



Item:	B-1
Minutes for:	02/17/2021
Adopted:	06/02/2021

Minutes of a Regular Meeting of the Madera City Council

February 17, 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: 986 0894 6983# 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, Information Services Manager Mark Souders, Planning Manager Gary Conte, Chief of Police Dino Lawson, Interim Public Work Director Dan Foss, Administrative Analyst Eric Battles, Deputy City Engineer Ellen Bitter, Communication Specialist Joseph Carrello, and Senior Civil Engineer Victor Aldama.

INVOCATION: Pastor Tim Echevarria, New Harvest Christian Church

PLEDGE OF ALLEGIANCE: Fire Division Chief Matt Watson

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER RODRIGUEZ 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.

Jasmine Gallegos with Madera County Department of Public Health stated had some of their Youth Coalition Members introduce themselves. Bethany Baez and Nancy Baez stated they attend Madera South High School and they were speaking on behalf of the students working with the Tobacco Youth Coalition. They have been working hard collecting data in Madera to learn more about how to make their community healthier. They want to set some time with Council to share that information. They hope to get the opportunity to meet Council soon.

No further 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)

City Manager Arnoldo Rodriguez gave the update as Madera County Public Health Department Director Sara Bosse was unavailable.

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 GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, 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 – 11/18/20

Recommendation: Approve the City Council Minutes of November 18, 2020

B-2 Informational Report on Register of Audited Demands for Jan. 23, 2021 to Feb. 5, 2021

Recommendation: No Action Required (Report by Roger Sanchez)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Eric Battles)

B-4 Ratification of COVID-19 Prevention Program (CPP) and Related Amendment to Injury and Illness Prevention Program (IIPP) in compliance with California Occupational Safety and Health regulations

Recommendation: Adopt a Minute Order

- 1) Ratifying Issuance of COVID-19 Emergency Policy No. 3: COVID-19 Prevention Program by the City Manager in his role as Director of Emergency Services; and
- 2) Amending Administrative Policy 45: Injury and Illness Prevention Program to remove Section 11, COVID-19 Supplement (Report by Eric Battles)

B-5 Acceptance of Improvements for Melanie Meadows Phase II & III Subdivision (Tract No. 19-S-04)

Recommendation: Adopt a Resolution

- 1) Accepting the Improvements for Melanie Meadows Phase II & III Subdivision (Tract No. 19-S-04); and
- 2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
- 3) Authorizing Staff to Record the Notice of Acceptance of Subdivision Improvements (Report by Keith Helmuth)

RES 21-28 A RESOLUTION ACCEPTING IMPROVEMENTS FOR MELANIE MEADOWS PHASE II & III SUBDIVISION (TRACT NO. 19-S-04), AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID SUBDIVISION IMPROVEMENTS AND AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE

B-6 Pedestrian Hybrid Beacon at the Intersection of Stadium Road and Gary Lane

- Recommendation:** 1) Adopt a Resolution Approving the Contract Award for the Pedestrian Hybrid Beacon at the Intersection of Stadium Road and Gary Lane, City Project No. TS-29, CDBG No. B18MC060053 (“Project”), in the Amount of \$200,339 to Witbro, Inc. dba Seal Rite Paving & Grading; and
- 2) Adopt a Resolution Approving Funding Amendment Appropriating \$170,000 to the City of Madera Fiscal Year 2020/21 Capital Projects Budget for the Construction of the Pedestrian Hybrid Beacon at the Intersection of Stadium Road and Gary Lane, City Project No. TS-29, CDBG No. B18MC060053 (“Project”) (Report by Keith Helmuth)

RES 21-29 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR THE PEDESTRIAN HYBRID BEACON AT THE INTERSECTION OF STADIUM ROAD AND GARY LANE, CITY PROJECT NO. TS-29, CDBG NO. B18MC060053 (“PROJECT”), IN THE AMOUNT OF \$200,339 TO WITBRO, INC. DBA SEAL RITE PAVING & GRADING AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

RES 21-30 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING FUNDING AMENDMENT APPROPRIATING \$170,000 TO THE CITY OF MADERA FISCAL YEAR (FY) 2020/21 CAPITAL PROJECTS BUDGET FOR THE CONSTRUCTION OF THE PEDESTRIAN HYBRID BEACON AT THE INTERSECTION OF STADIUM ROAD AND GARY LANE, CITY PROJECT NO. TS-29, CDBG NO. B18MC060053 (“PROJECT”)

B-7 Acceptance of Phase 1, Asbestos and Building Demolition, portion of the Olive Avenue Widening and Reconstruction between Gateway Drive to Knox Street Project

Recommendation: Adopt a Minute Order Approving the Acceptance of Olive Avenue Widening and Reconstruction - Gateway Dr. between Knox St. Phase 1, Asbestos Removal & Building Demolition City Project No. R-000010, Recording of Notice of Completion, and Release of Retention 35 days after Recording Notice of Completion (Report by Keith Helmuth)

B-8 Iveywood I Subdivision (Tract No. 19-S-03)

