

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/10-05**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: October 5, 2009/ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Pro Tem Javier Marquez at 7:31 p.m.

ROLL CALL

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

ABSENT: Mayor Marcia Sablan

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; Public Works Director, Ben Gallegos; and other community members.

PUBLIC COMMENT

Miguel Flores, (Del Rio Resident), thanked council for recently installed street lighting within Del Rio Community.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Lowe

PRESENTATION

None

GRANT

- Neighborhood Stabilized Grant \$100,000.00
- Rural Business Enterprise Grant (RBOG) \$ 38,563.00

City Manager Ramirez provided information regarding above-listed grants.

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council meeting on September 21, 2009.**

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

PUBLIC HEARING

None

OLD BUSINESS

2. THE CITY COUNCIL OF THE CITY OF FIREBAUGH REVISING THE CITY FACILITIES RENTAL FEES.

City Manager Ramirez reviewed staff’s report of facility rental fees issued by surrounding communities. As per Mr. Ramirez, some cities no longer make their facilities available for public use.

Council Member Lake questioned why VFW charges higher rental fees for the VFW hall which is owned by the city. City Manager Ramirez explained that VFW higher rental fees include the use of tables and chairs. Mr. Ramirez also explained that staff is looking into price quotes for the purchase of tables and chairs, which can be made available for private events. Council Member Lowe questioned if staff will increase rental fees if tables and chairs are made available. City Manager Ramirez stated that this would be at council’s discretion.

Mayor Pro Tem Marquez welcomed public comments.

Police Chief Lopez suggested council and staff consider issue of storing said table and chairs. City Manager Ramirez stated that staff could research the costs of a storage unit. Chief Lopez proposed council to authorize the construction of a stage at the community building/hall and use space under stage as storage for tables and chairs.

Council Member Lake pointed out that the “Private/for Profit” category was not on Exhibit A. Deputy City Clerk, Rita Lozano, stated that council decided to consider this as “For Profit”. Council Member Lake requested a distinction between “Non Profit” versus “Local Non Profit”. Ms. Lozano stated that this distinction is made on both Exhibits A and B.

Council Member Lowe requested if a separate account was created to itemize the revenues generated by the rental fees. Finance Director Ortiz confirmed that staff had taken care of this matter as per council’s request.

Mayor Pro Tem Marquez recommended increasing the rental fees to cover any associated costs with making a city facility available to the public. Council Member Lowe agreed; however, stated that increase rental fees should be implemented after the city purchases tables and chairs to include with the use of the facility.

Council Member Lake requested clarification of Mayor Pro Tem Marquez’s recommendation. Mayor Pro Tem Marquez stated that he would prefer increasing the use of facility fees across the board to ensure that the city’s costs are covered.

Council Member Lake also requested staff to look into charging “lighting” fees for the use of local parks during evening hours. Council Member Lake stated that city charged for lights in the past.

Staff agreed to research the matter further and bring back additional information as requested.

NEW BUSINESS

3. THE RESIDENTIAL RECYCLE AND GREENWASTE UPDATE REPORT.

Consultant Ron Frye provided council and members in the public with an update. Mr. Frye stated that inspections, as per the state’s mandates, are ongoing. Mr. Frye also stated that there are no negative findings and that the city’s recyclables are very clean and that the city is very clean in comparison to other communities.

City Attorney Boranian requested a copy of Mr. Frye’s reports be provided to the City Manager to be kept on file at City Hall. Mr. Frye agreed to submit request to appropriate authorities.

Mayor Pro Tem asked how often said inspections are conducted. Mr. Frye stated that inspections are done twice per month and that inspections include inspection of disposal trucks at the tipping yard.

4. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE THE TERMINATION OF CONTRACT FOR ENGINEERING SERVICES WITH AECOM.

City Manager Ramirez provided council with a brief history of the city's contractual agreement with Boyle Engineering, which was later purchased by AECOM. Mr. Ramirez stated that AECOM's Principal Engineer, Mario Gouveia, assigned to work with the city recently resigned from AECOM to establish his own engineering firm. City Manager Ramirez pointed out that Mr. Gouveia left AECOM in good standing and that AECOM is supportive of Mr. Ramirez's recommendation to council to terminate the city's current contract with AECOM and enter into contract with Mr. Gouveia.

Mr. Ramirez stated that these steps would ensure the continuity of the city's current projects that Mr. Gouveia was closely involved in. Mr. Ramirez's stated that his recommendation to enter into contract with Gouveia Engineering is based on Mr. Gouveia's performance history on many of the city's successful projects. City Manager Ramirez also suggested that council enter into contract with AECOM for the Riverbank Project solely since another AECOM Engineer was assigned to that particular project.

Council Member Lake questioned if Mr. Gouveia's proposal included the same services offered by AECOM. City Attorney Boranian stated that legal counsel reviewed City Manager's recommendation and agreed city Mr. Ramirez that these steps would ensure continuity of current and future projects that Mr. Gouveia is involved in. Council Member DeFrancesco stated that he is supportive of Mr. Ramirez's recommendation.

Mayor Pro Tem Marquez stated that he would like city to enter bidding process; remain with AECOM for the Riverbank Project and encourage Mr. Gouveia to provide a bid for contract. City Attorney Boranian informed council that they have the option to begin bidding process; however, encouraged council to keep in mind that the city would not be able to access Mr. Gouveia's services in the interim. The other option presented by Ms. Boranian is for the city to continue with AECOM for the Riverbank Project but contract Gouveia Engineering to complete pending projects to avoid loss of continuity and then open bidding process for future projects. The last option presented by Ms. Boranian is for city to maintain current contract with AECOM for all city projects.

Council Member Lake expressed regard for Mr. Gouveia; however, also feels council owes it to the city to begin bidding process for future contracts and contract Mr. Gouveia to finish current projects. Council Member DeFrancesco shared opinion that placing faith in City Manager Ramirez's administrative recommendations is important.

Council Member Lake questioned if Mr. Gouveia would have issue with serving as interim Engineer until bidding process is completed. Mr. Gouveia stated that he would not have a problem serving as interim Engineer.

City Attorney Boranian clarified that if council agreed to hire Mr. Gouveia as the interim Engineer, city would be required to provide a 30-day notice to AECOM to terminate existing contract.

Council Member Lowe requested information regarding costs associated with publishing calls for Open Bids. Council Member Lake suggested call for bids to be published in the League of Cities publications. Council Member Lowe explained that the League of Cities requires a two-month request for notice.

Mayor Pro Tem requested legal counsel to review contract termination process with AECOM. Attorney Boranian stated that council does not need to take formal action, if in agreement to terminate contract with AECOM, and may direct staff to provide 30-day notice of termination to AECOM and enter into agreement with Mr. Gouveia as interim Engineer and begin bidding process. Council Member Lake requested Mr. Ramirez to state how he felt with council's direction. Mr. Ramirez stated that he was fine with it.

Attorney Boranian clarified that Mr. Gouveia would serve under the same terms and conditions as provided in the AECOM contract and that Mr. Gouveia would serve as interim Engineer subject to the final approval of the bidding process. Council Member Lake questioned if there were any special conditions that would prevent Mr.

Gouveia to work on particular projects. Ms. Boranian stated that this is a non-issue. Ms. Boranian stated that she is available for further legal direction and legal review.

Council Member Lake highly encouraged Mr. Gouveia to enter formal bidding process.

Council Members Lowe and DeFrancesco expressed disagreement with council direction and preferred to enter into contract with Gouveia Engineering.

City Manager Ramirez expressed concern with pending projects and urged council to consider his need to be able to move forward on current and upcoming projects. Mr. Ramirez requested a specific timeframe from council.

Council stated 30 days; however, Deputy City Clerk Lozano questioned if two weeks was sufficient. Mr. Ramirez stated that a two-week turnaround period is possible if call for bids are posted on the city's website. Mayor Pro Tem Marquez and Council Member Lake stated preference for 30-days. Council Member's Lowe and DeFrancesco requested two-weeks. Council Member Lake stated that he is fine with two-weeks; however, would like City Manager to request additional time if two-weeks is insufficient. Mr. Ramirez agreed and questioned if council was okay with November 2, 2009 as the deadline. Council agreed.

5. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE NEW CONTRACT FOR ENGINEERING SERVICES WITH GOUVEIA ENGINEERING.

Refer to council direction described in agenda item No. 4.

6. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE CONSULTANT SERVICES AGREEMENT WITH CONVERSE CONSULTANTS FOR BROWNSFIELDS STUDY.

