

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh
Vol. No.19/07-01

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: July 1, 2019/6:00 p.m.

CALL TO ORDER

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

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

APPROVAL OF THE AGENDA

PRESENTATION

- Introduction of Reserve Officer Applicants Lor Phang and Jonathon Gonzalez.
- Teresa Rossi-Long, of Advanced Lighting Services, Inc., re: Firebaugh's Comprehensive Lighting Summary

PUBLIC COMMENT

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 June 17, 2019.

PUBLIC HEARING

2. ORDINANCE NO. 19-03 - 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-1 AND M-2 ZONES; (2) AMENDING MUNICIPAL CODE SECTION 25-41.13 TO ALLOW FOR AND TO REGULATE DISPENSARIES AS COMMERCIAL CANNABIS OPERATIONS; AND (3) AMENDING MUNICIPAL CODE SECTION 25-41.13 MODIFYING THE REGULATORY REVENUE-RAISING FEE – FIRST READING.

Recommended Action: Council received public comments & waives first reading Ord. No. 19-03.

3. RESOLUTION NO. 19-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE WEST HILLS COLLEGE PROJECT.

Recommended Action: Council received public comments & approves Res. No. 19-34.

4. RESOLUTION NO. 19-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING GENERAL PLAN AMENDMENT 2019-01 (WEST HILLS COMMUNITY COLLEGE DISTRICT).

Recommended Action: Council received public comments & approves Res. No. 19-35.

5. ORDINANCE NO. 19-04 - AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY.

Recommended Action: Council received public comments & approves Ord. 19-04.

NEW BUSINESS

6. RESOLUTION NO. 19-36 - 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 2019-2020.

Recommended Action: Council receives public comment and approve Res. No. 19-36.

7. RESOLUTION NO. 19-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, DESIGNATING VOTING DELEGATE AND ALTERNATE(S) FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL MEETING, OCTOBER 16 – 18, LONG BEACH.

Recommended Action: Council receives public comment and approve Res. No. 19-37.

8. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER REDUCING IMPACT FEES FOR N STREET APARTMENT PROJECT – APN 007-050-06.

Recommended Action: Council receives public comment and give staff direction.

9. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS LAS DELTAS WATER DISTRICT.

Recommended Action: Council receives public comment and give staff direction.

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, June 28, 2019 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 19/06-17

Location of Meeting: Andrew Firebaugh Community Center
Date/Time: June 17, 2019/6:00 p.m.

CALL TO ORDER

Meeting called to order by Mayor Sablan at 6:00 p.m.

ROLL CALL PRESENT:

Mayor Marcia Sablan
Mayor Pro Tem Elsa Lopez
Council Member Freddy Valdez
Council Member Brady Jenkins 6:02 pm
Council Member Felipe Perez

ABSENT:

OTHERS: City Attorney Jim Sanchez; City Manager/Acting Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Police Chief, Sal Raygoza; Fire Chief, John Borboa; City Engineer, Mario Gouveia, Wanda Breshears & others.

PLEDGE OF ALLEGIANCE: Council Member Lopez led pledge of Allegiance.

APPROVAL OF AGENDA

Motion to approve agenda by Council Member Valdez, second by Council Member Perez; motion pass by 4-0 vote.

PRESENTATION

Albert Peche, of A. E. Peche & Associates LLC, provide the Final Report on 2019 Equipment Lease - Solar Project & How do General Obligation Bonds Work. May 23, 2019 final interest rate was set at 3.55%. Energy equipment lease close May 30th, funds of \$4,198,302 were wired to Bank of New York, the appropriate funds to make debt service payments are: Water = \$188,977, Wastewater = \$117,497, General Fund = \$24,669, for a total amount of \$331,143. An amount of \$170,399.75 was wired to West America Bank for City as Capitalized interest to make the 2/1/2020 & 8/1/2020 payments. General Obligation (GO) Bonds are being used by cities after the dissolution of Redevelopment funds. Cities are polling for & passing GO Bond elections. It is the best way to finance street & park improvements, or other CIP projects, over an extended period of time. They can be used for matching funds for grants & preserves the City's General Fund for other purposes. There is annual administration as debt service is given to, & collected by the County, then paid to the paying agent, who pays the investor. It requires a 2/3rds vote of the voter, Cities can issue up to 3.75% of the property owners assessed value, not market value, in GO Bonds. Bond authorization is based on total amount reflected in the ballot initiative & project description. Tax rate is calculated each year around July & based on annual debt service divided by total assessed value for the fiscal year in the City limits. Bonds can be sold in Series thereby minimizing the impact to tax payers.

PUBLIC COMMENT

Jose Angel, asked why the City doesn't put information in Spanish, because many residents doesn't understand English. City Manager replied, usually two residents that attend the Council Meetings, speak English, so it's not cost effective to pay for a translator to attend all meetings. Council Member Valdez & Perez, informed if more Spanish speaking residents attended meetings regular, the City will accommodate them & have a translator.

Michael of N Street Apartment project asked Council to consider assisting him by reducing impact fees. City Manager Gallegos, stated he has meet with Michael, but he's requesting more of a reduction then the City Manager is allowed to negotiated or authorize. Council Member Valdez asked if Council offers a reduction in impact fees, will it help lower the cost for renters. Council would not wish to reduce impact fees to increase the profit of the developer, but would like to assist in making housing more affordable to the residents.

Flores, said in 2002, Del Rio went from Fresno County to City, and residents were informed the City was going to help make living affordable. In 2017, City has been issuing violations and feels, not that developers are interested in building in Del Rio more violations are being issued. The individuals can't & don't know if they can pay them, because most are low income. Police Chief Raygoza, stated the City started Code Enforcement about 3years ago, Police Department has issued violations, only on new construction & only after the individuals have been advised of the code enforcement violation. Officers make contact with violators, through verbal conversations, notices both mailed and at site & often after they have meet with the City Manager. A time frame to address the problem is given, Extension have been given by the City Manager, but some continue work or fail to comply, so violation citations are issued. City Manager added, there are many rumors & misunderstanding about what residents in Del Rio are told verse the facts, so they should feel free to contact him about their concerns.

A contractor will need to install a new sewer line at his development, so he wanted to advise the residents that, the contractor will place them in a hotel temporarily & pay for them to stay there, because when the new sewer line is being installed the residents will not have sewer service.

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council Special Meeting on June 3, 2019.

2. WARRANT REGISTER – Period starting April 1, and ending on May 31, 2019.

May 2019	General Warrants	#38180 - #38310	\$ 597,171.29
	Payroll Warrants	#70871 - #70968	\$ 221,526.70
TOTAL			\$ 818,697.99

Council Member Lopez, inquired about Attorney Fees, City Manager Gallegos will set a date fora six month evaluation.

Motion to approve Consent Calendar by Council Member Valdez, second by Council Member Perez; motion pass by unanimous 5-0 vote.

PUBLIC HEARING

None

NEW BUSINESS

3. RESOLUTION NO. 19-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING HOMELESSNESS PRIORITIES FOR CALENDAR YEAR 2019.

Motion to approve Res. No. 19-31 by Council Member Jenkins, second by Council Member Valdez; motion pass by unanimous 5-0 vote.

4. RESOLUTION NO. 19-32 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING STREETS NAMES FOR (CEN CAL BUILDERS (DEL RIO PLACE)) PURSUANT TO FIREBAUGH MUNICIPAL CODE CHAPTER 2 PROCEDURES FOR NAMING AND RENAMING CITY FACILITIES.

Motion to approve Res. No. 19-32 by Council Member Jenkins, second by Council Member Perez; motion pass by unanimous 5-0 vote.

5. RESOLUTION NO. 19-33 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO ORDER ASSESSMENTS DISTRICT NO. 1 (Pursuant to the Landscaping and Lighting Act of 1972).

Motion to approve Res. No. 19-31 by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

6. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER REDUCING THE COMMERCIAL UTILITY USERS TAX RATE AND/OR PLACING THE RESIDENTIAL RATE ON A FUTURE BALLOT TO CONTINUE AT THE SAME 10% RATE.

City Attorney Sanchez, has been working on putting this matter on the 2019 November ballot, but due to Prop 218 and because the City has a balanced budget, there is legally no need for the City to a Special Election. A city must meet certain requirements to hold Special Elections, which Firebaugh doesn't at this time; therefore, with no finding, the City must wait until the General Election, when Council Members seats are up to election in 2020 November Election.

Information item only.

7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND APPROVE THE JOINT USE AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT.

Motion to approve Joint Use Agreement by Council Member Jenkins, second by Council Member Valdez; motion pass by unanimous 5-0 vote.

