

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 7, 2020**

ACTION MINUTES – *These minutes are prepared to depict action taken for agenda items presented to the City Council. For detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

SPECIAL NOTE: *This meeting was held by teleconference due to the COVID-19 Pandemic.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 4:01 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Council Member Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta; ABSENT: None.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin, Police Chief Brizzee, Fire Chief Hurley.

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that staff is requesting an item to be added to the agenda regarding Accepting Public Improvements for Lots 145-155 for the East Center Development Phase 2A (Pioneer Development Company, Inc.). He noted that there is an immediate need to take action, the need arose after the posting of the agenda and the action needs to be taken because several relocating first time home buyers in the East Center Phase 2A development are in jeopardy of losing their loan lock should the requested acceptance of public improvements be delayed to the next City Council agenda.

Motion by Lewis, seconded by Jones to add City Council Resolution No. 6273 – Accepting Public Improvements Which Have Been Substantially Completed for Lots 145-155 Fronting Amabile Drive of East Center Phase 2A to the consent agenda as Item No. 6J. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

Motion by Faria, seconded by Johnson-Santos to approve the City Council Meeting agenda as submitted with the addition of City Council Resolution No. 6273 – Accepting Public Improvements Which Have Been Substantially Completed for Lots 145-155 Fronting Amabile Drive of East Center Phase 2A as agenda 6J to the consent agenda. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.

Mayor Villalta asked the City Clerk if she had received any comments by email for which City Clerk Mallonee stated she had received three (3) comments by email, one (1) that has to do item 9 – Consideration of City of Los Banos Membership with Peninsula Clean Energy by Adoption of Joint Powers Agreement Resolution and Introduction/First Reading of Required Community Choice Aggregation Ordinance which will be read when that item I presented and an email from JEAN LANG encouraging everyone to vote NO on Prop 16 and MELINDA FUZESY encouraging everyone to vote NO on State Measure 16. No other comments were received or read into the record and the public forum was closed. No further comments received and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Lewis to approve the consent agenda as follows with the addition of item 6J - City Council Resolution No. 6273 – Accepting Public Improvements Which Have Been Substantially Completed for Lots 145-155 Fronting Amabile Drive of East Center Phase 2A: City Council Resolution No. 6263 – Approving the Memorandum of Understanding (MOU) between the City of Los Banos and the County of Merced, Department of Public Health, Division of Environmental Health Regarding On-Site Wastewater Treatment Systems (OWTS); City Council Resolution No. 6264 – Authorizing that the City Manager Execute the Cooperative Agreement for Local Improvements between the State of California, Acting through its Department of Transportation, Referred to as CalTrans, and the City of Los Banos for the Cost for the Material and Installation of an Optic Emergency Vehicle Detector (EVD) in CalTrans Traffic Signal at State Route 152 and 11th Street; City Council Resolution No. 6265 – Accepting Public Improvements for Dove Hollow The Villages VII, Phase 1B (Anderson Homes) Generally Located within the Area Bounded by Cardoza Road to the North, Pioneer Road to the South, Badger Flat Road to the East and Merced County APN 430-060-002 and Los Banos Creek to the West; City Council Resolution No. 6266 – Approving a Side Letter Agreement by and Between the City of Los Banos and the Public Employees’ Union Local One/AFSCME (Public Works Unit) Regarding Health Benefits; City Council Resolution No. 6267 – Approving a Tentative Agreement / Memorandum of Understanding by and Between the City of Los Banos and the Los Banos Police Officers Association (LBPOA) from October 1, 2020 – June 30, 2021; City Council Resolution No. 6268 – Approving a Tentative Agreement / Memorandum of Understanding by and Between the City of Los Banos and the Los Banos Police Sergeants Association (LBPSA) from October 1, 2020 – June 30, 2021; City Council Resolution No. 6269 – Approving a Tentative Agreement / Memorandum of Understanding by and Between the City of Los Banos and the Los Banos Fire Fighters Association (LBFFA) from October 1, 2020 – June 30, 2021; City Council Resolution No. 6270 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section F – Fire and Section G – Police Associated with the LBPOA, LBPSA and LBFFA Tentative Agreements / Memorandums of Understanding; City Council

Resolution No. 6273 – Accepting Public Improvements Which Have Been Substantially Completed for Lots 145-155 Fronting Amabile Drive of East Center Phase 2A. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PARKS & RECREATION UPDATE PRESENTATION. Parks & Recreation Operations Manager Heim spoke gave an update of the Parks & Recreation programs and activities, which included a PowerPoint presentation.

Informational item only, no action taken.

COVID-19 STATUS UPDATE; City Council Resolution No. 6271 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19). City Manager Terrazas gave an update on the COVID-19 numbers from the Merced County website, stated that Merced County has moved from the purple tier to the red tier which is less restrictive and allows for indoor activities at reduced levels, Merced County is encouraging flu shots and the other COVID-19 health protocols and remain diligent, spoke regarding the COVID-19 testing sites, noting that Los Banos is the lowest per capita in the exposure rate in Merced County.

