



Item:	B-1
Minutes for:	01/20/2021
Adopted:	05/05/2021

Minutes of a Regular Meeting of the Madera City Council

January 20, 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. 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: 942 0199 8013# followed by *9 on their 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: District 5 is currently vacant.

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, and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Marc Unger, First Baptist Church of Madera

PLEDGE OF ALLEGIANCE: Chief of Police Dino Lawson

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, 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. Department of Public Health Update on COVID-19 (Report by Madera County Public Health Department)

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Continued Workshop on Pending Cannabis Regulatory Ordinance and Related Procedures

Recommendation: Consider Workshop Presentation and Provide Direction to Staff (Report by Arnoldo Rodriguez)

HdL Companies Consultant David McPherson of HdL assisted with the report.

Public comment was opened.

Angelica Sanchez, Director of Government Affairs and Compliance at Perfect Union stated they adamantly oppose the lottery system. She stated that lottery systems have failed in California, States, and other Countries. Lottery systems have been tried and led to negative outcomes in every jurisdiction where cannabis is legally regulated. They recommend that the City adopt a merit-based selection process that ensures applicants are scored solely on their merit and ranked accordingly.

Jackie Lovell of United Food Commercial Workers (UFCW) 8-Golden State stated they hope standards and specific criteria are included as part of the application process and that they establish a merit-based application process inclusive with strong labor standards. Public comment was closed.

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 GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, THE CONSENT CALENDAR 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 – 10/21/20

Recommendation: Approve the City Council Minutes of October 21, 2020.

B-2 Informational Report on Register of Audited Demands for Deceember 26, 2020 to January 8, 2021

Recommendation: No Action Required (Report by Roger Sanchez)

B-3 Informational Report on Contract City Attorney Service and Litigation Expenditures

Recommendation: No Action Required (Report by Arnolando Rodriguez)

B-4 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-5 2020/2021 Community Development Block Grant (CDBG) Action Plan Agreements with Subrecipients

Recommendation: Adopt Resolutions Approving 2020/2021 CDBG Action Plan Agreements as follows:

- 1) Community Action Partnership of Madera County for Local Efforts to Address Homelessness (\$20,000)
- 2) City of Madera Parks and Community Services Department for Senior Services (\$37,609)
- 3) Madera Rescue Mission to Provide Services to Homeless Persons (\$30,000)
- 4) Big Brothers Big Sisters of Central California for the High School Bigs Program (\$10,000)
- 5) Doors of Hope for Building Better Parents (\$15,300)

- 6) Pequeños Empresarios for Early Childhood Mentoring (\$10,000)
- 7) Madera Coalition for Community Justice for Youth Leadership Development (\$33,850)
- 8) Habitat for Humanity for Owner-Occupied Residential Rehabilitation (\$215,000)
- 9) City of Madera - Various Census Tract Improvements (\$36,755)
- 10) City of Madera - Sidewalk Improvements Lilly & Vineyard (\$97,065)
- 11) City of Madera - Flashing Stop Signs Lake & Adell (\$22,580)
- 12) City of Madera - ADA Compliant Front Counter at former RDA Building (\$25,000)
- 13) City of Madera - McNally Park Rehabilitation Project (\$196,221)

RES 21-06 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$20,000) WITH THE COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY

RES 21-07 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$37,609) WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT

RES 21-08 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$30,000) WITH THE MADERA RESCUE MISSION

RES 21-09 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$10,000) WITH THE BIG BROTHERS BIG SISTERS OF CENTRAL CALIFORNIA

RES 21-10 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$15,300) WITH THE DOORS OF HOPE

RES 21-11 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$10,000) WITH PEQUENOS EMPRESARIOS

RES 21-12 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$33,850) WITH THE MADERA COALITION FOR COMMUNITY JUSTICE

RES 21-13 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$215,000) WITH HABITAT FOR HUMANITY

