

MEETING MINUTES

The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 08/10-20

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: October 20, 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
Mayor Pro Tem Javier Marquez
Council Member Clyde Fannon
Council Member Chris DeFrancesco

ABSENT: Council Member Marcia Sablan

OTHERS: City Attorney, Dale Bacigalupi; City Manager, Jose Antonio Ramirez; City Treasurer, Alice Castaneda; Finance Director, Odilon 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; Community Service Coordinator, Phyllis Baltierra; Pete Ramirez; Esther Ramirez; Don Esola; Nancy Perkins; Terry Perkins; David Flores; John Baltierra; Connie Ortiz; Thomas Mix; Dean Stanfield; Ron Frye; Jim Gordon; Leslie Kline

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Fannon

PUBLIC COMMENT

- John Baltierra (1538 Q Street) expressed concern with how city’s resources were spent on the selection of entertainment at the Annual Cantaloupe Roundup. Mr. Baltierra requested city staff consider selecting diverse, musical entertainment reflective of the entire community. City Manager Ramirez encouraged Mr. Baltierra to attend “post” event meetings to plan for next year’s event. Mr. Ramirez stated that the city hosted two “post” event meetings; however, only three to four community members attended the meetings. Mr. Ramirez also welcomed Mr. Baltierra to meet with him individually to review ideas for next year’s events. Mr. Ramirez informed council that he and staff would be more than happy to host another meeting.
- David Flores, 37647 W Behymer, addressed candidates running for council positions and encouraged candidates to keep their campaigning efforts “clean” and to avoid making any personal attacks on other candidates.

INTRODUCTION

None

PRESENTATION

- Mr. Thomas Mix and Dean Stanfield provided a presentation regarding the EPA Brownfield's Grant application submitted on behalf of the City of Firebaugh. Mr. Mix explained that the proposed project would address vacant lots; blighted areas; landfills and/or former gas stations. If awarded, the city would need to create an inventory of such areas and establish a priority list. Secondly, once the area(s) have been identified, city would need to conduct assessments which would include an Environmental Impact Report and development of a Site Cleanup and Reuse Plan. Mr. Mix stated that the grant proposal is due November 14, 2008. Mr. Mix expressed a special thank you to Mr. Jim Gordan for his assistance with preparing the grant proposal. If awarded, the grant award period is October 2009 through September 2012.

Mayor Pro Tem Marquez questioned costs associated with preparing the grant proposal. City Manager Ramirez explained that the preliminary cost was \$7,500; however, total costs would not exceed \$10,000 at the completion of the grant proposal. City Manager Ramirez also stated that such costs are not unusual for this type of grant application. Mr. Ramirez stated that money for these costs was paid out of the city's general fund.

Mr. Marquez asked if sites were identified for this project. Mr. Ramirez and Mr. Mix both stated that 10 sites were identified throughout the grant preparation process.

Mr. Mix explained that if the City of Firebaugh was selected as a grantee, then the city would become a priority for other funding sources, such as HUD.

Mr. Pete Ramirez, 1754 Ramirez Drive, questioned how local property owners would finance costs to participate in this project. City Manager Ramirez explained that the purpose of this project is to be proactive and clean contaminated sites to avoid exposure to the community at large.

- City Manager Ramirez introduced Mr. Matt Flood to provide a presentation on "All Youth One System" collaboration between Workforce Connection and West Hills College. Mr. Flood explained that the program focuses on youth between the ages of 14 through 19 years of age. Mr. Flood stated that the purpose of the program is to prepare youth for employment readiness. Mr. Flood further explained that participating youth must be low-income and basic skills deficient to participate in the program.
- Mrs. Leslie Kline, Recycling Coordinator, from the Recycling Market Development Zone Administrator of the County of Fresno provided a brief overview of Assembly Bill 939 regarding recycling of household hazardous waste. Ms. Kline requested council to approve upcoming Resolution requesting Fresno County Board of Supervisors to increase the service charges associated with this recycling program over a five-year period for the next five years. Ms. Kline stated that the new Memorandum of Understanding would enable the county to work with the 16 cities/jurisdictions originally associated with this program; focus on getting a permanent facility and a mobile recycling program.

Ms. Kline announced that the next "drop off event" is scheduled on November 8th in the City of Mendota.

Mayor Pro Tem Marquez questioned how many cities/jurisdictions have agreed to these requests. Ms. Kline stated that at this point, eight out of the 16 have agreed.

