

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No.16/11-07

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622

Date/Time: November 7, 2016/6:00 p.m.

CALL TO ORDER

ROLL CALL

Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Craig Knight
Council Member Marcia Sablan
Council Member Felipe Perez

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

1. APPROVAL OF MINUTES – The City Council regular meeting on October 17, 2016.

NEW BUSINESS

2. ORDINANCE NO. 16-06 - AN INTERIM URGENCY ORDINANCE OF THE CITY OF FIREBAUGH, ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY PERMITS FOR NEW AND RELOCATED WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHT-OF-WAYS, PURSUANT TO GOVERNMENT CODE SECTION 65858.

Recommended Action: Council receives public comment & waives first reading of Ord. No. 16-06.

STAFF REPORTS

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

1. Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS: ALL REPRESENTED AND UNREPRESENTED EMPLOYEES

City Negotiator: Ben Gallegos

Employee Organizations: Fire, Police & Public Works bargaining units and all unrepresented positions

2. Pending Litigation Government Code Section 54956.9.

CONFERENCE WITH LEGAL COUNSEL - Two (2) Case

3. Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: City Manager.

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

Certification of posting the Agenda

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, November 3, 2016 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 16/10-17

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622

Date/Time: October 17, 2016/6:00 p.m.

CALL TO ORDER Meeting called to order by Mayor Valdez at 6:00 p.m.

ROLL CALL

PRESENT: Mayor Pro Tem Brady Jenkins
Council Member Felipe Perez
Council Member Marcia Sablan

ABSENT: Mayor Freddy Valdez, Council Member Craig Knight

OTHERS: City Attorney Meggin Boranian; Acting City Manager/Public Works Director, Ben Gallegos; Finance Director, Pio Martin; Deputy City Clerk, Rita Lozano; Police Chief, Sal Raygoza; Fire Chief, John Borboa; City Planner, Karl Schoettler; City Engineer, Mario Gouveia, Wanda Breshears, Gilbert Coelho & others.

PLEDGE OF ALLEGIANCE Council Member Sablan led pledge of Allegiance.

PUBLIC COMMENT/PRESENTATION: None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on October 3, 2016.
2. WARRANT REGISTER – Period starting September 1, and ending on September 30, 2016.

September 2016	General Warrants	#34044 - #34186	\$ 432,411.49
	Payroll Warrants	#67379 - #67466	\$ 286,431.21
TOTAL			\$ 678,842.70

Motion to approve consent calendar by Council Member Sablan, second by Council Member Perez, motion pass by 3-0 vote.

PUBLIC HEARING

3. ORDINANCE NO. 16-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING THE EXISTING ZONING ORDINANCE (CHAPTER 25 OF THE FIREBAUGH MUNICIPAL CODE) AND REPLACING IT WITH A NEW COMPREHENSIVE ZONING ORDINANCE UPDATE – SECOND READING.

Open Public Hearing at 6:02 pm – No Public Comment given - Close Public Hearing at 6:04 pm.

Council Member Sablan request the Planning Commission review downtown parking issues listed in Zoning Ordinance and asked for clarification on the regulations of Mobile homes. City Planner advised Mobile Home Parks could address future non-existing Mobile Park homes in the zoning ordinance but State enforces code enforcement issues of the mobile home parks.

Motion to continue Ordinance No 16-05 and have Planning Commission to review and amend downtown parking before approval of Zoning Ordinance, by Council Member Sablan, second by Council Member Perez, motion pass by 3-0 vote.

- City Planner provided information of Potential Ordinance to regulate new cell towers within the street right-of-way and will present proposal of new ordinance at a future meeting regarding this matter.*

NEW BUSINESS**4. RESOLUTION NO. 16-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ESTABLISHING FEES TO BE CHARGED FOR THE USE OF CITY FACILITIES FOR THE DUNKLE PARK SCOUT BUILDING.**

Motion to approve Resolution No 16-39 by Council Member Sablan, second by Council Member Perez, motion pass by 3-0 vote.

5. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER RENTAL FEES FOR PLOTS AND WATER USAGE RATES AT THE COMMUNITY GARDEN.

Informational item only.

6. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER THE PURCHASE AND POLICY OF TABLETS.

Motion to approve policy and direct staff to purchase tablets by Council Member Sablan, second by Council Member Perez, motion pass by 3-0 vote.

7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER REVIEW OF RESOLUTION NO 08-27 REGARDING POLICE SERVICES FEES AND RESOLUTION NO 13-49 SALARY SCALE OF POLICE SERVICES.

Informational item only.

8. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER REVIEW OF RESOLUTION NO 12-59 REGARDING HEALTH INSURANCE FOR COUNCIL MEMBERS.

Per approved Resolution No 12-59, a budget surplus is required before offering Council Members health benefits; determination is pended on the refinancing of the water/sewer bonds, mid-year budget review, and pay back of \$753,000 to the enterprise funds for borrowed funding for payment to Toma-Tek re Utility Users Tax & \$80,000 for remold/relocation of City Hall.

Informational item only, item tabled to second meeting of January 2017.

STAFF REPORTS

- **Police Chief Raygoza** – Reported a fatal accident, pedestrian vs vehicle.
- **Fire Chief Borboa** – Noting to report.
- **Finance Director Pio Martin** – Working with Albert Peche on the refinancing of bonds, city received an A- rating, will hold a pre-pricing conference call tomorrow. Mr. Peche will present in November.
- **City Engineer, Mario Gouveia** – Working on an application regarding Small Community for grant project regarding River. Provided update on projects in town.
- **Public Works Director, Ben Gallegos** – Housing project is most likely not moving forward, the individuals involved could not agree on terms for the purchase of the land. Still working on market retailing, receiving many calls of interest but no success. Dollar General submitted plans, hoping to break ground in December 2016. Working with Pio on the bond refinancing process.
- **Council Member Sablan** – Asked for more information about the City of Parlier's measure, implanting a parcel tax to fund Police Department and ask if it is an option the City of Firebaugh has in the future if needed. Announce the Children's Corner is holding a bingo event.
- **Council Member Jenkins** – Reported the School did not receive funding for the resources officer.
- **City Attorney, Meggin Boranian** – provided information on the City of Parlier's measure.

CLOSED SESSION/ANNOUNCEMENT AFTER CLOSED SESSION: *None*

ADJOURNMENT - Motion to adjourn by Councilmember Sablan, second by Councilmember Perez; motion passes by 3-0 vote at 7:18 p.m.

FIREBAUGH CITY COUNCIL

STAFF REPORT

Date: November 7, 2016
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Urgency ordinance to establish a temporary moratorium on new cell towers within the street right-of-way

Summary/Overview

The attached ordinance would establish a 45-day moratorium on wireless telecommunications facilities within the public right-of-way. The ordinance requires action by the City Council.

Discussion

As was noted at the Council meeting on October 17, the City is aware of a company that is filing permits to establish tall cell towers within street rights-of-way throughout the State. No applications have been filed in Firebaugh so far; however, it is possible that one or more could be submitted in the near future. Staff is working on a permanent ordinance to regulate such towers but it will not be ready for adoption until the October 21 Council meeting (and if approved would not go into effect for about a month and a half).

In the meantime, the attached ordinance (if passed) would establish a 45-day moratorium on any such facilities. The ordinance requires a 4/5 vote of the City Council and if approved can be extended up to ten months and 15 days. No public hearing is required for action on the urgency ordinance. The point of the ordinance is to give the City time to research the issue and prepare permanent regulations that will serve the concerns of the community as a whole.

Analysis and Background

In 1996, Congress enacted the Telecommunications Act of 1996 (the "Act"). Among other provisions, the Act established the framework within which local government may regulate wireless telecommunications facilities (i.e., cellular telephone towers).

In 1996 and subsequent years, many cities across the country enacted local ordinances to regulate the development, siting, installation, and operation of wireless facilities consistent with the Telecommunications Act of 1996. Firebaugh has not enacted an ordinance to address wireless facilities located within a public right-of-way.

