MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh Vol. No. 20/08-03

Date/Time: August 3, 2020/6:00 p.m.

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

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 <u>deputyclerk@ci.firebaugh.ca.us</u> Please provide: Council Meeting Date, Item Number your comment are pertaining to, Name, Email and comment, no later than 3:00 PM the day of the meeting.

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

Join Zoom Meeting

https://us02web.zoom.us/j/88423544246?pwd=WGhYZFdGQTE5WnpaNDIDNk53NEhoUT09

Meeting ID:

884 2354 4246

Password: 123496

One tap mobile: 1-669-900-9128

CALL TO ORDER

ROLL CALL

Mayor Elsa Lopez

Mayor Pro Tem Freddy Valdez Council Member Brady Jenkins Council Member Felipe Pérez Council Member Marcia Sablan

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

CONSENT CALENDAR

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

1. APPROVAL OF MINUTES - The City Council regular meeting on July 20, 2020.

PUBLIC HEARING

None

NEW BUSINESS

2. RESOLUTION NO. 20-38 - A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM —CORONAVIRUS RESPONSE ROUND 2 (CDBG-CV1) NOFA DATED JUNE 5, 2020.

Recommended Action:

Council receives public comment & approves Res. No. 20-38.

3. RESOLUTION NO. 20-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING TEMPORARY COVID-19 WORKPLACE SAFETY POLICY.

Recommended Action:

Council receives public comment & approves Res. No. 20-39.

STAFF REPORTS

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, July 31, 2020 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. 20/07-20

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

City Council Meeting held via teleconferencing

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

Location of Meeting:

Andrew Firebaugh Community Center

1655 13th Street, Firebaugh, CA 93622

Date/Time:

July 20, 2020/6:00 p.m.

CALL TO ORDER

Meeting called to order by Mayor Lopez at 6:06 p.m.

ROLL CALL

Mayor Elsa Lopez

Mayor Pro Tem Freddy Valdez Council Member Marcia Sablan Council Member Brady Jenkins Council Member Felipe Pérez

ABSENT:

OTHERS:

City Attorney Jim Sanchez; City Manager/Acting Public Works Director, Ben Gallegos; Deputy Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa & City Engineer Mario Gouveia.

PLEDGE OF ALLEGIANCE

Council Member Perez led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Valdez, second by Council Member Perez; motion passed by 4-0 vote. Sablan was absent at the time.

PUBLIC COMMENT

None, no public comment was submitted/received.

PRESENTATION

Karen Paolinelli, of the Madera Hospital provided an update and expressed their interest in establishing a Rapid Care Clinic in the City of Firebaugh. Operational hours would be open after 5 pm most days, but because the plan is to operate 7 days a week, the weekend hours will be modified from 8am to 5pm.

CONSENT CALENDAR

- APPROVAL OF MINUTES The City Council regular meeting on July 6, 2020.
- 2. WARRANT REGISTER Period starting June 1, and ending on June 30, 2020.

June 2020

General Warrants

#39801 - #39919

671,981.67

Payroll Warrants

#71299 - #71317

130,220.45

TOTAL

\$ 802,202.12

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

PUBLIC HEARING

None

NEW BUSINESS

3. RESOLUTION 20-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A DENSITY BONUS (FOR THE FRESNO HOUSING AUTHORITY'S FIREBAUGH FAMILY HOUSING COMPLEX PROJECT (SITE PLAN REVIEW 2020-02)).

Motion to accept Resolution No. 20-35 by Council Member Sablan, second by Council Member Valdez; motion passed by 4-0 vote. No vote from Perez.

4. RESOLUTION NO. 20-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH CONFIRMING THE DIAGRAM AND ASSESSMENT OF ANNUAL LEVY FOR FISCAL YEAR 2020-2021 FOR LANDSCAPING AND LIGHTING DISTRICT NO. 1.

Motion to accept Resolution No. 20-36 by Council Member Jenkins, second by Council Member Valdez; motion passed by 4-0 vote. No vote from Perez.

