

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh
Vol. No.19/12-02

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: December 2, 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

PUBLIC COMMENT

PRESENTATION

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 November 18, 2019.

PUBLIC HEARING

2. RESOLUTION NO. 19-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING CONDITIONAL USE PERMIT 2019-02 (ELEMENT 7 CANNABIS BUSINESS).

OR

RESOLUTION 19-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DENYING CONDITIONAL USE PERMIT 2019-02 (ELEMENT 7 CANNABIS BUSINESS).

Recommended Action: City Council received public comments & takes action on Res. 19-60.

NEW BUSINESS

3. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS AMENDING THE TRAVEL EXPENSE AND USE OF PUBLIC RESOURCES POLICY- RESOLUTION NO. 14-05.

Recommended Action: City Council received public comments & gives staff direction.

4. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS STREET BARRIERS AND/OR SPEED BUMPS.

Recommended Action: City Council received public comments & gives staff direction.

SUCCESSOR AGENCY

5. RESOLUTION NO. 19-61 - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING A CONTRACT WITH RSG, INC. TO PROVIDE CONSULTING SERVICES TO THE SUCCESSOR AGENCY IN FISCAL YEAR 2020-21.

Recommended Action: Successor Agency receives comments and approves Res. No. 19-61.

6. RESOLUTION NO. 19-62 - A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY 1, 2020 THROUGH JUNE 30, 2021 AND THE ADMINISTRATIVE BUDGET FOR JULY 1, 2020 THROUGH JUNE 30, 2021.

Recommended Action: Successor Agency receives comments and approves Res. No. 19-62.

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, November 27, 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. 19/11-18

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: November 18, 2019/6:00 p.m.

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

ROLL CALL Mayor Pro Tem Elsa Lopez
Council Member Freddy Valdez
Council Member Brady Jenkins

ABSENT: Mayor Marcia Sablan, Council Member Felipe Perez

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

PLEDGE OF ALLEGIANCE Council Member Jenkins led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Valdez, second by Council Member Jenkins; motion pass by 3-0 vote.

PUBLIC COMMENT

Raquel White from Fresno, California, "I come from an organization by the name of Construction Industry also known as "CIFAC" Construction Industry Force Account Council, a non-profit organization dedicated to help ensure State & Local government compliance with the Public Contract Code. " The City of Firebaugh has a threshold limit of \$5,000, so projects above the limit must go to bid and the lowest bidder usually is awarded, which does not give the City much leeway to execute simplified contracts/projects. The City does have an option to increase threshold to speed up the process to contract for projects. By opting into the California Uniform Construction Cost Accounting Act, also known as the "ACT", Administer by the State Controllers' Office, the City will able to expedite bidding on projects under \$60,000 and informal bid projects up to \$200,000. This will greatly reduce time, effort & expenses of associated with bidding projects. There is no cost with becoming a participating agent of the ACT, there are 12,039 public agencies that have opted in to the ACT, that are benefitting from this simplified process. I recommend, the City of Firebaugh submits a Resolution to the State Controller's Office to become a participant of the Act."

Pedro Vasquez of Zozaya Street, inquired about speed bumps in certain areas in Firebaugh and on his street residents are interested & have asked, because people pass or run the stop sign. If the City gets any money if they can install them.

PRESENTATION None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council Regular Meeting on November 4, 2019.
2. WARRANT REGISTER – Period starting October 1, and ending on October 31, 2019.

October 2019	General Warrants	#38834 - #38970	\$	667,678.53
	Payroll Warrants	#71144 - #71160	\$	235,609.20
TOTAL			\$	903,287.73

Motion to approve Consent Calendar by Council Member Jenkins, second by Council Member Valdez; motion pass by 3-0 vote.

PUBLIC HEARING

3. **RESOLUTION NO. 19-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN AMENDMENT TO TENTATIVE SUBDIVISION MAP 2018-01 (CEN CAL BUILDERS (DEL RIO PLACE)).**

City Planner Schoettler provide a power point presentation to inform, the applicant is seeking approval to amend the original 42 lot, Del Rio Place subdivision. This amendment is to provide space for an existing PG&E power line that crosses the site. The original subdivision design rerouted lines around the site, by the developer, but the applicant states that PG&E was requiring a large easement and it would require two years to review and approve. With this impasse, the applicant is redesigning the subdivision to allow the line to remain in place and reduces the map from 42 residential lots to 33 lots, with a small park to allow the power line to pass through, away from homes. In other areas the lots have been expanded to allow for the line to cross overhead, four lots. Three other lots will have an encroachment easement, to a much smaller degree.

Open hearing time at 6:13 pm - No comment given - Closing hearing time at 6:14 pm

Motion to approve Res. No. 19-58 by Council Member Jenkins, second by Council Member Lopez; motion fails by 2-1 vote. Valdez – No, Per City Attorney Sanchez, under Government Code section 36936 a resolution requires at least three votes for adoption.

NEW BUSINESS

4. **RESOLUTION NO. 19-59 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR BENJAMIN GALLEGOS.**

Motion to approve Res. No. 19-59, with effective date November 16, 201, by Council Member Jenkins, second by Council Member Valdez; motion pass by 3-0 vote.

STAFF REPORTS

- **Police Chief Sal Raygoza** – it's been busy, meth is a growing trend, and several arrest have been made. It was a crazy weekend, with a Robbery and a car accident, but staff is doing a good job.
- **Finance Director, Pio Martin** – Working with the Auditors.
- **Fire Chief, John Borboa** – been busy with Vehicle accidents, there has been more accidents then the years before with most of them on Ave 7 & 7 ½. CHP Officer made comment about the high traffic on same roads, & stated fog is a concern for the winter. Paramount is higher more employees, so that will add to more traffic.
- **City Engineer, Mario Gouveia** – Pavement Rehab is almost done at 99% done. Attended a meeting with DWR Representatives & stakeholders, last week, \$400,000 available for Feasibility study for flood issues. Had a kickoff meeting with several agencies, about 14 months before to seek funding to correct Flooding issues. One of the areas is, the Rodeo to treatment plant, proposed to build up the levee, working with DWR, it usually cost about \$4 million for a project like that.
- **Deputy City Clerk, Rita Lozano** – Next week will be Thanksgiving, so City Hall be closed Thursday & Friday. I will be taking a couple of days off, so any agenda items you wish to place on the first meeting of December, please submit them this week. The first meeting of December will be a council meeting, the second Monday is the Joint Meeting with the School District at their site & the third Monday will be the second Council meeting of December. I will not be attending the Joint Meeting on December 9th, because I have to attend the Planning Meeting due to two Public Hearing items that will be held, the VFW Project & the Valley Health Team, so it's going to busy the next few days, as stated, any agenda items for the first council meeting try to submit this week, because I will be in on Wednesday, November 27, 2019 to get the agenda out before we break for the holidays.

- **City Attorney, James Sanchez** – League of Cities had a gathering for the first time for rural cities, less than 50,000 population & proposed to some seminars, webinars and maybe even podcast for small city & rural city issues. We submitted four proposals, one on Housing, Brow Act & Social Media, which is really good because we've been discussing 7 having questions ourselves about the issue. Then on (SGMA), Sustainability Groundwater Management, because you'll the SGMA plans coming in 2020 & the steps that will have to be followed.
- **City Manager, Ben Gallegos** – Thanked the High Schools for attending the Council Meeting, I know that they mentioned getting a McDonald's, Council Member Jenkins, Valdez & myself have been working to get new businesses to the City but one of their requirements is to be over 10,000 population. Hopefully with the new homes & West Hills College expanding, it will help, but want you to know that we are trying. I've been working with potential new businesses that are interested in coming into town. Police Chief Raygoza & I meeting with a Pasticcio Company, they have done a lot for the City of Mendota and helped fund the new clinic in Mendota, the Chief & I informed them of all the things we have in our City, like the Christmas parade, Round-up, the PAL Program, The Fire Program, our Senior Center & Veterans, and stated we need new furniture for them, we'll see if they will donated furniture for them. The VFW project is about two weeks behind due to soil samples, so hope it will go out to bid the second week of December. This Saturday, hopefully you guys can make it out, we will have about a 100 volunteers from Wonderful, I'm happy to say that they will donate time to paint one of our local resident's home, that deserve it, the Rebecchi's, another project they'll be painting is the Splash Park & Skate Park because it has graffiti & Street lights downtown & they are donating all of the materials for the projects. Hopefully, we can get somebody to prep the house for painting, if not, I was wondering if Council approves using City staff to go in to do the prep work. Council Member Lopez, stated, "I think, we can get volunteers." I've been working with the San Joaquin Valley Railroad, to see how to get the crossing over, and then, our Senior Center was selected out of 53 locations to be a voting pole station, so the City will be entering into an agreement with them. City is lucky to be selected, or citizens' would have to drive somewhere else, the Senior Center will be closed on the four days in March.
- **Council Member Jenkins** – Once again, it's been a while Chief but I've received a lot of good compliments on the Officers' in town, I didn't get to tell Chief Borboa, I appreciate the help of the volunteer Fire Department. I've told been Ben, he's doing a great job, he deserves what he's getting. I'd also like to thank Pio, I know your very busy, James, Karl, Mario, Rita, I appreciate all of the help you gives us & everything you do there. Keep the good work & thank the students for coming out, be on time tomorrow, don't be late.
- **Council Member Valdez** – Governor's Budget team came out, we gave them a tour & told them about rural city issues, the great things we are doing but also where the City is following short. We hoping the Governor will allocate money, so we can have more projects in our community, streets, parks and things of that nature, things that are hard to fund. It was a great meeting, I believe we did a great job of presenting our needs & attending a round table to further discuss the issues. We were commended by the governor's staff about our professionalism, so I would like to thank the city staff & Council Members that attended the meeting. I would recommend students, residents and the public to write letters to companies to let them know that are community would like to have them develop in our City, to show them there is interest in their business.

