

MEETING AGENDA

The City Council/Successor Agency- of the City of Firebaugh

Vol. No. 21/08-02

Date/Time: August 2, 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 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

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 July 19, 2021.

PUBLIC HEARING

None

NEW BUSINESS

2. **RESOLUTION NO. 21-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE ACCEPTANCE OF STPL-5224(024) 8TH STREET PEDESTRIAN FACILITIES REHABILITATION & CONSTRUCTION AND STPL-5224(025) 8TH STREET PAVEMENT REHABILITATION PROJECTS, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY AND AUTHORIZING THE CITY MANAGER TO MAKE FINAL PAYMENT OF RETENTION MONIES TO BUSH ENGINEERING, INC.**

Recommended Action: Council receives public comment & approves Res. No. 21-31.

3. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW & DISCUSS RETURNING TO OPEN IN-PERSON MEETING OR OTHER OPTIONS FOR CITY COUNCIL MEETINGS.**

Recommended Action: Council receives public comment & gives staff direction.

STAFF REPORTS

CLOSED SESSION

4. **POTENTIAL LITIGATION – Pursuant to Government Code Section 54956.9(d)(1) & (3).**

One (1) case

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, July 30, 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. 21/07-19

**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: July 19, 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
Council Member Felipe Pérez

ABSENT: Council Member Elsa Lopez

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; Karl Schoettler, City Planner; Bethany Matos, Associate Dean of West Hills College-North District Center; Pedro Garcia of West Hills College Mr. Mark Benjamin of Board of Supervisor Brain Pacheco's Office, Raquel Tabares, Silvia Renteria & others.

PLEDGE OF ALLEGIANCE Council Member Lopez led pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT None

PRESENTATION

- Mid- Valley – presented an update on SB1383 Implementation Program & discussed how education will be need to help everyone learn how to comply.
- Mr. Cunha's spoke about Immigration Reform, & how the Farmworker Modernization Act of 2021, excluded individuals that work at packing houses. Mr. Cunha asked for the Mayor to sign a letter of support that would be sent to the Senators' & Assembly members', to help amend the Act to address the individuals that were excluded.
- Mrs. Aurora Ramirez & Mr. Eliseo Gamino, announced, they received a grant in the amount of \$23,000 to be received over the next five years that will allow them to work with our youth, by providing direct services through the "Youth Empowerment Grant", & are seeking a facility to open an office in Firebaugh.

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on June 21, 2021.

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

June 2021	General Warrants	#41225 - #41329	\$ 1,525,807.88
	Payroll Warrants	#71526 - #71547	\$ 190,934.65
	TOTAL		\$ 1,716,742.53

Motion to approve consent calendar by Council Member Jenkins, second by Council Member Perez, motion passed by 5-0 vote.

PUBLIC HEARING

3. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO HOLD PUBLIC HEARING FOR CLOSEOUT OF 17-CDBG-12016 GRANT.

**Open hearing at 6:52 pm - No Comment Given – Close hearing at 6:53 pm.*

Motion to approve move forward by Council Member Sablan, second by Council Member Jenkins, motion passed by 5-0 vote.

NEW BUSINESS

4. RESOLUTION NO. 21-28 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING THE CDBG SEWER LINE REPLACEMENT, PROJECT NO. 17-CDBG-12016 AS COMPLETE, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY, AND AUTHORIZING THE CITY MANAGER TO MAKE FINAL PAYMENT OF RETENTION MONIES TO ROLFE CONSTRUCTION INC.

Motion to approve of Res. No. 21-28, by Council Member Jenkins, second by Council Member Sablan, motion passed by 5-0 vote.

5. RESOLUTION NO. 21-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING THE CDBG V.F.W. HALL REHABILITATION PROJECT, PROJECT NO. 17-CDBG-12016 AS COMPLETE, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY, AND AUTHORIZING THE CITY MANAGER TO MAKE FINAL PAYMENT OF RETENTION MONIES TO ARDENT GENERAL INC.

