

# MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 23/11-06

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**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622  
**Date/Time:** November 6, 2023/6:00 p.m.

## CALL TO ORDER

## ROLL CALL

Mayor Felipe Perez  
Mayor Pro Tem Elsa Lopez  
Council Member Freddy Valdez  
Council Member Silvia Renteria  
Council Member Brady Jenkins

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

## PLEDGE OF ALLEGIANCE

## APPROVAL OF THE AGENDA

## PRESENTATION

## PUBLIC COMMENT

*Any person or persons wishing to address the City Council on any matter that is not on the agenda may do so at this time. Individuals must limit their comments to three minutes. Issues raised during Public Comments are informational only and the Council cannot take action at this time. All comments should be directed to the Mayor and not to individual Councilmembers or staff members.*

## 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 October 23, 2023.

## PUBLIC HEARING

### 2. ORDINANCE NO. 23-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SECTION 4-2.6.1 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO ITINERANT BUSINESSES – **TABLED TO DECEMBER 18, 2023.**

#### Recommended Action:

Council receives public comment & waives the first reading Ord. No. 23-02.

## NEW BUSINESS

3. **RESOLUTION NO. 23-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH SUPPORTING AB 1012 A STATE LAW TO SECURE THE EFFICIENCY OF TRANSPORTATION FUNDING AND IMPLEMENTING A TIMELY USE OF THE FEDERAL/STATE FUNDING UNDER THE FEDERAL SURFACE TRANSPORTATION ACT FOR THE PROJECTS SUBMITTED TO FRESNO COUNCIL OF GOVERNMENTS FOR THE 2023 CALL FOR PROJECTS.**

**Recommended Action:** Council receives public comment & approves Res. No. 23-46.

4. **RESOLUTION NO. 23-47 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING A RESOLUTION OF APPRECIATION TO TONY BOREN, EXECUTIVE DIRECTOR, FOR HIS 30 YEARS OF SERVICE TO THE FRESNO COUNCIL OF GOVERNMENTS.**

**Recommended Action:** Council receives public comment & approves Res. No. 23-47.

5. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS AN UPDATE OF THE BUSINESS LICENSE.**

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

6. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS AN UPDATE OF THE AIRPORT - COST AND FEES.**

**Recommended Action:** Informational Item.

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER A TIME AMENDMENT FOR MONDAY, NOVEMBER 20, 2023, TO 5:30 P.M. FOR A JOINT MEETING WITH THE FIREBAUGH LAS-DELTAS SCHOOL DISTRICT.**

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

## STAFF REPORTS

## PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

## CLOSED SESSION

## 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, November 3, 2023, 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. 23/10-16

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**Location of Meeting:** Andrew Firebaugh Community Center  
1655 13<sup>th</sup> Street, Firebaugh, CA 93622

**Date/Time:** October 16, 2023/6:00 p.m.

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

**ROLL CALL** Mayor Felipe Pérez  
Mayor Pro Tem Elsa Lopez  
Council Member Silvia Renteria  
Council Member Brady Jenkins  
Council Member Freddy Valdez

**ABSENT:**

**OTHERS:** City Attorney Christina Di Filippo; City Manager, Ben Gallegos, Deputy City Clerk, Rita Lozano; Public Works Director, Michael Molina; Finance Director, Pio Martin; Police Chief, Sal Raygoza; City Clerk, Amanda Fleming; Records Supervisor, Raquel Tabares; Battalion Chief, Hector Marin; Gouveia Engineering, Mario Gouveia, Ramiro Rodriguez, Candi Rangel, Wanda Breshears, Chris Gutierrez, & others.

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

## APPROVAL OF THE AGENDA

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

## PRESENTATION

- Sworn-in staff Raquel Tabares, Records Supervisor; Khoua Xiong, Code Enforcement Officer; Claudia Montoya, Dispatcher; Ana Marin, Part-time Dispatcher.

