



**September 12, 2011 Agenda**  
**Regular Joint City Council/★ Redevelopment Agency Meeting**  
**130 S Second St., Civic Center Plaza, Chowchilla**  
**6:00 PM Closed Session - 7:00 PM Open Session**

**CALL TO ORDER**

**ROLL CALL:** Mayor/Chairman: ALEXANDER  
Mayor Pro Tem/Vice Chair: JACKSON  
Council/Board Members: HAWORTH, HEBERT, KOPSHEVER

**City staff and contract employees present at the meeting will be noted in the minutes.**

**PUBLIC ADDRESS – CLOSED SESSION ITEMS**

The City Council will call the meeting to order and conduct the roll call. Council will immediately convene into closed session after hearing any public comment on Closed Session. At 7:00pm the Council will recess into Open Session and then resume Closed Session at the end of the meeting to address outstanding items.

**6:00 pm CLOSED SESSION**

**1. Conference with Legal Counsel – Existing Litigation, Gov Code Section 54956.9 (a)**

Number of Cases: 10

Chowchilla District Historical Society v. City of Chowchilla  
Madera County Superior Court Case Number MCV-045680

Chowchilla v. Robinson  
5th Appellate District, F059608

Scott P. Jones v. Chowchilla,  
Madera County Superior Court Case Number MCV043984

Chowchilla v. Antenucci's, et al  
Madera County Superior Court Case Number MCV053394

Chowchilla v. Nancy Red, et al  
Madera County Superior Court Case Number MCV056044

Chowchilla v. MJM Real Estate Investments  
Madera County Superior Court Case Number MCV047272

Chowchilla v. Kaanapali Court Ventures  
Madera County Superior Court Case Number MCV047275

Chowchilla v. WPD Homes  
Madera County Superior Court Case Number MCV047273

Chowchilla v. William C. McClure  
Madera County Superior Court Case Number MCV047276

Chowchilla v. California Greenhills Inc.  
Madera County Superior Court Case Number MCV047841

- 2. **Conference with Legal Counsel - Anticipated Litigation, Gov Code Section 54956.9 (b)**  
 Potential litigation pursuant to subdivision (b) of section 54956.9:  
 Number of cases: 5
  
- 3. **Conference with Legal Counsel - Anticipated Litigation, Gov Code Section 54956.9 (c)**  
 Initiation of litigation pursuant to subdivision (c) of section 54956.9:  
 Number of cases: 1

In the event that not all the items on the closed session agenda have been deliberated in the time provided, the City Council may continue the closed session until the end of the regularly scheduled Council Meeting.

**7:00 pm OPEN SESSION**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**CLOSED SESSION REPORT:**

**CEREMONIAL/PRESENTATIONS**

**PUBLIC ADDRESS**

This time is reserved for members of the audience to address the City Council/Agency Board on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council/Agency Board. It is recommended that speakers limit their comments to between 3 to 5 minutes each 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/Agency Board on items on the Agenda should notify the Mayor/Chairman when that Agenda item is called. The Council/Agency Board 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/Agency Board does not respond to public comment at this time. Speakers are asked to please use the microphone, and provide their name and address. Prior to addressing the Council/Agency Board, any handouts to be provided to City Clerk/Board Clerk who will distribute to Council/Agency Board and appropriate staff.

**COUNCIL AND STAFF REPORTS – Section 2**

- 2.1: **COUNCIL REPORTS:** Legislative Items:  
 Oral / Written Reports:
  
- 2.2: **COLLABORATIVE AGENCY COMMITTEE UPDATES:** Oral / Written Reports:
  
- 2.3: **STAFF REPORTS:** Written/Oral Reports:
  - a. Airport Committee Member Alfred Hansen – Airport Update (Turner)

*Items denoted with a ★ are RDA items and will be acted upon by the Redevelopment Agency Board. Agendas for all City Council/RDA meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than seven (7) days prior to the meeting date. The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 705 at least 4 days prior to the meeting.*

