

## MEETING MINUTES

### The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 07/04-02

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622

**Date/Time:** April 2, 2007 @ 7:30 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Craig knight at 7:30 p.m.

#### ROLL CALL

**PRESENT:** Mayor Craig Knight  
Mayor Pro Tem Javier Marquez  
Council Member Marcia Sablan  
Council Member Chris J. DeFrancesco

**ABSENT:** Council Member Clyde Fannon

**OTHERS:** City Manager, Jose Antonio Ramirez; City Attorney, Dave Bacigalupi;  
City Finance Director, Jose Garay; City Clerk, Priscilla Meza; Deputy  
City Clerk, Rita Lozano; Interim Public Works Director, Ben Gallegos;  
Fire Chief/Code Enforcement Officer, John Borboa; Community Service  
Coordinator, Phyllis Baltierra; Jim Lowe; John Baltierra; David Flores;  
Ron Frye; Tony Chavarria.

#### PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Marcia Sablan

#### PUBLIC COMMENT

Mr. John Baltierra, 1456 Q St., announced to council and city staff that he was invited by the Fresno County Historic Commission to serve on their board and represent the City of Firebaugh.

#### INTRODUCTION

None

#### PRESENTATION

None

#### CORRESPONDENCE

None

## CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council meeting on March 19<sup>th</sup>, 2007 and Special meeting on March 27, 2007.**

*Motion to approve Consent Calendar item 1 by Mayor Pro Tem Marquez, second by Council Member Sablan. Motion passed by consensus vote.*

## PUBLIC HEARING

2. **ORDINANCE NO. 07-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SUBSECTION 25-1.7 b.; SUBSECTION 25-2.4.1 (R-1 DISTRICT: PERMITTED USES) AND SUBSECTION 25-3.3, o. (PROPERTY DEVELOPMENT STANDARDS: SPECIAL STANDARDS AND REGULATIONS) OF THE FIREBAUGH MUNICIPAL CODE, RELATING TO SECOND DWELLING UNITS**

City Manager Ramirez stated that the state passed a law in 2003 allowing second dwellings; however, left discretion to local governments to determine specific guidelines. As per the state, the size of detached, second dwelling units can be up to 1,300 square feet; attached, second dwelling units up to 30% of the size of the existing dwelling. City Manager Ramirez explained that Ordinance No. 07-02 proposes detached, second dwelling units can be up to 750 square feet and attached, second dwelling units up to 30% of the size of the existing dwelling.

City Manager Ramirez also explained that state law also allows up to one additional parking space per dwelling. The city ordinance proposes that additional parking space should not be located within a required front yard, except within a legal driveway. City Manager referred council to attached Draft Second Dwelling Unit Ordinance in their meeting packets (*Document available at City Hall*). City Manager Ramirez also noted that second dwelling units are limited to “R-1” Zone District only.

City Manager Ramirez stated that city staff wants to take proactive steps in providing necessary guidelines. Mayor Knight confirmed that local governments are required, by the state, to set these guidelines.

City Attorney Bacigalupi explained to council that the ordinance would restrict the unit size for those that have larger lots making it difficult for homeowners to build another house.

Mayor Pro Tem Marquez expressed concern with water and sewage access for second unit dwellings. City Manager Ramirez explained that all structures are required to have its own water and sewage lines.

Council Member Sablan questioned if new dwellings would be required to have water meters installed. City Manager Ramirez stated that homeowners are required to install water meters on new dwellings.

Karl Schoettler, City Planner Stated that ordinance will be presented before the city’s Planning Commission.

*Motion to approve first reading of Ordinance No. 07-02 by Council Member Sablan, second by Mayor Pro Tem Marquez. Motion passes by 3-1 roll call vote (DeFrancesco voted no).*

3. **CITY OF FIREBAUGH WASTEWATER SYSTEM IMPROVEMENTS PROJECT SUMMARY AND ASSOCIATED COSTS. AND APPROVE RESOLUTION NO. 07-16 – A RESOLUTION OF THE CITY COUNCIL OF THE RURAL UTILITY SERVICE (RUS) LOAN FROM THE RURAL DEVELOPMENT, UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE IMPROVEMENTS TO THE CITY WASTEWATER SYSTEM AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE ALL DOCUMENTS RELATING TO THE PROJECT.**

City Manager Ramirez stated that the USDA loan was initially for \$500,000; however, USDA has verbally confirmed increasing the loan up to \$1 million. City Manager Ramirez explained that the loan increase will assist with absorbing costs associated with wastewater rate increases.

City Manager Ramirez addressed issue with continuing to accept septic dumping and encouraged council to consider decreasing and/or eliminating septic dumping. David Flores, 37647 W Behymer, questioned if city would allow Firebaugh Disposal Service to continue dumping. As per City Manager Ramirez, allowing septic dumping is problematic and not cost-effective for the city due to additional costs associated with maintenance. Ramirez further explained that the city is looking at available options and costs associated with septic dumping. Mr. Flores questioned if septic dumping is causing deterioration, then who would be required to absorb costs. Tony Chavarria, Water & Sewer Operator, explained that septic dumping is in fact affecting wastewater plants making it difficult and costly to maintain.

Mayor Knight stated that council needs to address this issue in the future. Mr. Flores requested information on methods used by other city governments. Mr. Chavarria explained that many city governments do not allow septic dumping. City Manager further explained that the city currently does not have a method of recouping costs associated with septic dumping. Council Member Sablan questioned if entities that dump are paying and at what rate. City Finance Director Garay explained that payments are very minimal and inconsistent. City Manager Ramirez stated that city staff are addressing this issue; however, are not always successful in determining who is dumping. City Manager again encouraged council to address this issue.

Jim Lowe, 1980 River Lane, stated that the City of Merced experienced the same regarding septic dumping. City Manager Ramirez announced that if the council agrees to allow septic dumping, the city would need to build a new tank. Mayor Knight expressed concern with limited availability for owners of portable units that need to dump. City Manager Ramirez encouraged council to consider the potential harm and damage to its plan to optimize its new wastewater plant. City Manager Ramirez stated that costs associated with septic dumping maintenance is very substantial. David Flores expressed concern with local residents absorbing such costs.

Mayor Pro Tem Marquez requested City Manager to state his recommendation. City Manager Ramirez stated that he would recommend council take action on prohibiting septic dumping. Ramirez explained that maintenance is too costly. Ramirez further explained that if council decides to prohibit septic dumping, city staff will tact-weld the sewer manhole prohibiting any future dumping. Mr. Chavarria echoed City Manager's recommendation. Mayor Pro Tem Marquez questioned when council would be addressing this issue. Mr. Ramirez explained that council is scheduled to address this issue very soon.

*Motion to approve and adopt Resolution No. 07-16 by Council Member Sablan, second by Council Member DeFrancesco. Motion carried unanimously by roll call vote.*

**OLD BUSINESS**

None

**NEW BUSINESS**

- 4. **RESOLUTION NO. 07-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A CONTRACT BETWEEN THE CITY AND LEGAL COUNSEL PERTAINING TO WORK ON THE CITY'S WASTEWATER SUPPLY AND TREATMENT SYSTEM PROJECT.**

City Attorney Bacigalupi explained to council that the federal government requires separate contract.

*Motion to approve and adopt Resolution No. 07-13 by Council Member Sablan, second by Council Member DeFrancesco. Motion carried unanimously by roll call vote.*

- 5. **RESOLUTION NO. 07-14 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DETERMINING AMOUNT OF LIQUIDATED DAMAGES TO BE ASSESSED FOR LATE COMPLETION OF CONTRACT WORK RE MONUMENT SIGN FOR ANDREW J. FIREBAUGH HISTORICAL PARK**

City Attorney Bacigalupi stated that this resolution is a result of what the city experienced and lessons learned from the Vasquez Drive Project. Mr. Bacigalupi explained that the resolution is needed in order to collect liquidating damages regarding the monument sign for Andrew J. Firebaugh Historical Park and will be attached to all future bids/contracts.

*Motion to approve and adopt Resolution No. 07-14 by Mayor Pro Tem Marquez, second by Council Member Sablan. Motion passed unanimously by roll call vote.*

- 6. **RESOLUTION NO. 07-15 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE COUNTY OF FRESNO TO IMPLEMENT AND EXECUTE ALL GRANT DOCUMENTS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR THE LOCAL GOVERNMENT HOUSEHOLD HAZARDOUS WASTE GRANT FY 2007/2008**

Ron Frye, Madera Solid Waste Consulting, provided information regarding the purpose of the resolution explaining that the county would provide a building to store hazardous waste, except reactive materials, and then give away materials to those who need it. The project is similar to an exchange program. Program would be available to all county residents. Mayor Pro Tem Marquez requested information on the location of the building. Mr. Frye stated that the county is looking at sites in south Fresno (near Highway 99).

