

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 22/12-05

Date/Time: December 5, 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 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

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 November 21, 2022.

PUBLIC HEARING

2. **ORDINANCE NO. 22-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING CHAPTER 8 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO RECENT UPDATES IN STATE BUILDING AND HOUSING CODES, AND ADDING SECTIONS 8-19, 8-20, AND 8-21 RELATING TO SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS, SAFETY ASSESSMENT PLACARDS, AND ELECTRIC VEHICLE CHARGING STATIONS, RESPECTIVELY – SECOND READING.**

Recommended Action:

Council receives public comment & approves Ord. 22-04.

3. **ORDINANCE NO. 22-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SUBSECTION 25-15.3 (R-1 ZONE (PERMITTED USES)), SUBSECTION 25-17.3 (R-1 (TN) ZONE (PERMITTED USES)), SUBSECTION 25-19.3 (R-2 AND R-3 ZONES (PERMITTED USES)), AND 25-41.9 (SPECIAL USES (SECOND RESIDENTIAL UNITS)) OF THE FIREBAUGH MUNICIPAL CODE, RELATING TO ACCESSORY DWELLING UNITS – FIRST READING.**

Recommended Action:

Council receives public comment & waives first reading Ord. 22-05.

NEW BUSINESS

4. **RESOLUTION NO. 22-56 - 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.**

Recommended Action:

Council receives public comment & approves Res. No. 22-56.

STAFF REPORTS

PUBLIC COMMENT

CLOSED SESSION

5. **Government Code Section 54956.9(d)(1)** - Conference with Legal Counsel - Existing Litigation
In Re: Arbitration No. 22-1115 (Confidential Arbitration)

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

Certification of posting the agenda

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, December 2, 2022, 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. 22/11-21

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

City Council Meeting held via teleconferencing

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

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: November 21, 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

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; Public Works Director, Michael Molina; City Engineer, Mario
Gouveia; Mike Brinkman, Building Inspector – CSG; Marc Benjamin – Supervisor’s Office of Brian Pacheco;
Dispatcher, Raquel Tabares; Matt Garcia, Ryan Gonzalez, Chris Gutierrez, Steve Veiga, Linda Espinosa, Adri Sosa,
Eduardo Rodriguez, Housing Authority, & others.

PLEDGE OF ALLEGIANCE Mayor Pro Temp Perez led pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT

Ryan Gonzalez, read and submitted his public comment see attached document.

PRESENTATION None

CONSENT CALENDAR

- 1. APPROVAL OF MINUTES – The City Council regular meeting on October 17, 2022.**
- 2. WARRANT REGISTER – Period starting October 1 and ending on October 31, 2022.**

October 2022	General Warrants	#43399 - #43543	\$ 959,267.67
	Payroll Warrants	#71875 - #71898	\$ 205,803.92
	TOTAL		\$ 1,165,071.59

- 3. RESOLUTION NO. 22-50 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING USE OF EMERGENCY REMOTE TELECONFERENCING PROVISIONS.**

Motion to approve Consent Calendar by Council Member Lopez, second by Council Member Perez, motion passed by 5-0 vote.

PUBLIC HEARING

4. **RESOLUTION NO. 22-47 - A RESOLUTION APPROVING AN AMENDMENT TO THE STANDARD AGREEMENT FOR THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CORONAVIRUS RESPONSE ROUND 2 AND 3 (CDBG-CV2 and CV3) NOFA DATED DECEMBER 18, 2020.**

Open hearing at 6:09 pm – no comment given – Close hearing at 6:10 pm, Re-open hearing at 6:38 pm – Linda Espinosa asked if Council decides to increase the award limit to new applicants, will the previous business owners already awarded receive additional funding. Staff replied, “No, because they aren’t allowed to be awarded twice. Mrs. Espinosa stated, that wouldn’t be fair to the applicants that already applied and received funds, when they are the ones that complied with the requirements to receive funds. – Reclose hearing at 6:40 pm,

Motion to approve Res. No. 22-47 and accept the City Manager’s recommendation to transfer remaining funds to Salvation Army by Council Member Lopez, second by Council Member Sablan, motion passed by 3-2 vote. Valdez and Jenkins – no.

5. **ORDINANCE NO. 22-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING CHAPTER 8 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO RECENT UPDATES IN STATE BUILDING AND HOUSING CODES, AND ADDING SECTIONS 8-19, 8-20, AND 8-21 RELATING TO SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS, SAFETY ASSESSMENT PLACARDS, AND ELECTRIC VEHICLE CHARGING STATIONS, RESPECTIVELY – FIRST READING.**

Open hearing at 6:46 pm – no comment given – Close hearing at 6:47 pm.

Motion to waive the first reading of Ord. 22-04 by Council Member Lopez, second by Council Member Perez, motion passed by 5-0 vote.

NEW BUSINESS

6. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER USE OF THE AF COMMUNITY CENTER AND WAIVER OF RENTAL FEES BY FIREBAUGH SCHOOL BAND, FOR A BINGO EVENT.**

Motion to waive rental fees for the Bingo event by Council Member Lopez, second by Council Member Perez, motion passed by 5-0 vote.

7. **RESOLUTION NO. 22-51 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING AND ENTERING INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND AUTHORIZING AND DESIGNATING THE CITY MANAGER TO EXECUTE AGREEMENT AND OTHER NECESSARY DOCUMENTS FOR THE HUD TANK.**

Motion to approve Res. No. 22-51 by Council Member Valdez, second by Council Member Sablan, motion passed by 5-0 vote.

8. **RESOLUTION NO. 22-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING THE FISCAL YEAR 2022/23 CITY BUDGET TO INCLUDE ONE ADDITIONAL SEWER-RELATED CAPITAL PROJECT.**

Motion to approve Res. No. 22-52 amending budget by Council Member Valdez, second by Council Member Lopez, motion passed by 5-0 vote.

9. **RESOLUTION NO. 22-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING RESOLUTION OF THE CITY OF FIREBAUGH AUTHORIZING THE APPLICATION AND ADOPTING THE PLHA PLAN FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM.**

Motion to approve Res. No. 22-53 by Council Member Lopez, second by Council Member Sablan, motion passed by 5-0 vote.

10. RESOLUTION NO. 22-54 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE APPLICANT FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM NON-ENTITLEMENT LOCAL GOVERNMENT COMPETITIVE COMPONENT.

Motion to approve Res. No. 22-54 by Council Member Lopez, second by Council Member Sablan, motion passed by 5-0 vote.

11. RESOLUTION NO. 22-55 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE APPLICANT FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM NON-ENTITLEMENT LOCAL GOVERNMENT COMPETITIVE COMPONENT.

Motion to approve Res. No. 22-55 by Council Member Lopez, second by Council Member Sablan, motion passed by 5-0 vote.