**CONSENT CALENDAR - Section 3**

- 3.1: Consideration of Minutes of the Joint Council/Redevelopment Agency Meeting of August 8, 2011 (Black)
- 3.2: Consideration of Monthly Check Listing for General Payments and Payroll (Padilla)
- 3.3: Consideration of a Resolution Approving the Equal Opportunities Policies and Procedures Manual for the HOME Project (Padilla)
- 3.4:★ Consideration of Ratification Enforceable Obligation Payment Schedule Drafted Pursuant to ABX26 (Ebersole)
- 3.5: Consideration of Modification to Lease Agreement with Madera County for Old City Hall (Lewis)
- 3.6: Consideration of Resolution # -11 Amending Approved City Salary Scale to Include Additional Budgeted Job Classification (Black)
- 3.7: Consideration of Amendment to the Continuing Disclosure Agreement for 2005 Civic Center Bond (Padilla)
- 3.8: Authorization of CPS Test Rental and Use Agreement (Black)
- 3.9: Consideration of Allowing Lions Club to Host a Boat Show/Regatta/Poker Run Event at Berenda Reservoir on September 24, 2011 (Turner/Haupt)

**PUBLIC HEARINGS – Section 4**

None

**DEFERRED BUSINESS – Section 5**

None

**NEW BUSINESS – Section 6**

- 6.1: Consideration of a Memorandum of Understanding for a Development that could Potentially Create Commercial/Entertainment/Industrial Complex (Lewis)
- 6.2: Consideration Award of Bid for the Washington Road Project (Turner)
  - a. Consideration of a Resolution Waiving Bid Irregularities and Awarding a Contract to Emmet Valley Construction for the Washington Road Widening and Reconstruction Project
  - b. Consideration of a Resolution Authorizing a Budget Amendment for Measure T and LTF Funds to Finance the Additional Costs of the Washington Road Project
- 6.3: Consideration of Resolution # -11 Changing the Council Meeting from Every Second and Fourth Monday to Every Second and Fourth Tuesday at 7:00 PM (Ebersole/Lewis)
- 6.4: Budget Report for July and August (Padilla)

- 6.5: Consideration of an Agreement with PG&E Retro Fit Existing Street Lights (Padilla)
- 6.6: Review of Draft Letter of Comments of the Draft EIR/EIS for the High Speed Rail Project from the City of Chowchilla (Lewis)

**ANNOUNCEMENTS – Section 7**

- Sept 14 Chowchilla District Chamber of Commerce Board Meeting, Civic Center, 12:00 PM
- Sept 14 High Speed Rail Public Hearing, Merced Community Senior Center, 3:00 PM - 8:00 PM
- Sept 15 High Speed Rail Public Hearing, Madera City Hall, Council Chambers, 3:00 PM - 8:00 PM
- Sept 16 City Offices, with the exception of Public Safety, will be closed
- Sept 21 Planning Commission Meeting, Chowchilla Civic Center, 7:00 PM
- Sept 23 Furlough Day, City Offices Closed
- Sept 26 City Council Meeting, Civic Center, 7PM
- Sept 30 City Offices, with the exception of Public Safety, will be closed

**ADJOURNMENT**

*NOTICE: Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before or during consideration of the item. Those wishing to address Council on an item shall be limited to between 3-5 minutes and if a large group, the Mayor may request that individuals provide only new information not presented by another person.*

**PUBLIC NOTIFICATION**

I, Cindy Black, Chief Deputy City Clerk for the City of Chowchilla, declare under penalty of perjury that I posted the above City Council/RDA Agenda for the meeting of September 12, 2011 at Civic Center, 130 S Second St., Civic Center Plaza, on September 08, 2011 at 5:00 pm.

