

MEETING MINUTES

The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 07/09-10

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: August 13th, 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 Márquez
Council Member Marcia Sablan
Council Member Chris J. DeFrancesco

ABSENT: Council Member Clyde Fannon

OTHERS: City Manager, Jose Antonio Ramirez; City Attorney, Dale Bacigalupi;
Asst. City Manager Laura Rios; City Finance Director, Jose Garay;
Deputy City Clerk, Rita Lozano; Public Works Director, Ben Gallegos;
Police Chief, Elsa Lopez; Fire Chief/Code Enforcement Officer, John
Borboa; Community Service Coordinator, Phyllis Baltierra; Jim Lowe;
John Baltierra; David Flores, Brent Kreighbaum, Pam Lara, Jack
Minnite, Esther Ramirez, Mark Fickett, Justin Keyes, George Conklin,
Jr., Glenn Holly, Charlie Eaton.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Chris DeFrancesco

PUBLIC COMMENT

Mr. George Conklin, Jr., 1817 Vasquez Drive, VFW Post 7380, stated the disappointment of the invitation to the Harvest Festival Opening Ceremony. He stated, "Over the last decade veterans have done the raising of the flag opening ceremony of the Firebaugh Harvest Festival, this year without warning or explanation they were removed from the program, and they would like to know why?" City Manager Jose Antonio Ramirez, informed the veterans and council that we would research what took place and find out why the veterans were not included in the opening ceremony, but until he gathers all information he was not willing to speak on the issue. Both City Manager Ramirez and Mayor Knight offered to meet with veterans to discuss the matter and address their concern. Mr. Conklin stated that they have a VFW Meeting on the 3rd Tuesday of every month and would greatly appreciate an explanation.

John Baltierra, 1456 Q Street, inquired regarding Check Number #18524 to Rod Lake for Medical Insurance Reimbursement. He also stated that he has been asking for an explanation for months and has not received an answer as of yet. City Manager Ramirez informed him that the matter will be discussed during closed session and was unable to elaborate further on the subject at this time.

Kristy Fennel, 1545 "O" Street, stated that on July 26th she had a meeting with the Assistant City Manager to voice a complaint regarding a city employee Phyllis Baltierra, Mrs. Fennel received word the Phyllis stated at a city meeting with city employees, that she would report my business to Smoke Cops which is a division of the Fresno County Sheriff's Office and ABC which Alcohol and Beverage Control. I'm assuming she did because on that very same day ABC was out here, but they didn't come to my business they went to a function that she was in charge of, Cantaloupe Round-up and they issued not one, but two, violations for selling alcohol to minors. I never heard anything, I wrote a letter requesting that there be some kind of investigation to look into the matter and I'm still waiting. Mayor Craig Knight inquired how soon after the round-up was the complaint brought to City Hall. Mrs. Fennel replied July 25. City Manager Jose A. Ramirez stated he became aware of the situation through the Assistant City Manager Laura Rios, and spoke with Mrs. Baltierra regarding this issue. City Manager Ramirez stated that the information is all hearsay; the person who came to you are all third parties, there is nothing of substantial information to proceed any further, to follow protocol and city policies, so she was counseled regarding the issue. City Manager Jose A. Ramirez responses to Mrs. Fennel's comments, "basically it is your word against hers at this point, so there's nothing more for me to do, and I sent you letter, I have a copy of it." Mrs. Fennel stated, "I have never received any letter from you, and I know that you have launched investigation on hearsay in the past, several of them."

Artie Miller, 1550 "P" Street, was approached by several people on why the VFW Members were not included in the Festival, many people felt disappointed, she said that it was the best part of the ceremony. She stated the VFW fought for us, and how could they be left out of some thing like that.

Justin Keyes, 1329 "P" Street, I would like to address the council and extend an invitation, our church Family Faith Fellowship will be have a Car Show October 6th at Dunkle Park. I just wanted to make sure that there aren't any problems regarding the event and that everyone has notice. Word got out that there was going to be a burn out contest, we are not interested in doing it because of liability purposes, and let everyone know that we are not going to be doing that. It will be a family event, free bounce house and there will food, we will be trying to generate revenue for the City of Firebaugh. Any information that might be needed please contact Justin Keyes.

