



## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**May 12, 2020**

**Meeting called to order by Mayor Pro Tem Martinez at 6:00 p.m.**

### **Roll Call**

**Council Members Present:** Mayor Rolando Castro (at 6:01 p.m. by phone), Mayor Pro Tem Victor Martinez, Councilors Jesus Mendoza, Joseph Riofrio, and Oscar Rosales

**Council Members Absent:** None

**Flag salute led by Councilor Riofrio in honor of all United States troops and first responders.**

### **FINALIZE THE AGENDA**

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

A motion was made by Councilor Riofrio to adopt the agenda, seconded by Councilor Mendoza; unanimously approved (5 ayes).

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None offered.

### **APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING**

1. Minutes of the regular City Council meeting of April 28, 2020 and the special City Council meeting of May 5, 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 Rosales to approve items 1 and 2, seconded by Councilor Riofrio; unanimously approved (5 ayes).

**CONSENT CALENDAR**

1. APRIL 24, 2020 THROUGH MAY 06, 2020  
WARRANT LIST CHECKS NO. 46739 THROUGH 46812  
TOTAL FOR COUNCIL APPROVAL = \$554,446.77
2. Proposed adoption of **Resolution No. 20-29**, requesting that the Fresno County Clerk render specified services to the City of Mendota in order to conduct the municipal election to be held on November 3, 2020.
3. Proposed adoption of **Resolution No. 20-30**, authorizing the submittal of an application to the New Alternative Fuel Vehicle Purchase public benefit grants program with implementation of new vehicle project and authorizing the City Manager to execute all required documents.
4. Proposed adoption of **Resolution No. 20-31**, ratifying Emergency Order No. 20-06 issued in response to the continuing COVID-19 Pandemic Emergency.

A request was made to pull Consent Calendar items 3 and 4 for discussion.

A motion was made by Councilor Riofrio to approve items 1 and 2 of the Consent Calendar, seconded by Councilor Rosales; unanimously approved (5 ayes).

3. Proposed adoption of **Resolution No. 20-30**, authorizing the submittal of an application to the New Alternative Fuel Vehicle Purchase public benefit grants program with implementation of new vehicle project and authorizing the City Manager to execute all required documents.

Mayor Castro requested clarification on the available grant funding.

Discussion was held on how the City has utilized the available grant funding.

4. Proposed adoption of **Resolution No. 20-31**, ratifying Emergency Order No. 20-06 issued in response to the continuing COVID-19 Pandemic Emergency.

Mayor Castro inquired as to whether the order will be ratified as is.

City Attorney Kinsey stated that staff is continuing to monitor the Governor's recommendations regarding the reopening of certain non-essential businesses; and explained how the City can be authorized to allow other types non-essential businesses to open.

Discussion was held on how Fresno County has responded to the Governor's most recent Minutes of City Council Meeting 2 5/12/2020

orders; actions that other cities have taken towards opening certain non-essential businesses and City facilities; whether the City can be less restrictive in terms of the regulations in place in response to COVID-19; how COVID-19 cases are traced; the City following the recommendation's of the Fresno County Department of Public Health; the conditions that Fresno County needs to meet in order to allow other types of non-essential businesses to open; whether the City will be represented by counsel should there be a threat or existence of litigation against the City regarding business restrictions; ensuring that the City is in compliance with existing state laws; the provisions within the existing order that permits the opening of farmers' markets; the Council's ability to remove those provisions from the order prior to ratifying it; the negative impacts that local businesses owners have experienced as a result of the business restrictions; potential legal ramifications that local non-essential business owners would face if they opened their business in violation of state and local orders; cities that have permitted non-essential businesses to operate; the attestation that Fresno County needs to complete in order to move forward with additional stage 2 provisions; the possibility of the Council providing direction to staff regarding lifting various emergency order provisions when Fresno County satisfies the requirement to move forward with implementation of additional stages; counties and cities that have publicly expresses their discontent with the pathway of the state in terms of opening businesses (at 6:48 p.m. Mayor Pro Tem Martinez left the Council Chambers); the conditions that Fresno County needs to meet be unattainable (at 6:49 p.m. Mayor Pro Tem Martinez entered the Council Chambers and Councilor Mendoza left the Council Chambers); the legal ramifications that the City would potentially face if it violates state order (at 6:52 Councilor Mendoza returned to the Council Chambers); and how the options that the Council has to relax the provisions of existing emergency orders.

A motion was made by Mayor Castro to approve item 4 of the Consent Calendar, seconded by Councilor Rosales; unanimously approved (5 ayes).

A motion was made by Councilor Riofrio to approve item 3 of the Consent Calendar, seconded by Councilor Rosales; unanimously approved (5 ayes).

## **BUSINESS**

1. Discussion and direction to staff concerning potential relaxation of certain emergency measures in the future, conditioned upon implementation of adequate protective measures, for personal grooming.

