

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 21/11-15

**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: November 15, 2021/6:00 p.m.

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

ROLL CALL

Mayor Pro Tem Brady Jenkins	
Council Member Marcia Sablan	
Council Member Felipe Pérez	6:06 pm
Council Member Elsa Lopez	

ABSENT: Mayor Freddy Valdez

OTHERS: City Attorney James 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; City Engineer, Mario Gouveia; City Planner, Karl Schoettler; Linda Espinoza, Hector Marin, Linda DeFrancesco Melissa Knight Bernard, Jay Yadon, Beeta Pisheh, Deron Colby, Marc Benjamin, Amy Fleming, Charles "BJ" Fleming, George Conklin, Amanda Speaks, & others.

PLEDGE OF ALLEGIANCE Council Member Lopez led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Sablan, second by Council Member Lopez, motion passed by 3-0 vote.

PUBLIC COMMENT: Amanda Speaks stated she is very extremely disappointed that we are not having this meeting in-person. I just think this is completely crap. I don't understand why it takes so long for you guys to hit a button, and all of the issues that are having evening, had we just had it in-person, that would have been completely illuminated, but I would like to start by talking about the law of the land. The Law of the land is the general misconception, is that any statue passes by legislature bearing the appearance of law constitutes the law of the land. The US Constitution is the Supreme Law of the land and any statue, to be valid, must be in agreement, it is impossible for a law which violates the constitution to be valid. The reason I bring this up, is the fact that you guys are still, continuing to mask and possibly punish, right because if people to want to be masked & they aren't vaccinated. It's unconstitutional, do you all swear to the constitution? Because your oath is to a constitution, not to a mandate, it just really confuses me. I've been paying attention to our surrounding cities, Kerman, Madera, Los Banos, Mendota, Dos Palos they don't have any time of mandating. Linda DeFrancesco, I was going over the memo as well, I don't see it on the agenda to discuss, my question is: the 14 people, is that counting the Council Members, the clerk, Pio and all the other people to be attending the meeting, are a part of the 14 or is it additional people, not counting them? If it's going to take this long until December to get these things sorted out, which I am also extremely disappointed that we were not allowed to be there today. If that's how long we have to wait, I do recommend that you move the meeting in it the larger room of the community center, which you guys are renting out, no provisions are being held there, there's funeral services, receptions, quincenearas and parties, with one being masked, no 72 hour test or being asked for a vaccination card, so if that is being able to happen and the city makes money for these rentals, then why can't we do the same for a meeting, because I guarantee you, us alone have more than 14 people to show up to a meeting. Linda Espinoza stated I'm also in agreement, I'm very disappointed, honestly, I thought, we had come together as a community and reached a point when we could meet in person and speak, I'm not sure I should be speaking on this now I just wanted to express how disappointed I am. We're trying to meet half ways if we can and again having us do a 72- hour covid test or a vaccine card to get in, are you kidding me. It doesn't even make sense. Like Linda D said, no one is having to do that, I've been to several receptions, funerals, or whatever there & we have had to do this. Again, like I said at the last meeting, when I was on the Cantaloupe Committee, we were present, we were there, we didn't have to do anything, so I would just like to say how disappointed I am. Do you not want to meet us half ways? Our community needs you to look out for the wellbeing of the community.

PRESENTATION: None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council regular meeting on November 1, 2021.**
2. **WARRANT REGISTER – Period starting October 1 and ending on October 31, 2021.**

October 2021	General Warrants	#41847 - #42046	\$ 9,591,983.81
	Payroll Warrants	#71606 - #71621	<u>\$ 165,334.02</u>
	TOTAL		\$ 9,757,317.83

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

PUBLIC HEARING

3. **ORDINANCE NO. 21-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING SECTIONS 9-1.1, 9-1.2, 9-1.3, AND 9-1.4 OF CHAPTER 9 [TRAILERS AND TRAILER PARKS] OF THE MUNICIPAL CODE, REPLACING THE HEADING OF CHAPTER 9 WITH THE TITLE “MOBILEHOME PARKS ACT”, AND ADDING SECTIONS 9-1.1 THROUGH 9-1.11 RELATING TO THE ASSUMPTION OF RESPONSIBILITY OF ENFORCING THE MOBILEHOME PARKS ACT AND SPECIAL OCCUPANCY PARKS ACT OF THE CALIFORNIA HEALTH AND SAFETY CODE – SECOND READING.**

Motion to table item by Council Member Lopez, second by Council Member Sablan, motion passed by 4-0 vote.