Since the turn of the century, state and federal law addressing the scope and manner of local regulation of wireless facilities has continued to evolve as a result of various court cases and

Federal Communications Commission rules. Requirements for local ordinances have also evolved over time in response to regulatory changes at the state and federal level. Not only has Firebaugh not enacted a wireless facilities ordinance for right-of-ways, the municipal code has not been studied or updated to reflect recent changes that may now be legally necessary.

In addition to detracting from public views and neighborhood character, unsightly wireless facilities and their related visual clutter can lead to or exacerbate public safety hazards such as distracted driving. This poses a safety concern in Firebaugh where members of the public, including children, commonly walk along public right-of-ways. For these reasons, the City Council is urged to consider regulating the appearance and location of wireless facilities within the public right-of-ways in order to promote the public health, safety and welfare.

Telecommunication Facilities Within a Public Right-of-Way:

While the zoning code provides for regulations for wireless communication facilities not in the public right-of-way, staff is proposing to study the latest changes in state and federal law in order to develop new, and update existing, local regulations for all types of telecommunication facilities, but particularly wireless communication facilities within a public right-of-way and on public property. The California Public Utilities Code (“Code”) includes regulations governing the relationship between municipalities and utility companies. The Code states that “...telephone corporations may construct...telephone lines along and upon any public road or highway,...and may erect poles, posts, piers or abutments for supporting insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway...” This includes wireless service providers.

Historically, municipalities could regulate the time, place and manner in which right-of-ways were accessed. At the same time, state law provided that a utility could not unreasonably interfere with the public's use of the right-of-way and that a municipality can require a discretionary permit, insurance and bonding, indemnification, compliance with the building code and aesthetic objectives be met. In light of recent state and federal legislation and case law, additional time is needed to prepare, evaluate and adopt reasonable regulations regarding wireless facilities.

Government Code § 65858 allows a city to adopt an urgency ordinance to establish a temporary moratorium on any specified land use, either to allow the city to study how to appropriately regulate it or when that land use may be inconsistent with zoning regulations being considered by the City Council, Planning Commission or City Planning staff:

“(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.

That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.”

To ensure that no new or relocated wireless facilities are approved which increase distractions for drivers, unsafely encroach upon busy right-of-ways, degrade existing aesthetics or which are inconsistent with the latest developments in the law, staff recommends that the City Council adopt an urgency ordinance pursuant to this provision so that staff can study and consider updated requirements for wireless facilities within public right-of-ways.

As noted above, such an ordinance would be effective for forty-five (45) days, after which time the City Council could hold a public hearing to further extend the moratorium for up to an additional ten (10) months and 15 days. The statute above also provides that ten (10) days prior to the expiration of the interim urgency ordinance (or any extension thereof), the City Council must issue a written report describing the measures taken to alleviate the condition, which led to the adoption of the ordinance. Staff will provide to the Council a proposed report on or before said deadline if the urgency ordinance is enacted.

The City Council would have the option to further extend the ordinance, though staff believes that one year may be adequate to study and develop wireless facility regulations for Planning Commission and City Council consideration. The proposed moratorium would not prohibit collocation of new antennas and equipment on existing wireless facilities or the maintenance, updating, repair or improvement of an existing wireless facility provided that the physical dimensions thereof are not substantially changed or increased.

ORDINANCE NO. 16-06

AN INTERIM URGENCY ORDINANCE OF THE CITY OF FIREBAUGH, ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY PERMITS FOR NEW AND RELOCATED WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHT-OF-WAYS, PURSUANT TO GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds and declares as follows:

- A. Under Public Utilities Code § 7901.1, a municipality can adopt reasonable time, place and manner regulations with respect to the manner in which public rights-of-way may be accessed by telephone companies, including wireless communication companies which have been granted state authorization permitting the construction of facilities in public rights-of-way.
- B. Title 47, United States Code § 332 appears to authorize municipalities to regulate the placement, construction and modification of wireless telecommunication facilities, subject to specified limitations.
- C. As used in this ordinance, “Wireless Facilities” means all equipment installed for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications services and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations and emergency power systems. “Wireless Facilities” shall not be deemed to include facilities constructed by and operated by suppliers of electric, gas or water utilities.
- D. The Firebaugh Municipal Code (**FMC**) is silent with respect to the development, siting, installation, and operation of Wireless Facilities within City rights-of-way.
- E. State and federal law addressing the scope and manner of local regulation of Wireless Facilities continues to develop and evolve as evidenced by the following cases and rule changes:
 - 1. In *Sprint Telephone PCS, L.P. v. County of San Diego* (2008) 543 F.3d 571 (“**Sprint Telephone**”), the Ninth Circuit Court of Appeals overruled seven years of Ninth Circuit jurisprudence relating to 47 U.S.C. § 253, a provision of Federal Telecommunications Act that, until this case was decided, had been interpreted to severely limit local authority to regulate Wireless Facilities.
 - 2. In *Sprint PCS Assets, LLC v. City of Palos Verdes Estates* (2009) 583 F.3d 716 (“**Sprint PCS**”), the Ninth Circuit Court of Appeals set out significant new standards establishing how municipalities may consider and decide applications for Wireless Facilities to be located within the public right-of-way.

3. On February 22, 2012, section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Act”) was enacted and changed how co-located Wireless Facilities must be evaluated, and in some cases must be approved, changing more than a decade of national jurisprudence relating to 47 U.S.C. § 332 that, until the passage of the Act allowed local governments wide latitude and discretion in considering co-location of Wireless Facilities in the public right-of-way, and on public and private property.

4. On October 17, 2014, the Federal Communications Commission (“FCC”) issued a Report and Order updating its rules and procedures governing new and modified Wireless Facilities, which includes clarifications on local zoning powers with respect to Wireless Facilities and the procedures for the review of siting applications.

5. Presently, the case of *T-Mobile West, LLC et al. vs. City and County of San Francisco et al.* is pending in the California First District Court of Appeals (Case No. A144252) and involves a legal challenge to longstanding legal authority of municipalities to regulate timing, location and manner of construction of Wireless Facilities.

F. The City anticipates receiving requests by telecommunications providers to establish new or expanded Wireless Facilities within the City. However, as noted above, the existing provisions of the FMC are inadequate and time is needed to review, study and revise the FMC to fully take into account the impacts related to the timing, location and manner of construction of Wireless Facilities by multiple telecommunication providers within the public rights-of-way as well as other public and private property, including the public health, safety and welfare concerns of pedestrian and vehicular traffic.

G. In addition to detracting from public views and neighborhood character, unsightly Wireless Facilities and their related visual clutter can lead to or exacerbate public safety hazards such as distracted driving. This poses a safety concern in Firebaugh where members of the public, including children, commonly walk along public right-of-ways. For these reasons, the City Council finds that it must consider regulating the appearance and location of Wireless Facilities within the public right-of-ways in order to promote the public health, safety and welfare.

H. The FMC must be updated in order to protect the public against the potential threats to the health, safety and welfare of the public arising from telecommunication providers constructing Wireless Facilities throughout the City. The City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the use of the public rights-of-way and other public and private property within the City for Wireless Facilities.

I. The absence of this ordinance would impair the orderly and effective implementation of contemplated amendments to the FMC, and any further authorization to construct Wireless Facilities in the City’s rights-of-way or other public or private property within the City during the period of this moratorium may be in conflict with or may frustrate the contemplated updates and revisions to the FMC.

J. Without the enactment of this ordinance, multiple telecommunication providers could quickly receive permits to install Wireless Facilities that pose a threat to the public health, safety and welfare. For example, without this ordinance, Wireless Facilities could:

1. Create land use conflicts and incompatibilities including excessive height of poles and towers;
2. Create visual and aesthetics blights and potential safety concerns arising from excessive size, heights, noise or lack of camouflaging of Wireless Facilities including the associated pedestals, meters, equipment boxes and power generators;
3. Create unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalize on collocation opportunities;
4. Cause substantial disturbances to rights-of-way through the installation and maintenance of Wireless Facilities;
5. Create traffic and pedestrian safety hazards due to the unsafe location of Wireless Facilities; and
6. Negative impact the unique quality and character of the City.

