

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 21/06-07

Date/Time: June 7, 2021/5:30 p.m.

***SPECIAL NOTICE DUE TO COVID-19 MEETING WILL BE HELD VIA TELECONFERENCE ONLY
THE MEETING WILL NOT BE OPEN TO IN-PERSON MEETING**

**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 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/86036567922?pwd=bFVhOGpCL2hNemdWN0NnOHBhWIRCdz09>

Meeting ID: 860 3656 7922

Passcode: 936222

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

CLOSED SESSION

1. REAL ESTATE NEGOTIATION – Pursuant to Government Code Section 54956.8.

Designative Rep. City Negotiator Ben Gallegos - Re: APN 008-132-13 (1300 "O" Street)

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.

2. APPROVAL OF MINUTES – The City Council regular meeting on May 17, 2021.

PUBLIC HEARING

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

Recommended Action: Council receives public comment & approves Ord. No. 21-03.

NEW BUSINESS

4. **RESOLUTION NO. 21-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY OF FIREBAUGH FY 2021/2022 LIST OF ELIGIBLE PROJECTS FOR FUNDING FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) CREATED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, AND AUTHORIZING THE CITY MANAGER TO FILE WITH THE CALIFORNIA TRANSPORTATION COMMISSION THE PROJECT LIST AND ANNUAL EXPENDITURE REPORT FOR FY 2021/2022 RMRA FUNDING.**

Recommended Action: Council receives public comment & approves Res. No. 21-23.

5. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE VFW POST # 7380.**

Recommended Action: Council receives public comment & takes action.

6. **ADMINISTRATIVE REPORT: FY 2020/21 STREETS & GRANTS FUND PRELIMINARY BUDGET.**

Finance Director Pio Martin: Preliminary General Fund Budgets enclosed.

STAFF REPORTS

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 & that I posted this agenda on the bulletin boards at City Hall, June 4, 2021 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. 21/05-17

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

City Council Meeting held via teleconferencing

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

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

Date/Time: May 17, 2021/6:00 p.m.

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

ROLL CALL Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Marcia Sablan 6:05 pm
Council Member Elsa Lopez
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; Mario Gouveia, City Engineer; Bethany Matos, Associate Dean of West Hills College-North District Center; Matter Lear; May Chung, Martha Zarate, Fernando Campa & others.

PLEDGE OF ALLEGIANCE Council Member Jenkins led pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT None

PRESENTATION None

CONSENT CALENDAR

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

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

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

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

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

PUBLIC HEARING

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

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

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

STAFF REPORTS

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

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

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

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

- ❖ *Motion to enter closed session at 7:39 pm, by Council Member Lopez, second by Council Member Perez motion passes by a 5-0 vote. Chester Walls & David Overstreet will be joining the closed session.*

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL - One (1) Case

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

ANNOUNCEMENT AFTER CLOSED SESSION

Nothing to report.

ADJOURNMENT

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

ORDINANCE NO. 21-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING ARTICLE 5 OF CHAPTER 4 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO TOBACCO RETAILERS, AMENDING SECTION 3-12.2 RELATING TO TOBACCO PROHIBITIONS ON CITY PROPERTY; AND AMENDING SECTION 1-5.5.11 RELATING TO THE COLLECTION OF PENALTIES AND FINES.

WHEREAS, State and Federal law have increased the legal purchasing and consumption age of tobacco products to 21 years of age;

WHEREAS, over the last two years, the Firebaugh Police Department has experienced an increase in children illegally purchasing and consuming tobacco products;

WHEREAS, the health, safety and welfare of its citizens is of substantial interest to the City of Firebaugh; and

WHEREAS, the City of Firebaugh wishes to amend its Municipal Code to comply with current State and Federal law relating to tobacco age restrictions, and also to strengthen its ordinances relating to tobacco prohibitions, licensing, and enforcement.

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

Section 1. Section 4-5.1 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.1 Legislative Findings.

The City Council finds and determines that:

- a. State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by persons under 21 years of age (Penal Code 308).
- b. State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 21 years of age (Business & Professions Code 22956) and provides procedures for using persons under 21 years of age to conduct on-site compliance checks of tobacco retailers (Business & Professions Code 22952).
- c. State law requires that tobacco retailers post a conspicuous notice at each point of sale, stating that selling tobacco products to anyone under 21 years of age is illegal (Business & Professions Code 22952, Penal Code 308).
- d. State law prohibits the sale or display of cigarettes through a self-service display and prohibits public access to cigarettes without the assistance of a Clerk (Business & Professions Code 22962).
- e. State law prohibits the sale of bidis (hand rolled filter less cigarettes imported primarily from India and Southeast Asian countries) except at those businesses that prohibit the presence of minors (Penal Code 308.1).

- f. State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than twenty (20) and prohibits the manufacture, distribution, or sale of "roll-your-own" tobacco in packages containing less than 0.6 of an ounce of tobacco (Penal Code 308.3).
- g. State law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees (Education Code 48901(a)).
- h. 88% of adults who have ever smoked tried their first cigarette by the age of 18, and the average age at which smokers try their first cigarette is 14 1/2.
- i. The City of Firebaugh has a substantial interest in promoting compliance with Federal, State, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; in addressing the public health concerns related to tobacco use by minors; and in protecting children from being lured into illegal activity through the misconduct of adults.
- j. California courts in *Cohen v. Board of Supervisors*, 40 Cal. 3d 277 (1985), and *Bravo Vending v. City of Rancho Mirage*, 16 Cal. App. 4th 383 (1993), have affirmed the power of local jurisdictions to regulate business activity in order to discourage violations of law.
- k. State law authorizes local tobacco retailer licensing laws to provide for the suspension or revocation of the local tobacco retailer license for any violation of a State tobacco control law (Business & Professions Code 22971.3).
- l. A requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to persons 21 years of age or older. It will, however, allow the City to regulate the operation of lawful businesses to discourage violations of Federal, State, and local tobacco-related laws."

Section 2. Section 4-5.3 of the Firebaugh Municipal Code is hereby amended to read as follows:

"4-5.3 Definitions.

The following words and phrases, whenever used in this section, shall have the meanings defined in this subsection unless the context clearly requires otherwise:

- a. **ARM'S LENGTH TRANSACTION** – shall mean a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this section is not an arm's length transaction.
- b. **CITY MANAGER** – shall mean the City Manager of the City of Firebaugh or his or her designee.
- c. **DEPARTMENT** – shall mean the Firebaugh Police Department.

- d. **DRUG PARAPHERNALIA** – shall have the definition set forth in California Health and Safety Code Section 11014.5, as that section may be amended from time to time.
- e. **PROPRIETOR** – shall mean a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a 10% or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or shares ultimate control over the day-to-day operations of a business.
- f. **SELF-SERVICE DISPLAY** – shall mean the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.
- g. **TOBACCO PARAPHERNALIA** – shall mean any item designed or marketed for the consumption, use, or preparation of tobacco products, including, but not limited to, cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products. [Amended 5-20-2019 by Ord. No. 19-02]
- h. **TOBACCO PRODUCT** – shall mean: 1) any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; 2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body; and 3) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah. "Tobacco product" does not include any product specifically approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose. [Amended 5-20-2019 by Ord. No. 19-02]
- i. **TOBACCO RETAILER** – shall mean any person who sells, offers for sale, or exchanges or offers to exchange, for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low cost samples of tobacco products or tobacco paraphernalia.
- j. **TOBACCO RETAILING** – shall mean selling, offering for sale, exchanging, or offering to exchange for any form of consideration tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.
- k. **TOBACCO STORE** – shall mean a retail business that meets all of the following requirements: primarily sells tobacco products, generates more than 60% of its gross revenues annually from the sale of tobacco products and tobacco paraphernalia, does not sell alcoholic beverages or food for consumption on the premises, and does not permit any person under 18 years of age to be present or enter the premises at any time."

Section 3. Section 4-5.4 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.4

Tobacco Retailer License Required.

