

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 21/05-17

**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: May 17, 2021/6:00 p.m.

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

ROLL CALL Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Marcia Sablan 6:05 pm
Council Member Elsa Lopez

ABSENT: Council Member Felipe Pérez

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; Bethany Matos, Associate Dean of West Hills College-North District Center; Matter Lear; May Chung, Martha Zarate, Fernando Campa & others.

PLEDGE OF ALLEGIANCE Council Member Jenkins led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Lopez, second by Council Member Jenkins, motion passed by 5-0 vote.

PUBLIC COMMENT None

PRESENTATION None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council regular meeting on May 3, 2021.**

2. **WARRANT REGISTER – Period starting April 1, and ending on April 30, 2021.**

April 2021	General Warrants	#40984 - #41120	\$ 1,682,026.23
	Payroll Warrants	#71490 - #71508	\$ 131,298.37
	TOTAL		\$ 1,813,324.60

Motion to approve consent calendar by Council Member Perez, second by Council Member Lopez, motion passed by 4-0 vote.

❖ Council Member Sablan joined the meeting at 6:05 pm.

PUBLIC HEARING

3. **ORDINANCE NO. 21-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING ARTICLE 5 OF CHAPTER 4 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO TOBACCO RETAILERS, AMENDING SECTION 3-12.2 RELATING TO TOBACCO PROHIBITIONS ON CITY PROPERTY; AND AMENDING SECTION 1-5.5.11 RELATING TO THE COLLECTION OF PENALTIES AND FINES – FIRST READING.**

Open Hearing at 6:11 pm – Michael from Shogy's Market stated when the 1st amended ordinance came out, 5 to 6 retailers supported against kids smoking, but doesn't see how banning the sale of flavored tobacco will help, because they will be able to go to other stores in other communities or other sources, like online services where no ID is required, to make their purchases. Rolando Castro, Mayor of Mendota supports this ordinance, which is why he participated in the meeting. City Attorney clarified a section of the ordinance, " **Section 8. Section 4-5.13 of the Firebaugh Municipal Code, as defined in section 4-5.3, subsection (e), except within an a tobacco store, as defined by section 4-5.3, subsection (j).**" and (l) **TOBACCO STORE** – shall mean a retail business that meets all of the following requirements: **primarily sells tobacco products, generates more than 60% of its gross revenues annually from the sale of tobacco products and tobacco paraphernalia**, does not sell alcoholic beverages or food for consumption on the premises, and does not permit any person under 18 years of age to be present or enter the premises at any time." **Meaning a store must receive 60% of their profits from tobacco products, such as smoke shops.** – Hearing closed at 6:20 pm

Motion to approve of Ord. 21-03 by Council Member Sablan, second by Council Member Perez, motion failed by 2-3 vote.

Motion to approve the waiver of the first reading of Ord. 21-03, with all the omitted language banning flavored tobacco, only - penalties for businesses that are failing to renew their license on time will remain, by Council Member Sablan, second by Council Member Perez, motion passed by 5-0 vote.

NEW BUSINESS

4. **RESOLUTION NO. 21-20 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO ORDER ASSESSMENTS DISTRICT NO. 1.**

Motion to approve of Res. No. 21-20 by Council Member Sablan, second by Council Member Perez, motion passed by 5-0 vote.

5. **RESOLUTION NO. 21-21 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN AGREEMENT FOR AUDIT AND FINANCIAL SERVICES WITH BRYANT L. JOLLEY CERTIFIED PUBLIC ACCOUNTANTS.**

Motion to approve of Res. No. 21-21 by Council Member Lopez, second by Council Member Jenkins, motion passed by 5-0 vote.

6. **RESOLUTION NO. 21-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AWARDING A CONTRACT TO GOUVEIA ENGINEERING, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR ON-CALL ARCHITECTURE/ENGINEERING AND SPECIAL SERVICES FOR THE FIREBAUGH MUNICIPAL AIRPORT.**

Motion to approve Res. No. 21-22 by Council Member Lopez, second by Council Member Perez, motion passed by 5-0 vote.

