

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 07/05-21**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622

Date/Time: May 21, 2007 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Craig Knight at 7:35 p.m.

ROLL CALL

PRESENT: Mayor Craig Knight
Mayor Pro Tem Javier Marquez
Council Member Clyde Fannon
Council Member Chris J. DeFrancesco (left meeting early following agenda item

ABSENT: Council Member Marcia Sablan

OTHERS: City Manager, Jose Antonio Ramirez; City Attorney, Dale Bacigalupi; City Finance Director, Jose Garay; City Clerk, Priscilla Meza; Deputy City Clerk, Rita Lozano; Account Technician III., Margaret Camacho; Interim Public Works Director, Ben Gallegos; Police Chief, Elsa Lopez; Fire Chief/Code Enforcement Officer, John Borboa; Tony Chavarria; Jim Lowe; John Baltierra; David Flores; Lorie Adams; Brent Kreighbaum; Dixie Lindsey; Don Esola; Stella Cruz.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member DeFrancesco

PUBLIC COMMENT

John Baltierra, 1456 Q Street, provided a brief report regarding the Great Valley Center (GVC) Conference he attended. Mr. Baltierra stated that he will continue to update council regarding further developments.

INTRODUCTION

1. INTRODUCTION OF NEW EMPLOYEE

- City Manager Ramirez introduced and welcomed Margaret Camacho as the city’s new Account Tech. III.

PRESENTATION

None

CORRESPONDENCE

None

CONSENT CALENDAR

2. APPROVAL OF MINUTES – The City Council meeting on May 7, 2007.

Motion to approve Consent Calendar, item 2, by Council Member Fannon, second by Council Member DeFrancesco. Motion passed by consensus vote.

3. CERTIFICATE REGARDING WRITTEN PROTESTS 2007 WATER/WASTE WATER INCREASES.

Refer to agenda item 5.

4. WARRANT REGISTER – Period starting on April 1, 2007 and ending on April 30, 2007.

April 30, 2007	General Warrants	#17864-18028	\$1,225,129.99
	Payroll Warrants	#13645-13807	<u>\$ 201,111.88</u>
	<u>TOTAL</u>		<u>\$1,426,241.87</u>

City Manager Ramirez requested agenda item 4 be tabled to next scheduled meeting to resolve general warrants 17964 and 17965. Council agreed to table agenda item 4 to the next council meeting scheduled June 4, 2007.

PUBLIC HEARING

None

OLD BUSINESS

5. RESOLUTION NO. 07-19 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ESTABLISHING RATES FOR THE WASTEWATER SERVICES.

City Manager Ramirez provided a brief overview of the discussion regarding this resolution from the previous council meeting and public hearing on May 7, 2007.

Deputy City Clerk, Rita Lozano, described the validation process of the written protests, submitted to staff, regarding the water/waste water rate increases. Ms. Lozano raised issue with several signatures of written protests not matching names listed on water/waste water accounts. As per City Attorney Don Neufield’s instructions, given at previous council meeting on May 7, 2007, signatures needed to match names on water/waste water accounts. As per Ms. Lozano, only half of the signatures submitted were valid signatures.

Mayor Knight stated that city residents, whether owning or renting, paying on water/waste water accounts is responsible to update account information.

City Attorney Bacigalupi stated that validated signatures did not constitute the majority for a legal protest regarding the water/waste water rate increases.

City Manager Ramirez informed public of available copies of rate fee schedule. *Copies of rate fee schedule were located next to the meeting sign-in sheet.*

As per City Manager Ramirez, staff reviewed proposed project budget to identify areas that could be eliminated or postponed from the overall budget. City Manager Ramirez stated that these areas included the elimination of a few proposed improvements to the water treatment plants and the removal of the proposed septic holding facility tank on the waste water improvement plan. City Manager Ramirez also stated that removing the proposed installation of a new septic holding facility tank did not translate to ceasing current septic dumping. City Manager Ramirez reminded council that based on the May 7th public hearing, city residents expressed concerns related to current septic dumping and encouraged council to address this issue soon. City Manager Ramirez informed council that these concerns were discussed at the last Solid Waste Management meeting. As a result, several options addressing these concerns were discussed.

Council Member DeFrancesco expressed concern with city allowing ongoing dumping in a problematic septic dumping area and continuing to absorb costs associated with maintenance. City Manager Ramirez agreed; however, reminded council to consider justifying increased rates to city residents. Council Member DeFrancesco responded by stating that issues related to septic dumping will continue as long as city allows septic dumping without any improvements to the overall system.

City Manager Ramirez described how postponing and/or eliminating several areas from the proposed budget would alter the proposed rate increases.

City Attorney Bacigalupi informed council that the rates did not include the Consumer Price Index (CPI) and reviewed options in taking action regarding this matter. As per Mr. Bacigalupi these options included 1) only adopting a rate increase for 2007 and not for 2008 and 2009; or, 2) approve proposed rate increases with the stipulation that proposed rate increases for 2008 and 2009 be brought back to council to discuss prior to implementation. As per City Attorney Bacigalupi, the latter would avoid costs associated with going through the entire process again.

Council Member DeFrancesco questioned how discontinued dumping would affect Firebaugh Disposal Service (FDS). As per FDS owner, Don Esola, discontinued dumping would cause FDS to go out of business. Mr. Esola requested written documentation stating that chemical toilets are hazardous and/or problematic. Mr. Esola stated that chemicals used in chemical (portable) toilets are biodegradable. Mr. Esola also expressed concern with commentary stating that septic dumping is causing problems. City Manager Ramirez stated that the city currently does not have a method to test what is being dumped; however, the proposed project would allow provision enabling city staff to identify materials being dumped. City Manager Ramirez confirmed that city is experiencing disruption caused by dumping.

City Manger Ramirez informed council that if council approves rate increases as proposed, this would allow council more time to change and/or modify rate increases.

Council Member DeFrancesco expressed difficulty with addressing this matter; however, stated that community residents need to look at taking care of its community and the role of council members is to address issues within a timely manner and avoid unnecessary delays in taking action.

City Manager Ramirez stated that staff is researching available resources to subsidize costs associated with installing water meters, such as the Life Line Program. City Manager Ramirez distributed copies of the City of Fresno's Utilities Senior Citizen Discount Application for review.

City Attorney Bacigalupi addressed issue with Life Line Program rates by stating that if council moves forward with applying for Life Line Program funding, city could not discriminate according to program applicant's income. As per Mr. Bacigalupi, rates need to be the same for anyone eligible regarding of income. City Manager Ramirez stated that grants would be available to city to cover any discounted rate issues.

Mayor Knight stated that he had some questions regarding the proposed rate increases; however, agreed with Council Member DeFrancesco's statement related to moving forward with the matter and make any adjustments at a later point in time.

City Attorney Bacigalupi stated that council can include a stipulation instructing the city manager to bring the matter of proposed rate increases before council each year.

Mayor Pro Tem Marquez requested clarification of available options as previously described by the city attorney. City Attorney Bacigalupi reviewed the two options available to council. Mayor Pro Tem Marquez requested information regarding the costs associated with the entire process. As per City Finance Director Garay, the estimated cost was more than \$10,000. City Manager Ramirez reminded council that they could address and/or modify whatever is approved at tonight's meeting.

Motion to approve and adopt Resolution No. 07-19 by Council Member Fannon, second by Council Member DeFrancesco. Motion passed by 3-1 roll call vote, Marquez voted against motion to approve and adopt Resolution No. 07-19.

6. RESOLUTION NO. 07-20 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ESTABLISHING RATES FOR WATER SERVICE.

Motion to approve and adopt Resolution No. 07-20 by Council Member DeFrancesco, second by Council Member Fannon. Motion carried unanimously by roll call vote.

7. RESOLUTION NO. 07-11 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING MAINTENANCE AND OPERATIONS PLAN FOR TRACT 5529 FOR THE MAINTENANCE OF FLOOD WALL AND LEVEES.

City Engineer, Fred Rabe, reviewed the Maintenance and Operations Plan for Tract 5529. As per Mr. Rabe the plan would allow residents within Tract 5529 to avoid paying flood insurance and place city in compliance with developing a maintenance plan as required. In addition, the plan would allow city to budget \$13,000 per year with a \$10,000 emergency reserve; however, does not reflect assessment of entire city. Mr. Rabe explained that if the city does not use or is in need of the emergency reserve monies, council can decide to not conduct lot assessments.

Mayor Pro Tem requested information regarding the length of the flood wall. As per Mr. Rabe, the flood wall is a little more than ¼ mile.

