

**KINGSBURG CITY COUNCIL
REGULAR MEETING MINUTES
August 17, 2022**

Council Chamber, 1401 Draper Street, Kingsburg, CA 93631 (559) 897-5821 www.cityofkingsburg-ca.gov

THE COUNCIL CHAMBER IS OPEN TO THE PUBLIC AT 100% CAPACITY.

Invocation was given by Pastor Mark Thompson, First Baptist Church, followed by the Pledge of Allegiance led by Mayor Laura North

6 P.M. REGULAR SESSION MEETING:

Call to Order and Roll Call – Mayor Laura North called the regular meeting of the Kingsburg City Council to order at 6:03 pm.

Council Members Present: Jewel Hurtado, Vince Palomar, Brandon Pursell, Jr., Michelle Roman and Mayor Laura North.

Council Members Absent: None.

Approve Agenda: A motion was made by Council Member Roman, seconded by Council Member Palomar, to approve the agenda, as published. The motion carried by unanimous voice vote.

Presentations:

Mayor North presented the Spring 2022 Organization Improvement Award Recipient to Fer Yang, Firefighter/EMT.

Mayor North presented the Spring 2022 Public Service Award Recipient to Dariuss Rodriguez, Firefighter/Paramedic.

Public Comments:

David Silva, resident, running for council for District 1.

John Gerard, resident, alley way is in poor condition.

Consent Calendar: A motion was made by Council Member Pursell, Jr., seconded by Council Member Hurtado, to approve 5.1 & 5.2 appearing on the Consent Calendar. The motion carried by unanimous voice vote.

Staff pulled 5.3 to be tabled.

5.1 Check Register: Ratify/approve payment of bills listed on the check register for the period July 26, 2022 through August 8, 2022 as prepared by Accounts Payable Clerk Marsha Alves.

Sponsor: Finance Department

5.2 Adopt Resolution No. 2022-043 to submit the Local Transportation Purposes Certifications and Claim Forms to FCTA for the City of Kingsburg to collect its share of Measure “C” for fiscal year 2022-2023 and authorize the Finance

Director to sign the Local Transportation Pass Through Revenue Certifications and Claim Forms– Staff Report by Finance Director Alma Colado.

Sponsor: Finance Department

Pulled:

5.3 Approve the Amendment No. 1 To Golden State Corridor Cooperative Agreement-

Staff Report by City Manager Alexander Henderson

Sponsor: City Manager

Regular Calendar

Matoian Agreement To Develop Vacant Land; APN 394-042-04- Staff Report by City Manager

Alexander Henderson

Sponsor: City Manager

City Manager Alexander Henderson said the property owner asked for the property to be annexed. The property is north of the business park and is in the sphere of influence. With the proposed agreement, the City's benefit would be 3 acres for future city use. There are 10 additional acres of commercial property and input/partnership for use of the property. Owner would benefit would be extension of road right of way, sewer and utilities, city annexed property and a donation of credit of \$110,000 per acre.

Council Member Palomar said it is good for our city to annex this property into our city limits, and we can have more businesses. His concern is who will review what businesses will go in. Council Member Pursell, Jr. said there is not a lot of discussion tonight, because we have already worked through all of our issues. This will benefit the City of Kingsburg forever. Generous donation to the city. A lot of work has gone into this. Council thanked the Matoians. Council Member Roman thanked them for their generosity.

Council Member Pursell, Jr. motioned to approve the proposed donation agreement as presented. The motion was seconded by Council Member Roman. The motion carried by unanimous voice vote.

Council Member Pursell, Jr. motioned to approve the proposed development agreement as presented. The motion was seconded by Council Member Hurtado. The motion carried by unanimous voice vote.

Fiber Optic Development and Operating Agreement- Staff Report by City Manager Alexander Henderson

Sponsor: City Manager

City Manager Alexander Henderson said during the height of the pandemic, the city received several inquiries/complaints about existing internet options. The challenge of available existing options (through private providers) became evident as residents struggled with bandwidth speeds due to high usage. Much of those same challenges remain as more individuals work from home, attend school online, and utilize teleconferencing technology for doctor visits and more. The increase in network traffic, overall devices, and expansion of the internet of everything (IoE), are all driving forces that make a functional, reliable high performance network not only a desire, but a priority.

During the council's workshops regarding the use of use of American Rescue Plan Act Funds (ARPA) funding, council provided direction to staff to solicit public feedback on use of ARPA funds through

an online survey. The survey identified potential projects to utilize the funding for, and asked residents to rank them based upon priority. The installation of fiber broadband was ranked as the highest priority, followed by additional community planning efforts.

Council Member Hurtado asked about if rate discounts for first responders, military and seniors if possible. City Manager Henderson said there is not specific language with rate setting, if so it would be a prop 218 situation, but there is language about federal programs.

Tal Eslick, Vista Consulting, on behalf of Comcast, asking for a delay for this item in the spirit of competition.

Mayor North asked if Comcast has ever partnered with cities with rate sharing?