STAFF REPORTS

- Police Chief Sal Raygoza – will not be attending next council meeting, staff report will be included in agenda.
- Public Works Director, Michael Molina – worked on leak at Vasquez, line was near a gas line so we called 811 to mark the area before we could fix the leak.
- City Manager, Ben Gallegos – Christmas parade is December 3, will briefly attend in the day, but will leave to attend wife's Christmas office party. Want to wish everyone a happy Thanksgiving, have a wonderful time with your families.
- City Engineer, Mario Gouveia – received the encroachment permit from Caltrans for the HWY 33 Beautification project.
- Deputy City Clerk, Rita Lozano – Nothing to report.
- Finance Director, Pio Martin – Nothing to report.
- City Attorney, James McCann – Changes to the 2023 Brown Act, will provide a brief presentation regarding the changes an additional option to consider.
- Council Member Valdez – Nothing to report.
- Council Member Lopez – Would like to know who will be responsible for the electrical issue at the Fire Station for not installing it, would like to discuss with the Attorney. Architect should have included and installed it; City Attorney will research & ask them to pay for the error. City Manager Gallegos informed he is trying to address all the issues and change orders at the end of the contract, there has been several change orders for thousands of dollars & they should charge the city for the use of plans that weren't correct. Plans has quit a few errors and missing information. City is using ARPA funds to install a lot-merger that was required for the Police Station and Fire Station project at the request of PG&E, city is waiting for the material needed to install.
- Council Member Sablan – Plans are in place for the Christmas lunch to be given at the school.
- Council Member Jenkins – received several questions about the Christmas parade, Council gave staff direction to include council and public members as part of the committee, I didn't receive any notices or information about meetings, I don't want staff to do whatever they want without input from others. City Manager Gallegos will check emails and look it to the matter.

PUBLIC COMMENT

No comment given

- ❖ *Motion to enter closed session at 7:25 pm by Council Member Sablan, Second by Council Member Perez; vote pass by 5-0 vote*

CLOSED SESSION

12. Government Code Section 54956.9(d)(2) - One Potential Case

Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation

- ❖ *Motion to enter open session at 7:48 pm by Council Member Sablan, Second by Council Member Perez; vote pass by 5-0 vote*

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken

ADJOURNMENT

- ❖ *Motion to adjourn at 7:49 pm by Council Member Sablan, second by Council Member Perez, motion passes by a 5-0 vote.*

RYAN GONZALEZ CITY COUNCIL PUBLIC COMMENT

November 21, 2022

Dear Firebaugh City Council,

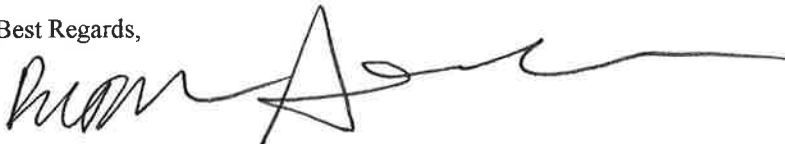
"Good evening Mayor, Council, City Staff and the community of Firebaugh. My name is Ryan Gonzalez, community member currently residing at 1872 Vasquez Drive. First and foremost, I want to ensure that we are taking the appropriate measures and actions to ensure that the entirety of our meeting tonight is being recorded both auditorily and visually via WebEx. As I direct your attention and recollection, to our previous city council meeting on November 7th 2022, I gave a public comment, which is noted in tonight's minutes. During my public comment, I addressed each of our running candidates for Firebaugh City Council congratulating them on their desire to serve our community and wishing them the best of luck with the general election; however, due to the lack of accountability and due diligence, my public comment was not recorded via WebEx, I will note that the meeting did not begin recording until 6:06PM. In order to ensure that proper minutes are taken with the upmost care, moral, and responsibility, I have decided to provide each one of you with a copy of my public comment tonight. I would respectfully ask that my public comment be noted verbatim in tonight's minutes.

Tonight we will be taking a look at back at Resolution NO. 22-47, which was tabled at our last city council meeting. During our last meeting, City Manager Ben Gallegos, noted that only 3 business received this grant and he suggested that the remaining funds of \$264,245 be transferred to The Salvation Army to help aide with the giving of Hot Meals. I want to taken this time to note that The Salvation Army is already internationally funded. With that being said, I took it upon myself to make contact with a representative from The Salvation Army that overlooks all large donations. Per our phone conversation, the representative noted that it truly would be impossible to extinguish the surplus of funds over \$200,000 by Mid December, when the grant officially closes out. It's truly disheartening that these funds have the potential of not being used to their fullest potential, here we have our senior citizens who have been without warm meals of months on end, but instead we make a request to donate the surplus of funds which we don't know if it will truly have a direct impact on our community of Firebaugh.

Moving forward, we must understand the importance and fundamentals of grant writing, which can potentially help aide with future distribution of surplus funds. If we haven't done so already, I think it would be a wonderful opportunity to ensure that all current and future grants are accounted for on a spreadsheet with all start and end dates, along with dates to revisit them at future council meetings.

If you have any further questions or concerns my contact information is noted at the bottom of your page and I truly thank you for your time tonight."

Best Regards,

A handwritten signature in black ink, appearing to read 'Ryan Gonzalez', with a long horizontal flourish extending to the right.

Ryan Gonzalez

ORDINANCE NO. 22-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH
AMENDING CHAPTER 8 AND CHAPTER 8.5 DANGEROUS BUILDING ABATEMENT OF THE
FIREBAUGH MUNICIPAL CODE RELATING TO THE BUILDING AND HOUSING CODES**

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

Section 1: That Chapter 8, Building and Housing of the City of Firebaugh Municipal Code be amended as stated in Attachment “A”, attached hereto, and made a part hereof by this reference.

Section 2: Necessity: The amendment is reasonably necessary because of the following local climatic, geological, or topographical conditions: the City of Firebaugh is within a seismic area, local soil conditions can be expansive, the City of Firebaugh can have hard water which is corrosive to ferrous and non-ferrous metals.

Section 3: Purpose and Authority: The purpose of this Ordinance is to adopt by reference the 2022 edition of the California Building Standards Code, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, & 12 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property, and welfare of the City of Firebaugh. This Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Section 18941.5.

Section 4: Effective Date and Publication

This Ordinance shall take effect on January 1, 2023, after its adoption, published in summary format prior to adoption and within fifteen (15) days after its adoption in a newspaper of general circulation published and circulated in the City of Firebaugh.

The foregoing Ordinance No. 22-04 was introduced at a regular meeting of the City Council of the City of Firebaugh on the 21st day of November 2022, and was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Brady Jenkins, Mayor
City of Firebaugh

Rita Lozano, Deputy City Clerk
City of Firebaugh

ATTACHMENT “A”

Chapter 8 BUILDING AND HOUSING

§ 8-1. BUILDING CODE.

§ 8-1.1. Adoption by Reference of the Uniform California Building Code. [Ord. #94-3, S1; Ord. #07-08, S1; Ord. #12-05, S1; amended 6-15-2020 by Ord. No. 20-03]

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the 2019 California Building Code 2022 Edition, Volumes 1 and 2 (Part 2 of Title 24 of the California Code of Regulations), based on the 2021 International Building Code as published by the International Code Council, together with Appendices Chapter G – Flood-Resistant Construction, Chapter H – Signs, Chapter I – Patio Covers, Chapter J – Grading, and Chapter K – Central Valley Flood Protection Plan, and Chapter P – Emergency Housing, and subsequent additions and editions thereto, most recent edition, with appendices thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Building Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause, or phrase of the said Building Code is, for any reason, held to be unconstitutional by court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-1. The said Building Code shall be designated as Section 8-1 of Chapter 8 of the Firebaugh City Code.

§ 8-1.2. Copies on File. [Ord. #94-3, S1]

One copy of said Uniform California Building Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-2. ELECTRICAL CODE.

§ 8-2.1. Adoption by Reference of the Uniform California Electrical Code. [Ord. #01-01, S1; Ord. #07-08, S2; Ord. #12-05, S2; amended 6-15-2020 by Ord. No. 20-03]

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the 2019 California Electrical Code, 2022 Edition (Part 3 of Title 24 of the California Code of Regulations), based on the 2020 National Electrical Code as published by the National Fire Protection Association, together with its Appendices, and subsequent additions and editions thereto, most recent edition, with appendices thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Electrical Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause, or phrase of said Electrical Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-2. The Electrical Code shall be designated as Section 8-2 of Chapter 8 of the Firebaugh City Code.¹

§ 8-2.2. Copies on File. [Ord. #01-01, S1]

One copy of said ~~Uniform~~ California Electrical Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-3. MECHANICAL CODE.