7. **ADMINISTRATIVE REPORT: FY 2020/21 ENTERPRISE FUND PRELIMINARY BUDGET.**

Finance Director Pio Martin presented a preliminary General Fund Budgets - Fund (004)

STAFF REPORTS

➤ **Mr. Mark Benjamin of Board of Supervisor Brain Pacheco's Office** -

➤ **Mario Gouveia, City Engineer** – Sewer project is wrapping up, with the final inspection tomorrow & working on 8th St is going well. Slurry Seal was awarded, the project should start within another month or less. Council Member Lopez asked about the Highway 33 project, noticed some expenditures from the grant. City Engineer replied, that funds were spent on electric specification that were submitted to Caltrans, so the City is waiting for their approval.

➤ **Deputy City Clerk, Rita Lozano** – please provide me with any individuals that you would like on the guest list for the VFW Ribbon Cutting Event, we will have to move the event from the original proposed date. I have received a few, but not many.

- **Fire Chief, John Borboa** – is out on a call.
 - **Police Chief, Sal Raygoza** – Officers & dispatchers are doing an awesome job at keeping the community safe, Crime rate is low. We did serve a search warrant on Friday, we developed info of an indoor cannabis grow, that we shut down. I'm glad we were able to put them out of business, it was a very sophisticated operation. We will continue to keep an eye out for those types of businesses to try to keep them out of our community. I've been attending a bunch of meetings with Chiefs & other departments, it seems there will be a lot of hiring in several Police Departments within the next year or so, & they're going to be offering between \$10,000 to \$15,000 signing bonus to their new hires with experience to go to their departments, so I anticipate that we may lose officers that want to get paid more or collect the bonus. Council Member Lopez asked, Sal for an update on the accident at Firebaugh Tire. Chief stated, "I don't really want to comment on it, it was an unfortunate accident. It was a 16 year old, who was working on a car, under the car, & the car fell, crushing him, & unfortunately he ended up passing away. I don't want to say much more, because incident is still under investigation, so I won't be saying much else."
 - **City Manager, Ben Gallegos** – we will do the final walk through at VFW tomorrow, some pre-construction meetings for the Slurry this week also. One thing I wanted to bring to your attention, but is out of our control, & I going to have a conversation with the developer tomorrow. Is at the new homes at Greystone, you know, when you buy a house you pick your lot or house that you want, Well, they're not doing that over there, they're just building, & whatever's available, if you want the house you but it, type of deal. I did talk to the developer because of prices, are high, so whatever material he can get is what he is building, so I have received some complaints about it. I spoke with the developer, he explained why he's doing what he's doing, I don't think it's practicable, I told him he may be losing customers, since they don't get to pick what they want. The most expensive homes out there is over \$310,000, which is a surprise for our community. If you're going to pay that much you should be able to pick the house or lot that you want, in my opinion. We're still working to finish up on some of the details on the other development, when it comes to Diaz St., there's some comments from Caltrans, they're kind of pushing back a little bit, but we're still staying firm & saying they have to build it. That was part of the conditions that were approved that they were going to put those streets in, so were pushing to put it in. The planning commission approved the Conditional Use Permit (CUP) for the proposed dispensary, but with additional conditions. Annexation of Washoe has been submitted to LAFCo, hard copies & check for \$24,000.
 - **Council Member Lopez** – nothing to report.
 - **Council Member Sablan** – nothing to report.
 - **Council Member Perez** – nothing to report.
 - **Council Member Jenkins** – nothing to report.
 - **Council Member Valdez** – nothing to report.
- ❖ *Motion to enter closed session at 7:39 pm, by Council Member Lopez, second by Council Member Perez motion passes by a 5-0 vote. Chester Walls & David Overstreet will be joining the closed session.*

CLOSED SESSION

8. **PENDING LITIGATION GOVERNMENT CODE SECTION 54956.9.**

CONFERENCE WITH LEGAL COUNSEL - One (1) Case

- ❖ *Motion to enter open session at 7:47 pm by Council Member Lopez, second by Council Member Perez; motion passes by a 5-0 vote.*

ANNOUNCEMENT AFTER CLOSED SESSION *Nothing to report.*

ADJOURNMENT

Motion to adjourn at 7:48 pm by Council Member Perez, second by Council Member Jenkins; motion passed by 5-0 vote.