

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 19/05-06

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622

Date/Time: May 6, 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
Council Member Felipe Perez

ABSENT:

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

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

APPROVAL OF AGENDA

Motion to approve agenda by Council Member Jenkins, second by Council Member Perez; motion pass by unanimous 5-0 vote.

PRESENTATION

- **Energy Project Direct Placement Bid**, Albert Peché of A. M. Peché & Associates LLC (“Peché & Associates”), Todd Smith and Andy Kuo of Hilltop Securities provided the presentation, informing that 15 potential banks who bid on Direct Placements were solicited, & presented the results of the bids to Council.

Albert Peché of A. M. Peché & Associates LLC (“Peché & Associates”), Todd Smith and Andy Kuo of Hilltop Securities and Albert Reyes of Kutak Rock LLP, (together are the “Financing Team”), their recommendation is to approach the level debt, as equipment lease contract to not affect the debt ratio & therefore meet bond requirements. The current Federal Funds rate is between 2.25% & 2.50%, the potential of 1 rate increase instead of the est. 4 rate increase, the core inflation is below 2% for the Federal Reserve target, which are all helpful to the city. The bid requirements included a 20 yr. term, 1 ½ capitalized Interest, fairly level debt service, & Equipment lease for the Solar Equipment as the subject of the lease. Hancock Whitney was the only firm that agreed with the 20 year term on the equipment lease, Index rate changes, but the rate will be fixed before the closing date. Semi-annual interest rate payment is due Feb 1st & August 1st of 2020.

PUBLIC COMMENT

Potential Business Owner stated concern about tax the City wants for the cannabis operating businesses, & mentioned he has spent more than \$100,000 to promote his new business. He sent three employees to speak with the City Manager & a Council Member about his proposed new business and asked for an update on the tax. The City representatives informed them about possibly negotiating certain fees, but nothing was done, so he feels betrayed by them and stated, “I give up, it will be the last time you will see me. Nothing has been done to lower the tax. The city could be making \$200,000 to \$400, 00 on my property. Mendota has a similar offer and they are in operation. I’m willing to work with someone else from the city, but not the previous people that I have been working with, I feel like they’ve been shady. I would be willing to work with Council Member Elsa & she was against marijuana businesses, if the city still has some interest in doing business.”

CONSENT CALENDAR:

1. APPROVAL OF MINUTES – The City Council Regular Meeting on April 15, 2019.

Motion to accept minutes by Council Member Jenkins, second by Council Member Perez; motion pass by unanimous 5-0 vote.

PUBLIC HEARING

2. **ORDINANCE NO. 19-02 - ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING (1) CHAPTER 3, ARTICLE 12 RELATED TO THE USE, SALE, AND DISTRIBUTION OF TOBACCO PRODUCTS AND TO ADDRESS SMOKING IN MULTI-UNIT HOUSING, AND (2) CHAPTER 4, ARTICLE 5 RELATED TO TOBACCO RETAILERS TO CONFORM DEFINITIONS TO STATE LAW CHANGES – FIRST READING.**

Public Hearing Opened at 6:32 pm – Comments: City Manager & Police Chief did a simple survey & received positive feedback for them the Managers of the Apartment complexes and supported the passing of this ordinance. They feel with the approved ordinance, they can include it in their lease agreements and violators would receive fines for not complying, the complexes have a better way of enforcing the no smoking at their sites. City Attorney agreed with statements and added the City is truly being the lead in passing type of an ordinance. Attorney added the ordinance will be effective immediately for new lease, and current renters would not be required to comply but complexes could enforce once the ordinance is adopted. Council Member Jenkins response is he agrees with the recommendation but stated his concern about setting regulations for individuals in their own homes, & asked why the complexes new the City to pass an ordinance for them to place in their lease agreement. City Manager stated there is one apartment that does include no smoking on their premises but they have a better way of enforcing now. Council Member Perez said Council Members act as the voice of the community & passing this ordinance helps protect the kids. - *Public Hearing Closed at 6:48 pm*

Motion to waive reading of Ord. No. 19-02, by Council Member Lopez, second by Council Member Perez; motion pass by 4-1 vote. Jenkins – No.

