

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/07-20**

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

CALL TO ORDER Meeting called to order by Mayor Sablan at 7:34 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; Deputy City Clerk, Rita Lozano; Police Chief, Elsa Lopez; Fire Chief/Code Enforcement Officer, John Borboa; Public Works Director, Ben Gallegos; Donald Fisher; John Baltierra; David Flores; and Fernando Campa.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member Marquez

PUBLIC COMMENT

No public comment given

PRESENTATION

Mr. Donald Fischer, Program Director of Mediation Services/DRPA Conflict Specialists, provided a brief presentation regarding the Victim-Offender Reconciliation Program (VORP) and the services the organization provides. Mr. Fisher stated that Firebaugh is not getting its fair share of VORP services and would like to provide assistance to the community and victims to encourage and support the program locally. Mr. Fisher requested the City and Community to help apply for grants, volunteer to become mediators and other involvement to establish a successful VORP program and reduce criminal activity. The focus of the program is the Juvenile Crime offenders with moderate misdemeanors and provides an alternate opportunity to diminish his/her crime and take responsibility of their actions to the victims, but is still supervised by the Court ruling.

Mr. Thomas Nunez provided a brief presentation regarding the Joaquin Murrieta Event and thanked the City of Firebaugh for its support over the past years. Mr. Nunez introduced Mr. Juan Sandoval, and provided contact information to the City Staff to coordinate the arrival on the day of the event, July 24th and 25th. Police Chief Elsa Lopez requested the name of their new security guard. Mr. Nunez provided the name of Roberto Garcia.

CORRESPONDENCE

City Council received a written letter requesting and explanation of Council’s actions taken in response to the elimination of the Assistant City Manager Position. City Attorney Meggin Boranian provided information in response to the letter, stating that Council is not required to respond to this letter or place it on the agenda as an item of discussion, but ask it to be to address the public concern. Difficult decisions were made to resolve the issues of the City’s deficit by negotiating with both unions for furlough days, reorganization and elimination of employee’s positions. City Attorney Meggin Boranian added that most of the tasks and issues the City Assistant City Manager has handled and supervised are HR related issues. Council Member Lowe recommended re-classifying this position to a ¾ position after reviewing the memo of the Job Performance Functions of the Assistant City Manager. Council Member Lake stated his concern, that after all the actions taken regarding the reorganization and elimination of positions, and after the unions signed and agreed to amended terms, employees hoped that Council wouldn’t reserve actions taken. He added that many cities operate without an Assistant City Manager, except Clovis, Fresno and Firebaugh, to change the actions taken he feels is unfair to the bargaining units. Council Member Lowe requested the new position be placed on the next agenda with a cost analysis. Fernando Campa, 1526 Yip Street, stated that he is upset as part of the Police Officers Association, with the inconsistencies of the Council. Mr. Campa stated that employees made sacrifices to keep two Officers employed because the union was told that if they didn’t agree to the terms, employees would lose their jobs. When an agreement was reached the union was told that there was going to be a freeze of the budget, and there wasn’t going to be any additional hiring, Council now wants to create a new position. Officer Campa informed Council that once the Officers hear of the new proposed position, they too will be upset.

CONSENT CALENDAR

- 1. **APPROVAL OF MINUTES – The City Council meeting on June 1, 2009.**
- 2. **APPROVAL OF MINUTES – The City Council meeting on July 6, 2009.**
- 3. **WARRANT REGISTER – Period starting June 1, and ending on June 30, 2009.**

June, 2009	General Warrants #21990 – #22245	\$ 1,318,630.83
	Payroll Warrants #56981 – #57123	<u>\$(Included in Total)</u>
	TOTAL	\$ 1,318,630.83

Motion to approve Consent Calendar items #1 and #2 by Council Member Lowe, second by Council Member Marquez, motions carries.

Council Member Marquez inquired about the following checks;

- | | |
|-----------------------------------|--|
| Check # 22060 – Food Distribution | Check # 22137 – Sewer Line Repair |
| Check # 22140 – Personnel Poster | Check # 22173 – Staff Mtg at El Buen Comer |
| Check # 22243 – Westside Ford | Check # 22244 – CETF |

Council Member Marquez stated that he would prefer to not see staff meeting expenses, since the City is in a budget crisis.

