

MEETING AGENDA

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

Vol. No. 21/10-04

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

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

PRESENTATION

CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

1. APPROVAL OF MINUTES – The City Council regular meeting on September 20, 2021.

PUBLIC HEARING

None

NEW BUSINESS

2. **RECONSIDERATION OF RESOLUTION NO. 21-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH MANDATING EMPLOYEE AND VOLUNTEER VACCINATIONS TO ENSURE THE SAFETY OF THE PUBLIC AND THE WORKPLACE AGAINST THE EXISTENCE OR THREATENED EXISTENCE OF A COVID-19 LOCAL EMERGENCY.**

Recommended Action: Council receives public comment & takes action or give staff direction.

3. **RESOLUTION NO. 21-40 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING USE OF EMERGENCY REMOTE TELECONFERENCING PROVISIONS.**

Recommended Action: Council receives public comment & approves Res. No. 21-40.

STAFF REPORTS

Firebaugh Fire Department 100 years of protecting its town article.

CLOSED SESSION

4. **Government Code Section 54957(b).**
PUBLIC EMPLOYEE EVALUATION: City Attorney.
5. **Government Code Section 54957.6**
CONFERENCE WITH LABOR NEGOTIATORS: ALL REPRESENTED AND UNREPRESENTED EMPLOYEES
City Negotiator: Ben Gallegos
Employee Organizations: All represented and unrepresented employees

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, October 1, 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. 21/09-20

**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: September 20, 2021/5:30 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 entered at 5:33 pm – left at 6:36 pm

OTHERS: City Attorney James Sanchez; City Attorney Jessica Mejorado; City Manager/Acting Public Works Director, Ben Gallegos; Deputy Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; Bethany Matos, Associate Dean of West Hills College-North District Center; Mr. Mark Benjamin of Board of Supervisor Brain Pacheco’s Office, Luis Martinez, of Senator Anna Caballero’s office, Dr. John Zweifler, Dr. Sukhjit Dhillon, MD, of UCSF Fresno, Rais Vohra, MD, of UCSF Fresno, Linda Espinoza, Anthony Catalan, Linda DeFrancesco, Mathew Garcia, Luis Avila, Aurora Ramirez, Nicole Molina, Amanda Speakes & others.

PLEDGE OF ALLEGIANCE City Manager Ben Gallegos led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Sablan, second by Council Member Jenkins, motion passed by 4-0 vote.

❖ *Motion to enter closed session at 5:32 pm by Council Member Jenkins, second by Council Member Sablan, motion passed by 4-0 vote.*

CLOSED SESSION

- Government Code Section 54957.6.**
CONFERENCE WITH LABOR NEGOTIATORS: ALL REPRESENTED & UNREPRESENTED EMPLOYEES
City Negotiator: Ben Gallegos
Employee Organizations: Police & Public Works bargaining units and all unrepresented positions

❖ *Motion to enter open session at 6:29 pm by Council Member Jenkins, second by Council Member Sablan, motion passed by 4-0 vote.*

ANNOUNCEMENT AFTER CLOSED SESSION

PUBLIC COMMENT: None

PRESENTATION: Luis Martinez of Office of Senator Anna Caballero presented information on the Youth Summer Program, & the local High School that participated in the program.

CONSENT CALENDAR

2. APPROVAL OF MINUTES – The City Council regular meeting on August 16, 2021.

3. WARRANT REGISTER – Period starting August 1, and ending on August 31, 2021.

August 2021	General Warrants	#41485 - #41602	\$ 1,253,308.42
	Payroll Warrants	#71566 - #71582	\$ 136,508.10
	TOTAL		\$ 1,389,816.52

4. RESOLUTION NO. 21-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS RESPONSE ROUND 2 and 3 (CDBG-CV2 and CV3) NOFA DATED DECEMBER 18, 2020.

