



Item:	B-1
Minutes for:	03/17/2021
Adopted:	08/04/2021

Minutes of a Regular Meeting of the Madera City Council

March 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: 934 6747 5454# 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: Vacant, District 5

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy (Joined at 6:45 p.m.), 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: Pam Grewal, Madera Sikh Temple

PLEDGE OF ALLEGIANCE: Tyler Takeda, Madera Tribune

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, THE AGENDA WITH POSTPONING ITEM D-4 TO APRIL 21, 2021 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)
2. Proclamation Recognizing Madera High Softball Coach Judy Shaubach
3. Proclamation Recognizing The United Way of Fresno and Madera Counties Free Tax Preparation Service (VITA)

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Mid-Valley Disposal Quarterly Update (Report by Joseph Kalpakoff, Mid-Valley Disposal)

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 MAYOR PRO TEM VILLEGAS, 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 – 12/16/20

Recommendation: Approve the City Council Minutes of December 16, 2020

B-2 Informational Report on Register of Audited Demands for Feb. 20, 2021 to March 5, 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 Appointment to the City's ADA Advisory Council (MADAAC)

Recommendation: Adopt a Resolution Approving Mayor Garcia's Appointment of Gabriela Gonzalez to the ADA Advisory Council (Report by Wendy Silva)

RES 21-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPOINTING GABRIELA GONZALEZ TO THE CITY OF MADERA ADA ADVISORY COUNCIL

B-5 Appointment to the City's Beautification Committee

Recommendation: Adopt Resolutions

- 1) Approving Councilmember Montes' Appointment of Debra M. Basila to the Beautification Committee; and
- 2) Approving Mayor Pro Tem Villegas' Appointment of Cynthia Moreno-Procopio to the Beautification Committee (Report by Arnoldo Rodriguez)

RES 21-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING CYNTHIA MORENO-PROCOPIO TO THE CITY OF MADERA BEAUTIFICATION COMMITTEE

RES 21-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPOINTING DEBRA M. BASILA TO THE CITY OF MADERA BEAUTIFICATION COMMITTEE

B-6 Ratification of COVID-19 Emergency Policy No. 4: Vaccine Incentive Pay and Revisions to COVID-19 Emergency Policy No. 2: Families First Coronavirus Response Act

Recommendation: Adopt a Minute Order Ratifying Issuance of the following by the City Manager in his role as Director of Emergency Services:

- 1) COVID-19 Emergency Policy No. 4: Vaccine Incentive Pay

- 2) Revised COVID-19 Emergency Policy No. 2: Families First Coronavirus Response Act (Report by Wendy Silva)

B-7 Grant from the California Department of Justice Authorized under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 in the Amount of \$286,314

Recommendation: Adopt Resolutions

- 1) Authorizing the City Manager to Execute the Memorandum of Understanding with the Department of Justice and Related Documents Accepting Grant Award in the Amount of \$286,314; and
- 2) Amending the City's 2020/21 Budget to Reflect Revenues and Expenditures Related to the Grant (Report by Dino Lawson)

RES 21-41 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ACCEPTING THE GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF JUSTICE UNDER THE CALIFORNIA HEALTHCARE, RESEARCH AND PREVENTION TOBACCO TAX ACT IN THE AMOUNT OF \$286,314

RES 21-42 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

B-8 Airport Coronavirus Response Grant Program (ACRGP) Funding in the Amount of \$23,000

Recommendation: Adopt a Resolution Approving the Agreement for Airport Coronavirus Response Grant Program (ACRGP) (Report by Daniel Foss)

RES 21-43 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT FOR AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM (ACRGP) FUNDING AND AUTHORIZING EXECUTION BY PUBLIC WORKS DIRECTOR

B-9 Antenna and Equipment Space Lease Renewal at the Madera Municipal Airport

Recommendation: Adopt a Resolution Approving the Antenna and Equipment Space Lease Renewal with the Federal Aviation Administration at the Madera Municipal Airport (Report by Daniel Foss)

RES 21-44 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN ANTENNA AND EQUIPMENT SPACE LEASE RENEWAL WITH THE FEDERAL AVIATION ADMINISTRATION AT THE MADERA MUNICIPAL AIRPORT

B-10 Assignment of Airport Engineering and Construction Management Services Agreement

Recommendation: Adopt a Resolution Approving the Assignment of Airport Engineering and Construction Management Services Agreement from Reinard W. Brandley Consulting Airport Engineers to Brandley Engineering, Inc. (Report by Daniel Foss)

RES 21-45 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE ASSIGNMENT OF AIRPORT ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES AGREEMENT FROM REINARD W. BRANDLEY CONSULTING AIRPORT ENGINEERS TO BRANDLEY ENGINEERING, INC.

