



MINUTES OF MENDOTA SPECIAL CITY COUNCIL MEETING

Special Meeting

April 2, 2020

Meeting called to order by Mayor Castro at 10:04 a.m.

Roll Call

Council Members Present: Mayor Rolando Castro, Mayor Pro Tem Victor Martinez (via telephone), Councilors Jesus Mendoza, Joseph Riofrio, and Oscar Rosales

Council Members Absent: None

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 Mendoza; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

BUSINESS

1. Council discussion and consideration of **Resolution No. 20-23**, closing public parks within the City's limits to the public in response to the continuing COVID-19 pandemic emergency.

Mayor Castro introduced the item and City Manager Gonzalez reported that the resolution would close all parks and City facilities within the City limits.

Discussion was held on whether the park restrooms would be closed; the positive impact that the resolution's provisions will have on the City's efforts to prevent the spread of COVID-19; issues with individuals not complying with existing orders or not taking precautions to prevent the spread of the disease; whether the order will apply to all parks, including Pool Park; how the provisions of the resolution will be enforced; whether fishing is currently permitted; the City requesting that other agencies assist the police department in ensuring that individuals abide by existing regulations related to the Coronavirus; whether the portable restrooms at Lindgren-Lozano Park will be removed; individuals illegally playing soccer at school facilities; whether the City could allocate additional funding to provide for overtime for police officers or to acquire private security; and the personnel of the police department.

At 10:26 a.m. Mayor Castro opened the hearing to the public and, hearing no one present willing to comment, closed it in that same minute.

A motion was made by Councilor Rosales to adopt Resolution No. 20-23, seconded by Councilor Riofrio; unanimously approved (5 ayes).

2. Council discussion and consideration of emergency **Ordinance No. 20-08**, amending Chapter 2.44 of Title 2 of the Mendota Municipal Code to provide for administrative fines on persons using closed City Parks and Facilities during the COVID-19 pandemic emergency.

Mayor Castro introduced the item and City Manager Gonzalez reported that the proposed ordinance would provide for administrative fines for individuals who visit the parks after they are officially closed.

Discussion was held on whether juveniles will be cited; the possibility of officers citing individuals who do not comply with currently existing regulations; the ordinance being specifically for park violations; how the officers respond to COVID-19 issues; ongoing violations of existing ordinances and orders related to COVID-19; ensuring that the public receives information about COVID-19 regulations, and that such information is also provided in Spanish; how individuals may report violations to the California Highway Patrol and the Fresno County Sheriff's Office; and instances where certain information regarding COVID-19 may induce fear and panic in community members.

At 10:53 a.m. Mayor Castro opened the hearing to the public.

Arturo Hernandez – inquired as to how to limit the number of customers at stores.

Discussion was held on speaking on the item at a later portion of the meeting.

At 10:55 a.m. Mayor Castro closed the hearing to the public.

A motion was made by Councilor Riofrio to adopt Ordinance No. 20-08, seconded by Councilor Mendoza; unanimously approved (5 ayes).

3. Council discussion and consideration of emergency **Ordinance No. 20-07**, amending Chapter 2.44 of Title 2 of the Mendota Municipal Code to provide for administrative fines on persons and non-essential businesses acting in direct contravention of the Statewide Shelter in Place Order issued in response to the COVID-19 pandemic emergency.

Mayor Castro introduced the item and City Manager Gonzalez reported that the ordinance would establish fines for nonessential businesses and individuals who congregate and are in direct contravention of Governor Newsom's Executive Order N-33-20.

Discussion was held on whether nonessential businesses may engage in transactions outside of the physical place of business; the types of businesses that are considered essential and may remain open; staff working with the Fresno County Department of Public Health and other agencies to inquire as to whether certain businesses, such as itinerant food vendors, may operate during this time, and the precautions that they must follow; ways to establish additional provisions to regulate certain business activities, such as itinerant food vendors; additional measures that the City can implement to prevent the spread of COVID-19 in the community; local stores not implementing precautionary measures to protect consumers and employees from the disease, and the possibility of requiring stores to follow specified regulations; and the work that the City Manager has done to respond to the issue.

