

MEETING MINUTES

The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 09/03-02

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

Date/Time: March 2, 2009 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Pro Tem Marquez at 7:30 p.m.

ROLL CALL

PRESENT: Mayor Pro Tem Javier Marquez
Council Member Chris DeFrancesco
Council Member Rod Lake
Council Member Jim Lowe

ABSENT: Mayor Marcia Sablan

OTHERS: City Attorney, Meggin Boranian; City Manager, Jose Antonio Ramirez; Assistant City Manager, Laura Rios; Finance Director, Odi Ortiz; City Clerk, Priscilla Meza; Deputy City Clerk, Rita Lozano; Police Chief, Elsa Lopez; Fire Chief/Code Enforcement Officer, John Borboa; Public Works Director, Ben Gallegos; Virgil and Judy Breeden; Mary Van Pelt; David and Lilia Flores; Mark Emerick and Morris Reid; John Balterria; Felipe Perez; Charles Altekruise; Jennifer Fraser; Julius Halkum.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member DeFrancesco

PUBLIC COMMENT

- John Baltierra (1538 8th Street) expressed concern regarding excessive presence of local law enforcement at Maldonado Park. Mr. Baltierra pointed out that City Manager Ramirez previously stated that local law enforcement officials would not be using much of their resources to enforce park regulations/safety codes.

City Manager Ramirez stated that staff has reported several incidents of vandalism and received numerous complaints regarding safety violations, specific to the skate park. City Manager Ramirez confirmed making the statement referred by Mr. Baltierra; however, pointed out that the circumstances are different. As per the City Manager, staff took proactive measures to stress the importance of safety and park maintenance, including the distribution of free helmets/safety equipment to local youth and the placement of signage regarding safety regulations.

Mr. Baltierra stressed the need for a Parks & Recreation Director. Mr. Baltierra also stated that parents of those that are causing the problems should be held responsible. City Manager Ramirez stated that staff needs to address the issues accordingly and be careful not to generalize that all youth utilizing the park are guilty of causing problems. Police Chief Lopez explained that verbal warnings were not successful therefore the need to issue citations was deemed necessary to deter serious injuries. Police Chief Lopez stated that department officers issued about 20 citations as of date. Fire Chief Borboa affirmed Chief Lopez's statement and pointed out that local fire department has responded to emergency-related calls to attend to physical injuries. Council Member Lake questioned whether the citations issued were state violations or municipal code violations. Chief Lopez stated that the 20 citations issued were for municipal code violations.

Council Member DeFrancesco questioned the issue of liability to the city regarding the reported incidents of personal injuries. City Manager Ramirez explained that the installation of signage and due diligence releases the city of any liability.

City Manager Ramirez extended an invitation to Mr. Baltierra to participate in the city's Park/Recreation Committee Meetings.

- Charlie Banks-Altekruse, representative of the North Fork Tribe, expressed regret that tribal members were unable to attend council meeting; however, expressed knowledge that tribal council members of the Picayune Rancheria of the Chukchansi Indians were scheduled to present their opposition of the proposed North Fork Rancheria Hotel and Casino Resort. Mr. Altekruse expressed an interest in returning before the council to present North Fork Tribe's position regarding said project.

Steve Mindt (3155 Love Court, Madera CA), Madera City Council Member, expressed support of the North Fork Rancheria Hotel and Casino Resort Project and made himself available to council and staff for any questions or concerns.

Herman Perez (1108 Pine Wood Court, Madera CA), former Madera City Council Member and Mayor, also expressed his support of the North Fork Rancheria Hotel and Casino Resort Project. Mr. Perez provided his personal contact information to council members for any questions or concerns.

