

**MEETING MINUTES**

**The City Council/Redevelopment Agency of the City of Firebaugh  
Vol. No. 09/04-06**

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622

**Date/Time:** April 6, 2009 @ 7:30 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Sablan at 7:31 p.m.

**ROLL CALL**

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

**ABSENT:** Council Member Jim Lowe

**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; Fire Chief/Code Enforcement  
Officer, John Borboa; Public Works Director, Ben Gallegos; Community  
Service Coordinator, Phyllis Baltierra; City Engineer, Mario Gouveia; John  
Baltierra, Oscar Sablan, Felipe Perez, Julia Hernandez, Robert Escalante,  
Hector Castaneda; Manuel Trujillo

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by Mayor Pro Tem Marquez

**PUBLIC COMMENT**

- John Baltierra (1538 8<sup>th</sup> Street) expressed concern with supposed possibility of council eliminating the city’s Building Inspector position and combine said position with the Fire Chief/Code Enforcement Officer position. Mr. Baltierra stated that this would not be cost-effective or wise and expressed disapproval of council making this decision.
- Felipe Perez (1668 Mendoza Drive), President of the *Los Promotores Comuntarios*, presented Plaque of Appreciation to the City of Firebaugh for their support of the *Poder Popular* program and of its events.

Mayor Sablan inquired about the program’s plans for its Community Garden project. Mr. Perez stated that the project’s participants are planning to expand on the variety of fruits/vegetables grown in the garden.

City Manager, Jose Antonio Ramirez, thanked Council Member Hernandez of San Joaquin for her dedication and support of the program. City Manager Ramirez also pointed out that future plans include the purchase of a “greenhouse”.

- Robert Escalante (111 Leyva) requested council to direct staff to remove stop sign located near the corner of his property and to remove speed bumps located near his home. City Manager Ramirez encouraged Mr. Escalante to meet him to discuss the matter further. City Manager Ramirez also stated that he was uncertain about Mr. Escalante’s correlation between the stop sign, speed bumps and the cracks on the property owner’s home. City Manager Ramirez also expressed to council that his office receives requests for speed bumps from some community members while others express opposition to speed bumps.
- Mayor Sablan presented a Plaque of Recognition for dedicated service to the family of recently deceased City Treasurer, Alice Castaneda. Council Members, staff and the general public also applauded Mrs. Castaneda’s service and dedication to the city and its community members.

**INTRODUCTION**

None

**PRESENTATION**

None

**CORRESPONDENCE**

None

**CONSENT CALENDAR**

1. **APPROVAL OF MINUTES – The City Council meeting on March 16, 2009.**

*Motion to approve minutes made by Mayor Pro Tem Marquez, second by Council Member Lake; motion passed by consensus vote.*

**PUBLIC HEARING**

None

**OLD BUSINESS****2. 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 – SECOND READING.**

Mayor Sablan opened meeting for public comment. Hearing none, Mayor Sablan opened agenda item for council member questions/discussion. No discussion/questions by council.

*Motion to approve Ordinance No. 09-01 made by Mayor Pro Tem Marquez, second by Council Member DeFrancesco. Motion passed by unanimous roll call vote.*

**NEW BUSINESS****3. HIGHWAY 33 BEAUTIFICATION PROJECT.**

City Manager Ramirez provided council with a brief introduction of project background. City Engineer Mario Gouveia described project goals and objectives and requesting direction from council. Mr. Gouveia stated that project site targets Highway 33 between 11<sup>th</sup> and 14<sup>th</sup> Streets and that final design plans must be approved by CalTrans. Mr. Gouveia explained that the approval process is complicated; however, confident that CalTrans, council and the community will be pleased with final project. Mr. Gouveia described the key elements of the project, which include new sidewalks, tree wells with tree grates, architectural street lights, entry signs, tree islands with accent lighting and efficient irrigation system. Mr. Gouveia introduced PS1 Landscape Architect, Dan Machado, to review planting selection for the project. Mr. Machado provided a brief overview of potential planting selection.

Mayor Pro Tem Marquez questioned if project could afford to include an additional block and questioned if staff discussed potential site locations with council. Mr. Gouveia stated that the project could potentially expand to include an additional block; however, would need to meet with Caltrans officials to approve the design plan. City Manager Ramirez explained how the targeted project site was selected stating that project site was identified in the Chirets Study; however, council has authority to change targeted project site. City Manager Ramirez stated that staff requesting council input and direction.

Mayor Sablan asked if Mayor Pro Tem Marquez and other council members had a different concept or suggestions for staff. Mr. Gouveia further explained that staff preferred to present a concept to council to assist with the final design selection.

Mr. Gouveia pointed out that the design plan incorporates already existing architectural design of the east side entry into the city. Mr. Gouveia identified the two entry way sign locations included in the project design (Nees/before Washoe and Highway 33/Morris Kyle Drive) and requested suggestions for a north-side entry sign location.

Mayor Sablan welcomed public comments.

John Baltierra (1538 8<sup>th</sup> Street) expressed approval of the project's concept.

Oscar Sablan stated that the school district maybe interested in collaborating with the city regarding an entry sign on Highway 33 and Morris Kyle Drive.

Council Member Lake and Mayor Sablan expressed concern with the maintenance of the planting selection. Mr. Gouveia explained that the planting selection includes trees and plants that are conducive to the overall project and the environment and that the project budget includes maintenance costs.

Council Member Lake also expressed concern with liability assumed by the city regarding fallen branches or unanticipated outgrowth disrupting the view of drivers travelling along Highway 33. Mr. Gouveia stated that the city would most likely need to assume liability. Mayor Sablan stated the importance of setting aside sufficient funds for maintenance and replacement of plants/trees.

Council Member Lake suggested staff move forward with the project's concept; however, would like clarification regarding the liability issue. City Manager Ramirez stated that the city has already accepted some liability and agreed to provide additional information regarding the issue.

*Council directed staff to move forward with the project as proposed.*

#### **4. FARMERS MARKET**

Finance Director, Odi Ortiz, provided an overview of event's expenditures and revenues. Ms. Julia Hernandez clarified that the \$2,500 paid to the program was for their participation in assisting with the setting up and taking down of the vendor's booths. Ms. Hernandez stated that Los Promotores is prohibited from receiving payment directly from the city and that Firebaugh PD's PAL organization agreed to accept payment on behalf of Los Promotores. Council Member Lake pointed out that he was concerned with proper accounting of the amount paid rather than the amount paid to Los Promotores.

John Baltierra reported that the scales used by most event vendors are not certified scales. Mr. Baltierra also reported that the taco stand vendor's use of a generator violates the city's noise ordinance and suggested the vendor use a generator that is muffled.

City Manager Ramirez stated that staff is working on bringing in more organic produce growers and "certified" farmers; encourage vendors to accept WIC.

Assistant City Manager Rios shared that she is focusing on the recruitment of "certified" farmers to participate in the weekly event.

City Manager Ramirez announced an upcoming workshop provided by the Department of Health and Environmental Services on 4/16/09 for potential and current food vendors. The workshop will begin at 6:00 p.m. at the Firebaugh Community Center. Mrs. Hernandez recommended that city arrange to provide an interpreter for the workshop.

Council Member Lake expressed concerns with the date/time of the event and expressed preference to have had the opportunity to have event brought before council to discuss and participate in the decision-making process regarding the event's logistics, such as the location, start/end time and the name of the event.

City Manager Ramirez apologized stating that there was no malice or intentional disrespect; however, reminded council that staff did provide information requested by council and agreed to change the name of the event from "Farmer's Market" to "Downtown Market" as per the council's direction.

Mayor Sablan informed council that the event was discussed at previous council meetings. Council Member Lake requested council meeting minutes reflecting these “previous” discussions. Mayor Sablan pointed out that the event was discussed at the Solid Waste Management Meeting. City Manager Ramirez repeated that staff has provided council with information regarding the event, including a cost analysis, as per the council’s request.

Mayor Pro Tem Marquez and Council Member Lake stated no recollection of discussing the event’s logistical aspects at a previous council meeting.

Council Member Lake expressed concern for local merchants/businesses complaining that they are losing business because the city blocks are blocked off. Council Member Lake requested council/staff to consider re-locating event to another area, such as Dunkle Park and disagreed with calling the event a “farmer’s market”.

City Manager Ramirez stated that the event’s concept is to capture clientele and bringing more business for local merchants. Mr. Ramirez pointed out that local merchants, especially restaurants, are reporting increased sales. Mr. Ramirez stated belief that the event is a successful economic stimulus economic development tool and that surrounding communities have used this event as a model to hosting their own “Farmer’s Market”. City Manager Ramirez also stated that the event is a great social event for the community and a great fundraising mechanism for local non-profits.

Council Member Lake again expressed dissatisfaction with staff not formally introducing event before council for discussion and suggested council/staff to consider relocating the event and modifying the start/end time of the event.

City Manager Ramirez stated that council has discretion to make changes and stressed that staff has put in a lot of manpower and its own resources to making the event a successful one.

Mayor Sablan posed question to city’s Public Works Director, Ben Gallegos, regarding any complaints from local merchants. Mr. Gallegos stated that his department has never received complaints from local merchants regarding the start time and location of the event.

Ms. Hernandez stated that the city of San Joaquin was faced with several issues in hosting the event at their city park and decided to relocate event to the downtown area. Ms. Hernandez suggested staff survey local merchants allowing their voices to be heard. City Manager Ramirez also pointed out that local merchants are given preference to market their own products at no cost.

John Baltierra stated that he has received complaints from local merchants that city staff are setting up for the event too early and agreed with Council Member Lake’s suggestion to relocate the event to a local park.

Public Works Director Gallegos cautioned council to consider that his staff may incur overtime if his staff begin to set up at a later time. City Manager Ramirez agreed to explore available options to avoid incurred “overtime”.

Community resident/merchant, Manual Trujillo, stated that as a business owner he has been able to increase his clientele and sales.

Oscar Sablan also expressed preference for staff to begin setting up for the event at a later time based on his concern of insufficient parking. Mr. Sablan also encouraged staff to look into why local businesses

are losing profits. Mayor Sablan stated that suggestion is a good one and confirmed having received complaint regarding insufficient parking.

Mayor Pro Tem Marquez expressed preference for event to be managed by a committee which would include staff and council representation. City Manager Ramirez cautioned council to do this based on the organizing of the event requiring major decision making and “onsite” support from event organizers.

Mayor Sablan suggested council to consider the responsibilities needed to make this event a successful one.

John Baltierra pointed out that council discussed this issue at previous council meeting and decided it best for staff to organize the event.

Oscar Sablan suggested City Manager provide council with regular reports on the event during council meetings.

Mayor Sablan and City Attorney Boranian suggested council place item on next council meeting’s agenda for further discussion regarding the formation of a committee, stating that this is an informational item only for tonight’s council meeting.

## **5. BUDGET REVIEW**

City Manager Ramirez explained purpose of the workshop, requested by council, is to review proposed reductions in each department to compensate for the city’s budget shortfall. Mr. Ramirez pointed out that staff has diligently worked on providing this information and preparing for tonight’s workshop.

Finance Director Ortiz pointed out that it is too late to address fiscal year 2008-2009 and that the purpose of budget workshop is to focus on fiscal year 2009-2010.

Council Member Lake expressed concern with the availability of city’s reserves. Finance Director Ortiz reassured council that city has enough reserves to cover the financial shortfall for fiscal year 2008-2009; however, council needs to focus of fiscal year 2009-2010.

Assistant City Manager Rios reviewed workshop goals and objectives and highlighted key elements used for budget workshop, including options used to reduce the city’s general fund costs. Council Member Lake stated that budget report prepared by staff does not include reports from department heads noting their budget cut recommendations.

City Manager Ramirez explained that he has met with each department head and that budget report prepared by staff reflects their recommendations.

Finance Director provided an overview of the city’s 5-year trend of general fund expenditures/revenues. City Manager Rios reviewed the management options and pointed out that these suggestions are subject to union negotiations. Ms. Rios also stated that staff has reviewed the reimbursable expenses. City Manager Ramirez explained that the city is still awaiting reimbursements from the state. Assistant City Manager Rios also reviewed non-reimbursable expenses.

Council Member Lake expressed concern with over budgeting for fiscal year 2009-2010. City Manager Ramirez stated that it is difficult for staff to project/anticipate how volatile today’s economic crisis is and that staff was very conservative with the 2009-2010 budget.

Council Member Lake expressed questioned if there was an ordinance in place placing a cap of \$500 per account for utility tax. Mr. Ortiz agreed to review city ordinance.

First Draft of proposed Annual Budget for fiscal year 2009-2010 is available at City Hall.

## PENDING ITEMS

- Request a report and update of the billing process for garbage collection fees for the first six months.
- Council requested a meeting to be scheduled between FLDUSD Board of Trustees and City Council.
- Council Member Lake requested information/explanation on the difference of fees between the City Clerk and City Treasurer.

## PUBLIC COMMENTS/QUESTIONS

None

## STAFF REPORTS

- **Community Service Director, Phyllis Baltierra** –
  - Explained that the Senior Center has reduced its daily output of meals to 15 meals per day.
- **Police Chief, Elsa Lopez** – not present.
- **Public Works Director, Ben Gallegos** –
  - Thanked Meggin for referring a Fresno youth group to participate in the city's community beautification efforts.
- **Fire Chief/Code Enforcement Officer, John Borboa** – nothing to report.
- **City Engineer, Mario Gouveia** –
  - Stated that the San Joaquin Riverbank Project is in design.
  - Reconstruction of 13<sup>th</sup> Street is in design and scheduled to begin in the summer.
  - Safe Route to School Project is also in design.
  - Staff is currently processing documentation for the Small Transportation Stimulus Project.
- **City Clerk, Priscilla Meza** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **City Finance Director, Odi Ortiz** – nothing additional to report.
- **Assistant City Manager, Laura Rios** –
  - Waste Water Project's completion date is April 22<sup>nd</sup>.
- **City Manager, Jose Antonio Ramirez** –
  - Announced next food giveaway is scheduled for April 13<sup>th</sup>. Staff submitted press releases to local media regarding the event.

- Distributed information regarding Emerald Energy to council for review.
- Shared photos of problem areas in front of the City Yard (Cardella Property). Explained that staff is addressing liability issue.
- Pointed out that city has exceeded its 5-year Capital Improvement goals/outcomes and encouraged council members to meet with him to review this matter in further details.

## COUNCIL ITEMS

- **Lake** –
  - Shared that the Dedmon family is willing to donate the use of their property along Highway 33 for a Community Garden; however, would be concerned with accessibility to water.
  - Expressed disappointment in that council was not presented with option to provide input prior to staff participating in the organization of the Water March event and the commitments made to support the event’s activities. City Manager Ramirez expressed his apologies and explained that staff did not mean to be offensive.

## CLOSED SESSION

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

### 6. **“LABOR NEGOTIATIONS: REPRESENTED AND UNREPRESENTED EMPLOYEES (GOVERNMENT CODE §54957.2.)**

City representatives: Jose Antonio Ramirez and Laura Rios

### 7. **BUDGET REVIEW**

## ANNOUNCEMENT AFTER CLOSED SESSION

The following actions were taken during closed session:

1. Elimination of Special Events Coordinator/Senior Coordinator/Cantaloupe Round-Up Coordinator position.
2. Elimination of Building Inspector position.
3. Elimination of Code Enforcement Officer position.
4. Directed staff to place Agenda Item #6 on next council meeting agenda under closed session.

## ADJOURNMENT

*Motion to adjourn made by Mayor Pro Tem Marquez, second by Council Member Lake; meeting adjourned at 12:48 a.m. Next council meeting on April 20, 2009 at 7:30pm.*

*Minutes submitted by:  
Priscilla Meza, City Clerk*