- a. It shall be unlawful for any person to act as a tobacco retailer (i.e., sell or offer to sell tobacco products) without first obtaining and maintaining a valid tobacco retailer's license pursuant to this section for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer's license is a public nuisance.
- b. A tobacco retailer or proprietor without a valid tobacco retailer license, including without limitation a person whose license has been revoked:
 1. Shall keep all tobacco products and tobacco paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco retailing without a license and shall be subject to the penalties provided herein.
 2. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.
- c. Nothing in this section shall be construed to grant any person obtaining and maintaining a tobacco retailer's license any status or right other than the right to act as a tobacco retailer at the location in the City identified on the face of the license.
- d. Any violation of this section is considered a misdemeanor and is punishable by the provisions provided in section 4-5.20, including but not limited to civil penalties of up to \$1,000 for each violation.”

Section 4. Section 4-5.6 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.6

Limits on Tobacco Retailer Licenses.

- a. No license will be issued to authorize tobacco retailing at other than a fixed location.
- b. No license will be issued for itinerant tobacco retailing or tobacco retailing from vehicles.
- c. The number of tobacco retailer licenses issued within the City shall not exceed fourteen (14). City Staff shall assess the limit on tobacco retailer licenses every two years to evaluate whether to recommend to the City Council an amendment to this Article to change the number of permitted licenses as reasonably necessary to advance the public health and law enforcement purposes this Article seeks to achieve.
- d. No tobacco retailer license shall be issued for the sale of tobacco products within six hundred (600) feet of any school, public park, or playground, as measured by a straight line from the nearest point of the property line of the parcel on which the business is located, to the nearest point on which a school, public park, or playground is located.”

Section 5. Section 4-5.8 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.8 Issuance and Renewal of License.

- a. Upon the receipt of an application for a license and the applicable license fee, the City manager shall issue a license unless:
 1. The application is incomplete or inaccurate;
 2. The application seeks authorization for tobacco retailing at an address that appears on a license that has been revoked, or is subject to revocation proceedings for violation of any of the provisions of this section; provided, however, this subparagraph shall not constitute a basis for denial of a license if either or both of the following apply:
 - (a) The applicant provides the City manager with documentation demonstrating that the applicant has acquired or is acquiring the premises or business in an arm's length transaction;
 - (b) It has been more than five (5) years since the most recent license for that location was revoked;
 3. The application seeks authorization for tobacco retailing that is unlawful or unauthorized pursuant to this Code, including applicable zoning regulations, or that is unlawful or unauthorized pursuant to any other local, State, or Federal law; or
 4. The City has information that the applicant or his or her agents or employees have violated any local, State, or Federal tobacco control law at the location for which the license or renewal of the license is sought within the preceding thirty-day (30) period.
 5. The City has already issued the maximum number of tobacco retailer licenses, as referenced in section 4-5.6, subsection (c) of this Article.
- b. A license shall be valid for one year and must be renewed not later than 30 days prior to the expiration of the license, but no earlier than 60 days prior to the expiration of the license. Unless revoked on an earlier date, all licenses shall expire one year after the date of issuance. A license may be renewed for additional periods of one year by submitting an application to the department and payment of the applicable license fee; provided, however, a license that has been revoked, or is subject to revocation proceedings, shall not be renewed. The application and license fee shall be submitted at least 30 days, but not more than 60 days, prior to the expiration of the current valid license. The applicant shall follow all of the procedures and provide all of the information required by section 4-5.7.
- c. Where the City manager does not approve a license or renewal of a license, the City manager shall notify the applicant of the specific grounds for the denial in writing. The notice of denial shall be served personally or by mail not later than five working days after the date of the denial. If by mail, the notice shall be placed in a sealed envelope, with postage paid, and shall be addressed to the applicant at the address as it appears on the application. The giving of notice shall be deemed complete at the time of deposit of the notice in the mail or at the time of personal service. Personal

service to a corporation may be made by delivery of the notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.”

Section 6. Section 4-5.10 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.10 License Fee.

The fee to issue or to renew a tobacco retailer's license shall be established by resolution of the City Council. The fee shall be calculated so as to recover the total cost of both license administration and license enforcement, including, for example, issuing the license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the total cost of the program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law.”

Section 7. Section 4-5.11 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.11 Expiration of License.

- a. A tobacco retailer's license that is not timely renewed shall expire at the end of its term. To reinstate a license that has expired, or to renew a license not timely renewed, the proprietor must:
 1. Submit the full license fee amount that is due, plus a reinstatement fee equal to the full license fee amount; and
 2. Submit a signed affidavit affirming that the proprietor:
 - (a) Has not sold and will not sell any tobacco product or tobacco paraphernalia after the license expiration date and before the license is renewed and shall comply with the provisions provided within section 4-5.4; or
 - (b) Following the proprietor's last act of tobacco retailing, has waited the appropriate ineligibility period established for tobacco retailing without a license before seeking renewal of the license, as provided by section 4-5.5.”

Section 8. Section 4-5.13 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.13 License Prohibitions.

- a. No person engaged in tobacco retailing shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of 21 without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under State law to purchase and possess the tobacco product or tobacco paraphernalia.
- b. No person who is younger than the minimum age established by State law for the purchase or possession of tobacco products shall engage in tobacco retailing.

- c. No tobacco retailer shall display tobacco products or tobacco paraphernalia by means of a self-service display or engage in tobacco retailing by means of a self-service display.
- d. No tobacco retailer shall sell or transfer a tobacco product or tobacco paraphernalia to a person who is younger than the minimum age established by State Law.

1. Any violation of this subsection shall result in the revocation of the tobacco retailer's license as further provided for in section **4-5.15**.

- e. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to violate any provision of this section or any other local, State, or Federal tobacco-related law.

Section 9. Section 4-5.15 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.15 Revocation of License or Fine in Lieu Thereof.

- a. In addition to any other penalty provided by law, a tobacco retailer's license shall be revoked if the City manager finds, or any court of competent jurisdiction determines, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, have violated any of the requirements, conditions, or prohibitions of this section or in a different legal proceeding has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of this section.
- b. The City manager may allow a tobacco retailer alleged to have violated this section to stipulate to the penalties provided in this subsection in lieu of the penalties that would otherwise apply under this section and to forego a hearing on the allegations. Stipulations shall not be confidential and shall contain the following terms plus any other noncriminal provisions established by the City manager in the interests of justice:

1. After a first alleged violation of this section at a location:

- (a) An agreement to stop acting as a tobacco retailer for one day;
- (b) An administrative penalty of \$500; and
- (c) An admission that the violation occurred and a stipulation that the violation will be considered in determining the penalty for any future violation.

2. After a second alleged violation of this section at a location within any sixty-month period:

- (a) An agreement to stop acting as a tobacco retailer for ten (10) days;
- (b) An administrative penalty of at least \$1,000; and
- (c) An admission that the violation occurred and a stipulation that the violation will be considered in determining the penalty for any future violations.

- c. Any tobacco retailer whose license has been revoked shall comply with all the provisions of section **4-5.4** of this Article.”

Section 10. Section 4-5.20 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.20 Enforcement.

- a. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity including the provisions of Municipal Code Chapter 4.
- b. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Article shall constitute a violation.
- c. Any person violating any section of this Article is subject to the payment of civil penalties of up to \$1,000 for each violation, unless otherwise specifically provided for therein. Any continuing violation shall constitute a separate offense for each day of the violation.
- d. Violation of any portion of this this Article shall be considered a misdemeanor, and is hereby declared to be a public nuisance.
- e. Violations of this Article are hereby declared to be unfair business practices and are presumed to at least nominally damage each and every resident of the community in which the business operates.
- f. In addition to other remedies provided by this section or by other law, any violation of this Article may be remedied by a civil action brought by the City including administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.
- g. Whenever evidence of a violation of this Article is obtained in any part through the participation of a person under the age of 18 years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this section and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.”

Section 11. Section 4-5.20 of the Firebaugh Municipal Code is hereby amended to read as follows:

“4-5.21 Severability.

If any subsection, subdivision, paragraph, sentence, clause or phrase hereinafter part of this Article or its application to any person or circumstance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining subsections, subdivisions, paragraphs, sentences, clauses, or phrases parts of this Article or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each part hereof irrespective of the fact that anyone or more other parts hereof be declared invalid or unenforceable.

