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CITY COUNCIL/SUCCESSOR AGENCY MEETING

THURSDAY, SEPTEMBER 10, 2020; 5:15 P.M.

AVENAL THEATER & EVENT CENTER / 233 E. KINGS STREET, AVENAL, CA 93204

(Due to gathering limits and social distancing requirements, the City Council and limited City Staff will attend at this location.)

Public Participation: VIA ZOOM VIDEO/WEB CONFERENCING:

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Web Link: bit.ly/AvenalCouncil

Meeting ID to Join: 126 696 761

Or call +1 669 900 6833

MINUTES

CALL TO ORDER: at 5:31 p.m.

PLEDGE OF ALLEGIANCE: Led by Mayor Woolley

ROLL CALL: Councilman Hernandez, Councilman Ramirez, Mayor Pro Tem Preciado, Mayor Woolley.

ABSENT: None.

STAFF: Whitten, Ortiz, Perkins, Davis, Bermudez, Santillan, Stivers, Verdugo, Lopez.

LEGAL COUNSEL: Michael Farley, Michael Schulte.

CITY CLERK: Government Code Section 54952.3: The members of the City Council and Successor Agency are entitled to receive a total of \$300.00 per month because of being elected to the City Council. They receive no other compensation for sitting as a member of the Successor Agency.

Mayor Woolley announced that she would like to move Item 7.B. Special Presentations right before Consent Calendar. A motion was made by Mayor Pro Tem Preciado to move Item 7.B. Special Presentations right before Consent Calendar, seconded by Councilman Ramirez and carried.

Roll Call Vote:

AYES: Preciado, Ramirez, , Hernandez, Woolley.

NOES: None.

ABSENT: None.

ABSTAIN: None.

Mayor Pro Tem Preciado stated that he had a request and motioned to add an urgent item to the agenda. He spoke with Melissa Whitten, City Manager, and requested a report from Chief Stivers regarding mobile testing for COVID-19 before the City Council goes into Closed Session. He would like, for the record, that this item came up after the agenda was posted. This is an urgent matter. Therefore, asking for urgent item to be added to the agenda.

Michael Schulte, City Attorney, stated to Ms. Whitten the standard for items to be added to the agenda: it had to come up after the agenda posting and is essentially something that cannot wait for the next Council meeting. Ms. Whitten, you've made the determination that both of those things correct? Ms. Whitten stated yes.

Mayor Woolley stated that there a motion on the floor to add mobile testing before Closed Session. The motion was seconded by Councilman Hernandez and carried

Roll Call Vote:

AYES: Preciado, Hernandez, Ramirez, Woolley.

NOES: None.

ABSENT: None.

ABSTAIN: None.

Russell Stivers, Chief of Police, stated the following 1) On September 9, 2020 the County Public Health Director Mr. Hill spoke about the National Guard mobile testing center. This testing site would be sponsored by the National Guard and fully supplied and outfitted to test everybody from the age of two (2) years and older; 2) It does not require showing of COVID-19 symptoms; and, 3) testing of farm workers. Mr. Hill and I spoke about having a testing station in Avenal at Rice Park on the 20th and 27th of September to provide

adequate parking for the staff of the National Guard and social distancing; 4) Public Work Supervisor, Scott Davis, agreed all restrooms would be open to provide services for the people that are waiting in line; 5) It seems to be a hot topic, apparently, that the National Guard will be dressed in their uniforms, but in reality, he thinks it's how we, as leaders in our community, present the message to our people that need the testing; and, 6) Pat Sanchez, new Reef Sunset Unified Schools Superintendent, was going to join the meeting. He agreed to have some of his staff members present during the testing to basically share with the community that this is not some scam and to have more residents come to get tested. The School District is willing to advertise for us with their new app system. He thinks that leadership is the key and they will go into more details how after the 27th as to how the mobile testing site will be used. He recommended moving forward with the mobile testing. Does the Council have any questions?

Woolley: Anyone have any questions.

Mayor Pro Tem Preciado expressed concerns that the City Council was not informed. This is why he asked to add the mobile testing to the agenda because he feels it is very important to the community. He would like to be notified moving forward.

Chief Stivers responded that he let City Hall know as soon as he found out about it. He thinks message was passed on to the City Council on Tuesday's phone call and the National Guard topic came up, but the dates for Avenal were not discussed. It was a pretty lengthy call, but he pushed it out as soon as he knowingly found out about it. He hopes that this alleviate some of the City Council concerns.

Ms. Whitten stated that she found out on Wednesday and at that time, she believes the dates had been discussed with Chief Stivers, but the information was not public pending a further conversation.

Mayor Woolley asked if anyone else have questions?

