

City of Isleton

Special City Council Staff Report

DATE: May 25, 2021

ITEM#: 8.A

CATEGORY: New Business

HOTEL DEL RIO ACTIVITIES, DECLARATION OF EMERGENCY

SUMMARY

Over the past month the activities and operations stemming from the Hotel Del Rio have endangered the public and citizens of the City. At the last Council meeting several residents complained about activities stemming from the Hotel Del Rio including gun shots, blocking streets, noise throughout the night, graffiti, trash, throwing objects at people and residences, blocking fire lanes. It has been reported to the City that this activity has continued including most alarmingly multiple reports of guns shots in and around the Hotel Del Rio. In response to the ongoing conditions at the Hotel Del Rio, Mayor Pene issued a Declaration of a State of Emergency on May 21, 2021.

DISCUSSION

The Isleton Municipal Code, chapter 5.40 Emergency Preparation, states an emergency for Isleton as “actual or threatened existence of condition.... of extreme peril to the safety of persons and property within the city.” The Code also cites “condition which are or are likely to be beyond the control of the series, personnel, equipment and facilities of city”. The City does not have the resources to address security 24 hours a day and the service level from the Sheriff also is not at this level.

Staff has determined that:

1. These actions associated with and emanating from the Hotel Del Rio constitute a dangerous condition and are perilous to the people and property of the City, and
2. The City does not have the resources to control these activities.

For these reasons and in accordance with Chapter 5.40 of the Isleton Municipal Code, Mayor Pene declared a state of emergency on May 21, 2021. Staff recommends that the Council ratify the state of emergency due to the Activities of the Hotel Del Rio by adopting the attached Resolution No. 015-21, located at 209 2nd Street, Isleton CA 95641. Staff has prepared the emergency plan, reproduced below, to address the conditions giving rise to this emergency and advises the Council to adopt this or a substantially similar emergency plan.

FISCAL IMPACT


It is estimated that the additional work necessary to implement this Emergency Plan will cost approximately \$5,000 in staff and legal costs.

RECOMMENDATION

1. It is recommended that The City Council ratify the state of emergency Resolution No. 015-21, declared by Mayor Pene on May 21, 2021 for the reasons detailed above, and
2. It is recommended that the City Council adopt and direct Staff to implement the attached Emergency Plan to address the dangerous conditions at the Hotel Del Rio ("Hotel Del Rio Emergency Response Plan").

ATTACHMENTS

1. Resolution No. 015-21
2. Hotel Del Rio Emergency Response Plan
3. Declaration of State of Emergency dated May 21, 2021



RESOLUTION 015-21

**RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY IN RESPONSE TO
ONGOING RISK TO PUBLIC SAFETY AT THE HOTEL DEL RIO
LOCATED AT 209 2ND STREET, ISLETON CA 95641**

WHEREAS, the California Emergency Services Act, Chapter 7, of the California Government Code, commencing with § 8550 confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property; and,

WHEREAS, § 8630 of the California Government Code, states that "a local emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body;" and,

WHEREAS, Isleton Municipal Code, Chapter 5.40 empowers the Director of Emergency Services to request that the mayor proclaim the existence or threatened existence of a Local Emergency when this City is affected or likely to be affected by a public calamity; and,

WHEREAS, Isleton Municipal Code, Section 5.40.60 empowers the mayor to proclaim the existence or threatened existence of a Local Emergency, subject to ratification by the City Council within seven (7) days and reaffirmation every sixty (60) days thereafter until such local emergency is terminated; and,

WHEREAS, for the past month, the City has received a sharp increase in reports of activity threatening to public health and safety in and emanating from the Hotel Del Rio, including gun shots, assault and vandalism with objects targeted at people and property, and blocking fire lanes and emergency routes; and,

WHEREAS, on May 21, 2020, Mayor Pene determined that the aforesaid conditions warranted and necessitated that he proclaim the existence of a local emergency; and

WHEREAS, the City Council does hereby find that the aforesaid conditions of extreme peril to public health and safety did warrant and necessitate the proclamation of the existence of a local emergency pursuant to Section 5.40.030-A of the Isleton Municipal Code.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the Isleton, State of California; and,

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, and by ordinance and resolutions of this City approved by the City Council, and by the *Hotel Del Rio Emergency Response Plan*, as approved by the City Council; and,

IT IS FURTHER PROCLAIMED AND ORDERED that in the event the Director is unavailable to attend meetings and otherwise perform duties during this emergency, the City Manager shall assume the responsibilities of the Director; and,

IT IS FURTHER ORDERED that a copy of this proclamation be forwarded to the Director of the Governor's Office of Emergency Services.

