

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 07/12-03**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: December 3, 2007 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Craig Knight at 7:45 p.m.

ROLL CALL

PRESENT: Mayor Craig Knight
Mayor Pro Tem Javier Marquez
Council Member Marcia Sablan

ABSENT: Council Member Clyde Fannon
Council Member Chris J. DeFrancesco

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; Public Works Director, Ben Gallegos; Fire Chief/Code Enforcement Officer, John Borboa; Chief of Police, Elsa Lopez; Community Service Coordinator, Phyllis Baltierra; Jim Lowe; John Baltierra; Jack Minnite; Genell Minnite; Mary Van Pelt; Elvia Boatwright; J. Sepulveda; Jesus Arellano; Miguel Gutierrez; Isaac Gutierrez; Diana Arellano; Violeta Arellano.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Mayor Pro Tem Marquez.

PUBLIC COMMENT

John Baltierra (*1456 Q Street*) expressed concerns and disappointment with Mayor Pro Tem’s role and performance at council meetings. Requested Mayor Pro Tem Marquez resigns from his position.

Mr. J. Sepulveda (*425 P Street*) expressed disapproval of Mayor Knight’s behavior and decision to cancel music group’s performance during the Christmas Merchants Sidewalk Sale. Mayor Knight stated that the type of music played by performance group was not appropriate for the purpose of the event. Council Member Sablan asked who invited group to perform. Mr. Sepulveda stated that his group was invited via Boom Productions to perform during the day’s events. Mayor Knight agreed to look into avoiding similar situation in the future.

INTRODUCTION

None

PRESENTATION

1. City Manager acknowledged Fred Rabe’s (City Engineer) years of dedicated service to the City of Firebaugh. Mr. Rabe expressed gratitude for the city’s recognition during the Annual Christmas Electric Light Parade.
2. Fresno County Supervisor, Phil Larson, and Director of General Services for Fresno County, John Navarrette acknowledged success of Annual Christmas Electric Light Parade. In addition, Mr. Navarrette addressed the issue of SB 732 and its impact regarding county court transfers. As per Mr. Navarrette, the county has the option of vacating current court facilities; however, reassured council and staff that the county does not have intentions of moving court out of City of Firebaugh. On the contrary, the county is willing to entertain discussions with other entities to relocate and/or construct new court facilities.

City Manager Ramirez stated that other entities occupying the courthouse facilities approached staff for use of city’s facilities. Mr. Navarrette stated that the current services, including ET & A, Ag. Commissioner and Fresno County Library; will remain at current location.

Jack Minnite questioned county official’s requirements to relocate and/or construct new facility. Mr. Navarrette explained that the county has yet to conduct a needs assessment and was puzzled with rumors of the county pulling court services out of the community. Mr. Navarrette stated that the county had planned to transfer court to the state, reducing liability for the county; however, the services would remain in the City of Firebaugh.

Mr. Larson also stated that the county has spoken to West Hills Community College regarding potential collaborative effort to build new facility; however, the county is open for suggestions.

CORRESPONDENCE

None

CONSENT CALENDAR

3. **APPROVAL OF MINUTES – The City Council meeting on November 5, 2007.**
4. **APPROVAL OF MINUTES – The City Council meeting on November 19, 2007.**

Motion to approve Minutes by Council Member Sablan, seconded by Mayor Pro Tem Marquez; motion carried by consensus vote.

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS**5. REVIEW BID ANALYSIS AND AWARD CONTRACT FOR WASTEWATER TREATMENT PLANT AND PUMP STATION IMPROVEMENTS.**

City Manager Ramirez reviewed bid analysis letter detailing plans for improvements. As per Mr. Ramirez, staff received a total of six bids on October 31, 2007 ranging from \$3.1 - \$3.9 million. Clark Brothers Construction submitted the lowest bid of \$3.144 million. Giersch & Associates provided a satisfactory reference of Clark Bros. Construction; however, did highlight concern with Clark Bros. Construction's disorganization with maintaining paperwork.

Mayor Knight questioned if bidding process also addressed the city's role of reviewing improvements. As per City Manager, staff will supervise entire project.

Motion to approve Bid Analysis and Award Contract to Clark Brothers Construction by Council Member Sablan, seconded by Mayor Pro Tem Marquez; motion carried by consensus vote.

6. RESOLUTION NO. 07-53 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE EXECUTION AND DELIVERY OF CERTIFICATES OF PARTICIPATION TO FINANCE WASTEWATER SYSTEM IMPROVEMENTS AND APPROVING RELATED DOCUMENTS AND ACTIONS.