## PUBLIC COMMENT

Candi Rangel inquired about the public restroom at the parks, and request that hand soap be refilled. Staff stated certain individuals keep stealing or damaging the restroom equipment, so staff will have to research a way to address the issue. Wendy Ozburn spoke about the City's ADU's, she is being researching what other communities are doing and found a contractor in Madera that council build the pre-approved plans for about \$40,000. Structures will be turn-key ready and is also seeking grant procedures that could help the community. Madera has eight hundred square feet ADU's, while Firebaugh's largest ADU is five hundred square feet, which is not big enough for a large family.

## CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on September 18, 2023.
2. WARRANT REGISTER – Period starting September 1 and ending on September 30, 2023.

September 2023	General Warrants	#44864 - #45004	\$ 983,107.23
	Payroll Warrants	#72108 - #72124	\$ 172,256.60
	<b>TOTAL</b>		<b>\$ 1,155,363.83</b>

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

## PUBLIC HEARING

### 3. ORDINANCE NO. 23-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SECTION 4-2.6.1 OF THE FIREBAUGH MUNICIPAL CODE RELATING TO ITINERANT BUSINESSES – FIRST READING.

City Manager reported the State has passed new laws, so he suggested to table item so staff can research new laws and update the Ordinance with amendments to include the new laws. Ramiro Rodriguez and N. Montoya stated their financial struggle and concern with the current rates, and wanted to report other businesses are coming from out of town on the weekend and selling, when Code Enforcement is not on duty. City Clerk Fleming stated, there needs to be a balance, like tier paying system, review and consider other city businesses, look at the whole picture and everyone it effects. City Manager Gallegos added, he does not believe the city is in compliance and would like to get it right with all of the required changes at once and recommend working with Police Department on enforcement and with Fresno County to review all required permits. Council Member Renteria agreed with some of the statements made and would like to review the new laws. Council Member Valdez, request a local annual permit and agree with meeting all the laws and changes needed. Chris Gutierrez asked, “Is it public record to review business license issued in the city?” Council Member Lopez agreed with tabling this item. Council Member Jenkins asked about the new laws. Mayor Perez added, “if something is running, why stop it now, just keep doing it, but still wait for the new laws.” City Manager Gallegos replied, if we make different changes to the ordinance at different time, it will be more expense for the city, rather than making all the changes at once.

*Motion to table the item (Ord. 23-02) to December 18, 2023, and define an itinerant business by Council Member Valdez, second Council Member Renteria; motion passed by 5-0 vote.*

## NEW BUSINESS

### 4. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND DISCUSS THE AIRPORT - COST AND FEES.

*Motion to table the item to the next meeting, provide brief presentation of revenue and expenses by Consensus of the Council.*

### 5. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND SELECT DATE FOR A JOINT MEETING WITH THE FIREBAUGH LAS-DELTAS SCHOOL DISTRICT.

*Motion to select November 20, 2023, by Consensus of the Council.*

## STAFF REPORTS

- Police Chief Sal Raygoza – nothing to report, staff report is in agenda, if anyone has questions for me. Council Member Lopez asked about a couple of drug arrest, was the K9 present. Chief replied, “No.” Council Member Valdez asked if the dog was on duty. Chief replied, “No.” Clerk Fleming heard about a girl lost at the carnival. Chief replied, “No.”
- Public Works Director, Michael Molina - Carnival update, the crew did a good job setting-up and cleaning-up. There was an airport inspection, city received an “A+.” The Fall cleanup is this week, between the hours of 7 AM to 3 PM, it is a great opportunity to get rid of stuff, residents longer want, instead of having stuff dumped in alleys or other locations.
- City Manager, Ben Gallegos – attended conference few a months ago and received positive feedback, Brownfields funds can use to build homes, park, or solar projects. The funding has not been released yet, for the solar project. The Housing Authority is having their groundbreaking tomorrow at 11AM. Hopefully, we have a planning commission meeting, so I can give an update on future projects.
- Battalion Chief, Hector Marin - busy this week, had sixty-eight call outs, seventeen of them were County call outs, last month, the crew is doing a great job covering the calls, we will attend National Night Out, and we are looking forward to Red Ribbon Week.