Chief Stivers reported that this could happen on the 20th. He would like to make sure everybody understands and does not have any questions in order to turn it over to Mr. Hill on the line.

Ed Hill, County Health Director, stated that a while back they did countywide survey on where our testing gaps were and solicited responses from anybody in the County. Who would be willing to share and one of the things that they identified during that process was that individuals wanted to be able to be tested on Saturdays and Sunday, which made sense since most people work, Monday through Friday? Those in the farming industry/agriculture work six and sometimes, seven days a week. So, they needed to add options. In order to do, they did change the hours and days of operations of our Optimum Service test site, which is at our Day Reporting Center in Hanford, to Tuesdays through Saturdays. This is a stationary site, which really didn't meet the needs of the community. Also, they had a mobile testing site vendor called Barely who were stationed in Hanford, but they were unwilling to depart from any of their practices and had barriers which made it difficult for people to test.

In July, they had finally gotten access to the CARES Act money. The Board was asked to set aside a million dollars for them to expand testing throughout the county. Now to be clear, there is testing available throughout the County. There are 32 testing sites with three of them in Avenal, but again they operate Monday through Friday 8:00 a.m. - 5:00 p.m. but it's not always free. The Day Reporting Center test site in Hanford is free. They do collect insurance information, but they never bill a patient. They started an RFP process to see if they could get some other mobile testing sites in the outlying areas, specifically in the essential workforce as they are seeing a lot of cases in the food packing, livestock, and agricultural industries, as well as in public health and safety. They wanted to concentrate their efforts on those areas during the RFP process. The day before they were going to report to the Board on the rankings and their decision, he received a call from California Office of Emergency Services notifying him of a free Federal testing resource being sponsored by the National Guard. The mobile testing source is very flexible with only asking that they give them one day off per week. They are allowed to move throughout the county as they see fit with flexible hours. The schedule created would give them Fridays off so they would be available on Saturdays and Sundays. This test site uses a PCR molecular test. This is a nasal swab, which is the gold standard of testing and they could test anybody from the age of two years and up.

He concluded that it is done through a self swab process where medical staff instructs and oversees the individuals conducting the swab. When the individuals register, they are asked for an email address. If they do not want to give their email address, they are given a username and password to get their results. They try to collect basic information such as a name and a phone number as we must have a way to notify people if they are positive. Also, they must have a method to do a case investigation to find out who else may have been exposed so we can get those individuals tested as well. The test turnaround time is about three to five days, which is normal for that process and they are capable of testing 300 to 500 individuals a day.

Supervisor Valle thanked our County Health Director, Mr. Ed Hill, for coming on to do this when he advised him yesterday that this would be taking place in the City of Avenal now and confirmed that this would be National Guard. He wants to make it clear; He wasn't aware that it was the National Guard members until confirmed yesterday. Going back to the meeting, Mr. Hill pointed out in his presentation last Tuesday. The Board of Supervisors was notified by Mr. Hill that the Federal Government had offered to provide free mobile testing and very limited information was provided. There was no mention of this being the National Guard as he went back and listened to the tape again yesterday. He asked a lot of questions about this plan because that day, they were set with one million

dollars of CARES funds on the table that the Board had approved on July 14th. They were set last Tuesday to present the Board with the four (4) vendors that had responded to our RFP.

He was looking forward to but didn't even get to hear who the four vendors were or what they offered because Mr. Hill mentioned the possibility of free mobile testing. One of my colleagues on the Board made a motion to go with the free mobile testing and table the one million dollars at this point in order to execute this free mobile testing plan. It passed on three/two vote, Supervisor Neves and he voted no on it. He voted no for a variety of reasons such as, no detailed plan was given. Mr. Hill, for the last four or five Tuesday's in a row, publicly told the Board of Supervisors that they have an issue with this virus at the meat packing plant, the Ag industry, including farm workers and a third one that he can't remember right now. They do have an issue with farm workers, and they need to get them tested. He has worked with Mr. Hill before. They spent about thirty days working our way through and trying to identify the problems and the challenges that come with testing farm workers. There is a trust issue throughout the state and around the country when you try to test farm workers. You must bring personnel that speak their language: Spanish speaking doctors, nurses, and medical staff and go to them, one way or another.

Two weeks ago, he presented the Board a game plan in which the Board of Supervisors gave him the green light to go ahead and work through the Catholic Church chain of command. He reached out to leadership throughout Kings County and later sent word to the Catholic Churches, including Avenal. He did get one call back from Father Cesar at Our Lady of Lourdes Catholic Church in Corcoran. We are doing research and talking to the leadership in Texas who tell him to test the farm workers. They are testing on Sunday mornings at the Catholic Churches in the parking lots. It is done early in the morning by the mobile testing unit to maintain the family social distancing. The Fathers and nuns come out and bless the families. You have some music and get the testing done. It's a place of sanctuary. So, to get over the trust issue, you have Spanish speaking medical staff there. He was looking forward to that. He still needs the RFP process to go through in order to do that. Ss Mr. Hill is saying that perhaps the Board could vote to allocate the one million dollars of CARES funding to him and staff can do it. He still needs to hear their game plan. Are there Spanish speaking personnel guaranteed to be there and where would you do it.?

