

MEETING MINUTES

**The City Council/Redevelopment Agency of the City of Firebaugh
Vol. No. 10/01-11**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: January 11, 2010/ 7:30 p.m.

CALL TO ORDER Meeting called to order by Mayor Pro Tem Marquez at 7:30 p.m.

ROLL CALL

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

ABSENT:

OTHERS: City Attorney, Meggin Boranian; City Manager, Jose Antonio Ramirez; City Finance Director, Odi Ortiz; Deputy City Clerk, Rita Lozano; Police Chief, Elsa Lopez; Public Works Director, Ben Gallegos; John Baltierra; Mary Van Pelt, and other community members.

PUBLIC COMMENT

No public comment given.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member DeFrancesco

REORGANIZATION

1. REORGANIZATION OF CITY COUNCIL PER RESOLUTION NO. 08-33.

- A. Mayor
- B. Mayor Pro Tem

Per Resolution No. 08-33 approve and adopted July 21, 2008, at the first meeting of January, in each successive year, the office of Mayor and of the Mayor Pro Tem shall automatically rotate to the next successive Councilmember in the rotation, selected based on seniority, measured by continuous tenure. Deputy City Clerk Rita Lozano announced the order of seniority as follows; Mayor Javier Marquez, Mayor Pro Tem Chris DeFrancesco, Council Member Rod Lake, Council Member Jim Lowe, Council Member Marcia Sablan, no protest given from Council, the announcement will stand.

PRESENTATION

None

GRANTS

None

CONSENT CALENDAR

- 2. **APPROVAL OF MINUTES – The City Council meeting on November 16, 2009.**

- 3. **APPROVAL OF MINUTES – The City Council meeting on December 7, 2009.**

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

- 4. **WARRANT REGISTER – Period starting November 1, and ending on November 31, 2009.**

November, 2009	General Warrants #22788 – #22934	\$ 657,644.42
	Payroll Warrants #57653 – #57760	<u>\$(Included in Total)</u>
TOTAL		\$ 657,644.42

Council Member Marquez inquired about the following check:

- Check # 22751 – Ramon Echeveste (\$12,000) was check was void.
- Check # 22912 – Ned Perry (\$500.00) for Independent Backflow Device testing services.
- Check#22922 – Creative Marketing Solutions (\$5,000.00) 50% deposit for CETF promo video.

- 5. **WARRANT REGISTER – Period starting December 1, and ending on December 31, 2009.**

December, 2009	General Warrants #22935 – #23132	\$ 617,802.61
	Payroll Warrants #57760 – #57859	<u>\$(Included in Total)</u>
TOTAL		\$ 617,802.61

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

- 6. **REQUEST FOR USE OF THE CITY FACILITY (A. F. COMMUNITY BUILDING) FROM ST. JOSEPH’S CHURCH ON FEBRUARY 13, 2010 FOR A DINNER DANCE AND A WAIVER OF FEES.**

Recommended Action: City Council approves rental agreement.

Motion to deny waiver of fees and charge non-profit rate for rental agreement made by Mayor Pro Tem DeFrancesco; second by Council Member Lowe, motion passed by unanimous consensus vote.

PUBLIC HEARING

- 7. **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 – SECOND READING.**

Public Hearing opened at 8:00 p.m. – No public comment given – Hearing Closed at 8:01 p.m.

Motion to approve Ordinance No. 09-08 made by Council Member Lowe; second by Council Member Lake, motion carries by unanimous consensus vote.

- 8. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO ACCEPT CLOSEOUT OF COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING AND TECHNICAL ASSISTANCE GENERAL ALLOCATION GRANT 07-PTAE-3128.**

Public Hearing opened at 8:05 p.m. – No public comment given – Hearing Closed at 8:06 p.m.

Motion to accept closeout for Grant 07-PTAE-3128 made by Council Member Lowe; second by Council Member Lake, motion carries by unanimous consensus vote.