RES 21-14 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$36,755) WITH THE CITY OF MADERA ENGINEERING DEPARTMENT

RES 21-15 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$97,065) WITH THE CITY OF MADERA ENGINEERING DEPARTMENT

RES 21-16 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$22,580) WITH THE CITY OF MADERA ENGINEERING DEPARTMENT

RES 21-17 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$25,000) WITH THE CITY OF MADERA ENGINEERING DEPARTMENT

RES 21-18 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING A 2020/21 COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR SERVICES (\$196,221) WITH THE CITY OF MADERA PARKS AND COMMUNITY SERVICES DEPARTMENT

B-6 Amendment to the Lease Agreement between the City and MV Public Transportation, Inc. Concerning Internet Services and Increased Rent

Recommendation: Adopt a Resolution Approving Amendment No. 1 to the Lease Agreement between the City and MV Public Transportation (Report by Ivette Iraheta)

RES 21-19 A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MADERA, CALIFORNIA, APPROVING ADMENDMENT NO. 1 TO LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

B-7 Appointment to the City's Block Grant Commission

Recommendation: Adopt a Resolution Approving Councilmember Evans's Recommendation to Appoint DJ Becker to the Block Grant Commission (BGC) (Report by Ivette Iraheta)

RES 21-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE APPOINTMENT OF DJ BECKER TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - BLOCK GRANT COMMISSION

B-8 Appointment to the City's Planning Commission

Recommendation: Adopt a Resolution Accepting the Recommendation of Mayor Santos Garcia appointing Khubaib Sheikh to Fill a Current Vacancy on the City of Madera Planning Commission (Report by Gary Conte)

RES 21-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPOINTING SHEIKH KHUBAIB TO THE CITY OF MADERA PLANNING COMMISSION

B-9 Agreement with MV Cheng & Associates for Interim Procurement Manager Consulting Services

Recommendation: Adopt a Resolution Approving the Agreement for Professional Services with MV Cheng & Associates for Interim Procurement Manager Consulting Services (Report by Roger Sanchez)

RES 21-22 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MADERA AND MV CHENG & ASSOCIATES

C. PUBLIC HEARINGS: None

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

D-1 Data Management Contract for Water Backflow Prevention Devices

Recommendation: Adopt a Resolution Authorizing an Online Subscription Agreement whereby Backflow Solutions, Inc., will Perform Notification and Data Management Functions on behalf of the City Regarding all Backflows for Three Years, with an Option to Renew for up to Two Additional One-Year Renewal Terms (Report by Daniel Foss)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-1 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 21-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING AN ONLINE SUBSCRIPTION AGREEMENT WHEREBY BACKFLOW SOLUTIONS, INC. (BSI) WILL PERFORM CERTAIN

NOTIFICATION AND DATA MANAGEMENT FUNCTIONS ON BEHALF OF THE CITY

D-2 Refinancing of 2006 Loan for the Wastewater Treatment Plant in the Outstanding Amount of \$6,365,288 with the California Infrastructure and Economic Development Bank

Recommendation: Adopt a Resolution Authorizing the Execution and Delivery of a Loan Agreement in an Amount not-to-exceed \$6,500,000 and an Interest Rate not-to-exceed 3.0% for Refunding of an Installment Sale Agreement Dated March 15, 2006 and Authorizing the Taking of Other Actions, and the Delivery of Other Documents Related Thereto (Report by Roger Sanchez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-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 21-24 A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT FOR REFUNDING OF AN INSTALLMENT SALE AGREEMENT; AND AUTHORIZING THE TAKING OF OTHER ACTIONS, AND THE DELIVERY OF OTHER DOCUMENTS, RELATED THERETO

E. ADMINISTRATIVE REPORTS:

E-1 Mayor's Appointments to Outside Boards, Commissions, and Committees

Recommendation: Approve a Minute Order Approving the Mayor's Appointments to Outside Boards, Commissions, and Committees (Report by Alicia Gonzales)

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER MONTES, ITEM E-1 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**

E-2 Retail Sales Tax Update

Recommendation: Informational Only (Report by Roger Sanchez)

E-3 Consideration of Options Relative Rule 20B/C Undergrounding of Utilities Designated Real Property Located Within and Adjacent to Pecan Avenue between Monterey Avenue and a Point Approximately 700 Feet West of Monterey Avenue

Recommendation: Consider Options and Provide Direction to Staff (Report by Keith Helmuth)

Council directed staff to proceed with Options 1 and 3 as presented in the PowerPoint.