- **Gouveia Engineering Mario Gouveia** – submitted three COG applications to seek funding for Clyde Fannon, Downtown & Saipan projects.
- **Finance Director, Pio Martin** – waiting for all equipment to the new recording system, should take two to three weeks, will reach out to the Auditors to see when to being working on the audit. Council Member Lopez asked about the electric sign. Finance Director Martin reported it is not working, budget is about \$50,000 to replace, have heard it may be best to lease equipment instead of purchase, so will contact the school for information or reference on who the use.
- **Deputy City Clerk, Rita Lozano** – attended the League of Cities Annual Conference for training, was very educational and informative, the city has been receiving several Public Request Acts, which has been very time consuming.
- **City Clerk, Amanda Fleming** - thanked Hector and the Fire Department, there was a death on Friday, October 13, 2023, and CPR given to an individual at the Gulf gas station, commend Council for willing to work with the community, I worked at the carnival, seeing the dynamics behind the scenes, music was fabulous, great job to the committee and staff. Do we(city) have an emergency plan should a world war breakout, “I said a war would start and look the Israel-Hamas War started right after. My family has started to prepare with non-perishable food and other needed supplies.” Staff replied , the Police Chief is Director of Emergency. Recognition to Coalinga for not mandating or shutting down businesses during COVID, they were leaders.
- **Council Member Renteria** - thanked the carnival committee and city staff, they all did an awesome job. Isabel did not skip a beat, even when a band was a no show, she just made the need changes so no one noticed. Thanked Molina and the Public Works Department they worked all day, came back to work the night shift, and still returned to the next morning , as well as the City Hall staff. Thanked Police Chief for the National Night Out, the consultants that took part and participated, including the cadets that helped but did not get paid. Congratulated City Manager on getting highlighted with the City, on the work done with Habitat for Humanity. I always receive compliments regarding our City Manager. Please get Officer Miller back out to patrol the highway, we need him back, we did not have any issues until he has been gone, Thank him for his work.
- **Council Member Lopez** – At the carnival, I ran into Espy, she informed me of a taxi program for locals to get to appointments, or other destinations, it allows for hiring residents as drivers, and electric cars, city should review taxi ordinance in our Municipal Code. Police Department and Fire Department did a good job with National Night Out!
- **Council Member, Jenkins** – nothing to report.
- **Council Member Valdez** – attended the Ca League of Cities Annual Conference, which is essential to learn new things and network with other city leaders, consultants, learn about what other cities are doing with housing, community garden, and other services they provide. I am thankful to our Police and Fire Departments, we build within, like Raquel, who is a testament to that, she has worked several years with the city and has been promoted during that time. We should encourage more people to come to meetings and help others to build themselves up to better things.
- **Council Member Perez** – asked for an update about the buy local campaign, how many streetlights do we still need to replace. City Manager Gallegos stated, some streetlights are owned by PG&E, and they have fixed lights their streetlights in one subdivision, but city does not have a boom truck to reach and replace our streetlights. City ordered our new boom truck about two years ago; it was supposed to be delivered already, but delivery date was pushed to a later date.

## PUBLIC COMMENT

## CLOSED SESSION

## ANNOUNCEMENT AFTER CLOSED SESSION

## ADJOURNMENT

- ❖ *Motion to adjourn at 7:42 pm by Council Member Valdez, second by Council Member Renteria, motion passes by a 5-0 vote.*



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TO: Felipe Perez and Council Members  
FROM: Mario Gouveia, City Engineer  
DATE: November 6, 2023  
SUBJECT: Resolution No. 23-46

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**RECOMMENDATION:**

Staff recommends that Council by motion adopt Resolution No. 23-46 – supporting the implementation of AB 1012 “Timely Use of Funding”.