5. RESOLUTION NO. 20-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING AN AGREEMENT BETWEEN CITY OF FIREBAUGH, CALIFORNIA ("CITY") AND FRESNO COUNTY ECONOMIC DEVELOPMENT CORPORATION ("EDC") FOR FISCAL YEAR 2021.

Motion to accept Resolution No. 20-37 by Council Member Sablan, second by Council Member Jenkins; motion passed by 4-0 vote. No vote from Perez.

6. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE PLACEMENT OF CONTAMINATED SOIL FROM SIMPLOT PAVEMENT & DRAINAGE IMPROVEMENT PROJECT.

No Action taken, item pending for additional information to be submitted: a written assurance letter from the Water Resources Quality Control Board stating the contaminated dirt is of no danger, harm or concern of future issues.

7. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE STATUS OF THE 2020 CANTALOUPE ROUND-UP.

Ben provided an update, after contacting the Fresno County Health Department to ask if such an event will be allowed & if there will be any restrictions. Staff was informed due to COVID19, these type of events are not currently allowed.

STAFF REPORTS

- Fire Chief, John Borboa the call volume is up 22% compared to usual, held training on Wednesday & Saturday, "this cadet group has been best group I've had." Everyone has been re-certified for CPR.
- Police Chief Sal Raygoza an email was sent out to provide an update of the number of COVID-19 cases, which is higher than what is posted on the Fresno County website. In last two weeks the number of cases has increase quite a bit, we have about 110 cases currently. Code Enforcement is continuing to inspect business to make sure they are all complying. The Police department has done over 100 inspection, Fresno County came to our community to visit restaurants' and provide additional education and check for compliance. Officer's has been getting various training, only 3 to 4 Officers are still waiting to complete their training. Council Member Valdez stated his concern about the increase of COVID19 cases, the city is trying to set the standards, & believes Council need to be more involved, so Council can create policies, without violating HIPPA laws, to make sure everyone is complying with state and city orders. City Attorney Sanchez recommended creating a sub-committee, with possibly two Officers', two Council Members, and community members to enhance focus of the COVID19 matters and provide regular status updates to Council Members. Do not have any names or addresses in any public view, of any individuals that tested positive for COVID19 to avoid violating HIPPA Laws. Council Member Valdez, would like the City Manager and Police Chief establish the committee. Council Member Sablan added, looking at businesses were HIPPA laws aren't a concern, "I've seen businesses not wearing mask, the Council needs to come up with an idea & a way to deal with the people violating the

rules." "How about Family gathering with large groups, how are we dealing with it?? Chief replied, a big group of family members has a gathering and a number of their family members have tested positive, some of the cases are from field workers car sharing to work. Chief agrees with Council Member Valdez on the sub-committee and would like to have more testing available to the community. City Manager Gallegos mentioned, he has seen & knows Mayor Lopez is always handing out mask to community members at various locations, to help reduce the spread of the virus. Council Member Sablan & Valdez volunteered to be a part of the sub-committee. Council Member Sablan suggested the City work with Madera Hospital to provide testing to the community. City Manager Gallegos stated Valley Health team is also providing COVID19 testing & San Joaquin United Health is also interested in providing testing to the community if the public/residents are willing to show up.

- City Engineering Mario Gouveia nothing to report.
- > City Planner, Karl Schoettler nothing to report.
- Deputy City Clerk, Rita Lozano working with the Fresno County Election Office, it is the first time that candidates will pick up and file paperwork at City Hall, which is a little nerve wrecking, but the county made several changes and modification of the forms over the past few weeks which is making the process more confusing. We have been receiving several Public Request Acts of various information & been working on recording the subdivision agreements. The League of Cities sent out the form for Cities to select the Primary & Alternate Member to vote on the City's behalf, at the league's conference, which I believe will be held via webinar or teleconference due to COVID19.
- Finance Director, Pio Martin nothing.
- > City Attorney James Sanchez nothing.
- ➤ <u>City Manager, Ben Gallegos</u> Working with Paul on the CDBG CARES Act loan, estimated \$98,000, to help businesses', with a 6 month forgiveness. Housing Authority reports no one has asked for renters assist. Received a letter from FMAAA, there is no contract for FY2020-2021, so Anita is being fully funded by the City. Demo started on the VFW, in one or two days to complete the demo, the budget for the courthouse is estimated as a 2 million project. Attended a tour of at a cannabis facility, if anyone would like to look at the facility let me know, possible similar business at Perez Packing in Firebaugh.
- Council Member Valdez requested a moment of silence for City of San Joaquin Council Member Jose Ornelas, who passed away, he was a good man and prayers to his family. The cannabis tour, we attended was a result of the business that is interested in doing business in Firebaugh, the facility we toured is in Salinas.
- > <u>Council Member Sablan</u> thanked everyone with the City for working hard on the COVID19 matters.
- > <u>Council Member Jenkins</u> I've always been against the cannabis business but the tour really changed my mind.
- Council Member Lopez has the Great Plates bill been submitted & have we received anything. Ben & Pio responded, the bill wasn't been submitted for reimbursement, staff needs to gather the information to submit.