STAFF REPORTS

- **Police Chief Sal Raygoza** – It's been quite in the community, will be in San Francisco, Friday to launch Podcast.
- **Deputy City Clerk, Rita Lozano** – Working on Public request act (PRA), and with the Attorney on Training, scheduled for July 15, 2019, two sessions, morning & afternoon for 4 hours (two – 2 hour training for Ethics & Harassment).
- **City Attorney Jim Sanchez** – Another Attorney from Lozano Smith will do the training, she's not available on Tuesdays.
- **City Manager, Ben Gallegos** – This year the voting polls will be a 2-3 day event, instead of just one day. It will be held at the Senior Center, so only concern is the parking lot, I reached out to the contractor to see when they'll be willing to begin construction, still waiting for a response. Held a meeting with the Veterans, presented three designs for the VFW Rehab project, one was selected & presented to Council for review. The design selected does not be a certified kitchen, there still be additional changes and charges. Fresno County PIC Street projects, payment conditions is both good & bad. Streets are compared to Fresno, City scored very high, so five streets may be get repaired with funds the City receives. Future Agenda item, Council will select voting delegates for the League of Cities Annual Conference. River has gone down, usually have the same problem every year. River Camp begins next week, so monitoring of the River will continue. Staff is receiving a lot of complaints from the Northside of town about insects, bugs, rodents, City can't spray but staff is recommending residents hire a pest control to address the problem.
- **Council Member Valdez** – Asked City Manager if he is interested in attending the annual K-9 event. City Manager stated, he would like to attend. Police Chief Raygoza, stated, 'The department has a K-9 vehicle, but it is a lot of liability. I prefer a narcotics dog. I spoke with an officer about being interested in participating and staying committed for 3 years.'
- **Council Member Perez** – Attended a meeting last week about the 2020 census, Mendota, Firebaugh & Huron have a short fall in volunteers and participation, every citizen not accounted for the City potentially loose an estimated \$2,000 a year. City Manager Gallegos, suggested Council Member Perez, speak with School Board Member Gamino, who is trying to hold an outreach meeting to educate about participation in the 2020 Census, and the importance of it. City has offered the Community Center to hold the outreach meeting.

ADJOURNMENT

Motion adjourn by Council Member Jenkins, second by Council Member Perez; motion pass by unanimous 5-0 vote at 7:56 p.m.

FIREBAUGH CITY COUNCIL

STAFF REPORT

Date: July 1, 2019
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Zoning Ordinance Amendment 2019-01 (Cannabis Control Ordinance)

Summary/Recommendation

The action is a series of amendments to those sections of the Firebaugh Zoning Ordinance that regulate cannabis businesses. The main amendments would allow most types of cannabis businesses within the M-1 (Light Industrial) zone. Currently such businesses are limited to the M-2 (Heavy Industrial) zone. The Planning Commission conducted a public hearing on May 13, 2019 and voted unanimously to recommend against the amendments, fearing negative impacts to the City.

Analysis

The City Council previously adopted Firebaugh's existing cannabis ordinance in June of 2018. The ordinance allows for the establishment of certain cannabis businesses by permit in the M-2 (Heavy Industrial) zone. Cannabis businesses that are allowed include cultivation, manufacturing, processing, testing and distribution (but not dispensaries). Such businesses are required to undergo a two-phase permitting process, including a Regulatory Permit and a Conditional Use Permit.

More recently the City Council has conducted discussions and voiced their desire to amend the ordinance to provide greater opportunities for the establishment of cannabis businesses, and also to allow for retail cannabis dispensaries. The Council specifically directed staff to amend the ordinance to allow cannabis businesses in the M-1 (Light Industrial) zone and to allow cannabis dispensaries in both M-1 and M-2 zones. Both of these zones currently exist only west of the railroad.

The attached ordinance contains amendments that respond to the City Council's direction. Key amendments within the ordinance include:

Section 1 (page 2) adds "Cannabis dispensaries, retail sales, manufacturing and testing" as permitted in the M-1 zone (by Conditional Use Permit) and adds dispensaries as permitted in the M-2 zone.

Section 2 (page 6) allows dispensaries at a rate of one per 10,000 residents. At Firebaugh's current population, one dispensary would be allowed.

Section 3 (page 7) allows cannabis deliveries to occur within City limits. This is consistent with recent changes by the State legislature that now requires all cities and counties to allow cannabis deliveries. This means that residents can have cannabis products delivered to their homes by licensed cannabis delivery services. This section also clarifies that such deliveries will be subject to taxation by the City (at a rate to be determined by the City Council).

Section 3 (page 14) amends the City's revenue raising fee on cannabis businesses to \$7 per square foot for the first 3,000 square feet of floor area and to \$2 per square foot for floor areas greater than 3,000 square feet. These rates are in line with other area cities that allow cannabis businesses, ensuring that Firebaugh will remain competitive with other communities.

Planning Commission Action

The Planning Commission conducted a public hearing on this amendment on May 13, 2019. Following the staff report, several residents voiced strong opposition to the amendment, believing that cannabis businesses should be restricted to the M-2 zone, which is further away from most residential areas and developed parts of the City. Speakers voiced several concerns, including the potential for increased crime, impact on the City's youth and Firebaugh's reputation, among others.

Following discussion, the Planning Commission voted 5-0 to recommend against adoption of the ordinance amendment. The Commission's concerns mirrored those of the public speakers – potential for crime, impact on youth and other residents, and Firebaugh's reputation. The Commission feels that cannabis businesses should be limited to the M-2 zone, which is further from most developed areas of the City.

Environmental Review

Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) per Section 15061 (b) (3) of the CEQA Guidelines which stipulate that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Conclusion

The proposed amendments would allow cannabis businesses in the M-1 zone, thereby increasing the area within the City where cannabis businesses are allowed. Currently all parcels within the M-1 and M-2 zones are west of the railroad. The ordinance would also allow for the establishment of one cannabis dispensary per 10,000 population; therefore one such business could be allowed under Firebaugh's current population. A second dispensary could not be allowed until the population hits 20,000 persons.

As mentioned above, the Planning Commission has voted unanimously against the zoning amendment. The Commission believes cannabis businesses should be limited to the M-2 (Heavy Industrial) zone, and that allowing them in the M-1 zone would have negative effects on the community.

ORDINANCE NO. 19-03

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-1 AND M-2 ZONES; (2) AMENDING MUNICIPAL CODE SECTION 25-41.13 TO ALLOW FOR AND TO REGULATE DISPENSARIES AS COMMERCIAL CANNABIS OPERATIONS; AND (3) AMENDING MUNICIPAL CODE SECTION 25-41.13 MODIFYING THE REGULATORY REVENUE-RAISING FEE

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, on June 4, 2018, the City Council of the City of Firebaugh adopted Ordinance No. 18-02, the "Cannabis Control Ordinance," approving the permitting of certain commercial cannabis operations in the M-2 land-use zone, excluding both retail and mobile dispensaries;

WHEREAS, this newly licensed commercial cannabis industry is evolving quickly and the State Office of Administrative Law, on January 16, 2019, approved new Bureau of Cannabis Control regulations that affect, among other things, the regulation of both brick-and-mortar and mobile cannabis dispensaries throughout the State;

WHEREAS, to be responsive to rapid changes in State law regulating commercial cannabis operations, the City Council of the City of Firebaugh needs flexibility to adjust its cannabis regulatory framework by resolution, where appropriate; and

WHEREAS, the City Council has determined that amendment and modification of some of the City of Firebaugh's provisions regulating commercial cannabis operations is necessary to conform the City of Firebaugh Municipal Code to recent State regulatory changes, to allow commercial cannabis operations in the M-1 and M-2 zones; to allow one retail cannabis dispensary to operate in the City per every 10,000 residents; and to modify the regulatory permit revenue-raising fee consistent with other proximate jurisdictions; and

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 25-41.13
c. Cannabis dispensaries, retail sales, manufacturing and testing.	CUP, subject to standards contained in Chapter 25-41.13	CUP, subject to standards contained in Chapter 25-41.13
ed. Canneries	P	P
de. Cold storage facilities	P	P
ef. Crop cultivation	P	P
fg. Grain storage and processing	P	P
gh. Nurseries	P	P
hi. Packing houses	P	P
ij. Veterinary services, livestock and large animals, including animal boarding	P	P
jk. Animal sales yards	CUP	P
kl. Agricultural exhibits, including sales, displays, large assembly of people and livestock	P	P

Ordinance 19-03
Firebaugh City Council

Use	Zone	
	M-1 Zone	M-2 zone
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

Use	Zone	
	M-1 Zone	M-2 zone
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. The following Subsections of Section 25-41.13 of the Firebaugh Municipal Code are hereby amended to read as follows:

Chapter 25-41.13 – CANNABIS CONTROL ORDINANCE

25-41.13.1 – GENERAL PROVISIONS.

* * *

25-41.13.1.2 - 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~~ **transferred** by, or ~~distributed~~ **transferred** to more than two persons for sale or barter, **including, but not limited to, all retail sales.**

“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 **within the City of Firebaugh boundaries.**

“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), shall also include **mobile dispensaries, as defined above, retail cannabis sales at any location other than a permitted commercial cannabis operation under this Chapter,** and 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.

* * *

25-41.13.4 - Regulations applicable to Commercial Cannabis Operations, Dispensaries, and Deliveries.

