

**SPECIAL MEETING  
OF THE MADERA CITY COUNCIL  
And  
REGULAR MEETING OF THE CITY COUNCIL AS THE  
SUCCESSOR AGENCY TO THE FORMER MADERA  
REDEVELOPMENT AGENCY  
205 W. 4<sup>th</sup> Street, Madera, California 93637**

**JOINT MEETING NOTICE AND AGENDA**

**Wednesday, November 14, 2018  
6:00 p.m.**

**Council Chambers  
City Hall**

**CALL TO ORDER**

**ROLL CALL: Mayor Andrew J. Medellin  
Mayor Pro Tem Jose Rodriguez, District 2  
Council Member Cece Gallegos, District 1  
Council Member William Oliver, District 3  
Council Member Derek O. Robinson Sr., District 4  
Council Member Charles F. Rigby, District 5  
Council Member Donald E. Holley, District 6**

**INVOCATION: Pastor Sammie Neely, Mount Zion Missionary Baptist**

**PLEDGE OF ALLEGIANCE:**

**PUBLIC COMMENT:**

The first fifteen 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 to identify themselves and state the subject of their comment. 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.

**PRESENTATIONS None.**

**INTRODUCTIONS None.**

**A. WORKSHOP**

There are no items for this section.

**B. CONSENT CALENDAR**

There are no items for this section.

**C. HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS**

C-1 Consideration of a Resolution Approving a Fifth Amendment to the City Clerk At-Will Employment Agreement and Authorizing the Mayor to Execute the Amendment (Report by David Merchen)

**D. WRITTEN COMMUNICATIONS**

There are no items for this section.

**E. ADMINISTRATIVE REPORTS**

E-1 Request for Direction Regarding Council Meeting Scheduled 11/21/18 and Review/Discuss Water Rate Increase Timeline (Report by David Merchen)

**F. COUNCIL REPORTS**

**G. CLOSED SESSION**

G-1 Closed Session Announcement – City Attorney

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

Agency Designated Representatives: Andy Medellin, Cece Gallegos

Unrepresented Position: Executive Director of the Successor Agency to the Former Madera Redevelopment Agency

G-3 Closed Session Report – City Attorney

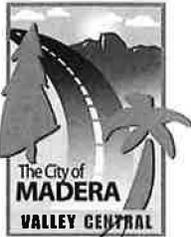
**ADJOURNMENT** – Next regular meeting November 21, 2018

*[continued on next page]*

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- 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 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4<sup>th</sup> Street, Madera, California 93637 during normal business hours.
  - The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
  - 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, Sonia Alvarez, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the special meeting of the Madera City Council for Wednesday, November 14, 2018, near the front entrances of City Hall at 10:00 a.m. on November 9, 2018.

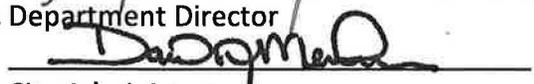
  
\_\_\_\_\_  
Sonia Alvarez, City Clerk



## REPORT TO CITY COUNCIL

Approved by:

  
Department Director

  
City Administrator  
Acting

Council Meeting of: 11/14/18

Agenda Number: C-1

### **Consideration of a Resolution Approving a Fifth Amendment to the City Clerk At-Will Employment Agreement and Authorizing the Mayor to Execute the Amendment**

#### **RECOMMENDATION**

Should the Council desire to effectuate the proposed Agreement Amendment, staff recommends Council adopt the resolution amending the City Clerk At-Will Employment Agreement and authorizing the Mayor to execute the Agreement.

Pursuant to Government Code §54953 (c)(3), prior to taking action on this item, the Council must publicly announce a summary of the action being considered.

**Announcement** - If approved, the proposed amendment to the City Clerk's At-Will Employment Agreement would extend the term of the existing agreement by sixty (60) days for the purposes of ongoing contract negotiations.

#### **HISTORY**

The City Council negotiated an At-Will Employment Agreement with Sonia Alvarez to serve as City Clerk. The most recent Agreement was entered into in 2015 with a term expiring December 4, 2018.