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

ANNOUNCEMENT

ADJOURNMENT

Motion adjourn by Council Member Jenkins, second by Council Member Valdez; motion pass by 3-0 vote at 6:46 p.m.

FIREBAUGH CITY COUNCIL

STAFF REPORT

Date: December 2, 2019
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Appeal of Conditional Use Permit 2019-02 (Element 7 LLC (Cannabis business)) 1210 12th Street

Summary/Recommendation

The applicant has appealed a decision of the Planning Commission to not approve a Conditional Use Permit to establish a cannabis business, on the southwest corner of 12th Street and M Street. At this point the City Council can vote to affirm that Planning Commission's action (meaning the application is denied) or overturn it (thereby approving the project).

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 and accept any public testimony regarding the project;
4. Close the public hearing and discuss the project further as necessary;
5. Ask for a motion for action on the project. Two resolutions are provided; one to deny the appeal (thereby denying the application); the other to affirm the appeal (thereby approving the project).

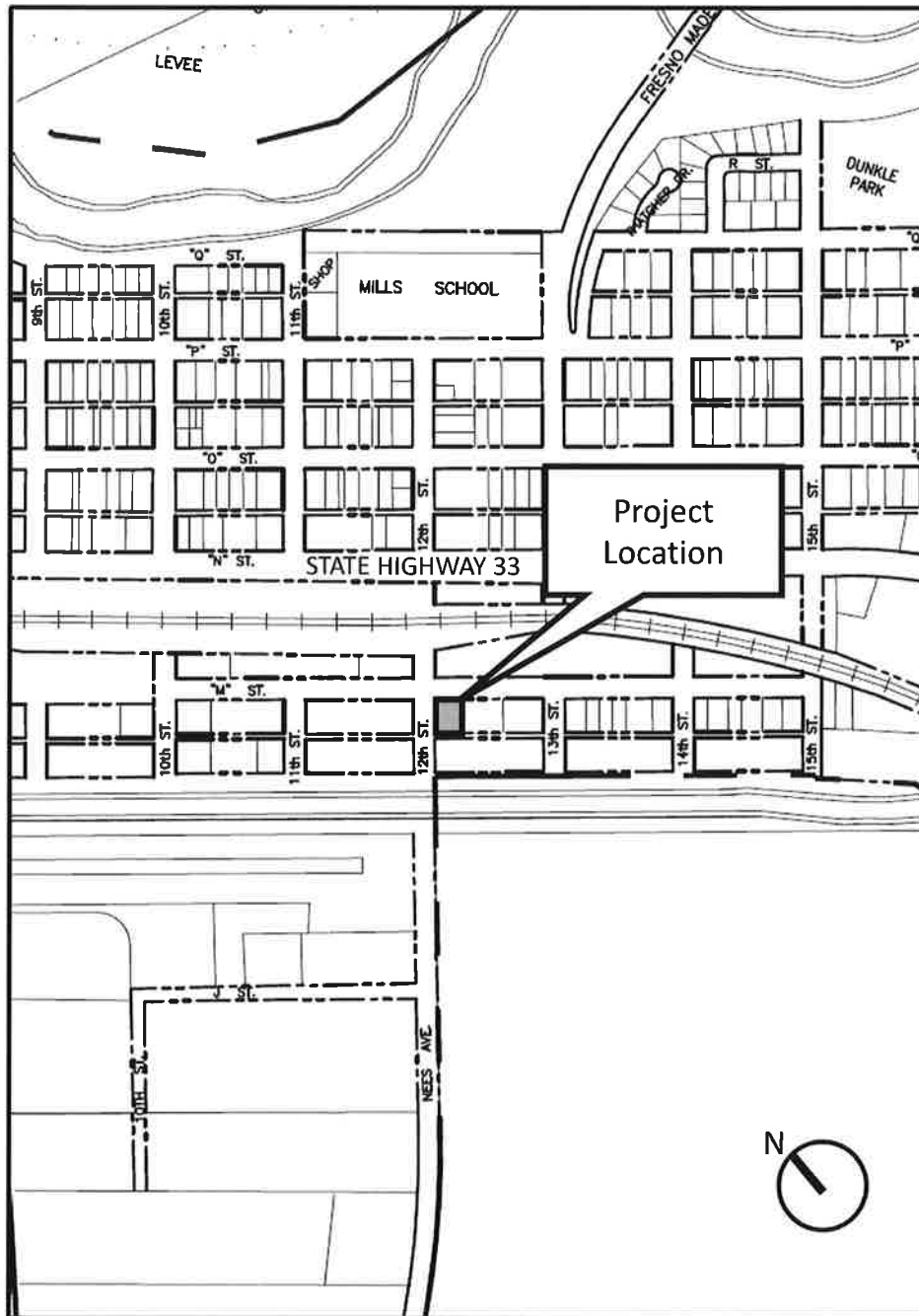
Discussion/Analysis

The project proposes the establishment of a cannabis business including cannabis manufacturing, delivery and distribution, within an existing building on the southwest corner of 12th Street and M Street (see Map 1 (Location) and Map 2 (Aerial Photo)). The applicant also intends to add a dispensary to the site in the future.

The site is zoned M-1 (Light Industrial). As the Council will recall, the City Council approved an amendment to the Zoning Ordinance to approve cannabis-related businesses within the M-1 zone (in addition to the M-2 zone, where they are already permitted).

Uses allowed in the M-1 zone include cannabis manufacturing, processing, testing and retail sales.

Map 1: Project Location



Map 2: Aerial Photo



Distance From Sensitive Uses

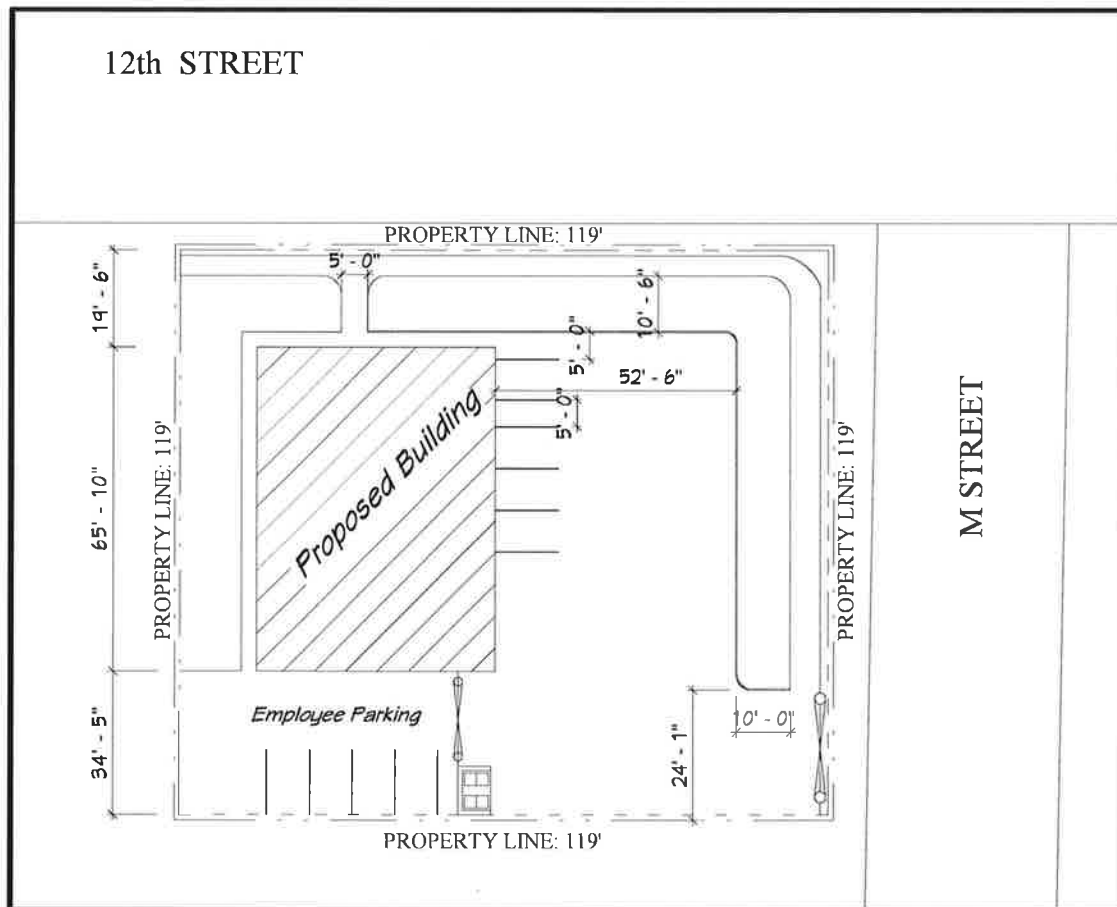
State law requires cannabis businesses be at least 600 feet from any schools. The nearest school to the site is Mills School, located approximately 1,315 feet to the northeast on P Street north of 13th Street.

