

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 18/05-21

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: May 21, 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
Mayor Pro Tem Marcia Sablan
Council Member Elsa Lopez
Council Member Freddy Valdez
Council Member Brady Jenkins

ABSENT:

OTHERS: City Attorney Meggin Boranian; 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; Attorney James Sanchez, Wanda Breshears & others.

PLEDGE OF ALLEGIANCE Council Member Sablan led pledge of Allegiance.

PUBLIC COMMENT None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on May 7, 2018.

Council Member Valdez requested an amendment to the minutes under his staff report, change word: mainstream to streamline.

Motion to approve minutes with amendment by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

2. WARRANT REGISTER – Period starting April 1, and ending on April 30, 2018.

April 2018	General Warrants	#36517 - #36630	\$ 492,236.53
	Payroll Warrants	#69453 - #69549	<u>\$ 215,907.25</u>
TOTAL			\$ 708,143.78

Council Member Lopez asked about check # 36600 Resources Recycling & Recovery \$ 5,000. Staff responded the check was, unspent funding from the Cal Recycle CCPP Grant FY 14-15. Council Member Lopez also inquired about Check # 36583 Sparkletts amount \$206.02, why is the city providing employees water service, when the city charges the residents for water. Another concern she stated is lunch expense for staff meeting or other lunch meetings.

Motion to accept warrants by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.

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 – CONTINUED TO MAY 21, 2018 AT 6:00 PM.**

Attorney James Sanchez, provide an update on the new laws and changes that require amending the city's current marijuana ordinance. The amendments to Marijuana Ordinance included the following requirements:

Adding Marijuana cultivation, manufacturing, testing, transportation, and distribution as a permitted land use subject to a CUP in the M-2 (Heavy Industrial) zone. Providing additional operating regulations in the "Special Uses" chapter (Chapter 41) of the Zoning Ordinance. These requirements include background checks, and no signage advertising the on-site activity. Prohibiting retail marijuana dispensaries and delivery within the City. Noticing of hearings related to the marijuana uses through the CUP process. Prohibiting marijuana or alcohol consumption on-site. Prohibiting minors from the site. That marijuana operation must be at least 600 feet from any school. That marijuana operation must comply with all building, health and environmental codes. That cultivation and processing must occur indoors with appropriate odor devices. That buildings be secure with fencing, electronic entry gates with card systems and monitoring alarm systems approved by the Police Department. Owner/Operator permits requiring a Police Department background check and setting forth the basis for denying permit, including past permit revocation. Employee permits requiring Police Department 30 days for a background check. Suspension and revocation procedures for permits. That marijuana operations may be deemed abandoned after ceasing operations for a 90 day period. City fees, including regulatory fees (covering actual cost of services), business license fees, and a revenue tax. Record keeping, inspection and access to marijuana operational records. Indemnification of City against any legal challenges and proof of insurance. Enforcement provisions and changes to the definitions in the previous ordinance.

Public Hearing Opened at 6:09 pm on April 16 and was continued to May 21 - No Comment - Public Hearing Closed at 6:16 pm.

Council Member Lopez asked for explanation between Federal Law and State Law, will or how will it impact the city?

Motion to waive the first reading of Ord. 18-02 by Council Member Valdez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.

NEW BUSINESS

4. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER USE OF ANDREW FIREBAUGH COMMUNITY CENTER AND RODEO GROUNDS BY 420 COLLEGE FOR FESTIVAL EVENT ON OCTOBER 6, 2018.**

