

# MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 21/01-04

Date/Time: January 4, 2021/6:00 p.m.

**\*SPECIAL NOTICE DUE TO COVID-19 MEETING WILL BE HELD VIA TELECONFERENCE ONLY – THE MEETING WILL NOT BE OPEN TO THE PUBLIC**

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

*Members of the public who wish to address the Council may do so by submitting a written comments to the Deputy Clerk via email [deputyclerk@ci.firebaugh.ca.us](mailto:deputyclerk@ci.firebaugh.ca.us) Please provide: Council Meeting Date, Item Number your comment are pertaining to, Name, Email and comment, no later than 3:00 PM the day of the meeting.*

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

## Join Zoom Meeting

<https://us02web.zoom.us/j/82835762554?pwd=UkNTVUEvV0UwOVdrLlNVMGpzUmZCdz09>

Meeting ID: 828 3576 2554

Passcode: 011604

Phone: 1-669-900-9128

## CALL TO ORDER

### ROLL CALL

Mayor Freddy Valdez  
Mayor Pro Tem Brady Jenkins  
Council Member Felipe Pérez  
Council Member Marcia Sablan  
Council Member Elsa Lopez

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

## APPROVAL OF THE AGENDA

## PUBLIC COMMENT

## PRESENTATION

## 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 regular meeting on December 21, 2020.**
- 2. RESOLUTION NO. 21-01 - A RESOLUTION APPROVING AN INCREASE IN FUNDING AND THE EXECUTION OF GRANT CONTRACTS/AMENDMENTS THERETO FOR THE 20-CDBG-12000 STATE CONTRACT FOR FUNDING YEAR 2019-2020 OF THE STATE CDBG PROGRAM.**

## **PUBLIC HEARING**

*None*

## **NEW BUSINESS**

3. **RESOLUTION NO. 21-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TRACT 6252 INTO THE CITY OF FIREBAUGH LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1, STATING ITS INTENTION FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN SAID ANNEXATION, AND ORDERING THE PREPARATION AND FILING OF AN ENGINEER'S REPORT IN CONNECTION THEREWITH.**

**Recommended Action:** Council receives public comment & approves Res. No. 21-02.

## **STAFF REPORTS**

## **CLOSED SESSION**

## **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, December 31, 2020 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

# MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh  
Vol. No. 20/12-21

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

City Council Meeting held via teleconferencing

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

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** December 21, 2020/6:00 p.m.

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

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

**ABSENT:**

**OTHERS:** City Attorney Jim Sanchez; City Manager/Acting Public Works Director, Ben Gallegos; Deputy Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; City Engineer, Mario Gouveia, Paul Ashby & Don Carr.

**PLEDGE OF ALLEGIANCE** Council Member Jenkins led pledge of Allegiance.

## APPROVAL OF THE AGENDA

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

**PUBLIC COMMENT** None

## PRESENTATION

1. **RESOLUTION NO. 20-57 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CANVASSING AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020.**

*Motion to accept Res. No. 20-57 by Council Member Valdez, second by Council Member Perez, motion passed by 5-0 vote.*

## REORGANIZATION

2. **REORGANIZATION OF CITY COUNCIL.**

- A. Mayor Lopez to Mayor Valdez
- B. Mayor Pro Tem Valdez to Mayor Pro Tem Jenkins

## CONSENT CALENDAR

3. **APPROVAL OF MINUTES – The City Council regular meeting on December 7, 2020.**
4. **WARRANT REGISTER – Period starting November 1, and ending on November 30, 2020.**

November 2020	General Warrants	#40402 - #40507	\$ 914,678.28
	Payroll Warrants	#71391 - #71411	\$ 128,733.08
	<b>TOTAL</b>		<b>\$ 1,043,411.36</b>

5. CITY OF FIREBAUGH 2021 HOLIDAY SCHEDULE.
6. CITY OF FIREBAUGH 2021 COUNCIL MEETING SCHEDULE.

*Motion to accept Consent Calendar with Council Meetings that are scheduled on Holidays to be rescheduled for the following Tuesday if meeting is required by Council Member Sablan, second by Council Member Perez, motion passed by 5-0 vote.*

#### PUBLIC HEARING

7. RESOLUTION NO. 20-58 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH - ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE FIREBAUGH FLOOD RISK REDUCTION FEASIBILITY STUDY.

*Motion to accept Res. No. 20-58 by Council Member Jenkins, second by Council Member Perez, motion passed by 5-0 vote.*

#### NEW BUSINESS

8. RESOLUTION NO. 20 – 59 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN ASSIGNMENT OF RIGHTS AND OBLIGATIONS AND AMENDMENT TO THE FIREBAUGH REDEVELOPMENT AGENCY OWNER PARTICIPATION DEVELOPMENT AGREEMENT WITH HABITAT FOR HUMANITY GREATER FRESNO AREA FOR CALIFORNIA COMMUNITY BUILDERS, INC. (“MILLER & LUX PROJECT”).

*Motion to accept Res. No. 20-59 by Council Member Sablan, second by Council Member Jenkins, motion passed by 5-0 vote.*

9. RESOLUTION NO. 20-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH'S APPOINTMENT OF CITY MEMBERS TO THE SPECIAL CITY SELECTION COMMITTEE OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD.

*Motion to accept Res. No. 20-60 by Council Member Sablan, second by Council Member Perez, motion passed by 5-0 vote.*

10. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPOINT CITY MEMBERS TO THE FRESNO COG – SIXTH CYCLE HOUSING NEEDS ALLOCATION (RHNA) PLAN SUBCOMMITTEE.

*Mayor Valdez volunteered to serve on the committee, with City Manager Gallegos as the Alternate; motion passed by 5-0 vote.*

#### STAFF REPORTS

- City Attorney James Sanchez – Nothing to report.
- Finance Director, Pio Martin – Working with the Auditors.
- City Engineer, Mario Gouveia – there is construction going on the sewer project, crossing at the bridge is complete.
- Fire Chief, John Borboa – Negotiated with Madera County for an increase for Mutual Aid services, & it was approved with a copy filed with the City, effective at midnight Ambulances can refuse to transport people to the hospital, there isn't enough ambulances to serve everyone during this time.
- Police Chief, Sal Raygoza – toy drive was held today, we ran out of toys, food, & jackets.
- Deputy City Clerk, Rita Lozano – Nothing to report.