- Judith Breedan (1764 Ramirez Drive) expressed concern regarding inadequate provision of garbage containers and garbage pick up service. City Manager Ramirez stated that staff made Mid Valley Disposal aware of Mrs. Breedan's concerns and assured council and Mrs. Breedan that Mid Valley Disposal representatives agreed to resolve issue with property owners. In response to Council Member Lake's inquiry, Mrs. Breedan explained that 11 units (families) are sharing two "brown" automated cans. Council Member DeFrancesco agreed that two automated cans were insufficient for 11 units.
- Mary Van Pelt (1401 P Street) expressed concern with the North Fork Rancheria Hotel and Casino Resort Project.
- Jennifer Fraser (812 Villa Rosa, Los Banos CA), property owner of 1366 N Street, provided a brief highlight of future plans for said property. Ms. Fraser stated that she is collaborating with the city's Cascade Project Coordinator/Architect addressing the front area of the property.

INTRODUCTION

None

PRESENTATION

Morris Reid and Mark Emerick, Tribal Council Members of Picayune Rancheria of the Chukchansi Indians, provided an overview of their opposition of the proposed North Fork Rancheria Hotel and Casino Resort Project along Highway 99 in Madera CA. Mr. Reed and Mr. Emerick pointed out that the proposed project violates Indian Gaming Regulations Act of California by selecting a site outside of tribal land to establish their casino. Mr. Reed clarified that his tribe is eager to assist the North Fork Tribal Council in establishing a casino within their tribal land. Mr. Emerick stated that the proposed project is simply “bad economics” for the North Fork Tribe and local businesses highlighting that the main beneficiary of the proposed project would be the City and County of Madera rather than the North Fork Tribe. Mr. Emerick also pointed out that the proposed project presents negative environmental impacts.

CORRESPONDENCE

None

CONSENT CALENDAR

- 1. **APPROVAL OF MINUTES – The City Council meeting on February 2, 2009.**
- 2. **WARRANT REGISTER – Period starting January 1, and ending on January 30, 2009.**

January, 2009	General Warrants	#21330 – #21493	\$ 774,493.48.00
	Payroll Warrants	#56393 – #56505	<u>\$(Included in Total)</u>
	TOTAL		\$ 774,493.48.00

- 3. **USE OF CITY FACILITY (CANOPY AREA AT DUNKLE PARK) BY FIREBAUGH LAS-DELTAS SCHOOL DISTRICT FOR AG AWARENESS DAY.**

City Attorney Boranian requested correction to February 2, 2009 Council Meeting Minutes, page 11, regarding council’s direction to staff to “deny any requests for waiver of use of facility fees, except for non-profit and governmental agencies”. City Clerk Meza agreed to make necessary corrections.

Council Member Lake requested to pull General Warrant #21344 from the consent calendar citing inaccurate posting date of warrant. City Attorney Boranian suggested council avoid approval of warrant pending follow up from Finance Director Ortiz. Mr. Ortiz agreed to look into the matter and bring warrant before council at the next meeting for approval.

Motion to approve Consent Calendar except for General Warrant #21344 (as per Council Member Lake’s request) made by Council Member Lake, second by Council Member Lowe; motion passed by consensus vote.

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS**4. CONTRIBUTION FROM THE CITY OF FIREBAUGH ALONG WITH ECONOMIC OPPORTUNITY COMMISSION (EOC) TO PROVIDE A FOOD DISTRIBUTION ON MARCH 13, 2009 FOR THE CITY OF FIREBAUGH.**

City Manager Ramirez explained that contribution would increase the amount of food to be distributed to local residents. As per City Manager Ramirez, staff is soliciting private donations to offset the cost to the city. City Manager Ramirez stated that the original amount requested was \$500; however, increased to \$1,000 in order to serve more families (*approximately 700-1,000 families*).

John Baltierra stated that last month's Food Bank distribution dwindled serving less food to local families.

Council Member Lowe questioned if EOC's food distribution would serve Firebaugh residents only. City Manager Ramirez stated that families will be required to provide proof of Firebaugh residency and that staff has considered methods to avoid duplication of service. City Manager Ramirez pointed out that EOC's food distribution is different from the Food Bank's monthly distribution, where staff is prohibited to make such requests.