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

PUBLIC HEARING *None*

NEW BUSINESS

5. RESOLUTION NO. 21-37 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDED CONTRACT TO BUSH ENGINEERING, INC. FOR CARDELLA STREET REHAB PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS.

Motion to approve Res. No. 21-37 by Council Member Jenkins, second by Council Member Sablan, motion passed by 4-0 vote.

6. RESOLUTION NO. 21-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH MANDATING EMPLOYEE AND VOLUNTEER VACCINATIONS TO ENSURE THE SAFETY OF THE PUBLIC AND THE WORKPLACE AGAINST THE EXISTENCE OR THREATENED EXISTENCE OF A COVID-19 LOCAL EMERGENCY.

Several residents stated their concern with the mandated vaccine for employees and had questions for the Council and Doctors regarding the vaccine. Some of the residents that spoke were Linda D., Linda E. and Amanda S. Principal Catalan made recommendation to accommodate the employees that wish to not be vaccinated. Dr. John Zweifler, Dr. Rais Vohra & Dr. Sukhjit Dhillon responded to the questions, & explained how important it is, to not only receive the vaccine, but how safe it is. They also stated, they understand that there have been some cases of complications or allergic reactions to the vaccine, but the number of those cases are very small compared to the number of individuals that have received the shot & the amount of lives the vaccines have saved, which is much higher.

Motion to approve Res. No. 21-38 by Council Member Sablan, second by Council Member Perez, motion passed by 3-1 vote. Jenkins – no.

7. RESOLUTION NO. 21-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE CITY'S SPENDING PLAN AND APPROPRIATION FOR THE ALLOCATION OF AMERICAN RESCUE PLAN ACT CORONAVIRUS AND LOCAL FISCAL RECOVERY FUNDS.

Some of the residents that spoke, were Linda D., Linda E. and Amanda S, they stated their believe, that all employees should receive the same amount, whether they're vaccinated or not, & added it could be considered a form of discrimination, bribery or even inhumane to make individuals take a vaccine that they aren't comfortable with. They also asked, if Council going to consider the same requirement of themselves, or eventually, ask the public to follow the requirement to attend certain events, and/or the kids attending our local schools? Other comments were made by Silvia R, and Matt Garcia asked why Oct 4, 2021, was the deadline on the resolution & if a different date is possible.

Motion to approve Res. No. 21-39 with the following amendments, Section 1- Change date from October 4, 2021 to October 1, 2021 & Section 3 – Change amount from \$500,000 to \$600,000 by Council Member Sablan, second by Council Member Perez, motion passed by 4-0 vote.

8. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF FIREBAUGH AND WESTSIDE FAMILY PRESERVATION SERVICES NETWORK.

Motion to approve agreement, by Council Member Sablan, second by Council Member Jenkins, motion passed by 3-0 vote. Perez – Abstained.

STAFF REPORTS

- **Firebaugh High School, Principal, Anthony Catalan** – busy with the sports, Band traveled to San Luis Obispo, We had a big win on Homecoming, Thankful to the City & their support.
- **Bethany Matos, Associate Dean of North District Center** – Fall & Spring Semesters will be soft openings, there are several classes to begin, if anyone would like to enroll, West Hills will hold a resources fair event.
- **Mr. Mark Benjamin of Board of Supervisor Brain Pacheco's Office** – 58% of Firebaugh's residents are vaccinated, Mendota rate increased and is a little higher, the youth cases in Firebaugh have gone up in Firebaugh, with about 85 cases, but the average current rate is 111 per 100,000 cases, which is good. 50% of countywide residents has received at least one COVID shot, other stats were also provided.
- **City Engineer, Mario Gouveia** - Nothing to report.
- **Deputy City Clerk, Rita Lozano** – Carnival will start next Thursday, Olga asked me to relay message to Council, if Council would like to invite any other elected officials or delegates, please email myself or Olga, so we can get the invites out as soon as possible. I will be out of the Office next week, September 27 through October 1, Therefore, I will be working on the agenda for October 4th Council meeting, so please submit agenda items to me as soon as possible. After, Sept 24, any last minute items can be submitted to Olga or Pio to be added to the agenda.
- **City Attorney, Jessica Mejorado** – nothing to report.
- **Finance Director, Pio Martin** – Nothing to report.
- **Police Chief, Sal Raygoza** – attend training in Pismo, a lot of changes for law enforcement, we have two new reserve officers that were sworn in this afternoon, Reserve Officer Kevin Gillum is the Code Enforcement Officer, and he's doing a great job. PD is trying to put together a City wide cleanup in late October. Crime rate is down, the city had a few crimes, but we believe we have identified him, as a criminal from Merced, but we are working on catching him.
- **City Manager, Ben Gallegos** – Working with Caltrans on several projects, the Beautification, street light and other projects. I would like to thank Wonderful for their donation of \$3,000, which helped buy equipment to do a cleanup, due to COVID, we couldn't paint a home this year, but I think the Wonderful employees that volunteer really enjoy that project. I will be attending the League of Cities Conference Wednesday through Friday, we are receiving a lot of interest from new businesses that would like to come to Firebaugh, more than in the past, so I recommend us attending ICSC in December.
- **Council Member Perez** – nothing to report.
- **Council Member Sablan** – “Is there any tire recycling available?” Ben replied, the fall cleanup will be held in November, Mid Valley will take the tires but there is a fee. Currently, there isn't any grant funding for a free tire collection event.
- **Council Member Jenkins** – nothing to report.
- **Council Member Valdez** – will attend the League of Cities Conference, it offers great opportunities and information on Social Media & other resources to help with outreach to the community and Elected Officials, and so I'm looking forward to attending the conference.

ADJOURNMENT

Motion to adjourn at 8:41 pm by Council Member Perez, second by Council Member Jenkins, motion passes by a 4-0 vote.

RESOLUTION NO. 21-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH
MANDATING EMPLOYEE AND VOLUNTEER VACCINATIONS TO ENSURE
THE SAFETY OF THE PUBLIC AND THE WORKPLACE AGAINST THE EXISTENCE
OR THREATENED EXISTENCE OF A COVID-19 LOCAL EMERGENCY**

WHEREAS, California Government Code section 8630 and Firebaugh Municipal Code section 2-11.6 empowers the City Council to proclaim a local emergency when the City is affected or likely to be affected by the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons within the City; and

WHEREAS, as empowered by Firebaugh Municipal Code section 2-11.6, the City's Director of Emergency Services has requested that the City Council proclaim the existence or threatened existence of a local emergency as a result of the COVID-19 pandemic and the resulting public health emergency; and

WHEREAS, the City Council has reviewed and considered the request from the Director of Emergency Services, dated March 18, 2020, and the findings stated therein, which request is incorporated herein by reference as though set forth in full; and

WHEREAS, based on conditions of disaster or of extreme peril to the safety of persons within the City caused by the threatened spread of COVID-19, the City Council on March 19, 2020 adopted Resolution No. 2020-017 declaring the existence of a local emergency; and

WHEREAS, the conditions of emergency have continued and increased due to the existence of the Delta variant and warrant and necessitate actions to secure the safety of the workplace for city employees and volunteers and the public that they serve.

NOW, THEREFORE, the City Council of the City of Firebaugh resolves as follows:

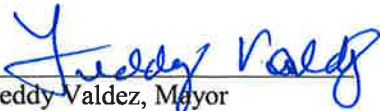
1. All City employees and volunteers shall demonstrate legal proof of COVID-19 vaccination by November 1, 2021.
2. Employees with religious and medical exemptions will be granted reasonable accommodation.
3. The City Manager is directed to implement this policy after meeting and conferring with City bargaining units on the effects of the policy on the terms and conditions of City employment.
4. This resolution shall take effect immediately upon adoption and fulfillment of the necessary requirements to meet and confer.