Motion to approve of Res. No. 21-29, by Council Member Lopez, second by Council Member Jenkins, motion passed by 5-0 vote.

6. RESOLUTION NO. 21-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CONCERNING MEASURE C EXTENSION LOCAL TRANSPORTATION PURPOSE PASS-THROUGH AND PROGRAM FUNDS ANNUAL ALLOCATION FOR FY 2021-2022.

Motion to approve of Res. No. 21-30, by Council Member Jenkins, second by Council Member Lopez, motion passed by 5-0 vote.

7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW & DISCUSS ORDINANCE NO. 06-20 – CHAPTER 7 OF THE FIREBAUGH MUNICIPAL CODE PERTAINING TO VEHICLE PARKING.

Majority of the Council agrees, should any changes be needed to the current ordinance, the Police Chief will make the recommendations, & present to council for approval to amend the ordinance. Police Dept. is enforcing our Municipal Code regulations, but there has been some complaints from residents to Council Members, that don't want to comply; but no changes required at this time. Council Members Jenkins & Perez, will go for a ride along with the Police Chief and City Manager to address concerns & complaints.

STAFF REPORTS

- **Mario Gouveia, City Engineer** – two funding projects on 8th St., will be recommending the acceptance of Notice of Completion at the next meeting. The Survey has been done on Fr. Craig, the options will be presented for selection. Cardella project will go out for advertisement on Aug. 4, 2021, with the Bid acceptance scheduled for Sept 4, 2021, so we can be working on the project Sept. 24th. Still working on the Caltrans improvement project, future paving of alley, environmental bid sometime in March of 2022 & CDBG in April of next year.
- **Finance Director, Pio Martin** – Council Member Sablan inquired about CARES funding, Federal CAREs funding was \$98,542, Fresno County CAREs funding was \$133,411, both funding sources have been used. We still have funding from the American Rescue Act, we've received half of it, amount \$19 million, the other half will be sent later for a total amount of \$2.2 million.

- **Deputy City Clerk, Rita Lozano** – I've received several Public Request Act of the past few weeks, many of the request are asking for the same information but from different people, so staff believes they've already answered or responded, and working on grants as well as other paperwork processing for different issues.
- **Fire Chief, John Borboa** – the outside walls at the new Fire Station have gone up, everyone is really excited, a movie production company asked Chief Borboa to participate in their show, it's similar to the Myth Busters program, it can be viewed on the Discovery Channel, & scheduled to record Aug. 5th.
- **Police Chief, Sal Raygoza** – July 9th will be Officer Monay's last day, so Officer Frias (a local Resident) will be transferred to fill the K-9 position. He will be attending training in Visalia on Saturday & Sunday, there will also be a training held in Firebaugh, so other agencies will be in town. A Reserve Officer will be promoted to full-time to the vacant spot. Crime has been extremely low, staff is going a great job, in the past 15 days nine people have been arrested for DUI's, & property crimes is really low too, with the grave yard staff doing a great job.
- **Mr. Mark Benjamin of Board of Supervisor Brain Pacheco's Office** – Congratulated the City, 50.8% of Firebaugh residents are vaccinated, City of Mendota & Kerman are below, it's very important to be vaccinated, so Thank you.
- **City Attorney, James Sanchez** – there may be a settlement on a case, which impacts several local communities & cities, once the details are received, a closed session will be held for discussion.
- **City Manager, Ben Gallegos** – Police Chief is working with James regarding an abandon home on Sablan, no one is claiming ownership. City received additional 2 million in funds for the new Police Station, we will reject bids on the project, to go back for bid on the whole project, instead of parting it. Met with Valadao to ask for help with the water issues. On July 4th, a waterline broke in Las Deltas, we contacted Mr. M Benjamin, who helped us get in contact with the County; however, they stated it wasn't their responsibility, the State said the same thing, so the City had to fix the line but we can't be going to fix it, since it is not in our jurisdiction & out of our city limits.
- **Council Member Lopez** – asked for an update on going back to open in-person meeting & business license fees for itinerant vendors. City Manager Gallegos replies Deputy Clerk Lozano researched & provided the information, but our business License Ordinance and fees are very outdated, so staff will provide recommendation in a couple of months. City Attorney Sanchez stated Council can look at a couple of things, as far as open meetings, hybrid meetings or both, & other possible options. Staff will place it on the next agenda for further discussion.
- **Council Member Sablan** – Inquired about Code Enforcement at our local trailer parks, City Manager & Police Chief are working with City Attorney, staff is eager to find a solution, one trailer facility was illegally dumping sewage on the ground.
- **Council Member Perez & Jenkins** – nothing to report.
- **Council Member Valdez** – Congratulated staff on getting an additional 2 million for the new Police Station to complete the project, and stated in favor of both options on open meeting or hybrid meetings.
- ❖ ***Motion to enter closed session at 7:44 pm, by Council Member Jenkins, second by Council Member Perez motion passes by a 5-0 vote.***

