

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No.15/09-21

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

Date/Time: September 21, 2015/6:00 p.m.

CALL TO ORDER

ROLL CALL

Mayor Craig Knight
Mayor Pro Tem Freddy Valdez
Council Member Brady Jenkins
Council Member Marcia Sablan
Council Member Felipe Perez

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

PUBLIC COMMENT

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 meeting on August 17, 2015.**
2. **APPROVAL OF MINUTES – The City Council special meeting on August 25, 2015.**
3. **WARRANT REGISTER – Period starting August 1, and ending on August 31, 2015.**

August 2015	General Warrants	#32351 - #32491	\$ 279,930.85
	Payroll Warrants	#65876 - #66044	\$ 227,444.64
TOTAL			\$ 507,375.49

4. **PROCLAMATION - Honoring Bobbie Zoffka**

PUBLIC HEARING

5. **RESOLUTION NO. 15-32 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE "N" STREET APARTMENTS PROJECT.**

Recommended Action: Council receives public comment and approves Res. No. 15-32.

6. **RESOLUTION NO. 15-33 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING GENERAL PLAN AMENDMENT 2015-01 - (N STREET APARTMENTS PROJECT).**

Recommended Action: Council receives public comment and approves Res. No. 15-33.

7. **ORDINANCE NO. 15-03 - AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY – FIRST READING.**

Recommended Action: Council receives public comment and waives the first reading of Ord. No. 15-03.

NEW BUSINESS

8. **RESOLUTION NO. 15-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A NEGATIVE DECLARATION FOR THE WELL #7 REPLACEMENT PROJECT, CONSISTENT WITH CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT).**

Recommended Action: Council receives public comment and approves Res. No. 15-34.

9. **RFP – DEVELOPMENT IMPACT FEE UPDATE AND NEXUS STUDY.**

Recommended Action: Council receives public comment & approves RFP.

10. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING THE CITY OF FIREBAUGH ACCEPTABLE TECHNOLOGY USE POLICY.**

Recommended Action: Council receives public comment & approves the policy.

11. **RESOLUTION NO. 15-35 – A RESOLUTION THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONY SERVICES SURCHARGE AND LOCAL CHARGE RECORDS.**

Recommended Action: Council receives public comment & approves Res. No. 15-35.

12. **RESOLUTION NO. 15-36 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF THE LOCAL PREPAID MOBILE TELEPHONY SERVICES COLLECTION ACT.**

Recommended Action: Council receives public comment & approves Res. No. 15-36.

13. **CHIEF OF POLICE REQUEST TO DISPLAY “MY JOB DEPENDS ON AG” STICKERS ON PATROL CARS FOR SUPPORT AND AWARENESS OF THE AGRICULTURE INDUSTRY.**

Recommended Action: Council receives public comment & approves action requested.

SUCCESSOR AGENCY MATTERS:

14. **RESOLUTION NO. 15-37 - A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JANUARY THROUGH JUNE 2016 AND AUTHORIZING ITS TRANSMITTAL.**

Recommended Action: Successor Agency receives comments and approves Res. No. 15-37.

STAFF REPORTS

CLOSED SESSION

15. **REAL ESTATE NEGOTIATION – REDEVELOPMENT AGENCY – Pursuant to Government Code Section #54956.8**

Owner or Designative Rep. City Negotiator Kenneth McDonald

APN: 008-080-42; 008-140-35; 008-074-10; 008-132-07; 008-074-01

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, September 18, 2015 at 5:00 p.m. by Pio Martin, Finance Director.

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 15/08-17

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: August 17, 2015 / 6:00 p.m.

CALL TO ORDER Meeting called to order by Mayor Knight at 6:01 p.m.

ROLL CALL

PRESENT: Mayor Craig Knight
Mayor Pro Tem Freddy Valdez
Council Member Brady Jenkins 6:05 pm
Council Member Marcia Sablan

ABSENT Council Member Felipe Perez

OTHERS: City Attorney Roy Santos; City Manager, Kenneth McDonald; Police Chief, Sal Raygoza; Finance Director, Pio Martin; Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; Fire Chief John Borboa; City Engineer Mario Gouveia, Paul and Wanda Breshear, Maria Rios, Morris Kyle and others.

PLEDGE OF ALLEGIANCE: Council Member Valdez led pledge of Allegiance.

PUBLIC COMMENT: None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council meeting on August 3, 2015.
2. WARRANT REGISTER – Period starting July 1, and ending on July 31, 2015.

July 2015	General Warrants	#32256 - #32350	\$ 491,423.44
	Payroll Warrants	#65774 - #65875	\$ 224,840.10
TOTAL			\$ 716,263.54

Motion to approve consent calendar by Council Member Valdez, seconded by Council Member Sablan; motion passes by 3-0 vote.

- Council Member Jenkins Enters meeting.

PUBLIC HEARING

3. ORDINANCE NO. 15-01 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING THE FIREBAUGH MUNICIPAL CODE BY REPEALING CHAPTER 30) IN ITS ENTIRETY AND REPLACING IN ITS ENTIRETY WITH A NEW CHAPTER 30 RELATING TO ADOPTION OF A DENSITY BONUS ORDINANCE AND IMPLEMENTATION OF HOUSING GOALS OF THE FIREBAUGH HOUSING ELEMENT.

Public Hearing open at 6:12 p.m. – Comments: none given: closed at 6:13 p.m.

Motion to waive the first reading and approving the second reading and Ord. no. 15-01 by Council Member Sablan, seconded by Council Member Valdez; motion passes by 4-0 vote.

4. **ORDINANCE NO. 15-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING CHAPTER 25 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO IMPLEMENTATION OF THE CALIFORNIA HOMEMADE FOOD ACT, AND CLARIFICATION OF THE PROCESS FOR GRANTING HOME OCCUPATION PERMITS.**

Public Hearing open at 6:14 p.m. – Comments: none given: closed at 6:15 p.m.

Motion to waive the first reading and approving the second reading and Ord. no. 15-02 by Council Member Valdez, seconded by Council Member Sablan; motion passes by 4-0 vote.

NEW BUSINESS

5. **RESOLUTION NO. 15-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, CALIFORNIA, DECLARING CERTAIN CITY PROPERTY AS SURPLUS EQUIPMENT.**

Motion to approve Res. No. 15-31 by Council Member Sablan, seconded by Council Member Valdez; motion passes by 4-0 vote.

6. **CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2015/2016 – FY 2019/2020.**

Motion to approve the CIP for FY 2015/16 – FY 2019/2020, by Council Member Valdez, seconded by Council Member Sablan; motion passes by 4-0 vote.

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN INVOCATION POLICY.**

Motion to approve the invocation policy, by Council Member Valdez, seconded by Council Member Sablan; motion passes by 4-0 vote.

8. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND ECONOMIC DEVELOPMENT CORPORATION (EDC).**

Motion to approve agreement between the City and EDC, by Council Member Valdez, seconded by Council Member Sablan; motion passes by 4-0 vote.

SUCCESSOR AGENCY MATTERS:

9. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING TRAVEL EXPENSES FOR 2015 INTERNATIONAL COUNCIL OF SHOPPING CENTERS (ICSC) WESTERN DIVISION CONFERENCE.**

Motion to approve travel expenses for the ICSC 2015 conference, by Council Member Jenkins, seconded by Council Member Valdez; motion passes by 4-0 vote.

STAFF REPORTS

- **Police Chief Raygoza** – Will contact the Joaquin Murrieta organization to enforce no alcohol in the park area per city ordinance.
- **Public Works Director Gallegos** – Recommend there be no rental on Fridays for the River Camp next year, staff cleans the community center to prepare for the rental of the center
- **City Engineer Gouveia** – Provided an update on the following projects: HWY33 Beautification project a fully funded grant (no match) required will funded improvements along the Hwy 10th thru 14th sidewalks in front of Family Dollar including medians with the removal of the cobble rocks and replace with artificial tuft. In addition to crepe myrtles trees and red bricks. The same improvements will take place on 11th thru 12th, 12th thru 13th and 13th thru 14th both sides of the streets. The Red brick will be laid in a herringbone pattern, street light replacement with the new models looking

similar to the street light that were installed in the downtown area. Tree grates will have the city logo. The design layout for this project will be submitted to Caltrans for the final review and approval before construction can begin.

- **City Manager McDonald** – Provided an update on the West Hills College letter of support that was requested by council for staff to provide for their grant application, but after further research the City Manager worked with West Hills representatives and the grant has already be submitted. As for the questions Cantu Creek water issues, the Board of Supervisor sets the water rate fee; however, the water was not drinkable so the voters did not vote to improve the rate increase. Therefore, the Board of Supervisors are paying the water cost and the trying to correct the problem. Las Deltas Water District is not in favor of proceeding in the same matter as Cantu Creek because they would also include them to give up their governing board to Fresno County.
- **Council Member Sablan** – Inquired about the results of the carnival for community/vendor feedback, meeting set for August 25, 2015 at 6:00 pm, would like financials before the meeting.
- **Council Member Knight** – Reported that the city has seen many wrecks this week and asked that everyone be careful.
- **City Attorney Santos** – Will not be attending the carnival meeting but work on the technology policy for the September 21st meeting.

CLOSED SESSION

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT - *Motion to adjourn by Council Member Valdez, second by Council Member Sablan; motion passes by 4-0 vote at 7:02 p.m.*

SPECIAL MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 15/08-25

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: August 25, 2015/6:00 p.m.

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

ROLL CALL PRESENT: Mayor Pro Tem Freddy Valdez
Council Member Brady Jenkins
Council Member Felipe Perez

ABSENT: Council Member Marcia Sablan, Mayor Craig Knight

OTHERS: City Manager, Kenneth McDonald; Police Chief Sal Raygoza;
Finance Director, Pio Martin; Deputy City Clerk, Rita Lozano;
Public Works Director, Ben Gallegos; Fire Chief, John Borboa;
Carla Delgado, Maria Rangel, Isabel Saldivar, Silvia Renterria,
Raquel Tabares, Wanda Breshears, and others.

PLEDGE OF ALLEGIANCE: *Pledge of Allegiance led by Council Member Jenkins.*

PUBLIC COMMENT: *None*

NEW BUSINESS

1. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH REQUESTING COMMUNITY COMMENT, FEEDBACK AND REVIEW OF THE 2015 HARVEST FESTIVAL.**

Council received public comments from the following organizations and their representatives.

Freddy Valdez – Firebaugh City Council Member
Isabel Saldivar – City Employee – Event Coordinator
Maria Rangel – UC Davis
Carla Delgado – Firebaugh Business Association
Silvia Renteria – Firebaugh PAL/COPPS

ADJOURNMENT

Motion to adjourn by Council Member Jenkins, second by Council Member Perez; Motion passed by 3-0 vote at 7:16 p.m.



REPORT TO CITY COUNCIL
— MEMORANDUM —

AGENDA ITEM NO: _____

COUNCIL MEETING DATE: SEPTEMBER 21, 2015

SUBJECT: Warrant Register Dated: SEPTEMBER 21, 2015

RECOMMENDATION:

In accordance with Section 37202 of the Government Code of the State of California there is presented herewith a summary of the demands against the City of Firebaugh covering obligations to be paid during the period of:

AUGUST 01, 2015 – AUGUST 31, 2015

Each demand has been audited and I hereby certify to their accuracy and that there are sufficient funds for their payment as of this date.

IT IS HEREBY RECOMMENDED THE CITY COUNCIL
APPROVE THE REGISTER OF DEMANDS AS FOLLOWS:

GENERAL WARRANTS	# 32351 – # 32491	\$ 279,930.85
PAYROLL WARRANTS.....	# 65876 - #66044	<u>\$ 227,444.64</u>
TOTAL WARRANTS.....		\$ 507,375.49

WARRANTS FOR AUGUST 2015

CK#	CK DATE	VENDOR NAME	AMOUNT	INVOICE DESCRIPTION
62463	8/18/2015	STATE OF CALIF. PUBLIC	\$ (1,827.16)	Ck# 062463 Reversed
32351	8/3/2015	CITY OF FIREBAUGH	\$ 38,622.34	UNITED SEC BANK -PAYROLL ACCT.-MONTH END/MEDICAL, DENTAL & VISION INSURANCE
32352	8/3/2015	DIAZ, FRANCISCO	\$ 40.31	MQ CUSTOMER REFUND FOR DIA0017
32353	8/3/2015	VENEGAS, SONIA	\$ 12.99	MQ CUSTOMER REFUND FOR VEN0006
32354	8/4/2015	JOHN BORBOA	\$ 769.20	FIRE STIPEND - 40 HRS. - P/E 07/31/2015
32355	8/4/2015	CITY OF FIREBAUGH	\$ 101,606.74	UNITED SEC BANK P/R -P/E 07/31/2015
32356	8/4/2015	U.S. POSTMASTER	\$ 829.84	UTILITY BILLING POSTAGE FOR AUGUST 2015
32357	8/6/2015	ADAMS ASHBY GROUP, LLC	\$ 4,835.00	PROJECT: 12-CDBG-8387
32358	8/6/2015	AGRI-VALLEY IRRIGATION	\$ 60.05	PW - PARKS - SPRINKLER PARTS, WATER LINE REPAIR & FAC MAINT.
32359	8/6/2015	AM CONSULTING ENGINEERS, INC.	\$ 1,920.00	ENGINEERING SERVICES -P GRANT- STATE WATER RESOURCES
32360	8/6/2015	ANTHONY'S SHOP	\$ 78.80	PW -REPAIR MITSUBSHI STARTER ON CLARK FORKLIFT
32361	8/6/2015	ARCTIC GLACIER, U.S.A. INC.	\$ 852.27	2015 FESTIVAL - BULK CUBE ICE
32362	8/6/2015	AT&T MOBILITY	\$ 286.50	287249191200 - POLICE - WIRELESS INTERNET ACCESS
32363	8/6/2015	AT&T	\$ 280.73	#559 659-3227 296 4 -WATER TREATMENT PLANT
32364	8/6/2015	AUTOZONE COMMERCIAL (137987)	\$ 107.96	PD - PW - VEHICLE MAINT. SUPPLIES
32365	8/6/2015	BETTER QUALITY PAINTING	\$ 3,258.84	MALDONADO PARK -SPLASH PARK FACILITY REPAIR
32366	8/6/2015	CITY OF SELMA	\$ 1,000.00	PURCHASE OF VEHICLE - 2006 CROWN VICTORIA

32367	8/6/2015	COLLINS & SCHOETTLER	\$ 3,736.60	PLANNING & CONSULTING FOR MONTH OF JULY 2015
32368	8/6/2015	CVR & ASSOCIATES, INC.	\$ 2,710.43	BUILDING & INSPECTION FOR JULY 2015
32369	8/6/2015	D & L REFRIGERATION, LLC	\$ 1,329.66	REPLACED SWAMP COOLER AT GIANT - BURGER - REPAIRED UNIT AT PAL BLDG. & CONCESSION TRAILER.
32370	8/6/2015	DEPT. OF TRANSPORTATION	\$ 595.31	SIGNALS & LIGHTING BILLING - APRIL 2015 -JUNE 2015
32371	8/6/2015	DONAGHY SALES, LLC.	\$ 3,506.98	2015 FEST -BEER PURCH/INV.#9737-9740- 396812&398237
32372	8/6/2015	RALPHIE ESCALANTE	\$ 150.00	REFUND CLEANING DEPOSIT /DUNKLE PARK ENC AREA
32373	8/6/2015	FENCE FACTORY ATASCADERO	\$ 1,362.68	FESTIVAL 2015 - EVENT FENCE RENTAL
32374	8/6/2015	FRESNO COUNTY TREASURER	\$ 155.58	POLICE - ACCESS FEES - JULY 2015
32375	8/6/2015	GUTHRIE PETROLEUM, INC.	\$ 6,622.10	BULK DIESEL & UNLEADED GASOLINE
32376	8/6/2015	HOME DEPOT CREDIT SERVICES	\$ 524.60	2015 FEST - DUNKLE PARK FACILITY REPAIRS
32377	8/6/2015	KER WEST, INC. DBA	\$ 1,953.00	PUBLIC NOTICE - ZONING ORDINANCE AMENDMENT -AD - HARVEST FEST. & HELP WANTED AD.
32378	8/6/2015	RODDY A. LAKE	\$ 357.49	POLICE - HEALTH INS. REIMBURSEMENT
32379	8/6/2015	ELSA LOPEZ	\$ 819.89	POLICE DEPT - HEALTH INS. REIMBURSEMENT
32380	8/6/2015	MANUELS TIRE SERVICE, INC.	\$ 1,340.61	PD & PW - VEHICLE TIRE REPLACEMENTS & TIRE REPAIRS
32381	8/6/2015	PIO MARTIN	\$ 43.27	REIMBURSE FOR PURCHASE: HAIRNETS FOR SR. CENTER
32382	8/6/2015	MIGUEL'S PLUMBING SERVICE	\$ 531.75	PD-RESTROOM REPAIRS /FD -FIRETRUCK PUMP SYS REPAIR
32383	8/6/2015	PACIFIC GAS & ELECTRIC	\$ 55,302.53	ALL DEPTS. - ELECTRIC & GAS SERVICE
32384	8/6/2015	PITNEY BOWES #8000-9090- 0097	\$ 520.99	POSTAGE METER REFILL
32385	8/6/2015	POLICE ACTIVITIES LEAGE	\$ 4,183.75	2015 FESTIVAL - 25% OF NET SALES (4 NIGHTS)

32386	8/6/2015	CARLOS RAMOS	\$ 150.00	REFUND CLEANING DEP.-DUNKLE PARK ENC.AREA
32387	8/6/2015	SAN JOAQUIN VALLEY	\$ 731.00	PW - 2 PERMITS TO OPERATE - ELEC GENERATOR
32388	8/6/2015	STEPHANIE SIERRAS	\$ 150.00	REFUND CLEANING DEPOSIT -A.F. COMMUNITY CENTER
32389	8/6/2015	SPARKLETTS	\$ 92.09	PW - DRINKING WATER
32390	8/6/2015	TELEPACIFIC COMMUNICATIONS	\$ 1,528.27	ALL DEPTS - TELEPHONE & INTERNET SERVICE
32391	8/6/2015	UNDERGROUND SERVICE ALERT (#11	\$ 171.65	PW - ANNUAL MEMBERSHIP FEES
32392	8/6/2015	U.S. BANK EQUIPMENT FINANCE, I	\$ 487.36	CANON COPIER LEASE & OVERAGE
32393	8/6/2015	VALLEY NETWORK SOLUTIONS	\$ 1,158.10	MONTHLY NETCARE MONITORING FOR SEPT. 2015
32394	8/7/2015	JOHN ECHANIZ	\$ 540.00	FINAL UNIFORM ALLOWANCE PAYOUT - THRU 07/25/2015
32395	8/12/2015	AGRI-VALLEY IRRIGATION	\$ 523.93	PW - PARTS & REPAIRS FOR PARKS, HIGHWAY 33 & WATER PLANT
32396	8/12/2015	AT&T	\$ 103.55	CAL3 9391012022 - CITY HALL DSL
32397	8/12/2015	EMPLOYMENT DEVELOPMENT DEPARTM	\$ 557.00	#932-0334-7 -2ND QTR. END 06/30/15-UMEMPLOYMT. INS
32398	8/12/2015	FRESNO COUNTY TREASURER	\$ 24.00	POLICE - BOOKING FEES FOR MARCH 2015
32399	8/12/2015	FRESNO OXYGEN	\$ 45.88	SHOP - CYLINDERS
32400	8/12/2015	OFFICE DEPOT, INC.	\$ 912.33	PW - LAPTOP FOR SCADA
32401	8/14/2015	AG & INDUSTRIAL SUPPLY	\$ 102.05	PW - VAC TRAILER REPAIR
32402	8/14/2015	ALERT-O-LITE, INC.	\$ 73.60	2015 FEST - SIGN FOR FESTIVAL
32403	8/14/2015	AT&T	\$ 1,822.50	CALNET3 -ALL DEPTS - PHONE, DSL, & FAX SERVICE
32404	8/14/2015	BARNES WELDING	\$ 250.99	FIRE DEPT. - MEDICAL OXYGEN

32405	8/14/2015	BEST UNIFORMS	\$ 860.39	POLICE - 1 BODY ARMOR - F. CAMPA
32406	8/14/2015	BIG G'S AUTOMOTIVE CENTER	\$ 139.41	PD, PW & FIRE DEPTS. - VEH PARTS & REPAIRS
32407	8/14/2015	BOGIE'S PUMP SYSTEMS	\$ 300.00	PW - EQUIP REPAIR - 2 HRS LABOR
32408	8/14/2015	CORELOGIC SOLUTIONS, LLC.	\$ 170.00	REALQUEST FEES FOR THE MONTH OF JULY 2015
32409	8/14/2015	FIREBAUGH ROTARY CLUB	\$ 150.00	ANNUAL DUES
32410	8/14/2015	JESSE GALLEGOS	\$ 150.00	REFUND CLEANING DEPOSIT - A.F.COMM CENTER/WEDDING
32411	8/14/2015	GOODALL TRUCKING, INC.	\$ 1,147.18	PW - PARK - BASE ROCK
32412	8/14/2015	GOUVEIA ENGINEERING, INC.	\$ 9,630.51	PROFESSIONAL ENGINEERING SERVICES
32413	8/14/2015	GRAND FLOW	\$ 102.39	ADM - 1 BOX LASER PAYROLL ACCT. BLANK BLUE STOCK
32414	8/14/2015	J-I.T. OUTSOURCE	\$ 50.00	WEB MAINTENANCE FOR AUGUST 2015
32415	8/14/2015	JOSE LARA	\$ 70.00	REIMBURSEMENT - WORK BOOTS -PER MOU
32416	8/14/2015	LUQUIN BOUTIQUE	\$ 120.00	SENIORS - FLOWERS FOR CONDOLENCES & GET WELL. - OUT OF SENIOR FUND RAISING ACCT
32417	8/14/2015	ALEX E. MALDONADO	\$ 100.00	REIMBURSEMENT FOR D.M.V. PHYSICAL PER MOU
32418	8/14/2015	MANUELS TIRE SERVICE, INC.	\$ 16.27	PW - RADIAL PATCH
32420	8/14/2015	MIGUEL'S PLUMBING SERVICE	\$ 350.00	MALDONADO PARK RESTROOMS & PAL BUILDING - PLUMBING REPAIRS
32421	8/14/2015	ED MOLES, PH.D.	\$ 400.00	POLICE - PROFESSIONAL SERVICE - PSYCH SCREENING
32422	8/14/2015	NAPA AUTO PARTS - FIREBAUGH	\$ 643.31	PW - SHOP - VEHICLE PARTS, REPAIRS, SUPPLIES & SMALL TOOLS FOR REPAIRS & MAINT.
32423	8/14/2015	NORTHSTAR CHEMICAL	\$ 4,768.10	WATER & SEWER CHEMICALS - SODIUM HYPOCHLORITE 12.5%
32424	8/14/2015	PACIFIC GAS & ELECTRIC	\$ 95.64	1264 P STREET APT. & FIRE DEPT. SMALL BLDG.