PASSED AND ADOPTED this 25th day of May 2021 by the following vote:

AYES:
NOES:
ABSENT:

Eric Pene, Mayor

ATTEST:

Yvonne Zepeda, Deputy City Clerk

Hotel Del Rio Emergency Response Plan

This emergency plan is adopted pursuant to Chapter 5.40 of the Isleton Municipal Code and is prepared to correct the dangerous conditions at the Hotel Del Rio, located at 209 2nd Street, Isleton, CA 95641, causing extreme peril to the safety of persons and property within the City. Both short term and long term actions to be undertaken by the City are set forth below.

Short Term Actions – to be undertaken immediately and completed within 45 days.

1. Request cooperation of the Hotel Del Rio’s owner, and
2. Work with Sacramento County Sheriffs to obtain evidence of the reported dangerous conditions at the Hotel Del Rio including gunshots, blocking of streets, noise, trash, assault, battery, and other factors of peril to the safety of persons and property, and
3. Contact and work with the Sacramento County District Attorney address reported dangerous conditions at the Hotel Del Rio, and
4. Undertake further as directed or recommended by the Sacramento County Sheriffs and the Sacramento County District Attorney to address the reported dangerous conditions at the Hotel Del Rio.

Long Term Actions – to be undertaken and completed on an ongoing basis

1. Bring the City’s Rental Habitability Code; Ordinance 2021-004, Rental Housing Inspections before the City Council for consideration and action, and
2. Undertake code enforcement at the Hotel Del Rio as appropriate, and
3. Undertake necessary steps to establish a local police presence.

This state of emergency is expected to cease after the completion of the Short Term Actions listed in this Emergency Plan.

CITY OF ISLETON

DECLARATION STATE OF EMERGENCY

**A DECLARATION BY THE MAYOR OF THE CITY OF ISLETON OF A
STATE OF EMERGENCY PERTAINING TO THE ACTIVITIES
EMANATING AND SURROUNDING THE HOTEL DEL RIO IN THE CITY
OF ISLETON**

WHEREAS, the Isleton Municipal Code, Chapter 5.40 provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency, and

WHEREAS, over the past two months the activities emanating from, associated with, and surrounding the Hotel Del Rio, 209-211 Second Street, Isleton have endangered the public and citizens of the city, and

WHEREAS, . at the May 11, 2021 Council meeting residents registered complaints about the activities emanating from the Hotel Del Rio including gun shots, blocking streets with cars, loud noise throughout the night, graffiti, trash and debris, throwing objects at people and residences, blocking fire lanes, and robbery, and

WHEREAS, the primary responsibility for preparedness in coping with emergency condition within the city rests with the City council, the mayor, and the fire chief,

WHEREAS, the Chapter 5.40.030 of the Isleton Municipal code defines and emergency as the actual or threatened existent of conditions of disaster or of extreme peril to the safety of persons and property within the City, and

WHEREAS, that these emergency conditions are beyond the control of the services, personnel, equipment and facilities of city requiring the combined forces of other political subdivisions to combat, a condition which complies with the definition of emergency in Chapter 5.40.030 Isleton Municipal Code, and

WHEREAS, the activities emanating from, associated with, and surrounding the Hotel Del Rio constitute a dangerous condition and are perilous to the people and property of the city, and

WHEREAS, the City does not have the resources to combat these conditions

WHEREAS, the mayor is empowered to proclaim a state of emergency in Isleton when he finds that the circumstances described in section 5.40.030 exist,

NOW, THEREFORE, the Mayor of the City of Isleton, in accordance with the authority pursuant to Isleton Ordinance 230 and Isleton Municipal Code Chapter 5.40.060 finds that conditions to the health and safety of persons and property within the City of Isleton are threatened and hereby declares a State of Emergency in the City of Isleton, and

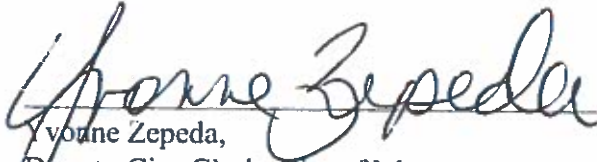
THEREFORE, the Mayor directs the City Manager to prepare and carry out plans for the protection of persons and property within city.



Eric Pene
Mayor, City of Isleton
California

ATTEST:

By:



Yvonne Zepeda,
Deputy City Clerk, City of Isleton
California

21 May 2021