

## MEETING MINUTES

### The City Council/Successor Agency of the City of Firebaugh Vol. No. 17/11-06

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622

**Date/Time:** November 6, 2017/6:00 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Jenkins at 6:01 p.m.

#### ROLL CALL

**PRESENT:** Mayor Brady Jenkins  
Mayor Pro Tem Felipe Perez  
Council Member Marcia Sablan  
Council Member Elsa Lopez  
Council Member Freddy Valdez

**ABSENT:**

**OTHERS:** City Attorney Meggin Boranian; Acting City Manager/Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza, Fire Chief, John Borboa & others.

**PLEDGE OF ALLEGIANCE** Council Member Valdez led pledge of Allegiance.

**PUBLIC COMMENT** Mayor Jenkins took a moment of silence for the lives lost in the past church shooting.

#### CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council regular meeting on October 16, 2017.**

*Motion to accept consent calendar by Council Member Sablan, second by Council Member Perez; motion pass by Consensus 5-0 vote.*

#### PUBLIC HEARING

2. **ORDINANCE NO. 17-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ESTABLISHING REGULATIONS WITHIN THE FIREBAUGH MUNICIPAL CODE TO IMPLEMENT THE ADULT USE OF MARIJUANA ACT, INCLUDING ALLOWING COMMERCIAL CANNABIS OPERATIONS IN THE M-2 (HEAVY INDUSTRIAL) ZONE, SUBJECT TO A CONDITIONAL USE PERMIT, AND ESTABLISHING DEVELOPMENT STANDARDS FOR SUCH OPERATIONS – FIRST READING.**

City Planner Karl Schoettler informed that six State Agencies act as an oversight of Marijuana regulations and recommend if the tax measure fails during the election, the ordinance should be void because the city will not cover costs to allow and regulate these type of businesses. This ordinance prohibits all/any deliveries to Firebaugh due to concern of Public Safety. Marlene Britton questioned if there will be issues with water use or pressure and if so what will be the effect. Planner replied that businesses are efficient, water has not really been an issue, but there are issues with the power. Council Member Valdez recommended adding additional parcel next to the airport, along HWY 33 to expand the area to allow marijuana businesses to operate. **Public Hearing Opened at 6:15 pm** - Gilbert Coelho strongly expresses the city does not need those types of businesses, if other cities offer marijuana services and businesses already. Mr. Coelho is not in favor of these types of businesses as an effort to protect the safety of the children in our community. Jan Britton, teacher at our local school added, the school just celebrated red ribbon week, which encourage kids to live drug free, and is living in the area that the city is considering allowing marijuana businesses; she is also not in favor. Council Member Lopez explained the City wants to put an ordinance in place, so the State does not enforce a more lenient policy or regulations for our city. City Planner advised the City could also ban all forms of marijuana businesses. Police Chief added, the State may still override the city ordinance but only for the City's that do ban all forms of marijuana options. **Public Hearing Closed at 6:35 pm.**

*Motion to waive the first reading Ord. 17-03 by Council Member Valdez, second by Council Member Sablan; motion pass by consensus 5-0 vote.*

**NEW BUSINESS**

**3. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS POTENTIAL ANNEXATION OF EIGHT PARCELS WHICH APPROXIMATELY 115 ACRES.**

Council Members expressed interest in annexing eight parcels totaling an area of approximately 115 acres, along both sides of Washoe Avenue. The fact that Firebaugh’s Sphere of Influence (SOI) boundary runs down the middle of Washoe, one issue with some of the Parcels outside the SOI, the SOI needs to be amended so all portions of the proposed parcels are included. In addition, amending the SOI also requires the City to update its General Plan – to address the new lands that will be come under City control. State law requires City must prepare a document called a Municipal Service Review (MSR) when an amendment is made to the Sphere of Influence. An MSR is reviewed by all agencies that provide services within the Sphere of Influence of a City, which typically includes irrigation districts, fire districts, Mosquito Abatement Districts, Memorial Districts and County Service Area districts, among others. Then, it must be reviewed and approved by LAFCo (Fresno Local Agency Formation Commission). Finally, an environmental analysis must be prepared by the City and circulated for public review and comment required by CEQA (California Environmental Quality Act), before the City can take action on any matter. Annexation law requires that for this site, property owners owning at least 50% of the assessed value of the land being annexed must give written consent to the annexation – otherwise the annexation could be terminated. City would also have to pay significant fees to LAFCo, Fresno County Fire Protection District, advertisement and other fees totaling estimated cost of \$53,790. Estimated time to complete process is six to eight months.