Lilia Flores, Food Bank distribution volunteer and local resident reported an increase in the number of families needing food.

Judith Breedan, local resident and member of the First Baptist Church, announced availability of food via the church's food pantry.

David Flores, local resident, agreed to volunteer his time to assist with the solicitation of private donations for the food distribution.

Motion to approve Contribution from the City of Firebaugh made by Council Member Lake, second by Council Member DeFrancesco; motion approved by consensus vote.

5. RIGHT OF ENTRY AGREEMENT WITH PLANTATION PARK (RAMIREZ PARK).

City Manager Ramirez explained that the purpose of the agreement clarifies staff's right to enter the Ramirez's property in order to service/monitor the city's water meters. Council Member Lowe expressed concern with potential liability issues if property owners report incidents of damage to their property. City Manager Ramirez stated that the city has a legal right to enter the Ramirez's property to service/monitor water meters.

City Attorney Boranian affirmed the City Manager's statement and that a written agreement, although not required, is good practice. Ms. Boranian also pointed out that Item #9 on page 2 and Item #2 on page 1 need to be modified.

Mayor Pro Tem Marquez questioned if property owners are responsible for the main water line on their property. Public Works Director, Ben Gallegos, responded stating that the property owners are

responsible for the main water line on their property. Mr. Gallegos also stated that the property owners requested the installation of individual water meters. Fire Chief Borboa also pointed out that the Ramirez's are responsible for a fire hydrant located on their property.

City Manager Ramirez explained that trailer parks are under different regulations and are under no obligation to have individual water meters installed; however, the property owners made the request to have water meters installed. Council Member Lowe requested other trailer parks be included in Right of Entry Agreement if applicable. Public Works Director Gallegos stated that the Rebecchi Trailer Park also has individual water meters installed.

Council Member DeFrancesco questioned if the agreement could have been handled differently. City Attorney Boranian stated that an agreement could be made with the property owner and the individual tenants.

Mr. Breedan, Plantation Park tenant disputed the amount of water used as listed on his utility bill. Finance Director Ortiz explained that the baseline is 12,000 gallons of water; anything under this baseline is charged a flat rate.

Council Member Lake requested legal direction regarding this agreement. City Attorney informed council that they could approve the concept of the agreement requesting legal counsel to make necessary changes and bring back before council for review.

Motion to approve Right of Entry Agreement made by Council Member Lake; motion dies for lack of second.

Motion made requesting legal counsel to make changes to Right of Entry Agreement and bring back for council review by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.

6. **RESOLUTION NO. 09-02 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AND THE FRESNO COUNTY LIBRARY IN PARTICIPATION IN “THE BIG READ” EVENT, A COUNTYWIDE READING PROGRAM FOR FEBRUARY 5 THROUGH APRIL 16, 2009.**

City Manager Ramirez introduced a Fresno County Library representative to provide an overview of the event. Rita DelTesta described event and activities leading up to the event.

Motion to approve Resolution No. 09-02 made by Council Member Lake; second by Council Member DeFrancesco; motion passed by consensus vote.

7. **AGREEMENT BETWEEN THE CITY OF FIREBAUGH POLICE DEPARTMENT AND THE FRESNO COUNTY HOUSING AUTHORITY FOR PROVIDING SERVICES WITHIN THE HOUSING AUTHORITY PROPERTIES.**

Police Chief Lopez provided overview of the agreement outlining the benefits to both the city and the Fresno County Housing Authority. City Attorney Boranian stated that the agreement was legally sufficient and supported recommendation to approve agreement.

Mayor Pro Tem Marquez expressed concern with the poor road conditions surrounding the Housing Authority. City Manager Ramirez and Police Chief Lopez stated that roads once belonged to the county and understood the county donated the roads to the city. Council Member Lake expressed uncertainty regarding a “legal transfer” of property.