CLOSED SESSION

8. **Government Code Section 54957(b).**

PUBLIC EMPLOYEE EVALUATION: City Manager.

- ❖ ***Motion to enter open session at 7:57 pm by a 5-0 vote.***

ANNOUNCEMENT AFTER CLOSED SESSION *Nothing to report*

ADJOURNMENT ***Motion to adjourn at 7:58 pm by 5-0 vote.***

STAFF REPORT

AGENDA ITEM: Resolution of the City Council of the City of Firebaugh Accepting Completion of STPL-5224(024) 8th Street Pedestrian Facilities Rehabilitation & Construction and STPL-5224(025) 8th Street Pavement Rehabilitation, Authorizing the City Clerk to file a Notice of Completion with Fresno County, and Authorizing the City Manager to Make Final Payment of Retention Monies to Bush Engineering, Inc.

MEETING DATE: August 02, 2021

PREPARED BY: Mario Gouveia, City Engineer

RECOMMENDATION:

1. Accept the work as complete.
2. Authorize the City Clerk to record a Notice of Completion with Fresno County.
3. Authorize the City to make payment of retention monies to Bush Engineering, Inc. following the expiration of 35 days from the date of recordation of the Notice of Completion.

BACKGROUND/DISCUSSION:

The City of Firebaugh advertised the STPL-5224(024) 8th Street Pedestrian Facilities Rehabilitation & Construction and STPL-5224(025) 8th Street Pavement Rehabilitation projects on February 3, 2021, and bids were opened on March 3, 2021. Bush Engineering, Inc. submitted the lowest responsive and responsible bid and was awarded a contract for \$362,420.00.

The project's construction phase started on May 3, 2021 and the major work consisted of rehabilitating and construction of pedestrian facilities on 8th Street from P Street to SR 33, and pavement rehabilitation on 8th Street from P Street to SR 33 in the City of Firebaugh.

The Contractor completed all work within the time required in the Contract Documents. A final inspection was performed and the work was found to be in compliance with the plans and specifications. Therefore, the work should be accepted as complete and a Notice of Completion filed. If no claims are filed within 35 days after recordation, retention in the amount of \$19,993.62 should be paid to Bush Engineering, Inc.

FISCAL IMPACT:

The final construction contract cost inclusive of all authorized work was \$399,872.49. Funding of these projects is covered using a STBG Grant. The grant will cover 88.53% and the remaining 11.47% will be paid using Local Funds.

