

MINUTES

CITY OF DELANO CITY COUNCIL – REGULAR MEETING January 19, 2021

CALL TO ORDER

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

INVOCATION

Mayor Osorio offered a moment of silence.

FLAG SALUTE

Council Member Solorio-Ruiz led the flag salute.

ROLL CALL

Council members present: Bryan Osorio (via teleconference), Veronica Vasquez (via teleconference), Joe Alindajao (via teleconference), Liz Morris (via teleconference), Salvador Solorio-Ruiz (via teleconference)

Council members absent:

OFFICIALS PRESENT

City Manager Reyna (via teleconference), City Clerk Chavez (via teleconference), City Attorney Richman (via teleconference), City Engineer Dowling (via teleconference), Finance Director Lara Rios (via teleconference), Human Resources Director Zamudio (via teleconference), Recreation Manager Bath-Chavez (via teleconference), Transit Manager Zamora (via teleconference) and Interim Community Development Director Mynk (via teleconference)

PRESENTATIONS AND AWARDS

No Items.

ITEMS FROM THE PUBLIC

1. Anthony Cortez inquired about the School Resource Officer contract with the school district that was on December 21, 2020 and why was it pulled. He further criticized an attorney from outside of Delano making negative statements. Mr. Cortez further criticized Council Member Solorio-Ruiz and Mayor Osorio for telling the school district how to run the SROs and simply disliked the police and jeopardize the safety of the children for their own agenda. He shared his support for the SROs in the school district.

He further shared his opposition of the \$47,000 on an advertisement of COVID rather than the safety of the children.

2. Yolanda Vega asked for information about the \$387,000 used for the cameras installed throughout the cities and emphasized it was never clarified if it was COVID money or transportation money. She asked if that information can be given as she stated this seemed to be a priority during COVID. She referenced Council Member Alindajao who indicated the City was trying to their best in preventing the spreading of COVID, but she asked what do the cameras have to do with education and preventing the spread of COVID.
3. Claribel Gutierrez stated she had issues with the \$47,000 being given to someone outside of Delano without going to bid. She further asked for an opportunity for Community Alliance, Community Connections or Chamber of Commerce as they know the community better than anyone else. Ms. Gutierrez also clarified about the cameras in reference to the two girls who were killed. She shared her opposition of item no. 11 as she believes it can be done for free.
4. Pastor David Vivas asked for additional cameras in the parks. He explained the cameras served as a deterrent. He further questioned if anyone could put price on a life. He shared his support of the cameras and asked when will the cameras be installed in the city parks.
5. Fernando Flores agreed with the pastor's comments on the cameras. He suggested the track records and transparency of the system as to how it works should be the question asked so the people of Delano would know how it works. He further stated he's been working on the speedbump initiative.
6. Yolanda Chacon stated it is imperative to protect the people of Delano and agreed one can put a price on a life. She shared she recently saw a public announcement from members of the public and applauded them. She shared her concern where the elderly are not technology savvy and believes they are the most susceptible as essential workers. She thanked the City and community leaders for being proactive for education and pro awareness. In respect to cameras, she believes we should invest in the youth and she's open to working with others.
7. Silvia Soto, Delano Chamber of Commerce, thanked them for tabling the COVID Task Force. She stated they met recently in discussing how to help the community. She expressed their interest in meeting the needs and asked the City to reach out to them and utilize them. In respect to the cameras, she thanked the City for them and shared that outside her business she has cameras and which was where a girl was killed right outside her office.
8. Miguel Solis shared his concern about the Delano Bengal Football Team continue playing football and disregarding any kind of social distancing guidelines. He further stated that children are being subjected to deadly conditions in poor neighborhoods and people of color. He claimed the person who's disregarding state laws and mandates is a

former police officer by the name of Mario Nunez. Mr. Solis has contacted Mr. Nunez, the Department of Health, and City Hall reading his behavior and it shouldn't continue.