CORRESPONDENCE

None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council Meeting on September 8, 2008.**
2. **APPROVAL OF MINUTES – The City Council Meeting on September 29, 2008.**
3. **WARRANT REGISTER – Period starting August 1, and ending on August 31, 2008.**

August, 2008	General Warrants	#20399 - #20552	\$ 1,677,583.06
	Payroll Warrants	#55736 - #55851	\$(Included in Total)
	TOTAL		\$1,677,583.06

4. **WARRANT REGISTER – Period starting September 1, and ending on September 30, 2008.**

September, 2008	General Warrants	#20553 - #20720	\$1,599,076.18
	Payroll Warrants	#55852 - #55967	\$(Included in Total)
	TOTAL		\$1,599,076.18

5. **AMENDMENT NO. 2 – CITY MANAGER’S EMPLOYMENT AGREEMENT.**
6. **AGREEMENT WITH CONTRACTOR FOR NEW CITY HALL REMODEL.**

Mayor Pro Tem Marquez requested September 29, 2008 meeting minutes reflect councils individual votes regarding agenda item No. 5. Deputy City Clerk, Rita Lozano, agreed to make necessary changes.

Motion to approve Consent Calendar agenda items, including Mayor Pro Tem’s request for modification, made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by consensus vote.

PUBLIC HEARING

7. **ENVIRONMENTAL ASSESSMENT SAN JOAQUIN RIVER BANK REPAIR PROJECT. RESOLUTION NO. 08-44 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN INITIAL ENVIRONMENTAL STUDY AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE SAN JOAQUIN RIVERBANK REPAIR PROJECT.**

City Planner, Karl Schoettler, provided an overview regarding response to comments received regarding the project’s Initial Environmental Impact Study. Mr. Schoettler stated that comment letters were received by state agencies, including the Army Corps of Engineers; San Joaquin Valley Air Pollution Control District and the San Joaquin River Restoration Program. Mr. Schoettler stated that the initial study discovered a disturbance to migratory birds and that a biologist was hired to do an assessment, as required.

Mayor Knight welcomed public comments.

Mr. Pete Ramirez, 1754 Ramirez Drive, questioned the type of construction used for the repair project. Mayor Knight stated that the construction consisted of sheet pile with wire mesh reinforcements. City Manager, Jose Antonio Ramirez, added that the repair project is about 300 feet starting from behind the Community Center. Mr. Schoettler also added that four areas were identified and high priority areas and the area behind the Community Center was the top priority.

Motion to approve Ordinance No. 08-44 made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by unanimous roll call vote.

OLD BUSINESS

None

NEW BUSINESS**8. FIREBAUGH DISPOSAL CONTRACT CHANGES AND RATE INCREASE UPDATE.**

Nancy Perkins, FDS representative, provided an overview of the contract changes and proposed rate increases. Mrs. Perkins stated that the proposed rate increase would allow FDS to pay for automated cans (three per household). As per Mrs. Perkins, the total amount for the automated cans is \$200,000. Mrs. Perkins also stated that FDS is requesting an extension of their current contract for an additional eight years.

Mayor Knight questioned if FDS was on target in submitting public notices to local residents. City Attorney, Dale Bacigalupi, stated that FDS is in compliance in terms of the public notices describing the proposed rate increases. Mr. Bacigalupi also informed council members that amendments could be made to the current contract pending council approval. Mr. Bacigalupi further explained that FDS is requesting the extension to assist FDS in securing a loan to purchase the automated cans allowing FDS to distribute new cans by January 1, 2009.

City Manager Ramirez questioned why FDS wanted a contract extension for an additional eight years instead of requesting a five-year contract. FDS representative, Nancy Perkins, stated that the City of Firebaugh normally issued a 10-year contract to FDS in the past. Mr. Ramirez stated that the council has the final decision; however, cautioned council to agreeing to an eight or ten-year contract.

Mayor Knight suggested amendments be made to current contract leaving the duration of the contract open for further discussion and public comments. Mr. Bacigalupi stated that further discussion and public comments regarding the contract could be heard during a protest hearing of the proposed rate increases.

Mayor Pro Tem Marquez questioned if FDS had permits for its trucks. Mrs. Perkins stated that the purchase of the automated cans would assist with compliance issues of AB 939. City Manager Ramirez informed council that a letter was submitted to FDS addressing issues of compliance and requesting various documentation, including a copy of the CPI Index used by FDS; percentage rates between commercial and residential accounts; methodology used to determine future tipping fees and associated costs to local residents; description of how FDS would handle billing issues; plans to replace current truck fleet; Senior Discounts; Profit and Loss Statements for the past three years; and statements of how FDS is in compliance with AB 939 and SB 216.

Mrs. Perkins stated that all of these requests were addressed. City Manager Ramirez stated that he was not satisfied with FDS' Profit and Loss Statements and truck-related fees and although he cautioned council from moving forward with the proposed rate increase approval process without this documentation, council decided to move forward. Mayor Pro Tem Marquez requested letter sent to FDS be brought before council at the next meeting for review and further discussion.

Mayor Pro Tem Marquez asked FDS representatives what efforts are being made to avoid destroying city streets with their truck fleet. Mr. Terry Perkins stated that FDS is making every effort to stay off city streets; however, it is very challenging. Mr. Perkins also stated that he is open to suggestions. City Manager Ramirez stated that he would have preferred to have all of these issues worked out prior to moving forward; however, uncertain of what could be done now that the public hearing process has begun.

Mayor Knight welcomed any public comments.

Mr. Pete Ramirez, questioned if the city receives any money generating from the tipping fees. City Manager Ramirez stated that the city does receive money from the county. As per City Manager Ramirez, the city purchased recycle bins and invested money received back into the city.

Mrs. Ester Ramirez, 1754 Ramirez Drive, stated that she did not understand the City Manager’s hesitancy into entering into a long-term contract with FDS. City Manager Ramirez explained that his role is to look at what is in the best interest for the city and community residents. Mr. Ramirez further explained that the point of view is not a personal attack on FDS; however, is analyzing the entire issue.

Council requested legal counsel to prepare contract amendments and present to council at next meeting for further review/discussion.

9. RESOLUTION NO. 08-30 – A RESOLUTION OF THE CITY OF FIREBAUGH APPROVING ONE APPLICATION AND AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR COMMUNITY FACILITIES GRANT.

Fire Chief/Code Enforcement Officer, John Borboa, provided information regarding the grant received to purchase and install a public siren on the south-end of the community and to purchase an air breathing station.

No public comments.

Motion to approve Ordinance No. 08-30 made by Council Member Fannon, second by Mayor Pro Tem Marquez; motion passed by unanimous roll call vote.

PENDING ITEMS

None

PUBLIC COMMENTS/QUESTIONS

- Connie Ortiz (874 Q Street) expressed dissatisfaction with lack of communication between city staff and community residents regarding the cutting down of trees located on the property she is renting. Ms. Ortiz also requested city to consider installing a street light around said area due to the number of illegal activities currently taking place. Lastly, Ms. Ortiz requested that property owners of said property be given preference to select trees to be replanted in lieu of those cut down.

City Manager Ramirez stated that he made decision to have trees cut down out of necessity. Mr. Ramirez explained that the tree roots were destroying the existing curb and gutter and wanted to avoid this from occurring to the new improvement being made to same area. Mr. Ramirez informed council that the property owners were informed of the situation and were asked if they wanted to collaborate in making improvements to other areas around the same property; however, they declined. Mr. Ramirez explained that the city would need to conduct a cost analysis prior to agreeing to install a street light requested by Ms. Ortiz.

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** –
 - Distributed food to 900 individuals. Experiencing challenges with storing food therefore requested delivery to occur on the same day of distribution. City Manager Ramirez suggested the use of the Community Center.
 - Announced that staff is working on scheduling a meeting in preparation of the Annual Christmas Electric Parade. Stated that staff is working on the new entry forms for this event.

- **Police Chief, Elsa Lopez** –
 - Department is addressing graffiti issue. Three juveniles were arrested in connection with these incidents.
 - Announced participation in a collaborative effort to address gang violence activity. Welcomed members of council to participate in upcoming CalGrip collaborative meeting scheduled on 10/30/08 at 3:30pm. Meeting will be hosted by Firebaugh PD and held at the community center.
- **Public Works Director, Ben Gallegos** –
 - Conducting annual checkup on Water Treatment Plant No. 2. This project is scheduled to be completed by 11/2/08.
 - Continue to work on street improvement projects and water meter installations.
- **Fire Chief/Code Enforcement Officer, John Borboa** –
 - Scheduled to attend Muster Association meeting in Los Banos.
 - Shared that fire-related crimes have increased.
- **City Treasurer, Alice Casteneda** – nothing to report.
- **City Clerk, Priscilla Meza** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **City Finance Director, Odi Ortiz** –
 - Announced that the audit and entry budget is scheduled to be completed by the end of October.
- **Assistant City Manager, Laura Rios** – not present.
- **City Manager, Jose Antonio Ramirez** –
 - Provided an update on the water metering program.
 - Staff met with PG & E to discuss the underground utility project.
 - Provided information regarding FEMA’s decertification of the flood levy; staff continues to address this issue and hopes to have matter resolved by February 2009.
 - Staff is submitting three additional grant applications to complement the Emerging Technology Project.
 - Announced city received additional grant funding (\$393,000) for the “Safe Routes to School” project.
 - Staff working with Clark Bros. regarding the Park and Ride Lot project.

COUNCIL ITEMS

- **Fannon** – none
- **Marquez**
 - Requested additional information regarding the reading of the installed water meters. City Manager Ramirez stated that Public Works staff will receive “real time” readings on a daily basis via the new transmitters. City Manager also explained that residents will have ability to go online to pay on their accounts and monitor their consumption. Council Member DeFrancesco questioned online service charge applied to residents electing to pay online. City Attorney agreed to follow up on the legalities of online service charge.

CLOSED SESSION

10. **EXISTING LITIGATION – ONE CASE PERB CASE#**

Operating Engineers Local Union #3 v. City of Firebaugh

ANNOUNCEMENT AFTER CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made by Mayor Pro Tem Marquez, second by Council Member DeFrancesco. Meeting adjourned at 9:44 p.m.

*Minutes submitted by:
Priscilla Meza, City Clerk*