#### **SITUATION**

The City Council appointed an ad hoc committee to negotiate a new employment agreement with City Clerk Sonia Alvarez. The ad hoc committee is in the process of negotiating terms and conditions of the new agreement with Ms. Alvarez, and due to the Council meeting schedule, will not have a recommendation prior to the expiration of the existing agreement with Ms. Alvarez. For this reason, the ad hoc committee is recommending a sixty (60) day extension to allow for completion of the negotiation process.

**FISCAL IMPACT**

Adoption of the amendment to the City Clerk's employment agreement will extend Ms. Alvarez's existing Agreement terms and conditions by sixty (60) calendar days.

**CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Compensation and benefits for City employees are not addressed in the vision or action plan; the requested action is also not in conflict with any of the actions or goals contained in that plan.

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A FIFTH AMENDMENT TO THE CITY CLERK AT-WILL EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, the City of Madera wishes to establish reasonable rules, regulations and compensation for its staff and elected officials within the financial limits of the organization; and

WHEREAS, a Fifth Amendment to the City Clerk At-Will Employment Agreement has been prepared and is amenable to all parties.

NOW THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, and orders as follows:

1. The above recitals are true and correct.
2. The Fifth Amendment to the City Clerk's At-Will Employment Agreement between the City and Sonia Alvarez, on file with the office of the City Clerk and referred to for more particulars, is hereby approved.
3. The Mayor of the City of Madera is authorized to execute the Fifth Amendment on behalf of the City of Madera.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

**FIFTH AMENDMENT TO THE  
CITY CLERK AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 14th day of November, 2018, amends the previous agreement entitled **CITY CLERK AT-WILL EMPLOYMENT AGREEMENT** dated August 5, 2015 and amended June 15, 2016; May 3, 2017; June 7, 2017; and June 20, 2018 by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Sonia Alvarez, hereinafter called "Employee," both of whom understand as follows:

**WITNESSETH:**

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; May 3, 2017; June 7, 2017; and June 20, 2018 to contract with Employee to serve as City Clerk of Employer ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to extend the existing term due to ongoing contract negotiations.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1.A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be five (5) years from December 4, 2013. The Employer will provide written notice to the Employee on or before September 4, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to February 4, 2018.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: Sonia Alvarez  
Sonia Alvarez

By: \_\_\_\_\_  
Andrew J. Medellin, Mayor

ATTEST

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_  
Zelda Leon, Deputy City Clerk

By: \_\_\_\_\_  
Brent Richardson, City Attorney



## REPORT TO CITY COUNCIL

Approved by:

A handwritten signature in black ink, appearing to read "D. G. M.", written over a horizontal line.

Acting City Manager

Council Meeting of: 11/14/18

Agenda Number: E-1

**SUBJECT: Request for Direction Regarding Council Meeting Scheduled 11/21/18 and Review/Discuss Water Rate Increase Timeline**

**RECOMMENDATION:** Staff requests Council consider cancelling the November 21, 2018 council meeting due to the holiday weekend. As of the writing of this report, staff does not anticipate a need to hold the regular meeting.

**DISCUSSION:** Staff asked each department about their need to schedule items for the 11/21/18 meeting. The departments indicated that any items originally scheduled for presentation at the 11/21/18 meeting could be delayed to a future meeting. In addition, because the first council meeting scheduled in December (December 5, 2018) is traditionally focused on completing City Council reorganization, only a limited number of items, each viewed as routine, will be placed on that agenda. Items requiring longer presentations or where discussion is expected will be scheduled on or after December 19<sup>th</sup>.

Following Council's direction from its October 23<sup>rd</sup> special meeting, Staff had anticipated bringing back a formal action to adjust water rates at the November 21<sup>st</sup> meeting in order to implement the new rates on January 1<sup>st</sup>. However, to provide for public notice before that item is considered, and to educate customers after the new rates have been approved, a new timeline is proposed. Unless otherwise directed by the Council, the rate adjustment will be scheduled for consideration at the December 19<sup>th</sup> meeting and, if adopted, will go into effect on February 1<sup>st</sup>. Because irrigation demand is expected to be low in January and February, the delayed implementation should not adversely affect the health of the water fund.

Staff requests Council consider cancelling the 11/21/18 council meeting for the reasons as noted above.

**FINANCIAL IMPACT:** None.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Scheduling of council meetings is not specifically 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.