9. Susan Villaruz clarified the cameras were purchased with Transportation money and further clarified when it comes to grant money it is regulated. She also proposed for a speedbump at W. 15th Ave. and Terrace Drive. She asked how much was the Christmas tree at City Hall. She emphasized we still need to focus on the elders. And supported SROs.
10. Jordan Davis stated he echoed the sentiment regarding the elderly. He further asked what the City's plans would be in respect to the COVID Task Force, but would recommend for a focus on the elderly as they never know what's going, so they get drives and calls out to them. He also shared his support for the SROs.
11. Elvia Mendez shared her support for the cameras. She also asked for feedback on what the \$47,000 would be used for. She stated she watched a video regarding the safety of COVID.
12. Lupe Martinez stated he's not against the cameras and is ok with the cameras. He stressed the cameras seem to be after the fact of the crime was committed. He stated he doesn't hear about resources for programs in respect to what do they do with the children to prevent them from going down that path. He supported the money of whoever or however is being spent is fine. He shared his concern about the hospital not having the capacity and are now starting to send them to Bakersfield or other hospitals. He stressed we need to adhere to the rules. He also asked who's in the task force besides the Chamber.
13. Ricardo Del Hoya from United Domestic Workers, shared that they have been sending out emails, correspondence and text message, yet people don't know. He also supported the Task Force, education, and more input from the Chamber, Police Department and others. He suggested preventative measures in dealing with this.
14. Ramiro Magana shared he supports SROs. He also doubts the COVID-19 Task Force because everyone knows what COVID is as Restaurants are closed and signs are everywhere. He believes this can be better spent for something else.
15. Annette Salim-Wesir stated she's an essential worker and the issues isn't the awareness, but instead following it. She also emphasized we should come together, so they shouldn't worry about the small things, but instead look at the big picture in how to help everyone.
16. Pattie Torres stated it is no state law/state mandate. She stated that kids need to be outside because it's good for them. She also stressed mental health should be a topic of conversation when speaking about the education of COVID.

CONSENT AGENDA

- 1) Authorization to waive the reading of any ordinance in its entirety and consenting to the reading of such ordinances by title only
- 2) Minutes of regular City Council meeting of December 21, 2020
- 3) Minutes of regular City Council meeting of January 4, 2021
- 4) Minutes of special City Council meeting of January 7, 2021
- 5) Resolution of the City Council of the City of Delano declaring items surplus and authorizing staff to dispose of same (**Resolution No. 2021-02**)
- 6) Confirmation of actions taken by City Manager as Director of Emergency Services Pursuant to City Council Local Emergency Proclamation of March 16, 2020 and Delano Municipal Code 2.44.060 in response to COVID-19 pandemic
- 7) Purchase of three (3) Ford Transit 150 Mid-High Roof vans in the amount of \$170,551.85 from A-Z Bus Sales and authorize the City Manager to execute any necessary agreements (**Agreement No. 2021-01**)
- 8) Approval of Open Purchase Orders for \$35,000 or more for the period January to June 2021
- 9) Rejecting all bids for the 2019 ATP3-SRTS Intersection Enhancement and Improvement Project ATPL-5227(061) and directing the City Engineer modify as needed and re-advertise
- 10) Award of contract for the “2019 ATP3-SRTS Sidewalk Gap Closure Improvement Project ATPL-5227(060)” to J. L. Plank Inc. dba Cen-Cal Construction, in the amount of \$437,000.00 and authorize the City Manager to sign any documents needed to complete the project (**Agreement No. 2021-02**)

Motion was made by: Morris to approved items 1 – 10 on consent;

2nd by: Vasquez

Vote: 5-0

Ayes: Osorio/Vasquez/Alindajao/Morris/Solorio-Ruiz

Nays: None

Absent: None

Abstentions: None

PUBLIC HEARINGS

No items.

REGULAR AGENDA

- 11) Discussion and approval of allocation of funds for the Delano COVID-19 Task Force and consultant agreement with Adelante Strategies for providing COVID-19 prevention education and outreach in the amount of \$47,000 (Mayor Osorio and Mayor Pro Tem Vasquez) (Item continued from January 7, 2021 Special Council Meeting) **(Item tabled until further notice)**

Item was not discussed.

No motion was taken.

Item was tabled until further notice.

- 12) Discussion and potential action on adoption of a temporary urgency ordinance of the City Council of the City of Delano affirming the Regional Stay at Home Order dated December 3, 2020 of the State of California Department of Public Health related to the prohibition on gatherings with non-household members and the prohibition on state defined non-critical infrastructure activities of dining at restaurants, the operation of hair salons, barbershops and nail salons and expressly affirming such regional stay at home order as applicable and enforceable within the city's jurisdiction and authorization of enforcement by administrative citation in the amount of \$100, \$200 and \$500 for first, second and third violations for a period of 28 days or upon expiration of the regional stay at home order whichever occurs first (Item continued from January 7, 2021 Special Council Meeting) **(Ordinance No. 2021-1325)**

Staff Report provided by City Attorney Richman.

Mayor Osorio opened public comment.

Fernando Flores shared his opposition of this item and for the \$47,000 as it can be used elsewhere to help the business owners. He further asked if the City has enough funding to support the businesses with the money they'll be losing.

Miguel Solis shared his support for this item, any laws and mandates to limit the spread of the COVID virus. He also complained about the willful ignorance and disregard for all social distancing guidelines by the Delano Bengals Football Team who is being carried out by former law enforcement officer.

Jesse Ortega stated the majority demographic of the businesses are small business and they will run down the town. He also asked for clarification of where do parks fit in regarding the mandate as outdoor activity is important.

Thomas Cruz stated he's a youth teacher nearby Albany Park church. He wanted to know if they are going to fine people going to church. He stressed kids have anxiety and only outlet is church. He also shared his opposition for this item and disagreed if they are going to spend \$47,000 to educate the people, then why are they going to also fine them.

Mario Nunez shared he spoke to businesses around the Delano and suggested to work with the businesses and utilize the resources to educate them. He further disclosed that he is in fact in charge of the Delano Bengals, but has had zero cases and takes all the precautions necessary to disinfect the equipment. He stressed people need to educating themselves and follow the guidelines.

Esmeralda Cook shared her opposition for this item. She stated they have struggled to pay the bills and can't find job such as her husband who's a veteran. She stated the people on Council

have jobs, have money and are secured to pay their bills without worry. She supported education and for kids to partake in sports by interacting with other people.

Monike Reynozo acknowledges the small businesses, but would like to focus on fixing the issues instead of ignoring the issues. She supports the mandate to take action now to bring the numbers down rather than prolonging the virus.

Delia Valdez shared her opposition of this item and what hardships her family has gone through and will go through as her husband is a barbershop owner. She also felt it wasn't fair how other businesses are able to continue their operations, but they are not allowed.

Rudy Rodriguez advocated for barbershops and hair salons by opposing this ordinance. He informed the Council that they do not get hourly wage and depend on their people. He emphasized the 1500 hours of obtaining their license isn't simply only for cutting hair, but also sanitize, proper disinfecting and keep the public safe. He supports the idea of educating the businesses because they need to make a living.

Israel Quiroz shared his opposition for this item and doesn't agree that he would be cited for taking his two daughters out for a walk. He believed the issue is with Vallarta, Walmart and Home Depot. He warned the Council this virus will not be eradicated and doesn't see the point. Lastly, he requested a discount for the utility bills instead of the \$47,000 contract.

Pattie Torres share opposition of this item and has personally seen the small businesses, barbershops and hair salons are following the CDC guidelines. She stated if Wal-Mart can stay open then small business should have an opportunity to make income too.

Ramiro Magana stated he's an essential worker and doesn't agree with this ordinance. He believes this would only work if it would be a total quarantine & doesn't see this as a way to go.

Julio Guerra shared his opposition of the ordinance. He emphasized the Council is not allowing these businesses to feed their families or pay the bills. He stated he understood there are unemployment benefits being issued, but it is not enough to especially for the barbers and salons.