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

ANNOUNCEMENT AFTER CLOSED SESSION:

ADJOURNMENT

Motion to adjourn by Council Member Valdez, second by Council Member Sablan; motion passed by 4-0 vote at 7:56 p.m.

STAFF REPORT

DATE: August 3, 2020

TO: City Council

FROM: Ben Gallegos, City Manager

RE: PUBLIC HEARING FOR THE CONSIDERATION OF POTENTIAL PROGRAMS FOR INCLUSION

IN THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS AID, RELIEF,

AND ECONOMIC SECURITY ACT (CDBG-CV1) APPLICATION

RECOMMENDATION:

It is recommended as follows:

- 1) Open the public hearing and receive public comment regarding the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CDBG-CV1) program and possible activities and projects to be considered for funding under the upcoming Notice of Funding Availability (NOFA) process; and
- 2) Provide direction for staff to prepare an application (Due August 31) and execute attached resolution in response to the release of the Notice of Funding Availability (NOFA) for CDBG-CV1 funds for COVID-19 related activities that benefit low- and moderate-income residents.

BACKGROUND:

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in response to the impacts of the COVID-19 pandemic. The California State Department of Housing and Community Development (HCD) published a Notice of Funding Availability (NOFA) for Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CDBG-CV1) funds on June 5, 2020 for \$18.7 million in funds. Eligible cities and counties may submit applications for CDBG-CV1 funds under the NOFA. The City has received a direct allocation of \$79,859 to assist our community. A maximum of three (3) activities will be allowed under this application cycle. Each activity must expend all funds within 12 months of the contract execution.

The CDBG-CV1 Notice of Funding Availability (NOFA) provides funding ONLY for the following Activities, which are narrowly tailored as described in Section II. A, and Section II. B, of the NOFA:

- Assistance to businesses and microenterprises impacted by COVID-19 stay-at-home orders and shutdowns
- Public services related to COVID-19 support
- Facility improvements related to COVID-19 healthcare and homeless housing needs
- Acquisition of real property to be used for the treatment or recovery of infectious diseases in response to COVID-19

All activities are required to meet a National Objective as outlined under Section IV, of the attached NOFA.

PAGE 2 OF 2

DISCUSSION:

City staff has reviewed the program information and had multiple discussions with service providers within the community to determine the great need for these funds. Based on these discussions, staff is recommending the following activities to be applied for:

1.	Economic Development, Business Assistance Loans	\$30,000
2.	Food Distribution provided by the Salvation Army	\$20,000
3.	Rental Assistance provided by the Housing Authority	\$25,000

The remaining dollars, \$4,859 would be utilized for grant administration. Upon direction from Council, staff will work with Adams Ashby Group to complete and submit the required documents for the application, including agreements with service providers.

*Please note in the resolutions, "up to" dollar amounts were listed to provide program flexibility should monies need to be transferred during the course of the contract based on spending levels.

COST ANALYSIS:

It is estimated that the City will be eligible to receive up to \$79,859 based on a formula provided by HCD in the NOFA. The funds are 100% grant to the City.

