



Item:	B-1
Minutes for:	07/07/2021
Adopted:	11/17/2021

Minutes of a Regular Meeting of the Madera City Council

**Wednesday, July 7, 2021
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 at www.madera.gov/live. Members of the public may participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 914 3023 2621# 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 6:00 p.m.

ROLL CALL: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4
Vacant, District 5

INVOCATION: Rabbi Paul Gordon

PLEDGE OF ALLEGIANCE: Nicole Say, Administrative Analyst

APPROVAL OF AGENDA: A late distribution announcement was made by Alicia Gonzales, City Clerk.

ON MOTION BY COUNCILMEMBER MONTES 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**

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.

Ms. Marilyn Deleija submitted an emailing requesting Council to consider changing the square footage requirement for vertical integration applicants from 20,000 sq. ft. to 10,000 sq. ft. She stated in California cannabis law requirements include different options. A type A license issued is a small indoor grower's permit. She added, if businesses are aiming for micro licenses and vertical integration, changing the requirements would make sense. Ms. Deleija also asked Council to consider adding more equity licenses.

Mr. George Deleija submitted an email stating he was a born and raised Maderan and a local central valley business owner affiliated with Mainstream Medicinal Club. He asked that Council reconsider the square footage requirement for vertical integration applicants to 10,000 sq. ft. from the proposed 20,000 sq. ft. He added, this gives better opportunities to the local community to realistically obtain these kinds of options and would open the possibilities to compete in the marketplace and secure local property in the range. Mr. Deleija asked Council to also consider an increase of 2 more equity licenses and allowing the split down the middle at 4 standard licenses and 4 equity. He stated that this is much preferred from a local opportunity standpoint. Or the possibility of adding 2 more to the initial proposal bringing it to 4 equity and 6 standard.

Mr. Rico Saldivar submitted an email stating he was a partner of the prospective new cannabis club named Mainstream Medicinal Club. He stated his concern and need to voice his opinion regarding the topics of Equity Licenses and the possibility of a square footage for the micro business license or vertical integration license. He added that small business owners like himself and his partners will be applying for a license and it is a high concern that the limited amount of Equity Licenses isn't much of an equal or fair amount compared to the six that the larger and established corporations will have a chance to obtain. Mr. Saldivar asked Council to consider adding two more Equity Licenses. He requested that Council consider lowering the building minimum square footage to 10,000 rather than the 20,000 square footage for vertical integration, due to the lack of warehouses available that are within that size requirement. Mr. Saldivar stated that most of the buildings are double the size request or more which isn't practical or reasonable. He and his team feel confident that downsizing to 10,000 square feet would allow for realistic options to locate & secure an adequate building to open a full, vertically integrated cannabis corporation. Lastly, he added, Mainstream Medicinal Club in Madera will become a pillar of the community if given this great opportunity.

Mr. Roman Gonzales submitted an email on behalf of his family and father Jess Gonzales. He stated his father is a Vietnam Veteran and local Madera business owner. Mr. Gonzales also stated that for them to compete with the big companies moving into the City of Madera he is requesting that Council consider voting to pass 4 equity licenses and less square footage from the 20,000 minimal to 10,000. Lastly, he stated please consider these requests as we local Madera folk would like for your votes on these two topics, thank you for your time.

Mr. Kirk Atamian submitted an email stating he was born and raised in Madera where he had a small business for 25 years and currently works in commercial real estate. He stated he wants Council to see what he has seen with the dispensary. Mr. Atamian stated, first for most he has seen these large nonlocal companies ask local people to be part of their company, so they qualify as local owners. He added, I think to be considered local ownership the local person should own 51 percent and live in Madera at least 2 years. He stated companies are meeting with local Council members and making a lot of promises of what they can do to help the City. He suggested they put it in writing and if they get approved, they must follow through or lose their licenses. Mr. Atamian stated landlords are charging 2 to 3 times the normal rent just because it's a dispensary. Local people are being priced out and Council should put in a fair market rate clause. He also stated, I feel it should be 4 real local ownerships and 4 others. Lastly, he stated Verizon came to town 20 years ago and on their grand opening they donated \$1,500 and not a dime since. Local companies like the bridge store donated every month for over 50 years. Local business is what supports the town. Local owners will keep money in Madera. Thank you for your time Kirk Atamian.

