

# MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 22/10-03

Date/Time: October 3, 2022/6:00 p.m.

**\*SPECIAL NOTICE DUE TO COVID-19 MEETING WILL BE HELD TELECONFERENCE VIA WEBEX, & THE MEETING WILL BE HELD 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](mailto:deputyclerk@ci.firebaugh.ca.us) Please provide: Council Meeting Date, Item Number your comment are pertaining to, Name, Email and comment, no later than 3:00 PM the day of the meeting.*

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

## Join Meeting

<https://cityoffirebaugh.my.webex.com/cityoffirebaugh.my/j.php?MTID=mbed989356f5fe7c653c8537a89a67b39>

**Computer Meeting ID:** 25513812463      **Meeting password:** QzNPDh34rB5

**Phone:** 1-650-479-3208 **Meeting No.** 25513812463 **Meeting password:** (79673434 from phones & video systems)

## CALL TO ORDER

### ROLL CALL

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

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 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

West Hills College

## 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 special joint meeting on September 12, 2022.**
2. **APPROVAL OF MINUTES – The City Council regular meeting on September 19, 2022.**

**PUBLIC HEARING**

None

**NEW BUSINESS**

3. **RESOLUTION NO. 22-45 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDING CONTRACT TO KROEKER, INC. FOR THE UTILITY AND SURFACE ALLEY IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

**Recommended Action:** Council receives public comment & approves Res. No. 22-45.

4. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS A PROJECT AT HIGHWAY 33 & CLYDE FANNON – APPLICANT SADDAM NAGL.**

**Recommended Action:** Council receives public comment & approves staff direction.

**STAFF REPORTS**

**CLOSED SESSION**

5. **Government Code Section 54957**

PUBLIC EMPLOYEE EVALUATION: City Manager.

**ANNOUNCEMENT AFTER CLOSED SESSION**

**ADJOURNMENT**

**Certification of posting the agenda**

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, September 30, 2022, at 5:00 p.m. by Rita Lozano Deputy City Clerk.

# SPECIAL JOINT MEETING MINUTES

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

The City of Firebaugh Planning Commission  
Vol. No. 22/09-12

**Date/Time: September 12, 2022/6:00 p.m.**

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

City Council Meeting held via teleconferencing

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

**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** September 12, 2022/6:00 p.m.

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

**ROLL CALL** **City Council Members:** Mayor Brady Jenkins  
Mayor Pro Tem Felipe Perez  
Council Member Marcia Sablan  
Council Member Elsa Lopez  
Council Member Freddy Valdez

**Planning Commission:** Chairperson Mark Fickett  
Vice Chairperson Ivan Garcia 6:04 pm  
Commissioner Dennis Vasquez  
Commissioner Silvia Renteria  
Commissioner Nicole Molina

**OTHERS:** City Attorney James McCann; City Manager/Acting Public Works Director, Ben Gallegos; Finance Director, Deputy City Clerk, Rita Lozano, Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; City Engineer, Mario Gouveia; Public Works Director Michael Molina, Eusevio Ortega of California Coalition for Rural Housing, Cynthia Walsh of Place Works, Bethany Matos, Associate Dean of West Hills College-North District Center; & others.

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

## APPROVAL OF THE AGENDA

*Motion to approve agenda by Council Member Valdez, second by Council Member Lopez, motion passed by 10-0 vote.*

## NEW BUSINESS

### 1. Fresno County Housing Element Workshops

Mr. Ortega of California Coalition for Rural Housing provide a PowerPoint presentation on the Fresno County Housing Element.