  
 Cindy Black, Chief Deputy City Clerk



**September 12, 2011 Fact Sheet**  
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**2. Conference with Legal Counsel - Anticipated Litigation, Gov Code Section 54956.9 (b)**

Potential litigation pursuant to subdivision (b) of section 54956.9:

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**3. Conference with Legal Counsel - Anticipated Litigation, Gov Code Section 54956.9 (c)**

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**7:00 pm OPEN SESSION****INVOCATION:****PLEDGE OF ALLEGIANCE:****CLOSED SESSION REPORT:****CEREMONIAL/PRESENTATIONS****PUBLIC ADDRESS**

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- 2.3: STAFF REPORTS:** Written/Oral Reports:
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**CONSENT CALENDAR - Section 3**

3.1: **Consideration of Minutes of the Joint Council/Redevelopment Agency Meeting of August 8, 2011 (Black) Page 1**

3.2: **Consideration of Monthly Check Listing for General Payments and Payroll (Padilla) Page 7**  
Presented are the lists of checks that are awaiting Council approval to be released.

Enclosures: Check and Direct Deposit Listings.

3.3: **Consideration of a Resolution Approving the Equal Opportunities Policies and Procedures Manual for the HOME Project (Padilla) Page 23**

The City is participating in a 2010 HOME project which will result in the construction of 60 units of affordable rental housing as Phase II of the Shasta Villas/Shasta Court project. As part of the HOME program requirements for this project, the City is required to adopt the Equal Opportunities Policies and Procedures so that they will apply to the construction and rental of the completed units.

Enclosures: Equal Opportunities Policy and Procedure Manual  
Resolution

3.4: **★ Consideration of Ratification Enforceable Obligation Payment Schedule Drafted Pursuant to ABX26 (Ebersole) Page 34**

As part of the 2011-12 State budget bill, the California Legislature enacted and the Governor signed, companion bills Assembly Bill 1X 26 ("AB 1X 26") and Assembly Bill 1X 27 ("AB 1X 27"), requiring, among other things, that each redevelopment agency be dissolved unless the city that created it enacts an ordinance committing it to making certain payments.

Enclosures: Resolution

3.5: **Consideration of Modification to Lease Agreement with Madera County for Old City Hall (Lewis)**

The City of Chowchilla currently leases the rear portion of the old City Hall building to Madera County Social Services. On June 13, 2011, the City Council approved a lease modification with the County for Social Services to expand their lease to the entire building. The County is asking that the City modify that lease to change the escalation clause of the proposed lease so that it is based upon CPI and not a fixed rate. Page 38

Enclosures: Prior staff report and new lease agreement.

3.6: **Consideration of Resolution # -11 Amending Approved City Salary Scale to Include Additional Budgeted Job Classification (Black) Page 45**

As part of the City's 2011/12 budget, job classifications have been added or updated per the needs of the City. These positions and changes have been included in the 2011/12 budget and need to be included in the Salary Scale for final personnel action. The position to be added includes Community Relations Manager. This is a clean-up item.

Enclosures: Resolution with exhibit A  
Job Description

3.7: **Consideration of Amendment to the Continuing Disclosure Agreement for 2005 Civic Center Bond (Padilla) Page 52**

When the City issued the 2005 Civic Center Bond, it utilized the Chowchilla Public Financing Authority to execute the lease agreement and authorize the debt issuance. As part of the required documentation, a disclosure agreement was prepared that outlines the items that are to be called out to the bondholders and provides for minimum reporting disclosures that are to be made annually.

Staff discovered that the original Disclosure Agreement was based on a boiler plate document which had been prepared by legal counsel for another debt issue. The presented revised document was prepared to correct all of the prior errors and omissions of the original agreement.

- Enclosures: A copy of the revised agreement showing the original text and the revised text using strikeout font to show the changes.
- A clean copy of the revised agreement.
- Resolution

**3.8: Authorization of CPS Test Rental and Use Agreement (Black) Page 71**

CPS is a useful tool to help public agency's recruitment testing needs. They offer stock examinations for a variety of positions.

- Enclosures: Agreement for services
- Resolution

**3.9: Consideration of Allowing Lions Club to Host a Boat Show/Regatta/Poker Run Event at Berenda Reservoir on September 24, 2011 (Turner/Haupt) Page 81**

Conditioned upon the approval of the Chowchilla Water District, staff recommends Council authorize the Lions Club to conduct a Boat Show, Regatta & Poker Run Event at Berenda Reservoir on September 24, 2011. The Lions Club will also enter into a Memorandum of Understanding with the City of Chowchilla.