Site Plan

The site has been used by various businesses over the years (seed warehouse, catering facility, etc.) and is developed with an existing building and other improvements (see Exhibit 1),

including parking, landscaping, lighting, walkways, driveway and utility connections. No external construction is proposed, other than adding a perimeter fence, lighting and security cameras. Some internal remodeling will occur, including drywall installation, vault, and fire sprinklers. The site has ten existing parking spaces which meets zoning requirements. Additional parking is also available on the street.

Exhibit 1: Site Plan

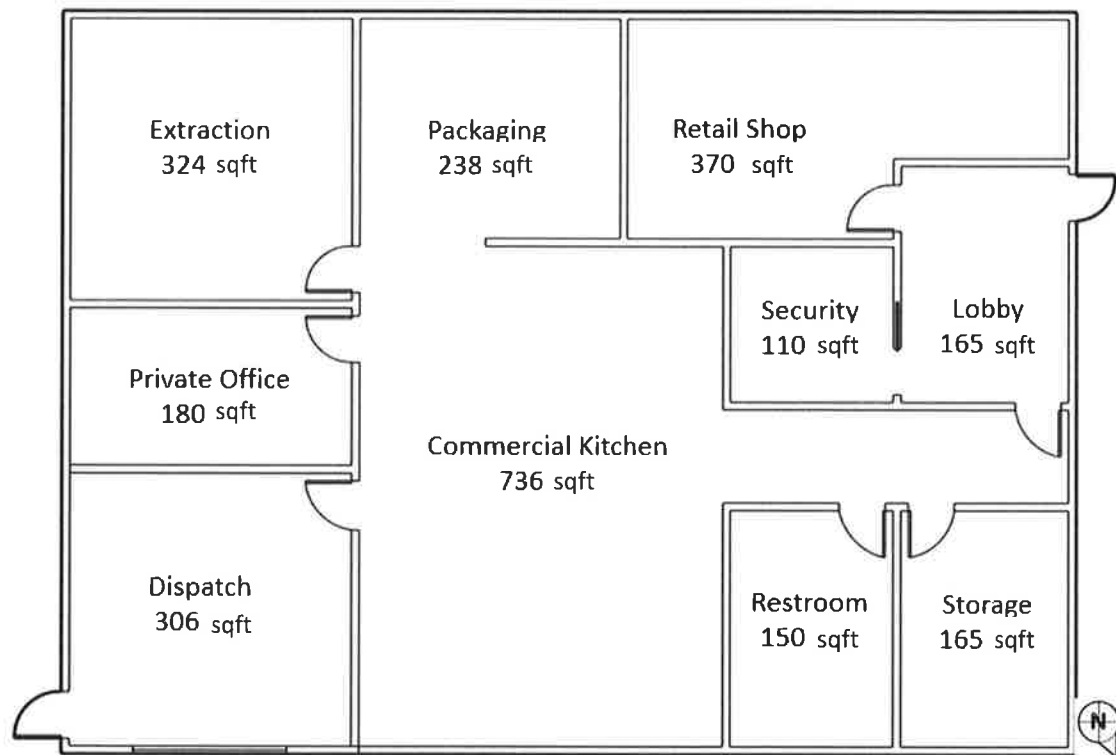


The building contains approximately 3,000 square feet. The proposed floor plan is shown in Exhibit 2. Rooms in the facility include a lobby, security, manufacturing room, packaging, extraction, dispatch, office, storage, restrooms and a future retail room. Per City standards, windows will be covered with opaque film to prevent persons outside from seeing the interior.

The business will employ 10 persons per shift. Per the City's cannabis ordinance, all employees must be cleared and registered with the Police Department.

The delivery and distribution portion of the business will operate 8 am to 10 pm seven days per week, while the manufacturing portion of the business will operate 24 hours per day.

Exhibit 2: Floor Plan



Manufacturing

The business will manufacture a variety of cannabis products and cannabis infused products, including:

- Flower
- Concentrates, vapes and cartridges
- Pre-rolls
- Edibles

- Tinctures
- Topicals

Security

As mentioned previously, the applicant is proposing to install a wrought-iron fencing around the business with a sliding gate for the driveway. Other security features include:

- Security cameras will be placed throughout the site, both inside and outside. These cameras will have a direct feed to the Firebaugh Police Department and will also feed images to hard drives for later review (if needed).
- All doors to the building have restricted entry with biometric scanners and swipe card access. All doors will be heavy duty reinforced security doors with commercial grade locks
- Panic buttons will be installed in the building in the event of armed robbery or other security breach.
- Burglar alarms and motion detection systems will be installed.
- Security guards will be employed and be present at the site during business hours.
- All windows will be secured against entry from the outside.
- Cash will be stored in a locked vault. The business will contract with a licensed armored vehicle transport company to transport cash from the site at regular intervals.

Delivery and Distribution

The business would deliver its manufactured products to retailers around California. It would also deliver products to residential customers, as allowed by State law. Unmarked vehicles would be unloaded (and loaded) in a secure area on the south side of the building. Two security guards would be present during product loading, which would occur outside a roll-up door on the south side of the building. The business would also lock the rolling gate onto M Street while the vehicle is being loaded. Deliveries will occur to Firebaugh and surrounding areas.

Other Information

To eliminate the potential for odors, the facility will be using several types of air filters, including:

- Polarized media filters with activated carbon insert pads (to achieve medical-grade air quality),
- Activated carbon scrubbers
- Ozone generators

Cannabis waste must be disposed of in compliance with State regulations (it cannot simply be placed in a dumpster). The applicant must render the waste unusable and then contract with a licensed disposal company for pickup.

Operation of the business must comply with all requirements of Firebaugh's Cannabis Control Ordinance (Section 25-41.13 of the Firebaugh Municipal Code). Key provisions of this ordinance that will apply to the business include:

- All employees of a marijuana business must undergo a background check by the Police Department and be registered annually with the City.
- There shall be no signage on the site that identifies the activity of the business.
- There shall be no marijuana or alcohol consumption on the site.
- No other commercial activities are allowed on the site.
- No minors are allowed on the site.
- The business must be at least 600 feet from any school.
- The business must comply with all building, health and environmental codes.
- All marijuana processing must occur indoors, and business must employ odor control devices.
- The building and site must be secure, including non-climbable perimeter fencing and electronic entry gates with card systems, approved by the Police Department.
- The site must have alarm and monitoring systems, approved by the Police Department.

The project has already undergone a Phase 1 review, whereby the applicant submitted information for review by the City's cannabis consultant (HDL Consultants). This permit was approved by the City Council. Information submitted for that permit included:

- Qualification of owners
- Location information
- Labor and employment information
- Neighborhood compatibility plan
- Environmental impact
- Safety plan
- Security plan
- Community benefits
- Other information

Environmental Analysis

As the project is occurring at an existing developed site with minimal exterior changes, staff has determined the project is exempt from environmental review under Section 15301 (a) (Re-use of existing buildings with minimal changes).

Planning Commission Action

The Planning Commission first considered the application on September 9. At that meeting there were several concerned residents who voiced opposition to the project. Following discussion, the Commission voted 2-1 in favor of the project. The Commissioners voting in favor appeared to be opposed to the project but found that as long as it complies with the City's standards, it should not be denied. The Commissioner voting against the project appeared to be concerned about the project's potential impacts on public safety.

Staff noted that California Government Code section 36936 requires an affirmative vote of the majority of the seats on the Commission to approve a project. At the time the Commission met there were four filled seats (one Commissioner had resigned before that date). This would have required at least three Commissioners vote in favor of the project for it to be approved. This resulted in a de-facto denial of the project.

Per advice of the City Attorney, staff scheduled a followup meeting with the Planning Commission so that they could adopt a resolution to formally deny the project. Unfortunately one of the Commissioners from the September meeting did not attend, and therefore no action could be taken. By the time the regularly-scheduled Planning Commission meeting in November could occur, 40 days had elapsed and it was determined that the project was denied. At that point the applicant filed a formal appeal of the denial of the project (see Attachment "A").

As noted previously, the City Council may vote to maintain the Planning Commission's action (and the project is denied) or the City Council may overturn the Planning Commission's action (thereby approving the project, subject to conditions). Separate resolutions are provided for each action.

Staff Report to Firebaugh City Council (12/2/2019)
Appeal of Conditional Use Permit 2019-02 (Element 7 LLC)

Attachment "A": Letter of Appeal



September 16, 2019

Ms. Rita Lozano
City Clerk
City of Firebaugh
1133 P Street
Firebaugh, CA 93622

Dear Ms. Lozano,

I am writing to you with regards to the Planning Commission Meeting held on Monday September 9, 2019, and Element 7's request to operate a cannabis business at 1210 12th Street, Firebaugh, CA.