Council Member Lake inquired about the following checks;

- | | |
|-----------------------------------|--------------------------|
| Check # 22057 – Karl Schoettler | Check # 22063 – Ron Frye |
| Check # 22129 – Hub International | |

Motion to approve Consent Calendar items #3 by Council Member Lake, second by Council Member Lowe, motions carries.

PUBLIC HEARING

None

OLD BUSINESS

- 4. **ORDINANCE NO. 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 – SECOND READING.**

Motion to approve Ordinance No. 09-04 by Council Member Lowe, second by Council Member Lake; motion carries by a 4-0 vote.

- 5. **ORDINANCE NO. 09-05- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SECTION 2-2.5 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO DISRUPTION OF COUNCIL MEETINGS – FIRST READING.**

Motion to approve Ordinance No. 09-05 by Council Member Lake, second by Council Member Marquez; motion carries by a 3-1 vote.

- 6. **THE CONSIDERATION ON THE REMOVAL OF THE CITY CLERK’S AND CITY’S TREASURER’S POSITION ON THE NEXT ELECTION BALLOT AND COST.**

City Manager Jose Ramirez spoke on behalf of the City Clerk Priscilla Meza in her absence, expressing your support of the elimination of the positions and feels confident that Deputy City Clerk Rita can fulfill the duties of the position. Deputy City Rita Lozano added that it maybe best to keep the current positions filled as a precaution, because if for some reason such as emergency or illness take place and require one individual to be present therefore avoiding the potential of not being able to record/take meeting minutes. It also helps to have the Treasurer as an additional person eligible to sign checks, and if Council is concerned about cost savings, it does state in the City Municipal Code that it is at the Council’s discretion to decide on compensations for these positions. Council has the authority to reduce the current stipends and/or remove the benefits to elected officials.

NEW BUSINESS

- 7. **SANITARY SEWER MANAGEMENT PLAN (SSMP).**

City Engineer Mario Gouveia informed council of the State Water Resources Control Board’s adoption of the Statewide General Waste Discharge Requirement; which applies to all public collection systems agencies in California. The SSMP is a document that describes the activities the City of Firebaugh uses to manage its wastewater collection system effectively. The State has provided a timeline for implementing the various components required in an SSMP. The Emergency Response Plan, Legal Authority, O&M Plan and FOG Plan are due by November 2, 2009 and the final components are due by May 2, 2010. The final components consist of Design and Performance, System Evaluation and Capacity Assurance Plan, Monitoring, Measurement, and Program Modification, SSMP Audits, Communications Program and Final Council Adoption. The City has the option to pay the financial impact in one or two phases. If the city prefers to pay the portion due in 2009 a fee of \$23,000 must be paid but if the City prefers to pay both portions together and complete the SSMP this year a fee of \$35,000 is due.

Motion to approve the 2009 portion now and pay additional fees by May 2010 by Council Member Lake, second by Council Member Lowe, motion carries.

- 8. **WASTEWATER SUPPLY AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND INVENERGY THERMAL DEVELOPMENT LLC.**

City Manager Jose Ramirez informed Council that Invenergy is requesting a wastewater supply and storage arrangement with the City. Invenergy would like council to approve this agreement and a sign of commitment from the City before they begin construction.

Motion to approve the Wastewater Supply agreement between the City of Firebaugh and Invenergy by Council Member Lowe, second by Mayor Sablan; motion passed.

9. THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZES A CONTRACT WITH BRACEWELL ENGINEERING, INC., AND TOMA TEK (NEIL JONES FOOD COMPANY) FOR PURPOSE OF PREPARING REPORTS OF WASTE DISCHARGE AND ADDRESSES THE NOTICE OF VIOLATION REGARDING THE PRE-TREATMENT SYSTEM.

City Manager Jose Ramirez recommended that TomaTek continue to work with Kennedy Jenks to address the notice of violation regarding the pre-treatment plant; however Bracewell Engineering of Oakland submitted a proposal to complete the work at a much lower cost. Currently the City of Firebaugh and TomaTek share a joint permit and are unable to separate to apply for separate permits. City Manager Jose Ramirez recommended accepting the new proposed contract with Bracewell Engineering to resolve the issues, which may lead to an expansion of the current TomaTek Plant if they close their San Benito Plant and bring additional jobs to our community. Council Member Lake requested staff to check the references of the company.

