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## Regular Meeting of the Madera City Council

205 W. 4<sup>th</sup> Street, Madera, California 93637

### NOTICE AND AGENDA

Wednesday, May 3, 2023  
6:00 p.m.

Council Chambers  
City Hall

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The Madera City Council meetings are open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at [www.madera.gov/live](http://www.madera.gov/live). Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 882 4310 6242#. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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#### **CALL TO ORDER:**

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

**INVOCATION:** Pastor Roger Leach, Valley West Christian Center

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

#### **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.*

**WRITTEN COMMUNICATIONS:** None

**PRESENTATIONS:** 1. Proclamation Recognizing CASA and National Foster Care Month

**INTRODUCTIONS:**

1. Michael Lima, Director of Financial Services
2. Ismael Hernandez, Public Works Operations Director
3. Daniel Holguin, Interim Information Services Manager

**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.*

**B-1 Minutes – March 15, 2023**

**Recommendation:** Approve the City Council Minutes of March 15, 2023 (Report by Alicia Gonzales)

**B-2 Informational Report on Register of Audited Demands**

**Recommendation:** Review Register of Audited Demands Report for April 8, 2023 to April 21, 2023 (Report by Michael Lima)

**B-3 Assignment of an Account Collections Services Agreement**

**Recommendation:** Adopt a Resolution Approving the Assignment of an Account Collection Services Agreement from CB Merchant Services, Inc. to Synergetic Communications, Inc. (Report by Michael Lima)

**B-4 Support Letter for Senate Bill 17 as Introduced by Senator Anna Caballero**

**Recommendation:** This report is submitted for informational purposes only, and no action is requested from City Council at this time (Report by Arnaldo Rodriguez)

**B-5 Letter of Support for Request for Clean California Funding for the Madera Station Relocation Project**

**Recommendation:** This report is submitted for informational purposes only, and no action is requested from City Council at this time (Report by Arnaldo Rodriguez)

**B-6 Resolution Formalizing Support for Senate Bill 227**

**Recommendation:** Adopt a Resolution Establishing the City’s Stance on Senate Bill 227 and Authorizing the City Manager to Execute a Letter of Support to the State Legislature (Report by Arnaldo Rodriguez)

**B-7 Covenant Agreement to Allow a Limited Encroachment into a Public Utility Easement at 1302 Pomegranate Street (APN 011-351-076)**

**Recommendation:** Adopt a Resolution Approving a Covenant Agreement to Allow a Limited Encroachment into a Public Utility Easement (PUE) at Property Owner’s Risk (Covenant) (Report by Keith Helmuth)

**B-8 Covenant Agreement to Allow a Limited Encroachment into a Public Utility Easement at 1409 Taylor Lane (APN 006-580-004)**

**Recommendation:** Adopt a Resolution Approving a Covenant Agreement to Allow a Limited Encroachment into a Public Utility Easement (PUE) at Property Owner’s Risk (Covenant) (Report by Keith Helmuth)

**B-9 Bid Package 1 – RRFB and Safety Improvements at George Washington Elementary School, AHSC Agreement No. 19-AHSC-12761, City Project No. R-94**

**Recommendation:** Adopt a Minute Order Approving:

- 1) Acceptance of the Construction Bid Package 1 – RRFB and Safety Improvements at George Washington Elementary School, AHSC Agreement No. 19-AHSC-12761, City Project No. R-94; and
- 2) The Recording of Notice of Completion; and
- 3) The Release of Retention 35 days after recording of the Notice of Completion (Report by Keith Helmuth)

**B-10 Amendment to the Tyler Munis Technologies License and Services Agreement for the Fire Prevention Mobile with Smart Draw System to include Licensing and Software Access and Related Budget Amendment**

- Recommendation:**
- 1) Adopt a Resolution Approving an Amendment to an Agreement with Tyler Technologies, Inc. to Purchase Fire Prevention Mobile with Smart Draw System to Include Licenses, Software, and Services for \$21,906 in Year 1, Plus an Annual Renewal Fee of \$14,007 from Measure K; and
  - 2) Adopt a Resolution Approving a Budget Amendment to Allow for Payment of an Agreement with Tyler Technologies, Inc. from Measure K Funds (Report by Justin Macomb)

**B-11 Use Agreement with the City of Kerman for the Use of its Shooting Range**

**Recommendation:** Adopt a Resolution Approving a Use Agreement with City of Kerman for Use of Shooting Range and Authorizing the Chief of Police to sign the Agreement on an Annual Basis for up to Three Years (Report by Dino Lawson)

**B-12 Appointment of City Treasurer**

**Recommendation:** Adopt a Resolution Appointing Michael Lima, Director of Financial Services, to serve as the City Treasurer (Report by Arnoldo Rodriguez)

**B-13 Continuing Declaration Proclaiming the Existence of a Local Emergency – January 2023 Winter Storms**

**Recommendation:** Adopt a Resolution Continuing the Declaration Proclaiming the Existence of a Local Emergency – January 2023 Winter Storms in accordance with Madera Municipal Code Title III, Chapter 2 (Report by Wendy Silva)

**B-14 Second Reading and Adoption of the 2022 California Building, Plumbing, Mechanical, Electrical, Fire, Residential, Energy, and Green Building Standards Codes**

**Recommendation:** Waive the full reading and adopt an Ordinance of the City Council of the City of Madera adopting the 2022 California Building, Plumbing, Mechanical, Electrical, Fire, Residential, Energy, and Green Building Standards Codes, including Appendix P of the California Building Code

and Appendix Z of the California Residential Code, by repealing Chapter 1 of Title IX, and adding Chapter 1 of Title IX of the Madera Municipal Code Ordinance, with the associated CEQA findings (Report by Will Tackett)

**C. PUBLIC HEARINGS:**

**C-1 Rezone (REZ 2023-01) Property Located at 308 N. C Street**

**Recommendation:** The Planning Commission and staff recommend the City Council hold a Public Hearing, Make the Necessary Findings, and Take Actions as follows:

- 1) Waive full reading and introduce an Ordinance adopting a Finding of Exemption under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and rezoning the approximately 0.17 acres of property located at 308 N. C Street (APN: 007-081-014) from the C1 (Light Commercial) zone district to the R1 (Residential, one unit for each 6,000 square feet) zone district (Report by Will Tackett)

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

**D-1 Agreement with EagleShield Pest Control for Pest Control Services**

**Recommendation:** Adopt a Resolution Approving an Agreement with EagleShield Pest Control to Provide Pest Control Services to the City for a Base Cost of \$12,373 Per Year for Two Years (Report by Ismael Hernandez)

**D-2 Agreement between the City and Superior International Industries**

**Recommendation:** Adopt a Resolution Approving a Cooperative Purchase Agreement with Superior International Industries for McNally Park in the Amount of \$244,508.42 and Rescinding Resolution No. 23-46 Approved on April 19, 2023 (Report by Joseph Hebert)

**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.*

**G. CLOSED SESSION:**

**G-1 Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9 (d) (1)**

**Name of Case:** Phenos of Madera, Inc. dba Phenos of Madera Cannabis Appeal Before Hearing Officer

**ADJOURNMENT:**

**UPCOMING MEETING DATES:**

- Wednesday, May 17, 2023

- Wednesday, June 7, 2023

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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) . Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: City Clerk, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
  - The services of a translator can be made available. Please contact the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.
  - Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) .
  - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
  - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.

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I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Regular Meeting of the Madera City Council for May 3, 2023, near the front entrances of City Hall and on the City's website [www.madera.gov](http://www.madera.gov) at 8:00 p.m. on April 27, 2023.



Alicia Gonzales, City Clerk