

COUNCIL MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh
Vol. No.18/04-16

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: April 16, 2018/6:00 p.m.

CALL TO ORDER

ROLL CALL
Mayor Felipe Pérez
Mayor Pro Tem Marcia Sablan
Council Member Elsa Lopez
Council Member Freddy Valdez
Council Member Brady Jenkins

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

PRESENTATION

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 April 2, 2018.**
2. **WARRANT REGISTER – Period starting March 1, and ending on March 31, 2018.**

March 2018	General Warrants	#36383 - #36516	\$ 716,076.83
	Payroll Warrants	#69352 - #69452	\$ <u>212,561.81</u>
TOTAL			\$ 928,638.64

PUBLIC HEARING

3. **ORDINANCE NO. 18-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH (1) AMENDING MUNICIPAL CODE SECTION 25-29.2 TO CLARIFY COMMERCIAL CANNABIS ACTIVITIES IN THE M-2 ZONES; (2) REPEALING MUNICIPAL CODE SECTION 25-41.13 AND REPLACING IT WITH A NEW CHAPTER 25.5-1 TO ESTABLISH A NEW "CANNABIS CONTROL ORDINANCE," INCLUDING A REGULATORY FRAMEWORK FOR COMMERCIAL CANNABIS OPERATIONS AND PERSONAL USE CULTIVATION (MEDICAL AND RECREATIONAL/ADULT USE); AND (3) AMENDING MUNICIPAL CODE SECTION 25-67.3 "DEFINITIONS" TO DELETE AND MOVE CANNABIS-RELATED DEFINITIONS TO MUNICIPAL CODE SECTION 25-41.13. FIRST READING.**

Recommended Action: Council receives public comment & waives first reading of Ord. 18-02.

NEW BUSINESS

4. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER USE OF ANDREW FIREBAUGH COMMUNITY CENTER AND RODEO GROUNDS FOR FESTIVAL EVENT ON OCTOBER 6, 2018.

Recommended Action: Council receives public comment & takes action.

5. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER THE REQUEST FOR REDUCED OR WAVIER OF BUILDING PERMIT FEES BY WESTSIDE PRODUCE.

Recommended Action: Council receives public comment & takes action.

6. RESOLUTION 18-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DIRECTING THE FILING OF THE ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF FIREBAUGH.

Recommended Action: Council receives public comment & approves Res. No. 18-19.

7. RESOLUTION NO. 18-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY OF FIREBAUGH FY 2018/2019 LIST OF ELIGIBLE PROJECTS FOR FUNDING FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) CREATED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, AND AUTHORIZING THE CITY MANAGER TO FILE WITH THE CALIFORNIA TRANSPORTATION COMMISSION THE PROJECT LIST AND ANNUAL EXPENDITURE REPORT FOR FY 2018/2019 RMRA FUNDING.

Recommended Action: Council receives public comment & approves Res. No. 18-20.

STAFF REPORTS

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

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, April 13, 2018 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

STAFF REPORTS

- **Finance Director, Pio Martin** – Asked other cities what they are doing regarding OPEB (unfunded liability), response from everyone is they are paying as we go, but will continue to research other options. Council Member Lopez, suggested putting funding aside for emergency situations and other payouts, possibly in the LAIF.
- **City Attorney Meggin Boranian** – CalPERS impacts not just this city but other districts and some that are represented Mrs. Boranian, they also pay as they go.
- **City Manager, Ben Gallegos** – A public hearing for the Cannabis control Ordinance was placed in the Journal, to meet the 10 day legal requirement and will be presented at the next meeting. Construction on the baseball bleachers began again, electrical is included, city has committed \$4000 for paint, and storage area is still there.

PUBLIC COMMENT

Genevieve inquired about the square footage rate charge regarding the cannabis facility, and replied it will cause a problem to find a renter because the rate is too high. City Manager Gallegos responded the rate is about the same price as other cities. Genevieve stated Firebaugh is much smaller than other cities, so rates should less. Staff informed the ordinance will be introduced at the next council meeting, with attorneys in attendance to answer all questions; therefore, this discussion should be continued at that time.

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**CLOSED SESSION**

ANNOUNCEMENT AFTER CLOSED SESSION: None

ADJOURNMENT *Motion adjourn by Council Member Jenkins, second by Council Member Perez; motion passes by unanimous 4-0 vote at 6:27 p.m.*



REPORT TO CITY COUNCIL
— MEMORANDUM —

AGENDA ITEM NO: _____

COUNCIL MEETING DATE: April 16, 2018

SUBJECT: Warrant Register Dated: March 1, 2018 – March 31, 2018

RECOMMENDATION:

In accordance with Section 37202 of the Government Code of the State of California there is presented here with a summary of the demands against the City of Firebaugh covering obligations to be paid during the period of:

MARCH 01, 2018 – MARCH 31, 2018

Each demand has been audited and I hereby certify to their accuracy and that there are sufficient funds for their payment as of this date.

IT IS HEREBY RECOMMENDED THE CITY COUNCIL
APPROVE THE REGISTER OF DEMANDS AS FOLLOWS:

GENERAL WARRANTS	# 36383 – #36516	<u>\$ 716,076.83</u>
PAYROLL WARRANTS.....	# 69352 – #69452	<u>\$ 212,561.81</u>
TOTAL WARRANTS.....		\$ 928,638.64

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Net Amount</u>	<u>Description</u>
36383	3/1/2018	A.M. PECHE & ASSOC. LLC	\$ 2,408.32	FIREBAUGH 2016-17 WATER D
			\$ 2,514.19	SUCCESSOR FIREBAUGH RDA 2
			\$ 2,408.32	FIREBAUGH 2016-17 WASTEWATER
		Check Total:	\$ 7,330.83	
36384	3/1/2018	BIG G'S AUTOMOTIVE CENTER	\$ 180.19	PW#34-PADS/SEALS/ROTOR
			\$ 59.10	PW#10 PADS
		Check Total:	\$ 239.29	
36385	3/1/2018	FERNANDO CAMPA	\$ 250.00	HEALTH INSURANCE STIPEND
36386	3/1/2018	ERIKA CASTILLO	\$ 56.00	PAID FOR ADDITIONAL SENIORS
36387	3/1/2018	CORBIN WILLITS SYSTEMS	\$ 1,020.18	ADMINISTRATION C/W SERVICE
36388	3/1/2018	CVR & ASSOCIATES, INC.	\$ 1,471.80	BLDG & INSPEC INSPECTION
36389	3/1/2018	DEPARTMENT OF JUSTICE	\$ 210.00	JANUARY 2018 BLOOD ALCOHOL
36390	3/1/2018	FIREBAUGH AUTO REPAIR	\$ 130.00	DIAGNOSTIC AND REPAIR
36391	3/1/2018	FRESNO/MADE0A POLICE CHIE	\$ 150.00	ANNUAL MEMBERSHIPS DUES
36392	3/1/2018	FRESNO COUNTY HOUSING AU	\$ 63,874.01	REFUND DEPOSIT FOR CARPOR
36393	3/1/2018	HELENA CHEMICAL COMPANY	\$ 83.60	GYPSUM SOLUTION GRADE BAG
36394	3/1/2018	HUB INTERNATIONAL	\$ 128.04	SPECIAL EVENT INSURANCE
36395	3/1/2018	BRADY JENKINS	\$ 300.00	MONTHLY SALARY FOR MEETING
36396	3/1/2018	KIM TURNER, LLC.	\$ 200.00	TRAINING R.TABARES/J. PER
36397	3/1/2018	KTS SERVICES OF NORTHERN	\$ 1,385.19	SHORTEL ENTERPRISE SUPPORT
36398	3/1/2018	MADERA UNIFORM	\$ 168.39	VEST F.MORENO
			\$ 180.80	VEST B. ORTIZ
		Check Total:	\$ 349.19	
36399	3/1/2018	MID-VALLEY DISPOSAL	\$ 63.98	1800 HELM CANAL RD
36400	3/1/2018	RICARDO MONAY	\$ 250.00	HEALTH INSURANCE STIPEND
36401	3/1/2018	FERNANDO MORENO	\$ 250.00	HEALTH INSURANCE STIPEND

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36402	3/1/2018	NAPA AUTO PARTS - FIREBAU	\$ 30.28	PD-PART
			\$ 15.52	#8-TRANFLU
			\$ 18.42	PW#15 MOWER FILTER
			\$ 14.41	PW#15-OIL FILTER
			\$ 6.85	PD#7-OIL FILTER
			\$ 18.99	PD#7-REPAIR BEARING
			\$ 30.17	INTERLCKBALL MOUNT
			\$ (30.17)	RETURN INTERLCKBALL MOUNT
			\$ 24.53	SHOP SUPPLIES-LITHIUM
			\$ 6.94	SHOP-GASKET MATERIAL
			\$ 15.85	WWTP/SHOP-OIL/ARMOR ALL
			\$ 25.33	FD-CAR WASH PURPLE
		Check Total:	\$ 177.12	
36403	3/1/2018	FELIPE PEREZ	\$ 150.00	MONTHLY SALARY FOR MEETING
36404	3/1/2018	MARIA ALICIA PEREZ	\$ 125.00	A/F HALL CLEANING REFUND
36405	3/1/2018	QUINN COMPANY, INC.	\$ 374.30	CAT WHEEL ENGINE
			\$ 10.30	SHOP SUPPLIES-COMPOUND
		Check Total:	\$ 384.60	
36406	3/1/2018	MARCIA SABLAN	\$ 150.00	MONTHLY SALARY FOR MEETING
36407	3/1/2018	TECH MASTER MANAGEMENT	\$ 40.00	POLICE DEPARTMENT
			\$ 150.00	PEST CONTROL DEPTS
		Check Total:	\$ 190.00	
36408	3/1/2018	TPX COMMUNICATIONS	\$ 1,569.86	ALL DEPTS-TELEPHONE & INTERNET
36409	3/1/2018	THARP'S FARM SUPPLY	\$ 16.64	COUPLER
			\$ 13.37	BACKFLOW GAUGE
			\$ 53.20	BATTERY FOR LIFT STATION
			\$ 16.19	PARKS-OIL
			\$ 14.36	EDGER-V BELT
			\$ 6.05	PW#15-SPRING
			\$ 3.24	SHOP-CURTIS KEYS
			\$ 13.58	PD#7-ULTRA BLACK GSKT MAKE
			\$ 3.75	SHOP TOOL -SPRING
			\$ 63.60	WWTP-GOPHER BAIT
			\$ 7.52	PW#15-SPRING
			\$ 55.86	LIFT STATIONS & TRUCK #39
			\$ 3.01	DOG KENNEL-NAIIS
			\$ 8.63	TRASH CANS DOWNTOWN
			\$ 33.12	SHOP/GRAY TRAILER-GREASE

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Net Amount</u>	<u>Description</u>
36409	3/1/2018	THARP'S FARM SUPPLY	\$ 90.80	LIFT STATIONS/AUTO PAK SH
			\$ 34.74	SHOP TOOL-WRENCH
			\$ 1.43	SHOP-FLATWASHER
			\$ 11.86	GATOR-SUPERDUTY SLIME
			\$ 38.84	BATTERY TIMERS
			\$ 40.60	LIGHT BULBS-COMM CTR KITCHEN
			\$ 195.99	WWTP-COVER ALL
			\$ 44.81	WWTP-ROLLER
Check Total:			\$ 771.19	
36410	3/1/2018	THOMASON TRACTOR COMPAN	\$ 51.31	SHOP SUPPLIES-OIL
			\$ 69.21	PW#15-WHEEL MOWER
Check Total:			\$ 120.52	
36411	3/1/2018	ALFRED VALDEZ	\$ 300.00	MONTHLY SALARY FOR ATTEND
36412	3/1/2018	TUCKER CARRILLO-ZAZUETA	\$ 250.00	HEALTH INSURANCE STIPEND
36413	3/1/2018	GOLDEN ONE CREDIT UNION	\$ 1,666.66	YJOHN BORBOA MONTHLY SALARY
36414	3/1/2018	RODDY A. LAKE	\$ 313.75	POLICE HEALTH INS
36415	3/1/2018	CITY OF FIREBAUGH	\$ 38,449.46	UNITED SEC BANK-P/R - MED
36416	3/2/2018	U.S. POSTMASTER	\$ 790.07	UTILITY BILLING MARCH 2018
36417	3/9/2018	ADAMS ASHBY GROUP, LLC	\$ 3,590.00	GENERAL ADMINISTRATION
			\$ 3,960.00	LABOR COMPLIANCE- SENIOR
Check Total:			\$ 7,550.00	
36418	3/9/2018	AGRI-VALLEY IRRIGATION LL	\$ 15.23	DUNKLE PARK-ADAPTER MALE
			\$ 71.54	SENIOR CENTER-PIPE PVC
			\$ 12.69	PLANTERS BY BELLI/WESTHILLS
			\$ 81.79	SENIOR CENTER-PIPE PVC
			\$ 29.09	MALDONADO PARK-SPRINKER
			\$ 80.74	ENCLOSED AREA-SPRINKLERS
Check Total:			\$ 291.08	
36419	3/9/2018	AMERIPRIDE SERVICES INC.	\$ 75.00	PD-MATS
36420	3/9/2018	AT&T MOBILITY	\$ 415.80	POLICE DEPARTMENT #287249

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36421	3/9/2018	AT&T	\$ (12.18)	ALL DEPT INTERNET #939101
			\$ 206.49	ALL DEPT TELEPHONE #93910
			\$ 499.91	PD INTERNET #9391012020
		Check Total:	\$ 694.22	
36422	3/9/2018	AUTOZONE COMMERCIAL (1379	\$ 9.05	PW#15-FOAMY ENG BRITE
			\$ 23.95	PD-RUBBER MAT
			\$ 24.82	PD-PROELITE TELESOPING
			\$ 26.76	SHOP TOOLS-DURALAST HEX B
			\$ 32.38	SHOP TOOL-TOOL/IRWIN 5PC
			\$ 6.57	PD#14-DURALAST DISC HARDWARE
			\$ 160.86	PD#4-DURALAST HUB BEARING
			\$ (82.05)	PD-DURALAST HUB BEARING
36422	3/9/2018	AUTOZONE COMMERCIAL (1379	\$ 15.97	PD-XTRAVISION CAPSULE
		Check Total:	\$ 218.31	
36423	3/9/2018	COOK'S COMMUNICATIONS	\$ 615.69	PD-REMOTE SPEAKER MIC-6
36424	3/9/2018	CENTRAL VALLEY TOXICOLOG	\$ 146.00	PD-DRUG SCREEN
			\$ 151.00	PD-DRUG SCREEN
			\$ 219.00	PD-DRUG SCREEN
		Check Total:	\$ 516.00	
36425	3/9/2018	DEPARTMENT OF JUSTICE	\$ 298.00	PD-FINGERPRINTS
36426	3/9/2018	LINDA ESPINOZA	\$ 150.00	A/F HALL CLEANING DEPOSIT
36427	3/9/2018	FIREBAUGH HARDWARE COMP.	\$ 10.00	SENIOR CENTER-CONCRETE
			\$ 5.00	SENIOR CENTER-CONCRETE
			\$ 2.90	FRAME ROLLER
			\$ 47.15	COMMUNITY CENTER/FIRE DEPT
		Check Total:	\$ 65.05	
36428	3/9/2018	FRESNO COUNTY TREASURER	\$ 82.74	18-PRISONER PROCESSING FEES
			\$ 164.04	RMS/JMS/CAD ACCESS FEES
		Check Total:	\$ 246.78	
36429	3/9/2018	KIMBERLY GARCIA	\$ 150.00	ENCLOSED AREA CLEANING DEP
36430	3/9/2018	GUTHRIE PETROLEUM, INC.	\$ 1,052.04	BULK UNLEADED GASOLINE
			\$ 893.50	BULK UNLEADED GASOLINE
			\$ 1,282.62	BULK UNLEADED GASOLINE
			\$ 1,074.06	BULK UNLEADED GASOLINE
		Check Total:	\$ 4,302.22	

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check Number</u>	<u>Check Date</u>	<u>Name</u>	<u>Net Amount</u>	<u>Description</u>
36431	3/9/2018	HELENA CHEMICAL COMPANY	\$ 1,645.30	CHEMICAL-ROUNDUP/GOAL
36432	3/9/2018	HINDERLITER, deLLAMAS	\$ 77.46	AUDIT SERVICES-SALES TAX
36433	3/9/2018	HOME DEPOT CREDIT SERVICE	\$ 424.23	PRKS/STREET/COMMUNITY CTR
			\$ 199.68	COMMUNITY CTR/CITY HAL
			\$ 300.84	COMM. CTR/SHOP/JANITORIAL
			\$ 123.98	PARKS-SUPPLIES
		Check Total:	\$ 1,048.73	
36434	3/9/2018	JMP OFFICE TECHNOLOGIES	\$ 528.25	FOLDING MACHINE YEARLY FEE
36435	3/9/2018	MANUELS TIRE SERVICE, INC	\$ 39.33	PW#15-TURF SAVER
			\$ 35.29	PW-TURF SAVER
			\$ 876.74	FORD F150 FRONT WHEEL ALIGN
			\$ 29.17	PW-TUBE
		Check Total:	\$ 980.53	
36436	3/9/2018	MEGGIN BORANIAN	\$ 6,000.00	MONTHLY RETAINER MARCH 2018
			\$ 468.00	SPECIAL SERVICES-PD LITIGATION
		Check Total:	\$ 6,468.00	
36437	3/9/2018	MID-VALLEY DISPOSAL	\$ 27,472.58	SERVICES PERFORMED DURING
36438	3/9/2018	PACIFIC GAS & ELECTRIC	\$ 76.30	FIRE DEPT #3228327255-0
36439	3/9/2018	CALIF PUBLIC EMPLOYEES RE	\$ 7,569.51	ANNUAL UNFUNDED ACCRUED
			\$ 12,442.11	ANNUAL UNFUNDED ACCRUED
			\$ 0.51	ANNUAL UNFUNDED ACCTUED
		Check Total:	\$ 20,012.13	
36440	3/9/2018	PEREZ SMOG & LUBE	\$ 50.00	PW#8-SMOG
			\$ 50.00	VEHICLE#4-SMOG
			\$ 260.00	PW#4-DIAGNOSTIC/SERVICE
		Check Total:	\$ 360.00	
36441	3/9/2018	PITNEY BOWES #8000-9090-	\$ 520.99	POSTAGE MACHINE REFILL
36442	3/9/2018	PITNEY BOWES GLOBAL FINAN	\$ 506.05	POSTAGE LEASE
36443	3/9/2018	CSG CONSULTANTS, INC.	\$ 360.00	BLDG & INSPECTION SERVICE

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36444	3/9/2018	QUILL CORPORATION	\$ 28.04	RITA-BINDERS;PENS-OFFICE
			\$ 55.24	RITA/MARGARET-RING BINDER
			\$ 22.40	RITA-SAMSIL CLEAN TOUCH
		Check Total:	\$ 105.68	
36445	3/9/2018	SPARKLETTS	\$ 88.31	POLICE DEPARTMENT
			\$ 93.23	CITY HALL/SENIOR CENTER
		Check Total:	\$ 181.54	
36446	3/9/2018	STAPLES BUSINESS ADVANTAG	\$ 140.71	PD-OFFICE SUPPLIES
36447	3/9/2018	U.S. BANK EQUIPMENT FINAN	\$ 140.39	RNT/LEASE EQUIP
36448	3/9/2018	VALLEY POWER SYSTEMS NOR	\$ 8,085.25	FD-MAIN PUMP VALVE REPAIR
36449	3/9/2018	VALLEY NETWORK SOLUTIONS	\$ 992.50	MONTHLY MONITORING MARCH2018
			\$ 992.50	MONTHLY MONITORING APRIL 2018
		Check Total:	\$ 1,985.00	
36450	3/9/2018	SANTOS FORD	\$ 51.39	PD-FORD TAURUS OIL CHANGE
36451	3/9/2018	WEST SIDE DRUG STORE	\$ 11.42	PD- ENERGIZER BATTERIES
			\$ 3.77	PD-BABY WIPES LIVESCAN
		Check Total:	\$ 15.19	
36452	3/13/2018	CITY OF FIREBAUGH	\$ 91,290.78	UNITED SEC BANK-PAYROLL
36453	3/16/2018	ALERT-O-LITE, INC.	\$ 49.22	PULLEY IDLER 3 METAL
36454	3/16/2018	AQUA-AEROBIC SYSTEMS, INC	\$ 1,620.74	WWTP-PARTS MTR
36455	3/16/2018	AXCES INDUSTRIAL SUPPLY	\$ 742.87	DISENFECTANT CLEANER/DEGREASE
36456	3/16/2018	COOK'S COMMUNICATIONS	\$ 591.28	PD-HELICAL WHIP ANTENNA
36457	3/16/2018	CORELOGIC SOLUTIONS, LLC.	\$ 200.00	REALQUEST FEBRUARY 2018
36458	3/16/2018	DEPARTMENT OF JUSTICE	\$ 210.00	FEBRUARY 2018 BLOOD ALCOHOL
36459	3/16/2018	ELITE UNIFORMS	\$ 162.36	PD-RANGE BACKPACK TACTICAL
36460	3/16/2018	EVIDENCE MANAGEMENT FOR	\$ 175.00	TRAINING FOR MAGDA MARTINEZ
36461	3/16/2018	FIREBAUGH AUTO REPAIR	\$ 550.76	PD UNIT#10-DIAGNOSTIC

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36462	3/16/2018	FIRST BANKCARD	\$ 28.61	PD-FIREBAUGH RESTAURANT MTG
			\$ 225.00	PD-JESUS MOLINA DRUG ABUSE
			\$ 55.02	BEN-CHEVRON LEAGUE OF CITY
			\$ 541.44	BEN-MARRIOTT LEAGUE OF CITY
			\$ 53.58	BEN-WALMART RUST STAIN
			\$ 304.25	BEN-CHEROKEE TRUCK EQUIPMENT
			\$ 140.00	SQ SERRATO & ASSOC
			\$ 179.88	PD-ADOBE FOR PD COMPUTERS
			\$ 225.00	PD-RICARDO MONAY TRAINING
			\$ 43.28	PD-COSTCO BABY WIPES
			\$ 320.00	BEN-ICSC MEETING MARCH 2018
			\$ 59.17	BEN-GAS MTNG USS CAL BUILDING
			\$ (225.00)	BEN-CREDIT ICSC
			\$ 49.99	FD-PCMATIC RENEWAL
			\$ 95.00	BEN-ICSC FREDDY VALDEZ
			\$ 31.05	BEN-DENNYS MTNG USS CAL
			\$ 16.67	PD-PEOPLEFACTS
			\$ 80.00	PD-DOG AVENAL LANDFILL
Check Total:			\$ 2,222.94	
36463	3/16/2018	FRESNO OXYGEN	\$ 47.16	PW-PARTS
36464	3/16/2018	G&K SERVICES, INC.	\$ 20.54	CITY HALL
			\$ 94.78	CITY SHOP
			\$ 20.23	COMMUNITY CTR
			\$ 12.97	WASTEWATER FACILITY
			\$ 94.78	CITY SHOP
			\$ 20.23	COMMUNITY CTR
			\$ 94.78	CITY SHOP
			\$ 20.54	CITY HALL
			\$ 94.78	CITY SHOP
			\$ 20.23	COMMUNITY CTR
			\$ 13.85	WASTEWATER FACILITY
Check Total:			\$ 507.71	
36465	3/16/2018	LOZANO SMITH, LLP	\$ 2,886.00	LEGAL SERVICES-MARIJUANA
36466	3/16/2018	MARKO CONSTRUCTION GROU	\$ 180,863.83	SENIOR CENTER REMODEL 1ST
36467	3/16/2018	PEREZ SMOG & LUBE	\$ 50.00	PW#4-SMOG TEST
			\$ 110.00	PW#4-CHECK ENGINE LIGHT
Check Total:			\$ 160.00	
36468	3/16/2018	QUILL CORPORATION	\$ 86.36	REGISTER THERMAL ROLLS

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36469	3/16/2018	R.F. MacDONALD CO.	\$ 3,136.48	GRUNDFOS DOSING MODEL
36470	3/16/2018	TIFCO INDUSTRIES	\$ 298.01	PW-PARTS
36471	3/16/2018	USA BLUEBOOK	\$ 1,758.18	SOLAR DESKTOP CALCULATOR
36472	3/16/2018	VERIZON WIRELESS	\$ 829.28	ALL DEPTS CELL PHONE
36473	3/16/2018	ZEE MEDICAL SERVICE CO.	\$ 27.67	WASTE WATER PLANT
36474	3/22/2018	SYNCB/AMAZON	\$ (0.20)	CREDIT
			\$ 103.18	PD-FIRST AID/PANASONIC
			\$ 172.66	PD-COMPATIBLE TONE
			\$ 123.44	PD-CAR CHARGER
			\$ 118.84	PD-RANGEL SUPPLIES/BATTERY
			\$ 19.12	PD-RANGE SUPPLIES/TASER
			\$ 24.00	PD-RANGE SUPPLIES/TASER
			\$ 58.28	PD-RANGE SUPPLIES/TASER
		Check Total:	\$ 619.32	
36475	3/22/2018	BSK & ASSOCIATES, INC.	\$ 37.50	LAB ANALYSIS
			\$ 300.00	LAB ANALYSIS
			\$ 70.00	LAB ANALYSIS
			\$ 225.00	LAB ANALYSIS
			\$ 45.00	LAB ANALYSIS
			\$ 37.50	LAB ANALYSIS
			\$ 255.00	LAB ANALYSIS
			\$ 37.50	LAB ANALYSIS
			\$ 225.00	LAB ANALYSIS
			\$ 87.50	LAB ANALYSIS
			\$ 56.28	LAB ANALYSIS
			\$ 70.00	LAB ANALYSIS
			\$ 900.00	WELL 17 MONITORING
			\$ 45.00	LAB ANALYSIS
			\$ 68.76	LAB ANALYSIS
			\$ 218.78	LAB ANALYSIS
			\$ 37.50	LAB ANALYSIS
			\$ 67.50	LAB ANALYSIS
			\$ 218.78	LAB ANALYSIS
			\$ 68.76	LAB ANALYSIS
		Check Total:	\$ 3,071.36	
36476	3/22/2018	CALIFORNIA SOCIETY OF	\$ 110.00	2018 CSMFO MUNICIPAL MEMBER
36477	3/22/2018	CHILDREN'S CORNER	\$ 125.00	A/F HALL DEPOSIT

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36478	3/22/2018	COOK'S COMMUNICATIONS	\$ 103.29	PD-REPAIR RADIOS
36479	3/22/2018	CSJVRMA	\$ 55,056.00	2017/2018 4TH QUARTER DEP
36480	3/22/2018	DISH	\$ 57.91	SENIOR CENTER CABLE
36481	3/22/2018	DONALD R. REYNOLDS, CPA	\$ 5,000.00	FINAL PROGRESS BILLING AUDIT
36482	3/22/2018	EWING IRRIGATION PRODUCTS	\$ 761.31	PARKS-TURF
36483	3/22/2018	FIREBAUGH SUPER MARKET	\$ 32.45	DOG FOOF-KENNELS
			\$ 4.31	SITE #1-COTTON SWABS
			\$ 10.18	SENIOR CENTER-COFFEE CREAMER
			\$ 32.45	DOG KENNEL-FOOD
			\$ 12.68	SENIOR CENTER-SWEET AND LOW
			\$ 8.14	SENIOR CENTER-DISH SOA
			\$ 17.60	CITY COUNCIL MEETING-WATER
			\$ 17.64	COUNCIL MEETING-WATERS
			\$ 32.45	DOG KENNEL-FOOD
			\$ 46.50	SENIOR CENTER-SUPPLIES
			\$ 1.72	SENIOR CENTER-NAPKINS
Check Total:			\$ 216.12	
36484	3/22/2018	G&K SERVICES, INC.	\$ 75.66	BRADY-BLK SHIRT
36485	3/22/2018	MID-VALLEY DISPOSAL	\$ 321.00	WATER TREATMENT PLANT
36486	3/22/2018	PACIFIC GAS & ELECTRIC	\$ 38,254.51	ALL DEPTS #7355932148-1
36487	3/22/2018	QUINN COMPANY, INC.	\$ 3,067.33	INSPECT AND ADVISE ENGINE
36488	3/22/2018	QUILL CORPORATION	\$ 62.17	COMMUNITY CENTER-AJAX
			\$ 114.00	COMMUNITY CENTER-TOILET PAPER
Check Total:			\$ 176.17	
36489	3/22/2018	RON'S AUTO REPAIR	\$ 389.49	PD-A/C REPAIR UNIT #6
36490	3/22/2018	NASEEB SALEH	\$ 1,278.04	CANCELLATION OF A/F HALL
36491	3/22/2018	SANTOS FORD	\$ 178.69	PW#10-ROTOR/SEAL
36492	3/22/2018	WEST VALLEY AVIATION	\$ 500.00	WATER METER DEPOSIT REFUND
36493	3/27/2018	AXCES INDUSTRIAL SUPPLY	\$ 660.81	FLOAT AWAY/CITRUS

CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36494	3/27/2018	BIG G'S AUTOMOTIVE CENTER	\$ 173.72	PD#14-PADS/ROTORS
			\$ 75.53	PW#10-PADS
			\$ 21.60	PD UNIT#11-WIPER BLADES
Check Total:			\$ 270.85	
36495	3/27/2018	FERNANDO CAMPA	\$ 250.00	HEALTH INSURANCE STIPEN
36496	3/27/2018	CED-FRESNO	\$ 78.44	CRIMPING TOOL/CABLE TIES
36497	3/27/2018	CORBIN WILLITS SYSTEMS	\$ 1,020.18	ADMINISTRATION C/W SERVIC
36498	3/27/2018	CSUF, FOUNDATION	\$ 600.00	FELIPE PEREZ-REGISTRATION
36499	3/27/2018	FERGUSON ENTERPRISES, INC	\$ 1,131.90	PW- PARTS
36500	3/27/2018	FRESNO-MADERA AREA AGENC	\$ 49.28	1/18 NON USDA QUALIFIED MEALS
36501	3/27/2018	G&K SERVICES, INC.	\$ 81.05	BRADY-BLACK CITY SHIRT
36502	3/27/2018	BRADY JENKINS	\$ 300.00	MONTHLY SALARY FOR MEETING
36503	3/27/2018	RICARDO MONAY	\$ 200.00	UNIFORM STIPEND PER MOU
			\$ 250.00	HEALTH INSURANCE STIPEND
Check Total:			\$ 450.00	
36504	3/27/2018	FERNANDO MORENO	\$ 250.00	HEALTH INSURANCE STIPEND
36505	3/27/2018	FELIPE PEREZ	\$ 300.00	MONTHLY SALARY FOR MEETING
36506	3/27/2018	PITNEY BOWES #8000-9090-	\$ 520.99	POSTAGE REFILL 3/11/18
36507	3/27/2018	QUILL CORPORATION	\$ 124.14	TOILET PAPER-PARKS/STAPLE
			\$ 108.11	OFFICE-WIRELESS COMBO KEY
			\$ 18.34	RITA-MONITOR STAND
Check Total:			\$ 250.59	
36508	3/27/2018	MARCIA SABLAN	\$ 300.00	MONTHLY SALARY FOR ATTEND
36509	3/27/2018	TECH MASTER MANAGEMENT	\$ 150.00	PEST CONTROL DEPTS
36510	3/27/2018	VALLEY NETWORK SOLUTIONS	\$ 1,353.83	MINI DESKTOP/RECEIPT PRINTER
36511	3/27/2018	ALFRED VALDEZ	\$ 300.00	MONTHLY SALARY FOR MEETING
36512	3/27/2018	WATER RECLAMATION	\$ 267.09	SUSPENSION WIRE-CLINE

**CITY OF FIREBAUGH ACCOUNTS PAYABLE
WARRANTS MARCH 1, 2018 - MARCH 31, 2018**

<u>Check</u> <u>Number</u>	<u>Check</u> <u>Date</u>	<u>Name</u>	<u>Net</u> <u>Amount</u>	<u>Description</u>
36513	3/27/2018	JORGE ZARAGOZA	\$ 200.00	UNIFORM STIPEND PER MOU
36514	3/27/2018	TUCKER CARRILLO-ZAZUETA	\$ 250.00	HEALTH INSURANCE STIPEND
36515	3/27/2018	CITY OF FIREBAUGH	\$ 83,751.40	UNITED SEC BANK-P/R P
36516	3/27/2018	GOUVEIA ENGINEERING, INC.	\$ 14,127.56	730.07 SRF WWTP IMPROVEMENT
			\$ 141.75	720.20 HWY 33 14 ACRE DEV
			\$ 728.75	725.01 PUBLIC WORKS GENERATOR
			\$ 141.75	740.11 SMGA
			\$ 164.06	795.11 STBG APPLICATIONS
			<u>\$ 708.75</u>	795.14 SMALL COMMUNITIES
		Check Total:	\$ 16,012.62	

ORDINANCE NO. 18-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH (1) AMENDING MUNICIPAL CODE SECTION 25-29.2 TO CLARIFY COMMERCIAL CANNABIS ACTIVITIES IN THE M-2 ZONES; (2) REPEALING MUNICIPAL CODE SECTION 25-41.13 AND REPLACING IT WITH A NEW CHAPTER 25.5-1 TO ESTABLISH A NEW “CANNABIS CONTROL ORDINANCE,” INCLUDING A REGULATORY FRAMEWORK FOR COMMERCIAL CANNABIS OPERATIONS AND PERSONAL USE CULTIVATION (MEDICAL AND RECREATIONAL/ADULT USE); AND (3) AMENDING MUNICIPAL CODE SECTION 25-67.3 “DEFINITIONS” TO DELETE AND MOVE CANNABIS-RELATED DEFINITIONS TO MUNICIPAL CODE SECTION 25-41.13

WHEREAS, on November 20, 2017, the City Council for the City of Firebaugh did adopt Ordinance 17-03 establishing provisions within the City’s 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 (the “Marijuana Ordinance”);

WHEREAS, the Marijuana Ordinance did not regulate personal or medical use cultivation of cannabis in the home or medical and recreational/adult use as allowed under State law;

WHEREAS, on January 1, 2018, the State of California began licensing commercial cannabis businesses for both medicinal and adult marijuana use throughout the State;

