

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/06-01**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: June 1, 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 Rod Lake

ABSENT: Council Member Chris J. DeFrancesco
Council Member Jim Lowe

OTHERS: City Attorney, Meggin Boranian; City Manager, Jose Antonio Ramirez; Assistant City Manager, Laura Rios; City Finance Director, Odi Ortiz; 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; Mary Van Pelt; Olivia Etchegoinberry; David Flores; John Baltierra; Felipe Perez; Fernando Campa, and Ramon Vaca.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member Marquez

PUBLIC COMMENT

John Baltierra, 1538 "8th" Street, stated that he submitted a complaint letter in May, regarding the conduct of city employee John Borboa.

Olivia Etchegoinberry, requested the use of the Community Center and a wavier of fees on behalf of the Firebaugh High School Sober Graduation.

Motion to waive the fees for the facility of the Community Center by Mayor Sablan, seconded by Council Member Lake; motion passed. Only the \$100 Deposit is required and returned after the cleanup of the facility.

David Flores, 37647 W Behymer, applauded the Police Department and Fire Department because without them and their services, lives may be lost.

INTRODUCTION

None

PRESENTATION

Police Chief Elsa Lopez introduced to the City Council and the public the City of Firebaugh’s new cadet members; Robert Andrade, Edith Torres, Ramon Vaca, Vanessa Vasquez, Linda Ramos., John Campa, Reyna Quintero all under the Supervision of Officers Juan Castillo, Fernando Campa, and Gerardo Vaca who are training the cadets and participated in the Community events such as the Water March and Memorial Day Ceremony.

***Emergency Item Added – Facility Use Agreement for St. Joseph Church at the Maldonado Park on June 20, 2009.**

Motion to added item to the agendas item #9 by Mayor Pro Tem Marquez, seconded by Council Member Lake; motion carries.

CORRESPONDENCE

None

CONSENT CALENDAR

- 1. **APPROVAL OF MINUTES – The City Council meeting on May 18, 2009.**

Finance Director Odi Ortiz researched Council Member Lake inquiries regarding Check # 21779 from the previous council meet, and responded that the check was issued as a transfer from the general fund to payroll fund to cover staff’s medical, dental and vision cost expenses.

Motion to approve consent calendar by Council Member Lake, seconded by Council Member Marquez; motion passed.

PUBLIC HEARING

- 2. **ORDINANCE NO. 09-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADDING SECTION 25-4.10 (REASONABLE ACCOMMODATIONS) TO THE FIREBAUGH MUNICIPAL CODE RELATING TO A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY’S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING LAWS. – First Reading.**

Reasonable Accommodations ordinance is required by State Law as part of the Housing Element to allow disabled individuals and/or the developers of housing for the disabled to request flexibility with respect to zoning standards – to accommodate certain building improvements that might normally require at least a four to six week process for a Variance or Conditional Use Permit.

Public Hearing opened at 7:51p.m. – No public comment given.

Public Hearing closed at 7:52 p.m.

Motion to approve and waive the first reading of Ordinance No. 09-03 by Council Member Marquez, seconded by Council Member Lake; motion carries.

OLD BUSINESS

- 3. **BUDGET REVIEW**

Mayor Sablan and Council selected Saturday, June 13, 2009 for a Budget Workshop at 10:00 a.m.

4. **ORDINANCE NO. 09-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SECTION 4-2.6.2 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO ITINERANT RESTAURANTS AND CATERING TRUCKS – SECOND READING.**

Motion to approve Ordinance No. 09-02 made by Council Member Lake, seconded by Council Member Sablan; motion passed.

NEW BUSINESS

5. **RESOLUTION NO. 09-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT-OF-WAY CERTIFICATION FOR THE ARRA-RECONSTRUCTION OF DOWNTOWN SIDEWALKS AND RAMPS, PROJECT NO. ESPL-5224(014), 13th STREET RECONSTRUCTION, PROJECT NO. STPL-5224(013), AND SAFE ROUTES TO SCHOOL, CYCLE 2, PROJECT NO. SRTSL-5224(012)**

Motion to approve Resolution No. 09-05 made by Council Member Marquez, seconded by Council Member Lake; motion passed.

6. **INVENERGY (SOLAR GIN) GRANT OF EASEMENTS AGREEMENT.**

As an informational item only, City Manager Jose Ramirez provided information regarding Invenergy Gin, which currently has no local business in California and would like to use the buffer land near the wastewater treatment plant to development a solar power plant. City Manager Jose Ramirez added that is a proposed land lease agreement was included in the agenda for review. Councilmember supported the project, but was concerned about the 20 year extended term for the land lease. City Manager Jose Ramirez responded that it is used as a buffer land for the wastewater treatment plant; it would very difficult to construct projects, due to environmental issues.

7. **DISRUPTION OF CITY COUNCIL MEETING AS STATED IN THE CITY OF FIREBAUGH MUNICIPAL CODE CHAPTER 2-2.5.**

As an informational item only, Council Member Lake requested information regarding the disruption of City Council Meetings, and asked Council to update current Ordinance in the City of Firebaugh's Municipal Code book, and would like to ask the public to direct the Council only and enforce time limits of three minutes for individuals on their comments as stated at the beginning of the agenda. City Attorney Meggin Boranian replied that the council should consider amending the current ordinance, since no individual can be fined and legal has provided additional recommendations.

8. **REVIEW TOMA TEK (NEIL JONES FOOD COMPANY) PROPOSAL TO AWARD CONTRACT TO KENNEDY/JENKS FOR PURPOSE OF PREPARING A REPORT OF WASTE DISCHARGE AND ADDRESS THE NOTICE OF VIOLATION REGARDING THE PRE-TREATMENT SYSTEM LOCATED AT THE TOMA TEK PROCESSING PLANT AND THE LAND APPLICATION TREATMENT SYSTEM LOCATED ADJACENT TO THE CITY'S WASTEWATER TREATMENT FACILITIES.**

City Manager Jose Ramirez stated that staff has been working with Toma-Tek, they may expand the plant, which will provide more waste, so the City is recommending that they address the violations from the State Water Resources Control Board and build their own pre-treatment system. Informational item only

9. *** Emergency item USE OF CITY FACILITY AGREEMENT AT MALDONADO PARK BASKETBALL COURT AND REQUESTING WAIVER OF FEES BY ST. JOSEPH CHURCH ON JUNE 20, 2009 FOR KREMMES.**

Motion to approve by Mayor Pro Tem Marquez, seconded by Council Member Lake; motion carries.

PENDING ITEMS

- Request a report and update of the billing process for garbage collection fees for the first six months Scheduled for July 6th Council meeting.
- Council Member Marquez requested a meeting to be scheduled between School Board Member and City Council Member.

The School Board would prefer to meet with the City Council on a Wednesday August 19th at 7:00 p.m.

City Manager Ramirez stated that staff is moving forward on this request and met with School Officials to discuss request, the School Board recommended the Month of July.

- **DISCUSS PLACING THE REMOVAL OF THE CITY CLERK'S AND CITY'S TREASURER'S POSITION ON THE NEXT ELECTION BALLOT.** – Staff still researching information.

No additional information provided at this time.

PUBLIC COMMENTS/QUESTIONS

Mary Van Pelt requested clarification regarding permission to use the Maldonado Park Basketball Courts agreement from 3:00 p.m. to 10:00 p.m., Father would like setup at 2:00 p.m. Council authorizes her request.

STAFF REPORTS

- **Police Chief, Elsa Lopez** – Meeting with Proteus in July. The 4th of July event to be held at the Maldonado Park it is open to the public; fireworks have been purchased and invited the public to bring their own. PAL Soccer League will start around two weeks after the school year ends, about 175 kids have already signed up will request the use of the soccer fields at the Maldonado Park. The PAL Program awarded a local youth with disabilities a bike. Child Safety Inspection scheduled for Friday, June 5, 2009 from 9:00 a.m. to 3:00 p.m. at the Community Center. Fifty car seats are available to provide to residents; pre-registration is recommended at the Police Department, since currently twenty individuals have signed up.
- **Community Service Director, Phyllis Baltierra** – Center is serving about 4,000 meals a year, we have been cooking twice a week for the last six months and have been provided meals three times a week, however if FMAAA will not be willing to increase number of meals, we will only be able to provide fifteen meals a day. Attempts to have them increase the meals to twenty-five a day, but have been unsuccessful, so the center may not be able to meet the demand of the community, this past month we served three hundred and ten. Family count for the food give away this month was 1,200.
- **Fire Chief/Code Enforcement Officer, John Borboa** – Attended a training last week in Tollhouse sponsored by CALFIRE. Submitted a Federal Report and this past May was the largest call volume in the history of fire department. City Manager asked John to provide an update on the actions to be taken of offenders removing the contents from the trash containers. John replied that a citation can be issued and violators will receive a \$100 fine, since all trash/contents disposed in the containers becomes property of Mid-Valley, these individuals would be considered stealing. Police Chief Elsa added that she would encourage all individuals to report any offenders to the Police Department. Police Chief Elsa, Assistant City Manager Laura and Code Enforcement John will be attending the next Solid Waste Meeting to address this issue with Mid-Valley representatives.
- **Public Works Director, Ben Gallegos** – Six gentlemen from Proteus will be working with the Public Works Department for six months was work training/experience. We have been using the new Vac-trailer equipment to clean the sewer lines and manholes and discovered that two manholes need to be replaced; estimated cost is about \$6,000.

- **City Engineer Mario Gouveia** - Working on transportation projects and the projects that we are working on are funded through grants to stretch our dollars as much as possible. A couple of additional projects are in the works; the Highway Beautification is in design stage, the ARRA projects have very restricted time frames with the most restrictive requirements to date and the change now is projects must be obligate by February with approval or design. One of the components of the Highway 33 is the underground utility project; we are working with PG&E to have additional utilities underground along 13th Street and on 12th Street which are the early stages of planning.
- **Finance Director, Odi Ortiz** – Renewed the dental insurance coverage, since there is not a rate increase. Due to the State’s budget problems, they may tap into the gas taxes, which we receive that funds transportation projects, the City receives about \$124,000 a year. As of last week about 150 Cities have filed or declared financial hardship to place a shield between cities and state to prevent the state from taking away some of the local revenues.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** – Non-compliance order requires the City to report on a quarterly base, Working with Mid-Valley on different programs: May 30th commercial program, June 30th commercial recycle, also in June is the commercial outreach plan, under the local information plans items pending are the Multi-family residential, and Construction & Demolish program which will work hard to have a strong program in place. June 20th a free clinic day at the Firebaugh Middle School. Working on the union negotiations, Water and Waste Water projects, Newsletter to be placed in the June 5th billing, parks and Recreation Meeting, Solid Waste Meeting, Façade Program, and Personnel issues. Will be attending a funding fair in Visalia hosted by Nicole Parra, to secure funds regarding the project that Mario reported on.
- **City Manager, Jose Antonio Ramirez** – Tzu Clinic is a free clinic to be held at the Firebaugh Middle School Cafeteria on June 20. The City was awarded the Brownsfield grant \$100,000 dollars, working on an assessment plan on how the funds can be used, which opens the door to apply for additional grants. Successful in partnering with the School District and receiving a grant for one million dollars over three years for kids to stay in school, the purpose is reduce suspension and expulsions. We are applying for an expansion for our California Emerging Technology Fund grant working with Public Utilities Commission, to upgrade technology as it applies to wireless broadband and provide internet at a low rate to residents not only to our community bur surrounding communities. The State Resources Control Board requires the City to keep the Bio-Oxygen Chemical Demand (B.O.D.) and the Total Suspended Solids (T.S.S.) at a maximum of 40 mg/L, but after monitoring the Septic Dumping Tank System, the B.O.D. currently at 9,000, so would like to ask council to consider eliminating all dumping, which is only subsidize one company. Working on the festival planning scheduled for July 23 to 26, some of the sponsors are unable to contribute as before, will apply with new Health Department rules.
- **City Attorney Meggin Boranian** – Regina Garza will attend the next council meeting to fill in for Meggin during her absence.

COUNCIL ITEMS

- Mayor Sablan – along with council request that the Septic Dumping be added as an agenda item for review.
- Council Member Lake – requested a copy of the Roberts Rule of Order. Requested a certificate of recognition be awarded to members of the Police and/or Fire Departments. Inquired about Public Quorum and regulations as stated in the Browns Act. Inquired about how many gallons of water is used at the Maldonado Water Splash Park and is the water recycled? Public Works Director Ben Gallegos replied that the water is not recycled and will complete a reading of to report the gallon usage at a future meeting.
- Mayor Pro Tem Marquez – Requested that the garbage be removed quicker after the Thursday night’s Downtown Market and received complaints regarding incorrect water meter reading. Sprinklers along Clyde Fannon Road need to be repaired, there is a leak and water is running down the curb.

CLOSED SESSION

Motion to enter to close session at 10:14 p.m. by Councilmember Marquez, seconded by Councilmember Lake

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

City representatives: Jose Antonio Ramirez, Laura Rios

Return to open session at 10:58 p.m.

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken.

ADJOURNMENT

Motion to adjourn made by Council Member Marquez, seconded by Council Member Lake; motion carried by consensus vote. Meeting adjourned at 11:09 p.m.