

City of Fresno

2600 Fresno Street

Fresno, CA 93721

www.fresno.gov



Meeting Minutes - Draft

Wednesday, March 25, 2020

1:00 PM

Notice of Special Emergency Open and Closed Session Meeting

Council Chambers

City Council

President - Miguel Angel Arias

Vice President - Paul Caprioglio

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Luis Chavez, Garry Bredefeld,

Nelson Esparza

City Manager - Wilma Quan

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

City Council met in special emergency session in the Council Chamber, City Hall on the date and time written above.

1:01 P.M. ROLL CALL

Councilmember Chavez and Councilmember Esparza were absent during roll call and joined the meeting during Closed Session at 1:05 P.M.

Present: 7 - President Miguel Angel Arias
Vice President Paul Caprioglio
Councilmember Esmeralda Z. Soria
Councilmember Mike Karbassi
Councilmember Luis Chavez
Councilmember Garry Bredefeld
Councilmember Nelson Esparza

APPROVE AGENDA

Upon call, there was no public comment.

On motion of Councilmember Soria, seconded by Councilmember Karbassi, the above Action was approved. The motion carried by the following vote:

Aye: 5 - Arias, Caprioglio, Soria, Karbassi and Bredefeld

Absent: 2 - Chavez and Esparza

Closed Session:

[ID](#)
[20-00446](#)

CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY - Government Code Section 54957(a):
Matters posing a threat to the security of public buildings, the security of essential public services, and to the public's right of access to public services and public facilities, and related actions pertaining to the Declaration by Governor Newsom of a State of Emergency to Help State Prepare for Broader Spread of COVI D-19, and related local concerns.

City Council recessed into Closed Session at 1:03 P.M. and returned from Closed Session at 3:27 P.M.

There was no announcements after Closed Session and the above item was discussed. Upon call, there was no public comment.

Open Session:

[ID
20-00447](#)

Consider emergency amendments to FMC Article 5, Emergency Services Ordinance (requires 5 affirmative votes).

City Attorney Sloan read the following changes into the record:

Paragraph (b): Non-essential City services may be suspended; responding to requests under the California Public Records Act may be delayed during and following the emergency.

Paragraph (g):

(1): To the extent allowed by State law, no residential tenant in the City shall be evicted for nonpayment of rent during the state of emergency caused by the COVID-19 outbreak.

(2): To the extent allowed by State law, commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent during the state of emergency caused by COVID-19.

(3): A tenant, whether residential or commercial, must notify their landlord they cannot pay rent due to a COVID-19 related impact. Within ten days of this notice, the tenant must provide documentation or other objective information that they cannot pay rent. Tenants will have up to six months after the termination of the emergency declaration to repay any back-due rent. No interest, late fees, or other penalties shall accrue or be owed as a result of rent deferrals pursuant to this Section.

(4): This eviction moratorium shall be in effect for 30 days from March 19, 2020, was added.

(5): The city will follow all laws and orders of the State with respect to foreclosure protection, was added at the end of the paragraph.

Paragraph (i): At a minimum, any fines collected as a result of price gouging, non-essential businesses remaining open, or other matters related to the COVID-19 pandemic shall be allocated to the COVID-19 Emergency Response Fund, was added to the end of the paragraph.

Added Paragraph (k): Bars and taverns as defined in City of Fresno Emergency Order 2020-01 (establishments with California Alcoholic Beverage Control (ABC) license types 40, 42, 48, 51, 57, 60 and 61) may provide curbside or delivery of alcoholic beverages so long as accompanied by food, if permitted by their CUP and State law, including, without limitation any ABC Notice of Regulatory Relief.

Added Paragraph (l): Any business ordered to close that remains open in violation of an Emergency Order of the City, shall alternatively be punishable by administrative citation. The city shall provide a warning and thereafter noncompliance shall be subject to a fine of \$1,000 for the first offense, \$5,000 for the second offense, and \$10,000 for the third or subsequent offense.

Upon call, there was no public comment.

BILL 12/ORDINANCE 2020-012 ADOPTED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Karbassi, that the above Action Item be adopted as amended. The motion carried by the following vote:

Aye: 7 - Arias, Caprioglio, Soria, Karbassi, Chavez, Bredefeld and Esparza

[ID 20-00448](#) Consider actions and/or give direction to staff concerning programs to provide relief assistance to small businesses affected by the COVID-19 epidemic.

Upon call, there was no public comment.

The above item was introduced to Council by Councilmember Karbassi, District 2 and Councilmember Soria, District 1.

City Attorney Sloan announced the following modifications to the Resolution:

1. That the loans for the small businesses impacted by COVID-19 Emergency will be only for the businesses that are being directed to be closed or were impacted as a result of the closure of orders.

2. The loan shall be structured as a 0% interest loan, forgivable after one year of continuous operation by the business. The owner of the business shall sign a personal guarantee.

RESOLUTION 2020-069 ADOPTED AS AMENDED

On motion of Councilmember Karbassi, seconded by Councilmember Soria, that the above Action Item be adopted as amended. The motion carried by the following vote:

Aye: 7 - Arias, Caprioglio, Soria, Karbassi, Chavez, Bredefeld and Esparza

[ID](#)
[20-00449](#)

Approve an amendment to the Annual Appropriation Resolution concerning emergency relief funding for small businesses (requires 5 affirmative votes)(subject to veto).

Upon call, there was no public comment.

Councilmember Soria motioned to approve and appropriate \$500,000 from the Senior Center and \$250,000 from the City Attorney's budget to be redirected to be used for the small business loan program with the following conditions: that any remaining funds in the City Attorney's office budget at the end of the fiscal year be rolled over to the next fiscal year. Also any donations made from the private sector for this program would also be appropriated for this purpose. Councilmember Karbassi seconded the motion.

RESOLUTION 2020-070 ADOPTED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Karbassi, that the above Action Item be adopted as amended. The motion carried by the following vote:

Aye: 7 - Arias, Caprioglio, Soria, Karbassi, Chavez, Bredefeld and Esparza

ADJOURNMENT

City Council adjourned at 3:40 P.M.