

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 20/09-21

**PURSUANT TO PARAGRAPH 11 OF EXECUTIVE ORDER N-25-20,
EXECUTED BY THE GOVERNOR OF CALIFORNIA ON MARCH 12, 2020**

City Council Meeting held via teleconferencing

***Pursuant to Government Code Section 54953 (b) (2), all action taken during this teleconferenced meeting shall be by roll call vote.**

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

Date/Time: September 21, 2020/6:00 p.m.

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

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

ABSENT: Council Member Brady Jenkins

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.

- A Moment of Silence in honor of Ex Council Member Jim Lowe & fallen Detective Jose Mora.

PLEDGE OF ALLEGIANCE Council Member Sablan led pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT

Received a request from Toma-Tek representatives asking to speak, however, they failed to call in or submit anything for public comment.

PRESENTATION

Geno Andrade of Mid-Valley Disposal presented, City of Firebaugh's 1st & 2nd Quarter Recycling stats, & gave overview of community events, site assessments, & education information outreach. Award announced winners in Firebaugh for recycling were, Recycler of the Year Award to State Foods, Residential Recycling Recognition Award to the Arias Family, for the exemplary efforts to reduce waste. Virginia Fowler of Mid-Valley Disposal provided an update of new recycling requirements & laws: SB 1383, reducing short lived climate pollutants, by requiring 75% reduction of organic waste recycling by 2025, beginning January 2022. Informed the City Met C&D (construction & Demo) recycling diversion Rate (73%), reported the City is 100% compliant –AB-341, which is designed to reduce 75% of greenhouse gas emissions by diverting waste from landfill. AB-1826 requires schools, businesses & multi-family housing complexes to recycle organic waste, the school has started the implementation of the program.

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on August 17, 2020.
2. WARRANT REGISTER – Period starting August 1, and ending on August 31, 2020.

August 2020	General Warrants	#40055 - #40162	\$ 648,631.19
	Payroll Warrants	#71340 - #71356	\$ 125,579.41
TOTAL			\$ 774,210.60

Motion to approve Consent Calendar by Council Member Valdez, second by Council Member Sablan, motion passed by 4-0 vote.

PUBLIC HEARING

3. **ORDINANCE NO. 20-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING FIREBAUGH MUNICIPAL CODE CHAPTER 2 SECTION 2-12.3 DELEGATING AUTHORITY TO THE CITY MANAGER TO APPROVE AND EXECUTE CONTRACTS WHERE THE EXPENDITURE IS APPROVED IN THE CITY BUDGET, DOES NOT REQUIRE COMPETITIVE BIDDING, AND IS UNDER FIFTEEN THOUSAND DOLLARS (\$15,000) – FIRST READING.**

Motion to waive first reading of Ord. No. 20-04 by Council Member Valdez, second by Council Member Perez, motion passed by 4-0 vote.

4. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND CONSIDER A CANNABIS REGULATORY PERMIT FOR FIREBAUGH DEVELOPMENT CORPORATION TO CONDUCT COMMERCIAL CANNABIS OPERATIONS INCLUDING MANUFACTURING, RETAIL AND DISTRIBUTION.**

Public Hearing opened @ 6:08 pm – Comments: Mr. Boyadjian asked what he need to do to get his business opened & move on to operation. He received a letter stating the Police Chief’s recommendation to deny his Cannabis Business Regulatory Permit Application, because of failure to divulge sufficient transparency & provide evidence of sufficient capitalization to launce the business. It’s taking too long, he spent \$60,000 for a property that was only worth \$30,000, & provide financial statements, and Mr. Boyadjian said he received a letter from HdL stating his business did get approved. Tim Cromartie of HdL, replied, the letter mailed to Mr. Boyadjian, Firebaugh Development Corp. (FDC), specified, In October 2019, he submitted to the City of Firebaugh to operate a cannabis Microbusiness, consisting of retail, manufacturing, and distribution. After review of the application, it was only approved for two of three components of his proposal, all of the components of the application are required to be approved. Application approval, requires owners be able to provide capital for all of their proposals/applying business operation at the time of submittal, however, he was only able to provide capital for some of the proposed business operation, which is insufficient.

The City has sent several letters to Mr. Boyadjian to request information, and try to resolve this matter, giving him the opportunity to provide the lacked sufficient detail, which was needed to address the following issues: **Business Plan**, building cost & time line lacked a description & cost estimate for the Manufacturing portion of his business plan, include documentation to show the relationship between the corporate entity NAMI and the applicant as proof of capitalization, as a must, too also show sufficient capital to fund: licensing and permitting fees, lease or real estate purchase payments, any required tenant improvements, equipment purchases, salaries, and any initial inventory and materials purchases that are necessary to get the business to the point that it opens its doors, and to sustain it for at least three months. **Neighborhood Compatibility Plan**, a premises diagram for all interior and exterior dimensions, as directed by the State of California. **Safety Plan**, required to provide specifics of fire, alarm, & HVAC systems, prevention, & suppression. Sprinkler system was not sufficient. **Security Plan**, provide an assessment of site security by a qualified security consultant. Due to the mentioned reasons, the failure to divulge sufficient transparency, the ownership structure and composition of FDC, & failure to provide evidence of sufficient capitalization to launch the business, are among the factors leading to this recommendation of denial. Mr. Boyadjian responded, he has provided financial statements, showing sufficient proof, but if FDC is only approved for two parts of the proposal, he will go to City Hall to remove the one part of his proposal he wasn’t approved for. He added, he has taught Council Member Valdez & the City everything they need to know about the cannabis business. He is a contractor, which will save building cost for the structure. Chief Borboa asked, Mr. Boyadjian if he had a current, valid Contractor’s License. Mr. Boyadjian replied, “No, I let it go.” Mr. Boyadjian’s Contractor’s license for cabinetry is suspended. *Public Hearing closed @ 7:11 pm.*