9. RESOLUTION 10-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE 2030 FIREBAUGH GENERAL PLAN.

City Planner Karl Schoettler provided a brief presentation regarding the remaining elements of the General Plan as well as the Environmental Impact Report that was prepared for the Plan. The remaining elements include: Circulation; Conservation, Open Space, Parks and Recreation, Noise and Safety. Pursuing the Emerald Cities designation will entail ongoing time and effort by the City. To help further “pave the way” for this planning goal, it is recommend that an additional policy be added to the Conservation Element of the 2030 General Plan, which will direct the City to prepare a “Sustainability Element”.

Council continued Public Hearing from previous Council Meeting held December 7, 2009 at 9:02 pm and remains open. No Public Comment Give. Public Hearing closed at 9:15p.m.

Amendment to the minutes of January 11, 2010, Agenda Item # 9, states in the General Plan that all applicants are required to complete all permits from Core of Engineers and Fish & Game regarding any proposed projects along the river by Council Member Lowe.

Motion to approve Resolution No. 10-01 made by Council Member Lowe; second by Mayor Pro Tem DeFrancesco. Motion passed by consensus vote.

10. RESOLUTION NO. 10-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING THE 2030 FIREBAUGH GENERAL PLAN.

Motion to approve Resolution No. 10-02 made by Council Member Lowe; second by Council Member Sablan. Motion passed by consensus vote.

OLD BUSINESS

None

NEW BUSINESS

11. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE AN EMPLOYEE BENEFITS CONSULTING SERVICES AGREEMENT WITH KEENAN & ASSOCIATES.

Motion to approve Keenan & Associates consulting agreement with the elimination of Exhibit A-2 item D, last sentence regarding the \$1000 rate on page 10, made by Council Member Lowe; second by Mayor Pro Tem DeFrancesco. Motion passed by consensus vote.

**Motion to enter to closed session at 9:40 pm by Mayor Pro Tem DeFrancesco; second by Council Member Lake, motion carries.*

**Motion to enter to open session at 10:22 pm by motion passed by consensus vote.*

12. THE REVDVELOPMENT AGENCY BOARD OF THE CITY OF FIREBAUGH TO APPROVE PURCHASE OF PROPERTY AT 1415 14TH STREET APN#008-132-07 IN AMOUNT OF \$210,000.00.

Motion to approve the purchase of property 1415 14th Street by Mayor Pro Tem DeFrancesco; second by Council Member Lake, motion carries.

13. **THE REVDEVELOPMENT AGENCY BOARD OF THE CITY OF FIREBAUGH TO APPROVE OWNER PARTICIPATION AGREEMENT WITH CALIFORNIA COMMUNITY FOR MILLER-LUX PROJECT \$200,000.00 GRANT.**

Motion to approve property purchase made by Council Member Sablan; second by Council Member Lowe. Motion passed by consensus vote.

14. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE PURCHASE OF PROPERTY AT 1080 PTH STREET APN#008-071-05 IN AMOUNT OF \$27,500.00.**

Motion to approve property purchase made by Council Member Sablan; second by Council Member Lowe. Motion passed by consensus vote.

15. **REORGANIZATION OF THE CITY OF FIREBAUGH COMMUNITY COMMITTEES.**

City Council reviewed the City of Firebaugh Community Committees with no necessary action required.

16. **MEETING TIME CHANGE ON CITY COUNCIL MEETING.**

Motion to change the time of the City Council Meeting to 6:30 pm by Council Member Lowe, and second by Council Member Lake; vote by roll as follows – Lowe, yes – Lake, yes – DeFrancesco, yes – Sablan, no(footnote- will be attending meeting at 7:30 pm) – Marquez, yes, motion carries.

PENDING ITEMS

- The consideration on the removal of the City Clerk's and City Treasurer's position at next Election.
- Review of Consultant Services Agreements for the City of Firebaugh.
- Council request to review the Contract of Wil Van Ryn, CVR & Associates.
- Council request staff to establish a rate scale and policy for the use of the Electric Reader Board.

