Minutes of the Regular Meeting of the Madera City Council

October 21, 2020
6:00 p.m.

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: 983 0966 3421# followed by *9 on your phone to speak. 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: Meeting was called to order at 6:20 p.m. A Special Meeting was conducted prior to this meeting.

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, and Assistant Engineer Tiffany Ljuba.

INVOCATION: Pastor Lance Leach, Valley West Christian Center

PLEDGE OF ALLEGIANCE: Councilmember Gallegos

APPROVAL OF AGENDA
ON MOTION BY COUNCILMEMBER HOLLEY AND SECONDED BY COUNCILMEMBER MONTES, 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.

Terry Fung urged Council to vote against State Measure 16.

Pastor Lance Leach stated he is a substitute teacher and urged Council to support getting children back in the classroom.

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 Madera County Public Health Dept.)

2. Proclamation Recognizing Pedestrian Safety Month and Virtual Walk to School Day

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 GALLEGOS AND SECONDED BY COUNCILMEMBER HOLLEY, 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 – 8/19/20
Recommendation: Approve the City Council Minutes of August 19, 2020

B-2 Informational Report on Register of Audited Demands for Sept. 26, 2020 to Oct. 9, 2020
Recommendation: No Action Required (Report by Roger Sanchez)
B-3  Informational Report on Contract City Attorney Service Expenditures
Recommendation: No Action Required (Report by Arnoldo Rodriguez)

B-4  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 20-142
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-5  Authority to Accept $16,750.00 from MV Transportation, Inc. as Payment in Full for Damage to City Bus 34
Recommendation: City Council Approve Property Damage Release Agreement with MV Transportation, Inc. (Report by Wendy Silva)

B-6  Amend Fiscal Year 2020/21 Budget for Community Development Block Grant (CDBG) COVID 19 Funding
Recommendation: Adopt a Resolution to Amend the FY 2020/21 Budget for CDBG COVID-19 Funding in the Amount of $536,338 (Report by Ivette Iraheta)

RES 20-143

C.  PUBLIC HEARINGS: None

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

D-1  Agreement with NBS Consultants for the Preparation of the Water, Sewer, Storm Drainage and Solid Waste Rate Studies
Recommendation: Adopt a Resolution that Approves a Contract with NBS Consultants for Consulting Services to Prepare a Rate Study for the Water, Sewer, Storm Drainage and Solid Waste Utilities (Report by Roger Sanchez)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER ROBINSON, ITEM D-1 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 20-144
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH NBS FOR THE PREPARATION OF WATER, SEWER, STORM DRAINAGE AND SOLID WASTE RATE STUDIES
D-2  Actions Relating to Varabella Estates II Subdivision (Tract No. 20-S-01):
Recommendation:  1) Adopt Resolution:
   a. Approving the Final Map for the Varabella Estates II Subdivision
   b. Approving Agreement for the Construction of Improvements for the Varabella Estates II Subdivision (Tract No. 20-S-01)
   c. Authorizing Staff to record the Final Map and Agreement for the Construction of Improvements for the Varabella Estates II Subdivision (Tract No. 20-S-01)
   d. Accepting the Dedication of Land for Public Use; and

   2) Adopt Resolution:
   a. Approving Annexation of the Varabella Estates II Subdivision (Tract No. 20-S-01) into Zone of Benefit 39 of City-Wide Landscape Maintenance District; Confirming the Diagram and Assessment for FY 2021/22 and Authorizing the City Clerk to File the Diagram with the Madera County Auditor (Report by Keith Helmith)

Councilmember Rodriguez recused himself and left the meeting at 7:07 p.m.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER ROBINSON, ITEM D-2 WAS APPROVED BY A VOTE OF 6/1. AYES: MAYOR MEDELLIN, COUNCILMEMBERS GARCIA, GALLEGOS, MONTES, ROBINSON, AND HOLLEY. NOES: NONE. ABSENT: NONE. ABSTAIN: COUNCILMEMBER RODRIGUEZ.

RES 20-145  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING THE FINAL MAP FOR THE VARABELLA ESTATES II SUBDIVISION (TRACT NO. 20-S-01) AND IMPROVEMENT AGREEMENT (AGREEMENT)

RES 20-146  A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING ANNEXATION OF VARABELLA ESTATES II SUBDIVISION (TRACT NO. 20-S-01) INTO ZONE OF BENEFIT 39; CONFIRMING THE DIAGRAM AND ASSESSMENT FOR CITY WIDE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT ZONE OF BENEFIT 39 FOR FISCAL YEAR (FY) 2021/22 AND AUTHORIZING THE CITY CLERK TO FILE THE DIAGRAM AND ASSESSMENT WITH THE MADERA COUNTY AUDITOR

Councilmember Rodriguez returned to the meeting at 7:13 p.m.

