



Minutes
Joint City Council/ * Redevelopment Agency Meeting
130 S Second St., Civic Center Plaza, Chowchilla
September 14, 2009
6:00 PM Closed Session - 7:00 PM Open Session

MEETING WAS CONVENED IN MEMORY OF JIM DUMAS

CALL TO ORDER
ROLL CALL:

6:00pm
Mayor/Chairman: White
Mayor Pro Tem/Vice Chair: Kopshever
Council/Board Members: Alexander, Chavez, Haworth

City staff and contract employees present at the meeting: Acting City Administrator/Chief of Police Jay Varney, Acting City Clerk Rebekah Barr, Asst. City Administrator Wayne Padilla, Parks & Rec. Director Marty Piepenbrok, Fire Chief Harry Turner, Senior Planner Leona James, Contract Planner Tom Skinner, Contract Engineer Mike Giersch and Contract Attorney Neal Costanzo.

The City Council will call the meeting to order and conduct the roll call. Council will immediately convene into closed session. Any outstanding items at 7:00pm the Council will recess into Open Session and then resume Closed Session at the end of the meeting.

6:00 pm CLOSED SESSION

- 1: **Conference with Legal Counsel – Anticipated Litigation, Gov. Code Section 54956.9 (c)**
Number of Cases: 1
- 2: **Conference with Legal Counsel – Existing Litigation, Gov. Code Section 54956.9 (a)**
Name of Case: Robinson
- 3: **Public Employee Appointment/Employment, Gov. Code Section 54957**
Position: All City Employees

7:00 pm OPEN SESSION

- INVOCATION:** Pastor Walker
- PLEDGE OF ALLEGIANCE:** Fire Chief Turner
- CLOSED SESSION REPORT:** Attorney Costanzo reported the following action:
- Meeting of 8/24/2009 - No reportable action.

CEREMONIAL/PRESENTATIONS

- 1: **Acknowledgement of Chowchilla Boy Scouts Troop 127 for their Efforts at Berenda Reservoir in the 2009 Season**

Mayor Pro Tem Kopshever presented a plaque to the Boy Scout Troop and thanked them for their efforts and assistance.

PUBLIC ADDRESS - Section 1

Richard Harriman, addressed the Council regarding the Go Dogs LLC application for an RDA loan. He requested that Staff provide a brief report on what the status of this application was and that the Council consider adding the item for consideration to the meeting's agenda.

Jack Boyett, 1529 Hoover, addressed the Council regarding Vinny's Place and requested that the Conditional Use Permit be revoked as the usage has not been what was promised when his application was reconsidered.

COUNCIL AND STAFF REPORTS – Section 2

2.1: COUNCIL REPORTS: Legislative Items: None
Oral / Written Reports:

Mayor Pro Tem Kopshever attended budget and management ad hoc meetings.

Council Member Alexander attended the MCEDC meeting, a grand opening for Dr. Nomicos, the Madera Co. Fair grand opening and the opening ceremonies for Varsity Football.

Council Member Chavez attended the Chamber off Commerce Car Show.

Mayor White attended the Madera Co Fair grand opening and the opening ceremonies for Varsity Football.

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

2.3: STAFF REPORTS: Oral / Written Reports:

Richard Harriman requested that Council consider provide a resolution of intent for Antenucci's; however Attorney Costanzo counseled against the request without the proper documentation.

- General Plan: Planner Skinner briefly reported on environmental impacts, land use changes, housing element. A new daft review of the document should be available shortly.
- Donation of Hydro Seeding - Lot at Corner of Front Street & Robertson Blvd (Turner)

Acting Administrator Varney requested that Item 3.6 be pulled from the Agenda for future consideration when other entities have been identified that will be part of the agreement.

Interim Public Works Director Turner stated that a local business owner had offered to donate the service of hydro seeding the lot on which the Dodge Bros Building was located. He noted that the Parks Department had confirmed that the impact to their department would be insignificant. The costs would be in watering the area. He requested consensus from the Council as to whether they wanted to move forward or not.

It was the consensus of the Council to move forward with the hydro seeding of the lot.

