

July 26, 2010 Minutes
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: Kopshever
Mayor Pro Tem/Vice Chair: Alexander
Council/Board Members: Chavez, Haworth, White

City staff and contract employees present: Acting City Administrator/Police Chief Jay Varney, Assistant City Administrator/Finance Director Wayne Padilla, Fire Chief/Interim Deputy Director of Public Services Harry Turner, Acting City Clerk Cindy Black, Contract Attorney Neal Costanzo.

PUBLIC ADDRESS – CLOSED SESSION ITEMS

None.

6:00 pm CLOSED SESSION

- 1: **Conference with Legal Counsel - Pending Litigation, Gov. Code Section 54956 (a)**
Name of Case: Chowchilla Historical Society vs. City of Chowchilla
- 2: **Conference with Legal Counsel - Pending Litigation, Gov. Code Section 54956 (a)**
Name of Case: Robinson vs. City of Chowchilla
- 3: **Conference with Legal Counsel - Pending Litigation, Gov. Code Section 54956 (a)**
Name of Case: City of Chowchilla vs. Rabon
- 4: **Conference with Legal Counsel – Anticipated Litigation, Gov. Code Section 54956.9 (b)**
Number of Cases: 7
- 5: **Public Employee Evaluation, Gov. Code Section 54957**
Position: All Public Employees, City Attorney

7:00 pm OPEN SESSION

INVOCATION: Pastor Walker
PLEDGE OF ALLEGIANCE: Councilman Haworth
CLOSED SESSION REPORT: Meeting of 07/12/2010: No reportable action.

CEREMONIAL/PRESENTATIONS

None.

PUBLIC ADDRESS

Joyce Costa, 404 Riverside, spoke about the contribution FMAS (Friends of Madera Animal Shelter) has made to the animal shelter.

COUNCIL AND STAFF REPORTS – Section 2

- 2.1: COUNCIL REPORTS:** Legislative Items:
Oral / Written Reports:

Councilman White shared the incident that occurred on an Oakland highway where a man was pulled over for erratic driving. When pulled over, he shot at officers. Justin noted that this man, Mr. Williams, was involved in the 2002 bank robbery in Chowchilla. Councilman White was advocating the city's public safety, as this shoot-out could have occurred when Mr. Williams robbed the local bank back in 2002.

Mayor Pro Tem Alexander congratulated the Junior Little League in their win against Tuolumne County. He also congratulated the Redfins for their participation at the meet in Dos Palos.

- 2.2: AD HOC/COMMITTEE UPDATES:** Oral / Written Reports:

- 2.3: STAFF REPORTS:** Written/Oral Reports:

CONSENT CALENDAR - Section 3

- 3.1: Consideration of Minutes of the Regular Joint Council/Redevelopment Agency Meetings of July 19, 2010 (Black)**
- 3.2: Consideration of MOU Regarding City of Chowchilla Underground Utility Rule 20a Project and County of Madera Maintenance District 85-Valetta (Varney)**
- 3.3: Consideration of Approval of Council Resolution # 51-10, Providing Workers' Compensation Coverage for Certain City Volunteers (Varney)**
- 3.4: Consider a Resolution # 52-10, Requesting the Madera County Board of Supervisors to Permit the Madera County Clerk to Render Specified Services to the City of Chowchilla Relating to the Conduct of Municipal Elections (Black)**

Acting City Administrator Varney requested item 3.2 to be moved to New Business item 6.4.

Motion by Councilman White, seconded by Mayor Pro Tem Alexander, to approve the Consent Calendar as amended, including Council Resolution #51-10 and #52-10. Motion passed unanimously by roll call vote.

PUBLIC HEARINGS – Section 4

- 4.1: Consideration and Necessary Action on Resolution #53-10 Extending by One Year Ordinance No.'s 453-09 and 454-09, an Urgency Ordinance of the City Council of the City of Chowchilla Adding Section 080 of Chapter 3 of Title 18 of the Chowchilla Municipal Code Prohibiting Uses Related to Dispensation, Cultivation, Sale or Use of Medical Marijuana (Costanzo)**

Motion by Councilman White, seconded by Mayor Pro Tem Alexander, to approve Council Resolution #53-10, Extending by One Year Ordinance No.'s 453-09 and 454-09, an Urgency Ordinance of the City Council of the City of Chowchilla Adding Section 080 of Chapter 3 of Title 18 of the Chowchilla Municipal Code Prohibiting Uses Related to Dispensation, Cultivation, Sale or Use of Medical Marijuana. Motion passed unanimously by roll call vote.

