

MEETING MINUTES

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

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622

Date/Time: August, 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
Council Member Clyde Fannon
Mayor Pro Tem Javier Marquez
Council Member Chris DeFrancesco

ABSENT: Council Member Marcia Sablan

OTHERS: City Attorney, Dale Bacigalupi; City Manager, Jose Antonio Ramirez; City Treasurer, Alice Casteneda; Finance Director, Odilon Ortiz; City Engineer, Mario Gouveia; 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; Mary Van Pelt; John Baltierra; Rod Lake; David Flores; Lorie Adams.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member DeFrancesco

PUBLIC COMMENT

- John Baltierra, 1456 Q Street, requested council to address pending items on agenda.

INTRODUCTION

None

PROCLAMATION

- Mayor Knight presented proclamation to Firebaugh's Cal Ripken All Stars (8-year old Division) for recent achievement in regional and state championship tournaments. Mayor Knight presented proclamation to team players and coaches. Team placed fourth in the regional tournament and second in the state championship tournament.

PRESENTATION

- Representatives from the Firebaugh Disposal Service (FDS) provided a presentation regarding proposed rate increases for services. Representatives reviewed proposed rate increases which included the following:
 - \$2.50/month per single residence home for provision of automated can services (three per home)
 - \$2.50/month per single residence home for cost of living increase
 - 17%/month per commercial account for cost of living increase

FDS' proposal also included an annual 2% CPI Adjustment and provision for rate adjustment on "tipping" fees. FDS also requested council to extend current contract for another 10 years and authorize staff to assume billing for all commercial accounts.

City Attorney explained the next steps for FDS' regarding their proposed rate increases. FDS would need to distribute notice of a public hearing outlining all the elements discussed during tonight's presentation. Public notice needs to be distributed 45 days prior to Public Hearing date. Notice also needs to be in English and Spanish. City Attorney offered assistance with making sure notice is legally sufficient.

City Manager Ramirez stated that staff does not have addresses for all of FDS accounts therefore FDS needs to mail out the notices. Mayor Knight suggested FDS develop and provide draft of Public Notice to the City Manager for review.

CORRESPONDENCE

None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council Meeting on July 7, 2008.**
2. **APPROVAL OF MINUTES – The City Council Meeting on July 21, 2008.**
3. **REQUEST FOR USE OF CITY FACILITY (MALDONADO PARK BASKETBALL COURTS) BY ST. JOSEPH CHURCH.**

Motion to approve Consent Calendar agenda items, including correction to minutes of July 21, 2008 regarding Roll Call, made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by consensus vote.

PUBLIC HEARING

4. **RESOLUTION NO. 08-29 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 2 (13TH STREET FROM STATE HIGHWAY 33 {N STREET} TO THE SAN JOAQUIN RIVER BRIDGE).**

City Manager Ramirez provided an overview resolution. City Manager Ramirez also stated that there would be no cost to property owners along the underground utility district.

Mayor Knight welcomed public comments/questions regarding Resolution No. 08-29. No public comment. No council comments.

Motion to approve Resolution No. 08-29 made by Council Member Fannon, second by Council Member DeFrancesco; motion passed by unanimous roll call vote.

- 5. **RESOLUTION NO. 08-36 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH HEREBY AUTHORIZING THE SUBMITTAL OF AN APLICATON TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM.**

Lorie Adams, California Engineer Co., stated that a notice regarding a public hearing for the Grantee Performance Report was sent out; however, not included on tonight’s meeting agenda. Ms. Adams, requested this to be noted in tonight’s council meeting minutes and requested council to include this item as part of tonight’s public hearing agenda. Council granted request.

No public/council comments regarding the Grantee Performance Report.

Ms. Adams provided an overview of Resolution No. 08-36 highlighting the success of the home programs, including the Owner Rehabilitation Program and the First-Time Home Buyer Program.

No public comments. No council comments.

Motion to approve Resolution No. 08-36 made by Mayor Pro Tem Marquez, second by Council Member Fannon; motion passed by unanimous roll call vote.