RESOLUTION NO. 20-38

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – CORONAVIRUS RESPONSE ROUND 2 (CDBG-CV1) NOFA DATED JUNE 5, 2020

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

SECTION 1:

The City Council has reviewed and hereby approves the submission to the State of California of one or more application(s) in the aggregate amount, not to exceed \$100,000, for the following CDBG-CV1 activities, pursuant to the June 2020 CDBG-CV1 NOFA:

List activities and amounts

Economic Development – Business AssistanceUp to \$40,000Food Distribution ProgramUp to \$30,000Subsistence Program / Rental AssistanceUp to \$40,000

SECTION 2:

The City acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

SECTION 3:

The City hereby authorizes and directs the City Manager, or designee*, to execute and deliver all applications and act on the City's behalf in all matters pertaining to all such applications.

SECTION 4:

If an application is approved, the City Manager, or designee*, is authorized to enter into, execute and deliver the grant agreement (*i.e.*, Standard Agreement) and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

SECTION 5:

If an application is approved, the City Manager, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

The undersigned Mayor of the City of Firebaugh (the "City"), certifies that the foregoing resolution was adopted by the City Council of the City at a meeting thereof held on August 3rd, 2020, by the following vote:

AYES: NOES: ABSTAIN: ABSENT:	
APPROVED:	ATTEST:
Elsa Lopez, Mayor	Rita Lozano, Deputy City Clerk

STATE OF CALIFORNIA

City of Firebaugh

I, Rita Lozano, Deputy City Clerk of the City of Firebaugh, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council/Board of Supervisors on this 3rd day of August, 2020.

Rita Lozano, Deputy City Clerk of the City of Firebaugh, State of California	_
By:	
Rita Lozano, Deputy City Clerk	

RESOLUTION NO. 20-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ADOPTING TEMPORARY COVID-19 WORKPLACE SAFETY POLICY

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the Coronavirus (COVID-19);

WHEREAS, on March 11, 2020, the World Health Organization classified COVID-19 as a global pandemic;

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency arising from the Coronavirus;

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20, directing Californians to stay at home, to avoid any non-essential activities, and to implement social distancing of at least six feet from any other person when outside their place of residence;

WHEREAS, on March 19, 2020, the City Council pursuant to Resolution No. 20-14, declared a local emergency due to the COVID-19 pandemic;

WHEREAS, Resolution No. 20-14 also delegated to the City Manager all necessary authority to address labor and personal matters, including but not limited to, matters related to employee health and safety;

WHEREAS, the aforementioned states of emergency remain in effect;

WHEREAS, on July 14, 2020, after many business had been permitted to reopen for a period of time, the Governor ordered certain business to close once again, in concordance with the Order of the State Public Health Officer on July 13, 2020 directing the same as a result of the significant increase in the spread of COVID-19;

WHEREAS, the U.S. Centers for Disease Control ("CDC"), the U.S Department of Labor Occupational Health and Safety Administration ("OSHA"), and California Department of Public Health ("CDPH") have established guidelines to protect individuals in the workplace and the community at large from the spread of COVID-19;

WHEREAS, these guidance documents address, among other things, when an employer is permitted to exclude employees from the workplace due to a positive test for COVID-19, the employee exhibiting symptoms of COVID-19, or close contact with someone who tested positive for COVID-19, and when employees may be tested for COVID-19 or otherwise screened for symptoms of the virus;

WHEREAS, the Fresno County Health Department ("FDPH") has issued a public health order, last amended July 23, 2020, that establishes requirements for all employers within Fresno County relating the exclusion of employees from the workplace when an employee has symptoms of COVID-19 and the conditions for return to work by such employees, which are based on current best practice guidance from the CDC;

WHEREAS, the Equal Employment Opportunity Commission ("EEOC') has issued separate guidelines addressing the legality under various EEO laws, including, but not limited to, the Americans with Disabilities Act and the Rehabilitation Act, of employee exclusions from the workplace, employer-mandated testing of employees for COVID-19, and employer inquiries relating to COVID-19 symptoms, which state that, with certain limitations, such actions are lawful during the current public health crisis due to the direct threat that COVID-19 poses to an employee with the virus as well as those individuals with whom the employee comes in contact; and

WHEREAS, under the conditions of the current emergency, the City Council deems it necessary for the preservation of the health and safety of City's residents, including City of Firebaugh employees, to follow these guidelines and the Order of the FDPH relating to the spread of COVID-19 in the workplace.