32425	8/14/2015	CALIF PUBLIC EMPLOYEES RETIREMENT	\$ 15,592.00	ID# 5538973822 - ANNUAL UNFUNDED ACCRUED LIABILITY
32427	8/14/2015	ESMERALDA REA	\$ 150.00	REFUND CLEANING DEPOSIT-DUNKLE PARK ENCLOSED AREA
32429	8/14/2015	TELSTAR	\$ 1,461.86	WWTP - WATER PLANT METER
32430	8/14/2015	THOMASON TRACTOR COMPANY	\$ 1,026.62	PW & PARKS - PARTS & REPAIRS FOR WEED EATER, LAWN MOWER, JD DISC, & BACKHOE
32431	8/14/2015	TIFCO INDUSTRIES	\$ 429.55	PW - PARTS FOR EQUIPMENT REPAIR
32432	8/14/2015	TRANSACT TECHNOLOGIES INCORPOR	\$ 193.20	CASSETTE -12 PACK - OFFICE SUPPLY
32433	8/14/2015	UNITED RENTALS (NORTH AMERICA)	\$ 24,909.50	PW - EQUIPMENT PURCHASE - ROLLER
32434	8/14/2015	USA BLUEBOOK	\$ 2,491.48	PW - EQUIPMENT PURCHASE & TOOL
32435	8/14/2015	VALLEY NETWORK SOLUTIONS	\$ 3,930.41	MICROSOFT WINDOWS 7 LICENSE & MONTHLY NETCARE MONITORING FOR AUGUST 2015
32436	8/14/2015	VERIZON WIRELESS	\$ 530.48	ALL DEPTS - WIRELES PHONES
32437	8/14/2015	WESTERN EXTERMINATOR CO.	\$ 103.50	CITY HALL AND 8000 HELM CANAL ROAD - PEST CONTROL
32438	8/14/2015	WEST SIDE DRUG STORE	\$ 43.39	FIRE DEPT. & PD OPERATIONAL SUPPLIES
32439	8/14/2015	ZEE MEDICAL SERVICE CO.	\$ 149.36	PUBLIC WORKS & CITY HALL -REPLINISH MEDICAL SUPPLIES
32440	8/14/2015	THE J.P. COOKE CO.	\$ 122.43	PUBLIC WORKS - ANIMAL LICENSE TAGS 2015
32441	8/14/2015	KER WEST, INC. DBA	\$ 108.00	LEGAL NOTICE - PLANNING /ZONING
32442	8/14/2015	PETTY CASH	\$ 169.11	PETTY CASH REIMBURSEMENT
32443	8/17/2015	MID-VALLEY DISPOSAL	\$ 30,317.35	REFUSE SERVICES FOR THE MONTH OF JULY 2015 & TRASH PICK-UP "P" ST APT & HELM CANAL RD.
32444	8/17/2015	WESTERN EXTERMINATOR CO.	\$ 102.25	SENIOR & COMMUNITY CENTER - PEST CONTROL
32445	8/17/2015	BIG G'S AUTOMOTIVE CENTER	\$ 15.00	POLICE DEPT. - TIRE REPAIR

32446	8/17/2015	COOK'S COMMUNICATIONS	\$ 70.69	FIRE DEPT. - EQUIP REPAIR
32447	8/17/2015	ELECTRIC DRIVES, INC.	\$ 644.50	PW - EASTSIDE LIFT STATION - EQUIP REPAIR
32448	8/17/2015	OCCUPATIONAL HEALTH CNTER	\$ 212.95	FOR SERVICES RENDERED AT CMA -
32449	8/17/2015	SUN'S INTERNATIONAL CORP	\$ 25.97	PARKS - JANITORIAL SUPPLIES
32450	8/18/2015	JOHN BORBOA	\$ 769.20	FIRE DEPT. - STIPEND - P/E 08/14/2015 - 40 HRS.
32451	8/18/2015	CITY OF FIREBAUGH	\$ 87,215.56	UNITED SEC BANK PAYROLL ACCT. - P/E 08/14/2015
32452	8/25/2015	ADAMS ASHBY GROUP, LLC	\$ 1,800.00	12-CDBG-8387
32453	8/25/2015	AT&T	\$ 300.26	559 659-3227 296 4 - WATER TREATMENT PLANT
32454	8/25/2015	JESSICA BARD	\$ 150.00	REFUND CLEANING DEP. -DUNKLE PARK ENC AREA
32455	8/25/2015	COUNTY OF FRESNO	\$ 1,572.95	LAFCO - FY 15/16
32456	8/25/2015	COUNTRY VETERINARY CLINIC	\$ 396.00	ANIMAL CONTROL
32457	8/25/2015	DEPARTMENT OF JUSTICE	\$ 145.00	POLICE DEPT. - FINGERPRINT APPS - LIVE SCAN
32458	8/25/2015	DONAGHY SALES, LLC.	\$ 664.92	TO REIMBURSE INCORRECT CREDIT TAKEN FOR HARVEST FEST.
32459	8/25/2015	DORITY INS. & FINANCIAL SERVIC	\$ 3,841.00	POLICY NO. AAP N00985545-012
32460	8/25/2015	FIRST BANKCARD	\$ 1,273.77	CITY MANAGER - POLICE DEPT & PW - CREDIT CARD PAYMENT
32461	8/25/2015	JORGE GONZALEZ	\$ 150.00	REFUND CLEANING DEPOSIT -DUNKLE PARK ENC AREA
32462	8/25/2015	JANETTE GONZALEZ	\$ 150.00	REFUND CLEANING DEPOSIT -DUNKLE PARK ENC AREA
32463	8/25/2015	GOUVEIA ENGINEERING, INC.	\$ 12,516.47	PROFESSIONAL ENGINEERING SERVICES
32464	8/25/2015	HUB INTERNATIONAL/ CA INSURANC	\$ 629.90	SPECIAL EVENT INSURANCE FOR JULY 2015

32465	8/25/2015	J-I.T. OUTSOURCE	\$ 69.83	WEB MAINTENANCE- SEPT. 2015
32466	8/25/2015	LOZANO SMITH, LLP	\$ 4,422.00	PROFESSIONAL LEGAL SERVICES
32467	8/25/2015	PACIFIC GAS & ELECTRIC	\$ 141.19	NEW WATER WELL #7
32468	8/25/2015	ROSENOW SPEVACEK GROUP, INC.	\$ 4,167.60	SUCCESSOR AGENCY CONSULTING 2015-2016
32469	8/25/2015	SPARKLETTS	\$ 38.41	POLICE DEPT. - DRINKING WATER
32470	8/25/2015	ESTREBERTO ZAVALA	\$ 500.00	REFUND CLEANING DEP - RODEO GROUNDS - JARIPEO
32471	8/28/2015	AG & INDUSTRIAL SUPPLY	\$ 421.11	PARKS - REPAIR PARTS - WATER METER LIDS W/PROCORNER DOG FOOD & SPRINKR PARTS
32472	8/28/2015	AGRI-VALLEY IRRIGATION	\$ 257.16	PW, PARKS, COM CTR. PD - FACILITY MAINT. & REPAIRS
32473	8/28/2015	ALERT-O-LITE, INC.	\$ 165.70	PW - SIGNS & SAFETY GLOVES
32474	8/28/2015	AUTOZONE COMMERCIAL (137987)	\$ 120.45	PD - VEH MAINTENANCE
32475	8/28/2015	BOGIE'S PUMP SYSTEMS	\$ 12,426.50	WATER PUMP - EQUIPMENT REPAIR
32476	8/28/2015	BSK & ASSOCIATES, INC.	\$ 5,402.15	WATER - SEWER & TOMA-TEK LAB ANALYSIS
32477	8/28/2015	FEDEX	\$ 58.56	FED-EX DOCUMENTS - SHIPPING CHARGES
32478	8/28/2015	FERGUSON ENTERPRISES, INC. 142	\$ 484.46	PW - WATER LINE REPAIR
32479	8/28/2015	FIREBAUGH HARDWARE COMPANY	\$ 62.46	PARTS FOR FACILITY REPAIRS/MAINT.
32480	8/28/2015	FIREBAUGH GLASS	\$ 341.52	PW - UNIT 12 - REAR WINDOW GLASS REPAIR
32481	8/28/2015	FRESNO NETWORKS	\$ 3,800.54	POLICE DEPT. - DESKTOP COMPUTER & HARDWARE
32482	8/28/2015	HINDERLITER de LLAMMAS	\$ 3,628.72	AUDIT SERVICES - SALES TAX QTR 1 2015
32483	8/28/2015	JUDICIAL DATA SYS. CORP.	\$ 100.00	POLICE PARKING FEES - FOR MONTH OF JULY 2015

PROCLAMATION

HONORING BOBBIE J. ZOFFKA

WHEREAS, *Since established as a City in 1914, prior City Councils of the City of Firebaugh have created a long and rich tradition of honoring its citizens who have distinguished themselves in various fields of endeavor; and*

WHEREAS, *The Firebaugh City Council approved resolution no. 15-24 on July 20, 2015, honoring Bobbie Zoffka for her fifty-two (52) consecutive years of volunteerism to innumerable fellow citizens, Bobbie Zoffka is deserving of "Special Recognition" for her many years of affecting positively the lives of many of those citizens.*

NOW, THEREFORE BE IT PROCLAIMED *that the Mayor of the City of Firebaugh, on behalf of its citizens, hereby designates Thursday, September 17, 2015 as "Bobbie Zoffka Day" within the City of Firebaugh in honoring one of Firebaugh's most outstanding humanitarians.*

The clerk of the City of Firebaugh shall attest and affix the seal of the City of Firebaugh to this proclamation and that a copy be transmitted to Mrs. Bobbie Zoffka.



August 18, 2015


Craig Knight

Mayor of the City of Firebaugh

FIREBAUGH CITY COUNCIL
STAFF REPORT

Date: September 21, 2015
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Public hearing for N Street Apartments Project

Summary/Recommendation

The project proposes the construction of a 40-unit multiple family residential complex on a 2-acre parcel on the east side of State Highway 33, approximately 2,800 feet northwest of the intersection of Highway 33 and Clyde Fannon Road. Associated planning requests include adoption of an environmental finding, a General Plan Amendment, and a zone change. These are discussed in greater detail below. The Planning Commission reviewed this matter on August 10 and voted to recommend approval of these requests.

It is recommended the City Council take the following actions:

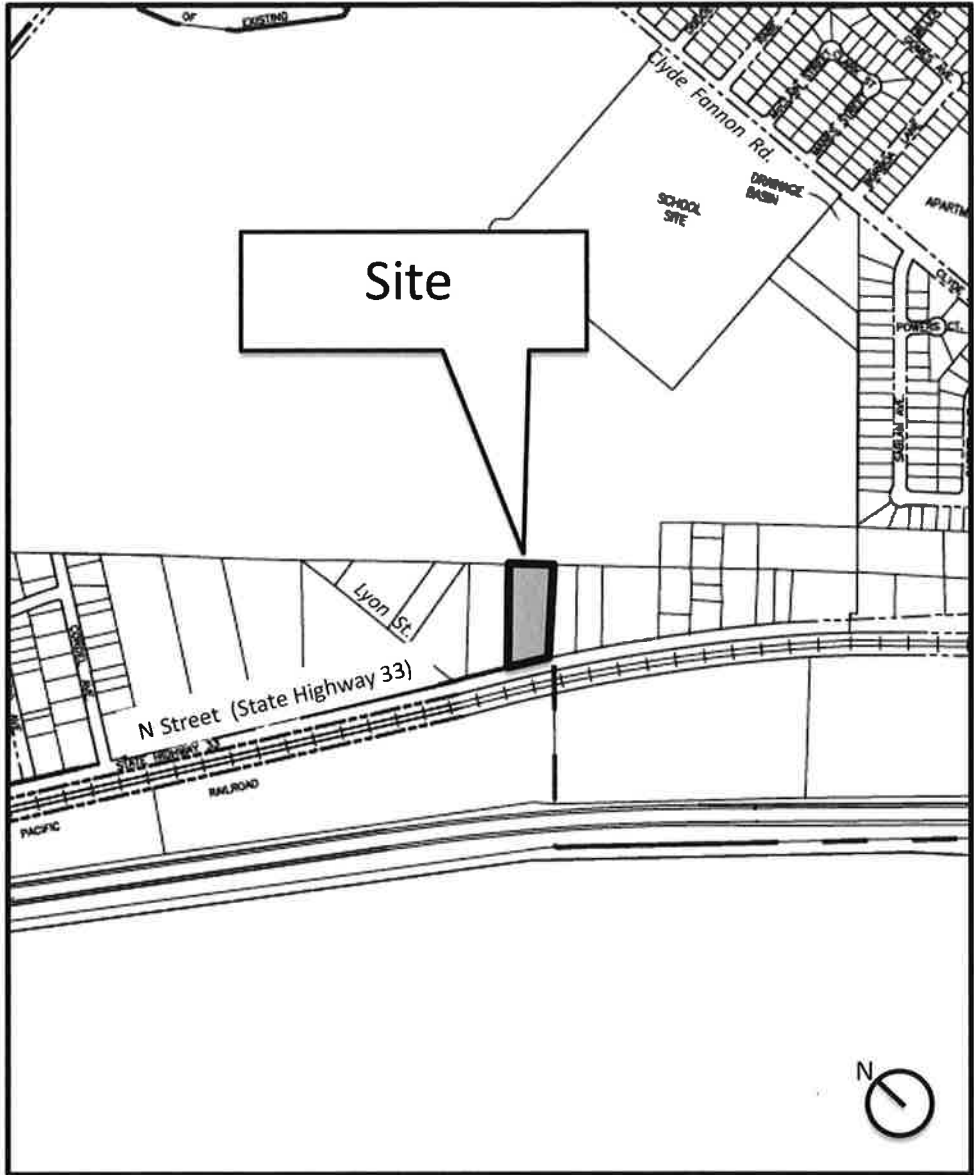
1. Ask for the City Planner to deliver the staff report;
2. Ask any questions of staff regarding the project;
3. Open the public hearing for comments; Close the public hearing and follow with final questions and discussion by the Council;
4. Ask for a motion for action on the project. Staff is recommending the City Council approve the project by via the following resolutions and Ordinance:
 - Resolution 2015-32 (adopting the environmental finding for the project)
 - Resolution 2015-33 (approving the General Plan amendment for the project)
 - Introduce Ordinance 15-03, changing the zoning of the site.

Discussion

The applicant is seeking approval of several planning actions with the ultimate result being the construction and operation of a 40-unit market rate apartment complex on a two acre site in the "Del Rio" area, on the east side of Highway 33 about 2,800 feet northwest of Clyde Fannon Road and 600 feet southeast of the Lyon Avenue alignment (see Map 1). Specific planning requests include:

1. A General Plan Amendment to change the Firebaugh General Plan's land use designation for the site from "Neighborhood Commercial" to "High Density Residential".

Map No. 1: Project Location



Project Location
N Street Apartments Project

City of Firebaugh

Map No. 2: Aerial Photo



2. A zone change to change the zoning of the site from C-1 (Neighborhood Commercial) to R-3 (Medium Density Multiple Family Residential).
3. Adoption of a Mitigated Negative Declaration as the environmental finding for the project.
4. A Site Plan Review to approve construction and operation of a 40-unit multiple family residential complex, along with associated features including parking, landscaping, lighting, street improvements and utility connections. The City Council does not take action on Site Plan Review, but information on this is provided for the Council.

Site and Surrounding Area

The subject site is currently vacant and appears to be plowed/disc regularly to remove weed growth. There is evidence (trees and a driveway) that a house or some kind of structure may have existed on the parcel in the past. Adjacent uses are as follows:

North: Field crops

South: Single Family dwellings

East: Field crops

West: State Highway 33, railroad tracks and rural residential dwelling

General Plan Amendment and Zone Change

To allow development of the apartment complex the applicant is requesting an amendment of the site's land use and zoning designations. Currently the land use element of the Firebaugh General Plan designates the site "Neighborhood Commercial". Similarly the site is zoned C-1 (Neighborhood Commercial). In order to provide for the apartment project the applicant is proposing to amend these designations by changing the land use designation to "High Density Residential" and zoning the site R-3 (Medium Density Residential).

Staff believes this request is appropriate. According to the upcoming Housing Element Firebaugh is lacking in adequate land that is designated for multiple family residential development. Such land is a valuable resource for affordable housing and development that caters to those who cannot afford single-family homes, as well as other groups like senior citizens who do not wish to maintain a house.

In terms of location, the site is appropriate for multi family development in the following respects:

- The site borders existing R-3 zoning to the south, and commercial zoning to the north. The site will also buffer future single-family residential development to the east from the highway and railroad to the west.
- The site is accessed by Highway 33. Residents of the project will not need to drive through a single-family residential neighborhood to access the site.

Impact on Future Shopping Center

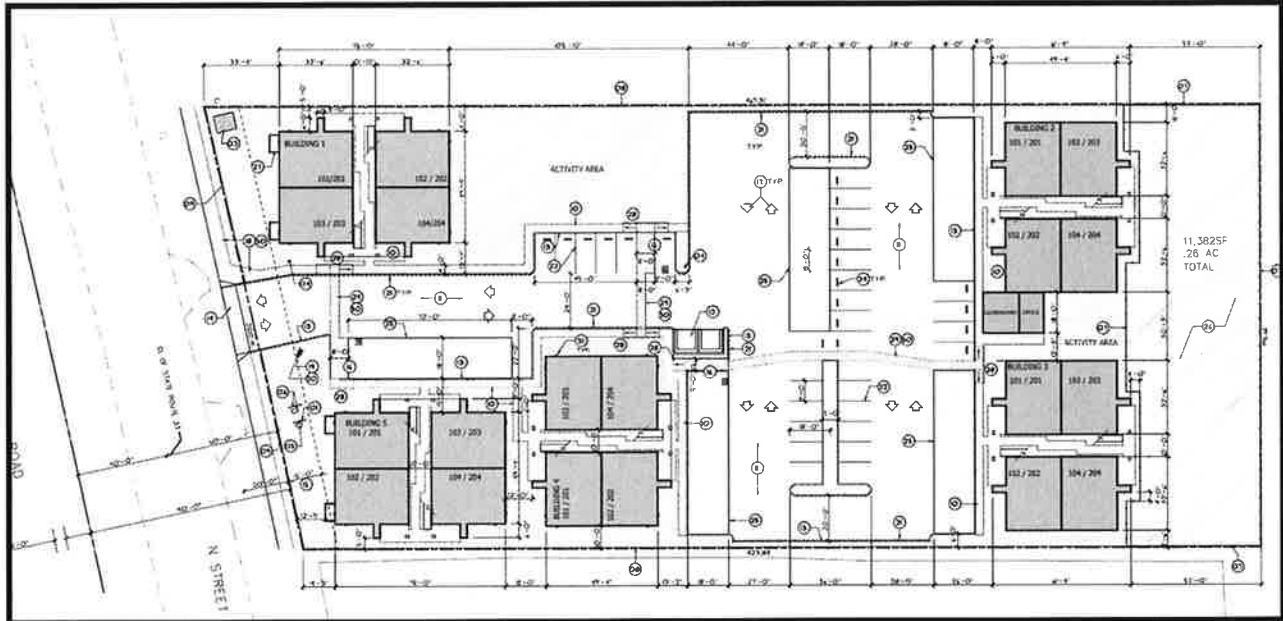
When the Firebaugh General Plan was prepared and adopted in 2010, it was recognized that Firebaugh was lacking in space for a large-scale shopping center. Following analysis it was determined that the area that includes the project site represents one of the only realistic opportunities for development of a shopping center in Firebaugh. The General Plan designated approximately 25 acres of mostly undeveloped land in this portion of the community for future retail commercial development.