OLD BUSINESS

- 6. **ORDINANCE NO. 08-02 – AN ORDINANCE OF THE CITY OF FIREBAUGH RESCINDING ORDINANCE NO. 04-09 AND ADDING SECTION 7.12 TO CHAPTER 7 OF THE FIREBAUGH MUNICIPAL CODE REGARDING OFF-HIGHWAY USE OF MOTORCYCLES WITHIN CITY LIMITS – SECOND READING.**

City Manager stated that ordinance changes Section 7.11 to Section 7.12. City Manager also explained the the use of said vehicles are not permitted on the trail, public property, canal banks and/or allies. Use of said vehicles limited to private property and/or designated areas of use.

No public comments. No council comments.

Motion to approve Ordinance No. 08-02 made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by consensus vote.

NEW BUSINESS

- 7. **ORDINANCE NO. 08-03 – AN ORDINANCE OF THE CITY OF FIREBAUGH AMENDING SECTION 7-10 OF CHAPTER 7 OF THE FIREBAUGH CITY ORDINANCES REGARDING SKATEBOARDS, SCOOTERS AND ROLLER SKATES – FIRST READING.**

City Manager Ramirez explained that ordinance would ensure proper signage along city parks and public areas.

City Attorney Bacigalupi also stated that signage would meet state’s special ordinance requirements exempting city from being held liable for any injuries of individuals not using safety equipment and/or unsupervised minors under the age of 14 years.

John Baltierra, 1456 Q Street, suggested that ordinance include language prohibiting the use of skateboards other than at city parks. City Attorney Bacigalupi stated that language exists in current ordinance.

Police Chief Lopez explained that enforcement of ordinance is focused along the downtown business areas and that ongoing enforcement of ordinance is challenging for department officers.

Motion to approve Ordinance No. 08-03 and waive first reading made by Council Member DeFrancesco, second by Council Member Fannon; motion passed by consensus vote.

8. EMPLOYMENT AGREEMENT OF CITY FINANCE DIRECTOR.

City Manager Ramirez stated that Mr. Ortiz passed all position requirements, including background check. As per City Manager, Mr. Ortiz agreed to all terms and conditions for employment.

No public comments and/or council comments.

Motion to approve Employment Agreement of City Finance Director made by Council Member DeFrancesco, second by Council Member Fannon; motion passed by consensus vote.

9. RESOLUTION NO. 08-35 – 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 resolution was addressed at last council meeting; however, this includes language prohibiting watering on Sundays.

Phyllis Baltierra requested staff to address on-going watering at the Housing Authority Facility. As per Ms. Baltierra, the Housing Authority is not following the watering schedule. City Attorney Bacigalupi confirmed that the Housing Authority is legally required to follow city ordinances. City Manager Ramirez agreed to look into the matter.

Motion to approve Resolution No 08-35 made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by unanimous roll call vote.

10. ADDITION OF A FIRE DEPARTMENT MUSTER AS A COMMUNITY FUNCTION UNDER SECTION 19-5 OF THE FIREBAUGH MUNICIPAL CODE.

Fire Chief Borboa requested event to be included/considered as an annual event similar to the Cantaloupe Roundup.

Mayor Pro Tem Marquez asked when event would be held. Fire Chief Borboa explained that the event would take place between the months of June through August.

Council directed Fire Chief Borboa to bring item back to council for first reading.

11. GENERAL PLAN UPDATE REPORT BY CITY PLANNER KARL SCHOETTLER.

City Manager Ramirez provided overview of report stating that the General Plan is going through the environmental impact process. City Manager stated that a draft of the General Plan is available at City Hall for council and public review. City Attorney Bacigalupi stated that once the state's clearinghouse notifies any county/state/local entities of the report, such entities (including the general public) will have 45 days to comment on the General Plan. The city is required to respond to any comments/questions/concerns received regarding the General Plan.

Agenda item is informational only.

12. CONSULTANT AGREEMENT WITH KENNETH D. SCHMIDT AND ASSOCIATES FOR PROFESSIONAL HYDROGEOLOGIC EVALUATION SERVICES.

City Manager Ramirez pointed out that Mr. Schmidt worked on a previous project and was very thorough.

Mayor Knight questioned if this agreement is necessary for the city's General Plan. City Manager Ramirez stated that the city is required to determine the level of available water supplies within the city's sphere of influence. Council Member Fannon questioned if the city's sphere of influence includes property across the river. City Manger Ramirez confirmed that the city's sphere of influence includes property east of the river out to the Burkhart's property.

