

MINUTES

CITY OF DELANO CITY COUNCIL – SPECIAL MEETING August 27, 2020

CALL TO ORDER

Mayor Morris called the meeting to order at 5:32 p.m. in the City Hall Council Chambers, 1015 – 11th Avenue.

FLAG SALUTE

Mayor Morris led the flag salute.

ROLL CALL

Council members present: Liz Morris, Joe Alindajao (Teleconference), Joe Aguirre, Bryan Osorio (Teleconference), Grace Vallejo
Council members absent:

OFFICIALS PRESENT

City Manager Reyna, City Clerk Chavez, City Attorney Richman, Chief Nevarez

SPECIAL AGENDA

- 1) Consideration of adoption of an urgency ordinance titled: Urgency ordinance of the City Council of the City of Delano, California, amending and restating sections 9.90.010-9.90.070 of the Delano Municipal Code, related to the ongoing major criminal investigation reward program

Staff report provided by Chief Nevarez.

Mayor Morris opened public comment.

No public comment.

Mayor Morris closed public comment.

Council Member Aguirre shared his support on this item. He stated this is a tool with a lot of potential, especially now where money is important and those that have a little bit of information can help law enforcement. He also cautioned future Council Members that this is expandable. He stated that when it takes minimal cost to solve a major incident, it is a major accomplishment which is good for Delano.

Council Member Vallejo echoes Council Member Aguirre's comments. She stated that this program didn't get much traction before, but it will now due to the county program.

Council Member Osorio shared his support for this item as this seems very common sense.

Mayor Pro Tem Alindajao thanked the Chief and his staff and shared his support for this item as a tool which is a motivation for people to come forward.

Mayor Morris shared her support for this item and anything that helps PD to solve crimes is good to help.

Moved by: Vallejo

2nd by: Aguirre

Vote: 5-0

Ayes: Morris/Alindajao/Aguirre /Osorio/Vallejo

Nays: None

Absent: None

Abstentions: None

- 2) Consideration of adoption of an urgency ordinance titled: Urgency ordinance of the City Council of the City of Delano affirming orders of the state related to mandatory face coverings and expressly affirming such orders as applicable and enforceable within the City's jurisdiction in response to the COVID-19 Pandemic by reduced administrative fines only

Staff report provided by City Attorney Richman.

Mayor Morris opened public comment.

Yolanda Chacon-Serna suggested education awareness and PPE distribution. She stated that the community is struggling and it's a hardship.

Mike Armendariz agrees with Yolanda's statement. He added that there are a lot of people who are not aware to why it is important to wear a mask. He's shared his support of this item.

Israel (no last name given) shared about the face mask mandate in Arvin that was in place since May and has seen their numbers higher than Delano. He emphasized that this shows the mask mandate does not work. He also informed the Council that there is a 95% recovery rate, so will they allow small businesses to open up.

City Attorney Richman reminded the City Council that they do not need to engage in public comment.

Israel asked what type of masks is the City going to be distributing.

Lupe Martinez agrees with Yolanda and further stated that the City needs to make sure the community is aware and provided PPE. He also has concern about the fines where many people are struggling.

Juan Bravo believes that everyone should wear masks and agrees with Yolanda. He saw that the Governor of California and Wisconsin is being sued, so he suggested that the City should wait to see what happens. He also informed the Council that the big family gatherings is the biggest issue and that the Police can help in that issue.

Jesse Ortega asked if this isn't already in action by the State, so this seems like it's repeating the same thing. He also supports a reminder or re-education by the City for the State of California. He also believes that people are under the impression that people are required to wear a mask once they step outside of their door or in their vehicle.

Veronica Vasquez stated there is a COVID-19 Task Force that was spent over \$800k on. She has not seen any collaboration with Kern County or Department of Public Health.

Council Member Osorio addressed the difference between Arvin and Delano. He also agrees with proactive measures of education. He thanked Council Member Alindajao to listening to his amendments to reducing fines by half and removing the criminal aspect. He believes this is a simple policy to implement and is in support of this item.

Council Member Vallejo thanked everyone that spoke at the last meeting and this meeting. She also clarified that the vote for the last meeting was to place on this meeting to actually vote on it. She stated that she's been up and about more than normal talking to people. She's also been in contact with Matt Constantine and stated that what she wanted to know in regards to cases of Delano, with their tracking are the cases coming from gatherings, his response was that it comes mostly from family gatherings. She believes that the residents of Delano are trying to do what they can to cover their face, but there is a lack of PPE for this community. She also stated that currently there is a mask giveaway right now at the Delano Police Department which Delano Adventist Health to help us out to give out masks. She also agrees 100% with education. She stated that the City will wait first to see what partners help the City, before utilizing those funds. She also said that they need to start by giving of the PPE and education, because she does not want to take away officers from other things. She also stressed that nothing is 100%, but we can make our chances better. She thanked Council Member Alindajao for doing something good, but she doesn't believe they are there yet. Also, she shared that Mayor Gurrola of Arvin called her and she was really surprised that he wasn't pushing this for her to support. She stated that he suggested to her to talk to the businesses that they need to enforce it in their stores. She stated that at this time she doesn't support this with this language at this time.

Council Member Aguirre stated that he believes in the mask and that he wears a mask at work, but he also wears safety goggles, though he is not required. He also stated that he knows how to take care of himself. He stated that he's proud of Adventist Health for giving out over 2,000 free tests and the City for giving out over 1,000 masks, so appreciates the collaborative efforts. He agrees and supports the education efforts. He stated that it's ironic that when you bring up the name of God, you get everyone to sue us, but yet when we are infringing on people's civil rights... where are they. He stated that he doesn't get why his faith is so intimidating. He stated that he speaks to the County everyday and reports COVID numbers. The numbers are down 20% in the healthcare system. He shared that when the numbers were climbing, it was due to backlogged numbers for months and months which were all recorded in one month. He stressed that it needs to be put into perspective and not scare people, so don't impose so something on him when he knows how to take care of himself.

Mayor Pro Tem Alindajao shared that he appreciated the comments that were made and respects the argument on the other side. He also agrees with the education as part of the answer. He also hears that cooperation from the community in finding a way to get through this pandemic. He asks his colleagues to have foresight and quotes the bible by stating "wisdom is justified by her children." He also stated that though this mandate is not easy, but the problem is that there are all those people who died for have suffered who don't care about that recovery rate. He stressed that this virus indiscriminately takes people with and without underlying conditions. He responded in regards to the comment of education that he supports. He stated that preventing gatherings would be a more difficult problem to handle. He informed the Council to continue this matter 60 days thereout for an education campaign and place on a regular agenda. He also stated in regards to the backlogged cases, the positivity rate is a better metric to get a better idea of how this virus is trending.

Motion made to place said matter to a regular agenda by: Alindajao

Mayor Morris stated that she appreciates everyone's comments. She shared that there some young people in which she needed to ask to social distance behind her because people sometimes forget. She stated that she was on the line at the last meeting because of the fines, but she is in favor of education. She feels that the City would be better off instead of putting people on the edge if something is passed.

City Attorney Richman provided some clarification of logistics of action.

Prior Motion withdrawn by: Alindajao

Moved for approval by: Alindajao

2nd by: Osorio

Vote: 2-3 (Motion Fails)

Ayes: Alindajao/Osorio

Nays: Morris/Aguirre/Vallejo

Absent: None

Abstentions: None

ADJOURNMENT

Moved by Vallejo, seconded by Aguirre, and unanimously carried 5-0 to adjourn the meeting at 6:34 p.m.

Ricardo G. Chavez, City Clerk