- **City Manager, Ben Gallegos** – It was a great event, the public was happy & we received a lot of compliments, our holiday raffle was a success, it was great to see the kids so happy to win, thanked Freddy & Brady for their help, residents were very grateful. We held open bids for the fire station project, which was a little over budget by half a million, so we are working with CDBG to seek additional funding. The issue is the price of materials that have increase during this pandemic. There is a new charging station at the Senior Center, & we're trying to get a new one at a park for public use. Working with Del Rio residents that were issued Code Enforcement violations, their fees have been reduced about 90% to 95% for the ones that have complied or corrected their violation. There is a new program that offers insurance for home repairs at a price of about \$1.50 a month, if Council is interested in providing to the public. Working with Mike Zavala of COG, on what we want to apply for, so we need to a project we would like to pursue. We had 19 businesses received \$5,000 grant from the County CAREs Act Funding grant.
- **Council Member Lopez** – wanted to inform that Dorice Fannon who served as our City Clerk for several years passed away a few week back, Thank you, to the staff for all they have been doing for this community, they are much appreciated for their hard work.
- **Council Member Perez** – Nothing to report.
- **Council Member Sablan** – Congratulated the re-elected Council Members, & thanked all of the Department for their help with COVID-19.
- **Council Member Jenkins** – Glad to be re-elected for another four years, the City is looking great & thanked all of the staff.
- **Council Member Valdez** – Thanked Police, Fire & Cadet Departments for reaching to the community & educating them about all the different services and things we offer. Met with Steve Hair, house prices are going up, so we scheduled a meeting with Assemblymen Arambula, we have to try to find a way to make purchasing a home affordable for more community.

#### **PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**

#### **CLOSED SESSION**

#### **ANNOUNCEMENT AFTER CLOSED SESSION**

#### **ADJOURNMENT**

*Motion to adjourn by Council Member Lopez, second by Council Member Perez; motion passed by 5-0 vote at 6:48 p.m.*

## RESOLUTION NO. 21-01

### **A RESOLUTION APPROVING AN INCREASE IN FUNDING AND THE EXECUTION OF GRANT CONTRACTS/AMENDMENTS THERETO FOR THE 20-CDBG-12000 STATE CONTRACT FOR FUNDING YEAR 2019-2020 OF THE STATE CDBG PROGRAM**

**Whereas,** the City submitted an application for funding to the Department of Housing and Community Development CDBG program under the 2019/2020 Notice of Funding Availability for a new Fire Station; and

**Whereas,** the City was awarded funding in the amount of \$3,500,000 and issued a grant contract, 20-CDBG-12000, by the Department of Housing and Community Development CDBG Program; and

**Whereas,** the costs proposals received to complete the project exceeded the grant funds awarded for the project and additional CDBG funds are required.

**BE IT RESOLVED** by the City Council of the City of Firebaugh as follows:

#### **SECTION 1:**

The City Council has reviewed and hereby approves the increase of funding for the Fire Station project from CDBG for up to \$600,000. The amount will be added to the 20-CDBG-12000 contract as follows:

*Public Facility project - Fire Station Construction*

*Up to \$4,100,000*

#### **Section 2:**

The City hereby authorizes and directs the City Manager or designee, to sign this request and act on the City's behalf in all matters pertaining to this funding request.

#### **SECTION 3:**

If the request is approved, the City Manager, or designee, is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

#### **SECTION 4:**

If the application is approved, the City Manager, or designee, is authorized to sign Funds Requests and other required reporting forms.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Firebaugh held on January 4, 2020 by the following vote:

<b>AYES:</b>	<b>Council Member(s)</b>
<b>NOES:</b>	<b>Council Member(s)</b>
<b>ABSENT:</b>	<b>Council Member(s)</b>
<b>ABSTAIN:</b>	<b>Council Member(s)</b>

**APPROVED:**

**ATTEST:**

---

Freddy Valdez, Mayor

---

Rita Lozano, Deputy City Clerk

**STATE OF CALIFORNIA**  
City of Firebaugh

I, Rita Lozano, Deputy City Clerk of the City of Firebaugh, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council/Board of Supervisors on this 4<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk of the City of Firebaugh, State of California

By: \_\_\_\_\_  
Rita Lozano, Deputy City Clerk

## STAFF REPORT

---

**TO:** Firebaugh City Council

**FROM:** Ben Gallegos, City Manager

**DATE:** January 4, 2021

**SUBJECT:** Proceedings under the Landscaping and Lighting Act of 1972 and the California Streets and Highways Code 22500, for the approval to annex Tract No. 6252 into the City of Firebaugh Landscaping and Lighting Maintenance District No. 1, declaring the City's intention to levy and collect assessments for Fiscal Year 2021/2022, approval of the Engineer's Report and setting a time and place for a public hearing.

---

### **BACKGROUND & DISCUSSION**

The City of Firebaugh established the Landscaping and Lighting Maintenance District No. 1 (District) on October 1, 1990. Subsequently, the City has ordered the annexation of numerous subdivisions and parcels into the District with the latest occurring on December, 2020. The City historically has levied assessments for the maintenance, improvements and incidental costs for street lighting, storm drainage, landscaping, flood control, and block walls within the District. The City Council has directed that these improvements facilitate development, utility and economic viability for developed lots within the City of Firebaugh and therefore benefit from these improvements. The City Council has also directed that any new assessments be subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay area as of December of each succeeding year (the "CPI"), with a maximum annual CPI adjustment not to exceed 3%.

This resolution initiates proceedings, declares the City's intention to levy assessments and approves the Engineer's Report for the annexation of Tract 6252, for the Del Rio Estates Subdivision into the City of Firebaugh Landscaping and Lighting Maintenance District No. 1.

Del Rio Estates is an approved subdivision with a total of 34 single and multi-family residential lots located at the intersection of State Route 33 and Lyons Avenue. The subdivision was approved for construction and recorded as 33 single-family residential lots and one multi-family outlot. The multi-family parcel consists of a 56-unit apartment complex. As a condition of approval, decorative street lights, decorative block wall, storm basin improvements, and a pocket park are required, and the developers/owners are required to establish an assessment district for this development to fund the annual maintenance and as needed replacement for these improvements.

According to the Landscaping and Lighting Act of 1972, the City may establish an assessment district to provide for the continued maintenance, operation, and servicing of the required and eligible subdivision improvements. The addition of the Del Rio Estates pocket park, street lighting, storm drainage, and block wall improvements into the District will provide for the continued maintenance of these improvements after the developer installs them and the City accepts them for maintenance.

