

# SPECIAL MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh  
Vol. No. 19/01-22

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** January 22, 2019/6:00 p.m.

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

**ROLL CALL PRESENT:** Mayor Marcia Sablan 6:04 pm  
Mayor Pro Tem Elsa Lopez  
Council Member Freddy Valdez  
Council Member Brady Jenkins  
**ABSENT:** Council Member Felipe Perez

**OTHERS:** City Attorney J. Sanchez; City Manager/Acting Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; City Engineer Noe Martinez, Wanda Breshears, & others.

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

**PUBLIC COMMENT:** None

## CONSENT CALENDAR:

### 1. APPROVAL OF MINUTES – The City Council regular meeting on January 7, 2019.

*Motion to accept minutes by Council Member Jenkins, second by Council Member Valdez; motion pass by unanimous 3-0 vote.*

### 2. WARRANT REGISTER – Period starting December 1, and ending on December 31, 2018.

|               |                  |                 |                      |
|---------------|------------------|-----------------|----------------------|
| December 2018 | General Warrants | #37583 - #37707 | \$ 749,212.88        |
|               | Payroll Warrants | #70331 - #70434 | \$ 223,847.98        |
| <b>TOTAL</b>  |                  |                 | <b>\$ 973,060.86</b> |

*Motion to accept warrants by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 3-0 vote.*

### 3. CITY OF FIREBAUGH 2019 HOLIDAY SCHEDULE.

*Motion to accept 2019 Holiday Schedule with a change for City Hall to be closed on February 11<sup>th</sup> instead of February 12<sup>th</sup> (Lincoln's Birthday), by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

### 4. CITY OF FIREBAUGH 2019 COUNCIL MEETING SCHEDULE.

*Motion to accept 2019 Council Meeting Schedule with changes for February 18<sup>th</sup> to February 19<sup>th</sup> & September 2<sup>nd</sup> to September 3<sup>rd</sup>, by Council Member Valdez, second by Council Member Lopez; motion pass by unanimous 4-0 vote.*

### 5. CITY OF FIREBAUGH 2019 COMMITTEE ASSIGNMENT.

*No recommended changes*

**NEW BUSINESS**

6. **RESOLUTION NO. 19-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AWARDING A CONTRACT TO GOUVEIA ENGINEERING, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR ON-CALL ENGINEERING SERVICES FOR FEDERALLY FUNDED TRANSPORTATION PROJECTS FOR THE CITY OF FIREBAUGH.**

*Motion to approve Res. No. 19-07 by Council Member Sablan, second by Council Member Jenkins; motion pass by unanimous 4-0 vote.*

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER AMENDING ORDINANCE 18-02 TO ALLOW CANNABIS DISPENSARIES (ONE DISPENSARY PER 10,000 RESIDENTS).**

Council Members Valdez & Sablan stated they are in favor of allowing dispensaries, with deliveries being allowed to everywhere per state law, the City should consider to try an capture some funding from dispensaries by allowing a facility in the city, which will help fund Public Safety personnel and other programs that the city wouldn't normally receive or get by other means. (Unfunded liability). City Manager could negotiate the permit fee for added revenue the City will receive, the funds from the dispensaries would help target the problem the Police Chief has recently seen increase the schools and assist in providing resources to help fight the problem. Police Chief Raygoza stated kids at Mills School and at the Jr. High have shown an increase of vaping, and would like to amend the current Ordinance to increase punishment of the violation, to be higher than the State law currently states, because High School kids have been found with vape pens & are selling vaping products on school grounds, because they have little consequences, infraction fee is a \$50 or \$100 fine or misdemeanor. Police Chief would like to discuss the issue with the school to address and correct the problem. When adults provide vaping or marijuana products to a minor, the punishment is not harsh enough to detour them from committing delinquency of a minor. Wanda Breshears, 1759 Thatcher, stated, "I don't think it's a good thing for Firebaugh, the City should find other ways to evolve, grow and earn money, I am not in favor of allowing dispensaries".

