



Item:	B-1
Minutes for:	11/17/2021
Adopted:	05/04/2022

Minutes of a Regular Meeting of the Madera City Council

**November 17, 2021
6:00 p.m.**

**Council Chambers
City Hall**

The Council Chambers was open to the public. This meeting was also available for public viewing and participation through Zoom. Members of the public were also able to observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public were able to comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 844 4631 9057#. Comments were also accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

The City observed the Madera County Public Health Department physical distancing recommendations. This may have limited seating in the Council Chamber; however, the City had seating available in the foyer. All persons visiting City facilities shall observe health and safety protocols.

CALL TO ORDER: The 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 Anita Evans, District 4

Absent: Councilmember Steve Montes, District 3
Vacant, District 5

Others present were City Manager Arnolando Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Chief Building Official Steve Woodworth, City Engineer Keith Helmuth, Interim Director of Financial Services Anthony Forestiere, Fire Division Chief Matt Watson, Director of Human Resources Wendy Silva, Information Services Manager Mark Souders, Planning Manager Gary Conte, Police Chief Dino Lawson, Interim Public Works Director Dan Foss, Grants Program Manager David Huff and Communication Specialist Joseph Carrello.

INVOCATION: Pastor Sammie Neely, Mt. Zion Missionary Baptist Church

PLEDGE OF ALLEGIANCE: City Clerk Alicia Gonzales

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER EVANS AND SECONDED BY MAYOR PRO TEM VILLEGAS, THE AGENDA WAS APPROVED BY A 5/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER MONTES AND DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

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 Department)
2. Proclamation Recognizing the Second Missionary Baptist Church 100th Anniversary
3. Proclamation Recognizing Building Trades Apprenticeship Day

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Retails Sales Tax Update (Report by Anthony Forestiere)

Khalid Chaudry stated they should be thanked for spending money in Madera. Councilmember Rodriguez thanked him for spending money here.

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.

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY MAYOR PRO TEM VILLEGAS, THE CONSENT CALENDAR WAS APPROVED BY A 5/0 VOTE. NOES: NONE. ABSENT: COUNCILMEMBER MONTES AND DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

B-1 Minutes – July 7, 2021

Recommendation: Approve the City Council Minutes of July 7, 2021

B-2 Informational Report on Register of Audited Demands for Oct. 23, 2021 to Nov. 5, 2021

Recommendation: No Action Required (Report by Anthony Forestiere)

B-3 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-4 Accepting a Portion of the Improvements Required to be Installed in Connection with Varbella Estates II Subdivision

Recommendation: Adopt a Resolution

- 1) Accepting a Portion of the Improvements for Varbella Estates II Subdivision; and
- 2) Authorizing the Filing of the Notice of Acceptance for Said Subdivision Improvements; and
- 3) Authorizing staff to record the Notice of Acceptance of Subdivision Improvements (Report by Keith Helmuth)

RES 21-161

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ACCEPTING A PORTION OF THE IMPROVEMENTS REQUIRED TO BE INSTALLED IN CONNECTION WITH VARBELLA ESTATES II SUBDIVISION, AND AUTHORIZING THE FILING OF A NOTICE OF PARTIAL ACCEPTANCE FOR SUCH IMPROVEMENTS

B-5 Modification of Assigned Salary Ranges for Professional Civil Engineers

Recommendation: Adopt a Resolution Modifying the Assigned Salary Ranges for the Classifications of Assistant Engineer, Associate Civil Engineer, Senior Civil

Engineer, Deputy City Engineer, and City Engineer (Report by Wendy Silva)

RES 21-162 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA MODIFYING THE ASSIGNED SALARY RANGE FOR CERTAIN CLASSIFICATIONS

B-6 Side Letter Agreements with the Mid Management Employee Group and Law Enforcement Mid Management

Recommendation: Adopt a Resolution Approving Side Letter Agreements with the Mid Management Employee Group and Law Enforcement Mid Management Group to change Current Pay Reported to the California Public Employees' Retirement System from Longevity Pay to Scheduled Compensation Retroactive to January 1, 2018 (Report by Wendy Silva)

RES 21-163 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING SIDE LETTER AGREEMENTS WITH THE MID MANAGEMENT EMPLOYEE GROUP AND LAW ENFORCEMENT MID MANAGEMENT GROUP CHANGING LONGEVITY PAY TO SCHEDULED COMPENSATION FOR CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM REPORTING PURPOSES

C. PUBLIC HEARINGS: None

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

D-1 Cannabis Business Permits - Consideration of Number of Cannabis Business Permits, Procedure Guidelines and Review Criteria, and Fees

Recommendation: Adopt Resolutions

- 1) Determining the Number and Type of Cannabis Business Permits that may be Issued in the City; and
- 2) Establishing Fees for Cannabis Business Permits; and
- 3) Establishing Procedure Guidelines and Review Criteria to Govern the Application and Selection Process for Various Types of Cannabis Business Permits (Report by Arnoldo Rodriguez)

Khalid Chaudry asked what HdL is charging for. City Manager Arnoldo Rodriguez stated the HdL fee is \$59,000 for reviewing applications. Some applications will take more time to review. The application fee is approximately \$10,500 per application.