**BACKGROUND:**

The Fresno Council of Governments (FCOG) initiated a Call for Projects on June 29<sup>th</sup>, 2023. FCOG is in the process of programming future federal funds for the Surface Transportation Block Grant (STBG) Program and the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. City Staff developed a list of potential projects that meet the funding requirements and grouped them into five potential funding applications. Funding applications for this Call for Projects were due to FCOG based on the following dates:

- CMAQ – September 15<sup>th</sup>, 2023, at 12:00 pm
- STBG – October 6<sup>th</sup>, 2023, at 12:00 pm

As part of the requirements for each application submitted to compete for funding, a resolution supporting and implementing AB 1012 “Timely Use of Funding” must be adopted by the City and a copy of the resolution provided to FCOG.

**DISCUSSION:**

FCOG administers Federal funding for local transportation projects. Funding is available from the two programs, listed below:

1. STBG – Surface Transportation Block Grant Program: Typical roadway rehabilitation projects
2. CMAQ – Congestion Mitigation and Air Quality Improvement Program: Projects that reduce traffic congestion and air pollution (i.e. transit improvements, clean fuel technology, traffic signals, pedestrian/bicycle facilities, etc.)

The Regional Bid projects will compete for \$33.5 million of STBG funds and \$29.9 million of CMAQ funds. These funds will be awarded to the member agencies of the Fresno Council of Governments, based on competitive scoring of applications submitted by member agencies. Funding will be programmed for Federal Fiscal Years 2026/27 through 2027/28.

City Staff developed a list of potential projects to submit to FCOG; where more than one project could be submitted for funding, City Staff ranked projects in order of priority. The proposed projects are listed below in the order of proposed priority for each funding program.

**CMAQ “Regional Bid” – Congestion Mitigation and Air Quality Improvement**

1. 2023 Sidewalk Infill Improvements
2. WWTP Class 1 Multiuse Path

**STBG “Regional Bid” – Street Rehabilitation**

1. 13<sup>th</sup> Street and O Street Rehabilitation
2. Clyde Fannon Drive Rehabilitation
3. Morris, Saipan and Helm Rehabilitation

**FISCAL IMPACT:**

All of the federally funded projects require a local match of 11.47%. The City can commit funds from its Measure C allocation or other transportation funds. The proposed projects would be programmed for future fiscal years, which would allow the City time to plan for the expenditures.

**ATTACHMENTS:**

1. Resolution No. 23 –46

**RESOLUTION NO. 23-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH SUPPORTING AB 1012 A STATE LAW TO SECURE THE EFFICIENCY OF TRANSPORTATION FUNDING AND IMPLEMENTING A TIMELY USE OF THE FEDERAL/STATE FUNDING UNDER THE FEDERAL SURFACE TRANSPORTATION ACT FOR THE PROJECTS SUBMITTED TO FRESNO COUNCIL OF GOVERNMENTS FOR THE 2023 CALL FOR PROJECTS**

**WHEREAS**, AB 1012 has been enacted into State Law in part to provide for the “timely use” of State and Federal funding; and

**WHEREAS**, the City of Firebaugh can apply for and receive Federal and State funding under the Surface Transportation Block Grant Program; and

**WHEREAS**, the City of Firebaugh desires to ensure that its projects are delivered in a timely manner to preclude the Fresno Region from losing those funds for non-delivery; and

**WHEREAS**, it is understood by the City of Firebaugh that failure for not meeting project delivery dates for any phase of the project may jeopardize federal or state funding to the Region; and

**WHEREAS**, the City of Firebaugh must demonstrate dedicated and available local matching funds; and

**NOW, THEREFORE, BE IT RESOLVED** that the Firebaugh City Council hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded.

**BE IT FURTHER RESOLVED** that failure to meet the project delivery deadlines may be deemed as sufficient cause for the Fresno Council of Governments Policy Board to terminate an agency’s project and reprogram Federal/State funds as deemed necessary.

**BE IT FURTHER RESOLVED** that the City of Firebaugh City Council does direct its management and engineering staffs to ensure all project are conducted in a timely manner as per the requirements of AB 1012 and the directive of the City of Firebaugh City Council.

**THE FOREGOING RESOLUTION** was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on November 6, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Felipe Perez, Mayor

\_\_\_\_\_  
Rita Lozano, Deputy City Clerk

**ATTEST:**

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Firebaugh this 6th day of November 2023.

