

**MEETING MINUTES**

**The City Council/Redevelopment Agency of the City of Firebaugh  
Vol. No. 09/07-06**

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** July 6, 2009/ 7:30 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Sablan at 7:35 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; City Engineer, Mario Gouveia; John Baltierra; Doug Gorman; David Flores; Veronica Rios; Jessica Quinteros; Elizabeth Ferreria; Sarah Lawson; Eric Blanco; Brent Kreighbaum; Fernando Campa; Matt Flood; Elaine Trevino; Franco Mola; Hillary Fonseca; and Fred Fonseca.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by Council Member Lowe

**PUBLIC COMMENT**

- Matt Flood (1556 Q Street) expressed concern with council’s decision to vote on three agenda items at previous council meetings without public presence/input. These agenda items included the elimination of the Assistant City Manager’s position. Expressed dissatisfaction with the process and stated that he would submit concern in writing requesting a response from council.
- David Flores (37647 W Behymer) encouraged council to carefully review budget prior to moving forward with decisions made at previous meetings.
- John Baltierra (1535 8<sup>th</sup> Street) addressed statement made by Council Member Lake alleging Mr. Baltierra raising his cane at Mr. John Borboa and expressed concern with Council Member Lake’s constant advocating for Mr. Borboa, including a salary increase. Mr. Baltierra also stated that he is starting a recall campaign on Council Member Lake’s election.

**PRESENTATION**

None

**CORRESPONDENCE**

None

**CONSENT CALENDAR**

**1. APPROVAL OF MINUTES – The City Council meeting on June 13, 2009.**

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

**PUBLIC HEARING**

**2. RESOLUTION NO. 09-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE 2008 HOUSING ELEMENT AND ADOPTING A NEGATIVE DECLARATION.**

City Manager Ramirez provided a brief background on the purpose of tonight’s public hearing agenda items. Mr. Ramirez explained that the housing element is one component of the city’s General Plan and must be adopted in order to qualify for funding. Mr. Ramirez further explained that this matter must be reviewed and voted on by council every five years.

Mayor Sablan opened public hearing and welcomed public comments. No public comments.

*Motion to approve Resolution 09-09 made by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.*

**3. ORDINANCE 09-04 - AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY AND APPROVING ZONE CHANGE NO. 2009-01 - FIRST READING.**

City Manager Ramirez introduced Project Consultants, Elaine Trevino and Franco Mola, from California Community Builders. Ms. Trevino provided an overview of the project stating that there are currently ten units under construction along Highway 33 for First Time Home Buyers. Ms. Trevino also pointed out the necessity to expedite this process in order to qualify for the tax credit opportunities.

Ms. Trevino and Mr. Mola both pointed out that the housing development will provide affordable housing. Ms. Trevino stated that a very similar project has already been built in the city of Gilroy, thus making this project affordable.

Mayor Sablan opened public hearing and welcomed public comments. No public comments.

Council Member Lake questioned if the project included site management. As per Mr. Mola, the project requires site management and that a firm from Fresno has been identified for this project.

Mayor Sablan questioned what would happen if project was unsuccessful in obtaining tax credits. Mr. Mola stated that they would continue to apply for tax credits.

*Motion to approve Ordinance 09-04 made by Council Member Lake, second by Mayor Sablan; motion passed by unanimous roll call vote.*

4. **RESOLUTION NO. 09-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING GENERAL PLAN AMENDMENT 2009-01 (CAL COMMUNITY BUILDERS) AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT.**

City Manager Ramirez stated that resolution is needed in order to move forward with project.

Mayor Sablan opened public hearing and welcomed public comments. No public comments.

Council Member Lake questioned staff if there were any Eminent Domain issues involving this project. City Finance Director stated that there were none.

*Motion to approve Resolution No. 09-10 made by Council Member Lowe, second by Mayor Sablan; motion passed by consensus vote.*

5. **RESOLUTION NO. 09-16-A RESOLUTION APPROVING A 2009/2010 APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE GENERAL/COLONIA ALLOCATION OF THE STATE CDBG PROGRAM.**

City Manager Ramirez stated that this grant application is related to two already-existing programs. As per Mr. Ramirez, staff recommends that 10% of grant be used to construct shade structures at Maldonado Park.

Mayor Sablan opened public hearing and welcomed public comments. No public comments.

Mayor Sablan questioned how many affordable housing applications are processed a year. City Finance Director, Odi Ortiz, stated that approximately there are 15 to 20 applications per year.

*Motion to approve Resolution No. 09-16 made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by consensus vote.*

**OLD BUSINESS**

None

**NEW BUSINESS**

6. **RESOLUTION NO. 09-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2009/2010.**

City Finance Director, Odi Ortiz, stated that the city has a budget of \$8, 770, 090.00 for Fiscal Year 2009-2010.

