

MEETING MINUTES

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

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: February 2, 2009 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Marcia Sablan at 7:29 p.m.

ROLL CALL

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

ABSENT: None

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; Community Service Coordinator, Phyllis Baltierra; Virgil/Judy
Breedon; Julius Halkum; Jacqueline Bates; Esther Ramos; Lydia/David Flores;
Felipe Perez; John Baltierra; Bobby Zoffka; Manuel Trujillo; Maria Avila;
Salvador Franco; Heriberto Ramos; Mary Van Pelt; Pete/Esther Ramirez;

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mayor Pro Tem Marquez

PUBLIC COMMENT

- John Baltierra (1538 8th Street) expressed concern regarding the absence of painted lines on city roads. Mr. Baltierra pointed out that painted lines are vital for public safety regardless of how much it would cost the city. Public Works Director Gallegos explained that his staff is unable to paint due to the current weather conditions. Mr. Gallegos further explained that his department staff attempted to paint; however, the paint would not adhere to the road. City Manager Ramirez confirmed Mr. Gallegos' statement and assured Mr. Baltierra and the public that staff will paint when the weather permits.

INTRODUCTION

None

PRESENTATION

None

CORRESPONDENCE

None

CONSENT CALENDAR

- 1. APPROVAL OF MINUTES – The City Council meeting on December 15, 2008.
- 2. APPROVAL OF MINUTES – The City Council meeting on December 29, 2008.
- 3. APPROVAL OF MINUTES – The City Council meeting on January 5, 2009.
- 4. WARRANT REGISTER – Period starting December 1, and ending on December 30, 2008.

December, 2008	General Warrants	#21132 – #21329	\$ 1,297,758.00
	Payroll Warrants	#56219 – #56392	<u>\$(Included in Total)</u>
	TOTAL		\$ 1,297,758.00

- 5. REQUEST FOR USE OF THE CITY FACILITY (A. F. COMMUNITY BUILDING) FROM ST. JOSEPH CHURCH ON FEBRUARY 14, 2009 FOR A DINNER DANCE AND A WAIVER OF FEES.

City Manager Ramirez stated that staff will distribute meeting agendas to council members and the public on Thursdays prior to council meetings.

Motion to approve Consent Calendar except for General Warrant #21203 (as per Council Member Lake’s request) made by Mayor Pro Tem Marquez, second by Council Member Lake; motion passed by consensus vote.

Council Member Lake explained his request to discuss General Warrant #21203 prior to motion to approve. As per Council Member Lake, said warrant reflects payment made to him as former Police Chief. Council Member Lake further explained that payment was made to him prior to taking office as an elected city official.

Mayor Sablan deferred to legal counsel for direction. City Attorney Boranian stated that Council Member Lake could abstain from any motion to approve General Warrant #21203; however, saw no reason for legal concern at this point.

Motion to approve General Warrant #21203 made by Mayor Pro Tem Marquez, second by Council Member DeFrancesco, Council Member Lake abstained; motion passed by consensus vote.

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

6. THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZES THE RFP BID AWARD TO CALPO HOM & DONG ARCHITECTS FOR 2008 PUBLIC SAFETY FACILITY FEASIBILITY.

City Manager Ramirez explained the RFP Bid Award process to council and requested Police Chief, Elsa Lopez, to further elaborate and/or point out any areas of interest. Police Chief Lopez requested clarification on the \$3,000 match. City Manager Ramirez stated that the match could be either a cash match or an in-kind contribution.

Police Chief Lopez explained purpose of grant award is to fund a feasibility study to determine current and future needs for a public safety facility. Police Chief Lopez stated that the feasibility study will incorporate a design aspect as well.

Council Member Lake questioned how the grant award money can be used. City Manager Ramirez stated that the grant money can only be used for the feasibility study; none of the money can contribute to infrastructure-related costs.

Council Member Lowe requested staff to present final report of feasibility study to council. Council Member Lowe also requested clarification on staff's decision regarding the grant match. City Manager Ramirez explained that staff has traditionally elected to provide an in-kind contribution, when allowed, on grant award match requirements. City Manager Ramirez also agreed to present final report of feasibility study to council following its completion.

Mayor Sablan welcomed public comments.

John Baltierra (1538 8th Street) questioned if purpose of the feasibility study is for a new police department. Assistant City Manager, Laura Rios, explained that the feasibility study will address the police and fire department facilities. City Manager Ramirez stated that the benefit of the study will identify the short and long-term needs of these department facilities and associated costs to community residents.

Mayor Sablan questioned if the project was time-sensitive. City Manager Ramirez confirmed that the project will start once bid is awarded.

Motion to approve RFP Bid Award to Calpo, Hom & Dong Architects made by Council Member Lake, second by Council Member Lowe; motion approved by consensus vote.

7. **RESOLUTION NO. 09-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH IN THE MATTER OF DECLARING A LOCAL ECONOMIC DISASTER AS A RESULT OF REDUCTIONS TO WATER ALLOCATIONS TO THE LOCAL REGION, INCREASING DOUBLE-DIGIT UNEMPLOYMENT RATES, AND A LOSS OF QUALITY OF LIFE TO FIREBAUGH RESIDENTS.**

City Manager Ramirez provided background information of Resolution No. 09-01 and participation of staff. Mr. Ramirez also described the impact on the community and its residents.

Council Member Lake questioned the true economic value to the city if resolution is approved. City Manager Ramirez stated that the statistics and information regarding the reduction of water allocations to the region are current. Mr. Ramirez also stated that although the actual economic forecast is difficult to judge one can easily identify the ramifications, such as businesses closing down and increased costs of food distribution.

Council Member Lake expressed concern with passing a resolution declaring a state of emergency while trying to recruit more businesses and developers to the area. Mayor Sablan stated that there could be an incentive in passing such a resolution.

Mayor Sablan welcomed public comments.

Ray Guerra asked if city administration is considering scaling back on staff in light of increased unemployment rates and the state's economic crisis. City Manager Ramirez stated that efforts will be made to avoid such outcomes and will discuss the matter with council in closed session; however, staff is obligated to look at all aspects of the city's budget.

Motion to approve Resolution No. 09-01 made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by majority vote (Council Member Lake opposed the motion).

8. **REORGANIZATION OF THE CITY OF FIREBAUGH COMMUNITY COMMITTEES.**

Mayor Sablan facilitated the reorganization process of community committee assignments. Process was based on a volunteer basis. Results of process are as follows:

1. Redevelopment Agency Committee
 - a. Newly Elected Council Members Lake and Lowe replaces vacant position.
2. Planning Commission – positions are elected by general public.
3. Parks/Recreation Committee
 - a. Council Member Vacancy filled by Council Member Lowe.
 - b. School Board Member Vacancy – to be determined by local school district board of trustees.
4. Green Waste Committee
 - a. Council Member Vacancy filled by Council Member Lowe.
5. Christmas Parade Planning Committee
 - a. Membership is open to the community.

6. Cantaloupe Round Up
 - a. Membership is open to the community/council.
NOTE: Staff agreed to notify Council Members via mail and phone notices regarding scheduled meetings.
 7. West Hills College Advisory Committee
 - a. Membership already established.
 8. Cable/TV Authority
 - a. City Finance Director is designated to attend quarterly meetings held in Mendota
NOTE: Finance Director agreed to provide council with regular updates following each meeting.
 9. COG/Rural Transit
 - a. Mayor Sablan and Mayor Pro Tem Marquez designated to attend monthly meetings.
 10. Downtown Revitalization Committee
 - a. Council Member Lowe volunteered to participate.
 11. Preservation America Committee
 - a. Membership already established.
 12. Airport Advisory Committee
 - a. Staff agreed to present prospective candidate to council for approval.
9. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE A THREE YEAR CONTINGENCY CONTRACT WITH AZAVAR AUDIT SOLUTIONS INC.**

City Finance Director, Odi Ortiz, reviewed the contract's scope of work and that other local cities, such as Kerman, Mendota and Huron, are considering contracting Azavar Audit Solutions Inc. Mr. Ortiz stated that if approved, the audit would take six months to complete and that the city would only be obligated to pay a portion of any identified revenues.

City Manager Ramirez explained that council is not under any time constraints and contract is pending council feedback and approval. Mr. Ramirez noted that city is only required to issue payment to auditing agency if lost revenues are identified.

Council Member Lowe stated that cable franchise fees should not be covered in audit.

Mayor Sablan questioned if any monies are collected from cell phone services. Finance Director Ortiz confirmed that city receives cell phone revenues from Cricket, Verizon, Nextel, Sprint and AT&T.

Mayor Pro Tem Marquez requested clarification on contract time period and cost to the city. Finance Director Ortiz explained that if auditing agency discovers lost revenues then contract will be valid for next three years. City Manager Ramirez and Finance Director Ortiz stated that the financial burden falls on the auditing agency.