§ 8-3.1. Adoption by Reference of the ~~Uniform~~ California Mechanical Code. [Ord. #94-3, S2; Ord. #07-08, S3; Ord. #12-05, S3; amended 6-15-2020 by Ord. No. 20-03]

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the 2019 California Mechanical Code, 2022 Edition (Part 4 of Title 24 of the California Code of Regulations), including appendix, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials and subsequent additions and editions thereto, ~~most recent edition, with appendices thereto,~~ as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Mechanical Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of said Mechanical Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-3. The said Mechanical Code shall be designated as Section 8-3 of Chapter 8 of the Firebaugh City Code.

§ 8-3.2. Copies on File. [Ord. #94-3, S2]

One copy of said ~~Uniform~~ California Mechanical Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-4. PLUMBING CODE.

§ 8-4.1. Adoption by Reference of the ~~Uniform~~ California Plumbing Code. [Ord. #94-3, S3; Ord. #07-08, S4; Ord. #12-05, S4; amended 6-15-2020 by Ord. No. 20-03]

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the 2019 California Plumbing Code, 2022 Edition (Part 5 of Title 24 of the California Code of Regulations), including appendix, based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and subsequent additions and editions thereto, ~~most recent edition, with appendices thereto,~~ as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Plumbing Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of said Plumbing Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-4. The said Plumbing Code shall be designated as Section 8-4 of Chapter 8 of the Firebaugh City Code.

§ 8-4.2. Copies on File. [Ord. #94-3, S3]

One copy of said ~~Uniform~~ California Plumbing Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-5. SIGN CODE.

§ 8-5.1. Adoption by Reference of the Uniform Sign Code. [Ord. #94-3, S4]

Pursuant to the provisions of section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the Uniform Sign Code, most recent edition, — with appendices thereto, as prepared and published by the International Conference of Building Officials, 5360 S. Workman Mill Road, Whittier, California, 90601, and said code is hereby adopted by the council as the Sign Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said sign code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The city council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this section 8-5. The said Sign Code shall be designated as section 8-5 of Chapter 8 of the Firebaugh City Code.

§ 8-5.2. Copies on File. [Ord. #94-3, S4]

One copy of said Uniform Sign Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

(This section can be removed/repealed; all sign provisions are covered in the appropriate adopted codes in Chapter 8)

§ 8-6. SOLAR ENERGY INSTALLATIONS CODE.

§ 8-6.1. Adoption by Reference of the Uniform Code for Solar Energy Installations. [Ord. #94-3, S5]

Pursuant to the provisions of section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the Uniform Code for Solar Energy Installations, most recent edition, with appendices thereto, as prepared and published by the International Conference of Building Officials, 5360 S. Workman Mill Road, Whittier, California, 90601, and said code is hereby adopted by the council as the Uniform Code for Solar Energy Installations of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Uniform Code for Solar Energy Installations is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The city council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this section 8-6. The said Uniform Code for Solar Energy Installations shall be designated as section 8-6 of Chapter 8 of the Firebaugh City Code.

§ 8-6.2. Copies on File. [Ord. #94-3, S5]

One copy of said Uniform Code for Solar Energy Installations has been deposited and is on file in the office of the city clerk for use and examination by the public.

(This section can be removed/repealed; all solar energy provisions are covered in the appropriate adopted codes in Chapter 8)

§ 8-7. FIRE CODE.

§ 8-7.1. Adoption by Reference of the Uniform California Fire Code. [Ord. #94-3, S6; Ord. #07-08, S5; Ord. #12-05, S5; amended 6-15-2020 by Ord. No. 20-03]

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the 2019 California Fire Code, 2022 Edition, (Part 9 of Title 24 of the California Code of Regulations), based on the 2021 International Building Code as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, ~~most recent edition, with appendices thereto~~, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Fire Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Fire Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-7. The said Fire Code shall be designated as Section 8-7 of Chapter 8 of the Firebaugh City Code.

§ 8-7.2. Copies on File. [Ord. #94-3, S6]

One copy of said Uniform California Fire Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-8. WAIVER OF PERMIT FEES. [Ord. #99-02, S1; Ord. #01-07, S1]

Upon request by the applicant, the council, in its discretion, may waive in whole or part the fees that would otherwise be collected from the applicant for issuance of a permit under any code specified in this Chapter 8, provided the council makes all of the following findings by resolution:

- a. The applicant is a not-for-profit organization qualified for tax-exempt status under Federal and State law;
- b. The applicant will use the subject building, structure or facility solely to provide services or products that will be of exceptional and significant direct benefit to the health, welfare and/or safety of the city's residents, plus related incidental uses; and
- c. Payment of the permit fees would substantially impair the applicant in providing such services or products or would otherwise impose an undue financial hardship on the applicant.

A waiver of permit fees under this section shall apply only to the specified permit, and shall not be deemed a waiver of fees for any other permit fees or for any other applicant. Waiver of permit fees shall not waive the requirement for actual issuance of the permit or compliance with any terms of the permit.

§ 8-9. BUILDING PERMIT FEES. [Ord. #12-05, S6; amended 6-15-2020 by Ord. No. 20-03]

Building permit fees may be established and modified from time to time by resolution of the city council.

§ 8-10. ADMINISTRATIVE CODE.

§ 8-10.1. Adoption by Reference of the California Administrative Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Administrative Code, 2022 Edition, (Part 1 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Administrative Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Administrative Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-10. The said Administrative Code shall be designated as Section 8-10 of Chapter 8 of the Firebaugh City Code.

§ 8-10.2. Copies on File.

One copy of said California Administrative Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-11. RESIDENTIAL CODE.

§ 8-11.1. Adoption by Reference of the California Residential Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Residential Code, 2022 Edition, (Part 2.5 of Title 24 of the California Code of Regulations), based on the 2021 International Residential Code as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, with the exception of Appendix AL-Permit Fees, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Residential Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Residential Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-11. The said Residential Code shall be designated as Section 8-11 of Chapter 8 of the Firebaugh City Code.

§ 8-11.2. Copies on File.

One copy of said California Residential Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-12. ENERGY CODE.

§ 8-12.1. Adoption by Reference of the California Energy Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Energy Code, 2022 Edition, (Part 6 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Energy Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Energy Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-12. The said Energy Code shall be designated as Section 8-12 of Chapter 8 of the Firebaugh City Code.

§ 8-12.2. Copies on File.

One copy of said California Energy Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-13. HISTORICAL CODE.

§ 8-13.1. Adoption by Reference of the California Historical Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Historical Code, 2022 Edition, (Part 8 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Historical Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Historical Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-13. The said Historical Code shall be designated as Section 8-13 of Chapter 8 of the Firebaugh City Code.

§ 8-13.2. Copies on File.

One copy of said California Historical Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-14. REFERENCED CODE.

§ 8-14.1. Adoption by Reference of the California Referenced Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Referenced Code, 2022 Edition, (Part 12 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Referenced Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Referenced Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-14. The said Referenced Code shall be designated as Section 8-14 of Chapter 8 of the Firebaugh City Code.

§ 8-14.2. Copies on File.

One copy of said California Referenced Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-15. EXISTING BUILDING CODE.

§ 8-15.1. Adoption by Reference of the California Existing Building Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Existing Building Code, 2022 Edition, (Part 10 of Title 24 of the California Code of Regulations), based on the 2021 International Existing Building Code as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Existing Building Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Existing Building Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-15. The said Existing Building Code shall be designated as Section 8-15 of Chapter 8 of the Firebaugh City Code.