**ADJOURNMENT** *Motion to adjourn at 7:22 pm by Council Member Valdez, second by Council Member Sablan, motion passes by a 10-0 vote.*

# MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh  
Vol. No. 22/09-19

**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 13<sup>th</sup> Street, Firebaugh, CA 93622

**Date/Time:** September 19, 2022/6:00 p.m.

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

**ROLL CALL** Mayor Brady Jenkins  
Council Member Elsa Lopez  
Council Member Freddy Valdez  
Mayor Pro Tem Felipe Pérez 6:38 pm

**ABSENT:** Council Member Marcia Sablan

**OTHERS:** City Attorney James McCann; City Manager Ben Gallegos; Deputy Clerk, Rita Lozano; Finance Director, Pio Martin Police Chief, Sal Raygoza; Fire Chief, John Borboa; City Engineer, Mario Gouveia; Gouveia Engineering; Public Works Director, Michael Molina; City Planner, Karl Schoettler; Marc Benjamin (Brian Pacheco's Office), MLG, Chris D, Hector Marin & others.

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

## APPROVAL OF THE AGENDA

*Motion to approve agenda by Council Member Valdez, second by Council Member Lopez, motion passed by 3-0 vote.*

**PUBLIC COMMENT** None

**PRESENTATION** None

## CONSENT CALENDAR

- APPROVAL OF MINUTES – The City Council regular meeting on August 15, 2022.**
- WARRANT REGISTER – Period starting August 1 and ending on August 31, 2022.**

August 2022	General Warrants	#43105 - #43287	\$ 1,773,398.77
	Payroll Warrants	#71837 - #71855	\$ 143,636.00
	<b>TOTAL</b>		<b>\$ 1,917,034.77</b>

- RESOLUTION NO. 22-41 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING USE OF EMERGENCY REMOTE TELECONFERENCING PROVISIONS.**

Council Member Lopez stated concern of warrants totaling over \$1 Million almost \$2 Million and caution staff on their spending which many lead to problems later, we shouldn't be spending because we have it, we may not have it later.

*Motion to approve Consent Calendar by Council Member Valdez, second by Council Member Lopez, motion passed by 3-0 vote.*

## PUBLIC HEARING

*None*

## NEW BUSINESS

4. **RESOLUTION NO. 22-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDING CONTRACT TO VSS INTERNATIONAL, INC. FOR THE 22/23 SLURRY SEAL PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

*Motion to approve Res. No. 22-42 by Council Member Lopez, second by Council Member Valdez, motion passed by 3-0 vote.*

5. **RESOLUTION NO. 22-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING AMENDMENTS TO THE CITY OF FIREBAUGH'S CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES.**

*Motion to approve Res. No. 22-43 by Council Member Valdez, second by Council Member Lopez, motion passed by 3-0 vote.*

6. **RESOLUTION NO. 22-44 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REINSTATING WATER SERVICE DISCONTINUATION FOR DELINQUENT ACCOUNTS.**

*Motion to approve Res. No. 22-44 by Council Member Lopez, second by Council Member Valdez, motion passed by 3-0 vote.*

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS THE CHAPTER 25 (SECTION ON THE SIGN ORDINANCE) OF THE CITY OF FIREBAUGH MUNICIPAL CODE BOOK**

*Mayor asked a presentation to be placed on the October 17, 2022, agenda for review.*

- *Council Member Perez joined the meeting at 6:38 pm via Webex.*

## STAFF REPORTS

- **Fire Chief John Borboa** – nothing to report.
- **Police Chief Sal Raygoza** – Crime has been quiet, attended a couple of trainings on SB2, which has new requirements for hiring and firing of Police Officers, working with comcast to relocate equipment for the new Police Station. Code Enforcement officers have been busy, we're hoping to do a presentation in October or November on some of the issues.
- **Public Works Director, Michael Molina** – had a couple of water leaks, working with Mario on future projects, construction to begin in spring when we have better weather, the carnival is next week, so we're working on that.
- **City Manager, Ben Gallegos** – working with Craig Knight on assist four businesses that interested in developing their businesses in town. Attending a meeting with San Joaquin Air Pollution on the 26<sup>th</sup>, attending a breakfast event hosted by the Habitat for Humanity, they'll be taking over the San Joaquin Villas Project to complete and construct the remaining builds. The deed has been transferred. Attended the League of Cities annual event, the training was very helpful, as well as networking with peers from other cities. Council Member Valdez and I had a meeting with City Attorney James. There are several grants available, but we also have been awarded several grants, so staff has been very busy. Attended meetings with Mario regarding the flood issues along the San Joaquin River, and did an interview with New York Times, since the publishing, we've received information about available grants that may help us, we'll be attending a meeting October 17<sup>th</sup> in Sacramento.