Re-designation of the subject two-acre site for multiple family residential development will reduce the area available for development of a shopping area – but only by two acres. Staff believes this reduction is not significant and will help to buffer areas to the south from the development of the shopping area – while at the same time providing a higher concentration of residents who can readily access the center – when it develops. It should also be noted that five years after the General Plan was adopted, the City has not received any interest in this area for retail commercial development.

Site Plan

Exhibit 1 shows the proposed site plan for the apartment complex. Key features of the site plan include:

Exhibit 1: Proposed Site Plan



- The site plan proposes five 2-story buildings situated around the site, containing a total of 40 dwellings. Each building contains eight dwellings (four on the first floor; four on the second floor). An additional building is provided for the manager's office and a laundry room. Each unit will contain approximately 820 square feet and include two bedrooms, one bathroom, a kitchen, living room, dining room and porch/balcony.
- A total of 70 parking stalls are provided and 40 of these are covered with carports. Zoning standards require 1-1/2 spaces per dwelling. At 40 dwellings, the site is required to only have 60 parking spaces. Access to Highway 33 will be by a single driveway located at the midpoint of the parcel as it abuts the highway. The driveway provides access through a central lane, with then loops around a parking area toward the east half of the site.
- Landscape and hardscape improvements are proposed around the perimeter of the site and intervening spaces around and between buildings.
- A trash enclosure will be provided (for dumpsters and recycling) at a central location.
- An on-site storm drainage basin is proposed on the east side of the site. This basin will be fenced and screened. The City has no master-planned storm drainage facilities in this portion of the community – necessitating on-site storage of storm drainage.
- The project will connect to city water and sewer utility lines that run past the site (under Highway 33)
- The project will be required to improve Highway 33 along the site frontage, including pave out (widening), curbs, gutters, parkways and sidewalks. The project will also be required to pay impact fees

to Caltrans for the installation of future traffic signals in Firebaugh (including at Highway 33 and Clyde Fannon Road).

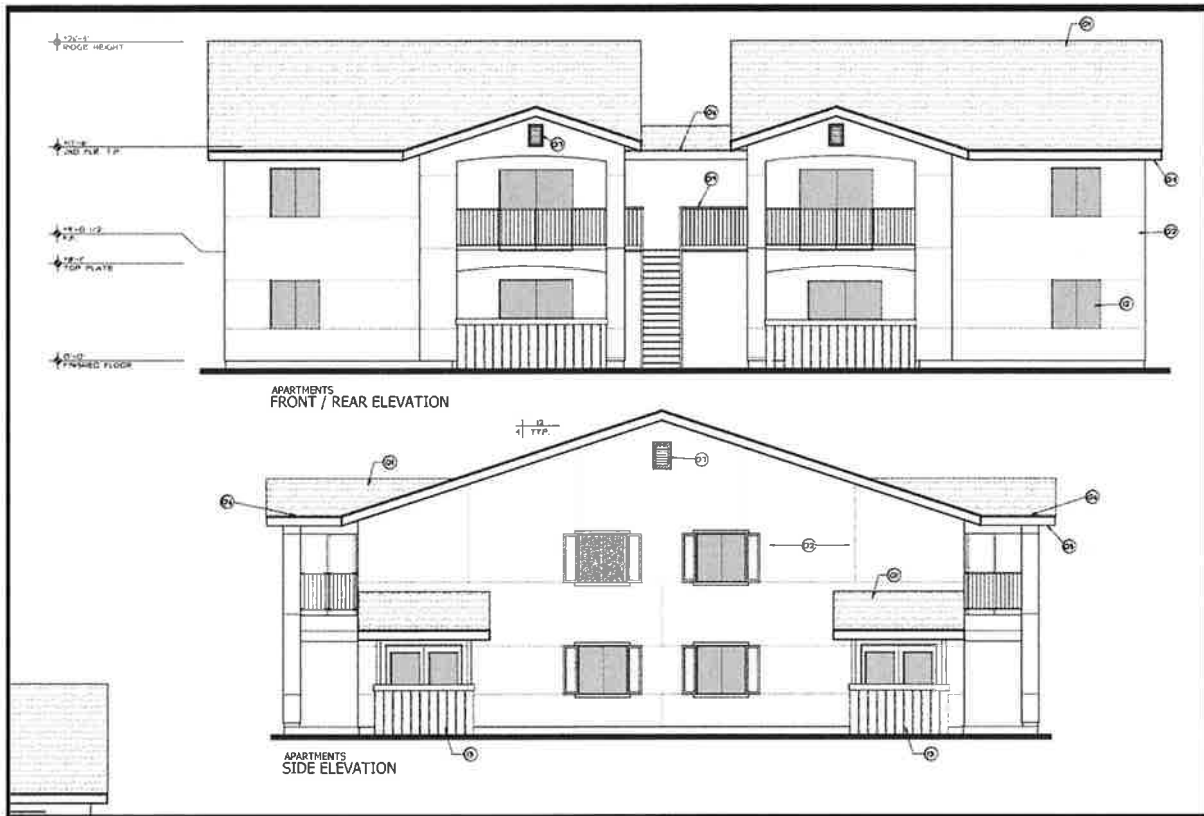
- Solid wood fencing will be installed around the perimeter of the site, except along the front property line, which will be left open.

As designed the project meets zoning standards for setbacks, building height, parking, fencing and landscaping. It should be noted that the applicant originally proposed a denser project with 48 units on the site. However, this left no room for any sizeable open space/recreation area for residents. At staff's recommendation, the site plan was revised to provide an open space area along the north side of the parcel, just behind the front building. The number of units was reduced to 40

Architectural Appearance

Exhibit 2 shows facades of the proposed buildings. Each building will be two stories high. Walls will be surfaced with stucco and roofs provided with composition shingles. At staff's recommendation, the buildings closest to Highway 33 will receive additional architectural treatment with covered porches, window shutters and trim.

Exhibit 2: Architectural Elevation Drawing



Access

The site will be accessed from State Highway 33 (N Street). In the vicinity of the project, N Street has one travel lane in each direction along with gravel shoulders. The Circulation Element of the Firebaugh General Plan designates N Street as an “Arterial” roadway. Ultimate improvements will include two travel lanes and a parking lane in each direction, a landscaped median divider, and curbs, gutters, parkways with street trees and sidewalks. For the time being, the applicant will be required to widen the highway along the project frontage only. The applicant will be required to secure a permit from Caltrans for access from the Highway, and will be required to pay \$24,400 in impact fees to Caltrans toward future traffic signals in the Firebaugh area – based on the project’s potential impacts.

Utilities

The project will connect to city water and sewer lines that run past the site under Highway 33. City public works and engineering staff have reviewed the project and report there is adequate capacity to serve the project with both water and sewer service.

There are currently no city storm drainage facilities nearby the project; therefore, the project is required to include an on-site storm water ponding basin – on the east end of the parcel. At some point in the future, (when city storm drainage facilities are extended to this area) it is possible that this on-site basin could be abandoned and the site connected to city storm drainage lines. The project will also be required to pay the

City's utility impact fees. These fees are banked by the City and used to make future capital improvements to each system.

Fire and Police Safety

The city's police and fire departments staff have reviewed the project. The Fire Department will be requiring a new fire hydrant installed within the interior of the site. The buildings will also feature fire sprinklers – now required by State code. In order to ensure the facility is well maintained, the City will require the applicant to enter into a Maintenance Agreement, prior to occupancy. This will provide standards for maintenance of the property and pertain to items like the upkeep of paint, windows, landscaping, accumulation of trash and removal of inoperable vehicles, among others. This provides the City with additional leverage if these issues become a problem.

Environmental Review

The City conducted a review of potential environmental impacts that may result from the project – as required by CEQA (California Environmental Quality Act). The study determined that certain impacts could result in the following areas but these could be mitigated through various measures:

- Noise – resulting from aircraft, vehicles on the highway, and passing trains.
- Cultural Resources – disturbance of the site soils (through grading and other ground disturbing activities) could affect buried cultural resources (Native American artifacts, etc.)
- Greenhouse Gas Emissions – emissions resulting from operation of construction equipment and vehicles of tenants, as well as maintenance equipment, heating equipment, etc.
- Hydrology and water quality – resulting from consumption of water resources during construction and operation of the project.

The City received several comment letters on the environmental study, including:

- County of Fresno Department of Public Health
- Caltrans
- Chevron
- Picayune Rancheria of the Chukchansi Indians
- San Joaquin Valley Air Pollution Control District

Of these, the Fresno County Public Health and Chukchansi Indian letters warrant further discussion.

County of Fresno, Department of Public Health

The letter from Fresno County (attached) asserts that the project could be significantly impacted by noise resulting from the operation of aircraft, trains and highway traffic. The environmental analysis agreed with this assertion and includes a condition requiring the applicant to prepare an acoustical analysis that will specify appropriate construction methods to reduce potential noise impacts to less than significant levels. This analysis must be prepared prior to the City granting a building permit. The County asserts that for this to be truly a mitigation measure that such an analysis should have been prepared as part of the environmental study.

The City's position on this matter is that there have been other projects approved in this vicinity in recent years and it was shown that certain construction methods (soundproofing in walls) are available to reduce noise to acceptable levels. Therefore, preparation of a noise study as part of the environmental analysis is unnecessary,

as long as one is prepared as part of the building permit process and the recommendations of the study are incorporated into the project design.

Picayune Rancheria of the Chukchansi Indians

Senate Bill 18 became effective on July 1, 2015 and now requires cities to consult with Native American tribes whenever a General Plan amendment is proposed – to gain input from those tribes on any type of analysis that should be performed to ascertain potential impacts to Native American resources – that may exist within the project area. As required by the law the City consulted with the California Native American Heritage Commission (NAHC) and obtained a list of tribes with potential interest in development projects in the Firebaugh area. The City mailed notice of the project and environmental study to nine tribes identified by the NAHC.

Of those, the City received one letter from the Picayune Rancheria of the Chukchansi Indians (see attached). The letter states that the tribe needs more information to offer more meaningful input, and that the tribe considers the site to be a sensitive traditional area. The tribe concludes by asking for a cultural study for the project and for a site visit to the location.

The City did not intend on requiring preparation of a cultural study for the project for several reasons:

- The site appears to be plowed (disked) regularly to prevent weed growth. Such plowing would likely destroy any artifacts located close to the surface.
- The site appears that it was probably developed in the past. There are several trees and remains of a driveway that suggest it may have been developed with a house or other structure. Typically such development (and ground disturbances associated with it (grading, trenching, etc.)) also has the effect of destroying any cultural resources that may exist.
- Prior to any development it is likely the site was used for agricultural purposes in the past. Plowing and ground disturbance activities associated with agricultural uses also have the potential to destroy cultural resources.
- The project site is located about ½ mile away from the San Joaquin River corridor – the most likely location within the Firebaugh area for the presence of Native American cultural resources.
- As noted previously the City consulted with the Native American Heritage Commission (NAHC) regarding the project. The NAHC indicated that they had no records of cultural resources on the site.
- The City also consulted with the California Historic Resources Information System at the Southern San Joaquin Valley Information Center. The Center maintains records of historic and cultural information records and searches throughout the San Joaquin Valley. The Center indicated they have no records of cultural or historic records on the site but they do recommend that the project be conditioned to require a qualified professional archaeologist conduct a field survey of the project area prior to ground disturbance activities. Such a condition is included in the conditions of approval for the project.

The City has contacted the Chukchansi Indians and asked for clarification of their request. The City also sent the tribe information on the site and project, including location map, aerial photo, site plan, site photos and correspondence from the Center and NAHC that indicated there was no record of cultural resources. No further response from the Chukchansi tribe has been received. Accordingly, staff believes that the required analysis of cultural resources has been complied with, and no further action is necessary.

Fresno County Airport Land Use Commission Review

Prior to granting of a building permit, the project will be required to be reviewed by the Fresno County Airport Land Use Commission (ALUC). The ALUC reviews many types of development projects that are proposed near airports throughout the County. The ALUC has prepared maps that show various zones around each airport in the County. According to the Firebaugh Municipal Airport's safety zone map, the project is located within the "Horizontal" zone. This zone actually encompasses nearly all of Firebaugh. According to ALUC policy, multi family developments are an "acceptable" land use in this zone. If the Planning Commission and City Council approve the project, an application will be submitted to the ALUC for their review.

Planning Commission Review

The Planning Commission conducted a public hearing on the project on August 10 and voted unanimously to recommend approval of the project. The applicant and their agent spoke in favor of the project and answered questions of the Commission. No members of the public spoke in opposition to the project

Conclusion

As noted above, the project has been reviewed by City staff, including planning, engineering, public works, police and fire. It is recommended the City Council conduct a public hearing and approve the project by adopting the attached resolutions and ordinance.

ATTACHMENTS

- Resolution 2015-32 (adopting the environmental finding)
- Resolution 2015-33 (approving the General Plan Amendment)
- Ordinance 15-03 for the zone change
- Site Plan, floor plan and elevation drawings.
- Letter from County of Fresno, Department of Public Health
- Letter from Picayune Rancheria of Chukchansi Indians

BACKGROUND INFORMATION

Applicant: Abdo Yahye
Owner 4340 Oak Street
Firebaugh, CA 93622

Agent: Associated Design & Engineering
351 W. Cromwell Avenue
Fresno, CA 93711

Location: The subject site includes one parcel located on the east side of Highway 33 (N Street) approximately 2,800 feet northwest of the intersection of Clyde Fannon Road. The Assessor Parcel Number is 007-050-006.

Request: The applicant is requesting approval of the following actions:

1. A General Plan Amendment to change the Firebaugh General Plan's land use designation for the site from "Neighborhood Commercial" to "High Density Residential".
2. A zone change to change the zoning of the site from C-1 (Neighborhood Commercial) to R-3 (Medium Density Multiple Family Residential).
3. Adoption of a Mitigated Negative Declaration as the environmental finding for the project.

Site: The subject parcel is approximately 180 feet long (along N Street) and the depth is about 440 feet. The site contains approximately two acres.

Zone: The site is currently zoned C-1 (Neighborhood Commercial). This zone allows for the development of a variety of neighborhood-serving retail commercial uses, subject to standards of the C-1 zone.

Key development standards for the C-1 district are as follows:

Front yard setback:	10 feet, minimum;
Rear yard setback:	No requirement;
Side yard setback:	No requirement;
Building height:	Two stories; 35 feet;
Lot Coverage:	33% maximum;
Parking:	By use: Typical is one space per 300 square feet of floor area

Key development standards for the R-3 district are as follows:

Front yard setback:	15 feet, minimum;
Rear yard setback:	15 feet, minimum;
Side yard setback:	5 feet, minimum;
Building height:	Two stories; 35 feet;
Lot Coverage:	55% maximum;
Parking:	1-1/2 spaces per dwelling; one space per dwelling must be covered parking (e.g. carport or garage).

Surrounding zone classifications are as follows:

North: C-1 (Neighborhood Commercial)
South: R-3 (Medium Density Multiple Family Residential)
West: Fresno County agricultural zoning
East: R-1 (Single Family Residential)

General Plan: The subject site is currently designated “Neighborhood Commercial” by the Land Use Element of the 2030 Firebaugh General Plan. The applicant is proposing an amendment to this designation to reclassify the site as “High Density Residential”.

Land Use: The site is currently vacant. Surrounding land uses are as follows:

North: Field crops
South: Single Family dwelling
East: Field crops
West: State Highway 33, railroad and rural residential development

Access: N Street (State Highway 33) provides Access to the site. Near the site, N Street features one travel lane in each direction along with gravel shoulders. The highway is designated an “Arterial” roadway in the Circulation Element of the Firebaugh General Plan. Ultimate improvements will include two travel lanes in each direction, a landscaped median divider and curbs, gutters, parkways and sidewalks.

Infrastructure: Existing water and sewer lines run past the site under Highway 33. There is no storm drainage service in the vicinity.

Services: Police and fire protection is provided to the site by the City of Firebaugh.

Environmental: The City has performed an environmental analysis (an Initial Environmental Study) of the project and associated requests in accordance with the California Environmental Quality Act (CEQA). The study determined the project would not have significant impacts on the environment provided the following measures are incorporated into the project construction and operation:

1. Cultural Resources

- a. It is recommended that a qualified professional archaeologist conduct a field survey of the project site to determine if cultural resources are present.

Time Frame: Prior to construction

Responsible Party: Project Contractor and City Planner

2. Greenhouse Gas Emissions

- a. Require truck idling to be restricted during construction and operational phases of the project. During construction, the site shall be posted with signs that restrict truck idling to fifteen minutes or less.

- b. Reuse and recycle construction and demolition waste;
- c. Use low or zero-emission vehicles where practical, including construction vehicles;
- d. Create car-sharing programs;
- e. Conservative use of both potable and non-potable water to the maximum extent practicable;
- f. Use graywater where practical. (Graywater is untreated household wastewater from bathtubs, showers, bathroom wash facilities, and water from washing machines).

Time Frame: During construction

Responsible Party: Project Contractor and Building Official

3. Hydrology and Water Quality

- a. Water hoses used during construction shall be equipped with automatic shut-off (e.g. spray gun)

Time Frame: During Construction

Responsible Party: Project contractor and Building Official

- b. Landscaping shall feature drought-tolerant species, and irrigation shall be a low-flow drip (or equivalent) automatic system with soil moisture and rain shut-off sensors. A landscaping and irrigation plan shall be submitted for review and approval by the City Planner, prior to installation.

Time Frame: Prior to construction

Responsible Party: Project Contractor and City Planner

4. Noise

- a. Noise-generating construction activities at the site shall be limited to daylight hours, Monday through Saturdays.

Time Frame: During construction

Responsible Party: Project Contractor

- b. The applicant shall prepare an acoustical analysis to identify measures to reduce noise generated by traffic on Highway 33, as well as aircraft operations at Firebaugh Municipal Airport.

Time Frame: Prior to construction

Responsible Party: Project Contractor and City Planner

Comment Letter from County of Fresno, Department of Public Health



County of Fresno
DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

June 24, 2015

LU0018095
2600

Karl Schoettler
Collins & Schoettler
1002 W. Main Street
Visalia, CA 93291

Dear Mr. Schoettler:

Subject: Notice of Environmental Study
Initial Environmental Study and Proposed Negative Declaration
N Street Apartments, GPA/Zone Change 2015-01 and SPR 2015-01
Location: N Street (Highway 33)
APN: 007-050-06S

PROJECT DESCRIPTION:

Thank you for the opportunity to review the above noted project. The Fresno County Department of Public Health, Environmental Health Division has reviewed the document and offers the following comments:

- Section XII. Noise proposes the preparation of an acoustical analysis as a mitigation measure. An acoustical analysis is not a mitigation measure; it should be completed prior to closure of the initial study to identify potential impacts and offer appropriate mitigation measures. Anything less would be deferral of appropriate CEQA analysis.

The Environmental Health Division is concerned with potentially significant noise impacts on future residences of the N Street Apartments from Highway 33, railroad traffic along the adjacent tracks, and the nearby airport.

If you have any questions, please feel free to contact me at (559) 600-3271.

Sincerely,

Janet Gardner, R.E.H.S.
Environmental Health Specialist III
Environmental Health Division

cc. Betsy Lichti, State Water Resources Control Board (via email)
Lonnie Wass, Regional Water Quality Control Board (via email)

Promotion, preservation and protection of the community's health
1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646
Email: EnvironmentalHealth@co.fresno.ca.us ♦ www.co.fresno.ca.us ♦ www.fcdph.org
Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

Comment Letter from Picayune Rancheria of the Chukchansi Indians



Picayune Rancheria
of the
CHUKCHANSI INDIANS

8080 Palm Ave., Suite 207, Fresno, Ca. 936711

mmotola@chukchansi-nsn.gov

THPO and CULTURAL RESOURCES DEPARTMENT

Date: July 8, 2015

From: Picayune Rancheria of Chukchansi Indians
Mary Motola, THPO/ Cultural Natural Director
8080 North Palm Ave., Suite #207
Fresno, CA 93711
559-370-4141

To: Karl Schoettler
Collins & Schoettler Planning Consultants
1002 W. Main Street
Visalia, Ca 93291

Re: General Plan Amendment 2015-01/"Neighborhood Commercial" to "High Density"

Dear Mr. Schoettler,

The THPO Department of the Picayune Rancheria of Chukchansi Indians has reviewed the paperwork sent to us by your Firm "Collins & Schoettler". The paperwork concerns General Plan Amendment 2015-10, Zone Change 2015-10 and Site Review for the City of Firebaugh;

We have several concerns and comments:

- Until we review the cultural resources report, we cannot honestly enter into SB 18 Consultation.
- We notice plans for major ground disturbances grading, sewer issues, and water issue to name a few. We consider this area a sensitive traditional landscape.

If we can make an appointment to review the Cultural Resources Study, and also we would like a site visit to the location. The visit will help us identify things culturally sensitive to the Tribe.

Thank you,
Mary Motola,
THPO, Cultural Resources Director
Picayune Rancheria of Chukchansi Indians,

RESOLUTION NO. 15-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE “N” STREET APARTMENTS PROJECT.

