

MEETING MINUTES OF SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF  
WESTMORLAND FOR January 27, 2021

The City Council of the City of Westmorland met in special meeting in City Hall on Wednesday, January 27, 2021 at 6:00 PM. Mayor Ana Beltran called the meeting in order at 6:00 PM and Mr. Darlene Berber led the invocation.

*Present at time of roll call:* Council members Mayor Ana Beltran, Mayor Pro Tem Xavier Mendez, Judith Rivera, Ray Gutierrez, absent were Justina Cruz

Also, Present City Clerk Darlene Berber, Police Chief Perry Monita, Mr. Jackie Loper, Mr. Michael Ginnis

Public Comments:

Mayor Pro Tem Xavier Mendez Announced the Little Citizens park is a Go. Ramiro, Terri, and Himself did a walk around it looks nice and its well lit up. Terri working on an application for a grant. A public meeting will be Saturday February 13<sup>th</sup> at 11am so let the public know a flyer will be going out. Judi Rivera mentioned the flyer is supposed to be done tonight.

More discussion on excitement for the opening up of more businesses

Police Chief Perri Monita would like to mention that there is a new unite sitting out. Additional equipment will be added it will be around another 20K that will come out of cop's fund. That process will take another 4-8 weeks to get it all ordered and on the side DOJ Department of Justice in the past indicated that they wanted all police departments to have encrypted radios. Many people have asked all agencies thru the valley are going in to an encrypted system as far as law enforcement. That means purchasing new handed talkies the radios in the cars will probably be donated to the fire department. Will probably be getting a new mobile unit for the vehicles and about 6 hand held walkie talkies and that being encrypted and it will be coming thru the cops fund.

Discussion/Action:

Discussion/Action: Fire department would like to purchase a wild land fire truck for \$55,000 – Ana Beltran/Michael Ginnis/Jackie Loper presented by Jackie Loper council was provided a packet about the unit to take a look at. The unit we are looking st is a unit out of Keyes. It is a brush unit 2005 7400 unit used unit to has 46,000 miles on it by its standards it not been terribly used. This came about we have been having a lot of trouble with unit 60 over the past year to two years. The unite has been out of service four times in the last year. The shortest out of service out of this fourth time has been 3 weeks. It is been out of service about every 3 months. It is currently sitting at David and Sons and has been sitting there for the last 30 days. The surplus equipment has a backup story is the department had received some vehicles and we had to get rid of it, there were purchases

made thru county fire for the purchase of \$1 because they were not longer dependable and planned as use of back up the trucks were not capable for being used at a fire. A few weeks ago, Fire Chief Sergio Cruz, Jackie Loper, and Michael Ginnis had sat down the chief said the council approved to donate the units. 60 has become problematic. The unit doesn't always start the firefighters don't trust the unit. The last 2 times has been towed back. That's not what we're here to talk about but this is what has brought us to this place. Long and short they were talking about the brush truck that's in the back and use it a replacement for 60 in the meantime Michael found this one. It came up online Michael forwarded it to Jackie and Sergio as they were on a chat on the phone. They moved on reviewing the truck the many capabilities. Fire chief asked Michael to see if they could secure funding. Also, in the report there is a report from Brinton's fire which is a used fire apparatus company. They listed a used the brush truck. The truck is a certified used truck. They operate as the city tells them to operate. Loper wanted to clarify there is text for those that need to see them Sergio told him to see if they can secure funding which Jackie believes to have meant to see if we can purchase. The urgency of moving on this truck is there is also someone else bidding on the truck. The maintenance as every weekend Mr. Loper is willing to work on the truck, he is not an ASC certified mechanic. Council woman Rivera said for the record Sergio did reach out to her yesterday he called and confirmed with her that he would like to move forward with this to secure funding. His concern was the PTO doesn't work, Michael Ginnis elaborates on the 2 stage pump and the PTO still works the pump still works the valve is what needs to be replaced which is an easy fix the engineer that has driven the truck since day one. Many Details that confirm the operating of the truck the truck is being sold because their department has gotten another New truck and went into the use as of December so this is why it is up for sale. Mayor Ana Beltran mentioned Henry Graham suggested the market and Mr. Driskill elaborate on that. Mr. Driskill states he doesn't know what Mr. Ginnis conversations have been but there have been conversations 'or some discussions about using a certain amount of money out of the CHIRP account he doesn't know the balance of that account is. Madam Mayor stated 47,000. Mr. Driskill stated some maybe taking 45 out of the CHIRP account and for the balance taking it not out of the general fund checking account and there's the general fund saving account, but there is also a third account which is a Money Market account which is like a rainy-day account. If taking from the Money Market account there wouldn't be a scare if the money, we pay the bills with don't cross. Mayor pro tem asked how much is in the MM account? The money market account has about \$250K. Michael Ginnis discussed the Cares act funding coming in and will go to the CHIRP account. Discussion between board.