Council Member Lowe questioned if council needed to revisit decisions made on the city’s budget with these new figures. Mr. Ortiz stated that he consulted with city attorney, Dale Bacigalupi, regarding the matter and explained that the city is okay to leave budget as is.

*Motion to approve Resolution No. 09-08 made by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.*

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE NOTICE OF COMPLETION TO CLARK BROS. INC, FOR WASTEWATER TREATMENT PLANT AND PUMP STATION IMPROVEMENTS.**

City Manage provided brief overview explaining history of Clark Bros. Inc. and their involvement with project.

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

8. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH PROVIDES APPROVAL TO CLARK BROS., INC. TO AUTHORIZE THE NOTICE OF COMPLETION FOR 2008 STREET REPAIRS.**

City Engineer, Mario Gouveia, provided an overview of the project.

*Motion to approve Notice of Completion made by Council Member Lowe, second by Mayor Sablan; motion passed by consensus vote.*

9. **RESOLUTION NO. 09-11- A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF FIREBAUGH ADOPTING A RESOLUTION OF INTENT TO CREATE UNDERGROUND UTILITY DISTRICT NUMBER 3.**

City Manager Ramirez reminded council that staff appeared before Fresno County Board of Supervisors regarding the underground utility project funding. Mr. Ramirez explained that staff needs to provide a legal description of the project in order to meet county requirements and obtain the funding.

Mayor Pro Tem Marquez questioned how far the project would go into Vasquez Drive. City Manager Ramirez explained that the project is prohibited from entering into residential areas and must include areas that serve city/county residents (i.e. schools, library, etc.).

*Motion to approve Notice of Completion made by Council Member Lowe, second by Mayor Sablan; motion passed by consensus vote.*

10. **RESOLUTION NO. 09-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING A RESOLUTION OF INTENT TO CREATE UNDERGROUND UTILITY DISTRICT NUMBER 3.**

City Manager Ramirez stated the this resolution is very similar to the previous with the exception of some minor language to page one, section A (Rule No.20).

Council Member Lake questioned if there were any “paybacks”. City Manager Ramirez stated that there were none. Project is 100% grant funded.

*Motion to approve Resolution No. 09-12 made by Council Member Lake, second by Mayor Pro Tem Marquez; motion passed by consensus vote.*

**11. RESOLUTION NO. 09-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CONDITIONALLY APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF FIREBAUGH AND SOLARGEN USA LLC, A COLORADO LIMITED LIABILITY COMPANY.**

City Manager Ramirez introduced representative from Solargen USA to provide an overview of the project. Mr. Carmine Iadarola explained that the project includes about 60 acres to build a solar power plant. The project would require review from community residents and state review boards as part of the process. The project would also produce revenue opportunities.

City Manager Ramirez recommends Council to entertain option of leasing the property to Solargen USA at \$1,000/acre with a 2% per year adjustment on a compounded basis. This option would prove to be less burdensome on the city yet generate significant revenue.

John Baltierra inquired as to where the revenue would go. City Manager stated that any revenue generated from this agreement would go to the city's General Fund.

Mayor Sablan questioned if project would be fenced off somehow. Mr. Iadarola stated that there would be some sort of fence; however, unable to identify what type at this point.

Council Member Lake expressed concern with entering into a 40-45 year lease agreement. City Attorney Boranian stated that legal review of the proposed lease agreement was adequately done and that the lease agreement included language to protect the interest of the city.

Mayor Sablan requested input from Public Works Director, Ben Gallegos. Mr. Gallegos stated that the land in question is not in use and believed the proposed project to be a good one.

*Motion to approve Resolution No. 09-13 with Option A made by Council Member Lowe, second by Mayor Sablan; motion passed by 3-1 vote (Lake opposed).*

**12. RESOLUTION NO. 09-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING AN IDENTIY THEFT PREVENTION POLICY.**

Assistant City Manager, Laura Rios, stated that city needed to enforce "red-flag" rules and that this resolution would assist with meeting grant requirements and include staff training.

Mayor Sablan welcomed public comments. No public comments.

*Motion to approve Resolution No. 09-14 made by Council Member Lake, second by Mayor Pro Tem Marquez; motion passed by consensus vote.*

**13. RESOLUTION NO. 09-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ESTABLISHING AND SETTING FORTH A POLICY FOR AN EMPLOYEE FURLOUGH PLAN AND TO INSTRUCT THE FINANCE DEPARTMENT TO HOLD IN ABEYANCE A SALARY ADJUSTMENT INCREASE FOR THE FIREBAUGH MISCELLANEOUS EMPLOYEES ASSOCIATION AND NON-REPRESENTED EMPLOYEES/MANAGEMENT.**

*Motion to approve Resolution No. 09-15 made by Council Member Lowe, second by Mayor Sablan; motion passed by consensus vote.*

**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.*

City Finance Director Ortiz reported that city has billed a total of \$113,456.00; however, the costs associated with personnel, contractual, consultant and operational fees, as of 6/30/09, are \$120,302.