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



**RESOLUTION NO. 23-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING  
A RESOLUTION OF APPRECIATION TO TONY BOREN, EXECUTIVE DIRECTOR,  
FOR HIS 30 YEARS OF SERVICE TO THE FRESNO COUNCIL OF GOVERNMENTS**

**WHEREAS**, Tony Boren has been with Fresno Council of Governments for 30 years, proudly serving as Executive Director from 2008-2023. Graduating with a master's degree from Fresno State University in City & Regional Planning and a bachelor's degree in Public Administration, Tony started his planning career at the City of Fresno, working on Land use Planning, Development Services and Annexations in 1989 before joining Fresno COG in 1993; and

**WHEREAS**, During his professional career, Tony has executed quality planning principles and a leader in not only finding harmony in the region but the San Joaquin Valley. Under his leadership, Fresno COG has utilized remarkable integrated planning techniques combining transportation, land use and air quality planning for the development of critical projects and plans in the City of the City of Firebaugh. Tony has worked on and implemented many projects and programs that improved air quality, advanced mobility for people and goods, as well as sustainable planning practices for the Fresno region as well as the San Joaquin Valley; and

**WHEREAS**, Highlights of Tony's career include: serving as Fresno COG Executive Director for 15 years, coordinating and implementing the Measure C program's significant transportation projects, leading three cycles (2014-2022) of the Fresno Council of Governments Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), collaborating with the eight San Joaquin Valley MPOs frequently taking the lead on Valley wide projects and plans, and serving as the Chair of the Fresno State Transportation Institute since its inception, and

**WHEREAS**, Tony has taken his leave from Fresno COG, and he will still be residing in Fresno County. He will be spending time with his wife, Dena, his daughter, Mattie and his three grandsons. In his spare time, Tony works on his family farm, plays the guitar, and spends quality time with his family; and

**NOW, THEREFORE BE IT RESOLVED**, that we Mayor Felipe Perez and the City of Firebaugh City Council recognize the many years of service to the City of Firebaugh, and do hereby honor:

**Tony Boren**

**THE FOREGOING RESOLUTION** was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on November 6, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

**ATTEST:**

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Felipe Perez, Mayor

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Rita Lozano, Deputy City Clerk

November 2, 2023

**MEMORANDUM**

To: Firebaugh Council and Staff  
From: Griswold Lasalle  
Re: City of Firebaugh – Business Licenses

This memorandum is intended to address changes in the State law relating to Business Licenses issued by the city for Itinerate businesses. Below discusses current California law and relevant statutes to ensure that the City of Firebaugh ordinances and municipal code regarding licensing fees for businesses are compliant.

**I. OVERVIEW**

California Business and Professions Code Section 16000 provides that the “legislative body of an incorporated city may, in the exercise of its police power, and for the purpose of regulation . . . license any kind of business not prohibited by law transacted and carried on within the limits of its jurisdiction. . . and may fix the rates of the license fee and provide for its collection by suit or otherwise. Any legislative body. . . that fixes the rate of license fees pursuant to this subdivision upon a business operating both within and outside the legislative body’s taxing jurisdiction, shall levy the license fee so that the measure of the fee fairly reflects that proportion of the activity actually carried on within the taxing jurisdiction.” Government Code Section 37101 provides the same aforementioned powers to the legislative bodies of incorporated cities.

Section 16000.3 provides that upon applying for a business license, an applicant who intends to conduct a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code, must demonstrate enrollment with the National Pollutant Discharge Elimination System (NPDES) permit program by providing, under penalty of perjury, the name and location of the facility, all primary Standard Industrial Classification Codes (Section 25244.14 of the Health and Safety Code), and such other information listed within subsection (a) of Section 16000.3.