To be clear to the community of Avenal and the City Council, nobody, including myself, has worked harder to protect the people of Kings County during this COVID pandemic than Mr. Hill and his team at the Kings County Public Health Department. His intentions have been good from day one, going back to March, he has worked very closely with Mr. Hill and has a lot of confidence in him. Mr. Hill told me that it would be uniformed National Guard members coming to Avenal. I gave him my opinion that from my time in the community and being a representative for 12 years saying, "Ed, this is the one time that I have to let you know, I don't agree with this plan, but let's hear from leadership". So again, he thanks Mr. Hill for being here on the line to answer any further questions. He is giving you the information I'm just giving you my background. He would just ask that if you the Council, the leaders of Avenal and community; feel this is something you want, he would just ask that you give 100% to promote it. He wants to get people tested.

Mayor Pro Tem Preciado expressed disappointment that the County decided to send the National Guard. He sees the benefit, but he also sees concerns for the community. Yesterday when he was notified, he started talking to people: community members and farm workers; no one agreed. He thinks that it's a very good idea by trying to give and to get the church's participation to help.

Mayor Woolley asked if this is not a good thing for the community? What would that mean to any testing for CARES money to test in Avenal?

Mr. Hill responded that if the City Council doesn't want this resource and there is no support, they will not bring the resource and deploy it somewhere else in the county. To address a couple things that Supervisor Valle brought up, the staff on the unit do speak Spanish, and he would be deploying his own medical staff with it, as they will be in training and will be there to support the process.

Councilman Ramirez asked this funding program is a free benefit to the City and benefits the County?

Mr. Hill: Yes, we will treat this site, just like we do the day Reporting Center, which means we will take everybody, even if they're not from Kings County. If they choose to travel to one of the other cities where it's available, it will be available to them.

Supervisor Valle added that he would, also continue to do his part at the Board of Supervisors to advocate to bring the one million dollars back to the table that was approved on July 14, The Board of Supervisors will have the RFP to see what these private vendors could do. He is very interested in their game plan. He is happy to know that Mr. Hill has Spanish speaking staff. He would like to ask the Board to allow him to go back down the path of working with the Catholic Churches.

After a lengthy discussion, Mayor Woolley stated that it looks like Mr. Hill the City of Avenal is requesting a different model of testing here for our community.

Mr. Hill thanked the Mayor and fellow Councilmembers, as they will continue through the processes. Anytime the City Council would like an update, he can be reached at his office.

The City Council went into Closed Session at 6:17 p.m.

CLOSED SESSION: (City/Successor Agency):

It is the intent of this governing body to meet in closed session to review its position and to instruct its designated representatives:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR(S) (Government Code § 54956.8).

It is the intention of this governing body to meet in Closed Session to confer with real property negotiator(s) concerning the purchase, sale, exchange or lease of real property by or for this local agency as follows:

Property Description: APN: 040-165-007
Negotiator(s): City Manager/City Attorney/CrisCom.
Party with whom negotiating: County of Kings/State of California.
Instructions to negotiator concerning: Terms

Property Description: APN: 038-290-028
Negotiator(s): City Manager/City Attorney
Party with whom negotiating Avenal Sand Drags Association, Inc.
Instructions to negotiator concerning: Terms

B. CONFERENCE WITH LABOR NEGOTIATOR(S) (Government Code § 54957.6)

It is the intention of this governing body to meet in Closed Session to review its position and instruct its designated representatives.

Agency Designated Representative: City Manager and City Attorney
Employee Organization: City Employee Bargaining Units/APOA

Mayor Woolley reopened meeting at 7:37 p.m. with action to report as follows:

RESOLUTION 2020-338: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVENAL APPROVING THE FOURTH ADDENDUM TO AGREEMENT BETWEEN THE AVENAL SAND DRAGS ASSOCIATION, INC. (ASDA) AND THE CITY OF AVENAL; AND, FURTHER, AUTHORIZE THE CITY MANAGER TO SIGN SAID ADDENDUM ON BEHALF OF THE CITY. A motion was made by Councilman Ramirez, seconded by Mayor Pro Tem Preciado and carried.

Roll Call Vote:

AYES: Ramirez, Preciado, Woolley.
NOES: Hernandez.
ABSENT: None.
ABSTAIN: None.

Mayor Woolley announced that Item 7. - B. Special Presentations:

She presented Melissa Whitten, City Manager, for 36 Distinguished Years of Service, as follows: 1) As this is her last Council meeting, a box of Kleenex for tears; 2) "Melissa, already has the Heart of the City" and presented the key to the City; 3) Certificates from Senator Melissa Hurtado and the Kings County Board of Supervisors.

Melissa has been with the City since April 1984 and she had served 11 years in several capacities before being named City Manager 1995. That means that she has served the city for 25 years and work with more than 13 City Councils and that's a lot of different personalities Melissa has worked with. She has represented Avenal on many boards and commissions, and she has seen Avenal in its great times, the bad times, the fun times, and the tense times. Melissa is someone as was said recently "a walking encyclopedia of Avenal history"

Melissa stated she can't think of a bigger honor to serve her hometown. The decisions that are made you want to think that the decisions are going to be good and accepted by everyone, but sometimes you must make the decisions knowing that there's a bigger picture to look at. She just wants to thank you all. Also, to all the other Councilmember's that are here and those are the past it's been an honor to serve with them. It's an honor to serve this community and this is her hometown.

Mayor Woolley announced that she would like to encourage anyone in this our virtual world. she know there's a lot of you out there that would like to congratulate Melissa and wish her well and she encourage all of you to do that and flood the City Hall with your remembrances and your good wishes for her.

CONSENT CALENDAR:

All items listed under the consent calendar are routine and enacted by one motion: (Action).

- A. Consider City of Avenal/Successor Agency's Approval of Minutes for August 4, 2020, August 13, 2020, August 26, 2020 & September 3, 2020:
- B. Consider Financial Statement & Warrants for August:

A motion was made to approve Financial Statement & Warrants as submitted by Councilman/Successor Agency Member Hernandez seconded by Councilman/Successor Agency Member Ramirez and carried.

Roll Call Vote:

AYES: Preciado, Hernandez, Ramirez, Woolley.
NOES: None.
ABSENT: None.
ABSTAIN: None.

MAYOR & COUNCIL MEMBER/ SUCCESSOR AGENCY/HOUSING AUTHORITY MEMBER REPORTS/ITEMS FOR CONSIDERATION:

- A. Consider Appointment of One (1) Applicant/Individual to Fill Vacant City Council Seat.
 - The City Clerk Opens Nominations to Consider Appointment of One (1) Applicant/Individual to Fill Vacant City Council Seat
 - If Appointment Made by City Council, City Clerk will Administer the Oath of Office and Seat New City Council Member.

Maria Ortiz, City Clerk opened the nominations for City Council seat. Councilman Hernandez nominated Lourdes Carrizales.

Councilman Ramirez closed nominations, seconded by Mayor Pro Tem Preciado and carried.

Roll Call Vote:

AYES: Ramirez, Preciado, Hernandez, Woolley.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Ms. Ortiz administer the Oath of Office to Lourdes Carrizales and seated the new City Councilmember. Also, congratulated her. Mayor Woolley and Council welcomed Ms. Carrizales to the City Council.

- A. Consider Resolution Rescinding "The Rules and Reorganization of the City Council" as Adopted April 20, 1982 and Establish New Policies and Procedures for Appointment of the Mayor and Mayor Pro Tem:

Ms. Whitten reported that Council requested scheduling a study session to review reorganization policies and procedures which was held at the last meeting in August. Also requested was an agenda item to direct Staff as to how Council would like to proceed. It was understood that Staff was to bring a policy back and this is a draft based on Laguna Niguel's resolution. Staff is trying to fashion one to fit the City of Avenal. For the new Councilmembers, the City of Avenal was incorporated in 1979 and there was action taken in 1982 as to how the Mayor and Mayor Pro Tem would be appointed. It was a very simple policy; passed by motion, not resolution. The process would work is after a General Election, a new Mayor and Mayor Pro Tem elected by the majority of their Council, would serve for two years until the next General Election. It would happen in the even years which are Avenal election years. Also, this is new: item number five; The Mayor and Mayor Pro Tem shall hold the office for one (1) year, at the pleasure of the City unless removed pursuant to a majority vote of the City Council. A majority vote of the City Council may remove the Mayor or Mayor Pro Tem with or without cause. Again, this is just based on the conversations. This is a draft for this Council to review and if there are changes the City Council would like to make, that is fine or we can bring something else back, but it was a place to start.

Councilman Preciado stated he would like to remove item 10: The Resolution shall take after the November 3, 2020 elections and the Declaration of Election Results have been provided, reviewed and accepted. Said policy shall remain in full force and effect otherwise amended or rescinded by the City Council.

