING COMMERCIAL CANNABIS ACTIVITIES IN CERTAIN ZONE DISTRICTS OF THE CITY

ORD 977 C.S. AN ORDINANCE OF THE CITY OF MADERA, CALIFORNIA ADDING CHAPTER 5 TO TITLE VI RELATING TO CANNABIS BUSINESSES; REPEALING CHAPTER 15, MEDICAL MARIJUANA AND CULTIVATION, OF TITLE IV, PUBLIC WELFARE; AND ADDING SUBSECTION 95 TO CHAPTER 1, BUSINESS LICENSE, OF TITLE VI, BUSINESS, PROFESSIONS, AND TRADES OF THE MADERA MUNICIPAL CODE

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

D-1 Memorandums of Understanding with the Madera Police Officers' Association (MPOA) and Law Enforcement Mid Management (LEMM)

Recommendation: Adopt a Minute Order Approving

- 1) Approving the MOU between the City of Madera and the MPOA effective July 1, 2021 through June 30, 2025;
- 2) Approving the MOU between the City of Madera and LEMM effective July 1, 2021 through June 30, 2025; and
- 3) Authorizing the City Manager to sign the MOU's; and
- 4) Authorizing the Director of Financial Services to Designate and Classify Reserves from the General Fund Unassigned Fund Balance into the Assigned Classification for the Portion of the Health Insurance Increase and the One-time Annual Employee Payouts Related to the Four-year MOU's (Report by Wendy Silva)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-1 WAS APPROVED BY A 5/1 VOTE. NOES: COUNCILMEMBER RODRIGUEZ. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

NO: 1 - COUNCILMEMBER RODRIGUEZ

D-2 Lease Agreement with Pistoresi Ambulance Paramedics for Space at Fire Station 57

Recommendation: Adopt a Resolution Approving a Six-Month Lease Agreement with Pistoresi Ambulance Paramedics beginning on June 16, 2021, in the amount of \$2,040 per month (Report by Matt Watson)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-2 WITH THE AMOUNT AMENDED TO \$1,020 WAS APPROVED BY A 4/2 VOTE. NOES: MAYOR PRO TEM VILLEGAS AND MAYOR GARCIA. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 4 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS**

**NO: 2 - MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 21-80 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A SIX-MONTH LEASE AGREEMENT WITH PISTORES! AMBULANCE PARAMEDICS FOR SPACE AT THE CITY OF MADERA FIRE STATION 57

D-3 Consideration of Demographer Consulting Services for the 2020 Census Redistricting Process

Recommendation: Adopt a Resolution Approving an Agreement with Best Best & Krieger LLP (BB&K) to perform consulting services for the 2020 Census Redistricting Process and Approving Amendment to the General Fund Fiscal Year 2020/2021 Budget for a Line Item Increase of \$50,000 within the Contract for Legal Services Account (Report by Alicia Gonzales)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM D-3 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 21-81 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING CONTRACT WITH BEST BEST & KRIEGER LLP TO ASSIST WITH 2020 CENSUS REDISTRICTING PROCESS

E. ADMINISTRATIVE REPORTS:

E-1 Fiscal Year Budget 2021/2022 Presentation and Workshop

Recommendation: Presentation for Fiscal Year Budget 2021/2022, Council Review, Discuss and Provide Direction to Staff (Report by Roger Sanchez)

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 thanked the City Clerk Department for keeping the minutes up to date. A notice came out that there are proposed regulations for the fees for the Madera District Fair(grounds) to be increase three times the amount. Staff will be working on that to let the State and State Fire Marshal know that is not in the best interest of the City. She will keep Council advised. Councilmember Gallegos also stated that she is happy to return to in-person meetings starting on July 7, 2021.

Councilmember Rodriguez had nothing to report.

Councilmember Montes attended the ribbon cutting at the Madera Rescue Mission He thanked everyone involved in this project and for providing the service of housing the homeless and families. The Rescue Mission staff cooked dinner for those in attendance..

Councilmember Evans thanked staff and everyone who attended Coffee with the Councilwoman. She thanked staff for helping, distributing, and producing everything for the Juneteenth celebration. They changed the time from 3:00 p.m. to 9:00 a.m. as it would be too hot at 3:00 p.m. She invited everyone to attend.

Mayor Pro Tem Villegas had nothing to report.

Mayor Garcia had nothing to report.

G. CLOSED SESSION:

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

Agency Designated Representatives:

Arnoldo Rodriguez, Wendy Silva, and Che Johnson

Employee Organizations:

General Bargaining Unit/Madera Affiliated City Employees Association

Mid-Management Employee Group

Madera Police Officers' Association

Law Enforcement Mid Management

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 9:28 p.m.

Council returned from closed session at 9:53 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

City Attorney Hilda Cantu Montoy stated there was no reportable action.

ADJOURNMENT: The meeting was adjourned at 9:53 p.m. Next regular meeting on July 7, 2021.

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk