

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/03-16**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: March 16, 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 Marcia Sablan
Mayor Pro Tem Javier Marquez
Council Member Chris DeFrancesco
Council Member Rod Lake
Council Member Jim Lowe

ABSENT:

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; Mary Van Pelt; David and Lilia Flores; Richard Flores (US Census); Brent Kreighbaum; Fernando Campa; Manuel Trujillo; David Castillo (WIT); Doug Gorman and Fred Klingel (OE3).

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Lake

PUBLIC COMMENT

David Castillo of West Hills College provided a presentation regarding the Westside Institute of Technology, and explained the action plan and grant process. The WIT program received a grant to assist our local communities in identifying the business needs to place local residents in local community job placement. A survey was completed among and throughout the cities/communities of Firebaugh, Dos Palos, Mendota, Tranquillity and San Joaquin to identify the education and skills mostly needed for these surrounding communities currently and in the next 5 years, so WIT can offer both educational and skill-set courses, that will in turn improve the employability of high school graduates, high school drop-outs, young adults, and adults from this region; therefore, providing them the skills to be more successful to complete in employment opportunities in various careers, which are high in demand for our local communities.

Fred Klingel of Operating Engineering 3 representative of the City of Firebaugh’s Misc. employees would like to discuss the current status – last year’s negotiations ended with a result of a four year contract for these employees and now the city is stating they need to lay-off positions; however they didn’t state a concern for lay-off during the previous negotiations. Currently there is a City Manager and an Assistant City Manager employed and they can not keep the budget in order. What about the many expanses spent to seek and apply for grants, but it may also be contributing to loss of funds with the travel expenses, ect. Ms. Rios has not presented a reason for the lay-offs, OE3 and their representatives have a right to negotiate their contract, but have not been given an opportunity or have be addressed to open the contract for renegotiations. OE3 and its representatives have requested information from Ms. Rios and have not received any documentation to us for review to represent or provide proof that our contract should be re-opened for negotiations. 3.5 million dollars have been spent for the Maldonado Park project and that is the same amount the city is short in the budget, yet the project is not complete; yes, the RDA funds helped with this project and with the project of the remodeling of the new city hall. We have suggested ways and areas of were to save fund in other funding sources, but have not got a response that there is any consideration for our recommendations. Should this issue result in impasse; it may force a mediator’s involvement. City Manager Ramirez replied that no response would be provided because it is listed under closed session, also regarding the requested information The Public Records Act states the requested information must submitted in writing and allows government agency ten days to provide the information. Council Member Marquez inquired if there is a reason why they can’t have the information requested? City Manger replied staff is still working on it, the 10 days have not expired.

Doug Gorman Operating Engineering 3 representative of the City of Firebaugh’s Police Department, stated they are having a problem understanding why the city is having a problem funding the Cops with the new stimulus package recently approved that provides funding through the COPS Program and don’t know why the expects a response in five days if they have 10 days to provide information requested to assist in understanding or justify the lay-offs. The Officers are willing to negotiate, they don’t want to have a fellow officer unemployed but providing them a contract to sign or impasse this items without stating a continued or returned date to the officers is unacceptable. It is an open end document/contract that doesn’t provide proof for the necessity for the lay-offs or a date when the changes will reinstate, it should clarify the specifics or we can go to abort ration/court for resolution. A meeting has been requested with the city’s representative to discuss these issues, and have not got a response. Council Member lake asked the city manager to respond to the gentleman’s request for a meeting tomorrow, March 17. City Manager Ramirez stated that it will be discussed under closed session. City Attorney Meggin Borianian stated for clarification the letter in question states their maybe lay-offs, but not in fact that their will be lay-offs

INTRODUCTION

None

PRESENTATION

None

CORRESPONDENCE

None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council meeting on March 2, 2009.**

2. **WARRANT REGISTER – Period starting February 1, and ending on February 28, 2009.**

February, 2009	General Warrants	#21494 – #21620	\$ 894,113.53
	Payroll Warrants	#56506 – #56620	<u>\$(Included in Total)</u>
	TOTAL		\$ 894, 113.53

Motion to approve Consent Calendar with exception of check #21495 (as per Council Member Lake’s request) made by Council Member Lowe, second by Council Member Marquez; motion carries by consensus vote.

Motion to approve check #21495 by Council Member Marquez, second by Council Member DeFrancesco; Abstain by Lake, motion carries.

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

3. **RIGHT OF ENTRY AGREEMENT WITH PLANTATION PARK (RAMIREZ PARK).**

This Agreement was presented to City Council at the previous Council meeting. Council requested some modifications of language before approval and the following changes were made 1) Page 1, RECITALS, paragraph A., addition of “and requested to install individual meters at each residence on the property” at the end of the paragraph; 2) Page 1 item 2, deletion of “unless and until terminated in writing as provided herein;” 3) Page 2, item 9, substitution of “Due to the improvements made by CITY to the Property and sums expended by CITY in furtherance of this Right of Entry, the right of entry granted herein is not revocable nor subject to termination” in place previous draft language in that item; and 4) Page 2, items 10 “Restoration of the Property”, and 11 “Continuing Liability”, deletion of both items and renumbering of item 12 “Counterparts” to item 10. Any references to termination of the right of entry are removed because the agreement continues to be in effect as long as the property owners remain the same and water meters exist on the property. City Attorney Meggin Boranian added that the City has a right to service and maintain any/all of the City’s water/sewer lines or other public utilities with or without a written agreement, and explained that this Agreement is extremely helpful for clarification and understanding of what the rights and responsibilities are between the City and the property owners.

Motion to approve agreement by Council Member Marquez, second by Council Member Lake, motion carries.

4. PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH RATIFYING THE “IT’S IN OUR HANDS 2010 CENSUS PARTNER PROCLAMATION”.

Richard Flores of the US Census explained the purpose and goal in having the best count of population possible for the 2010 Census. In the previous census, forms were sent out through mail to individuals to complete and return with information regarding their households, US Census prefers this process for the public’s convenience, it provide them the ability to complete and return the forms on their on time frame without a visit from a representative. However, Firebaugh only had a 65% response during the 2000 Census through the mailing process, and each person is worth a \$1,000 documented or undocumented, which impacts the data and its emphasis that assist in economic planning and some grants applications.

Council Member Marquez, Mrs. Malinali Flood, and Mrs. Lilia Flores of Promoters all volunteered their services in participating for the 2010 Census. Manuel Trujillo volunteered to post flyers on his window in the downtown area to advertise the event.

Motion to approve the Proclamation by Council Member Marquez, second by Council Member Lake, motion carries.

5. ORDINANCE NO. 09-01 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADDING SECTION 3-13 TO CHAPTER 3 OF THE FIREBAUGH MUNICIPAL CODE REGULATING YARD SALES – FIRST READING.

Police Chief Elsa Lopez reviewed yard sale ordinance that was selected at the last council meeting, with their recommendations to the ordinance, which were to not permit a yard sale on HWY 33 and any other commercially zoned areas, including 13th Street between P Street and Q Street, and clarification regarding the non-profit organization requirements. Chief Lopez added after Council’s approval the ordinance will be added to the Police Regulations of the City of Firebaugh’s Municipal Code. This Ordinance would help regulate yard sales, but without issuing a permit. Council Member Lake questioned the eligibility of residents that live in apartments who would be considered to live in a multi-family residential zone. Chief Lopez stated they would not be able to sell on sidewalks because it is city property, but nothing prevents individuals from having a yard sale in a residential area, they are just not allowed in commercial areas. Mr. David Flores added that a lot of people are going through hard times, so asked council to please advice or provide warning to residents before issuing citations.

Motion to approve and waive the first reading of Ord. No. 09-01 by Council Member Lake, second by Council Member DeFrancesco, motion carries.

6. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE NOTICE OF COMPLETION: MALDONADO PARK PHASES I AND II.

City Manager Jose Antonio Ramirez informed council that Maldonado Park Phases I and II are complete, with a one year warranty to begin after council approves and accepts the notice of completion. Council Member Marquez advised staff of a low spot on the soccer field by the east goal post. Public Works Director Ben Gallegos replied that it has been repaired. City Manager Ramirez added that he is scheduled to met with State Director of Parks and Recreation Ruth Coleman to discuss additional funding for the completion of the soccer fields at Maldonado Parks, estimated cost is about 1.5 million, which will also fund lights for the softball fields. The Park and Ride Project is a separate project for the Maldonado Park. Finance Director Odi Ortiz stated that this park project has been funded through grant funds only. Council

Member Lake, inquired on how much funding has been received from these grant resources. City Manager replied 3.5 million from seven to eight different grants.

Motion to approve the Notice of Completion by Council Member Lowe, second by Council Member Marquez, motion carries.

7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS THE VACANT OFFICE OF THE CITY TREASURER’S POSITION.

Motion to leave the Treasurer’s position vacant by Council Member Lake, second by Council Member Lowe; motion carries by consensus vote.

PENDING ITEMS

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

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Police Chief, Elsa Lopez** –
 - April 3rd is the Easter egg hunt with the Promoters
 - April 19th – Fresno Co officers Memorial – a portion of Hwy 33 at Douglas and Sierra will be dedicated in Sixto Maldonado Honor, proceeding to follow at the Maldonado Park around 2:00 pm.
 - Will be out of state from 6th to the 20th of April.
 - Working of application recovery act for the Stimulus package to fund Police positions, one officer position under possible layoff and a position which still remains vacant due to the city’s economic issues.
- **Public Works Director, Ben Gallegos** –
 - Informed council that of safe rte 2 school proposed order changes regarding additional sidewalk from Landucci Drive to Enrico Avenue, so that kids leave campus don’t have to walk through mud during wet weather conditions when walking home. Estimated cost for this order change is about \$7,000, and at the Middle School and Bailey School correct drainages problems. Reasons for the order changes is that the can correct these concerns under grant funds as part of the Safe Route to School project, and it would be more expensive if the Public Works Department completed the work at a later date.
 - City Manager requested council direction regarding the placement of new trees, many trees in the downtown area are infected with termites, should some or all trees be replaced, and what other locations are recommended? Council’s direction is to replace all trees previously removed, diseased trees, and place the remaining trees at the park before the mature trees die.
 - The tie-in-work at the main lift station has been postponed.
 - Seventy-nine tires have been picked up throughout the city as a result of the tire grant.
 - The Fresno County Rural Transportation’s bus damaged the pavement at the Senior Center; therefore the city will contact General Manager Jeff Webster requesting payment for the repairs.

- **City Building Inspector, Wil Van Ryn** –
 - Received the No. 2 Levee Flood Map
 - Council Member Lake inquired about permits that seem to be out dated- Wil informed council that permits are still active if residents submit a written letter requesting an extension regarding their building permit, therefore the program will keep a permit active for as long as the individuals keep filling for an extension. Council Member Marquez directed staff to address the Latino Market regarding the materials along the fence. Wil added that the Latino Market is currently remodeling their store, but sent a written warning to the owner to remove all debris from the area.

- **Fire Chief/Code Enforcement Officer, John Borboa** –
 - Explained that city will still receive property taxes not paid by foreclosure from Fresno County which will place a lien on the property.
 - There continues to be illegal dumping in certain areas of town and will probably continue until the city establishes a drop-off area in the city limits for individuals to dispose of large items.

- **City Finance Director, Odi Ortiz** –
 - Attended a Fresno County sales and property tax meeting on Friday, March 13, 2009 with Fresno County Assessor and Auditor Controller/Tax Collector.
 - **Sales Tax** – reported stats by MuniServices: Fresno Wide shows a 3.9% decrease in sales tax through 3rd Qtr of 2008. In third quarter alone it reflected a 6.5% decrease compared to 2007. Auto sales decreased 22% in 3rd Qtr last year and are projecting a 50% drop in the 1st Qtr for 2009, 30% drop in the 2nd Qtr, 20% drop in the 3rd Qtr & 4th Qtr in 2009 compared to 2008. Restaurants/food products which represent 17% of the County's sales tax revenues are at a stable level, but are slightly decreasing. Gas sales are consistent although gas prices are currently lower.

Unemployment rates are high=Disposable income is low=impact of entire economy

 - 4th Qtr for 2008 is expected to be bad with a forecasted County Wide decrease of 5-10%
 - They anticipate a 6-7% decrease in general retail sales for the 1st two Qtr's this year
 - **Property Tax Review** – Foreclosures seem to driving the housing market. More than ½ of the property sales in the last 3-6 months have been foreclosures or short-sales. Per County assessor, property taxes are down to the 2003 home value levels. County is predicting lower home values 2009. Approximately 45,000 homes were reassessed in 2008 and another 40K-45K homes will be reassessed in 2009. At this point they don't see a bottom line on home values. It's projected that Cities with higher property sales & developments between the years of 2006-2008 will have the greatest tax revenue impact.
 - Fresno Co anticipates a bad 2009-2010 fiscal year as home values will continue to decrease and will result in worst situation for the fiscal year of 2010-2011 and are expected to get better by the 2012-2013 FY when new developments may be introduced.

- **Deputy City Clerk, Rita Lozano** – Nothing to report.

- **Assistant City Manager, Laura Rios** –
 - Provided council with Welcoming Binders as a reference/guide to all elected officials.

- **City Manager, Jose Antonio Ramirez** –
 - Friday, had food drive with partnership between the City of Firebaugh, PG&E, and Economic Opportunities Commission, next food drive scheduled on April 13th, 2009
 - Stimulus Package – City has submitted applications for everything that we may be eligible for.
 - City Engineer Mario Gouveia will be presenting designs for the HWY33 Beautification project
 - Façade Program is active
 - Recently there has been numerous news coverage regarding the economic problems in community as a result of the drought and water issues
 - A march is planned to protest the lack of water supply to the valley.
 - Mid-Valley is working on the bond issue, and has been successful in addressing any garbage issues that we come across; the company is establishing a program to assist senior citizens with placing the garbage containers at the curbs.
 - Spring Clean up is April 13th through 19th
 - River Clean up is April 18th
 - Illegal dumping was discussed with Mid-Valley at our last Solid Waste Meeting and they will be delivering a roll-off to the city soon.
 - Will be on vacation the week of 21st through 25th in April.

COUNCIL ITEMS

- **Lake** – Inquired about painting cross walks in front of schools. Public Works Director Ben informed council that crosswalks will be painted and crossing lights will be installed within 2 weeks.
- **Marquez** – Thanked Mr. David Castillo for his presentation.
- **Lowe** - Directed staff to mark the handicap areas on curbs and correctly post signs at bus stops.

CLOSED SESSION

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

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

City representatives: Jose Antonio Ramirez, Laura Rios"

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

One (1) case

ANNOUNCEMENT AFTER CLOSED SESSION - *No action take by council.*

ADJOURNMENT - *Motion to adjourn by Council Member Marquez, second by Council Member Lowe; meeting adjourned at 11:30 p.m.*