



Item:	B-1
Minutes for:	10/06/2021
Adopted:	04/20/2022

Minutes of a Regular Meeting of the Madera City Council

October 6, 2021
6:00 p.m.

Council Chambers
City Hall

The City Council meeting was available for public viewing and participation. The 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: #899 4207 5037. When an agenda item you wish to comment on is discussed, press *9 on your phone to virtually raise your hand. Press *6 to un-mute yourself to speak when the last four digits of your phone number or your name is called. 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, Interim Financial Services Director Anthony Forestiere, Fire Division Chief Matthew Watson, Fire Captain Vance Killion, Director of Human Resources Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Ellen Bitter, and Communication Specialist Joseph Carrello.

INVOCATION: Rabbi Paul Gordon

PLEDGE OF ALLEGIANCE: Councilmember Montes

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, 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**

City Attorney Hilda Cantu Montoy mentioned the following:

1. Now that they are all physically present, it is not a requirement that they have a roll call after each vote. They can still have roll call at the request of a Councilmember but it is not required since they are meeting physically.
2. Prior to the meeting, she had a request from a Councilmember to remind the Council that they are not to text each other regarding City business during the meeting.

Mayor Garcia wanted clarification on the voting. Ms. Montoy stated he could say, "All those in favor. All those against."

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 presented. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Department of Public Health Update on COVID-19 (Report Madera County Public Health Dept.)
2. Proclamation Recognizing Domestic Violence Awareness Month
3. Proclamation Recognizing Disability Awareness Month

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 MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE CONSENT CALENDAR WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

B-1 Minutes – 6/30/21

Recommendation: Approve the City Council Minutes of June 30, 2021

B-2 Informational Report on Register of Audited Demands for Sept. 4, 2021 to Sept. 24, 2021

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Amendment to the City’s Transit Advisory Board (TAB) Bylaws

Recommendation: Adopt a Resolution Approving Amendment No. 3 to the Transit Advisory Board Bylaws (Report by Anthony Forestiere)

RES 21-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 3 TO THE CITY OF MADERA TRANSIT ADVISORY BOARD BYLAWS

B-4 Ratification of COVID-19 Emergency Policy Revisions

Recommendation: Adopt a Minute Order Ratifying Issuance of Revised COVID-19 Emergency Policy No. 4 Vaccine Incentive Pay by the City Manager in his role as Director of Emergency Services (Report by Wendy Silva)

B-5 Pipeline Protection and Inspection Agreement with SFPP, L.P. (SFPP) for Inspection Services Related to the Olive Avenue Widening and Reconstruction Project

Recommendation: Adopt a Resolution Approving a Pipeline Protection and Inspection Services Agreement for \$17,000 with SFPP for Inspection Services Related to the Olive Avenue Widening and Reconstruction Project (Report by Keith Helmuth)

RES 21-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING A PIPELINE AND INSPECTION SERVICES AGREEMENT WITH SFPP, L.P. FOR INSPECTION SERVICES RELATED TO THE OLIVE AVENUE WIDENING AND RECONSTRUCTION PROJECT

B-6 Request for Connection to the City's Water System

Recommendation: Adopt a Resolution Approving Agreement for Outside of City Water Service for Property Located at 27682 Pina Street (Report by Keith Helmuth)

RES 21-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE AGREEMENT WITH BLANCA HOLGUIN FOR OUTSIDE OF CITY WATER SERVICE FOR 27682 PINA STREET, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY AND DIRECTING STAFF TO RECORD THE AGREEMENT

B-7 Master Agreement between the Madera County Transportation Commission and the City's 2020/2021 Allocation of Regional Surface Transportation Program (RSTP) Exchange Funding

Recommendation: Adopt a Resolution Approving the Master Agreement between the Madera County Transportation Commission (MCTC) and the City for the Fiscal Year 2020/2021 Allocation of RSTP Exchange Funding (Report by Keith Helmuth)

RES 21-135 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE MASTER AGREEMENT BETWEEN THE MADERA COUNTY TRANSPORTATION COMMISSION (MCTC) AND THE CITY OF MADERA FOR THE FISCAL YEAR 2020/2021 ALLOCATION OF REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) EXCHANGE FUNDING

B-8 Amendment to Existing Consultant Contract between the City and NBS Relating to Utility Rate Studies

Recommendation: Adopt a Resolution Approving First Amendment to Agreement for Professional Services between the City and NBS Relating to Rate Studies for Additional Services at a Cost of \$17,800 (Report by Anthony Forestiere)

RES 21-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MADERA AND NBS RELATING TO RATE STUDIES FOR ADDITIONAL SERVICES AND INCREASE OF FEES

B-9 Amendment to Agreements between the City and MV Public Transportation, Inc.

Recommendation:

- 1) Adopt a Resolution Approving Amendment to No. 2 to Agreement for Management and Operation of Madera Transit Services Agreement with MV Public Transportation, Inc.; and

- 2) Adopt a Resolution Approving Amendment No. 2 to the Lease Agreement between the City and MV Public Transportation, Inc. (Report by Anthony Forestiere)

RES 21-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR MANAGEMENT AND OPERATION OF MADERA TRANSIT SERVICES BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

RES 21-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF MADERA AND MV PUBLIC TRANSPORTATION, INC.

