



Item:	B-1
Minutes for:	07/17/2024
Adopted:	08/07/2024

Minutes of a Regular Meeting of the Madera City Council

July 17, 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: 858 5396 8960#. 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 (Left at 6:25 p.m.)
Mayor Pro Tem Cece Gallegos, District 1
Councilmember Steve Montes, District 3
Councilmember Elsa Mejia, District 5
Councilmember Artemio Villegas, District 6

Absent: Councilmember Jose Rodriguez, District 2
Councilmember Anita Evans, District 4

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 Human Resources Wendy Silva, Chief of Police Giachino Chiamonte, Public Works Director Ismael Hernandez, Senior Civil Engineer Steve Bettencourt, Administrative Analyst I (Engineering) Nicole Say, Parks Project Manager Fernando Castillo Duran and Communication Specialist Joseph Carrello.

INVOCATION: Brandon Hopkins, Grace Community Church

PLEDGE OF ALLEGIANCE: Councilmember Mejia

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM GALLEGOS, THE AGENDA WAS APPROVED BY A 5/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBERS RODRIGUEZ AND EVANS. ABSTAIN: NONE.

PRESENTATIONS:

1. Proclamation Supporting the Little League Nor-Cal State Tournament

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.

Jasmin Guzman of the Madera Coalition for Community Justice, Project Coordinator for the Pride event that took place last month, presented Council with a certificate of recognition and thanked them for their support.

Mayor Garcia left the meeting. Mayor Pro Tem Gallegos took over and chaired the rest of the meeting.

Alex Hernandez, a member of the public spoke regarding Proposition 33 and rental control. He wanted to know if the City has a plan in place in case it passes.

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

A. PUBLIC HEARINGS:

A-1 Public Hearing and Consideration of a Resolution Confirming the Diagram and Assessments for the Annual Levy of City-Wide Landscape and Lighting Assessment District and Authorizing the City Engineer to File the Diagram and Assessment with the Auditor of Madera County

Recommendation: Conduct the public hearing and receive any public comments.

Adopt Resolution:

1. Confirming the diagram and assessments as set forth in said Engineer's Report for the Landscape and Lighting District of the City of Madera, as the same may be modified for Zones of benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50, and 51 of the City Wide Landscape and Lighting Assessment District; and
2. Levying the assessments as set forth in said report of the Engineer for Fiscal Year 2024/2025; and
3. Authorizing and directing the City Clerk to file the diagram and assessments with the Madera County Auditor's Office; and
4. Authorizing the City Engineer in consultation with City Clerk and City Attorney to make any clerical corrections (Report by Keith Helmuth)

No Public Comment was presented. Public Comment was closed.

City Attorney Shannon L. Chaffin advised Council that Fresno County was not allowing Engineers Reports to be filed (recorded) anymore and asked that Council amend the motion, so that if the Engineers Report is rejected by Madera County then staff is authorized to update the resolution, so that only the assessment list with APNs and amounts that are consistent with the Engineer's Report is recorded; the Engineer's Report would not be attached.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM A-1 AS AMENDED WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA AND COUNCILMEMBERS RODRIGUEZ AND EVANS. ABSTAIN: NONE.

RES 24-109

A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS AND ORDERING THE ANNUAL LEVY AND COLLECTION FOR ZONES OF BENEFIT 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50, AND 51 OF THE CITY WIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2024/2025

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 MEJIA, THE CONSENT CALENDAR WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA AND COUNCILMEMBERS RODRIGUEZ AND EVANS. ABSTAIN: NONE.

B-1 Minutes – July 3, 2024

Recommendation: Approve the City Council Minutes of July 3, 2024 (Report by Alicia Gonzales)

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for June 22, 2024 to July 5, 2024 (Report by Michael Lima)

B-3 Informational Report on Personnel Activity

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

B-4 Approval of Additional National Opioid Settlements with Kroger Co.