INTRODUCTION

None

PRESENTATION

None

CORRESPONDENCE

None

URGENT ADDED AGENDA ITEM

* **Urgent Items must be added to the agenda regarding the Rejects of Bids for the Maldonado Park.**

Motion to place rejection of bids for the Maldonado Park under Old Business by Council Member Marquez, seconded by Council Member Sablan, motion carried.

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council meeting on August 13th, 2007.**

2. **WARRANT REGISTER – Period starting on July 1, and ending on Aug. 31, 2007.**

July, 2007	General Warrants	#18358 – #18494	\$ 1,146,894.18
	Payroll Warrants	#54049 – #54213	\$ 308,974.48
	TOTAL		\$1,455,868.66
Aug, 2007	General Warrants	#18495 – #18665	\$ 971,081.61
	Payroll Warrants	#54214 – #54326	\$ 225,819.62
	TOTAL		\$1,196,901.23

Motion to approve consent calendar by Council Member Sablan and seconded by Council Member Marquez, motion carried.

PUBLIC HEARING

Public hearing was opened at 7:45 p.m.

3. **Street Name Change 2007-01 (Green Acres Street). The portion of public road between Cardella Street and Saipan is listed on official maps as “Green Acres Street”; however street signs show it as Landucci Avenue. In accordance with procedures set forth in Section 2-14 of the Firebaugh Municipal Code, the Firebaugh City Council will conduct a public hearing to consider changing the name of Green Acres Street to Landucci Avenue.**

PUBLIC COMMENT: Jim Lowe stated that three houses are under construction and would like them to have a Landucci address.

Motion to continue the public hearing and waive the first reading by Council Member Marquez, seconded by Council Member Sablan, motion carried.

- * *City Planner Karl Schoettler advised Council that action must be taken on Agenda Item # 9 before action could be taken on Ordinance No. 07-06.*

4. **ORDINANCE NO. 07-06 - AN ORDINANCE OF THE CITY OF FIREBAUGH, CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY.**

City Planner Karl Schoettler stated the owner would like to run a truck sales/repair business on the property which is currently zoned a C-2 (central trading) and that type of business is not permitted within the current zone. So he was informed that if he changes the zone to C-3 (general commercial zone) then that type of business is a permitted zone. On the general plan map, the property is listed as a medium density residential even though it is zoned as a C-2, so there is a little conflict. There is no proof that the map has from the past been amended, or maybe there was some kind of mistake on the map. To clean up the matter, an application to change the medium density residential to commercial zone has been filed. The owner has really improved the building by placing new fencing, trees, curbs among other things on this own out of pocket. A Public Hearing was help in front of the Planning Commissioner and approved both of the requests.

Motion to approve Ordinance 07-06 by Council Member Marquez, seconded by Council Member Sablan, motion carried by 4-0 vote.

OLD BUSINESS

Urgent Item Added:

FIREBAUGH CITY COUNCIL TO REJECT ALL BIDS FOR THE MALDONADO PROJECT.

Mr. Steve Sutherland, SSA Landscape Architects, informed council that five bids were submitted, and one out of the five bids did not meet the requirements. All bids received were over the estimated budget for the project. There were three phases to the bidding process regarding the Maldonado Park Project: Phase one consist of the Baseball fields, Soccer fields, Splash Park and the general elements of the park. Phase Two consist of the Skate Park, Basketball Court and lighting. Phase Three consist of Electrical, Utilities and Drainage services. Mr. Sutherland recommended to the council to reject all bids and go forward with the lowest bid which was Goodland Landscape Construction of Tracy. He also informed council that there may be modification to the original plan such as smaller trees, or spacing the plants further apart to achieve the same specifications at a cheaper rate. City Manager Jose A. Ramirez expressed the importance of moving forward with the project as quickly as possible. To re-bid would not be cost efficient and the money received from grants must be spent by before certain set deadlines or the city will lose the funds.

Motion to reject all bids by Council Member Sablan, seconded by Marquez, motion carried.