* * *

b. *Dispensaries.* Cannabis Dispensaries as defined in Section 25-41.13.2 are ~~prohibited~~ **allowed, subject to the regulatory standards set forth in this Chapter, to operate within the designated land-use zones of the City of Firebaugh. No more than one Cannabis Dispensary may be permitted for every 10,000 residents of the City of Firebaugh.**

c. *Deliveries.* The Delivery of cannabis as defined in Section 25-41.13.2, except as among permitted Commercial Cannabis Operations, is ~~prohibited~~ **allowed** 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. **Only a Dispensary permitted to operate within the boundaries of the City of Firebaugh pursuant to this Chapter may initiate a Delivery within the City of Firebaugh. All Deliveries initiated within the City boundaries shall be subject to any development agreement, revenue-raising fee, or tax, whatever its nature, that is in legal effect at the time of the Delivery. Any Delivery initiated outside the City of Firebaugh where the retail sale is completed within the City of Firebaugh shall be subject to any sales, user, or excise tax, if any, adopted by the City Council of the City of Firebaugh and approved by the voters as required by law. Any licensed or permitted commercial cannabis operator that Delivers within the City of Firebaugh boundaries shall be obligated to collect and remit to the City of Firebaugh any and all development agreement fees, revenue-raising fees, or taxes, of whatever kind, that are legally effective at the time of the Delivery.**

* * *

25-41.13.6 – Limited Commercial Cannabis Operations pursuant to Regulatory Permit.

Notwithstanding the prohibition on Commercial Cannabis Operations set forth in Section 25-41.13.4, and the limitations upon the cultivation of cannabis set forth in Sections 25-41.13.3 and 25-41.13.4, Commercial Cannabis Operations may be allowed as set forth in this Section.

* * *

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.
- **Retail Sales.**
- **Deliveries.**

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~~ **allowed** as set forth in Section 25-41.13.4.
 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.~~ **Deliveries are expressly allowed as set forth in Section 25-41.13.4.**
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~~ **allowed as set forth in Section 25-41.13.4.**
10. *Public Access.* There shall be no public access to the Premises, **except as allowed pursuant to a permitted building site plan, development agreement, and/or a Regulatory Permit for a Dispensary only.**
11. *Minors.* It shall be unlawful for any Operator to ~~employ~~ **allow** any person who is not at least twenty-one (21) years of age **on the Premises of a Commercial Cannabis Operation.**
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 facility'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 **inventory**, 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 Shipments of Supplies and Transportation of Product.*** The following rules apply to ~~the Deliveries~~ **shipments** and transportation:
- (A) ~~Deliveries~~ **Shipments** 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 delivering to the Premises** 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.* ~~Except for Deliveries as defined in Section 25-41-13.4,~~ 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 Other than for Deliveries as defined in Section 25-41-13.4,~~ Commercial Cannabis Operations 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. **Other than for Deliveries as defined in Section 25-41-13.4,** ~~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, **other than Deliveries,** 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.

* * *

p. *Fees and Taxes.* All Commercial Cannabis Operations **in the City of Firebaugh** 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 **permitted to operate a Commercial Cannabis Operation within the City of Firebaugh** 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~~ **seven** dollars (\$~~7.00~~**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~~ **two** dollars (\$~~2.00~~**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) *Dispensary Fees and Taxes.* **Dispensaries permitted within the City of Firebaugh shall be subject to the annual business license fee, annual Regulatory Permit fee based on square footage as set forth in Subsection (B) above, and a percentage-based revenue-raising fee as set out in the development agreement for the commercial cannabis operation Regulatory Permit.**
- (D) 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.
- (E) **The amount of the Revenue Raising Fee shall be set by Resolution of the City Council.**

(F) *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.

- 4. Cannabis Taxes.** In addition to any other business or license fees required under this Chapter, the Business Owner or cannabis license holder shall be responsible for collecting and remitting any and all taxes, whatever their nature, that are legally in effect at the time.

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.

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Ordinance 19-03
Firebaugh City Council

The foregoing Ordinance No. 19-03 was introduced at a regular meeting of the City Council of the City of Firebaugh on the 1st day of July, 2019, and was passed and adopted at a regular meeting of the City Council on the ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Marcia Sablan, Mayor
City of Firebaugh

Rita Lozano, Deputy City Clerk
City of Firebaugh

FIREBAUGH CITY COUNCIL

STAFF REPORT

Date: July 1, 2019
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Public hearing for West Hills College project (zone change and land use amendment)

Summary/Recommendation

The project proposes the redevelopment of the West Hills College campus in downtown Firebaugh, with new buildings, parking lots, landscaping, walkways, lighting, fencing, street connections and utility connections. Associated actions include a zone change, General Plan land use amendment, and a Conditional Use Permit, as well as an environmental finding. The Planning Commission has voted to recommend approval of the project on April 8, 2019.

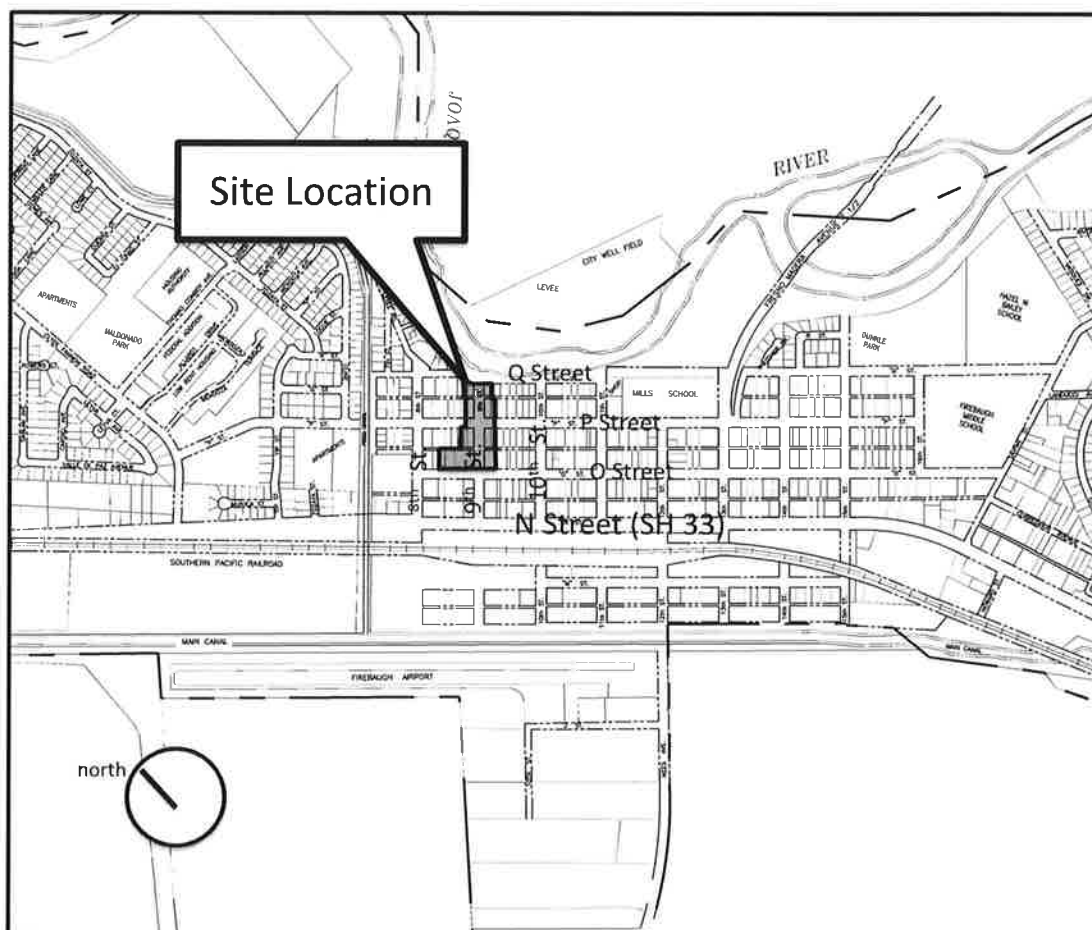
It is recommended the City Council take the following actions:

1. Ask for the City Planner to deliver the staff report;
2. Ask any questions of staff regarding the project;
3. Open the public hearing for any comments; Close the public hearing.
4. Final Council comments and questions. The Mayor should then ask for a motion for action on the project. The Planning Commission is recommending the City Council approve the project by adopting or introducing:
 - a. Resolution 19-34 approving a Mitigated Negative Declaration as the environmental finding for the project.
 - b. Resolution 19-35, approving the General Plan Amendment for the site.
 - c. Ordinance 19-04, approving the zone change for the site.

Discussion/Analysis

West Hills Community College District is seeking approval for several actions that would result in the redevelopment of their campus in downtown Firebaugh. As the City Council is aware, the college district has purchased a number of lots along the 9th Street corridor over the past several years and is proposing to assemble these to increase the size and capacity of the existing college campus. In general, most existing improvements (buildings, landscaping, parking, walkways, etc.) will be removed and replaced with a completely new campus, including a new building, parking, landscaping, walkways, lighting, street connections and utility hookups.

