

MEETING MINUTES

The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 08/02-04

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: February 4, 2008 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Craig Knight at 7:31 p.m.

ROLL CALL

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

ABSENT: NA

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; Police Chief, Elsa Lopez; Public Works Director, Ben Gallegos; Fire Chief/Code Enforcement Officer, John Borboa; Community Service Coordinator, Phyllis Baltierra; Jim Lowe; John Baltierra; Jack Minitte; Dr. Marcel Hetu

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Mayor Pro Tem Marquez

PUBLIC COMMENT

None

INTRODUCTION

None

PRESENTATION

Mr. Santos from Communications Workers of America – Local 9408 provided a presentation regarding high speed internet service. Mr. Santos encouraged council to consider passing a resolution to promote internet agencies to invest in rural communities. City Manager Ramirez stated that staff can bring resolution to next council meeting for review and action.

CORRESPONDENCE

None

CONSENT CALENDAR

- 1. **APPROVAL OF MINUTES – The City Council meeting on January 23, 2008.**
- 2. **WARRANT REGISTER – Period starting on December 1, 2007 and ending on December 31, 2007.**

December 2007	General Warrants	#19145 - #19274	\$ 638,930.57
	Payroll Warrants	#54669 - #54784	\$ <u>(Included in Total)</u>
	TOTAL		\$ 638,930.57

Council Member Sablan requested clarification on General Warrant #19189 and Mayor Pro Tem Marquez inquired into General Warrant #19219. As per Police Chief Lopez, Firebaugh Police Department did not receive the paperwork regarding use of facility; applicant was eventually refunded their cleaning deposit. City Manager Ramirez agreed to have staff look into said warrants.

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

PUBLIC HEARING

None

OLD BUSINESS

- 3. **REVIEW ORDINANCE NO. 07-05 – RELATING TO PARKING IN THE SINGLE FAMILY RESIDENTIAL ZONES.**

City Manager Ramirez requested direction from council whether to establish exceptions or to grandfather existing, pre-built carports. As per Mr. Borboa, there are 18 existing, pre-built carports in question, including bolted-down and portable carports.

City Attorney, Dale Bacigalupi, explained that if homeowner was required to obtain a permit and did, then the carport would be grandfathered in; however, if homeowner failed to obtain a permit then the carport is not protected under the new ordinance. City Manager Ramirez questioned if permits were obtained for these carports. Mr. Borboa stated that no permits were submitted. Council Member Fannon stated disagreement with city requiring homeowners to demolish pre-existing carports.

Council Member Sablan questioned the difference between No. 1 & No. 2 of Section 8 on page 5 regarding “Off-Street Parking”. As per Mr. Bacigalupi, No. 1 applies to something that does not exist and No. 2 applies to something that would exist.

Mayor Knight suggested that homeowners with “bolted-down” carports be allowed 30 days to obtain permit. Council Member Sablan suggested that carports be distinguished based on its structural condition rather than if it’s “bolted-down”. City Manager Ramirez requested council to clarify direction for staff. City Attorney Bacigalupi suggested staff to survey each carport in question and provide a report to council at next council meeting for further action. City Manager Ramirez agreed.

4. ORDINANCE NO. 08-07 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, AMENDING SECTION 16.5 – 6 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO PUBLIC NUISANCE ABATEMENT AND PROPERTY MAINTENANCE – FIRST READING.

City Attorney Bacigalupi stated that Section 16.5 – 6, Subsections “a”, “b” and “c”, already exist; council to review Subsections “d” and “e”. As per Mr. Bacigalupi, Subsection “d” allows property owners seven days to remove, cover or paint over graffiti restoring defaced surface to its original condition. Subsection “e” relates to vacant or unoccupied commercial or residential structures that fall into a state of visible or obvious disrepair. Mr. Bacigalupi stated that failure to follow ordinance would result in a citation and could possibly lead to an abatement process.

Mayor Knight questioned if ordinance relayed to garbage-covered and/or neglected yards. Mr. Bacigalupi stated that this issue is addressed in already existing ordinances. Mayor Knight requested Fire Chief/Code Enforcement Officer Borboa to follow up on the vacant “blue” building located on “O” Street.

Mr. Bacigalupi stated that ordinance does not address issue of paint color; however, council may include a specific paint color palette. Council Member Fannon questioned if it were legal to establish a color palette. Mr. Bacigalupi stated that council has legal right to establish a specific color palette.

Mr. Jack Minitte questioned who would be responsible for monitoring and enforcing ordinance. Mr. Minitte also requested information regarding the process of addressing non-compliance. Mayor Knight and Council Member DeFrancesco described process to include issuance of citations, followed by abatement process if property owner continues to be non-compliant. Mr. Bacigalupi added that if property owner does not comply during the abatement process then the city will bill property owner for demolition of said structure. Mr. Bacigalupi also stated that if property owner fails to reimburse the city then said property will be included in yearly tax roll where the city will be provided the opportunity to recoup any related expenses via the county’s tax sale of property.

Dr. Marcel Hetu questioned if ordinance addresses issue of occupied structures that are unhealthy and/or dangerous. Mr. Bacigalupi stated that this issue is addressed in already existing ordinances.

Council Member DeFrancesco suggested establishing a paint color palette for business and residential areas. City Manager Ramirez recommended a separate workshop for council on this issue.

Council Member DeFrancesco asked when property owners will be notified of new ordinance. Mr. Bacigalupi stated that ordinance requires a second reading within 30 days of tonight’s reading; second reading is scheduled for next council meeting. Police Chief Lopez suggested staff send letters to said property owners and/or have a public hearing allowing property owners to address council on the matter. Mr. Bacigalupi stated that although a public hearing is not required, council may decide to have a public hearing at the second reading of the ordinance (next council meeting). Council Member Sablan concurred with suggestion. Mr. Bacigalupi stated that notice of public hearing can be either posted on electronic sign, listed in local paper and/or a letter can be sent to said property owners.

Mayor Knight and City Manager Ramirez stated that letters sent to individual property owners would be most effective

Motion to approve Ordinance No. 08-01 made by Council Member Fannon, seconded by Council Member Sablan; motion passed by unanimous roll call vote.

5. **RESOLUTION NO. 08-04 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A WATER CONSERVATION PLAN PURSUANT TO THE PROVISIONS OF FIREBAUGH MUNICIPAL CODE SECTION 15-1.3.1**

City Manager Ramirez stated that the Water Conservation Plan needs to reflect new elements. As per City Manager Ramirez, the City of Firebaugh would be the first city to have 100% of local businesses and residential homes with water meters. Council Member Fannon asked how many water meters are scheduled to be installed. Public Works Director Gallegos stated that staff has successfully installed 50 water meters and are scheduled to install another 450. City Manager Ramirez stated that the installation of 500 water meters will increase equity for all businesses/residents and decrease overall consumption. City Manager Ramirez also stated that staff is seeking available funding to address issue of toilet retro-fits.

Council Member Sablan expressed concern with Section B, Subsection (1) regarding “standing water” in gutters. As per Council Member Sablan, how can council hold water user responsible for “substantial amounts of water to run off to a gutter” if the gutter is the lowest point on the street. Mr. Bacigalupi stated that water users will be held responsible for circumstances that are within their control.

Motion to approve Resolution No. 08-04 made by Council Member Sablan, seconded by Council Member Fannon. Motion passed by unanimous roll call vote. City Manager Ramirez requested to modify Resolution No. 08-04 to reflect correct watering schedule for local school district.

6. **PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH RATIFYING THE FIRST OF DECEMBER AS “FRED RABE DAY”.**

Mayor Knight proposed proclamation to honor Mr. Fred Rabe’s years of service/dedication to the City of Firebaugh.

Motion to approve Proclamation made by Council Member Fannon, seconded by Mayor Pro Tem Marquez; motion passed by consensus vote.

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZES BID AWARD FOR DEMOLITION CONSTRUCTION OF SPORTSMEN’S MOTEL.**

Fire Chief/Code Enforcement Officer Borboa provided overview of bidding process. As per Mr. Borboa, eight contracting firms were contacted; however, only four firms submitted quotes for demolition of the Sportsmen’s Motel. Council Member DeFrancesco questioned disparity of total amounts submitted by listed firms. Mr. Borboa stated that Kroeker, Inc. tends to submit high quotes; however, the other three firm’s quotes were close in range. Mr. Borboa stated that Lee Crippen Excavation was the lowest quote of \$18,950.00.

Council Member DeFrancesco questioned who would be responsible for maintaining weeds on property. Mr. Borboa stated that the property owner would be responsible; however, expressed concern with whether property owner would maintain weeds on property.

Mr. Borboa also informed council that the costs associated with the demolition is not within the city’s budget and can take up to five years to recoup costs if the property owner fails to reimburse the city. City Attorney Bacigalupi described process of recouping related costs if the property owner does not reimburse the city. As per Mr. Bacigalupi, the process would include listing the property on the city’s yearly tax roll and then waiting for the county to sale the property via a tax sale. Mr. Bacigalupi stated that the city would recoup all related costs following the sale of the property.

Finance Director Garay questioned if the county would pay prior to a tax sale under the Teter Plan. Mr. Bacigalupi stated that he was uncertain if Teter Plan would apply.

Council Member Sablan suggested having some plan of action to comply with the San Joaquin Valley Air Pollution Control Board’s directives. Council Member Sablan suggested placement of gravel or some sort of

ground cover on property. Fire Chief/Code Enforcement Officer Borboa stated that council can decide to either leave existing asphalt or place new asphalt. Mayor Knight stated that a “dirt lot” would be more appealing to potential buyers. Council Member Sablan suggested city purchase grass seeds and have contractor spread seeds on property. Mr. Bacigalupi stressed that any planting be performed during demolition period otherwise city would be liable for trespassing.

Motion to authorize Bid Award made by Council Member Sablan, seconded by Council Member DeFrancesco; motion passed by consensus vote.

8. DISCUSS FUTURE USE OF CITY FACILITY LOCATED AT 1133 “P” STREET.

City Manager Ramirez requested direction from council regarding the use of city facility. Mr. Ramirez stated that the United Health Center is still obligated to provide medical services to Firebaugh residents as per the county via a mobile unit or by constructing another facility.

Council Member DeFrancesco questioned how the current city administrative offices would be used if these offices were relocated to the 1133 “P” Street building. City Manager Ramirez stated that the Firebaugh Police Department would use the current administrative offices to expand its offices.

Mr. Jack Minitte urged council to consider alternative location of city yard if they decide to relocate its administrative offices to the vacant facility, which is near the city yard. City Manager Ramirez stated that council and staff have discussed this issue.

City Manager Ramirez also informed council of available USDA Public Facilities monies, up to \$70,000.00, that can be used towards renovating the inside of the vacant facility. Council Member Fannon questioned the turnaround time for staff to receive these funds. City Manager Ramirez stated that staff could receive these monies within the next six months.

Dr. Marcel Hetu urged council and staff to take into consideration future growth. Council Member Sablan also requested staff to preserve the former jail house.

Council directed staff to proceed with relocating its administrative offices to the facility located at 1133 “P” Street.

PENDING ITEMS

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

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

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** – stated that the date and time of the monthly food distribution will change. Announced free income tax services will be available at the Senior Center every Thursday, beginning February 7th.
- **Police Chief, Elsa Lopez** – officers continue to work on attempted murder/burglary case.

- **Public Works Director, Ben Gallegos** – staff continues to work on installing water meters. Upcoming major project is “Q” Street.
- **Fire Chief/Code Enforcement Officer, John Borboa** – taking fire apparatus to Modesto for repairs. Continues to work with WHC regarding their Emergency Disaster Plan.
- **Finance Director, Jose Garay** – nothing to report
- **City Treasurer, Alice Casteneda** – nothing to report.
- **City Clerk, Priscilla Meza** – reminded everyone of Primary Elections on February 5th.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** – busy working on Public Records Act case.
- **City Manager, Jose Antonio Ramirez** –
 - Reconnecting Youth is proposing city to install a disc golf course along the city’s river trail. Estimated costs are \$3,000.
 - Travelled to Washington D.C. to testify before Congress on behalf of local farmers
 - Announced upcoming CCID Annual Public Meeting on March 17, 2008 at the VFW Hall
 - FEMA has provided staff with documentation informing them that the Valle Del Sol housing project is out of the flood zone – property owners are not required to pay for flood insurance.
 - Staff continues to work with CalTrans to address traffic issues near the TomaTek entrance on Highway 33.
 - Staff has 5,000 sand bags in stock.

COUNCIL ITEMS

- **Mayor Pro Tem Marquez** -
 - Requested staff to enlarge the lettering on the electronic message board. City Manager Ramirez stated that staff received training on how to operate the board and will make necessary adjustments.
 - Expressed concern with receiving notification of council meeting after the meetings. Deputy City Clerk, Rita Lozano, stated that the council meeting packets are delivered every Friday prior to the council meeting.
- **Council Member Fannon** -
 - Requested the total amount of the electronic message board. Finance Director Garay stated that staff has yet to receive all bills/invoices associated with installation; however, will follow up and provide a full report to council when total costs are tallied.

CLOSED SESSION

10. **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

NO CLOSED SESSION HELD

ANNOUNCEMENT AFTER CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made by Mayor Knight, seconded by Council Member DeFrancesco. Meeting adjourned at 9:30 p.m.

*Minutes submitted by:
Priscilla Meza, City Clerk*