



December 13, 2011 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: ALEXANDER
Mayor Pro Tem/Vice Chair: JACKSON
Council/Board Members: HEBERT, KOPSHEVER
Absent: HAWORTH

City staff and contract employees present: City Administrator Mark Lewis, Assistant City Administrator & Finance Director Wayne Padilla, Fire Chief Harry Turner, PIO Peggy Haupt, Contract Engineer Michael Giersch, Contract Attorney Thomas Ebersole, Secretary II Joann McClendon.

PUBLIC ADDRESS – CLOSED SESSION ITEMS

None.

6:00 pm CLOSED SESSION

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

Number of Cases: 12

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

City of Chowchilla v. California Department of Corrections and Rehabilitation
Madera County Superior Court, Case number MCV-057653

Greenhills Holdings, LP v. City of Chowchilla
Madera County Superior Court, Case number MCV-058019

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: 3

7:00 pm OPEN SESSION

INVOCATION: Assistant City Administrator Padilla

PLEDGE OF ALLEGIANCE: Mayor Alexander

CLOSED SESSION REPORT: No reportable action.

CEREMONIAL/PRESENTATIONS

1. PG&E Presentation

Mary Diebert, PG&E Field Representative, presented the City of Chowchilla a plaque in recognition for participating in the Climate Smart Program. City Administrator Lewis, Asst. City Administrator Padilla, and Fire Chief Turner accepted the plaque on behalf of the City.

PUBLIC ADDRESS

Joyce Costa, 404 Riverside, updated Council regarding the animal shelter. It now has a clothes dryer and she thanked the anonymous person who donated the 220 watt outlet to allow for installation of the dryer. She also thanked Council for their support. She discussed the food donation programs in town and wanted Council to be aware of all of the wonderful volunteers within the City.

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:

Fire Chief Turner reported on the progress of Washington Road project.

CONSENT CALENDAR - Section 3

3.1: Consideration of Minutes of the Joint Council/Redevelopment Agency Meeting of November 8, 2011 (Balkan)

- 3.2: **Acknowledgement of County of Madera Request for Proposals for a Study of Consolidating Dispatch Services for the County of Madera, the City of Madera and the City of Chowchilla (Varney/Turner)**
- 3.3: **Consideration of Monthly Check Listing for General Payments and Payroll (Padilla)**
- 3.4: **Consideration of Council Resolution # 115-11, Development Impact Fee Report (Padilla)**
- 3.5: ★ **Consideration of RDA Resolution # 10-11, Acceptance of Completion of Road 16 Drainage Pond by Piranha Pipe (Turner)**
- 3.6: **Consideration of Council Resolution # 116-11, Authorizing Staff to Submit a Grant Application to San Joaquin Valley Air Pollution Control District for the Purchase of 5 Vehicles (Turner)**
- 3.7: **Staff Report on CalRecycle TDP Grant Project Sports & Leisure Playgrounds – Rubber Bark (Turner/Roman)**
- 3.8: **Consideration of Council Resolution # 117-11 for Amendment No. 2 to Engineering Services Agreement to Washington Rd. Widening and Reconstruction – Maple Ave. to Defender St. (Turner)**
- 3.9: **Adoption of Resolution # 118-11 Accepting 2012 City Annual Calendar (Lewis)**

Regarding item 3.1, Mayor Alexander requested an update concerning the graffiti ordinance. Attorney Ebersole advised that an update concerning a graffiti ordinance should be on the agenda at the January 10, 2012 meeting.

Motion by Council Member Kopshever, seconded by Council Member Hebert to approve the Consent Calendar as presented, including Council Resolutions 115- to 118-11 and RDA Resolution Number 10-11. Motion passed by roll call vote with Council Member Haworth absent.

PUBLIC HEARINGS – Section 4

- 4.1: **Consideration of Council Resolution # 119-11 Amendment to the Parks & Recreation Fee Schedule Related to the Sports Fields Lighting (Haupt)**

PIO Haupt reported that since taking on the P&R Dept files and P&R facility rental billings, she has been keeping record of the PG&E costs within the park areas. After completing an energy consumption analysis, she noticed the fees charged for lighting did not cover the actual cost of providing the lighting.