WHEREAS, an application for a General Plan Amendment, Zone Change, and Site Plan Review was submitted by Abdo Yahye, 4340 Oak Street, Firebaugh, CA 93622 with the ultimate result being construction and operation of a 40 unit multiple family residential development on a parcel located on the east side of State Highway 33, approximately 2,800 feet northwest of the intersection of Highway 33 and Clyde Fannon Road, and 600 feet southeast of the Lyon Avenue alignment. The Assessor Parcel Number of the site is 007-050-006, and

WHEREAS, the applicant’s requests include:

1. An amendment of the General Plan’s Land Use Map designation from “Neighborhood Commercial” to “High Density Residential”;
2. A zone change to change the zoning of the site from C-1 (Neighborhood Commercial) to R-3 (Medium Density Multiple Family Residential);
3. A Site Plan Review permit to develop the site with a 40-unit multiple family residential complex and associated improvements, including parking, landscaping, lighting, trash enclosures, utility connections and street improvements, and

WHEREAS, the planning requests are considered a “project” under the Guidelines of the California Environmental Quality Act (CEQA) and accordingly the City has prepared an Initial Environmental Study consistent with CEQA, and

WHEREAS, the Initial Environmental Study determined that the proposed project would not result in significant impacts to the environment, provided that mitigation measures are incorporated into the project design and operation, and

WHEREAS, the City advertised and circulated the Initial Environmental Study for public review and comment, with a closing date of July 17, 2015 for comments to be submitted, and

WHEREAS, by the end of the comment period five comment letters were received by the City, including:

- County of Fresno Department of Public Health
- Caltrans
- Chevron
- Picayune Rancheria of the Chukchansi Indians
- San Joaquin Valley Air Pollution Control District

Of these the letters from the County of Fresno Department of Public Health and the Picayune Rancheria of the Chukchansi Indians suggested that additional analysis should be performed to ascertain potential impacts related to noise and also to Native American cultural resources.

The City has reviewed these comments and determined that the Initial Environmental Study and Mitigated Negative Declaration are adequate “as is” for the following reasons:

Noise Impacts

Based on experience with previous residential projects in the immediate vicinity it has been shown the construction materials are available to reduce noise to acceptable levels and an acoustic study will be required as part of the building permit process.

Impacts to Cultural Resources

- The site appears to be plowed (disked) regularly to prevent weed growth. Such plowing would likely destroy any artifacts located close to the surface.
- The site appears that it was probably developed in the past. There are several trees and remains of a driveway that suggest it may have been developed with a house or other structure. Typically such development and associated ground disturbance has the effect of destroying any cultural resources that may exist.
- Prior to any development, it is likely the site was used for agricultural purposes in the past. Plowing and ground disturbance activities associated with agricultural uses also have the potential to destroy cultural resources.
- The City consulted with the Native American Heritage Commission (NAHC) regarding the project. The NAHC indicated that they had no records of cultural resources on the site.
- The City consulted with the California Historic Resources Information System at the Southern San Joaquin Valley Information Center. The Center indicated they have no records of cultural or historic records on the site but recommend that the project be conditioned to require a qualified professional archaeologist conduct a field survey of the project area prior to ground disturbance activities. Such a condition is included in the conditions of approval for the project.

None of the remaining letters challenged the proposed adoption of a Mitigated Negative Declaration, and

WHEREAS, the Planning Commission conducted a public hearing on this matter on August 10, 2015 and voted to recommend approval of the Mitigated Negative Declaration.

WHEREAS, the Planning Department has prepared a staff report on the project, and

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

1. The proposed project is consistent with the goals, objectives and policies of the 2030 Firebaugh General Plan and the Firebaugh Zoning Ordinance.
2. The City has prepared an Initial Environmental Study, consistent with the requirements of CEQA. The study determined the project would not have significant impacts on the environment provided that mitigation measures are incorporated into the project construction and operation. Accordingly, a Mitigated Negative Declaration (Attachment "A") has been prepared.
3. The proposed action will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community

NOW, THEREFORE BE IT RESOLVED THAT the Initial Environmental Study prepared for the project and the Mitigated Negative Declaration as shown in Attachment "A", are approved by the Firebaugh City Council.

The foregoing resolution was adopted upon a motion of Council Member _____, second by Council member _____, at a regular meeting of the Firebaugh City Council on the 21st day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Knight, Mayor
City of Firebaugh

Rita Lozano, Deputy City Clerk
City of Firebaugh

ATTACHMENT A

**CITY OF FIREBAUGH
PROPOSED MITIGATED NEGATIVE DECLARATION**

FIREBAUGH PLANNING DEPARTMENT
(559) 659-2043

1133 "P" STREET

FIREBAUGH, CA 93622

APPLICANT: Abdo Yahye
4340 Oak Street
Firebaugh, CA 93622

PROJECT TITLE: N Street Apartments Project

PROJECT LOCATION: The project includes one parcel containing approximately 2.0 acres located on the east side of N Street (State Highway 33) approximately 2,800 feet northwest of Clyde Fannon Road in the City of Firebaugh.

PROJECT

DESCRIPTION: The applicant is proposing a General Plan Amendment to designate the site "Medium High Density Residential" and zone the site R-3 (Medium Density Multiple Family Residential). The applicant is also requesting a Site Plan Review to construct and operate a 40-unit multiple family residential complex. Other improvements will include parking, landscaping, street improvements and utility connections.

FINDINGS OF NO SIGNIFICANCE:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term economic gain, to the disadvantage of long-term environmental goals.
3. The project does not have the potential to have impacts, which are individually limited but cumulatively considerable.
4. The project will not cause substantial adverse effects on people, either directly or indirectly.

DETERMINATION:

On the basis of an initial environmental assessment and the findings mentioned above, the City of Firebaugh determines that the project will not have a significant impact on the environment.

City Planner

Date Adopted

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

1. Cultural Resources

- a. It is recommended that a qualified professional archaeologist conduct a field survey of the project site to determine if cultural resources are present.

Time Frame: Prior to construction

Responsible Party: Project Contractor and City Planner

2. Greenhouse Gas Emissions

- a. Require truck idling to be restricted during construction and operational phases of the project. During construction, the site shall be posted with signs that restrict truck idling to fifteen minutes or less.
- b. Reuse and recycle construction and demolition waste;
- c. Use low or zero-emission vehicles where practical, including construction vehicles;
- d. Create car-sharing programs;
- e. Conservative use of both potable and non-potable water to the maximum extent practicable;
- f. Use graywater where practical. (Graywater is untreated household wastewater from bathtubs, showers, bathroom wash facilities, and water from washing machines).

Time Frame: During construction

Responsible Party: Project Contractor and Building Official

3. Hydrology and Water Quality

- a. Water hoses used during construction shall be equipped with automatic shut-off (e.g. spray gun)

Time Frame: During Construction

Responsible Party: Project contractor and Building Official

- b. Landscaping shall feature drought-tolerant species, and irrigation shall be a low-flow drip (or equivalent) automatic system with soil moisture and rain shut-off sensors. A landscaping and irrigation plan shall be submitted for review and approval by the City Planner, prior to installation.

Time Frame: Prior to construction

Responsible Party: Project Contractor and City Planner

4. Noise

- a. Noise-generating construction activities at the site shall be limited to daylight hours, Monday through Saturdays.

Time Frame: During construction

Responsible Party: Project Contractor

- b. The applicant shall prepare an acoustical analysis to identify measures to reduce noise generated by traffic on Highway 33, as well as aircraft operations at Firebaugh Municipal Airport.

Time Frame: Prior to construction

Responsible Party: Project Contractor and City Planner

RESOLUTION NO. 15-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING
GENERAL PLAN AMENDMENT 2015-01 - (N STREET APARTMENTS PROJECT)**

WHEREAS, a General Plan Amendment and zone change was requested by Abdo Yahye, 4340 Oak Street, Firebaugh, CA 93622, for one parcel containing a total of approximately 2.0 acres, located on the east side of State Highway 33 approximately 2,800 feet northwest of Clyde Fannon Road and about 600 feet southeast of the Lyon Avenue alignment, in the City of Firebaugh. The Assessor Parcel Number is 007-050-006, and

WHEREAS, the site is currently designated "Neighborhood Commercial" on the Land Use Map of the 2030 Firebaugh General Plan, and further, the site is zoned C-1 (Neighborhood Commercial) on the official zoning map of the City of Firebaugh, and

WHEREAS, the applicant is requesting the site be re-designated "High Density Residential" on the Land Use Map of the General Plan, and also to be zoned "R-3" (Medium Density Multiple Family Residential), and

WHEREAS, the purpose of these amendments is to facilitate construction and operation of a multiple family residential development containing 40 units, along with parking, landscaping, lighting, utility connections and street improvements, and

WHEREAS, the Planning Commission conducted a public hearing on this matter on August 10, 2015 and voted to recommend approval, and

WHEREAS, property owners within 300 feet of the subject site were notified of the City Council's meeting and a public hearing notice was published ten (10) days prior to the City Council's meeting, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding, and

WHEREAS, the City Council held a public hearing on the General Plan Amendment and zone change and accepted testimony.

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

1. The proposed request will not have an adverse impact on the health, safety or welfare of surrounding residents or on the community.
2. The proposed request is consistent with the goals, objectives and policies of the Firebaugh General Plan.
3. The City has conducted an Initial Environmental Study consistent with the requirements of CEQA (California Environmental Quality Act) which found that the proposed project will not have a significant impact on the environment provided that mitigation measures are incorporated into the project. Accordingly, a Mitigated Negative Declaration has been prepared for adoption.

4. The property is within Firebaugh's sewer and water service areas. Storm drainage will be provided on the project site.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves General Plan Amendment 2015-01 as shown in Map 1.

The foregoing resolution was adopted upon a motion of Council Member _____, second by Council Member _____, at a regular meeting of the Firebaugh City Council on the 21st day of September, 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

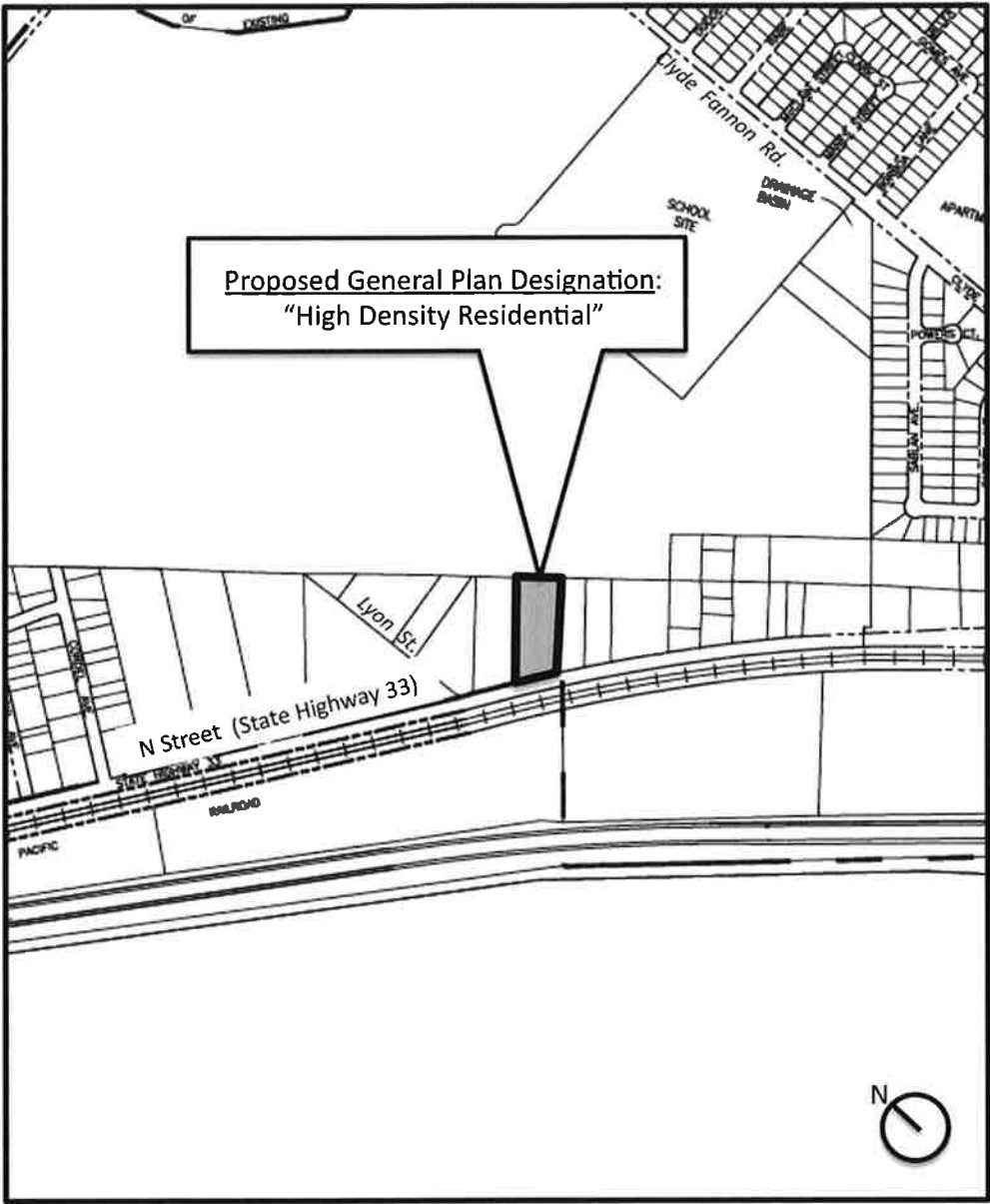
APPROVED:

ATTEST:

Craig Knight, Mayor City Council

Rita Lozano, Deputy City Clerk

Map 1: *Proposed General Plan Land Use Designation*



Proposed General Plan land use
designation
(N Street Apartments Project)

City of Firebaugh

ORDINANCE NO. 15-03

AN ORDINANCE OF THE CITY OF FIREBAUGH, COUNTY OF FRESNO, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 359, OF THE CITY OF FIREBAUGH, RELATING TO THE CLASSIFICATION OF THE ZONE OF PARTICULAR PARCELS OF REAL PROPERTY

The City Council of the City of Firebaugh does ordain as follows:

SECTION 1. Section 25-2.1 of the Municipal Code of the City of Firebaugh is amended by changing the Zoning Map to redesignate one existing parcel currently zoned C-1 (Neighborhood Commercial) to R-3 (Medium Density Multiple Family Residential) as shown on Map 1. The subject parcel is situated on the east side of N Street (State Highway 33) approximately 2,800 feet northwest of the intersection of N Street and Clyde Fannon Road.

SECTION 2. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, as if such invalid portion thereof had been deleted.

SECTION 3. This ordinance shall take effect thirty (30) days after its passage.

SECTION 4. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published in the County of Fresno.

I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Firebaugh held on the 21st day of September, 2015, and passed and adopted at a regular meeting of the City Council held on the ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

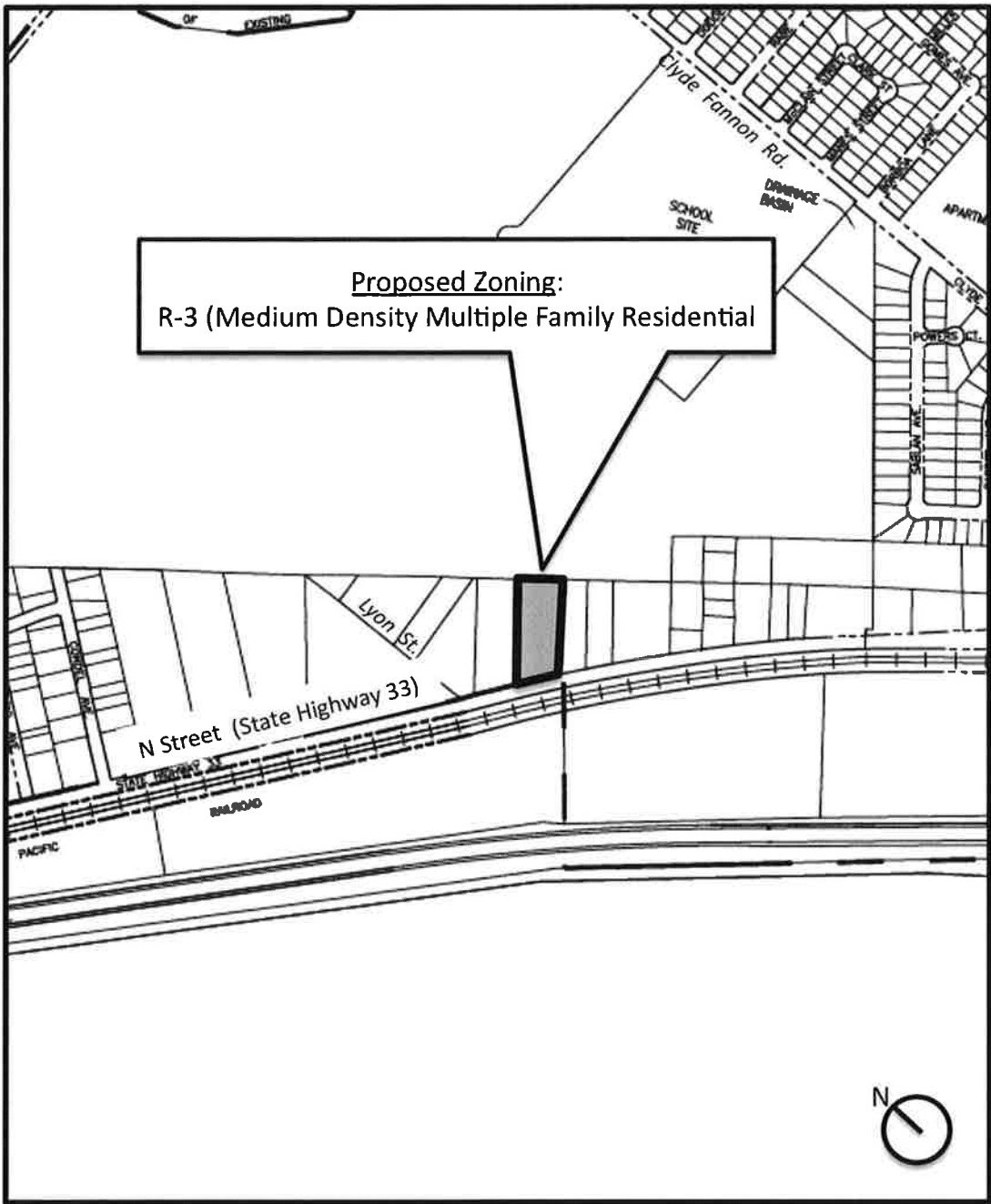
ABSENT:

APPROVED:

ATTEST:

Craig Knight, Mayor

Rita Lozano, Deputy City Clerk



Proposed Zoning designation
(N Street Apartments Project)

City of Firebaugh

FIREBAUGH CITY COUNCIL
STAFF REPORT

Date: September 21, 2015
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Environmental finding for Well #7 Replacement Project

In 2011, the City received CDBG funding to replace Well #7, which was beginning to fail. The new well has been recently completed and is about to undergo testing. For reasons that are unknown, the City did not complete adoption of the environmental study that was prepared for the well replacement project. The environmental study was prepared and circulated for public review and comment, but was never put forward for adoption by the City Council. Therefore, at this time the City Council needs to adopt the result of the environmental study – a Negative Declaration.

The environmental study determined the project (the replacement well) would have no significant impacts on the environment – primarily because it is simply intended to replace an existing well.

The attached resolution is for the City Council to adopt the Negative Declaration. Once adopted a certified copy will be transmitted to the State so that testing of the well can be completed.

ATTACHMENTS

Resolution No. 15-34

RESOLUTION NO. 15-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A
NEGATIVE DECLARATION FOR THE WELL #7 REPLACEMENT PROJECT, CONSISTENT
WITH CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT).**

WHEREAS, the City of Firebaugh has received funding through the Federal Community Development Block Grant program (Grant Number 12-CDBG-8387) for the replacement of existing Well #7 (which had begun to fail) with a new well (Well #17), and

WHEREAS, the project site is located within the city limits of the City of Firebaugh, specifically adjacent to the intersection of River Lane and Vazquez Drive, adjacent to the corridor of the San Joaquin River, and

WHEREAS, the project consists of the drilling and installation of improvements for a new municipal well owned and operated by the City of Firebaugh to replace an existing well (Well #7) that had begun to fail and whose water quality was not meeting State Safe Drinking Water Standards, and

WHEREAS, the City of Firebaugh as lead agency prepared an Initial Environmental Study consistent with the California Environmental Quality Act (Public Resources Code Sections 21000–21177) and the Guidelines of the California Environmental Quality Act, and

WHEREAS, the Initial Environmental Study determined that the project will result in no significant impacts to the environment. Accordingly a Negative Declaration was prepared for adoption, and

WHEREAS, the Initial Environmental Study was circulated for public review and delivered to affected local and State agencies (State Clearinghouse Number 2011011073) for a period of 30 days, ending on February 23, 2011, and

WHEREAS upon the close of the comment period no substantive comments were received on the Initial Environmental Study and proposed Negative Declaration, and

WHEREAS, the City of Firebaugh has recorded a Notice of Determination for the project with the office of the Fresno County Clerk, and

WHEREAS, the Firebaugh City Council conducted a public hearing on this matter on September 21, 2015 and voted to adopt the Negative Declaration, and

WHEREAS, the Planning Department has prepared a staff report on the project.

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

1. The proposed project is consistent with the goals, objectives and policies of the 2030 Firebaugh General Plan and the Firebaugh Municipal Code.

2. The City has prepared an Initial Environmental Study, consistent with the requirements of CEQA. The study determined the project would not have significant impacts on the environment. Accordingly, a Negative Declaration (Attachment "A") has been prepared.

3. The proposed action will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

NOW, THEREFORE BE IT RESOLVED THAT the Initial Environmental Study prepared for the project and the Negative Declaration as shown in Attachment "A", are approved by the Firebaugh City Council.

The foregoing resolution was adopted upon a motion of Council Member _____, second by Council Member _____, at a regular meeting of the Firebaugh City Council on the 21st day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Craig Knight, Mayor City Council

Rita Lozano, Deputy City Clerk

ATTACHMENT A

**CITY OF FIREBAUGH
PROPOSED NEGATIVE DECLARATION**

FIREBAUGH PLANNING DEPARTMENT	1133 "P" STREET	FIREBAUGH, CA 93622	(559) 659-2043
-------------------------------	-----------------	---------------------	----------------

APPLICANT: City of Firebaugh
1133 P Street
Firebaugh, CA 93622

PROJECT TITLE: Well #17 Replacement Project

PROJECT LOCATION: The general well site is located between River Lane in the DeLuca Heights Subdivision and the San Joaquin River, approximately .6 miles east of State Highway 33.

PROJECT

DESCRIPTION: The project consists of the drilling and installation of improvements for a new municipal well owned and operated by the City of Firebaugh to replace an existing well (Well #7) that had begun to fail and whose water quality was not meeting State Safe Drinking Water Standards.

FINDINGS OF NO SIGNIFICANCE:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term economic gain, to the disadvantage of long-term environmental goals.
3. The project does not have the potential to have impacts, which are individually limited but cumulatively considerable.
4. The project will not cause substantial adverse effects on people, either directly or indirectly.

DETERMINATION:

Based on an initial environmental assessment and the findings mentioned above, the City of Firebaugh determines that the project will not have a significant impact on the environment.

City Planner

Date Adopted



CITY OF FIREBAUGH

REQUEST FOR PROPOSALS

DEVELOPMENT IMPACT FEE UPDATE AND NEXUS STUDY

SUBMISSION DEADLINE

November 3, 2015

BY 4:00 P.M.

SUBMIT TO:

Office of the Deputy City Clerk
Firebaugh City Hall
1133 "P" Street
Firebaugh, CA 93622

For questions concerning this Request for Proposal, contact by e-mail:
Kenneth McDonald
City Manager
citymanager@ci.firebaugh.ca.us

**NOTICE REQUESTING PROPOSALS (RFP) FOR
DEVELOPMENT IMPACT FEE UPDATE AND NEXUS STUDY**

NOTICE IS HEREBY GIVEN that the City of Firebaugh, California, will receive sealed proposals from qualified Consultants at Firebaugh City Hall, 1133 "P" Street, Firebaugh, California 93622 until 4:00 P.M. Tuesday, November 3, 2015.

The services to be performed by the successful Consultant are described in this Request for Proposal under "Scope of Services". Request for Proposal documents may be obtained from the City's website at www.ci.firebaugh.ca.us or by contacting Rita Lozano, Deputy City Clerk, at deputyclerk@ci.firebaugh.ca.us or (559) 659-5904.

Proposals shall be in sealed envelopes, and clearly marked "RFP Development Impact Fee Update and Nexus Study." All responsive proposals shall be reviewed and evaluated by the City in order to determine which Consultant best meets the City's needs for this project by demonstrating the competence and qualifications necessary for the satisfactory performance of the required services. The criteria by which the City shall evaluate proposals are set forth in this Request for Proposal.

The City of Firebaugh reserves the right to reject any or all proposals, to delete portions of any/all proposals, to waive any informality or irregularity in any proposal received or in the RFP procedures, and to be the sole judge of the merits of the qualifications received. Be advised that unauthorized conditions, limitations, or provisions attached to the Proposal may render it unresponsive and may cause its rejection. Oral, telegraphic, or telephonic proposals or modifications will not be considered. The award, if made, will be made to the most qualified vendor based on the criteria set forth in the RFP documents.

REQUEST FOR PROPOSAL (RFP)

Development Impact Fee Update and Nexus Study

INTRODUCTION

The City of Firebaugh ("City") is requesting proposals from qualified organizations to assist the City in the preparation of a Development Impact Fee Update and Nexus Study.

GENERAL INFORMATION

Firebaugh is a growing community, with a current population of 7,800 and is located in the heart of the San Joaquin Valley, between San Francisco and Los Angeles. Yosemite, Sequoia, and Kings Canyon National Parks, as well as the scenic Central Coast are all within a two-hour drive. More information about Firebaugh can be obtained online at www.ci.firebaugh.ca.us.

BACKGROUND

City development impact fees ("impact fees") are also known as Capital Facilities Fees. The last impact fee study was completed in 2004. The City of Firebaugh would like to examine the current impact fee study to increase economic development in the City to recover from the financial declines that the City has faced. The current impact fees are outlined below, price details can be found in the "City of Firebaugh Existing Impact Fees - Exhibit B".

The City of Firebaugh's current impact fees include:

- Traffic Facilities
- Administrative/Public Safety
- Storm Drain Facilities
- Wastewater Collection, Treatment and Disposal Facilities
- Water Supply and Holding Facilities
- Parks and Recreation Facilities

ROLE OF CONSULTANT

The Consultant will work closely with City staff and stakeholders. The Consultant must demonstrate expertise in preparing development impact fees studies, impact fee credit programs, financial analysis, and project management. An ideal consultant will also have experience preparing development impact fees studies, applicable to development of large-scale public/private development sites.

SCOPE OF SERVICES

The Scope of Services involves all necessary analyses and documentation to develop and support a comprehensive Development Impact Fee Program that meets the requirements of the City. Detail of the desired work is outlined in the Scope of Services to this RFP as Exhibit "A".

PROPOSAL FORMAT AND CONTENT

The City is requesting one unbound and four bound paper copies of the proposal, which must contain the following information:

1. **Letter of Interest**: Please include a letter expressing the Consultant's interest in being considered for the project. Include a statement regarding the Consultant's availability to dedicate time, personnel, and resources to this effort during the period of December 2015 to March 2016. The letter of interest must include a commitment to the availability of the Consultant's key project staff during the planning period and a proposed schedule designed to meet the City's deadline for the impact fee study, which is outlined in Exhibit A (2-page maximum).
2. **Project Understanding and Approach**: Please include a statement demonstrating your understanding of the proposed project and of the Firebaugh community and describe your approach to completing the project successfully, within the proposed budget and schedule. In particular, describe the Consultant's initial thoughts on a) if and/or whether the impact fees (identified in "Exhibit B") should be combined or changed, and b) how to address any additional impact fees for the City (2-page maximum).
3. **Relevant Experience**: Please include information describing the Consultant's experience with development impact fees, including fees and infrastructure financing established for public development sites. Please provide a minimum of five specific examples of the Consultant's relevant experience on development impact fees, including specific examples of the Consultant's experience with the development of a uniform system for developing a methodology for calculating the value and use of developer credits against payment of impact fees. Please provide references for each example, including phone number and/or email address of contacts. Similar information should be provided for any sub-consultants (15-page maximum).
4. **Project Manager/Key Staff**: Please include information about the specific relevant experience and billing rates for the proposed Project Manager and the Principal-in-Charge (if that person is different from the Project Manager) and all other applicable staff. A Project Manager must be designated and must be the principal contact for the City. Information on the experience of the Project Manager (on similar projects) and at least four references for the Project Manager and Principal-in-Charge (should that be a different person) are required (5-page maximum).
5. **Proposed Scope of Services**: Please provide a Proposed Scope of Services, which is based on the scope of work contained in Exhibit A; and discuss any ideas for modifying, clarifying, or improving the City's proposed scope of work, so that the City is able to implement a fair and effective development impact fee and credit program that is able to fund its highest priority capital improvements for the City of Firebaugh.
6. **Budget and Schedule**: Based on the Proposed Scope of Services, please provide a detailed budget and schedule that meets the four-month timeframe proposed by the City. If your proposed schedule exceeds the proposed four-month timeframe, please indicate

the reasons why you believe additional time will be needed to complete the project.

SELECTION PROCESS

The selection process for the consultant will proceed as follows:

1. Based upon the submitted proposals, the City selection team will select 2 to 5 Consultants to interview. Interviews are tentatively scheduled for Friday, November 6, 2015, 9 a.m. to 1 p.m. at City Hall, 1133 "P" Street, Firebaugh, CA 93622.
2. At the interview, the selection team will expect the Consultants to make a 10-15 minute presentation introducing the Project Manager, the team, and focusing on the Consultant's understanding and approach to the Proposed Scope of Work. The Project Manager and/or the Principal-in-Charge must be present for the interview/presentation. The signer of the proposal, if different from either of the above, should also be present. The presentation will be followed by a question and answer period by the selection team.
3. Upon completion of the interview process, the selection team will select a preferred Consultant Team. The City intends to negotiate the contract with the selected Consultant in a timely manner so that the contract can be approved by the City Council and the Consultant can commence work in December 2015.

The final selection will be based upon the following criteria:

- A. The Consultant's proposed scope of work, its demonstrated understanding of the proposed project and the Firebaugh community, and its demonstrated ability to successfully complete the project in a timely manner.
- B. The Consultant's experience and results with similar projects, and the feedback received from reference checks made on the Consultant.
- C. The quality and experience of the Project Manager and key staff persons who will be working on the project on a regular basis.
- D. The Consultant's proposed fees and costs for the engagement and ability to deliver the proposed Scope of Services within their proposed schedule.
- E. The Consultant's ability to meet the City's standard contract and insurance requirements.

The City will not discriminate against any interested firm or individual on the grounds of race, creed, color, sex, age, disability or national origin in the contract award. The City reserves the right to reject all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City.

CONDITIONS OF REQUEST

A. General Conditions

The City reserves the right to cancel or reject all, or a portion, or portions of this Request for Proposals without notice. Further, the City makes no representations that any agreement will be awarded to any organization submitting a Proposal. The City reserves the right to reject any/all Proposals submitted in response to this request or any addenda thereto.

Any changes to the Proposal requirements will be made by written addendum sent by email.

B. Liability of Costs and Responsibility

The City shall not be liable for any costs incurred in response to this request for Proposals. All costs shall be borne by the person or organization responding to the request. The person or organization responding to the request shall hold the City harmless from any/all liability, claim or expense whatsoever incurred by or on behalf of that person or organization. All submitted material becomes the property of the City of Firebaugh.

The selected organization will be required to assume responsibility for all services offered in the Proposal whether or not they possess them within their organization. The selected organization will be the sole point of contact with regard to contractual matters, including payment of any/all charges resulting from the contract.

C. Permits and Licenses

The Consultant and all the Consultant's approved sub-consultants, at its and/or their sole expense, shall obtain and maintain during the term of any agreement, all appropriate permits, certificates and licenses including, but not limited to, a City Business License which will be required in connection with the performance of services hereunder.

D. Consultant's Representative

The person signing the Proposal must be a legal representative of the firm authorized to bind the firm to an agreement in the event of the award.

ADMINISTRATIVE CONTACT

Any questions regarding contractual terms and conditions, proposal format, technical specifications, or Statement of Work requirements shall be directed in writing to:

Kenneth McDonald
City Manager
(559) 659-5907
(559) 659-3412 fax
citymanager@ci.firebaugh.ca.us

DUE DATES

All Proposals are due by 4:00 P.M. on Tuesday, November 3, 2015. Any Proposal received at the designated location after the required time and date specified for receipt shall be considered late and non-responsive. It is the responsibility of the Consultant to ensure that the Proposal is delivered to the place by the time specified in this RFP. Any late Proposals shall be returned unopened.

SIGNATURE SHEET

My signature certifies that the proposal as submitted complies with all terms and conditions as set forth in the RFP.

My signature certifies that this firm has no business or personal relationships with any other companies or person that could be considered a conflict of interest, or potential conflict of interest to the City of Firebaugh, pertaining to any/all work or services to be performed as a result of this request and any resulting Contract with the City.

The Consultant hereby certifies that it has:

- Δ Examined the local conditions and current City of Firebaugh Impact Fees.
- Δ Read each and every clause of this RFP.
- Δ Included all costs necessary to complete the specified services in its proposed prices.
- Δ Agreed that if it were awarded the Contract, it would make no claim against the City based upon ignorance of local conditions or misunderstanding of any provision of the Contract. Should conditions turn out otherwise than anticipated, the Consultant agrees to assume all risks incident thereto.

I hereby certify that I am authorized to sign as a Representative for the Firm:

Name of Firm: _____

Address: _____

Fed ID No: _____

Name (type/print): _____

Title: _____

Telephone: _____ Fax: _____

Email: _____ Date: _____

To receive consideration for award, this signature sheet must be returned with the Proposal.

Exhibit A
Scope of Service
RFP Development Impact Fee Update and Nexus Study

The City of Firebaugh ("City") has identified the following tasks for this project. These tasks are suggestive and intended as a general guideline. The consultant is encouraged to recommend alternative tasks, scopes, and services that may be appropriate. The City plans to bring the updated Development Impact Fee and Nexus Study to the City Council for its action on March 7, 2016.

Task 1: Develop Project Strategy

December 2015

Task 1.1 The consultant will review and consider the applicable portions of the City's Municipal Code and all information and documents related to the City's impact fees (i.e. Capital Facilities Fees) and other documents and information supplied by the City Team.

Task 1.2 The consultant will review the list of development impact fees charged by surrounding cities prepared by the City and listed as Exhibit C.

Task 1.3 The consultant will convene two strategy sessions with the City Team to determine the project's direction, including fee categories (new, existing, and/or whether to include other City impact fees); develop a developers' credit process and policies; perform a special analysis of impact and mitigation fees required for the development of the City; and/or other items of strategic importance identified by the City and/or consultant.

Task 2: Hold Project Kickoff and Project Management Meetings

December 2015

With a strategy in place, the Consultant and the City's Team will hold a kick-off meeting to discuss the project, deliverables, timetables, and tasks.

The Consultant will provide bi-weekly (every other week) updates to City staff to report on progress and/or problems, and identify potential solutions and courses of action. City staff and Consultants shall meet as necessary. The Consultant will provide the summary to the City staff team to ensure all are in agreement and understand tasks to be completed to avoid unnecessary delays in the project schedule.

Task 3: Data Collection

December 2015 - January 2016

Working closely with City staff, the Consultant will collect all data required to fully support the project, including existing and anticipated future development projections, a list of prioritized public improvements and other relevant information. City staff intends to provide or prepare draft estimates for all public improvements projects to be analyzed. However, the Consultant must review and comment on the draft cost estimates based on their professional judgment and experience and, if needed, develop high-level cost estimates for new public improvements based on comparable projects.

Task 4: Fee Calculation and Analysis**December 2015 - January 2016**

The Consultant will develop a fee and fee credit model and calculate the supportable fees for each fee category consistent with the City's project strategy, as determined in Task 1. The Consultant and City Team will need to maintain a productive dialogue throughout the process to ensure methodologies applied to the various fees and associated credits are appropriate while ensuring the methodologies conform to the requirements of the applicable State Law(s). This dialogue may result in adjusted or wholly new fee or credit methodologies. The analysis will also consider the existing Citywide Development Fee, other City Impact Fees, and the comparison of these impact fees to both surrounding cities and cities similar in size (and/or other cities with base conversions) to ensure reasonableness, consistency, and feasibility of the fees, the fee credit program, and projects proposed to be funded as part of the study, as prepared in Task 1.

Task 5: Prepare Administrative Draft Fee Update and Nexus Study**February 2016**

The Consultant will prepare and provide a comprehensive administrative draft, as well as technical reports for each fee category, including but not limited to, methodology, findings, supporting justification, recommended impact fees, recommendation for the elimination/consolidation of existing fees based on the creation of new fees, methodology for calculating and applying fee credits in each category, and calculations that provide the legal nexus between the fee recommendations and new development as required by law.

The Consultant will document all work assumptions, analysis procedures, findings, graphics, impacts, and recommendations, with technical documentation in appendices. The administrative draft and individual technical reports will include an executive summary and conclusion.

In general, the administrative draft will consist of a discussion of the framework, description of the project, applicable statutory/legal framework, methodologies used, analysis, a list of projects to fund and their prioritization by type, and fee and fee credit methodology recommendations.

The administrative draft will include strategies and options for policymakers to set fees below full cost recovery, and an analysis of how these options would result in the elimination of specific projects or types of projects from the proposed project list for each fee category.

The Consultant also will revise the administrative draft according to one set of consolidated comments on the draft reports from the City Team.

6. Prepare Public Review Draft Fee Update and Nexus Study**February 2016**

Based on Tasks 1 through 5, the Consultant will develop and then conduct a workshop/presentation of a Public Review Draft before the City Council. The purpose of these meetings is to solicit community and stakeholder input. The proposed budget should include a cost per meeting in case additional public meetings are necessary. The Consultant shall develop handouts for these meetings that summarize the findings and analysis from the Public Review Draft.

7. Final Update and Study and Adoption by City Council

March 7, 2016

After incorporating input from the community on the Public Review Draft, the Consultant shall prepare a final draft of the report. The Consultant shall make revisions based on one set of consolidated comments on the final draft from the City Team and shall review a draft of a proposed ordinance prepared by the City Team.

The Consultant will present the Final Update and Study to the City Council during a public hearing, and make revisions, if any, requested by the City Council. The Consultant will assist staff and participate in the presentation to Council if any additional follow-up Council meetings are needed to complete the City Council's adoption of new development impact fee update and nexus study.

Exhibit B - City of Firebaugh Existing Impact Fees
RFP Development Impact Fee Update and Nexus Study

FEE TYPE	FEE PER UNIT OR ACRE
TRAFFIC FACILITIES:	
Residential	
Single Family	\$936/unit
Multi-Family	\$573/unit
Commercial and Industrial	\$5,478/acre
Schools	\$4,930/acre
ADMINISTRATIVE/PUBLIC SAFETY:	
Residential	
Single Family	\$827/unit
Multi-Family	\$825/unit
Commercial and Industrial	\$1,250/acre
Schools	\$3,358/acre
STORM DRAINAGE FACILITIES:	
Residential	
Single Family	\$1,069/unit
Multi-Family	\$1,069/unit
Commercial and Industrial	\$8,840/acre
Schools	\$6,048/acre
WASTEWATER COLLECTION, TREATMENT AND DISPOSAL FACILITIES:	
Residential	
Single Family	\$2,362/unit
Multi-Family	\$2,358/unit
Commercial and Industrial	\$7,522/acre
Schools	\$7,522/acre
WATER SUPPLY AND HOLDING FACILITIES:	
Residential	
Single Family	\$769/unit
Multi-Family	\$568/unit
Commercial and Industrial	\$3,276/acre
Schools	\$3,276/acre
PARKS AND RECREATION FACILITIES:	
Residential	
Single Family	\$1,590/unit
Multi-Family	\$1,478/unit
Commercial and Industrial	\$33/Sq. Ft. of Building Area