Rico Saldivar who was representing a potential future cannabis business asked that Council reconsider the number of permits and licenses and even them out from 6 and 2 into 4 and 4.

Khalid Chaudry asked why there are 150 questions on the application. He stated he didn't understand the HdL fee as they are just reviewing and pushing paper.

George Deleija who was representing a potential future cannabis business stated he would like to see more representation of minorities and people of color. He would like the number of permits and licenses to change to have both be even numbers.

Roman Gonzales stated he is looking forward to growing and revitalizing the downtown area. He is excited that they are going to move forward with this item today. They want to keep the sales dollars here.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-1 FAILED BY A 3/2 VOTE. NOES: MAYOR GARCIA AND MAYOR PRO TEM VILLEGAS. ABSENT: COUNCILMEMBER MONTES AND DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION FAILED WITH THE FOLLOWING VOTE:

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

**NO: 2 - MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

Councilmembers concurred that this item be brought back at the next agenda for consideration by the full Council.

D-2 Revisions to the Civil Service Commission Composition and Appointment Process

Recommendation: Introduce an Ordinance Amending §2-2.303 of Title II of the Madera Municipal Code Relating to Number of Commissioners and Method for Making Appointments to Civil Service Commission (Report by Wendy Silva)

Ramon Lopez stated that when he read the resolution, he did not like it much as the Mayor has been given all the authority. He wants to make sure they share the power.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-2 WAS APPROVED BY A 4/1 VOTE. NOES: COUNCILMEMBER GALLEGOS. ABSENT: COUNCILMEMBER MONTES AND DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 4 – COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

NO: 1 - COUNCILMEMBER GALLEGOS

D-3 Authorized Terms and Conditions for Employment Agreements of Unrepresented Department Head Positions

Recommendation: Adopt a Resolution

- 1) Approving the Standard Terms and Conditions for Employment Agreements of Unrepresented Department Head Positions; and
- 2) Authorizing the City Manager to Execute Individual At-will Employment Agreements within the Parameters of the Standard Terms and Conditions; and
- 3) Authorizing the Director of Financial Services to Designate and Classify Reserves from the General Fund Unassigned Fund Balance into the Assigned Classification for the One-time Lump Sum Payments (Report by Arnaldo Rodriguez)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER EVANS, ITEM D-3 WAS APPROVED BY A 4/1 VOTE. NOES: COUNCILMEMBER RODRIGUEZ. ABSENT: COUNCILMEMBER MONTES AND DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 4 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

NO: 1 - COUNCILMEMBER RODRIGUEZ

RES 21-164 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING STANDARD TERMS AND CONDITIONS FOR EMPLOYMENT AGREEMENTS OF UNREPRESENTED DEPARTMENT HEAD POSITIONS

E. ADMINISTRATIVE REPORTS: None

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 mentioned that she is a member of the Madera Evening Lions and shouted out the upcoming Downtown Christmas Light Parade on December 2nd and she also mentioned the Madera Rotary Trees for Charity event taking place on December 4th.

Councilmember Rodriguez had nothing to report.

Councilmember Evans thanked all those who have served our country and all those who came out to honor the Veterans last week. She mentioned she would be participating in and is excited for the Christmas Light Parade. She extended a Happy Thanksgiving to all.

Mayor Pro Tem Villegas stated he attended the Veterans Day services and thanked those in his family who served for the country. He wished everyone a Happy Thanksgiving.

Mayor Garcia echoed the comments of his colleagues regarding the Christmas Light Parade. He mentioned that the ceremony will take place on November 19th where families will receive keys to their new homes thanks to the partnership between the City and Habitat for Humanity.

G. CLOSED SESSION:

G-1 Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation - Pursuant to Government Code §54956.9(d)(2)

Workers' Compensation: Manuel Macias – One (1) claim

**G-2 Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section §54956.9(d)(2)**

Potential litigation resulting from eviction proceedings by City against Jeffrey Streeter

**G-3 Conference with Labor Negotiators - Pursuant to Government Code §54957.6
Agency Designated Representative: Arnolando Rodriguez, Wendy Silva, and Anthony Forestiere
Employee Group: Madera Police Officers' Association**

City Attorney made the closed session announcement at 7:30 p.m.

Council returned from closed session at 8:15 p.m. with five (5) Councilmembers present as Councilmember Montes is absent and District 5 is currently vacant.

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

ADJOURNMENT: The meeting was adjourned at 8:16 p.m. Next regular meeting on December 1, 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