§ 8-15.2. Copies on File.

One copy of said California Existing Building Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-16. GREEN CODE.

§ 8-16.1. Adoption by Reference of the California Green Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the California Green Code, 2022 Edition, (Part 11 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with Appendices Chapters and subsequent additions and editions thereto, as adopted by the California Building Standards Commission, and said code is hereby adopted by the Council as the Green Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Green Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-16. The said Green Code shall be designated as Section 8-16 of Chapter 8 of the Firebaugh City Code.

§ 8-16.2. Copies on File.

One copy of said California Green Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-17. UNIFORM HOUSING CODE.

§ 8-17.1. Adoption by Reference of the Uniform Housing Code.

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, (Title 25 of the California Code of Regulations pursuant to Sections 17958, 17958.5, 17958.7, 17958.9 and 17959 of the California Health and Safety Code), is hereby adopted by the Council as the Uniform Housing Code of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Uniform Housing Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-17. The said Uniform Housing Code shall be designated as Section 8-17 of Chapter 8 of the Firebaugh City Code.

§ 8-17.2. Copies on File.

One copy of said California Uniform Housing Code has been deposited and is on file in the office of the city clerk for use and examination by the public.

§ 8-18. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

§ 8-18.1. Adoption by Reference of the Uniform Code for the Abatement of Dangerous Buildings

Pursuant to the provisions of Section 50022.2 of the Government Code of the State of California, the City Council of the City of Firebaugh does hereby adopt by specific reference thereto and incorporation herein by said reference, the provisions, rules, and regulations specified and set forth in the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Conference of Building Officials, is hereby adopted by the Council as the Uniform Code for the Abatement of Dangerous Buildings of the City of Firebaugh, for all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause or phrase of the said Uniform Code for the Abatement of Dangerous Buildings Code is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said code. The City Council hereby declares it would have passed each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, except as said code is specifically changed in this Section 8-18. The said Uniform Code for the Abatement of Dangerous Buildings Code shall be designated as Section 8-18 of Chapter 8 of the Firebaugh City Code.

§ 8-18.2. Copies on File.

One copy of said California Uniform Code for the Abatement of Dangerous Buildings Code has been deposited and is on file in the office of the city clerk for use and examination by the public.



FIREBAUGH CITY COUNCIL

STAFF REPORT

Date: December 5, 2022
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Public Hearing to introduce Zoning Ordinance Amendment 2022-01 (an amendment to the Firebaugh Zoning Ordinance to incorporate standards for “Accessory Dwelling Units” (ADU’s) and “Junior Accessory Dwelling Units” (JADU’s)). Ordinance 22-05

Recommendation

It is recommended that the City Council conduct a public hearing and vote to introduce Ordinance 22-05, an amendment of the Zoning Ordinance to incorporate standards regulating the construction of Accessory Dwelling Units (ADU’s) and Junior Accessory Dwelling Units (JADU’s).

Analysis

The action is an update of the Firebaugh Zoning Ordinance to incorporate State-mandated requirements that allow the construction of Accessory Dwelling Units (ADU’s) and Junior Accessory Dwelling Units (JADU’s) on appropriately-zoned residential lots in Firebaugh.

ADU’s and JADU’s are additional dwellings (second and third units) that cities are required to permit on residentially-zoned lots (including both single family residential and multi-family residential lots).

Firebaugh already has a Second Dwelling Unit ordinance that was adopted in 2007 (as a result of previous State legislation) but the recent State laws require cities to remove or reduce some regulations. This is intended to make it easier for property owners to construct this form of housing. This report provides an overview of these requirements and how they are incorporated into the City’s code.

Purpose

The purpose of the State's Accessory Dwelling Unit laws is to promote the development of affordable housing. California has some of the least affordable housing in the nation (though that is an issue moreso along the coast and major cities (Los Angeles, San Francisco, San Diego, etc.)). Accessory Dwelling Units are an opportunity for the creation of affordable housing, for several reasons, including:

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Public Hearing for Accessory Dwelling Unit Ordinance

- Small size of the unit, reducing construction costs;
- The land is already purchased;
- Utilities are already present;
- Covered parking is not required

Depending on the size of the building, ADU's typically have a bedroom, bathroom, small kitchen, sitting room, etc. ADU's can be either attached (or part of) the primary dwelling, or a detached, free-standing structure. Attachment "A" shows several photo samples of ADU design and appearance.

JADU's

In addition, State law has created an additional type of unit called a Junior Accessory Dwelling Unit (JADU). This type of unit is carved out of the footprint of an existing single-family home and can be no larger than 50% of the size of the primary dwelling, up to 800 square feet, maximum. Of note, the garage of an existing home can be converted to become a JADU. The City's current Second Unit ordinance prohibits garage conversions (unless the number of covered parking spaces can be replaced elsewhere on the lot with a new garage or carport).

Overview of Proposed Ordinance

The following is a narrative of key points of the ordinance.

Sections 1, 2 and 3 (on pages 1 through 3) amend the permitted use lists of Firebaugh's six residential zones to add "Accessory Dwelling Units" and Junior Accessory Dwelling Units" as a permitted use in these zones, which include:

- R-1 (Single Family Residential zones (including R-1-4.25, R-1-5 and R-1)
- R-1 (TN) (Single Family Residential (Traditional Neighborhood) zones
- R-2 (Low Density Multi-Family Residential)
- R-3 (Medium-High Density Residential)

Section 5 (beginning on page 3) establishes the actual development standards for ADU's and JADU's, including zones permitted, number of units allowed, setbacks, building height, unit size, parking, appearance, occupancy, access, utilities, fees and exceptions.

Key sections and requirements include:

Item #1: Zoning (p.4). This section clarifies that ADU's and JADU's are permitted in all residential zones (single family residential and multi-family residential).

Item #2: Construction of ADU's/JADU's (p. 4): Among other items, this section states that ADU's cannot be mobile homes, trailers and recreational vehicles are not permitted.

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Item #3: Number of Units (p. 5): This section establishes that each lot zoned for single family residential development is eligible for up to one ADU and one JADU. Each lot zoned multi-family residential is eligible for a number of ADU's up to 25% of the number of multi-family units that can be developed on the subject lot. As an example, a multi-family lot eligible for 20 multi-family units could potentially have up to 5 ADU's.

Item #4: Yards (setbacks) (p. 5). This section establishes that ADU's and JADU's are subject to the setback requirements of the subject zone, except that a detached ADU in a rear yard may come within 4 feet of a rear or side yard setback.

Item #5: Space Between Buildings (p. 6): This section is unchanged. It requires a minimum 10 foot distance between an ADU and the primary dwelling, and 6 feet between an ADU and an accessory building on the parcel (such as a shed).

Item #6: Building Height (p. 6): This section limits ADU's to one story, up to 16 feet high. The existing second unit ordinance allowed ADU's to be two stories, up to 25 feet high.

Item #7: Unit size (p. 6): This section establishes maximum (and minimum) sizes for detached and attached ADU's and also for JADU's.

- For detached ADU's the maximum size ranges from 850 to 1,200 square feet and depends on the number of bedrooms proposed in the unit.
- For an attached ADU the maximum size can be up to 50% of the floor area of the primary dwelling, not to exceed 800 square feet.
- For a JADU, the maximum size is 500 square feet. For all ADU's and JADU's the section stipulates a minimum floor area of 220 square feet.