Before making a vote, the Mayor asked Mr. Driskill to elaborated on the Conflict of interest. The analysis is that there is a conflict of interest that will disqualify a councilmember which would disqualify a councilmember from voting or participating in on a matter that comes before the council. The political reform act is a 4-step analysis and so the question is we don't want public officials making discissions that will result as a financial gain for them Right that's a conflict of interest. So, the question is whether or not someone would benefit have a financial benefit? or source of income that would somehow affect them from participating and the threshold amount is \$500 or more. The understand is neither one of Mr. Gutierrez or Mayor Beltran would neither directly or indirectly be affected one way or another in receiving any money by or thru the fire

department or because of the fire department being a volunteer or participating with the fire department. So, for those reasons it doesn't really come into play it would be different if either would receive a salary for example from the fire department then we would have to go further in to looking into if any would receive more than \$500 a year then you'd have to go the next 3 steps of the analysis but we don't have to go that far.

Mayor Ana Beltran Thank you we just wanted clarification on that part as to us voting, Judi Rivera asked It would neither be for Tina either? Mr. Driskill replied well it depends on what the issue is for Tina, but he thinks that what we've generally is even though technically there may not be a violation of certain issues. We just don't want to have an appearance of any impropriety or an undue influence for Tina it really depends on a specific issue. For when we were talking about anything that has to do with salaries of the people on the fire department or certain other perks for people on the fire department then we have to start doing certain types of analysis because of the relationship of her and a paid member of the fire department. A paid member of the fire department so that kind of a different analysis. Mayor mentioned she didn't realize for Ray and herself because of her son but because Ray is a volunteer and her son is a volunteer it doesn't apply that there is no conflict of interest there. Mr. Gutierrez also said he didn't want it to be a conflict and that's good to have the clarification. (Some inaudible discussion)

Mr. Loper asked is in the motion if there can be some direction as to what to do with 60 if this is the replacement for 60. Mr. Driskill stated generally that would have to be declared surplus first so it's a separate process. Mr. Loper said he is just looking for direction as to if this will be the replacement for 60 or not and if it is how would the council like to proceed? Mayor pro tem said to bring back. Judi Rivera stated we just want you to come back. Mr. Loper stated he doesn't get out here too often. He has a different council meeting to attend on Wednesday nights. Not looking for a motion just general direction. Mr. Driskill Lets take this one meeting at a time the next council meeting is next week. Decision might be made next meeting. Judi Rivera asked for direction on a recommendation from the city attorney. More discussion as to the certification and options if we have to purchase a new truck this a Stop gap. A newer truck would cost about (More discussion to much back and forth) as to the options. (Repeated decisions)

This is not a long-term solution per Mr. Loper a long-term solution has a lot more zeros behind it. Michael Ginnis asked before the motion be made, If the council is in favor of this. One thing that we have to, like he said it's another fire department. They do not have a council they have a fire board. One thing he had found out before the meeting was that we need to submit a letter to them saying that we are offering them the asking price, and Mr. Ginnis let them know the urgency that our department has in it. So they are going to see if they can push back their board meeting up to approve the sale. If not it will be not this coming Tuesday but the following Tuesday. If behalf of the city he can submit that letter on a fire department letterhead stating that we are asking for the purchase of that vehicle for the \$54,900.00. That way they can make as motion and we can start working on that hopefully tomorrow. Mayor Beltran asked City Attorney if that would be a problem? Reply no just give direction. No PO needed just a letter. Mr. Loper stated we just need to submit a letter of intent of interest, and the letter needs to state we are offering you this dollar amount for this vehicle and then they will take it before their board, Motion to Approve the purchase of this vehicle for no more than \$55,000. For \$45,000 to come from the CHIRP and \$10,000 to come from Money Market account. As

well as give direction to give Mr. Ginnis to use the fire department letterhead to submit the letter of Interest or Intent to buy to purchase the fire truck. Motion made by Xavier Mendez Second by Ray Gutierrez. AIF Motion Passed

**City Council adjourned into Closed Session at 6:14pm adjourned back into regular meeting at 7:50pm Nothing to report from closed**

Motion to adjourn this meeting at 7:51pm by Motion by J. Rivera Second by X. Mendez AIF - Next regular meeting in February and will be held on Wednesday 3rd, 2021.

/s/ Darlene Berber

---

Darlene Berber, City Clerk

/s/ Ana Beltran

---

Ana Beltran, Mayor

Submitted for Approval 2/03/2021

Approved 2/03/2021