

MEETING MINUTES

The City Council/Redevelopment Agency of the City of Firebaugh Vol. No. 09/04-20

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: April 20, 2009 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Sablan at 7:37 p.m.

ROLL CALL

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

ABSENT: Council Member Chris J. DeFrancesco

OTHERS: City Attorney, Meggin Boranian; City Manager, Jose Antonio Ramirez; Assistant City Manager, Laura Rios; City 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; and other community members.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Mayor Pro Tem Marquez

PUBLIC COMMENT

- David Flores, shared concern regarding excessive noise made by a disc jockey during a little league game at Dunkle Park. Mr. Flores stated that the disc jockey was playing music at a nearby event at Dunkle Park which was very disruptive to those attending/playing the little league game. City Manager Ramirez encouraged Mr. Flores and /or community residents to report any amplified music/noise that violates the city’s noise ordinance. Mr. Ramirez clarified that the only area at Dunkle Park that allows amplified music/noise is the enclosed area, exception being any special events such as the Cantaloupe Roundup Festival.

Police Chief, Elsa Lopez, stated that her officers will respond to said calls regarding noise violations. Chief Lopez also pointed out that the party mentioned in Mr. Flores’ complaint agreed to turn down the music.

- Armando Ramirez (VFW Representative – 1300 “O” Street) requested clarification regarding the criteria used to determine the required number of uniformed officers to serve as security at events held at the VFW hall. Mr. Ramirez stated that he was informed by a neighboring community resident that because they were from out of town, their event would require additional officers. Mr. Ramirez stated that he was confused and believed this to be an unfair practice to those families living outside of Firebaugh who are interested in renting the VFW hall for private events.

Police Chief Lopez explained that two officers are required for every 100 attendees; however, she has the discretion to determine if additional officers are needed on an event-by-event basis. As per Chief Lopez, this discretion is used to take precautionary measures to prevent any problems.

Mayor Pro Tem Marquez requested Chief Lopez to be more specific. Chief Lopez stated that events where alcoholic beverages are served would require additional officers.

Armando Ramirez suggested that city staff provide accurate information to the public when processing requests for security/policing services. City Manager, Jose Antonio Ramirez, agreed to meet with Chief Lopez and create a draft of a written policy regarding the process. Mayor Sablan requested City Manager to ensure that city hall clerks are aware of the policy and to provide Mr. Armando Ramirez a copy of the final written policy.

INTRODUCTION

None

PRESENTATION

- Mayor Sablan presented Certificates of Appreciation to youth groups from the Pilgrim Armenian Congregational Church, Firebaugh Pentecostal Church and the Firebaugh First Baptist Church for the participation of exceptional community service to the City of Firebaugh during the River/Community Clean Up event.

Assistant City Manager, Laura Rios, stated that this was a great partnership between these three groups and the city. Sandy Duke, representative for the Firebaugh First Baptist Church, expressed an interest in partnering with the city in future projects.

- Barbara J. Steck, Deputy Director of the Fresno Council of Governments, provided an update regarding the San Joaquin Valley Blueprint. Ms. Steck explained that the project is preparing for the implementation phase, funded by valley counties. Ms. Steck stated that a group of valley-wide planners will oversee the implementation phase.

Dr. Oscar Sablan questioned if the plan considered the current and future use of water in the valley. Ms. Steck explained that they are working with local colleges/universities to integrate issue of water usage into the Blueprint principles.

CORRESPONDENCE

None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council meeting on April 6, 2009.

2. WARRANT REGISTER – Period starting on March 1 and ending on March 31, 2009.

March 2009	General Warrants	#21621 - #21778	\$ 975,524.28
	Payroll Warrants	#56621 - #56738	\$ <u>(Included in Total)</u>
	TOTAL		\$ 975,524.28

3. RESOLUTION NO. 09-03 – RESOLUTION REGARDING ELIMINATION OF PARTICULAR POSITIONS (HALF-TIME CODE ENFORCEMENT; BUILDING INSPECTOR; SENIOR/SPECIAL EVENT/CANTALOUPE COORDINATOR AND DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF LAYOFF.

City Manager Ramirez requested agenda items 3, 6, 8, 9 and 10 be pulled from agenda. Council Member Lake inquired as to why City Manager Ramirez requested to pull items. City Manager Ramirez explained that staff needed to gather additional information prior to council discussion/action.

Motion to approve Minutes and Warrant Register made by Council Member Lake, seconded by Mayor Pro Tem Marquez; motion passed by consensus vote.

PUBLIC HEARING

None

OLD BUSINESS**4. BUDGET REVIEW**

City Finance Director Ortiz provided council with updated information regarding the city's next fiscal year budget shortfall. As per Mr. Ortiz, the city is facing a \$96,000 budget shortfall. City Manager Ramirez informed council that staff is working on generating 30, 60 and 90-day budgets.

Mayor Sablan requested clarification of what fiscal year the budget shortfall will impact. City Finance Director Ortiz stated that the \$96,000 shortfall is projected for Fiscal Year 2009-2010 (July 2009 through June 2010).

City Manager Ramirez addressed rumors that city plans to close the local senior center. City Manager Ramirez stated that staff/council will do everything they can to have someone fill the Senior/Special Event/Cantaloupe Coordinator position with either volunteers or a paid part-time position.

Mayor Sablan opened discussion to public comments.

John Baltierra questioned what the deficit was prior to the proposed eliminations/budget cuts. City Finance Director Ortiz stated that prior to the proposed eliminations/budget cuts the budget shortfall was about \$270,000.

David Flores stated that he heard rumors that the City Manager is also proposing to eliminate police officer positions. City Manager Ramirez stated that this is false.

Dr. Oscar Sablan urged council and staff to consider the impact to local senior citizens. Dr. Sablan expressed concern with city failing to meet legal requirements of having someone who is certified, licensed and qualified to run the Senior Center and its current programs, such as the food distribution program. Dr. Sablan also stated that he addressed the issue of a potential budget shortfall to council members and staff three years ago; however, felt that nothing was done about it to prepare and/or avoid the current circumstances. Dr. Sablan also stated that the Senior/Special Event/Cantaloupe Coordinator position is a cost-effective position and encouraged council/staff to reconsider the proposed elimination of this position.

City Manager Ramirez stated that his position is to bring solutions/resolutions that will address the city's budget shortfalls and expressed appreciation for Dr. Sablan's comments.

Judy Breedan, community member, expressed gratitude for the work that the current Senior/Special Event/Cantaloupe Coordinator, Phyllis Baltierra, is doing.

Nina Avila also expressed the need for services made available at the local senior center and stated that Phyllis Baltierra's exemplary service should be considered prior to deciding to eliminate her position.

Gloria Perez, local resident, stated that her mother goes to the Senior Center and expressed concern with Phyllis Baltierra no longer being there to care for her mother. Ms. Perez pointed out that Ms. Baltierra takes special measures to care for each senior citizen at the Senior Center.

John Baltierra commented that the Senior Center is a social gathering place for local senior citizens. Mr. Baltierra also expressed concern with staff enforcing building inspection issues without a Building Inspector. City Manager Ramirez stated that staff is considering sharing a neighboring community's Building Inspector to address such issues. John Baltierra pointed out that the city contracted a Building Inspector from a neighboring community; however, it was too expensive and ineffective.

Lilia Flores spoke on behalf of a senior citizen in her care. Ms. Flores stated that this person depends on the services and care made available by the senior center and its staff. Ms. Flores requested council to reconsider elimination of Ms. Baltierra's position.

Robert Guzman also expressed support for Phyllis Baltierra and her position.

Council Member Lake pointed out that council and staff does not intend to close the Senior Center.

City Manager Ramirez stated that staff is looking at other options to address the budget shortfall. Mayor Sablan requested direction from legal counsel as to next steps in the budget review process. City Attorney, Meggin Boranian, stated that council can direct staff to provide additional options to eliminate budget shortfall and/or proceed with proposed eliminations stated in Resolution No. 09-03.

Council Member Lowe questioned why staff failed to provide him with any budget documentation discussed in tonight's meeting and why budget was not reviewed prior to tonight's council meeting. City Manager Ramirez informed Council Member Lowe that staff conducted an extensive and detailed review of the city's upcoming fiscal year budget. Council Member Lowe requested documentation reflecting council's discussion and voting process during last council meeting's closed session on 4/6/09. Council Member Lowe also stated that he did not receive any documentation in his "inbox" at city hall.

Council Member Lake pointed out that staff requested direction from council since February; however, is now requesting additional time to present other options. City Manager Ramirez explained that staff needed legal counsel to clarify some issues and additional time is needed for staff to complete 30, 60 and 90-day budgets to present to council for review. City Manager Ramirez also pointed out that council/staff has until the end of this fiscal year (June 30th) to resolve these issues.

Council Member Lake questioned if staff members listed in the proposed Resolution were informed prior to making the Resolution public. City Manager Ramirez stated that the individuals mentioned in the proposed Resolution were already informed of the council's closed session announcements before 8:00am the following business day. Mr. Ramirez stated that he was uncertain who informed these individuals and apologized for how they were informed.

Dr. Oscar Sablan questioned why discussions regarding the budget were held in closed session. City Attorney Boranian stated that typically budget items are discussed and voted on in open session; however, if there are elements that require closed session discussion/action, such as labor negotiations, then council would discuss item in closed session and announce/take action on item in an open session.

Dr. Oscar Sablan stated that certain elements in the closed session discussions did not qualify item to be addressed in closed session and requested that the elements qualifying the item to be discussed in closed session be made known to the public by listing it on the council meeting agenda.

Ms. Boranian pointed out that the council meeting agenda lists how the item qualifies for closed session discussion, as per the Brown Act. Ms. Boranian also pointed out that her role is to advise council/staff if they engage in closed session discussions that fail to meet the criteria for closed session. Ms. Boranian stated that council and staff take their roles very seriously and expressed appreciation of Dr. Sablan's comments.

Dr. Oscar Sablan stated that closed session discussions should not be discussed to the public. Ms. Boranian pointed out that such action would violate the Brown Act and individuals could be subject to a lawsuit for violating this code.

Mayor Sablan requested direction from council to staff. City Manager Ramirez agreed to present other options addressing the upcoming fiscal budget shortfall. Council Member Lake requested staff to present scenario of a 15% reduction in staff management-related expenses.

NEW BUSINESS

5. MEDICAL BENEFITS FOR ELECTED OFFICIALS

City Finance Director Ortiz stated that current medical benefit-related expenses for council members and other elected officials is currently about \$34,000. Mr. Ortiz pointed out that this cost could potentially become more than \$100,000 if elected officials add dependants/spouses to their medical benefit plan. Mr. Ortiz stated that the cost for seven elected positions would be about \$102,000.

Council Member Lake questioned if staff looked at other medical benefit providers for elected officials and staff that would reduce costs to the city. City Manager Ramirez agreed to look at other medical health benefit providers.

Mayor Sablan pointed out the importance for council to look at this budget item when reviewing the city's budget crisis. Mayor Sablan supported Council Member Lake's recommendation to look at other providers for elected officials and staff.

6. DOWNTOWN MARKET SURVEY

Item pulled from agenda as per City Manager's request.

7. REDISTRICTING (VOTING RIGHTS ACT)

City Attorney, Meggin Boranian, discussed potential liabilities regarding potential discriminatory practices during elections. Ms. Boranian clarified that such allegations have not been made; however, when looking at the city's demographic population, more than 80% Hispanic, versus the demographics of elected officials there is a question as to why only two Hispanic officials have been elected to council since 1980. Ms. Boranian stated that she discussed issue with previous City Attorney, Dale Bacigalupi, and he suggested that city consider cost-effective methods of identifying voting patterns and conducting a demographic study, such as using the upcoming 2010 Census for demographical data. Ms. Boranian clarified that the purpose of this process is to avoid potential liabilities. Ms. Boranian stated that her law firm assisted the city of Reedley with the redistricting process and the cost was about \$80,000.

Mayor Sablan opened discussion to public.

John Baltierra suggested recruiting volunteers to gather local data rather than hiring a demographer. Ms. Boranian agreed that this method would be cost-effective and council could appoint a committee and provide oversight.

Mark Fickette questioned how the city could be held liable when it has no control of voter registration and/or those electing to vote or not to vote. Ms. Boranian explained that potential liability has nothing to do with voter registration rather with those elected versus the demographics of those voting. Mr. Fickette also questioned how redistricting would work for a small community like the City of Firebaugh. Ms. Boranian stated that if council decided to redistrict, the city would be divided into districts and have officials from each district elected to represent its area.

Council Member Lake stated he was not in favor of spending money/resources on this process and encouraged City Manager Ramirez to contact similar municipalities and inquire if they have done similar process.

Mayor Sablan suggested relocating the voting precincts and expressed opinion that the current locations of voting precincts prohibit voting potential. Council Member Lake questioned who determines location of voting precincts. Mayor Sablan stated that the Election Board does and that past requests to add and/or relocate these voting precincts have been made.

Ms. Boranian stated that addressing the issue of accessibility would also be addressing this issue. Ms. Boranian encouraged council to be proactive in addressing this matter.

PENDING ITEMS

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

City Finance Director Ortiz will provide this information to council at next council meeting.

- **Mayor Pro Tem Marquez requested a meeting to be scheduled between School Board and City Council Members.**

City Manager Ramirez stated that staff is moving forward on this request and met with School officials to discuss request.

- **Council Member Lake requested information/explanation on the difference of fees between the City Clerk and City Treasurer.**

Deputy City Clerk, Rita Lozano, stated that she was unable to locate Resolution outlining the fees paid to the City Clerk and City Treasurer; however, found language that left this decision at the discretion of the council.

Council Member Lake stated that he wanted to know why there was a difference in the amounts paid to the City Clerk and to the City Treasurer. Mayor Sablan stated that this would be determined by council and Council Member Lowe stated that there I no need to address this issue until the next election. Mayor Sablan stated that council should consider the possible elimination of both these positions and how staff could absorb these two positions.

City Attorney Boranian stated that the City Treasurer position could be absorbed by the Finance Director and the City Clerk position absorbed by the Deputy City Clerk. Ms. Boranian also pointed out that the City Treasurer's position is merely a formality

Council Member Lowe pointed out that the City Treasurer is required for the signing off on the city's bonding issues. Deputy City Clerk Lozano stated that council adopted position of the City Treasurer out of necessity in 1990.

Council Member Lake questioned if council established the benefit package for these two positions. Ms. Boranian agreed to look into the matter further. Ms. Boranian also pointed out that the City Clerk's position in other municipalities is not an elected position. City Clerk, Priscilla Meza, stated that if council and staff are looking at ways to conserve its resources, the elimination of the City Clerk position would be a viable option. Ms. Meza stated opinion that the City Clerk's position could be absorbed by the current Deputy City Clerk and noted Ms. Lozano's exceptional work in this position.

Mayor Sablan requested to have item placed on upcoming council meeting's agenda for council discussion and action.

- **Mayor Pro Tem Marquez requested the expenditure update regarding the New City Hall.**

City Manager Ramirez reviewed expenditures for the new City Hall. Mr. Ramirez pointed out that staff experienced unexpected problems which contributed to exceeded the project's budget. As per Mr. Ramirez, these problems included plumbing, electrical work and the need to purchase a new vault. City Manager Ramirez stated that 20% of these expenditures are funded through the General Fund and the other costs are covered by the Enterprise funds.

Mayor Sablan questioned if these expenditures were justifiable considering the city's current budget situation. Finance Director Ortiz agreed to double check with the auditor; however, felt that staff could justify the use of funds to absorb the additional costs.

Council Member Lowe expressed concern with additional expenditures. Finance Director Ortiz again agreed to follow up with the auditor. City Manager Ramirez pointed out the staff sought legal counsel regarding use of funds and received notification that use of funds to absorb added costs was appropriate.

City Manager Ramirez stated that these additional expenditures were unavoidable; however, understands the council's concerns. Mayor Sablan questioned how staff proposes to cover the costs of these additional expenses. Finance Director stated that staff can use Enterprise funds.

Council Member Lowe expressed concern with the Finance Director's conflicting reports and statements made to the public media regarding the city's budget status. Council Member Lake questioned if the project's budget overage was approved by council. Council Member Lake stated that he would have appreciated staff bringing these additional costs before council for discussion and direction and requested council to direct staff to avoid this in the future.

Mayor Sablan questioned if building is operational. City Manager Ramirez stated that staff is planning to move into the new City Hall throughout the upcoming weekend and be ready for business on the following Monday.

Mayor Pro Tem Marquez questioned how staff will use the old City Hall facility. City Manager Ramirez stated that police and fire department staff will occupy the old City Hall facility. Mayor Pro Tem Marquez expressed concern on how occupying the old City Hall and new City Hall will increase the city's operational costs.

Fire Chief Borboa stated that his department needs a training facility and additional storage units for equipment. Council Member Lake questioned if need of storage units is legally required. Fire Chief Borboa confirmed that they are.

Mayor Sablan directed Finance Director to list all items associated with the move into the new City Hall and department needs on an expenditure list.

PUBLIC COMMENTS/QUESTIONS

- John Baltierra questioned if Assistant City Manager will follow up regarding issues he raised to council at the last council meeting, which include excessive noise created by a vendor's generator and the use of uncertified scales during the Downtown Market. Mr. Baltierra expressed appreciate for Ms. Boranian's candid honesty and transparency.