At 11:25 a.m. Mayor Castro opened the hearing to the public.

Dino Perez – expressed his gratitude and happiness with the City Council for their efforts in making the community safer; reported that Westside Youth, Inc. has closed for the time being and has ceased all other activities with the exception of their food giveaway; guidelines that the center must follow in order to have the food giveaway; the need to educate the public about COVID-19 and precautionary measures that they must take to prevent the spread of the disease; and inquired as to the possibility of the center holding its open market if only essential vendors are present.

Discussion was held on the status of farmer's markets throughout Fresno County, and Mr. Perez speaking with City staff regarding the issue.

Sergio Valdez – stated that he agrees with the actions that the City Council is considering taking; an individual who is hosting soccer practices throughout school facilities without permission; and Mendota Youth Recreation's efforts to acquire supplies for local senior residents.

Julie – stated that certain stores are not having grocery specials and shared her concerns about price gouging.

Discussion was held on potential reasons for price increases at grocery stores, and the means through which individuals may report instances of price gouging.

Fabian – inquired as to a comment that the Mayor Castro made at a previous Mendota Unified School District Board of Trustees meeting that was recently held.

Mayor Castro provided clarification on the comment he made.

At 11:40 a.m. Mayor Castro closed the hearing to the public.

A motion was made by Councilor Riofrio to adopt Ordinance No. 20-07, seconded by Councilor Rosales; unanimously approved (5 ayes).

4. Council discussion only on potential additional actions concerning the City of Mendota's response to the COVID-19 pandemic emergency, including curfews.

Mayor introduced the item and City Attorney Kinsey provided his report including the item being an opportunity for the City Council to provide direction to staff regarding additional actions they would like to take in response to COVID-19; legal issues surrounding imposing a City-wide curfew, and the very narrow means of which they may be crafted; other laws that the officers can rely on to question certain actions of the public; staff not recommending a curfew at this time; and described other measures that the City can enact to ensure a more stricter response to the local emergency.

Discussion was held ensuring the safety of community residents and first responders; the possibility of imposing a curfew for businesses; the reasons as to why some stores voluntarily close earlier; and taking a proactive approach when it comes to requiring that essential businesses and residents undertake precautionary measures.

Sergio Valdez – commented on the lack of medical facilities that are open late hours, and the potential need for parents to visit a store for emergency supplies at night.

Discussion was held on what other cities are doing in response to limiting the hours of operation for businesses.

Perla – inquired as to whether individuals would receive a notice that describes the regulations related to mandatory closing time for businesses; and whether businesses may operate after the mandatory closing time under certain circumstances.

Sergio Valdez – inquired as to whether certain business activities can be limited during a particular time, such as liquor sales.

Discussion was held on limitations on imposing regulations on certain business activities; ensuring that individuals who are not outdoors conducting essential activities stay home; the proposed shut-off time and open-time for certain businesses; ways to impose precautionary restrictions for certain essential businesses, such as grocery stores and itinerant food vendors; various methods that available to educate the public regarding preventative measures; issues with individuals not complying with social distancing

regulations; establishing additional orders in response to COVID-19 via an Emergency Order by the Director of Emergency Services; and the various provisions that the proposed order will have, including regulations concerning mandatory business hours for essential businesses, and policies that businesses must comply with to prevent the spread of COVID-19.

Council consensus was reached to direct staff to prepare an Emergency Order that imposes additional orders in response to COVID-19.

City Manager Gonzalez deferred to Battalion Chief Raines who provided information on the activities of Fire Station 96 during the state and local emergency concerning COVID-19.

Discussion was held on whether there are any confirmed cases of COVID-19 in the City.

City Manager Gonzalez read an email from Mendota United Health Center Manager Ashley Chanthaphuang into the record.

Discussion was held on ensuring that everyone take precautionary measures seriously.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 12:32 p.m. by Councilor Riofrio, seconded by Councilor Rosales; unanimously approved (4 ayes, absent: Martinez).



Rolando Castro, Mayor

ATTEST:



Celeste Cabrera-Garcia, City Clerk