**II. RELEVANT MUNICIPAL CODE PROVISIONS**

Itinerate businesses who do not have a permanent business address within the City limits, or otherwise do business from a temporary structure or movable vehicle, are required to obtain an itinerant business license from the City at the rate of \$500 per vehicle per each quarter of the fiscal year. Itinerant restaurants and catering trucks operated within the City by persons having a

permanent business address within the City limits owe a fee of \$100 per year plus a business license based on gross receipts of their listed permanent business address.

#### **4-2.4 – License and Payment Tax Required**

“There is hereby imposed a business tax license payable to the collector by every person conducting, carrying on or managing for gain any business, occupation, activity, trade, calling or profession within the City of Firebaugh. It shall be unlawful for any person to transact and carry on any business, occupation, activity, trade, calling or profession in the City without first having procured a license from the City so to do and paying the tax hereinafter prescribed or without having complied with any and all applicable provisions of this section.”

“Every person conducting, carrying on or managing any business, occupation, activity, trade, calling or profession, not specifically licensed by other sections of this chapter, shall pay a license fee based on the applicable gross receipts schedule set forth in the Master Fee Resolution, whether retail, wholesale or both. License fees shall be based upon the total sales and service from business transactions within the City as recorded on the records of the business.”

#### **4-2.6.1 – Itinerant Business**

“Any person traveling from place to place to sell or display merchandise, goods, or food, without having a permanent business address within the City limits, or otherwise do business from a temporary structure or movable vehicle, is hereby required to obtain an itinerant business license from the collector at the rate of \$500 per vehicle per each quarter of the fiscal year; provided, however, that no such person without a permanent business address within the City limits shall travel from place to place to sell or display merchandise, goods, or food, or otherwise do business from a temporary structure or movable vehicle, without annually presenting to the collector proof that each such vehicle or temporary structure has obtained a health and sanitary inspection tag from the Fresno County Health Department within nine months prior to the itinerant business license renewal and has paid all health department license fees.”

#### **4-2.6.2 – Itinerant Restaurants; Catering Trucks; Regulations.**

“Itinerant restaurants and catering trucks operated within the City by persons having no permanent business address within the City limits shall be considered to be an itinerant business subject to the requirements of subsection 4-2.6.1 and the applicable provisions of this subsection 4-2.6.2.”

“Itinerant restaurants and catering trucks operated within the City by persons having a permanent business address within the City limits shall be considered to be an itinerant business subject to the requirements of subsection 4-2.6.1 of this code, except that the fee owing pursuant to that section shall be \$100 per fiscal year, plus a business license based on gross receipts for their listed permanent business address, and provided further that such person shall operate such itinerant restaurant or catering truck pursuant to the requirements of paragraph (d) of this section.”

### III. CHANGES IN THE LAW

We have reviewed a list of all laws passed by the California State Legislature, signed by Governor Newsom, and chaptered by the Secretary of State for the 2021-2022 and 2023-2024 legislative sessions. There are three laws that have been passed and signed by Governor Newsom in the 2021-2022 and 2023-2024 legislative sessions related to business licenses: SB 891 (2021-2022), AB 883 (2023-2024), and SB 748 (2023-2024).

- SB 891 (2021-2022) relates to business licenses and stormwater discharge compliance. SB 891 amends Section 16000.3 of the Business and Professions Code to expand the application of the enrollment with the National Pollutant Discharge Elimination System (NPDES) permit program provisions to instruments or permits equivalent to business licenses and to the renewals of such equivalent instruments or permits. Existing law required, when applying to a city or a county for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry, as defined, to demonstrate enrollment with the NPDES permit program by providing specified information, under penalty of perjury, on the application, including, among other things, the Standard Industrial Classification Code for the business and an applicable identification number. Existing law applies the provisions to all applications for initial business licenses and business license renewals submitted on or after January 1, 2020. SB 891 expands the application of these provisions to instruments or permits equivalent to business licenses and to the renewals of those equivalent instruments or permits. In expanding the duties of cities and counties relative to those equivalent instruments or permits, SB 891 imposes a state-mandated local program.