*Council Member Valdez recommendation was to complete a survey to receive public input. Mayor Jenkins suggested the City ask proposed business owners interested in operating that area share cost for the annexation.*

**4. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW SOCIAL MEDIA INTERNET COMMUNICATIONS WITH CONSULTANT ON PROVIDED SERVICES.**

**Recommended Action:** Council receives public comments, Informational Item only.

**5. RESOLUTION NO. 17-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, CALIFORNIA, APPROVING ASSOCIATE MEMBERSHIP BY THE CITY IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF THE CITY IN THE AUTHORITY; AUTHORIZING THE CITY TO JOIN THE FIGTREE PACE PROGRAM; AUTHORIZING THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF FIREBAUGH; AND AUTHORIZING RELATED ACTIONS.**

*Motion to approve Res. No. 17-43 by Council Member Lopez, second by Council Member Sablan; motion pass by consensus 5-0 vote.*

**6. RESOLUTION NO. 17-44 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING AN APPLICATION FOR FUNDING FROM THE DEPARTMENT OF WATER RESOURCES AND DESIGNATING A REPRESENTATIVE TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS THERETO, FOR THE FIREBAUGH MULTI-BENEFIT MANAGEMENT PROJECT.**

*Motion to approve Res. No. 17-44 by Council Member Valdez, second by Council Member Perez; motion pass by consensus 5-0 vote.*

**7. RESOLUTION NO. 17 - 45 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO SETTLE CLAIM NUMBER 938194-GF WITH NATIONWIDE AGRIBUSINESS INS. NAIC, et al. AND EXECUTE A PROPERTY DAMAGE RELEASE.**

*Motion to approve Res. No. 17-45 by Council Member Valdez, second by Council Member Perez; motion pass by consensus 5-0 vote.*

**8. RESOLUTION NO. 17 - 46 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH FOR THE ACCEPTANCE OF WATER MAIN REPLACEMENT 15-CDBG-10568, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY AND AUTHORIZING THE CITY MANAGER TO RELEASE PAYMENT AND PERFORMANCE BONDS AND TO MAKE FINAL PAYMENT OF RETENTION MONIES TO ROLFE CONSTRUCTION.**

*Motion to approve Res. No. 17-46 by Council Member Lopez, second by Council Member Valdez; motion pass by consensus 5-0 vote.*

**9. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS PURCHASE OF IPADS WITH INTERNET SERVICES FOR CITY COUNCIL.**

**Recommended Action:** Council receives public comments & staff direction.

**STAFF REPORTS**

- **Police Chief, Sal Raygoza** – The City received \$1.2 million check for courthouse purchase, Freddy, Ben and Sal will be going to Sacramento to discuss the purchase with the State. Mayor Jenkins stated he would be attending, too.
- **Finance Director, Pio Martin** – Reported information has been submitted to the Auditor, who is working on the audit; staff has requested some information needed to report to financial advisor for purposes of the bond and grant application. Use of credit card payments system is on hold because of compatibility issue with our current operating system.
- **Public Works Director, Ben Gallegos** – Estimated cost is about \$780,000 for the Senior Center Rehab, after renegotiating with the contractor that submitted the only bid. The parking lot was removed, so staff will seek additional funding to pave in the future. Had an emergency break this weekend, Rolfe Construction came out and repaired it in the line at night for the city, estimated repair cost is \$15,000. City is applying for Community Development Block Grant funding for \$1.9 Million to rehab the VFW Hall, repair sewer lines, address issues at the sewer farm and repair other sewer projects to avoid future breaks.
- **City Attorney, Meggin Boranian** – Stated other cities asked her for sexual harassment training, because of the matter taking place with the Harry Weinstein case.
- **Council Member Sablan** - Requested a joint meeting with the school board members.
- **Council Member Valdez** – Stated, “Residents and business owners expressed approval of dispensaries and how they affected the town.”

**PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

*Motion to enter closed session at 7:56 pm, by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.*

**CLOSED SESSION**

**10. Government Code Section 54957**

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: City Manager.

*Motion to enter open session at 8:37 pm, motion pass by unanimous 5-0 vote.*

**ANNOUNCEMENT AFTER CLOSED SESSION:** *Nothing to report.*

**ADJOURNMENT** *Motion to adjourn by Councilmember Valdez, second by Councilmember Perez; motion passes by unanimous 5-0 vote at 8:38 p.m.*