Motion to approve contract by Council Member Lowe, second by Council Member Marquez; motion passed.

10. DISPATCH CONTRACT WITH THE CITY OF MENDOTA.

Jerry Galvin Police Chief the City of Mendota thanked the Firebaugh City Council and Police Department for their consideration regarding this contract. Police Chief Elsa Lopez stated that both the City of Firebaugh and the City of Mendota staff has worked together to make the preparations for the transition. The City of Firebaugh will receive a monthly base pay of \$4,750 per month totaling \$57,000 annually for services provided to the City of Mendota. Police Chief Jerry Galvin added that their Police Department will hire eight to ten officers by September 1, 2009; their goal is to drop the crime rate. Last week the City of Firebaugh had two officers in Mendota to make an arrest but with the establishment of Mendota's Police Department they will now be able to assist Firebaugh. Council Member Lake inquired if Mendota plans to establish their own dispatching services later in the future. Chief Galvin replied it would depend on the success of the Police Department, but it would be several years from now. Chief Galvin stated that currently this contract will benefit both cities and Firebaugh will receive an income and Mendota will save on their expenses from their current contract with Fresno County.

Motion to approve contract by Council Member Lowe, second by Council Member Lake; motion passed.

11. RESOLUTION NO. 09-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE TERMS AND CONDITIONS OF THE SIDE LETTER OF AGREEMENT WITH THE FIREBAUGH POLICE OFFICERS ASSOCIATION.

Motion to approve Resolution No. 09-17 by Council Member Lake, second by Council Member Marquez; motion passed.

PENDING ITEMS

- School Board scheduled to meet with the City Council on a Wednesday evening in August 19th.
- 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.
- Certificate of recognition of City employees for dedication and services to the City.
- Mayor Sablan requested for the VOPR Presentation to be added to the agenda of the Joint Meeting with Council and the School Board.

PUBLIC COMMENTS/QUESTIONS

None

STAFF REPORTS

- **Police Chief, Elsa Lopez** – Apologized for not submitting a staff report. Working on the scheduling for the Festival. Will make contact and work with Tomas Nunez regarding their San Joaquin Murrieta event.
- **Public Works Director, Ben Gallegos** – Will be working on the Festival and San Joaquin Murrieta event preparation.
- **Fire Chief/Code Enforcement Officer, John Borboa** – Nothing to report.
- **Finance Director, Odi Ortiz** - Current budget shortfall is \$14,000 after the approval of the union negotiations. Council Member Marquez asked if the water meters are working correctly, Finance Director replied that staff is still addressing some issues, but hope to have it resolved by next month.
- **City Engineer Mario Gouveia**– Provided an update on several project; ARRA Projects, 13th Street Reconstruction, Safe Route to School with relocation of light poles; San Joaquin River Repair; FEMA; Hwy 33; and the FFA Airport Layout.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Assistant City Manager, Laura Rios** - Attended census training, a few deadlines are coming up, the City is required to put a community count together. It very important that we try and get an accurate count of everyone in Firebaugh, because only was a 65% of participation rate in 2000 Census. Mayor Sablan inquired if the concern of the immigration raids were discussed. Yes they are very sensitive to that matter and that why prefer local residents to complete the surveys, the see familiar faces.
- **City Manager, Jose Antonio Ramirez** – Submitted proposal for a CEFT Grant, Friday, July 24th the City will have a food give away, attended the San Joaquin River Restoration, sent out a memo to staff regarding a deadline to submit all agendas items, searching for grant funding to repair the bridge, looking at making the conference room at City Hall an office space with a computer for Council Members, and the first furlough day for the City was this past Friday, July 17th. California Engineering Company lost two key individuals, so we terminated our contract with them; a 30 day notice is required.
- **City Attorney Meggin Boranian** – Assured Council that if they have any questions or concerns to contact her or Dale, and if they can't provide a quick response, they will get back to as soon as possible.

COUNCIL ITEMS

- Mayor Sablan – Inquired about agenda items for the joint meeting with School Board.

CLOSED SESSION

None

ANNOUNCEMENT AFTER CLOSED SESSION**ADJOURNMENT**

Motion to adjourn made my Council Member Lowe, seconded by Council Member Marquez; motion carried by consensus vote. Meeting adjourned at 10:30 p.m.