Council Member Lake stated that the city contracted for similar audit about eight to nine years ago. Mayor Sablan and Council Member Lowe pointed out that the audit only addressed sales tax. Finance Director Ortiz stated that Azavar Audit Solutions is unfamiliar with auditing sales tax.

Mayor Sablan welcomed public comments.

David Flores questioned why there would be any lost revenues. Finance Director Ortiz explained that there is generally a 2-3% margin of error.

Motion made to approve contract with Azavar Audit Solutions Inc., removing cable franchise fees from audit, made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by consensus vote.

10. REVIEW SENIOR DISCOUNT QUALIFICATIONS GUIDELINES.

Assistant City Manager Rios updated council regarding qualification guidelines. Ms. Rios stated that the program guidelines were based on federal guidelines, including income-contingent conditions.

Mayor Sablan questioned eligibility requirements. Ms. Rios explained that a qualifying senior citizen must live on property and be the primary account holder.

Council Members Lake and Lowe stated that the title of the program is misleading and creates confusion to local senior citizens as to the eligibility guidelines. Ms. Rios stated that the name of the program is similar to that used by other cities.

City Manager Ramirez stated that he understood that the name of the program to be confusing and welcomed feedback and direction from council.

Council Member DeFrancesco requested the total number of senior citizens that have qualified for the program. Assistant City Manager Rios stated that a total of 61 senior citizens qualified for the 10% discount.

Council Member Lake stated that the program name needs to reflect true nature of the program's eligibility conditions. Mayor Sablan welcomed feedback from council and public.

Phyllis Baltierra, Community Service Coordinator, stated that the name of the program caused confusion with local seniors.

Mayor Sablan and Council Member DeFrancesco expressed concern with the financial impact on city's infrastructure.

Mrs. Breeden expressed concern with increased utility costs.

Ray Guerra questioned how applicants are asked to prove their income.

Jacqueline Bates (1310 Enrico) stated opinion that senior citizens applying for discount program should not be required to show proof of income.

Mayor Sablan requested direction from council.

Council Member Lake stated that he was not opposed to discount program being age and income-contingent; however, requested name of program to change.

Mayor Sablan recommended renaming the program to "Income Based Senior Discount Program".

Motion to approve recommended name change to "Income Based Senior Discount Program" made by Council Member Sablan, second by Council Member Lake; motion passed by consensus vote.

11. THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVAL OF THE FAÇADE SELECTION OF COLOR SCHEMES.

Dr. Leon provided overview regarding proposed color schemes for the Façade Program. Dr. Leon stated that a total of 32 candidates have expressed an interest in program; however, few are actually moving forward. Dr. Leon agreed to display chart of color schemes at city hall.

Mayor Sablan welcomed feedback/questions from council.

Council Member DeFrancesco expressed concern with flexibility and lack of uniformity regarding awning sizes and broad range of color schemes to choose from. Council Member DeFrancesco stated that local businesses should be given fewer options.

Mayor Sablan stated disagreement with Council Member DeFrancesco's comments and pointed out that participating candidates receive consultation and guidance from Dr. Leon and his staff.

Council Member Lowe agreed with Council Member DeFrancesco's concerns.

Council Member DeFrancesco stated that board color schemes does not address issue of uniformity and that the council needs to make difficult decision of defining specific criteria for the downtown business area.

Mayor Sablan expressed appreciation of the feedback provided during the consultation process. Dr. Leon explained advantage of having a variety of colors to choose from stating that it lends itself to creating vibrancy in the downtown area. Dr. Leon also recommended the installation of potted plants. Dr. Leon provided an updated on current projects.

Council Member Lake requested clarification on tonight's action. City Manager explained that council is voting on the proposed color scheme.

Motion to approve Façade Selection of Color Schemes made by Mayor Pro Tem Marquez, second by Council Member Lowe; motion passed by consensus vote.

PENDING ITEMS

1. Consider change of billing due date from last business day to last day of the month

Financial Director Ortiz described the impact to staff's workload by changing the billing due date to the last day of the month citing potential overtime, delay in billing process, violation of city ordinance of getting billing sent out by the 5th of each month.

Mayor Sablan suggested placing a due date on the actual bill. Deputy City Clerk, Rita Lozano, explained that the billing due date is noted on the front and back side of the bill ("*.....due last business day of the month by 4pm*").

Council Member Lake expressed concern with due date falling on a holiday. Deputy City Clerk Lozano stated that the noted due date allows plenty of time for residents to pay their bill on time.

2. *Request a report and update of the billing process for garbage collection fees for the first six months*

Finance Director Ortiz agreed to report back on the number of delinquent accounts. Also explained that the billing software is unable to waive fees and would require additional staff time to make manual adjustments for each account.

3. *Street lights in Del Rio Area*

Assistant City Manager Rios explained that staff submitted an application/map to PG&E and is waiting for design and list of associated costs for project.

City Manager Ramirez stated as a result of several discussions, PG&E agreed to cover costs associated with the installation of street lights in the Del Rio Area.

Public Works Director, Ben Gallegos, pointed out that a total of nine streets lights are scheduled for installation.

4. *Research the requirements according to the City Resolution regarding a New Water/Sewer Account.*

Assistance City Manager Rios reviewed memo provided to council regarding this issue pointing out that Resolution 92-14, passed in July 1992, required a deposit when establishing a new account. Ms. Rios explained that waiver of said deposit is based on the account holder's "credit worthiness".

Mayor Sablan expressed importance of pointing out that the deposit is means of protecting property owners in case their tenant is in default of paying their bill.

Council Member Lake questioned is a Resolution supersedes an already existing Ordinance. City Attorney Boranian explained that an Ordinance is city law and that a Resolution is the policy which interprets the Ordinance. Ms. Boranian also explained that an Ordinance can not be modified by a Resolution.

Council Member Lake pointed out that Resolution 92-14 required a deposit; however, an Ordinance states that no deposit is required if account holder can demonstrate credit worthiness.

Mayor Sablan stated that the city does not have a mechanism in place to determine "credit worthiness" and expressed concern with costs associated with running credit checks on new account holders.

City Attorney Boranian explained that "credit worthiness" in the municipal context does not translate into evaluating a new account holder's credit score. As per Ms. Boranian, credit worthiness is based on evaluating the payment history of the new account holder.

Council Member Lake questioned is staff can prove credit worthiness of an individual who lived somewhere else prior to moving to Firebaugh. City Attorney Boranian explained that method of determining credit worthiness is at the discretion of the staff; however, pointed out that council has the option to amend the already existing ordinance.

Finance Director Ortiz described his experience of working with other municipalities determining credit worthiness. Process included running report of individual's prior payment history.

City Manager raised question regarding waiving deposit for Ramirez (Pete/Esther Ramirez) property tenants. Council Member Lowe stated that Pete/Esther Ramirez initiated process of creating separate accounts for their tenants therefore should be responsible for paying deposits for each account.

Mayor Sablan requested direction from council.

Police Chief Lopez questioned who would be responsible if a property owner's tenant becomes default in paying the utility bill. Mayor Sablan stated that the property owner would be responsible. Police Chief Lopez questioned why deposit is not waived. Deputy City Clerk Lozano pointed out that the account holder would be sent to collections for defaulting on their account. Mayor Sablan expressed concern with setting precedence in waiving by waiving deposit.

Mayor Pro Tem Marquez expressed disagreement with the installation of individual water meters for each tenant on the Ramirez' property, he stated that the Ramirez' property is private property with multifamily units, therefore only requiring the installation of one water meter.

City Attorney Boranian agreed to work with staff in developing a Resolution that addresses the Ramirez Property tenants specifically. City Manager Ramirez agreed to work on developing an MOU with Ramirez' regarding the servicing of the water meters on their private property.

Pending Items for upcoming Council Meetings:

- Final report of 2008 Public Safety Facility Feasibility Study
- Cable/TV Authority Committee meetings updates
- Confirmation of Airport Advisory Committee candidates
- Approve financial contribution of \$500 for EOC Food Drive
- As per Phyllis' request, staff agreed to look into issue of local families "double dipping" in Commodity Day distributions. This has created issues, potential public safety issues.
- INSERT Will's TITLE report regarding the availability of funding to address problem issues on the Madera County side of the river
- Status Report on the Tiscareno property located on the south side of town
- Cost Analysis Report regarding all Farmer's Market-related expenses
- Minutes from Park/Recreation Committee meetings regarding use of city parks
- Comparison Study regarding cost effectiveness of paying multiple engineers for city projects
- Presentation on city's agreement with WHC regarding the use of Maldonado Park
- Presentation on county's Blueprint Studies
- Report on Identity Theft Policy/Procedures

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** –
 - Advertised social security services on city's electron.
 - Expressed sadness over incidents that occurred on Commodity Day and concern with families "double dipping" now that staff is unable to request proof of residency.
 - Currently accepting donations.