CONSENT CALENDAR - Section 3

3.1: Consideration of Minutes of the Regular Joint Council/Redevelopment Agency Meeting of August 24, 2009 (Barr)

3.2: Consideration of General Payments and Payroll for the Month of August 2009 (Padilla)

3.3: Consideration of the Declaration of City Owned Surplus Property (Turner)

3.4: Consideration of Resolution # 75-09 Awarding the Contract for the Sonoma Avenue (7th to 15th) Street Improvement Project CDBG Project No. 04-STBG-1954 to Teichert Construction in the Amount of \$357,973 (Turner)

- 3.5: **Consideration of Resolution #76-09 Approving Acceptance of Land from Chowchilla High School District for Road 16 Storm Drainage Improvement Project (Skinner)**
- 3.6: **Consideration of Resolution #-09 Approving a Memorandum of Understanding for Integrated Regional Water Management in Madera Region (Turner)**
- 3.7: **Consideration of Resolution #77-09 Approving Amendment #2 to the 2008 Agreement with Grover Landscape Services, Inc. (Piepenbrok)**
- 3.8: **Consideration of Resolution #-09 Approving the Adoption and Inclusion of Administrative Policy & Procedures APP-G1 Agenda Procedures Manual and APP-G4 Receipt and Distribution of Tickets and/or Passes in the City Administrative Policy & Procedures Manual (Varney)**
- 3.9: **Consideration of Resolution #78-09 Approving a Purchase Agreement between the City of Chowchilla and County of Madera for the Government Center Building located between First & Second Streets and Trinity Avenue (Varney)**
- 3.10: **Consideration of Resolution #79-09 Establishing the Quarterly Meeting Schedule for the Parks & Recreation Commission Effective with the Meeting of October 20, 2009 (Barr)**
- 3.11: **Consideration of Resolution #80-09 Accepting Proceeds from 2009 K9 Unit Fundraiser (Varney)**

Mayor White asked that Item 3.8 be postponed to the Council meeting of September 28, 2009.

Motion by Mayor Pro Tem Kopshever, seconded by Council Member Haworth to approve the Consent Calendar including Resolutions #76-09, 77-09, 78-09, 79-09 and 80-09 with Item 3.6 and Item 3.8 being pulled from consideration. Motion carried unanimously by roll call vote.

Mr. Yarborough, Yarbs Enterprises, addressed the Council and noted that he was the apparent low bidder on the Sonoma Project and requested that the Council reconsider the action taken.

Lori Frontella, Chowchilla, asked Council to consider that \$10,000 is a lot of money for one piece of paper. She also commented that new bids would now be skewed, since they have been made public and each contractor knows each other's bid.

Max Kremer, Teichert Construction, addressed Council to comment on the bid protest he submitted.

Tom DuBose addressed Council to criticize their actions and asked them to do what is right in this matter.

Motion by Council Member Alexander, seconded by Council Member Haworth, to rescind the action that was taken on Item 3.4 and approved as Resolution 75-09. Motion carried with Mayor Pro Tem Kopshever voting no.

Motion by Mayor Pro Tem Kopshever, seconded by Council Member Haworth, to reject all bids to rebid the project. Motion carried with Council Member Alexander and Council Member Chavez voting no.

| |
|------------------------------------|
| PUBLIC HEARINGS – Section 4 |
|------------------------------------|

- 4.1: **Public Hearing to Consider Interim Urgency Ordinance #454-09 Extending Interim Urgency Ordinance #453-09 Prohibiting Uses Related to Medical Marijuana (Costanzo)**

Mayor White opened and closed the Public Hearing with no public comment.

Motion by Council Member Alexander, seconded by Mayor Pro Tem Kopshever, to approve Interim Urgency Ordinance #454-09 as presented. Motion carried unanimously by roll call vote.

DEFERRED BUSINESS – Section 5

5.1: Consideration of Detail Report on the City of Chowchilla General Fund Budget for 2009/10 Fiscal Year (Padilla)

Budget reports were distributed. Much discussion ensued regarding the budget.

Dan Flanagan, 1500 Robertson, Chamber Director stated that he was aware that the Chamber may have to tough it out if jobs are at stake.