Nathan Ally, Comcast, would like Council to post pone so other providers can come to the table. Not sure with take rate. He discussed the federal programs to reduce rates.

Council Member Pursell, Jr. said we haven't heard from comcast until now. Why didn't you bring it forward.

Mr. Alley said he is new to the job, but these things take time to ramp up.

Mayor North asked about how he said free and reduced lunches would qualify, all students in California receive free lunches. Where was comcast during the pandemic? We needed hotspots to serve our community. They did hear from Kingsburg Media Foundation to help during the pandemic.

Council Member Palomar said he is pretty sure Comcast will not revue share- if we post pone this, when will you have a proposal?

Mr. Alley said we can make it happen by 7/21/2022.

Reggie Gierke, Kingsburg Media Foundation ("KBMF") CEO, resident, have been working on this project for 6-8 months. Background- KBMF is a partner with Comcast and have been for 8 years. Has had this conversation with Comcast but there has never been a response regarding this type of project. They are also enrolled with the Feds for low or no cost internet and has a long-standing relation with Kingsburg community. As a non-profit he doesn't have investors, profit is for funding the project. They do not have a stringent pricing structure. They are already working on this project in an other community. During the pandemic he worked with Kingsburg High School to give free internet to people in Traver.

Council Member Hurtado asked if the support would be from local folks? Will they be able to speak other languages? Mr. Gierke said they have English and Spanish and a translator over the phone. Council Member Roman asked if there is a big problem, who would help? Mr. Gierke said we have 6 full time employees, we have a 24/7 call service. If it is with the infrastructure, that is where VAST comes in. Council Member Roman asked if are you hiring more people? Mr. Gierke said as it grows, we will hire more people. Member Hurtado asked if it is feasible for the number of clients that would need help. Mr. Gierke said yes. Member Hurtado asked would you be willing to partner with Comcast? Mr. Gierke said we already have a good relationship Vast. Comcast is a harder level of communication. Be willing to work with anyone who is willing to meet him where he is at. Mayor North asked if VAST has the internet coming down Golden State? Mr. Gierke said yes. Mayor North

asked about his conversations with comcast. Mr. Gierke said their contract is specific- it was a several attempts. Mayor North asked about how KBMF will be reaching out. Mr. Gierke said they already have a partnership with CAPs, churches, and they will utilize mailers and social media. Their whole purpose is to reach the community needs.

Council Member Hurtado asked if he has reached out to other providers? Mr. Gierke said recently AT&T but their prices and size were much larger. Council Member Palomar asked if KBMF contracts with Vast, we don't have anything to do with contract? City Manager Henderson said yes. Council Member Palomar said we can advertise too through the Kingsburg Carrier. City Manager Henderson said we would do it for this and for Comcast. Council Member Palomar asked what is a realistic time frame until you are up and running? Mr. Gierke said we can get the supplies within weeks. We are at the mercy of construction and permits. While they are building, we will have everything in place. Council Member Pursell, Jr. said Vast owns the fiber, KBMF the internet service and city will allow it in our right of way and that is how we receive the cost share. We are not responsible for repairs, correct? City Manager Henderson confirmed he is correct. Vast said they will have a 4 hour response (at the most) as they are based out of Fresno. They will know about problems right away, as they actively monitor the network. Council Member Pursell asked KBMF who controls your rate? Mr. Gierke said we are profit and loss, that is what controls our cost. We have bandwidth and insurance. We then divide out our rates. We are in the business to make it possible for everyone, it is not how much money can we make. It is how much do we need to make it work. We are a part of the community program- meeting people where they are. Some members may agree to pay more, help source the need from the community. Council Member Pursell, Jr. said your books are going to be wide open to us. Auditing is important with a loan this size.

Frank Ortiz, Vast, nothing negative to say about Comcast. As for support- we have our own construction crew, over 3 million kids on our network through school districts. We will know about issues immediately. They have the ability to re-broadcast. They saw a possibility for a unique partnership. It is an innovated project that they will help market and will help KBMF. They are for competition if Comcast comes in with one of their partners.

Mr. Eslick said all he asks is a little bit of time.

Frank Ortiz, Vast, said they will not over commit. We have loyalty because we keep our word. It isn't us vs them. We wouldn't commit to something we couldn't execute. We have been in business for 12 years.

Council Member Roman asked City Attorney Noland if this has to go to bid. Mr. Noland said no, this isn't a public works project. The city isn't providing the service and doesn't own any of this.

Council Member Pursel, Jr. said it is a huge project that is a ton of money. All of my concerns have been alleviated in this contract, we are protecting our dollars the best we can. With Vast we eliminate the local risk, the take rate was important to me too. He feels comcast is too late in the game. Any delay will postpone, citizens will be paying more for a longer period. He likes the rate setting from a local company. Level of accountability wouldn't be the same from Comcast. Big thing is support local businesses. Give Kingsburg a local program that doesn't really exist locally elsewhere. Mayor North has seen it on the student end, our kids deserve good internet for homework. We are for supporting local, with this more businesses may want to come in. Is for supporting KBMF, they have given back a lot to the community, especially during Covid. She likes that KBMF is local and works with people. Council Member Roman likes to keep it local, and knows we have seniors on a fixed rate. Council

Member Hurtado said this is a win, if we pass this Comcast and other providers can still come in. Her only worry is that if it is not working correctly community will come to us. Council Member Palomar said it is needed here in Kingsburg. Advertisement is important since it is per subscriber.