On July 15, 2019, the City Council met and heard **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 – SECOND READING.**

At that meeting, Council made a motion to approve of Ord. No. 19-03, (1) Amending Municipal Code Section 25-29.2 to clarify commercial cannabis activities in the M-1 & M-2 zones; (2) Amending Municipal Code Section 25-41.13 to allow for and to regulate dispensaries as Commercial Cannabis Operations.

A motion to approve items (1) & (2) of ord. no. 19-03 by Council Member Valdez was seconded by Council Member Perez; motion pass by 3-2 vote.

On September 9, 2019, the request to operate a commercial cannabis business at 1210 12th Street, Firebaugh, CA, by Element 7, was heard and we understand that a vote was held which resulted in 2 votes for and 1 vote against. Two Planning Commission Members were absent.

Element 7 has invested significant dollars into the City of Firebaugh, is attempting to create jobs and sustainable taxes, is already contributing funds to community groups (Firebaugh RoadRunners), and the Council vote on July 15, 2019, signifies the City's decision and intent to allow cannabis operations at 1210 12th Street, Firebaugh, CA.

Staff Report to Firebaugh City Council (12/2/2019)
Appeal of Conditional Use Permit 2019-02 (Element 7 LLC)

We believe that if all members of the Planning Commission had been present, a majority vote could have been achieved and the desires of the City Council to award a Permit to Element 7, realized.

We respectfully request an Appeal to the City Council on the decision that was reached by the Planning Commission because the project is supported by the findings in the resolution that was presented and approved by staff. Those findings are as follows:

NOW THEREFORE BE IT RESOLVED that, the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

- 1. The project is consistent with the Firebaugh General Plan and the Firebaugh Zoning Ordinance, as amended.**
- 2. The project will not have a significant impact on the environment and is exempt from review under Section 15301 (a) (Re-use of existing buildings with minimal changes) of the Guidelines of the California Environmental Quality Act, and a Notice of Exemption has been prepared.**
- 3. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.**

Kind regards,



Robert DiVito
Element 7
robert@e7ca.com

RESOLUTION NO. 19-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING CONDITIONAL USE PERMIT 2019-02 (ELEMENT 7 CANNABIS BUSINESS)

WHEREAS, a request was submitted by Element 7 Firebaugh, LLC, 1210 12th Street, Firebaugh, CA 93622, for a Conditional Use Permit to establish and operate a cannabis business, including manufacturing, distribution and delivery, in compliance with the City of Firebaugh's Cannabis Control Ordinance and the State of California's cannabis regulations. The site is located at 1210 12th Street, on the southwest corner of 12' Street and M Street. The Assessor Parcel Number is 008-080-029, and

WHEREAS, the subject site is zoned M-1 (Light Industrial) and the City has amended the ordinance to allow cannabis businesses in this zone by Conditional Use Permit, and

WHEREAS, the City Council has previously approved a Phase 1 permit for the project, as required by the Firebaugh Cannabis Control Ordinance, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding to approve this request; and

WHEREAS, the City has notified property owners within 300 feet of the site of the proposed project, and has also published a notice of the Planning Commission hearing in the newspaper, at least ten days before the hearing; and

WHEREAS, the Planning Commission held a public hearing on September 9, 2019 and has considered this matter and accepted evidence and testimony; but failed to adopt a majority vote by three of the five members of the appellate body. The Project was deemed denied by the Planning Commission action.

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

1. The project is consistent with the Firebaugh General Plan and the Firebaugh Zoning Ordinance, as amended.
2. The project will not have a significant impact on the environment and is exempt from review under Section 15301 (a) (Re-use of existing buildings with minimal changes) of the Guidelines of the California Environmental Quality Act, and a Notice of Exemption has been prepared.
3. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.
4. Conditional Use Permit 2019-02 is approved, subject to the following conditions:
 - All building improvements and modifications shown in the project application shall be completed prior to granting of a business license.
 - The project shall supply proof of approval by the State of California's Bureau of Cannabis Control, prior to granting of a City business license.
 - The project shall comply with all provisions of the Firebaugh Cannabis Control

Ordinance, including, but not limited to:

- a. All employees of a marijuana business must undergo a background check by the Police Department and be registered annually with the City.
- b. There shall be no signage on the site that identifies the activity of the business.
- c. There shall be no marijuana or alcohol consumption on the site.
- d. No other commercial activities are allowed on the site.
- e. No minors are allowed on the site.
- f. The business must be at least 600 feet from any school.
- g. The business must comply with all building, health and environmental codes.
- h. All marijuana processing must occur indoors, and business must employ odor control devices.
- i. The building and site must be secure, including non-climbable perimeter fencing and electronic entry gates with card systems, approved by the Police Department.
- j. The site must have alarm and monitoring systems, approved by the Police Department.
- k. Entering into a development agreement.

5. The business shall comply with the Firebaugh Noise Ordinance.

6. All outdoor light fixtures shall be hooded and adjusted to ensure that light does not affect neighboring properties and roadways.

7. Any outdoor storage shall be screened from view from the street right-of-way.

8. Any subsequent expansion or addition of new uses or additional buildings shall require a new application for a conditional use permit, or an amendment to the existing permit.

* * * * *

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 2nd day of December, 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

RESOLUTION 19-60

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH DENYING
CONDITIONAL USE PERMIT 2019-02 (ELEMENT 7 CANNABIS BUSINESS)**

WHEREAS, a request was submitted by Element 7 Firebaugh, LLC, 1210 12th Street, Firebaugh, CA 93622, for a Conditional Use Permit to establish and operate a cannabis business, including manufacturing, distribution and delivery, in compliance with the City of Firebaugh's Cannabis Control Ordinance and the State of California's cannabis regulations. The site is located at 1210 12th Street, on the southwest corner of 12' Street and M Street. The Assessor Parcel Number is 008-080-029, and

WHEREAS, the subject site is zoned M-1 (Light Industrial) and the City has amended the ordinance to allow cannabis businesses in this zone by Conditional Use Permit, and

WHEREAS, the City Council has previously approved a Phase 1 permit for the project, as required by the Firebaugh Cannabis Control Ordinance, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding to approve this request; and

WHEREAS, the City has notified property owners within 300 feet of the site of the proposed project, and has also published a notice of the Planning Commission hearing in the newspaper, at least ten days before the hearing; and

WHEREAS, the Planning Commission held a public hearing on September 9, 2019 and has considered this matter and accepted evidence and testimony; but failed to adopt a majority vote by three of the four sitting members of the appellate body. The Project was deemed denied by the Planning Commission action.

WHEREAS, the applicant filed an appeal of the Planning Commission's action on September 16, 2019.

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

1. The project is consistent with the Firebaugh General Plan and the Firebaugh Zoning Ordinance, as amended.
2. The project will not have a significant impact on the environment and is exempt from review under Section 15301 (a) (Re-use of existing buildings with minimal changes) of the Guidelines of the California Environmental Quality Act, and a Notice of Exemption has been prepared.
3. The project will have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

* * * * *

The foregoing Resolution is adopted this 2nd day of December, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Marcia Sablan, Mayor

Rita Lozano, Deputy City Clerk

**CITY OF FIREBAUGH
TRAVEL EXPENSE AND USE OF PUBLIC RESOURCES POLICY**

RESOLUTION NO. 14-05

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, CALIFORNIA
ADOPTING AN EXPENSE AND USE OF PUBLIC RESOURCES POLICY STATEMENT**

WHEREAS, The City of Firebaugh takes its stewardship over the use of its limited public resources seriously, and

WHEREAS, public resources should only be used when there is a substantial benefit to the City of Firebaugh, and

WHEREAS, such benefits include:

1. The opportunity to discuss the community's concerns with other city, county, state and federal officials;
2. Participating in regional, state and national organizations whose activities affect Firebaugh; and
3. Attending or participating in educational seminars, workshops, conferences and the like designed to improve employees' and city officials' skill and information levels.

WHEREAS, 1) legislative and other regional, state and federal agency business is frequently conducted over meals; 2) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about Firebaugh's policy concerns; 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and 4) a meal expenditure will be reimbursed only for a city official's personal meal expense, not for any other's meal expense, and

WHEREAS, this policy provides guidance to elected and appointed officials on the use and expenditure of Firebaugh's resources, as well as the standards against which those expenditures will be measured, and

WHEREAS, this policy satisfies the requirements of Government Code sections 53232.2 and 53232.3, and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources, and

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws, and

WHEREAS, this policy also applies to any charges made to a Firebaugh credit card or other lines of credit, and

WHEREAS, to conserve Firebaugh's resources and keep expenses within community standards for public officials and employees, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines; and

WHEREAS, this policy supersedes and invalidates any previously adopted expense policy.

