

Item:	B-1
Minutes for:	12/01/2021
Adopted:	05/18/2022

Minutes of a Regular Meeting of the Madera City Council

December 1, 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: 868 6186 9968#. 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 (Title changed after Item Council Reorg-2.)
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4 (Title changed after Item Council Reorg-2.)

Absent: District 5 Vacant

Councilmember Elsa Mejia, District 5 took her seat at the dais after Item Reorg-1 motion passed.

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

INVOCATION: Councilmember Anita Evans

PLEDGE OF ALLEGIANCE: Madera Chamber of Commerce President/CEO Debi Bray

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

COUNCIL REORGANIZATION:

- 1. Declaring the Results of the 2021 Special Municipal Election and the Performance of the Ceremonial Oath of Office**

Recommendation: Council to review the Madera County Elections Office Canvass for District 5 City Council position and by Motion Adopt a Resolution Declaring the Results of the 2021 Special Municipal Election as Certified by the Madera County Elections Office; and Performance of Ceremonial Oath of Office (Report by Alicia Gonzales)

David Vargas, Daniela Florian, Jessica Flowers, Johanna Torres, Giselle, and Espi Sandoval congratulated Councilmember Mejia on winning the election to represent District 5.

No further public comment. Public comment was closed.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM REORG-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 21-165 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA DECLARING THE RESULTS OF THE NOVEMBER 2, 2021 ELECTION AS REQUIRED BY LAW

City Clerk Alicia Gonzales performed the ceremonial oath and Councilmember Mejia took her seat at the dais with the Council.

2. Consideration of Selection of Mayor Pro Tem to Serve a One-Year Term

Recommendation: Council to Accept Nominations for Mayor Pro-Tem and make Appointment by Motion to serve a one-year term (Report by Alicia Gonzales)

No public comment was presented. Public comment was closed.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM REORG-2 NOMINATING COUNCILMEMBER ANITA EVANS AS THE NEW MAYOR PRO TEM WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS (Title changed to Mayor Pro Tem after this vote.)
COUNCILMEMBER MEJIA
MAYOR PRO TEM VILLEGAS (Title changed to Councilmember after this vote.)
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.

Johanna Torres suggested translation be provided at future meetings.

Martina Rodriguez congratulated Councilmember Mejia and Mayor Pro Tem Evans.

No further Public Comment was presented. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS: None

INTRODUCTIONS: None

A. WORKSHOP: None

COUNCIL REORGANIZATION (Continued):

Mayor Garcia asked Councilmember Mejia and Mayor Pro Tem Evans if they wanted to speak regarding their new positions to the City Council.

Councilmember Mejia said a few words about her new role as Councilmember representing District 5 and the people who helped make that happen.

Mayor Pro Tem Evans stated she is the first woman of color in this position and thanked everyone.

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 VILLEGAS, THE CONSENT CALENDAR WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

B-1 Minutes – May 5, 2021

Recommendation: Approve the City Council Minutes of May 5, 2021

B-2 Informational Report on Register of Audited Demands

Recommendation: Review Register of Audited Demands Report for November 6, 2021 to November 19, 2021 (Report by Anthony Forestiere)

B-3 2021 Downtown Christmas Light Parade Entry Form for City Council Participation

Recommendation: Consideration of a Minute Order Authorizing Submittal of the Entry Form and Authorizing the City Manager to Sign on behalf of the City the Hold Harmless Agreement for City Council Participation in the Downtown Christmas Light Parade (Report by Alicia Gonzales)

B-4 Adoption of Updated Salary Schedule

Recommendation: Adopt a Resolution Approving the Revised City of Madera Full Time Salary Schedule (Report by Wendy Silva)

RES 21-166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE CITY OF MADERA FULL TIME SALARY SCHEDULE

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)

Kirk Atamian spoke on social equity and fairness to local residents.

Rico Saldivar spoke on social equity and fairness to local residents.

Roman stated he is excited to see growth that would happen in the downtown area. He asked that they move forward with this item. He stated people should not be favored for having a criminal record.

No further Public Comment. Public Comment was closed.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-1 WAS APPROVED BY A 5/2 VOTE. NOES: MAYOR GARCIA AND COUNCILMEMBER VILLEGAS. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 5 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA**

**NO: 2 - COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 21-167 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA DETERMINING THE NUMBER AND TYPE OF CANNABIS BUSINESS PERMITS THAT MAY BE ISSUED IN THE CITY OF MADERA

RES 21-168 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ESTABLISHING FEES FOR COMMERCIAL CANNABIS BUSINESS PERMITS

RES 21-169 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ESTABLISHING PROCEDURE GUIDELINES AND REVIEW CRITERIA TO GOVERN THE APPLICATION AND SELECTION PROCESS FOR VARIOUS TYPES OF COMMERCIAL CANNABIS BUSINESS PERMITS

