

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/08-17**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: August 17, 2009 @ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Sablan at 7:36 p.m.

ROLL CALL

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

ABSENT:

OTHERS: City Attorney, Meggin Boranian; City Manager, Jose Antonio Ramirez; Assistant City Manager, Laura Rios; 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; David Flores; John Baltierra; Felipe Perez; Fernando Campa; Andre Ramirez; Craig Knight; Lilia Flores; Marcel Hetu; Juan Torres; Tony & Stacy Sablan; Graciela Torres; Maximina Murillo; Maria Avila; Lucia Moaqueda; Lucy Moreno; Martha Anadalon; Bertha Carmona; Arnoldo Tavera; Araceli Perez; Celeste Hernandez; Julia Hernandez, and community members.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Council Member Marquez

PUBLIC COMMENT

David Flores stated that a “Seventy-Four” year old man received a warning from a Police Officer for rummaging through the trash bins, and requested that Council consider allowing individuals to search for recyclables as an extra source of income during these difficult economic times. Solid Waste Consultant Ron Frye replied that the City currently has a City Ordinance forbidding such acts, to assist certain issues like identity theft.

Andre Ramirez, 1056 “O” Street, reported an issue of concern regarding the Downtown Market and certain vendors that may not have required licenses to sell services which they are offering and asked the City to look into it. City Manager Jose Ramirez will investigate the issue and address if needed.

John Baltierra, 1538 8th Street, stated that people who ran for Council for personal agendas, they should have ran to represent the public instead.

Dr. Marcel Hetu, Thanked staff for their contribution during the Food Distribution, they showed leadership and were role models to volunteer students from West Hills College.

INTRODUCTION

None

PRESENTATION

None

CORRESPONDENCE

None

CONSENT CALENDAR

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

July, 2009	General Warrants	#22246 – #22363	\$ 872,305.59
	Payroll Warrants	#57124 – #57247	<u>\$(Included in Total)</u>
	TOTAL		\$ 872,305.59

2. COMMUNITY ACTION PARTNERSHIP OF MADERA COUNTY REQUESTS THE USE OF THE MALDONADO BASKETBALL COURT FOR A HEALTH FAIR ON AUGUST 21, 2009.

Motion to approve Consent Calendar item #2 made by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.

Council Member Lake inquired about the following checks;

- Check # 22250 – Laura Rios - Appliances
- Check # 22294 – Quinn Co – Tractor (Equip)
- Check # 22304 – Karl Schoettler – Consultant Fees
- Check # 22269 – Odi Ortiz - Postage
- Check# 22300 – Ron Frye – Consultant Fees
- Check# 22325 – Sanchez Grading – SR2S Project

Council Member Marquez inquired about the following checks;

Check # 22338 – CTB Real Estate – Façade Program

Recommendations from Council:

- 1) Use the City Credit Card when possible
- 2) Council contact staff during office hours regarding any questions they may have on warrants.

Motion to approve Consent Calendar items #1 by Council Mayor Pro Tem Marquez, second by Council Member Lowe, motions carries by consensus vote.

PUBLIC HEARING

Felipe Perez requested a translator during the Council Meeting for individuals that are only Spanish Speaking, Julia Hernandez provided services.

3. **RESOLUTION NO. 09-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CONFIRMING THE DIAGRAM AND ASSESSMENT OF ANNUAL LEVY FOR FISCAL YEAR 2009-2010 FOR LANDSCAPING AND LIGHTING DISTRICT NO. 1.**

Public Hearing opened at 7:58 p.m.

No public comment provided.

Public Hearing closed at 8:00 p.m.

Motion to approve Resolution No. 09-22 made by Council Member Lowe, second by Mayor Sablan; motion passed by consensus vote.

OLD BUSINESS

4. **ORDINANCE NO. 09-06 – AN ORDINANCE OF THE CITY OF FIREBAUGH ADDING SECTION 4-5 TO CHAPTER 4 OF THE FIREBAUGH MUNICIPAL CODE REQUIRING THE LICENSURE OF TOBACCO RETAILERS – FIRST READING.**

Mayor Sablan stated that the agenda is incorrect; it is the first reading of Ordinance No. 09-06, with the requested amendments from the previous council meeting. Council and Staff recommended additional amendments to the ordinance; therefore agenda items #4 and #5 to be held for further review. After further review and discussion, the recommended amendments from Police Chief Elsa Lopez will be included: definition of drug paraphernalia and retailers agreement not to sell drug paraphernalia products as part of application process.

Motion to approve Ordinance No. 09-06 with the recommended amendments made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by 4-1 vote; Council Member Lake – no

5. **RESOLUTION NO. 09-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ESTABLISHING A FEE FOR TOBACCO RETAILERS LICENSE.**

Resolution No. 09-20 allows the City to collect an annual Tobacco Retailer’s License Permit fee of \$190.00, which will fund accrued fees for enforcement, inspection, administration, compliance checks, documentation of violations, prosecution of violators and other fees for this program. Council Member Lowe stated that Permit fees be applied to the Police Department Fund only for the Enforcement of the Program.

Motion to approve Resolution No. 09-20 made by Council Member Lowe, second by Mayor Pro Tem Marquez; motion passed by 4-1 vote; Council Member Lake – no.

NEW BUSINESS

6. **RESOLUTION NO. 09-21 - A RESOLUTION OF THE CITY OF FIREBAUGH APPROVING APPLICATION AND AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR COMMUNITY FACILITIES GRANT.**

Motion to approve Resolution No. 09-21 made by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.

7. RESOLUTION NO. 09-24 - A RESOLUTION OF THE CITY OF FIREBAUGH APPROVING AN APPLICATION AND AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR COMMUNITY FACILITIES GRANTS

Motion to approve Resolution No. 09-24 made by Council Member Lowe, second by Council Member Lake; motion passed by consensus vote.

8. RESOLUTION NO. 09-23 - A RESOLUTION OF INTENTION TO CREATE UNDERGROUND UTILITY DISTRICT NUMBER 4.

Ron Frye presented a brief presentation regarding the Underground Utility District 4, informational items only, no action taken. Resolution No. 09-23 will presented to Council for approval at a Special Meeting on August 31st.

9. RE-CLASSIFACATION OF THE ASSISTANT CITY MANAGER POSITION TO HUMAN RESOURCES DIRECTOR /OFFICE MANGER.

City Manager Ramirez expressed the importance of the Assistant City Manager’ Position, asked for the Council’s reconsideration on the re-classification of the Assistant City Manager’s position to a Human Resources Director. Many speakers David Flores, Felipe Perez, Maria Escalante, Lilia Flores, John Baltierra, Mary Van Pelt, Stacy Sablan, and Dr. Marcel Hetu voiced their support in City Manager Ramirez’s recommendation of keeping the Assistant City Manager’s Position and the support of the City Manager Ramirez job performances with the City, adding that the teamwork of the City Manager and Assistant City Manager has lead to the success the City has had when applying and receiving grant funds, for both the City and other community organizations by the assistance of these individuals. Council Member Lake thanked everyone for their opinions and clarified that no action is scheduled to be taken against the City Manager’s position, and explained that Council made difficult decisions with Management, renegotiations with the unions of the Public Works Department, Police Department, modifications and elimination of positions, and implemented furlough days to address the budget issues that the City is facing during these difficult economical times. Council Member Lowe added that his concern regarding the budget and the re-classification of the position is the future income that we may still lose, the reprieve of \$60,000 from the General Fund, \$280,000 to Fresno County from the General Fund, decrease of sales tax revenue, State withholding of gas tax funding, and other funds, which will effect the City’s budget. Mayor Sablan replied that the City may save money in the short term, but Council should consider the long term affects.

Motion to approve Resolution No. 09-20 made by Council Member DeFrancesco, second by Mayor Sablan; motion failed by 2-3 vote.

PENDING ITEMS

- School Board scheduled to meet with the City Council will be rescheduled.
- THE CONSIDERATION ON THE REMOVAL OF THE CITY CLERK’S AND CITY’S TREASURER’S POSITION ON THE NEXT ELECTION BALLOT AND COST.

