

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 09/12-07**

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

CALL TO ORDER Meeting called to order by Mayor Pro Tem Javier Marquez at 7:33 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, John Borboa; and other community members.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Lake

PUBLIC COMMENT

None

PRESENTATION

- City Clerk, Priscilla Meza, performed official swearing in of Officer Santoyo Espinoza. Officer Espinoza was formerly a reserve officer with Firebaugh Police Department.
- Council presented plaques of Appreciation to the City’s Police Department, Fire Department and Public Works Department for their outstanding work at the 2009 Christmas Parade of Lights. Representatives from each department received the awards.
 - Officer Campa also presented Police Chief, Elsa Lopez, with a gift on behalf of the Firebaugh Police Officers and the Police Officer’s Association in honor of her 30 years of dedicated service to the City of Firebaugh.
- Mr. Carmine Iadorola provided a detailed presentation on the 22nd Century City Model and the recommendations for the City of Firebaugh to consider implementing. Mr. Iadorola stated that City Manager Ramirez volunteered the City of Firebaugh as a template for this project. Mr. Iadorola also outlined the recommendations, which included strategies to upgrade buildings and utilize the city’s already-existing, unique assets. As per City Manager Ramirez and Mr. Iadorola there are available grant funds and private investors that are willing and able to move forward on a variety of the recommendations.

GRANT

- None

CONSENT CALENDAR

1. **REQUEST FOR USE OF CITY FACILITIES (ANDREW FIREBAUGH COMMUNITY CENTER AND SENIOR CENTER) AND A WAIVER OF FEES BY PROTEUS FOR THE PURPOSED TO CONDUCT A NEIGHBORHOOD YOUTH COUNSELING WORKSHOP TWICE A MONTH FOR ONE YEAR BEGINNING NOVEMBER 23, 2009.**

Proteus representative, Marissa Mandarez, provided a brief summary of the submitted request for use of city facilities. Ms. Mandarez explained that the program is currently in need of a facility to conduct after-school tutoring Mondays through Fridays from 4:00 – 8:00 p.m. Ms. Mandarez also stated that on occasion, the program would need the community center on Saturday mornings to hold fundraising events.

Council Member Lake expressed concern regarding janitorial cleanup. Ms. Mandarez stated that she is currently cleaning facility that the program is using.

John Baltierra expressed concern with using facilities for the requested time leading to conflict with other entities already scheduled to use said facilities.

City Manager Ramirez pointed out that if council allows Ms. Mandarez to use facilities that she and other entities would need to work out a schedule and agreed to have city staff assist with the scheduling issues.

John Baltierra offered the use of the Computer Learning Center and/or suggested Ms. Mandarez contact the Fresno County Housing Authorities office to request the use of their Firebaugh facility.

No formal action taken. Council directed City Manager to work with Proteus to address scheduling issues. Requests for formal waiver of use of facility fees will need to be brought forth before council on a case by case basis.

PUBLIC HEARING

2. **ORDINANCE NO. 09-07 - AN ORDINANCE OF THE CITY OF FIREBAUGH ADDING SECTION 25-1.7 AND SECTION 25-2.3.5 OF THE FIREBAUGH MUNICIPAL CODE “PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF FIREBAUGH”- SECOND READING.**

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

Motion to approve Ordinance No. 09-07 made by Council Member Lake; second by Council Member Lowe. Motion passed by consensus vote.

3. **ORDINANCE NO. 09-08 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADDING SECTION 15-1.12.160 TO THE FIREBAUGH MUNICIPAL CODE RELATING TO WATER CONSERVATION IN LANDSCAPING – FIRST READING.**

City Manager Ramirez explained that state is requiring California cities to implement an ordinance related to water conservation by January 10, 2010. Staff worked with legal counsel on this ordinance allowing council to make amendments to the ordinance in the future if and when needed

Mayor Pro Tem Marquez asked if water meters are installed at local parks. City Manager Ramirez stated that there Maldonado Park may have one; however, other parks do not. Mr. Ramirez further explained that water meters could be installed at other parks but is concerned with costs associated in installing these meters. Mr. Ramirez also stated that staff has made efforts to be more water efficient.

Mr. Jack Minnitte requested clarification regarding who the ordinance applies to. City Manager stated that everyone within the municipal city limits must adhere to the ordinance. Mr. Minnitte also questioned why ordinance is limited to landscaping and not consumption in general. City Manager explained that the ordinance follows the state’s general template and that council may make modifications as deemed necessary. Mr. Minnitte suggested council consider using the term “conservation” in general, inclusive way.

City Manager Ramirez explained that the intention of the ordinance, developed by the state, is to address breaks in water systems.

Council Member Lake questioned if legal counsel has reviewed the state’s mandate to ensure that city is require to implement said ordinance. City Attorney Boranian stated that the ordinance must be as effective as state’s minimum requirements. Ms. Boranian also confirmed that council may elect to modify at a later point in time as deemed necessary. As per Ms.Boranian, the ordinance applies to new development only.

Motion to approve Ordinance No. 09-08 made by Council Member Lowe; second by Council Member Lake. Motion passed by unanimous roll call vote.

OLD BUSINESS

None

NEW BUSINESS

4. RESOLUTION 09-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING THE 2030 FIREBAUGH GENERAL PLAN AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE GENERAL PLAN.

Karl Schoettler provided an overview of the general plan highlighting the community involvement components. Mr. Schoettler addressed the land use issues and recommendations. Mr. Schoettler stated that there is currently more than enough acreage for land use projections within city limits and/or sphere of influence. Special areas, including Del Rio, Valle Del Sol, El Sendero Ranch, Lake JoAllan and properties located along the river and south of “O” Street were also identified.

Mr. Schoettler agreed to provide an overview of the environmental impact and energy-related elements within the General Plan at next council meeting.

Council Member Lake suggested Mr. Schoettler and staff work with Mr. Iadarola to incorporate the 22nd Century City Model recommendations. City Manager Ramirez agreed to accommodate elements within the General Plan.

Mr. Jack Minnitte (local business owner and resident) stated that the extension of the River Trail would benefit the city in the long term and would have a definite impact on the city’s future. Mr. Minnitte expressed that this special area be made a priority and encouraged council to consider capitalizing on the available natural resources. Council Member Lake agreed with Mr. Minnitte’s comments.

Mr. Minnitte also suggested council consider identifying potential areas for an RV park. Mr. John Baltierra agreed with Mr. Minnitte’s recommendation.

Council Member Lake questioned what it would take to annex land. City Manager Ramirez stated the city can initiate process; however, Mr. Schoettler cautioned council to proceed with any annexation process especially when the proposed General Plan demonstrates more than sufficient availability of land. Mr. Schoettler further stated that any annexation process would shift away from the projections in the General Plan. Council Member Lake suggested only looking at other areas for growth.

Council decided to continue item to next council meeting. Public Hearing remains open.

5. RESOLUTION 09-41 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE LEAD COLLABORATIVE ENTITY TO APPLY FOR FUNDS ON BEHALF OF THE LOCAL GOVERNMENTAL JURISDICTION.

City Manager Ramirez provided an overview of the resolution explaining that Sacramento County developed a program to finance property improvements. Mr. Ramirez stated that the city would not incur any costs and that property improvement costs would apply to the individual property owners.

Mr. Ramirez stated that this program would be a great opportunity for local property owners to make improvements and allow the loan to be paid in tax bills over a reasonable length of time. In addition, Mr. Ramirez stated that the loan is transferable to new property owners in case the original property owner decides to sale the said property.

Council Member Lake questioned if the county was participating in this collaborative effort. City Manager Ramirez stated that the county is participating and again believes this to be a great opportunity.

Motion to approve Resolution 09-41 made by Council Member Lake; second by Council Member Lowe. Motion passed by unanimous roll call vote.

6. RESOLUTION NO. 09-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE SALE OF A PROMISSORY NOTE DATED DECEMBER 1, 1988 TO PACIFIC RIM COMPANIES, LLC.

City Manager Ramirez provided details of the negotiations regarding the Hacienda Villa Apartment complex and how the funds would be used.

Motion to approve Resolution No. 09-42 made by Council Member Lowe; second by Council Member Lake. Motion passed by consensus vote.

7. REVIEW AND CONSIDER THE CENTRAL VALLEY RESIDENTIAL RETROFIT PARTNERSHIP AND SUBMIT THE GRANT APPLICATION.

City Manager Ramirez requested agenda item to be tabled to next council meeting.

No action taken. Item tabled to next council meeting.

8. REVIEW OF CURRENT CONSULTANT AGREEMENTS.

City Manager Ramirez stated that legal counsel reviewed current agreements. Mr. Boranian stated that only a couple agreements qualify as consultant agreements and are legally consistent and protects the city.

Ms. Boranian also stated that she is working with Deputy City Clerk to review agreements prior to 2009.

Ms. Boranian requested to calendar further review of contracts at next council meeting. Ms. Boranian also explained that council may elect to review new contracts prior to entering into agreements or opt to have the City Manager to review and enter into contract agreements.

Council Member Lowe expressed interest in having potential contracts brought before council for review. Council Member Lake stated that he prefer for council to review contracts and make modifications prior to entering into any agreements.