NEW BUSINESS

3. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ARCHITECTURAL SERVICES WITH INTEGRATED DESIGNS BY SOMAM, INC. FOR THE VETERANS OF FOREIGN WARS (VFW) BUILDING REHABILITATION.**

Motion to approve contract by Council Member Lopez, second by Council Member Valdez; motion pass by unanimous 5-0 vote.

4. **RESOLUTION NO. 19-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DIRECTING THE FILING OF THE ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 IN THE CITY OF FIREBAUGH.**

Motion to approve Res. No. 19-22, by Council Member Valdez, second by Council Member Perez; motion pass by unanimous 5-0 vote.

5. **RESOLUTION NO. 19-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY REPRESENTATIVES AUTHORIZED FOR ONLINE ACCESS OF CITY PAYROLL DIRECT DEPOSIT.**

Motion to approve Res. No. 19-23, by Council Member Jenkins, second by Council Member Lopez; 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.**

Measure to be placed on the ballot of November 2019 Election, it will be more expensive this November vs the General Election of November 2020 but Council wishes to move forward. Deputy Clerk provide all documents to the Attorney to assist in reviewing them and passing them to file with the Fresno County, the deadline to file required documents is 88 days prior to this November's election. Toma-Tek stated concern of the Utility Users Tax at the previous council meeting and asked council to place a cap.

Information Item only.

7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REJECTION ON CLAIM.

Motion to reject claim, by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.

8. ADMINISTRATIVE REPORT – FY 2019/20 ENTERPRISE FUND BUDGET – Preliminary Presentation.

Information Item only.

STAFF REPORTS

- **Police Chief Sal Raygoza** – It's been quite but the department has been busy with one key case.
- **City Engineer, Noe Martinez** – Working closely with Cen Cal Builders on their project, we have held conferences & phone calls to help finalize the plans, which we're hoping to do by the end of the week.
- **Finance Director, Pio Martin** - Street funds budget on next meeting, Final budget scheduled for 1st meeting in June. Working with Albert Peche.
- **Deputy City Clerk, Rita Lozano** – Working with Fresno County on information for Special Election, Public request act & researching information for liability claim and other RMA cases.
- **City Attorney James Sanchez** – Gave a presentation to Rotary Wednesday, April 24th on Cannabis & Hemp, which is an agricultural commodity now, the County will issue permits.
- **City Manager Ben Gallegos** – Attended Supervisor training with Pio, met with Cen Cal to assist in the project process, sending PW staff to training (flagging and other free training). 175 participates on Saturday for the spring clean-up with a total of 300 participates for the week. Met with EDC to help local businesses with free services/training, they would like the City Manager or Council Member to attend a 2 day Energy Conference in Long Beach - they are willing to pay for some of the expenses. Conference is in June, Deadline to register is June 4. Self- help will pay for the grant application to cover engineer cost on the Las Deltas Water District project. Will meet Russel & Danny on the grant for the pool project & joint use agreement (School & City), also on the Maldonado Park & Dunkle Park.
- **Council Member Sablan** – Asked for an update on the Parks grant, Ben will meet with Paul Ashby at the end of the month to discuss possible projects.
- **Council Member Valdez** – Council Members Jenkins, Perez & Valdez attended Legislative Action Day hosted by League of Cities & met with Senator Anna Caballero to discuss Kiosk and Police Dept. rehab project to the courthouse. Attended the re-grand Opening of Family Dollar, thanked the Fire Chief & Police Chief for sending Officers to the school carnival and other events, it was good to see staff at the community engagements and met with the public.
- **Council Member Perez** – Received call from Senator Anna Caballero to schedule a meeting and discuss outreach to the community regarding census, the Valley placed as the worst turn out in participation with the census.
- **Council Member Lopez**- Thanked Mayor Sablan for giving her the opportunity to attend the COG Meeting on the City's behalf and learned a lot about the projects & services the offer. Recommend to staff to have shelf ready projects to receive available COG funding.

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

ADJOURNMENT - *Motion adjourn by Council Member Valdez, second by Council Member Perez; motion pass by unanimous 5-0 vote at 8:05 p.m.*