Map 1: Location



The actions being requested include:

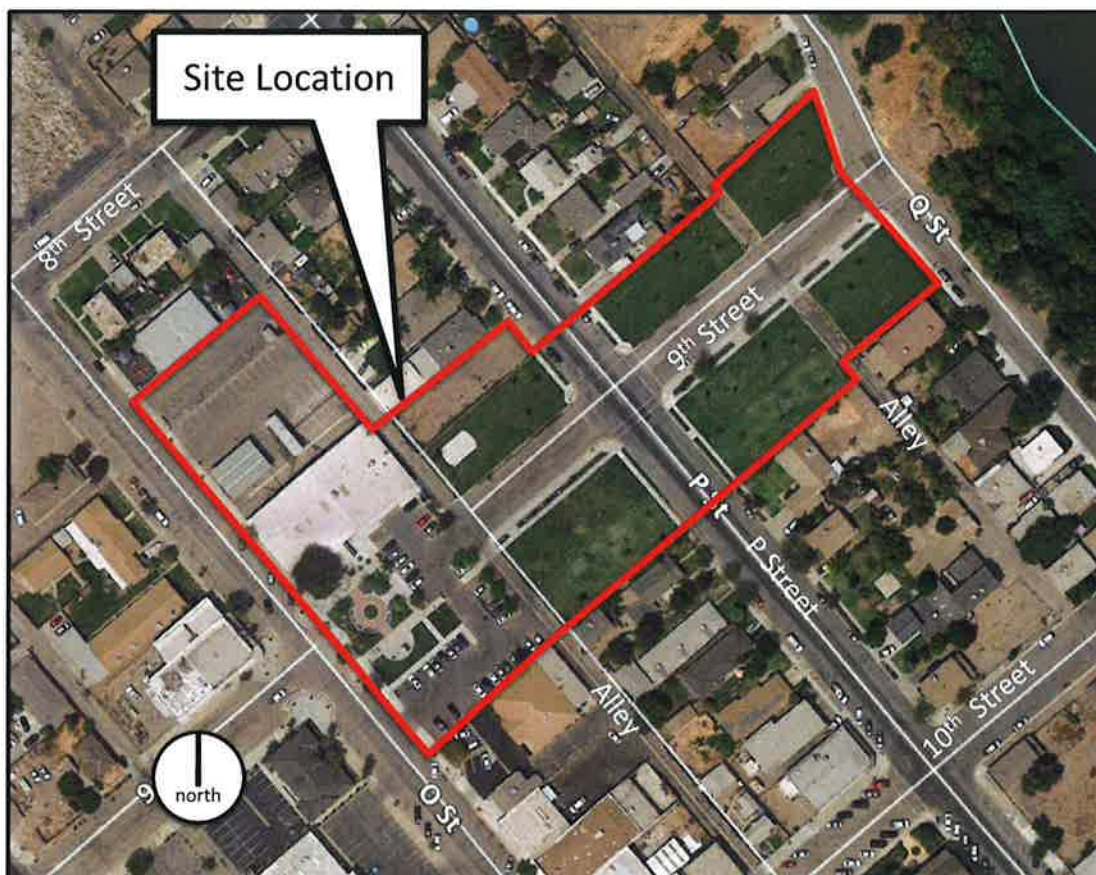
General Plan Amendment 2019-01 to change the Firebaugh General Plan's land use designation of the site from "Central Commercial" and "Medium Density Residential" to "Public/Quasi-Public";

Zone Change 2019-01 to change the zoning of the site from C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential) to G (Government); and

The project also includes an **environmental analysis** that was prepared by the College District for the project.

The project also includes **Conditional Use Permit 2019-01** to redevelop the existing campus with a new education/administrative building, new parking lots, hardscape, landscaping and utility connections. The existing main campus building will be demolished. The Planning Commission approved the Conditional Use Permit for the project; this permit is not reviewed by the City Council, but a review of the permit and campus redevelopment is provided here for the Council's information.

Map 2: Aerial Photo



Environmental Analysis. This action proposes adoption of a “Mitigated Negative Declaration” as the environmental “finding” for the project. This indicates that the project could have significant impacts on the environment, but mitigation measures will be incorporated into the design and operation of the project to reduce these impacts to a “less than significant” level.

A more complete review of the proposed actions is as follows:

Zone Change and General Plan Amendment

Zoning of the site is proposed to be changed from C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential) to “G” (Government) – as the college campus is a government facility. This will also relieve the college from adhering to some of the design standards of the C-2 zone that require new buildings to fit the City’s desired design requirements for new buildings in the downtown (generally that buildings be set at the sidewalk, with parking to the rear). Correspondingly, the General Plan land use designations are proposed to be changed from “Central Commercial” and “Medium Density Residential” to “Public/Quasi-Public”.

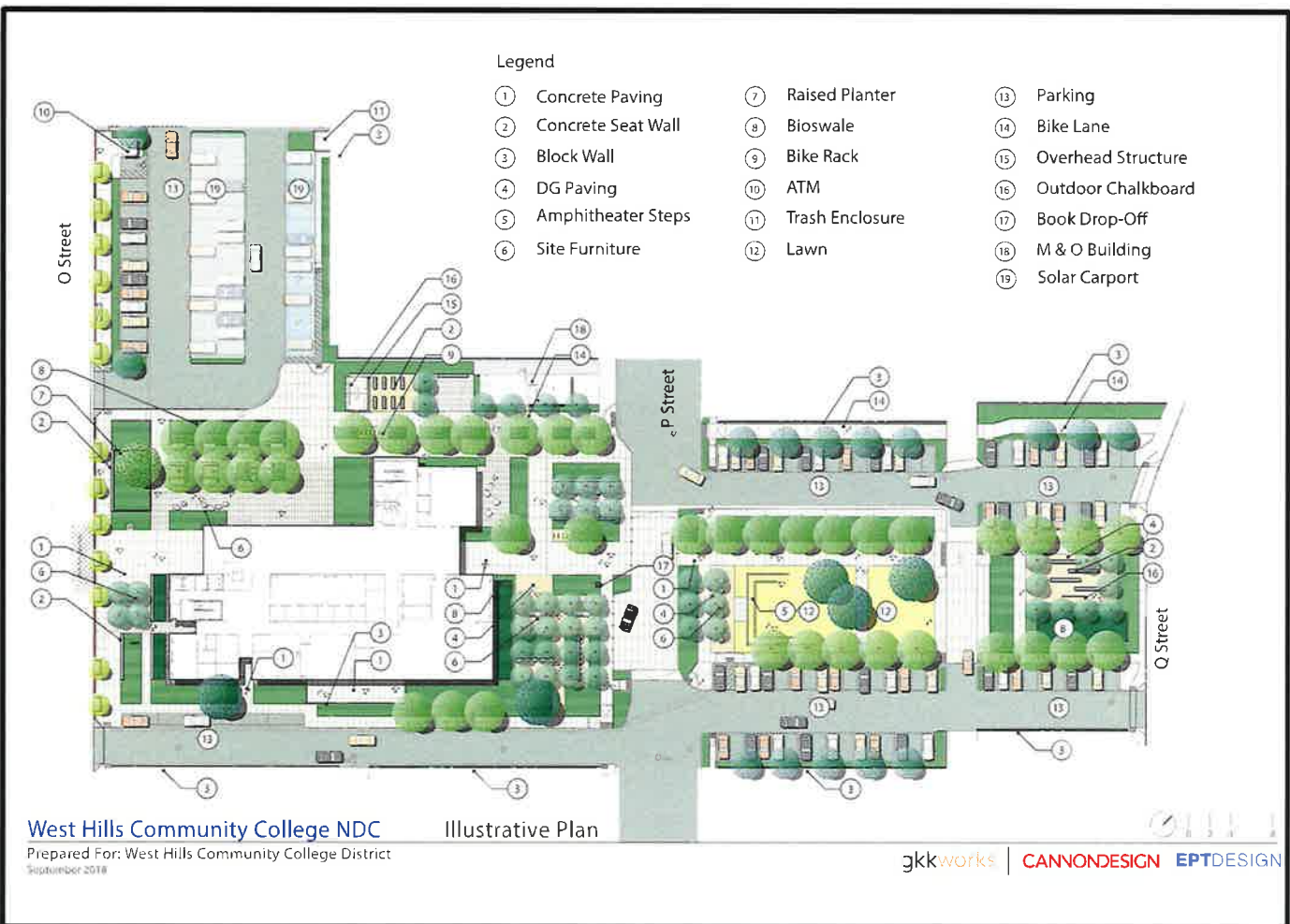
Conditional Use Permit

The Conditional Use Permit is to approve the actual site plan for the campus (see Exhibit 1). The new campus is designed to accommodate a maximum of approximately 440 students and attendant staff.

Key features of the proposed site plan include:

- A new two story classroom/administration building containing 41,203 square feet. Key features of the building include:
 - 11 classrooms, including 6 general classrooms, 1 STEM (science, technology, engineering, and math) classroom, 2 science classrooms, 1 art classroom and 1 Allied Health Classroom;
 - Administrative offices;
 - Library;
 - Restrooms;
- Amphitheater;
- Outdoor seating
- Outdoor classroom with shade structure
- ATM
- Maintenance building (600 square feet)
- Parking lots with 133 spaces (versus 86 current spaces). The City’s standard for parking for colleges is one parking space for each employee plus ten parking spaces for each classroom, plus one bicycle space per four students.
- Solar carports
- Landscaping and walkways
- Utility connections

Exhibit 1: Proposed Site Plan



Regarding the library, the college district has entered into an agreement with the Fresno County Library and the new campus library will function as the public library for the City as well as the college. Residents will have access to the library during normal college hours as well as on Saturdays. Fresno County Library is being provided with a dedicated children's reading room, teen stacks, open seating in the main library, computer stations and two staff desks.