Michael Schulte, City Attorney, stated that he thinks Mr. Farley addressed this in a earlier meeting, but he thinks that you could have this resolution passed without any dates mentioned. This cannot go into effect until after the next election. If the City Council were to pass this resolution and then try to execute a decision to remove the Mayor or the Vice Mayor before the next election, he is certain

that this would be a violation of the Government Code. So, the Council can have this without dates, but it not effective or can't legally be effective until after the election. Again, he thinks Mr. Farley addressed this, you know, anybody can drive the wrong way down a one-way street, but that doesn't make it legal. This language is there basically to say when it goes into effect. Just like every law at the State or City level, we must have an effective date and the effective date must be considered. This is existing law right now for the City and those people were elected into those positions. The Council doesn't have the authority to undo this election in that way. So, I am happy to answer questions, but I did not necessarily think that it was going to come up tonight.

Councilman Ramirez stated that Mr. Farley did address it, but he felt it would be possible, and that was this impression from the last clarification received from Mr. Farley.

Michael Schulte stated yes, and like Mr. Farley said, anything's possible, but it is illegal, not like you know you are going to get jailed. It is a violation of the law. The Government Code is clear about that. Right now, this is the law as it exists for individuals on Council. They were either elected or appointed into those positions. To the extent that somebody was elected into that position, that cannot currently be changed until that person's term is up. So, you could have this go into effect with the next election cycle, but you cannot do it right now. If you disagree and think that you can, feel free. That's kind of what Mike said, feel free. Just understand, to us, that it is clearly a violation of existing California Government Code.

Councilman Ramirez asked just for reference. Can you cite the Government Code you're referring to?

Michael Schulte stated no, he thinks Mr. Farley cited it last time.

Mayor Pro Tem Preciado stated that the Council is able to reorganize and anytime within a time frame. That's what we're trying to change and that's not illegal or against the law. He has seen other cities reorganize before the two-year term expires.

Councilman Ramirez stated that we are trying to make our own ordinance regarding reorganizing the City Council, and he believes that it is legal to choose a new Mayor and Mayor Pro Tem.

Michael Schulte stated that it is illegal.

Mayor Pro Tem Preciado stated that is what they are trying to do without any restrictions.

Michael Schulte again stated that is illegal.

Mayor Pro Tem Preciado asked how can we be talking about this without knowing the code section? And we've been talking this for months and months and months and we still don't have the running for mature regarding was the penal code number that restricts the

Michael Schulte, City Attorney stated that he doesn't think it is a penal code number. He honestly is not here to argue with you. He is here to advise the City Council. If you don't want to take our advice, it's neither here nor there by me.

Mayor Pro Tem Preciado stated that the City Council can reorganize because he has seen it happen in many other cities throughout the state. Are you aware of any city that has reorganized before the two-year term? He has been asking for guidance regarding how to reorganize the City Council for about three months and they still don't have any direction.

Michael Schulte stated that he is telling you right now as we sit here, if you think that you have the legal authority to make that change right now, you go right ahead. He is telling the City Council that he is recommending and advising against it as it is a violation of the Government Code but I'm not telling you what to do. We have already researched this issue and provided extensive information on this. This is an issue of whether you want to follow the advice of legal counsel. He understands you don't want to follow the advice of Counsel. He will say that the extent of this is that the request to remove paragraph 10 affects one individual, and only one particular individual. Pretending that it does not, doesn't change it. It's not a question of whether or not there was intent. It's a question of whether or not this clearly is trying to be passed in order to have an effect on one particular individual, and there is no mistaking that. They are still elected individuals who would be affected. That is a violation of due process and a violation of the government code, you have rules in place. You just have to follow those rules until they expire, which is the end of the election term. If you don't want to follow those rules or you want to pretend that our advice is confusing when I am sitting here telling you the same thing over and over and over again, I understand. I will continue to say, I understand that you want to pretend that you don't understand, but our advice is clear. If you want to act contrary to advise and counsel, again, you go right ahead and drive the wrong way down a one-way street. It's not our issue. Our issue is to give advice to the Council. Whether you choose to follow it or not, is your decision.

Mayor Woolley announced her resignation in order to make this easy for Council.

Ms. Whitten stated that this item will be brought back to the next meeting.

ACTIVITY REPORTS/SPECIAL PRESENTATIONS AND COMMITTEE REPORTS:

A. Activity Reports:

A. Activity Reports:

1) Public Works/Building/Code Enforcement/ Animal Control Activity Report: Scott Davis, Public Works Supervisor; Scott Davis, Public Works Supervisor, reported on the following: 1) Building Department; 2) Code Enforcement; 3) Parks & Landscaping; 4) Streets; 5) Water Distribution; 6) Wastewater Collection; and, 7) Vehicle, Equipment, & Building Maintenance.

