

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 08/01-07**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: January 7, 2008 @ 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 Clyde Fannon
Council Member Marcia Sablan

ABSENT: Council Member Chris J. DeFrancesco

OTHERS: City Attorney, Dave Bacigalupi; City Manager, Jose Antonio Ramirez; Assistant City Manager, Laura Rios; City Finance Director, Jose Garay; City Treasure, Alice Castaneda; City Clerk, Priscilla Meza; Deputy City Clerk, Rita Lozano; Public Works Director, Ben Gallegos; Fire Chief/Code Enforcement Officer, John Borboa; Community Service Coordinator, Phyllis Baltierra; Jim Lowe; John Baltierra; Carmen Bates; Richard Garcia; Mary Van Pelt.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Mayor Knight.

PUBLIC COMMENT

John Baltierra (*1456 Q Street*) requested council to address issue of trash not being picked up as scheduled. Mr. Baltierra referenced an existing ordinance with the City of Mendota that addresses similar issue. Mayor Knight stated that he was uncertain of what could be done. As per Attorney, Dale Bacigalupi, council could address issue within the city’s ordinances.

James Bates (*1310 Enrico*) informed council that he refuses to demolish his carport, as per the newly revised city ordinances. Mr. Bates explained that his carport, built 7-8 years ago, was built to protect his family and home from high winds and other natural elements. Mayor Knight pointed out that council is unable to address issue unless it is placed as an action item on the agenda; however, stated appreciation for Mr. Bates comments.

City Council Fannon requested legal counsel to clarify the “sunset” clause of new ordinance. Fire Chief Borboa stated that the time frame of the “sunset” clause was one year. Mr. Bacigalupi informed council that they could revisit the time frame of the “sunset” clause and/or entire ordinance at another council meeting. Mayor Knight requested issue be placed on the agenda for the upcoming council meeting.

Richard Garcia (1280 Enrico) expressed similar concern as Mr. Bates regarding his carport. Mr. Garcia stated that he agreed with Mr. Bates' comments and also requested council to address issue of uneven sidewalks. Mr. Garcia expressed concern with safety hazards.

INTRODUCTION

None

PRESENTATION

None

CORRESPONDENCE

None

CONSENT CALENDAR

- 1. **APPROVAL OF MINUTES – The City Council meeting on December 3, 2007.**
- 2. **APPROVAL OF MINUTES – The City Council meeting on December 10, 2007.**
- 3. **WARRANT REGISTER – Period starting on November 1, 2007 and ending on November 30, 2007.**

November 2007	General Warrants	#18995 - #19144	\$ 774,168.66
	Payroll Warrants	#54551 - #54668	\$ <u>274,729.10</u>
	TOTAL		\$ 1,048,897.76

Motion to approve Minutes by Council Member Sablan, seconded by Council Member Fannon; motion passed by consensus vote.

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS**4. ORDINANCE NO. 07-08 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING CHAPTER 8 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO THE BUILDING AND HOUSING CODES – SECOND READING.**

City Manager and Fire Chief explained that ordinance was required in order to comply with state and federal codes.

Motion to approve Ordinance No. 07-08 made by Council Member Sablan, seconded by Mayor Pro Tem Marquez; motion passed by unanimous roll call vote.

5. INDEPENDENT AUDITOR'S REPORT AND FINANCIAL STATEMENTS JUNE 2007.

Representative from Bryant Jolley provided overview of report highlighting that there were no areas needing special attention. The report is "unqualified" meaning no significant findings. Representative expressed gratitude to City Manager and Finance Director for their assistance and participation.

Council Member Sablan requested clarification regarding the impact of pension funding on city budget. As per the auditor, council may want to consider requesting a needs assessment/study every three years allowing council and city staff to plan ahead. City Manager Ramirez stated that staff has received quotes from 2-3 firms to conduct assessment/study. As per City Manager Ramirez, these quotes range from \$5,000 - \$7,000; however, study could assist with current ongoing negotiations. Mr. Ramirez also stated that costs associated with assessment/study can be absorbed as a "liability" item in the city's general budget.

Informational agenda item only. No action taken.

6. PROPERTY MAINTENANCE/PUBLIC NUISANCE ABATEMENT.

City Manager Ramirez requested agenda item be tabled to next meeting as per Council Member DeFrancesco's absence. Council agreed to address agenda item. Fire Chief Borboa distributed photo images of buildings in the City of Coalinga as samples to consider. City Manager Ramirez also pointed out that the City of Madera has passed ordinances addressing public nuisance abatement issues. City Manager distributed an article from the Madera Tribune highlighting how the City of Madera addressed said issue.

City Attorney, Dale Bacigalupi, reviewed memo dated 11/26/07 listing six items that the current ordinance prohibits. Mr. Bacigalupi explained to council that items can be added and/or modified. Mr. Bacigalupi referred to sample ordinances from the City of Coalinga.

Council Member Sablan requested council to consider addressing issue of maintenance of empty buildings preventing abatement action. Mr. Bacigalupi stated that council could consider placing time limits for building owners to properly secure building once it is unoccupied. Council Member Sablan expressed she was in favor of establishing time limits. Mr. Bacigalupi referred to item "L" (*building graffiti*) suggesting property owners be held responsible to paint over and/or clean up graffiti.

Mayor Knight agreed with updating ordinances with bold time limits. Mr. Bacigalupi explained the process of addressing ordinance violations would remain the same; however, conditions of what is prohibited would change.

Council Member Sablan requested clarification on item "E" (*location of commercial or construction motor vehicles/trailers/equipment on property in residential areas*). Council Member Sablan questioned current regulation of the location of said vehicles/trailers/equipment on property within residential areas. Mr. Bacigalupi explained that council could review the current weight limitations of said vehicles/trailers/equipment.

Mayor Knight suggested a six-month (**amend minutes to a six-day, per motion at Jan. 23, 2008 council meeting**) time limit for property owners to clean up graffiti. Mayor Knight also suggested establishing a time limit for property owner of the “blue building”, located on “O” Street, to make it habitable. Mr. Bacigalupi requested council to set time limit. Mayor Knight suggested time limit of six to 12-month time limit.

Fire Chief Borboa requested similar time limits for commercial buildings as well. Mr. Bacigalupi stated that time limits could be established for all buildings, including commercial buildings. Mr. Bacigalupi agreed to create draft, incorporating such time limits, of building ordinances.

Council Member Sablan requested public input. Mr. Garcia and Mr. Bates agreed with council establishing bold time limits.

No action required.

PENDING ITEMS

7. Emergency Disaster Plan – A Draft Plan is currently being circulated for review and comment.

Mayor Knight stated that Police Chief Lopez is making changes to draft plan.

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **City Engineer, Fred Rabe** – addressing issues with developer regarding the Valle de Sol Project. Corrective action plans regarding the Greenlight Project were approved and project is ready for construction. City Manager Ramirez stated that staff is awaiting decision for additional funding for project. Staff is expecting a response by 1/11/08.
- **Community Service Director, Phyllis Baltierra** – stated that over 1,300 individuals received food in the monthly distribution.
- **Police Chief, Elsa Lopez** – not present.
- **Public Works Director, Ben Gallegos** – staff continues to work on tearing down mistletoe. Stated that the storage tank for Pump Station #1 is ready. Staff is also working on final “tie-ins” for Washoe repairs. City Manager Ramirez also stated that staff is addressing soil failure issues on “P” Street (*between “7th” and “8th” Streets*).
- **Fire Chief/Code Enforcement Officer, John Borboa** – stated participation in class regarding substandard housing issues. Training was held in Madera.
- **Finance Director, Jose Garay** – provided an update on the Senior Discount Plan. Staff was successful in enrolling 20 applicants in the Senior Discount Plan.
- **Assistant City Manager, Laura Rios** – staff is scheduled to begin work on the Leaky Pipes Project by the end of the week. Reported that construction on the sewage plant is scheduled to begin next month.
- **City Treasurer, Alice Casteneda** – nothing to report.
- **City Clerk, Priscilla Meza** – nothing to report.

- **Deputy City Clerk, Rita Lozano** – requested council and other city officials to submit their Statement of Economic Interests (Form 700) prior to the April 1, 2008 deadline.
- **City Manager, Jose Antonio Ramirez** –
 - Public Works Department staff is installing water meters. Once water meters are installed, the city's finance department will begin charging building owners at the metered rate rather than the scheduled flat rate.
 - Staff is working on the storefront improvement program on commercial buildings one block at a time. Recommended city to provide a cash match to building owners for storefront improvements.
 - Introduced a new home education service project, addressing health issues, is scheduled to host an open forum on January 24th at 6pm.

Council Member Sablan expressed concern with current fraudulent claims against another home education service project introduced to the community. City Manager Ramirez agreed to research legitimacy of new home education service project prior to scheduled open forum. Council Member Sablan, pending result of staff research, requested open forum be held at the Firebaugh Senior Center. Council Member Sablan stated that not too many community members are familiar with the address of the Andrew Firebaugh Community Center.

- Requested either a special meeting or an earlier starting time of next council meeting to review the city's General Plan Update.

Council agreed to schedule a special meeting on 1/22/08 to review the city's General Plan Update. In addition, council decided to reschedule 1/21/08 council meeting to 1/23/08 at 7:30pm due to the holiday.

- Agreed to provide council with material regarding a potential resolution suggested by Juan Arambula.
- Reviewed suggested street names for the Greenlining Project. Agreed to bring other recommendations before council.
- Announced upcoming meeting for the Weed & Seed Project. Next meeting is scheduled for 1/15/08 at 12noon.
- Stated that staff would like to address issue of residential tax rate increases with local bond measures before Fresno County.
- Stated that Las Deltas residents requested city take over their water system.

COUNCIL ITEMS

None

CLOSED SESSION

8. Conference with Labor Negotiation under Government Code Section 54957.6

Agency Designated Representative: Jose Antonio Ramirez, City Manager

Employee Organization: Police Officers Union

9. Pending Litigation Government Code Section 54956.9

City of Firebaugh v. Giersch & Associates, Inc., et al.
Fresno County Superior Court Case No. 07 CE CG 02610 MWS

Motion to move into closed session made by Council Member Fannon, seconded by Mayor Knight. Motion passed by consensus vote.

ANNOUNCEMENT AFTER CLOSED SESSION

City Manager Ramirez announced that staff received notice of an award in the amount of \$100,000 for an underground utility line program.

ADJOURNMENT

Motion to adjourn meeting made by Council Member Sablan, seconded by Council Member Fannon. Meeting adjourned at 8:51 p.m.

Minutes submitted by:
Priscilla Meza, City Clerk