Recommendation:

1. Approve Settlement Agreements and Participation Forms for the City's participation in the National Opioid Settlement Agreements with Kroger Co.; and
2. Approve the California State-Subdivision Agreements Regarding Distribution and Use of Settlement Funds relating to the National Opioid Settlement Agreements with Kroger Co.; and
3. Adopt a Resolution Approving and Authorizing the City Manager to Carry Out all Necessary acts such that the City can participate in the National Opioid Settlements with Kroger Co., including signing necessary documents and transmittal thereof as necessary, as it pertains to these and all future settlements (as necessary and applicable) through the National Opioid Settlements process (Report by Arnolando Rodriguez)

RES 24-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE CITY OF MADERA TO ENTER INTO THE

MASTER SETTLEMENT AGREEMENT WITH KROGER CO., (INCLUDING THE RELATED PARTICIPATION AGREEMENTS); AGREE TO THE TERMS OF THE RELATED STATESUBDIVISION AGREEMENT AND AUTHORIZE ENTRY INTO THE RELATED STATE-SUBDIVISION ALLOCATION AGREEMENTS WITH THE ATTORNEY GENERAL; AND AUTHORIZING THE CITY MANAGER TO CARRY OUT FURTHER RELATED ACTS

B-5 Continuing Declaration Proclaiming the Existence of Local Emergencies – Avenue 13 Sewer Trunk Main Due to Multiple Failure Sites

Recommendation: Adopt Resolutions Continuing the Declarations Proclaiming the Existence of a Local Emergency in Accordance with Madera Municipal Code Title III, Chapter 2:

1. Continuing the Declaration of a Local Emergency – June 3, 2024, Sewer Trunk Main Collapse; and
2. Continuing the declaration of a local emergency – June 10, 2024, Sewer Trunk Main Collapse (Report by Wendy Silva)

RES 24-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONTINUING THE DECLARATION OF A LOCAL EMERGENCY DUE TO THE JUNE 3, 2024, FAILURE OF THE CITY'S SEWER TRUNK MAIN LINE

RES 24-112 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, CONTINUING THE DECLARATION OF A LOCAL EMERGENCY DUE TO THE JUNE 10, 2024, FAILURE OF THE CITY'S SEWER TRUNK MAIN LINE

B-6 Assemblymember Esmeralda Soria Fee Waiver Request for the John Wells Youth Center

Recommendation: Adopt a Resolution Waiving the Rental Fees of the John Wells Youth Center on August 3, 2024, related to a Backpack Giveaway and Community Event, hosted by Assemblywoman Esmeralda Soria's Office, at an Anticipated Fee Rental of \$975.00 (Report by Joseph Hebert)

RES 24-113 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA WAIVING RENTAL FEES FOR THE JOHN WELLS YOUTH CENTER ON AUGUST 3, 2024, RELATED TO THE BACKPACK GIVEAWAY AND COMMUNITY RESOURCE FAIR AT AN ANTICIPATED FEE RENTAL OF \$975.00 HOSTED BY ASSEMBLYWOMAN ESMERALDA SORIA'S OFFICE

B-7 Second Reading and Adoption of an Ordinance to Prezone (REZ 2023-04) ±9.82 acres of property located on the northeast corner of Adell and North D Streets (APN[s]: 038-090-007, 008, 009 & 010)

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

1. Waive Full Reading and Adopt by Title Only an Ordinance of the City Council of the City of Madera adopting the Mitigated Negative Declaration (SCH No. 2024050494) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project in accordance with the provisions of California

Environmental Quality Act (CEQA); and approving REZ 2023-04, amending the Official City of Madera Zoning Map to prezone approximately 9.82-acres of property (APN's: 038-090-007, 008, 009 & 010) to the PD-4500 (Planned Development, One unit for each 4,500 square feet of site area) and R-1 (Residential, One unit for Each 6,000 square feet of site area) zone districts (Report by Will Tackett)