- **City Engineer, Mario Gouveia** – Multi-flood feasibility study in completed, the final report was submitted to the State for review. Most of the study consist of flood reduction, recreation and environmental elements, City priorities are Wastewater Treatment Plant, Water Plant, and the Riverbank erosion because flooding & recreation concerns mostly, very little environmentally purposes are a small matter. Some grant funding is available, city applied last year but was not awarded, the total repairs are estimated at about \$146 million, the best option is to apply to grant funding in phases, the last grant and project done along the river was in 2015, it was about \$1 million dollar project. Projects today will be much more expensive. City Manager Gallegos added grant funding is also available for drought purposes, just being present at some of the meeting, when invited has made a difference. Working on this project will help the city be prepared for future flooding & possibly avoid a future flood. Engineer Gouveia stated DWR has been very helpful with this process.
- **Deputy City Clerk, Rita Lozano** – received an email from Las-Deltas School Board, requesting a joint meeting with City Council to be held on October 6, 2022, at the Firebaugh High School at 6:00 pm, please let me know if you are available. Council Members Lopez, Jenkins, Valdez, and Perez confirmed their availability for the meeting.
- **City Attorney, James McCann** – Attorney James Sanchez will be returning, and thanked council, staff and public for the opportunity to work with the City of Firebaugh.
- **Council Member Lopez** - nothing to report
- **Council Member Sablan** – nothing to report
- **Council Member Perez** – nothing to report
- **Council Member Valdez** – reported a briefing of the topics, speakers, training, and classes he attended at the League of Cities, it was very impressing, inspiring, and helpful.
- **Council Member Brady Jenkins** – nothing to report

#### **CLOSED SESSION**

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

#### **ADJOURNMENT**

***Motion to adjourn at 6:51 pm by Council Member Valdez, second by Council Member Lopez, motion passes by a 4-0 vote.***

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**STAFF REPORT**

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**AGENDA ITEM:** Resolution of the City Council of the City of Firebaugh Awarding the Contract to Kroeker, Inc. for the Utility and Surface Alley Improvements project and Authorizing the City Manager to Execute the Agreement

**MEETING DATE:** October 03, 2022

**PREPARED BY:** Mario Gouveia, City Engineer

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**RECOMMENDATION**

1. Adopt Resolution No. 22-45, accepting the low bid from Kroeker, Inc.
2. Authorize the City Manager to sign the Agreement on behalf of the City of Firebaugh.

**BACKGROUND/DISCUSSION:**

As a result of deteriorating underground infrastructure at the alley between SR 33 and “O” Street from 8<sup>th</sup> Street to 9<sup>th</sup> Street, a new sewer line, water line, and surface improvements are needed. The major work consists of removing and replacing sewer line and manholes, installing waterline, reconstructing valley gutter, and repaving the alley located between O Street and Hwy 33 in the City of Firebaugh.

Following a public bidding process, the project was advertised on August 10, 2022, and the City received a total of two (2) bids that were opened and read aloud at 2:00 p.m. on September 1, 2022, at the City of Firebaugh City Hall, this being the advertised bid opening date and time. The bid results were as listed:

Contractor	Total Bid
Kroeker, Inc.	\$ 422,631.00
Bush Engineering, Inc.	\$ 482,351.00
Engineer’s Estimate	\$ 398,060.00

As such, it is recommended that a Contract be awarded for the Utility and Surface Alley Improvements Project to Kroeker, Inc. as the lowest responsive and responsible bidder in the amount of \$422,631.00.