2) Community Activities Department Activity Report: Sheila Verdugo

Sheila Verdugo, Supervisor, reported the following: 1) May-August: Contacts/Outreach for community, Zoom meetings, virtual Summer Kidz, Building inquires, miscellaneous.

3) Avenal Theater & Event Center Activity Report: Humberto Bermudez, Avenal Theater& Event Center Coordinator.

Humberto Bermudez, Avenal Theater & Event Center Coordinator, reported the following: 1) Facility Maintenance; 2) August 25th - Upstairs Inventory; 3) August 28th - Carpet Steam Clean 4) August 31st - Paint Touchups; 5) Events: August 12th - Rotary Food Distribution, August 14th - Drive-in Film; and, 6) Upcoming: September 8th - Rotary Food Distribution, September 11th, 9/11 Remembrance and Film, and Online Art Classes with Paul Hyer in October.

B. Special Presentations/Reports:

1. None.

PUBLIC COMMENT/ANNOUNCEMENTS & UNSCHEDULED APPEARANCES:

Patrick Sanchez, Superintendent, wanted to make a positive public comment, if he may. He is a new resident, voter and new to the role of Superintendent at Reef Sunset Unified School District. He just wanted to introduce himself, as well as, say, he is very interested in strengthening our partnership. He believes in great cities; great schools and it is a partnership that we could do together. I am interested in going forward in a way that is positive to serve all our students, families, and community. This has been almost like the small town he grew up in, not in California, but in Colorado. He is really glad to be here and offering to work together for the benefit of our community.

Veronica Aguirre stated the following: 1) She doesn't quite understand the amount of time that the public must spend listening to the topic of reorganization with the bickering. It is unprofessional; 2) The petition that was brought before City Council back in January from 1,200 concerned community members that has never been on an agenda; and, 3) Inviting everyone to IVAN meetings.

PUBLIC HEARING(s):

A. Consider Ordinance Adding Chapter 12 to Title 4 of the Avenal Municipal Code Relating to Price Gouging and Advantage of Consumer.

- Staff Report
- Public Hearing
- Introduce Ordinance Waive First Reading.

Ms. Whitten reported that this Ordinance was considered at a special City Council Meeting due to concerns with Price Gouging during a declared emergency. It was adopted as an Emergency Ordinance "Relating to Price Gouging and Unfair Advantage of Consumers" and filed as Ordinance No. 2020-02. There have been no changes to the document. Mr. Farley has recommended over the years that we bring any Emergency Ordinances back before the City Council in order to follow the appropriate and customary process/procedure (noticed and posted Public Hearing). After introduction, the Ordinance will be given a new Ordinance number.

Mayor Pro Tem Preciado opened the Public Hearing at 9:19 p.m., there being no comments, it was closed at 9:19 p.m.

ORDINANCE NO. 2020-06: AN ORDINANCE OF THE CITY OF AVENAL ADDING CHAPTER 12 TO TITLE 4 OF THE AVENAL MUNICIPAL CODE RELATING TO PRICE GOUGING AND UNFAIR ADVANTAGE OF CONSUMERS. A motion was made by Councilman Ramirez, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Ramirez, Hernandez, Carrizales, Preciado.

NOES: None.

ABSENT: None.

ABSTAIN: None.

- B. Consider Ordinance of the City Council of the City of Avenal Action taken June 25, 2020 to Make Mandatory All Commercial Businesses, Store Owners and others Working in Places of Business Within the City Limits of Avenal to wear Appropriate Facial Covering; And Further, Require the Public/Customer/Patrons Wear Facial Covering While in Stores/Places of Business due to the COVID 19 Pandemic.
 - Staff Report
 - Public Hearing
 - Introduce Ordinance Waive First Reading

Ms. Whitten reported that the Ordinance was considered due to COVID-19 concerns. It was adopted as Emergency Ordinance 2020-05. Mr. Farley has recommended over the years that we bring any Emergency Ordinances back before the City Council in order to follow the appropriate and customary process/procedure (noticed and posted Public Hearing). After introduction, the Ordinance will be given a new Ordinance number. Changes made to original document: additional wording has been added in Section 5, Page 5 relating to the amending of penalties: *"Amendments to fines established for such violation(s) shall be governed by California Government Code Section 25132 and set by Resolution consistent therewith"*.

Mayor Pro Tem opened Public Hearing at 9:25 p.m. there being no comments it was closed at 9:25 p.m.

After a brief discussion the following action was taken.