B-11 Amendment No. 1 to Agreement with Colgan Consulting Corporation for Professional Engineering Services Related to the Preparation of a Development Impact Fee Program Update

Recommendation: Adopt a Resolution Approving Amendment No. 1 to Agreement with Colgan Consulting Corporation for Professional Services Related to the Preparation of a Development Impact Fee Program Update (Report by Keith Helmuth)

RES 21-46 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING AMENDMENT NO. 1 TO AGREEMENT WITH COLGAN CONSULTING CORPORATION FOR PROFESSIONAL SERVICES RELATED TO THE PREPARATION OF A DEVELOPMENT IMPACT FEE PROGRAM UPDATE

B-12 Letter in Opposition to Federal Office of Management and Budget (OMB) Proposed Change to Metropolitan Statistical Area (MSA) Threshold

Recommendation: Approve a Minute Order Approving a Letter in Opposition to OMB Proposed Change to MSA Threshold (Report by Arnaldo Rodriguez)

C. PUBLIC HEARINGS: None

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

D-1 Sixth Amendment to the Madera Municipal Golf Course Operation and Management Lease Agreement with SGM Inc. dba Sierra Golf Management, Inc.

Recommendation: Adopt a Resolution Approving the Sixth Amendment to the Madera Municipal Golf Course Operation and Management Lease Agreement with SGM Inc. dba Sierra Golf Management, Inc. (Report by Arnaldo Rodriguez)

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY MAYOR PRO TEM VILLEGAS, 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 21-47 SIXTH AMENDMENT TO THE MADERA MUNICIPAL GOLF COURSE OPERATION AND MANAGEMENT LEASE AGREEMENT WITH SGM INC. dba SIERRA GOLF MANAGEMENT, INC.

D-2 Consideration of a Minute Order Approving the City of Madera Response to Madera County Grand Jury Final Report 1920-05: “Unveiling Truths of Local Law Enforcement”

Recommendation: It is recommended Council review the proposed response to the Grand Jury Report and approve the response as presented or provide direction of changes to the proposed response (Report by Arnoldo Rodriguez)

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**

D-3 Response to Madera County Grand Jury Final Report 1920-06: “Madera County and City of Madera Governments Public Servants or Self-Serving; Part III: Madera Municipal Airport Closure of Runway 8-26”

Recommendation: It is recommended the City Council review the proposed response to the Grand Jury Report and approve the response as presented or provide direction on changes to the proposed response (Report by Arnoldo Rodriguez)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, 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**

D-4 Update to the Code of Conduct for the Madera City Council, Boards, Commissions and Committees

Recommendation: Adopt a Resolution Approving Amending and Restating the Code of Conduct, Adopted September 18, 2019 (Report by Arnoldo Rodriguez)

This item was moved to the April 21, 2021 Council meeting.

D-5 Budget Amendment Related to the November 3, 2020 Consolidated Presidential Election

Recommendation: Adopt a Minute Order Approving a Budget Amendment related to the November 3, 2020, Consolidated Presidential General Election in the Amount of \$101,322.15 (Report by Alicia Gonzales)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-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**

E. ADMINISTRATIVE REPORTS: None

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 reported that through the Madera County Transportation Commission (MCTC) Meeting today they were previously told it would take a year, but with the pandemic, etc. they now estimate that Highway 99 with three lanes on each side will be completed at the end of June to early July. She stated she or Councilmember Rodriguez could answer any questions on this subject.

Councilmember Rodriguez stated this was the second MCTC meeting with Councilmember Gallegos and she is a great addition to MCTC. He stated there are some funds for the Corona Virus that are being made available for certain projects such as roads and state highways. He asked that City Engineer Keith Helmuth and staff contact MCTC and request to add some of the City's ready projects to the MCTC list and see if some of those funds can be used to improve City of Madera roads and transportation needs.

Councilmember Rodriguez stated he already got one vaccine and is scheduled to get the other at the end of the month. He stated that if people haven't gotten the vaccine, he encouraged them to keep getting tested, so that they can open businesses.

Councilmember Montes requested that the Cannabis Ad-Hoc give them an update. He encouraged everyone to get the vaccine and continue to get tested to get back to normal as fast as they can. He stated he got his first dose of the vaccine yesterday.

Councilmember Evans stated she is getting her second dose of the vaccine on Monday. She stated that she, Mayor Garcia, and Mayor Pro Tem Villegas volunteered at the Mosque and passed out food to the community. A lot of people were served.

Mayor Pro Tem Villegas stated he got his second dose of the vaccine on Friday.

Councilmember Evans thanked Councilmember Gallegos and Interim Public Works Director Dan Foss for her Wastewater Treatment Plant tour. It was amazing. Staff does a dynamic job out there.

Mayor Garcia thanked Sandy Lamphear, a teacher at Chavez Elementary for inviting him to participate in the Zoom class with her. Three classes participated in the questions and answers session. The children asked for his reason to become a Councilmember and Mayor. They also asked about elections and for more playground equipment.

Mayor Garcia stated stimulus is being provided at the State and Federal level. Monies are sent out to help people and infrastructure. There are programs and grants out there to help with utilities, rent and mortgages.

Mayor Garcia thanked staff and for those who join them in the Council meetings.

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

G-2 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation Pursuant to Government Code §54956.9(d)(2)

Worker’s Compensation Claim: Juventino Cantu

G-3 Conference with Real Property Negotiators - Pursuant to Government Code Section §54956.8

Property: 1 Parcel
City of Madera APN: 035-080-026
Agency Negotiator(s): Keith Helmuth
Negotiating Party: Jason Sanders
Under Negotiations: Price and Terms

G-4 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 8:09 p.m.

Council returned from closed session at 10:09 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 10:09 p.m. Next regular meeting on April 21, 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