

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 08/04-21**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: April 21, 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 Chris J. DeFrancesco
Council Member Clyde Fannon

ABSENT: Council Member Marcia Sablan

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; Fire Chief/Code Enforcement Officer, John Borboa; Community Service Coordinator, Phyllis Baltierra; Jim Lowe; Jack Minitte; Dr. Marcel Hetu; David Flores.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member Chris J. DeFrancesco

PUBLIC COMMENT

Dr. Marcel Hetu, Director of West Hills College-North District Campus, announced 75th Anniversary celebration of West Hills College. Dr. Hetu expressed gratitude to the City of Firebaugh for its support. Dr. Hetu presented City Manager, Jose Antonio Ramirez, with a special plaque of recognition for his support and dedication to WHC and its faculty and students. City Manager accepted the plaque on behalf of staff and council.

INTRODUCTION

None

PRESENTATION

Mr. Tony Boren, representative of the Council of Fresno County Governments, provided an overview of its San Joaquin Valley Blueprint Planning Process. Mr. Boren provided handouts to council, staff and the general

public. The purpose of the Blueprint Planning Process is to prepare for future growth, including economical and population growth, avoiding negative impacts on valley residents and businesses.

CORRESPONDENCE

None

CONSENT CALENDAR

- 1. **APPROVAL OF MINUTES – The City Council meeting on March 24, 2008.**
- 2. **WARRANT REGISTER – Period starting on March 1 and ending on March 31, 2008.**

| | | | |
|------------|------------------|-----------------|-------------------------------|
| March 2008 | General Warrants | #19603 - #19756 | \$ 1,662,592.77 |
| | Payroll Warrants | #55080 - #55192 | \$ <i>(Included in Total)</i> |
| | TOTAL | | \$ 1,662,592.77 |

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

PUBLIC HEARING

- 3. **CONTINUED – PUBLIC HEARING – TO REVIEW THE COMMUNITY DEVELOPMENT BLOCK GRANT’S FINAL FINANCIAL AND ACCOMPLISHMENT REPORT FOR THE CITY OF FIREBAUGH AND AGREEMENT WITH THE STATE OF CALIFORNIA.**

City Manager Ramirez explained that the final financial report and the accomplishment report were unavailable to staff at last council meeting; therefore brought forth to council for public comments.

Mayor Knight opened hearing for public comments. No public comments. No council comments.

Mayor Knight closed public hearing.

OLD BUSINESS

None

NEW BUSINESS

- 3a. **PROCLAMATION HONORING THE 75TH ANNIVERSARY OF WEST HILLS COLLEGE.**

Mayor Knight requested addition of agenda item to present proclamation honoring West Hills College 75th Anniversary.

Motion to add agenda item 3a. Proclamation Honoring the 75th Anniversary of West Hills College made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by consensus vote.

Mayor Knight read and presented Proclamation to Dr. Marcel Hetu, Director of West Hills College-North District.

4. **RESOLUTION NO. 08-12 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH EXTENDING THE TIME PERIOD FOR FILING A FINAL MAP FOR THE LAKE JOALLAN TENTATIVE SUBDIVISION MAP (TENTATIVE SUBDIVISION MAP 2004-01).**

City Manager Ramirez provided an update regarding the matter and explained that the resolution proposes to extend the deadline to file a final map for the Lake Joallan Subdivision for another two years.

Mayor Knight opened agenda item for public comments.

Jim Lowe (insert address), member of the Firebaugh Planning Commission, asked if resolution would be presented before the city's Planning Commission. Mayor Knight and City Manager Ramirez stated that the matter would need to be presented to the Planning Commission if there are any changes to the resolution.

Motion to approve Resolution No. 08-12 made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by unanimous roll call vote.

5. **RESOLUTION NO. 08-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH SUPPORTING AB1012 A STATE LAW TO SECURE THE EFFICIENCY OF TRANSPORTATION FUNDING AND IMPLEMENTING A TIMELY USE OF THE FEDERAL/STATE FUNDING UNDER THE 2009 FEDERAL TRANSPORTATION ACT.**

City Manager Ramirez explained that resolution is required by grant application process; staff is submitting a total of three grants that falls into the city's overall comprehensive plan. City Manager Ramirez further explained that the resolution ensures appropriate expenditure of grant funding within a timely manner.

Mayor Pro Tem Marquez asked for the amounts of each grant project and the amount expended for these three grant proposals. As per City Manager Ramirez, each grant project ranges from \$150,000 to \$200,000 and the staff has expended approximately \$2,000 (*Engineer costs*) for these grant proposals.

No public comment.

Motion to approve Resolution No. 08-13 made by Mayor Pro Tem Marquez, second by Council Member Fannon; motion passed by unanimous roll call vote.

6. **RESOLUTION NO. 08-14 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH URGING THE GOVERNOR TO PLACE A COMPREHENSIVE WATER AND FINANCING PLAN BEFORE THE VOTERS IN THE NOVEMBER 2008 ELECTION AND SUPPORTING THE POSITION OF THE CALIFORNIA LEAGUE OF CITIES.**

City Manager Ramirez encouraged council to pass Resolution No. 08-14 and send to the Board of the California League of Cities. City Manager Ramirez stated hope that resolution would trigger some form of action and believed the City of Firebaugh should be the first to convey a strong message to the Governor and League of Cities. City Manager Ramirez also stated that the resolution encompasses all the elements and issues needed to make a strong argument. Council Member Fannon stated appreciation of the proposed resolution.

No public comment.

Motion to approve Resolution No. 08-14 made by Council Member DeFrancesco, second by Council Member Fannon; motion approved by unanimous roll call vote.

7. **VACATED FORECLOSED RESIDENCES.**

Fire Chief/Code Enforcement Officer, John Borboa, stated that there are four to five residential properties that need to be addressed. As per Mr. Borboa, all said properties are in an unsightly state of disrepair. Mr. Borboa

also stated that his office has received concerns expressed from several community members and citations are not effectively addressing the issues. Mr. Borboa requested direction from council and legal counsel.

City Attorney, Dale Bacigalupi, stated that council could direct available staff to use monies from the Low/Moderate Income Housing Fund to make repairs; approach lenders of said properties to make repairs and/or use Redevelopment Funds to bring homes back into the market for potential buyers. Mr. Bacigalupi stated that council could direct Mr. Borboa to continue issuance of citations; however, method may not solve the issue.

Mr. Borboa expressed with concerns from the public if issue is not addressed. Mr. Borboa also expressed concern regarding the issue of trespassing. Mr. Bacigalupi stated that staff could implement the Weed Abatement Process and include any associated costs on the next tax roll and eventually be reimbursed.

Mayor Knight questioned if including costs on next tax roll would be cost-effective. Mr. Bacigalupi affirmed that it would. Mr. Borboa stated that it would be another 60-90 days to implement Weed Abatement Process and feels issue can no longer be avoided.

Mr. Bacigalupi suggested that staff contact lenders and/or its foreclosure departments requesting basic maintenance of properties. Mayor Knight suggested issuance of citations. Mr. Bacigalupi stated that staff may experience quicker progress by working with lenders and its foreclosure departments.

Mr. Borboa stated that he read an article stating that other cities are fining the lenders up to \$1,000.00 or more per citation.

Dr. Marcel Hetu, Director of WHC-North District, stated that in Oakland, CA officials addressed similar issues by taking pictures of properties and addressed issue of liability with the lenders which resolved the problems.

Phyllis Baltierra, Community Service Director, stated that Mr. Marcy Patlan is experiencing similar issues with a neighboring property. As per Mrs. Baltierra, Mr. Patlan has contacted the lender of the property and stated that the lender is unable to address issue at this time.

Mayor Knight requested staff to contact other cities and research how other cities are addressing similar issues.

8. AUTHORIZATION TO ACCEPT BIDS FOR DEMOLITION AT 1860 EAST CARDELLA – DANNY AND TERI WATSON.

Fire Chief/Code Enforcement Officer, John Borboa, provided background information regarding agenda item. As per Mr. Borboa, said property was first “red-tagged” in 2007; however, city decided to extend “red-tag” period allowing tenants to move out. Since then, the note on the said property has changed “hands” and the new lender has not filed a Title of Ownership with the Fresno County Assessor’s Office. Mr. Borboa stated that he has spoken with the new owner of the property meanwhile continues to receive complaints from neighboring home owners.

Mr. Borboa stated that Danny and Teri Watson were issued a notice to abate and encouraged council to direct staff to open bidding process for demolition of the home and place associated costs on the upcoming tax roll. Council Member DeFrancesco questioned how the city would be reimbursed. City Attorney, Dale Bacigalupi, explained that once costs are included in the next tax roll, Fresno County will place a lien on the property billing the property owner then reimbursing the city of Firebaugh.

Mayor Knight commented that the property is beyond repair; Mr. Borboa agreed with Mayor’s assessment and again encouraged council to move forward with bidding process for demolition. Mr. David Flores, questioned how much the city has paid for demolition of abated properties and also questioned the timeliness of repayment. Mayor Knight stated that the city will recoup associated costs within five years; however, further

explained that the city would be in a better position demolishing such properties and recouping costs rather than having to address ongoing issues with such properties.

Mr. Borboa questioned if staff could use Redevelopment monies to pay for demolition costs. As per City Attorney Bacigalupi, council can direct staff to use Redevelopment monies if said property is within the city's Redevelopment Project area. Finance Director, Jose Garay, stated that the property is not within the Redevelopment Project area.

Mayor Knight expressed concern with property presenting hazardous conditions. Jack Minnite, recommended council and staff to consider the option of contracting one sole contractor to demolish such properties rather than sourcing out demolition bids for every designated property. Mayor Knight stated that currently there are eight to ten properties that need to be demolished averaging costs of \$150,000 to \$200,000. Mr. Minnite suggested council direct staff to earmark necessary funding from the city's utility tax to cover associated costs and recuperate expenses via the tax roll. Mayor Knight agreed with Mr. Minnite's suggestion.

Motion to approve authorization to accept bids for demolition at 1860 East Cardella made by Council Member Fannon, second by Council Member DeFrancesco; motion approved by unanimous consensus vote.

9. FIREBAUGH DISPOSAL SERVICE COMPLIANCE UPDATE.

City Manager Ramirez provided an update of the discussion at the previous Solid Waste Management meetings. As per City Manager, Firebaugh Disposal Service (FDS) is proposing a monthly fee increase of \$5.00 of current rates charged to local businesses and residents. City Manager stated that FDS was informed of the state mandate to present such request via a Prop. 218 process, which would require FDS to obtain a Rate Study and present it to council via a public hearing process for approval. City Attorney Bacigalupi explained that this process is required by state law and that council would need to either approve or disapprove of proposed rate increases unless 51% of residents vote to stop the process.

City Manager also shared FDS' request to rezone its property and to include FDS in the city's General Planning process. Currently, FDS is required to file a Conditional Use Permit and conduct an Environmental Impact Analysis and a Site Use Plan. City Manager Ramirez also explained that inclusion of FDS in the city's General Planning process would eliminate the need for FDS to file for a Conditional Use Permit with Fresno County. Jim Lowe, member of the Planning Commission, questioned why requests were not addressed before the Planning Commission and expressed concern with such requests bypassing the Planning Commission. City Manager Ramirez stated that he and staff were directed by council at the last council meeting to provide an update report regarding FDS. City Manager Ramirez stated that he is not requesting action and/or direction from council at this point.

Mr. David Flores, member of the Planning Commission, stated that local residents should be provided with the opportunity to voice their concerns and/or questions.

Again, Commissioner Lowe expressed concern with discussion occurring without addressing the issue with the Planning Commission. FDS representative, Don Esola, suggested Commissioner Lowe attend the next Solid Waste Management meeting.

Mayor Knight stated that when Del Rio was incorporated into the city of Firebaugh, the area was zoned as Mixed Use. Mayor Knight stated that perhaps council could address zoning issue and FDS' proposed rate increase(s) in one process. City Manager Ramirez stated that FDS is monitored on a regular basis and is in compliance and that this report is informational only. Mayor Knight questioned what the next steps are to address the rezoning issue. City Manager Ramirez explained that the next steps include FDS to conduct an Environmental Impact Analysis and a Site Use Plan. The city would also need to conduct an Environmental Impact Analysis of the Del Rio area.

10. PROPOSED CITY ADMINISTRATION BUILDING/REMODELING PROJECT.

City Manager Ramirez provided a verbal report of the proposed city administration building/remodeling project. As per City Manager, staff has received bids which included modification and painting of interior walls and installation of new flooring. The lowest bid submitted was \$56,000. Additional costs including costs for electrical wiring, installation of telephone and internet cables and purchase of a new vault brings the total project of approximately \$100,000. City Manager Ramirez stated that staff is working with USDA to obtain about \$70,000 to assist with overall project costs.

Jack Minnite (insert address) stated appreciation for council and staff's direction regarding this project; however, encouraged council and staff to consider future growth and needs throughout this decision making process. Mr. Ramirez stated that this project would more than meet the city's present need for a new administration building. Mr. Minnite also encouraged council to consider the overall message it wants to make to local residents and potential developers. City Manager Ramirez expressed gratitude for Mr. Minnite's comments and stated that proposed costs presented to council is for the interior of the proposed city administration building. Mr. Ramirez stated that additional funding is required for modification for the exterior of the building.

Council Member Fannon questioned the overall project timeline. City Manager Ramirez stated that staff wants to move into new building as soon as possible.

Council directed staff to move forward in collaboration with direction from legal counsel.

11. COMMUNITY GARDEN PLOTS/MASTER GARDEN PROGRAM.

City Manager Ramirez provided a brief review of the proposed community garden program. Mr. Ramirez stated that a local group of community members is interested in converting three to four acres of property along Dunkle Park into a Community Garden/Master Gardening Program. Mr. Ramirez also stated that the UC Master Gardeners Program would provide educational activities. Mr. Minnite encouraged council and staff to utilize West Hills College for educational activities as well.

Mayor Pro Tem Marquez questioned costs associated with the program. As per City Manager Ramirez, the only costs to the city would be to provide a water supply. Mr. Minnite also suggested staff contact property owners of vacant lots to establish similar programs throughout the city. City Manager Ramirez stated anticipation of program evolving over time.

Motion to approve tentative Community Garden/Master Garden Program for review at next council meeting made by Council Member Fannon, second by Mayor Knight; motion carried by 2-0-0 roll call vote.

12. REVIEW AND SUPPORT BILL NO. ACR128 SUBMITTED BY ASSEMBLY MEMBER JUAN ARAMBULA IN HONOR OF OFFICER SIXTO MALDONADO, JR., MEMORIAL HIGHWAY.

City Manager Ramirez stated that the bill proposes to dedicate a portion of California Highway 33 (along Firebaugh) in memory of fallen Firebaugh Police Officer Sixto Maldonado, Jr.

Police Chief, Elsa Lopez, stated that she met with representatives from Assembly Member Arabmula's office to stress that Officer Maldonado was an officer with the Firebaugh Police Department throughout the document.

Dr. Marcel Hetu, director of West Hills College-North District, expressed support of the proposed bill.

Motion to approve and support Bill No. ACR128 made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by unanimous consensus vote.

13. CENTRAL VALLEY BUSINESS INCUBATOR (CVBI) IS TREQUESTING THE CITY OF FIREBAUGH CONSIDERATION IN INVESTING WITH CVBI.

Mayor Knight provided overview of agenda item stressing importance of supporting already existing, local businesses and promoting future businesses. City Manager stated the CVBI is requesting city to invest \$1,000, which would provide scholarships to already existing and future business owners to attend CVBI courses. Mayor Knight explained that the investment is on a year-to-year basis.

Mr. Jack Minnite, stated that investment would assist with building a strong foundation for successful local businesses.

Motion to approve investment with the Central Valley Business Incubator (CVBI) made by Council Member DeFrancesco, second by Council Member Fannon; motion passed by 3-1-0 vote (Mayor Pro Tem Marquez opposing motion).

PENDING ITEMS

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

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** –
 - Reported that staff has been busy with Income Tax Service program.
 - Expressed concern with local senior citizens, living at the senior resident housing complex, experiencing problems with local youth skateboarding within and around the housing units and increased graffiti. As per Ms. Baltierra, seniors have expressed fear as well. Problem is being addressed with local law enforcement and identified the youth to be members of the Boys and Girls Club in Firebaugh. City Manager Ramirez encouraged Ms. Baltierra to contact the director of the local Boys and Girls Club.
- **Police Chief, Elsa Lopez** –
 - Reported that department has met with members of Proteus' *Las Promotores* program that agreed to serve as Citizens on Patrol during the Farmer's Market every Thursday.
 - Camera surveillance installation is almost complete. Expect completion of installation within next two weeks.
 - As per Mayor Pro Tem Marquez' inquiry, officers continue to patrol and monitor activity off of Sablan Avenue. Several community members expressed fear and concern of alleged illegal activity occurring on Sablan Avenue and Powers Court area. Chief Lopez encouraged community members to cooperate with local authorities and report any suspicious activity. Community members agreed; however, requested immediate resolution to the problem. Mayor Knight explained that the department needs to catch alleged offenders in the act of illegal activity.
- **Public Works Director, Ben Gallegos** – absent.
- **Fire Chief/Code Enforcement Officer, John Borboa** –
 - Stated that new fire truck is available for public to view. Also stated that another fire truck is requiring servicing and will take about two to three months before it is back in commission.
 - Staff continues to work on grants for a breathing air station and new city siren.
- **Finance Director, Jose Garay** – nothing to report

- **City Treasurer, Alice Casteneda** – nothing to report.
- **City Clerk, Priscilla Meza** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** – busy negotiating with Census 2010; has identified another 300 new addresses.
- **City Manager, Jose Antonio Ramirez** –
 - Announced and encouraged interested parties to attend the upcoming Greenlighting Conference on April 24-25, 2008.
 - Staff completed the Special Event Use of Facility Form, as per Council Member Sablan's request.
 - Staff continues to work with the Office of Emergency Services and other agencies addressing erosion issues along the river levee.
 - Announced availability of grant funding to assist homeowners/property owner to address problems with their homes and/or buildings. A total of \$360,000 is available via grant funds.
 - Staff is working on developing a painting program to assist local senior citizen with painting their homes. Program is a collaborative effort with West Hills College. Costs will be minimal.
 - Reminded council of upcoming Local Government Commission meeting on April 23, 2008. Commission is scheduled to address issues of improving life for families living in the San Joaquin Valley.
 - Staff continues to work on potential street name recommendations (*list of names provided to council members prior to meeting.*)
 - Reported that Assistant City Manager Rios attending meeting in Mendota where water conservation issues were addressed. Ms. Rios shared information of City Manager Ramirez's testimony before Congress in Washington D.C.
 - Underground utilities planning process is ongoing.
 - Staff continues to work on grant application proposing to address water use efficiency issues. Staff plans to use USDA funding to leverage proposed grant project.
 - Announced approval of grant application submitted to the One Economy Foundation for \$600,000 to enhance the community's high-tech capabilities. About 1,000 computers and/or laptops will be made available.
 - Staff is working with West Hills College and their efforts to promote Measure Q on the upcoming November election ballots. As per Dr. Hetu, the monies generated from Measure Q, if passed, will benefit the North District Campus and its communities. Mr. Jack Minnite, WHC Board of Trustee member, also expressed importance of Measure Q.
 - Staff met with representatives from the County's Tax Assessor's Office to address increase(s) of tax assessment. As a result, staff received confirmation that these increases were committed in error; however, uncertain how the Tax Assessor's Office is proposing to correct this error. Staff is scheduled to meet with county representatives
 - Staff is pursuing a \$400,000 grant opportunity to address underground tanks that need to be cleaned up and/or serviced.
 - Staff sent letter to local congressman requesting resolution to problems with local Post Office. Problems include landscaping, signage, building maintenance and repairs and need for a new router. Staff received immediate and positive response from the U.S. Postal Services and is working with one of their Relational Liaisons to address these issues.
 - Staff is collaborating with Westside Institute of Technology and TomaTek, Inc. to provide educational activities.
 - Staff met with PG&E to address progress of ongoing projects in Firebaugh. Staff will continue to meet with PG&E representatives on a monthly basis.

COUNCIL ITEMS

None

Motion to adjourn into closed session made by Council Member Fannon, seconded by Mayor Pro Tem Marquez; motion carried by consensus vote.

CLOSED SESSION

15. 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*

16. CONFERENCE WITH LABOR NEGOTIATIONS - Pursuant to Government Code Section #54957.6.

City Designated Representative – City Manager Jose Antonio Ramirez

Employee Organization – Public Works Miscellaneous Employees

Employee Organization – Police Department

17. CONFERENCE WITH CITY COUNCIL RE: REAL PROPERTY – APN# 008-074-3 – Pursuant to Government Code Section #54956.8.

Closed session is authorized by Government Code Section # 54956.8 to confer with and grant authority to its real property negotiators regarding APN # 008-074-3 0.13 acres.

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken.

ADJOURNMENT

Motion to adjourn made by Mayor Knight, seconded by Council Member DeFrancesco. Meeting adjourned at 10:34 p.m.

*Minutes submitted by:
Priscilla Meza, City Clerk*