STAFF REPORTS

- **Elsa Lopez, Police Chief** – Nothing to report.
- **Ben Gallegos, Public Works Director** – The cost of the proposed sidewalk work at Enrico and Morris Kyle is over \$2,308, School District owns the property.
- **Odi Ortiz, Finance Director** – Finalize the 2009 Calendar year finances, working on closing reports to submit by January. Results of the third quarter sales tax shows a decrease of 11% compared to 2008, may have a little recovery, will know when we receive the 4th quarter reports in March. Planning on presenting the 2nd quarter reports regarding the City's budget, hopefully at the next council meeting. Council requested the reports show the complete budget from the 1st quarter and include the 2nd quarter together, so Council can compare the two, and schedule the mid-year review on a meeting with fewer agenda items to address all questions. Finance Director asked council to review the enclosed exhibit 0-3, which will be presented at the budget workshop.
- **Jose Antonio Ramirez, City Manager** – working on getting our Franchise back with Champion Chevrolet, working with Castaneda Engineering, FAA and Airport Commissioner on a rental agreement, which will close the airport for a re-enactment of an accident and include a rental fee of \$5,000.00. Working with PG&E on smart grid proposal. Queen Gil started with 10 machines, now currently running 18 machines, is trying to get visa for six of their technicians to Firebaugh and should create 50 to 100 jobs. The CETF Grant is still pending and we're hoping to receive that, which is an extension of a grant we already received. The San Joaquin River Repair Project had a lot of debris under the river, all materials have been removed, and project should be completed by the end of the month. Working with Andrew de Boer and Kennedy Jenks on issues with the surge compressor and the warranty. Wanted to ask Fire Chief Borboa about required quarterly reports regarding the ARRA Grant, who is absent today. Tax agreement has expired, so will meet with Fresno County. Researching opportunities for solar rebates.

COUNCIL ITEMS

- **Mayor Marquez** – inquired on the status of the purchase of tables and chairs for the A.F. Building, staff is still researching. Mayor Marquez asked if the Public Works Department is addressing the potholes and mistletoes, Public Works Director replied, “Yes, when weather permits.” Requested copies of all monthly credit card statements.
- **Council Member Lake** – Thanked Council Member Sablan for her year of service as Mayor. Requested from City Manger Ramirez to please continue working on establishing new baseball fields in the City of Firebaugh. City Manager Ramirez responded that the City is currently considering 15 acres for this project with water, sewer and electricity.
- **Council Member Lowe** – inquired about installing a PG&E light at the KHovnanian sub-division at HWY33 and Helm Canal. At 13th Street and “P” Street, consider removing purple plants and fill with asphalt.
- **Council Member Sablan** – Remove the junk and materials from illegal dumping at the KHovnanian sub-division.
- **City Attorney Meggin Boranian** – stated to Council, Staff or anyone has legal questions please contact her.

CLOSED SESSION

**Motion to enter to closed session at 9:40 pm by Mayor Pro Tem DeFrancesco; second by Council Member Lake, motion carries.*

17. CONFERENCE WITH LEGAL COUNSEL FOR EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE § 54956.9(A):

“City of Firebaugh v Giersch, et al, Fresno County Superior Court Case No.07CEC602610.”

18. REAL ESTATE NEGOTIATION – REDEVELOPMENT AGENCY – Pursuant to Government Code Section #54956.8.

Owner or Designative Rep.	City Negotiator Jose Antonio Ramirez				
APN	008-132-03	008-132-04	008-132-16	008-132-17	008-132-10
	008-200-04	008-071-05	008-080-34	008-080-35	008-080-36
	008-080-37	008-080-30			

**Motion to enter to open session at 10:22 pm by motion passed by consensus vote.*

ANNOUNCEMENT AFTER CLOSED SESSION

City Attorney Meggin Boranian announced closed session item regarding “City of Firebaugh v Giersch, et al, Fresno County Superior Court Case No.07CEC602610.” City Council of the City of Firebaugh approved the settlement agreement and general release of claims on this matter. No additional information to report regarding the Real Estate Negotiations– REDEVELOPMENT AGENCY – Pursuant to Government Code Section #54956.8.

ADJOURNMENT

Motion to adjourn made by Council Member Lowe; second by Council Member Lake, motion carries by unanimous consensus vote, Meeting adjourned at 9:21 p.m.