City Manager Ramirez stated that the resolution is required as per grant award from USDA.

Motion to approve Resolution No. 07-53 by Council Member Sablan, second by Mayor Pro Tem Marquez; motion carried by unanimous roll call vote.

7. RESOLUTION NO. 07-54 – FIREBAUGH PUBLIC FINANCING AUTHORITY-AUTHORIZING THE EXECUTION AND DELIVERY OF CERTIFICATES OF PARTICIPATION FOR THE PURPOSE OF FINANCING WASTEWATER SYSTEM IMPROVEMENTS AND APPROVING RELATED DOCUMENTS AND ACTIONS.

City Attorney Bacigalupi explained that this resolution requires separate action from Resolution No. 07-53.

Motion to approve Resolution No. 07-54 by Council Member Sablan, seconded by Mayor Pro Tem Marquez; motion carried by unanimous roll call vote.

8. PURCHASE OF KITCHEN EQUIPMENT FOR ANDREW FIREBAUGH COMMUNITY CENTER.

City Finance Director, Jose Garay, reviewed list of kitchen equipment items totaling less than \$25,000. Other associated costs include electrical and installation expenses; however, some of the equipment can be purchased newly used.

Council Member Sablan questioned the facility fees listed in Exhibit B. Council Member Sablan requested staff to clarify language regarding "non-profit" facility fees in Exhibit B. City Manager Ramirez agreed to make necessary changes to reflect the definition of "non-profit" and "private/for profit" facility fees.

Motion to approve Purchase of Kitchen Equipment with \$25,000 Threshold by Council Member Sablan, seconded by Mayor Pro Tem Marquez; motion carried by consensus vote.

9. CITY ENGINEERING SERVICES.

City Manager Ramirez explained implementation of RFP (*Request for Proposal*) process soliciting engineering services. As a result, staff is recommending Boyle Engineering to provide ongoing engineering services to the City of Firebaugh. As per Mr. Ramirez, Boyle Engineering has a history of providing quality services to municipalities located on the Westside, including Patterson, Los Banos, Gustine and Newman. In addition, Mr. Ramirez stated that Boyle Engineering has other available resources that would benefit the City of Firebaugh.

Council Member Sablan questioned is a representative from Boyle Engineering would actively participate in council meetings. Mario Gouveia, Principal Engineer, explained that his assignment would include attending regular council meetings. Mr. Gouveia also stated that Gary Rogers, Principal Engineer, would serve as an alternate in Mr. Gouveia's absence.

Mr. Ramirez explained that concern of having "co-engineers" and other problematic issues were discussed with Boyle Engineering.

Mayor Pro Tem questioned issue of already existing contractual engineering agreements. Mr. Ramirez stated that the process would remain the same; however, specialized projects will require special agreements. Council Member Sablan requested legal counsel to address issue of working with Boyle Engineering exclusively. As per City Attorney Bacigalupi, this issue would need to be discussed and addressed within the contract with Boyle Engineering. City Manager Ramirez suggested Boyle Engineering to serve as a filter mechanism to review specialized projects and be eligible to submit bids for specialized projects.

Motion to negotiate contract and bring back to council for final review by Council Member Sablan, seconded by Mayor Pro Tem Marquez; motion carried by consensus vote.

10. PROPERTY MAINTENANCE/PUBLIC NUISANCE ABATEMENT.

City Manager Ramirez requested item be tabled to next council meeting as per Council Member DeFrancesco's request. Council Member Sablan stated request to address other areas within the city. As per legal counsel, now is the time to inquire and/or request inclusion of other areas and/or subject matter.

As per Mr. Ramirez, Council Member DeFrancesco received approximately ten complaints regarding the paint color of Giant Burger and urged council to consider reviewing and discussing paint color palette for local businesses.

Council Member Sablan also requested further discussion regarding abandoned buildings. City Attorney explained that council is able to expand code enforcement issues to include time limits; however, needs to be very specific. Mr. Bacigalupi agreed to visit building in question (next to courthouse-park). Mr. Bacigalupi also explained that state law provides city to abate buildings that are deemed "public nuisances".

Agenda item tabled to next council meeting.

11. LEASE AGREEMENT WITH THE UNITED HEALTH CENTERS.

City Manager Ramirez stated that the lease with United Health Centers (UHC) has expired. City Manager Ramirez also explained that UHC is not renewing its lease therefore the building will be empty. Mr. Ramirez requested direction from council on how to use the facility. Mr. Ramirez provided two options, including staff to seek other medical providers to occupy facility or to relocate city's administrative services to empty building.