Mayor Pro Tem Martinez introduced the item and City Attorney Kinsey stated that he provided the information for this particular item during the discussion of Consent Calendar item 4; that the City has received a lot of inquiries from business owners of personal grooming businesses regarding when they will be able to open; liability that the City would expose itself to by allowing these businesses to open; the Council's ability to relax certain emergency order provisions that have been issued; a situation where a resident was asked by law enforcement to take down his personal waterslide; whether the local farmers' market will open and under what conditions; the orders that the City of Fresno

has enacted that permits clients to enter retail businesses; existing business hour restrictions; the need for residents to purchase necessary items for their household at different hours of the day; the strict regulations that the City has enacted in response to the ongoing COVID-19 pandemic emergency; the Council's desire to repeal the business hour restrictions, and to permit clients to enter into stage 2 retail stores under certain density conditions; and the possibility of allowing certain stage 3 businesses to open, and staff not recommending against such action.

**Albert Escobedo** – stated that he believes that the City should follow the Governor's recommendation in terms of allowing non-essential businesses to open; and the potential legal ramifications that the City would face if it does not comply with state law.

**Dino Perez** – commented on additional questions that the City has regarding the opening of Westside Youth, Inc.'s farmers' market; the lack of revenue and funding that Westside Youth, Inc. has as a result of COVID-19; and the precautionary measures that the organization will implement for the farmers market.

Discussion was held on how the organization will enforce local regulations at the farmers' market; the amount of vendors that will attend the market; the amount of revenue that the organization anticipates receiving; the types of businesses that will be permitted at the farmers' market; the precautionary measures that the organization will implement for the farmers' market; the negative impacts that the COVID-19 has had on the City as a whole; Westside Youth, Inc. meeting with the City Manager to discuss potential assistance for the organization; the City being able to enact more restrictive measures in response to COVID-19; and whether the City can enact additional restrictive measures for farmers' Markets.

**Marco Garcia** – stated that he is in favor of permitting personal grooming businesses to open under certain conditions; that local personal grooming business owners are suffering financial and face the possibility of closing permanently; inquired as to the purpose of the item; and requested that the Council consider permitting personal grooming businesses to sell retail items.

Discussion was held on whether personal grooming businesses can presently sell retail items.

**Francisca Enriquez** – stated that her personal grooming business has been negatively impacted by COVID-19; and stated that she believes that it is unfair to allow farmers' markets to open and not certain local businesses.

Discussion was held on the City following the Governor's recommendations on allowing certain businesses to open.

**Irene Anguiano** – stated that she is the owner of a local strip mall and that she is concerned for her tenants; that she has offered rental assistance for the tenants; recommended that certain non-essential businesses be permitted to open under certain

conditions; and emphasized the need to support Westside Youth, Inc.

Discussion was held on what types of businesses and services are permitted under current state and local orders; and the City's inability to legally permit stage 3 businesses to open at this time.

Council consensus was reached to direct staff to prepare and issue an emergency order that repeals the daily business curfew, repeals the authorization for farmers' markets to operate, and authorizes additional non-essential retail operations.

Discussion was held on the reasons as to why the Council wants to prohibit open air markets; the negative impact that opening certain businesses will have on the City; the Council requested that the City Manager issue an emergency order that reflect its direction; when the order will be issued; and staff's recommendation in terms of allowing the farmers' market to operate.

City Manager Gonzalez stated that he was under the idea that the Council was in agreement of permitting certain businesses, such as farmers markets, to open under certain conditions; and apologized to Dino Perez for the inconvenience that the misunderstanding caused.

Council consensus was reached to direct staff to place an item on the agenda of the upcoming City Council meeting to discuss permitting personal grooming businesses to operate under certain conditions.

## **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, including the statistics of the amount of dogs that were impounded.

Chief Andreotti provided his report for the Code Enforcement Department, including the status of the weed abatement process.

Discussion was held on the City conducting weed abatement activities at the airport.

Chief Andreotti summarized the report for the Police Department, including a personnel update and significant cases.

2. City Attorney

City Attorney Kinsey stated that he had nothing to report.

Mayor Pro Tem inquired as to how the direction that the council provided during the

discussion of Business item 1 will be implemented.

Discussion was held on the Council considering an agenda item at an upcoming City Council meeting that will permit personal grooming businesses to operate.

3. City Manager

City Manager Gonzalez provided information on the no-cost testing that will be available by United Health Center; and thanked the staff, council, and community members for their patience during these challenging times.

Discussion was held on residents taking advantage of COVID-19 testing opportunities (at 8:13 p.m. Mayor Castro left the meeting).

**MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)

Councilor Riofrio inquired as to whether budget hearing meetings will be held, and the possibility of the council providing a "wish list" to staff.

Councilor Mendoza emphasized the importance of completing the census questionnaire.

Councilor Rosales commended City Manager Gonzalez for his work; commented on how local businesses are being negatively effected by the COVID-19 pandemic; and inquired as to whether landlords are assisting their tenants.

Mayor Pro Tem Martinez gave his condolences to the family of Ms. Gina Ramirez, who had recently passed away.

2. Mayor

*Nothing to report.*

**ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:28 p.m. by Councilor Rosales, seconded by Councilor Riofrio; unanimously approved (4 ayes, absent: Castro).

  
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Rolando Castro, Mayor

ATTEST:

  
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Celeste Cabrera-Garcia, City Clerk

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