City Manager Ramirez provided information regarding the proposed agreement with Converse Consultants. Mr. Ramirez further stated that Converse Consultants are very knowledgeable and has the expertise needed for said study. Mr. Ramirez pointed out that the agreement highlights elements for each project and these funds are meant to assess the need and make recommendations for plan of action.

Council Member Lake questioned if staff had already targeted specific areas. City Manager stated that staff has identified a total of 28 sites. Council Member Lake questioned if the old city dump is included in this study. Mr. Ramirez explained that said site is included in another project. Mr. Ramirez stated that sites included abandoned gas stations. Mayor Pro Tem Marquez questioned if property owners would incur any costs. Mr. Ramirez stated that no costs would be assessed to property owners during this phase of the project but could during the plan implementation phase.

Motion to approve agreement made by Council Member Lake; second by Council Member Lowe. Motion passed by consensus vote.

7. PROPOSAL FROM ENERGY PROTECTION SYSTEMS TO UPGRADE EXISTING LIGHTING FIXTURES/SYSTEMS ON INDETIFIED AREAS TO ACHIEVE COST SAVINGS.

City Manager Ramirez explained that staff was directed to seek proposals from lighting providers and as a result, staff is recommending Orion High Performance Lighting. Finance Director Ortiz pointed out that city would recover investment within one year and experience additional savings every proceeding year. Mr. Ortiz also stated that rebates will be received after the installation process is completed.

Council Member Lake questioned if these rebates are guaranteed. Mr. Ortiz confirmed that they are. Public Works Director Gallegos also expressed support for recommendation.

Council Member Lake questioned if \$10,000 for project would be taken from the General Fund. Mr. Ortiz confirmed; however, again pointed out that these monies would be recouped after the first year plus anticipates additional savings every year after.

Mayor Pro Tem welcomed public comments.

Manuel Trujillo, local resident and business owner, expressed interest in program. City Manager Ramirez explained that this company only does installations for businesses; however, agreed to provide Mr. Trujillo with information of companies that offer home installations.

Council Member Lake shared information regarding an unknown company that replaced light fixtures for a farming company in the surrounding county area and requested staff to look into it. Mayor Pro Tem Marquez stated that he was familiar with a program specific for farming companies.

Council directed staff to move forward on this project.

8. RESOLUTION NO. 09-34 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REVISING AND REDUCING RATES FOR WATER SERVICE.

City Manager Ramirez explained that Resolution No. 09-34 reflects council’s direction given at previous meeting.

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

Motion to approve Resolution No. 09-34 made by Council Member Lowe; second by Council Member DeFrancesco. Motion passed by unanimous roll call vote.

9. REJECTION ON CLAIM

City Attorney Boranian described claim process and explained that council needs to decide whether to follow recommendation provided by the city’s insurance agency.

Mayor Pro Tem welcomed public comments. No public comments.

Motion to reject claim made by Council Member DeFrancesco; second by Council Member Lowe. Motion passed by consensus 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.

Mayor Pro Tem Marquez questioned why maintenance of vacant lots is not included as a pending item. Deputy City Clerk Lozano stated that she understood that Fire Chief Borboa was waiting for Mr. Marquez to schedule an appointment to discuss the matter further. Police Chief Lopez suggested that Mr. Marquez inform staff of what he would like staff to address since Mr. Borboa is no longer the Code Enforcement Officer.

Mayor Pro Tem Marquez stated that Mr. Borboa is the Fire Chief and is responsible for addressing potential fire hazards.

City Manager Ramirez and Public Works Director Gallegos stated that staff is working on cleaning up city lots/properties and would appreciate Mr. Marquez to be specific of what areas he is stating needs to be cleaned up. City Attorney Boranian also pointed out that legally, it would be helpful for Mr. Marquez to list specific areas.

Mr. Marquez stated that he wants staff to identify areas and if they are unable to do so, then he is willing to list specific areas.

Police Chief Lopez stated that her officers are on alert for such issues. Public Works Director Gallegos also stated that his staff is filling up the city dumpsters at least three times per month which costs \$400/month.

Council Member Lowe questioned if city could assess clean up costs to abandoned property owners. City Attorney confirmed that this can be done via the abatement process. Council Member Lowe questioned who would start abatement process in the absence of a Code Enforcement Officer. City Manager Ramirez stated that if the matter was a potential fire hazard then the Fire Chief would begin process; other violations will be handled by staff.

