

MEETING MINUTES

The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 08/06-16

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: June 16, 2008 @ 7:00 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
Council Member Chris DeFrancesco

ABSENT: NA

OTHERS: City Attorney, Dave Bacigalupi; City Manager, Jose Antonio Ramirez; City Treasure, Alice Castaneda; Deputy City Clerk, Rita Lozano; Police Chief, Elsa Lopez; Public Works Director, Ben Gallegos; City Engineer, Mario Gouveia; Jack Minnite; David Flores; John Baltierra; Luis Alcantar; Christy Ruiz.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member DeFrancesco

PUBLIC COMMENT

- Christy Ruiz, former Firebaugh resident, expressed concern regarding physical fight involving her son and a city employee. Mrs. Ruiz stated that the incident occurred during a city function (Farmer’s Market) and feels that the city employee is just as responsible as her son. Mrs. Ruiz further stated that she felt the outcome was unjust.
- John Baltierra, 1456 Q Street, requested council address safety issues of yard sales along Highway 33. Police Chief, Elsa Lopez, agreed to look into issuing permits for yard sales in general.
- Jack Minnite, 1255 O Street, request council to support resolution proclaiming the need for a state of emergency in light of recent economic decline. In response to Council Member Sablan’s inquiry, City Attorney Bacigalupi stated that the council may elect to pass a resolution supporting declaration of a state of emergency; council may call special meeting to vote on resolution. City Manager Ramirez proposed a special meeting to be held on June 23, 2008 at 6:00pm.

City Manager Ramirez stated that the County Board of Supervisors passes a similar resolution. John Baltierra stated importance of collaborating with other communities on this matter. Jack Minnite questioned if resolution would qualify city for federal funding. City Manager Ramirez agreed to look into the matter.

City Manager Ramirez announced press conference were Juan Arambula called for the extension of unemployment for individuals affected by the recent water shortage. City Manager Ramirez explained that an Emergency Declaration would make the transfer of water more flexible. Mr. Minnite questioned if the city could monitor affects through revenue. City Manager explained that the city could monitor affects via taxes, school population, issuance of business licenses and crime-related issues.

- Luis Alcantar, owner of local produce market, stated that several community residents asked why he was not participating in the local farmer’s market. Mr. Alcantar stated that city staff informed him that he was not allowed to participate in weekly farmer’s market. Mr. Alcantar stated that he has received comments that his participation would be seen as a conflict of interest by the City Manager because his stepfather is a participant and selling the same items fruits and vegetables.

Council Member DeFrancesco questioned how the weekly Farmer’s Market qualifies as a “farmer’s market. City Manager Ramirez stated that one reason the Firebaugh Farmer’s Market is successful is because the city limits the number of vendors selling the same product. City Manager Ramirez stated that duplication would create a competitive atmosphere.

City Manager Ramirez further explained that he referred Mr. Alcantar, to Assistant City Manager Rios, for the final decision of allowing Mr. Alcantar participate in the weekly event. As per the City Manager, Mr. Alcantar also spoke with staff regarding his participation in the event prior to opening his business.

Mr. Alcantar stated that he did not ask for relocation of the Farmer’s Market; however, requested to conduct other activities over the weekend. Mr. Alcantar also stated that he did not make statements in a threatening manner; however, stated that he would take the matter to a higher level.

Jack Minnite asked if food vendors are inspected by the Health Department. Mr. Minnite suggested that city implement policy requiring food vendors to have licenses to handle and prepare foods. City Manager Ramirez stated that the city should.

Council Member DeFrancesco pointed out that Mr. Alcantar stated that he was informed that there is a limit of vendors selling the same item. Council Member requested clarification on this limit. City Manager Ramirez stated that the limit is no more than two vendors may sell the same item. Council Member DeFrancesco questioned the numerous taco vendors. City Manager Ramirez stated that the current taco vendors prepare tacos differently. Council Member DeFrancesco inquired of possibility of allowing Mr. Alcantar to sell fruits and vegetables not made available by current produce vendors participating in the Firebaugh Farmer’s Market. Council Member DeFrancesco urged staff to be consistent in allowing duplicate vendors otherwise the matter would be open for potential conflicts.

