

**SPECIAL MEETING - 2
OF THE MADERA CITY COUNCIL**
205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Wednesday, December 12, 2018
6:00 p.m.**

**Council Chambers
City Hall**

CALL TO ORDER

ROLL CALL: Mayor Andrew J. Medellin
Mayor Pro Tem Steve Montes, District 3
Council Member Cece Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Derek O. Robinson Sr., District 4
Council Member Santos Garcia, District 5
Council Member Donald E. Holley, District 6

INVOCATION: Rev. Mr. Alan Shearer, St. Joachim Church

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 Sixth Amendment to the City Attorney At-Will Employment Agreement and Authorizing the Mayor to Execute the Amendment (Report by Arnoldo Rodriguez)

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

There are no items for this section.

F. COUNCIL REPORTS


G. CLOSED SESSION

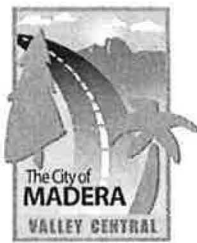
There are no items for this section.

ADJOURNMENT – Next regular meeting December 19, 2018

-
- 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.
 - 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. 4th 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.
-

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 December 12, 2018, near the front entrances of City Hall at 5:00 p.m. on December 11, 2018.


Sonia Alvarez, City Clerk



REPORT TO CITY COUNCIL

[Return to Agenda](#)

Approved by:

Council Meeting of: December 12, 2018

Agenda Number: C-1

Department Director

Aldo Baig

City Manager

SUBJECT: Consideration of a Resolution Approving a Sixth Amendment to the City Attorney 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 Attorney 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 begin considered.

ANNOUNCEMENT: IF APPROVED, THE PROPOSED AMENDMENT TO THE CITY ATTORNEY'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 Joel Brent Richardson to serve as City Attorney. The most recent Amendment to the Agreement was entered into in October of 2018 to extend the term to December 18, 2018.

SITUATION

The City Council appointed an ad hoc committee to negotiate a new employment agreement with City Attorney Brent Richardson. The ad hoc committee is in the process of negotiating terms and conditions of the new agreement with Mr. Richardson, and due to the Council meeting schedule, will not have a recommendation prior to the expiration of the existing agreement, as extended, with Mr. Richardson. For this reason, a sixty (60) day extension through February 16, 2019 to allow for completion of the negotiation process is being brought forward for Council approval.

FISCAL IMPACT

Adoption of the amendment to the City Attorney's employment agreement will extend Mr. Richardson'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 SIXTH AMENDMENT TO THE CITY ATTORNEY 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 Sixth Amendment to the City Attorney 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 Sixth Amendment to the City Attorney's At-Will Employment Agreement between the City and Joel Brent Richardson, 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 Sixth Amendment on behalf of the City of Madera.
4. This resolution is effective immediately upon adoption.

* * * * *

**SIXTH AMENDMENT TO THE
CITY ATTORNEY AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 12th day of December, 2018, amends the previous agreement entitled CITY ATTORNEY AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; September 21, 2016; June 7, 2017; June 20, 2018 and October 17, 2018, by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Joel Brent Richardson, 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; September 21, 2016; June 7, 2017; June 20, 2018 and October 17, 2018 to contract with Employee to serve as City Attorney 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 October 19, 2013. The Employer will provide written notice to the Employee on or before July 20, 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 through February 16, 2019.

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: _____
Joel Brent Richardson

By: _____
Andrew J. Medellin, Mayor

ATTEST

By: _____
Sonia Alvarez, City Clerk