Proposition 218, the Right to Vote on Taxes Act, requires that a notice of the proposed assessment and ballot be mailed to the record owner of each parcel on which an assessment is imposed. Additionally, the Act requires that the City conduct a public hearing no sooner than 45 days from the owner's receipt of the ballot notice after the approval of the Resolution of Intention.



The City has prepared a resolution initiating proceedings to approve the annexation into the District and to levy and collect assessments to fund the maintenance and as needed replacement of landscaping, street lighting, storm drainage and block wall improvements for the Del Rio Estates Subdivision. The Engineer's Report outlines both the annexation and the proposed annual assessments.

The attached resolution and Engineer's Report initiate the process for the annexation and sets a date for the public hearing. At the time of the public hearing, the ballots will be opened. If the majority vote is yes, the Engineer's Report and resolution to be heard at the public hearing will confirm and levy the assessments.

### **FISCAL IMPACT**

There is no fiscal impact to the City associated with this item.

### **RECOMMENDATION**

Adopt Resolution No. 21-02, a resolution of the City Council of the City of Firebaugh, initiating proceedings for the annexation of Tract 6252 into the City of Firebaugh Landscaping and Lighting Maintenance District No. 1, stating its intention to levy and collect annual assessments within said annexation, and ordering the preparation and filing of an Engineer's Report in connection therewith.

### **ATTACHMENTS**

1. Resolution No. 21-02
2. Engineer's Report

## **RESOLUTION NO. 21-02**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TRACT 6252 INTO THE CITY OF FIREBAUGH LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1, STATING ITS INTENTION FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN SAID ANNEXATION, AND ORDERING THE PREPARATION AND FILING OF AN ENGINEER'S REPORT IN CONNECTION THEREWITH**

**WHEREAS**, it is the intention of the City Council of the City of Firebaugh to order levy and collection of assessments for fiscal year 2021-2022 under the Landscaping and Lighting Act of 1972 (the "LLMD Act"), California Streets & Highways Code §§ 22500 *et seq.*, for Tract 6252 hereby annexed to and made part of the City of Firebaugh Landscaping and Lighting Maintenance District No. 1 (the "Annexation") in the City; and

**WHEREAS**, the Annexation is comprised of various lots constituting the real property to be benefited and to be assessed for the maintenance and operation of landscaping and lighting facilities of the Annexation; the territories are generally described in the legal description and map, attached hereto as Exhibit A and Exhibit B, respectively; and

**WHEREAS**, the City Council has approved a final map for Tract No. 6252, establishing a 34-lot subdivision of property; and

**WHEREAS**, as a condition of approval of Tract No. 6252, the City Council has required that all real property within such tracts shall be annexed to and incorporated into the District pursuant to the LLMD Act, and that the subdivider, Cen Cal Builders and Developers, Inc., aka Del Rio Estates (the "Subdivider"), shall pay all costs in connection with such annexation proceedings and shall execute and file all documents and otherwise cooperate with the City to complete such annexation proceedings and levy landscaping and lighting assessments on lots and properties within Tract No. 6252; and

**WHEREAS**, the City Council has received a written petition, consent and waiver dated December 16, 2020, from the Subdivider as the majority owner, at that time, of real property within Tract No. 6252, requesting that the City Council commence and complete such annexation proceedings and levy the assessments, and waiving, to the extent allowed by law, all notices, procedures and requirements, including resolutions, reports, notices, hearings and right of majority protest, otherwise required by applicable provisions of California Constitution Article XIID ("Proposition 218"), the Proposition 218 Omnibus Implementation Act (California Government Code Sections 53750-53753.5), and the LLMD Act, all as permitted by Section 22608 of the LLMD Act; and

**WHEREAS**, the City Council has determined that, notwithstanding such petition, consent and waiver or Section 22608 of the LLMD Act, it is in the best interests of the City and the public generally that the annexation proceedings and levy of assessments for Tract No. 6252 should be conducted in accordance with applicable requirements of Article XIID of the California Constitution and Sections 53750 through 53753.5 of the California Government Code, including the notice, protest and hearing requirements under Section 53753, and preparation of an engineer's report supporting the assessments to be levied as required by subsection 4.(b) of Article XIID; and

**WHEREAS**, the City Engineer has prepared and filed with the City Clerk a report entitled "Engineer's Report of the City of Firebaugh Landscape and Lighting Maintenance District No. 1, Annexation of Tract 6252," dated October, 2020 (the "Annexation Report"), to which reference is hereby made, which Annexation Report contains a description of the boundaries of the territory in Tract No. 6252 proposed to be annexed to the District in these proceedings, the improvements proposed for Tract No. 6252, and the general location and proposed assessments on the assessable lots and parcels of land within Tract No. 6252; and

**WHEREAS**, the City Engineer has previously prepared and filed with the City Clerk a report entitled "Engineer's Report of the City of Firebaugh Landscaping and Lighting Maintenance District No. 1, 2020-2021," dated June 15, 2020 (the "Annual Levy Report"), to which reference is hereby made, which Annual Levy Report contains a description of the existing improvements in the District, the boundaries of the District and any zones therein, and the general location and proposed assessments on the assessable lots and parcels of land within the District, for fiscal year 2020-2021; and

**WHEREAS**, the Annexation Report and the Annual Levy Report both are on file in the office of the City Clerk and are available for inspection during regular business hours;

**WHEREAS**, the City Engineer also has prepared and filed with the City Clerk an amended map of the boundaries of the District, incorporating Tract No. 6252 within such boundaries, as proposed in these proceedings; and

**WHEREAS**, the proceeds of the annual assessments to be levied on the parcels within the District, including Tract No. 6252, for fiscal year 2021-2022 and for each fiscal year thereafter will be used exclusively to finance the expenses for operation and maintenance of the improvements described in the engineer's report for that fiscal year, which operation and maintenance will provide direct special benefits to the various parcels assessed, over and above the benefits conferred on the public at large; and

**WHEREAS**, the Annexation Report proposes that the annual assessments to be levied on the lots and parcels within Tract No. 6252 after the initial fiscal year 2021-2022 will be subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay area as of December of each succeeding year (the "CPI"), with a maximum annual CPI adjustment not to exceed three percent, and with the calculation of such change in the CPI using December 2021 as the base year CPI; and

**WHEREAS**, the amount of the assessment to be levied on each lot or parcel in the District, including Tract No. 6252, for the 2021-2022 fiscal year, is proportional to and no greater than the special benefits conferred on such lot or parcel from operation and maintenance of the improvements described in the Annexation Report and the Annual Levy Report;

**THEREFORE**, the City Council of the City of Firebaugh resolves, finds and determines as follows:

1. The above recitations are true.
2. The Annexation Report of the City Engineer as filed with the City Clerk is approved.
3. The City Council declares its intention to annex to and make part of the District, all territory within Tract No. 6252, whose boundaries are set forth in the Annexation Report and the amended map of the boundaries of the District on file with the City Clerk. The amended map of the boundaries of the District, showing the proposed annexation of Tract No. 6252, is preliminarily approved.

4. The City Council further declares its intention to levy and collect assessments within Tract No. 6252, for fiscal year 2021-2022, as stated in the Annexation Report.

5. The City Council incorporates into this resolution by reference the general description of the existing improvements within the District and the improvements proposed for Tract No. 6252, all as detailed in the Annexation Report and the Annual Levy Report. No substantial changes are proposed to be made in the existing improvements.

6. Notice is hereby given that a public hearing on the annexation of Tract No. 6252 and the levy of the proposed assessments therein, for fiscal year 2021-2022 as described herein will be held before the City Council on Monday, March 1, 2021, at 6:00 p.m. or as soon thereafter as the matter may be heard, at the Council's regular meeting place, the Andrew Firebaugh Community Center, 1655 13<sup>th</sup> Street, Firebaugh, CA 93622. All interested persons may appear at the hearing and be heard on the questions of annexation of Tract No. 6252 to the District and the levy and collection of the proposed assessments therein, for fiscal year 2021-2022. The City Clerk is hereby authorized and directed to give notice of the public hearing in accordance with subdivision (a) of Section 22626 of the LLMD Act.

7. The City Clerk is further authorized and directed to prepare a notice of the date, time and location of the hearing on the proposed annexation of Tract No. 6252 to the District and the levy of the proposed assessments therein. The notice shall be mailed to the record owner(s), as shown in the last equalized assessment roll of the County, the State Board of Equalization assessment roll or as known to the City Clerk, of each lot or parcel in Tract No. 6252 identified in the Annexation Report as having special benefit conferred on it and on which an assessment is proposed to be imposed. The notice shall be given by mail at least 45 days before the hearing on the proposed annexation and assessments. Each notice shall include (i) the name and address of the City, (ii) the reason for the assessments, (iii) the total amount of the assessments chargeable to the Tract No. 6252 boundaries, (iv) the amount of assessment chargeable to the record owner's lot or parcel, (v) the duration of the payments, (vi) the basis on which the amount of the proposed assessments will be calculated for each fiscal year, including the proposal that after the initial fiscal year 2021-2022, the assessments will be subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay area, as described in the Annexation Report; (vii) in a conspicuous place, a summary of the procedures for completion, return and tabulation of assessment ballots, including a statement that the assessments shall not be imposed within Tract No. 6252 if the ballots submitted in opposition to the assessments exceed the ballots submitted in favor of the assessments, with ballots weighted according to the proportional financial obligation of the affected lots or parcels, and (viii) the name and telephone number of the person designated by the Council to answer inquiries regarding the protest and assessment ballot proceedings.

Each mailed notice also shall contain an assessment ballot that includes the City's address for receipt of the form and a place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the lot or parcel, and his or her support of or opposition to the proposed annexation of Tract No. 6252 and the proposed levy of assessments therein. Each assessment ballot shall be in a form that conceals its contents once it is sealed by the person submitting the assessment ballot. A separate envelope for sealing the assessment ballot and an envelope for the return of the sealed ballot shall be included with each notice. All assessment ballots shall be signed, sealed in the separate sealing envelope and returned by mail or otherwise delivered at the address indicated in the assessment ballot prior to the date and hour set for the hearing. Assessment ballots shall remain sealed until the tabulation of the ballots commences. If the return envelope is opened by the City prior to the tabulation, the enclosed assessment ballot shall remain sealed as provided in the preceding sentence.

8. Ben Gallegos, City Manager, is designated as the person to provide additional information and answer inquiries concerning the proposed annexation, annual assessment and protest proceedings.

9. This resolution shall take effect immediately upon adoption.

\* \* \* \* \*

#### **CERTIFICATION**

The undersigned Mayor of the City of Firebaugh (the "City"), certifies that the foregoing resolution was adopted by the City Council of the City at a meeting thereof held on January 4, 2021, by the following vote:

**AYES: COUNCIL MEMBERS**

**NOES: COUNCIL MEMBERS**

**ABSTAIN: COUNCIL MEMBERS**

**ABSENT: COUNCIL MEMBERS**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk  
City of Firebaugh

\_\_\_\_\_  
Freddy Valdez, Mayor  
City of Firebaugh

CITY OF FIREBAUGH  
FRESNO COUNTY, CALIFORNIA  
ENGINEER'S REPORT

for

CITY OF FIREBAUGH  
LANDSCAPING & LIGHTING MAINTENANCE  
ASSESSMENT DISTRICT NO. 1

Annexation of Del Rio Estates – Tract 6252

Date of Report: October 2020

Prepared by:



405 PARK CREEK DRIVE  
CLOVIS, CA 93611

October 27, 2020

## TABLE OF CONTENTS

SECTION I	INTRODUCTION AND PURPOSE OF THE ASSESSMENT .....	1
SECTION II	LEGAL REQUIREMENTS .....	3
SECTION III	ESTIMATE OF COST .....	4
SECTION IV	ANNEXATION ASSESSMENT DIAGRAM .....	5
SECTION V	METHOD OF APPORTIONMENT OF ASSESSMENT .....	6
SECTION VI	PROPERTY OWNER LIST & ASSESSMENT ROLL .....	8
	Exhibit "A" – Estimate of Costs .....	9
	Exhibit "B" – Map of Annexation Area .....	10
	Exhibit "C" – Property Owner List & Assessment Roll .....	11
	Exhibit "D" – Legal Description .....	12

## **SECTION I INTRODUCTION AND PURPOSE OF THE ASSESSMENT**

The City of Firebaugh (hereafter referred to as "City") established the Landscaping and Lighting Maintenance District No. 1 (the "District") on October 1, 1990. Subsequently, the City has ordered the annexation of numerous subdivisions and parcels into the District with the latest occurring in 2020. The City historically has levied assessments for the maintenance, improvements and incidental costs for street lighting, storm drainage, landscaping, flood control, and block walls within the District. The City Council has directed that these improvements facilitate development, utility and economic viability for developed lots within the City of Firebaugh and therefore benefit from these improvements. The City Council has also directed that these assessments be subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay area as of December of each succeeding year (the "CPI"), with a maximum annual CPI adjustment not to exceed 3%.