K. The City Council further finds that this moratorium is a matter of local and citywide importance and is not directed towards any particular telecommunication provider that currently seeks to establish a Wireless Facility.

L. Government Code §§ 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety and welfare, and to prohibit certain land uses that may conflict with land use regulations that the City's legislative bodies are considering or intend to study within a reasonable time.

M. The City Council finds that there is a current and immediate threat to the public health, safety and welfare based on the above findings, and upon that basis has determined that an urgency ordinance prohibiting the issuance of new permits or approvals for new Wireless Facilities in public rights-of-way within the City is warranted.

SECTION 2. Applicability. This ordinance applies to all applications for the installation of new, and the relocation of existing, Wireless Facilities within any public right-of-way in any zone within the City of Firebaugh.

SECTION 3. Moratorium on New Wireless Facilities.

A. Except as provided in Section 4 below, for a period of forty-five (45) days from the date of adoption of this ordinance, no permits or other approvals may be issued for any:

1. Installation of a new Wireless Facility in a public right-of-way; or
2. Relocation of an existing Wireless Facility in a public right-of-way.

B. For new applications for Wireless Facility installations and relocations received after the effective date of this ordinance, any time limits or mandatory approval time frames relative to the processing or action upon permit applications for any Wireless Facilities described in Section 3(A) are tolled during the term of this moratorium. The City Council intends to terminate this moratorium as soon as reasonably feasible within a timeframe to allow the adoption of new local regulations with respect to Wireless Facilities, to the extent reasonably advisable by staff following

its study. Notwithstanding the foregoing, City staff may deny any application for a permit, which prohibited from being issued under this ordinance.

SECTION 4. Exceptions. The provisions of this ordinance shall not be construed to prohibit the issuance of permits or approvals for the following:

- A. The collocation of new antennas and other equipment on an existing Wireless Facility, provided that the exterior physical dimensions of the existing Wireless Facility are not substantially changed or increased;
- B. The maintenance, updating, repair or improvement of an existing Wireless Facility, provided that the physical dimensions of the Wireless Facility are not substantially changed. The determination of whether the physical dimensions will be substantially changed shall be in accordance with criteria stated in the FCC Report and Order dated October 17, 2014.

SECTION 5. Report.

The City Manager or the appointed designee is authorized and directed to prepare and issue, on behalf of the City Council, a written report describing the measures taken by the City to alleviate the conditions which have led to the adoption of this ordinance, at least ten (10) days prior to the expiration of this ordinance. A copy of the same shall be subsequently provided to the City Council for review.

SECTION 6. CEQA Review. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment], 15060(c)(3) [the activity is not a project as defined by CEQA], and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. These findings are premised on the fact that the adoption of this urgency interim ordinance will maintain existing environmental conditions arising from the City's current land use regulations without significant change or alteration. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 7. No Liability. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Firebaugh, or any official, employee or agent thereof.

SECTION 8. Pending Actions. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of the City of any character be lost, impaired or affected by this ordinance.

SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or

circumstance. The City Council of the City of Firebaugh hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 10. Construction. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent, the provisions of the Firebaugh Municipal Code as amended by this ordinance are substantially the same as provisions in the Firebaugh Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 11. Urgency; Effective Date; Duration and Publication. This ordinance is adopted by the City Council pursuant to the California Constitution, article XI, section 7 and Government Code section 65858 by a four-fifths (4/5) or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reasons for such urgency are set forth in Section 1 above. This ordinance shall expire and be of no further force or effect forty-five (45) days after its adoption, unless it is extended pursuant to Government Code section 65858. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Firebaugh-Mendota Journal, a newspaper printed and published in the City of Firebaugh, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Firebaugh, State of California, on the 7th day of November, 2016, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

ATTEST:

Freddy Valdez
Mayor

Rita Lozano
Deputy City Clerk
[Gov. Code § 36804]