*Motion to approve and adopt Resolution No. 07-15 by Council Member Sablan, second by Mayor Pro Tem Marquez. Motion carried unanimously by roll call vote.*

- 7. **LEASE AGREEMENT – (MALDONADO PARK TRAIL AND PEDESTRIAN BRIDGE).**

*Agenda item tabled to next meeting.*

**8. Purchase of a Backhoe and a Dump Truck for the City of Firebaugh.**

Ben Gallegos, Interim Public Works Director, provided information regarding the request to purchase needed equipment. Mr. Gallegos stated that the city currently owns two backhoes; however, both have serious mechanical problems. Mr. Gallegos proposed the city repair the newer backhoe (1995) and purchase a new backhoe. Mr. Gallegos explained that the repaired backhoe could be used as a backup.

As per Mr. Gallegos, the city's current dump truck will not pass the OT inspection. Mayor Knight stated that the city rid of any old, unusable equipment.

City Manager Ramirez and City Finance Director Garay both stated that the city has available funds to use towards the repairing and/or purchase of new equipment. Mr. Garay explained that the city has about \$69,000 from the from the state's Traffic Congestion Relief program. Mr. Garay stated that \$42,000 must be expended prior to June 30, 2007.

City Manager Ramirez stated that Mr. Gallegos is comparing prices of new and newly used equipment. Council Members DeFrancesco, Knight and Maquez encouraged Mr. Gallegos look into nearby equipment auctions.

Council Member DeFrancesco requested information regarding the amount to repair the 1995 backhoe. As per Mr. Gallegos, it would range from \$8,000 - \$10,000.

City Manager Ramirez clarified that the city is looking at purchasing a used dump truck.

*Motion to approve purchase of backhoe and dump truck by Mayor Pro Tem Marquez, second by Council Member Sablan. Motion passed by unanimous vote.*

**9. REVIEW OF PARKS AND RECREATION RENTAL FEES AGREEMENT**

Mayor Pro Tem Marquez stated that current rental fees are fine as is. City Manager Ramirez recommended current rental fees stand as is because center is not fully equipped. Rental fees could assist with making necessary upgrades.

Mayor Pro Tem Marquez requested agenda item be brought back at next council meeting due to Council Member Fannon's absence. Council Member Sablan requested clarification as to whether the city ever collected electrical fees associated with renting out the center. As per Deputy City Clerk, Rita Lozano, the city has not incorporating electrical fees with current rental fees. City Manager Ramirez explained that the current rental fees are "all-inclusive"; however, agreed that it would be a good idea to separate electrical fees from current chart of rental fees.

Jim Lowe, 1980 River Lane, stated that Sec. 19-5 in the City Municipal Code list all Local Non-Profit Organizations.

Council Member Sablan requested Mayor Knight, if possible, to get Council Member Fannon to specify his concerns regarding this issue avoiding further delay of action. Mayor Knight stated that Council Fannon is very concerned and has a great interest in the matter. City Manager Ramirez clarified that Council Fannon wants use of facility requests to go directly to the City Manager's Office and requested specific fees for certain non-profits; however, applicants have

the right to go before council if they choose too. City Attorney Bacigalupi stated that rental fees are in place and the City Manager can not prohibit applicants to appear before council.

*Council made no formal recommendations to direct staff regarding policy on rental fees.*

**10. USE OF CITY FACILITY (ANDREW FIREBAUGH COMMUNITY CENTER) AND REQUESTING WAIVER OF FEES BY ST. JOSEPH SCHOOL SOBER GRAD.**

As explained by City Manager Ramirez, St. Joseph School is requesting use of Andrew Firebaugh Community Center on June 1, 2007 and waiver of fees. City Manager Ramirez clarified that he is required to bring requests for fee waivers before council. Council Member Sablan requested clarification of agenda item. City Attorney Bacigalupi explained that the request for use of facility includes request to waive rental fees.

Council Members DeFrancesco and Marquez abstained from motion to approve request by Council Member Sablan, second by Mayor Knight. City Attorney Bacigalupi explained that motion can not carry with two council members abstaining from vote. Mayor Pro Tem requested direction from City Attorney Bacigalupi. Mr. Bacigalupi stated that the decision to abstain from the vote is at Mayor Pro Tem's discretion. Council Member DeFrancesco stated his reason for abstaining from the vote was due to his children attending St. Joseph's school. Mayor Pro Tem Marquez stated that his reason for abstaining from the vote was because his children attend catechism classes at St. Joseph school. Council Member DeFrancesco requested legal counsel. City Attorney Bacigalupi again stated that council members have the right to abstain from any vote; however, both council members would not stand to gain anything financially by participating in any action regarding the applicant's request.