WHEREAS, this newly licensed commercial cannabis industry is evolving quickly and the State is changing its regulation of the industry as quickly, including the passage of Senate Bill 94 in 2017, also known as the “Medicinal and Adult Use Cannabis Regulation and Safety Act” or “MAUCRSA,” which revised references to “marijuana” and “medical cannabis” in existing law to instead refer to “cannabis” or “medicinal cannabis,” respectively;

WHEREAS, the City Council has determined that amendment and modification of some of the City of Firebaugh’s provisions regulating the operation of commercial cannabis businesses, and repeal and replacement of the Marijuana Ordinance, is necessary to conform the City of Firebaugh Municipal Code to recent State law changes, to clarify the City’s regulatory intent, to provide adequate notice and due process to any cannabis-related business that wishes to operate in the City, and to address fully the adverse secondary impacts, including but not limited to, nuisance impacts, and criminal impacts of cannabis-related businesses within the City’s jurisdiction; and

WHEREAS, the City Council has determined that amendment, repeal and replacement of the Marijuana Ordinance is necessary to also address the cultivation and use of recreational and medical cannabis in the City of Firebaugh.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

Section 1. Section 25-29.2 (Industrial Zones: Permitted Uses) of the Firebaugh Municipal Code is hereby amended (additions are shown in bold; deletions are stricken through):

Use	Zone	
	M-1 Zone	M-2 zone
1. Assembling, cleaning, manufacturing, processing repairing or testing of products, conducted within an enclosed structure, or within a screened outdoor storage area, except for the following uses listed under 1(a) through 1(k), which are permitted only in the M-2 zone by Conditional Use Permit	P	P
a. Drop forges	-	CUP
b. Fertilizer manufacturing	-	CUP
c. Animal processing, including slaughterhouses, reduction, rendering and glue manufacturing	-	CUP
d. Petroleum products manufacturing, processing- and storage, including oils, gasoline, natural gas, paints and tar	-	CUP
e. Incinerators	-	CUP
f. Metal industries (ores, reduction, refining, smelting and alloying)	-	CUP
g. Paper and paper product manufacturing	-	CUP
h. Textile mills	-	CUP
i. Chemical manufacturing	-	CUP
j. Rubber manufacturing	-	CUP
2. Assembling, cleaning, manufacturing, processing, repairing or testing of products not listed under 1 (a) through 1 (b) that are conducted primarily outdoors.	CUP	CUP
3. Agricultural services and industries, including the following:		
a. Food and dairy processing	P	P
b. Cannabis cultivation, manufacturing, processing, extraction, testing, transportation and distribution (<i>All Cannabis activities</i>)	-	CUP, subject to standards contained in Chapter 25.5
b. c. Canneries	P	P
e. d. Cold storage facilities	P	P
d. e. Crop cultivation	P	P
e. f. Grain storage and processing	P	P
f. Marijuana cultivation, manufacturing, testing, transportation and distribution	-	CUP, subject to standards contained in Section 25-
g. Nurseries	P	P
h. Packing houses	P	P
i. Veterinary services, livestock and large animals, including animal boarding	P	P
j. Animal sales yards	CUP	P
k. Agricultural exhibits, including sales, displays, large assembly of people and livestock	P	P

4. Automobile-oriented uses, including auto repair, tire shops, painting, upholstery, etc.	P	P
5. Concrete batch plants, processing of minerals, and aggregate and related materials, sand and gravel storage	CUP	P
6. Dwelling for a caretaker or security guard on the site of an approved use.	CUP	CUP
7. Fuel dealer and service stations	CUP	P
8. Airports, heliports/helipads	CUP	CUP
9. Farm supply stores	P	P
10. Lumber yards	P	P
11. Kennels	P	P
12. Mini storage facilities and storage buildings	P	P
13. Offices	P	P
14. Retail uses conducted as part of, and incidental to an established manufacturing operation (such as a candy store on the site of a candy manufacturing operation)	P	P
15. Research and development operations, including laboratories.	P	P
16. Recycling collection and processing facilities.	P	P
17. Salvage and wrecking facilities and junk yards		CUP
18. Towing services	P	P
19. Trucking, Transportation and distribution	P	P
20. Truck stops	CUP	CUP
21. Upholstery shops	P	P
22. Vehicle storage	P	P
23. Warehousing and wholesaling	P	P
24. Equipment rental and sales yards including farm equipment rental and sales	P	P
25. Building contractor offices and yards	P	P
26. Miscellaneous uses, including:		
a. Accessory uses on the site of a permitted use or conditionally-permitted use	P	P
b. Parking facilities on separate lots	P	P
c. Communications equipment buildings and structures (including wireless telecommunications facilities), public utility service yards, gas regulator stations, pumping stations, storm drainage reservoirs, public water wells, electric distribution substations and transmission line structures	CUP	CUP
d. Private fueling stations located on-site with a permitted or conditionally permitted use	P	P
e. Other uses determined to be similar in nature and intensity to those permitted in that particular zone, as determined by the city planner	P	P
f. Other uses determined to be similar in nature and intensity to those conditionally permitted in that particular zone, as determined by the city planner	CUP	CUP

Section 2. Section 25-41.13 is hereby repealed in full and replaced with the addition of a new cannabis Chapter 25.5. Chapter 25.5 and Sections 25.5-1, *et seq.*, are hereby added to the City of Firebaugh Municipal Code to read as follows:

Chapter 25.5 – CANNABIS CONTROL ORDINANCE

25.5-1 – GENERAL PROVISIONS.

25.5-1.1 - Findings and purpose.

It is the purpose and intent of this chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of cannabis, whether for medical purposes or recreational or adult use as currently allowed under State law.

25.5-1.2 - Definitions.

For purposes of this chapter, these words and phrases shall be defined as follows:

“Act” means the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), including implementing regulations, as the Act and implementing regulations may be amended from time to time. Definitions in this section referencing provisions of the Act shall also include amendments to the Act.

“Applicant” means a person who is required to file an application for a permit under this chapter.

“Business Owner” means the owner(s) of the Cannabis Operations. “Owner” means any of the following:

- a. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- b. The chief executive officer, president, and vice president of a nonprofit or other corporate entity.
- c. A member of the board of directors of a nonprofit.
- d. An individual who will be participating in the direction, control, or management of the entity or person applying for a license.

“Cannabis” shall have the meaning set forth in California Business and Professions Code section 26001, subdivision (f). “Cannabis” and “marijuana” may be used interchangeably, but shall have the same meaning.

“Cannabis dispensary” or “dispensary” means any facility or location, whether fixed or mobile, and any building or structure, where cannabis is made available to, distributed by, or distributed to more than two persons for sale or barter.

“Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, cannabidiol (CBD), or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“City” means the City of Firebaugh.

“Collective or cooperative cultivation” means an association within California of qualified patients, persons with valid identification cards, and designated primary caregivers to cultivate cannabis for medical purposes as may have been allowed under the Compassionate Use Act of 1996, the “Medical Marijuana Program Act,” or the California “Medical Cannabis Regulation and Safety Act” adopted on October 9, 2015 through legislative bills AB 243, AB 266, and SB 643.

“Commercial Cannabis Operation” means any commercial cannabis activity, and all facilities and equipment that support that activity, as set forth in California Business and Professions Code section 26001, subdivision (k) and allowed under the Act, and as the Act and implementing regulations may be amended from time to time.

“Commercial Cannabis Regulatory Permit” or “Regulatory Permit” means the permit required under this chapter to operate a Commercial Cannabis Operation.

“Cultivate” or “cultivation” shall have the meaning set forth in California Business and Professions Code section 26001, subdivision (l) and shall also include the storage of one or more cannabis plants or any part thereof in any location.

“Delivery” shall have the meaning set forth in California Business and Professions Code section 26001, subdivision (p) and shall also include any technological platform that enables persons to arrange or facilitate the transfer of cannabis.

“Employee Permit” means the permit required under this chapter for every employee or independent contractor working at a Commercial Cannabis Operation or involved in transportation/Delivery-related services for a Commercial Cannabis Operation, other than solely as a vender or a certificated common carrier.

“Medicinal Cannabis” or “medical cannabis use” means the use of cannabis for the purposes set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Operator” means the Business Owner and any other person designated by the Business Owner as responsible for the day-to-day Commercial Cannabis Operation.

“Ordinance” means the ordinance enacting this chapter, and including the terms of this and related sections, which may be commonly referred to as the City’s “Cannabis Control Ordinance.”

“Police Chief” means the Police Chief of the City of Firebaugh or his or her designee.

“Premises” or “Site” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the Applicant or permittee where the Commercial Cannabis Operation will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one permittee.

“Premises Owner” means the fee owner(s) of the Premises where Commercial Cannabis Operations are occurring.

“Primary caregiver” shall have the same definition as set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Property owner” is the title holder of real property within the City of Firebaugh.

“Qualified patient” shall have the same definition as set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Recreational cannabis,” “recreational cannabis use,” or “adult use cannabis” means all uses of cannabis not included within the definition of medicinal cannabis use.

“Responsible Party” shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the Commercial Cannabis Operations.

25.5-2 - Regulations applicable to the cultivation of Medicinal Cannabis.

To the extent that the City is required to allow the cultivation of medical marijuana under State law and, except as provided for in this Ordinance, the rules set forth herein shall apply.

a. *Personal-use cultivation.* An individual qualified patient or person with an identification card shall be allowed to cultivate Medicinal Cannabis indoors within his/her private residence, or an attached garage. For owner-occupied residences, cultivation shall be allowed in an accessory building on the same property. A primary caregiver shall only cultivate Medicinal Cannabis at the residence of a qualified patient or person with an identification card for whom he/she is the primary caregiver. Medicinal Cannabis cultivation for personal use shall be subject to the following requirements:

1. *Area.* The medical marijuana cultivation area shall not exceed thirty-two (32) square feet measured by the canopy and not exceed ten feet (10') in height per residence. This limit applies regardless of the number of qualified patients or persons with an identification card residing in the residence. The cultivation area shall be a single, contiguous designated area.
2. *Lighting.* Medicinal Cannabis cultivation lighting shall not exceed a total of 1200 watts.
3. *Building Code Requirements.* Any alterations or additions to the residence, including garages and accessory buildings, shall be subject to applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including lot coverage, set back, height requirements, and parking requirements.
4. *Gas products or flammable or volatile chemicals.* The use of gas products (carbon dioxide, butane, etc.) or flammable or volatile chemicals for Medicinal Cannabis cultivation or processing is prohibited.
5. *Evidence of cultivation.* No evidence of Medicinal Cannabis cultivation shall be visible from a public right-of-way or from adjacent property.
6. *Residence.* The qualified patient or person with an identification card shall reside in the residence where the Medicinal Cannabis cultivation occurs.
7. *Incidental use.* The residence shall maintain kitchen, bathrooms, and at least one bedroom for their intended uses. Such rooms shall not be used primarily for cannabis cultivation.
8. *Ventilation.* The Medicinal Cannabis cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or beyond the property line for detached single-family residences, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation, or § 402.3 Mechanical Ventilation, or its equivalent(s).
9. *Storage of chemicals.* Any chemicals used for Medicinal Cannabis cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights-of-way.