Exhibit C – Neighboring City Building School/Impact Fees

Impact Fees

City	Type	Sewer	Water	Storm Drain	Traffic or Street related	Recreation or Parks	Public Safety - Police	Public Safety - Fire	Solid Waste	Habitat Conservation	Admin or General Service	Public Building	General Plan
Sanger	Single Family	\$ 11,647	\$ 1,622	\$ 5,475	\$ 1,993	\$ 2,490	\$ 1,538	\$ 1,586	\$ 440	n/a	n/a	n/a	n/a
Kerman	Single Family	\$ 2,903	\$ 2,430	\$ 1,295	\$ 2,277	\$ 3,465	n/a	\$ 730	n/a	n/a	\$ 500	\$ 1,324	\$ 296
Mendota	Single Family	\$ 2,428	\$ 2,771	\$ 5,169	\$ 690	\$ 1,365	\$ 591	\$ 714	n/a	n/a	\$ 219	n/a	n/a
Coalinga	Single Family	\$ 5,713	\$ 2,111	\$ 1,613	\$ 1,527	\$ 2,671	\$ 485	\$ 489	n/a	\$1,750/acre - \$5,250/acre	n/a	\$ 335	n/a
Huron	Single Family	\$ 2,093	\$ 3,577	\$ 1,117	\$ 59	\$ 2,302	\$ 184	n/a	n/a	n/a	\$ 199	n/a	n/a
Fowler	Single Family	\$ 2,588	\$ 3,423	\$ 4,335	n/a	\$ 2,675	\$ 753	\$ 970	n/a	n/a	\$ 234	n/a	n/a
Sanger	Multi-Family	\$ 9,860	\$ 1,397	\$ 2,290	\$ 1,592	\$ 631	\$ 1,230	\$ 1,270	\$ 330	n/a	n/a	n/a	n/a
Kerman	Multi-Family	\$ 2,875	\$ 2,308	\$ 791	\$ 1,461	\$ 3,465	n/a	\$ 442	n/a	n/a	\$ 475	\$ 629	\$ 296
Mendota	Multi-Family	\$ 2,428	\$ 2,951	\$ 6,492	\$ 415	\$ 1,024	\$ 444	\$ 535	n/a	n/a	\$ 165	n/a	n/a
Coalinga	Multi-Family	\$ 5,713	\$ 2,111	\$ 605	\$ 1,154	\$ 2,113	\$ 485	\$ 489	n/a	\$1,750/acre - \$5,250/acre	n/a	\$ 329	n/a
Huron	Multi-Family	\$ 2,093	\$ 3,577	\$ 558	\$ 35	\$ 1,811	\$ 184	n/a	n/a	n/a	\$ 199	n/a	n/a
Fowler	Multi-Family	\$ 2,588	\$ 2,951	\$ 5,780	n/a	\$ 2,068	\$ 580	\$ 747	n/a	n/a	\$ 180	n/a	n/a
Sanger	Commercial	\$ 14,224	\$ 5,640	\$ 7,926	\$ 22,425	\$ 0.22	\$ 2,857	\$ 4,714	\$ 2,460	n/a	n/a	n/a	n/a
Kerman	Commercial	\$ 3,402	\$ 2,645	\$ 8,438	\$ 6,642	\$0	n/a	\$ 0.157/sq.ft.	n/a	n/a	\$ 0.10/sq.ft. c	\$ 2,012	\$ 369
Mendota	Commercial	\$ 2,428	\$ 2,951	\$ 7,814	\$ 1,022	n/a	\$ 0.325/sq.ft.	\$ 0.397/sq.ft.	n/a	n/a	\$ 0.12/sq.ft.	n/a	n/a
Coalinga	Commercial	\$ 0.38/sq. ft.	\$ 0.39/sq. ft.	\$ 7,258	\$ 1.87	\$ 0.18	\$ 0.03/sq. ft.	\$ 0.03/sq. ft.	n/a	\$1,750/acre - \$5,250/acre	n/a	\$ 0.02/sq. ft.	n/a
Huron	Commercial	\$ 1,513	\$ 2,529	\$ 5,676	\$ 0.16	\$ 0.18	\$ 117	n/a	n/a	n/a	\$ 130	n/a	n/a
Fowler	Commercial	\$ 2,588	\$ 2,781	\$ 6,904	n/a	n/a	\$ 753	\$ 970	n/a	n/a	\$ 234	n/a	n/a
Sanger	Industrial	\$ 16,843	\$ 4,350	\$ 7,926	\$ 17,940	\$ 0.22	\$ 2,857	\$ 4,714	\$ 2,460	n/a	n/a	n/a	n/a
Kerman	Industrial	\$ 2,903	\$ 2,414	\$ 7,032	\$ 4,124	\$0	n/a	\$ 0.083/sq.ft.	n/a	n/a	\$ 0.80/sq.ft. c	\$ 2,012	\$ 369
Mendota	Industrial	\$ 2,789	\$ 3,192	\$ 8,415	\$ 0.422	n/a	\$ 0.325/sq.ft.	\$ 0.397/sq.ft.	n/a	n/a	\$ 0.12/sq.ft.	n/a	n/a
Coalinga	Industrial	\$ 5,713	\$ 2,111	\$ 7,258	\$ 0.33	\$ 0.09/sq. ft.	\$ 0.01/sq. ft.	\$ 0.01/sq. ft.	n/a	\$1,750/acre - \$5,250/acre	n/a	\$ 0.01/sq. ft.	n/a
Huron	Industrial	\$ 2,093	\$ 3,577	\$ 2,791	\$ 0.05	\$ 0.18	\$ 184	n/a	n/a	n/a	\$ 199	n/a	n/a
Fowler	Industrial	\$ 2,588	\$ 2,329	\$ 7,547	n/a	n/a	\$ 753	\$ 970	n/a	n/a	\$ 234	n/a	n/a

Notes

- a* Cost per bedroom
- b* cost per square foot of building
- c* Fee has a minimum of \$400 and maximum of \$2,500
- d* cost per Acre and Equivalent Dwelling Unit (EDU)
- e* Includes both City park and Coalinga-Huron Parks & Recreation District fee
- f* cost per Acre averaged due to regional zones
- g* cost per square foot averaged due to regional zones
- h* Includes impact fee and hook up connection to service.
- i* Cost per acre
- j* cost per square foot of building and EDU

School Fees

School District	Level 1 Residential Remodel	Level 2 Residential Construction	Commercial / Industrial	Rental Self Storage
Firebaugh-Las Delas School District	\$3.36/square foot	\$5.68/square foot	\$ 54/square foot	N/A
Coalinga-Huron School District	\$4.95/square foot	\$4.95/square foot	\$ 51/square foot	\$.37/square foot
Sanger School District	\$3.36/square foot	\$5.57/square foot	\$ 54/square foot	N/A
Kerman School District	\$3.36/square foot	\$3.65/square foot	\$ 47/square foot	N/A
Mendota School District	\$3.20/square foot	\$3.20/square foot	\$ 51/square foot	N/A

CITY OF FIREBAUGH ACCEPTABLE TECHNOLOGY USE POLICY

The below information is provided to notify City of Firebaugh's employees and elected or appointed officers or officials, about the acceptable ways in which information technology systems may be used at the City of Firebaugh ("City"). The City recognizes and supports advances in technology and provides an array of technology resources for employees to use to facilitate resource sharing, encourage innovation and to promote communication. While these technologies provide a valuable resource to the City, it is important that employees' use of technology be appropriate for City's purposes. The purpose of this Technology Use Policy is to ensure a safe and appropriate environment for everyone using City technology.

I. Definitions

A. "City Systems" means all City owned and maintained electronic technology including, but not limited to, computer hardware and software, electronic devices such as tablet computers, smart phones and cell phones, telephone and data networks (including intranet and Internet access), email systems, and electronically stored data. The definition of City Systems expressly includes access to City data networks from devices owned by an employee or the City, regardless of location.

B. "System Administrator" means staff employed by the City whose responsibilities include system, site, or network administration. System Administrators perform functions including, but not limited to, installing hardware and software, managing a computer or network, and keeping City Systems operational.

C. "Employee Account" means the combination of an employee number, employee name, or employee ID and a password that allows an individual employee to access to City Systems.

II. City Rights and Responsibilities

It is the policy of the City to maintain an environment that promotes ethical and responsible conduct in all online network activities by all employees. Employees shall not have an expectation of privacy when using City technology or using personal technology on the City's network. It shall be a violation of this policy for any employee to engage in any activity that does not conform to the established purpose and general rules and policies of the network. The City retains the following rights and recognizes the following obligations:

To monitor employee use of technology to ensure public resources are appropriately used and to ensure that the City's policies and regulations regarding harassment and nondiscrimination, as well as other applicable policies and regulations, are being

followed. The City can and does monitor City Systems access and activity, including but not limited to, websites visited, content viewed, information posted, applications run, content created and stored, and email sent and received (see in depth discussion in section five (5) of this policy). This includes using City Systems to access private online accounts. The City reserves the right to access and view any material accessed or stored on City Systems or any material used in conjunction with its City Systems even if that material is stored on a device that is not owned by the City. Employees are also reminded that electronically generated content produced by City employees may also be subject to the California Public Records Act, and may be subject to public disclosure.

A. To log network use and to monitor fileserver space utilization by employees, and assume no responsibility or liability for files deleted due to violation of fileserver space allotments.

B. To remove an employee account on the network.

C. To provide guidelines and make reasonable efforts to train employees in acceptable use and policies governing online communications.

D. To provide internal and external controls as appropriate and feasible. Such controls shall include the right to determine who will have access to City-owned equipment and, specifically, to exclude those who do not abide by the City's terms of use or other policies. The City reserves the right to restrict online destinations through software or other means.

E. Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by the City's information technology systems for sending or receiving private or confidential electronic communications. System Administrators have access to all email and will monitor messages. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

F. Employee files and information on City Systems may be subject to search by law enforcement agencies under court order if such files contain information which may be used as evidence in a court of law.

III. Inappropriate Use

Inappropriate Use of City Systems includes, but is not limited to, the following:

A. Any use of the City's technological resources for illegal and/or unauthorized purpose is prohibited.

B. Using City Systems to gain or attempt to gain unauthorized access to any computer systems, or gaining or attempting to gain unauthorized access to City Systems themselves is prohibited.

C. Connecting unauthorized equipment to the City Systems, including the unauthorized installation of any software (including shareware and freeware), is prohibited.

D. Unauthorized attempts to circumvent data protection schemes or uncover security loopholes within or outside of City Systems are prohibited. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secure data.

E. Knowingly or carelessly performing an act that will interfere with or disrupt the normal operation of computers, terminals, peripherals, or networks, whether within or outside of City Systems (e.g., deleting programs or changing icon names) is prohibited.

F. Knowingly or carelessly accessing, transmitting, downloading, tampering, vandalizing, running or installing on any City Systems, or giving to another person, a program or file intended to damage or to place excessive load on a computer system or network, files or data is prohibited. This includes, but is not limited to, programs known as computer viruses, Trojan Horses, worms, or any type of pyramid schemes. Deliberate attempts to degrade or disrupt system performance of the network or any other computer system or network on the Internet by spreading computer viruses is considered criminal activity under state and federal law.

G. Violating terms of applicable software licensing agreements or copyright laws on City Systems is prohibited. Furthermore, downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law. Employees should seek written permission from the appropriate supervisor prior to duplicating and/or distributing copyrighted materials.

H. Knowingly or recklessly posting, transmitting or reproducing materials that are false, slanderous or defamatory about a person or organization, or that otherwise violates existing laws or regulations by using City Systems is prohibited.

I. Pirating of computer software via City Systems is prohibited.

J. Intentionally accessing, creating, storing, posting, submitting, displaying, transmitting, using or downloading material, images or language that may be deemed hate mail, profane, lewd, vulgar, rude, inflammatory, disrespectful, abusive, impolite, threatening, harassing, discriminatory, racist, offensive, indecent, obscene, or intimidating is prohibited.

K. Malicious use of any City computer/network to develop programs that harass other people or infiltrate a computer or computing system and/or damage software components of a computer or computing system, and/or "hacking" internal or external to the City, or attempting to access information protected by privacy laws, is prohibited.

L. Use for non-work related bandwidth intensive activities, such as network gaming, is prohibited.

M. Hardware and/or software shall not be destroyed, modified, or abused in any way.

N. The City network may not be used for downloading entertainment software (or other files not related to the employee's work) for transfer to an employee's home computer, personal computer, or other device.

O. Establishing a network of Internet connections to live communications, including voice and/or video (relay chat), unless specifically authorized by a System Administrator, is prohibited.

P. Engaging in personal attacks, including prejudicial or discriminatory attacks such as "cyberbullying" is prohibited.

Q. Violation of any criminal laws, federal, state or municipal laws or ordinances is prohibited.

IV. Disclaimer

The City cannot be held accountable for the information that is retrieved via the network. The City will not be responsible for any damages you may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by the City Systems, System Administrators or your own errors or omissions. Use of any information obtained is at your own risk.

The City makes no warranties (expressed or implied) with respect to: (a) the content of any advice or information received by an employee, or any costs or charges incurred as a result of seeing or accepting any information; or (b) any costs, liability, or damages caused by the way the employee chooses to use his or her access to the network.

V. Email

Email is an important communication tool utilized by employees. At the same time, misuse of email can post many legal, privacy and security risks, thus it's important for employees to understand the appropriate use of electronic communications using the City's email. These guidelines cover appropriate use of any email sent from any City

email address and apply to all employees, vendors, and agents operating on behalf of the City.

All employees must adhere to City rules and regulations, as outlined in this policy, regarding email. The electronic messaging system is provided by the City for employees to facilitate the performance of City work.

No Expectation of Privacy

The City owns any communication sent via email or that is stored on City equipment. Specifically, employees should have **no expectation of privacy** when using the City's email system. The City will monitor all email use to ensure compliance with this policy. Therefore, the use of the City's email system constitutes express consent for the City to monitor and/or inspect any data that employees create or receive, or any messages sent or received. Employees should not consider any incoming or outgoing email communications to be private.

Inappropriate Use

Inappropriate use of the City's Email System includes, but is not limited to the following:

- A. Using the City's Email System for any purpose outside of City business.
- B. Viewing pornography, or sending pornographic images, jokes or stories via email. These acts are considered sexual harassment, will not be tolerated, and will be addressed according to the City's sexual harassment policy.
- C. Sending messages, jokes, pictures or forms which violate the City's discrimination or harassment policy, or any other policy, or create an intimidating or hostile work environment. Discriminatory conduct against anyone including, but not limited to, employees, by virtue of any protected classification including, but not limited to, race, gender, age, religion, national origin, disability, physical attributes, or sexual preference) will not be tolerated.
- D. Threatening others. This includes sending repeated, unwanted email to another employee or to a person outside the City through the City's Email System.
- E. Transmitting or accessing any information, text, or images that are offensive, inappropriate, derogatory, prejudicial, obscene, profane, erotic, defamatory or harassing to others, or disclosing personal information without authorization.
- F. Initiating, propagating or perpetuating any electronic chain letters or mass mailings not directly associated with, or related to the performance of, the routine course of duties or assignments. This includes multiple mailings to newsgroups, mailing lists, or individuals, e.g. "spamming," "flooding," or "bombing."

G. Attempting to monitor or tamper with another employee's electronic communications, or reading, copying, changing, or deleting another employee's files or software without the explicit agreement of the owner.

H. Using copyrighted information that violates that copyright.

I. Breaking into the system, unauthorized use of a password/mailbox or forging the identity of other employees' names, emails, files, data or machine in an electronic communication via City Systems in any way, including, but not limited to, disguising one's identity, impersonating other employees, or sending anonymous email. Real names must be used; impersonation and pseudonyms are not allowed. Employees must not give their employee name and password to other employees.

J. Using City technological resources for commercial activity or for-profit purposes, such as creating products or services for sale, or advertising/promoting non-city sites, commercial efforts and/or events, soliciting votes, or political lobbying is prohibited.

K. Inappropriate mass mailing via City Systems is prohibited

L. Forging the identity of other Users' names, emails, files, data or machine in an electronic communication via City Systems in any way, including, but not limited to, disguising one's identity, impersonating other Users, or sending anonymous email is prohibited. Real names must be used; impersonation and pseudonyms are not allowed. Employees should not give their User name and password to other employees.

M. Knowingly or recklessly posting, transmitting or reproducing materials that are false, slanderous or defamatory about a person or organization, or that otherwise violates existing laws or regulations by using City Systems is prohibited.

N. Attempting to monitor or tamper with another User's electronic communications, or reading, copying, changing, or deleting another User's files or software via the City's Systems, without the explicit agreement of the owner, is prohibited.

Disclaimer:

The following disclaimer will be added to each outgoing email:

"This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system administrator. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The City of Firebaugh accepts no liability for any damage caused by any virus transmitted by this email."

When using the City's email system, the following precautions must be taken:

A. In order to further guard against dissemination of confidential City information, employees should not access their electronic message system messages in the presence of others.

B. Electronic message system windows should not be left open or should be minimized on the screen when the computer is unattended.

Attorney-Client Privileged Communications:

Some of the messages sent, received or stored on the City electronic message system will constitute confidential, privileged communications between the City and its attorneys. Upon receipt of a message either from or to counsel, employees should not forward it or its contents to others inside the City or any other person outside the City without counsel's express authorization.

California Public Records Act Request ("CPRA")/Litigation:

CPRA outlined in Government Code section 6251 et seq. is a law that requires inspection and/or disclosure of governmental records to the public upon request. Emails sent by employees, unless otherwise exempt by law, are subject to inspection under the CPRA by any person making such a request.

Furthermore, emails may also be subject to disclosure as a result of pending litigation involving the City, the City's employees and elected or appointed officers or officials.

It is the City's policy that City email and email systems are intended to be a medium of communication. City email systems are not intended to be and may not be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates or requires that employees regularly delete communications from the system.

Email messages and attachments comparable to hard copy documents that would be retained under this policy should be retained as follows: The document must be categorized in the appropriate record series and converted to the appropriate electronic format or printed in hard copy and retained for the required time period as outlined in the City's Records Retention/Disposition Schedule. No matter what form in which the record is retained, proper procedures as outlined in the City's Records Retention Policy must be followed prior to the destruction of any record.

Routine email messages comparable to telephonic communications are non-records. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be preserved for future City use or reference. Each employee will have the responsibility to

remove such non-records from folders within the City's electronic mail system on a rolling ninety (90) day schedule. This includes items in "received" and "sent" folders as well as any folders set up by individual users. Upon removal from the City's email system the non-records will be disposed of in the City's ordinary course of business. An email is considered destroyed as soon as it has been deleted from a user's mailbox, even though it is temporarily stored in the trash folder before being purged from the email system. This action is analogous to throwing a paper document into an office trashcan. Digital email backup servers and or tapes are re-written over as space is need in order for the system to function properly and efficiently.

Each email user will be trained in the application and implementation of this policy.

This policy does not prohibit employees from maintaining temporary working files or folders to allow for quick reference to recent emails.

VI. Security

All data must be kept confidential and secure by the employee. The fact that the data may be stored electronically does not change the requirement to keep the information confidential and secure. Rather, the type of information or the information itself is the basis for determining whether the data must be kept confidential and secure. If this data is stored in a paper or electronic format, or if the data is copied, printed, or electronically transmitted, the data must still be protected as confidential and secured.

All software programs, applications, source code, object code, documentation and data shall be guarded and protected.

VII. Password Policy

Passwords must not be shared with anyone and must be treated as confidential information. Passwords must be changed at least every ninety (90) days. All Users are responsible for managing their use of the City's information technology systems and are accountable for their actions relating to security.

Information Technology Services Standards:

Passwords should be protected from exposure.

Password Construction:

If passwords are poorly chosen, they can easily be guessed either by a person or a program designed to quickly try many possibilities. A good password is one that is not easily guessed but still easy to remember.

Password strength is determined by a passwords length and its complexity:

Users are required to construct their passwords based on the requirements and restrictions indicated below and subject to the constraints of the systems where those passwords reside.

Password Requirements:

All passwords must conform to the following minimum requirements:

- Minimum of 8 characters (longer is generally better)
- At least one character from each of the following:
 - Upper case letters (A-Z)
 - Lower case letters (a-z)
 - Numeric character (0-9)
 - Non-alphanumeric character (all keyboard characters not defined as letters or numerals). Some City systems may not support non-alphanumeric characters or only support a specific subset.

Password Restrictions:

The password should **NOT**:

- Use any names, person, places, or things found in a dictionary (English or foreign).
- Increment with every password change (e.g., Password1, Password2, Password3...)
- Have more than two characters repeated consecutively.
- Use adjacent keyboard characters as the entire password (e.g., asdfghjkl, qwertyu, 12345678).
- Use public or personnel information such as family names, social security number, user **ID**, favorite hobbies, TV shows, movie names, credit card or ATM card numbers, telephone number, birth date, driver's license number, license plate numbers, addresses, anniversary date, or pet names.
- Use words, phrases, or acronyms associated with the City.
- Use look-alike substitutions of numbers or symbols such as replacing an "I" with a "1."
- Use any of the above spelled backwards.
- Use any of the above followed or preceded by a single digit.
- Be so difficult that it is forgotten if not written down. Think of a phrase such as "This May Be One Way to Remember." Substitute characters, numbers and special characters for the first letter of each word in the phrase. For example: TmB1w2R!.

Password Protection:

After creating a strong password it is imperative to keep it confidential.

All users should **NOT**:

- Enter a password while anyone is watching.
- Write down the User ID and password and then post them on a monitor, telephone or desk, put them under a keyboard or mouse pad, carry them in a wallet or purse, or put them in a PDA device without encryption. If a password must be written down, it should be placed in a secure and private location.
- Use another person's user ID and password.
- Sign on and leave the office without logging off, locking the workstation, or taking other comparable precautions.
- Reveal a password to anyone (e.g., your supervisor, co-worker, family member, etc.) either in person, over the telephone, in an unsecured email message, on questionnaires or security forms.
- Hint at the format of a password (e.g., "my family name").
- Use the same password for City business and personal purposes.
- Use the "remember password" feature on Web sites and other applications.
- Download and execute files from unknown sources.
- Use administrator-level privileges for daily tasks.

Password Change Schedule:

Passwords should not be reused. Old passwords may have been compromised or an attacker may have taken a long time to crack encrypted passwords. Reusing an old password could inadvertently give attackers access to the system.

Compromised Passwords:

Passwords that have been or suspected to have been compromised (e.g., stolen, guessed, etc.) should be changed immediately. Immediately report any incidents when you believe someone else is using your password or otherwise accessing your account to the Deputy City Clerk.

VIII. Acknowledgement of Receipt & Agreement

I acknowledge that I have received, read and understood the Acceptable Use of Technology Agreement, as revised August 2015. I understand that any violations of the Acceptable Use of Technology Agreement may be grounds for disciplinary action, up to and including termination. I understand that a copy of the signed Acceptable Use of Technology Agreement will be placed in my personnel file.

Signature

Date

Print Name

RESOLUTION NO. 15-35

A Resolution Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records

WHEREAS, pursuant to Ordinance No., 88-02 & 99-05 of the City of Firebaugh and the Local Prepaid Mobile Telephony Services Collection Act, the City of Firebaugh, hereinafter called Local Jurisdiction, entered into a contract with the State Board of Equalization, hereafter referred to as the Board, to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges (Rev. & Tax. Code, § 42101.5); and

WHEREAS, the Local Jurisdiction deems it desirable and necessary for authorized representatives of the Local Jurisdiction to examine confidential prepaid mobile telephony services surcharge and local charge records pertaining to the prepaid mobile telephony services surcharge and local charges collected by the Board for the Local Jurisdiction pursuant to that contract;

WHEREAS, the Board will make available to the Local Jurisdiction any information that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the Local Jurisdiction by a seller, including a direct seller, subject to the confidentiality requirements of Sections 7284.6, 7284.7 and 19542 of the Revenue and Taxation Code; and

WHEREAS, Sections 42110 and 42103 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the prepaid mobile telephony services surcharge and local charge records of the Board;

NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the City Manager
(Title(s) of authorized position(s)) or other officer or employee of the Local Jurisdiction designated in writing by the Deputy City Clerk
(Title(s) of position(s) authorized to Designate) to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine prepaid mobile telephony services surcharge and local charge records of the Board pertaining to prepaid mobile telephony services surcharge and local charges collected for the Local Jurisdiction by the Board pursuant to the contract between the Local Jurisdiction and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract.