- 4.2: Annual review of the Community Development Block Grant (CDBG) Housing Rehabilitation programs for 08-STBG-4783, Revolving Loan Account Program Income Grantee Performance Report (GPR), Citizen input for possible 2011 CDBG funded activities, and Possible Homebuyer & Rehabilitation Participation Guideline Revisions; Review of 07 and 08 EDEF Business Loan Programs (Padilla)

Motion by Councilman White, seconded by Mayor Pro Tem Alexander, to approve the Annual review of the Community Development Block Grant (CDBG) Housing Rehabilitation programs for 08-STBG-4783, Revolving Loan Account Program Income Grantee Performance Report (GPR), Citizen input for possible 2011 CDBG funded activities, and Possible Homebuyer & Rehabilitation Participation Guideline Revisions; Review of 07 and 08 EDEF Business Loan Programs. Motion passed by voice vote.

DEFERRED BUSINESS – Section 5

- 5.1: Continued Discussion of the FY 2010-2011 Budget and Cost Reduction Alternatives (Padilla)

Charles Scott, 1576 Roosevelt Drive, Richard Hunter, 537 Elm, Jeff Palmer, 1534 Roosevelt Drive, Misti Sanders, 6110 Del Monte Court, Marty Shugart, 611 Grant Drive, Dave Riviere, 637 Grant Drive all spoke in opposition of Chowchilla Police Department staff reduction.

Motion by Councilman Haworth, seconded by Councilman White, to approve budget reduction line item #26 (Council giving back their salary for 10 months) and remove budget reduction line item #18 (PD combining dispatch with Madera Sheriff's Office/either direction). Motion passed by roll call vote, with Mayor Kopshever voting "No".

NEW BUSINESS – Section 6

- 6.1: Consideration of a Resolution #54-10 Making Findings of Fact and Authorizing Certain Actions Regarding Sublease/Option Agreement #00-023A between Municipal Finance Corporation and City of Chowchilla, as Modified in Connection with the Sub-Assignment Dated June 1, 2005 (Modified Sublease 00-023A); and

Motion by Mayor Pro Tem Alexander, seconded by Councilman White, to approve Council Resolution #54-10, Making Findings of Fact and Authorizing Certain Actions Regarding Sublease/Option Agreement #00-023A between Municipal Finance Corporation and City of Chowchilla, as Modified in Connection with the Sub-Assignment Dated June 1, 2005 (Modified Sublease 00-023A)

Consideration of a Resolution #55-10 Amending the Fiscal Year 2010-2011 Interim General Fund Budget to Liquidate the Appropriation Representing the City's Next Sublease Payment Due under Modified Sublease 00-023A (Padilla)

Dan Flanagan, 7400 Ave 18 ½ commented on this item, noting that banks are being very flexible therefore ask for a three-year deferral instead of a two-year deferral.

Motion by Mayor Pro Tem Alexander, seconded by Councilman White, to approve Council Resolution #55-10, Amending the Fiscal Year 2010-2011 Interim General Fund Budget to Liquidate the Appropriation Representing the City's Next Sublease Payment Due under Modified Sublease 00-023A

- 6.2: Consideration of a Resolution #56-10 of the City Council of the City of Chowchilla Approving an Agreement with the Madera County Economic Development Corporation for the Administration of the Community Development Block Grant Business Revolving Loan Account Program; and

Motion by Councilman White, seconded by Mayor Pro Tem Alexander, to approve Council Resolution #56-10, Approving an Agreement with the Madera County Economic Development Corporation for the Administration of the Community Development Black Grant Business Revolving Loan Account Program. Motion passed unanimously by roll call vote.