Council Member Lake questioned if the police department’s Cadet Program could serve as an identifying agent. Police Chief stated that officers on duty are alerted to identify such problems; however, agreed to look into what role their cadets could have.

Mayor Pro Tem Marquez questioned if the abandoned lot adjacent to the 76 Gas Station could be placed in the abatement process. City Manager and council members stated that there are no available funds to support the process at this point. City Attorney Boranian shared that other communities are facing similar challenges and have expressed frustration with limited resources to address such problems. Ms. Boranian further stated that this matter is a serious issue and suggested contacting volunteer organizations to cleanup areas. Council Member Lake questioned if there are any grants available for cleanup projects. City Manager Ramirez stated that he unaware of any at the time; however, explained that the Neighborhood Stabilization grant is pending. As per Mr. Ramirez, this grant would provide opportunity to demo abandoned buildings/structures.

STAFF REPORTS

- **Elsa Lopez, Police Chief** – nothing to report.
- **Ben Gallegos, Public Works Director** –
 - Staff continues to work on cleaning up alleys and city streets.
- **Odi Ortiz, Finance Director** –
 - Preparing for upcoming audit.
 - Quarterly report available on 11/2/ 09.

Mayor Pro Tem Marquez questioned why Mr. Ortiz has not provided financial report regarding the Cantaloupe Roundup and Farmer’s Market. City Manager Ramirez explained that this information was previously given to council; however, agreed to provide once again to Mr. Marquez.

Council Member Lake questioned what the \$9,000 overtime costs for the Cantaloupe Roundup. Police Chief Lopez and Mr. Ortiz explained that the overtime costs included the increase costs for Reserve Officers; double time for other officers; DUI Canvassing (to be reimbursed from Clovis PD in the amount of \$3,000) and overtime for two staff members from the Finance Department. City Manager agreed to conduct an analysis of the overtime costs with Police Department.

- **Priscilla Meza, Cit Clerk** –
 - Will be absent for the 11/2/09 council meeting; in Sacramento for a meeting.
- **Rita Lozano, Deputy City Clerk** –
 - Announced availability of Fresno Fair tickets for Day at the Races – Oct. 15th
- **Jose Antonio Ramirez, City Manager** –
 - Funding for Parker Park is pending.
 - \$166,000 for curbs/sidewalks/gutters along O Street received.
 - Police and Fire Chief need to work on USDA reports for the K-9 unit and the Fire Department’s Satellite Pump.

Finance Director Ortiz also pointed out that Fire Chief needs to complete reports for the Fire Engine and ER siren.

- Latino Rotary & the Firebaugh/Mendota Rotary Clubs are sponsoring free transportation, meals and passes to the Fresno Fair for needy families living in San Joaquin, Firebaugh, Mendota and Huron.

Deadline for submittal of family entries is October 17th. Clubs are also hosting a Spaghetti Western at TomaTek on October 24th.

- o Electric Christmas Parade meeting in mid-November. Notices to be sent out soon.
- o Staff looking into purchasing tables and chairs for community center.
- o Suggested purchasing artificial Community Christmas Tree. Council Member Lake suggested planting Christmas Trees for future use.

COUNCIL ITEMS

- **Council Member Lowe** –
 - o Pointed out that the pathway behind Riverlane is cracking. Public Works Director Gallegos agreed to address the problem.
- **Council Member Lake** –
 - o Encouraged staff to meet with Police Chief regarding potential traffic issues during the Spaghetti Western event at TomaTek.
 - o Requested status report on the Highway 33 Beautification Project. Mr. Gouveia stated that the project is in the design phase and expects implantation phase to begin in 2010.
- **Mavor Pro Tem Marquez** – nothing to report.
- **Council Member DeFrancesco** – nothing to report.

Motion to move into closed session made by Council Member Lowe; second by Council Member Lake. Motion passed by consensus vote at 10:10pm.

CLOSED SESSION

- 10. **REAL ESTATE NEGOTIATIONS – REDEVELOPMENT AGENCY – Pursuant to Government Code Section #54956.8.**

ANNOUNCEMENT AFTER CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made my Council Member Lowe, seconded by Council Member DeFrancesco; motion carried by consensus vote. Meeting adjourned at 10:33 p.m.

*Minutes submitted by:
Priscilla Meza, City Clerk*