A summary of contract costs are as follows:

PROJECT COST SUMMARY

STPL-5224(024) 8 th Street Pedestrian Facilities Rehabilitation and Construction	
Contract Amount	\$ 203,412.00
Change Order No. 1	\$ 28,780.62
Change Order No. 2 (Balancing Change Order)	\$ 4,134.00
Actual Construction Cost	\$ 236,326.62
STPL-5224(025) 8 th Street Pavement Rehabilitation	
Contract Amount	\$ 159,008.00
Change Order No. 1	\$ 10,743.59
Change Order No. 2	\$ 1,035.94
Change Order No. 3 (Balancing Change Order)	\$ (7,241.66)
Actual Construction Cost	\$ 163,545.87
Total Contract Amount:	\$ 399,872.49

ATTACHMENTS:

1. Resolution No. 21-31
2. Notice of Completion

RESOLUTION NO. 21-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE ACCEPTANCE OF STPL-5224(024) 8TH STREET PEDESTRIAN FACILITIES REHABILITATION & CONSTRUCTION AND STPL-5224(025) 8TH STREET PAVEMENT REHABILITATION PROJECTS, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY AND AUTHORIZING THE CITY MANAGER TO MAKE FINAL PAYMENT OF RETENTION MONIES TO BUSH ENGINEERING, INC.

WHEREAS, the City advertised the Projects on February 3, 2021; and

WHEREAS, the City received and publicly opened bids on March 3, 2021; and

WHEREAS, the City Council awarded a contract to Bush Engineering, Inc. in the amount of \$362,420.00 on April 16, 2021; and

WHEREAS, the Public Works Department and City Engineer have completed a final inspection of the Project and recommend final acceptance; and

WHEREAS, upon approval of the final acceptance of the Project by the City Council, the City Clerk will record a Notice of Completion with Fresno County and the City Manager will release the retention monies due the Contractor 35 days after the recording date.

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

1. Adopts a Resolution to accept the STPL-5224(024) 8th Street Pedestrian Facilities Rehabilitation & Construction and STPL-5224(025) 8th Street Pavement Rehabilitation projects as complete.
2. Authorizes the City Clerk to record a Notice of Completion with Fresno County.
3. Authorizes the City to make final payment of retention monies to Bush Engineering, Inc. 35 days after the recording date.

Passed and adopted this 2nd day of August 2021, by the following vote:

AYES: Council Members

NOES: Council Members

ABSTAIN: Council Members

ABSENT: Council Members

APPROVED:

ATTEST:

Freddy Valdez, Mayor

Rita Lozano, Deputy City Clerk

ATTEST:

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Firebaugh this 2nd day of August 2021.

Rita Lozano, Deputy City Clerk of the City of Firebaugh

RECORDING REQUESTED BY:

City Clerk
City of Firebaugh

WHEN RECORDED RETURN TO:

City of Firebaugh
1133 "P" Street
Firebaugh, CA 93622

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

- 1. That the interest of estate stated in paragraph 3 below in the real property hereinafter described is owned by the following:

NAME	STREET AND NO.	CITY	STATE
City of Firebaugh	1133 "P" Street	Firebaugh	CA

(if more than one owner of the interest stated, the name and address of each must be inserted)

- 2. That the full name and address of the owner of said interest or estate, if there is only one owner, and the full names and addresses of all the co-owners who own said interest or estate as joint tenants, as tenants in common or otherwise, if there is more than one owner, are set forth in the preceding paragraph.
- 3. That the nature of the title of said owner, or if more than one, then of said owner and co-owner is: **In Fee.**
- 4. That on the 30th day of June, 2021 a work of improvements on the real property hereinafter described was completed.
- 5. That the name of the original contractor, if any for such work of improvement was:

Bush Engineering, Inc.

(If no contractor for work of improvement as a whole, insert "No Contractor")

- 6. That the real property herein referred to is situated in the City of Firebaugh , County of Fresno, State of California, and is described as follows:

Rehabilitating and construction of pedestrian facilities on 8th Street from P Street to SR 33, and pavement rehabilitation on 8th Street from P Street to SR 33 in the City of Firebaugh.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

August 2, 2021
Date

By: _____
Signature of Owner

Ben Gallegos
Print Name

VERIFICATION

I understand, state:

I am the person who signed the foregoing notice. I have read the above notice and know its contents, and the facts stated therein are true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Firebaugh, California
This 2nd day of August, 2021.

City of Firebaugh
Owner

By: _____
Ben Gallegos, City Manager