Section 2. That the City Manager
(Title(s) of authorized position(s)) or other officer or employee of the Local Jurisdiction designated in writing by the Deputy City Clerk
(Title(s) of position(s) authorized to Designate) to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine those prepaid mobile telephony services surcharge and local charge records of the Board for purposes related to the following governmental functions of the Local Jurisdiction:

- a) _____
- b) _____
- c) _____

The information obtained by examination of Board records shall be used only for those governmental functions of the Local Jurisdiction listed above.

Section 3. That City of Firebaugh
(Firm or consultant) is hereby designated to examine the prepaid mobile telephony services surcharge and local charges records of the Board of Equalization pertaining to prepaid mobile telephony services surcharge and local charges collected for the Local Jurisdiction by the Board. The person or entity designated by this section meets all of the following conditions (Rev. & Tax. Code, § 42110, subd. (b)(2)):

- a) has an existing contract with the Local Jurisdiction that authorizes the person to examine the prepaid mobile telephony services surcharge and local charge records;
- b) is required by that contract with the Local Jurisdiction to disclose information contained in or derived from, those records only to an officer or employee of the Local Jurisdiction authorized by the resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a seller during the term of that contract;
- d) is prohibited by that contract from retaining information contained in, or derived from, those prepaid mobile telephony services surcharge and local charge records, after that contract has expired.

The contract between the Local Jurisdiction and City of Firebaugh
(Firm or consultant) designated by the Local Jurisdiction to request information from the Board shall be subject to the following limitations (Rev. & Tax. Code, § 42103, subd. (g)):

- a) City of Firebaugh
(Firm or consultant) shall, to the same extent as the Board, be subject to Section 55381, relating to unlawful disclosures.
- b) the contract between the Local Jurisdiction and City of Firebaugh
(Firm or consultant) shall not provide, in whole or in part, in any manner a contingent fee arrangement as payment for services rendered.

BE IT FURTHER RESOLVED THAT the information obtained by examination of the Board records shall only be used for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract between the Local Jurisdiction and Board, or for purposes related to other governmental functions of the Local Jurisdiction, as identified above in section 2.

Introduced, approved and adopted this 21st day of September, 20 15.

(Signature)

(Date)

Craig Knight, Mayor
(Printed name & title)

(Attest)

CERTIFICATION

I, Kenneth McDonald am authorized to sign this certification on behalf of City of Firebaugh.
(Insert name of local jurisdiction)

I certify to the following:

Please check all the following that apply to your jurisdiction:

1. ☒ **911 Charges/Access to Communication Services** - Ordinance No. 88-2/99-5 of the City of Firebaugh imposes the local charge set forth in the ordinance to prepaid mobile telephony services for access to communication services or to local 911 emergency telephone systems. As required by section 42102.5, the percentage reflecting the rate for access to the local 911 emergency telephone systems or access to communications services is 10%.
(Insert name of local jurisdiction)
2. ☒ **Utility User Tax** - Ordinance No. 88-2/99-5 of the City of Firebaugh imposes the local charge set forth in the ordinance to the consumption of prepaid mobile telephony services. The tiered rate for the utility user tax, as identified in section 42102 is 10%.
(Insert name of local jurisdiction)
3. The City of Firebaugh agrees to indemnify and to hold harmless the Board of Equalization (Board), its officers, agents, and employees for any and all liability for damages that may result from the Board's collection pursuant to this agreement.
(Insert name of local jurisdiction)

Executed in the City of Firebaugh on September 21, 2015.
(Insert name of local jurisdiction) (Add date)

Signature _____

Printed name Kenneth McDonald

Title of person City Manager

RESOLUTION NO. 15-36

A RESOLUTION OF THE City of Firebaugh
Local Jurisdiction
AUTHORIZING City Manager Title of Authorized Position TO EXECUTE
AGREEMENT WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION
OF THE LOCAL PREPAID MOBILE TELEPHONY SERVICES COLLECTION ACT

WHEREAS, on 09/21/15, the City of Firebaugh Date Local Jurisdiction certified that Ordinance No. 88-02 & 99-05 applies its local charge(s) (access to 911 or communication services and/or utility user tax) to prepaid mobile telephony services; and

WHEREAS, the Local Prepaid Mobile Telephony Services Collection Act, mandates the Board of Equalization (Board) to administer and collect the local charges for all applicable local jurisdictions (Rev. & Tax Code section 42103); and

WHEREAS, the Board will perform all functions incident to administration and collection of the local charges for the City of Firebaugh Local Jurisdiction; and

WHEREAS, the Board requires that the City of Firebaugh Local Jurisdiction enter into an "Agreement for State Collection and Administration of Local Charges" prior to implementation of the Local Prepaid Mobile Telephony Services Collection Act, and

Whereas, the Board requires that the City of Firebaugh Local Jurisdiction authorize the agreement;

NOW, THEREFORE BE IT RESOLVED by the City of Firebaugh Local Jurisdiction that the attached "Agreement for State Collection and Administration of Local Charges" is hereby approved and the City Manager Title of Authorized Position is hereby authorized to execute the agreement.

*

*

*

*

*

*

*

The foregoing resolution was introduced and adopted at a regular meeting of the City of Firebaugh
held on 9/21/15, by the following vote:
Date Local Jurisdiction

AYES: _____

NOES: _____

ABSENT: _____

DATED: Septmber 21, 2015

ATTEST: (s) _____
(Printed Name & Title)

(s) Rita Lozano, Deputy City Clerk
(Printed Name & Title)

**AGREEMENT FOR STATE COLLECTION AND ADMINISTRATION OF
LOCAL CHARGES**

This Agreement is for the purpose of implementing the Local Prepaid Mobile Telephony Services Collection Act (Part 21.1, commencing with Section 42100) of Division 2 of the Revenue and Taxation Code), hereinafter referred to as the Local Charge Act. The City of Firebaugh Insert name of local jurisdiction and the State Board of Equalization, hereinafter called the Board, do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in this Agreement they shall be interpreted to mean the following:

A. "Administrative Expenses" means all expenses incurred by the Board in the administration and collection of the local charges, including preparation and wind down costs which are reimbursable to the Board from the revenues collected by the Board on behalf of the local jurisdiction.

B. "Contingent Fee" includes, but is not limited to, a fee that is based on a percentage of the tax liability reported on a return, a fee that is based on a percentage of the taxes owed, or a fee that depends on the specific tax result attained.

C. "Direct Seller" means a prepaid Mobile Telephony Service (MTS) provider or service supplier, as defined in section 41007, that makes a sale of prepaid mobile telephony services directly to a prepaid consumer for any purpose other than resale in the regular course of business. A direct seller includes, but is not limited to, a telephone corporation, a person that provides an interconnected Voice over Internet Protocol (VoIP) service, and a retailer as described in section 42004(b)(1).

D. "Local Charges" means a utility user tax imposed on the consumption of prepaid mobile telephony services, as described in section 42102, and charges for access to communication services or to local "911" emergency telephone systems imposed by a local jurisdiction, as described in section 42102.5.

E. "Local Jurisdiction" or "local agency" means a city, county, or city and county, which includes a charter city, county, or city and county of this State, which has adopted an ordinance imposing a local charge of the kind described in Part 21.1 of Division 2 of the Revenue and Taxation Code and has entered into a contract with the Board to perform all functions incident to the collection of the local charges.

F. "Ordinance" means an ordinance of a local jurisdiction imposing a local charge, including any local enactment relating to the filing of a refund or a claim arising under the ordinance, attached hereto, as amended from time to time.

G. "Quarterly local charges" means the total amount of local charges transmitted by the Board to a local jurisdiction for a calendar quarter, as set forth in section 42106(a)(1).

H. "Refund" means the amount of local charges deducted by the Board from a local jurisdiction's quarterly local charges in order to pay that jurisdiction's share of a local charge refund due to one taxpayer.

I. "Section" – all section references are to the Revenue and Taxation Code.

J. "Seller" means a person that sells prepaid mobile telephony service to a person in a retail transaction.

ARTICLE II

BOARD ADMINISTRATION AND COLLECTION OF LOCAL CHARGES

A. Administration. The Board and the local jurisdiction agree that the Board shall perform functions incident to the collection of the local charges from sellers that are not direct sellers.

B. Collection. The Board shall collect the local charges in the same manner as it collects the prepaid MTS Surcharge in the Prepaid Mobile Telephony Services Surcharge Collection Act, subject to specified limitations in the Local Charge Act for which the local jurisdiction is responsible, as set forth in Article III of this Agreement.

C. Audits. The Board's audit duties shall be limited to verification that the seller that is not a direct seller complied with the Local Charge Act.

D. Other applicable laws. The Board and the local jurisdiction agree that all provisions of law applicable to the administration and operation of the Local Charge Act, Prepaid Mobile Telephony Services Surcharge Collection Act, and the Fee Collection Procedures Law (FCPL) shall be applicable to the collection of local charges. References in the FCPL to feepayer include a person required to pay the local charge, including the seller. All future amendments to applicable laws are automatically incorporated into this Agreement.

E. Deposit of Local Charges. All local charges collected by the Board shall be deposited in the Local Charges for Prepaid Mobile Telephony Services Fund in the State Treasury to be held in trust for the local taxing jurisdiction. Local charges shall consist of all taxes, charges, interest, penalties, and other amounts collected and paid to the Board, less payments for refunds and reimbursement to the Board for expenses incurred in the administration and collection of the local charges, including preparation and wind-down costs.

F. Allocation of Expenses. The Board shall allocate the total combined annual expenses incurred for administration and collection pursuant to the Prepaid Mobile Telephony Services Surcharge Collection Act and the Local Charge Act on a pro rata basis according to revenues collected for: (1) the emergency telephone users surcharge portion of the prepaid MTS surcharge, (2) the Public Utilities Commission surcharges

portion of the prepaid MTS surcharge, and (3) local charges. The Board shall charge a local jurisdiction its pro rata share of the Board's cost of collection and administration.

G. Transmittal of money. All local charges collected by the Board shall be transmitted to the local jurisdiction once in each calendar quarter. Transmittals may be made by mail or by deposit to the account of the local jurisdiction in a bank designated by that jurisdiction. The Board shall furnish a statement quarterly indicating the amounts paid and withheld for expenses of the Board.

H. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and collection of local charges and the distribution of the local charges collected.

I. Security. The Board agrees that any security which it hereafter requires to be furnished under the FCPL section 55022 will be upon such terms that it also will be available for the payment of the claims of the local jurisdiction for local taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and the local jurisdiction shall not participate in any security now held by the Board.

J. Records of the Board.

1. Information obtained by the local jurisdiction from the examination of the Board's records shall be used by the local jurisdiction only for purposes related to the collection of the prepaid mobile telephony services surcharge and local charges by the Board pursuant to this Agreement.

2. When requested by resolution of the legislative body of a local jurisdiction, the Board shall permit any duly authorized officer or employee or other person designated by that resolution to examine any information for its own jurisdiction that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the local jurisdiction by a seller, including a direct seller, subject to the confidentiality requirements of sections 7284.6, 7284.7 and 19542. (sections 42110(b), 42103(e).).

3. The resolution of the local jurisdiction shall certify that any person designated by the resolution, other than an officer and an employee, meets all of the following conditions:

- a. Has an existing contract with the local jurisdiction that authorizes the person to examine the prepaid MTS surcharge and local charge records.
- b. Is required by that contract with the local jurisdiction to disclose information contained in or derived from, those records only to an officer or employee of the local jurisdiction authorized by the resolution to examine the information.
- c. Is prohibited by that contract from performing consulting services for a seller during the term of that contract.
- d. Is prohibited by that contract from retaining information contained in, or derived from, those prepaid MTS surcharge and local charge records, after that contract has expired.

4. Any third party contract between the local jurisdiction and an entity or person authorized by the local jurisdiction to request information from the Board shall be subject to the following limitations:

a. Any third party shall, to the same extent as the Board, be subject to Section 55381, relating to unlawful disclosures.

b. A third party contract shall not provide, in whole or in part, in any manner a contingent fee arrangement as payment for services rendered.

5. Information obtained by examination of Board records shall be used only for purposes related to the collection of the prepaid MTS surcharge and local charges by the board pursuant to the contract, or for purposes related to other governmental functions of the local jurisdiction set forth in the resolution.

6. If the Board believes that any information obtained from the Board's records related to the collection of the prepaid MTS surcharge and local charges has been disclosed to any person not authorized or designated by the resolution of the local jurisdiction, or has been used for purposes not permitted by section 42110(b), the board may impose conditions on access to its local charge records that the board considers reasonable, in order to protect the confidentiality of those records. (section 42110 (c).)

7. The costs incurred by the Board in complying with a request for information shall be deducted by the Board from those revenues collected by the Board on behalf of the local jurisdiction making the request, as authorized by section 42110(b)(1).

ARTICLE III LOCAL JURISDICTION ADMINISTRATION AND RESPONSIBILITIES

A. The local jurisdictions shall be solely responsible for all of the following:

1. Defending any claim regarding the validity of the ordinance in its application to prepaid mobile telephony service. The claim shall be processed in accordance with the provisions of the local ordinance that allows the claim to be filed.

2. Interpreting any provision of the ordinance, except to the extent specifically superseded by section 42105 of the Local Charge Act. The claim shall be processed in accordance with the provisions of the local enactment that allows the claim to be filed.

3. Responding to specified consumer claims for refund involving: (1) rebutting the presumed location of the retail transaction; (2) a consumer claim of exemption from the local charge under the ordinance; or (3) any action or claim challenging the validity of a local tax ordinance, in whole or part. The claim shall be processed in accordance with the provisions of the local enactment that allows the claim to be filed.

4. Refunding the taxes in the event a local jurisdiction or local government is ordered to refund the tax under the local ordinance.

5. Reallocating local charges as a result of correcting errors relating to the location of the point of sale of a seller or the known address of a consumer, for up to two past quarters from the date of knowledge.

6. Collecting local charges on prepaid mobile telephony service and access to communication services or access to local 911 emergency telephone systems imposed on direct sellers.

7. Enforcement, including audits, of the collection and remittance of local charges by direct sellers pursuant to the ordinance.

8. The local jurisdiction shall be the sole necessary party defendant on whose behalf the local charge is collected in any action seeking to enjoin collection of a local charge by a seller, in any action seeking declaratory relief concerning a local charge, in any action seeking a refund of a local charge, or in any action seeking to otherwise invalidate a local charge. There shall be no recovery from the State for the imposition of any unconstitutional or otherwise invalid local charge that is collected under the Local Act.

9. Entering into an agreement with the Board to perform the functions incident to the collection of the local charges imposed on sellers that are not direct sellers.

10. Submitting an executed Certification to the Board, certifying that:

(a) the local jurisdiction's ordinance applies the local charge to prepaid mobile telephony services;

(b) the amount of the rate charged for access to local 911 emergency telephone systems or access to communications services complies with the requirements of section 42102.5; and/or applies the tiered rate for the utility user tax, as identified in section 42102.

(c) The local jurisdiction shall further certify that it agrees to indemnify and to hold harmless the Board, its officers, agents, and employees for any and all liability for damages that may result from the Board's collection pursuant to this Agreement.

11. Submitting signed documents to the Board to include agreement(s), certification, copy of ordinance(s), and resolution(s).

12. Providing payment to the Board of the local jurisdiction's pro rata share of the Board's cost of collection and administration as established pursuant to subdivision (e) of section 42020.

ARTICLE IV LOCAL CHARGES

A. Local Charges – Timeliness – This part shall remain in effect until proposed California Code of Regulations, title 18, section 2460 is adopted by the Board and approved by the Office of Administrative Law.

1. Ordinances in effect as of September 1, 2015.

On or after January 1, 2016, a local charge imposed by a local jurisdiction on prepaid mobile telephony services shall be collected from the prepaid consumer by a seller at the same time and in the same manner as the prepaid MTS surcharge is collected under Part 21 (commencing with section 42001) provided that, on or before September 1, 2015, the local jurisdiction enters into a contract with the Board pursuant to section 42101.5. Thereafter, all subsequently enacted local charges, increases to local charges, or other changes thereto, shall become operative pursuant to paragraphs (2), (3), and (4).

2. New charges. When a local jurisdiction adopts a new local charge after September 1, 2015, the local jurisdiction shall enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

3. Increases in local charges. When a local jurisdiction increases an existing local charge after September 1, 2015, the local jurisdiction shall provide the Board written notice of the increase, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

4. Inaccurate rate posted on the Board's website. When a local jurisdiction notifies the Board in writing that the rate posted on the Board's Internet Web site (posted rate) for a local charge imposed by that local jurisdiction is inaccurate, including scenarios where the local charge was reduced or eliminated, the recalculated rate applicable to the local jurisdiction shall become operative on the first day of the calendar quarter commencing more than 60 days from the date the Board receives the local jurisdiction's written notification that the posted rate is inaccurate.

A. Local Charges – Timeliness – This part shall take effect and supersede the above "Local Charges – Timeliness section when California Code of Regulations, title 18, section 2460 is adopted by the Board and approved by the Office of Administrative Law.

1. Ordinances in effect as of September 1, 2015. On or after January 1, 2016, a local charge imposed by a local jurisdiction on prepaid mobile telephony services shall be collected from the prepaid consumer by a seller at the same time and in the same manner as the prepaid MTS surcharge is collected under Part 21 (commencing with section 42001) provided that, on or before September 1, 2015, the local jurisdiction enters into a contract with the Board pursuant to section 42101.5.

In the event a local jurisdiction does not enter into a contract with the Board by September 1, 2015, the local jurisdiction may enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year. Thereafter, all subsequently

enacted local charges, increases to local charges, or other changes thereto, shall become operative pursuant to paragraphs (2), (3), (4) and (5) of this subdivision.

2. New charges. When a local jurisdiction adopts a new local charge after September 1, 2015, the local jurisdiction shall enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

3. Increases in local charges. When a local jurisdiction increases an existing local charge after September 1, 2015, the local jurisdiction shall provide the Board written notice of the increase, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

4. Advance written notification. When a local charge is about to expire or decrease in rate, the local jurisdiction imposing the local charge shall notify the Board in writing of the upcoming change, not less than 110 days prior to the date the local charge is scheduled to expire or decrease. The change shall become operative on the first day of the calendar quarter commencing after the specified date of expiration or decrease in rate.

If advance written notice is provided less than 110 days prior to the specified date of expiration or decrease in rate, the change shall become operative on the first day of the calendar quarter commencing more than 60 days after the specified date of expiration or decrease.

5. Inaccurate Rate Posted on the Board's Web site. When a local jurisdiction notifies the Board in writing that the rate posted on the Board's Internet Web site (posted rate) for a local charge imposed by that local jurisdiction is inaccurate, including scenarios where the local charge was reduced or eliminated and the local jurisdiction failed to provide advance written notice pursuant to paragraph 4 of this subdivision, the recalculated rate applicable to the local jurisdiction shall become operative on the first day of the calendar quarter commencing more than 60 days from the date the Board receives the local jurisdiction's written notification that the posted rate is inaccurate. The local jurisdiction shall promptly notify the Board in writing of any such discrepancies with the posted rate that are known or discovered by the local jurisdiction.

ARTICLE V COMPENSATION

The local jurisdiction agrees to pay the Board its pro rata share of the Board's cost of collection and administration of the local charges, as established pursuant to section 42020, subdivision (e). Such amounts shall be deducted from the local charges collected by the Board for the local jurisdiction.

ARTICLE VI MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first-class United States Mail. A notification is complete when deposited in the mail. Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0001

Attention: Supervisor,
Local Revenue Allocation Unit

Communications and notices to be sent to the local jurisdiction shall be addressed to:

City of Firebaugh
1133 P Street
Firebaugh, CA 93622

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on the first day of the calendar quarter next succeeding the date of such approval, but in no case before the operative date of the local jurisdiction's ordinance, nor on a day other than the first day of a calendar quarter. This Agreement shall be renewed automatically from year to year until January 1, 2020, when the Local Charge Act is repealed, unless a statute enacted prior to that date extends that date. In such event, this Agreement will continue to renew automatically from year to year to the date authorized by statute.

STATE BOARD OF EQUALIZATION

By _____
Administrator,
Return Analysis and Allocation Section

LOCAL
JURISDICTION _____ City of Firebaugh

By _____
(Signature on this line)

Kenneth McDonald

(Type name here)

City Manager

(Type title here)



FIREBAUGH POLICE DEPARTMENT

Memo

To: Honorable Councilmembers
From: Salvador Raygoza, Chief of Police
Date: 09-14-2015
Re: My Job Depends on Ag

I am requesting approval to adhere a *MY JOB DEPENDS ON AG* decal on all police units.

In May of this year, Erik Wilson, Steve Malanca, and Bianca Echeveste started a Facebook page called *MY JOB DEPENDS ON AG*. The page was to help promote awareness for change in water rights, laws, distributions, conservation, and overall educate those whose lives depend on water and food; and to show the state what the real impact of Ag has on the economy. The Facebook page has become very popular and has a following of over 43,000 members; many of the members are those who reside within or in the outskirts of the City of Firebaugh and all of which have shared their agricultural experiences.