ORDINANCE NO. 2020-07:AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVENAL RATIFYING ACTION TAKEN ON JUNE 25, 2020 TO MAKE MANDATORY ALL COMMERCIAL BUSINESSES, STORE OWNERS AND OTHERS WORKING IN PLACES OF BUSINESS WITHIN THE CITY LIMITS OF AVENAL TO WEAR APPROPRIATE FACIAL COVERINGS; AND FURTHER, REQUIRE THE PUBLIC/CUSTOMERS/PATRONS TO WEAR FACIAL COVERINGS WHILE IN STORES/PLACES OF BUSINESS DUE TO THE COVID 19 PANDEMIC. A motion was made by Councilman Ramirez, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Ramirez, Hernandez, Carrizales, Preciado.
NOES: None.
ABSENT: None.
ABSTAIN: None.

- C. Consider Public Hearing to Discuss Submittal of a 2020 Community Development Block Grant – CV1 Application.
 - Staff Report
 - Public Hearing
 - Approve (Resolution)

Fernando Santillan, Community Development Director, stated that CDBG Program regulations require that the City conduct a public hearing on all CDBG-related matters to provide for and encourage citizen participation, particularly by low and moderate-income persons who reside in areas in which CDBG funds are used. Therefore, when the public hearing is opened, the public will be invited to comment on the City's proposed submittal of a 2020 CDBG Coronavirus Response Round 1 (CDBG-CV1) Grant application and to make their comments known on the proposed activities.

A public notice was published in the September 4, 2020, issue of the Hanford Sentinel and posted in at regular locations throughout the City notifying the public of this public hearing.

Staff proposes to apply for CDBG-CV-1 funds to provide a Subsistence Payment Program to income eligible households in need of city utility assistance. Council may propose a different qualified activity (up to three total), though the funding available would not exceed \$87,639. A resolution is attached for your consideration, which approves submittal of a 2020 CDBG-CV1 Program application for up to \$87,639 as follows:

Utility Subsistence Payments	\$87,639
General Administration (up to 17% of activity funds awarded)	_____
TOTAL:	\$87,639

Staff recommends the following:

1. Open the public hearing to accept comments on the City's proposed submittal of an application in response to the 2020 State Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA), and to solicit citizen input.

2. Adopt Resolution No. 2020-xx and thereby:

- a. Review and approve an application for up to \$87,639 under the NOFA for the following eligible activities:

Subsistence Payments	\$87,639
General Administration (up to 17% of activity funds awarded)	<hr/>
TOTAL:	\$87,639

- b. Determine that federal Citizen Participation requirements were met during the development of the application.
- c. Authorize and direct the City Manager, or designees, to enter and sign the grant agreement and any subsequent amendments with the State of California for the purposes of the grant.
- d. If the application is approved, authorize the City Manager, or designees, to transfer or modify budget amounts and activities as necessary to fully expend CDBG Program funds and to execute loan documents, Funds Requests, and other required reporting forms.

RESOLUTION NO. 2020-39: A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM- CORONAVIRUS RESPONSE ROUND 1 (CDBG-CV1) NOFA DATED JUNE 5, 2020. A motion was made by Councilman Ramirez, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Ramirez, Hernandez, Carrizales, Preciado.
NOES: None.
ABSENT: None.
ABSTAIN: None.

OLD BUSINESS:

A. Consider Extending Local Emergency Declared on March 24, 2020:

Ms. Whitten stated that on March 24, 2020, the Avenal City Council adopted Resolution No. 2020-14 declaring a Local Emergency due to the existence or threatened existence of a local emergency: COVID-19 pandemic. The declaration is required to be reviewed to consider the following action: 1) reaffirm that a local emergency continues to exist; or, 2) make a finding that a local emergency no longer exists.

Staff is recommending that the City Council consider the following action by motion:

"Approve and support the ongoing local emergency Resolution, and specifically, move that prior to the expiration of the 21st day, the emergency Resolution be renewed for an additional 21 days after the conclusion of the 21 days, unless a Councilmember or member of the public requests that the Council convene to consider the ongoing emergency Resolution, at which time a special meeting would be scheduled".

A motion was made by Councilman Ramirez to approve as recommended, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Ramirez, Hernandez, Carrizales, Preciado.
NOES: None.
ABSENT: None.
ABSTAIN: None.

NEW BUSINESS:

A. Consider Formal Acceptance of the City's Financial Report for Fiscal Year 2018/2019:

Ms. Whitten stated that Mr. Ivan Sotomayor, CPA, with Sotomayor and Associates, CPAs, the City's independent auditor reviewed the FY 18/19 Audited Financial Statements with the Council/Agency Members. Staff recommends by motion, formal acceptance of the FY 18/19 Audited Financial Statements.

A motion was made by Councilman Ramirez to acceptance the FY 18/19 Audited Financial Statements, seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Ramirez, Hernandez, Carrizales, Preciado.
NOES: None.
ABSENT: None.
ABSTAIN: None.