Silvia Soto stated she's a local business owner of a salon, book store and construction company. She stated she's against these fines as she feels it is like being beaten down when one is already down. She believes staying open is their livelihood which she affirms they have followed CDC guidelines to stay open. She suggests the City to tell the businesses what else they should do on top of the CDC guidelines such as education and handout additional guidelines required by the City to stay open. She further stated the corporate stores are not being looked at and instead the City is picking on small businesses.

Maria Maldonado shared her opposition of this item. She recommended the \$43,000 be utilized to help parents go to the groceries by themselves or have someone go. She doesn't believe it's fair for small businesses. She further stated barbershops are doing their part.

Elvia Mendez, employee at DADD, stated she's a wife of soccer coach and mother of children athletes. She asked the Council if she'll be penalized if her kids are kicking a soccer ball at the park.

Gabriel Diaz, pastor of one of the local churches, stated not all gatherings are the same where some gatherings are following CDC guidelines. He shared they have been meeting outside in the cold because they're following the science and stressed this is essential some people which believe is important.

Alfred Yanez stated they need to be careful how this resolution is perceived by younger generations. He also shared his opposition of this resolution. He suggested to offer education to the businesses with the personal protective equipment.

Claribel Gutierrez shared she prays for the Council to make the right decision. She claimed all we need is more education. She further shared as a member of the First Assembly of God, they tell people to social distance and stay safe.

Jaime Mendoza recommended the City Council should reach out to the Board of Supervisors, Congress and Senators in order to declare a state of emergency and bring vaccinations to the community for those who choose to take it. He further suggested for an ad-hoc committee to be formed and work on this solution.

Marivel Servin shared her support for COVID precautions. She further expressed her embarrassment of her community being against accountability and makes her sad the inability of death to justify not being careful about COVID. She further stressed the only reason the numbers are not going down is due to the ignorance over the impact of their actions. She emphasized the Council isn't doing this, it is the actions of the community. She still sees businesses allowing large gatherings and she suggested the to the Council they should focus on the businesses as well. Lastly, Ms. Servin claimed the only people she sees speaking against this are those who are not following the guidelines and putting people at risk.

Juan Hernandez shared his support of item no. 12 and item 11. He stressed these initiatives are overdue. He brought up when Council Member Alindajao introduced the mask ordinance with opposition and sees those same people now proposing such initiatives. He further claimed the amount of misinformation being spread by educators in this very meeting, directly speaking of Mr. Ortega, and religious community are fine examples of miseducation in which is why he suggests enforcement and education on this.

Lupe Martinez he suggested we keep in mind what is a cost of a life. He stated the hospitals are having trouble with situations not related to COVID, he warned everyone we are already in trouble and if continue this way we are going to be losing the business we have. He shared about his personal experience during Thanksgiving where he was not able to spend the holiday with his grandson. He has heard everyone has heard about COVID, but we need to adhere to the rules and regulations. He asked the question of what can we do with the \$47,000. He asked what happened to the CARE Act money to help our businesses. He shared he's in favor of this.

Pastor David Vivas stated he stayed home for the holidays, but he needed to make sacrifices. He shared that he did help on coordinating the video that was distributed. He can't do everything, but he did do something. He also felt that if everyone came together, there can be lots of things done. He feels for the struggling businesses and he disagrees with the fines. He further stated it is ok to remind each other to wear a mask.

Tony Mendez shared he was impressed with the level of engagement. He shared he was troubled as an educator and member of the community to see educators and members of religious institutions being labeled as a source of misinformation by Mr. Hernandez. He strongly encouraged everyone not to be adversarial, but put their heads to together. He stated he teaches his kids in his classroom how to think; not what to think. Therefore, he recommends this conversation to be redirected to a positive tone.

Mayor Osorio closed public comment.

Mayor Osorio asked clarifying questions such as focusing on hair salons, nail salons and barbershops to City Attorney Richman.

City Attorney Richman stated this was already required to be closed, but these were highlighted and focused by the City Council. She also stated all gatherings from other households are prohibited, so those asking about taking walks and playing in the park are allowed. She also clarified worship gatherings are allowed outdoors.