Section 12. Section 3-12.2 of the Firebaugh Municipal Code is hereby amended to read as follows:

“3-12.2 Tobacco Product Use Prohibited on City Property.

- a. No person shall smoke or use a tobacco product on City property, including but not limited to: City parks, playgrounds, plazas, recreational areas and facilities, public

restrooms, parking garages, within twenty-five (25) feet of any bus stop, or on any public street or sidewalk within school twenty-five (25) feet of any K-12 school property.

- b. Smoking is otherwise permitted on City-owned streets open to normal traffic and on adjacent sidewalks. When City-owned streets and adjacent sidewalks are used for events including, but not limited to, a farmers' market or parade, smoking and tobacco product use is prohibited on such streets and sidewalks during the event, including set-up and tear-down.
- c. "No smoking" signs, with letters of no less than one inch in height or the international "No smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted by the City Manager or his or her designee on City property where smoking and tobacco products are prohibited by this chapter. Signage must include the City phone number where complaints can be directed. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any provision of this Article 3-12.
- d. No person shall dispose of smoking waste or tobacco-product waste on City property on which smoking or tobacco product use is prohibited, except in a designated waste disposal container.
- e. Consistent with Health and Safety Code Section 11362.3, Subdivisions (a)(1) and (2), no person shall smoke or ingest cannabis in any public place within the City nor shall they smoke cannabis anywhere smoking tobacco is prohibited.

Section 13. Section 1-5.5.11 of the Firebaugh Municipal Code is hereby amended to read as follows:

“1-5.5.11 Collection of Penalty.

The City may file a legal action, impose a lien as set forth below, or pursue any other legal remedy to collect a penalty that has become final as provided in this section. The City may impose a lien in the amount of the confirmed penalty against the property that is the subject of an administrative citation and penalty, if the citation has been issued to the property owner. The City may record a notice of lien in the office of the county recorder. After the notice of lien is recorded, a copy may be turned over to the county tax collector to add the amount of the unpaid penalty to the next regular tax bill levied against the property for property taxes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for ordinary property taxes. Alternatively, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law. The notice of lien shall be in a form approved by the City Manager and the City Attorney. In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party of said action may recover its reasonable attorneys' fees.

Section 14. License fees for tobacco retailer licenses may be established and modified from time to time by resolution of the City Council.

Section 15. This ordinance shall take effect thirty (30) days after its adoption.

Section 16. The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 17. The City Clerk is further authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Firebaugh within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the Council's meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

The foregoing Ordinance No. 21- 03 was introduced at a regular meeting of the City Council of the City of Firebaugh on the 17th day of May, 2021, and was passed and adopted at a regular meeting of the City Council on the 7th day of June, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez, Mayor
City of Firebaugh

Rita Lozano, Deputy City Clerk
City of Firebaugh

STAFF REPORT

TO: Firebaugh City Council
FROM: Gouveia Engineering, Inc.
DATE: June 7, 2021
SUBJECT: Adopt a resolution approving the City of Firebaugh FY 21/22 list of eligible projects for funding from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill (SB) 1 Road Repair and Accountability Act of 2017, and authorizing the City Manager to file with the California Transportation Commission (CTC) the Project List and the Annual Expenditure Report for FY 21/22 RMRA Funding.

BACKGROUND

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor on April 28, 2017, in order to address the transportation funding shortfalls statewide. The 2016 California Statewide Local Streets and Roads Needs Assessment found that a majority of the city streets and roads in California are at an “at-risk” condition and this funding will provide for improving the roads system. It is anticipated that over the next decade, SB 1 will contribute to restoring streets and roads into a “good” condition. SB 1 funding will be generated from increased gasoline and diesel fuel excise taxes and additional vehicle registration fees for California residents.

SB 1 includes accountability and transparency provisions to ensure the funding is used on a fiscal year basis for eligible transportation projects including, but not limited to, road maintenance and rehabilitation, safety projects, railroad grade separations, complete streets components, and traffic control devices. Funding recipients must prepare a list of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account on a fiscal year basis with these funds appropriated in the City budget. This list must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement. Funding recipients will also be required to prepare annual reports to indicate expenditure levels and completion status for each proposed project on a fiscal year basis.

Cities and counties will receive an annual allocation, determined from a population formula, which will be distributed on a monthly basis. SB 1 mandates that this new RMRA funding must not be used to supplant the current level of General Fund expenditures for street improvements and will be subject to oversight by the State Controller as part of the accountability and transparency provisions.

DISCUSSION

This year’s allocation corresponds to the fifth year of funding and the fourth consecutive full allocation since the program’s inception. The funds were first made available to cities and counties during Fiscal Year 2017-2018 as a partial allocation from the regular fiscal year amount.

In order to receive the FY 21/22 SB 1 funding, the City of Firebaugh must submit to the California Transportation Commission by June 1, 2021, or as extended by the Commission, a list of eligible projects approved by resolution by the City Council and submitted electronically using the CTC-developed an online tool.

The City has determined a project list consisting of any new projects to be funded with the RMRA FY 21/22 allocation and previously proposed and adopted projects (re-listed) for the RMRA Program.

The City of Firebaugh's FY 21/22 allocation is estimated at \$158,937 per the Local Streets and Roads – Projected Revenues dated January, 2021 and as published by the California City Finance website. It is recommended that these funds be appropriated for the following new or re-listed eligible projects:

1. 13th Street Rehabilitation (from O Street to Bridge over the San Joaquin River) – **New**
2. 12th Street Rehabilitation (from Washoe Avenue to M Street) – **New**

The attached project list (Exhibit 1) provides more detail including the project description, location, estimated completion date, and useful life.

The City's FY 21/22 Budget will include the following revenue and expenditure items for the FY 21/22 SB 1 Allocation:

Revenue: Road Maintenance and Rehabilitation Account: \$158,937

Expenditure: Road Maintenance and Rehabilitation Projects: \$158,937

FISCAL IMPACT

The expenditures for the FY 21/22 eligible projects are anticipated to be funded 100% from the City's Road Maintenance and Rehabilitation Account. The proposed project expenditures for FY 21/22 are anticipated to match the estimated revenue of \$158,937 for FY 21/22.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 21-23, as follows:

1. Approving the City of Firebaugh FY 21/22 List of eligible projects for funding from the Road Maintenance and Rehabilitation Account administered by the California Transportation Commission in partnership with the State Controller's office, and
2. Authorizing the City Manager to file with the California Transportation Commission the Project List and Annual Expenditure Report for FY 21/22 RMRA Funding.

RESOLUTION NO. 21-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY OF FIREBAUGH FY 2021/2022 LIST OF ELIGIBLE PROJECTS FOR FUNDING FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) CREATED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, AND AUTHORIZING THE CITY MANAGER TO FILE WITH THE CALIFORNIA TRANSPORTATION COMMISSION THE PROJECT LIST AND ANNUAL EXPENDITURE REPORT FOR FY 2021/2022 RMRA FUNDING

WHEREAS, the City of Firebaugh is eligible to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill (SB) 1, Road Repair and Accountability Act of 2017, passed by the Legislature and signed into law by the Governor on April 28, 2017, in order to address the transportation funding shortfalls statewide; and

WHEREAS, RMRA funding will be generated from increased gasoline and diesel fuel excise taxes and additional vehicle registration fees for California residents, cities and counties will receive an annual allocation, determined from a population formula, which will be distributed on a monthly basis; and

WHEREAS, SB 1 includes accountability and transparency provisions to ensure the funding is used on a fiscal year basis for eligible transportation projects including, but not limited to, road maintenance and rehabilitation, safety projects, railroad grade separations, complete streets components, and traffic control devices, this new RMRA funding must not be used to supplant the current level of General Fund expenditures for street improvements and will be subject to oversight by the State Controller's office; and

WHEREAS, funding recipients must prepare a list of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account on a fiscal year basis and approved by resolution by the governing board. This list must include a description and location of each proposed project, a proposed schedule for completion, and the estimated useful life of the improvements; and

WHEREAS, the City has ensured public input and developed the most high-priority and cost-effective projects to receive SB 1 revenues and that would meet the City's priorities for transportation investment; and

WHEREAS, the selected project list includes any new projects to be funded with the RMRA FY 21/22 allocation and previously proposed and adopted projects (re-listed) to reaffirm the public and the State the City's intent to fund these projects with Road Maintenance and Rehabilitation Account revenues; and

WHEREAS, the City of Firebaugh's FY 2021/2022 allocation for RMRA funding is estimated at \$158,937 and the City intends to appropriate these funds on its FY 21/22 Budget.

WHEREAS, the City's FY 2021/2022 allocation will be designated to the new or re-listed eligible projects listed below and as shown on Exhibit 1:

1. 13th Street Rehabilitation (from O Street to Bridge over the San Joaquin River) – **New**
2. 12th Street Rehabilitation (from Washoe Avenue to M Street) - **New**; and

WHEREAS, the City is required to submit to the California Transportation Commission by July 1, 2021, or as extended by the Commission, the FY 2021/2022 List of eligible projects and a resolution that shows these projects were approved to receive FY 21/22 SB 1 funds; and

WHEREAS, funding recipients must prepare an annual report to indicate expenditure levels and completion status for each proposed project on a fiscal year basis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh hereby:

1. The above recitals are true and correct findings of the Firebaugh City Council.
2. The City Council hereby approves the above proposed FY 2021/2022 List for eligible projects to receive funding from the Road Maintenance and Rehabilitation Account.
3. The FY 21/22 SB 1 funds will be appropriated on the City's FY 21/22 Budget.
4. The City Manager is hereby authorized and directed to submit to the California Transportation Commission the Project List and Annual Expenditure Report for FY 2021/2022 RMRA Funding.

The foregoing resolution was duly adopted by the Firebaugh City Council at a regular meeting of the City Council of the City held on June 7, 2021.

AYES:

NOTES:

ABSENT:

ABSTAIN:

APPROVED

ATTEST

Freddy Valdez, Mayor

Rita Lozano, Deputy City Clerk

Local Streets and Roads Program

Agency Name:		Agency Contact:
Firebaugh		Ben Gallegos
		(559) 659-3412
LoCode:	5224	bgallegos@firebaugh.org

FY
21/22

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	13th Street Rehabilitation (New)	Roadway rehabilitation	In the City of Firebaugh between O Street and Bridge over the San Joaquin River	08/2021	08/2022	10	20
PP02	12th Street Rehabilitation (New)	Roadway rehabilitation	In the City of Firebaugh between Washoe Ave and M Street	08/2021	08/2022	10	20
PP03							
PP04							
PP05							
PP06							
PP07							
PP08							
PP09							
PP10							
PP11							
PP12							
PP13							
PP14							
PP15							
PP16							
PP17							
PP18							
PP19							
PP20							
PP21							
PP22							

LEASE

This lease is made and entered into this ____ day of July, 2021 by and between the City of Firebaugh, hereinafter referred to as "LANDLORD" and Veterans of Foreign Wars, Post 7380, hereinafter referred to as "TENANT".

PREMISES:

Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, on the terms and conditions hereinafter set forth, that certain real property and the building and other improvements located thereon situated in the City of Firebaugh, State of California at ____ Street, Firebaugh. Said real property is hereinafter called the Premises.

1. TERM:

The term of this Lease shall be for three (3) years commencing on July ____ 2021 and ending on July ____, 2024. Tenant shall have two one (1) year options which will be exercised unless either party provides a notice of termination sixty days prior to the expiration of the existing term.

2. RENT:

Tenant shall pay to Landlord as rent for the Premises, the sum of Eight Hundred Dollars (\$800.00) per month, in advance on the first day of each month during the term hereof. Rent shall be payable without notice or demand and without any deduction, off-set, or abatement in lawful money of the United States to the Landlord at the address stated herein for notices or to such other persons or such other places as the Landlord may designate to Tenant in writing.

3. TAXES:

(a) Real Property Taxes:

Tenant shall pay all property or possessory interest, taxes and general assessments levied and assessed against the Premises during the term of this Lease

(b) Personal Property Taxes:

Tenant shall pay prior to the delinquency all taxes assessed against and levied upon the trade fixtures, furnishings, equipment and other personal property of Tenant contained in the Premises.

4. UTILITIES:

Tenant shall make all arrangements and pay for all water, gas, heat, light, power, internet, phone, communication and other utility services supplied to the Premises together with any taxes thereon and for all connection charges.

5. ALTERATIONS AND ADDITIONS:

Tenant shall not, without the Landlord's prior written consent, make any alterations, improvements, or additions in or about the Premises.

6. HOLD HARMLESS/INSURANCE:

Tenant shall indemnify and hold Landlord harmless from and against any and all claims arising from Tenant's use or occupancy of the Premises or from the conduct of its business or from any activity, work or things which may be permitted or suffered by Tenant in or about the Premises including all damages, costs, attorney's fees, expenses and liabilities incurred in the defense of any claim or action or proceeding arising therefrom. Except for Landlord's willful or grossly negligent conduct, Tenant hereby assumes all risk of damage to property or injury to person in or about the Premises. Tenant shall provide evidence of insurance acceptable to Landlord which names Landlord as an additional insured.

7. ASSIGNMENT AND SUBLETTING:

Tenant shall not voluntarily or by operation of law assign, transfer, sublet, mortgage, or otherwise transfer or encumber all or any part of Tenant's interest in this Lease or in the Premises without Landlord's prior written consent which consent shall not be unreasonably withheld.

8. DEFAULT:

It is agreed between the parties hereto that if any rent shall be due hereunder and unpaid, or if Tenant shall default and breach any other covenant or provision of the Lease, then the Landlord, after giving the proper notice required by law, may re-enter the Premises and remove any property and any and all persons therefrom in the manner allowed by law. The landlord may, at his option, either maintain this Lease in full force and effect and recover the rent and other charges as they become due or, in the alternative, terminate this lease. In addition, the Landlord may recover all rentals and any other damages and pursue any other rights and remedies which the landlord may have against the Tenant and by reason of such default as provided by law.

9. SURRENDER:

On the last day of the term of this Lease, Tenant shall surrender the Premises to Landlord in good condition, broom clean, ordinary wear and tear and damage by fire and the elements excepted.

10. HOLDING OVER/TERMINATING LEASE:

If Tenant, with the Landlord's consent, remains in possession of the Premises after expiration or termination of the term of this Lease, such possession by Tenant shall be deemed to be a tenancy from month-to-month at a monthly rental in the amount of the last annual rental plus all other charges payable hereunder, and upon all the provisions of this Lease applicable to such a month-to-month tenancy. Either party may terminate this lease at any time by giving three months written notice of termination.

11. BINDING ON SUCCESSORS AND ASSIGNS:

Each provision of this Lease performable by Tenant shall be deemed both a covenant and a condition. The terms, conditions and covenants of this Lease shall be binding upon and shall inure to the benefit of each of the parties hereto, their heirs, personal representatives, successors and assigns

12. NOTICES:

Whenever under this Lease a provision is made for any demand, notice or declaration of any kind, it shall be in writing and served either personally or sent by registered or certified United States mail, postage prepaid, addressed at the addresses as set forth below:

TO LANDLORD AT: City Manager
 City of Firebaugh
 1133 "P" Street
 Firebaugh, CA 93622

TO TENANT AT: Veterans of Foreign Wars, Post 7380
 P.O. Box ____
 Firebaugh, CA 93622

Such notice shall be deemed to be received within forty-eight (48) hours from the time of mailing, if mailed as provided for in this paragraph.

13. WAIVERS:

No waiver by Landlord of any provision hereof shall be deemed a waiver of any other provision hereof or of any subsequent breach by Tenant of the same or any other provisions.

14. TENANT AND LANDLORD OBLIGATIONS:

(a) Landlord conveys the Premises in an "as is" condition and shall maintain exterior, roofing, grounds, heating cooling, electrical and plumbing systems. Landlord will make quarterly inspections of the Premises in the company of a representative of the Tenant. Tenant shall allow other Landlord inspections with a twenty-four hour notice from Landlord.

(b) Tenant shall use the Premises consistent with applicable law and not allow any waste, nuisance or political advertisement on the Premises. Tenant shall maintain interior of building including office equipment, appliances, fixtures, walls, painting, interior repairs and filters.

(c) Tenant shall be free to allow use of the Premises and to schedule public and private functions in the Premises subject to this Lease and the following restrictions:

i. Tenant shall allow scheduling and use of the Premises for the following programs at no charge:

- (1) Annual Fireman's Ball, Firebaugh Volunteer Fire Department has the use of the Center the fourth Saturday of January each year.
- (2) Annual Santa Claus Breakfast.

ii. If use of said building includes the service of alcoholic beverages, users shall insure that there is strict conformance with the State Alcoholic Beverage Control regulations and licensing.

FEES

Police Officer (if required)
2 @ actual rates on the date of event

iii. Use of Premises for public dances and/or fundraising dances shall require the necessary permit and such law enforcement officers on duty as required by the Firebaugh Police Department.

iv. Any person or organization using the Premises must sign a "hold harmless" document releasing the Landlord from any liability which might occur in connection with the use.

The parties hereto have executed this Lease on the date first above written.

LANDLORD:

CITY OF FIREBAUGH

By _____

TENANT:

VETERANS OF FOREIGN WARS, POST
7380

By _____

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 21/06-07

Date/Time: June 7, 2021/5:30 p.m.

***SPECIAL NOTICE DUE TO COVID-19 MEETING WILL BE HELD VIA TELECONFERENCE ONLY
THE MEETING WILL NOT BE OPEN TO IN-PERSON MEETING**

**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 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/86036567922?pwd=bFVaOGpCL2hNemdWN0NnOHBhWIRCdz09>

Meeting ID: 860 3656 7922

Passcode: 936222

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

CLOSED SESSION

1. REAL ESTATE NEGOTIATION – Pursuant to Government Code Section 54956.8.

Designative Rep. City Negotiator Ben Gallegos - Re: APN 008-132-13 (1300 "O" Street)

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.

2. APPROVAL OF MINUTES – The City Council regular meeting on May 17, 2021.

PUBLIC HEARING

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

Recommended Action: Council receives public comment & approves Ord. No. 21-03.

NEW BUSINESS

4. **RESOLUTION NO. 21-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY OF FIREBAUGH FY 2021/2022 LIST OF ELIGIBLE PROJECTS FOR FUNDING FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) CREATED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, AND AUTHORIZING THE CITY MANAGER TO FILE WITH THE CALIFORNIA TRANSPORTATION COMMISSION THE PROJECT LIST AND ANNUAL EXPENDITURE REPORT FOR FY 2021/2022 RMRA FUNDING.**

Recommended Action: Council receives public comment & approves Res. No. 21-23.

5. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND THE VFW POST # 7380.**

Recommended Action: Council receives public comment & takes action.

6. **ADMINISTRATIVE REPORT: FY 2020/21 STREETS & GRANTS FUND PRELIMINARY BUDGET.**

Finance Director Pio Martin: Preliminary General Fund Budgets enclosed.

STAFF REPORTS

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 & that I posted this agenda on the bulletin boards at City Hall, June 4, 2021 at 5:00 p.m. by Rita Lozano Deputy City Clerk.



TO: Mayor Freddy Valdez and Council Members
FROM: Pio Martin, Finance Director
DATE: June 07, 2021
SUBJECT: Street Funds and Grants Preliminary Budgets

Presentation of Street and Grants Funds Preliminary Budgets

➤ Street Revenue and Expense

- Fund 013 Road Maintenance & Rehabilitation Account (RMRA), Street department will be doing roadway rehabilitation on 14th Street from "P:" Street to Highway 33. This cost will be shared with Fund 028 TDA and Fund 035 Measure C.
- Transportation Development Act (TDA) Fund 028, Street department will be performing walkway repair on 8th Street (STPL-5224-024), from "P" Street to Highway 33. Money from this fund is a match of 11.47% from Fund 128. Construction Engineering match \$4,538 line item 4103 and Construction match is \$30,250. Preliminary Engineering work for repaving of 14th Street from "P" to Highway 33 \$40,000 line item 4102. Preliminary Engineering work for repaving of Cardella Street from Landucci to Morris Kyle \$30,000 line item 4102.
- Measure C Fund 035, Street department will be repaving Cardella Street. This project is estimated to cost \$500,000, Fund 035 will fund \$440,000 line item 4104 construction. This project will be shared with Fund 028 Transportation Development Act (TDA).
- Gas Tax Fund 067, repaving of 13th Street from bridge to bridge.
- Open grants
 - Fund 078 – Highway 33
 - Fund 127 – Pedestrian Walkway – Poso Canal near the River Park and Maldonado Park entrance at Zozaya Street and Father Craig.
 - Fund 128 – Pedestrian Walkway – 8th Street from "P" Street to Highway 33
 - Fund 129 – Wastewater Treatment Plant Improvement
 - Fund 131 – Waterline Replacement – Various location in the area of Zozaya Street, "T" Street, Mendoza and Logue Street.
 - Fund 132 – Multi-Benefit Flood Management Project
 - Fund 133 – Cares Act Airport 3-06-0346-008-2020
 - Fund 134 – Tobacco Grant Program – Firebaugh-Las Deltas School District; Three year grant.
 - Fund 135 – STPL-5224(025) 8th Street from P Street to Highway 33 pavement work
 - Fund 136 – 20-CDBG-12000 – Fire Station
 - Fund 137 – CML-5224(026) Saipan Alley
 - Fund 138 – CML-5224(027) J Street
 - Fund 139 – 20-CDBG-CVI-00030 – Food Bank / Hot Meal
 - Fund 140 – Local Early Action Planning (LEAP)
 - Fund 141 – Prop. 64 Public Health & Safety Grant (BSCC)

Street Total Budget

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3301	INTEREST INCOME	14,692	500	446	500
3601	LTF ARTICLE VIII (STS & RDS)	511,690	550,575	282,973	418,326
3602	LTF Article III	5,882	6,125	6,125	6,791
3650	GAS TAX (HUTA 2103)	30,320	69,185	52,594	61,502
3651	GAS TAX (2105)	43,500	43,104	24,515	45,180
3652	GAS TAX (2106)	26,934	26,268	15,216	26,991
3653	GAS TAX (2107)	55,426	51,855	33,813	57,460
3654	GAS TAX (2107.5)	2,000	2,000	2,000	2,000
3656	ROAD MAINTENANCE & REHAB ACCT	78,626	139,762	85,525	153,317
	RESERVED FUND	-	-	-	757,000
Total Revenue		769,071	889,374	503,207	1,529,067

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
4090 1000	STS & RDS SALARIES	121,786	124,633	89,900	105,677
4090 1002	STS & RDS WAGES/OTHER	5,617	1,854	4,664	10,749
4090 1005	STS & RDS OVERTIME	529	300	265	100
4090 1010	STS & RDS FICA	9,229	9,581	6,453	8,906
4090 1013	STS & RDS	13,883	15,792	10,273	14,205
4090 1015	STS & RDS WKRS COMP	10,116	9,604	9,479	9,159
4090 1022	STS & RDS UNFUNDED LIABIL	11,936	18,194	11,461	13,232
4090 1025	STS & RDS MEDICAL INSURAN	14,790	27,793	18,682	25,475
4090 1026	STS & RDS DENTAL INSURANC	1,558	2,412	1,586	2,062
4090 1027	STS & RDS VISION INSURANC	225	377	258	376
Total Salaries		189,668	210,540	153,021	189,941

4090 2012	STS & RDS UNIFORM EXPENSE	-	-	-	600
4090 2013	STS & RDS GAS, OIL, LUBE	7,676	5,500	3,893	5,500
4090 2014	STS & RDS TIRES, BATT, AC	374	400	-	400
4090 2015	STS & RDS SIGNS, SIGNALS	3,961	3,500	3,625	4,000
4090 2501	STS & RDS ADVERTISEMENT	1,467	1,350	-	1,500
4090 2502	STS & RDS INSURANCE	6,359	10,837	10,517	14,437
4090 2503	STS & RDS DUES/FEES	997	1,650	2,011	2,000
4090 2523	STS & RDS TELEPHONE	894	980	924	1,025
4090 2526	STS & RDS ELECTRICITY/GAS	91,759	65,000	56,632	75,000
4090 3001	STS & RDS SMALL TOOLS	184	200	-	200
4090 3008	STS & RDS S/W, CRBS, BIKE	-	6,000	-	6,000
4090 3012	STS & RDS REPAIR EQUIP	757	800	-	800
4090 3018	STS & RDS ST. PAINTING	1,977	2,500	-	2,500
4090 3022	STS & RDS STS & RD REPAIR	24,952	23,000	7,479	20,000
4090 3506	STS & RDS ENGINEERING	14,124	11,700	6,014	14,500
4090 4102	STS & RDS PRELIM. ENG.	9,601	33,772	9,290	70,000
4090 4103	STS & RDS CONST. ENG.	5,881	30,000	-	75,000
4090 4104	STS & RDS CONSTRUCTION	116,314	142,000	70,731	839,250
Total Expense		287,276	339,189	171,116	1,132,712

Total Salaries and Expense		476,944	549,729	324,137	1,322,653
					772,924
					140.60%

Total Net		292,127	339,645	179,070	206,414
					(133,231)
					-39.23%

FUND #: 012 GAS TAX 2105					
<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-22</u>
3301	INTEREST INCOME	1,290	500	446	500
3651	GAS TAX (2105)	43,500	43,104	24,515	45,180
3652	GAS TAX (2106)	26,934	26,268	15,216	26,991
3653	GAS TAX (2107)	55,426	51,855	33,813	57,460
3654	GAS TAX (2107.5)	2,000	2,000	2,000	2,000
Total Revenue		129,149	123,727	75,990	132,131
					8,404
					6.79%
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-22</u>
4090 2015	STS & RDS SIGNS, SIGNALS	3,961	3,500	3,625	4,000
4090 2526	STS & RDS ELECTRICITY/GAS	91,759	65,000	56,632	75,000
4090 3001	STS & RDS SMALL TOOLS	184	200	-	200
4090 3012	STS & RDS REPAIR EQUIP	757	800	-	800
4090 3018	STS & RDS ST. PAINTING	1,977	2,500	-	2,500
4090 3022	STS & RDS STS & RD REPAIR	4,992	8,000	1,693	5,000
Total Expense		103,630	80,000	61,950	87,500
					7,500
					9.38%
Total Salaries and Expense		103,630	80,000	61,950	87,500
					7,500
					9.38%
Total Net		25,519	43,727	14,040	44,631
					904
					2.07%

FUND #: 013 ROAD MAINTENANCE

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3656	ROAD MAINTENANCE & REHAB ACCT	78,626	139,762	85,525	153,317
	<i>Total Revenue</i>	<u>78,626</u>	<u>139,762</u>	<u>85,525</u>	<u>153,317</u>
					13,555
					9.70%

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
4090 3022	STS & RDS STS & RD REPAIR	-	-	11,118	-
4090 3506	STS & RDS ENGINEERING	3,307	-	1,323	3,000
4090 4104	STS & RDS CONSTRUCTION	111,234	139,762	-	150,000
	<i>Total Expense</i>	<u>114,541</u>	<u>139,762</u>	<u>12,441</u>	<u>153,000</u>
					13,238
					9.47%

<i>Total Salaries and Expense</i>	<u>114,541</u>	<u>139,762</u>	<u>12,441</u>	<u>153,000</u>
				13,238
				9.47%

<i>Total Net</i>	<u>(35,915)</u>	<u>-</u>	<u>73,084</u>	<u>317</u>
				317

#DIV/0!

FUND #: 025 LTF ARTICLE III					
<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3301	INTEREST INCOME	52	50	67	50
3602	LTF Article III	5,882	6,125	6,125	6,791
	<i>Total Revenue</i>	<u>5,935</u>	<u>6,175</u>	<u>6,192</u>	<u>6,841</u>
					666
					10.79%
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
4090 3008	STS & RDS S/W, CRBS, BIKE	-	6,000	-	6,000
	<i>Total Expense</i>	<u>-</u>	<u>6,000</u>	<u>-</u>	<u>6,000</u>
					-
					0.00%
	<i>Total Salaries and Expense</i>	<u>-</u>	<u>6,000</u>	<u>-</u>	<u>6,000</u>
					-
					0.00%
	<i>Total Net</i>	<u>5,935</u>	<u>175</u>	<u>6,192</u>	<u>841</u>
					666
					380.57%

FUND #: 028 T.D.A.

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3301	INTEREST INCOME	2,651	3,370	1,006	-
3601	LTF ARTICLE VIII (STS & RDS)	254,127	278,248	35,605	122,106
	RESERVED FUND	-	-	-	475,000
	Total Revenue	256,779	281,618	36,611	597,106
					315,488
					112.03%

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
4090 1000	STS & RDS SALARIES	62,296	59,694	42,321	44,514
4090 1005	STS & RDS OVERTIME	222	-	92	-
4090 1010	STS & RDS FICA	4,097	4,567	2,358	3,405
4090 1013	STS & RDS	5,139	6,858	3,207	4,631
4090 1015	STS & RDS WKRS COMP	4,223	4,512	4,442	3,519
4090 1022	STS & RDS UNFUNDED LIABIL	6,313	8,784	5,819	4,876
4090 1025	STS & RDS MEDICAL INSURANC	11,433	13,214	7,195	9,551
4090 1026	STS & RDS DENTAL INSURANC	1,222	1,246	677	890
4090 1027	STS & RDS VISION INSURANC	179	183	101	162
	Total Salaries	95,125	99,058	66,213	71,548
					(27,510)
					-28%

4090 2013	STS & RDS GAS, OIL, LUBE	3,737	3,000	2,174	3,000
4090 2014	STS & RDS TIRES, BATT, AC	374	400	-	400
4090 2501	STS & RDS ADVERTISEMENT	1,467	1,350	-	1,500
4090 2502	STS & RDS INSURANCE	3,026	5,245	5,081	5,719
4090 2523	STS & RDS TELEPHONE	222	370	272	400
4090 3506	STS & RDS ENGINEERING	5,375	4,700	146	4,500
4090 4102	STS & RDS PRELIM. ENG.	9,601	33,772	9,290	70,000
4090 4103	STS & RDS CONST. ENG.	8,822	30,000	-	75,000
4090 4104	STS & RDS CONSTRUCTION	92,504	35,000	-	361,250
	Total Expense	125,127	113,837	16,962	521,769
					407,932
					358.35%

Total Salaries and Expense	220,252	212,895	83,175	593,317
				380,422
				178.69%

Total Net	36,526	68,723	(46,564)	3,789
				(64,934)
				-94.49%

FUND #: 033 MEASURE C-1

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3301	INTEREST INCOME	1,115	1,570	427	1,000
3601	LTF ARTICLE VIII (STS & RDS)	118,230	118,035	120,360	134,745
Total Revenue		119,345	119,605	120,787	135,745
					16,140
					13.49%

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
4090 1000	STS & RDS SALARIES	44,578	52429	37537.72	48,388
4090 1002	STS & RDS WAGES/OTHER	5,617	1854	4663.78	10,749
4090 1005	STS & RDS OVERTIME	249	200	133.48	-
4090 1010	STS & RDS FICA	3,888	4054	3026.8	4,524
4090 1013	STS & RDS	6,410	7179	5522	7,749
4090 1015	STS & RDS WKRS COMP	4,136	4163	4098.68	4,675
4090 1022	STS & RDS UNFUNDED LIABIL	3,985	8103	3673.4	6,478
4090 1025	STS & RDS MEDICAL INSURANC	9,577	12491	9585.78	13,407
4090 1026	STS & RDS DENTAL INSURANC	1,011	959	727.54	965
4090 1027	STS & RDS VISION INSURANC	94	159	127	180
Total Salaries		79,547	91,591	69,097	97,115
					5,524
					6%

4090 2012	STS & RDS UNIFORM EXPENSE	-	-	-	500
4090 2013	STS & RDS GAS, OIL, LUBE	3,939	2,500	1,719	2,500
4090 2502	STS & RDS INSURANCE	2,321	4,839	4,687	7,597
4090 2503	STS & RDS DUES/FEES	997	1,650	2,011	2,000
4090 2523	STS & RDS TELEPHONE	406	360	294	350
4090 3022	STS & RDS STS & RD REPAIR	19,960	15,000	5,786	15,000
4090 3506	STS & RDS ENGINEERING	5,224	3,000	3,175	3,000
Total Expense		32,847	27,349	17,672	30,947
					3,598
					13.16%

Total Salaries and Expense		112,394	118,940	86,769	128,062
					9,122
					7.67%

Total Net		6,950	665	34,018	7,683
					7,018
					1055.34%

FUND #: 034 MEASURE C-2

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3301	INTEREST INCOME	26	50	50	50
3601	LTF ARTICLE VIII (STS & RDS)	3,915	4,536	3,680	4,716
Total Revenue		3,940	4,586	3,730	4,766
					180
					3.92%
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
4090 3506	STS & RDS ENGINEERING	217	4,000	1,370	4,000
Total Expense		217	4,000	1,370	4,000
					-
					0.00%
Total Salaries and Expense		217	4,000	1,370	4,000
					-
					0.00%
Total Net		3,723	586	2,360	766
					180
					30.72%

FUND #: 035 MEASURE C-3

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3301	INTEREST INCOME	1,131	2,000	1,658	1,800
3601	LTF ARTICLE VIII (STS & RDS)	135,419	149,756	123,327	156,759
	RESERVER BALANCE	-	-	-	282,000
Total Revenue		136,550	151,756	124,985	440,559
					288,803
					190.31%

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
4090 4104	STS & RDS CONSTRUCTION	163,935	107,000	70,731	440,000
Total Expense		163,935	107,000	70,731	440,000
					333,000
					311.21%

Total Salaries and Expense		163,935	107,000	70,731	440,000
					333,000
					311.21%

Total Net		(27,386)	44,756	54,254	559
					(44,197)
					-98.75%

FUND #: 067 AB2928 GAS TAX

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2021-2022</u>
3546	MISCELLANEOUS REVENUE	6,216		-	-
3650	GAS TAX (HUTA 2103)	30,320	69,185	52,594	61,502
Total Revenue		36,536	69,185	52,594	61,502
					(7,683)
					-11.11%

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
4090 1000	STS & RDS SALARIES	14,912	12,510	10,042	12,775
4090 1005	STS & RDS OVERTIME	57	100	39	100
4090 1010	STS & RDS FICA	1,243	960	1,069	977
4090 1013	STS & RDS PERS RETIREMENT	2,334	1,755	1,544	1,825
4090 1015	STS & RDS WKRS COMP	1,757	929	938	965
4090 1022	STS & RDS UNFUNDED LIABIL	1,638	1,307	1,969	1,878
4090 1025	STS & RDS MEDICAL INSURAN	2,348	2,088	1,901	2,517
4090 1026	STS & RDS DENTAL INSURANC	207	207	181	207
4090 1027	STS & RDS VISION INSURANC	34	35	29	34
Total Salaries		24,529	19,891	17,712	21,278

1,387
7%

4090 2012	STS & RDS UNIFORM EXPENSE	-	-	-	100
4090 2502	STS & RDS INSURANCE	1,011	753	748	1,121
4090 2523	STS & RDS TELEPHONE	266	250	358	275
4090 4104	STS & RDS CONSTRUCTION	-	-	-	38,000
Total Expense		1,277	1,003	1,107	39,496

38,493
3837.81%

Total Salaries and Expense	25,806	20,894	18,819	60,774
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39,880
190.87%

Total Net	10,730	48,291	33,775	728
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(47,563)
-98.49%

FUND #:078 HIGHWAY 33					
Revenue	Description	3YR AVERAGE	Budget Fiscal Yr 2020	Actual Fiscal Yr 2020	Approved FY 2020-2021
3801	GRANT INCOME		-	-	1,768,349
	<i>Total Revenue</i>	-	-	-	1,768,349
					1,768,349
					0.00%
Expense	Description	3YR AVERAGE	Proposed FY 2019-2020	Actual Fiscal Yr 2019	Proposed FY 2019-2020
4090 4102	WATER PRELIMINARY ENGINEERING	-	-	-	1,768,349
	<i>Total Expense</i>	-	-	-	1,768,349
					-
					0.00%
	<i>Total Salaries and Expense</i>	-	-	-	1,768,349
					1,768,349
					0.00%
	<i>Total Net</i>	-	-	-	-
					-
					0.00%

FUND #: 127 CML-5224-(023) - Pedestrian Walkway

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3801	GRANT INCOME		73,150	-	67,817
	<i>Total Revenue</i>	-	73,150	-	67,817
					(5,333)
					-7.29%
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4092 4102	BICYCLE/PEDESTRIAN PATHWAY - PRELIM	-	73,150	5,333	67,817
	<i>Total Expense</i>	-	73,150	5,333	67,817
					(5,333)
					-7.29%
	<i>Total Salaries and Expense</i>	-	73,150	5,333	67,817
					(5,333)
					-7.29%
	<i>Total Net</i>	-	-	(5,333)	-
					0.00%

FUND #: 128 STPL-5224-(024) - 8th Street from P Street to HWY33

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3801	GRANT INCOME		39,555	-	32,509
<i>Total Revenue</i>		-	39,555	-	32,509
					(7,046)
					-17.81%
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4092 4102	BICYCLE/PEDESTRIAN PATHWAY - PRELIM.	-	39,555	7,046	32,509
<i>Total Expense</i>		-	39,555	7,046	32,509
					(7,046)
					-17.81%
<i>Total Salaries and Expense</i>		-	39,555	7,046	32,509
					(7,046)
					-17.81%
<i>Total Net</i>		-	-	(7,046)	-
					0.00%

FUND #: 129 C-06-8124-210 WASTEWATER TREATMENT PLANT IMPROVEME.

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3801	GRANT INCOME		6,858,000	58,269	6,731,794
	<i>Total Revenue</i>	-	<i>6,858,000</i>	<i>58,269</i>	<i>6,731,794</i>
					<i>(126,206)</i>
					<i>-1.84%</i>
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4013 5340	SEWER WASTE WATER TREATMENT PLANT	-	6,858,000	126,206	6,731,794
	<i>Total Expense</i>	-	<i>6,858,000</i>	<i>126,206</i>	<i>6,731,794</i>
					<i>(126,206)</i>
					<i>-1.84%</i>
	<i>Total Salaries and Expense</i>	-	<i>6,858,000</i>	<i>126,206</i>	<i>6,731,794</i>
					<i>(126,206)</i>
					<i>-1.84%</i>
	<i>Total Net</i>	-	-	<i>(67,937)</i>	-
					<i>0.00%</i>

FUND #:131 18-CDBG-12895 - WATERLINE REPLACEMENT					
Revenue	Description	3YR AVERAGE	Budget Fiscal Yr 2020	Actual Fiscal Yr 2020	Approved FY 2020-2021
3801	GRANT INCOME	-	-	-	2,350,000
	<i>Total Revenue</i>	-	-	-	2,350,000
					0.00%
Expense	Description	3YR AVERAGE	Proposed FY 2019-2020	Actual Fiscal Yr 2019	Proposed FY 2019-2020
4012 4102	WATER PRELIMINARY ENGINEERING	-	-	-	163,953
4012 4103	WATER CONSTRUCTION ENGINEERING	-	-	-	14,672
4012 4104	WATER CONSTRUCTION	-	-	-	2,171,375
	<i>Total Expense</i>	-	-	-	2,350,000
					0.00%
	<i>Total Salaries and Expense</i>	-	-	-	2,350,000
					0.00%
	<i>Total Net</i>	-	-	-	-
					0.00%

FUND #:132 MULTI-BENEFIT FLOOD MANAGEMENT PROJECT

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3801	GRANT INCOME	-	-	41,720	349,849
<i>Total Revenue</i>		-	-	41,720	349,849
					0.00%

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4100 3506	ADMINISTRATION ENGINEERING	-	-	57,940	349,849
<i>Total Expense</i>		-	-	57,940	349,849
					0.00%
<i>Total Salaries and Expense</i>		-	-	57,940	349,849
					0.00%
<i>Total Net</i>		-	-	(16,219)	-
					0.00%