Option 1: Form a UUD (Underground Utilities District) in conformance with MMC (Madera Municipal Code) Chapter 8 (Underground Utilities)

1. If selected, two additional meetings are required.
2. If an agreement is secured, next meetings will not occur.

Option 3: Work with owner to provide other options if available to minimize property owner concerns. This will also proceed if Option 1 selected.

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 Police Officers' Association for feeding Madera Community Hospital staff last week as a thank you for being our heroes. A few councilmembers were out there helping serve and welcoming hospital staff.

Councilmember Rodriguez stated he attended a Madera County Transportation Commission meeting today. There was talk of extending Measure T which is set to sunset in 2027.

Councilmember Rodriguez stated that democracy prevailed, and we have our 46th President, Joseph Biden. This country has been torn and divided and the President stated he wants to unify and unite.

Councilmember Montes also thanked the Police Officers' Association as mentioned above. He also thanked CRLA (California Rural Legal Assistance) for coordinating the Martin Luther King Jr. Day celebration. There were lots of inspirational speeches.

Councilmember Evans stated she'd would like Council to give back to the community and do something positive in the City with a public event or activity to celebrate Martin Luther King Jr. Day. She stated that the City of Fresno did a cleanup. She stated that the Riverbed needs desperate work. She stated there are other things they can do. She stated that she'd spoken to the other councilwoman and the Mayor regarding a proclamation making February Black History Month. She stated today was an amazing day and they should fight for change.

Mayor Pro Tem Villegas had nothing to report.

Mayor Garcia had nothing to report.

G. CLOSED SESSION:

G-1 Public Employee Performance Evaluation

Pursuant to Government Code Section 54957(b)(1)

Title: City Manager

G-2 Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)

One Case: City of Madera v. High Speed Rail Authority

Item was pulled from the agenda.

G-3 Conference with Labor Negotiators

Pursuant to Government Code 554957.6

Agency Designated Representatives: Arnoldo Rodriguez and Wendy Silva

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 9:11 p.m. and stated that G-2 was being pulled from the agenda.

John Dalrymple, CEA Associate submitted public comment on Item G-3 stating the following:

- COVID continues to harm the community with Madera County having a high rate of infection.
- City Staff place themselves at higher risk than the general population as they perform their duties to keep providing the services that the community needs.
- They asked the City, as other cities have done, to extend the benefits of the FFCRA through May 31, 2021 when the school year is closer to ending.
- Having the additional 80 hrs. of COVID leave that was provided under FFCRA for staff who must quarantine is a critical piece of promoting a safer workplace.
- If a staff member had already taken advantage of this leave, they are not asking that an additional 80 hours be granted.
- COVID-19 leave can also be integrated into the leave that parents may need if they must stay home to take care of their children due to school closures.
- They also asked for the paid leave provision for parents who must stay home to take care of their children due to the closure of their schools be extended. Although, this only pays for two-thirds (2/3) of their wages, this leave is critical for the families that need it. They should not have to use all their paid leave accounts or be on un-paid leave status due to the consequences of this pandemic.
- Now is the time for compassion for City Staff in recognition of the months of stress they have endured as they provide the City's essential services.

Council returned from closed session at 10:33 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

City Manager Arnoldo Rodriguez stated that for Item G-1 an Ad-Hoc Committee comprising of Mayor Garcia and Councilmember Gallegos was formed to discuss this item.

City Manager Arnoldo Rodriguez stated there was no reportable action for Item G-3.

ADJOURNMENT: The meeting was adjourned at 10:34 p.m. Next regular meeting on February 3, 2021.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk