

**MEETING MINUTES**

**The City Council/Redevelopment Agency of the City of Firebaugh  
Vol. No. 09/06-22**

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** June 22, 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  
Council Member Chris J. DeFrancesco

**ABSENT:** None

**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; City Engineer Mario Gouveia; Supervisor Phil Larson; David Flores; John Baltierra; Fernando Campa, and Brent Kreighbaum.

**PLEDGE OF ALLEGIANCE:**

Pledge of Allegiance led by Council Member Marquez

**PUBLIC COMMENT**

Mayor Sablan welcomed Supervisor Phil Larson.

Supervisor Phil Larson introduced himself and thanked everyone for their participation in the recent Water Rally. Supervisor Larson announced that he attended a meeting in Mendota to meet and work with the Governor to send documentation to President Obama regarding the water issues and the lost jobs. As per Supervisor Larson, this has resulted in the state’s highest unemployment rate. Supervisor Phil Larson informed the Council and Public that he is at the Fresno County Library in Firebaugh every fourth Thursday, of each month, between 9:00 am and 12:00pm to meet community residents. He also added that West Hills College is using the most recently approved Measure B to fund a new library for the college and local residents of Firebaugh, which will include County Offices. The current building that the County is occupying will no longer be available. Supervisor Larson thanked Chief Borboa for his services and looks forward to working with the City.

John Baltierra, 1538 “P” Street, wanted to address the actions of the council at the previous meeting regarding the vote that took place at the June 13<sup>th</sup> Budget Workshop. Although Council Member Lake inquired about the elimination of positions and the consequences of such, Mr. Baltierra expressed that he doesn’t feel that council has learned their lessons.

David Flores, 37647 W Behymer, stated his appreciation for the people that stay in the City of Firebaugh and dedicate their time and service. Mr. Flores pointed out that they can go to other locations to receive more pay. Mr. Flores expressed dissatisfaction with council’s decision to eliminate the Assistant City Manager’s position. Mr. Flores stated that this decision was made with lack of consideration and without proper notice to the Assistant City Manager, especially when council took a lengthy time to consider the elimination of other positions.

**PRESENTATION**

None

**CORRESPONDENCE**

None

**CONSENT CALENDAR**

**1. WARRANT REGISTER – Period starting May 1, and ending on May 31, 2009.**

May, 2009	General Warrants #21894 – #21989	\$ 776,045.08
	Payroll Warrants #56860 – #56980	<u>\$(Included in Total)</u>
	<b>TOTAL</b>	<b>\$ 776,045.08</b>

**2. FIREBAUGH PAL & PROMOTORES REQUEST THE USE OF THE MALDONADO BASKETBALL COURT FOR THE 4<sup>TH</sup> OF JULY OF 2009, WITH A WAIVER OF FEES.**

*Motion to approve Consent Calendar made by Council Member Lowe, second by Council Member DeFrancesco; motion passed by consensus vote.*

**PUBLIC HEARING**

None

**OLD BUSINESS**

**3. 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. – Second Reading.**

*Motion to approve Ordinance 09-03 by Mayor Pro Tem Marquez, second by Council Member Lake; motion passed by 4-1 roll call vote.*

**4. RESOLUTION NO. 09-03 – A RESOLUTION TO REORGANIZE AND ELIMINATE PARTICULAR POSITIONS (Half-Time Code Enforcement; Building Inspector; Assistant City Manager; Senior/Special Event /Cantaloupe Coordinator) and DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF LAYOFF.**

*Motion to approve Resolution No.09-03 with the reinstatement of the Assistant City Manager by Council Member DeFrancesco, second by Mayor Sablan; motion failed by 2-3 vote.*

***Motion to disapprove Resolution No.09-03 by Council Member DeFrancesco, second by Council Member Lowe; motion failed by 2-3 vote.***

***Motion to approve the ¾ Senior Coordinator position by Mayor Sablan, second by Council Member Lake; motion passes by 4-1 vote.***

***Motion to approve the elimination of the Building Inspector position by Mayor Sablan, second by Council Member Lowe; motion passes by 4-1 vote.***

***Motion to remove the Assistant City Manager from Resolution No. 09-03 by Mayor Sablan, second by Council Member DeFrancesco; motion failed by 2-3 vote.***

***Motion to approve Resolution No.09-03 by Mayor Sablan, second by Mayor Pro Tem Marquez; motion passed by 3-2 vote.***

***Motion to provide a 30 day notice to all effected employees by Mayor Pro Tem Marquez, second by Council Member Lake; motion failed by 2-3 roll call vote.***

***Motion to provide a 60 day notice to all effected employees by Council Member Lowe, second by Mayor Sablan; motion passes by 4-1 vote***

## **5. CITY COUNCIL OF THE CITY OF FIREBAUGH BUDGET REVIEW FOR FY 2009/2010.**

City Manager Jose Ramirez informed council that he spoke with the City Manager of Mendota Gabriel Gonzalez and the are ready to sign the contract with the City of Firebaugh for Dispatching Services for Mendota's new Police Department. Finance Director Odi Ortiz stated the City's Shortfall is \$125, 000 with the actions take today and including the \$57,000 contract with the City of Mendota for dispatching services. The City receives RDA Funding of about \$85,000 per year which maybe shifted to schools, the State previously tried and got sued, so was not successful; however they resubmitted the request this year and it passed. The State is also considering a reduction in funds for the COPS Allocation Grant, Gas Taxes, and Vehicle Licensing Fees. City Manger Jose Ramirez added that if the State reduces any of the mention fees, the City's budget shortfall will increase. Staff is hoping to meet the gap of \$125,000 shortfall through union negotiations. Mayor Sablan requested clarification on the \$125,000 shortfall and the result of actions taken by council. Councilmember Lake requested that council review the budget every three months and make modifications, as warranted.

***Motion to reduce the \$50,000 fund to \$25, 000 for the contracted Building Inspector by Mayor Pro Tem Marquez, second by Councilmember Lake; motion failed by a 2-3 vote.***

***Motion to create a ¾ position Fire Chief position at the same rate of pay of the half-time position with Health Benefits by Mayor Pro Tem Marquez, second by Councilmember Lake; motion carries by a 3-2 vote.***

Council Member DeFrancesco inquired if Fire Chief Borboa was in agreement of the terms. Fire Chief Borboa replied, "Yes". John Baltierra asked if the amendments would be funded through the General Fund. Finance Director Odi Ortiz responded, Yes, which will result in a increased deficit to the General Fund by \$6,400 dollars.

***Motion to eliminate elected official's Health Insurance by Mayor Sablan, second by Council Member DeFrancesco; motion failed by 2-3 vote.***

Mayor Pro Tem Marquez inquired about the facility maintenance fund and what it is used for? Public Works Director Ben Gallegos stated that it is used for all city building repairs. Councilmember Lake asked the Police Chief, Fire Chief and Public Works Director if there was anywhere else that their department to cut to save cost. They all replied, "No".

***Motion to approve budget with quarterly review by Council Member Lake, second by Council Member Lowe; motion passed.***

**NEW BUSINESS****6. COMMERCIAL GARBAGE AND RECYCLE RATE INCREASE FOR MID-VALLEY DISPOSAL.**

Joseph Kalpakoff of Mid Valley Disposal provided an update regarding the non-compliance order. The recycling program must be implemented by the end of the year, therefore a rate increase on garbage services for commercial customers only is required to purchase trash bins. Assistant City Manager Laura Rios added that a 45 day Notice is required before any increase is implemented.

**7. HOUSING ELEMENT WORKSHOP.**

City Planner Karl Schoettler provided a presentation regarding the Housing Element and stated that it is a time sensitive matter, since it is helpful to the City when the City is applying for CDBG Grants. This is an informational item only, the final draft of the Housing Element will be presented to council for approval at the next meeting.

**8. RESOLUTION NO. 09-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISPENSE THE BIDDING PROCESS AND AWARD THE PURCHASE OF A POLICE VEHICLE TO WESTSIDE FORD.**

Police Chief Elsa Lopez explained she applied for a USDA grant to fund a new K-9, training, housing, and the purchase of a new car. Chief Lopez found the best offer for a 2009 vehicle locally in Firebaugh. USDA funding will cover forty-five percent of the purchase and in September allocated fund from COPS funding which will match the difference and \$400.00 of CLEEP funding will pay for computer equipment. The Officer responsible for the K-9 will be selected by the following requirements, they have completed their probation period, been working the city for a few years, and is living within the city.

*Motion to approve Resolution No. 09-07 made by Council Member Lowe, second by Council Member DeFrancesco; motion passed.*

**9. THE CITY COUNCIL OF THE CITY OF FIREBAUGH PROVIDES APPROVAL TO CLARK BROS., INC. TO AUTHORIZE THE NOTICE OF COMPLETION FOR PARK & RIDE LOT PROJECT.**

City Engineer Mario Gouveia stated that most the project was funded through grants, and thirty-five days after the acceptance of the notice of completion the warranty will begin for this project.

*Motion to approve Notice of Completion by Council Member Lowe, second by Council Member Lake; motion passed.*

**10. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO AUTHORIZE APPROVAL OF THE NOTICE OF AWARD TO KIMLEY HORN AND ASSOCIATES FOR AIRPORT LAYOUT PLAN PROJECT.**

City Engineer Mario Gouveia informed council that the FFA agreed to allow the City to apply for a grant to complete the airport, which was is an estimated cost of \$250,000 to \$300, 000; however, FFA allowed the City to complete the layout in-house. As a result, City Engineer Mario along with Kevin Flynn of Kimley Horn and Associates will complete the work and save the City thousands of dollars.

*Motion to authorize and award contract by Mayor Pro Tem Marquez, second by Mayor Sablan; motion passed.*

**11. TOMA TEK (NEIL JONES FOOD COMPANY) REVISED 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.**

Agenda Item tabled.

**12. RESOLUTION NO. 9-86 – A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY FOR THE ESTABLISHMENT AND PROMULGATION OF THE TRANSFER OF RISK POLICY FOR ORGANIZED SPECIAL EVENTS.**

City Manger Jose Ramirez and Assistant City Manger Laura Rios informed council that this item is an informational item only, and that it is at the City's discretion to require or not require insurance for individuals that rent City Facilities, unless alcohol is present in which case insurance is mandatory.

**PENDING ITEMS**

- Request a report and update of the billing process for garbage collection fees for the first six months- Scheduled for July 6<sup>th</sup> Council meeting.
- Council Member Marquez requested a meeting to be scheduled between School Board Member and City Council Member. (Tentatively scheduled for August 19<sup>th</sup>, pending confirmation with the School Board.)
- DISCUSS PLACING THE REMOVAL OF THE CITY CLERK'S AND CITY'S TREASURER'S POSITION ON THE NEXT ELECTION BALLOT. – Staff still researching information.
- Mayor Sablan requested for the tobacco ordinance be added to pending items
- Council Member Lake requested award of recognition of Police/Fire Department be added to pending items.

**PUBLIC COMMENTS/QUESTIONS**

**STAFF REPORTS**

- **Senior Coordinator Phyllis Baltierra** - Held a food bank
- **Police Chief, Elsa Lopez** – Informed Council that Dennis Palmer passed away services to be held at St. Joseph on Friday.
- **Public Works Director, Ben Gallegos** – Reported to council regarding their question on how many gals are used at the splash park at Maldonado, which is 36,000 gals per hr, consider in the future trying to recycle that water. Council Member Marquez stated that he received a complaint regarding dogs; a resident stated they paid the \$20.00 fee to have their dogs picked by the City, but a few days later the dogs were running around the High School, please check on it. Public Works Director reported that 13dogs were taken in to the SPCA in Fresno and pick up an average of eight dogs a week.
- **Fire Chief/Code Enforcement Officer, John Borboa** – Fireman's Muster was a success, everyone had a great time and gave compliments on the town, we will host one more before bidding begins again next year.
- **Finance Director, Odi Ortiz** - Reported the 3% decrease in sales tax from the previous report from the State Board of Equalization which is better that state wide results.
- **City Engineer Mario Gouveia** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** - Tzu Foundation held their free medical clinic, was a success about 200 residents requested one or more services, so they will return to provide additional services to the community. Correction on the Food Distribution to be held tomorrow at the community center which will begin at 4:00 pm.
- **City Manager, Jose Antonio Ramirez** – July 29<sup>th</sup> from 5:00 pm to 9:00 pm at the Firebaugh Community Center San Joaquin River Restoration Program will hold a meeting everyone is welcomed. Working with Dennis Stewart, Regional Director of USDA for Food and Nutrition to help residents qualify for public assistance with support from the Federal and State Levels since the Governor declared a disaster area, so we have a scheduled meeting on Wednesday with OES to see how we can help the residents in this area to be held at City Hall 20<sup>th</sup>. Meeting with the Food and Ag Commission at Mendota High School on Wednesday 24<sup>th</sup> at 10:00 am. I have been requested to be a speaker. At the same time Laura will be attending the meeting with FEMA and OES in Fresno.

Received a \$400, 000 for Brownsfield and will be going out to bid for Consultants. Help the folks of El Buen Comer on inquiries that they received. Trying to clarify the permit issues between the City and TomaTek.

- **City Attorney Meggin Boranian** – nothing to report

#### **COUNCIL ITEMS**

- Mayor Pro Tem Marquez – place the Council Meeting on the Electric Reader Board.
- Council Member Lowe – Recommended reinstating the 2006 water rates and directed staff research surrounding cities minimum gallons allowed for flat rate and consider increasing the number of gallons allowed at the flat rate for Firebaugh residents.

*Motion to move into closed session made by Council Member Marquez, second by Council Member Lake; motion carries at 11:14 pm.*

#### **CLOSED SESSION**

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

City representatives: Jose Antonio Ramirez, Laura Rios

14. **CITY FINANCE DIRECTOR EVALUATION – Pursuant to Government Code 54957.**

15. **CITY MANAGER EVALUATION – Pursuant to Government Code 54957.**

#### **ANNOUNCEMENT AFTER CLOSED SESSION**

**No action taken.**

#### **ADJOURNMENT**

*Motion to adjourn by consensus vote, meeting adjourned.*