

Item:	B-1
Minutes for:	01/25/2021s
Adopted:	03/03/2021

Minutes of a Special Meeting of the Madera City Council

January 25, 2021
5:30 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 and on YouTube at www.youtube.com/c/cityofmaderatv. Members of the public were able to participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-6833 enter ID: 973 5960 7745# 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 5:30 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 (Arrived at 5:34 p.m.)
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, Information Services Manager Mark Souders, Planning Manager Gary Conte, and Communication Specialist Joseph Carrello.

INVOCATION: Councilmember Evans

PLEDGE OF ALLEGIANCE: City Manager Arnoldo Rodriguez

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY COUNCILMEMBER MONTES, THE AGENDA WAS APPROVED BY A VOTE OF 6/0. AYES: MAYOR GARCIA, COUNCILMEMBERS GALLEGOS, RODRIGUEZ, MONTES, EVANS AND VILLEGAS. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

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.

Public Comment was opened.

City Attorney Hilda Montoy Cantu advised Mayor Garcia and the Council that this is a different type of special meeting. The process for this meeting is that the candidates are called in order and public comment follows. Ms. Montoy Cantu stated the City Clerk will give a report, Council will then have the presentations and then public comment.

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

A-1 City Council Appointment to Fill Vacancy in Council District 5

Recommendation: Consider the Applications for the City Council District 5 Seat and after selection adopt a Resolution making appointments to fill the vacancy or direct staff to bring a Resolution calling a special election to a special meeting set by the City Council no later than January 31, 2021 (Report by Alicia Gonzales)

Candidate Christopher Mariscotti addressed the Council and responded to questions.

No Public Comment was submitted for Mr. Mariscotti.

Candidate Elsa Mejia addressed the Council and responded to questions.

Veronica Rodriguez, Ramon Lopez-Maciel, Cindy Barragan, Edgar Garcia, Patsy Mejia, Jessica Flores, Daniela (no last name mentioned), Treyon Cummings, Ervin Reyes, and Johanna Torres each submitted a statement of their support for Elsa Mejia for the District 5 Councilmember position.

Candidate Matilda Villafan addressed the Council and responded to questions.

Cynthia Wilson stated her support for Matilda Villafan for the District 5 Councilmember position.

A petition with 167 signatures was submitted in support of Matilda Villafan for the District 5 Councilmember position.

Courtney Gutierrez submitted a comment sharing her disgust with the questions asked by Mayor Garcia which zeroed in on two of his favorite political initiatives which could be considered a violation of the Brown Act as a sub-meeting. She stated it is an abuse of a City Council seat and doing an absolute disservice to further his own agenda. She stated that because of this, the entire interview process needed to be re-done as this was conducted outside of lawful proceedings while indicating that he is a proponent for these items; it stunted the answers of the candidates.

Mayor Garcia asked Ms. Cantu Montoy to remark on the last public comment.

Ms. Cantu Montoy stated it was the person's right to have that opinion and perspective. Ms. Cantu Montoy stated that in her perspective, it did not violate the Brown Act.

No further public comment was submitted. Public Comment was closed.

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY MAYOR PRO TEM VILLEGAS, ITEM A-1 TO APPOINT MATILDA VILLAFAN AS DISTRICT 5 COUNCILMEMBER. ABSENT: 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 MONTES
COUNCILMEMBER RODRIGUEZ**

Ms. Cantu Montoy stated that Councilmembers can express their viewpoints on who they like that way voters will know.

Councilmember Rodriguez stated he thought the voters in the district should make the decision on who should represent them.

Mayor Garcia asked Ms. Cantu Montoy to clarify the position of having to make a decision by the end of the month.

Ms. Cantu Montoy stated that under State law, the City is given 60 (sixty) days to either make an appointment to fill the vacancy for the unexpired term or to call an election. That decision must be made 60 (sixty) days from the date the vacancy became effective. If they don't decide on an applicant tonight, then it is important that they schedule a Special Meeting to call a Special Election, so they have very little time.

Mayor Garcia asked and City Manager Mr. Rodriguez responded that a Special Election would cost approximately \$15,000 to \$20,000.

Applicant Christopher Mariscotti addressed the Council stating, after listening to the other two candidates for this position, and all the things that were a concern to the other Councilmembers, he believes that both the candidates would do a better job than he would. Mr. Mariscotti withdrew from the appointment process at 7:00 p.m.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM A-1 TO APPOINT ELSA MEJIA AS DISTRICT 5 COUNCILMEMBER. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

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

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

City Attorney suggested that Councilmembers voice their opinions on the candidates and maybe compromise to select someone otherwise the seat will remain vacant for a year until December.

Councilmember Gallegos voiced support in favor of Elsa Mejia.

Councilmember Rodriguez voiced support in favor of Elsa Mejia.

Councilmember Montes voiced support in favor of Elsa Mejia.

Councilmember Evans voiced support in favor of Matilda Villafan.

Mayor Pro Tem Villegas voiced support in favor of Matilda Villafan.

Mayor Garcia voiced support in favor of Matilda Villafan.

**ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY MAYOR PRO TEM VILLEGAS,
ITEM A-1 TO APPOINT MATILDA VILAFAN AS DISTRICT 5 COUNCILMEMBER. ABSENT: 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 MONTES
COUNCILMEMBER RODRIGUEZ**

Councilmember Montes voiced support in favor of Elsa Mejia.

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER
RODRIGUEZ, ITEM A-1 TO APPOINT ELSA MEJIA AS DISTRICT 5 COUNCILMEMBER. ABSENT:
DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.**

THE MOTION FAILED WITH THE FOLLOWING VOTE:

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

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

Council was unable to select an appointee to fill the District 5 vacancy. Council directed staff to schedule a Special Meeting on January 28, 2021 to address Calling for a Special Election in November 2021.


ADJOURNMENT: The meeting was adjourned at 7:33 p.m. Next regular meeting February 3, 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

