



Item:	B-1
Minutes for:	08/04/2021
Adopted:	03/16/2022

Minutes of a Regular Meeting of the Madera City Council, Special Meeting of Madera Public Financing Authority Board, and Special Meeting of Madera City Council as Successor Agency to the Former Madera Redevelopment Agency

**Wednesday, August 4, 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 entering ID: 959 7477 0395 # 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, 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 Administrative Analyst Eric Battles, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Ellen Bitter, Deputy City Engineer Randy Bell, Financial Services Manager Anthony Forestiere, and Communication Specialist Joseph Carrello.

INVOCATION: Imam Zia Rehman, Madera Islamic Center

PLEDGE OF ALLEGIANCE: City Engineer Keith Helmuth

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM VILLEGAS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. 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.

Isha Bains spoke on the ongoing farmers' protest in India and asked for a proclamation supporting the farmers' protest in India.

A gentleman called in and asked why the Council is not meeting in person. He doesn't understand why the Council refuses to do so. He didn't identify himself.

Nathan Brovin introduced himself as an immigration lawyer in Fresno and advised that he is running for Congress, and he looks forward to hearing about their hard work and the concerns of the people of Madera. Mayor Garcia informed him that meetings are currently only being held via Zoom.

Kirk Atamian stated it should not be the Mayor and City Council positions to promote a candidate for District 5.

Akram Kassim thanked Council for their continued effort and hard work. City officials have managed to keep this City running and budget has been balanced for the past three (3) years. He urged Council to continue the council meeting through zoom due to the Covid-19 virus still spreading.

Gabriel Hernandez stated that Mayor Garcia and Councilmember Evans have shown a lack of respect for their constituents. They push to keep the doors closed at City Hall, however they are seen at public events, birthday parties, etc.

No further public comment was submitted.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Engie Summer Internship Program (Report by Arnolando Rodriguez)

PUBLIC COMMENT (Taken out of Order)

Rico Saldivar thanked everyone who attended their event on Sunday.

2. Madera Youth Commission (Report by Youth Leadership Institute)

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Cannabis business permits, procedure guidelines and review criteria and number of cannabis business permits to be issued

Recommendation: Staff recommends that the City Council Consider the Information Included in this report and provide direction in regard to cannabis business permits, procedure guidelines, and review criteria as well as on the number of permits that the City will issue. The direction given will be used to finalize resolutions for Council adoption at a future City Council meeting. (Report by Arnolando Rodriguez)

Rico Saldivar had questions on joining buildings or suites to meet the square feet requirements.

Kirk Atamian spoke on the application, social equity licenses, etc.

Suleman Javaid spoke on social equity and ownership.

Arianna Valdez stated she looks forward to seeing tax dollars generated from commercial cannabis.

John Rodriguez spoke on social equity and ownership.

Pan Only spoke on commercial business staying local and ownership.

A Penn Jr stated they are happy to see cannabis retail stores will be in the City. They spoke on social equity and ownership.

Akram Kassim spoke on building viability and availability and social equity license.

Ajd0518 stated they would like to see incentivizing local Maderans to become entrepreneurs.

Rico Saldivar had further questions on square feet requirements.

Roman Gonzales spoke on voting on this item, non-local business owners, equity licenses, square footage, etc.

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.

City Clerk Announced the correct fee for Item B-9 2021 Old Timers' Day Parade Entry Form for City Participation is \$100 rather than the \$75 stated in the report.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, THE CONSENT CALENDAR WITH THE ENTRY FEE FOR B-9 AS NOTED WAS APPROVED BY A 6/0 VOTE. ITEM B-10 WAS PULLED FOR DISCUSSION. NOES: NONE. ABSENT: NONE. 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 – March 17, 2021

Recommendation: Approve the City Council Minutes of March 17, 2021

B-2 Informational Report on Register of Audited Demands for July 10, 2021 to July 23, 2021

Recommendation: No Action Required (Report by Roger Sanchez)

B-3 Ratification of COVID-19 Emergency Policy Revisions

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

- 1) Revised COVID-19 Emergency Policy No. 2: COVID-19 Paid Sick Leave; and
- 2) Revised COVID-19 Emergency Policy No. 3: COVID-19 Prevention Plan (Report by Eric Battles)

B-4 Law Enforcement Services Agreement with Housing Authority of the City of Madera (MHA)