- **Police Chief, Elsa Lopez** –
 - Announced that St. Joseph's is requesting donation for their food bank.
- **City Building Inspector, Wil Van Ryn** –
 - Announced that the San Joaquin Villas project is scheduled to start soon.
 - Reviewed new regulations regarding Health & Safety Codes triggered by Hurricane Katrina. Currently researching availability of funding to address problem areas on the Madera County-side of the river.
 - Explained that he lost data on his computer as a result of technical difficulties.
- **Public Works Director, Ben Gallegos** –
 - Announced that staff is busy working on the Pot Holes project.
- **Fire Chief/Code Enforcement Officer, John Borboa** –
 - Expressed concern regarding the newly provided automated cans creating ordinance violations. Explained that the cans are too big to be placed in backyards of home owners forcing property owners to leave cans exposed in front and side yards.
 - Announced new ownership of the Firebaugh Motel and Corregidor property. New property owners expressed desire to sell said property and decision to voluntarily demolish dwelling located on Corregidor.
 - City Manager Ramirez pointed out that Assistant City Manager Rios is developing a matrix of demolition of property dwellings/buildings/etc.
 - Announced need to explore other funding opportunities to front abatement-related costs.
 - Announced increased "calls for service".
- **City Treasurer, Alice Casteneda** – not present.
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- **City Engineer, Mario Gouveia** – not present.
- **City Clerk, Priscilla Meza** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – nothing to report
- **City Finance Director, Odi Ortiz** –
 - Currently evaluating how to cut back on costs....further discussion in closed session.
 - Announced staff is working with Mid Valley Disposal Company.
 - Focused on issuing 1099s.
- **Assistant City Manager, Laura Rios** –
 - Announced that Channel 21 (Univision) provided great coverage of city and its residents.
 - Agreed to provide Identity Theft Policy/Procedures before council.
- **City Manager, Jose Antonio Ramirez** –
 - Announced his invitation to speak before state legislatures regarding the reduction of water to the region. Also announced his participation of a panel presentation held in Visalia regarding the same issue.
 - Working with staff to address budget issues.
 - Working with local processing plants regarding the voucher program. Also discussing program with new plant owners.
 - Explained that staff is required to bring forth before council requests for use of facility fee waivers. City Attorney Boranian pointed out that request for fee waivers can only be entertained for non-profit or government agencies. Ms. Boranian also suggested establishing a

fee that will cover costs for staff time. Council directed City Manager to deny any requests for waiver of facility fees (exception: non-profits or government agencies) after March 1, 2009.

COUNCIL ITEMS

- Sablan -
 - Requested City Manager update council regarding the joint meeting held addressing the tax share agreement. City Manager Ramirez explained that city mayors/city managers of local cities met with the County's Board of Supervisors on how to generate more funding to address budget deficits. Mayor Sablan pointed out the importance of noting that the purpose of this meeting also addressed the annexation process, collection of business license fees and requested a meeting with the County's CEO.
 - Requested a presentation of the county's Blue Print studies.
- DeFrancesco –
 - Raised issue regarding complaints received of when the high school used the facility for its winter formal. Complaints included reports that the facility was dirty and that toilet paper was not efficiently provided. Public Works Director Gallegos stated that staff conducted a "walk through" the day before the event as per city policy. Council Member Lowe suggested a "walk through" the day after the event as well.
- Lake –
 - Requested cost analysis regarding all related expenses involving the Farmer's Market. City Manager Ramirez stated that the city has made money as a result of the event.
 - Shared concerns expressed by local residents regarding the damage caused on Dunkle Park's baseball fields. Damages are result of allowing use of the field for adult soccer games. Also raised question if fees are being charged for use of field and use of lights during evening events. City Manager Ramirez stated that no fees have been charged. Mayor Sablan requested minutes from the Parks/Recreation Committee meetings.
 - Requested comparison study regarding cost effectiveness of paying multiple engineers for city projects.
 - Requested presentation of contract with WHC regarding the use of Maldonado Park. City Manager Ramirez explained benefit of having a contract with WHC.
- Marquez/Lowe –
 - none

CLOSED SESSION

Motion to move into closed session made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by consensus vote at 10:06pm.

12. EXISTING LITIGATION – ONE CASE PERB CASE

Operating Engineers Local Union #3 v. City of Firebaugh

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

City representatives: Jose Antonio Ramirez, Laura Rios"

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

One (1) case

15. 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 action taken.

ADJOURNMENT

Motion to adjourn made by Mayor Pro Tem Marquez, second by Council Member Lowe; meeting adjourned at 11:00 p.m. Next council meeting is scheduled on March 2, 2009 at 7:30pm, unless a special meeting is required before the scheduled date.

*Minutes submitted by:
Priscilla Meza, City Clerk*