Council Member Palomar motioned to approve the proposed development and operating agreement with Kingsburg Media Foundation for the purposes of installing and operating a fiber optic network, subject to execution of the agreement by KBMF, final agreements with CVIN/Vast Networks, final city approvals of the system design, agreements, and necessary permitting, and any other actions determined necessary by the City Manager, City Attorney or the City Engineer. The motion was seconded by Council Member Roman and passed with an unanimous voice vote.

Council Member Pursell, Jr. motioned to approve the proposed side letter with CVIN/Vast Networks in case of default and direct the City Manager and City Attorney to negotiate the terms of a formal agreement with CVIN/Vast Networks regarding long-term responsibilities. The motion was seconded by Council Member Hurtado and passed with an unanimous voice vote.

Transit Oriented Development (TOD) Program Agreement - Staff Report by City Engineer Dave Peters.

Sponsor: Engineering Department

City Engineer Dave Peters presented that on January 14, 2022, the Fresno Council of Governments (FCOG) Policy Board officially initiated the Cycle X Measure C Transit Oriented Development (TOD) Program Call for Projects. A grant application package for these funds was submitted by the City of Kingsburg on February 28, 2022. The grant application project includes the first phase of implementing the Downtown Kingsburg Strategic Plan and consists of pedestrian and bike facility improvements in the downtown area.

FCOG notified the City on March 28, 2022 that it will receive \$396,165 in Measure C Transit Oriented Development (TOD) Program funds for the project.

Council discussed the bike lanes on Draper.

Council Member Roman motioned to adopt Resolution 2022-044 to execute the application, the Standard Agreement, and all other documents required by the Fresno Council of Governments. The motion was seconded by Council Member Hurtado and passed with an unanimous voice vote.

Crime Statistics Report for the Month of July 2022 and General Police Department Update-
Crime Statistics Report prepared by Kingsburg Police Department Records Supervisor Corina Padilla.

Sponsor: Police Department

Police Chief Neil Dadian presented that catalytic converter thefts are down, vehicle burglaries are up. Spoke about scams, training, 3 open positions. Grant application for the SRO was turned was turned in today. They have been participating in de-escalation training. The police department is sending 4 women to a female leadership conference in Anaheim. Council Member Hurtado asked in regards to Prop 56, will there will a lap in service. Chief Dadian said no, the current one ends at the end of this fiscal year. Council Member Pursell thanked him for the presence of officers at school.

Voting Delegates of the 2022 Annual League of California Cities Conference-Staff report by City Clerk Abigail Palsgaard

Sponsor: City Clerk's Office

Council Member Pursell, Jr. motioned for Mayor North to be the Voter Delegate and Mayor Pro Tem Palomar to be the alternate delegate. Council Member Hurtado seconded the motion and it passed with an unanimous voice vote.

Council Reports and Staff Communications

Community Services Commission- Mayor North had nothing to report.

Public Safety Committee- Council Member Palomar said they met last Monday with Sergeant Kroeger gave a crime update, discussed where funds might be spent. He has spoken to the DA and Fresno PD about fentanyl education and awareness and they are in favor with reaching out Junior High and High School students. KHS does want the fentanyl education, emailed DA and they are setting up something. Waiting to hear back from Junior High.

Chamber of Commerce – Council Member Pursell Jr., reported that 9/17 is crawfish festival. Working on internal bylaws.

Economic Development – Council Member Roman said they have not met.

Finance Committee- Council Member Pursell Jr. reported that have not met.

Planning Commission – Mayor North reported on a joint workshop.

South Kings Groundwater Sustainability Agency Joint Powers Authority (SKGSA)- Council Member Hurtado said there was nothing to report.

Downtown Business Improvement District - Council Member Hurtado said there was nothing to report.

Council of Governments- Council Member Roman said there is nothing to report.

Council Member Reports- Council Member Roman went to Kingsburg task force meeting- different entities working together. Went to the senior center board meeting to let them know their bus shelter will be coming soon. Mayor North said striping around the schools look good.

City Manager's Report

City Manager Henderson reminded council and the public of the cancelation of 9/7/2022 Regular Meeting due to the League of California Cities Annual Conference

The bid will be posted for a rapid flashing beacon crosswalk for Roosevelt next week, waiting for Caltrans for the other ones. Stone Plaza poured foundation this morning. Swedish Mill is continuing with demo for inside. Site plan submitted today.

Future Agenda Items: *None.*

The Regular Kingsburg City Council Meeting was adjourned at 8:22 P. M.

Submitted by:

Abigail Palsgaard, City Clerk