George Boyadjian of 420 College presented information for the facility use request. 420 College plans to hold a Mary Jane Festival, it will be the 1st in the Central Valley, this event is aimed to promote the health & wellness of cannabis while supporting local businesses. There will be live music, art, food, entertainment, purchase & consumption of cannabis. The total expectancy is about 5,000 people at the lower park of the rodeo grounds and the community center will be used for storage. Stated concerns are safety, smell, heat, Patron Safety, to address these concerns. There will be enclosed designated smoking areas, probably tents with carbon filtered system, which will also eliminate cannabis products and smoking not visible to the public. Water stations will be available to assist with heat. Will comply with all fire codes, Police Chief Regulations, & on-site EMTs will be present. The event is 21 & older only, No alcohol at event and will do all clean-up. Designated parking lots along HWY 33 throughout town, will contract will Lyft, Uber and buses to transport people to the event to avoid parking issues with local resident near the event. 420 College will donate back to the community, work with local non-profits on employing them for clean-up, and use event to educate and inform of alternative medicine to promote wellness. Vendors consist of local business (priority), food, merchandise (clothing/supplies, etc.), and cannabis retailers of CBD and Hemp products. Fire Chief Borboa asked why hold event in Firebaugh, not in Fresno, and how can it be held at the Rodeo Grounds which is 600 sq. ft. of a school, a violation of State Law. Mr. Boyadjian responded, there is no school on Saturday, October 6, 2018. Wanda Breashers stated she strongly opposes, Firebaugh can be put on the map in a different way & the event is in her backyard. Council Member

Jenkins asked, “Why not have the event without consumption? If the purpose is to promote medical purposes, and asked will people attending purchase and leave with cannabis? Mr. Boyadjian replied, “People will be searched twice when entering the event but not leaving. People can have no more than an ounce per person (legally), but there is no way of preventing resale of the purchased products from the event and it is no different than an adult buying beer for a minor.” Police Chief stated he is against this event, due to the concerns: 1) Public safety (Don’t know how many people attending, police dept. is under staffed for that population of attendance & will not receive help from other agencies like during the festival. 2) Parking, although there is planned designated parting areas in town, people probably won’t use them. 3) Firebaugh Police Dept. will not patrol the event inside due to exposure of the cops to 2nd hand spoke of cannabis. City Manager Gallegos added, not sure how 420 college can get around State Law requirement to have this event. Current Law only allows these events in a fairground or agriculture area (district), State Code. Attorney Sanchez advised, the law currently doesn’t allow for such an event at this time. Attorney Boranian added the Council has no authority to approve at this time, this is an informational only item, if the law is changes and AB 2020 is approved the city will then have a choice. Council Member Sablan reminded public the City has a no smoking ordinance in city parks.

Informational Item Only.

5. RESOLUTION NO. 18-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE A MOTOR VEHICLE BILL OF SALE FOR THE PURCHASE OF A FIRETRUCK FROM MOUNT SHASTA FIRE PROTECTION DISTRICT.

Fire Chief Borboa, reported the finance loan has been approved with West America for the amount of \$300,000.00. \$250,000 for the purchase of the fire truck and \$50,000 for repairs and upgrades, payment due June 1, 2018.

Motion to approve Res. No. 18-23 by Council Member Lopez, second by Council Member Sablan; motion pass by unanimous 5-0 vote.

6. RESOLUTION NO. 18-24 - A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF FIREBAUGH TO SUPPORT SENATE BILL NO. 3 (SB 3, BEALL) VETERANS AND AFFORDABLE HOUSING BOND ACT 2018.

Motion to approve Res. No. 18-24 by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

7. PRELIMINARY BUDGET PRESENTATION FOR FY 2018/19 – ENTERPRISE FUND.

Finance Director Martin provided a presentation on enterprise fund with purchases/projects schedule in the budget: **Water Operations:** Line 4012-3012 (\$26,000 of the \$35,00) to Upgrade to booster pump Site 2, Line 4012-3013 (\$20,000 Budget) \$10,000 for upgrades and repairs Site 2 and \$10,000 to Paint Site #1), Line 4012-3513 (\$17,000 for Water Rate Study, remaining \$25,000 for maintenance/repairs). **Water Capital Operations:** HUD Tank Environmental Study (\$30,000). **Sewer Operations:** Line 4013-3012 (\$32,000 Budget) includes: Repair of Flow Meter (\$17,000), Pumps (\$10,000), and Check Values (\$10,000), Line 4013-3513 Wastewater Rate Study, Line 4013-5035 (\$35,000) a new truck to replace truck #32, Connect Sewer with City Hall for internet and phone connection. **Sewer Capital Operations:** No projects.

