



MINUTES OF MENDOTA SPECIAL CITY COUNCIL MEETING

Special Meeting

March 20, 2020

Meeting called to order by Mayor Castro at 10:02 a.m.

Roll Call

Council Members Present: Mayor Rolando Castro, Councilors Jesus Mendoza, Joseph Riofrio, and Oscar Rosales

Council Members Absent: Mayor Pro Tem Victor Martinez

Flag salute led by Mayor Castro

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda.

A motion was made by Councilor Rosales to adopt the agenda, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Martinez).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

BUSINESS

1. Council discussion and consideration of **Resolution No. 20-21**, proclaiming that water shutoff and garbage services will not be shut off and the allowance of delayed business tax payments in response to the continuing spread of COVID-19 (Novel Coronavirus).

Mayor Castro Introduced the item and City Manager Gonzalez summarized the report, including that the proposed resolution determines that the City will not shut off utility

services for lack of payment; that the City will accept delayed business tax payments; and authorizes the City Manager to extend the period of time that these determinations will be in effect.

Discussion was held on the length of time that the aforementioned determinations will be in effect; whether individuals will still be required to pay the balance that is accrued; the means through which residents may submit their utility bill payments; whether the drop box outside City Hall is secure; and whether the City is able to accept payments over the phone or online.

Cris Irene- stated that she is the owner of a local business and inquired as to how long nonessential businesses will have to be closed.

Discussion was held on how the closure of nonessential businesses will impact their economic state; the issue that was brought up by Ms. Irene being discussed under Business Item 3 of the agenda; and the provisions of the proposed resolution authorizing the City Manager to extend the temporary moratorium.

A motion was made by Councilor Rosales to adopt Resolution No. 20-21, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

2. Council discussion and consideration of emergency **Ordinance No. 20-03**, amending Chapter 2.44 of Title 2 of the Mendota Municipal Code to prohibit price gouging and taking unfair advantage of customers during emergencies.

Mayor Castro introduced the item and City Manager Gonzalez reported that the City of Mendota recently proclaimed a local emergency due to the continuing spread of COVID-19; the proposed ordinance setting provisions that prohibits price gouging within the City when there is a state or local emergency; explained the existing issues throughout the City relating to price gouging; and summarized the provisions of the proposed ordinance.

Discussion was held on the local store owners inquiring about the provisions of the proposed ordinance; and local business owners stating that there are acquiring items from their suppliers at a higher price, resulting in their price increases.

City Attorney Kinsey stated that the ordinance does not apply to business owners who are able to justify their price increases; and that the ordinance is being enacted to combat individuals who are taking advantage of the current situation by selling items at a significantly higher and unjustified price.

Discussion was held on how individuals can report instances of price gouging.

A motion was made by Councilor Rosales to adopt emergency Ordinance No. 20-03, seconded by Councilor Mendoza; unanimously approved (4 ayes, absent: Martinez).

3. Council discussion and consideration of emergency **Ordinance No. 20-04**, amending Chapter 2.44 of Title 2 of the Mendota Municipal Code directing all individuals living in the city to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and government services; exempting individuals experiencing homelessness from the shelter in place order but urging them to find shelter and government agencies to provide it; directing all businesses and governmental agencies to cease non-essential operations at physical locations in the city; and prohibiting all non-essential gatherings of any number of individuals.

Mayor Castro introduced the item and City Attorney Kinsey reported that the proposed ordinance was modeled after the Emergency Order that the City of Fresno issued relating to the item; that Fresno's Emergency Order provided good clarification regarding which businesses could remain open and which need close; that Governor Newsom's recently issued Executive Order applies to the entire state of California and supersedes any potential municipal law, including the proposed ordinance; the City being required to follow the Governor's Executive Order; summarized the provisions of the, including that all residents of California must stay home with the exception of maintaining the continuity of operations of critical infrastructure sectors; the Order permitting the Governor to name additional critical infrastructure sections; and summarized the critical infrastructure sectors that were identified by the Order.

Discussion was held on certain types of businesses that fall under a gray area of uncertainty as to whether they may continue to operate, such as trucking businesses; the City recommending that should certain business types fall under a gray area that business owners should utilize their best judgment to determine whether their business activities should continue; the length of time that the Order will be in effect; the City taking similar actions as what the State and other cities are doing in response to COVID-19; the City potentially considering and adopting an emergency ordinance in the near future that prohibits evictions and foreclosures in the City; and the City Council potentially considering adopting other items in response to COVID-19 at a future meeting (at 10:57 Councilor Mendoza left the Council Chambers and returned at 11:00 a.m.).

