

## MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh  
Vol. No. 18/06-04

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** June 4, 2018/6:00 p.m.

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

**ROLL CALL PRESENT:** Mayor Felipe Perez  
Council Member Elsa Lopez  
Council Member Freddy Valdez  
Council Member Brady Jenkins

**ABSENT:** Mayor Pro Tem Marcia Sablan

**OTHERS:** City Attorney Meggin Boranian; Attorney James Sanchez, City Manager/Acting Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; Engineer Mario Gouveia, Wanda Breshears, George Conklin & others.

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

**PUBLIC COMMENT** None

### PRESENTATION

- The Swear-in and introduction of Part-time Dispatcher Guadalupe Hernandez.
- Gifty Kwofie from the Fresno County Department of Public Health presented updated information tobacco control and recommendations to amend City Ordinance to address e-cigarette products and use, as well as adding to city ordinances, the adopted 2016 s State Law definitions of tobacco products and smoking. Martha Zarate of Economic Opportunities Commission presented information regarding Smoke Free Apartment because tobacco is the #1 cause of preventable disease and death. Mrs. Zarate added that city officials can help protect children and adults non-smokers from secondhand smoke in multi-unit housing by implanting smoke free apartment policies within the city limits.

### CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council regular meeting on May 21, 2018.**

*Motion to approve minutes by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

### PUBLIC HEARING

2. **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. SECOND READING.**

Mr. Sanchez reported on the three major changes:

1. A Development Agreement, adds the ability to assess projects “revenue raising fee” vs having it approved by voters as a tax via tax payers. This amendment allows the city to collect the proposed fees of \$25 per sq. ft. for the first 3,000 sq. ft., additional \$10 per sq. ft. for square footage space over the 3,000, vs an approved tax by voters through an election.
2. Personal Use Standard (rules and regulations) for Cannabis use is being added, including regulations of medical use. Cultivation limits, lighting limits no gas products, any structural changes must comply with building code, must provide ventilation and odor filter system. Rental properties must have owner’s authorization. Use of garage or accessory buildings must have secure locks, with no use of extension cords. Previous ordinance did have any information on personal use.
3. Previous ordinance allowed only M-2 (Heavy Industrial) Zone. Applicant must obtain a Conditional Use Permit, all activities must be indoors, must have odor filters, business operating rules: A secure site, including security, fencing, & police inspections, no signage, owner/employee background checks, no minors, public access, no cannabis or alcohol use at site. Another amendment is establishing a Permit process that gives City Council the opportunity to review applications “Regulatory Application”, before businesses can enter into Development Agreement with the city and provides grounds for denial of permits. It establishes provision for suspension of regulatory permits and employee permits, as well as sets fees such as; Business license fees and regulatory fee not already mentioned earlier. No dispensaries allowed for retail sales of marijuana!

**Public Hearing Opened at 6:55 pm - No Comment - Public Hearing Closed at 6:56 pm.**

*Motion approving Ord. 18-02 by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

#### NEW BUSINESS

3. **RESOLUTION NO. 18-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY FOR FISCAL YEAR 2018-19.**

*Motion to approve Res. No. 18-25 by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

4. **PRELIMINARY BUDGET PRESENTATION FOR FY 2018/19 – STREET FUND.**

Finance Director Martin presented proposed project schedule in the street budget, no revenue earned, all funding is issued by County and State agencies:

- Line Item 3655, Loan Repayment, State will reimburse Cities for the next two fiscal years for funds borrowed by the State from Highway Users Tax fund, then no additional funding will be issued.
- Project to repave street, curb and gutter on Q Street from “P” Street to 15<sup>th</sup> Street will be shared with the following funding. (*Total project is estimated to cost \$592,000*):
  1. Fund 013, Road Maintenance & Rehabilitation Account (RMRA) will fund \$136,203.
  2. Fund 028, Transportation Development Act (TDA), will fund \$227,900 of this project, with \$94,000 from reserve funds.
  3. Fund 035 Measure C, will fund \$227,900 of this project, with \$82,000 from reserve funds.

*Informational Item Only.*

#### STAFF REPORTS

- Police Chief Sal Raygoza – Firework show is June 29<sup>th</sup>. Council Member Lopez asked if the Police Chief is considering adopting the smoking definitions presented today.
- Fire Chief, John Borboa – Check for funding of the new Fire Truck was processed, Mount Shasta will pay of their financing to transfer the fire truck to the city, and we should receive it by the end of the week.
- City Engineer Marion Gouveia – Un-used funds from the following projects: bridge on the Poso Canal, River Lane waterline replacement, and other small projects because of delays & liquidated damages will go back to life line fund at COG for future federal funded projects.

- **Finance Director, Pio Martin** – Working on the final budget, rate study, then will begin working on the audit. Will bring the results of the RFP for Audit services to approve a contract.
- **City Attorney Meggin Boranian** – will email the latest cannabis legislation changes, attending the league of cities meeting on Thursday at Tornino's, Ben and Freddy will also be attending. Serving on the Clovis Rotary and it is grant season, if anyone can think of anything that can help city, please apply for grant funding if needed.
- **City Manager, Ben Gallegos** – Nathan from Farmers Insurance and Wonderful are making donations to help paint VFW. The flag pole came in, it is at the city yard. Alex Maldonado is working with the city temporarily, he will help install the flag pole and remodel the Fire station. Some funding from landscape and lighting will be used at Parker's Park to provide shade structures. Mid Valley had an accident with one of their dump trucks, the door opened and dropped all the trash, should you get any complaints. Cal Riken is planning a grand opening, since the bleachers are done, hoping to attend. Project update on the Senior Center. Some of the council members have been registered for the League of Cities' Annual Conference in Long Beach.
- **Council Member Perez** – Thanked staff for painting the parking at the Catholic Church, everything starts with small things.

#### **PUBLIC COMMENT**

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

*Motion to enter closed session at 7:39 p.m. by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

#### **CLOSED SESSION**

#### **5. Government Code Section 54957**

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: Attorney.

*Motion to enter open session at 8:45 p.m. by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

#### **ANNOUNCEMENT AFTER CLOSED SESSION**

Council Member Valdez stated, "We have decided to go into, for an RFP for Attorney services at this time, because of the different projects that are up & coming in the horizon, and it gives us an opportunity to go out and look for some more, we highly encourage our current Attorney to submit an RFP. We don't have, currently a time frame, Council Member Lopez did state, we would like to physically put it into the budget, so we can do that any time after July when the budget takes effect, so you will see that as a new item in your budget take."

#### **ADJOURNMENT**

*Motion adjourn by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote at 8:48 p.m.*