PUBLIC COMMENTS/QUESTIONS

STAFF REPORTS

- **Police Chief, Elsa Lopez** – Nothing to report.
- **Community Service Director, Phyllis Baltierra** – Requested that during the Food Distribution please address the parking arrangement, because Senior Citizens and the Bus transportation were having difficulties access the Senior Citizens Building. City Manager Ramirez stated that the next Food Distribution will be relocated to Dunkle Park.

- **Public Works Director, Ben Gallegos** – Nothing to report.
- **Fire Chief/Code Enforcement Officer, John Borboa** – Nothing to report, Mayor Pro Tem Marquez requested that the property owners of empty lots be notified to remove any dry brush or weeds, as a fire safety precaution. Fire Chief John Borboa replied that letters of notification have been issued, and the next step is to issue Administration Citation fees or infraction to court. City Attorney Meggin Boranian recommended that this item be placed on future agenda for further discussion. City Manager Ramirez suggested a matrix sheet with information on lots of concern for review.
- **Assistant City Manager, Laura Rios** – Nothing to report.
- **City Manager, Jose Antonio Ramirez** – Local Government Commission put a Smart Growing Code Booklet together at no charge to the city. Industrial and Agriculture Energy Forum, September 2, 2009 at 7:30 a.m. at Fresno State Business Center, Free Admission. Working with the Bureau of Reclamation office to qualify for additional funding for water conservation products/items. Working with the Fresno Council of Governments to encourage CalTrans to begin the Right-of-Way project at “P” Street this year versus the scheduled next time frame, also because of the under bid of the previous project the City maybe able to extend the project from 9th through 11th Street. Applying for grant with One Economy to install wireless broadband services throughout the community at little or no cost to residents, and working with the Housing Authority to assist with the match funding for the grant, along with West Hills College (Measure C) and CDBG funding. City was awarded \$150,000 from California Integrated Waste Management Board through the Tire Derived Grant. City Manager Ramirez recommend use the funds with the funding donation of Mr. Park to establish an additional City Park. PG&E will place lights at Del Rio at no cost to the City. City Engineering Mario Gouveia will be working on the \$160,000 ARRA project of sidewalk and ramp installation at downtown received from grant the City was awarded. Next Food Distribution to be held on August 28th at the Dunkle Park. Mendota Police Department will hold their Grand opening on August 31st at 5:00 p.m., Council and staff is invited. Received about \$20 million in Economic Aid, which is not welfare funding. Submitted a Letter of Support for Chairwoman Rachel Chon, who has been very support to the City of Firebaugh when applying for certain grants.

COUNCIL ITEMS

- Council Member Lowe – Reported seeing skateboards and bikers riding through the water splash park and flower beds, which will destroy the park. Recommended a time change of Council Meeting to 6:30 p.m., place on the next agenda for further discussion.
- Mayor Pro Tem Marquez – At the northwest corner of Maldonado Park it is very dark, and suggested additional lighting for that area. Inquired if the Safe Route to School Project is completed, staff reported that the first project is completed, but the 2nd project hasn’t started construction. Mayor Pro Tem Marquez asked if the trees removed from downtown will be replaced, staff responded that they will replace all the removed trees in a few months when the weather is cooler.
- Council Member Lake – Inquired the \$150,000 the City received from the recycle tire grant, which City Manager Ramirez reported will likely be used for playground bedding along with additional funding from a donation the city may receive to establish an additional city park. Council Member Lake suggested additional Baseball Fields for the City.

CLOSED SESSION

Motion to enter to close session at 11:11 p.m. by Councilmember Lowe, seconded by Councilmember Lake; motion passed by consensus vote.

10. **Pending Litigation Government Code Section 54956.9**

City of Firebaugh v. Giersch & Associates, Inc., et al.
Fresno County Superior Court Case No. 07 CE CG 02610 MWS

Return to open session at 11:33 p.m.

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken.

ADJOURNMENT

Motion to adjourn made by Council Member Lowe, seconded by Council Member Lake; motion carried by consensus vote. Meeting adjourned at 11:37 p.m.