

# MEETING MINUTES

## The City Council/Successor Agency of the City of Firebaugh Vol. No. 17/11-20

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** November 20, 2017/6:00 p.m.

**CALL TO ORDER** Meeting called to order by Mayor Jenkins at 6:04 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; Police Chief, Sal Raygoza, Fire Chief, John Borboa; City Engineer, Mario Gouveia & others.

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

**PUBLIC COMMENT**

*Bryn Forhan of The Forhan Company has collaborated with California for Energy Independence (CEI) and the Fresno County Superintendent to offer "Careers in Energy" program, which is 59 days of Code Technology and education, Computer design technology that offers skills and education to students that wish to seek careers in Energy. Twenty students from Firebaugh High School, as well as twenty students from Mendota High School participated in the program this year and the hope is to continue offering these classes and more to local students.*

**PRESENTATION**

*Ashu Jain, P.E., Senior Manager of Opterra Energy Service provided information about their company, including the services they offer. They completed an analysis of all city owned facilities and provided a proposal on how they can save the city money by replacing equipment and improving energy efficient device at several locations, such as the Senior center, Community Center, City Hall, Fire Department and at the different Well locations. Opterra Energy Service proposal estimates cost of \$ 5.8 million, will finance the city for 20 years @ 3.3 year Interest rate with a possible \$10 million cost savings (guarantee cost savings of 95%). Opterra prepares the financing and RFP documents, if the City would like to include certain banks, please advise Opterra and an RFP would be submitted to them also. If Opterra's recommendations were incorrect, then Opterra would issue a check to the match the difference of their suggested savings listed in the proposal.*

**CONSENT CALENDAR**

- 1. APPROVAL OF MINUTES – The City Council regular meeting on November 6, 2017.
- 2. WARRANT REGISTER – Period starting October 1, and ending on October 31, 2017.

October 2017	General Warrants	#35756 - #35872	\$ 308,835.49
	Payroll Warrants	#68799 - #68912	\$ 208,879.68
<b>TOTAL</b>			<b>\$ 517,715.17</b>

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

**PUBLIC HEARING**

3. **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 – SECOND READING.**

City Planner Karl Schoettler informed of clarification on age from by Council Member Valdez. The correct age is 21 years old not age 18. No Dispensaries will be allowed with this ordinance. City Attorney Boranian provided an update on Thursdays' State approved regulations, allowing temporary licenses issued by the State, (estimated \$80,000 max-\$12,000 min based on Production). **Public Hearing Opened at 6:44 pm** – Mrs. Marleen Britton, stated if a contained warehouse (for the marijuana facility will operate), is what the council is proposing vs. growth of outdoor farming facility and with the attorney's provided update, I still disagree but feel more comfortable. City Manager Gallegos repeated no outdoor growth is allowed by this proposed ordinance, the plan for any facility that may operate in the city is only for medical purposes. They will have to obey several regulations to operate, such as: Security System, Odor Control, Background checks for all employees, Permits through Planning Commission, which includes notifications to all neighbors in the area for their input prior to issuing a permit, and inside growth, are just a few requirements. Mr. Britton stated his concern of a slippery slope, "It may beginning with Medical Marijuana and can change to something else in the future that could allow dispensaries, and the city does have the option not to allow any form of marijuana businesses." Wanda Breshears agreed with Mr. Britton's statement. **Public Hearing Closed at 6:53 pm.**

*Motion to approve Ord. 17-03 by Council Member Valdez, second by Council Member Sablan; motion pass by 4-1 vote. Lopez vote – no.*

**NEW BUSINESS**

4. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER THE FACILITY USE REQUEST OF THE RODEO GROUNDS BY CARMEN MURRIETA FOR A JOAQUIN MURRIETA EVENT AS A FUNDRAISER THAT WILL HELP TO BENEFIT A SCHOLARSHIP FUND.**

*Motion to deny by Council Member Lopez, second by Council Member Jenkins; motion pass by Consensus 3-2 vote. Sablan and Perez – vote no.*

5. **RESOLUTION NO. 17-47 - A RESOLUTION APPROVING A 2017 APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

*Motion to accept Res. No. 17-47 by Council Member Valdez second by Council Member Perez; motion pass by Consensus 5-0 vote.*

6. **RESOLUTION NO. 17-48 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDING CONTRACT TO MARKO CONSTRUCTION GROUP, INC. FOR SENIOR CENTER REHABILITATION 15-CDBG-10568.**

*Motion to accept Res. No. 17-48 by Council Member Sablan second by Council Member Valdez; motion pass by Consensus 5-0 vote.*

**PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

*Motion to enter closed session at 7:08 pm, by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.*

**CLOSED SESSION**

**8. Government Code Section 54957**

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: City Manager.

*Motion to enter open session at 8:40 pm, motion pass by unanimous 5-0 vote.*

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

**7. RESOLUTION NO. 17-49 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING APPOINTMENT OF BENJAMIN GALLEGOS TO THE POSITION OF CITY MANAGER.**

*City Attorney advised of two changes to the contract:*

- *Page 2, section 2, paragraph A – Council will evaluate the Employee at six months and determine salary increase at least 5% with satisfactory review to Council will evaluate Employee at 6 months and determine whether to adjust the starting salary.*
- *Page 4, section 3, paragraph F – Health Insurance Coverage – Full coverage of premiums for Employee and family with no out of packet cost change to Full coverage of premiums for Employee and Family.*

*Motion to approve Res. No. 17-49 by Council Member Lopez, second by Council Member Sablan; motion pass by consensus 5-0 vote.*

**STAFF REPORTS**

- *Police Chief, Sal Raygoza – Next Meeting November 9, Freddy, Ben and Sal for negotiations on Courthouse with Fresno County. Two Hundred people attended the “Reality Tour” Saturday’s at Firebaugh High School, which is a reenactment of traffic accidents.*
- *City Engineer Mario Gouveia – HUD Tank Update – following Las Deltas District project, State is considering allowing the City to move forward with the HUD Tank upgrades. Application has been submitted. Estimated cost for demo of HUD tank is about \$100,000 to \$200, 000 with about \$3 million to rebuild.*
- *Public Works Director, Ben Gallegos – Pio is out but he stated the credit card machine was ordered so hopefully it will be operating in January. Pio was not able to upload the agenda on the website. If anyone wants to attend LafCO training December 20<sup>th</sup>, three can attend. Christmas Decorations are going up in town.*
- *Council Member Sablan - Requested a joint meeting with the school board members.*
- *Council Member Valdez – Attended a tour of a few mid-level dispensaries, they were highly secured and staff was professional.*

**ADJOURNMENT**            *Motion to adjourn by Councilmember Valdez, second by Councilmember Perez; motion passes by unanimous 5-0 vote at 8:07 p.m.*