- ★ Consideration of a Resolution #10-10 of the Board of the Chowchilla Redevelopment Agency Approving an Agreement with the Madera County Economic Development Corporation for the Administration of the Agency's Business Revolving Loan Account and Other Business Development Programs (Padilla)

Motion by Co-Chair Alexander, seconded by Board Member White, to approve RDA Resolution #10-10, Approving an Agreement with the Madera County Economic Development Corporation for the Administration of the Agency's Business Revolving Loan Account and Other Business Development Programs. Motion passed unanimously by roll call vote.

- 6.3: Consideration of a Resolution #57-10 Authorizing the Submission of an Application to the State of California Department of Housing and Community Development for Designation of the Madera County Enterprise Zone (Padilla)

Jackie Flanagan, 7400 Ave 18 ½ , Chamber Manager, offered a letter of support if needed to assist in the grant application process.

Motion by Mayor Pro Tem Alexander, seconded by Councilman White, to approve Council Resolution #57-10, Authorizing the Submission of an Application to the State of California Department of Housing and Community Development for Designation of the Madera County Enterprise Zone. Motion passed unanimously by roll call vote.

- 6.4: Consideration of MOU Regarding City of Chowchilla Underground Utility Rule 20a Project and County of Madera Maintenance District 85-Valetta (Varney)

There was a simple oversight in the MOU between the County and City regarding the exclusion of Underground Utility District 5 (Valeta)

Underground Utility District 4 is defined as the alleyway between Robertson & Kings, between Fourth and Ninth Streets. Underground Utility District 5 is defined as the alleyway between Trinity and Robertson, between Second and Eighth Streets.

The only requirement in the agreement is to amend the water and sewer master plans to include the MD85 Valeta Water District. In the future, when that area is developed, whoever develops that area will be required to install the underground utility infrastructure with no cost to the City.

Attorney Costanzo's recommendation is to correct the omission of "Underground Utility District 5" by interlineations; where the MOU states "District 4" edit it and note "5" and where it states "Trinity" note "Kings" and initial all edits. After it is corrected, the MOU will be delivered to Road Commissioner Johannes Hovertsz at the Madera County Resource Management Agency Road Department.

Motion by Councilman White, seconded by Mayor Pro Tem Alexander, to approve an MOU with edits regarding City of Chowchilla Underground Utility Rule 20a Project and County of Madera Maintenance District 85-Valetta. Motion passed unanimously by roll call vote.

ANNOUNCEMENTS – Section 7

Aug 6 Furlough Friday, City Offices Closed
 Aug 9 Council/RDA Meeting, Civic Center, 6PM Closed, 7PM Open Session
 Aug 11 Chowchilla District Chamber of Commerce Board Meeting, Civic Center, 12pm
 Aug 12-16 Vietnam Moving Wall Display, Veterans Memorial Park, 600 W. Robertson Blvd
 Aug 13 City of Chowchilla Parks & Recreation's 21st Annual Community Block Party, Sports & Leisure Park, 5:30 PM - 9:30 PM
 Aug 13 City Offices, except Public Safety, will be closed every Friday during August 2010
 Aug 18 Planning Commission Meeting, Civic Center, 7:00 PM
 Aug 20 Furlough Friday, City Offices Closed
 Aug 21 Community Volunteer Clean-Up Day, Veterans Memorial Park, 8:30 AM
 Aug 21 Chowchilla Fairgrounds E-Cycle Event, Chowchilla Fairgrounds, 9:00 PM - 12:00 PM
 Aug 23 Council/RDA Meeting, Civic Center, 6PM Closed, 7PM Open Session
 Aug 27 City Offices, except Public Safety, will be closed every Friday during August 2010

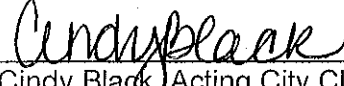
CLOSED SESSION – Continued if Necessary

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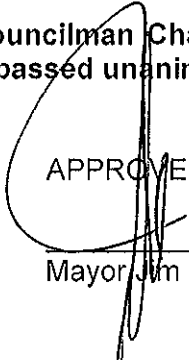
ADJOURNMENT

Motion by Mayor Pro Tem, seconded by Councilman Chavez, to adjourn the Joint City Council/RDA Meeting of July 26, 2010 at 9:55 p.m. Motion passed unanimously by voice vote.

ATTEST:


Cindy Black, Acting City Clerk

APPROVED:


Mayor Jim Kopshever