STAFF REPORTS

- **Police Chief, Elsa Lopez** –
 - Announced department's participation in the Water March.
 - Provided an update regarding residential burglaries; two suspects are in custody.
 - Stated that an officer was presented with an award of recognition from M.A.D.D. in Sacramento.
 - Mayor Sablan requested Chief present new officers to council. Chief Lopez stated that newly hired officers are Reserve Officers. Council Member Lake also encouraged council members or community members to visit the Firebaugh Police Department and welcome newly hired officers.
- **Public Works Director, Ben Gallegos** –
 - Announced that he passed the collection certification.
- **Fire Chief/Code Enforcement Officer, John Borboa** –
 - Received confirmation from CalEMA (California Emergency Management Agency), formerly OES (Office of Emergency Services), regarding a training exercise.
 - Announced success of recent Fireman's Dinner/Dance; tickets sold out.
- **Community Service Director, Phyllis Baltierra** – nothing to report.
- **Finance Director, Odi Ortiz** –
 - Anticipates completion of fiscal audit by June 30th.
 - Public Works is moving forward with water metering system.
 - Agreed to pay "out of pocket" for an upcoming training, specifically travel and food. City Manager Ramirez explained that Mr. Ortiz' participation in the conference was carefully reviewed; however, welcomed council discussion and direction. Council Member Lake suggested staff provide Mr. Ortiz with a credit card to pay for fuel. Mayor Pro Tem Marquez questioned how the remaining costs would be paid for. Mr. Ortiz explained that percentages of the remaining costs (lodging/training registration) will be paid by the General Fund and other grants. Mayor Sablan stated that issuing Mr. Ortiz with a credit card would not be good practice; however, agreed that Mr. Ortiz should be reimbursed for his fuel. John Baltierra questioned how this training would benefit the city. Mr. Ortiz stated that the training will assist with city's budget projection process/activities. Council Member Lake and other council members agreed the training would benefit the city and authorized mileage reimbursement.
- **City Clerk, Priscilla Meza** – nothing to report.

- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** –
 - Announced successful food distribution project. Stated that another food distribution will soon be scheduled. City Manager Ramirez stated that Westlands and other donors provided about \$10,000 for the food distribution project.
 - Processing public requests.
- **City Manager, Jose Antonio Ramirez** –
 - Highlighted success of River/Community Clean up events.
 - Stated that he was in Sacramento advocating for additional monies for an employment training program at TomaTek, Inc. Unfortunately, TomaTek representatives experienced an unexpected delay in the process and are hopeful issue will be resolved. Sandy Duke asked how community residents can support TomaTek. City Manager Ramirez encouraged community members to contact their state legislatures and the Director, Brian McMahan.
 - Shared that approximately 4,500 individuals participated in the first day of the Water March. Stated that donations, such as food and water, were also provided for the event. Expressed disappointment in Governor’s Schwarzenegger’s response to the march; however, pointed out that local communities and its residents need to move forward and keep issue in the forefront.

COUNCIL ITEMS

- Council Member Lowe –
 - Pointed out that the garbage trucks are contributing to the damage caused to the asphalt near the Senior Center.
 - Requested confirmation if the 10,000 fire-fighting tank was purchased. Fire Chief Borboa confirmed that tank was purchased.
 - Shared reports that middle-school aged children are using bad language.
 - Requested clarification on decision making process regarding the installation of speed bumps. City Manager Ramirez, Council Member Lake and Mayor Sablan stated that community residents can petition to have a speed bump installed; however, agree to a percentage of the costs associated with the installation.
- Mayor Pro Tem Marquez – nothing.
- Mayor Sablan –
 - Requested direction from legal counsel regarding ordinance addressing mobile food service, specifically the “taco wagon”. City Attorney Boranian stated that she would need to look at local ordinances. Deputy City Clerk Lozano pointed out that the current ordinance stipulates that a locally established restaurant is permitted to deliver food via food trucks/vans; however, city would need to issue a permit per vehicle.

Mayor Pro Tem questioned if the new restaurant located on “O” Street is open for business. Police Chief Lopez stated that the new owners are in the process of obtaining necessary permits.
- Council Member Lake –
 - Apologized to Finance Director Ortiz, City Manager Ramirez and Mayor Sablan for forcefulness at the last council meeting.
 - Expressed support of the recent Water March and the participation of staff in the event.
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CLOSED SESSION

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

City representatives: Jose Antonio Ramirez, Laura Rios

9. PERSONNEL/FIRE CHIEF EVALUATION

10. BUDGET REVIEW

Closed Session agenda items pulled from agenda as per the City Manager's request.

ANNOUNCEMENT AFTER CLOSED SESSION

No Closed Session

ADJOURNMENT

Motion to adjourn made by Council Member Lowe, seconded by Council Member Lake; motion carried by consensus vote. Meeting adjourned at 9:55 p.m.

*Minutes submitted by:
Priscilla Meza, City Clerk*