B. Consider Entering into an Agreement with MacLeod Watts. Inc. RE: OPEB Actuarial Valuation Services:

Ms. Whitten stated that due to Mrs. Perkins' emergency, she would recommend tabling this item and bring it back to the next Council meeting.

A motion was made by Councilman Ramirez, to table Agreement with MacLeod Watts. Inc. RE: OPEB Actuarial Valuation Services seconded by Councilman Hernandez and carried.

Roll Call Vote:

AYES: Ramirez, Hernandez, Carrizales, Preciado.
NOES: None.
ABSENT: None.
ABSTAIN: None.

C. Budget Utilization of Cares Act Funds:

Ms. Whitten stated that on July 27, 2020, the City of Avenal received it's first payment of \$27,141 equal to one-sixth of the total amount of \$162,846 that has been allocated. The second allocation was received August 27, 2020 of the same amount. There will be one more one-sixth allocation in September with the remaining allocation to be received by early October.

She mentioned that the entire allocation must be spent prior to December 30, 2020 or be returned to the State. The funds must be used to mitigate the impact of COVID-19. These funds will be audited possibly at both the State and Federal levels. The first report to the State with the budgeted spending is due on September 4, 2020. Subsequent reporting will be due with the final report due January 7, 2021.

The proposed spending includes the small business loans already disbursed, the purchase of masks and hand sanitizer to distribute to businesses for their customer's use. Also, temperature scanners to be purchased for City facilities as well as other possible locations. Payroll for Public Safety, Code Enforcement and other Staff providing services to mitigate the impact of the COVID-19 pandemic. See attached expenditures:

**CITY OF AVENAL CARES ACT
 FUNDS PROPOSED EXPENDITURE BUDGET
 WORKSHEET
 FISCAL YEAR 2019/2020**

Account Title	PROPOSED BUDGET	
CARES ACT FUNDING	\$	162,846
TOTAL - CARES ACT FUNDING	\$	162,846
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PAYROLL EXPENSES	\$	73,519
SMALL BUSINESS LOANS	\$	52,000
EMPTY BOTTLES FOR HAND SANITIZER	\$	487
MASKS	\$	9,288
TEMPERATURE SCANNER KIOSKS	\$	27,331
HANDHELD THERMOMETERS	\$	107
HAND SANITIZER (GALLON BOTTLES)	\$	114
TOTAL CARES ACT EXPENDITURES	\$	162,846

CLOSING COMMENTS:

Lourdes Carrizales thanked the City Council for allowing her to be on the Council and she looks forward to working with the City Council and Staff.

Councilman Ramirez reported the following: 1) As City Council Members, they are committed to the community and listening to their needs; 2) he asked Ms. Whitten if she could schedule a time with Ms. Carrizales to give her some general background on the how Council meetings are run; 3) He would like to apologize for the long wait from the meeting today; 4) He wished our current City Manager a happy retirement as she was very helpful and resourceful. He hopes that she has a very nice retirement; 5) Continue to use face masks when you go to businesses. It is very important; and, 6) he announced that something important has happened with today's meeting, a translator was there to allow our community an opportunity to participate.

Ms. Whitten thanked Councilman Ramirez for his help to see this happen.

Mayor Pro Tem Preciado reported the following: 1) Welcomed Ms. Lourdes Carrizales to the City Council; 2) As a Council member to listen to the community and be there for them; 2) Apologized for the unprofessional conduct. We all need to listen to each other and be respectful. We will try to move forward without any resentment; 3) Thanked Melissa for 36 years of service to the City and she will be missed; 4) September 30th the Council will select a new City Manager; 5) Reminder to the community that COVID is still out there, be safe and wear a mask; 6) Happy that the City is providing hand sanitizer and masks; and, 7) Concerned with people being late paying their water bill payment. Is there another payment cycle or can it be change to the middle of the month?

Ms. Whitten reported Staff has done this for 36 years at City Hall. Staff works the best they can to help. Staff understands that some people get paid on the first, on the 15th or whatever and Staff just need people to call. At a certain point, we have to collect because this is actually public funds that pays for services. Customers just need to call and speak to Yolanda, Griselda or Diana. There is a process that the City of Avenal follows, and they are there to help. Staff is not here to be a barrier and cause problems, but they must decide on a date. She just wants the City Council to know that they do work with our community and there are still expectations of the City. Also, we understand people have their own issues going on in their lives. We try to be as flexible as possible in the same way as we did today with the with Sand Drags group. Staff works with them. Don't be afraid to come in and voice your concerns. Hopefully, it can be worked out.

ADJOURNMENT.

There being no further business the City Council meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Maria Ortiz, City Clerk