



REGULAR MEETING OF THE MADERA CITY COUNCIL

NOTICE AND AGENDA

January 7, 2009
6:00 p.m.

Council Chambers
City Hall

ROLL CALL:

Mayor Sam Armentrout
Mayor Pro Tem Gary L. Svanda
Council Member Robert L. Poythress
Council Member Steven A. Mindt
Council Member Sally J. Bompreszi

INVOCATION:

Pastor Samuel Alvarado, Building for Christ

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 of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes, and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called. 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.

A. CLOSED SESSION

A-1 Closed Session Announcement – City Attorney

A-2 Closed Session Pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

Position: City Attorney

A-3 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. Subdivision (a) of Government Code Section 54956.9.

Names of cases:

1. *Torres v. City of Madera, USDC Case No. CIV F 02-06385.*
2. *Dale Waun and Leroy Wood dba D&L Storage v. City of Madera, Madera Superior Court Case No. MCV039392.*

3. *Zacharia v. City of Madera, USDC Case No. 1:06-CV00892.*
4. *Melom v. City of Madera, Case No. MCV037258.*
5. *Moore v. Sheklianian, Case No. 1:07-CV1493*
6. *Fredrick Lee v. City of Madera, Case No. CIV-F-04-5607*
7. *Ricardo Reyes v. City of Glendale, Case No. CV 05 0253*
8. *Anthony Slama v. City of Madera, Case No. 1:08-CV810*
9. *Stanley Clarke v. City of Madera, Case No. CV-F-07-1806*
10. *California Redevelopment Association v. Michael Ginest
Case No. 34-2008-00028334-CU-WM-GDS*
11. *John Justin James v. Shant Sheklianian, et al.
Case no. 1:08-CV-01943-OWW- GSA*

A-4 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 in 13 cases

A-5 CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One case: City of Madera v. Progressive Auto Insurance

A-6 Closed Session Report – City Attorney

B. CONSENT CALENDAR

B-1 Minutes – December 17, 2008

B-2 Informational Only – Warrant Disbursement Report

B-3 Second Reading for Adoption of an Ordinance Amending Section 5.104 of Chapter 3 of Title X of the Madera Municipal Code to Add Subsection C Pertaining to Special Needs Housing (Report by David Randall)

B-4 Second Reading for Adoption of an Ordinance Amending Section Map 11a of the Zoning Maps of Chapter 3 of Title X of the Madera Municipal Code to Rezone Approximately 8.8 Acres from R1 (Residential) to the PD2000 (Planned Development) Zone District, Located on the Northeast Corner of Stadium Road and Pecan Avenue (Report by David Randall)

B-5 Second Reading for Adoption of an Ordinance Adding Section 10-3.1312 and Amending Section 10-3.505(A) of the Madera Municipal Code to Require a Conditional Use Permit for Large Family Day Care Homes Serving Not More than Fourteen Children (Report by David Randall)

B-6 Consideration of a Resolution Approving Amendment No. 1 to Agreement (Schnoor/Howard Intersection Upgrade) with Lars Andersen & Associates Inc. for Professional Civil Engineering Services Relating to the Construction of Median Island

Improvements at Industrial & Schnoor Avenues and Authorizing the Mayor to Execute the Agreement on Behalf of the City

And

Consideration of a Resolution Amending the FY 2008/09 Annual Budget to Transfer Funds in the Amount of \$38,000 from Account No. 9139-5090, Miscellaneous Concrete Projects to Account No. 9139-5078, Median Island Landscaping (Report by Matt Bullis)

- B-7 Consideration of a Resolution Approving an Increase to Refuse Collection Service Charges and Repealing Resolution No. 08-12 and All Resolutions in Conflict Therewith (Report by Matt Bullis)
- B-8 Emergency Repair to Water Well at Madera Municipal Golf Course (Report by Michael McHatten)
- B-9 Consideration of a Resolution Approving a Cooperative Agreement with the State of California (CALTRANS) for Construction and Construction Services on the Ellis Street/Avenue 16 Overcrossing at SR99 Improvement Project (Report by Keith Helmuth)
- B-10 Consideration of a Resolution Approving a Cooperative Agreement with the State of California (CALTRANS) for Project Development Services for the Fourth Street Bridge Widening at SR 99 Project (Report by Keith Helmuth)
- B-11 Consideration of Introduction of an Ordinance of the City Council of the City of Madera, California Amending Section 01 of Chapter 1 of Title IX of the Madera Municipal Code Pertaining to the Adoption of Building Regulations (Report by Brent Richardson)
- B-12 Consideration of a Resolution Approving Reimbursement/Improvement Agreement for El Pollo Feliz Restaurant (Report by Keith Helmuth)
- B-13 Consideration of a Minute Order Acceptance of the Replacement of Curb and Gutter on Sassafras Drive Project No. ST 08-09 (Report by Keith Helmuth)
- B-14 Consideration of a Resolution Approving Recommended Reclassifications, Amending the City of Madera Classification Plan and Setting the Rate of Compensation for Certain Classifications of the City of Madera (Report by Wendy Silva)
- B-15 Consideration of a Resolution Accepting Improvements in the Commons at Madera Fair Subdivision (Report by Keith Helmuth)

C. HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENT

- C-1 Consideration of an Appeal to the Planning Commission's Denial of a Requested Amendment to the Conditions of Approval for the Pond Place Tentative Subdivision Map (TSM 2004-11) for Relief of Undergrounding Requirements. (Report by David Randall)

D. WRITTEN COMMUNICATIONS

- D-1 Presentation on Economic Benefits of Preschool in Madera County (Chinayera Black, First 5 and Dana True, Madera County Office of Education)

E. ADMINISTRATIVE REPORTS

- E-1 Administrative Report and Request for Council Direction Relating to Compensation Survey Comparable Cities and Benchmark Classifications (Report by Wendy Silva)
- E-2 Request for Direction Regarding the Community Action Partnership of Madera County's Request for \$7,000 for the Zero Gravity Skate Park

And

Consideration of a Resolution Approving Payment of \$7,000 to the Community Action Partnership of Madera County to Help Support Programming at the Zero Gravity Skate Park (Report by Mary Anne Seay)

- E-3 Request for Direction Regarding Underground Utility District #13 (Report by Mary Anne Seay)

F. COUNCIL REPORTS

- F-1 Appointment to Special City Selection Committee of the San Joaquin Valley Air Pollution Control District (Mayor Armentrout)
- F-2 Schedule date for Sustainability Summit (Mayor Armentrout)

ADJOURNMENT

- ***The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests 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.***
- ***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.***
- ***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 City Council Agenda for the Regular Meeting of January 7, 2009, near the front entrances of City Hall at 3:00 p.m. on January 2, 2009.

SONIA ALVAREZ, City Clerk