Mr. Akram Kassim submitted an email stating I would like to thank all of you for your continued effort and hard work. Madera is making some amazing strides forward and that is due to what all of you have been putting in. However, there are still some deeply concerning points that need to be addressed regarding the cannabis program. I am concerned about how the cannabis licenses will be awarded and who the licenses will be awarded to. Is this venture strictly for millionaires? Will there be a focus on awarding the majority of the licenses to Madera residents and local business owners, or will we be giving these licenses to the corporations from the Bay Area and SoCal? It seems like Maderans are being squeezed out of the process before it even starts.

Mr. Kassim added, in the cultivation aspect, it is my understanding that there is a 20,000 square foot requirement. Many experienced growers from Madera will not be able to afford rent on such large buildings. Lowering the minimum for building size will add more equity to the licensing process and will still allow larger companies to come in to occupy larger buildings if there is no cap on the number of cultivation licenses. It's a win-win for all parties involved.

He stated, in terms of the retail side of cannabis, there needs to be a heavy discussion on what direction our city is taking. Is there going to be real equity in the licensing process or are we just going to reward millionaires and corporations for simply being millionaires and corporations? Are we going to have cookie cutter dispensaries which will be the same as every other town, or will we let Maderans bring in their uniqueness and spirit into our shops? Are we going to continue Madera's goal of social equity and have some type of focus on people of color, minorities, and women entering the cannabis industry or will we just look at who has the biggest name and biggest bank account?

Mr. Kassim also stated, local startups and startups owned by people of color from Madera should be afforded the opportunity to acquire a license. This will ensure that a larger number of licenses are owned locally, which ensures that revenue and profit will stay in Madera instead of being funneled out to other counties, states, and even other countries.

Lastly, he added, in terms of licensing, Madera has a chance to become the new standard to which other cities and counties can look up to and model their systems after. The cannabis business is notoriously nearly impossible for regular people to get into, and even more so for people of color. There is a lack of equity and equality, and there is a major lack of diversity. People of color and people who come from not so wealthy backgrounds have run into a wall when it comes to the cannabis industry. As our elected officials, you have been chosen to lead Madera into a brighter future and this is a chance to put

opportunity and strength in the hands of Maderans. Thank you for your time and thank you for listening to my concerns.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS: None

INTRODUCTIONS: None

A. WORKSHOP:

A-1 Request for Direction on Possible Changes to the City of Madera Typical Street Cross Sections

Recommendation: Consider the Information Included in this Report and Provide Direction with Regard to the Conceptual Cross Sections (Report by Keith Helmuth)

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.

ITEM B-4 WAS PULLED FOR DISCUSSION.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, THE CONSENT CALENDAR EXCLUDING ITEM B-4 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**

B-1 Minutes – 05/12/21

Recommendation: Approve the City Council Minutes of May 12, 2021

B-2 Informational Report on Register of Audited Demands for June 5, 2021 to June 25, 2021

Recommendation: No Action Required (Report by Roger Sanchez)

B-3 State Department of Transportation (Caltrans) Master Agreement No. 06-5157S21 for State Funded Projects for Program Supplement Agreement No. 00000W81 and all Future Program Supplement Agreements (PSA)

Recommendation: Adopt a Resolution Approving the Master Agreement Administering Agency-State-Funded Projects No. 06-5157S21 for State Funded Projects

and all future Program Supplement Agreements (Report by Keith Helmuth)

RES 21-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR STATE-FUNDED PROJECTS NO. 06-5157S21 FOR STATE FUNDED PROJECTS AND AUTHORIZING THE CITY ENGINEER TO EXECUTE PROGRAMSUPPLEMENT AGREEMENT (PSA) NO.000000W81 AND ALL FUTURE PROGRAM SUPLEMENT AGREEMENTS ON BEHALF OF THE CITY OF MADERA (CITY)

B-4 Acceptance of Parking Lot Improvements at Fire Stations 56 and 57

Recommendation: Adopt a Minute Order Approving

- 1) Acceptance of the Construction of 2020-21 Fire Station 56 & 57 Parking Lots Project, City Project No. FD-01 & FD-03
- 2) The Recording of Notice of Completion
- 3) The Release of Retention 35 days after Recording of the Notice of Completion (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM B-4 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**

B-5 Section 125 Benefit Plan Restatement

Recommendation: Adopt a Resolution

- 1) Approving the restated City of Madera Section 125 Adoption Agreement for the Cafeteria Plan; and
- 2) Authorizing the City Manager to sign the Agreement and any related documents (Report by Wendy Silva)

RES 21-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING THE SECTION 125 ADOPTION AGREEMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL RELATED DOCUMENTS

C. PUBLIC HEARINGS:

C-1 Public Hearing to Consider Declaration of Nuisances and Abatement Order for Weeds and Debris

