



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

April 14, 2020

Meeting called to order by Mayor Castro at 6:04 p.m.

Roll Call

Council Members Present: Mayor Rolando Castro, Mayor Pro Tem Victor Martinez (at 6:24 p.m.), Councilors Jesus Mendoza, Joseph Riofrio, and Oscar Rosales

Council Members Absent: None

Flag salute led by Councilor Riofrio

FINALIZE THE AGENDA

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

City Clerk Cabrera-Garcia requested that Consent Calendar item #4 be changed to Business item #1, and that Business item #1 be subsequently changed to Business item #2.

A motion was made by Councilor Rosales to adopt the modified agenda as requested by staff, seconded by Mayor Castro; unanimously approved (4 ayes, absent: Martinez).

PRESENTATION

1. Ivette Rodriguez with Mid Valley Disposal to provide an update.

Ivette Rodriguez with Mid Valley Disposal provided the 2019 3rd and 4th quarters recycling updates including the total amount of work orders/service requests that were received and processed; the results of the annual residential, commercial, and multi-family waste assessments; the results of the contamination program; information regarding the

company's education and outreach efforts; the 2019 Recycler of the Year Award being awarded to Mendota Valley Food; the results of the 2019 Community Clean Up events; the statistics for 2019 C&D Diversion; and various laws that will affect the City's solid waste activities.

The Council thanked Mid Valley Disposal for their hard work.

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the special City Council meetings of March 16, 2020, March 20, 2020, and April 2, 2020, and the regular City Council meeting of March 24, 2020.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Mendoza to approve items 1 and 2, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).

CONSENT CALENDAR

1. MARCH 24, 2020 THROUGH APRIL 6, 2020
WARRANT LIST CHECKS NO. 46614 THROUGH 46677
TOTAL FOR COUNCIL APPROVAL = \$677,494.04
2. Proposed adoption of **Resolution No. 20-24**, designating the City Manager as the authorized agent for the City as required for matters pertaining to state disaster assistance.
3. ~~Proposed adoption of **Resolution No. 20-25**, ratifying Emergency Order Nos. 20-01, 20-02, and 20-03 issued in response to the continuing COVID-19 pandemic emergency.~~
4. Proposed authorization for the Mayor to execute letters of support on behalf of the City Council for the City of Mendota stormwater improvement project.

Discussion was held on warrant no. 46635.

A motion was made by Councilor Rosales to approve items 1, 2, and 4, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Martinez).

BUSINESS

1. Proposed adoption of Resolution No. 20-25, ratifying Emergency Order Nos. 20-01, 20-02, and 20-03 issued in response to the continuing COVID-19 pandemic emergency.

Mayor Castro introduced the item and City Attorney Kinsey stated that the item ratifies all Emergency Orders that have been issued by the Emergency Services Director (at 6:24 p.m. Mayor Pro Tem Martinez entered the Council Chambers); that Emergency Order No. 20-03 is consistent with the direction that staff received from Council; since Order No. 20-03 was issued, staff has received communications from representatives of Fastrip inquiring whether gas stations are including within the order and whether should they be included; incorporating additional language to the order to address an ambiguity that exists; that the Fastrip representatives want to address the Council as to whether gas stations can remain open between 10:00 p.m. and 4:00 a.m., and under what conditions; that staff received feedback that these areas are locations where people congregate in violation of the Stay and Home Order; and that public comments were only received for Order No. 20-03.

Discussion was held on the limitation to the accessibility of supplies and services that residents face due to being far away from major cities; the local businesses that have been affected by Emergency Order No. 20-03; whether there is any discussion of potential litigation; enforcing the Order across-the-board; and the possibility of incorporating certain exceptions in the Order.

Rich Abel (Fastrip Food Stores) – provided a background of Fastrip Food Stores; stated that they have no intention to litigate; that Fastrip representatives reached out to staff to acquire clarification on the Emergency Order and the State and Federal Shelter in Place Orders; precautionary measures that the local store has implemented; the various health related over-the-counter products that the store sells that local residents may need during the hours that the store must remain closed; that the store is willing to implement additional precautionary measures to prevent the spread of the disease; and that the store aims to provide a healthy and safe environment to its customers.

Discussion was held on further regulating the number of individuals that are in the store at a given time, and potential existing health issues at the store.

Joe Gutierrez – stated that he has purchased necessary health items at Fastrip during late night hours; and shared the benefits of having a store open during the late-night hours.