Recommendation: Adopt a Minute Order Approving a Law Enforcement Services Agreement between the City and MHA (Report by Dino Lawson)

B-5 Agreements with Union Pacific Railroad Company for the Olive Avenue Widening and Reconstruction Project

Recommendation: Adopt a Resolution Approving a Pipeline Crossing Agreement and a Wireline Crossing Agreement for the Olive Avenue Widening Project (Report by Keith Helmuth)

RES 21-107 A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A PIPELINE CROSSING AGREEMENT AND A WIRELINE CROSSING AGREEMENT BETWEEN UNION PACIFIC RAILROAD COMPANY AND THE CITY OF MADERA FOR THE OLIVE AVENUE WIDENING AND RECONSTRUCION PROJECT

B-6 Amendment No. 3 to Madera Aviation Group, LLC Lease Agreement at Madera Municipal Airport

Recommendation: Adopt a Resolution Approving Amendment No. 3 to Madera Aviation Group, LLC Lease Agreement (Report by Daniel Foss)

RES 21-108 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AMENDMENT NO. 3 TO MADERA AVIATION GROUP, LLC LEASE AGREEMENT

B-7 Airport Access Agreement Renewal with Stephen J. and Nadine Sagouspe

Recommendation: Adopt a Resolution Approving Airport Access Agreement with Stephen J. and Nadine Sagouspe (Report by Daniel Foss)

RES 21-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AIRPORT ACCESS AGREEMENT WITH STEPHEN J. AND V. NADINE SAGOUSPE

B-8 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)

RES 21-110 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING REIMBURSEMENT AGREEMENT WITH FULL THROTTLE SUSPENSION FOR STORM DRAIN PUBLIC IMPROVEMENTS RELATING TO SITE PLAN REVIEW NO. 2019-05 AND CUP NO. 2019-03 AND CUP 2019-04

B-9 2021 Old Timers' Day Parade Entry Form for City Participation

Recommendation: Adopt a Minute Order Authorizing Submittal of the Entry Form and Authorizing the Mayor to Sign on behalf of the City the Hold Harmless Agreement for City Council Participation in the Old Timers' Day Parade scheduled September 25, 2021 (Report by Alicia Gonzales)

B-10 Farm Workforce Modernization Act of 2021 Letter of Support

Recommendation: Adopt a Minute Order Approving a Letter in Support of Proposed Changes to Farm Workforce Modernization Act of 2021 (Report by Arnolando Rodriguez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM B-10 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. 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-11 Consulting Services Agreement with Hawkins Delafield & Wood LLP

Recommendation: Adopt a Resolution Approving an Agreement between the City, Madera Public Financing Authority, Successor Agency, and Hawkins Delafield & Wood LLP to Prepare the Arbitrage Analysis Rebate Reports for the Fiscal Years 2021/22 through 2021/24 (Report by Roger Sanchez)

(This Item Requires Action by Council, the MPFA Board, and the Successor Agency Board)

RES 21-111 JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
MPFA 21-01 CALIFORNIA, MADERA PUBLIC FINANCING AUTHORITY AND SUCCESSOR
SA 21-03 AGENCY APPROVING AN AGREEMENT WITH HAWKINS DELAFIELD &
WOOD LLP TO PREPARE THE ARBITRAGE ANALYSIS REBATE REPORTS
FOR CITY, THE PUBLIC FINANCING AUTHORITY AND THE SUCCESSOR
AGENCY FOR THE FISCAL YEARS (FY) 2021/22 THROUGH FY 2023/24

B-12 Consulting Services Agreement with Thales Consulting, Inc.

Recommendation: Adopt a Resolution Approving a Consulting Services Agreement between the City, Madera Public Financing Authority and Thales Consulting, Inc. for Three Fiscal Years Totaling \$13,500 to Prepare and File the City Financial Transaction Report, the Financing Authority Special District Report, and the Annual Transit Report (Report by Roger Sanchez)

(This Item Requires Action by Council and the MPFA Board)

RES 21-112 JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
MPFA 21-02 CALIFORNIA, AND MADERA PUBLIC FINANCING AUTHORITY APPROVING
AN AGREEMENT WITH THALES CONSULTING, INC. TO PREPARE AND FILE
CITY'S FINANCIAL TRANSACTIONS REPORT, FINANCING AUTHORITY
SPECIAL DISTRICT REPORT, AND ANNUAL TRANSIT REPORT FOR FISCAL
YEARS 2020/21, 2021/2022 AND 2022/2023