THE FOREGOING RESOLUTION was approved and adopted at a special meeting of the City Council of the City of Firebaugh held on the 24th day of February, 2014, by the following vote:

AYES: Council Members Knight, Sablan, Jenkins, Valdez, DeFrancesco

NOES: Council Members

ABSTAIN: Council Members

ABSEST: Council Members

APPROVED:



Chris DeFrancesco, Mayor
City of Firebaugh

ATTEST:



Rita Lozano, Deputy City Clerk
City of Firebaugh

CITY OF FIREBAUGH TRAVEL EXPENSE AND USE OF PUBLIC RESOURCES POLICY

Authorized Expenses

All official travel must be authorized by a *Travel Approval Form* (attached). Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on Firebaugh adopted policy positions;
2. Attending educational seminars, workshops and conferences designed to improve an official's and/or employee's skill and information levels;
3. Participating in regional, state and national organizations whose activities affect Firebaugh interests;
4. Recognizing service to Firebaugh (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Implementing a Firebaugh-approved strategy for attracting or retaining businesses to the city, which will typically involve at least one staff member, and
6. Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.

All other expenditures require prior approval by the City Council of Firebaugh. In addition, the following expenses also require prior City Council approval:

1. International travel;
2. Expenses which exceed the annual limits established within the budget; or
3. Expenses exceeding \$2,000.00 per trip.

Examples of personal expenses that Firebaugh **will not** reimburse include, but are not limited to:

1. The personal portion of any trip, including personal phone calls;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline, and
6. Personal losses incurred while on Firebaugh business.

The approving authority is the Mayor for Council members and the City Manager for all others. Any questions regarding the propriety of a particular type of expense should be resolved with the approving authority before the expense is incurred.

Meals

Meal expenses and associated gratuities will be reimbursed in compliance with federal IRS per diem rates per the current United States General Services Administration guidelines and shall not exceed the rates listed. Meal per diem expenses will only be reimbursed or paid for when travel on official Firebaugh business reasonably requires an overnight stay. Meal expenses and

associated gratuities for official overnight travel will be reimbursed at the following percentages for portions of the daily per diem rate:

Breakfast	20%
Lunch	30%
Dinner	<u>50%</u>
Total Daily	100%

A per diem is a daily allowance that covers the cost of all meals and incidental living expenses while traveling on City business. Itemized receipts are required for all expenses exceeding the per diem rate above. All expenses for meals in excess of the per diem rate must have **prior** authorization by the City Manager. The city will not pay or reimburse for alcohol/personal bar expenses. The employee is allowed a per diem amount per day for overnight travel, without providing receipts as follows:

- Breakfast: Travel status must begin at least by 7:00 a.m.
- Lunch: Travel status must be during normal lunch period.
- Dinner: Travel status must be at least until 6:00 p.m.

Transportation

A city vehicle shall be used for all business travel whenever possible and shall only be used for official business and travelers. If you are approved to use a personal vehicle or travel with unofficial travelers (family, friends, etc.), mileage will be reimbursed at the current IRS provided the travel is authorized in advance. Bridge and road tolls are reimbursable.

Lodging

Lodging expenses will be reimbursed or paid for when travel on official Firebaugh business reasonably requires an overnight stay. Travelers must request government rates, when available. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

Airport Parking and Other

Long-term parking must be used for travel exceeding 24-hours. Baggage porter handling fees of up to \$1 per bag and gratuities of up to 15 percent will also be reimbursed.

Credit Card Use Policy

Firebaugh may issue credit cards to individual office holders. Use of city credit cards shall be in accordance with established policies. Itemized receipts documenting expenses incurred on the city's credit card and compliance with these policies must be submitted within ten business days of use.

Firebaugh credit cards **shall not** be used for personal expenses, even if the official or employee subsequently reimburses the city. All credit card charges must be for official business only and pre-approved.

Expense Report Content and Submission Deadline

All expenditures, credit card expenses, and expense reimbursement requests must be submitted on a ***Travel Expense Report Form*** (attached).

Expense reports must document that the expense in question met the requirements of this policy.

Inability to provide such documents in a timely fashion will result in the expense being borne by the official or employee.

A completed ***Travel Expense Report Form*** must be returned to the Finance Department within ten business days of the employee or official's return, along with all required itemized receipts documenting the expense in compliance with this policy. In the event no such expense report is submitted, the official or employee will be in violation of this policy and ineligible to receive future travel expense reimbursement.

Audits of Expense Reports

All expenses are subject to verification that they comply with this policy.

Compliance with Laws

Firebaugh officials and employees should keep in mind that all agency expenditures are public records and subject to disclosure under the Public Records Act.

Violation of This Policy

Use of public resources in violation of this policy or falsifying expense reports will result in any or all of the following: 1) loss of reimbursement and travel privileges, 2) a demand for restitution to the city, 3) reporting the expenses as taxable income to the employee or elected official, 4) civil penalties for misuse of public resources, 5) prosecution for misuse of public resources, and 6) disciplinary action, up to and including termination.



City of Firebaugh Travel Request / Approval Form

Traveler Information

Name	Telephone #	Dept# / Acct#
Position/Title of Traveler	Location (From/To)	Total # of Nights
Purpose of Travel	Departure Date	Return Date

Transportation Information

Indicate type requested <i>Please Circle</i>	Municipal Car	Personal Car	Airplane	Municipal Car reserved? Yes / No <i>Please Circle</i>
Flight #	Departing from City/Airport	Arriving at City/Airport	Date	
Flight #	Departing from City/Airport	Arriving at City/Airport	Date	

Destination Information

Name of Conference or Training	Hotel & rate
--------------------------------	--------------

Travel Authorization (Complete Prior to Travel Purchase)

	Type of Expense (Attach all supporting documents)	Estimated Expenses
1	Airfare	\$
2	Registration Fee (Complete all registration forms & circle payment type requested) Check or Credit Card	\$
3	Lodging (# of nights x rate)	\$
4	Meals (per diem rate x days) <i>Estimate only see policy</i>	\$
5	Parking/Tolls	\$
6	Mileage (# of miles x .56) per IRS as of 01/01/2014	\$
7	Destination Car Rental :	\$
8	Misc. (list type):	\$
9	Total	\$

Original Signatures Required Prior to Travel Purchase

Traveler X	Date
Department Head Approval X	Date
City Manager Approval X	Date

Comments:

City of Firebaugh Expense Report

Employee: _____

Destination: _____

Purpose: _____

Per Diem Amounts	
Breakfast = \$	
Lunch = \$	
Dinner = \$	
TOTAL Daily	

[illegible]

Reimbursement rate per mile =

Grand Total

Less paid by City Credit Card _____

Due to (from) Employee _____

Employee Signature: _____ Date: _____

Approval Signature: _____ Date: _____

Attach all receipts to back (Per Diem amounts for overnight stays do not need receipts)

**FIREBAUGH SUCCESSOR AGENCY
STAFF REPORT**

Date: December 2, 2019
To: Successor Agency to the Firebaugh Redevelopment Agency
From: Ben Gallegos, City Manager
Subject: Redevelopment Dissolution Consulting Services

Summary/Recommendation

Approve the attached Proposal for Consulting Services from RSG relating to Successor Agency matters and enter into the contract subject to Oversight Board approval.

Discussion/Analysis

Background

The dissolution of the Firebaugh Redevelopment Agency is complex and arduous. Staff requires financial, real estate, and management consulting services to help deal with the numerous deadlines and requirements of ABx1 26, AB 1484, SB 107 and any new legislation that may come into effect.

Redevelopment Dissolution Consulting Services

The City of Firebaugh and the Successor Agency to the Firebaugh Redevelopment Agency have been working with RSG, Inc. ("RSG") to provide consulting services related to the dissolution of the former Firebaugh Redevelopment Agency since 2011. To date, RSG has assisted with:

- Operational startup activities to create the Successor Agency, Housing Successor Entity, and Oversight Board
- Recognized Obligation Payment Schedules (ROPS) covering six-month periods from January 2012 to the present
- The Successor Agency's Administrative Budget for Fiscal Years 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, and 2019-20
- Cash Flow Analyses to aid preparation of the ROPS and inform other planning activities
- City Loan Agreements to cover shortfalls in prior ROPS periods
- Due Diligence Review advisory services
- Property and asset disposition services including the Long-Range Property Management Plan and the sale of all former redevelopment agency properties
- Review and analysis of contracts, agreements, and other documents
- Documents and presentations for City Council, Successor Agency, and Oversight Board Meetings
- Documents and presentations for meetings with State and County agencies
- Correspondence with State, County, and other agencies as needed
- General project advisory and management Services

- Legislative tracking, analysis, and advice
- Other services as needed

A new contract for administrative services is proposed in a not-to-exceed amount of \$20,000 to continue providing consulting services in FY 2020-21. RSG will consult on all activities required by the Dissolution Act, which may include but are not limited to:

- Maintenance of Budget and Cash Flow - RSG will maintain a working cash flow model for the Successor Agency to anticipate any future budget shortfalls.
- Preparation of the Annual ROPS and accompanying Administrative Budgets - RSG will assist the Successor Agency in completing the 2021-22 ROPS and the annual administrative budget for fiscal year 2021-22.
- Assistance with the PPA - RSG will assist the Successor Agency in estimating the differences between actual payments, past estimated, and approved obligations, and coordinate with Fresno County on submission and follow-up.
- Attendance of Meetings - RSG will make a staff member available to the Successor Agency should they need assistance at any Successor Agency, Oversight Board, or DOF meetings.
- Provision of Additional Administrative Services - RSG will assist the Successor Agency with any additional administrative tasks as they arise.