Circulation

As is the case now, the campus will primarily be accessed by O Street, however P and Q Streets will also offer access to the site. The main parking lot will be on the east side of O Street, north of the main building.

Additional parking lots will be situated along both sides of the "mall" that will replace 9th Street. P Street (as it crosses the campus) will be abandoned (no longer controlled by the City) but will continue to function as a through-street – with stamped decorative concrete surfacing. The City will retain an easement for utility lines that currently run under the street.

The existing alley that runs parallel to and between O and P Streets will terminate at the south and north sides of the campus. Vehicles using that alley will enter into campus parking areas where they will need to turn left or right. The alley between P and Q streets will continue across the campus but will also be abandoned and deeded to the college district.

The campus also provides for pedestrian circulation and bicycle use. There are sidewalk connections within and around the site that connect to existing city sidewalks along O, P and Q Streets. The campus will also feature bike racks for students and staff who bicycle.

Utilities

Water, sewer and storm drain lines run past and through the campus under existing streets and alleys. These lines will be tapped at various locations to provide service to the campus. Public Works and Engineering departments report there is adequate capacity in these lines to service the campus redevelopment project.

Facades

The proposed facades for the main building are shown in Exhibit 2. The facades are characterized by a modernistic appearance. Surface materials will include glass (punched openings, curtain wall and storefront systems), composite panel, metal panel, metal sun shade louvers, metal grillage, and smooth finish stucco.

Exhibit 2: Proposed Facades





Environmental Review

West Hills College District prepared an environmental study for the project when it purchased additional lots for the redevelopment project in 2010. The District and City have reviewed this study and found that it still adequately addresses impacts that may occur with development of the campus project. The study recommended adoption of a Mitigated Negative Declaration for the project.

Planning Commission Review/Conclusion

The Planning Commission conducted a public hearing on April 8, 2019 and voted unanimously to approve the project. Representatives of the college were present and spoke in favor of the project and answered questions. No other persons spoke on the project.

BACKGROUND INFORMATION

Applicant/
Owner West Hills Community College District
 9900 Cody Avenue
 Coalinga, CA 93210

Agent: GKK Works/Cannon Design
 155 Fair Oaks Avenue
 Pasadena, CA 91105

Location: The subject site is generally located on the east side of O Street centered on 9th Street, extending east to Q Street. The Assessor Parcel Numbers are 008-042-013, 008-042-014, 008-042-024, 008-042-026, 008-042-027, 008-042-044, 008-051-006, 008-051-008, 008-052-001, 008-052-015, 008-052-016, 008-042-018.

Request: The applicant is requesting approval of the following:

General Plan Amendment 2019-01 to change the Firebaugh General Plan's land use designation of various portions of the site from "Central Commercial" and "Medium Density Residential" to "Public/Quasi-Public";

Zone Change 2019-01 to change the zoning of the site from C-2 (Central Commercial) and R-1 (Low Density Multi Family Residential) to G (Government); and

Environmental Analysis. This action proposes adoption of a "Mitigated Negative Declaration" as the environmental "finding" for the project. This indicates that the project could have significant impacts on the environment, but mitigation measures will be incorporated into the design and operation of the project to reduce these impacts to a "less than significant" level.

Conditional Use Permit 2019-01 to redevelop the existing campus with a new education/administrative building, new parking lots, hardscape, landscaping and utility connections. The existing main campus building will be demolished. This permit was approved by the Planning Commission; no action is taken by the City Council.

Site: The subject site includes eleven adjoining parcels, streets and alleys containing approximately 4.6 acres total.

Zone: The site is currently zoned C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential). The C-2 zone allows for uses appropriate in the downtown area, including stores, restaurants and offices. New buildings are to be designed so they sit forward on the site, against the street, with parking to the rear (or sides).

The R-2 zone is applied to those portions of the site east of the alley on the east side of O Street. This zone is intended for the development of low density, small scale multi-family projects (duplexes, triplexes, fourplexes, etc.)

The project is proposing the zoning be changed to the “G” (Government) zone – in recognition of the public use embodied by the college. Key zoning standards for this zone include:

Lot size: No requirement

Setbacks:

Front Yard: 10 feet, minimum

Side Yards: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet (or where the site is a corner lot, in which a 10 foot setback is required on the street side yard).

Rear Yard: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet.

Building Height: 35 feet/two stories

Lot Coverage: No requirement

Parking: one parking space for each employee plus ten parking spaces for each classroom.

Surrounding zone classifications are as follows:

North: C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential)

South: C-2 and R-2

West: C-2

East: R-2

General Plan: The subject site is currently designated “Central Commercial” and “Medium Density Residential” by the Land Use Element of the 2030 Firebaugh General Plan. The site is proposed to be designated “Public/Quasi-Public”.

Land Use: The site is developed with the existing college campus, including the main building, parking, landscaping, walkways, lighting, bank kiosk and other features. Surrounding land uses are as follows:

North: Residential
South: Medical clinic, residential
East: Residential and river
West: Commercial – offices, stores, etc.

Access: Access to the site is provided primarily by O Street with additional access afforded by P and Q Streets as well as paralleling alleyways. All of these streets are designated “Local” streets by the Circulation Element of the Firebaugh General Plan. They typically feature one travel lane and one parking lane in each direction, along with curbs, gutters and sidewalks.

The alleys typically existing within a 20 foot right of way and are paved.

Infrastructure: There are existing water, sewer and storm drain lines within the rights of way of the streets and alleys that run past and through the site. The project will connect to these lines at various locations. The Public Works Department reports there is adequate capacity in these lines to serve the project.

Services: Police and fire protection is currently provided to the site by the City of Firebaugh. Both departments have been involved in the review of the proposed campus redevelopment.

Environmental: West Hills College District prepared an environmental study for the project when it purchased additional lots for the redevelopment project in 2010. The District and City have reviewed this study and found that it still adequately addresses impacts that may occur with development of the campus project. The study recommended adoption of a Mitigated Negative Declaration for the project.

RESOLUTION 19-34

**BEFORE THE CITY COUNCIL
CITY OF FIREBAUGH
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE WEST
HILLS COLLEGE PROJECT.**

WHEREAS, an application for a General Plan Amendment, Zone Change, and Conditional Use Permit was submitted by West Hills Community College District, 9900 Cody St, Coalinga, CA 93210 for eleven parcels and adjoining street and alley rights-of-way containing a total of approximately 4.6 acres, generally located on the east side of O Street, along the 9th Street corridor extending to Q Street, in the City of Firebaugh. The Assessor Parcel Numbers are 008-042-013, 008-042-014, 008-042-024, 008-042-026, 008-042-027, 008-042-044, 008-051-006, 008-051-008, 008-052-001, 008-052-015, 008-052-016, 008-042-018, and

WHEREAS, the project involves redevelopment of the existing campus site, including new buildings, parking lots, landscaping, lighting, street improvements and utility connections among other improvements, and

WHEREAS, the applicant's specific requests include:

General Plan Amendment 2019-01 to change the Firebaugh General Plan's land use designation of various portions of the site from "Central Commercial" and "Medium Density Residential" to "Public/Quasi-Public";

Zone Change 2019-01 to change the zoning of the site from C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential) to G (Government); and

Conditional Use Permit 2019-01 to redevelop the existing campus with a new education/administrative building, new parking lots, hardscape, landscaping and utility connections. The existing main campus building and related improvements will be demolished.

WHEREAS, the planning requests are considered a "project" under the Guidelines of the California Environmental Quality Act (CEQA) and accordingly an Initial Environmental Study was prepared, consistent with CEQA, and

WHEREAS, the Initial Environmental Study determined that the proposed project would not result in significant impacts to the environment, provided that mitigation measures are incorporated into the project design and operation, and

WHEREAS, West Hills Community College District previously retained QK Consultant to prepare an Initial Environmental Study that resulting in the recommendation to adopt a Mitigated Negative Declaration as the environmental finding for the project, and

WHEREAS, the study and its recommendations have been reviewed and found to be adequate, and

WHEREAS, the Planning Department has prepared a staff report on the project.

WHEREAS, the Firebaugh Planning Commission conducted a public hearing to consider the Mitigated Negative Declaration on April 8, 2019 and voted unanimously to recommend its approval and adoption, and

NOW, THEREFORE, BE IT RESOLVED that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating this action:

1. The proposed project is consistent with the goals, objectives and policies of the 2030 Firebaugh General Plan and the Firebaugh Zoning Ordinance.

2. West Hills Community College District has prepared an Initial Environmental Study, consistent with the requirements of CEQA. The study determined the project will not have significant impacts on the environment provided that mitigation measures are incorporated into the project construction and operation. Accordingly, a Mitigated Negative Declaration was prepared and mitigation measures adopted (see Attachment "A").

3. The proposed action will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community

NOW, THEREFORE BE IT RESOLVED THAT the Initial Environmental Study prepared for the project and the Mitigated Negative Declaration and mitigation measures (as shown in Attachment "A"), are hereby adopted by the Firebaugh City Council.