Mayor Osorio asked City Attorney Richman to clarify the time of the ordinance.

City Attorney Richman clarified it would be either 28 days or once the region is outside of the stay-at-home order is lifted which returns to the purple tier and therefore expire.

Council Member Morris asked how many ordinance officers does the City have.

City Manager Reyna responded the City has two code enforcement officers full-time.

Council Member Morris asked if this ordinance would stay away from residential homes.

City Attorney Richman responded in the affirmative.

Council Member Morris addressed the small businesses as they are fighting for their livelihood which many people don't see. She stated others have regular income who work for the State, the school, the City. She stressed we don't see their pain because some of them receive a secured income which some people are being supported by their parents or other means, where business owners; this is their only support of income they are receiving for their employees. She believes they need to show some empathy. She further stated they have already been cut in half by no allowing them dining in, now we'll cut them completely without outside dining. She shared her opposition of this ordinance. Lastly, she stated she tries to understand what they are going through, since she receives a regular income, she feels they should help out the small businesses. Mayor Pro Tem Vasquez stated she wished she was on the Council last year because she brought up to the Council exactly the Task Force, she's been talking about is entailing everything that's been asked for is what the people have been asking about. She's emphasized she's pushing for solutions and she hopes people get on board the solutions she's pushing. She further added she's a social worker, so she sees and understands the various types of abuse/neglect. She added this will be apart of it regarding the resources. Mayor Pro Tem Vasquez stressed though she's playing catchup, she going to enforce and push something with task force which goes hand-in-hand with the ordinance. She stated she's grateful for the video created, so she's glad they listened and took her idea and running with it. She elaborated her task force is a different level of hiring professionals. She's stated she is now getting calls from medical professionals telling her the hospitals are at capacity. She shared hospital staff is quitting because they are overworked. She disclosed she's gotten it and her family has gotten it. She shared her concern of people not following the order and hopes we don't become like LA, which is sending people away. Therefore, she believes the 28 days will worth it for our health. Lastly, she would rather start late, than not at all.

Council Member Alindajao asked to clarify the fines.

City Attorney Richman elaborated on the fines and it would stick at the \$500 fine which would be daily if code enforcement would go back.

Council Member Alindajao shared this will be one of the most difficult decisions for him being on Council. He stated he sees one side the business being the heart of Delano and on the other side citizens going to restaurant being given a false sense of security. He stated he knows what the facts are as to COVID-19 being airborne and the greatest avenue of spreading is through gatherings such as restaurants. He stated he's encouraged about the short amount of time of 28 days and curbside pickup. He further asked about the outdoor dining as to the order.

City Attorney Richman responded outdoor dining would be prohibited.

Council Member Alindajao suggested to help the small businesses by offering \$5,000 to \$10,000 grants depending the sales to offset the closure as a compromise. He stated he met with Matt Constantine, Director of Health back in March, but the meeting was fruitless because we didn't know what to expect. He explained his primary responsibility as a council member and mission as an elected official is to protect the community from crime and public health threats. He asked himself since March, what can he do to protect the community which he in turn introduced the mask mandate and the Council decided against it. He now believes this makes more sense than

the mask mandate upon reading the science. He stated it is an easier mitigating the impact of services instead of reaching out to lots of people. He heard the comments about not needing more education, but the people tend to see the world through their own lenses. Council Member Alindajao shared his mama is currently on a ventilator not knowing it was due to COVID. He asked for people to stop talking about this virus only effecting the affluent, educated and sophisticated; let's think about the immigrant community. He emphasized his stance of no argument being made for people going to restaurant with a significant virus spreading in the community without a mask. Lastly, he shared this probably should have done months ago; though it may be too late for folks like his mama, it can possibly still save some lives.