5. **ORDINANCE 07-05- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SUBSECTION 25-1.7 ("DEFINITIONS"); SUBSECTION 25-2.4.3.e, 2 ("R-1 DISTRICT: PROPERTY DEVELOPMENT STANDARDS: SETBACKS"); SUBSECTION 25-2.4.3.i ("R-1 DISTRICT: PROPERTY DEVELOPMENT STANDARDS: OFF STREET PARKING"); SUBSECTION 25-2.4A.3, e, 3 (R-1-4.25 DISTRICT: PROPERTY DEVELOPMENT STANDARDS: SETBACKS"); SUBSECTION 25-2.4A.3 i ("R-1-4.25 DISTRICT: PROPERTY DEVELOPMENT STANDARDS: OFF STREET PARKING"); SUBSECTION 25-2.4B.3, e, 2 (R-1-5 DISTRICT: PROPERTY DEVELOPMENT STANDARDS: SETBACKS"); SUBSECTION 25-2.4B.3 i (R-1-5 DISTRICT: PROPERTY DEVELOPMENT STANDARDS: OFF STREET PARKING") AND SUBSECTION 25-3.3 i ("GENERAL CONDITIONS: PROPERTY DEVELOPMENT STANDARDS: OFF STREET PARKING") OF THE FIREBAUGH MUNICIPAL CODE, RELATING TO PARKING STANDARDS IN THE SINGLE FAMILY RESIDENTIAL ZONES.**

City Planner Karl Schoettler responded to some questions that the council had from the council meeting held on August 13th regarding this Ordinance. They were interested in knowing how many existing carports in the city? There are currently 17 existing carport. Council's other concern is the time frame that would be given to home owners to comply with the new regulations? It is at the council's discretion to set a time frame. The last concern is the smaller lots in the city and the impact the new standards would have to them? Mr. Schoettler advised the council that we could recommend to them to place additional parking in the rear of the property and enter through the alley. Council Member Sablan inquired if any discussion has taken place with the individuals who own these types of carports for their input. She also stated that her belief is that these carports serve for reductions fees on car insurance, therefore home owners should be given at least a year to comply.

Motion to approve Ordinance 07-05 with extension of six month to one year to comply to new regulation by Council Member Sablan, seconded by Council Member Marquez, motion carried by 4-0 vote.

NEW BUSINESS

6. **FIREBAUGH PRESERVE AMERICA COMMITTEE – SUBMITTED A DISCRIPTION OF LANGUAGE TO BE PLACED ALONG WITH THE "BRIDGE" PAINTING.**

Motion to approve the language in conjunction with the "bridge" painting and City's assistance to install the painting along the San Joaquin River by Council Member Marquez, seconded Council Member Sablan, and motion carried.

7. **APPROVAL OF PAVING CONTRACT WITH GARCIA PAVING FOR SAIPAN STREET TRAINING/PAVING PROJECT.**

Motion to approve the Garcia Paving Contract by Council Member Marquez, seconded Council Member Sablan, motion carried by 4-0 vote.

8. **RESOLUTION NO. 07-33 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH HEREBY SUPPORTING THE FRESNO COUNTY BOARD OF SUPERVISORS TO PROTECT CHILDREN’S HEALTH WITH STANDARDS FOR NEW MEGA-DAIRIES TO LIMIT AIR POLLUTION AND GROUNDWATER CONTAMINATION.**

Motion to accept Resolution No. 07-33 by Council Member Sablan, seconded Council Member Marquez, motion failed by 2-2 vote.

9. **RESOLUTION NO. 07-34 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, TO AMEND THE GENERAL PLAN LAND USE MAP FOR THE SUBJECT SITE LOCATED ON THE NORTHEAST CORNER OF SAIPAN STREET AND “O” STREET.**

Council Member Sablan inquired on any public safety concerns and comments that the public or staff may have? Police Chief Elsa Lopez stated the only concern is that Saipan Street is not a truck route and would prefer to not have any trucks parking on the streets, they would have to make sure to park in the fenced area, so the police department will monitor and if it becomes a problem they will speak with the owner to resolve any issues at that time.

Motion to approve Resolution No. 07-34 with the amendments by Council Member Sablan, seconded by Council Member DeFrancesco, motion carried by 4-0 vote.

10. **RESOLUTION NO. 07-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, APPROVING AMENDMENTS TO THE FEE SCHEDULE FOR AIRPORT USAGE SERVICES.**

Motion to accept Resolution No. 07-35 by Council Member Marquez, seconded Council Member Sablan, motion carried by 4-0 vote.