Discussion was held on necessity for residents to be prepared for emergencies ahead of time.

Joseph Amador – thanked the local Fastrip Food Store for being open at all hours of the day; and stated that it is essential that a store, such as Fastrip, stay open during late-night hours.

Dave West (Fastrip Food Stores) – stated that Fastrip Food Stores serves individuals from the local and surrounding communities.

Discussion was held on the various options are available to the City Council regarding its action on Emergency Order 20-03; the Chief Andreotti's recommendation on the matter; whether police officers may have the need to visit a store during the night; and the possibility of other businesses also wanting the City Council to permit their business to remain open after hours, should they permit gas stations.

A motion was made by Councilor Riofrio to adopt Resolution No. 20-25, with an amendment to Order No. 20-03 to include clarifying language, seconded by Councilor Rosales; unanimously approved (5 ayes).

2. Council discussion only on potential additional actions concerning the City of Mendota's response to the COVID-19 pandemic emergency, including requiring all individuals in the City to wear facial coverings.

Mayor Castro introduced the item and City Manager Gonzalez deferred to City Attorney Kinsey who reported that staff has seen other cities and counties pass emergency orders that require individuals to wear face masks, and requested that the Council provided direction to staff on how to proceed on the matter.

Discussion was held on face masks reducing the potential spread of COVID-19; the importance of taking precautionary measures to prevent the spread of the disease; how other agencies have drafted their policy regarding the matter; requiring that all individuals within the City utilize some sort of facial covering; certain exceptions that will be included in the order; how the police department will enforce the proposed provisions; who will be required to wear face masks; when the order shall go into effect; and encouraging individuals to utilize other types of reusable and single-use face masks and not N95 type masks.

Joe Gutierrez – inquired as whether the City will be allowing a period for individuals to acquire facemasks before the Order is enforced; and how homeless individuals will be able to acquire their masks and be educated on the matter.

Discussion was held on how to formalize the Council's direction.

Council consensus was reached to direct staff to create an Emergency Order that requires individuals within the City to utilize facial coverings, unless as excepted.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Animal Control, Code Enforcement, and Police Department
 - a) Monthly Report

Chief of Police Andreotti provided his report for the Animal Control Department

Chief Andreotti provided his report for the Code Enforcement Department including an updated on weed abatement activities.

Discussion was held on what constitutes a “municipal code violation” as listed in the report.

Chief Andreotti summarized the report for the Police Department including a personnel update.

Discussion was held on the violations that require the impound of vehicles; the process in which the police department enforces ordinances and emergency orders that were issued in response to COVID-19, and whether individuals have been cited for these types of violations; whether there was any significant activity throughout the City that required police response; and an instance where Chief Andreotti responded to a situation.

2. City Attorney

Nothing to report.

Discussion was held on the legal fees associated with COVID-19 items.

3. City Manager

City Manager Gonzalez reported that the online utility bill pay will go into effect soon; information that he received from Dino Perez regarding an event that will be held to assist business owners with their applications to receive disaster relief funds; provided updated COVID-19 statistics; and information the he received regarding the Governor’s plan to reopen the economy.

Discussion was held on a food distribution event that Westside Youth, Inc. will be holding; and the great work that the Public Works Department has been doing in terms of cleaning and sanitizing areas throughout the City.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)

Council Rosales stated that he received a lot of positive feedback regarding the Council and staff.

Councilor Mendoza stated that he hopes that everyone can stay safe during this time and encouraged all to practice precautionary measures to prevent the spread of COVID-19.

Mayor Pro Tem Martinez thanked the Council and staff for their work in response to COVID-19.

Councilor Riofrio commented on the increase in residential trash services; the amount of sales tax and gas tax that has been lost during this time; and the significant amount of unemployment claims.

2. Mayor

Mayor Castro commented on the impacts that COVID-19 has had on the economy.

CLOSED SESSION


1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 - a. Anticipated litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 (one potential case)

At 8:16 p.m. the Council moved into closed session.

At 8:27 p.m. the Council reconvened in open session and City Attorney Kinsey stated that in regard to item 1 of the closed session, there was no reportable action.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 8:29 p.m. by Mayor Pro Tem Martinez, seconded by Councilor Mendoza; unanimously approved (5 ayes).



Rolando Castro, Mayor

ATTEST:



Celeste Cabrera-Garcia, City Clerk