Mayor Alexander asked if the fee increase information would be relayed to the affiliates. PIO Haupt replied that she already met with the sports groups and they all understood and are expecting the fee increase.

The Mayor opened public hearing. No one came forward for or against this item.

The Mayor closed the public hearing.

Motion by Mayor Pro Tem Jackson, seconded by Council Member Kopshever, to approve Council Resolution 119-11. Motion passed by roll call vote with Council Member Haworth absent.

DEFERRED BUSINESS – Section 5

5.1: Presentation of FY 11-12 Monthly Financial Report – Discussion only (Padilla)

Asst. City Administrator Padilla explained the monthly financial report which shows the budgetary levels of each department within the City. There is a significant improvement in the General Fund due to an increase of tax revenue through Madera County and the City's conservative RDA projections made earlier in the year.

Council Member Kopshever requested that in future reports, he would prefer to have the common name for the accounts instead of account numbers.

NEW BUSINESS – Section 6

6.1: Annexation Review (Lewis)

Council Member Kopshever excused himself from this item due to conflict of interest.

City Administrator Lewis presented this item noting that at this point in time staff is only asking Council to allow the project to proceed. He reviewed the parcels proposed for annexation. He noted that Exhibit E mirrors the City's General Plan.

Motion by Mayor Pro Tem Jackson, seconded by Council Member Hebert to approve item 6.1, Authorizing Staff to Move Forward in Accordance to the MOU with Bringing the Annexation to the Planning Commission. Motion passed by roll call vote with Council Member Haworth absent and Council Member Kopshever abstaining.

6.2: Consideration of Adoption of Council Resolution # -11, Creating the Management Employee Group (Lewis)

City Administrator Lewis noted that all department heads will have uniform benefits not individual contracts; one department head will not have superior benefits than another department head. Eventually, as current contracts are close to expiration, they will be brought into the group where every management position's benefits will be uniform.

Council Member Hebert would like more time to review this item; she would like to learn from other cities how they shifted their contracted employees into an at-will position. City Administrator Lewis said there would be no hardships or legal issues if a decision is not made at this meeting.

Item 6.2 was deferred to the Regular Joint Council/RDA meeting of January 10, 2012.

CEREMONIAL MATTERS – Section 7

- A) Recognition to Public Officials for Dedicated Service to the City of Chowchilla (Lewis)
- B) Annual Reorganization of Council:
 - 1) Nomination and Action for Mayor Appointment (Mayor)

Motion by Mayor Alexander, seconded by Council Member Kopshever to appoint Council Member Hebert as the next Mayor of the City of Chowchilla. Motion passed by roll call vote with Council Member Haworth absent.

- 2) Seating and Passing of the Gavel to Newly Appointed Mayor
- 3) Nomination and Action for Mayor Pro Tem Appointment (Newly Appointed Mayor)

Motion by Mayor Pro Tem Jackson and seconded by Council Member Alexander to appoint Council Member Kopshever as the next Mayor Pro Tem of the City of Chowchilla. Motion passed by roll call vote with Council Member Haworth absent.

4) Seating of Newly Appointed Mayor Pro Tem

ANNOUNCEMENTS – Section 8

- Dec 14 Chamber of Commerce Board Meeting, Civic Center Public Training Room, 12:00 PM
- Dec 16 City Offices, with the exception of Public Safety, will be closed
- Dec 22 Furlough Day, City Offices Closed
- Dec 23&26 City Offices Closed In observance of Christmas Eve and Christmas Day
- Dec 27 CANCELLED-City Council Meeting, Civic Center, 7:00 PM


ADJOURNMENT

Council reconvened into Closed Session at 8:09 p.m.

ATTEST:


Chief Deputy City Clerk Cindy Balkan

APPROVED:


Mayor Janan Hebert