INTRODUCTION

None

PRESENTATION

None

CORRESPONDENCE

None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council Meeting on May 19 and June 2, 2008.**

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

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

2. **NOTICE OF AWARD OF THE CONTRACT GEORGE REED, INC. FOR RESURFACING OF 12TH STREET FROM THE MAIN CANAL TO HIGHWAY 33 PROJECT.**

Mario Gouveia, City Engineer, stated that the project was designed by City Engineer Fred Rabe and now supervised by Boyle Engineering. Mr. Gouveia stated that the city received several great bids. Mr. Gouveia explained that the project will remove current pavement and install a new island; however, the road will not be closed during construction. Mr. Gouveia further explained that the project is federally funded and that the city is required to ensure the street meets California Highway Standards. As per Mr. Gouveia, the time frame for the project is one month. Mr. Gouveia also suggested inviting local trucking companies that use the street to participate in a pre-construction meeting to be informed of the project.

Motion to approve the Notice of Award to George Reed, Inc. made by Council Member Fannon, second by Council Member Sablan; motion passed by consensus vote.

3. **RESOLUTION NO. 08-22 – A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF FIREBAUGH**

Motion to approve Resolution No. 08-22 and schedule Public Hearing for July 2008 made by Council Member Fannon, second by Council Member Sablan; motion passed by unanimous roll call vote.

4. **RESOLUTION NO. 08-23 – A RESOLUTION OF INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENTS FOR FISCAL YEAR 2008-2009 WITHIN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF FIREBAUGH.**

Motion to approve Resolution No. 08-23 and schedule Public Hearing for July 2008 made by Council Member Fannon, second by Council Member Sablan; motion passed by unanimous roll call vote.

5. **RESOLUTION NO. 08-24 – A RESOLUTION OF THE FIREBAUGH CITY COUNCIL AUTHORIZING SUBMISSION OF LOCAL TRANSPORTATION FUND CLAIM FOR FY 2008-2009.**

Motion to approve Resolution No 08-24 made by Council Member Sablan, second by Council Member Fannon; motion passed by unanimous roll call vote.

PENDING ITEMS**6. Emergency Disaster Plan – A Draft Plan is currently being circulated for review and comment.**

Police Chief, Elsa Lopez, reported that changes were made to plan and needs to review during a meeting.

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** – not present.
- **Police Chief, Elsa Lopez** –
 - Announced the start of PAL’s soccer league. As per Chief Lopez, a total of 235 children are participating in this year’s league.
- **Public Works Director, Ben Gallegos** –
 - Water treatment Plant #1 is in the process of the break – in period, so the city would be able to use soon.
- **Fire Chief/Code Enforcement Officer, John Borboa** – not present
- **City Treasurer, Alice Casteneda** – nothing to report.
- **City Clerk, Priscilla Meza** – not present.
- **Deputy City Clerk, Rita Lozano** – nothing to report
- **Assistant City Manager, Laura Rios** – not present.
- **City Manager, Jose Antonio Ramirez** –
 - Stated that staff has been more aggressive with collecting fees for business licenses. Also stated that staff was instructed to inform local businesses of need to apply for issuance and/or reissuance of business licenses.
 - Provided update regarding the Maldonado Park Project. Stated that Clark Brothers, Inc. has been great to work with. Stated that project is scheduled for completion in August 2008. Also requested council to submit names of individuals they would like to invite to grand opening ceremony. Names to be submitted to Deputy City Clerk, Rita Lozano.
 - Explained that legal counsel informed him that the deadline for city to request funds from the county regarding taxes is Wednesday, June 18, 2008
 - Uncertain as to when California Integrated Waste Management Board will be coming to town.
 - Announced a press conference for Friday’s from Assemblyman Arambula to introduce a Bill regarding unemployment issues at the EOC office.
 - Informed council that Time Magazine published an article regarding the City of Firebaugh and the affects of the drought on local employment rates. Agreed to work on resolution discussed earlier for review and approval.
 - Staff is working on the proposed bio-fuel plant project.

COUNCIL ITEMS

None

Motion to move into closed session made by Council Member Sablan, second by Council Member Fannon; motion passed by consensus vote.

CLOSED SESSION

7. 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*

8. 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

9. EXISTING LITIGATION – ONE CASE PERB CASE #

Operating Engineers Local Union #3 v. City of Firebaugh

10. 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 Council Member DeFrancesco, seconded by Mayor Knight. Meeting adjourned at 9:15 p.m.

*Minutes submitted by:
Rita Lozano, Deputy City Clerk*