*Motion to approve rental agreement and waive rental fees by Council Member DeFrancesco, second by Council Member Sablan. Motion carried by 3-1 vote (Mayor Pro Tem Marquez abstained).*

**11. ASSISTANT CITY MANAGER POSITION**

City Manager Jose A. Ramirez requested direction from council regarding the proposed position. Mayor Pro Tem Marquez requested to table item to next council meeting. Council Member DeFrancesco stated that he is not against the proposed position; however, would appreciate additional time to review the matter. Council Member Sablan expressed concern with delaying action on proposed position especially with the city facing many upcoming projects. Mayor Knight agreed with Council Member Sablan's statement and asked for motion to approve proposed position.

Mayor Pro Tem expressed concern with approving proposed position in light of city raising water and wastewater rates therefore would abstain from any action. City Attorney Bacigalupi informed Mayor Pro Tem Marquez that he could not abstain due to lack of conflict of interest issue. City Attorney Bacigalupi informed Marquez that is required to vote for or against the motion to approve; however, could explain his vote.

*Motion to approve Assistant City Manager Position by Council Member Sablan, second by Mayor Knight. Motion carries by 3-1 vote (Marquez voted no).*

**PENDING ITEMS**

12. Emergency Disasters Plan – A Draft Plan is currently being circulated for review and comment.
13. Cost Analysis for Flood Damage and Clean Up
14. Medical Retirement Benefits/Audit Report

Council Member Sablan requested clarification of city's policy and on what the benefits are. City Finance Director Garay stated that the city received a bulletin requiring the city to change its current benefit rates. Council Member Sablan requested additional information. City Finance Director Garay agreed to provide council members with current costs.

15. Update Firework Ordinance

Fire Chief Borboa stated that the decision is very difficult and is continuing to receive input regarding methods used by other cities. As per Fire Chief Borboa, options include using the lottery method. Borboa stated that the city is only required to allow one firework stand per 2,500 residents. Borboa stated that if the council did not agree to use the lottery method, council could continue to use current method of "first come-first serve". Borboa agreed to provide ongoing reports regarding the matter.

## **PUBLIC COMMENTS/QUESTIONS**

Jim Lowe, 1980 River Lane, expressed interest in whether or not city has developed a color (paint) scheme for city buildings and local businesses. City Manager Ramirez stated that council needs to address this issue.

## **STAFF REPORTS**

- Community Service Coordinator, Phyllis Baltierra – nothing to report.
- Water/Sewer Operator, Tony Chavarria – reporting on status of Water Tank No. 2; two tiers are up. One more tier needs to be completed. City staff is looking at several upgrades for the wastewater tanks. City Manager Ramirez stated that city staff is considering consolidating the pumping stations. Ramirez also stated that the Saipan station is not functioning and the city is considering replacing stations and eliminating one that needs replacement to reduce the city's overall costs of upgrading.
- Interim Public Works Director, Ben Gallegos – city is busy planting around the Andrew J. Firebaugh Community Center. City is finishing work with Highway 33 median dividers. Mayor Knight expressed concern with foliage receiving necessary water. Gallegos stated that the median dividers are water accessible.

Mayor Knight questioned is city has funding to absorb costs of planting trees. City Manager Ramirez stated that the city received funding to order and plant about 500 trees.

Mayor Pro Tem Marquez expressed concern regarding dead trees throughout the city. City Manager Ramirez stated that the city plans to remove dead trees and replacing them with new trees. Ramirez also stated that city staff will address issue of trees susceptible to mistletoe. As per Ramirez, current developers and future developers will receive list of what types of trees not to plant.

- Fire Chief/Code Enforcement Officer, John Borboa – annual dinner dance was a huge success. Addressing tenant complaints made regarding the Sportsmen’s Motel. Some the complaints are Firebaugh PD related and could not comment on them. Owner of motel has acquired paralegal services and made contacts to the District Attorney’s office. Borboa stated that citations have been made and is encouraging home owners to make necessary upgrades. Borboa reported that seven buildings are scheduled to receive orders to abate; some homeowners have already agreed to voluntarily tearing down their buildings. Borboa reviewed abatement process allowing homeowners the provision of 120 days to comply and/or appear before the council.