Council Member Lake stated that review of the financial reports resulted in questions regarding costs for services, such as the costs associated with the Building Inspector. Mr. Ramirez stated that he addressed said questions with Finance Director. Mr. Ramirez also stated that staff used template established by legal counsel.

Mr. Ramirez pointed out that staff is making good use of the Building Inspector's time and is open to review with council members.

Council Member Lowe questioned costs associated with Code Enforcement. City Manager Ramirez explained that the Building Inspector has specific credentials that other staff members do not have; however, is only allowed to conduct code enforcement assignments approved by the City Manager. Mr. Ramirez also stated that the Building Inspector's travel and mileage reimbursement rates are commonly used by other cities and that staff is closely monitoring all aspects of the Building Inspector's use of time.

Mr. Ramirez expressed willingness to modify the Building Inspector's current contract; however, pointed out that it would require additional legal counsel costs as well. Ms. Boranian stated that legal counsel reviewed the current contract and appreciated how staff itemized the costs of work conducted by the Building Inspector and offered to provide a report at next council meeting.

Mayor Pro Tem Marquez welcomed public comments.

John Baltierra stated that certain code enforcement assignments require specific certifications.

Council Member Lake expressed concern with allowing Building Inspector to conduct code enforcement duties when council, during budget workshops, decided to have staff do it in order to save costs. City Manager Ramirez stated that during said discussions with council the issue of code enforcement was left open for further discussion.

Council Member Lake pointed out that he asked for copies of contract; however, has yet to receive them. Ms. Boranian stated that she was unclear as to what Mr. Lake was asking for. Deputy City Clerk Lozano agreed to provide copies. Council Member Lake stated that his concern is regarding the Building Inspector's compensation for driving time and minimum number of hours.

Council Member Lowe stated that he received copies of the contract and related expenses by city office employee (Margaret).

Both Council Member Lake and Mayor Pro Tem Marquez questioned the \$250 donation listed/made by the City Manager. Mr. Ramirez explained that it was not a donation but funds to promote the State Enterprise Zone. The funds were given to a Latin based organization to advertise in order to attract national organizations. Council Member Lake disagreed with allowing City Manager to make donations without requesting approval from council.

Mayor Pro Tem requested that checks written out to payees should include payee's address and a description of why the check is issued. City Manager Ramirez agreed to relay request to Finance Director.

PENDING ITEMS

- The consideration on the removal of the City Clerk's and City Treasurer's position at next election.

Deputy City Clerk, Rita Lozano, explained to council that a decision needs to be made to either remove benefits for the City Clerk and City Treasurer or to publish the removal of these positions at next election. **No action taken. Item remains pending.**

STAFF REPORTS

- **John Borboa, Fire Chief –**
 - Responded/participated in the largest multiple agency fire in Dos Palos at their local high school. Estimated damage caused by the fire is approximately \$10 million. No injuries were reported.
- **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** –
 - Nothing to report
- **Rita Lozano, Deputy City Clerk** –
 - Nothing to report
- **Jose Antonio Ramirez, City Manager** –
 - Thanked and acknowledged staff for their hard work in making the Christmas parade a success. Also appreciated local contacts in arranging for a major league baseball player to sign autographs at the event. Council Member Lake recommended more media coverage for next year's event. John Baltierra suggested that trucks participating in the parade be made aware of not sounding off their horns. Ms. Lozano stated that all truck drivers were made aware not to honk and/or throw candy to the crowd.
 - Met with County regarding over billing on resident's county tax bills. Issue resolved.
 - Recently received grant for expansion of the river trail.
 - Working with legal counsel on the water plant-related issues.
 - Reported trip to New Orleans was productive. Generated leads with companies that conduct demo cleanup projects and is hoping to participate in event in Oakland to review job training programs to incorporate in Firebaugh.

COUNCIL ITEMS

- **Council Member Lowe** – none
- **Council Member Lake** –
 - Requested an update on the riverfront repairs. City Manager explained that project is delayed due to weather conditions.
 - Inquired about the duration of the New Orleans trip. City Manager stated that the trip was two days and that he returned the following day.
 - Requested staff to identify potential areas and funding to build baseball fields. City Manager stated that a couple areas have been identified and encouraged local youth to participate in town meetings.
- **Mayor Pro Tem Marquez** –
 - Requested update on the third phase of Maldonado Park. City Manager announced that the next project oversight committee meeting is scheduled for December 15th.

CLOSED SESSION

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

ANNOUNCEMENT AFTER CLOSED SESSION

None

ADJOURNMENT

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

Minutes submitted by: Priscilla Meza, City Clerk