10. *Nuisance.* The Medicinal Cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, nor shall it be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
11. *Property owner authorization.* For rental properties, the lessee shall obtain written authorization from the property owner or property-management company to cultivate personal-use or medical marijuana. Such written authorization shall be maintained on the premises at all times and presented at the request of the City.
12. *Additional requirements for garages and accessory buildings.* The following additional requirements shall apply for personal-use cultivation that occurs in a garage or accessory building: (a) The garage or accessory building shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque; (b) the garage or building shall include a burglar alarm monitored by an alarm company or private security company; (c) the garage or building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door; and (d) extension cords or other make-shift equipment on the exterior of a building used to supply power for cannabis cultivation is prohibited.
13. *Posting of physician recommendation or identification card; posting of owner permission.* A copy of a qualified patient physician recommendation or identification card shall be posted in a conspicuous place in the cultivation area for each patient residing in the residence who is cultivating Medicinal Cannabis. For rental properties, a copy of the owner's written authorization to cultivate Medicinal Cannabis shall be posted in the same manner.

b. *Collective or cooperative cultivation.* The collective or cooperative cultivation of Medicinal Cannabis is prohibited in the City of Firebaugh.

25.5-3 - Regulations applicable to the cultivation of recreational or adult use cannabis.

To the extent that the City is required to allow the cultivation of recreational or adult use cannabis under State law, and except as provided for in Section 25.5-6, the rules set forth herein shall apply.

a. *State law limits.* The cultivation of recreational or adult use cannabis shall be subject to the limits set forth in any applicable State law. At the time of adoption of this chapter, applicable State law limits the cultivation of recreational or adult use cannabis to six (6) plants per residence.

b. *Compliance with medicinal cannabis personal-use cultivation rules.* All persons lawfully allowed to cultivate recreational or adult use cannabis under State law shall be subject to the same rules, requirements, and limitations applicable to the personal-use cultivation of medical marijuana set forth in Section 25.5-2(a).

25.5-4 - Regulations applicable to Commercial Cannabis Operations, Dispensaries, and Deliveries.

a. *Commercial Cannabis Operations.* Except as provided for in Sections 25.5-5 and 25.5-6, Commercial Cannabis Operations as defined in section 25.5-1.2 are prohibited within the City of Firebaugh.

b. *Dispensaries.* Cannabis Dispensaries as defined in Section 25.5-1.2 are prohibited within the City of Firebaugh.

c. *Deliveries.* The Delivery of cannabis as defined in Section 25.5-1.2, except as among permitted Commercial Cannabis Operations, is prohibited within the City of Firebaugh, regardless of whether the Delivery is initiated within or outside of the City of Firebaugh, and regardless of whether a technology platform is used for Delivery by the Commercial Cannabis Operation.

25.5-5 – Exceptions to Dispensary ban for certain healthcare facilities.

The following facilities providing Medicinal Cannabis to patients are not subject to the provisions of Section 25.5-4, provided they are in strict compliance with Health and Safety Code sections 11362.5 and 11362.7, *et seq.*, and all other State and local laws pertaining the uses, including zoning, permitting, and licensing requirements:

- A clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code.
- A healthcare facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.
- A residential-care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code.
- A residential-care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code.
- A residential hospice, or a home-health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

25.5-6 – Limited Commercial Cannabis Operations pursuant to Regulatory Permit.

Notwithstanding the prohibition on Commercial Cannabis Operations set forth in Section 25.5-1.4, and the limitations upon the cultivation of cannabis set forth in Sections 25.5-1.2 and 25.5-1.3, Commercial Cannabis Operations may be allowed as set forth in this Section.

a. *Purpose.* The purpose of this Section is to allow limited Commercial Cannabis Operations in the City of Firebaugh as may be permitted under the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA” or “Act”) and to adopt local regulations applicable to those operations.

b. *Permitted Uses.* Business Owners meeting the requirements of this section shall be eligible to apply for a Regulatory Permit to conduct the following Commercial Cannabis Operations, as may be approved by the City Council at its discretion:

- Cultivation.
- Processing.
- Extraction.
- Manufacturing.
- Testing.
- Distribution.
- Transportation.

1. The Regulatory Permit issued pursuant to this Section shall specify whether the Commercial Cannabis Operation shall be limited to Medicinal Cannabis.
2. The Regulatory Permit issued pursuant to this Section shall specify the precise Commercial Cannabis Operation, by clear description and, when appropriate, shall reference the license type specified in the Act for which a State license is being sought.
3. The Commercial Cannabis Operation shall at all times be in compliance with this Section as it may be amended from time to time or repealed and replaced by another section governing Commercial Cannabis Operations.
4. No Regulatory Permit shall issue unless or until the Business Owner and the Property Owner enter into a Project Development Agreement with the City.
5. Dispensaries are expressly prohibited as set forth in Section 25.5-4.
6. The City Council retains the discretion to deny a Regulatory Permit or limit a Regulatory Permit to specified Commercial Cannabis Operations.

c. *Minimum Operational Requirements and Restrictions.* The following operational requirements and restrictions shall apply to all Commercial Cannabis Operations:

1. *The Act and Other State Laws.* The Commercial Cannabis Operations shall at all times be in compliance with the Act and the implementing regulations, as they may be amended from time to time, as well as all State license(s) required under the Act, and any other applicable State law. The Operator shall obtain all licenses required under the Act prior to opening for business.
2. *Register of Employees.* The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be made available to the Police Chief at all times immediately upon request.
3. *Signage.* There shall be no signage or markings on the Premises or off-site that in any way evidences that Commercial Cannabis Operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.
4. *Cannabis Consumption.* No cannabis or cannabis product shall be smoked, ingested or otherwise consumed on the Premises. Prominent signage of this prohibition shall be displayed throughout the facility.
5. *Alcoholic Beverages.* No Commercial Cannabis Operation shall hold or maintain a retail license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.
6. *Transportation.* Transportation shall only be conducted as permitted by State law.
7. *Deliveries.* There shall be no deliveries of cannabis or cannabis-containing products from the Premises, except to another State or local licensed or permitted cannabis business.
8. *Non-Commercial Cannabis Activity.* No non-commercial or Recreational Cannabis activity shall occur on the Premises.

9. *Retail Sales.* The retail sale of cannabis is expressly prohibited.
10. *Public Access.* There shall be no public access to the Premises.
11. *Minors.* It shall be unlawful for any Operator to employ any person who is not at least twenty-one (21) years of age.
12. *Distance Separation from Schools, Daycare Centers and Youth Centers.* A Commercial Cannabis Operation shall not be located within 600 feet from any existing school, daycare center or youth center as defined by State law, nor from a proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, “school” means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
13. *Hours of Operation.* Commercial Cannabis Operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City’s noise and nuisance ordinances.
14. *Building and Related Codes.* The Cannabis Operation shall be subject to the following requirements:
 - (a) The Premises in which the Commercial Cannabis Operations occur shall comply with all applicable local, State, and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.
 - (b) The Responsible Party shall ensure that the Premises have sufficient electrical load for the Commercial Cannabis Operations.
 - (c) To the extent permitted by the Act, butane and other flammable materials are permitted to be used for extraction and processing provided the Operator complies with all applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. The Firebaugh Fire Department, or other qualified agency retained by the City, shall inspect and approve the Premises for use of the products prior to City’s issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement. Such inspection shall be at the Business Owner’s expense.
 - (d) The Operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the Commercial Cannabis Operations.
 - (e) The Operator shall comply with all environmental laws and regulations pertaining to the Commercial Cannabis Operations, including the storage, use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.
15. *Odor control.* Business Owner shall provide an odor-absorbing ventilation and exhaust system, so that odor generated inside the facility that is distinctive to its Commercial Cannabis Operations is not detected outside the Premises, outside the building housing the Commercial

Cannabis Operations, or anywhere on adjacent property or public rights-of-way. Accordingly, Business Owner must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness:

- (a) An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
 - (b) An air system that creates negative air pressure between the cannabis facilities's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.
16. *Consumable Products.* Commercial Cannabis Operations that manufacture products in the form of food or other comestibles shall obtain and maintain all appropriate approvals from the State and County Departments of Public Health for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the State.
17. *Secure Building.* All Commercial Cannabis Operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. Notwithstanding the foregoing, the roof may be of solid non-opaque material, provided other security measures exist to ensure that the Commercial Cannabis Operation cannot be seen, heard or smelled beyond the property line. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures). The precise building construction parameters and materials to be used shall be identified and provided with the application to the City prior to construction.
18. *Premises Security.* The following security conditions shall apply:
- (a) Alarm System (including perimeter, fire and panic).
 - (b) Remote monitoring of alarm systems.
 - (c) Perimeter lighting systems (motion sensor) for after-hours security.
 - (d) Perimeter security and lighting as approved by the Police Chief.
 - (e) Use of drive gates with card key access or similar to access the facility.
 - (f) Entrance areas to be locked at all times, and under the control of a designated Responsible Party.
 - (g) Use of access-control systems to limit access to grow and processing areas.
 - (h) Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of the Act, include interior monitoring of all access points to the site from the interior, and be of a minimum five (5) mega-pixel resolution.
 - (i) All security systems at the site are attached to an uninterruptable power supply providing 24-hour power.

- (j) 24-hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief. All current contact information regarding the security company shall be provided to the Police Chief.
- (k) Firebaugh Police Department or Department designee shall have access to all security systems.
- (l) Internet Protocol (“IP”) access for remote monitoring of security cameras by the Firebaugh Police Department or a department designee upon request.
- (m) Any and all video or audio tape recordings made for security purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of at least thirty (30) days and must be made available to the Firebaugh Police Department or Department designee for duplication upon demand. In addition, upon request by the Firebaugh Police Department, the Responsible Party shall duplicate the records for the Firebaugh Police Department or the Department designee.
- (n) Hardened bullet-resistant windows for exterior windows as part of any new or existing construction.
- (o) Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- (p) Electronic track-and-trace systems for cannabis products as required by the Act and State regulations.
- (q) The City may inspect the Premises and audit the records of the Commercial Cannabis Operations for compliance on a quarterly basis.
- (r) Security protocols and equipment need to be in place to protect computer information.
- (s) The foregoing Premises security requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.

19. *Deliveries of Supplies and Transportation of Product.* The following rules apply to the Deliveries and transportation:

- (a) Deliveries of supplies to the Premises shall only occur as provided for in diagram and floor plans on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Cannabis Operation.
- (b) The transportation of cannabis samples and/or products to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and/or products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

20. *Premises Maintenance.* The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety, and general welfare of employees, patrons, surrounding properties, and the general public. The Premises or Commercial Cannabis Operation shall not be maintained in a manner that causes a public or private nuisance.

21. *Location of Uses.* The Commercial Cannabis Operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plans of the Premises submitted with the application for a Regulatory Permit. The Commercial Cannabis Operation shall not operate at any location other than as stated in the Regulatory Permit.

d. *Commercial Cannabis Operation Regulatory Permit.* No person or entity shall operate a Commercial Cannabis Operation within the City of Firebaugh without first obtaining a Commercial Cannabis Regulatory Permit from the City. The Regulatory Permit shall be site-specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit. The issuance of a Regulatory Permit shall be at the discretion of the City Council.

e. *Applications for Regulatory Permits and Responsible Party Designation.*

1. *Application.* Applicants for Regulatory Permits shall file their applications with the Police Chief and shall include the information set forth herein. The Police Chief may request such additional information he or she deems necessary to determine who the Applicant is and what activity may be permitted. The Applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct. The application shall contain the following items for the Business Owner, Operator, all Responsible Parties known at the time (if different than the Business Owner), and any other party designated below:

(a) The full name, present address, and telephone number.

(b) Date of birth.

(c) Tax identification number.

(d) The address to which notices relating to the application are to be mailed.

(e) Previous addresses for the five (5) years immediately preceding the submission of the application.

(f) His or her height, weight, and color of eyes and hair.

(g) Photographs for identification purposes (photographs shall be taken by the Police Department).

(h) All business, occupation, or employment for the five (5) years immediately preceding the submission of the application.