The fee stated in the proposal matches the amount approved by the Successor Agency and Oversight Board in the FY 2020-21 Administrative Budget. Costs for services will be paid on a monthly basis on a time and material basis by the Successor Agency.

Fiscal Impact

The \$20,000 cost associated with the FY 2020-21 RSG Contract for Consulting Services will be paid out of the Administrative Allowance of \$250,000.

Attachments

Consulting Services Proposal from RSG dated December 2, 2019.

RESOLUTION NO. 19-61

A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING A CONTRACT WITH RSG, INC. TO PROVIDE CONSULTING SERVICES TO THE SUCCESSOR AGENCY IN FISCAL YEAR 2020-21

WHEREAS, the Successor Agency to the Firebaugh Redevelopment Agency ("Successor Agency") has been established to take certain actions to wind down the affairs of the Redevelopment Agency in accordance with the California Health and Safety Code; and

WHEREAS, the Successor Agency desires to enter into a contract with RSG, Inc ("RSG") to provide consulting services related to the dissolution of the Former Firebaugh Redevelopment Agency through Fiscal Year 2020-21 as detailed in the proposal attached as Exhibit "A" ("RSG Contract"); and

WHEREAS, the RSG Contract is to be funded by the administrative cost allowance pursuant to Health & Safety Code Section 34171(b); and

WHEREAS, Health & Safety Code Section 34177.3(b) states that successor agencies may create enforceable obligations to conduct the work of winding down the redevelopment agency, including acquiring necessary professional administrative services; and

WHEREAS, the Successor Agency desires to approve the RSG Contract.

NOW, THEREFORE, THE SUCCESSOR AGENCY OF THE FIREBAUGH REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The RSG Contract is hereby approved.

SECTION 2. The Successor Agency hereby authorizes the City Manager to take such other and further action consistent with this resolution and sign and transmit any documents, as necessary, in order to implement this Resolution on behalf of the Successor Agency.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Successor Agency, on the 2nd day of December, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

APPROVED:

ATTEST:

Marcia Sablan, Mayor

Rita Lozano, Deputy City Clerk

APPROVED AS TO FORM:

JENELL VAN BINDSBERGEN, SUCCESSOR AGENCY COUNSEL

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FIREBAUGH)

I, RITA LOZANO, hereby certify that I am the duly appointed City Clerk of the City of Firebaugh and that the foregoing resolution was duly adopted at a regular meeting of the Successor Agency held on the 2nd day of December, 2019.

Rita Lozano, Deputy City Clerk
City of Firebaugh

EXHIBIT "A"

RSG PROPOSAL FOR FY 2020-21 SUCCESSOR AGENCY CONSULTING SERVICES

[Attached as a separate document]



17872 GILLETTE AVE.
SUITE 350
IRVINE, CA 92614

714 541 4585
INFO@WEBRSG.COM
WEBRSG.COM

November 18, 2019

Via Electronic Mail

Ben Gallegos, Interim City Manager
City of Firebaugh
1133 P. Street
Firebaugh, CA 93622-2547

PROPOSAL FOR FISCAL YEAR 2020-21 SUCCESSOR AGENCY CONSULTING SERVICES

Dear Mr. Gallegos:

RSG, Inc. ("RSG") is pleased to present this proposal to the City of Firebaugh ("City") and the Successor Agency to the Redevelopment Agency of the City of Firebaugh ("Successor Agency") to provide the consulting services necessary to comply with the Dissolution Act. Our role would be to continue providing technical, management, and administrative services to enable staff to wind down the affairs of the former redevelopment agency, meet ongoing reporting requirements, conduct financial and strategic planning, and provide other services as directed by staff.

SCOPE OF SERVICES

Specific assignments may include, but are not limited to, the following:

- Preparation of Recognized Obligation Payment Schedule ("ROPS") 21-22 and responses to Department of Finance ("DOF") inquiries/disputes of enforceable obligations on both ROPS 20-21 and 21-22;
- Preparation of an itemized list of differences between actual payments and past estimated obligations for ROPS 18-19 ("Prior Period Adjustment"), which is now handled separately from the ROPS by county auditor-controllers (rather than the DOF) as of fall 2018;
- Coordination of communications and response to inquiries from DOF, State Controller's Office, Fresno County Auditor-Controller, the Countywide Oversight Board, affected taxing entities, and other involved parties;
- Preparation for and attendance at Meet and Confer sessions with DOF, as needed;

Ben Gallegos, Interim City Manager
CITY OF FIREBAUGH

November 7, 2019

Page 2

- Analyze legislation and quickly identify the fiscal and procedural implications for the Successor Agency. RSG would review the ramifications of legislative changes and explain the immediate and future impacts to the Successor Agency and affected taxing agencies;
- Attendance at meetings, as requested by staff, including, but not limited to, City Council/Successor Agency/Housing Authority meetings, Countywide Oversight Board meetings, and staff-level meetings; and
- In addition to tasks defined above, RSG would be available for other professional advisory, financial, or management services, as requested and directed by staff.

PROJECT TEAM

The Principal-in-Charge of this engagement will be Tara Matthews. The engagement will be managed by Suzy Kim, Senior Associate. Other RSG staff will be assigned as needed. Resumes of our consultant team are available for your review at www.webrsq.com.

FEE SCHEDULE

Our services would be charged on a time-and-materials basis for a fee not to exceed **\$20,000**, in accordance with our current fee schedule below:

Principal / Director	\$ 275
Senior Associate	\$ 200
Associate	\$ 185
Senior Analyst	\$ 150
Analyst	\$ 135
Research Assistant	\$ 125
Technician	\$ 80
Clerical	\$ 60

Reimbursable Expenses

Cost plus 10%

RSG does not charge clients for mileage, parking, standard telephone/fax expenses, general postage, or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs, and teleconferencing services. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

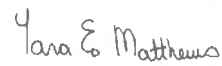
Ben Gallegos, Interim City Manager
CITY OF FIREBAUGH

November 7, 2019
Page 3

The City will only be billed for time spent on services. RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended, and the hourly rate. Costs will be paid by the Successor Agency from the administrative cost allowance as permitted by DOF. **Our Federal Tax ID is 95-3435849.**

We appreciate the opportunity to submit our proposal to the City of Firebaugh and the Successor Agency. If this proposal is acceptable as written, please sign where indicated and return to our office at your earliest convenience. If you have any questions, please do not hesitate to contact us.

Sincerely,
RSG, Inc.


Tara Matthews
Principal

APPROVED AND AUTHORIZED TO PROCEED:

Signature: _____
Printed
Name: _____
Title: _____
Date: _____

FIREBAUGH SUCCESSOR AGENCY

STAFF REPORT

Date: December 2, 2019
To: Successor Agency to the Firebaugh Redevelopment Agency
From: Ben Gallegos, City Manager
Subject: 2020-21 Recognized Obligation Payment Schedule and Administrative Budget

Summary/Recommendation

Adopt a resolution of the Successor Agency to the Firebaugh Redevelopment Agency approving the Recognized Obligation Payment Schedule ("ROPS") 2020-21 and Administrative Budget for the July 1, 2020 through June 30, 2021 period.

Discussion/Analysis

Background

On December 29, 2011, the California Supreme Court issued its decision in *CRA v. Matosantos*, upholding AB 1X 26, which dissolved all redevelopment agencies in California, and overturning AB 1X 27, the "voluntary alternative redevelopment program." After the redevelopment program provided in AB 1X 27 was ruled unconstitutional by the Court, all California redevelopment agencies were required to dissolve. On February 1, 2012, redevelopment agencies throughout the State were eliminated and successor agencies assumed the responsibility of winding down the activities of their respective redevelopment agencies. The City of Firebaugh ("City") serves as the Successor Agency of the former Firebaugh Redevelopment Agency.

As Successor Agency, the City is responsible for all of the assets, properties, contracts, leases, obligations, and records of the former Redevelopment Agency. For the Successor Agency to continue paying obligations of the former Redevelopment Agency, ABx1 26 requires the Successor Agency to prepare an annual Recognized Payment Obligation Schedule ("ROPS") setting forth the Successor Agency's payment obligations for two six-month periods. The ROPS shall include any bonds, loans, payments required by the federal government, contracts, costs associated with Disposition and Development Agreements, and other similar obligations to third parties.

On September 22, 2015, Governor Brown signed Senate Bill ("SB") 107, which went into effect immediately. SB 107 made several key changes to the Health and Safety Code ("HSC") sections that establish the ROPS process. Since this time no other legislative changes have been made.

County-Wide Oversight Board

Local oversight boards were dissolved and succeeded by a single Countywide oversight board on July 1, 2018 pursuant to HSC section 34179(j). The Countywide oversight board has broad authority to set administrative budgets, approve enforceable obligations, and otherwise direct the successor agency to perform activities to wind down the former redevelopment agencies. The Countywide oversight board has jurisdiction over fifteen successor agencies, including the Firebaugh Successor Agency. The 2020-21 ROPS and Administrative Budget prepared by the Firebaugh Successor

Agency will go for approval by this new Fresno County Oversight Board at its meeting on January 23rd, 2020, which will be held at 2:00 in the afternoon. Fresno Countywide Oversight Board meetings are scheduled for the 4th Thursday of the month, every three months, and going forward, any items the Successor Agency wishes to submit for the agenda are due three weeks in advance of each meeting.