Recommendation: Adopt a Resolution

- 1) Approving the Final Map for the Iveywood I Subdivision; and
- 2) Approving Improvement Agreement (Agreement) for the Construction of Improvements for the Iveywood I Subdivision (Tract No. 19-S-03); and
- 3) Authorizing staff to record the Final Map and Agreement for the Construction of Improvements for the Iveywood I Subdivision (Tract No. 19-S-03); and
- 4) Accepting the Dedication of Land for Public Use (Report by Keith Helmuth)

RES 21-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE FINAL MAP FOR THE IVEYWOOD I SUBDIVISION (TRACT NO. 19-S-03) AND IMPROVEMENT AGREEMENT

B-9 Acceptance of Improvements for Cottonwood Estates V Subdivision (Tract No. 04-S-20)

Recommendation: Adopt a Resolution

- 1) Accepting the Improvements for Cottonwood Estates V Subdivision (Tract No. 04-S-20); and
- 2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
- 3) Authorizing staff to record the Notice of Acceptance of Subdivision Improvements (Report by Keith Helmuth)

RES 21-32 PHASE 5 SUBDIVISION (TRACT NO. 04-S-20), AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID SUBDIVISION IMPROVEMENTS AND AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE

B-10 Agreement with Nichols Consulting for Preparation and Filing of State Mandated Cost Claims

Recommendation: Adopt a Resolution Approving a Consultant Services Contract with Nichols Consulting for three-years at a total cost of \$10,000 (Report by Roger Sanchez)

RES 21-33 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A \$10,000 CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND NICHOLS CONSULTING

B-11 Appointment to the City's Block Grant Commission

Recommendation: Adopt a Resolution Approving Mayor Santos Garcia's recommendation to appoint Gabriela Gonzalez-Gutierrez to the Block Grant Commission (BGC) (Report by Ivette Iraheta)

RES 21-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING THE APPOINTMENT OF GABRIELA GONZALEZ-GUTIERREZ TO THE COMMUNITY DEVELOPMENT BLOCK GRANT – BLOCK GRANT COMMISSION

B-12 Council Appointments to the Madera County Arts Authority Board

Recommendation: Approve by Minute Order the Appointments of Councilmember Artemio Villegas as Primary Representative, Councilmember Anita Evans as 1st Alternate, and Councilmember Cece Gallegos as 2nd Alternate to serve as the City's representatives on the Madera County Arts Authority Board (MCAA) (Report by Alicia Gonzales)

B-13 Agreement with MyWorkplace, Inc., for Access to their Online Employee Benefits Management System at an Annual Cost of Approximately \$8,900

Recommendation: Adopt a Minute Order Approving a Client Access Agreement for the MyWorkplace Benefits Management and Enrollment System (Report by Eric Battles)

C. PUBLIC HEARINGS: None

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

D-1 Third Amendment to the City Manager At-Will Employment Agreement to Award a Merit Step on the Assigned Salary Range

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

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM D-1 WAS APPROVED BY A 5/1 VOTE. 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

RES 21-35 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A THIRD AMENDMENT TO THE CITY MANAGER AT-WILL EMPLOYMENT AGREEMENT

D-2 Amendments to the Fiscal Year 2020/21 Budget and Discussion regarding the Fiscal Impacts of the COVID-19 Pandemic

Recommendation: Adopt a Resolution Authorizing and Approving Budget Amendments to the Fiscal Year 2020/21 Budget (Report by Roger Sanchez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, 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 21-36 CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2020/2021 BUDGET

E. ADMINISTRATIVE REPORTS:

E-1 City Contribution towards the Madera County Economic Development Commission (EDC) for Fiscal Year 2021/22 in the Amount of \$181,749.80

Recommendation: The EDC recommends the City Council Adopt a Minute Order Approving the 2021/22 Basic Service Level Budget as Submitted (Report by Bobby Kahn)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM E-1 TO TABLE THIS ITEM TO A FUTURE MEETING DATE 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**

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 that Councilmember Rodriguez is the Madera County Transportation Commission (MCTC) Chairperson. Today was her first meeting and she thanked them for welcoming her. She congratulated him on his position as Chairperson.

Councilmember Rodriguez welcomed Councilmember Gallegos to the MCTC. He credited the efforts of Former Mayor Medellin and he is grateful to have Councilmember Gallegos on the MCTC. He

asked staff to continue to take care of themselves. He asked staff to follow-up with Madera County Public Health Department Director Sara Bosse on how they will be providing the vaccines.

Councilmember Montes asked that everybody keep up the good work and stay safe.

Councilmember Evans stated she is glad to see that Mayor Garcia is doing well. She stated that previously she had declined to get the vaccine, but now she is open to receiving it. She invited everyone to the Citywide Black History Month (BHM) celebration on Sunday, February 21st.

Mayor Pro Tem Villegas had nothing to report.

Mayor Garcia had nothing to report.

G. CLOSED SESSION:

G-1 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

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 7:21 p.m.

Council returned from closed session at 7:33 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

City Attorney Hilda Cantu Montoy announced that City Council agreed to the tolling agreement with the High Speed Rail Authority concerning the claim relating to the Final Supplement EIR EIS for the Central Valley-wide portion of the Merced to Fresno section of the California High Speed Rail.

Ms. Cantu Montoy stated that she and the City Manager were also in closed session with the City Council.

ADJOURNMENT: The meeting was adjourned at 7:35 p.m. Next regular meeting on March 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