Mr. Ramirez stated that a CSUF Architecture Professor assessed the building and recommended a total of \$400,000 to remodel the building (outside/inside) to relocate city's administrative services.

Mayor Knight expressed preference to use facility as City Hall reasoning cost-effectiveness of relocating city's administrative services to an available facility versus constructing a new site. Council Member Sablan agreed; however, questioned the sale of the building from the county to UHC. Council Member Sablan expressed concern with releasing the county from its contractual responsibilities. Mayor Pro Tem Marquez requested staff to explore issue further.

Council directed staff to follow-up regarding contract with Fresno County and available options of using facility to relocate city's administrative services.

12. CITY MANAGER SPENDING AUTHORITY AS STATED IN THE MUNICIPAL CODE.

City Manager outlined current spending authority. Mayor Pro Tem Marquez requested agenda item to be tabled to next council meeting. City Manager Ramirez expressed concern with Mayor Pro Tem's request to table agenda item and requested clarification of Mayor Pro Tem's concerns. City Attorney Bacigalupi stated that council was provided with detailed description of existing municipal code. Council Member Sablan also questioned Mayor Pro Tem Marquez' request to table agenda item until the next meeting.

Mayor Pro Tem Marquez requested council to consider reducing City Manager's spending authority of \$5,000 to \$2,500 per month. City Manager Ramirez expressed concern with reducing his current monthly spending authority. As per Mr. Ramirez, reducing spending authority would create more work for staff and council by requiring staff to bring additional agenda items regarding professional services before council to approve. Mayor Pro Tem Marquez stated that he did not have an issue with existing spending authority.

Council agreed to leave City Manager's spending authority as stated in the existing municipal code as is.

PENDING ITEMS

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

Police Chief, Elsa Lopez, stated that draft is still pending. Chief Lopez also explained that department is collaborating with local school district and community college in developing Emergency Disaster Plans.

PUBLIC COMMENTS/QUESTIONS

John Baltierra questioned when City Manager's spending authority was discussed. Mayor Knight stated that issue was discussed by council several years ago with Mayor Conklin was in office.

Oscar Sablan requested staff to consider parade participants to pass through parade route a second time.

STAFF REPORTS

- City Engineer, Fred Rabe – addressing Valle de Sol Project. Staff is waiting for corrective action plans regarding the Greenlight Project.
- Community Service Director, Phyllis Baltierra – announced success of 7th Annual Christmas Electric Light Parade and Merchant Sidewalk Sale. Addressed issue regarding music entertainment.

Council Member Sablan requested debriefing to allow public to address comments/complaints expressed to council. Staff agreed to organize meeting to address these comments/complaints and consider Oscar Sablan's request regarding parade participants.

- Police Chief, Elsa Lopez – announced success of its first Juvenile Court Hearing at Firebaugh High School. Chief Lopez explained that this is a student/peer court process.

- Public Works Director, Ben Gallegos – nothing to report
- Fire Chief/Code Enforcement Officer, John Borboa – provided overview of trip to Nebraska to review progress of new fire truck. Completion of improvements is on-schedule.
- Finance Director, Jose Garay – announced that an additional two homes were approved via the city’s housing rehabilitation program. Loans awarded totaled \$6,000.
- Assistant City Manager, Laura Rios – nothing to report.
- City Treasurer, Alice Casteneda – nothing to report.
- City Clerk, Priscilla Meza – expressed gratitude to Firebaugh Police Department for accommodating request of fingerprint services for RCS/The Carmen Meza Center’s staff and volunteers.
- Deputy City Clerk, Rita Lozano – nothing to report.
- City Manager, Jose Antonio Ramirez –
 - Announced that the preliminary construction schedules for Maldonado Park are available.
 - PG&E is hosting a public hearing on December 12, 2007 from 9:30am to 12noon.
 - City received notice of \$200,000 stewardship council grant for completion of the soccer fields at Maldonado Park.

COUNCIL ITEMS

None

CLOSED SESSION

14. Conference with Labor Negotiation under Government Code Section 54957.6

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*

No Quorum for closed session as per Council Member Sablan’s early departure.

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken.

ADJOURNMENT

Meeting adjourned at 9:25pm

*Minutes submitted by:
Priscilla Meza, City Clerk*