**FISCAL IMPACT:**

The Utility and Surface Alley Improvements project will be funded using Local City Funds.

**ATTACHMENTS:**

1. Resolution No. 22-45
2. Abstract of Bids

**RESOLUTION NO. 22-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDING CONTRACT TO KROEKER, INC. FOR THE UTILITY AND SURFACE ALLEY IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

**WHEREAS**, the Invitation to Bid for the Utility and Surface Alley Improvements Project in the City of Firebaugh was listed in the Firebaugh-Mendota Journal on August 10, 2022; and

**WHEREAS**, the major work consists of removing and replacing sewer line and manholes, installing waterline, reconstructing valley gutter, and repaving the alley located between O Street and Hwy 33 in the City of Firebaugh; and

**WHEREAS**, the bids for the Utility and Surface Alley Improvements Project were publicly opened and read aloud at the Firebaugh City Hall on September 1, 2022, at 2:00 p.m.

**WHEREAS**, Kroeker, Inc. submitted the lowest responsive and responsible bid; and

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

1. Adopts a Resolution to award a contract to Kroeker, Inc in the amount of four hundred twenty-two thousand six hundred thirty-one dollars and zero cents (\$422,631.00).
2. Authorize the City Manager to execute an agreement with Kroeker, Inc. on behalf of the City of Firebaugh.

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 3rd day of October 2022, by the following vote:

**AYES:** Council Member(s)

**NOES:** Council Member(s)

**ABSENT:** Council Member(s)

**ABSTAIN:** Council Member(s)

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Brady Jenkins, 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 3rd day of October 2022.

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



**STAFF REPORT  
FIREBAUGH CITY COUNCIL**

**Date:** October 3, 2022  
**To:** Firebaugh City Council  
**From:** Karl Schoettler, City Planner and Ben Gallegos, City Manager  
**Subject:** Development at Highway 33 and Clyde Fannon Road

The City has received an application from Saddam Nagi for Site Plan Review for the development of a small shopping center on the northeast corner of Highway 33 and Clyde Fannon Road (see attached location maps and site plan). Originally the design included a driveway onto Highway 33, but this was quickly discouraged by Caltrans. At that point the applicant redesigned the project to only have driveways onto Clyde Fannon Road.

Later in the review process Caltrans required the applicant to prepare a traffic study for the project. The applicant hired a consultant (Peters Engineering) who prepared the study, which noted that the project (combined with other traffic in the area and overall community growth) would result in the need for a traffic signal at the corner of Highway 33 and Clyde Fannon Road.