City Manager Ramirez pointed out that his office has met with the new director at the local Housing Authority office to address issues and identify future collaborative projects.

Council Member Lake questioned when the county will make payments to the city. Police Chief Lopez explained that staff is required to submit a monthly invoice along with a monthly report. Police Chief Lopez assured council that generating the monthly report does not require much of staff’s time and/or resources.

Public Works Director requested clarification on who is responsible for the roads surrounding the local Housing Authority. City Manager Ramirez agreed to discuss the matter with the Housing Authority’s new director.

No public comments.

Motion made to approve Agreement made by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.

8. REVIEW OF TWO PROPOSALS ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REGARDING REGULATIONS OF YARD SALES.

Police Chief Lopez provided an overview of proposed ordinances. Police Chief encouraged council to review both proposed ordinances and expressed favor of the second ordinance. Discussion included request to extend boundaries to include area between 13th Street and Highway 33 and P Street.

Deputy City Clerk Lozano informed council that the ordinance needs to be posted publicly once approved. Police Chief agreed to make changes as per council discussion and bring before council for further review.

PENDING ITEMS

- Request a report and update of the billing process for garbage collection fees for the first six months.
- Research the requirements according to the City Resolution regarding a New Water/Sewer Account.

City Manager Ramirez explained that staff will address pending items listed on previous council meeting minutes within their verbal reports to council.

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** – not present.
- **Police Chief, Elsa Lopez** –
 - Updated council regarding City Treasurer’s medical condition.
- **Public Works Director, Ben Gallegos** –
 - Informed council that staff is busy planting trees alongside parks and by the Valle De Paz homes.
 - Busy replacing older water meters with newer meters on the north side of the city.
- **Fire Chief/Code Enforcement Officer, John Borboa** –
 - Explained that city is not in a position to absorb costs associated with demo of sub-standard homes.
 - Reported that former city attorney has agreed to research whether city can issue a tax lien to those property owners failing to pay administrative citations. Provided a list of properties needing to be demolished.
 - Informed council that property owners of empty lots along Highway 33 are generally given until May to clean lots before issuing citations. Council Member DeFrancesco suggested property owners failing to clean lots by issued a \$500 fine.
 - Expressed concern regarding inability to move forward with Order to Abate on the Yip House on 18th Street because he is unable to locate current contact information for the property owner’s family and/or attorney representing the Yip family during the arbitration process. City Attorney Boranian requested Fire Chief to forward any correspondences with former city attorney to her.
- **City Treasurer, Alice Casteneda** – not present due to severe illness.
- **City Engineer, Mario Gouveia** – not present.
- **City Clerk, Priscilla Meza** – nothing to report.
- **Deputy City Clerk, Rita Lozano** –
 - Reminded council to submit Form 700 before the 4/1/09 deadline.
- **City Finance Director, Odi Ortiz** –
 - Provided a brief report regarding the results of the Cost Analysis of the Farmer’s Market, requested by Council Member Lake, pointing out that the reports indicates a profit.
 - Announced that the last Westside Cable Authority meeting was cancelled; however, reported that the city receives about \$5,200 in cable franchise fees each quarter. City Manager Ramirez encouraged Mr. Ortiz and council to closely examine the older contract and what was promised. Mayor Pro Tem Marquez agreed to follow up. Council Member Lowe suggested contacting the legal representatives listed as contacts.
 - Continues to work of next year’s proposed budget.
 - Provided update regarding the county’s audit regarding property taxes. Explained that the county has identified a total of \$13 million to be refunded to 15 cities/districts. Expect first payment around late March and another payment in June.
- **Assistant City Manager, Laura Rios** –
 - Busy with personnel issues and responding to public requests.
 - Continues to work on generating compliance reports.
 - Agreed to provide council with Welcoming Binders at the next council meeting.

