

**MEETING MINUTES**

**The City Council/Redevelopment Agency of the City of Firebaugh  
Vol. No. 09/09-21**

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** September 21, 2009/ 7:30 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Pro Tem Javier Marquez at 7:50 p.m.

**ROLL CALL**

**PRESENT:** Mayor Pro Tem Javier Marquez  
Council Member Rod Lake  
Council Member Jim Lowe

**ABSENT:** Mayor Marcia Sablan  
Council Member Chris J. DeFrancesco

**OTHERS:** City Attorney, Meggin Boranian; City Manager, Jose Antonio Ramirez; 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; Mary Van Pelt; Paul Ashby; Lorie Adams; Liberty Lopez; John Baltierra, and other community members.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by Council Member Lake

**PRESENTATION**

None

**PUBLIC COMMENT**

- Shirley Sanchez (1032 Q Street), Executive Director of Resource Center for Survivors of Sexual Assault & Family Violence and The Carmen Meza Center, expressed appreciation of local law enforcement officers in their dedication and sensitivity to families affected by sexual and domestic violence.

Liberty Lopez (431 Olivia Street – Mendota, CA), Project Manager of The Carmen Meza Center’s Firebaugh Branch Office, stated that Officers Frank Valdez and Magda Martinez, have gone beyond the call of duty when working with families affected by sexual and domestic violence.

- Terri Furgison-Mayhall, Insurance Broker and owner of Furgison Insurance Services, provided council and staff an overview of her agency’s Benefit Proposal. Ms. Mayhall highlighted cost-effective areas of her proposal.

Council Member Lake asked if staff is planning on bringing other insurance providers to provide similar proposals. City Manager Ramirez stated that others will be presenting as well.

**CORRESPONDENCE**

None

**CONSENT CALENDAR**

**1. APPROVAL OF MINUTES – The City Council meeting on August 31, 2009.**

*Motion to approve minutes made by Council Member Lowe; second by Council Member Lake. Motion passed by unanimous consensus vote.*

**2. WARRANT REGISTER – Period starting August 1 and ending August 31, 2009.**

Council Member Lake questioned the amounts paid to AT&T. Finance Director Ortiz explained that these amounts included installation costs and multiple month (May/June/July 2009) expenses. Mr. Ortiz further explained that due to the relocation of city hall, bills were returned to vendors due to no forwarding address.

Council Member Lake also questioned the location of the recently purchased laptop. Mr. Ortiz stated that the laptop would remain within the department it was intended for.

Mayor Pro Tem Marquez suggested that city purchase its own tables and chairs for community events rather than rent them. City Manager Ramirez agreed that it would be best and most cost-effective. City Manager Ramirez stated that city has funding saved from the recent Cantaloupe Festival to use towards the purchase of these items.

Mayor Pro Tem questioned warrant #22471 to Dogworks for \$15,000. Police Chief Lopez explained that this amount included the purchase of the K-9 and handler course training. Police Chief Lopez also stated that these expenses were paid with USDA and COPS grant funding.

*Motion to approve warrant register made by Council Member Lake; second by Council Member Lowe. Motion passed by unanimous consensus vote.*

**PUBLIC HEARING**

**3. RESOLUTION NO. 09-29 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, ESTABLISHING UNDERGROUND UTILITY DISTRICT NUMBER 4 LOCATED ALONG THE FOLLOWING STREETS ADJACENT TO THE HAZEL M. BAILEY SCHOOL; SAIPAN FROM O STREET TO VASQUEZ, SIXTEENTH STREET FROM P STREET AND O STREET FROM SIXTEENTH STREET TO SAIPAN STREET.**

Ron Frye provided overview of the underground utility district outlined in the resolution. Mr. Frye stated that this project is grant funded (\$870,000) and at no cost to the city. Deputy City Clerk, Rita Lozano, stated that public notices were sent to those required by law. Mayor Pro Tem Marquez pointed out that the city would receive an additional \$70,000 to establish another underground utility district by the Middle School.

Mayor Pro Tem Marquez welcomed public comments. No public comments.

Council Member Lake questioned why residents on Vasquez Drive were not notified. City Manager Ramirez explained that all residents that were legally entitled to be notified received notifications. Deputy City Clerk Lozano stated that most notifications were sent to residents living along Saipan. City Manager Ramirez explained that the utility district line stops before the intersection of Saipan and Vasquez.

Council Member Lake stated that parcel no. 1 and 23 should have received notification because they are within 500 feet from the district line. Mr. Frye claimed that the Vasquez Drive residents are outside the district lines and that notifications were sent based on the legal description included on Exhibit A.

City Attorney Boranian stated that the legal description controls the resolution and notifications were verified properly.

Council Member Lake requested clarification from legal counsel on whether or not his vote would be considered a conflict of interest because he owns property on Vasquez Drive.

Attorney Boranian reviewed "Rule of Necessity" and pointed out that Council Member Lake abstained from the last vote regarding this project because of the possibility of his property being affected by the district; however, since proper notifications were already sent out and he was not notified, Council Member Lake's property is not effected and therefore able to vote on this resolution. Ms. Boranian stated that if Council Member Lake was uncomfortable with voting on the matter, he could request that council table this item until the next meeting.

*Motion to approve Resolution No. 09-29 made by Council Member Lake; second by Council Member Lowe. Motion passed by unanimous roll call vote.*

4. **RESOLUTION NO. 09-30 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE PLANNING TECHNICAL ASSISTANCE ALLOCATION OF THE STATE CDBG PROGRAM.**

Paul Ashby (Adams Ashby Group) provided information regarding the resolution to council members. Mr. Ashby highlighted two projects. These included a city wide income study and a site development feasibility study for the Riverpark.

Mayor Pro Tem Marquez opened the floor to public comments. No public comments.

Council Member Lake requested that when staff is looking to hire project consultants that council is provided with proposals for review and approval.

City Manager Ramirez explained that council decided a more cost-effective approach at hiring project consultants. As per Mr. Ramirez, this process included requesting bids every three years and select consultants based on this bidding process.

Council Member Lowe questioned if there was money for these projects. City Manager Ramirez stated that there was funding and the city is required to match 8% of these costs. Mr. Ashby stated that the match is determined and required by the state. Mr. Ashby also explained that the city can use program income to cover the match.

*Motion to approve Resolution 09-30 made by Council Member Lowe; second by Council Member Lake. Motion passed by unanimous roll call vote.*

5. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO ACCEPT CLOSEOUT OF COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING AND TECHNICAL ASSISTANCE GENERAL ALLOCATION GRANT 05-STBG-1487.**

City Manager Ramirez provided history of the grant. Mr. Ashby explained that this is the final closeout hearing to receive public comment regarding the skateboard park and the housing project. Mr. Ashby also announced that due to a decline in the economy which resulted in families having less collateral, the city is having to return \$87,584.00 to the state. Mr. Ramirez stated that staff made diligent efforts to avoid having to return this unspent money.

Mayor Pro Tem Marquez questioned how much money a first-time home buyer needs. Finance Director Ortiz stated that first-time home buyers need anywhere from \$15k-\$40k.

*Motion to accept closeout of CDBG grant 05-STBG-1487 made by Council Member Lake; second by Council Member Lowe. Motion passed by unanimous consensus vote.*

**OLD BUSINESS**

None

**NEW BUSINESS**

**6. RESOLUTION NO. 09-31 – A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING SUBMISSION OF LOCAL TRANSPORTATION FUND CLAIM FOR FY 2009/2010.**

Finance Director Ortiz explained that this is a standard and needed process; however, must be careful not to overspend.

Council Member Lake questioned if the city needed to give the county \$71,000. Finance Director Ortiz stated that the city is required to give the county and the state money.

Mayor Pro Tem Marquez welcomed public comments. No public comments.

*Motion to approve Resolution No. 09-31 made by Council Member Lake; second by Council Member Lowe. Motion passed by unanimous roll call vote.*

**7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZES BID AWARD TO CLARK BROS. FOR SAN JOAQUIN RIVER BANK REPAIRS PROJECT.**

City Manager Ramirez explained that 85% of the project will be paid by OES and that Clark Brothers was the lowest bidder. Mr. Ramirez also stated that Clark Brothers came under the projected costs.

City Engineer Gouveia stated that staff received a total of nine bids and recommends council to approve bid submitted by Clark Brothers.

City Manager Ramirez stated that he would like to start moving forward on the project due to upcoming weather, which could impact the project.

Council Member Lake requested staff to clarify the project timeline. Mr. Gouveia explained that the project has a 60-day turnaround time.

Council Member Lake asked if city was in a position to cover its financial obligation regarding this project. City Manager Ramirez stated that the city has already paid 15% out of 20% of the studies.

Council Member Lake questioned if city has had problems with Clark Brothers. City Manager Ramirez stated that he prefers to use Clark Brothers' services for this project. Council Member Lowe requested staff to avoid "change orders". Mr. Gouveia stated that staff will do its best to avoid change orders; however, this is always hard to predict.

Police Chief Lopez questioned if the damage to the pathways caused by project equipment will be repaired. Mr. Gouveia stated that the pathways will be rebuilt.

*Motion to authorize bid award to Clark Bros. made by Council Member Lake; second by Council Member Lowe. Motion passed by unanimous consensus vote.*

**8. RESOLUTION NO. 09-32 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE EXPENDITURE OF COPS FUNDING AND THE ALLOCATION OF FUNDING FOR THE PROPOSED PROJETS.**

Police Chief Lopez reviewed proposed expenses. Council Member Lake asked if the old portable radios could they be traded in for the purposes of acquiring new radios or giving to the volunteer Fire Department. Police Chief Lopez stated that the fire department’s current radios exceed the police departments in terms of quality.

Council Member Lake questioned what specifically would be done to the training room. Chief Lopez stated that the training room will be remodeled and that she is looking into applying for a USDA grant and use the COPS funding to meet the USDA’s required cash match.

Mayor Pro Tem Marquez welcomed public comments.

Terri Furgison-Mayhall questioned if PD’s radios can be used for other purposes. Police Chief Lopez stated the possibility of selling them to Mendota PD. Council Member Lake pointed out that this would depend on whether or not Mendota PD uses the same frequency as Firebaugh PD. Fire Chief Barboa also pointed out that depending on how the radios in question were purchased, Firebaugh PD may be prohibited from either donating or selling said radios. Police Chief Lopez agreed to look into this prior to making any decisions.

*Motion to authorize the expenditure and allocation of COPS funding made by Council Member Lowe; second by Council Member Lake. Motion passed by unanimous roll call vote.*

**9. RESOLUTION NO. 09-33 – A RESOLUTION OF THE COUNCIL OF THE CITY OF FIREBAUGH SUPPORTING THE HIGH SPEED RAIL FOR CALIFORNIA.**

City Manager Ramirez explained that this is the current movement by the entire county so that it can be in the running for a local high-speed rail station. Mr. Ramirez stated that this is the first step in the site selection process.

Council Member Lake questioned who is asking for this support at the county level. Mr. Ramirez stated that the Council of Governments (COG) is asking for county-wide support.

Mayor Pro Tem Marquez questioned if a tentative site has been identified. Mr. Ramirez stated that he was uncertain; however, stated that it would most likely be along the already existing rail line and possibly in the downtown corridor.

Mayor Pro Tem Marquez asked what the benefit would be to the county to have a high speed rail station in the county. Mr. Ramirez stated that the benefit would include additional jobs and the provision of another mode of transportation.

No public comments.

*Motion to approve Resolution No. 09-33 made by Council Member Lake; second by Mayor Pro Tem Marquez. Motion passed by 2-1 roll call vote (Council Member Lowe opposed).*

**10. NON EXCLUSIVE COMMUNICATIONS TOWER USE AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND CONTERRA ULTRA BROADBAND.**

City Manager Ramirez explained that this is a five-year, friendly agreement with Conterra Ultra Broadband to use each other’s facilities.

Mayor Pro Tem welcomed public comments. No public comments.

Council Member Lake questioned if this agreement is non-exclusive. City Manager Ramirez stated that he would not recommend an exclusive contract. Council Member Lowe questioned if the tower belongs to the city or to the cable authority. City Manager Ramirez stated that the tower belongs to the city.

Mayor Pro Tem Marquez questioned who could use Conterra’s services. City Manager Ramirez stated that local residents can use free wireless internet but only for three years. Mr. Ramirez also stated that the school district is currently building a higher capacity so that the city can use it for free.

Council Member Lake asked what internet services is being used by city departments. Mr. Ramirez stated that the city is currently using AT&T because the city also needs to have a landline connection and the police department needs to use a secure provider.

*Motion to approve agreement made by Council Member Lowe; second by Mayor Pro Tem Marquez. Motion passed by 2-1 roll call vote (Council Member Lowe opposed).*

**11. REVIEW OF RESOLUTION NO. 07-49 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REVISING FEES TO BE CHARGED FOR THE USE OF CITY FACILITIES.**

City Manager Ramirez provided an overview of the resolution.

Council Member Lake questioned if the proposed rates cover costs associated with allowing use of facilities. Mr. Ramirez stated that staff carefully reviewed costs for non-profits, for-profit and private events. Mr. Ramirez also stated that staff has yet to received complaints regarding the current fees.

Finance Director Ortiz stated that staff has received complaints regarding the lack of a heating and air conditioning system in the community center.

Mayor Pro Tem Marquez explained that he believed that the proposed fees are not sufficient and on the lower end. Finance Director Ortiz stated that most cleaning deposits are refunded in full and rarely retained. Public Works Director Gallegos shared that there have been instances where \$25 is retained to cover the costs of depositing of trash left behind.

Mayor Pro Tem Marquez recommends to increase the hourly rates by at least double to assist with costs in installing an AC/Heating unit and any other expenses.

Fire Chief Barboa stated that the community center building still has some safety issues. Mr. Barboa stated that the building has yet to be finished because the work to the building is not finished (i.e. sprinklers).

City Manager Ramirez stated that the community center is booked every weekend for the remainder of the year and that the building has generated income. Finance Director Ortiz stated that the building generates about \$34K per year and this money is placed in the General Fund. City Manager Ramirez stated that this income can be itemized for building improvements. City Manager Ramirez also stated that staff is looking for grant opportunities to assist with the costs associated with building improvements.

Council Member Lake questioned if Exhibit B addresses alcohol use. City Manager Ramirez stated that the alcohol use is permitted in the enclosed area. Chief Lopez then questioned why alcohol use is permitted at the Rodeo Grounds. Council Member Lake stated that he questioned this issue several council meetings ago and understood the only exception was community-sponsored functions. Deputy City Clerk stated that additional insurance is required by those requesting to serve alcohol in the enclosed area and that the city has reserved the right to decide if additional insurance is required in other areas. City Manager Ramirez stated that the city must also follow the ABC’s regulations. Mr. Ramirez also suggested that if council prefers, all alcohol-related functions can be brought before council for review and approval.

Council Member Lake recommended that staff check with surrounding communities and compare lists of fees. City Manager Ramirez agreed and reminded council that the original intent was to make the use of facilities fees affordable.

Police Chief Lopez questioned how staff monitors if the community center’s kitchen is used. Public Works Director Gallegos stated that there is no method in place to monitor if the kitchen is used. Mr. Gallegos shared that those using the community center are warned of the accidental emergency discharge fee of \$1,000 if the alarm is accidentally set off. Council Member Lowe suggested that this be included in writing in the use of facility contract. Mayor Pro Tem Marquez agreed with Council Member Lowe’s suggestion and requesting the matter be tabled at the next meeting.

Attorney Boranian recommended that council request a draft use of facility agreement be brought before council at next meeting for review.

*Motion to table Resolution to next meeting and direct staff to provide a cost analysis of comparable rates for council review made by Council Member Lake; second by Council Member Lowe. Motion passed by consensus vote.*

**12. THE CITY COUNCIL OF THE CIT OF FIREBAUGH REVIEW WATER RATES.**

City Manager Ramirez stated that staff analyzed the current water rates and based on this the city is in a position to decrease water rates and provide relief to local residents. Finance Director Ortiz stated that he reviewed two years of water usages and 5-7 months of metered history. Mr. Ortiz stated that the city has experienced a decline in water consumption. Mr. Ortiz reported that consumers are monitoring there water consumption.

City Manager Ramirez stated that council can review water consumption/rates in another six months. Mr. Ramirez also stated that implementation of decreased water rates can begin next month.

Council Member Lake stated that the biggest complaint by some residents is that the 12K gallons/month is not sufficient for most households.

City Manager Ramirez stated that an analysis is needed to determine if the baseline water usage should be increased. Mr. Ramirez further explained that the city is in a position to offer some relief to its residents by decreasing the water rates and does not anticipate any major problems.

Council Member Lowe recommended Column G of Exhibit A.

No public comments.

Attorney Boranian recommended that a draft of the Resolution highlighting the elements approved by council be provided to council for approval.

Motion made by Council Member Lowe directing staff to bring a draft resolution, highlighting rates in Column G of Exhibit A, at next council meeting; second by Council Member Lake. Motion passed by unanimous roll call vote.

**PENDING ITEMS**

- Certificate of recognition of City employees for dedication and services to the City.
- The consideration on the removal of the City Clerk’s and City Treasurer’s position at next Election.
- Review and discuss the process/procedure regarding maintenance of vacant lots.

*Pending*

**STAFF REPORTS**

- **Elsa Lopez, Police Chief –**
  - Participated in a training regarding the H1N1 virus.
- **Ben Gallegos, Public Works Director –**
  - Announced that Del Rio’s street lights are up and running.
  - Mayor Pro Tem Marquez requested that staff look into installing lights in the NW corner of the concession stand at the Maldonado Park. Mr. Gallegos stated that the current warranty on the stand

prohibits staff to make any installations/modifications otherwise would void the warranty. As per Mr. Gallegos, the warranty expires in March 2010.

- **John Borboa, Fire Chief/Code Enforcement Officer** – Nothing to report.
- **Odi Ortiz, Finance Director** –
  - Stated that the sales tax for the 2<sup>nd</sup> quarter increased. Goal is to get revenue from 2005.
- **Mario Gouveia, City Engineer** –
  - Announced that bids for 13<sup>th</sup> Street repairs will be opened next week.
- **Priscilla Meza, City Clerk** – Nothing to report.
- **Rita Lozano, Deputy City Clerk** – Nothing to report.
- **Jose Antonio Ramirez, City Manager** –
  - Met with the Guerra’s and Mid Valley Disposal to discuss and address issues. Issues seem to be resolved.
  - San Joaquin Air Pollution Board energy efficient grant was obtained.
  - Announced that the 3-year contract for auditing is coming up.
  - Staff continues to work with TomaTek on its permits.
  - 8 firms applied for Brownsfield’s phase 1 and 2 projects.
  - Received grant with Clovis and Parlier = \$100,000 Neighborhood Stabilization grant.

**COUNCIL ITEMS**

- **Council Member Lowe** – none
- **Council Member Lake** –
  - Questioned why use of the community center was authorized during a scheduled council meeting. Mr. Ramirez stated that there was a misunderstanding and other arrangements could not be made in time.
- **Mayor Pro Tem Marquez** –
  - Requested staff to provide council with a regular update on who is using the community center on a daily basis. Public Works Director Gallegos agreed to provide council with a worksheet used by his staff that lists who is using the community center and other city facilities.

**CLOSED SESSION**

None

**ANNOUNCEMENT AFTER CLOSED SESSION**

None

**ADJOURNMENT**

*Motion to adjourn made by 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*