Ermelinda Paez- stated that she owns a local business that offers nutritious food and inquired as to whether she will be able to provide take-out services during this time.

Discussion was held on restaurants being able to remain open if they provide take-out services.

Cris Irene – wanted clarification as to whether beauty salons needed to close under the Governor's Executive Order.

Discussion was held on beauty salons not falling under the defined critical infrastructure sectors; that other salons throughout the City and County have been suspending operations as a result of the COVID-19 pandemic; the Governor's Order being

mandatory and that all businesses in the State must comply; the Governor potentially releasing additional information that clarifies the mandatory Order; the health and safety concerns that, unfortunately, certain types of businesses present; the health and safety risk that COVID-19 poses to the California population; the need to take precautionary measures to protect the health and safety of residents; whether certain physical activities are permitted under the Order; educating the public about the Order; the impact that the COVID-19 pandemic will have on small, rural communities such as Mendota; individuals playing soccer and basketball in large groups at local parks; how to address these congregations so that they do not occur; and the continuing spread of the virus.

Olga Valle – stated that business owners should require their employees to stay home to prevent the spread of the virus; that the public will support businesses once this challenging time has passed; that individuals are not taking the pandemic seriously; commended elected officials and staff for their bravery in considering these items in response to the continuing spread of COVID-19; and requested that the City partake in stricter enforcement measures to ensure that individuals comply with the mandatory Order.

Ofelia Ochoa – thanked the City and Patricia Lyons for providing interpretation services for the meeting; supported staff's decision to close the basketball courts at local parks; the need for parents to understand that students are not at school because they need to remain at home during this time; that she noticed that local high school students were congregating outdoors; and expressed her concerns about individuals not following social distancing guidelines.

Discussion was held on the enforcement measures that the police department could conduct to educate the community regarding the Governor's mandatory Order; and encouraging residents to educate each other about the issue.

Magdalena Juarez – inquired about precautionary measures that individuals may follow to avoid acquiring the virus; and inquired as to the length of time that the Executive Order would be in effect.

Discussion was held on the continuing spread of the virus, and ways to prevent it; the statistics that exist that demonstrate how many individuals will potentially acquire the disease (at 11:50 a.m. Mayor Castro left the Council Chambers and returned at 11:51 a.m.); and the importance of educating the public about precautionary measures that they may follow.

Chief of Police Andreotti stated that the police department has placed certain restrictions on the availability of over-the-counter business that is conducted at the office; that police services throughout the city would continue; activities that the police department has conducted to respond COVID-19 issues; protocols that the department has changed regarding how the police department conducts business; urged business owners to visit their businesses to conduct site visits during the duration of their closure; and emphasized the need for businesses to work together in order to protect each other.

Discussion was held on various security measures that are available for business owners (at 12:17 p.m. Councilor Riofrio left the Council Chambers and returned at 12:22 p.m.); and an instance where individuals were congregating in front of the Town & Country liquor store.

Dino Perez – stated that Westside Youth, Inc. held its food distribution event earlier in the week and the precautionary measures that the Center implemented for the event.

Discussion was held on taking additional precautionary measures at food distribution events.

Martha Garcia – stated that she has a beauty salon and inquired as to how businesses can address their finances during this time; inquired as whether businesses owners may still tend to their businesses during their closure; and how she may report suspicious activity.

Discussion was held on the Governor's Order being in effect until further notice; potential actions that the City Council can consider and adopt to protect local residents and business owners from certain financial circumstances, such as an ordinance that prohibits evictions and foreclosures during this period; available resources for business owners; and the City Council encouraging residents to accept the seriousness of the situation and take precautionary measures.

Maria Rodriguez – inquired as to what services are available for homeless individuals.

Discussion was held on the County of Fresno taking the initiative to reach out to the homeless individuals; homeless individuals not accepting the services that are being offered to them; and how the City will educate the homeless about the Governor's Order.

Rigoberto Alvarado – stated that the agencies are disbursing resources too early and they should preserve their supplies.

Discussion was held on creating a flyer that summarizes the actions that the City has taken to address the COVID-19 pandemic (at 12:45 p.m. Councilor Rosales left the Council Chambers); and the City Council thanked the staff for their work.

Council consensus was reached to not act on Ordinance No. 20-04.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 12:48 p.m. by Councilor Riofrio, seconded by Councilor Mendoza; unanimously approved (3 ayes, absent: Martinez and Rosales).



Rolando Castro, Mayor

ATTEST:



Celeste Cabrera-Garcia, City Clerk