**This change may need to be made in the business license application form; such a change in the application regarding stormwater discharge compliance is likely to fall under Section 4-2.10(e) of the Firebaugh Municipal Code.**

Link to SB 891 text – <https://legiscan.com/CA/text/SB891/2021>

- AB 883 (2023-2024) relates to business licenses and the United States Department of Defense SkillBridge program. AB 883 amends Section 115.4 of the Business and Professions Code. Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations (of which boards are listed in Section 101 of the Business and Professions Code). AB 883 requires that, on or after July 1, 2024, a board expedite, and assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of the Armed Forces enrolled in the Department of Defense's SkillBridge program. While this law does not directly affect cities, it does provide an expedited licensing process for those individuals who have served in the military among those boards provided for in Section 101 of the Business and Professions Code.

**No amendment is needed to the Firebaugh Municipal Code.**

Link to AB 883 text –

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB883#95CHP](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB883#95CHP)

- SB 748 (2023-2024) relates to disability access and information cities are required to provide to applicants for the issuance or renewal of a business license or equivalent instrument or permit. SB 748 amends Sections 4469 and 4469.5 of the Government Code. Existing law requires a city or county to provide an applicant for the issuance or renewal of a business license or equivalent instrument or permit, specified information relating to their legal obligation to comply with disability access laws. SB 748 requires a city or county to provide a separate document informing the applicant that the business may be subject to liability for failure to meet the legal obligation to comply with state and federal disability access laws, and information on how to obtain a certified access specialist (CAsp) inspection. By imposing a new requirement on local government agencies, the bill creates a state-mandated local program. Further, the California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. This reimbursement shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. The mandatory ADA disclosure that is to be provided to applicants is contained in Section 4469 of the Government Code.

**The language required under Gov Code Sections 4469 and 4469.5 will need to be provided to applicant. Firebaugh’s obligations in the application process is not stated in the current version of the municipal code.**

Link to SB 748 text – <https://legiscan.com/CA/text/SB748/2023>

#### **IV. CONCLUSION**

California Business and Professions Code Section 16000 and Government Code Section 37101 provide that the City may fix the rates of the business license fee. **The City may decide to lower the price of local or non-local itinerate businesses as they desire**, given that if a business were to operate both within and outside the legislative body’s taxing jurisdiction, the City shall levy the license fee so that the measure of the fee fairly reflects the proportion of the activity carried on within the City.





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TO: Mayor Felipe Perez and Council Members  
FROM: Pio Martin, Finance Director  
DATE: November 06, 2023  
SUBJECT: Business License Review

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**Recommendation:**

Council to discuss and give staff direction.

**Summary:**

In the last two previous council meeting the public request for council to consider decreasing the license fee for Itinerant Business. On September 19, 2023 *Council Member Valdez motion to amend Itinerant local businesses fee, from \$500.00 a quarter to Gross Annual Income of \$50.00, \$100.00, or \$200.00 annually fee.* On October 16, 2023 council tabled *Public Hearing item #3 – Ordinance No. 23-02 – An ordinance of the city Council of the City of Firebaugh amending section 4-2.6.1 of the Firebaugh Municipal Code relating to Itinerant Businesses – first reading.* Council then gave direction to staff to bring back rate proposal for all business. Attached is the staff proposed rates for Business Licenses.

**Fiscal Impact:**

None.

**Attachment:**

A. Business Rate Proposal

## Business License Rate Proposal

- Gross Receipts Business License Current Rates

Gross Receipts	Tax Fee
\$1.00 - \$50,000.00	\$50.00
\$50,000.01 - \$100,000.00	\$100.00
Greater Than \$100,000.00	\$200.00