Motion to approve and adopt Resolution No. 07-11 by Mayor Pro Tem Marquez, second by Council Member Fannon. Motion carried unanimously by roll call vote (Council Member DeFrancesco was absent from vote due to leaving early).

8. Tract No. 5529 MAINTENANCE AND OPERATION PLAN FOR THE MAINTENANCE AND OPERATION FOR THE FLOOD PROTECTION LEVEE AND WALL.

Mayor Knight opened agenda item for discussion to council. No questions were raised regarding agenda item 8. Agenda item 8 was informational item only, no action required.

9. ORDINANCE NO. 07-04 – AN ORDINANCE OF THE CITY OF FIREBAUGH APPROVING THE DESCRIPTION OF THE FIREBAUGH REDEVELOPMENT AGENCY’S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITHIN THE AMENDED FIREBAUGH REDEVELOPMENT PROJECT AREA.

City Attorney Bacigalupi informed council of the adoption of SB 53 requiring every Redevelopment agency within the state to outline its eminent domain power. As per Mr. Bacigalupi, if city does not outline its eminent domain power the city will lose power to execute its eminent domain privilege. Mr. Bacigalupi stated that tonight’s agenda item is the first of two readings that would establish a process allowing council to address the issue of its eminent domain power in the future, if needed.

Council Member Fannon requested clarification regarding the number of votes to pass this first reading. As per City Attorney Bacigalupi, the approval of the first reading requires a minimum of three votes.

Mayor Knight requested agenda item 9 be tabled to the next council meeting. City Attorney Bacigalupi informed council that the matter is time-sensitive and needs to be passed by the end of June, otherwise, the city would forfeit its eminent domain power. City Attorney Bacigalupi also stated that the ordinance requires two separate readings and two separate council meetings and delaying the agenda item to the next council meeting would require council to call a special meeting to meet the state’s deadline.

Council Member Fannon stated that he would not vote on the matter.

Mayor Knight tabled agenda item 9 to next council meeting scheduled June 4, 2007.

NEW BUSINESS

10. **CITY OF FIREBAUGH LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 ANNEXATION OF TRACT NO. 5529.**

City Engineer Rabe requested agenda item 10 be tabled to next council meeting scheduled June 4, 2007. As per Mr. Rabe postponing the matter would not affect the timeline in meeting the deadline. In addition, Mr. Rabe stated that time allows for a public hearing 45 days after the June 4th meeting. Mr. Rabe agreed to provide council with engineer report at the June 4th meeting.

Mayor Knight tabled agenda item 10 to the next council meeting scheduled June 4, 2007.

11. **RESOLUTION NO. 07-21 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REJECTING ALL BIDS FOR THE CONSTRUCTION OF THE SOUTH SIDE BIKE PATH PROJECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT.**

City Manager Ramirez introduces Lorrie Adams, INSERT JOB AFFILIATION, to discuss the issue. As per Ms. Adams, the initial bid included lighting along the path; however, bids received by the city were substantially higher than anticipated. Ms. Adams stated that funds need to be expended prior to June 30, 2007 and recommends council to reject all bids and seek sole source contracts. Ms. Adams also stated that this would reduce the lineal fee of asphalt in order to maintain/obtain \$100,000. Ms. Adams requested council provide City Manager Ramirez the authority to issue a contract to complete the project on time preventing the return of grant funding.

Mayor Pro Tem Marquez requested information regarding the trenches and conduits. As per Ms. Adams, trenching parallel to the path is not included within the project and will need to be completed later. Ms. Adams informed council that this could be completed separately and would not interfere with completing project on time.

Mayor Pro Tem Marquez requested information regarding the width of the path. As per City Engineer Rabe, the path width is 8 feet.

Motion to approve and adopt Resolution No. 07-21 by Council Member Fannon, second by Mayor Pro Tem Marquez. Motion carried by unanimous vote (Council Member DeFrancesco was absent from vote due to leaving early).

12. **CASH INVESTMENT REPORT FOR MAY 21, 2007.**

Council Member Fannon requested clarification on total amounts listed within the report. City Finance Director, Jose Garay, provided overview of the cash investment report.

Mayor Pro Tem Marquez requested future reports to reflect revenues coming in. City Finance Director Garay agreed to include this in future reports.

City Finance Director Garay informed council that report can be made available on a monthly basis. Council agreed that a monthly report would be helpful. City Finance Director Garay agreed to provide council with a monthly report.

