

Special Meeting of the Madera City Council

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Wednesday, July 8, 2020
6:00 p.m.

Council Chambers
City Hall

This meeting will be 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 will be live streamed on the City's website. Members of the public may participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-9128, enter ID: 926 6206 5347, password: 999902. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER

ROLL CALL: Mayor Andrew J. Medellin
Mayor Pro Tem Santos Garcia, District 5
Council Member Cece Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Steve Montes, District 3
Council Member Derek O. Robinson Sr., District 4
Council Member Donald E. Holley, District 6

INVOCATION:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

PUBLIC COMMENT:

Members of the public shall have an opportunity to address the City Council regarding matters on this Agenda. Speakers should limit their comments to three (3) minutes.

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

A-1 Letter of Support on Behalf of the Madera County Transportation Commission Grant Application for the Trade Corridor Enhancement Program

Recommendation: Approve a Minute Order to Support the Madera County Transportation Commission Grant Application for the Trade Corridor Enhancement Program (Report by Arnoldo Rodriguez)

A-2 Certification Form for Receipt of CARES Act Funds from the State of California and All Related Documents

Recommendation: Authorize the Mayor to Execute the Certification Required for Receipt of CARES Act Funding Allocated by the State of California and All Related Documents Required, the City would be Eligible for up to \$807,688 (Report by Roger Sanchez)

B. ADMINISTRATIVE REPORTS:

B-1 Sister City Yi-Lan, Taiwan Mask Donation Distribution

Recommendation: Deliberation and Direction Given from Council (Report by Arnoldo Rodriguez)

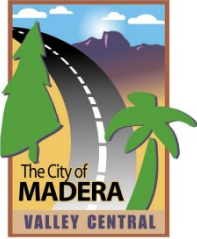
ADJOURNMENT – Next regular meeting July 15, 2020

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- Please silence or turn off cell phones and electronic devices while the meeting is in session.
 - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
 - Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4th Street, Madera, California 93637 during normal business hours.
 - The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
 - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's office at (559) 661-5405.
 - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.
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I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Special Meeting of the Madera City Council for July 8, 2020, near the front entrances of City Hall and on the City's website www.madera.gov at 2:30 p.m. on July 7, 2020.




Alicia Gonzales, City Clerk



REPORT TO CITY COUNCIL

Approved by:


Arnaldo Rodriguez, City Manager

Council Meeting of: July 8, 2020

Agenda Number: A-1

SUBJECT:

Letter of support on behalf of the Madera County Transportation Commission grant application for the Trade Corridor Enhancement Program

RECOMMENDATION:

Approve Minute Order to support the Madera County Transportation Commission grant application for the Trade Corridor Enhancement Program

SUMMARY:

The Madera County Transportation Commission (MCTC) is proposing to submit a grant application for funding under the discretionary Trade Corridor Enhancement Program (TCEP). The grant application request is for funding for the right-of-way phase of the State Route (SR) 99 widening from 4 lanes to 6 lanes from Avenue 7 to Avenue 12 in the County of Madera. MCTC is seeking a support letter from the City to include in their respective grant application.

DISCUSSION:

The MCTC began working in partnership with Caltrans to develop this critical goods movement and safety project in 2012. MCTC has previously committed over \$3 million in matching funds for this crucial segment of SR 99 that will close an existing gap in southern Madera County and help promote the completion of the SR 99 system, benefiting all of California. This project is also part of a long-range collaborative planning effort that has occurred over the past years with the San Joaquin Valley Regional Planning Agencies and the State of California.

As a regionally significant component of the national goods movement network, the widening of this section of SR 99 Project will provide the following benefits:

- Improve safety
- Reduce congestion

- Improve the flow of goods and services for the region and the State and provide the catalyst for regional and local generation of jobs
- Improve greenhouse gas emissions

FINANCIAL IMPACT:

Submittal of the support letter to MCTC provides no direct financial impact to the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with that plan.

ALTERNATIVES:

As an alternative, the Council may elect to reject submittal of support letter in response to the request by MCTC for the TCEP grant application.

ATTACHMENTS:

1. Support Letter from City of Madera



City of Madera

Arnoldo Rodriguez, City Manager

July 8, 2020

Mitch Weiss
Executive Director
California Transportation Commission
1120 N Street, MS 52
Sacramento, CA 95814

**SUBJECT: Madera Region State Route 99 – Avenue 7 to Avenue 12 – Widen to 6 Lanes
FY 2020 Trade Corridor Enhancement Project (TCEP) Grant Application**

Dear Mr. Weiss:

On behalf of City of Madera, I am writing to express strong support for the Madera County Transportation Commission's regionally significant project currently under consideration for the Trade Corridor Enhancement Project (TCEP) grant program.

The Madera County Transportation Commission (MCTC) began working in partnership with Caltrans to develop this critical goods movement and safety project in 2012. MCTC has previously committed over \$3 million in matching funds for this crucial segment of SR 99 that will close an existing gap in southern Madera County and help promote the completion of the SR 99 system, benefiting all of California. This project is also part of a long-range collaborative planning effort that has occurred over the past years with the San Joaquin Valley Regional Planning Agencies and the State of California.

City of Madera fully supports MCTC's TCEP grant application for the California State Route 99 – Avenue 7 to Avenue 12 in Madera County – Widen to 6 lanes project. State funding for this project will assist in enhancing a vital passenger and freight corridor through California.