- **City Manager, Jose Antonio Ramirez** –
 - Staff working on expended Proposition 13 monies before the end of 6/30/09.
 - Concentrating efforts in identifying prospective funding opportunities as a result of the stimulus package. Projects include the following:
 - Conversion of low interest loans to grants reducing costs of water/sewage fees.
 - Replacement of water meters and transmitters.
 - Looping water systems.
 - Master Drainage Systems across Highway 33.
 - Replace HUD tank.
 - Extend water/sewage and drainage lines towards industrial park.
 - Busy researching funding for 3rd phase of the Maldonado Park.
 - Started the Safe Route to School project.
 - Working with new Housing Authority director regarding collaborative projects.
 - Met with Lake Joallen representatives/developers; ready to move forward.
 - Submitted proposal to One Economy Foundation to fund mobile tax service unit and provision of 500 to 1,000 laptops.
 - Discovered need to update airport layout plan.
 - Highlighted First Time Home Buyer funding.
 - Announced collaborative project between Clovis, Firebaugh and Parlier to rehabilitate homes. City Attorney Boranian agreed to assist with the legal aspects of the project pointing out that law firm represents all three municipalities.
 - Busy fielding media requests regarding allocation of water situation. Media request include local, state and national media.
 - Preliminary costs of the Overhead Lighting project approximately \$400,000.
 - Announced that city was named as a beneficiary by former resident who recently passed away. Parker Family donated \$100,000 to city of Firebaugh to fund a local park in memory and honor of Parker Family.
 - Announced upcoming training opportunity available to council.
 - Announced “taxi script” discount available to local senior citizens over the age of 70 years old.

COUNCIL ITEMS

- **DeFrancesco** –
 - Shared complaints by neighbors regarding street light in front of the Obanion residence.
 - Requested establishment of a Neighborhood Watch in his neighborhood.
- **Lake** –
 - Shared complaints made by tenants at the Rebecchi Trailer Park.
 - Inquiry made regarding the Flood Survey. City Manager Ramirez stated that the survey included area south of 13th Street and agreed to bring before council to review.
 - Requested effort to address areas identified by the American Corps. of Engineers.
- **Marquez** – none
- **Lowe** -
 - Questioned why minutes were not submitted by Thursday prior to council meetings as requested.
 - Expressed concern with residents unable to pay utility bills due to economic hardships. Recommended extending time period to waive penalties for those families unable to pay. City Manager Ramirez cautioned council to carefully consider request and assured council that staff is pursuing funding opportunities. City Manager also agreed to conduct a cost analysis report to verify if city can afford to reduce utility fees.

CLOSED SESSION

Motion to move into closed session made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by consensus vote.

9. “LABOR NEGOTIATIONS: REPRESENTED AND UNREPRESENTED EMPLOYEES (GOVERNMENT CODE §54957.2.

City representatives: Jose Antonio Ramirez and Laura Rios

10. POTENTIAL LITIGATION – Pursuant to Government Code #54956.9 (b)(1)

One (1) case

11. REAL ESTATE NEGOTIATION – REDEVELOPMENT AGENCY – Pursuant to Government Code Section #54956.8

Owner or Designative Rep.	City Negotiator Jose Antonio Ramirez			
APN	008-074-01	008-074-04	008-074-17	008-074-07
	008-074-08	008-074-09	008-074-15	008-074-10
	008-074-14	008-074-16	008-074-18	008-073-03
	008-073-04	008-073-05	008-073-06	008-073-07
	008-073-08	008-073-09	008-073-10	008-073-11

ANNOUNCEMENT AFTER CLOSED SESSION

No reports made by council.

ADJOURNMENT

Motion to adjourn made by Council Member Lowe, second by Council Member DeFrancesco; meeting adjourned at 11:19 p.m. Next council meeting on March 16, 2009 at 7:30pm.

*Minutes submitted by:
Priscilla Meza, City Clerk*