Recently, the Fresno City Council recognized, *MY JOB DEPENDS ON AG* by proclaiming June 26, 2015 as *My Job Depends on Ag* day; and both Erik and Steve were present with an award.

My goal is to also show awareness and to show support for the campaign. Our City is surrounded by businesses which depend on Ag; whether it's large farming equipment, irrigation, or for parts. When local business suffer, the City is also impacted.

Therefore, I am requesting authorization to place a "**MY JOB DEPENDS ON AG**" decal sticker on all patrol vehicles to show support for Ag. The decals would be placed on the rear left side of the bumper or on the left side of the rear window.

MY JOB DEPENDS ON AG is an awareness campaign and if at any point the campaign becomes a political movement, all decals will be removed.

Your consideration would be greatly appreciated.



STAFF REPORT

TO: Honorable Mayor and Council Members
FROM: Kenneth McDonald, City Manager
DATE: September 21, 2015
SUBJECT: Recognized Obligation Payment Schedule 15-16B

RECOMMENDATION:

Adopt a resolution of the Successor Agency to the Firebaugh Redevelopment Agency approving the Recognized Obligation Payment Schedule 2015-16B (ROPS) for the January 1, 2016 through June 30, 2016 period.

HISTORY:

On December 29, 2011, the California Supreme Court issued its decision in *CRA v. Matosantos*, upholding AB 1X 26, which dissolves all redevelopment agencies in California, and overturning AB 1X 27, the "voluntary alternative redevelopment program." With the voluntary redevelopment program provided for in AB 1X 27 having been ruled unconstitutional by the Court, all California redevelopment agencies were dissolved on February 1, 2012. As of February 1, 2012, redevelopment agencies throughout the State ceased to exist. Successor Agencies are responsible for winding down the affairs of their respective now-dissolved redevelopment agencies. The City is acting as the Successor Agency to manage and curtail the operation of the dissolved Firebaugh Redevelopment Agency.

DISCUSSION:

Health and Safety Code Section (HSC) 34177(l) requires the Successor Agency to prepare a ROPS showing all the obligations of the former Redevelopment Agency and the sources of funds for the repayments. According to Health and Safety Code Section 34177(m), the seventh ROPS covering the period January 1, 2016 through June 30, 2016 must be approved by the Oversight Board and sent to the Department of Finance (DOF) and County Auditor-Controller by October 5, 2015, which is 90 days before the date of property tax distribution.

The Successor Agency is requesting a total of \$313,224 in Redevelopment Property Tax Trust Fund (RPTTF) money to fund ROPS obligations. The obligations listed on the ROPS include funding for:

- 2014 Refunding Bond Debt Service
- Bond Disclosure Fees
- Successor Agency Employee Costs (Administrative costs detailed in the 2015-16 Administrative Budget approved in February 2015)
- Property Disposition Costs

FISCAL IMPACT:

Adoption and transmittal of the ROPS is necessary to receive money from the Redevelopment Property Tax Trust Fund to fund the Successor Agency's financial obligations from January 1, 2016 through June 30, 2016.

RESOLUTION NO. 15-37

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FIREBAUGH REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JANUARAY THROUGH JUNE 2016 AND AUTHORIZING ITS TRANSMITTAL

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 six-month period for consideration by a local oversight board and California 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 local 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 proposed ROPS for the six-month period from January 1, 2016 through June 30, 2016 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, the Successor Agency desires to approve the ROPS 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. The Successor Agency hereby approves and adopts the ROPS covering the period January 1, 2016 through June 30, 2016, 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 on the City's website and transmit a copy of the ROPS 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 21st day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

APPROVED:

CRAIG KNIGHT, MAYOR

ATTEST:

RITA LOZANO, DEPUTY CITY CLERK

APPROVED AS TO FORM:

DALE BACIGALUPI
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 21st day of September, 2015.

Rita Lozano
Deputy City Clerk

EXHIBIT A

RECOGNIZED OBLIGATION PAYMENT SCHEDULE

15-16B

January through June 2016

Recognized Obligation Payment Schedule (ROPS 15-16B) - Summary

Filed for the January 1, 2016 through June 30, 2016 Period

Name of Successor Agency: Firebaugh
Name of County: Fresno

Current Period Requested Funding for Outstanding Debt or Obligation			Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding			
A	Sources (B+C+D):		\$ 484,151
B	Bond Proceeds Funding (ROPS Detail)		484,151
C	Reserve Balance Funding (ROPS Detail)		-
D	Other Funding (ROPS Detail)		-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 313,224
F	Non-Administrative Costs (ROPS Detail)		188,224
G	Administrative Costs (ROPS Detail)		125,000
H	Total Current Period Enforceable Obligations (A+E):		\$ 797,375

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding			
I	Enforceable Obligations funded with RPTTF (E):		313,224
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)		(56,295)
K	Adjusted Current Period RPTTF Requested Funding (I-J)		\$ 256,929

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding			
L	Enforceable Obligations funded with RPTTF (E):		313,224
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)		-
N	Adjusted Current Period RPTTF Requested Funding (L-M)		313,224

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) 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 agency.

/s/ _____
Name Title
Signature Date

Firebaugh Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail
January 1, 2016 through June 30, 2016
(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Funding Source					Six-Month Total
											Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)					
											Reserve Balance	Other Funds		Non-Admin	Admin	
17	Successor Agency Administrative Property Disposition Costs	Admin Costs Property Dispositions	2/1/2012 1/1/2015	6/1/2035 6/30/2015	Employees of Successor Various Vendors	Detailed in Successor Agency Funding for costs associated with disposing of all former RDA properties held by the Successor Agency including completing the Long Range Property Management Plan	Firebaugh Project Area, Firebaugh 86 Annex, Storey Avenue Project, Del Rio	\$ 11,378,136 5,000,000 30,000	N N	\$ 484,151	\$ -	\$ -	\$ 168,224	\$ 125,000 125,000	\$ 797,375 125,000 30,000	
19	Infrastructure Improvement Projects	Improvement/Infrastr ucture	1/1/2014	6/30/2014	Various Vendors	Infrastructure improvement projects to be funded with existing bond proceeds	Firebaugh Project Area, Firebaugh 86 Annex, Storey Avenue Project, Del Rio	484,151	N	484,151					\$ 484,151	
22	2014 Refunding Bonds Series A	Refunding Bonds Issued After 6/27/12	5/30/2014	12/1/2035	Western Alliance Bank	Refunding of 2005 TABs	Firebaugh Project Area, Firebaugh 86 Annex, Storey Avenue Project, Del Rio	3,415,022	N				78,402		\$ 78,402	
23	2014 Refunding Bonds Series B	Refunding Bonds Issued After 6/27/12	5/30/2014	12/1/2035	Western Alliance Bank	Refunding of 2005 TABs	Firebaugh Project Area, Firebaugh 86 Annex, Storey Avenue Project, Del Rio	2,401,463	N				77,322		\$ 77,322	
24	Continuing Disclosure Services	Professional Services	6/16/2014	12/1/2035	A.M. Peché & Associates LLC	Continuing disclosure services associated with the 2014 refunding bonds	Firebaugh Project Area, Firebaugh 86 Annex, Storey Avenue Project, Del Rio	47,500	N				2,500		\$ 2,500	
25	Land Acquisition	Bonds Issued On or Before 12/31/10	3/15/2011	6/30/2015	Various Property Owners	Refinancing of properties purchased with bond proceeds in 2011	Firebaugh Project Area, Firebaugh 86 Annex, Storey Avenue Project, Del Rio	-	Y						\$ -	

Firebaugh Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (i), 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 [INSERT URL LINK TO CASH BALANCE TIPS SHEET]																										
A	B	C	D	E	F	G	H	I																		
		<table border="1"> <thead> <tr> <th colspan="4">Fund Sources</th> </tr> <tr> <th colspan="2">Bond Proceeds</th> <th colspan="2">Reserve Balance</th> <th>Other</th> <th>RPTTF</th> </tr> <tr> <th>Bonds Issued on or before 12/31/10</th> <th>Bonds Issued on or after 01/01/11</th> <th>Prior ROPS period balances and DDR RPTTF balances retained</th> <th>Prior ROPS RPTTF distributed as reserve for future period(s)</th> <th>Rent, Grants, Interest, Etc.</th> <th>Non-Admin and Admin</th> </tr> </thead> </table>							Fund Sources				Bond Proceeds		Reserve Balance		Other	RPTTF	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin		
Fund Sources																										
Bond Proceeds		Reserve Balance		Other	RPTTF																					
Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin																					
Cash Balance Information by ROPS Period																										
ROPS 14-16B Actuals (01/01/15 - 06/30/16)																										
1	Beginning Available Cash Balance (Actual 01/01/15)	666,322						222,351																		
2	Revenue/Income (Actual 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015					7,403		272,151	Other income includes \$203 in interest income and \$7200 in rental income																	
3	Expenditures for ROPS 14-15B Enforceable Obligations (Actual 06/30/15) RPTTF amounts H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	182,171				7,403		256,929																		
4	Retention of Available Cash Balance (Actual 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)																									
5	ROPS 14-15B RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15B PPA in the Report of PPA, Column S	No entry required							56,295																	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 484,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 181,278																		
ROPS 15-16A Estimate (07/01/15 - 12/31/16)																										
7	Beginning Available Cash Balance (Actual 07/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 484,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 237,673																		
8	Revenue/Income (Estimate 12/31/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during June 2015							146,947																		
9	Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 12/31/15)							328,225																		
10	Retention of Available Cash Balance (Estimate 12/31/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)																									
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 484,151	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 56,295																		

Firebaugh Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Prior Period Adjustments

[illegible]



STAFF REPORT

TO: Honorable Mayor and Council Members
FROM: Kenneth McDonald, City Manager
DATE: September 21, 2015
SUBJECT: Monthly Staff Report

The City is hosting On September 23rd 2015, the Preseason Flood Coordination Meeting for Fresno and Surrounding Counties. This will give us a chance to talk about Firebaugh and plan for flood coordination efforts before it is needed with all the agencies and surrounding parties effected during a flood.

The Housing Authority has submitted the building plans for review in order for them to obtain bids for construction prior to their commencement of construction and actual ownership transfer that was approved in the Purchase and Sale Agreement. The project is anticipated to start before December 10, 2015 to begin construction as per their terms for tax credits.

Also at the meeting I will give council an update regarding the International Council of Shopping Centers (ICSC) Western Conference & Deal Making from that I attended last week.

The Public Works crew has installed new solar powered flashing warning lights to warn drivers of the reduced speed on 12th Street/Nees from the West and 13th Street/Avenue 7 ½ from the East. These items were donated from TomaTek to ensure that their drivers are aware of and adhere to the speed limits once in the City. These items costs \$3,661.20 and are highly visible both day and night.

An analysis and evaluation of the City's overall power needs and availability for solar power savings is being conducted by Terra Verde. This is the same organization that worked with our local school district to save money in electricity expense. We are expecting to bring back for Council review in October.

The last Jaripeo of the season has requested a date change from 9/20 to 10/11, this change was approved and the Rodeo Grounds Committee can plan to meet in October/November to discuss the past season and present findings to Council afterwards.

The grant application submitted to the California Department of Housing and Community Development (HCD) has been approved for the full two million dollars. This includes code enforcement and a major rehabilitation of the Senior Center and \$1.1 million dollars in Sewer/Water improvements. Our next step will be to create a Request for Proposal (RFP) to select a grant administrator to assist the city. We are currently under contract with Adams Ashby Group for our 2012 grant but HCD requires a separate procurement for each new grant award.

Attached you will find an email request from Mi Familia Vota for Council to consider and pass a resolution in support of President Obama's action on immigration, such as DACA, DAPA and unaccompanied minors. The resolution also seeks to establish links in the City with non-profits providing immigration services and encouraging local service providers to include immigration services. The action requested by Mi Familia Vota does not directly relate to the business of the City; rather Mi Familia Vota is addressing Federal law and immigration issues. As such, I did not feel it was appropriate as the City Manager to place this requested resolution on the agenda. However, I did feel that it should be brought to Council's attention and I seek guidance from Council on whether you would like to place Mi Familia Vota's proposed resolution on the agenda for the next council meeting on October 5, 2015, for consideration and possible action.

Kenneth McDonald

From: Zuleth Lucero <zlucero@mail.fresnostate.edu>
Sent: Tuesday, September 1, 2015 9:15 AM
To: Kenneth McDonald
Cc: Samuel Molina
Subject: Deferred Action for Childhood Arrival's Resolution
Attachments: DOC062215-001 (1) (1).pdf; Immigration Services for Farmersville Residents (Resolution) (1).docx; Mendota's Resolution.pdf

Hello Mr. McDonald,

Mi Familia Vota (My Family Votes) is a national non-profit, non-partisan organization that unites Latino, Immigrant, and allied communities to promote social and economic justice through increased civic participation by promoting citizenship, and voter participation. We are also bringing awareness to *notario* fraud by providing free information to those who benefit from the president's executive action (Deferred Action for Childhood Arrivals) and potential Deferred Action for Parental Arrival applicants through appropriate partners. We have worked with community organizations to ensure proper information is disseminated to the community in regards to immigration reform.

Unfortunately, in the central valley there are many notaries and lawyers taking advantage of people charging those who want to apply for immigration services thousands of dollars for a simple application. All of our volunteers that assist with the paper work are well trained and always perform under the supervision of attorneys who are volunteers as well. We hope we can bring our services to your community to make sure people have the right help and to alleviate their concerns with immigration services.

I am the Deferred Action Organizer, and I work with the community by providing information about DACA. After extensive research we discovered that 39,000 people from Fresno County are eligible for both DACA and DAPA. Hence, we go to communities of Fresno County in order to bring awareness about DACA and DAPA, this is why we want to pass a resolution in Firebaugh that will help to bring awareness to the citizens of the community.

We recently passed a resolution in Huron, Farmersville, and Mendota CA, and several families attended the meeting looking for more information about DACA, soon we will be working with these three communities. We have had several residents from Firebaugh attend our citizenship workshops which is why we feel it is necessary to work with your community.

I attached examples of the resolutions we have pass.

Thank you. and I hope to hear from you soon.

Sincerely,
Zuleth F. Lucero
Deferred Action Organizer
Mi Familia Vota



FIREBAUGH POLICE DEPARTMENT

2015 Monthly Stats

	January	February	March	April	May	June	July	August	September	October	November	December	2015 totals
Murder	0	0	0	0	0	0	0	0					0
Sex Offense	1	1	1	0	0	1	1	1					6
Robbery	0	0	1	0	0	1	0	0					2
Felony Assault	1	0	1	0	0	0	1	2					5
Misdemeanor Assault	2	0	1	2	0	0	1	2					8
Felony Domestic	3	0	2	1	1	1	1	1					10
Misdemeanor Domestic	2	2	1	3	1	3	1	1					14
Residential Burglary	1	1	2	1	0	0	1	3					9
Commercial Burglary	2	0	0	1	0	1	0	1					5
Stolen Vehicles	0	1	0	1	3	1	1	2					9
Grand Theft	1	1	1	1	0	0	0	0					4
Petty Theft	1	3	2	3	4	3	4	1					21
Vehicle Burglary	2	3	1	1	2	1	1	0					11
ID Theft/Fraud	4	1	2	0	2	0	1	1					11
Embezzlement	0	0	0	1	0	0	0	0					1
Arson	0	0	0	0	0	0	0	0					0
Vandalism	3	5	4	5	1	1	5	7					31
Threats Cases	1	1	1	1	2	1	2	4					13
Hate Crimes	0	0	0	0	0	0	0	0					0
Gang Cases	0	0	0	0	0	0	0	0					0
Traffic Accidents	3	1	7	3	3	0	2	3					22
DUI Arrests	7	5	7	7	3	9	8	5					51
Narcotic Cases	4	3	4	2	6	7	9	4					39
Warrant Arrests	11	3	5	7	10	11	9	13					69
Drunk In Public	0	3	1	1	1	5	2	3					16
Mental Health Reports	1	1	2	2	4	1	1	1					13
Runaway/Missing	1	1	1	1	0	1	2	0					7
TOTALS	42	36	47	44	43	48	53	55	0	0	0	0	377

FIREBAUGH PD AUGUST 2015 MONTHLY CALLS FOR SERVICE REPORT

1

Calls for Service	% of Total	Count
Priority 1	4.6	39
Priority 2	60.7	511
Priority 3	34.7	292
Total	100	842

Average Calls per Day	27.2
------------------------------	-------------

Average	Queue Time	Response Time
Priority 1	2.3 minutes	4.4 minutes
Priority 2	1.9 minutes	2.0 minutes
Priority 3	6.7 minutes	8.5 minutes

Average Minutes per Call	36.9
Total Consumed hours	1,449.6

All Call Types	% of Total	Count
Public Initiated	33.5	282
Officer Initiated	64.7	545
Directed Patrol	0	0
Administrative	1.8	15
Total	100	842

Average Calls per Day	% of Avg	Average Calls
Sunday	101.5	27.6
Monday	92.6	25.2
Tuesday	66.2	18
Wednesday	96.7	26.3
Thursday	114	31
Friday	99.3	27
Saturday	111	30.2

Consumed Time	Time
Public Initiated	699.0 hours
Officer Initiated	691.9 hours
Directed Patrol	0.0 hours
Administrative	58.8 hours
Total Consumed hours	1,449.6 hours



FIREBAUGH POLICE DEPARTMENT

Memo

To: Honorable Mayor Craig Knight and Council Members
From: Salvador Raygoza, Police Chief
cc: Kenneth McDonald, City Manager
Date: 09/15/2015
Re: Staff Report

MONTHLY CRIME ANALYSIS:

During the month of August 2015, the crime rate rose slightly compared to past months. The increase was in property crimes and felony assaults. The increase is very slight and it's common to see such an increase during the summer months. (See attached stats sheet)

A total of 97 reports were pulled by officers during the month, which can be classified as crime or incident reports, and traffic accidents. The majority of reports taken were non-criminal and classified as incident reports. Officers issued 156 traffic citations and only had 3 traffic accidents within the city limits.

I have attached a monthly report of calls for service for the month coming into our dispatch center. The calls for service are generated by citizens calling dispatch or officers doing self-initiated activity. (See attached stats for calls for service)

These stats are based on the City of Firebaugh and do not reflect any information pertaining to the City of Mendota or its police department.

SIGNIFICANT CASES:

On Sunday 08/02/15 at approx. 10:00 PM, officers were involved in a short pursuit on Hwy 33 near Toma-Tek, with a BMW and a Chevy Camaro. Both vehicle were traveling s/b Hwy 33 and drag racing. The Camaro attempted to evade the officer and tried to make a hard turn on Bullard. The driver then lost control while going over the railroad tracks and crashed. The driver exited the vehicle and ran from the officers. A perimeter was set up, but officers were unable to locate the driver. The BMW was subsequently located within the City of Mendota. The driver was arrested by Mendota PD on suspicion of DUI.

Officers also investigated two residential burglaries. One was reported at 1544 N Street and the other was in the 9800 block of Dos Palos Road. Through investigation, the officer was able to identify and arrest the suspects in both cases. Officers also investigated a commercial burglary at Family Dollar, where the suspect was also identified and arrested.

The Jaripeo, on August 15, 2015, drew a very large crowd; with estimation of over 1,500 people attending. Towards the end of the event, officers assigned encountered a large disturbance involving attendees from the Salinas area and band members. Band members requested the individuals to be removed from the area; however, in doing so, officers were met with resistance. A physical altercation ensued between the officers and the subjects causing, which subsequently lead to two subjects being shot with the Taser. Officers working patrol and Mendota officers were called to assist.

I am continuing to look further into the incident and also looking into ways to prevent future incidents.

With Law Enforcement receiving bad publicity in the news and social media, I have noticed an increase in citizens disobeying officers and disrespecting them verbally or physically, during arrests. There has been an increase in officers using physical force for arrests. I am keeping a close eye on all cases involving physical force, either by the suspect or officer.

I have assigned an officer to evaluate a body camera. I am hoping to have every officer equipped with body cameras within the next year.

PERSONNEL:

The department's personnel strength stands at 21, including 11 sworn officers, 4 full time dispatchers, 4 reserve officers and 3 part-time dispatchers.

I have two college interns that I have interviewed and accepted; one is an intern from West Hills College and the other from Fresno State. Both are majoring in criminology and must complete 120 hours of volunteer work.

Recruitment for reserve officer positions are still open. It has been difficult to recruit potential applicants all police departments are currently hiring for full time officers.

Aug-15

CITY OF FIREBAUGH

EMS	36
MOTOR VEHICLE ACCIDENT	5
COMMERCIAL STRUCTURE FIRE	1
COMMERCIAL VEHICLE FIRE	1
VEGETATION FIRE	3
NATURAL GAS LEAK	1
PUBLIC EVENT MEDICAL STAND BY	3

FRESNO COUNTY FIRE PROTECTION DISTRICT

EMS	2
MOTOR VEHICLE ACCIDENT	4
VEGETATION FIRE	1
DEBRIS FIRE	1
ELECTRICAL HAZARD	1

MADERA COUNTY FIRE DEPARTMENT

EMS	2
MOTOR VEHICLE ACCIDENT	5
STRUCTURE FIRE	1
HAZARDOUS CONDITION	1
TOTAL INCIDENTS FOR AUGUST	68