

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh Vol. No. 16/01-04

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: January 4, 2016/6:00 p.m.

CALL TO ORDER

ROLL CALL

Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Craig Knight
Council Member Marcia Sablan
Council Member Felipe Perez

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

PUBLIC HEARING

1. RESOLUTION NO. 16-01 - A RESOLUTION OF THE FIREBAUGH CITY COUNCIL REVOKING AND PROHIBITING ALL THROUGH THE FENCE ACCESS / OPERATIONS AT THE FIREBAUGH MUNICIPAL AIRPORT

Recommended Action: Council receives public comment & approves Res. No. 16-01.

CLOSED SESSION

2. Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: City Manager

3. Pending litigation Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: - 1 case.

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

Certification of posting the Agenda

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, December 30, 2015 at 5:00 p.m. by Pio Martin, Finance Director.

RESOLUTION NO. 16-01

A RESOLUTION OF THE FIREBAUGH CITY COUNCIL REVOKING AND PROHIBITING ALL THROUGH-THE-FENCE ACCESS/OPERATIONS AT THE FIREBAUGH MUNICIPAL AIRPORT

WHEREAS, the Federal Aviation Administration (“FAA”) provides municipalities and/or municipal airports with grant funding for the operation, maintenance and improvement of municipal airports throughout the United States; and

WHEREAS, the FAA rules (FAA Order 1590.6A) require that access be controlled to airports and that all users pay their fair share for the right of access (to support airport operations, maintenance and capital costs) through monthly tie down fees, hanger rentals or ground lease payments; and

WHEREAS, from the perspective of the FAA, through-the-fence operators must comply with the same requirements; and

WHEREAS, through-the-fence access/operations occur from property that is immediately adjacent to the airport but which is owned by corporations, businesses, or private parties. These properties are not under the control of the airport and/or municipality in any manner (FAA Advisory Circular 150/6190-7); and

WHEREAS, the FAA’s policy on through-the-fence operations has not changed; rather, the mandate from Congress included in AIR-21 (AIR-21 (HR 1000) section 737; (Public Law 106-181) and codified as USC Title 49 § 47131) instructing the FAA to actively pursue additional airport land use inspections. The law also requires the FAA to submit a report to Congress annually that lists airports that are not in compliance with these federal grant obligations and the corrective actions planned to bring the airport back into compliance with federal grant obligations; and

WHEREAS, the FAA focuses on the following federal grant obligations when addressing through-the-fence operations: Grant Assurance #5 – Preserving Rights and Powers, a; Grant Assurance #21 – Compatible Land Use; Grant Assurance #22 – Economic Nondiscrimination, h; and Grant Assurance #24 – Fee and Rental Structure; and

WHEREAS, the FAA is vitally interested in discontinuation of through-the-fence access/operations or bringing them into compliance with federal guidelines through the development of a properly structured and FAA approved through-the-fence agreement; and

WHEREAS, failure to do so will result in non-compliance status for the airport and municipality and could result in the withholding of federal grant funding and/or fines or penalties; and

WHEREAS, the City of Firebaugh and the Firebaugh Municipal Airport has received FAA grant funding for the operation, maintenance and improvement of the Firebaugh Municipal Airport; and

WHEREAS, the City of Firebaugh and the Firebaugh Municipal Airport could qualify to receive additional grant funding from the FAA for the operation, maintenance and improvement of the Firebaugh Municipal Airport; and

WHEREAS, the City of Firebaugh and the Firebaugh Municipal Airport currently has through-the-fence operations that occur from property immediately adjacent to the Firebaugh Municipal Airport which is owned by corporations, businesses, or private parties; and

WHEREAS, none of these through-the-fence operations occurring from property that is immediately adjacent to the airport but which is owned by corporations, businesses, or private parties have entered into a through-the-fence agreement approved by the City of Firebaugh and the FAA; and

WHEREAS, the City of Firebaugh and the Firebaugh Municipal Airport cannot currently utilize any of the federal grant funding allocated to it by the FAA for the operation, maintenance and improvement of the Firebaugh Municipal Airport because none of these through-the-fence operations occurring from property that is immediately adjacent to the airport but which is owned by corporations, businesses, or private parties have entered into a through-the-fence agreement approved by the City of Firebaugh and the FAA; and

WHEREAS, the City of Firebaugh and the Firebaugh Municipal Airport cannot currently qualify for any additional federal grant funding from the FAA for the operation, maintenance and improvement of the Firebaugh Municipal Airport because none of these through-the-fence operations occurring from property that is immediately adjacent to the airport but which is owned by corporations, businesses, or private parties have entered into a through-the-fence agreement approved by the City of Firebaugh and the FAA; and

WHEREAS, the City of Firebaugh and the Firebaugh Municipal Airport has had to release federal grant funding allocated to it by the FAA for the operation, maintenance and improvement of the Firebaugh Municipal Airport to another municipality because it could not utilize the federal grant funding since none of these through-the-fence operations occurring from property that is immediately adjacent to the airport but which is owned by corporations, businesses, or private parties have entered into a through-the-fence agreement approved by the City of Firebaugh and the FAA; and

The City of Firebaugh in order to bring the Firebaugh Municipal Airport into compliance with the requirements of the FAA and restore access to federal grant funding for the operation, maintenance and improvement of the airport now desires to formally revoke and prohibit any through-the-fence access/operations at the Firebaugh Municipal Airport for all individuals, businesses and/or corporations who have not entered into a through-the-fence agreement approved by the City of Firebaugh and the FAA.

NOW THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The City of Firebaugh hereby revokes all through-the-fence access/operations currently being conducted at the Firebaugh Municipal Airport by any individuals, businesses and/or corporations who have not entered into a written through-the-fence agreement approved by the City of Firebaugh and the FAA, and;

2. The City of Firebaugh hereby prohibits any through-the-fence access/operations at the Firebaugh Municipal Airport by any individuals, businesses and/or corporations who have not entered into a written through-the-fence agreement approved by the City of Firebaugh and the FAA, effective February 15, 2016, and;

3. The City of Firebaugh hereby authorizes City staff, beginning on February 16, 2016, to take all necessary and lawful action to prevent any individuals, businesses and/or corporations who have not entered

into a written through-the-fence agreement approved by the City of Firebaugh and the FAA from conducting through-the-fence operations at the Firebaugh Municipal Airport.

THE FOREGOING RESOLUTION was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on January 4, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddie Valdez
Mayor

Rita Lozano
Deputy City Clerk