D-3  Agreement for Special Counsel Legal Services with Abbott & Kindermann, Inc.
Recommendation:  Adopt a Resolution Approving the Agreement for Special Counsel Legal Services with Abbott & Kindermann, Inc. (Report by Arnoldo Rodriguez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-3 WAS APPROVED BY A VOTE OF 5/2. AYES: MAYOR MEDELLIN,
COUNCILMEMBERS GALLEGOS, RODRIGUEZ, MONTES, AND ROBINSON. NOES: MAYOR PRO
TEM GARCIA AND COUNCILMEMBER HOLLEY. ABSENT: NONE. ABSTAIN: NONE.

RES 20-147
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
APPROVING AN AGREEMENT FOR SPECIAL COUNSEL LEGAL SERVICES
BETWEEN THE CITY OF MADERA AND ABBOTT & KINDERMANN, INC

D-4 Purchase of Real Property Located at 103 East Yosemite Avenue (APN: 007-101-011)
Recommendation: 1) Adopt a Resolution
   a. Approving the Agreement for Purchase of Real Property Located at
      103 East Yosemite Avenue (APN: 007-101-011) for $275,000 plus
      an Estimated $10,000 for Closing Costs
   b. Accepting the Grant Deed
   c. Amending the City's 2020/21 Budget to Reflect Expenditures
      Related to the Property Purchase (Report by Keith Helmut)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER
RODRIGUEZ, ITEM D-4 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 20-148
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF
REAL PROPERTY FOR APN: 007-101-011 AND AUTHORIZING AND
APPROVING AMENDMENTS TO THE CITY OF MADERA FISCAL YEAR
2020/2021 BUDGET

D-5 Proposition 68 Program Application for Statewide Park Development and Community
Revitalization Program
Recommendation: 1) Adopt a Resolution Approving the Program Application for Statewide
Development and Community Revitalization Program for the Sunrise
Rotary Park and Sports Complex Project; and

2) Adopt a Resolution Approving the Program Application for Statewide
Park Development and Community Revitalization Program for the Olive
Avenue Park Project (Report by John Scarborough)

ON MOTION BY COUNCILMEMBER ROBINSON AND SECONDED BY COUNCILMEMBER
RODRIGUEZ, ITEM D-5 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 20-149
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA APPROVING THE APPLICATION FOR STATEWIDE PARK
DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT
FUNDS
RES 20-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA APPROVING THE APPLICATION FOR STATEWIDE PARK
DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT
FUNDS

E. ADMINISTRATIVE REPORTS

E-1 Madera County Transportation Commission FY 2020-2021 Unmet Transit Needs Report
Recommendation: Informational Only (Report by Ivette Iraheta)

E-2 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 Arnoldo
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 stated he spent four (4) days in Arizona for a wedding and practiced social
distancing.

Councilmember Gallegos had nothing to report.

Mayor Pro Tem Garcia had nothing to report.

Councilmember Holley had nothing to report.

Councilmember Rodriguez thanked Eddie Rincon for helping answer some of the questions that
residents had regarding their water bill.

Councilmember Montes stated he had a couple of meetings this week. He met with the Youth
Leadership Institute. They are still trying to figure out what to do and how to do it. He also met with
SWAT (Students Working Against Tobacco). He looks forward to their presentations to Council next
year.

Mayor Medellin asked City Manager Arnoldo Rodriguez for a brief update on the Engie program
installation of streetlights. Mayor Medellin stated he has gotten great feedback on the installation
of those streetlights.

City Manager Arnoldo Rodriguez stated the City purchased 150 solar streetlights and neighborhoods
that lacked streetlights were identified. These were some of the older neighborhoods. Many
streetlights have been installed. He stated 150 streetlights are not sufficient and staff will probably
come back to Council in the future for additional funds.
G. CLOSED SESSION

G-1 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 8:52 p.m.

Council returned from closed session at 9:25 p.m. with six (6) Councilmembers present. Councilmember Holley was absent from Closed Session.

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

ADJOURNMENT: The meeting was adjourned at 9:25 p.m. Next regular meeting on November 4, 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