Council Member Solorio-Ruiz thanked everyone for participating and urged that it is important to listen to both sides of this. He provided historical synopsis on how the City Council got to this point today. He shared Mayor Osorio and himself went down Main Street to speak to businesses to inform them about the ordinance and ask what can the City do for them. He shared the businesses opposed the ordinance, but there were also businesses who were following the guidelines in which the claimed other businesses were not abiding by the guidelines to lower the spread of the virus. He stated the education that's being asked for is in the task force Vice Mayor Vasquez and Mayor Osorio are working on. He also stated that he's spoken to employees in which he would not disclose the names, but they shared with him other employees have received positive tests and are still coming to work. He responded this was unfair for people who are scared for their lives while they're trying to earn a living. He asked the community for 28 days to come together and do their part. Council Member Ruiz-Solorio affirmed he would be following up with code enforcement and see how it is going to evaluate. He also stated they have targeted this virus by collaborating with the rec department to establish a mask and food drive, with this policy like this and moving forward with Vice Mayor Vasquez's education.

Mayor Osorio asked about expanding the limits to bigger stores such as Walmart, Vallarta and DDs were mentioned.

City Attorney Richman explained the current regional order and responded said requested can be modified by way of amendments.

Mayor Osorio thanked the Council members for their comments. He shared his gratitude for so many people as he counted around 25 people gave comments. He believes not enough people attend these meetings. He also recognized Ms. Valdez for her first time speaking at a Council Meeting as it can be tough do so. He stated the United States surpassed 400,000 deaths and hopes the vaccine accounts for this variant. He commended Council Member Alindajao for introducing the mask mandate which did not go through, though something came of that. He elaborated about the positivity trend and how it has been trending upward. He informed everyone why Kern County fell into the purple tier and why the stay-at-home order was issued last month. He has spoken to people who would be deeply impacted by this. He stressed they are not closing down business, but trying to make businesses to comply by state guidelines. He would like to continue to partner to different community members to educate the community.

Motion made with amendments by: Solorio-Ruiz

2nd by: Vasquez

Vote: 4-1

Ayes: Osorio/Vasquez/Alindajao/Solorio-Ruiz

Nays: Morris

Absent: None

Abstentions: None

DEPARTMENTAL REPORTS

No items.

COUNCIL STATEMENTS AND REPORTS

Council Member Alindajao:

He thanked community for coming out. He stated sometimes Council Members need to vote their conscious and there are lots of good folks on the other side. He thanked the community and friends who made their opinions heard. He requested to be placed on a future agenda to look into feasibility of COVID business grants would look like and how they can be applied by small businesses as they would be funded by the City.

Council Member Morris:

Thanked everyone for chiming in and was impressed with the number of people who came out and expressed how they felt. She asked on a future agenda to have Chief Nevarez explain how the cameras work and deter crime.

Council Member Solorio-Ruiz:

Thanked the community for coming and he encourages the community to keep on coming to continue to provide their input as it is highly important to civically engaged. He emphasized as he often states, "City Council works for you, elected officials work for you." He also requested if staff can mail out regarding the changes that will occur.

Mayor Pro Tem Vasquez:

Thanked everyone for being on the call and she did take lots of notes and reiterated a lot that was said will be what is included in the COVID Task Force. So, she's happy to hear she's leaning in the right direction with the group. She will also be doing another delivery to the shelter, as she has had volunteers helping out. The director was very impressed with the outpour of donations from the community.

Mayor Osorio:

He thanked people for participating and watched the council meeting. He further asked the people to clarify the misinformation going around this ordinance. He stated people are still allowed in the parks without congregating in large numbers. Secondly, he stated churches are not included regarding the public gathering and are exempt. Thirdly, this ordinance is for 28 days. Lastly, the stay-at-home order had higher fines and included a misdemeanor, so they're approaching the lower end of this to limit the transmitting of COVID-19. Mayor Osorio shared he participated at a food giveaway with the United Farm Workers Foundation which was very crowded. He asked the utility rate subsidy/assistance program with CARES Act money and a support letter for AB15 extension of moratorium of the State.

CLOSED SESSION

No items.

RETURN TO GENERAL SESSION

ADJOURNMENT

Moved by Council Member Vasquez, seconded by Morris, and unanimously carried 5-0 to adjourn the meeting at 9:04p.m.

Ricardo G. Chavez, City Clerk