The foregoing resolution was adopted upon a motion of Council member _____, second by Council member _____, at a regular meeting of the Firebaugh City Council on the 1st day of July, 2019, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Marcia Sablan, Mayor
Firebaugh City Council

Rita Lozano, City Clerk
City of Firebaugh

Attachment “A”
Mitigation Measures for West Hills College Project
(General Plan Amendment/Zone Change 2019-01 & Conditional Use
Permit 2019-01)

AESTHETICS

Mitigation Measure #3.1.1-1: The District will consult with a lighting engineer to design and plan for a system that will not cause substantial glare to the public. Such plans shall be submitted to the District Board for review and approval.

Effectiveness of Mitigation: Implementation of the above mitigation measure will result in a *less than significant* impact.

Mitigation Monitoring: The District’s architect/engineer will be responsible for implementation of Mitigation Measure #3.1.1-1.

BIOLOGICAL RESOURCES

Mitigation Measure #3.1.4-1: To minimize the potential for direct and indirect impacts to San Joaquin kit fox and American Badger to a level of less than significant, a qualified biologist would be retrained prior to ground disturbing activities to conduct a pre-construction survey of the Project site. Surveys would be conducted in accordance with the USFWS Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to Ground Disturbing Activities (USFWS 1999). Survey protocols require that the pre- construction survey be conducted no fewer than two weeks and no more than 30 days prior to the onset of ground disturbing activities. Walking transects to detect potential kit fox dens would be conducted such that 100 percent visual coverage is achieved. In the event that a kit fox or potential dens were observed, the CDFG would be contacted for further direction. As the Project lies within the MBHCP area, mitigation and compensation requirements of the

MBHCP will reduce the impacts to kit fox to a level of less than significant. These requirements include:

The contractor shall provide qualified personnel to conduct preconstruction surveys for known dens according to the CDFG Region 4 Protocols, and implement appropriate take avoidance measures for the San Joaquin kit fox in accordance with MBHCP take avoidance measures. All agency guidelines regarding kit fox tracking and excavation to

prevent entrapment of animals in potential dens shall be followed. The findings of the survey shall be included in a report submitted to the West Hills Community College District. The District shall then forward the report to the City of Firebaugh and applicable resource agencies.

Kit foxes and American badgers are attracted to den-like structures such as pipes and may enter stored pipes, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected by the contractor for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If an American badger is discovered in a pipe, CDFG must be contracted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox or badger has escaped.

To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, the contractor shall cover all excavated, steep-walled holes or trenches greater than two feet deep at the close of each working day with plywood or similar materials, or provide one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS/CDFG must be consulted.

Other measures, as outlined in the Initial Environmental Study, shall also apply.

Mitigation Measure #3.1.4-2: Townsend's big-eared bat and western mastiff bat:

One to three buildings within the Project area provide potential roosting and nesting sites for bats. Removal of these buildings will potentially result in the loss of roosting sites and may disrupt breeding behavior and lead to reproductive failure.

In order to reduce potential impacts to the Townsend's big-eared bat and the western mastiff bat to less than significant, the contractor shall provide qualified personnel to conduct surveys of structures located on the Project site. As not all structures may be scheduled for demolition at one time, surveys shall be conducted within 14 days of demolition of each structure. Surveys would be conducted in accordance with the USFWS Standard Recommendations. Should signs of either or both the Townsend's big-eared bat or the western mastiff bat, or both, be present in a structure, qualified personnel shall passively relocate the bats.

Permanent, elevated bat boxes will be installed in appropriate, nearby suitable habitat (outside the Project site), so that bats will be passively relocated upon their return to the area. Placement and height will be determined by a qualified biologist, but the height of bat house will be at least 15 feet. Bat houses will be multi-chambered and be purchased

or constructed to specifications. The number of bat houses required will be dependent upon the size and number of colonies present, but at least one bat house will be installed for each pair of bats (if occurring individually) or each colony of bats found.

Once personnel have established that bats may be present, they shall progressively board up any entrances to the structure at night while bats are foraging. Structures shall not be removed until bats have been passively relocated from the structure.

Mitigation Measure #3.1.4-3: western spadefoot toad:

Although unlikely, western spadefoot toads may be present on the construction site during wet seasons, and could be subject to mortality and loss of foraging habitat. Because western spadefoot toads are listed as a California Species of Special Concern, formal consultation with the U.S. Fish and Wildlife Service and the CDFG and the acquisition of special permits for “take” are not required. However, the following mitigating measures will be implemented:

Clearance surveys will be conducted for western spadefoot toads by qualified biologists. Clearance surveys will consist of visual surveys of the construction site prior to initiation of ground clearing or construction activities and inspection of all small mammal burrows using a video probe. All small mammal burrows will be hand-excavated after inspection. All spadefoots found will be removed from the site and relocated to adjacent the nearest available suitable habitat.

Responsibility: The District will be responsible for implementation of Mitigation Measures #3.1.4.-1 through 3.1.4-3.

Reporting: These measures shall be included in the District’s construction contract. Monitoring shall be accomplished by the District (or a qualified biologist) prior to the start of construction, and by the project inspector (or a qualified biologist) during construction.

CULTURAL RESOURCES

Mitigation Measure #3.1.5-1: The City shall require a surface investigation for cultural resources to be conducted by a qualified archaeologist as part of the environmental assessment process for any proposed urban development project within the future growth areas. Any resources discovered should be properly investigated and appropriate protective measures should be taken as recommended by the archaeologist.

Mitigation Measure #3.1.5-2: If cultural resources are discovered during the process of development, the City will require that work stop and that a qualified archaeologist, and, if appropriate, the Native American Heritage Commission, be contacted immediately so

that mitigative actions can be taken. The City will not permit work to be resumed until any required mitigation measures have been completed.

Mitigation Measure #3.1.5-3: The City shall require that if cultural resources are discovered during construction or related activities, all work will be halted within 100 feet of the site and a qualified archaeologist (or the State Office of Historic Preservation) and the City of Firebaugh will be informed. All contractors and the subcontractors will be informed in writing of this possibility. The find will be properly investigated and appropriate protective measures will be taken, as recommended by the archaeologist or the State Office of Historic Preservation.

Responsibility: The District and/or the District's contractor will be responsible for implementation of Mitigation Measure #3.1.5-1 through 3.1.5-3.

Reporting: These measures shall be included in the District's construction contract. Monitoring shall be accomplished by a qualified archaeologist prior to the start of construction and if/when the need arises during construction. The archaeologist shall be called when required, and shall report all findings to the District. If cultural resources are discovered on site, a qualified archaeologist, the City, and the State Office of Historic Preservation (when appropriate) shall be called. The District shall establish procedures for cultural resource surveys, and shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the any discovered cultural resources as appropriate.

HAZARDS/HAZARDOUS MATERIALS

Mitigation Measure #3.1.8-1: Appropriate demolition and removal procedures, pursuant to state regulations, will be implemented by the contractor to reduce the impacts from asbestos to less than significant.

Mitigation Measure #3.1.8-2: Should either existing structure contain lead-based paint, technicians and workers certified by the California Department of Public Health will conduct a lead hazard evaluation; will make recommendations and plan for lead clearance if needed; and will complete lead clearance if required.

Responsibility: The District and/or the District's contractor will be responsible for implementation of Mitigation Measure #3.1.8-1 and 3.1.8-2.

Reporting: These measures shall be included in the District's construction contract. If a lead hazard evaluation is required, the California Department of Public Health will provide the District with reports, and will complete appropriate clearance activities.

NOISE

Mitigation Measure #3.1.16-1: Construction in the proposed Project area, including demolition, paving activities, construction, and other operations will occur between 7:00 a.m. and 6:00 p.m., Monday through Saturday.

Responsibility: The District will be responsible for implementation of Mitigation Measures #3.1.16-1.

Reporting: Compliance of Mitigation Measure #3.1.15-1 will be the responsibility of the District and/or the District's Contractor.

RESOLUTION 19-35

**BEFORE THE CITY COUNCIL
CITY OF FIREBAUGH, COUNTY OF FRESNO
STATE OF CALIFORNIA.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH
APPROVING GENERAL PLAN AMENDMENT 2019-01
(WEST HILLS COMMUNITY COLLEGE DISTRICT)**

WHEREAS, a General Plan Amendment and zone change was requested by West Hills Community College District, 9900 Cody St, Coalinga, CA 93210 for eleven parcels containing a total of approximately 4.6 acres, generally located on the east side of O Street, along the 9th Street corridor extending to Q Street, in the City of Firebaugh. The Assessor Parcel Numbers are 008-042-013, 008-042-014, 008-042-024, 008-042-026, 008-042-027, 008-042-044, 008-051-006, 008-051-008, 008-052-001, 008-052-015, 008-052-016, 008-042-018, and

WHEREAS, the site is currently designated “Central Commercial” and “Medium Density Residential” on the Land Use Map of the 2030 Firebaugh General Plan, and further, the site is zoned C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential) on the official zoning map of the City of Firebaugh, and

WHEREAS, the applicant is requesting the site be re-designated “Public/Quasi Public” on the Land Use Map of the General Plan, and to be zoned “G” (Government), and

WHEREAS, the purpose of these amendments is to facilitate redevelopment of the existing downtown Firebaugh campus of the West Hills Community College District, and

WHEREAS, the Firebaugh Planning Commission conducted a public hearing to consider this request on April 8, 2019 and voted unanimously to recommend approval of the General Plan Amendment and zone change, and

WHEREAS, property owners within 300 feet of the subject site were notified of the City Council’s meeting and a public hearing notice was published ten (10) days prior to the meeting, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding, and

WHEREAS, the City Council held a public hearing on the General Plan Amendment and accepted testimony.