Larry Pistoresi Sr., 420 Ventura, Chamber Director, stated that the Chamber spends it time promoting Chowchilla and indicated operating funds are scarce. He stated that any consideration to keep the Chamber viable would be appreciated.

Lori Frontella, 306 Orange, asked what the service credits referred to are and how those figures were formulated, to which Mr. Padilla explained that it is essentially the amount of reimbursement to the general fund from each account for administrative costs. He said the ratios of cost-sharing were estimates based on past amounts. She asked if this would this make the enterprise funds on the low end even lower and was told that the amounts already reflect the cost.

Ms. Frontella inquired as to whether or not the City could contract with the County for animal control services at a cheaper rate and was informed that no, we could not do it more inexpensively. She asked for an explanation about the Animal Control salary and budget and it was provided.

Norma Frontella, 116 Humboldt, addressed Council to complain about a loose dog in her neighborhood that is not being controlled.

Larry Pistoresi Jr., 1035 Keystone, inquired as to who is paying the rent for the Chamber in the 145 Robertson building and the scenario regarding the County lease was explained to him. He asked about the revenue line item regarding the K-9 donations to inquire if the fundraiser would still be held. Chief Varney explained that the funding line was transferred to a more appropriate account and the fundraiser would still be held.

Motion by Mayor Pro Tem Kopshever, seconded by Council Member Alexander, to approve the budget cuts as amended for the Chamber of Commerce. Motion carried unanimously by roll call vote.

NEW BUSINESS – Section 6

6.1: Consideration of Request for Occupancy of Recreational Vehicle during Reconstruction of Fire Damaged House Located at 1000 Sonoma Avenue (Turner)

Doug Lackey addressed the Council to request occupancy of a recreational vehicle on the property and a sanitation agreement with the City.

Larry Pistoresi, Jr., 921 Ventura, addressed Council to state he has seen an improvement on the property and supports the request.

Motion by Mayor Pro Tem Kopshever, seconded by Council Member Alexander, to approve as the request for occupancy of the recreational vehicle during the reconstruction of the home located at 1000 Sonoma. Motion carried unanimously by voice vote.

*** 6.2: Consideration of Acceptance of the Awning from Mr. Tom DuBose and Utilizing the Awning on another Business in the Downtown Area (Johnstone)**

Motion by Mayor Pro Tem Kopshever, seconded by Council Member Alexander, to approve acceptance of the awning from Mr. DuBose. Motion carried unanimously by voice vote.

ANNOUNCEMENTS – Section 7

Sep 16 Planning Commission Meeting, Civic Center, 7pm - CANCELLED
 Sep 17 Heritage Preservation Commission Meeting, Civic Center, 7pm - CANCELLED
 Sep 18 Chamber of Commerce Golf Tournament, Pheasant Run
 Sep 19 Annual Citywide Clean-up Day
 Sep 21 First 5 Family Resource Center Grand Opening, Fourth & Trinity, 9am
 Airport Committee Meeting, Civic Center, 4pm
 Sep 28 Council/RDA Meeting, Civic Center, 6:00pm

CLOSED SESSION – Continued if Necessary

- 1: **Conference with Legal Counsel – Anticipated Litigation, Gov. Code Section 54956.9 (c)**
 Number of Cases: 1
- 2: **Conference with Legal Counsel – Existing Litigation, Gov. Code Section 54956.9 (a)**
 Name of Case: Robinson
- 3: **Public Employee Appointment/Employment, Gov. Code Section 54957**
 Position: All City Employees

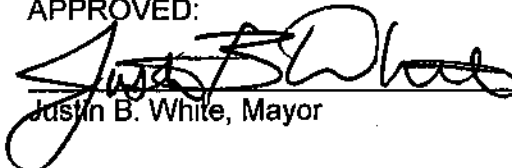
ADJOURNMENT

Motion by Mayor Pro Tem Kopshever, seconded by Council Member Alexander, to adjourn at 9:24 pm. Motion carried unanimously by voice vote. Meeting closed in memory of Jim Dumas.

ATTEST:


 Rebekah Barr, CMC, Acting City Clerk

APPROVED:


 Justin B. White, Mayor