4. **ORDINANCE NO. 21-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND PEOPLE’S FARMING, LLC – FIRST READING AND CANNABIS REGULATORY PERMIT.**

Opening hearing at 6:24 pm – Linda Espinoza, I know during the other application, we had a room full of people that didn’t want the cannabis business. An individual stated there has been secrets, I didn’t know, the employer said city members were coming to the business, they asked security to lock the warehouse, they didn’t want the city to find anything. I don’t know, what they were hiding, so before you issue the permit, the city should do an investigation, but do not announce when you plan to visit. City Attorney inquired if the comments made were related to this project or another one. Individual replied, this project, across from buttonwillow. The week before employees were told to lock up & do an emergency shut down, because city members were going to the site and the employer didn’t want city members to find anything. The employees did what they were told, but employees found other things that has been going on. I just feel the city should investigate before a permit is allowed to be issued. The employer has been growing hemp and marijuana and hiding the marijuana in the hemp, so when you walk in you will not smell marijuana, you will smell the hemp. Unless, it’s someone that is very experienced, it could not be distinguished the two different smells because they are mixed & that is the way they are hiding it. They are considering it a hybrid, because they are hiding the smell of marijuana inside the helm. They’ve been branding it together & they’ve been doing this for over a year or two. They recently stopped on Monday, including deliveries, since last Monday. Linda stated, after hearing the information, that is a whistle blower and if we are not listening and taking that information serious. I think you should be doing more investigating, because if this is going on, we don’t need that kind of stuff in our community. Not for the sake of making money, our community may not have a lot of businesses or things, but the one thing we do stand by is our values and our morals. If our City Council cannot stand on those same grounds, then maybe there should be other people in those seats, in charge in running the city, because if you are council Member to serve our community, you are to servants to the community, elected by the community to represent us. The community of Firebaugh needs to know this, because if council is going to let them in just to make a dollar, then the blood is on your hands, if start having a lot of problems in the city. You know that a whole community came to the past meeting, to express they didn’t want these times of business in town. You are putting this small community of Firebaugh in a very bad predicament, so I’ll I ask is to please listen. Council member Lopez stated she felt it was premature to vote on this project since it hasn’t been annexed into the city. Council Member Sablan asked a representative from People’s farming to respond. Jay, “I’m not sure what the speaker was talking about, I can look in the facility, but no it’s been a hemp facility that you guys have known about for the last three years, so we’re not growing any cannabis or anything like that. We’re going through the process with you guys, right here tonight.” Council Member Sablan asked if staff had an inspection at the facility & stated, she was unaware of it. City Manager Gallegos replied, “Yes, Me and Karl went to do a site visit, but only the outside of the facility, not inside any building because they were locked. Karl was working on a conditional use permit and wanted to look at the facility to see it, I don’t know if we were supposed

to inside the building or not, or just do a site visit.” City Planner Karl Schoettler confirmed they visited the site for the planning commission meeting, just because he had never been on the site before & it’s been developed for many decades. Two representatives from Peoples’ meet us there & should us around the site outside, we did ask, “If it would be possible to look inside the buildings but they said they did not have the ability to show us inside at that time. So, we did not get to look inside, but the site was completely uninhabited at that time. While we visited, there were no other cars or other people there, so it appeared to be vacant. Everything looked clear in terms of the exterior of the building. We didn’t catch any odors, there were some bales of hemp stems that were explained, they were leftovers from the hemp operation, I believe they were going to ship composting but other than that everything looked in order. Nothing appeared to be operating at that time.” Police Chief Raygoza informed the Fresno County Ag Commission will monitor and complete random visits and test sample at the facility; However, no don’t know when or if they’ve visited this site. – **Close hearing at 6:40 pm**

Motion to waive the first reading and approve the regulatory permit by Council Member Sablan, second by Council Member Perez, motion passed by 4-0 vote.

NEW BUSINESS

5. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS THE SAFETY PROTOCOL GUIDELINES FOR IN-PERSON MEETINGS.**

Motion to approve & follow the Emergency Director/ Police Chief guidelines, by Council Member Sablan, second by Council Member Perez, motion failed by 2-2 vote. No by Jenkins & Lopez.

STAFF REPORTS

- ***Police Chief Sal Raygoza*** – we had a skateboard give away this weekend, we had a lot of people show up. I must applaud all my officers that were present, and the two officers that put it together, Officer Lee & Molina, they did a great job.
- ***Fire Chief John Borboa*** – nothing to report
- ***Finance Director, Pio Martin*** – nothing to report.
- ***Deputy City Clerk, Rita Lozano*** – I just want to say, because two of our council members and City Manager will be out of town for the next meeting, please confirm you who will be attending to make sure we have a quorum.
- ***Bethany Matos, Associate Dean of North District Center*** – construction is on schedule, will be having a tour of the facility on Wednesday at 4:00 pm.
- ***City Manager, Ben Gallegos*** – I am recruiting for some positions, lost two employees, one to the school district and one to the City of Mendota, with a possibility of another one, so I am recruiting for those positions. I also want to remind everyone for the Christmas Electric Parade, Dec. 4th, hopefully, we see everyone out there and have a great turnout. City received two million for the Police Station project.
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- ***City Engineer, Mario Gouveia*** – Construction is still on scheduled at Cardella.
- ***City Attorney, James Sanchez*** – nothing to report.
- ***Council Member Jenkins*** – asked for on ETA on the West Hills, Fire Dept. & Police Dept projects. Staff responded, West Hills & Fire Dept. are March 2022, we don’t have one for the Police Dept. at this time, project must go to bid.
- ***Council Member Sablan*** – nothing to report.
- ***Council Member Perez*** - nothing to report.
- ***Council Member Lopez*** – nothing to report.

CLOSED SESSION

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT ***Motion to adjourn at 7:19 pm by Council Member Lopez, second by Council Member Perez, motion passes by a 4-0 vote.***