Item #8: Parking (p. 7): This section states that one parking space must be provided on the site for an ADU. This can be provided on an existing driveway in tandem with other existing parking spaces. State law does not allow the City to require any parking spaces for a JADU.

Item # 9: Architectural Appearance (p. 7): This section is mostly unchanged and stipulates that an ADU and JADU must use similar materials, colors, windows, and roof pitch as the primary dwelling. The goal is to ensure that ADU's maintain the character of the site and the neighborhood.

Item #11: Occupancy (p. 8): For ADU's, changes in State law now prohibit the City from requiring the owner of the property to live on the site (as was required in the existing Second Unit ordinance). However, for a JADU, the owner must live in the primary dwelling on the lot.

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Item #12: Access (p. 8): This section is largely unchanged and requires the access (door) to an ADU or JADU not be visible from the street. This helps to maintain the character of single family residential neighborhoods.

Item #15: Connection, Impact and Other Fees (p. 9): Among other items, this section establishes that the City can impose impact fees on ADU's and JADU's. Impact fees are collected for the improvement of city utility systems and facilities, including water, sewer, storm drain, streets, police and fire, parks and general administration.

Planning Commission Action

The Firebaugh Planning Commission conducted a workshop to review the draft ordinance on August 8, 2022. On November 14, 2022 the Commission conducted a public hearing to make a recommendation on the ordinance. Following discussion, the Commission voted unanimously to recommend adoption of the ordinance. While the Commission recognized the value of ADU's and JADU's as a source of needed affordable housing, they did voice concerns about potential negative impacts related to parking issues and also conversion of garages to become JADU's.

City-Sponsored ADU Blueprints

As previously shared with the City Council, the City has contracted with an architect to prepare construction-ready blueprints for three different ADU designs. These blueprints will be offered free of charge to residents interested in building an ADU on their property. The purpose is to ensure that ADU's constructed in Firebaugh exhibit a high degree of quality design and construction. The blueprints are nearing completion and should be ready for use in the next several months. The architect's work is being paid for by the State's "REAP" (Regional Early Action Plan) funding source.

Conclusion

As mentioned previously, the ADU ordinance is required by State law to promote the development of this form of housing as an affordable source of housing for existing future residents of Firebaugh.

ATTACHMENTS

Resolution 2022-05

Report to Firebaugh City Council (12/5/2022)
Public Hearing for Accessory Dwelling Unit Ordinance

Attachment “A”: Photo Samples of ADU’s



Report to Firebaugh City Council (12/5/2022)
Public Hearing for Accessory Dwelling Unit Ordinance

Attachment “A”: Photo Samples of ADU’s



ORDINANCE NO. 22-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SUBSECTION 25-15.3 (R-1 ZONE (PERMITTED USES)), SUBSECTION 25-17.3 (R-1 (TN) ZONE (PERMITTED USES)), SUBSECTION 25-19.3 (R-2 AND R-3 ZONES (PERMITTED USES)), AND 25-41.9 (SPECIAL USES (SECOND RESIDENTIAL UNITS)) OF THE FIREBAUGH MUNICIPAL CODE, RELATING TO ACCESSORY DWELLING UNITS

WHEREAS, State law requires cities to permit Accessory Dwelling Units in residential zones, with the purpose being to increase the supply of affordable housing units for residents of the City of Firebaugh, and

WHEREAS, Government Code Section 65852.2(a) allows local agencies to establish ordinances to ensure that Accessory Dwelling Units and Junior Accessory Dwelling Units can be established in a manner that protects the stability, property values and character of single family residential neighborhoods but that are not so arbitrary, excessive or burdensome so as to unreasonably restrict the ability of homeowners to create second units in residential zones where they are permitted, and

NOW THEREFORE, the City Council of the City of Firebaugh does ordain as follows:

Section 1. Subsection 25-15.3 (R-1 Zone (Permitted Uses)) of the Firebaugh Municipal Code is amended to read as follows:

25-15.3 Permitted Uses

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Single-family dwellings, including conventional stick-built, and mobile homes/modular homes subject to design standards contained in Section 25-15.9 of this chapter.
- b. Accessory buildings and structures, including garages, sheds and similar.
- c. Swimming pools, subject to standards contained in Section 25-15.5 d. (Yard Setbacks).
- d. Home occupations, subject to standards contained in Chapter 25-41 (Special Uses).
- e. ~~Second residential units~~ **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units) JADU's**, subject to standards contained in Chapter 25-41.**9** (Special Uses).

Section 2. Subsection 25-17.3 (R-1 (TN) Zone (Permitted Uses)) of the Firebaugh Municipal Code is amended to read as follows:

25-17.3 Permitted Uses

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Single-family dwellings, including conventional stick-built, and mobile homes/modular homes subject to design standards contained in Section 25-15.9 of this chapter.
- b. Accessory buildings and structures, including garages, swimming pools, sheds and similar.
- c. Home occupations, subject to standards contained in Chapter 25-41 (Special Uses).
- d. ~~Second residential units,~~ **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units) JADU's,** subject to standards contained in Chapter 25-41.9 (Special Uses).

Section 3. Subsection 25-19.3 (R-2 and R-3 Zones (Permitted Uses)) of the Firebaugh Municipal Code is amended to read as follows:

- a. Single-family dwellings, duplexes and tri-plex's
- b. Multi-family complexes.
- c. **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's), subject to standards contained in Chapter 25-41.9 (Special Uses).**
- ~~d.~~ e. Employee Housing, subject to the issuance of a permit by the State of California Department of Housing and Community Development as provided in California Health and Safety Code Sections 17021.5 and 17030. The permit shall be prominently displayed in the housing unit and shall be provided to any peace officer, City inspector or State inspector, upon demand."
- ~~e.~~ d. Emergency Shelter." (R-3 zone only)
- ~~f.~~ e. Single Room Occupancy Units."
- ~~g.~~ f. Supportive Housing.
- ~~h.~~ g. Transitional Housing.

- ~~i. h.~~ Home occupations subject to the requirements detailed in Chapter 25-41 Special Uses.
- ~~j. i.~~ Small day care homes.
- ~~k. j.~~ Mobile homes subject to design standards contained in Chapter 25-15 Single Family Residential.
- ~~l. k.~~ Licensed group care homes (six or fewer persons).
- ~~m. l.~~ Drainage basins.
- ~~n. m.~~ Water well sites.
- ~~o. n.~~ Utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings, except for wireless telecommunications facilities.
- ~~p. o.~~ Model apartments and rental offices associated with the development of a multi-family development.
- ~~q. p.~~ Incidental and accessory structures and uses located on the same site as the permitted use including private garages and carports; storage buildings; garden structures, greenhouses; and recreation rooms, hobby shops and swimming pools.
- ~~r. q.~~ Temporary apartment rental office and signs consistent with Chapter 25-59 Signs.
- ~~s. r.~~ Enclosed temporary construction materials storage yards associated with the development of an apartment complex.

Section 5. Subsection 25-41.9 (Special Uses (Second Residential Units)) of the Firebaugh Municipal Code is amended to read as follows:

25-41.9 Second Residential Units: Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's)

- a. Purpose and intent. This section is intended to meet the requirements of State law in providing for Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") as required by and in compliance with Government Code sections 65852.2 and 65852.22, (as either may be amended from time to time). The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22. If different or conflicting requirements or standards exist, the more restrictive requirements or

standards shall apply, but only to the extent such requirement or standard does not conflict with the requirements and standards provided in Government Code sections 65852.2 and 65852.22.