- Gross Receipts Business License **Proposed** Rate

Gross Receipts	Tax Fee
\$1.00 - \$25,000.00	\$50.00
\$25,001.00 - \$50,000.00	\$75.00
\$50,001.00 - \$75,000.00	\$100.00
\$75,001.00 - \$100,000.00	\$125.00
\$100,001.00 - \$125,000.00	\$200.00
\$125,001.00 - \$150,000.00	\$225.00
\$150,001.00 - \$175,000.00	\$250.00
\$175,001.00 - \$200,000.00	\$275.00
\$200,001.00 - \$225,000.00	\$300.00
\$225,001.00 - \$250,000.00	\$325.00
\$250,001.00 - \$275,000.00	\$350.00
\$275,001.00 - \$300,000.00	\$375.00
\$300,001.00 - \$325,000.00	\$400.00
\$325,001.00 - \$350,000.00	\$425.00
\$350,001.00 - \$375,000.00	\$450.00
Greater Than - \$375,000.00	\$475.00

- Itinerant Business Current Rate  
\$500.00 Quarterly

- Proposed** Itinerant Business Licenses

	Local	Non-Local
Weekly	\$50.00	\$100.00
Quarterly	\$375.00	\$500.00
Yearly	\$1,300.00	\$2,000.00





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TO: Mayor Felipe Perez and Council Members  
FROM: Pio Martin, Finance Director  
DATE: November 06, 2023  
SUBJECT: Airport 1<sup>st</sup> Quarter Review

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**Recommendation:**

Council to discuss and give staff direction.

**Summary:**

Council Member Brady Jenkins, during council meeting October 16, 2023, under New Business item #4 requested an update on revenue and expense on Fund 016 – Airport.

**Fiscal Impact:**

None.

**Attachment:**

- A. Fund 016 – Airport – 1<sup>st</sup> Quarter Report



**City of Firebaugh**  
**1st Quarter Revenue, Salary, and Expenses**  
**Fund 016 - Airport**

**Attachment "A"**

<b>Fund</b>	<b>Revenue</b>	<b>Description</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>Total for 1st Quarter</b>
016	3006 *	Property Taxes	-	-	-	-
016	3504	Hanger Lease	90	180	180	450
016	3505	Use of Runway	1,400	1,400	1,400	4,200
016	3506	Tie Down Fees	40	40	40	120
016	3850 **	State Aid For Aviation	-	-	-	-
<b>Total Revenue 1st Quarter</b>			<b>1,530</b>	<b>1,620</b>	<b>1,620</b>	<b>4,770</b>

<b>Fund</b>	<b>Department</b>	<b>Expense Description</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>Total for 1st Quarter</b>
016	4190	1000 Salaries	710	634	582	1,926
016	4190	1010 Fica	53	47	43	142
016	4190	1013 Retirement	153	135	107	395
016	4190	1015 Workers Comp	204		204	409
016	4190	1022 Unfunded Liability	58	58	58	175
016	4190	1025 Medical Insurance	113	138	113	364
016	4190	1026 Dental Insurance	7	9	7	23
016	4190	1027 Vision Insurance	1	2	1	4
<b>Total Salary Expenses 1st Quarter</b>			<b>1,300</b>	<b>1,021</b>	<b>1,116</b>	<b>3,438</b>

<b>Fund</b>	<b>Department</b>	<b>Expense Description</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>Total for 1st Quarter</b>
016	4190	2502 Insurance	16,213	4,588	2,492	23,293
016	4190	2523 Telephone	27	27	17	71
016	4190	2526 Electricity / Gas	508	447	430	1,385
016	4190	2539 Internet Access	3	3	-	6
016	4190	3502 Attorney Fee	-	-	35	35
016	4190	3504 Corbin Willits Fee	61	-	61	123
016	4190	3506 Engineering	604	-	73	677
016	4190	3515 Computer Service Agreement	69	48	61	179
<b>Total Expense 1st Quarter</b>			<b>20,086</b>	<b>7,156</b>	<b>5,401</b>	<b>25,769</b>
<b>Total Salary &amp; Expenses 1st Quarter</b>			<b>21,386</b>	<b>8,178</b>	<b>6,518</b>	<b>29,206</b>
<b>Total Revenue minus Total Salary &amp; Expense 1st Quarter</b>			<b>(19,856)</b>	<b>(6,558)</b>	<b>(4,898)</b>	<b>(24,436)</b>

\*City receives once a year around March or April. Average revenue \$6,500.

\*\*City receives \$10,000 per year.