FUND #:133 CARES ACT AIRPORT - 03-06-0346-008-2020

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2020</u>	<u>Actual Fiscal Yr 2020</u>	<u>Approved FY 2020-2021</u>
3801	GRANT INCOME		-	-	20,000
	<i>Total Revenue</i>	-	-	-	20,000
					20,000
					0.00%
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4190 3506	WATER PRELIMINARY ENGINEERING	-	-	-	20,000
	<i>Total Expense</i>	-	-	-	20,000
					20,000
					0.00%
	<i>Total Salaries and Expense</i>	-	-	-	20,000
					20,000
					0.00%
	<i>Total Net</i>	-	-	-	-
					-

FUND #: 134 TOBACCO GRANT FIREBAUGH LAS-DELTAS SCHOOL

Expense	Description	3YR AVERAGE	Budget Fiscal Yr 2020	Actual Fiscal Yr 2020	Approved FY 2020-2021
4130 1000	POLICE SALARIES				55,480
4130 1010	POLICE FICA				4,245
4130 1013	POLICE PERS				7,240
4130 1016	POLICE UNIFORM EXPENSE				900
4130 1025	POLICE MEDICAL INSURAN				3,600
4130 1026	POLICE DENTAL INSURANC				1,149
4130 1027	POLICE VISION INSURANC	-	-	-	101
	Total Salaries	-	-	-	72,715
4130 3509	POLICE OTHER COST	-	-	-	8,500
	Total Expense	-	-	-	8,500
	Total Salaries and Expense	-	-	-	81,215
					81,215

FUND #: 135		STPL-5224(025) 8th St. From P St. to HWY33 - Pavement			
<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3801	GRANT INCOME	-	-	-	270,000
Total Revenue		-	-	-	270,000
<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4090 4103 - G18	STS & RDS CONST ENG	-	-	-	247,706
4090 4104 - G18	STS & RDS CONSTRUCTION	-	-	-	22,294
Total Expense		-	-	-	270,000
Total Net		-	-	-	-
					0.00%

FUND #: 136 20-CDBG-12000 FIRE
Revenue Description
 3801 GRANT INCOME

	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
<i>Total Revenue</i>	-	-	-	3,500,000
				3,500,000

Expense Description
 4140 3513 - G15 FIRE OTHER SERVICES
 4140 4104 - G15 FIRE CONSTRUCTION

	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
		-	-	60,000
<i>Total Expense</i>	-	-	-	3,440,000
				3,500,000
<i>Total Net</i>	-	-	-	-
				0.00%

FUND #: 137 CML-5244(026) SAIPAN ALLEY

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3801	GRANT INCOME	-	-	-	55,000
Total Revenue		-	-	-	55,000

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4090 4102 - G20	STS & RDS PRELIM. ENG.	-	-	-	55,000
Total Expense		-	-	-	55,000
Total Net		-	-	-	-
					0.00%

FUND #: 138 CML-5244(027) J STREET
Revenue Description
 3801 GRANT INCOME

	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
<i>Total Revenue</i>	-	-	-	54,072
				54,072

Expense Description
 4090 4102 - G21 STS & RDS PRELIM. ENG.

	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
<i>Total Expense</i>	-	-	-	54,072
	-	-	-	54,072
<i>Total Net</i>	-	-	-	-
				0.00%

FUND #: 139 20-CDBG-CV1-030 FOOD BANK / HOT MEALS

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3801	GRANT INCOME	-	-	-	18,500
<i>Total Revenue</i>		-	-	-	18,500

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4016 3513 - G16	CDBG PROJECTS OTHER SERVICES	-	-	-	18,500
<i>Total Expense</i>		-	-	-	18,500
<i>Total Net</i>		-	-	-	-
					0.00%

FUND #: 140 2020 LOCAL EARLY ACTION PLANNING (LEAP)

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3801	GRANT INCOME	-	-	-	65,000
<i>Total Revenue</i>		-	-	-	65,000

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Proposed FY 2019-2020</u>	<u>Actual Fiscal Yr 2019</u>	<u>Proposed FY 2019-2020</u>
4009 3513 - G17	GRANT FUNDING OTHER SERVICES	-	-	-	65,000
<i>Total Expense</i>		-	-	-	65,000
<i>Total Net</i>		-	-	-	-
					0.00%

FUND #: 141 BSCC 947-21 (PAL)

<u>Revenue</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
3801	GRANT INCOME	-	-	-	72,281
Total Revenue		-	-	-	72,281

<u>Expense</u>	<u>Description</u>	<u>3YR AVERAGE</u>	<u>Budget Fiscal Yr 2021</u>	<u>Actual Fiscal Yr 2021</u>	<u>Approved FY 2021-2022</u>
4130 1000	POLICE SALARIES	-	-	-	46,775
4130 1010	POLICE FICA	-	-	-	3,578
4130 1013	POLICE PERS	-	-	-	6,101
4130 1025	POLICE MEDICAL INSURAN	-	-	-	4,578
4130 1026	POLICE DENTAL INSURANC	-	-	-	1,148
4130 1027	POLICE VISION INSURANC	-	-	-	101
Total Salaries		-	-	-	62,281
					62,281

4130 3513	POLICE OTHER SERVICES	-	-	-	10,000
Total Expense		-	-	-	10,000

Total Salaries and Expense		-	-	-	72,281
					72,281

Total Net		-	-	-	-
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Grant Name	Amount	State / Federal Funds	Match Amount	Award Start Date	Fund	Project
Highway 33 Beautification	2,000,000	2,000,000	-	9/10/2008	78	Roadway improvement on HWY33 from 8th St. to 15th St.
CML-5224(023)	73,150	73,150	-	5/13/2019	127	Poso Canal Near the river park & Maldonado Park Entrance at Zozaya St. and Father Craig
STPL-5224(024)	263,704	233,457	30,247	5/13/2019	128	8th St. from P St. to SR33 - Sidewalk
STPL-5224(024)	39,556	35,019	4,537	5/13/2019	128	8th St. from P St. to SR33 - Sidewalk
C-06-8124-210 Wastewater Treatment Plant Improvement	6,858,000	6,858,000	-	10/8/2018	129	Wastewater treatment plant
18-CDBG-12895 Waterline Replacement	2,350,000	2,350,000	-	9/15/2020	131	Water Line Replacement
Multi-Benefit Flood Management Project	400,000	400,000	-	5/14/2019	132	Firebaugh Multi-Benefit Flood Management Project
Cares Act Airport - 3-06-0346-008-2020	20,000	20,000	-	5/26/2020	133	Airport
Tobacco Grant	228,880	228,880	-		134	The City of Firebaugh Police Department agrees to assign (1) one full-time Police Officer to the Firebaugh Las Deltas School District schools. The base of operations for the Officer will be Firebaugh High School and Firebaugh Middle School where it is understood that the officer will respond to related school calls, as needed, attend school meetings, and provide anti-tobacco and anti-drug education at all schools and within the community.
STPL-5224(025)	270,000	270,000	-	9/15/2020	135	8th St. from P St. to SR33 - Pavement
20-CDBG-12000 - Fire Station	3,500,000	3,500,000	-	10/27/2020	136	New Fire House
CML-5244(026) SAIPAN ALLEY	70,804	70,804	-	11/10/2020	137	Saipan Alley from Saipan Ave to 15th St. Soars Alley between 8th St. to 7th St., and Beehive Alley from Saipan Ave to Corregidor Ave.
CML-5244(027) J STREET	63,072	63,072	-	11/17/2020	138	J Street between 10th St. and Nees Ave. and 10th Street between
20-CDBG-CV1-00030 - FOOD BANK / HOT MEAL	18,500	18,500	-	3/24/2021	139	
Local Early Action Planning (LEAP) Grants Program Award	65,000	65,000	-	4/27/2021	140	study for downtown
Prop. 64 Public Health & Safety Grant Cohort 2 Agreement # BSCC 947-21	298,881	298,881	-	5/1/2021	141	Police Officer for PAL and Community Outreach
	16,519,547	16,484,763	34,784			