~~One second dwelling unit may be established as an addition to an existing residential dwelling unit, or as a separate freestanding dwelling unit, consistent with development standards of the zone in which the unit is located, and with the requirements of this subsection. A second dwelling unit may be a site-built structure, or a manufactured home as defined by Section 18007 of the Health and Safety Code, provided that mobile homes, trailers and recreational vehicles are not permitted to be used as a second dwelling unit.~~

- b. **Determinations: ADUs and JADUs are residential uses. ADUs and JADUs that comply with this section are considered accessory uses and accessory buildings and therefore do not exceed the allowable density for the lots upon which ADUs and JADUs are located. ADUs and JADUs that comply with this section are considered to be consistent with the general plan and zoning designations for the lot.**

ADUs and JADUs, and the availability to construct ADUs and JADUs, will be counted for purposes of identifying adequate sites for housing in the City's Housing Element.

- c. **Standards: ADUs and JADUs are subject to the normal requirements of the zoning district where the ADU and/or JADU will be constructed. Unless otherwise stated in this section, the requirements and standards of the Zoning Code (Chapter 25) and the Building and Housing Code (Chapter 8) that apply to the lot and the primary dwelling shall apply to any ADU and/or JADU, including lot coverage, parking, height, setback, open space, landscape, and architectural review, and the requirements and standards that apply to detached dwellings and accessory structures generally.**

All ADUs and/or JADUs ~~Development standards:~~ All second dwelling units shall be established and maintained in conformity with the following standards:

1. **Zoning:**

ADUs and JADUs are allowed on single-family and multi-family lots in all residential zoning districts, including mixed-use zones where residential uses are permitted. ADUs and JADUs are not permitted in nonresidential zoning districts

where residential uses are not allowed. — A second dwelling unit shall be permitted only on lots zoned R-1 (Single-Family Residential), as shown on the Official Zoning Map of the City of Firebaugh. Second dwelling units are not permitted on lots zoned R-1-4.5 or R-1-5 or any other zone district.

2. Construction of ADUs/JADUs

ADUs may be constructed within or as an addition to an existing or proposed single-family residential dwelling unit, or as a separate free-standing accessory structure, or converted from an existing accessory structure. JADUs may be constructed within an existing or proposed single-family residential dwelling unit. ADUs and JADUs must be constructed consistent with development standards of the zone in which the unit is located, and with the requirements of this subsection. ADUs may be site-built structures, or converted from existing structures, or manufactured homes as defined by Section 18007 of the Health and Safety Code. Mobile homes, trailers and recreational vehicles are not permitted to be used as ADUs.

3. Number of units

One (1) ADU and one (1) JADU are allowed per single family residential lot. Lots with existing multifamily dwellings may construct up to two (2) detached ADUs, or ADUs up to 25 percent of the number of existing multifamily dwelling units in non-livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages).

2. Minimum lot size: A second dwelling unit shall be permitted only on a properly-zoned lot that contains at least 6,500 square feet.

4. Yards:

A second dwelling unit shall comply with yard requirements of the subject zone R-1 Zone, except that a setback of four (4) feet from the side and rear lot lines is permitted for a detached ADU. as listed in § 25-15 [R-1 Zone (Conventional Single-Family Residential) Zones].

5. Space between buildings:

A second detached dwelling unit shall be located no closer than 10 feet to any other residential building on the same parcel, and not less than six feet from any accessory building.

6. Building height:

ADU's shall be limited to one (1) story and sixteen (16) feet in height. ~~No second dwelling unit shall have a height greater than two stories, not to exceed 25 feet.~~

~~**6. Lot coverage:** The total lot coverage by a second dwelling unit and all other buildings and structures shall not exceed 30% of the total lot area.~~

7. Unit size:

For detached ADU's the following size restrictions apply:

- a. **One bedroom unit: Unit may contain up to 850 square feet of floor area, maximum.**
- b. **Two bedroom unit: Unit may contain up to 1,000 square feet of floor area, maximum.**
- c. **More than two bedrooms: Unit may contain up to 1,200 square feet of floor area, maximum.**

For attached ADU's the maximum permitted size is 50 percent of the floor area of the primary dwelling unit, up to 800 square feet, maximum.

Notwithstanding the foregoing standards, an ADU (whether detached or attached) shall not be less than 220 square feet in size.

For a JADU the maximum permitted size is 500 square feet of floor area. Further, a JADU shall not be less than 220 square feet in size.

~~The increased living area of a second dwelling unit that is attached to the primary dwelling shall not exceed 30% of the existing living area of the primary dwelling. A~~

~~second unit that is detached from the primary dwelling shall not exceed 1,300 square feet of floor area.~~

8. Parking:

There shall be one paved on-site parking space for ~~a second dwelling unit~~ **an ADU, (except as allowed by Government Code section 65852.2(a) or (d)). Additional parking is not required for JADUs.** The required parking space shall be a minimum of nine feet wide and 20 feet deep and constructed to City standards. The space shall be in addition to on-site parking spaces required for the primary dwelling on the lot. The parking space for the **ADU** ~~second dwelling unit~~ may be situated as a tandem parking space within an existing driveway, provided that parking space requirements are maintained for the primary dwelling unit. If additional paved parking is required to accommodate **an ADU** ~~second unit~~, it shall not be located within a required front yard, except within a legal driveway that is not wider than necessary to accommodate two parking spaces side by side; however, said parking space may be located within required side or rear yards. ~~There shall be no conversion of a garage of a primary dwelling unit into a second dwelling unit, unless all parking requirements are otherwise met for the primary dwelling unit.~~

9. Architectural appearance:

The **ADU's** ~~second dwelling unit's~~ scale, appearance and character shall be similar to and compatible in design with the primary dwelling unit in terms of siding materials and color, window types, roofing pitch and materials. ~~Further, the second dwelling unit shall be clearly subordinate to the primary dwelling unit by size, location and appearance.~~ If attached to the primary dwelling unit, a second dwelling unit shall be attached in a manner that the addition will create the appearance of an enlargement of the primary dwelling unit, and a logical extension of roof and walls of the primary dwelling unit, rather than give the appearance of an add-on unit.

10. Building Code:

A second dwelling unit shall be subject to all applicable building, fire, health and safety codes.

11. Occupancy:

A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy is issued for an ADU or JADU on the lot. Owner-occupancy is not required for ADUs. ~~The owner of the subject property at the time of the application and all future owners of the property shall reside in one of the dwelling units.~~ **Owner-occupancy is required for a single-family residence with a JADU. The owner of the subject property at the time of the application for a JADU and all future owners of the property shall reside in the single-family residence or JADU.** A covenant, in a form approved by the City Attorney, running with the land between the City and the applicant shall be recorded with the Fresno County recorder's office prior to the issuance of any building permits, requiring that the primary or proposed **JADU** ~~second dwelling unit~~ shall be occupied by the owner of the property.

An ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, unless authorized by Government Code section 65852.26. Rentals of ADUs and/or JADUs must be for at least 30 days.

12. Access:

In order to preclude the appearance of a duplex unit, access to ADU's and JADU's ~~the second dwelling unit~~ shall be by an exterior doorway located on the side or rear of the **ADU or JADU.** ~~second dwelling unit.~~ In no case shall the entrance be visible from a public street right-of-way.

13. Utilities:

Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the ADU/JADU, as determined by the City Engineer. The ADU/JADU can either have shared or separate services for electric, gas, sewer, and water. ~~A second dwelling unit shall be provided with water, sewer, and other utilities as determined by the building official.~~

14. Existing dwellings:

An ADU Any ~~second dwelling unit~~ existing on the effective date of the ordinance adding this subsection shall constitute a violation of this subsection unless the **ADU** ~~second dwelling unit~~ meets the standards of this subsection or the **ADU** ~~second dwelling unit~~ qualifies as a permitted nonconforming use under § **25-61** (Nonconforming Uses and Structures) of this title.

