

MEETING MINUTES

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

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

ABSENT:

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, Wanda Breshears, Sandy Duke, Blanca Diaz, Rowena Phillips, Dwight & Linda McCraw, Linda Espinoza, & others.

PLEDGE OF ALLEGIANCE Council Member Perez led pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT

President Brenda Thames of the West Hills College, stated West Hills College, are seeking local residents to fill vacant positions for their North District Citizens' Bond Oversight Committee. Vacant positions to be filled on the Citizen's Bond Oversight Committee are for a Taxpayer Organization Member (Active in a bona fide taxpayers association), and Member of College Support Organization (Active in the support & organization of the District such as Boosters, West Hills Community College Foundation, etc.). Any individuals that may be interested can pick up an application at Firebaugh City Hall or West Hills College website.

PRESENTATION None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council Regular Meeting on November 18, 2019.

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

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).

Open hearing time at 6:13 pm – Pastor Juan Rangel stated their Church is a place of worship which is next to the Proposed Business and is opposed to the business for many reasons. One of his concerns is this business will be distributing marijuana and people will come but no one knows, what kind of people will come, City of Firebaugh is considering to be one of the best communities in the valley & we “residents” don’t want it to change. Chris

Gutierrez stated he once was involved in gangs & drugs, what brought him to Firebaugh was the men's home at the Church, which helped change his life and stated this business is not good for the community or the kids of the community, but especially not located across from the men's home where people come to seek help for issues with drugs, "I Oppose". Wanda Breshears, "I oppose, by allowing this business to come into the community, we are going to lose the heart of the city. Firebaugh is a unique city, which rallies around each other when needed, I believe, we are going to risk the heart, I pled to the Mayor & Council to please vote no." Luis Rosas, "I left Firebaugh to go to school & moved back because my heart is in Firebaugh, I'm raising my kids here because of the values of Firebaugh. I attend High School with student that 4.0, some of those students, my peers started to fail because they became users of drugs, I appeal to you to not bring this business here. Marijuana is a gateway drug that leads to other things, just because it is legal doesn't make it right, such as alcohol can lead to alcoholism. As someone who has been born & raised in this community and who has contributes with coaching please oppose this business based on what could happen. Just look at surrounding communities, they are in worst shape and we don't want to go in that direction." Jesus Luzanilla, "I oppose, I use to use drugs, I tried may ways to get out & away from that life but I couldn't on my own, it was the men's home that helped me. I thank God for giving me a second chance to change my life, be a better Father and other come from to the men's home for help, across next to the business." Rowena Phillips, "I have lived in Firebaugh since 194, Our we willing to sell the future of our kids for \$100,000, the presentation that was just given mentioned a possible dispensary in the future at this business with vaping products. If the business is so good, why the need for security, gates, unmarked vehicles, panic buttons, motion detectors and additional officers." Linda Espinoza, "You (Council) are here to serve the people, look at all of the people that are here opposing the business, I don't believe we need this in our community. I don't wish to be in your shoes, it is a difficult position to be in." Jim, "I'm Marcia's patient, I told someone that I was planning on speaking & they told me Council is just going to pass it, but I wanted to provide an article from AARP Bulletin, September 2019 "Cannabis: Where is it legal?" Sandy Duke, "I'm here to speak for myself & as a representative of the Eagle's Nest, a youth wide ministry, our local officers have assigned students from the judicial system. Legally the City has meet the requirements as the Attorney has said, it is at the Council's discretion to approve or deny the business. I have an issue with the location of the business because it is across from the Church & Rehab facility, which is like a slap in the face to the individuals that have seek helped for their rehab." Pricilla Perez, if the distribution must be at least 600 Feet from a school, the Church also has a bible school for kids. Alejandro Perez, "I grew up in Firebaugh but the past 2 ½ years I've lived in Fresno due to work but Firebaugh is where my heart is at. I'm having a baby and I have discussed with my wife the possibility of coming back but it will not likely considered if this business is approved. I've stayed in touch with staff, teachers, and help with the track & field team and infused them with pride, hard work among other important lessons. I work for a general contractor and \$100,000 is not a lot of money, it wouldn't go very far too even rehab a street, maybe just pay for labor and not even material. The monetary value is not a lot, ethically it's not worth the risk, and many people here have stated the values of the community is more important to them. Firebaugh is known for positive things, I don't want to say we're known for distributing marijuana. Woodlake was one of the cities to approve something like this and Woodlake is not as safe as it was. Residents have told us of things that happen there and said things changes once a similar business started their operations." Linda McCraw, "I have listened to all of the great people that spoke and it opens up concern, Will it bring more crime? We work together, it is a blessed town because of everyone works together, I would much rather be known for that." Jose attends the Church but in a Janitor at an apartment complex, a gentleman told him, he was informed he was not allowed to smoke in public but we are considering a business to distribute marijuana, oppose the business. A local resident, who isn't a user of marijuana but was seeking employment, mentioned when Mendota opened their dispensary, he considered working there but went to China when the business opened, which was a blessing because had he worked there he would not be able to become a USA citizen because it is still not legal by the Federal Government. - Closing hearing time at 7:34 pm

Council Members Spoke, Valdez thanked everyone, stated he did his research and prayed on making the right decision but learned the Cities that operate similar business have statics that crime has gone down. "The community is a good community because of the people that live here, they are the fabric of the community. The business will not change that." Perez stated he and six other individuals went door to door to take a survey and found many of the users were senior citizens because the needed it medically. Lopez added, "When it voted to make marijuana legal, she voted no and the community voted 50% in favor & 50% against but marijuana use was approved, I don't think it would be good for the community." Sablan, "I also believe we have a since of pride in our town."

