

Item:	B-1
Minutes for:	10/07/2020
Adopted:	01/06/2021

**Minutes of the Regular Meeting of the Madera City Council**

**October 7, 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 via phone by dialing (669) 900-6833 enter ID: 943 3571 2582# followed by \*9 on your phone to speak. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4<sup>th</sup> Street, Madera, CA 93637.

**CALL TO ORDER:** Meeting was called to order at 6:00 p.m.

**ROLL CALL**

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

**Absent:** None

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 Director Wendy Silva, Information Services Manager Mark Souders, Parks & Community Services Director John Scarborough, Planning Manager Gary Conte, Chief of Police Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Randy Bell, Associate Civil Engineer Victor Aldama, and Communications Specialist Joseph Carrello.

**INVOCATION:** Councilmember Donald Holley

**PLEDGE OF ALLEGIANCE:** Councilmember Gallegos

**APPROVAL OF AGENDA**

**ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER ROBINSON, THE AGENDA WAS APPROVED BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**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.*

Jean Lang urged Council to vote against State Measure 16.

Melinda Fuzesy urged everyone to vote against State Measure 16 on November 3<sup>rd</sup>.

No further public comments were submitted. Public comment was closed.

**WRITTEN COMMUNICATIONS:** None

**PRESENTATIONS**

1. Department of Public Health Update on COVID-19 (Report by Dr. Paul, Madera County Public Health Department)
2. Proclamation Recognizing Disability Awareness Month
3. Small Business Pandemic Grant Program (Report by Bobby Kahn, Madera EDC)

**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 RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, THE CONSENT CALENDAR WAS APPROVED BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**B-1 Minutes – 7/15/20, 8/5/20**

**Recommendation:** Approve the City Council Minutes of July 15, 2020 and August 5, 2020

**B-2 Informational Report on Register of Audited Demands for Sept. 5, 2020 to Sept. 25, 2020**

**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 2020 Sanitary Sewer Management Plan Update**

**Recommendation:** Adopt a Resolution Approving the 2020 Sanitary Sewer Management Plan Update and Recertify the Plan with the State Water Resources Control Board (Report by Daniel Foss)

**RES 20-136** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE 2020 SANITARY SEWER MANAGEMENT PLAN UPDATE AND TO RECERTIFY THE PLAN WITH THE STATE WATER RESOURCES CONTROL BOARD

**E-2 Cal Fire Update** - This item was moved and heard after the Consent Calendar.

**C. PUBLIC HEARINGS:** None

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

**D-1 First Amendment to the City Clerk At-Will Employment Agreement Extending the Term of the Agreement by Three Years and Approving Step Increase**

**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 First Amendment to the City Clerk At-Will Employment Agreement (Report by Hilda Cantu Montoy)

Pursuant to Government Code § 54953(c)(3), prior to taking action on being considered. If approved, the proposed amendment to the City Clerk's Employment Agreement will modify the existing agreement as follows: The agreement will be extended by three years to August 26, 2025; and Effective on her merit anniversary date of August 26, 2020, the City Clerk's salary will be increased one merit step due to satisfactory performance to Step B of City of Madera Salary Schedule Range 419 which is \$72,489.30 per year, payable in installments at the same time as the majority of the employer's employees.

Councilmember Rodriguez reminded Council that two years ago they hired a consultant to review their management contracts and they were advised that contracts should not be extended three years. He believes they are slowly reverting back to previous practice. He stated they have annual evaluations and extension can be reviewed at that time.

Mayor Medellin stated that he agreed with that in management agreements, however this position is an At-Will employee at the will of the Council. They can review the contract at any time.

Councilmember Holley stated he concurs with Mayor Medellin, because they have the opportunity to review any contract whenever needed. They always have the ability to add, change and delete.

No public comments were submitted.

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-1 WAS APPROVED BY A VOTE OF 6/1. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, MONTES, ROBINSON, AND HOLLEY. NOES: COUNCILMEMBER RODRIGUEZ. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-137** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A FIRST AMENDMENT TO THE CITY CLERK AT-WILL EMPLOYMENT AGREEMENT

**D-2 Amendment No. 1 and No. 2 to Agreement with GHD, Inc. for Professional Engineering Services Relating to the Lake Street, 4th Street and Central Avenue Intersection and Funding Amendment to CIP Budget**

**Recommendation:** 1) Adopt a Resolution Approving Funding Amendment Appropriating \$119,319 to the City's Fiscal Year 2020/21 Capital Projects Budget for Consultant Services for the Lake/4th/Central Intersection, City Project No. R-57; and

2) Adopt a Resolution Approving Contract Amendment No. 1 and No. 2 for Professional Engineering Services Relating to the Lake/4th/Central Intersection in the Amount of \$133,800 (Report by Keith Helmuth)

No public comments were submitted. Public comment was closed.