Mr. Gouveia assured council that Mr. Schmidt is the best around and highly recommended him for this service. City Manager Ramirez also pointed out the significance of this service in determining the city's future need of sufficient water supply.

No Public Comments.

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

13. CITY OF FIREBAUGH IMPROVEMENT STANDARDS.

City Manager Ramirez stated importance of having effective standards.

Mr. Gouveia pointed out that council should have received copies of improvement standards. Mr. Gouveia also stated that these standards would assist in preparing improvement plans ensuring projects are completed efficiently and that said standards take into account the city's already existing General Plan.

Mr. Ramirez and Mr. Gouveia both stated that these standards incorporate "best industry standards" along with standards already established and used by staff.

Council Member Fannon questioned the costs associated with developing these standards. As per City Manager Ramirez, the cost was around \$20,000.

Mr. Gouveia explained that council can modify sections of these standards as deemed necessary. Mayor Pro Tem Marquez questioned if every city is required to have such standards. City Manager Ramirez stated that most cities have such standards; however, are specific to each city's needs. Mr. Gouveia pointed out that the City of Firebaugh specifically requires soil testing to examine soil conditions prior to any project.

No Public Comments.

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

PENDING ITEMS

- Regulations of a Yard Sale Ordinance
- Garbage Ordinance

Police Chief Lopez requested clarification regarding response to pending items.

City Manager requested the following items to be included on the agenda for the next council meeting:

- Housing Authority – Watering Schedule
- Use of Golf Carts within City Limits

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** – reviewed success of annual Cantaloupe Roundup.
- **Police Chief, Elsa Lopez** –
 - Announced National Night Out event scheduled for August 5th from 6-10pm at Dunkle Park.
 - Also announced the next Weed & Seed meeting on August 5th at 12noon.
- **Public Works Director, Ben Gallegos** – not present.
- **Fire Chief/Code Enforcement Officer, John Borboa** – nothing to report.
- **City Treasurer, Alice Casteneda** – nothing to report.
- **City Clerk, Priscilla Meza** – not present.
- **Deputy City Clerk, Rita Lozano** –
 - Announced deadline to register for upcoming election – August 8, 2008.
- **City Finance Director, Odilon Ortiz** –
 - Stated that he is working on billing issues along with staff.
- **Assistant City Manager, Laura Rios** – not present.
- **City Manager, Jose Antonio Ramirez** –
 - Provided update regarding the Maldonado Park Project. Received a \$5,000 grant from PG & E.
 - Explained that staff with working with local school district on establishing a Junior Achievement Program providing training/workshops for future entrepreneurs.
 - Announced upcoming tour of Firebaugh Disposal Service facility. Welcomed any council members to attend.
 - Announced that PG & E plans to raise rates in January 2009.
 - Provided follow-up report regarding council's request to look into the \$298,000 payment to CalTrans. Explained that staff attempted to have payment waived; however, attempts were unsuccessful. Also stated that payment was required prior to CalTrans paying what it owed the city (\$354,000).
 - Stated that staff received written correspondence from the California Waste Management Board regarding failure to meet recycling percentage rates. This issue is currently being addressed in the city's General Plan. *Agreed to look into permits required for FDS as per Mayor Pro Tem Marquez's request.*

- Received correspondence from the county regarding the ongoing Tax/Bond issue. Uncertain how the county will resolve the issue.
- Announced invitation to participate in a Leadership Seminar in Mexico City. All associated costs will be paid by the Mexican government.
- Welcomed participation in the upcoming Governor's Reunion at Universal Studios on August 14-15, 2008.

COUNCIL ITEMS

None

CLOSED SESSION

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

City Designated Representative – City Manager Jose Antonio Ramirez

Employee Organization – Police Department

No Closed Session held.

ANNOUNCEMENT AFTER CLOSED SESSION

No Closed Session held.

ADJOURNMENT

Motion to adjourn made by Mayor Pro Tem Marquez, second by Council Member Fannon. Meeting adjourned at 9:15 p.m.

*Minutes submitted by:
Priscilla Meza, City Clerk*