Recognized Obligation Payment Schedule

HSC Section 34177(1) requires the Successor Agency to prepare a ROPS showing all the obligations of the former Redevelopment Agency and the sources of funds for repaying obligations. The 14th ROPS, covering the period July 1, 2020 through June 30, 2021 ("20-21 period"), must be approved by the Fresno county-wide County Oversight Board ("Oversight Board") and sent to the California State Department of Finance ("DOF") and the County Auditor-Controller no later than February 1, 2020. The Successor Agency may face a fine of \$10,000 per day for ROPS submitted after this deadline. Distribution of redevelopment property tax revenue will occur on June 1, 2020 and January 2, 2021.

DOF annually provides the Successor Agency with a partially completed ROPS form for standardization and consistency with its automated tracking system. DOF continues to make minor annual changes to the ROPS forms and to the process for submitting the ROPS. The ROPS no longer contains a Prior Period Adjustment Tab, and instead, commencing October 1, 2018 and annually thereafter, the differences between actual payments and past estimated and approved obligations on the ROPS, shall be submitted by the Successor Agency to the Fresno County Auditor-Controller for review and adjustment to future distributions. The Successor Agency submitted its 2017-18 PPA to the Fresno County Auditor-Controller on time, reporting a difference between approved RPTTF and spent RPTTF of \$151,660. The PPA is primarily comprised of unspent administrative allocation, which has prompted the Successor Agency to request less money for administrative costs in subsequent ROPS periods. This amount will likely be credited by DOF against the RPTTF approved for 2020-21.

The items on the ROPS are substantially the same as those included on ROPS 19-20. The Successor Agency is requesting a total of \$569,854 in Redevelopment Property Tax Trust Fund money to fund ROPS obligations, \$410,798 for the first half of the fiscal year and \$159,056 for the second half of the fiscal year. The obligations listed on the ROPS include:

- 2014 Refunding Bond Debt Service
- Bond Disclosure Fees
- Successor Agency Administrative Costs

Last and Final ROPS

Pursuant to HSC section 34191.6 (a), beginning January 1, 2016, agencies that have received a Finding of Completion may submit a Last and Final ROPS if all the following conditions are met:

- 1) The remaining debt is limited to administrative costs and payments pursuant to enforceable obligations with defined payment schedules including, but not limited to, debt service, loan agreements, and contracts.

- 2) All remaining obligations have been previously listed on the ROPS and approved for payment by Finance pursuant to HSC section 34177 (m) or (o).
- 3) The agency is not a party to outstanding/unresolved litigation, except as specified in HSC section 34191.6 (a) (3).

A Last and Final ROPS will reduce the administrative burden on the Successor Agency and eliminate the need for Oversight Board meetings to approve the ROPS (the Oversight Board will still have to convene to approve property sales). The Firebaugh Successor Agency may consider submitting a Last and Final ROPS, however, it only has two opportunities to amend the Last and Final ROPS once it has been submitted. While the Successor Agency could consider this option because all Property Management Plan properties have been sold (the last Property Management Plan property was sold in December 2017), the administrative allowance may be significantly reduced if a Last and Final ROPS is approved. Although not defined in the law, DOF has, in some cases, taken the position that each ROPS line item will be allocated a \$5,000 administrative allowance, though there have been other instances wherein they only allowed \$5,000 total for multiple obligations listed. However, since the Successor Agency's administrative costs continue to decrease and are largely related to the preparation of the ROPS this may be something that should be considered. A Last and Final ROPS can be approved at any time throughout the year, so the Successor Agency has time to consider these factors.

Administrative Budget

HSC Section 34177(j) requires the Successor Agency to prepare an Administrative Budget and submit it to the Oversight Board for approval. The Administrative Budget comprises the proposed administrative expenditures. The maximum administrative cost allowance a successor agency can receive is 50 percent of the RPTTF distributed in the prior fiscal year for non-administrative obligations, which in this case is 50 percent of \$504,269, the total non-administrative obligations in ROPS 19-20.

The ROPS 20-21 requests an administrative allowance of \$66,000. Despite the fact that the agency is eligible to request a full \$250,000, in an effort to use RPTTF most efficiently, it is only requesting \$66,000 since this aligns with its actuals and is to the scale of its obligations. The administrative costs the agency expects to incur include salaries and wages, and benefits, for the staff associated with the Successor Agency, as well as attorneys' fees, consulting contract fees, and the annual audit fees.

Fiscal Impact

Adoption and transmittal of the ROPS is necessary to receive revenue from the Redevelopment Property Tax Trust Fund to fund the Successor Agency's financial obligations from July 1, 2020 through June 30, 2021.

Attachments

Attachment 1: Resolution approving the Recognized Obligation Payment Schedule 2020-21 and Administrative Budget for July 1, 2020 through June 30, 2021.

RESOLUTION NO. 19-62

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FIREBAUGH
REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION
PAYMENT SCHEDULE FOR JULY 1, 2020 THROUGH JUNE 30, 2021 AND THE
ADMINISTRATIVE BUDGET FOR JULY 1, 2020 THROUGH JUNE 30, 2021**

WHEREAS, the City of Firebaugh has elected to serve as the Successor Agency to the former Firebaugh Redevelopment Agency ("Successor Agency") pursuant to Assembly Bill x1 26 ("AB x1 26" or the "Dissolution Act") as codified in the California Health & Safety Code ("H&SC"); and

WHEREAS, among the duties of successor agencies under the Dissolution Act is the preparation of a recognized obligation payment schedule ("ROPS") for the ensuing twelve-month period for consideration by a local oversight board and California State Department of Finance ("DOF") for purposes of administering the wind-down of financial obligations of the former Redevelopment Agency; and

WHEREAS, as amended by Assembly Bill 1484 ("AB 1484"), the Dissolution Act requires that the proposed ROPS be transmitted to the oversight board, county auditor-controller, county executive officer, and DOF, after which time the oversight board may approve and transmit the adopted ROPS to DOF and the county auditor-controller for their consideration; and

WHEREAS, the Fresno County Consolidated Oversight Board ("Oversight Board"), formed July 1, 2018, has jurisdiction over the Successor Agency of the Former Redevelopment Agency to the City of Firebaugh; and

WHEREAS, the proposed ROPS for the twelve-month period from July 1, 2020 through June 30, 2021 attached hereto as Exhibit "A" has been prepared by staff and consultants consistent with the provisions of the Dissolution Act and in the format made available by DOF; and

WHEREAS, Section 34177(j) of the Dissolution Act requires the Successor Agency to prepare a proposed administrative budget and submit it to the Oversight Board for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency's "Administrative Budget" is to include all of the following: (a) estimated amounts of the Successor Agency's administrative costs for the upcoming twelve-month fiscal period; (b) the proposed sources of payment for the costs identified in (a); and (c) proposals for arrangements for administrative and operations services provided by the city serving as Successor Agency; and

WHEREAS, the Successor Agency desires to approve ROPS 2020-21 along with the administrative budget for the July 1, 2020 to June 30, 2021 and transmit it to various parties as required by the Dissolution Act and AB 1484.

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE FIREBAUGH
REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Approval of ROPS and Administrative Budget. The Successor Agency hereby approves and adopts the ROPS and Administrative Budget covering the period July 1, 2020 through June 30, 2021, in substantially the form attached hereto as Exhibit A, as required by the Dissolution Act and AB 1484.

Section 3. Posting; Transmittal to Appropriate Agencies. The City Manager is hereby authorized and directed to post of copy of the ROPS and Administrative Budget on the City's website and transmit a copy of the ROPS and Administrative Budget to the Oversight Board for their approval and to the offices of the Fresno County Auditor-Controller, the Fresno County Executive Officer, and the State Controller's Office.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Successor Agency, on the 2nd day of December, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

APPROVED:

ATTEST:

Marcia Sablan, Mayor

Rita Lozano, Deputy City Clerk

APPROVED AS TO FORM:

JENELL VAN BINDSBERGEN, SUCCESSOR AGENCY COUNSEL

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FIREBAUGH)

I, RITA LOZANO, hereby certify that I am the duly appointed City Clerk of the City of Firebaugh and that the foregoing resolution was duly adopted at a regular meeting of the Successor Agency held on the 2nd day of December, 2019.

Rita Lozano, Deputy City Clerk
City of Firebaugh

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE 20-21

AND

ADMINISTRATIVE BUDGET

July 1, 2020 through June 30, 2021

Recognized Obligation Payment Schedule (ROPS 20-21) - Summary
Filed for the July 1, 2020 through June 30, 2021 Period

Successor Agency: Firebaugh
 County: Fresno

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		20-21A Total (July - December)	20-21B Total (January - June)	ROPS 20-21 Total
A	Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds	-	-	-
C	Reserve Balance	-	-	-
D	Other Funds	-	-	-
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 410,798	\$ 159,056	\$ 569,854
F	RPTTF	\$ 377,798	\$ 126,056	\$ 503,854
G	Administrative RPTTF	\$ 33,000	\$ 33,000	\$ 66,000
H	Current Period Enforceable Obligations (A+E):	\$ 410,798	\$ 159,056	\$ 569,854

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (o) of the Health and Safety Code, I
 hereby certify that the above is a true and accurate Recognized
 Obligation Payment Schedule for the above named successor
 agency.