15. **Connection, Impact, and other Fees**

Except as provided in Government Code sections 65852.2 and 65852.22, ADUs and JADUs are subject to all fees and assessments required by the Municipal Code for new residential construction, including connection fees, capacity charges, and impact fees.

An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.

16. **Exceptions**

All of the standards provided in this Section may be relaxed or waived in order to allow construction of an attached or detached ADU that is not more than 800 square feet and not more than 16 feet in height with at least four-foot side and rear yard setbacks, provided that the ADU is constructed in compliance with all Fire and Building and Housing Code requirements and standards of the Zoning Code. (See Government Code section 65852.2(c).)

ADUs and/or JADUs described in Government Code section 65852.2(e) shall be permitted.

17. Permit process:

The applicant shall submit a building permit application for the construction of **an ADU and/or JADU** ~~second dwelling unit~~. **An application, together with the required fee in compliance with the City's Fee Schedule, shall be filed with the Department and accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other**

data/materials identified in the Department handout for ADU/JADU applications.
Following receipt of a completed application, the Planning Director or his designee shall review the application to determine whether it complies with the requirements of this section **and ministerially approve a compliant application.**

A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall act on the application to develop an ADU or a JADU within 60 days. If the permit application to develop an ADU or a JADU is submitted with a permit application to construct a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or the JADU until the City acts on the permit application to construct the new single-family dwelling. The applicant may request a delay in the time available for the City to act on the application, as provided by State law.

Section 6. Severability

The City Council hereby declares that it would have adopted this section and adopted each article, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. If any article, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this section. The Director shall apply this section as though any invalid or unconstitutional article, subsection, sentence, clause or phrase were not included in this section.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Firebaugh on December 5, 2022, and was passed and adopted at a regular meeting of the City Council on (date) by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Brady Jenkins, Mayor
City of Firebaugh

ATTEST:

Rita Lozano, Deputy City Clerk
City of Firebaugh

RESOLUTION NO. 22-56

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

WHEREAS, on March 19, 2020, the Governor of California issued a statewide Executive Order, N-33-20, which required Californians to remain at their home or place of residence, except as necessary to carry out essential activities; and

WHEREAS, the COVID-19 pandemic has had continued impacts to the economic wellbeing of the local community and the city has continued to provide an on-going response to this pandemic locally; and

WHEREAS, The American Rescue Plan Act of 2021 (ARPA) was signed by the President on March 11, 2021. Part of this package includes the Coronavirus State and Local Fiscal Recovery Fund (CSLFR), which provides approximately \$350 billion in new federal fiscal assistance for states, territories, tribes, counties, and municipalities; and

WHEREAS, The City is entitled to \$1,984,580 under the State and Local Fiscal Recovery Fund, which expenditures are limited to respond to the COVID-19 pandemic and its negative health and economic impacts; and

WHEREAS, since the adoption of the City's Fiscal Year 2022-2023 budget, the city received its first installment from ARPA; and

WHEREAS, staff is requesting approval to appropriate \$1,984,580 in ARPA funding for premium pay for workers performing essential work during the pandemic, personal protective equipment for the City of Firebaugh Fire Department, a backup generator for the Fire Department, various expenses related to the Police Department, funding the City's Façade Grant Program, and installation of sewer and water lines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Firebaugh as follows:
The City of Firebaugh directs staff to:

1. Utilize \$220,000 from the ARPA funding for premium pay. The premium pay will be for City employees and Fire Department volunteers, for hours worked in-person, during the declared pandemic, from June 26, 2021, through September 30, 2022. This will exclude any hours that an employee or volunteer was off work, regardless of whether they were paid or unpaid, and it will also exclude any time teleworked, in accordance with ARPA guidelines. The City's rollup costs are computed by the following breakdown: FICA 6.20%, and Medicare at 1.45% per position, per lump sum pay. Recipients of the premium pay must be employed by the city or a volunteer with the Fire Department as of December 05, 2022, to receive the premium pay. A full accounting of the premium pay and rollup costs are provided in Exhibit "A."
2. Utilize \$47,000 from the ARPA funding to purchase Medical / Safety supplies, legal fees, and other administrative costs. This expenditure is consistent with the ARPA guidelines, which permit coverage for purchases of personal protective equipment necessary for COVID-19 mitigation.

3. Utilize \$145,000 from the ARPA funding to complete purchase of an emergency generator for the Fire Department. This expenditure is consistent with ARPA guidelines which permit funding for COVID-19 mitigation measures in health care settings, assisted living settings, and other congregant living facilities requiring backup power for ventilation and other types of mitigation equipment.
4. Utilize \$187,3000 from the ARPA funding to cover expenditures associated with Police Department. This will purchase a new Radio Dispatch communication system at a total cost of \$147,000. The Radio Dispatch system will be funded by a USDA grant of \$75,000 and \$72,000 in ARPA funding. New cameras to be purchased at a cost of \$60,000 to be placed throughout the Police Station, Parks, and Water Stations. New HVAC units for Police Department at a cost of \$55,300. These expenses are consistent with the ARPA guidelines, which support funding allocations for investment in infrastructure and economic recovery and spending on impacted government services.
5. Utilize \$80,000 from the ARPA to fund Façade Grant Program. The program will provide business and property owners with matching grants to improve their storefronts and enhance the city's retail market. Under the Façade Grant Program, business and property owners may be eligible for matching grants up to \$5,000 for exterior painting, new awnings, and signs. This is consistent with the ARPA guidelines, which support funding allocations for investment in infrastructure and economic recovery and assistance to impacted small businesses.
6. Utilize \$80,000 from the ARPA funding to secure a firm to assist the city for Retail Recruitment and Retention strategy. This firm will assist to develop the type of retail needed and to better understand how to successfully draw in those retailers needed by the city. This is consistent with the ARPA guidelines, which support funding allocations for economic development efforts.
7. Utilize \$446,000 from the ARPA funding to cover expenditures associated with installation of replacing sewer lines, 2 sewer manholes, installing waterlines and reconstructing of valley gutter and repaving the alley located between "O" Street and HWY 33. This is consistent with the ARPA guidelines, which support funding allocations for investment in water and sewer infrastructure.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 5th day of December 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Brady Jenkins, Mayor

Rita Lozano, Deputy City Clerk

EXHIBIT "A"