- Enclosures: Memorandum of Understanding

**PUBLIC HEARINGS – Section 4**

None

**DEFERRED BUSINESS – Section 5**

None

**NEW BUSINESS – Section 6**

**6.1: Consideration of a Memorandum of Understanding for a Development that could Potentially Create Commercial/Entertainment/Industrial Complex (Lewis) Page 85**

For some time the City has been considering the development of land along the 99/152 highway corridor. Those development concepts were included in the recently adopted general plan by the City Council. It has been the City Council's plan to develop a strong job base along the City's freeway frontage. The City Council's number one goal over has been working to bring jobs into the community that has been particular hard hit by the recession.

Staff recommends for the City Council to approve the Memorandum of understanding between CHWCD, INC. and the City of Chowchilla for the annexation and development of 580 areas of land along the 99/152 corridor.

- Enclosures: Exhibits A-F
- Memorandum of Understanding

**6.2: Consideration Award of Bid for the Washington Road Project (Turner) Page 97**

- a. **Consideration of a Resolution Waiving Bid Irregularities and Awarding a Contract to Emmet Valley Construction for the Washington Road Widening and Reconstruction Project**
- b. **Consideration of a Resolution Authorizing a Budget Amendment for Measure T and LTF Funds to Finance the Additional Costs of the Washington Road Project**

In the City's planning process and expected growth, the City Engineer had developed a realignment plan for the Washington Road/ Robertson Blvd intersection to provide a right angle approach to the intersection. Included in that plan is the proposed signalization of this intersection. With the slow down and depressed economy this plan was put on hold until a funding source became available to complete the project.

The City was awarded \$357,259.00 in ARRA funds to complete any shelf ready projects. Staff first was considering a storm drainage project and found the Washington Road project would benefit the City better at this time. Staff worked with the City Engineer to split the Washington Road Realignment project to fit the available ARRA funding.

Enclosures: Resolutions (2)

**6.3: Consideration of Resolution # -11 Changing the Council Meeting from Every Second and Fourth Monday to Every Second and Fourth Tuesday at 7:00 PM (Ebersole/Lewis) Page 103**

Staff has received a request to move the regular meetings of the Chowchilla City Council from the second and fourth Monday of every month to the second and fourth Tuesday of each month.

A benefit of this change would be that the members of the Council would have additional time to consider their agenda packet material before each City Council meeting. Another potential benefit of the proposed change would be that staff would have a better opportunity to timely make any potential agenda corrections by virtue of the presence of a work day preceding the City Council meeting date.

Enclosures: Resolution

**6.4: Budget Report for July and August (Padilla) Page 106**

Staff will be presenting a financial report each month that reflects the prior month's financial activity. The report presented reflects revenues and expenses through the month of August. Until the FY 10-11 financial records are closed, the report will reflect information for that year as well. The City's website carries the detail report that has been prepared shown year-to-date information for July – August 2011 and details for last year as well. A summarized report will be prepared and presented during the City Council meeting.

Enclosures: None, the detail report is available on the City's website due to its length

**6.5: Consideration of an Agreement with PG&E Retro Fit Existing Street Lights (Padilla) Page 107**

Pacific Gas & Electric has offered the City the chance to retrofit a portion of its street lights from high pressure sodium to light-emitting diodes (LEDs). Over time this provides the City with the opportunity to lower its energy costs while also being able to retrofit the wiring from copper to aluminum in order to deter future wire thefts.

Enclosures: Proposed Agreement  
Resolution

**6.6: Review of Draft Letter of Comments of the Draft EIR/EIS for the High Speed Rail Project from the City of Chowchilla (Lewis) Page 122**

The High Speed Rail Authority Issued their Draft EIR/EIS for the High Speed Rail Project, comments from the public and affected parties, official comments related the document are due not later than October 13, 2011. For consideration is staff's draft comments related to their document, staff requests Council review the comments and give staff direction related to any amendments or changes to the proposed letter. Staff plans to place this item back on the agenda for September 26, 2011 Council meeting for final consideration.

Enclosures: Draft comments to HSRA

### ANNOUNCEMENTS – Section 7

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