* * * * *

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Firebaugh the September 20, 2021 and passed at said meeting by the following vote:

AYES: Sablan, Perez, Valdez
NOES: Jenkins
ABSENT: Lopez
ABSTAIN:

APPROVED:


Freddy Valdez, Mayor

ATTEST:


Rita Lozano, Deputy City Clerk

RESOLUTION NO. 21-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING USE OF EMREGENCY REMOTE TELECONFERENCING PROVISIONS

WHEREAS, the City Council of the City of Firebaugh (“City Council”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

WHEREAS, the City Council recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

WHEREAS, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

WHEREAS, on September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (B) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, in order for the City Council to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the City Council to conduct teleconferenced meetings for a period of thirty (30) days; and

WHEREAS, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled “Proclamation of a State of Emergency,” signed March 4, 2020; and

WHEREAS, the California Occupational and Safety Health Administration (OSHA) continues to recommend certain social distancing requirements, as described in detail in California Code of Regulations Title 8, section 3205 Covid Prevention; and

WHEREAS, the City Council hereby finds that the state and local emergencies have caused and will continue to cause imminent risks to the health or safety of attendees; and

WHEREAS, the City Council is conducting its meetings through the use of telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Firebaugh as follows:

1. The City Council is conducting meetings during a state of emergency and OSHA recommends measures to promote social distancing.

2. The City Council has determined that given the state of emergency, holding in-person only meetings would present imminent risks to the health or safety of attendees.

3. The actions taken by the City Council through this resolution may be applied to all City boards and committees governed by the Brown Act unless otherwise desired by that body.

4. The City Council authorizes the City Manager or their designee(s) to take all actions necessary to conduct City Council meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution after which the City Council will reconsider the circumstances of the state of emergency.

5. Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.

The foregoing resolution is effective upon adoption and was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 4th day of October, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Freddy Valdez,
Mayor City of Firebaugh

ATTEST:

Rita Lozano, Deputy City Clerk
City of Firebaugh

WHITEHURST
CHAPELS

Celebrating

100

YEARS

Firebaugh Fire Department marks 100 years of protecting its town

By David Borboa
The Dos Palos Sun
Whitehurst Funeral Chapels and the Firebaugh Fire Department have

one thing in common. The two institutions are celebrating 100 years of serving. As part of its Centennial, the owners of Whitehurst are

honoring various groups in the Westside communities that they serve--Los Banos, Dos Palos, and Firebaugh--with a "Community Strong" award.

Last week, Tony Whitehurst visited the Firebaugh Volunteer Fire Department during their regular training meeting to honor the firefighters and first responders with the award.

Before both members and student cadets, Whitehurst noted that the FFD marked its beginning in 1920.

"This recognition is proudly given to the Firebaugh Volunteer Fire Department to mark a 100 year legacy of constant vigilance and dedication to the protection of the community," Whitehurst said.

Whitehurst noted that Chief John Borboa is the third member of his family to oversee the department, following his father Casey and grandfather Ramon Sr., who was the city's first fire chief.



Tony Whitehurst presents the "Community Strong" award to Firebaugh Fire Chief John Borboa.

See STRONG, Page 6

DP Sun 09/29/21

STRONG (Continued)





Top photo: Members of the Firebaugh Firebaugh Department receive their "Community Strong" award from Whitehurst Funeral Chapel. Above: An artist's rendition of the new fire station that will be completed next year.

"This continuous succession of chiefs spans three generations," said Whitehurst. "The volunteer fire department that they have guided directly reflects the very same dedication and pride."

He added that the Whitehurst family "is truly grateful for the opportunity to serve

alongside the many individuals and organizations who continually step up together to help keep our community safe and strong."

The presentation of the "Community Strong" award was made in the old, cramped quarters of the department's meeting room.

But that will be changing.

Currently under construction on "Q" Street in Firebaugh is the department's new fire station. The 7,000 square foot building is being erected at a cost of \$5 million and should be finished in March of 2022.