ORD 1011 C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE MITIGATED NEGATIVE DECLARATION (SCH NO. 2024050494) AND THE MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR PURPOSES OF THE PROPOSED PROJECT IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND APPROVING REZ 2023-04, AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO PREZONE APPROXIMATELY 9.82-ACRES OF PROPERTY (APN'S: 038-090-007, 008, 009 & 010) TO THE PD-4500 (PLANNED DEVELOPMENT, ONE UNIT FOR EACH 4,500 SQUARE FEET OF SITE AREA) AND R-1 (RESIDENTIAL, ONE UNIT FOR EACH 6,000 SQUARE FEET OF SITE AREA) ZONE DISTRICTS

C. WORKSHOP:

C-1 Westberry Bridge Streetlights and Bridge Façade

Recommendation: Review provided information on the Westberry Bridge Street Lighting fixtures alternative and bridge façade treatment alternatives (Report by Keith Helmuth)

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

D-1 Update on 2024 emergency repair of Avenue 13 sewer trunk main failures and renew a finding of emergency relating to emergency response and repairs necessitating emergency contracts without competitive bidding

Recommendation:

1. Receive an Update on the Status of Emergency Repairs to the Avenue 13 Sewer Trunk Main Failures that Occurred June 3, 2024 and June 10, 2024; and
2. Adopt a Resolution Renewing a Finding of Emergency Relating to Emergency Response and Repairs to the Sanitary sewer Main Pursuant to Public Contract Code Section 22050 (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-1 WAS APPROVED BY A 4/0 VOTE. NOES: NONE. ABSENT: MAYOR GARCIA AND COUNCILMEMBERS RODRIGUEZ AND EVANS. ABSTAIN: NONE.

RES 24-114 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, RENEWING A FINDING OF CONTINUING EMERGENCY RELATING TO MULTIPLE SEWER FAILURES ON THE SEWER MAIN AT AVENUE 13 WEST OF GRANADA DRIVE, AFFIRMING THE EMERGENCY ACTIONS TAKEN BY THE CITY MANAGER TO MAKE EMERGENCY REPAIRS ON THE SANITARY SEWER MAIN, AND RATIFYING THE AWARD OF EMERGENCY CONTRACTS WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY REPAIRS ON THE SEWER MAIN

E. ADMINISTRATIVE REPORTS:

E-1 Request for Direction on Developing Alternative Methods for Placing Items on the City Council Agenda

Recommendation: Deliberation and Direction Given from Council (Report by Alicia Gonzales)

City Attorney Shannon L. Chaffin stated that although the process could be any combination of thumbs up, hands up, head nods, notes, button lights, etc., the public must be informed of who voted for and against the item being put on a future agenda. It must be a public vote/determination for public transparency.

After discussion, City Attorney Chaffin summarized that Councilmembers want to formally amend the policy for adding an item to a future agenda. Council would like a separate "Future Agenda Items" section that would come before Councilmember Reports and that there be some sort of time limit for announcing the item that included a short summary and a vote.

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 agendaized and which meet other requirements for action.

Councilmember Montes expressed condolences to the family who recently lost their child in a shooting. He also attended the National Alliance to End Homelessness Conference in Washington D.C. in which he indicated that Supreme Court decisions would be forthcoming to address homelessness issues at a local level.

Councilmember Villegas had nothing to report.

Councilmember Mejia mentioned her attendance at the Youth Leadership Academy in Visalia, where she had the opportunity to speak to local students who were interested in political engagement and future leadership. She thanked the Parks and Community Services Department for their work in engaging the public and offering a wide variety of programs. On July 29th, kids can receive free helmets at the John Wells Center from 11:00 am to 12:30 pm.

Mayor Pro Tem Gallegos announced the launch of the City's first Citizens' Academy in eight years, and thanked Staff for bringing back the popular program. She also mentioned a townhall meeting hosted by Madera Community Hospital and a swearing-in ceremony for the Police Department.

G. CLOSED SESSION: None

ADJOURNMENT: Meeting was adjourned at 7:22 p.m.

Alicia Gonzales

ALICIA GONZALES, City Clerk

Santos Garcia

SANTOS GARCIA, Mayor

Zelda Leon

MINUTES PREPARED BY
ZELDA LEÓN, Deputy City Clerk