Recommendation: Conduct a Public Hearing to Consider any Objections to the Proposed Destruction and Removal of Weeds and Adopt a Resolution Ordering the Abatement of Weed Nuisances in the City (Report by Dino Lawson)

RES 21-85 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO ABATE WEED NUISANCES EXISTING WITHIN THE CITY OF MADERA

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM C-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**

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

D-1 Landscape and Lighting Assessment District Zones of Benefit: Engineer’s Report and Intention to Levy and Collect Annual Assessment for City Wide Landscape and Lighting Assessment District Zones of Benefit for Fiscal Year 2021/2022

Recommendation:

- 1) Adopt a Minute Order Approving Engineer’s Report for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H,10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C,26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 for Fiscal Year 2021/22; and
- 2) Adopt a Resolution of Intention to Levy and Collect Annual Assessments for City Wide Landscape and Lighting Assessment District Zones of Benefit 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-D, 10-E, 10-F, 10-G, 10-H,10-I, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-D, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-D, 23, 24, 25-C, 25-D, 26, 26-B, 26-C,26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-D, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-D, 43-E, 44, 45-A, 46, 50 & 51 for Fiscal Year 2021/22 and Setting Date for Public Hearing (Report by Keith Helmuth)

RES 21-86

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR CITYWIDE LANDSCAPE AND LIGHTING DISTRICT ZONES OF BENEFIT 1, 2, 3, 4, 6-A, 6-B, 7, 8, 9, 10-A, 10-B, 10-C, 10-0, 10-E, 10-F, 10-G, 10-H, 10-1, 12, 13, 14, 15, 15-B, 15-C, 16, 17-A, 17-B, 17-C, 17-0, 18, 20-A, 20-B, 20-C, 21-A, 21-B, 21-C, 21-0, 23, 24, 25-C, 25-0, 26, 26-B, 26-C, 26-D, 27, 27-B, 28, 28-B, 29, 29-B, 29-C, 29-0, 29-E, 30, 31-A, 31-B, 32-A, 32-B, 33, 34, 34-B, 34-C, 35, 36-A, 36-B, 36-C, 37, 39, 40, 41, 43-A, 43-C, 43-0, 43-E, 44, 45-A, 46, 50 & 51 FOR FISCAL YEAR (FY) 2021/22 AND SETTING DATE FOR PUBLIC HEARING

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-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**

D-2 Public Hearing on the City of Madera Operating Budget and Capital Improvement Program for Fiscal Year 2021/2022

Recommendation: Approve a Resolution Adopting the City of Madera Operating Budget and Capital Improvement Program for Fiscal Year 2021/2022 (Report by Roger Sanchez)

RES 21-87

RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA ADOPTING THE BUDGET OF THE CITY OF MADERA FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021 IN THE AMOUNT OF \$101,732,557 AND THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-2 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**

E. ADMINISTRATIVE REPORTS:

E-1 Update on the Madera Police Department Cameras and Three-year Arrest Totals

Recommendation: Informational Report (Report by Dino Lawson)

E-2 City Council to provide direction on how City Council meetings will be conducted going forward

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 agendaized and which meet other requirements for action.

Councilmember Gallegos encouraged colleagues to attend the LISA project hosted by Madera County. It can be very emotional, but I believe everyone should try to see the presentation.

Councilmember Rodriguez requested that Sara Bosse return to a future meeting and share newest data in her next presentation.

Mayor Garcia stated it has been a long time coming and it would be great to ask her to join us at our next meeting to provide us with an update.

Councilmember Montes stated he had nothing to report and stated that a caller was on Zoom for public comment.

Public comment was made by an unidentified member of the public in favor of in-person meetings.

Councilmember Evans thanked Councilwoman Gallegos and Dan Foss for the tour of the airport. She thanked all of staff for their hard work and keeping everyone safe.

Mayor Pro Tem Villegas, nothing to report.

Mayor Garcia, nothing to report.

G. CLOSED SESSION:

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

- 1) Workers Compensation Claim: Hector Garibay

G-2 Conference with Labor Negotiators - Pursuant to Government Code §54957.6

Agency Designated Representatives:

Arnoldo Rodriguez, Wendy Silva, and Che Johnson

Employee Organization:

General Bargaining Unit/Madera Affiliated City Employees Association

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 8:38 p.m.

Council returned from closed session at 8:50 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

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

ADJOURNMENT: The meeting was adjourned at 8:50 p.m. The next regular meeting will be held on July 21, 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