<u>Rate</u>	<u>Total Salaries</u>	<u>FICA</u>	<u>Medicare</u>	<u>Total Salaries w/Taxes</u>
\$2.08	5,300.00	328.60	76.85	\$5,705.45
\$2.08	5,400.00	334.80	78.30	\$5,813.10
\$2.08	1,800.00	111.60	26.10	\$1,937.70
\$2.08	5,200.00	322.40	75.40	\$5,597.80
\$2.08	5,300.00	328.60	76.85	\$5,705.45
\$2.08	5,200.00	322.40	75.40	\$5,597.80
\$2.08	5,200.00	322.40	75.40	\$5,597.80
\$2.08	300.00	18.60	4.35	\$322.95
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	2,200.00	136.40	31.90	\$2,368.30
\$2.08	500.00	31.00	7.25	\$538.25
\$2.08	5,100.00	316.20	73.95	\$5,490.15
\$2.08	4,300.00	266.60	62.35	\$4,628.95
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	5,400.00	334.80	78.30	\$5,813.10
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	5,300.00	328.60	76.85	\$5,705.45
\$2.08	3,800.00	235.60	55.10	\$4,090.70
\$2.08	3,400.00	210.80	49.30	\$3,660.10
\$2.08	1,300.00	80.60	18.85	\$1,399.45
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	4,400.00	272.80	63.80	\$4,736.60
\$2.08	1,300.00	80.60	18.85	\$1,399.45
\$2.08	2,200.00	136.40	31.90	\$2,368.30
\$2.08	5,400.00	334.80	78.30	\$5,813.10
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	4,600.00	285.20	66.70	\$4,951.90
\$2.08	2,800.00	173.60	40.60	\$3,014.20
\$2.08	100.00	6.20	1.45	\$107.65
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	3,000.00	186.00	43.50	\$3,229.50
\$2.08	2,600.00	161.20	37.70	\$2,798.90
\$2.08	5,300.00	328.60	76.85	\$5,705.45
\$2.08	2,500.00	155.00	36.25	\$2,691.25
\$2.08	1,100.00	8.20	15.95	\$1,184.15
\$2.08	5,500.00	341.00	79.75	\$5,920.75
\$2.08	5,400.00	334.80	78.30	\$5,813.10
\$2.08	5,400.00	334.80	78.30	\$5,813.10
\$2.08	5,200.00	322.40	75.40	\$5,597.80
\$2.08	3,300.00	204.60	47.85	\$3,552.45
\$2.08	<u>5,300.00</u>	<u>328.60</u>	<u>76.85</u>	<u>\$5,705.45</u>
	\$179,900.00	\$11,153.80	\$2,608.55	\$193,662.35 Total Salaries w/Taxes
				<u>\$21,500.00</u> Fire Department
				<u>\$215,162.35</u> Grand Total Pay

Period June 26-July 09, 2021, Thru Sept. 17 - Sept. 30, 2022 - \$5,500.00 Maximum Payment



City of Firebaugh Public works Department

Staff Report

To: Mayor Brady Jenkins and City Council Members
From: Michael Molina, Public Works Director
Date: December 5, 2022, Council Meeting – Bi-Weekly Staff Report

Water/Wastewater

The operation department has been working on the following:

1. Day to day operations of treatment plants.
2. Responding to sewer plugs and service leaks.
3. Installed new pump at Del Rio #2 lift station.

Streets

The Street Department has been working on the following:

1. The PW crew continue performed pothole repair.
2. Repairing streetlights.
3. Putting Christmas decorations up and preparing for the city's annual parade and tree lighting.

Parks

The Crew has been working on the following:

1. Began picking up leaves in the parks and around city facilities.
2. Day to day maintenance of the parks.

City Projects:

1. RedStone has begun replacing the sewer line on the 8th street project.
2. Work on new CIP with Mario and Ben.

NOTE: I will be on vacation December 7-15, but I'll be available by phone if you need anything.



STAFF REPORT

TO: Mayor and Council Members
FROM: Rita Lozano, Deputy City Clerk
DATE: November 07, 2022
SUBJECT: Staff Report

INFORMATION

As the City Council of the City of Firebaugh re-organizes, I want to provide some helpful information in my staff reports for reference.

AGENDA ITEMS

Do you have something that needs City Council discussion and approval? Residents may complete a form to get on the Council's meeting agenda.

The Firebaugh City Council would like you to know that the public is always welcome and encouraged to attend City Council Meetings. A "Public Input" section is observed during every meeting.

ALL Agenda Items from staff, consultants and other public members MUST BE received at City Hall **NO LATER than noon on the Wednesday** prior to the desired regularly scheduled meeting, per resolution 17-16, see attached. Meetings are held the 1st and 3rd Mondays of each month at 6:00 pm, except on holidays

SPECIAL MEETINGS

With the holidays coming up, Council may require a special meeting to be set, which is quite limited. Special meeting may only be held if certain criteria is met. Special meetings are, well, special. According to Robert's Rules, special meetings can be called only if 1) something important comes up that must be dealt with before the next regular meeting, or 2) some particular business matter(s) is important enough that it needs to be the exclusive reason for the entire meeting. Addition certain items can't be discussed at a special meeting. Per California Code, Government Code - GOV § 54954.6, a summary is attached for review and provides more details. The Brown Act requires that Special Meeting agendas be posted 24 hours in advance. **Special meetings are not a safety net for regular meetings that did not get posted on time.** For example, if you missed the 72-hour agenda deadline for a regular meeting, you cannot simply re-label it as a "special meeting" in order to shorten the posting deadline to 24 hours.

TRAINING

I will be attending the League of Cities City Clerks New Law and Elections Seminar, December 7-9, 2022

RESOLUTION 17-16

A RESOLUTION OF THE CITY OF FIREBAUGH ADOPTING A POLICY OF A SCHEDULED DEADLINE FOR SUBMITTAL OF CITY COUNCIL AGENDA ITEMS PRIOR TO ITS REGULARLY-SCHEDULED MEETING

WHEREAS, the City has, at various times, had the need to require a scheduled deadline for submittal of agenda items prior to its regularly-scheduled Council meetings; and

WHEREAS, the Council desires to adopt a current policy regarding setting a scheduled deadline for submittal of agenda items so that all staff members may have enough time to review and prepare for said items in keeping with good management practices.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Firebaugh hereby adopts a policy requiring that all City Council Agenda items and supporting materials should be submitted to the Deputy City Clerk no later Wednesday noon prior to the next regularly-scheduled Council meeting.

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 April, 2017, by the following vote:

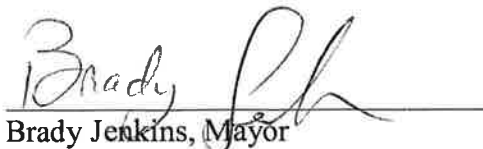
AYES: Valdez, Sablan, Lopez, Perez, Jenkins

NOES:

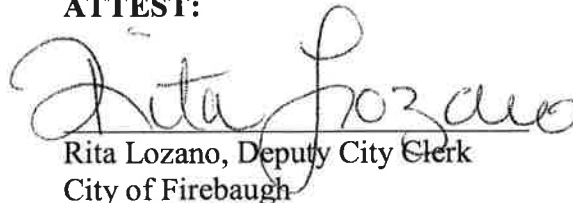
ABSTAIN:

ABSENT:

APPROVED:


Brady Jenkins, Mayor

ATTEST:


Rita Lozano, Deputy City Clerk
City of Firebaugh

SPECIAL MEETINGS

Special Meetings are held to deal with **specific business so urgent it cannot wait till the next regularly scheduled meeting.** The Brown Act requires that Special Meeting agendas be posted 24 hours in advance. **Special meetings are not a safety net for regular meetings that did not get posted on time.** For example, if you missed the 72-hour agenda deadline for a regular meeting, you cannot simply re-label it as a “special meeting” in order to shorten the posting deadline to 24 hours. You must reschedule the meeting for a day and time different from when the regular meeting would have been held.

Special meetings are, well, special. According to Robert’s Rules, they’re called only if **1) something important comes up that *must* be dealt with before the next regular meeting, or 2) some particular business matter(s) is important enough that it needs to be the exclusive reason for the entire meeting.**

Calling a special meeting

If you need to have a meeting before the next regular meeting, **be sure that it’s important and can’t wait.** And **don’t try to cover anything more than what is absolutely necessary.** Write your notice, include the pertinent details, and get out the notice as far in advance as you can.

CA Govt Code § 54956 (2017)

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency’s Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, **a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive,** as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency’s budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency’s Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended by Stats. 2011, Ch. 692, Sec. 9. (AB 1344) Effective January 1, 2012.)