Agenda item is informational only, no action required.

13. **QUARTERLY BUDGET REPORT TO COUNCIL.**

City Finance Director Garay provided an overview of the quarterly budget report.

Agenda item is informational only, no action required.

14. **RESOLUTION NO. 07-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2007-2008.**

Motion to approve and adopt Resolution No. 07-22 made by Council Member Fannon, second by Mayor Pro Tem Marquez. Motion carried by unanimous vote (Council Member DeFrancesco was absent from vote due to leaving early).

PENDING ITEMS

- 5. **Emergency Disasters Plan** – A Draft Plan is currently being circulated for review and comment.
- 6. **Medical Retirement Benefits/Audit Report** – CPA Bryant Jolley is compiling information.

City Manager Ramirez stated that he is scheduled to review retirement benefits with City Attorney’s office on May 22, 2007.

(MISC) Mayor Pro Tem Marquez requested information regarding code enforcement in the Del Rio area. As per Fire Chief/Code Enforcement Officer, John Barboa, more citations will be issued at the end of May 2007. Mr. Barboa stated that if Del Rio residents do not comply with citations issued the city may want to pursue legal action. Mr. Barboa stated that the city is providing resources to assist Del Rio residents with the disposal of concrete.

PUBLIC COMMENTS QUESTIONS

None

STAFF REPORTS

- City Manager, Jose Antonio Ramirez :

City staff plans to submit a Request for Proposal (RFP) for affordable housing services. Further information will be provided to council throughout the application process.

City Staff met with CalTrans regarding a \$2 million grant opportunity. City staff is scheduled to begin application preparation soon. Further information will be provided to council throughout the application process.

City is preparing to release bids to begin Phase I of construction on Maldonado Park. A letter to Dean Flores was sent requesting an additional \$500,000 to complete Phase II construction on Maldonado Park. City Manager stated that staff is reviewing methods to reduce costs associated with the project.

“P” Street project is near completion.

USDA’s Undersecretary is scheduled to visit City of Firebaugh on May 31, 2007 to present check to the City of Firebaugh. City Manager suggested arranging a luncheon celebrating this honor.

Farmer’s Market/Tianguis is very successful. Currently, there are 20 vendors on the waiting list. City Manager encouraged council to discuss possibility of extending the location another city block allowing additional vendors to participate. Mayor Knight commented on the great work done by staff in organizing the weekly event. Mayor Pro Tem Marquez expressed safety issues/concerns with local youth riding their skateboards and bikes throughout the designated area. In addition, Marquez stated that he has witnessed several incidents of residents driving their vehicles within the designated area. Mayor Knight stated local schools sent notices addressing these concerns with their students.

Mayor Knight requested City Manager Ramirez to address issue of preventing Public Works staff from having to work late on evening of the Farmer’s Market. City Manager Ramirez agreed to discuss this issue with Interim Public Works Director, Ben Gallegos.

Council Member Fannon questioned how much the city invested in hosting the Farmer's Market and how much income is being generated. Finance Director Garay explained that costs associated with the Farmer's Market included the purchase of canopies and the time spent by city staff on the event. Interim Public Works Director Gallegos stated that there are currently 40 vendors participating in the Farmer's Market. City Manager Ramirez also mentioned that each vendor is required to pay \$12.50 per space/night prior to the event; however, outside vendors traveling longer distances are not charged and fees are waived to allure greater participation.

- *No other staff reports were presented.*

COUNCIL ITEMS

Mayor Pro Tem Marquez questioned if public notices are sent in English and Spanish. City Manager confirmed that notices are sent in both English and Spanish and that he translates the notices sent in Spanish.

Mayor Pro Tem Marquez also questioned possibility of city staff preparing and distributing a regular newsletter to city residents. Deputy City Clerk Lozano stated that in the past, the city distributed monthly newsletters to city residents; however, this effort was extremely time-consuming and costly. City Manager Ramirez reminded council that information will soon be also made available via the electronic sign by bridge and the marquis sign at Maldonado Park.

CLOSED SESSION

None

ANNOUNCEMENT AFTER CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn meeting by Council Member Fannon, second by Mayor Pro Tem Marquez. Meeting adjourned by consensus vote at 9:08 p.m..

*SUBMITTED BY:
City Clerk, Priscilla Meza*