- (i) The Commercial Cannabis Operation business history, including whether the Business Owner and Responsible Parties, while previously operating in this or another city, county or state, has had a cannabis-related license revoked or suspended, the reason therefore, and the business, activity or occupation subsequent to such suspension or revocation.
 - (j) Complete property ownership and lease details, where applicable. If the Business Owner is not the Premises Owner, the application must be accompanied with a notarized acknowledgment from the Premises Owner that Commercial Cannabis Operations are authorized to occur on the Premises.
 - (k) A descriptive business plan for the Commercial Cannabis Operation, including a detailed list of all Commercial Cannabis Operations proposed to occur on the Premises.
 - (l) A diagram and floor plan of the entire Premises, denoting all the use of areas proposed for Commercial Cannabis Operations, including, but not limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the Premises to an accuracy of plus or minus six (6) inches.
 - (m) The name or names of the Operator. The Operator shall designate one or more Responsible Parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information of the Operator and Responsible Parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.
 - (n) The proposed security arrangements for ensuring the safety of persons and to protect the Premises from theft.
 - (o) An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the Cannabis Operation and the property line of any school as set forth in the Operational Requirements.
 - (p) Authorization for the City and its agents and employees to seek verification of the information submitted.
2. *Improper or Incomplete Application.* If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact.
 3. *Changes in Information.* Except as otherwise provided, the information required by this subsection (E) shall be updated with the Police Chief upon any change within ten (10) calendar days.
 4. *Other Permits or Licenses.* The fact that an Applicant possesses other types of State or City permits or licenses does not exempt the Applicant from the requirement of obtaining a Regulatory Permit.

f. *Employee Permits.*

1. *Permit Required.* Every employee or independent contractor working at a Commercial Cannabis Operation or involved in transportation/Delivery related services for a Commercial Cannabis Operation, except for vendors and certificated common carriers, shall obtain an Employee Permit. It shall be the duty of the Operator to ensure that Employee Permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a Business Owner on a Regulatory Permit shall not be required to obtain an Employee Permit, if such person also serves as an employee or contractor. All Responsible Parties, except the Business Owner, shall be required to obtain an Employee Permit.
2. *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so the Police Department can perform a background check:
 - (a) Name, current residence address, and telephone number.
 - (b) Date of birth.
 - (c) Tax identification number.
 - (d) His or her height, weight, and color of eyes and hair.
 - (e) Photographs for identification purposes (photographs shall be taken by the Police Department).
 - (f) Fingerprinted by the Police Department.
 - (g) Such other identification and information as deemed necessary by the Police Chief and pertinent to the Employee Permit.
 - (h) Authorization for the City and its agents and employees to seek verification of the information contained within the application.
 - (i) The name of the Business Owner holding the Regulatory Permit and the Operator for which such person is proposed to work.

g. *Application Fees.*

Every application for a Regulatory Permit, Employee Permit, or Employee Permit renewal shall be accompanied by a nonrefundable fee, as established by resolution of the City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks, and the general review and processing of the application. As an alternative to the Regulatory Permit fee, the City and Applicant may enter into a specific Project Processing Costs Agreement.

h. *Investigation and Action on Application.*

1. Upon the filing of a properly-completed application and the payment of the fee, the Police Chief shall conduct an investigation of the application, including a background check of the Applicant and all employees and independent contractors. All Applicants for a Regulatory Permit and Employee Permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Firebaugh Police Department.
2. For Regulatory Permits, after the background checks and investigation are complete, and in no case later than one hundred twenty (120) days after receipt of a properly completed application, the Police Chief shall issue a recommendation that the City Council approve or deny a Regulatory Permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the Police Chief deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other development application(s) necessary for the Commercial Cannabis Operation.
3. For Employee Permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly-completed application, the Police Chief shall either approve or deny an Employee Permit. At the discretion of the Police Chief, Employee Permits may be conditionally approved pending the background investigation.

i. *Term of Permits and Renewals.*

Employee Permits issued under this Section shall expire one (1) year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed.

j. *Grounds for Denial of Regulatory Permit.*

The City Council may in its sole discretion deny a Regulatory Permit or limit a Regulatory Permit to specified uses. When considering whether to deny or limit a Regulatory Permit, the Council shall consider the following:

1. Whether the business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule, or regulation.
2. Whether the Business Owner or Operator has been issued a local or State permit related to Commercial Cannabis Operations at any other location in California, or another state; whether that permit was suspended or revoked; and whether the Business Owner or Operator has had disciplinary action relating to the permit.
3. Whether the Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application.

4. Whether the Business Owner or Operator, or any Responsible Person, has been:
 - (a) Convicted of a violent felony, as specified in subdivision (c) of Section 667.5 of the Penal Code;
 - (b) Convicted of a serious felony, as specified in subdivision (c) of Section 1192.7 of the Penal Code;
 - (c) Convicted of a felony involving fraud, deceit, or embezzlement.
 - (d) Convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor;
 - (e) Convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code;
 - (f) Subject to fines, penalties, or otherwise sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code;
 - (g) Sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three (3) years immediately preceding the date the application is filed with the City.

A conviction for any controlled substance felony subsequent to permitting shall be grounds for revocation of a Regulatory Permit or denial of the renewal of a Regulatory Permit. A “conviction” within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. Whether the Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. Whether the Business Owner or Operator is under twenty-one (21) years of age, or any older other age set by the State.
7. Whether the Cannabis Operation complies with the zoning ordinance or development standards of the City of Firebaugh.
8. Whether the required business license fee, annual regulatory fee, Revenue Raising Fee, or other City fees and/or taxes have been paid.
9. Such other grounds the Council determines are reasonable.

k. *Grounds for Denial of Employee Permit.* The grounds for denial of an Employee Permit shall be one or more of the following:

1. The Applicant has been issued a local or State permit related to Commercial Cannabis Operations at any other location in California, or another state, and that permit was suspended or revoked, or the Applicant has had disciplinary action relating to the permit.
2. The Applicant has been:
 - (a) Convicted of a violent felony, as specified in subdivision (c) of Section 667.5 of the Penal Code;
 - (b) Convicted of a serious felony, as specified in subdivision (c) of Section 1192.7 of the Penal Code;
 - (c) Convicted of a felony involving fraud, deceit, or embezzlement.
 - (d) Convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor;
 - (e) Convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code;
 - (f) Subject to fines, penalties, or otherwise sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code;
 - (g) Sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three (3) years immediately preceding the date the application is filed with the City.
3. The Applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
4. The Applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.
5. An Applicant is under twenty-one (21) years of age, or any older age set by the State.

1. *Notice of Decision and Final Action.*

1. *Regulatory Permit.* Action on the Regulatory Permit shall be as follows:
 - (a) The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a Regulatory Permit, and the date and time when the City Council will consider action on the Regulatory Permit, to be personally delivered or mailed to the Applicant by certified U.S. mail, postage prepaid.

- (b) Following a public hearing, the Council may grant the Regulatory Permit, limit the Regulatory Permit to specified uses, or deny the issuance of the Regulatory Permit for any of the grounds specified in this Section. In granting a Regulatory Permit, the Council may impose such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The decision of the Council shall be final, subject to judicial review below.

- 2. *Employee Permit.* Action on the Employee Permit shall be as follows: The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the Applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an Employee permit shall be final.

m. *Suspension and Revocation of Regulatory Permit or Employee Permit.*

- 1. *Regulatory Permit.* The City Council may suspend or revoke the Regulatory Permit of a Commercial Cannabis Operation when any of the following occur:

- (a) The Commercial Cannabis Operation is conducted in violation of any provision of this Section, the Act, or any other applicable law.
- (b) The Commercial Cannabis Operation is conducted in such a manner as to create a risk of danger to the public health or safety.
- (c) A failure to pay the Regulatory Fee, the Revenue Raising Fee, or all City taxes as required.
- (d) A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.
- (e) A failure to comply with the terms and conditions of the Regulatory Permit or any conditional use permit issued in connection therewith.
- (f) Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.

- 2. *Employee Permit.* The Police Chief may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:

- (a) Any act which would be considered a ground for denial of the permit in the first instance.
- (b) Violates any provision of this Section, the Act, or any other applicable law relating to the Commercial Cannabis Operation.
- (c) Violates or fails to comply with the terms and conditions of the Employee Permit.

- 3. *Procedures for Revoking Regulatory Permits.* For Regulatory Permits, the procedures for revoking conditional use permits shall be utilized, except that the matter shall be heard by the City Council in the first instance.

- 4. *Procedures for Revoking Employee Permits.* Prior to suspension or revocation of an Employee Permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such

hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid to the last known address. Any permittee aggrieved by the decision of the Police Chief to suspend or revoke an Employee Permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.

5. *Immediate Suspension.* The Police Chief may immediately suspend or revoke a Regulatory Permit or an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under the following circumstances:

- (a) The Business Owner, Operator or Responsible Party is convicted of a public offense in any court for the violation of any law which relates to the Cannabis Operation, or in the case of an Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.
- (b) The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

n. *Effect of Denial or Revocation.* When the City Council shall have denied or revoked a Regulatory Permit, or the Police Chief shall have denied or revoked an Employee Permit, no new application for a Regulatory Permit or an Employee Permit shall be accepted and no Regulatory Permit or Employee Permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after the action denying or revoking the Regulatory Permit or Employee Permit.

o. *Abandonment.* A Regulatory Permit shall be deemed abandoned if Commercial Cannabis Operations cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new Regulatory Permit shall be secured. The 90-day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

p. *Fees and Taxes.* All Commercial Cannabis Operations shall pay applicable fees and taxes, which may include one or more of the following.

- 1. *Business License Fee.* The Business Owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 5, Chapter 5.04, of the Firebaugh Municipal Code pertaining to Business Licensing.
- 2. *Regulatory License Fee.* The Business Owner shall pay an annual regulatory license fee ("Regulatory Fee") to cover the costs of services, including but not limited to, anticipated enforcement relating to the Commercial Cannabis Operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional service costs associated with the Commercial Cannabis Operation. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs.

3. *Revenue Raising Fee.* An annual revenue raising fee (“Revenue Raising Fee”) shall be applied for the privilege of having the right to operate in the City and provided as a condition of the development agreement.
- (a) *Revenue Raising Fee Finding.* The City Council specifically finds that it is approving this Ordinance allowing Commercial Cannabis Operations to operate in the City with the express understanding that the business will pay the Revenue Raising Fee to the City as set forth herein, and that without the Revenue Raising Fee, the City Council would not have adopted this Ordinance allowing Commercial Cannabis Operations to operate in the City. By opening a Commercial Cannabis Operation in the City, the Premises Owner, Business Owner, Operator, and all Responsible Parties agree that, if the Revenue Raising Fee is challenged by any one of them or a third party and set aside, the business must cease operation.
- (b) *Amount of Fee and Terms of Payment.* The Revenue Raising Fee shall be an annual fee of twenty-five dollars (\$25.00) per square foot for the first 3,000 square feet, which shall be the minimum annual fee for all Commercial Cannabis Operations, and ten dollars (\$10.00) per square foot for the remaining space utilized in connection with each Commercial Cannabis Operation. The square footage calculation shall be determined by including all portions of the Premises under the control of the Business Owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the Commercial Cannabis Operation (such as a janitorial closet). The total under-canopy square footage shall be included in the square footage calculation.
- (c) If more than one Commercial Cannabis Operation operates on the Premises, whether within a single building or multiple buildings, each Regulatory Permit holder shall be responsible for paying the Revenue Raising Fee. The Revenue Raising Fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall not be prorated, and in no event shall the first payment be less than the equivalent of one full quarterly payment. All quarterly payments shall be received by the City before the end of the quarter.
- (d) *Alternative Voter-Approved Tax.* If the voters of the City approve a tax on Commercial Cannabis Operations, the Business Owner shall pay that tax in lieu of the Revenue Raising Fee, once the City begins to collect the tax revenue.
- q. *Recordkeeping.* The Responsible Party shall make and maintain complete, accurate, and legible records of the permitted Commercial Cannabis Operations evidencing compliance with the requirements of this section. Those records shall be maintained for a minimum of five (5) years.
- r. *Inspection.* Commercial Cannabis Operations shall be open for inspection by any City law enforcement officer, City code enforcement officer, or City financial auditor or their designees at any time the Commercial Cannabis Operation is operating, at any other time upon responding to a call for service related to the property where the Commercial Cannabis Operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any Commercial Cannabis Operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

s. *Indemnification.* In authorizing Commercial Cannabis Operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or federal law, and the Business Owner, Operator and all Responsible Parties are obligated to comply with all applicable laws and regulations. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this Ordinance or the operation of any Commercial Cannabis Operation approved pursuant to this Ordinance, or under State or federal law. The Business Owner, Operator and all Responsible Parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved use or adverse determinations made by the State or federal government. An adverse determination could include cessation of operations.