 Signature Title

 Signature Title

[illegible]

Firebaugh Recognized Obligation Payment Schedule (ROPS 20-21) - Report of Cash Balances
July 1, 2017 through June 30, 2018
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips Sheet.

A	B	C	D	E	F	G	H
		Fund Sources					
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin	
	ROPS 17-18 Cash Balances (07/01/17 - 06/30/18)						Comments
1	Beginning Available Cash Balance (Actual 07/01/17) RPTTF amount should exclude "A" period distribution amount	343,698			40,524	145,970	RPTTF: \$145,970 represents PPA from 15-16 and 16-17. Other Funds: Beginning balance was deducted \$723,295 as a result of the Successor Agency transferring sale of property proceeds to Fresno County.
2	Revenue/Income (Actual 06/30/18) RPTTF amount should tie to the ROPS 17-18 total distribution from the County Auditor-Controller				39,865	717,556	Other Funds: consists of \$37,974.78 from sale of property in 17-18A and \$1,890.29 is from interest income. RPTTF: Matches 17-18 RPTTF Distribution Report.
3	Expenditures for ROPS 17-18 Enforceable Obligations (Actual 06/30/18)					565,896	
4	Retention of Available Cash Balance (Actual 06/30/18) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						
5	ROPS 17-18 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 17-18 PPA form submitted to the CAC	No entry required				151,660	17-18 PPA.
6	Ending Actual Available Cash Balance (06/30/18) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)						
		\$ 343,698	\$ 0	\$ 0	\$ 80,389	\$ 145,970	

Firebaugh Recognized Obligation Payment Schedule (ROPS 20-21) - Notes July 1, 2020 through June 30, 2021

Item #	Notes/Comments

Firebaugh Successor Agency Administrative Budget (Fiscal Year 2020-21)

External Consultants		
Attorney Costs	\$	4,000
Annual Audits		2,000
Consultant Costs		20,000
	\$	26,000
Successor Agency Expenses		
Salaries and Benefits		40,000
	\$	40,000
Estimated Grand Total	\$	66,000

FY 2020-21 Administrative Activities

County AC and OB Correspondence/Coordination	Successor Agency Staff, RSG, Legal Counsel
State DOF Correspondence/Coordination	Successor Agency Staff, RSG, Legal Counsel
Prepare ROPS	Successor Agency Staff, RSG, Legal Counsel
Prepare Admin Budget	Successor Agency Staff, RSG, Legal Counsel
Management of Dissolution Activities	Successor Agency Staff, RSG, Legal Counsel
Annual Audit	Bryant Jolley
Manage/Monitor Finances	Successor Agency Staff, RSG
Agenda/Minutes/Brown Act Records Assistance	Successor Agency Staff

City of Firebaugh Fire Department

Firebaugh, CA

This report was generated on 11/22/2019 10:39:07 AM



Incident Statistics

Start Date: 10/01/2019 | End Date: 10/31/2019

INCIDENT COUNT			
INCIDENT TYPE		# INCIDENTS	
EMS		52	
FIRE		12	
TOTAL		64	
TOTAL TRANSPORTS (N2 and N3)			
APPARATUS	# of APPARATUS TRANSPORTS	# of PATIENT TRANSPORTS	TOTAL # of PATIENT CONTACTS
TOTAL			
PRE-INCIDENT VALUE		LOSSES	
\$0.00		\$0.00	
CO CHECKS			
TOTAL			
MUTUAL AID			
Aid Type		Total	
Aid Given		16	
OVERLAPPING CALLS			
# OVERLAPPING		% OVERLAPPING	
6		9.38	
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)			
Station	EMS	FIRE	
Station 1	0:05:40	0:06:31	
AVERAGE FOR ALL CALLS		0:05:58	
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)			
Station	EMS	FIRE	
Station 1	0:02:08	0:02:05	
AVERAGE FOR ALL CALLS		0:02:07	
AGENCY		AVERAGE TIME ON SCENE (MM:SS)	
City of Firebaugh Fire Department		30:47	

Only Reviewed Incidents included. CO Checks only includes Incident Types: 424, 736 and 734. # Apparatus Transports = # of incidents where apparatus transported. # Patient Transports = # of PCR with disposition "Treated, Transported by EMS". # Patient Contacts = # of PCR contacted by apparatus. This report now returns both NEMSIS 2 & 3 data as appropriate.

City of Firebaugh Fire Department

Firebaugh, CA

This report was generated on 11/22/2019 10:41:59 AM



Incident Type Count per Station for Date Range

Start Date: 10/01/2019 | End Date: 10/31/2019

INCIDENT TYPE	# INCIDENTS
Station: <input type="checkbox"/>	
131 - Passenger vehicle fire	1
142 - Brush or brush-and-grass mixture fire	2
143 - Grass fire	3
151 - Outside rubbish, trash or waste fire	1
171 - Cultivated grain or crop fire	1
320 - Emergency medical service, other	1
321 - EMS call, excluding vehicle accident with injury	44
322 - Motor vehicle accident with injuries	5
324 - Motor vehicle accident with no injuries.	2
510 - Person in distress, other	1
611 - Dispatched & cancelled en route	1
651 - Smoke scare, odor of smoke	1
745 - Alarm system activation, no fire - unintentional	1

Incidents for : 64

Only REVIEWED incidents included.



**EMERGENCY
REPORTING**

emergencyreporting.com

Doc Id: 857

Page # 1

Passenger killed when tractor-trailer overturns



A Madera resident was killed last Tuesday morning in a two-vehicle wreck east of Firebaugh. The collision occurred at the intersection of Ave. 7 and Ave. 7 1-2 at about 9:45 a.m., according to the California Highway Patrol office in Madera. The CHP said that a tractor-trailer combination hauling two almond shakers was traveling eastbound on Ave. 7 1/2 at a stated speed of 55 mph. At the same time, a cargo van was stopped at the stop sign at the intersection. For an unknown reason, the tractor trailer collided with the front end of the van, causing it to overturn. A passenger in the tractor trailer sustained fatal injuries and was pronounced deceased at the scene. He was identified as 61-year old Gurjiv Singh of Madera. The driver of the tractor trailer, Hirday Singh, also of Madera, sustained major injuries and was airlifted to a Fresno hospital. The driver of the van, Daniel Martinez, 44, of Firebaugh was not injured. The collision remains under investigation.

Driver faces charges after head-on crash



Firebaugh Fire Dept. personnel inspect a minivan that was involved in a two-car crash Saturday evening.

Five children escape injury

By David Borboa
The Dos Palos Sun

Five children, including a newborn, miraculously escaped serious injury last Saturday evening in a two-car crash on Hwy. 33 in the south part of Firebaugh.

However, two adults suffered serious injuries and one will probably face felony DUI charges.

The wreck occurred at about 7:30 p.m., according to Firebaugh police officer Brett Miller. He said officers responded to the 2300 block of "N" Street concerning a head-on crash with injuries.

When they arrived, the found a mini-van and a 4-door sedan with serious front end damage.

The van had two adults and five children inside and they were believed to be from Mendota. Miller said they were heading south on "N" Street when the sedan veered over into their lane.

"According to statements, the male driver of the van turned his vehicle to the left into the northbound lane and the sedan turned his car back into the northbound lane, so they collided in that lane," Miller stated.

A female passenger in the front seat of the van was pinned inside and had to be extricated by fire department personnel using hydraulic equipment.

She sustained serious injuries and was airlifted to a Fresno hospital.

The lone occupant of the sedan, who is from Firebaugh, was also pinned in his car and had to be extracted. He too was airlifted to a Fresno hospital.

Police noticed the smell of alcohol in the sedan as well as an open container of alcohol.

"There were five children in the van, including the newborn, and they all were basically uninjured," Miller said. "They were all belted in and the newborn was in his car seat."

Miller could not release the names of those involved. He said that a blood sample was taken of the sedan driver and the results would dictate that charges of felony DUI with injuries would be forthcoming.

Students learn all about firefighting



During the recent Red Ribbon Week, members of the Firebaugh Fire Department's Cadet Program visited Firebaugh Middle School and showed off the department's equipment. Students were able to try on turnout gear and find out how a firetruck operates.

DECEMBER

FACILITY RENTALS

A/F Community Building

12/06 Nancy Funeral Services

12/07 Gabby

12/28 Michael Molina

Every Wednesday 5pm to 7pm Salvation Army Dinner Distribution

Council Chambers Room

12/17 VFW

Council Meeting 1st and 3rd Monday of Every Month at 6:00pm

Planning Meeting 2nd Monday of Every Month at 6:00pm

Oversight Board Meeting 3rd Thursday of Every Month at 11am

Rodeo Grounds

Dunkle Park Enclosed Area

Dunkle Park Canopy

Maldonado Park

12/01/17-Current Youth Soccer Team Practice