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

- 1. During the existence of the current state of emergency caused by the COVID-19 pandemic, the City shall implement the following temporary COVID-19 Workplace Safety Policy relating to City employees who test positive for COVID-19, exhibit symptoms of COVID-19, regardless of whether or not there is laboratory confirmation that the employee has COVID-19, or have been in close contact with someone who has tested positive for COVID-19:
 - a. Employees with symptoms of COVID-19 who have tested positive for the virus shall isolate at home, consistent with current CDC guidance and state and local directives, and shall not return to work until:
 - i. At least ten (10) days have passed since the employee first began experiencing symptoms; AND
 - ii. At least twenty four (24) hours have passed since the employee's last fever without use of fever reducing medications; AND
 - iii. All other symptoms have improved.
 - b. Employees without symptoms of COVID-19 who have tested positive for the virus, shall isolate at home, consistent with current CDC guidance and state and local directives, and shall not return to work until:
 - At least ten (10) days have passed since the employees first tested positive for COVID-19.
 - ii. If the employee develops symptoms of COVID-19 at any time, the employee shall following the steps for returning to work under subsection (a).
 - c. Employees with symptoms of COVID-19 who have tested negative for the virus, shall isolate at home, consistent with current CDC guidance and state and local directives, and shall following the steps for returning to work under subsection (a).
 - d. Employees who have come in close contact with someone who has tested positive for COVID-19, but who themselves have no symptoms of COVID-19 and have tested negative for the virus or have not been tested, shall quarantine at home, consistent with current CDC guidance and state and local directives, and shall not return to work until:
 - i. At least fourteen (14) days have passed since the employee's last known close contact with the individual with COVID-19.
 - e. Employees with symptoms of COVID-19 who have not been tested for the virus shall isolate at home, consistent with current CDC guidance and state and local directives, and shall following the steps for returning to work under subsection (a).
 - f. In addition to isolating at home, employees with symptoms of COVID-19 and/or who have tested positive for the virus shall notify all individuals within whom they have had close contact to quarantine themselves for fourteen (14) days from the date of last known contact with the employee.
 - g. For purposes of this policy, "close contact" is defined as contact within six (6) feet of an infected person for at least fifteen (15) minutes while unmasked starting from forty eight (48) hours before the infected begins experiencing symptoms until the time the infected person is isolated.

- h. Any employee required to isolate or quarantine at home pursuant to this policy shall not be permitted to return to the workplace until the employee has been tested for COVID-19 and provides documentation showing that the employee has tested negative for the virus. If an employee is unable to obtain a COVID-19 test due to test shortages or other factors beyond the employee's control, the employee may present a doctor's release certifying the employee's fitness to return to the workplace in place of a negative test result.
- i. Employees who are immunocompromised, as determined by their doctor, are strongly encouraged to consult with their doctor to determine whether a period of isolation or quarantine longer those specified herein is necessary or appropriate prior to returning to work.
- j. The City Manager may, in his discretion, determine when an employee's quarantine pursuant to this policy would compromise essential operations of the City and may allow the employee to remain in the workplace while taking all precautions advised by federal and state public health agencies, including the CDC and CDPH. This exception shall only apply to employees who are subject to quarantine as a result of exposure or potential exposure to COVID-19 and who have no symptoms of the virus and have not tested positive for the virus.
- K. The City takes the health and safety of its residents, including City employees, seriously. Accordingly, any intentional or willful violation of this policy may result in disciplinary action up to, and including, termination of employment.
- 3. Pursuant to Resolution No. 20-14, the City Manager has been delegated authority to take all appropriate action to implement, interpret, and maintain the policy adopted herein.

* * * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Firebaugh held on August 3, 2020, by the following vote, to wit:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
APPROVED:	ATTEST:
Elsa Lopez, Mayor	Rita Lozano, Deputy City Clerk

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