11. **FIREBAUGH-MENDOTA ROTARY CLUB REQUEST THE USE OF RODEO GROUNDS FOR OCTOBER 6TH OF 2007, WITH A WAIVER OF FEES FOR A TEAM ROPING CONTEST..**

John Baltierra, informed council that the Firebaugh-Mendota Rotary is holding their Annual Team Roping event October 6th and requested a wavier of fees. Council Member Marquez inquired if the organization was charging for the event. Mr. Baltierra stated not

for the event, just the contestants will be charged an entry fee and all funds earned go back to community, and Mr. Ledford will provide all the maintenance of the Rodeo Grounds.

Motion to approve the rental agreement with request of wavier of fees by Council Member Sablan, seconded by Council Member DeFrancesco, motion carried.

12. **THE CITY OF FIREBAUGH FARMER'S MARKET COST OF OPERATIONS REPORT.**

Finance Director Jose Garay provided the information to council. City Manager Ramirez stated that the Farmers Market has been successful and vendors are requesting an extension of the Farmers Market through October.

13. **THE CITY OF FIREBAUGH REVENUE REPORT FOR JULY, 2007.**

Finance Director Jose Garay provided council with information and no questions or comments given.

PENDING ITEMS

14. Emergency Disasters Plan – A Draft Plan is currently being circulated for review and comment.

Police Chief Lopez stated that the emergency disaster plans have been provided to staff and council for review, and she is waiting for comments.

STAFF REPORTS

- Interim Public Works Director, Ben Gallegos: PW is repairing the streets and sidewalks. Helped Fresno County and paved all the way to the sewer plant, it took only one day.
- Fred Rabe, City Engineer: Nothing to report.
- Police Chief, Elsa Lopez: Four to Five Officers will assist the City of Kerman for the Kerman Festival, as part of the agreement for their assistance with our harvest festival. Officer Campa and Sinta took 1st place in an obedience competition. Sinta has been very successful in drug best
- Community Service Coordinator, Phyllis Baltierra:
- Fire Chief/Code Enforcement Officer, John Borboa: Nothing to report.
- City Finance Director, Jose Garay: Nothing new to report.

- Deputy City Clerk, Rita Lozano: City Council is invited as representatives for the Day at the race for the Fresno Fair; each community will be designated day. West Hill College will have a remembrance ceremony for the 9/11 victims at the Firebaugh West Hill Plaza at 12:00 PM.
- Asst. City Manager, Laura Rios: Nothing new to report.
- City Manager, Jose Antonio Ramirez: went to Sacramento regarding major water issues, a landowner in town would like a certain parcel of land that is next to theirs to be donated or sold to them by the city, Greenlining Project is addressing the drainage issues which the most expensive problem of the project, so that the may move forward with construction. Airport Commissioners would like to have a fueling station at the airport, Mr. Ward has stated that he is interested in working with city to build one there. Mr. Demetrios would like the portable building removed from his construction site at 8th and O Street, so the City is interested in placing them at the airport and maybe using them as office space. Storm drain pumps at Vasquez Drive aren't properly working, so Mr. Fred Rabe will be calling the contractor to repair them. Toma Tek – The city has been working with Mr. Palmer regarding their water lines, and he's very cooperative.

COUNCIL ITEMS

- Council Member Marquez: **Late Fees** - Notice that the City is paying late fees on the City Credit Cards; can we place it on the next agenda for discussion to find a resolution in solving the problem? **Del Rio** – Are we still working on cleaning up the area and in general regarding any other problems? Fire Chief/Code Enforcement Officer, John Borboa, informed Mr. Marquez that he has addressed the residents that have concrete on their property and admin. Citation will be given out at the end of the month. Abandon truck and cars will be addressed by the police department through vehicle abatement. **Parking at City Hall** - His question is if employees can find other parking places? City Manager Ramirez replied that he will contact a representative from White Hurst to see if employees will receive permission to park on their private property. **Westside Pharmacy** – the concrete work turned out really nice, good work. **Tree Grant** - How about the trees, when will the City start planting them? City Manager Ramirez state that the weather is cooling and it is a goof time to start planting, so the city will start soon.

CLOSED SESSION

Motion to proceed into closed session at 9:37 pm by Council Member Marquez, second by DeFrancesco, Motion carried by consensus vote.

12. Conference with Labor Negotiation under Government Code Section 54957.6

Agency Designated Representative: Jose Antonio Ramirez, City Manager

Employee Organization: Police Officers Union

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken.

ADJOURNMENT - *Meeting adjourned meeting 10:48 PM.*