The Business Owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to Commercial Cannabis Operations operating under the authority of this Ordinance. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the Business Owner shall execute an agreement memorializing the requirements of this subsection.

25.5-7 - Regulations Applicable to the Consumption of Cannabis.

No person shall smoke, ingest, or otherwise consume cannabis or cannabis products, whether recreational or medical, in the City of Firebaugh, unless such smoking, ingesting or consumption occurs entirely within a private residence. "Within a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings, unless those buildings are at all times fully enclosed during the consumption.

Medicinal cannabis may also be consumed within a clinic, healthcare facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of the California Health and Safety Code.

All consumption shall be done in a manner so as to not cause a nuisance to nearby residents with noxious odors or other adverse health and safety impacts.

25.5-8 - Penalties and Enforcement.

The following remedies shall apply for violations of this Chapter:

a. Violations for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable in accordance with Chapter 1-5.1 of the Municipal Code. Each and every day, or portion thereof, that a violation exists is a separate offense. Persons found in violation of the six-plant limit set forth in Section 25.5-3 will be subject to prosecution for a misdemeanor violation, punishable by a one-thousand dollar (\$1000) per plant for each plant over the limit and forfeiture of all plants in excess of the six-plant limit.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

b. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

1. Any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Firebaugh Municipal Code.
2. The violation of any provision of this Chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

c. Any person who violates the provisions of this Chapter may be subject to an administrative fine of up to one thousand dollars (\$1000.00) for each violation and for each day the violation continues to persist.

d. All remedies set forth in this section are not exclusive and the exercise of any remedy does not preclude the exercise of any other remedy that may now or subsequently exist in law or in equity or by statute or otherwise.

25.5-9 - Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this Chapter, or of the Regulatory Permit issued pursuant to this Chapter, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter or of any Regulatory Permit issued pursuant hereto.

25.5-10 - Judicial Review.

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the Superior Court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final, as provided in California Code of Civil Procedure Section 1994.6, which shall apply for such actions.

Section 3. Section 26-67.3 of the Firebaugh Municipal Code is hereby amended to delete the following definitions:

25-67.3 Definitions

~~“Applicant” shall mean a person who is required to file an application for a permit under this section.~~

~~“Commercial Marijuana Cannabis Operation” or “Marijuana Operation” shall mean any commercial marijuana activity allowed under the “Adult Use of Marijuana Act” (AUMA) and the implementing regulations, as AUMA and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.~~

~~“Commercial Marijuana Permit” shall mean the blanket permit to operate deemed to have been granted upon completion of Registration.~~

~~“Employee Permit” shall mean the permit required under this section for every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/Delivery related services for a Commercial Marijuana Operation.~~

~~“Non-Commercial and Recreational Marijuana Activity” shall mean all uses not included within the definitions of Commercial Marijuana Operation, including the personal use, cultivation, or consumption of marijuana, whether medical or recreational.~~

~~“Marijuana Business Operator” shall mean the Commercial Marijuana Operation Business Owner and any other person designated by the Marijuana Operation Business Owner as responsible for the day-to-day Marijuana Operations.~~

~~“Marijuana Operation Business Owner” shall mean the owner(s) of the Marijuana Operation. For corporations and limited liability companies, Business Owner means the President, Vice President, and any shareholder owning a ten percent (10%) or greater share of the corporation or company. For partnerships, Marijuana Operation Business Owner means all general partners and managing partners.~~

~~“Marijuana Ordinance” shall mean the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City’s “Commercial Marijuana Ordinance”.~~

~~“Marijuana Premises” or “Site” shall mean the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property.~~

~~“Marijuana Premises Owner” shall mean all owners of the Premises where Marijuana Operations are occurring.~~

~~“Police Chief” shall mean the Police Chief of the City of Firebaugh or his or her designee.~~

~~“Registration” shall mean completion of the requirements of this section to open a Commercial Marijuana Operation in the City.~~

~~“Responsible Party” shall mean the Marijuana Operation Business Owner, Operator, manager(s), and any employee having significant control over the Marijuana Operations.~~

Section 4: This ordinance shall take effect thirty (30) days after its adoption.

Section 5: The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 6: The City Clerk is further authorized and directed to cause this ordinance, or a summary of this ordinance, to be published once in a newspaper of general circulation published and circulated in the City of Firebaugh within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the Office of the City Clerk at least five (5) days prior to the Council's meeting at which the ordinance is to be adopted and again after the meeting at which the ordinance is adopted. The City Attorney shall approve the summary.

The foregoing Ordinance No. 18-__ was introduced at a regular meeting of the City Council of the City of Firebaugh on the 2nd day of April, 2018, and was passed and adopted at a regular meeting of the City Council on the 18th day of April, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Felipe Perez, Mayor
City of Firebaugh

Rita Lozano, Deputy City Clerk
City of Firebaugh

J:\wdocs\01907\018\ORD\00559906.DOCX

CITY OF FIREBAUGH



FRESNO COUNTY, CALIFORNIA

1133 "P" STREET
FIREBAUGH, CALIFORNIA 93622-2547
(559) 659-2043
FAX (559) 659-3412

FACILITIES RENTAL AGREEMENT RODEO GROUNDS

In order to pursue with your request, it is important that you read and fill out this form completely.
Failure to do so may result in a delay on your request.

NAME OF APPLICANT (nombre): <u>420 College</u>		ADDRESS (dirección):	
HOME PHONE (teléfono):	WORK PHONE (trabajo):	RENTAL PURPOSE? (actividad): <u>FESTIVAL</u>	
DATE OF RENTAL (fecha): <u>10/6/18</u>		HOURS THAT FACILITY WILL BE RENTED? (horas de renta): From: <input type="checkbox"/> am / <input type="checkbox"/> pm To: <input type="checkbox"/> am / <input type="checkbox"/> pm	
HOW MANY PEOPLE WILL BE ATTENDING? (cantidad de gente): <u>5,000</u>		PERSON IN CHARGE, INCLUDE TELEPHONE: <u>George Boyadgian</u>	
WILL ALCOHOL BE SERVED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IS AN "ABC" LICENSE REQUIRED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		TIMES THAT ALCOHOL WILL BE SERVED (horas de alcohol): <input type="checkbox"/> N/A From: <input type="checkbox"/> am / <input type="checkbox"/> pm To: <input type="checkbox"/> am / <input type="checkbox"/> pm	
NUMBER OF OFFICERS TO BE DETERMINED BY POLICE DEPARTMENT (\$32.60 PER HOUR/PER OFFICER)			

- ☐ \$1,000 PER EVENT ☐ \$250.00 Local Non-Profit ☐ \$500.00 Venue Control Fee ☐ \$100.00 Fire Hydrant Watering Fee
- A. WILL YOU HAVE MUSIC? ☒ YES ☐ NO
- B. SPECIFY TYPE OF MUSIC: ☐ LIVE BAND ☒ DISC JOCKY (DJ) ☒ CONCERT

ALL CITY PARKS CLOSE AT 10:00 P.M.
UNLESS PRIOR ARRANGEMENTS ARE MADE

Applicant agrees and understands that the City is not an insurer and that the insurance concerning personal injury (including death,) and real or personal property loss or damage in, about or on the premises shall be obtained by the applicant. That the amounts charged by the City are not sufficient to warrant or guarantee that no loss, damage, claim or liability will occur or that increased loss, damage, claims or liability will not occur. Applicant does hereby for him/her/itself and all parties claiming under him/her/it release and discharge the City of Firebaugh from and against all said losses, damages, claims or liability.

- Agreed upon Rental and deposits Fee as listed above in accordance with Regulations.
- Due to insurance requirements. NO City Employee will be allowed to donate time to supervise Activities.
- Staff will inspect facilities after clean-up and deposits will be returned with the next scheduled Bills Payable approval (30-45 days.)
- \$1,000,000.00 Insurance Required for City Facilities. The certificate of insurance must be accompanied by the additional insured and/or waiver of subrogation endorsements The Additional Insured should read: "The City of Firebaugh, its officers, officials, employees, agents and volunteers."
- Smoking is NOT permitted on any City property.
- Cancellation: Renter shall notify City no later than thirty (30) days before its scheduled use of the Rodeo Grounds, of its intent to cancel such use, except as provided herein. If RENTER fails to provide such notice, City shall retain RENTER'S fee for use of the Rodeo Grounds. City shall return RENTER'S deposit for use of the Rodeo Grounds in the event of cancellation. **Please initial** _____
- All activities must shut down one half (1/2) hour early, as per the time listed above in hours of rental. **Please initial** _____

FAC01	APPLICATION PROCESSING FEE NON-REFUNDABLE	\$ 25.00
FAC03	CLEANING DEPOSIT - REFUNDABLE	\$ 500.00
FAC01	CABLE CORD (\$50.00)	\$
FAC01	FIRE HYDRANT WATERING FEE (\$100.00)	\$
FAC01	RENTAL FEE IS NON REFUNDABLE	\$
PD002 5% / PD003	SECURITY REQUIRED _____ X \$32.60 per hour	\$
	TOTAL DUE	\$
	TOTAL PAID	\$

APPLICANT'S SIGNATURE: [Signature]

DATE: 4/10/18

CITY OF FIREBAUGH



FRESNO COUNTY, CALIFORNIA

1133 "P" STREET
FIREBAUGH, CALIFORNIA 93622-2547
(559) 659-2043
FAX (559) 659-3412

REQUEST FOR POLICE SERVICE

Name 420 College Phone # _____
Address _____ City/St/Zip FRESNO, CA 93728
Email Address: _____
Date of Event 10/6/18 Time of Reception _____ Time of Dance _____
☒ A/F Hall ☐ VFW ☒ Rodeo Grounds Event Type: ☐ Wedding ☐ Quinceanera ☒ Other FESTIVAL
Invitation only-Yes ☒ No (Open to Public) _____ How many people attending 5,000
If applicable, Organization holding the event 420 College
Will alcohol be provided? Yes _____ No ☒ if selling- Please provide copy of ABC license
Who will be selling or serving alcohol? N/A
Name of person liable for damages/emergency response GEORGE Boyadjian
The above information is true to the best of my knowledge; I understand that I can be held liable for falsifying the above information. If event should to be cancelled, you are responsible to notify 30 days in advance in order to receive refund.
[Signature] 4/10/18
Signature Date

For Office Use Only

Approved By: _____	Police Hourly Rate: <u>\$32.60</u>
Number of Officers: _____	Total Police hours: _____
Hours of service: _____	Total Price: _____
	Amount Due: _____
Emailed to: _____ Date: _____ Name: _____	



STAFF REPORT

TO: City Council
FROM: Ben Gallegos, Public Works Director/Acting City Manager
DATE: 4/16/18
SUBJECT: Waving Building Fees for Westside Produce

HISTORY:

Westside Produce will be constructing a new 12,700 sq. ft. metal building as a personal storage building. Valuation for the project is \$360,000, total fee for Building Permit, which includes Impact Fees is \$32,392.17.