Motion to approve Res. No. 19-60 by Council Member Valdez, second by Council Member Perez; motion passes by 3-2 vote. Jenkins & Lopez – No

- ✓ *Motion to add Res. No. 19-63 to the agenda due to time sensitive matter & a published hearing noticed advertised in August to hold the Public Hearing today, December 2, 2019 by Council Member Lopez, second by Council Member Jenkins; motion pass by 5-0 vote.*

7. **RESOLUTION NO. 19-63 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH IN ITS CAPACITY AS THE CITY OF FIREBAUGH'S GROUNDWATER SUSTAINABILITY AGENCY ADOPTING A GROUNDWATER SUSTAINABILITY PLAN FOR PORTIONS OF THE DELTA - MENDOTA SUBBASIN.**

Open hearing time at 7:35 pm - No comment given - Closing hearing time at 7:36 pm

Motion to approve Res. No. 19-63 by Council Member Lopez, second by Council Member Perez; motion pass by 5-0 vote.

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.**

No action taken, information only.

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

Police Department will start enforcing & citing individuals that double park, speed & make illegal u turns and will provide a report to Council in 30 days for review and further discussion. Council directed staff to place barriers at High School.

- ✓ *Motion to move to Successor Agency @ 8:21 pm, by Council Member Jenkins, second by Council Member Valdez; motion pass by unanimous 5-0 vote.*

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.**

Motion to approve Res. No. 19-61 by Council Member Jenkins, second by Council Member Lopez; motion pass by 5-0 vote.

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.**

Motion to approve Res. No. 19-62 by Council Member Valdez, second by Council Member Jenkins; motion pass by 5-0 vote.

- ✓ *Motion to enter City Council business @ 8:30 pm, by Council Member Valdez, second by Council Member Jenkins; motion pass by unanimous 5-0 vote.*

STAFF REPORTS

- **Police Chief Sal Raygoza** – Officer Monay has almost completed his k-9 training & will be on patrol soon but k-9 will only detect narcotics. Officer Tabares is improving well & could possibly return to work in January. You may have seen on Channel 30, we found quite a bit of stolen property in town and stolen property in another place, it's totaling close to about \$300,000. PD has received calls from individuals from Madera, Merced & other counties inquiring about their stolen property. Some of the property was destroyed, one family had their SUV stolen and their insurance had lapsed, it was their only form of transportation, needless to say they're devastated.
- **Fire Chief, John Borboa** – nothing to report.
- **Finance Director, Pio Martin** – Working with the Auditors, made last payment for the Whitehurst Property.
- **City Engineer, Mario Gouveia** – nothing to report.
- **Deputy City Clerk, Rita Lozano** – The first Monday of December will be a council meeting, the second Monday is the Joint Meeting with the School District at the High School & the third Monday will be the second Council meeting with a Public Hearing for the Cen Cal project. I will not be attending the Joint Meeting on December 9th, to attend the Planning Meeting because of we have two Public Hearing items, the VFW Project & the Valley Health Team.
- **City Attorney, James Sanchez** – nothing to report.
- **City Manager, Ben Gallegos** – “Now that the City owns the Whitehurst Property, some individuals have showed interest in occupying it. The Christmas Parade is this weekend, I will only be there 8 hours. You will see equipment & trees will be taken down this month or next month for the solar project. Residents in the Del Rio area can't get to their home because of all the loose dirt, so I will contact the contractor to fix the problem. One resident was in to see me crying about the situation.” Greystone Estate has offered to buy dirt from City's basin in Del Rio for their project, they are trying to beat the rain. Fresno Co will deed property to the City in the Del Rio area, one property owner built a parking lot on one of the property that is being deed to the City. VFW Rehab project will go to bid soon. Chief Borboa found a set of plans to use for his potential new Fire Station, hopefully we get the grant to build it.
- **Council Member Jenkins** – Inquired about new businesses opening, other than a possible smog shop. City Manager Gallegos reported some information but is not sure of all businesses applications that have recently been submitted.
- **Council Member Valdez** – Thanked everyone for attending the Council Meeting, & hopes they will attend more.
- **Council Member Perez** – Provided an update on the 2020 Census, the volunteers started outreach by going door to door.
- **Council Member Lopez** – Thanked Ben and Volunteers from Wonderful for the service on Saturday.
- **Council Member Sablan** – attend COG meeting and there has been several discussions regarding the Transportation for Seniors that will be able to use Uber with free coupon's but they need local Uber drivers, so if we can find local residents to provide the service, COG will have a presentation on this matter in January.

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 5-0 vote at 8:57 p.m.