D-2 Initiation of Proceedings for the Annexation of the Omni Subdivision into Community Facilities District 2005-1

Recommendation:

- 1) Adopt a Resolution Adopting a Boundary Map Showing the Territory Proposed for Annexation to City of Madera Community Facilities District No. 2005-01; and
- 2) Adopt a Resolution Declaring the City's Intention to Authorize the Annexation of Territory into City of Madera Community Facilities District 2005-1 (Report by Gary Conte)

Jerome Keene stated they are agreement with the item but thought this was the final hearing as it was heard previously. City Attorney Hilda Cantu Montoy stated that the process was re-started due to technical procedural problems.

No further Public Comment. Public Comment was closed.

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY MAYOR PRO TEM EVANS, ITEM D-2 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 21-170 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING TERRITORY PROPOSED FOR ANNEXATION TO CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01

RES 21-171 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY (OMNI SUBDIVISION) TO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, THE CITY OF MADERA COMMUNITY FACILITIES DISTRICT NO. 2005-01 (PUBLIC SERVICES) ANNEXATION NO. 10

D-3 National Opioids Settlements

Recommendation: Adopt Resolution Approving Settlement Agreements With McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., to Agree to Terms of the State-Subdivision Agreements Allocating Settlement Proceeds; Approving Participatory Agreements and Entry Into the State-Subdivision Agreements with the Attorney General; and Authorizing City Manager to Execute Said Documents and Take Related Actions (Report by Hilda Cantu Montoy)

No Public Comment. Public Comment was closed.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-3 WAS APPROVED BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 7 –COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
MAYOR PRO TEM EVANS
COUNCILMEMBER MEJIA
COUNCILMEMBER VILLEGAS
MAYOR GARCIA**

RES 21-172 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, COUNTY OF MADERA, APPROVING SETTLEMENT AGREEMENTS WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCEBERGEN CORPORATION, JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUITCA, INC., AGREEMENT WITH TERMS OF THE STATE-SUBDIVISION AGREEMENTS ALLOCATING SETTLEMENT PROCEEDS; APPROVING ENTRY INTO THE STATE-SUBDIVISION AGREEMENTS WITH THE ATTORNEY GENERAL; AND AUTHORIZING CITY MANAGER TO EXECUTE SAID DOCUMENTS AND TAKE RELATED ACTIONS

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 she is a member of the Madera Evening Lions and informed the public about the Downtown Christmas Light Parade on December 2nd at 6:00 p.m .

Councilmember Rodriguez stated that the Greater Madera Kiwanis, community members, and city and county staff are working hard to bring back the 4th of July Fireworks. He stated he is looking forward to participating in the Christmas Parade.

Councilmember Rodriguez asked City Attorney Hilda Cantu Montoy if roll call needed to be called after each vote. Ms. Montoy stated it was required when he'd attended via Zoom. It was not required when all of Council was on-site. She stated it was at the Mayor's discretion.

Councilmember Montes welcomed Councilmember Mejia and congratulated Mayor Pro Tem Evans on her new role.

Mayor Pro Tem Evans congratulated Councilmember Mejia and expressed thanks that they now having a full Council. She mentioned that there is a crosswalk project on Adell and Lake Street and thanked Interim Public Works Director Dan Foss and staff for the flashing stop sign on Ellis and Lake Streets. Mayor Pro Tem Evans mentioned her next "Lunch with the Councilwoman" will take place on Wednesday, December 8th.

Councilmember Mejia thanked all those who showed up to the meeting. She stated the redistricting workshop will be held on Saturday, December 4th from 10:00 a.m. - 11:30 a.m. at the John Wells Youth Center.

Councilmember Villegas congratulated Councilmember Mejia and Mayor Pro Tem Evans. He stated he participated with the Food Bank in several events where they handed out food for Thanksgiving.

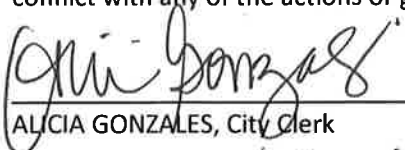
Mayor Garcia congratulated Dan Foss on his non-profit, the O.L.I.V.E. Foundation, for receiving the Non-Profit of the Year award from Senator Caballero's office. Mayor Garcia stated that Madera Ford will be giving away 200 bikes to children on Saturday, December 18th at 10:00 a.m. and asked if anyone would like to volunteer to put the bikes together on Saturday, December 11th at 10:00 a.m. He stated he will miss the meeting on December 15th as he will be on vacation out of the country.


G. CLOSED SESSION: None


ADJOURNMENT: The meeting was adjourned at 7:30 p.m. Next regular meeting on December 15, 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