City Finance Director Ortiz stated that the overall delinquent ratio is 6% which is a major improvement.

Mr. Ortiz also pointed out that Mid Valley Disposal is providing specialized services to the Elderly and Disabled residents.

- *School Board scheduled to meet with the City Council on a Wednesday evening in August 17<sup>th</sup>.*
- *Staff still researching cost for adding the removal of the City Clerk’s and City’s Treasurer’s positions on the next Election Ballot.*

Deputy City Clerk Lozano stated that there are no updates at this time.

- *Mayor Sablan request a Resolution supporting Fresno County’s IMPACT Program, of the San Joaquin Valley Health Consortium, on Tobacco Retail Licensing in local jurisdictions and prevent Merchants from selling tobacco products to minors.*

Police Chief Lopez continues to work on this item.

- *Certificate of recognition of City employees for dedication and services to the City.*

City Manager Ramirez continues to work on this item. Assistant City Manager Rios provided a memo to council regarding this matter.

**PUBLIC COMMENTS/QUESTIONS**

- John Baltierra (1535 8<sup>th</sup> Street) questioned if staff researched possibility of allowing golf carts to be used within city limits as a mode of alternative transportation. Police Chief Lopez stated that her research concluded that the use of golf carts is not legally allowable. Mayor Sablan questioned the difference between a golf cart and scooters. Police Chief Lopez stated that the two are categorized differently.
- Doug Gorman, Police Officers Association representative, addressed concerns with concessions provided by staff with a short turn-around time. Mr. Gorman stated that officers and dispatchers conceded to the city’s request of eliminating \$117,000 from their budget; however, requested council to include security mandates such as promising to not lay-off any department personnel. Mr. Gorman also stated that council needed to follow rules/regulations regarding the officer review process. Mr. Gorman further stated that the council failed to review agreement to cover dispatch and response to the city of Mendota with the union and its officers.

**STAFF REPORTS**

- **Public Works Director, Ben Gallegos** – nothing to report.
- **Fire Chief/Code Enforcement Officer, John Borboa** –
  - Very busy 4<sup>th</sup> of July weekend confiscating illegal fireworks within the city limits and surrounding city limits.
  - Mayor Sablan questioned the fine to those cited. Borboa stated that the citation for illegal fireworks is \$1,250.

- **City Engineer, Mario Gouveia** – nothing to report.
- **City Finance Director, Odi Ortiz** –
  - Explained state’s issuance of IOU’s.
  - Council Member Lake requested update regarding errors with water meter readings. Mr. Ortiz stated that he and staff are currently addressing the matter with programmers. Council Member Lake requested additional training for staff at front desk on how to handle resident’s requests.
- **City Clerk, Priscilla Meza** –
  - Expressed gratitude for Deputy City Clerk stepping in during recent absences.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** –
  - Announced upcoming Census training in Parlier on July 14<sup>th</sup> from 8:30am to 3:00pm.
- **City Manager, Jose Antonio Ramirez** –
  - Governor’s recent declaration of an executive order mobilizing efforts for food distribution to needy families.
  - Water Enterprise Fund is doing well. Currently reviewing options with rate consultant to implement charging per unit used rather than a flat rate minimum.
  - Collaborating with City Engineer regarding a grant opportunity to address problem areas on the city’s bridge. As per City Engineer Gouveia, the problems are mostly cosmetic at this point; however, if not addressed these problems can become structural.
  - Agreed to provide free office space to PAL and to Preserve America Committee at the City Hall Facility.
- **City Attorney, Meggin Boranian** –
  - Advised council to remove material included in meeting packet that was not included on the meeting agenda. Instructed council to return material to Deputy City Clerk Lozano.

**COUNCIL ITEMS**

- **Council Member Lake** –
  - Requested and update on ordinance regarding disrupting a public meeting. Would like ordinance to be brought before council at next council meeting.

*Motion to move into Closed Session made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by consensus vote at 9:17 p.m.*

**CLOSED SESSION**

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

City representatives: Jose Antonio Ramirez, Laura Rios

**ANNOUNCEMENT AFTER CLOSED SESSION** - none

**ADJOURNMENT**

*Motion to adjourn made my Council Member Lowe, seconded by Mayor Pro Tem Marquez; motion carried by consensus vote. Meeting adjourned at 10:24 p.m.*

*Minutes submitted by:  
Priscilla Meza, City Clerk*