<u>Fund</u>	<u>Revenue</u>	<u>Salaries</u>	<u>Operation Expense</u>	<u>Net Revenue</u>	<u>Debt Service</u>	<u>Debt Service %</u>
016 Airport Operation	35,120	8,015	19,717	7,389		
036 Water Operation	1,962,300	536,498	1,013,300	412,502	323,560	127.49%
037 Water Capital Operation	0.00	0.00	30,000	(30,000)		
040 Sewer Operation	1,606,650	537,475	714,980	354,195	178,563	198.36%
041 Sewer Capital Operation	0.00	0.00	0.00	0.00		
043 Light and Landscape	49,160	28,752	7,020	13,388		
080 Solid Waste Service	435,150	62,423	362,020	12,257		
Totals	4,089,930	1,173,163	2,147,037	769,731	502,123	

Informational Item Only.

STAFF REPORTS

- **Police Chief Sal Raygoza** – Had a few arrest and had search warrants in Firebaugh and Mendota, found 3 guns and a small lab in Firebaugh, and burglary from out of town due to increase in drug problems. Working on the courthouse purchase, have been reaching out to the State but haven't received a response, will keep trying. Meeting with Board of State and Community Corrections (BSCC), they looked at the court house and provided ideas to get additional funding to fix the building, they also advised we will be fine if we leave the jail cells alone.
- **Fire Chief, John Borboa** – Getting ready for the new Fire Truck, remolded the entrance at the fire station which was a 10x10 doorway to change it to a 12x12 doorway.
- **Finance Director, Pio Martin** – Working on the street and grant funds budget, presenting June 4th, current grant include: HWY 33, Senior Center, no matching funds for current Q Street project. Any new grants will not be included in the presentation.
- **Deputy City Clerk, Rita Lozano** – Communicated with Susan Ramirez, School Board asked council for available dates for the Joint meeting. Council provided July 2, July 12 or July 16 as possible dates.
- **City Attorney Meggin Boranian** – Nothing to report.
- **City Manager, Ben Gallegos** – Nancy is attending tonight to cross training, Boys & Girls Club holding their event at Harris Ranch Thursday May 24th at 11:00 am , the owner of the 76 is sponsoring a table for the City of Firebaugh. At the Senior Center all the outside panels are up, asked the senior if they wanted extended hours and they are not interested. USDA awarded additional funding for the kitchen remold of the senior center. Sally Trip might be coming out for a check presentation. Parking Lot will be repaved. Spoke with the Housing Authority and they agreed to offer space for the elections booth to be placed there.
- **Council Member Lopez** – In review of the budget, there is concern about paying two Attorney's, \$4000 to Lozano Smith and paid our City Attorney, so if we are going to pay for services, it's in our best interest to find an Attorney that is an expert in everything. Request an RFP for Attorney services, we also paid additional fees to get help from City Planner Karl for the marijuana ordinance.
- **Council Member Valdez** – Added the cannabis law will be continuing to change, but right now we are done and is happy but laws will be changing. Reported construction at Bailey School.
- **Council Member Perez** – Asked staff to address the parking situation at the Catholic Church, angle or parallel. Police Chief is ok with painting the parking to clear confusion from 12th Street to the end of the Church.

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

Motion to enter closed session at 7:58 p.m. by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

CLOSED SESSION**8. REAL ESTATE NEGOTIATION – Pursuant to Government Code Section #54956.8.**

Re: APN # 008-071-04

Designative Rep. City Negotiator Ben Gallegos

Motion to enter open session at 8:15 p.m. by unanimous 5-0 vote.

ANNOUNCEMENT AFTER CLOSED SESSION

Nothing to report

ADJOURNMENT

Motion adjourn by Council Member Valdez, second by Council Member Jenkins; motion passes by unanimous 5-0 vote at 8:16 p.m.