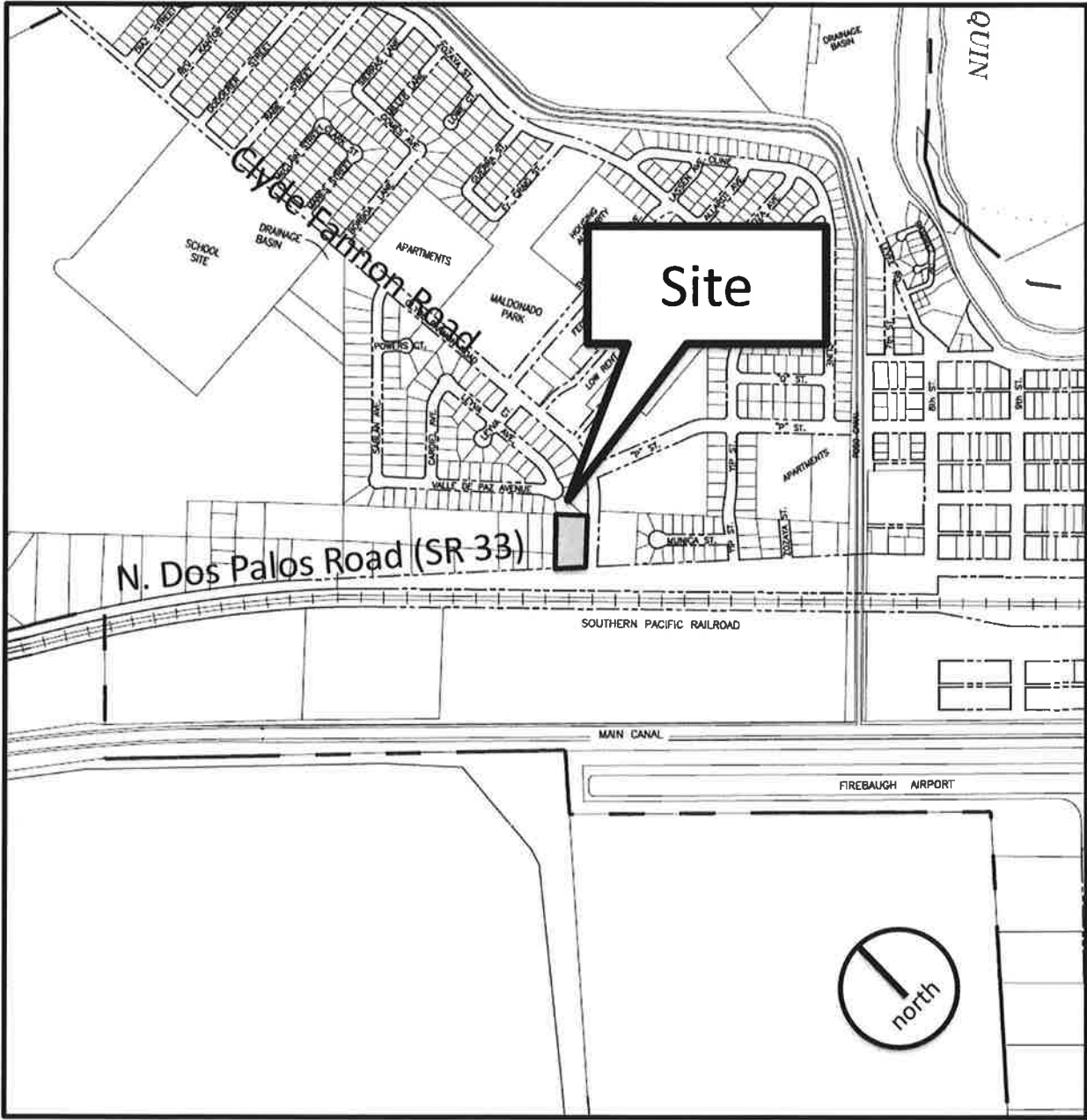
Caltrans also has a policy that whenever an intersection needs to be signalized that a study must be done to consider whether the intersection might be appropriate for a roundabout. Peters Engineering conducted the analysis, which determined that a traffic signal would be more feasible than a roundabout at this location. Part of the reason is that a roundabout would require adjacent property owners to give up parts of their property to accommodate the roundabout design. Nevertheless, Caltrans is now requesting additional analysis.

The applicant has stated they are now at the point where they must consider continuing or dropping the project and walking away, due to Caltrans' ongoing requests. Staff is bringing this issue to the City Council to get some direction so the City can advise the applicant. At this point it is recommended the applicant move forward with Site Plan Review with the project designed "as-is" and stop the ongoing traffic study.

However, because the project abuts Highway 33, the project still must still be conditioned to "comply with Caltrans requirements". Caltrans can still apply any requirements they wish, however because the site will not be having any driveways onto Highway 33, they cannot prohibit the project from moving forward. This situation is somewhat similar to the Burger King project, where the site was redesigned to not have driveway access onto Highway 33. The difference now is that Caltrans continues to request additional study of the feasibility of a roundabout.

Again, staff wanted to bring this situation to Council's attention and ask for some direction on the matter.

**Exhibit 1: Project Location**



**Exhibit 2: Aerial Photo**



**Exhibit 3: Proposed Site Plan**