C. PUBLIC HEARINGS:

C-1 Allocation of the American Rescue Plan Act of 2021 (ARPA) Funds

Recommendation: Adopt a Resolution Accepting Funding Award of \$23 Million from the ARPA and Authorize the City Manager to Allocate Related Resources to Existing Projects from the Capital Improvements Program (CIP) related to Water, Sewer, and Drainage or Provide Direction on the City's Priorities for the use of funding (Report by Roger Sanchez)

Baldwin Moy asked that funds be set aside for mental health and rental assistance not Covid related.

Monica agreed with Mr. Moy regarding funds being set aside for rental assistance not Covid related.

Maria Elena Medina asked that low-income families impacted by Covid-19 be supported.

Lourdes Herrera asked that monetary support be considered for rental, mortgage and water assistance.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-1 WITH RECOMMENDATIONS TO PUT IT TOWARDS SEWER AND WATER WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. 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 21-113 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA
ACCEPTING FUNDING AWARD FROM THE US AMERICAN RESCUE PLAN
ACT OF 2021 (ARPA) IN THE AMOUNT OF \$23 MILLION FOR FISCAL YEAR
21/22 THROUGH 22/23 AND AUTHORIZE THE CITY MANAGER AND

FINANCIAL SERVICES DIRECTOR TO SIGN NECESSARY DOCUMENTS FOR FUNDING AWARD AND REPORTING

D. **PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:** None

E. **ADMINISTRATIVE REPORTS:**

E-1 **Designation of a Voting Delegate and Alternates for the League of California Cities 2021 Annual Conference**

Recommendation: Designate a Voting Delegate and up to Two Alternates for the 2021 League of California Cities' Annual Conference (Report by Alicia Gonzales)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, WITH COUNCILMEMBER EVANS AS THE VOTING DELEGATE, MAYOR PRO TEM VILLEGAS AS VOTING ALTERNATE AND COUNCILMEMBER GALLEGOS AS VOTING ALTERNATE 2, ITEM E-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. 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**

City Manager Arnoldo Rodriguez announced that Grants Administrator Ivette Iraheta and Financial Services Director Roger Sanchez were leaving for different positions.

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 her appreciation for the Grants Administrator Ivette Iraheta and Financial Services Director Roger Sanchez as they leave Madera.

Councilmember Gallegos stated she attended a League of California Cities regarding solid waste. She expressed that an icon, David Berry had passed away. His family will continue to run his construction business. She thanked staff for continuing to provide support to the residents of Madera.

Councilmember Rodriguez expressed his condolences to the Berry family. He asked for more details within the letter of support previously mentioned.

Councilmember Montes expressed his condolences to the Berry family. He thanked the Grants Administrator Ivette Iraheta and Financial Services Director Roger Sanchez as they leave Madera. He thanked Mainstream on their backpack giveaway. He thanked the Haidas Foundation for their backpack giveaway also. He recognized the Madera Boys are 9-0 in their tournament.

Councilmember Evans thanked all staff, City Manager and City Clerk. She thanked Grants Administrator Ivette Iraheta and Financial Services Director Roger Sanchez as they leave Madera. She thanked Ranch Market in District 4 for their food giveaway. They gave away about 3,000 boxes of food. Mainstream was thanked for their backpack giveaway.

Councilmember Evans stated there is a new flashing stoplight on Adel and Lake Street and thanked City Engineer Keith Helmuth, City Manager Arnolando Rodriguez and Public Works for their work on it. She thanked the Council for their continued guidance.

Mayor Pro Tem Villegas thanked everyone that makes Madera a better community. He thanked Grants Administrator Ivette Iraheta and Financial Services Director Roger Sanchez as they leave Madera.

Mayor Garcia thanked everyone.

G. CLOSED SESSION:

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

Agency Designated Representative: Arnolando Rodriguez

Employee Organization: Mid-Management Employee Group

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

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 9:12 p.m.

Council returned from Closed Session at 9:32 p.m. with all Council present.

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

ADJOURNMENT: The meeting was adjourned at 9:34 p.m. Special Meeting on August 18, 2021. Next regular meeting on September 1, 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