NOW, THEREFORE, BE IT RESOLVED that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating this request:

1. The proposed request will not have an adverse impact on the health, safety or welfare of surrounding residents or on the community.

2. The proposed request is consistent with the goals, objectives and policies of the Firebaugh General Plan.

3. The City has reviewed an Initial Study and Mitigated Negative Declaration prepared by the District, consistent with the requirements of CEQA (California Environmental Quality Act) which found that the proposed project will not have a significant impact on the environment provided that mitigation measures are incorporated into the project. Accordingly, a Mitigated Negative Declaration has been prepared for adoption.

4. The property is within Firebaugh's sewer, water and storm drain service areas.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves General Plan Amendment 2019-01 as shown in Map 1.

The foregoing resolution was adopted upon a motion of Council member _____, second by Council member _____, at a regular meeting of the Firebaugh City Council on the 1st day of July, 2019, by the following roll call vote:

AYES:

NOES:

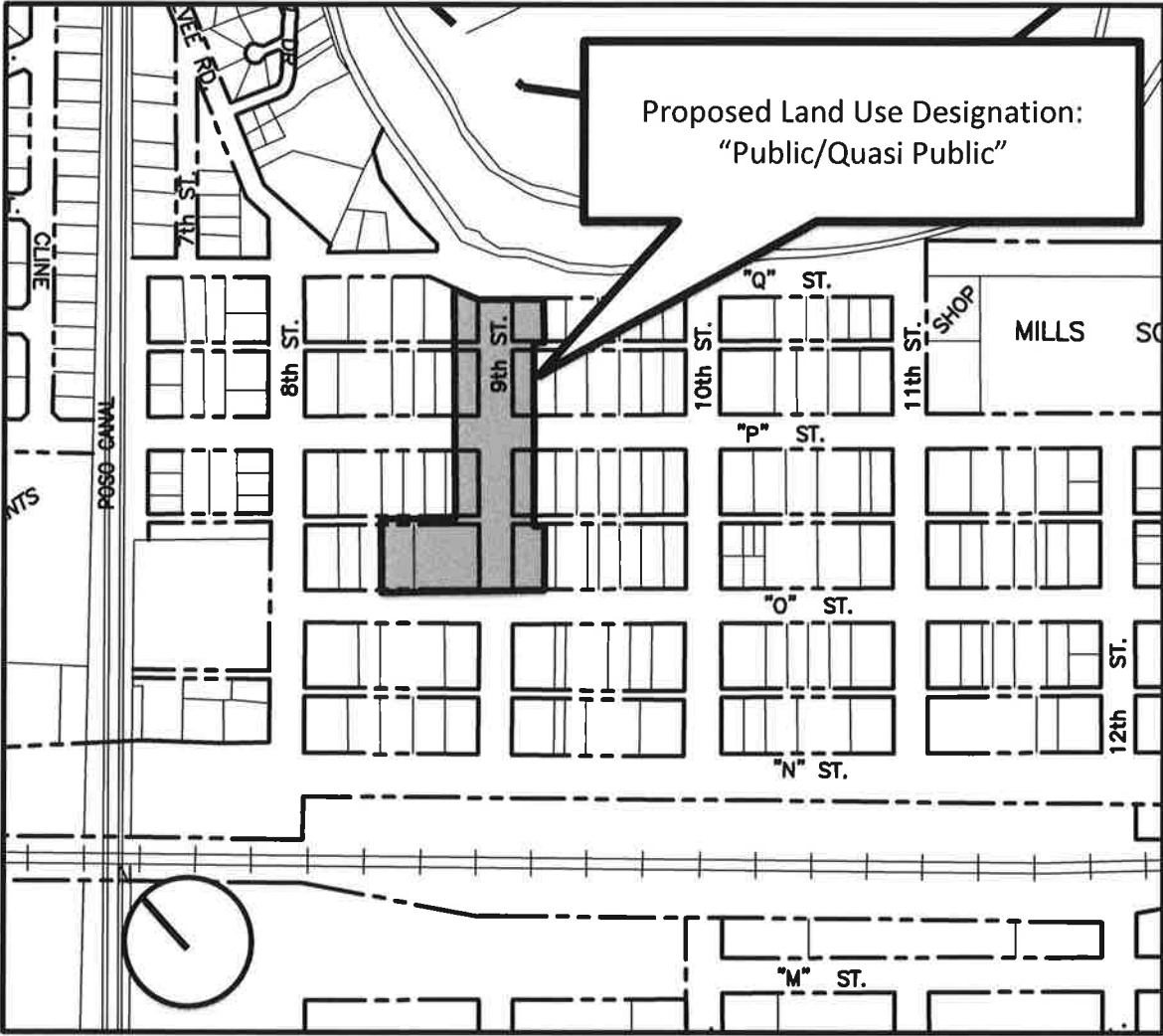
ABSTAIN:

ABSENT:

Marcia Sablan, Mayor
City of Firebaugh

Rita Lozano, City Clerk
City of Firebaugh

Map 1: *Proposed General Plan Land Use Designation*



ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY

The City Council of the City of Firebaugh does ordain as follows:

SECTION 1. Section 25-2.1 of the Municipal Code of the City of Firebaugh is amended by changing the Zoning Map to re-designate nine existing parcels zoned C-2 (Central Commercial) and R-2 (Low Density Multi Family Residential) to G (Government) as shown on Map 1. The subject parcels are situated on the east side of O Street along both sides of 9th Street, extending to Q Street.

SECTION 2. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, as if such invalid portion thereof had been deleted.

SECTION 3. This ordinance shall take effect thirty (30) days after its passage.

SECTION 4. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published in the County of Fresno.

I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Firebaugh held on the 1st day of July, 2019, and passed and adopted at a regular meeting of the City Council held on the ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

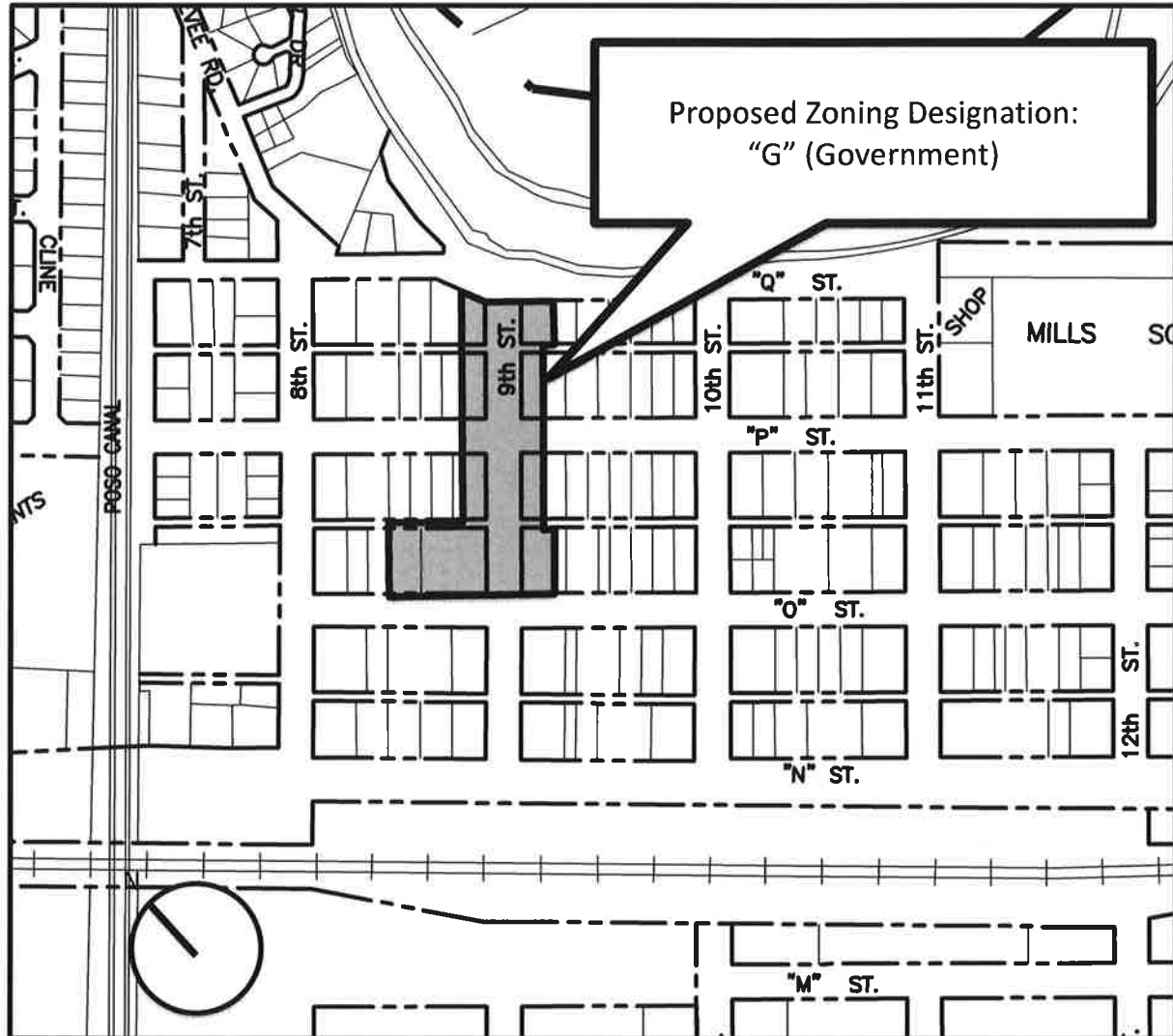
APPROVED:

ATTEST:

Marcia Sablan, Mayor

Rita Lozano, Deputy City Clerk

Map 1: Zone Change 2019-01



RESOLUTION NO. 19-36

**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 2019-2020**

WHEREAS, the City of Firebaugh (City) is committed to a balanced and diversified economy as one of its most important priorities to ensure the future well-being of the citizens of Firebaugh; and

WHEREAS, the City has invested considerable resources to encourage a Firebaugh location for new and expanding businesses and industries and to ensure the economic vitality of commercial areas; and

WHEREAS, Economic Development Corporation (EDC) continues to maintain regional, national, and international marketing and promotional efforts to attract the location and expansion of businesses and industries in all of the communities within Fresno County; and

WHEREAS, the State of California (State) has designated the EDC as its regional contact and referral point for businesses and industries that contact the State while seeking a location for new or expanded facilities; and

WHEREAS, the City seeks to enhance its support of the EDC in order to utilize the unique position the EDC maintains within the business community, and to promote economic growth in the City; and

WHEREAS, the City recognizes the Fresno County Region's economic future is a top priority, which demands focus and leadership by the EDC, wishes to enter into an Agreement with the EDC to provide professional services to assist the City to promote business interests and economic development within its boundaries and authorize City Manager, Benjamin Gallegos, to sign said Agreement in behalf of the City.

NOW, THEREFORE, the City and the EDC agree as follows:

The Agreement between the City of Firebaugh and the Economic Development Corporation serving Fresno County, attached hereto and incorporated herein by reference, is authorized to be signed by City Manager, Benjamin Gallegos, approved and adopted by Resolution No. 19-36.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 1st day of July, 2019, by the following vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

APPROVED:

ATTEST:

Marcia Sablan, Mayor

Rita Lozano, Deputy City Clerk

**AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE
FRESNO COUNTY ECONOMIC DEVELOPMENT CORPORATION
FOR FISCAL YEAR 2019-2020**

This Agreement is made and entered into this 1st day of July, 2019, by and between the City of Firebaugh (City) and the Economic Development Corporation (EDC).

RECITALS

WHEREAS, the City is committed to a balanced and diversified economy as one of its most important priorities to ensure the future well-being of the citizens of Firebaugh.

WHEREAS, the City has invested considerable resources to encourage a location for new and expanding businesses and industries and to ensure the economic vitality of commercial areas.

WHEREAS, EDC continues to maintain regional, national, and international marketing and promotional efforts to attract the location and expansion of businesses and industries in all of the communities within Fresno County.

WHEREAS, the State of California (State) has designated the EDC as its regional contact and referral point for businesses and industries that contact the State while seeking a location for new or expanded facilities.

WHEREAS, the City seeks to enhance its support of the EDC in order to utilize the unique position the EDC maintains within the business community, and to promote economic growth in the City.

WHEREAS, the City recognizes the Fresno County Region's economic future is a top priority which demands focus and leadership by the EDC.

AGREEMENT

NOW, THEREFORE, the City and the EDC agree as follows:

1. The EDC agrees to assist the City in promoting the economic growth in the City by providing the following services to the City:
 - (a) For the purpose of recruiting new businesses and industries to the City, provide information to industrial and office representatives.
 - (b) Maintain and update marketing materials used to attract new investment to the City.
 - (c) Assist existing City businesses and industries that contact the EDC with informational and technical assistance needs.
 - (d) Market the City to commercial and industrial brokers, developers, site selectors, and businesses.
 - (e) Serve as a distribution point for City economic development materials.

- (f) The Economic Development team will work towards fostering a closer working relationship with local business associations to enhance the accessibility of EDC and BEAR Action Network services to City employers. Level of partnership is dependent on willingness and capacity of local business associations to participate.
 - (g) Upon request, EDC will provide parcel availability reports on behalf of the City, and work with the City to design an economic profile to be hosted on the EDC website.
 - (h) Assist City points-of-contact in fully utilizing social media and online marketing tools to advance economic and community development efforts in the City.
 - (i) The EDC will inform the City of legislation important to the Economic and Community Development of the region and advocate on their behalf.
 - (j) The EDC shall submit quarterly reports to the City, detailing the progress of the EDC's activities.
 - (k) The EDC shall assist in identifying economic development projects on the City's behalf for inclusion in the County of Fresno's Comprehensive Economic Development Strategy (CEDs) for possible grant funding.
 - (l) The EDC and City of Firebaugh recognize the need for updated industry and market data to aid in business attraction and to guide internal decision making. The EDC and the City of Firebaugh understand that this sought after data is not available on the public domain but can be procured to develop targeted reports such as a retail leakage/gap analysis. Should the EDC procure such a resource, the City of Firebaugh will supplement the FY19-20 contract amount by no more than \$4,000. In return, the City of Firebaugh will be provided with an updated retail leakage/gap analysis at the City Manager's request.
2. For performance of the services described in Section 1, paragraphs (a) through (l), the City agrees to pay the EDC the amount of six thousand dollars (\$6,000.00) in one installment. The EDC will provide quarterly reports commencing July 1, 2019.

At the City Manager's request, for completion of services described in Section 1, paragraph (l), the City of Firebaugh agrees to pay the EDC the amount of four thousand dollars (\$4,000.00) in one installment.
 3. It is understood and agreed that in the performance of this agreement the EDC is an independent contractor. The EDC shall take out and maintain Workers compensation, State Disability, and other insurance coverage as required by law and shall in all other respects comply with applicable provisions of federal, state, and local laws, rules and regulations.
 4. The EDC shall indemnify, hold harmless, and defend the City, its officers, agents, and employees, from all claims for money, damages, or other relief arising in any form from the performance of this agreement by the EDC, its officers, agents, or employees. The EDC shall take out and maintain for the full term of this agreement liability insurance providing

protection for personal injury, wrongful death, and property damage; such insurance to be in amounts and issued by carriers acceptable to the City. The EDC shall provide the City with a Certificate of Insurance evidencing such coverage.

5. The funds provided EDC by the City pursuant to this agreement shall not be directly or indirectly used for any apolitical purpose whatsoever. This prohibition includes, but is not limited to, campaigns, events, promotions, literature, lobbying or other activities for, against or on behalf of any state, local or federal legislation, issue, candidate(s) or actions, whether partisan in nature or not.
6. This agreement sets forth the entire understanding and agreement among the parties with respect to the subject matter hereof and supersedes any prior or contemporaneous oral and-or written agreements or representations.
7. This agreement may not be altered or amended in any of its provisions except by the mutual written agreement of the parties.
8. This agreement may be executed in counterparts with the same force and effects as if executed in one complete document.

IN WITNESS WHEREOF, parties have executed this agreement as of the day of the year first herein above written.

DATED: _____

CITY OF FIREBAUGH

BY: _____

Ben Gallegos, City Manager

DATED: _____

FRESNO COUNTY ECONOMIC
DEVELOPMENT CORPORATION

BY:  _____

Lee Ann Eager, CEO

Council Action Advised by August 30, 2019

June 10, 2019

TO: Mayors, City Managers and City Clerks**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 16 - 18, Long Beach**

The League's 2019 Annual Conference is scheduled for October 16 – 18 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, October 16, 8:00 a.m. – 6:00 p.m.; Thursday, October 17, 7:00 a.m. – 4:00 p.m.; and Friday, October 18, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Friday, October 4. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2019 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, October 4, 2019. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email: _____

Mayor or City Clerk _____

Date: _____ Phone: _____

(circle one)

(signature)

Please complete and return by Friday, October 4, 2019

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254

RESOLUTION NO. 19-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH,
DESIGNATING VOTING DELEGATE AND ALTERNATE(S) FOR
THE LEAGUE OF CALIFORNIA CITIES ANNUAL MEETING,
OCTOBER 16 – 18, LONG BEACH.**

The City Council of the City of Firebaugh does hereby resolve as follows:

SECTION 1. Mayor Marcia Sablan is hereby designated as the City of Firebaugh voting delegate to the League of California Cities Annual Business Meeting, October 16 – 18, in Long Beach.

SECTION 2. Mayor Pro Tem Elsa Lopez and Council Member _____ are hereby designated as the City of Firebaugh alternate voting delegates to the League of California Cities Annual Business Meeting, October 16 – 18, in Long Beach.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution and transmit a certified copy therefor to the appointee.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 1st day of July, 2019, by the following vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

APPROVED:

ATTEST:

Marcia Sablan, Mayor

Rita Lozano, Deputy City Clerk