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER ROBINSON, ITEM D-2 WAS APPROVED BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-138** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING FUNDING AMENDMENT APPROPRIATING \$119,319 TO THE CITY OF MADERA FISCAL YEAR (FY) 2020/21 CAPITAL PROJECTS BUDGET FOR THE FOR THE LAKE/4TH/CENTRAL INTERSECTION IMPROVEMENTS, CITY PROJECT NO. R-57

**RES 20-139** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING AMENDMENTS NO. 1 AND NO. 2 TO THE AGREEMENT WITH GHD, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO THE LAKE/4TH/CENTRAL INTERSECTION IMPROVEMENTS, CITY PROJECT NO. R-57

**D-3 Contract for the Construction of 2019-20 SB-1 (RMRA) Seals and Overlays, City Project No. R-77, to Improve Approximately 2 Miles of Roadway**

**Recommendation:** Adopt a Resolution Approving the Contract Award for the 2019-20 SB-1 Road Maintenance and Rehabilitation Account (RMRA) Seals and Overlays,

City Project No. R-77, in the Amount of \$861,323 to Avison Construction, Inc. (Report by Keith Helmuth)

No public comment was submitted. Public comment was closed.

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-3 WAS APPROVED BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-140** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR THE 2019-20 SB-1 ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) SEALS AND OVERLAYS, CITY PROJECT NO. R-77, IN THE AMOUNT OF \$861,323.00 TO AVISON CONSTRUCTION, INC. AND AUTHORIZING CONSTRUCTION CONTINGENCIES AND CONSTRUCTION MANAGEMENT SERVICES RELATING TO THE CONTRACT

**D-4 Identification of Projects for Federal Transportation Funding Under the Cycle 10 Call for Projects for the Highway Safety Improvement (HSIP)**

**Recommendation:** Adopt a Resolution Adopting the City's Project List for the Cycle 10 HSIP Call for Projects which Include Improvements at Four Intersections (Report by Keith Helmuth)

No public comment was submitted. Public comment was closed.

**ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-4 AS MODIFIED TO EXPEDITE THE GRANADA DRIVE/INDUSTRIAL AVENUE CORSSWALK USING IN-HOUSE STAFF WAS APPROVED BY A VOTE OF 7/0. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, RODRIGUEZ, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**RES 20-141** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, APPROVING THE LIST OF PROJECTS FOR FEDERAL-"FRANSPORTATION FUNDING UNDER THE CYCLE 10 CALL FOR PROJECTS FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND AUTHORIZING THE CITY ENGINEER TO SUBMIT PROJECT APPLICATIONS ON BEHALF OF THE CITY

**E. ADMINISTRATIVE REPORTS**

**E-1 Retail Sales Tax Update**

**Recommendation:** Informational Only (Report by Roger Sanchez)

**E-2 Cal Fire Update**

**Recommendation:** Informational Only (Report by Matt Watson)

This item was moved and heard after the Consent Calendar.

Fire Public Information Officer Tim Engrav gave an update on the Creek wildfire.

**E-3 Discussion on Status and Action Taken on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic**

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

**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 Robinson had nothing to report.

Councilmember Gallegos had nothing to report.

Mayor Pro Tem Garcia had nothing to report.

Councilmember Holley asked that the Engineering Department submit a Council report on making the Avenue 13 / Road 28 intersection a 4-way stop. He stated there have been a few accidents at that location. City Engineer Keith Helmuth stated they will start by getting the accident history of the intersection. They will get counts taken and they will review traffic signals and stop sign warrants.

Councilmember Rodriguez stated that the Westberry Bridge topic should be addressed, and he wasn't sure if City Manager Arnaldo Rodriguez was already scheduled to be brought to Council in the near future. City Manager Arnaldo Rodriguez stated that item is part of the Development Fee Study that is underway. They will take a new look at that study and make sure that current data is included in that study.

Councilmember Montes had nothing to report.

Mayor Medellin stated they feel for the businesses. He asked that they stay safe.

**G. CLOSED SESSION**

**G-1 Conference with Legal Counsel – Anticipated Litigation**

Deciding Whether to Initiate Litigation Pursuant to Government Code Section 54956.9 (d)(4)  
One Case

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 8:10 p.m.

Council returned from closed session at 9:15 p.m. with all seven (7) Councilmembers present.

City Attorney Hilda Cantu Montoy reported that Council authorized staff and Council to engage in discussion for a tolling agreement with the High-Speed Rail Authority regarding litigation on

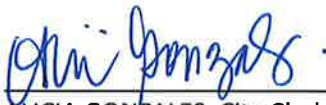
the EIR (Environment Impact Report). It was approved with a vote of 5/2 with Mayor Pro Tem Garcia and Councilmember Holley voting "No".

Council also authorized staff to initiate litigation against the High-Speed Rail Authority. It was approved with a vote of 5/2 with Mayor Pro Tem Garcia and Councilmember Holley voting "No".

**ADJOURNMENT:** The meeting was adjourned at 9:16 p.m. Next regular meeting on October 21, 2020

**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