SR 99, located near the geographic center of the San Joaquin Valley, is crucial to the economic vitality of the Central Valley of California. This route is heavily used by international shippers, commuters, and recreational travelers. Approximately half of California's goods movement passes through the San Joaquin Valley to reach destinations at multiple ports, major urban centers within California, other states, and other countries. The project increases overall safety and the efficiency of the movement of people and goods, reduces cost of doing business, and improves local and regional freight connectivity to the national and global economy.

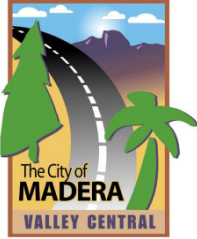
As a regionally significant component of the national goods movement network, the widening of this section of SR 99 Project will provide the following benefits:

- Improve safety
- Reduce congestion
- Improve the flow of goods and services for the region and the State and provide the catalyst for regional and local generation of jobs
- Improve greenhouse gas emissions

Due to the foregoing reasons, we support the full funding of this application. If you have any questions I can be reached at (559) 661-5405.

Sincerely,

Andrew J. Medellin
Mayor
City of Madera



REPORT TO CITY COUNCIL

Approved by:

Roger Sanchez Ruiz, Finance Director

Arnoldo Rodriguez, City Manager

Council Meeting of: July 8, 2020

Agenda Number: A-2

SUBJECT:

Certification Form for Receipt of CARES Act funds from the State of California and All Related Documents

RECOMMENDATION:

Authorize the City Mayor to execute the certification required for receipt of CARES Act funding allocated by the State of California and all related documents required. The City would be eligible for up to \$807,688.

DISCUSSION:

Due to the COVID-19 pandemic, the Federal Government provided funding through the CARES Act to multiple entities through a variety of programs to address the impacts. The City did not meet the population requirements to receive a direct allocation of funds. The State of California received a significant allocation of funds and through the 2020/21 budget, has allocated funds for cities such as Madera based on population. The allocation available to the City of Madera is \$807,688. The funding can be spent or reimbursed for COVID-19 related expenditures as determined in the CARES Act. A relatively wide variety of expenditures are eligible and a guide from the Federal Treasury is attached as Attachment 2.

Funding would be provided in monthly installments and additional funds may become available. Any unspent funds would be returned to the State of California. In order to apply, the City must submit a certification form (Attachment 1) by July 10, 2020.

The City would be certifying to the following:

- A. Adhere to federal guidance and the state's stay-at-home requirements and other health requirements as directed in gubernatorial Executive Order N-33-20, any subsequent

Executive Orders or statutes, and all California Department of Public Health orders, directives, and guidance in response to COVID-19 emergency.

- B. Use the funds in accordance with all applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
- C. Report on expenditures and summarize regional collaboration and nonduplication of efforts within the region by September 1, 2020, and return any funds that are unspent by October 30, 2020 (unless extended by the Department of Finance based on reported expenditures to date), and repay the state for any cost disallowed after federal review.
- D. Retain records to support reported COVID-19 eligible expenditures and participate in audits as outlined by the federal government and state.

FISCAL IMPACT:

This funding would directly reimburse the City up to \$807,688 for COVID-19 related expenditures.

ATTACHMENTS:

- 1. Certification Form
- 2. CARES Act Fund Guidance

CERTIFICATION FOR RECEIPT OF FUNDS PURSUANT TO PARAGRAPHS (2) OR (3) OF
SUBDIVISION (d) OF CONTROL SECTION 11.90 OF THE BUDGET ACT OF 2020

I, Andrew J. Medellin, am the chief executive or authorized designee of City of Madera and I certify that:

1. I have the authority on behalf of City of Madera to request payment from the State of California ('State') pursuant to the applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
2. I understand the State will rely on this certification as a material representation in making a direct payment to City of Madera.
3. City of Madera's proposed uses of the funds provided as direct payment under the applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020 will be used only for costs that:
 - a. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020, for City of Madera
 - c. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. City of Madera agrees to do all of the following as a condition of receipt of funds:
 - a. Adhere to federal guidance and the state's stay-at-home requirements and other health requirements as directed in gubernatorial Executive Order N-33-20, any subsequent Executive Orders or statutes, and all California Department of Public Health orders, directives, and guidance in response to COVID-19 emergency.
 - b. Use the funds in accordance with all applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
 - c. Report on expenditures and summarize regional collaboration and non-duplication of efforts within the region by September 1, 2020, and return any funds that are unspent by October 30, 2020 (unless extended by the Department of Finance based on reported expenditures to date), and repay the state for any cost disallowed after federal review.
 - d. Retain records to support reported COVID-19 eligible expenditures and participate in audits as outlined by the federal government and State.

CERTIFICATION FOR RECEIPT OF FUNDS PURSUANT TO PARAGRAPHS (2) OR (3) OF
SUBDIVISION (d) OF CONTROL SECTION 11.90 OF THE BUDGET ACT OF 2020

By: _____

Signature: _____

Title: _____

Date: _____

The completed certification must be submitted by email to:

CRFApplications@dof.ca.gov

Certifications must be received by no later than 11:59 p.m. Pacific Daylight Time on July 10, 2020. Certifications received after that time may be disallowed. The subject line of the email shall only contain the name of the local government entity (i.e. City of xxx or County of xxx).

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.

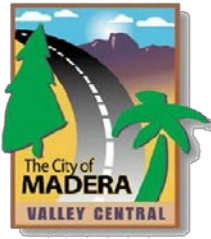
Nonexclusive examples of ineligible expenditures³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.



Madera City Council Agenda 07/08/20
Agenda Item B-1

Sister City Yi-Lan, Taiwan Mask Donation Distribution (Report by Arnolando Rodriguez)

There is no written report for this item.