Mayor Pro Tem requested information regarding Del Rio community. As per Borboa, Del Rio cleanup is moving along nicely; however, the biggest issue is with the removal of concrete piles. City Manager Ramirez explained that homeowners are required to remove the rebar in the concrete piles prior to having them removed. Interim Public Works Director Gallegos stated that the city has found a company willing to pay and remove concrete piles as long as the rebar is removed. John Baltierra, *1456 Q Street*, encouraged city to consider removing piles of concrete from Del Rio at no cost to the homeowner and then sell it to the company the city found who is willing to pay for it.

- City Finance Director, Jose Garay – spending a lot of time with USDA regarding upcoming projects. K Hovnanian Homes are pulling more permits. Fire Chief Borboa stated that Khov Homes is very community-oriented; they are sponsoring a community Easter Egg Hunt. Khov Homes are scheduling its open house very soon.
- City Clerk, Priscilla Meza – nothing to report.
- Deputy City Clerk, Rita Lozano – nothing to report.
- Police Chief, Elsa Lopez – not present.
- City Treasurer, Alice Castaneda – not present.
- City Engineer, Fred Rabe – not present.
- City Manager, Jose Antonio Ramirez
  - ❖ Lake JoAllen homes include larger-sized lots allowing more views of lake.
  - ❖ Zito Family is requesting \$600,000 for their property. City will obtain MAI appraisal within the next 30 days. Mayor Knight also agreed to provide the city with comparable sale information of property 200 feet away from the Zito property. Mayor Pro Tem requested clarification regarding the lot size. As per Mayor Knight, the property consists of a house, vacant lot, bakery and surrounding property; an estimated five or six lots. Mayor Knight requested city staff to clarify what’s included in their asking price. City Manager agreed to look into it. Council Member Sablan requested city staff clarify what property would be included in the appraisal. As per City Manager Ramirez, the appraisal would include only the vacant lot and building.
  - ❖ City received a \$5,000 mini-grant for waste disposal and the city is applying for \$150,000 from the California Integrated Waste Management Board.
  - ❖ City Manager was pleased to announce that the City of Firebaugh was awarded a \$400,000 grant from the HOME Program. This was quite an accomplishment considering only two cities from the central valley received grant funding (Firebaugh & Huron).

- ❖ April 26<sup>th</sup> is Firebaugh’s Farmer’s Market grand opening. The event will be held between 10<sup>th</sup> and 11<sup>th</sup> Streets. South-east Asian farming community is expected to participate in the event.

**COUNCIL ITEMS**

Council Member Sablan requested an update regarding the city’s black, garbage bins. City Manager Ramirez stated that the solid waste meeting was not held last Thursday and agreed to follow up on the matter at the next meeting.

Council Member Sablan also requested how the \$5,000 mini-grant would be used. City Manager Ramirez stated that in the past, expenditures included park benches and the bright, blue garbage bins. The city is looking at making the same kind of purchases.

Mayor Pro Tem Marquez expressed concern with stray dogs throughout the community. As per City Ramirez, city staff has begun issuing citations to pet owners. Ramirez also explained that the city is considering expanding existing animal kennel allowing up to 15 dogs to be housed at one time.

Mayor Pro Tem Marquez also expressed concern with the P Street Project. City Manager Ramirez stated that City Engineer Rabe has not been successful in reaching contractors and shared concern with not being able to resolve the issue. City Manager Ramirez also recommended that council address the issue of looking for another city engineer. City Manager Ramirez stated the Mr. Rabe has done a great job; however, completing and/or resolving matters in a timely manner needs to be addressed.

**CLOSED SESSION**

**16. POTENTIAL LITIGATION – Pursuant to Government Code Section 54956.9**

*Motion to proceed into closed session by Mayor Pro Tem Marquez, second by Council Member DeFrancesco. Motion passed by consensus vote.*

**ANNOUNCEMENT AFTER CLOSED SESSION**

*No announcements made.*

**ADJOURNMENT**

*Motion to adjourn meeting by Mayor Pro Tem Marquez, second by Council Member DeFrancesco. Meeting adjourned by consensus vote at 9:22 p.m.*

**SUBMITTED BY:**

**APPROVED BY:**

\_\_\_\_\_  
City Clerk, Priscilla Meza

\_\_\_\_\_  
Mayor, Craig Knight