The City Council of the City of Firebaugh has by resolution initiated proceedings that called for the preparation and filing of an Engineer's Report to annex Del Rio Estates Tract 6252 into the established Landscaping and Lighting Maintenance Assessment District No. 1 of the City of Firebaugh. Del Rio Estates is an approved Tract Map consisting of 33 single family residential lots (zoned R-1-5), a  $\pm 3.51$  acre outlot (Outlot "A") for multi-family purposes and a  $\pm 0.53$  acre outlot (Outlot "B") for public park purposes. As a part of the recording of the Tract map, Outlot "B", the public park was dedicated to the City of Firebaugh for public use. Outlot "A" is currently being developed as an apartment complex with a total of 56 units. Outlot "A" will be added to the District as part of the annexation with assessment based on Equivalent Dwelling Units (EDU). Each apartment unit will represent one EDU.

The project is located at the northeasterly side of North Dos Palos Avenue (Highway 33) at the intersection of North Lyon Avenue.

As part of the conditions of approval of the project, decorative street lights throughout the tract were required. Block walls abutting the park, Highway 33 and North Diaz Avenue were also requirements of the development. The conditions required certain amenities within the park as listed below:

- Lots abutting the park shall have solid masonry walls on those property lines that abut the park. The exterior surface of these walls shall be planted with climbing vines for beautification and graffiti prevention.
- The park will be improved with turf, groundcover and shrubs. Trees shall be planted outside of the power line easement.
- A paved curvilinear walking path (five feet wide) shall be installed through the park, connecting Calaveras Street to Rio Grande Street.
- Decorative light fixtures (similar to street light fixtures required in the subdivision) shall be installed to illuminate the park.



- Storm Basin improvements were also required as part of the project.

The purpose of this assessment is to collect funds on an annual basis for the ongoing routine maintenance of the streetlights and storm drainage improvements, graffiti abatement of the block wall, and the maintenance of the landscaping within the public park.

## **SECTION II    LEGAL REQUIREMENTS**

On November 5, 1996, California voters approved Proposition 218. This Constitutional amendment was the latest in a series of initiatives altering the revenue raising discretion of California local agencies. The provisions of the proposition are set forth in California Constitutional Articles XIII and XIII D, as follows:

1. Strengthens the general and special tax provisions of Proposition 13 and Proposition 62.
2. Extends the initiative process to all local taxes, assessments, fees, and charges.
3. Adds substantive and procedural requirements to assessments.
4. Adds substantive and procedural requirements to property-related fees and charges.

Proposition 218 requires that beginning July 1, 1997, all new and existing assessments (with some exceptions) conform to new substantive and procedural requirements. However, certain assessments are exempted from the conformity requirement until the assessments are increased. Generally, these exemptions include:

- Assessments used exclusively to fund sidewalks, streets, sewer, water, flood control, drainage systems, or vector control.
- Assessments used exclusively for bond repayments, the cessation of which would violate the Contract Impaired Clause of the U.S. Constitution.
- Assessments previously approved by a majority of voters.
- Assessments approved by all the property owners at the time the assessment was initially imposed.

This Report contains the method of spread, and as such has been prepared in accordance with these requirements. Once the substantive requirements have been met, new procedural requirements must be followed before new or increased assessments may be levied. Generally, these procedures include:

- The City must mail notice regarding assessments to all property owners. Each notice must contain an assessment ballot for the property owner to indicate approval or disapproval of the assessment.
- After mailing the notices, the City must hold a public hearing. At the conclusion of the public hearing, the City must tabulate all ballots received, counting each ballot in proportion to the total amount of the assessment. The assessment may be imposed only if 50% or more of the weighted ballots returned support the assessment. (Prior to Proposition 218, an assessment could be imposed if less than a majority of all landowners protested the imposition.)

### **SECTION III ESTIMATE OF COST**

The 1972 Act provides that the total cost of construction, operation, maintenance, servicing and incidental expenses of landscape and lighting improvements can be recovered by the District.

The costs to construct, operate, maintain, and service the landscape and lighting improvements include, but are not limited to, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the landscape and lighting improvements to be properly operated, maintained and serviced to City standards.

Maintenance means the furnishing of services, materials and supplies for the ordinary and usual operations, maintenance and servicing of the landscaping, lighting and appurtenant improvements, including the repair, removal or replacement of all or part of any of the landscaping, street lighting or appurtenant improvements; including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste.

Servicing means the furnishing of water for the irrigation of the landscaping improvements and the furnishing of electric current or energy for the operation of street lights, irrigation controllers or other appurtenant improvements.

Incidental expenses associated with the landscape and lighting improvements include, but are not limited to, cost for preparing the Engineer's Report, printing, advertising, noticing, legal services and county assessment fees.

Below is a summary of eligible improvements that can be operated, maintained and serviced by the Assessment District.

Landscaping within the right of way;

Landscaping in designated open space areas;

Weed control throughout all maintained landscape areas;

Irrigation systems throughout all maintained landscape areas;

Entry monuments and signage;

Block wall graffiti abatement

Street lighting, conduits and appurtenant hardware; and

Detention basins

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and/or operating reserves.

The construction, operation, maintenance, and servicing costs for Fiscal Year 2021-22 are summarized in Exhibit "A" in the Appendix.

#### **SECTION IV ANNEXATION ASSESSMENT DIAGRAM**

The boundaries of Del Rio Estates, the area annexation into the Firebaugh Landscaping and Lighting Maintenance Assessment District No. 1, are shown on the reduced map in Exhibit "B" in the Appendix and described in Exhibit "D" in the Appendix. For the particulars of the lines and dimensions for each Assessor Parcel Number, please refer to the Assessor Parcel Maps located at the Fresno County Assessor office for the year in which this Report was prepared.

## **SECTION V METHOD OF APPORTIONMENT OF ASSESSMENT**

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance, servicing and incidental costs of public street lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value.

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the new amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

The formula used for calculating assessments in each zone, therefore reflects the composition of the parcels, and the improvements and services provided, to apportion the costs based on estimated benefit to parcels within each zone.

In addition, pursuant to Article XIID, Section 4 of the State Constitution, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel, and provides that only special benefits are assessable. Therefore, in compliance with the new assessment requirements, only assessments that are identified as "Special Benefit Assessments" are assessed.

Estimates for materials and miscellaneous expenses included are based on the best available data known at the time the budgets for each District were prepared and the assessment was determined.

### **BENEFIT ANALYSIS**

The method of apportionment (method of assessment) is based on the premise that the assessed parcels within each zone receives equal benefit from the improvements maintained and financed by the District's assessments. The assessments are for the maintenance of local landscape improvements installed as part of the original development of the parcels within each zone and approved by property owners at the annexation of the zone into the District. The desirability of properties within each zone is enhanced by the presence of well-maintained landscaping and sufficient street lighting in close proximity to those properties.

The improvements provided by the District generally include landscaped parkways, entryways, recreation/retention areas, street lighting for pedestrians and vehicles, and any other appurtenant facilities. The annual assessments outlined in this Report are proposed to cover the estimated cost to provide all necessary services, operation, administration, and maintenance required during the year to keep these improvements in a healthy, vigorous, and satisfactory condition.

The special benefits associated with the local landscaping and street lighting improvements are specifically:

- Enhanced desirability of properties through association with the improvements
- Improved aesthetic appeal of properties within the District providing a positive representation of the area.
- Increased sense of pride in ownership of property resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities, including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Districts by moderating temperatures, providing oxygenation and attenuating noise.
- Intersection lighting to maximize illumination and reduce potential vehicular accidents.
- Illumination of walkways and pathways to increase pedestrian foot traffic and facilitate safety.
- Public street lights serving a property provide a variety of benefits to the property
  - Access benefit – public street lights improve ingress and egress from properties from dusk to dawn.
  - Security benefit – public streetlights help reduce vandalism against properties and criminal acts on properties between dusk to dawn.
  - Traffic benefit - Public Street lights improve safety and facilitate the flow traffic to and from properties between dusk to dawn.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the Districts creating a more distinctive and a greater defined quality of life.

### **ASSESSMENT METHODOLOGY**

Each single family and multi-family residential parcel within the assessment area benefits equally from the construction, operation, maintenance and servicing of the landscaping, street lighting and storm drainage improvements within the service area. Therefore, the total assessment revenue needed to construct, operate, maintain and service the landscaping, street lighting and storm drainage improvements will be spread based on the number of EDUs for each single family and multi-family residential parcel within the assessment area. Each single family residential parcel will represent one EDU for a total of 33 EDUs. There will be a total of 56 EDUs for the multi-family residential parcel (Outlot "A").

## **SECTION VI PROPERTY OWNER LIST & ASSESSMENT ROLL**

Exhibit "C" in the Appendix includes a listing of the Assessor parcels located within the boundaries of the annexation into the Firebaugh Landscape and lighting Maintenance Assessment District No. 1 that will be assessed in FY 2021-22, and the amount that each parcel is to be assessed.

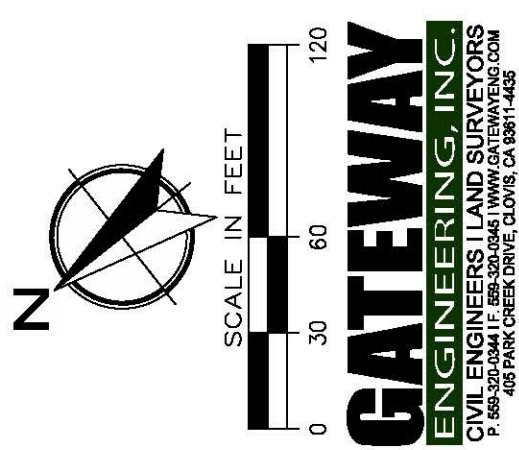
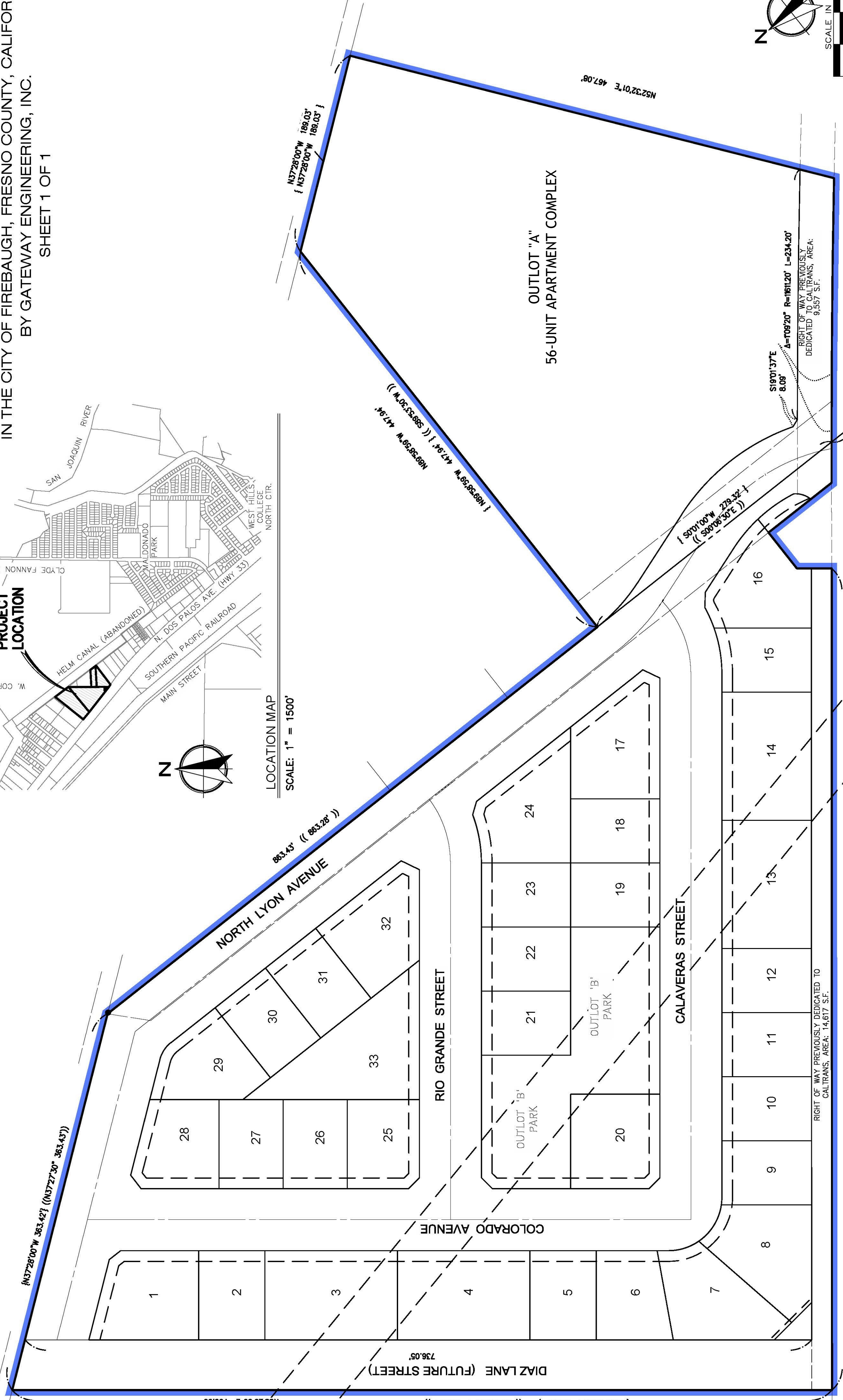
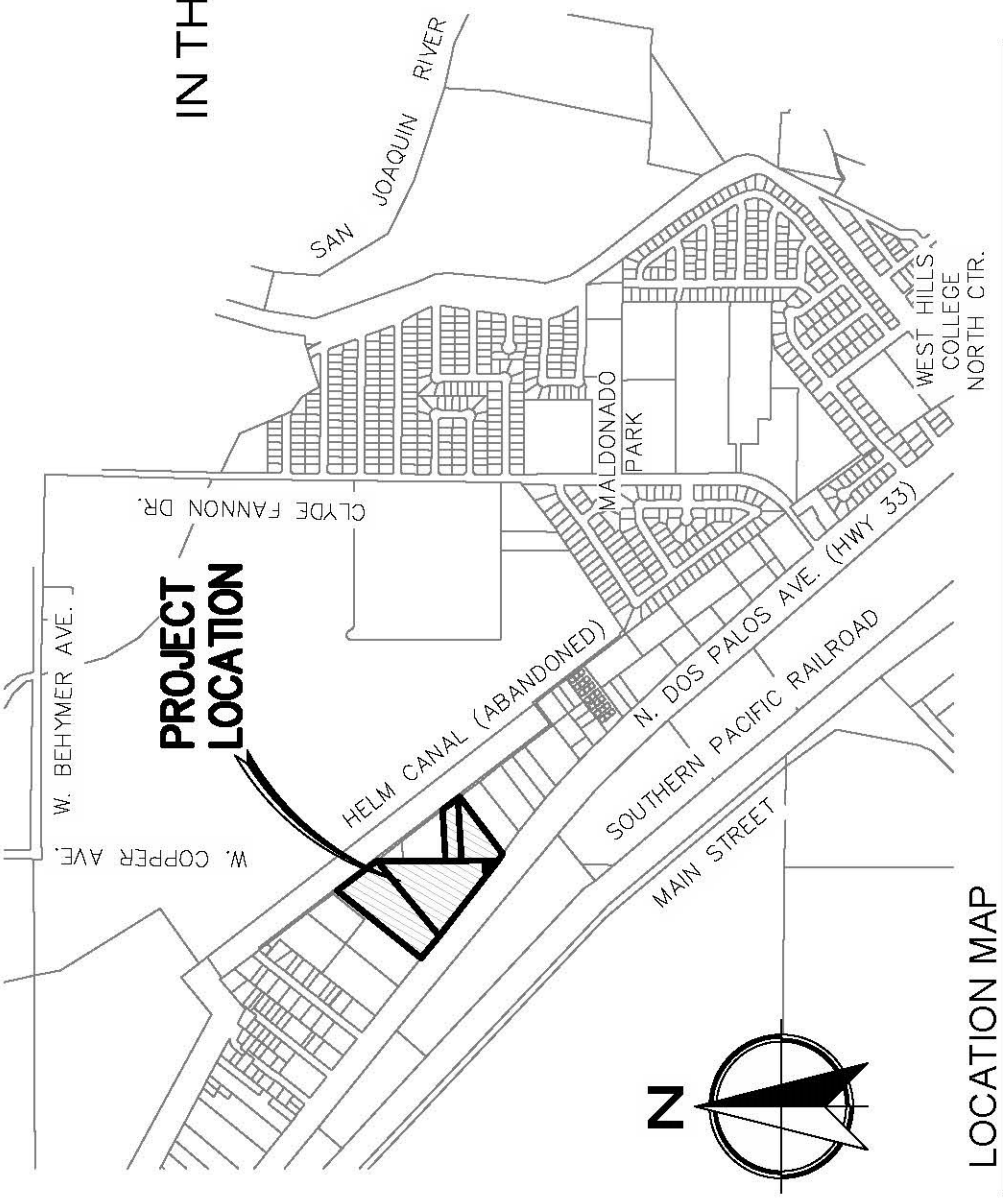
**BASIS OF ANNUAL ASSESSMENT  
DEL RIO ESTATES ANNEXATION  
CITY OF FIREBAUGH LANDSCAPING & LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 1  
FY 2021/2022**

CATEGORY	INVENTORY UNIT	UNIT COST	EXTENDED COST
<b>A. LANDSCAPE MAINTENANCE OUTLOT "B" TRACT 6252</b>			
1. ANNUAL LANDSCAPE MAINTENANCE	23,452 SF	\$ 0.30	\$ 7,035.60
2. GRAFFITI ABATEMENT OF DECORATIVE WALL (60 PERCENT OF ANNUAL COST)	1 LS	\$ 2,000.00	\$ 2,000.00
		<b>SUB-TOTAL</b>	<b>\$ 9,035.60</b>
<b>B. STREET LIGHTING</b>			
1. DECORATEIVE STREET LIGHT ANNUAL COST	14 EA	\$ 75.00	\$ 1,050.00
		<b>SUB-TOTAL</b>	<b>\$ 1,050.00</b>
<b>C. STORM DRAINAGE MAINTENANCE PER PARCEL</b>	34 EA	\$ 9.68	\$ 329.12
		<b>SUB-TOTAL</b>	<b>\$ 329.12</b>
<b>D. ADMINISTRATIVE COSTS</b>			
1. ENGINEERING FEES	1 LS	\$ 1,500.00	\$ 1,500.00
2. PRINTING AND PUBLISHING, LEGAL	1 LS	\$ 40.00	\$ 40.00
3. COUNTY COLLECTION FEE	1 LS	\$ 100.00	\$ 100.00
4. CITY OVERHEAD AND ADMINISTRATION	1 LS	\$ 500.00	\$ 500.00
		<b>SUB-TOTAL</b>	<b>\$ 2,140.00</b>
		<b>TOTAL ASSESSMENT</b>	<b>\$ 12,554.72</b>
<b>E. ANNUAL PARCEL ASSESSMENT</b>			
1. TOTAL EQUIVALENT DWELLING UNITS FOR TRACT	89		
SINGLE FAMILY	33		
MULTI-FAMILY	56		
UNIT ASSESSMENT = TOTAL ASSESSMENT/NO. OF ASSESSMENTS			\$ 12,554.72
			/ 89
		<b>UNIT ASSESSMENT</b>	<b>\$ 141.06</b>



EXHIBIT "B"  
ANNEXATION AREA

MAP OF TRACT No. 6252, "DEL RIO ESTATES"  
IN THE CITY OF FIREBAUGH, FRESNO COUNTY, CALIFORNIA  
BY GATEWAY ENGINEERING, INC.  
SHEET 1 OF 1



**GATEWAY**  
ENGINEERING, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
P. 509.330.0344 F. 509.330.0345 WWW.GATEWAYENG.COM  
405 PARK CREEK DRIVE, CLOVIS, CA 93611-4435

Exhibit "C" - Property Owner List & Assessment Roll

**BASIS OF ANNUAL ASSESSMENT  
DEL RIO ESTATES ANNEXATION  
CITY OF FIREBAUGH LANDSCAPING & LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 1  
FY 2021/2022**

Total Assessment for 2021/2022 = \$12,554.72

Total Number of Assessments = 89

<b>LOT NUMBER</b>	<b>ASSESSOR'S PARCEL NUMBER</b>	<b>TOTAL UNITS</b>	<b>UNIT ASSESSMENT</b>	<b>2021/2022 ASSESSMENT</b>
<b>TRACT 6252</b>				
1	007-400-02	1.0	\$141.06	\$141.06
2	007-400-03	1.0	\$141.06	\$141.06
3	007-400-04	1.0	\$141.06	\$141.06
4	007-400-05	1.0	\$141.06	\$141.06
5	007-400-06	1.0	\$141.06	\$141.06
6	007-400-07	1.0	\$141.06	\$141.06
7	007-400-08	1.0	\$141.06	\$141.06
8	007-400-09	1.0	\$141.06	\$141.06
9	007-400-10	1.0	\$141.06	\$141.06
10	007-400-11	1.0	\$141.06	\$141.06
11	007-400-12	1.0	\$141.06	\$141.06
12	007-400-13	1.0	\$141.06	\$141.06
13	007-400-14	1.0	\$141.06	\$141.06
14	007-400-15	1.0	\$141.06	\$141.06
15	007-400-16	1.0	\$141.06	\$141.06
16	007-400-17	1.0	\$141.06	\$141.06
17	007-400-18	1.0	\$141.06	\$141.06
18	007-400-19	1.0	\$141.06	\$141.06
19	007-400-20	1.0	\$141.06	\$141.06
20	007-400-21	1.0	\$141.06	\$141.06
21	007-400-22	1.0	\$141.06	\$141.06
22	007-400-23	1.0	\$141.06	\$141.06
23	007-400-24	1.0	\$141.06	\$141.06
24	007-400-25	1.0	\$141.06	\$141.06
25	007-400-26	1.0	\$141.06	\$141.06
26	007-400-27	1.0	\$141.06	\$141.06
27	007-400-28	1.0	\$141.06	\$141.06
28	007-400-29	1.0	\$141.06	\$141.06
29	007-400-30	1.0	\$141.06	\$141.06
30	007-400-31	1.0	\$141.06	\$141.06
31	007-400-32	1.0	\$141.06	\$141.06
32	007-400-33	1.0	\$141.06	\$141.06
33	007-400-34	1.0	\$141.06	\$141.06
<b>OUTLOT "A"</b>	<b>007-400-35</b>	<b>56.0</b>	<b>\$141.06</b>	<b>\$7,899.36</b>

EXHIBIT “D” – Legal Description

LEGAL DESCRIPTION OF AREA ANNEXED INTO CITY OF FIREBAUGH  
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. I

All that real property situated in portions of Sections 19 & 20, Township 12 South, Range 14 East, Mount Diablo Base and Meridian, City of Firebaugh, County of Fresno, State of California, more particularly described as follows:

BEING Lots I through 33, inclusive, of that certain map of Tract No. 6252 filed August 10, 2020 in Book 89 of Plats, at Pages 95 thru 98, Fresno County Records.

Together with Outlot “A” of said Tract Map No. 6252.

SUBJECT TO All rights-of way and easements of record.

This description was prepared by me under my direction in conformance with the Professional Land Surveyors Act.

Joseph Daggett, P.L.S. 8861  
October 27, 2020

EXHIBIT “D” – Legal Description

LEGAL DESCRIPTION OF AREA ANNEXED INTO CITY OF FIREBAUGH  
LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. I

All that real property situated in portions of Sections 19 & 20, Township 12 South, Range 14 East, Mount Diablo Base and Meridian, City of Firebaugh, County of Fresno, State of California, more particularly described as follows:

BEING Lots I through 33, inclusive, of that certain map of Tract No. 6252 filed August 10, 2020 in Book 89 of Plats, at Pages 95 thru 98, Fresno County Records.

Together with Outlot “A” of said Tract Map No. 6252.

SUBJECT TO All rights-of way and easements of record.

This description was prepared by me under my direction in conformance with the Professional Land Surveyors Act.

Joseph Daggett, P.L.S. 8861  
October 27, 2020



MAP OF TRACT No. 6252, "DEL RIO ESTATES"  
IN THE CITY OF FIREBAUGH, FRESNO COUNTY, CALIFORNIA  
BY GATEWAY ENGINEERING, INC.  
SHEET 1 OF 1