B-10 Acceptance of a Grant Award from the State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP)

Recommendation:

- 1) Adopt a Resolution to Accept the Grant Award in the Amount of \$95,000 on behalf of the City; and
- 2) Adopt a Resolution Amending the City's 2021/22 Budget to Reflect Revenues and Expenditures Related to the Grant (Report by Dino Lawson)

RES 21-139 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING GRANT AWARD FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE AMOUNT OF \$95,000 AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZING OFFICIAL TO ACCEPT THE GRANT AWARD

RES 21-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR 2021/2022 BUDGET

B-11 Insurance Claim for Replacement of Four Police Units

Recommendation: Adopt a Minute Order Authorizing the City Manager to Execute a Master Partial Proof of Loss in the Amount of \$140,000 towards Replacement of Four Police Units and to Submit and Execute any further Related Documents to Finalize the Insurance Claim (Report by Wendy Silva)

B-12 Informational Report on \$100,000 Water Conservation Grant from the City to Madera Unified School District for Martin Luther King Middle School

Recommendation: This report is submitted for informational purposes only and there is no action requested from Council (Report by Anthony Forestiere)

B-13 Informational Report on Community Facilities District 2005-001

Recommendation: This report is submitted for informational purposes only and there is no action requested from Council (Report by Anthony Forestiere)

C. PUBLIC HEARINGS: None

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

D-1 Remote City Council Meetings Under New Brown Act Requirements (AB361)

Recommendation:

- 1) Council to Review the New Brown Act Requirements Under AB 361 for Remote Meetings, and
- 2) Council to Decide whether to Adopt a Resolution Authorizing Remote Teleconference Public Meetings by the City Council and all Boards, Commissions, and Standing Committees of the City in Accordance with Assembly Bill 361 for a Period of Thirty Days (Report by Hilda Cantu Montoy)

DJ Becker stated that as the Chair for Block Grant Commission and the ADA Advisory Council she had concerns about any requirements for returning to in-person meetings. Attending via Zoom has been working well.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ AGAINST ITEM D-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBER EVANS, MAYOR PRO TEM VILLEGAS AND MAYOR GARCIA. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

**YES: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES**

**NO: 3 - COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

ON MOTION BY MAYOR GARCIA AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBERS GALLEGOS, MONTES AND RODRIGUEZ. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

YES: 3 - COUNCILMEMBER EVANS

MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

NO: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES

E. ADMINISTRATIVE REPORTS:

E-1 Cannabis Ad Hoc Committee Composition

Recommendation: Council Consider the Cannabis Ad Hoc Committee Composition and Determine Membership (Report by Arnolando Rodriguez)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS TO NOMINATE NEW AD-HOC MEMBERS AND BE COMPRISED OF HIMSELF AND COUNCILMEMBER EVANS. 00COUNCILMEMBER EVANS WITHDREW HER NAME FROM THE NOMINATION.

Rico Saldivar stated he would like the Ad Hoc Committee to stay the same so that the process isn't set back.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ TO REMOVE THE CURRENT AD-HOC COMMITTEE MEMBERS AND APPOINT COUNCILMEMBERS GALLEGOS AND MONTES AS THE NEW CANNIBAS AD-HOC MEMBERS, ITEM E-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBER EVANS, MAYOR PRO TEM VILLEGAS AND MAYOR GARCIA. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

**YES: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES**

**NO: 3 - COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES NOMINATING COUNCILMEMBERS MONTES AND RODRIGUEZ AS THE NEW CANNABIS AD-HOC MEMBER, ITEM E-1 FAILED BY A 3/3 VOTE. NOES: COUNCILMEMBERS GALLEGOS, MONTES AND RODRIGUEZ. ABSENT: NONE. DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

**YES: 3 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ**

COUNCILMEMBER MONTES

**NO: 3 - 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 asked staff to agendize having the Cannabis Ad-Hoc Committee dissolved at the next Council meeting. There was Councilmember consensus to put that item on the agenda for formal dissolution.

Councilmember Montes thanked staff for the implementation of pedestrian safety measures in District 3 and District 4. He thanked staff for assisting Council participation in the Old Timers' Day Parade and stated it was good to see the community out there.

Councilmember Evans stated she enjoyed the Old Timers' Parade. She stated she also enjoyed the League of California Cities Conference and seeing a different side to the Councilmembers. Councilmember Evans stated it was an interesting learning experience. She asked staff to agendize consideration of cannabis cultivation to a future meeting once the City Manager, City Attorney and Consultant had time to review and work on the item. There was Councilmember consensus to put that item on a future agenda.

Mayor Pro Tem Villegas stated he enjoyed participating in the Old Timers' Day Parade . He stated he was excited about all he learned at the League of California Cities Conference.

Mayor Garcia asked everyone to say a prayer for the City Manager's family as they contend with COVID-19.

Councilmember Gallegos acknowledged Nick Salinas for his effort to ensure the Old Timers' Day Parade was possible. She commended Chief of Police Dino Lawson and his staff for reaching out to the community to cancel National Night Out in the interest of safety.

Councilmember Rodriguez stated that attending the League of California Cities Conference was a great experience. He thanked City Clerk Alicia Gonzales for coordinating the trip and participating at the conference.

G. CLOSED SESSION:

G-1 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Arnoldo Rodriguez and Wendy Silva
Employee Groups: General Bargaining Group

G-2 Conference with Real Property Negotiators - Pursuant to Government Code Section §54956.8

Property: 1 Parcel

City of Madera APN: 035-080-026

Agency Negotiators: Keith Helmuth

Negotiating Party: Jason Sanders

Under Negotiations: Price and Terms

G-3 Conference with Labor Negotiators - Pursuant to Government Code §54957.6

Agency Designated Representative: Mayor Santos Garcia

Unrepresented Employee: City Clerk

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 7:48 p.m.

Council returned from Closed Session at 9:26 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

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

ADJOURNMENT: The meeting was adjourned at 9:27 p.m. Next regular meeting on October 20, 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