Motion to table item, have staff & HdL go back to prepare a list of questions & seek information from Mr. Gevork Boyadjian on concerns related to financial, operational and ownership structure and charge all additional consultant and attorney fees to Firebaugh Development Corporation with a deadline of thirty days to return to Council by Council Member Valdez, second by Council Member Sablan, motion passed by 3-1 vote. Lopez – no.

NEW BUSINESS

5. **RESOLUTION NO. 20-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN ASSIGNMENT OF RIGHTS AND OBLIGATIONS AND AMENDMENT TO THE FIREBAUGH REDEVELOPMENT AGENCY OWNER PARTICIPATION DEVELOPMENT AGREEMENT WITH CALIFORNIA COMMUNITY BUILDERS, INC. (MILLER & LUX PROJECT).**

Habitat for Humanity proposed to complete the San Joaquin Villas & Miller Lux Projects, there is a few changes from the original project, of the 11 lots that CCB didn't develop, and two or three lots will of the unfinished lots will be converted to parking lots. Habitat for humanity will build low-income homes, not mid-income homes, lots will transition condominium fee ownership into individual fee lot ownership for all home owners, so there is longer any Homeowners' Association fees, The City will annex common areas(streets, parking lots, open space & basin), similar to public entity. No community park will be developed, the city will forgive \$200,000 Deed of Trust & \$150,000 Deed of trust, which was given to the prior owner for the development of the project. Council Member Sablan asked Mr. Kaye, if he requested any waiver of impact fees from the City. Mr. Kaye replied, he didn't.

Motion to accept Res. No. 20-40 with addition of the San Joaquin Villas project to be included, as the resolution only mentions Miller-Lux project, by Council Member Sablan, second by Council Member Perez, motion passed by 4-0 vote.

STAFF REPORTS

- **City Manager, Ben Gallegos** – VFW is on tract, they are pouring the foundation. The City received grant award for the Fire Station, the community is excited about the news. We will be going out to bid next month, we will need to dig through two properties to fix a sewer line. We received an award letter for the water line replacement project. We working with Caltrans on a few projects, Cen Cal & Beautification of the Highway.
- **Finance Director, Pio Martin** – working with Daktronics to fix the electric board, working with RMA to get diversity training, RMA is in the process of getting speakers for the training.
- **Deputy City Clerk, Rita Lozano** – nothing to report.
- **Fire Chief, John Borboa** – Can't wait for to go out to bid and start working on the new Fire station, held training cutting up cars for our fire department members, there was a vehicle accident and five fires this past week.
- **Police Chief, Sal Raygoza** – Provided an update to council via email, total of 314 cases, but only have 15 current cases, everyone is doing a good job. Received a call on yard sales last week, we haven't allowed them, but we called the county to find out the guidelines. Originally, we were informed yard sales weren't allowed but then received a call back, stating yard sales are allowed with restrictions. Chief's recommendation is to not allow them, but asked the wishes of the council. Mayor Lopez is in favor of allowing them. Council Member Sablan is against allowing them, recommended the items be donated at a designated location & allowing people that have a need for the items, to be allowed to pick them up for free. Council inquired what the guidelines are for public parks, Chief is allowing people to use the park (sit on a bench, exercise or play a sport) but only with the members of their own household. Two Officers were sent to the Creek Fire to assist this past week, & two more may go this week, if they are still needed. They City will get partial reimbursement for their service. There was a stabbing in front of the Latino Market, a man from Chowchilla witnesses to juveniles kicking a dog & confronted them. One to the juveniles stabbed the man in the buttocks, the individual that did the stabbing got away, but the other was arrested. The department knows who that person is and is working on arresting that individual.
- **Council Member Valdez** – the city seems to be having a lot of problems with our electric board, & asked staff to research, what the cost to replace it, so we can lobby for funding. Police Chief asked Mayor Pro Tem to ask the School if the City can use their Electric Board to get COVID-19 information out to the public. Council Member Valdez, asked staff to provide an update on the Highway Beautification for a future meeting, since there hasn't been much progress & grant was awarded several years ago.
- **Council Member Perez** – Suggested staff contact Mr. Ramon Lopez about the Hwy Beautification Project, he works with Caltrans and is a good guy. Firebaugh still has many residents that hasn't completed their census information, we need a way to get out more advertisement & a place to put up a banner to promote it.
- **City Attorney James Sanchez** – nothing to report.

ADJOURNMENT

Motion to adjourn by Council Member Valdez, second by Council Member Sablan; motion passed by 4-0 vote at 8:11 p.m.