*Majority of the Council Members in favor of staff to proceed with the research, to present recommendation to Council for consideration to amend Ord. 18-02 to allow dispensaries, Council Member Jenkins not in favor.*

8. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AMENDING ORDINANCE 18-02 TO REDUCE THE REVENUE RAISING FEE RELATED TO COMMERCIAL CANNABIS OPERATIONS WITHIN THE CITY.**

Council discussed and considered action to amend Ord 18-02 by changing the square (sq.) footage (ft.) fee for commercial operational cannabis businesses that would affect city revenue. Currently, the fee is \$25 per sq. ft., City Manager Gallegos recommends it be reduced to \$7 per sq. ft. for the first 3,000 sq. ft., then, it can be increase or reduced after the 3,000 sq. ft. City Manager Gallegos's recommendation is \$2 per sq. ft. after the first 3,000, recommendation is based on staff research comparable to surrounding cities and their rates. Deputy City Clerk Lozano, advised all amendments to any ordinance requires a Public Hearing, a 1<sup>st</sup> and 2<sup>nd</sup> reading with a Newspaper Publishing, recommends added language to the ordinance, "rates, fees and charges shall become effective upon the approval of the city council set forth by resolution, but do not exceed the established reasonable cost of providing the service for which the rates, fees, or charges are levied" to avoid future additional cost of amending Ord. 18-02.

*All Council Members are in favor of the recommendation, and have language to be added by amending Ord. 18-02, to set fees per resolution.*

9. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS CANNABIS FESTIVAL.**

Attorney advised, there is no facility or area for the applicant to use at this time for a Cannabis venue due to strict regulations and current law.

*No Action, Information item only.*

**STAFF REPORTS**

- **Police Chief Sal Raygoza** – Excited about the stats for the year, crime continue to be down. Sent reports to Fresno State, think we did a great job with low crime rate. PD lost one officer to City of Merced, there is an advertisement to fill the opening, it has been hard to hire, with other cities that are paying higher rates or signing bonuses. Some graduating from the Police Academy have already received a job, we try to hire local residents from the academy to help fill our open positions.
- **Finance Director, Pio Martin** – Waiting for the Audit, AT&T changing of the phone lines (upgrade to fiber lines) and service were postponed to Feb. 8, 2019, the new service should reduce the fees to half the cost. The new ladies are doing well.
- **City Engineer, Noe Martinez** – Update on Q St, which is almost complete, just finishing the punch list, one item on the list will be postponed until warmer weather to do the slurry.
- **City Manager Ben Gallegos** – With the approval of the FHwy contract, the city can move forward with the grant. The 8<sup>th</sup> St. project will begin in the summer. Mario's office is working on the VFW hall rehab project, A site visit to attract a new business is scheduled for Friday, will show Perez Packing as an option. School District sold property so the Model homes is in Mendota, because it's the same developer. Site Plan review for Tommy's project was approved by Planning, Mario will review project, five homes already sold, with a list of 50 waiting. Had the 1<sup>st</sup> AC energy audit, on the list was energy usage for each city building, with options of shade structures at City Hall, Maldonado Park, water site & other locations, other facilities can be added. Police Chief Sal applied for a solar grant to purchase two vehicles, one for PW and one for PD. Met with FAA to rename the landing runway, as long as there is no stripping or name change of the Firebaugh Municipal Airport it can be done, by placing a sign dedicating the strip to the Lorenzetti Family with general funds or a donation for the signage. Airport Grant funds will be used to fix the fence and additional minor repairs will be done to the airport, max allowed in grant funds is \$600,000, so city must use these funds.
- **Council Member Valdez** – A new housing project, which is awesome, is going to tackle affordability, working with the school to adjust impact fees. New School Board Member is Mr. Gamino.
- **City Attorney James Sanchez** – Transition of City files from previous Attorney and are looking them over, working with PD matters and Pio asked about the retention policy.

**PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

*Motion to enter closed session by Council Member Jenkins, second by Council Member Valdez; motion pass by unanimous 4-0 vote at 7:44 p.m.*

**CLOSED SESSION****10. Government Code Section 54957**

PUBLIC EMPLOYEE EVALUATION: City Manager.

*Motion to enter open session at 8:41 p.m. by unanimous 4-0 vote.*

**ANNOUNCEMENT**

*No Action Taken*

**ADJOURNMENT**

*Motion adjourn by Council Member Sablan, second by Council Member Valdez; motion pass by unanimous 4-0 vote at 8:41 p.m.*