Motion by Johnson-Santos, seconded by Lewis to adopt City Council Resolution No. 6271 – Continuing the Declaration of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF CITY OF LOS BANOS MEMBERSHIP WITH PENINSULA CLEAN ENERGY BY ADOPTION OF JOINT POWERS AGREEMENT (JPA) RESOLUTION AND INTRODUCTION/FIRST READING OF REQUIRED COMMUNITY CHOICE AGGREGATION (CCA) ORDINANCE; CITY COUNCIL RESOLUTION NO. 6272 – REQUESTING MEMBERSHIP IN THE PENINSULA CLEAN ENERGY AUTHORITY, AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDED JOINT POWERS AGREEMENT, AND APPOINTING THE CITY'S DIRECTOR ON THE BOARD AND THE ALTERNATE DIRECTOR; ORDINANCE NO. 1187 – AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE CITY OF LOS BANOS BY AND THROUGH THE PENINSULA CLEAN ENERGY AUTHORITY (FIRST READING & INTRODUCTION). Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation. City Attorney Vaughn spoke regarding the terms of the contract agreement, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if PCE can control the types of home appliances or air conditioning units that homes are required to have, how PCE will be providing clean energy to the citizens of Los Banos, there is an opt out provision if citizens of Los Banos do not want to join, PCE offers energy programs to its customers, how most members are from San Mateo County, noting that San Mateo County has mandated certain types of equipment can be put in homes, a memo from PCE regarding

backing political candidates and endorsing or supporting which brought some pause, why are they not charging us a fee to join and but a fee to withdraw, who else in Merced County was contact to participate, wanting to make sure we are not jumping into something too quickly here and it needs to be clear that citizens can opt out, types of notification citizens will be receiving and what type of outreach will be done,

Mayor Villalta asked City Clerk Mallonee to read the comment into the record by KATHERINE UHLEY who spoke in opposition to PCE and what they are offering and urged the City Council to discontinue pursuit of membership with Peninsula Clean Energy.

Jan Pepper, with PCE, spoke regarding the opt out provisions, comments and concerns regarding why other cities have chose not to consider participation, the political memo was referring to PCE to insure that they would not be providing sponsorship to those who backed political candidate, how they spoke to Dos Palos, Gustine, Merced, County of Merced and how they are all kind of watching Los Banos and think that others will follow suit, especially on the westside of the county.

There was additional Council Member and staff discussion regarding not wanting to be a part of a JPA where Los Banos had to vote to get our money back and PCE is not set up like this and that PCE will save customers money and also provide clean energy.

Defer adoption of City Council Resolution No. 6272 – Requesting Membership in the Peninsula Clean Energy Authority, Authorizing the Mayor to Execute the Second Amended Joint Powers Agreement, and Appointing the City’s Director on the Board and the Alternate Director to be adopted with Ordinance No. 1187.

Motion by Faria, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1187 – Authorizing the Implementation of a Community Choice Aggregation Program in the City of Los Banos By and Through the Peninsula Clean Energy Authority. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Mayor Villalta; NOES: Lewis; ABSENT: None.

Motion by Faria, seconded by Johnson-Santos to introduce Ordinance No. 1187 – Authorizing the Implementation of a Community Choice Aggregation Program in the City of Los Banos By and Through the Peninsula Clean Energy Authority. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there is one item to be considered at the next Planning Commission meeting on Wednesday, October 14, 2020 for Mobile Food Vendor #2020-14 to allow the operation of a mobile food-vending vehicle on private property for Rosa Fabian dba Taco’s La Parron located at 1100 H Street, APN 026-171-028.

CITY MANAGER REPORT. City Manager Terrazas stated that there are several meeting in October relating to the future of our parks and encouraged the community if they have a chance to attend with the information regarding those meetings on the City's website.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta spoke regarding the garbage tipping fee and how MCAG had completed a study that is being approved that will come up with fair rates for all entities, still working on recycling contracts, expansion of the Billy Wright land fill, and green waste recycling mandates.

DEBORAH LEWIS: Council Member Lewis would like to make a Council Member Request and would like it to move forward as quickly as possible, she spoke about the fatal accident on the West I Street, how West I Street has been a speed trap for many years, residential parking is of concern, she reviewed the ordinance that we passed in March 2017 regarding calming of speed cushions and there are 15 criteria that you have to meet in order to qualify for speed cushions, over the years there have been a number of accidents and property damage, she would like to bring the calming ordinance back to reconsider allowing it on arterial street as quickly as possible, please consider lives being more important and reconsider these older residential communities, people are speeding down the street day and night.

TOM FARIA: Council Member Faria stated that he is happy to see COVID-19 numbers are improving, parks are opening up again, but keep wearing masks and he is looking forward to all being together again soon.

DARONICA JOHNSON-SANTOS: Happy to see that things are opening up, encouraged all to be careful and be safe.

BRETT JONES: No report

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that staff is still looking into his graffiti request to bring back to Council Member discussion and consideration.

ADJOURNMENT. The meeting was adjourned at 7:07 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk