

Item:	B-1
Minutes for:	05/03/2023
Adopted:	06/07/2023

## **Minutes of a Regular Meeting of the Madera City Council**

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

**Council Chambers  
City Hall**

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. 4<sup>th</sup> Street, Madera, CA 93637.

**CALL TO ORDER:** Meeting was called to order at 6:00 p.m.

### **ROLL CALL:**

Present: 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

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, City Engineer Keith Helmuth, Chief Building Official Rafael Magallan, Community Development Director Will Tackett, Director of Financial Services Mike Lima, Fire Battalion Chief Ralph Duran, Director of Human Resources Wendy Silva, Interim IS Manager Dan Holguin, Director of Parks and Community Services Joseph Hebert, Chief of Police Dino Lawson, Public Works Director Ismael Hernandez, Assistant Engineer Jonathan Gramajo, Assistant Planner Adileni Rueda and Communication Specialist Joseph Carrello.

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

**PLEDGE OF ALLEGIANCE:** Victor Montes (Councilmember Montes' Father)

### **APPROVAL OF AGENDA:**

**ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER MONTES, THE AGENDA WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

### **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.*

DJ Becker spoke on the need to upgrade and improve animal ordinances. She stated that the Madera County Animal Shelter has been allowed to close its doors and refuse animals from the City which has led to many strays, etc. She showed a video of an attack on a small dog from a pair of large dogs.

City Attorney Hilda Cantu Montoy read her letter of resignation which she gave to Council previously. Her resignation is effective July 1<sup>st</sup>.

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

**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.*

Sarai Martinez, Executive Director of Centro Binacional para el Desarrollo Indigena Oaxaqueño thanked Council for their support on Item B-6 regarding SB 227. Members of the audience stood to show their support for this item. She said if the Council approved this item, they would be the second city in California to do so.

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

**ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER EVANS, THE CONSENT CALENDAR WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**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)

- RES 23-52**                    **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING A REQUEST OF ASSIGNMENT AND ASSUMPTION OF CONTRACTS FROM CB MERCHANT SERVICES, INC. TO SYNERGETIC COMMUNICATION, INC.**
- 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 Arnolando 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 Arnolando 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 Arnolando Rodriguez)
- RES 23-53**                    **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA SUPPORTING CALIFORNIA SENATE BILL NO. 227 (DURAZO), THE SAFETY NET FOR ALL WORKERS ACT, TO CREATE AN EXCLUDED WORKERS PROGRAM**
- 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)
- RES 23-54**                    **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING COVENANT AGREEMENT TO ALLOW A LIMITED ENCROACHMENT INTO A PUBLIC UTILITY EASEMENT AT PROPERTY OWNER’S RISK**
- 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)
- RES 23-55**                    **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING COVENANT AGREEMENT TO ALLOW A LIMITED ENCROACHMENT INTO A PUBLIC UTILITY EASEMENT AT PROPERTY OWNER’S RISK**
- 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)

**RES 23-56 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING AN AMENDMENT TO THE TYLER TECHNOLOGIES LICENSE AND SERVICES AGREEMENT FOR \$21,906 FOR THE FIRE PREVENTION MOBILE WITH SMART DRAW SYSTEM TO INCLUDE LICENSING AND SOFTWARE ACCESS AND APPROVING RELATED BUDGET AMENDMENT FOR USE OF MEASURE K FUNDS**

**RES 23-57 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, APPROVING MEASURE K FUNDS FOR THE PURCHASE OF TYLER TECHNOLOGIES FIRE PREVENTION MOBILE WITH SMART DRAW SYSTEM TO INCLUDE LICENSING AND SOFTWARE ACCESS**

**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)

**RES 23-58 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING USE AGREEMENT WITH CITY OF Kerman FOR USE OF SHOOTING RANGE AND AUTHORIZING THE CHIEF OF POLICE TO SIGN THE USE AGREEMENT ON AN ANNUAL BASIS FOR UP TO THREE YEARS**

**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)

**RES 23-59                    A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA  
APPOINTING MICHAEL LIMA, DIRECTOR OF FINANCIAL SERVICES, AS  
THE CITY TREASURER**

**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)

**RES 23-60                    A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, CONTINUING THE DECLARATION PROCLAIMING THE  
EXISTENCE OF A LOCAL EMERGENCY - JANUARY 2023 WINTER STORMS  
IN ACCORDANCE WITH MADERA MUNICIPAL CODE TITLE III, CHAPTER 2**

**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)

**ORD 999 C.S.                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**

**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)

No Public Comment was presented. Public Comment was closed.



ON MOTION BY COUNCILMEMBER VILLEGAS AND SECONDED BY COUNCILMEMBER EVANS, ITEM C-1 WAS APPROVED BY A 6/1 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: MAYOR PRO TEM MEJIA.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

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

ABSTAIN: 1 - MAYOR PRO TEM MEJIA

**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)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-1 WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

RES 23-61 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN AGREEMENT WITH EAGLESHIELD PEST CONTROL

**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)

No Public Comment was presented. Public Comment was closed.

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER VILLEGAS, ITEM D-2 WAS APPROVED UNANIMOUSLY BY A 7/0 VOTE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

RES 23-62 RESOLUTION APPROVING A COOPERATIVE PURCHASE AGREEMENT WITH SUPERIOR INTERNATIONAL INDUSTRIES FOR MCNALLY PARK PROJECT IN THE AMOUNT OF \$244,508.42 AND RESCINDING RESOLUTION NO 23-46

**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.*

Councilwoman Gallegos welcomed Mike Lima, Ismael Hernandez and Daniel Holguin (Directors) and the Police Officers who were recently promoted or sworn in. She mentioned the Relay for Life event and welcomed the public to attend the event and support the American Cancer Society. Following the completion of the event, the Madera Evening Lions provided a pancake breakfast for attendees. Councilmember Gallegos thanked Parks staff for organizing the Earth Day tree-planting event at Rotary and Town and Country Park.

Councilmember Montes welcomed the new Directors who joined the organization. He thanked Parks and Community Services Director Joe Hebert and his team for the tree-planting event that brought out many community members. He acknowledged the Madera Police Department's newest officers and their families for their service and sacrifice. Councilmember Montes thanked City Attorney Hilda Cantu-Montoy, who announced her retirement during Public Comment, for all she has done during her time with the City.

Councilmember Rodriguez thanked City Manager Arnoldo Rodriguez for bringing the new Directors onboard and expressed a hearty welcome to them. He acknowledged City Attorney Hilda Cantu Montoy and thanked her for her service and guidance during her tenure. Councilmember Rodriguez also recognized Cinco De Mayo and wished the public a fun and safe celebration. He also congratulated the Madera High School Golf Team on their success.

Councilwoman Evans stated that May 14<sup>th</sup> is Mother's Day and encouraged those in attendance to celebrate it joyously with the remarkable women in their lives. She welcomed the Directors to the City and thanked Parks and Community Services Director Joe Hebert for his work with the Parks Department. Councilmember Evans also thanked City Attorney Hilda Cantu Montoy for her service.

Mayor Pro Tem Mejia thanked City Attorney Hilda Cantu Montoy for her service to the City and welcomed the new Directors. She attended the Salt of the Earth Conference at Madera Community College which drew guests worldwide. She noted the Welcoming America, held by CAPMC that hosted a delegation from Australia. She highlighted MadTown Robotics for their second win at the International Championships and encouraged everyone to support these young scholars. Mayor Pro Tem commended her fellow Councilmembers for supporting Consent Calendar Item B-6 regarding Senate Bill 227. Lastly, she suggested a timer be implemented for Public Comment going forward.

Councilmember Villegas thanked City Attorney Hilda Cantu Montoy for her service and congratulated our three newest Directors on joining the City.

Mayor Garcia welcomed the Directors to the City. He congratulated MadTown Robotics on their success and expressed his pride for their hard work and for the teachers who motivate them to strive for excellence. Mayor Garcia requested that an updated Animal Ordinance item be placed on a future agenda to return before Council for consideration.

**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


City Attorney Hilda Cantu Montoy made the closed session announcement at 6:58 p.m. She and Council returned from Closed Session at 7:30 p.m. with all members of Council present. Ms. Cantu Montoy stated there was no reportable action.

**ADJOURNMENT:** Meeting was adjourned at 7:30 p.m.

**UPCOMING MEETING DATES:**

- Wednesday, May 17, 2023
- Wednesday, June 7, 2023

  
ALICIA GONZALES, City Clerk

  
SANTOS GARCIA, Mayor

  
MINUTES PREPARED BY  
ZELDA LEÓN, Deputy City Clerk

