

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/05-04**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: May 4, 2009 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Sablan at 7:40 p.m.

ROLL CALL

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

ABSENT: Council Member Jim Lowe

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; City Engineer, Mario Gouveia; Community Service Coordinator, Phyllis Baltierra; John Baltierra; David Flores; Javier Marquez, Jr.; Mary Van Pelt, and other community members.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member Lake

PUBLIC COMMENT

- David Flores thanked everyone who works with the City of Firebaugh for their dedication and services. He stated that he is aware that the City of Firebaugh pays employees at a lower rate than other cities and wanted to thank them for their loyalty because they continue to work for the city, when they could receive a higher income elsewhere. Mr. Flores also encouraged council to carefully assess the city's budget and available options to avoid cutbacks and/or elimination of staff positions.

INTRODUCTION

- Finance Director, Odi Ortiz, introduced Nancy Vaca, Account Tech II, to the City Council. Mr. Ortiz stated that Ms. Vaca is doing a great job. Ms. Vaca expressed gratitude and eagerness to provide quality services to the community. Mayor Sablan welcomed Mrs. Vaca.

PRESENTATION

- FBI's Special Agent in Charge Harriet Dugal and Agent Curtis Smith provided a brief presentation and awarded Sgt. Raygoza, Officers Martinez and Valdez with a certificate of recognition for their efforts in the robbery of the West America Bank. Special Agent Harriet Dugal added that two suspects pleaded guilty to the crime, which was a direct result of a successful joint effort by these officers and the FBI.

CORRESPONDENCE

None

CONSENT CALENDAR**1. APPROVAL OF MINUTES – The City Council meeting on April 20, 2009.**

Motion to approve Minutes made by Mayor Pro Tem Marquez, seconded by Council Member Lake; motion passed, Abstain by Council Member DeFrancesco.

PUBLIC HEARING

None

OLD BUSINESS**2. BUDGET REVIEW**

City Finance Director Ortiz provided council with a Budget update, reflecting the changes requested by council, to address 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 budget projections.

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

Mayor Sablan clarified that the proposed eliminations/budget cuts and the cancellation of health benefits to elected officials would reflect a surplus. City Finance Director Ortiz stated that although this is correct he reminded council that prior to the proposed eliminations/budget cuts and the cancellation of health benefits of elected officials the budget shortfall was about \$270,000.

Mayor Pro Tem Marquez questioned the number of hours listed for outsourced services. City Finance Director Ortiz explained that some of the contracted services proposed will require a minimum number of hours and that these are conservative estimates. City Manager Ramirez stated that staff is working with these entities to negotiate a lower amount per hour.

Council Member Lake requested clarification as to why the budget reflects savings on salaries but then lists additional expenditures for the same services otherwise provided by these positions. City Manager Ramirez explained that although council is looking at reorganizing these positions to create a savings (\$30K) on overall salaries, services need to continue and therefore need be reflected in the proposed budget. City Manager Ramirez stated that the additional expenditures (\$15K) reflect amounts for minimal level of services. Mayor Sablan reminded council to keep in mind that this only reflects a section of the budget and needs to look at entire budget.

Mayor Sablan questioned if the elimination of benefits for elected officials would take care of budget shortfall. Finance Director Ortiz confirmed Mayor Sablan's observation.

Council Member Lake questioned a comment listed on the budget worksheet regarding potential revenue reduction of \$25-\$40K from fire-related services due to position status change of the Code Enforcement Officer. Finance Director Ortiz explained that Fire Chief Borboa claimed that if the status of his position changed, the city would potentially lose this amount in revenues. Fire Chief Borboa stated that current contracts with Madera County, Fresno County and CalEMA (*formerly the Office of Emergency Services-OES*), is contingent upon the availability of a Fire Chief Officer 24-hours/day basis.

Fire Chief Borboa stated that the City has one contract with the Fresno County which the City of Firebaugh receives cost recovery fees for the amount of \$12,000 a year and one contract with Madera County which pays

\$8,000 for cost recovery for emergency response along with the CalEMA (formerly Office of Emergency Services-OES) that provides about \$41,000 in funding for Summer Fire Response program. Fire Chief again pointed out that these contracts require a 24 hour, 7days a week availability of the Fire Chief and the assistance of three firemen members.

City Manager Ramirez stated that staff will follow-up on the matter further and provide council with information at next council meeting.

Mayor Sablan welcomed public comments.

John Baltierra questioned how long the city has had contract with CalEMA and who pays for Emergency Services provided outside city limits. Fire Chief Borboa stated that the city entered into a contract with OES last year and that the surrounding counties pay a flat rate for Emergency Services provided by the Firebaugh Volunteer Fire Department.

David Flores questioned if the revenue generated by fees for service paid by the surrounding counties and OES be used to subsidize the Fire Chief's salary. Fire Chief Borboa explained that these funds are deposited into the city's general fund; however, are specifically designated to be used for fire department expenses only and that council has discretion of how to expend these funds. City Manager Ramirez agreed to look into this matter further.

City Manager Ramirez also pointed out that the proposed budget reflects a 15% reduction in salaries for department heads, as per Council Member Lowe's request.

Mayor Sablan suggested council adjourn into closed session before continuing to address remaining agenda items. City Attorney Boranian stated that some items listed on the agenda are open to union negotiations requiring closed session discussion.

Motion to move into closed session at 8:18 p.m. made by Mayor Pro Tem Marquez second by Mayor Sablan, motion passed by consensus vote. (Refer to Closed Session section of minutes for announcement of action taken)

Resumed open session at 9:37 p.m.

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

Council Member Lake suggested agenda item be tabled. Mayor Sablan requested additional information financial details regarding outside sources and program expenditures.

John Baltierra suggested staff review past expenditures for outsourced services.

Motion to table agenda item made by Mayor Pro Tem Marquez, seconded by Council Member Lake; motion carries.

4. **MEDICAL BENEFITS FOR ELECTED OFFICIALS.**

Finance Director Ortiz reviewed costs of current and potential medical benefits for elected officials.

Mayor Sablan requested direction from legal counsel. City Attorney Boranian stated that council could either take direct Finance Director to eliminate budget line item or direct staff to take no action on the matter.

Council directed the Finance Director and/or City Manager to take no action, informational item only. Mayor Sablan added that council can vote on issue during a future council meeting.

NEW BUSINESS**5. NEC FINANCIAL SERVICES FIVE YEAR LEASE AGREEMENT FOR THE CITY HALL'S NEW PHONE SYSTEM.**

City Manager Jose Ramirez provide information regarding the contract with NEC Financial Services - it is a Five Year Lease agreement with a monthly payment of \$690.04 for the lease and \$320.00 for the PRI line totaling \$1,010.00 per month; which equals a savings of 4,690 per year compared to the previous payment of 1,400 per month. Assistant City Manager Rios stated that the system is not currently connected with the Police Department or Fire Department; however, fiber-optic lines were installed allowing future installation for other departments.

City Manager Ramirez stated that this new phone system is hi-tech and will increase productivity of staff. Finance Director Ortiz further explained that the lease agreement includes an option to purchase phone system equipment.

Mayor Pro Tem requested clarification on benefits of phone system. City Manager Ramirez again stated that the phone system would generate a savings of expenses compared to the current phone system and that the new phone system is more efficient.

Motion to approve the Five Year Lease by Mayor Pro Tem Marquez, seconded by Mayor Sablan; motion carries 3-1, Council Member Lake voted no.

6. DISCUSS PLACING THE REMOVAL OF THE CITY CLERK'S AND CITY'S TREASURER'S POSITION ON THE NEXT ELECTION BALLOT.

City Manager Ramirez stated that as per council's request staff included this item on tonight's council meeting agenda and requested direction from council.

Council Member Lake pointed out that Council Member Lowe raised concern with legal requirements of having a City Treasurer position to sign bonds. City Attorney Boranian stated that she had no information available for council; however, stated that at the time the City Treasurer position was created the city needed to have said position to sign city bonds. City Attorney Boranian informed council that this is no longer a requirement and that Attorney Dale Bacigalupi issued a recommendation on 3/9/09 to council regarding these two positions.

Deputy City Clerk Lozano pointed out that she provided council with resolution samples if council decides to pursue the elimination of these two elected positions.

City Attorney Boranian reviewed benefits of removing these positions. City Clerk Meza agreed with Ms. Boranian's assessment in regards to the City Clerk's position. Ms. Meza stated that if council is looking to conserve its resources and streamline the duties of her position then that would be best; however, pointed out that the benefit of having an elected City Clerk position would eliminate the potential of conflict of interest of having a staff member as the City Clerk and encouraged council and staff to keep this in mind. City Attorney Boranian agreed with Ms. Meza's statement and explained that the potential of conflict of interest can be avoided with effective leadership of City Manager Ramirez and council. Ms. Meza agreed.

Council directed staff to research costs associated with placing elimination of said positions on the next election ballot.

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 a future 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 working on scheduling a date with school officials for the month of June.

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

Deputy City Clerk, Rita Lozano, informed council that the City Municipal Code states fees paid to the City Clerk and City Treasurer are determined by council discretion.

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 suggested 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.

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.

PUBLIC COMMENTS/QUESTIONS

- John Baltierra commented on the New City Hall stating that it is a great facility and suggested staff hang pictures of the city.

STAFF REPORTS

- **Police Chief, Elsa Lopez** –
 - Nothing to report. City Manager stated he addressed his concern regarding accrued overtime of the Police Department with the Police Chief.
- **Community Service Director, Phyllis Baltierra** – nothing to report.
- **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.
- **Finance Director, Odi Ortiz** –
 - Waiting for the completion of the 2010 Census results. These results will assist with assessing needs of the community.
- **City Clerk, Priscilla Meza** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** –
 - Announced that Congressman Jim Costa is holding a Town Hall Meeting on Friday, May 8th at the Firebaugh Community Center for anyone who would like to attend; other cities will be invited to participate.
 - Working on a city newsletter which should go out next month attached to the water bills. Newsletter will be made available in English and Spanish.

➤ **City Manager, Jose Antonio Ramirez** –

- Meeting with natural gas/solar power company who are currently looking at the 60 acres of buffer property to lease from the city. The company would pay the city \$50,000 upfront.
- Paul Rodriguez will be hosting a free concert at the Firebaugh High School Stadium on Saturday, May 9th for local communities and its residents in recognition of those that participated and provided donations for the event.
- First 5 Press Conference to be held on May 6th at 11:00 am at Stone Soup regarding Prop.1 for anyone that would like to attend.
- Council Member Lake requested that staff research other agencies that provide insurance for quotes. Staff is working with Insurance Broker, Mr. Rice Ross, who will provide a presentation at the next council meeting and with California Government VEBA to provide quotes.

COUNCIL ITEMS

- **Mayor Pro Tem Marquez** – requested the Latino Market area in the alley be cleaned up and would like garbage enclosures for the businesses. City Manager Ramirez informed council that Mid Valley Disposal is aware of this matter and currently working on it.
- **Council Member Lake** – Inquired on what organization are using the rodeo grounds and if there are paying the full rental fees. City Manager Ramirez informed council that the Latino Rotary rented the facility in March and will again on May 10th. City Manager Ramirez stated that use of facility and security officer fees were paid in full.

CLOSED SESSION

7. **‘LABOR NEGOTIATIONS: REPRESENTED AND UNREPRESENTED EMPLOYEES (GOVERNMENT CODE §54957.2.**

City representatives: Jose Antonio Ramirez, Laura Rios

8. **PERSONNEL/FIRE CHIEF EVALUATION**

Agenda items pulled from agenda as per the City Manager’s request.

9. **BUDGET REVIEW**

ANNOUNCEMENT AFTER CLOSED SESSION

No Action Taken

ADJOURNMENT

Motion to adjourn made by Mayor Pro Tem Marquez, seconded by Council Member DeFrancesco; motion carried by consensus vote. Meeting adjourned at 10:28 p.m.