RECOMMENDATION:

To wave only the following Fees: storm drain impact fee \$1356.00, parks & recreation impact fee \$6240.00, water impact fee \$2376.00, and waste water impact fee \$2784.00, totaling in the amount of \$12,756 of impact fees.

Remaining impact fees to be charged will include traffic impact fee \$11,724.00, Police impact fee \$1116.00, Fire impact fee \$1440.00, and Administrative impact fee \$816.00, totaling in the amount of \$15,096.00 of impact fees.

FISCAL IMPACT:

Is any amount of fees reduced or waived.

City of Firebaugh

1133 "P" Street, Firebaugh, Ca 93622

Fax (559) 659-3412

Telephone (559) 659-2043



AGENDA ITEM REQUEST FORM

- (1) DATE OF MEETING REQUESTED: 4/16/18
- (2) REQUESTED BY: WESTSIDE PRODUCE (3) DATE OF REQUEST: 4/6/18
- (4) ADDRESS: 785 12th STREET, FIREBAUGH, CA 93622
- (5) TELEPHONE NO: (559) 659-3005 (6) EMAIL: garrett@westsideproduce.com
- (7) Information Only ☐ Action Item ☐ Discussion/Action ☒
Report ☐ Public Hearing ☐ Closed Session ☐
- (8) AGENDA ITEM SUBJECT: BUILDING PERMIT and FEES applied to our project excessive and burdensome.
- (9) BACKGROUND: Fees totaling \$32,392.17 were charged for a new shade structure with no/little impact to city, traffic, and services.
- (10) ACTION REQUESTED: Eliminate all or most of fees, as they are inapplicable in intent or planned need. Similar fees in the county of Fresno would amount to \$1500-2500 total.
- [Signature] 4/5/18
- (11) Administrative Approval _____ Date _____

(12) Fiscal Approval _____

Date _____

(13) Personnel _____

Date _____

***** Request must be completed and approved by the above listed individuals*****

Request(s) to be added to the agenda MUST be received by the City Hall in five (5) working days prior to the meeting date. All backup information MUST be attached in order for this item to be placed on the agenda.

FOR OFFICIAL USE ONLY

- (14) Notification date: _____ (15) Notified By: _____
- (16) Meeting Date: _____ (17) Mode of Notification: _____
- Telephone ☐ Email ☐
- (18) Date of Meeting: _____ (19) Regular ☐ (20) Special ☐ (21) Action Item Number _____
- (22) Action Taken: Approved Disapproved Tabled Other _____
- (23) Special Stipulations: _____

GOUVEIA ENGINEERING

MEMORANDUM

TO: Firebaugh City Council

FROM: Mario B. Gouveia, City Engineer

DATE: April 16, 2018

RE: Resolution for the Initiation of Proceedings for the Annual Levy of Assessments for Landscaping and Lighting Maintenance District No. 1

BACKGROUND

The Assessment District was formed for the purpose of financing maintenance and improvement costs for street lighting, streets, public landscaping and park improvements in the District. The levy of assessments to property owners in the District occur on an annual basis.

In order to meet the timelines required by the Landscaping and Lighting Act of 1972 (herein the "Act") and the Government Code, it is now necessary to initiate proceedings for the annual levy of assessments against all properties in the District. The City Engineer will need to prepare and file a report regarding the annual levy in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Act.

No annexations of property have occurred to the District over the past year therefore there will be no new properties to levy.

RECOMMENDATION

Staff recommends that Council approve the attached Resolution Initiating Proceedings for the Annual Levy of Assessments for the Landscaping and Lighting Maintenance District No. 1 and to direct the City Engineer to prepare and file his annual report on the levy.

ATTACHMENT

Resolution No. 18-19

RESOLUTION NO. 18-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DIRECTING THE FILING OF THE ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF FIREBAUGH

WHEREAS, the Firebaugh City Council wishes to designate and direct its City Engineer to comply with the assessment/reporting requirements related to the City of Firebaugh Landscaping and Lighting Maintenance District No. 1 (the "District".)

THEREFORE, BE IT RESOLVED that Mario Gouveia be designated by this Firebaugh City Council as its Engineer of work to prepare and file "Engineer's Report of the City of Firebaugh Landscaping and Lighting Maintenance District No. 1, 2018 - 2019, (the "Annual Levy Report"), and that he be designated as the person directed to file annual reports in accordance with the provisions of the Landscaping and Lighting Act of 1972 (the "LLMD Act"), California Streets & Highways Code §§ 22500 *et seq.*, for the District in the City.

The foregoing resolution was duly adopted by the Firebaugh City Council adopted at a regular meeting of the City Council of the City held on April 16, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

ATTEST

Felipe Perez
Mayor

Rita Lozano
Deputy City Clerk

STAFF REPORT

TO: Firebaugh City Council
FROM: Gouveia Engineering, Inc.
DATE: April 16, 2018
SUBJECT: Adopt a resolution approving the City of Firebaugh FY 18/19 list of eligible projects for funding from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill (SB) 1 Road Repair and Accountability Act of 2017, and authorizing the City Manager to file with the California Transportation Commission (CTC) the Project List and the Annual Expenditure Report for FY 18/19 RMRA Funding.

BACKGROUND

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor on April 28, 2017, in order to address the transportation funding shortfalls statewide. The 2016 California Statewide Local Streets and Roads Needs Assessment found that a majority of the city streets and roads in California are at an “at-risk” condition and this funding will provide for improving the roads system. It is anticipated that over the next decade, SB 1 will contribute to restoring streets and roads into a “good” condition. SB 1 funding will be generated from increased gasoline and diesel fuel excise taxes and additional vehicle registration fees for California residents.

SB 1 includes accountability and transparency provisions to ensure the funding is used on a fiscal year basis for eligible transportation projects including, but not limited to, road maintenance and rehabilitation, safety projects, railroad grade separations, complete streets components, and traffic control devices. Funding recipients must prepare a list of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account on a fiscal year basis with these funds appropriated in the City budget. This list must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement. Funding recipients will also be required to prepare annual reports to indicate expenditure levels and completion status for each proposed project on a fiscal year basis.

Cities and counties will receive an annual allocation, determined from a population formula, which will be distributed on a monthly basis. SB 1 mandates that this new RMRA funding must not be used to supplant the current level of General Fund expenditures for street improvements and will be subject to oversight by the State Controller as part of the accountability and transparency provisions.

DISCUSSION

The funds were first made available to cities and counties for Fiscal Year 2017-2018. The first round of SB 1 allocations was provided to the City in 2017. This allocation was generated late in the fiscal year so the City was to receive only a partial allocation from the regular fiscal year amount.

RESOLUTION NO. 18-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY OF FIREBAUGH FY 2018/2019 LIST OF ELIGIBLE PROJECTS FOR FUNDING FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) CREATED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, AND AUTHORIZING THE CITY MANAGER TO FILE WITH THE CALIFORNIA TRANSPORTATION COMMISSION THE PROJECT LIST AND ANNUAL EXPENDITURE REPORT FOR FY 2018/2019 RMRA FUNDING

WHEREAS, the City of Firebaugh is eligible to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill (SB) 1, Road Repair and Accountability Act of 2017; and

WHEREAS, SB 1 was passed by the Legislature and signed into law by the Governor on April 28, 2017, in order to address the transportation funding shortfalls statewide; and

WHEREAS, RMRA funding will be generated from increased gasoline and diesel fuel excise taxes and additional vehicle registration fees for California residents; and

WHEREAS, SB 1 includes accountability and transparency provisions to ensure the funding is used on a fiscal year basis for eligible transportation projects including, but not limited to, road maintenance and rehabilitation, safety projects, railroad grade separations, complete streets components, and traffic control devices; and

WHEREAS, funding recipients must prepare a list of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account on a fiscal year basis and approved by resolution by the governing board. This list must include a description and location of each proposed project, a proposed schedule for completion, and the estimated useful life of the improvements; and

WHEREAS, funding recipients must prepare an annual report to indicate expenditure levels and completion status for each proposed project on a fiscal year basis; and

WHEREAS, cities and counties will receive an annual allocation, determined from a population formula, which will be distributed on a monthly basis; and

WHEREAS, SB 1 mandates that this new RMRA funding must not be used to supplant the current level of General Fund expenditures for street improvements and will be subject to oversight by the State Controller's office; and

WHEREAS, the City of Firebaugh's FY 2018/2019 allocation for RMRA funding is estimated at \$136,203 and the City intends to appropriate these funds on its FY 18/19 Budget.

WHEREAS, the City's FY 2018/2019 allocation will be designated to the following eligible projects:

1. Helm Canal Rd Rehabilitation – north side (from Poplar to Birch Drive)
2. Roadway Sealing Project (various streets: Birch Drive, Dogwood Way, Cypress Way, Alder Way, Poplar Way, Willow Way, Spruce Street, Maple Court, Elm Street, Ash Street, Oak Street)

WHEREAS, the City is required to submit to the California Transportation Commission by May 1, 2018, the FY 2018/2019 List of eligible projects and a resolution that shows these projects were approved to receive FY 18/19 SB 1 funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh hereby:

1. The above recitals are true and correct findings of the Firebaugh City Council.
2. The City Council hereby approves the proposed FY 2018/2019 List for eligible projects to receive funding from the Road Maintenance and Rehabilitation Account.
3. The FY 18/19 SB 1 funds will be appropriated on the City's FY 18/19 Budget.
4. The City Manager is hereby authorized and directed to submit to the California Transportation Commission the Project List and Annual Expenditure Report for FY 2018/2019 RMRA Funding.

The foregoing resolution was duly adopted by the Firebaugh City Council at a regular meeting of the City Council of the City held on April 16, 2018.

AYES:

NOTES:

ABSENT:

ABSTAIN:

APPROVED

ATTEST

Felipe Perez
Mayor

Rita Lozano
Deputy City Clerk

Local Streets and Roads Program

Agency Name:		Agency Contact:
Firebaugh		Ben Gallegos
		(559) 659-3412
LoCode:	5224	bgallegos@firebaugh.org

FY
18/19

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	Helm Canal Road Rehabilitation (north side)	Roadway rehabilitation	In the City of Firebaugh between Poplar and Birch Drive	07/2018	07/2019	10	20
PP02	Roadway Sealing Project	Roadway crack sealing and slurry sealing	At various locations in the City of Firebaugh: Birch Dr from Helm Canal to cul-de-sac; Dogwood Wy from Maple to cul-de-sac; Cypress Wy from Helm Canal to Maple; Alder Wy from Elm Street to cul-de-sac; Poplar Wy from Helm Canal to Elm St; Willow Wy from Spruce to Elm Street; Spruce St from Willow Wy to cul-de-sac; Maple Ct from Poplar to Dogwood Wy; Elm Street from Willow to Birch Drive; Ash Street from Alder to Dogwood Wy; Oak Street from Alder to Dogwood Wy	07/2018	07/2019	5	10
PP03							
PP04							
PP05							
PP06							
PP07							
PP08							
PP09							
PP10							
PP11							
PP12							
PP13							
PP14							