

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 18, 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 4:04 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, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin, Police Chief Brizzee, Fire Chief Hurley.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Johnson-Santos, seconded by Faria to approve the City Council Meeting agenda as submitted. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PRESENTATION – PROCLAMATION RECOGNIZING SERGIO DE ALBA, NATIONAL HISTORY TEACHER OF THE YEAR. Mayor Villalta presented the proclamation to Mr. de Alba who attended the virtual meeting. Mr. de Alba thanked the community for what they are able to do together for our school and our students.

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 that she had received no (0) comments for today's meeting. No further comments received and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda as amended as follows: Check Register for #224447 – #224655 in the Amount of \$1,394,974.18; Minutes for the September 16, 2020 City Council Meeting; Minutes for the October 7, 2020 City Council Meeting; Minutes for the October 21, 2020 City Council Meeting; Minutes for the November 4, 2020 City Council Meeting; City Council Resolution No. 6283 – Adopting a Revised Budget for the 2020/2021 Fiscal Year as it Pertains to Expenditures for Recruitment Services for the Public Works Director/City Engineer in the Amount of \$19,990; City Council Resolution No. 6284 – Approving the Acceptance of a Donation in the Amount of \$100.00 for the Purchase of a Meal for Fire Department Personnel and Amending the Fiscal Year 2020/2021 Budget by Increasing the Appropriation Amount of Donation Revenue and Expenditure Accounts in the Amount of \$100.00; City Council Resolution No. 6285 – Approving Amendment No. 1 to Professional Services Agreement with Placeworks for Pioneer Ridge Area Plan and 2020/2021 Fiscal Year Budget Amendment for the Community & Economic Development Department by Increasing Expenditures in the Amount of \$39,536.00 and Increasing Revenues in the Amount of \$51,357.50; City Council Resolution No. 6286 – Authorizing Award of Construction Contract for Los Banos City Hall ADA Counters Project to ANV Contractors, Inc. in the Amount of \$82,650.00 with a 5% Contingency in the Amount of \$4,130.00 and an Allowance for the Bid Alternative in the Amount of \$10,000.00 and Adopt a Revised Budget for the Fiscal Year 2020/2021 as it Pertains to the City Hall Impact Fee Fund Account. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING AN ORDINANCE TO AMEND TITLE 9 OF CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING AGRICULTURAL/FARMWORKER EMPLOYEE HOUSING; ORDINANCE NO. 1188 – AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMPLOYEE HOUSING.

Community & Economic Development Director Elms stated that this item is being continued to December 2, 2020 in order to have time to publish the Summary Ordinance in the Los Banos Enterprise five (5) days in advance of adoption of the ordinance.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email.

Motion by Faria, seconded by Lewis to continue this item to the December 2, 2020. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING AN ORDINANCE TO AMEND CHAPTER 3, TITLE 9, ARTICLE 37 OF THE LOS BANOS MUNICIPAL CODE REGARDING CHILD CARE FACILITIES; ORDINANCE NO. 1189 – AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING LARGE FAMILY DAYCARE HOMES. Community & Economic Development Director Elms presented the staff report.

There was Council Member and staff discussion regarding what the number cap on large family day cares is, if there were any limitation on the size of the home, if anything changed with Coved-19, and how the State of California closely monitors these day cares.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email.

Motion by Faria, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1189 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Large Family Daycare Homes. 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 introduce Ordinance No. 1189 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Large Family Daycare Homes. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

SPEED CUSHION POLICY REVIEW UPDATE. Public Works Director/City Engineer Fachin presented the staff report.

There was Council Member and staff discussion regarding hiring a consultant to review speed cushion policy and traffic calming, next fiscal year 2021/2022 hire a consultant to do a full study.

Council Member Lewis stated that she feels the rigidity of how many people have to respond to wanting the traffic calming in their neighborhood, referenced Stockton's policy when there is a street affected by high speeds and if the calming measures are put in it affects other streets, feels the measures that have to be met are a bit much for Los Banos.

It was the consensus of the City Council to move forward with the Speed Cushion Policy Review.

COVID-19 STATUS UPDATE. City Manager Terrazas reported that Merced County has moved back into the purple tier and read from the Merced County website what that means to businesses and the like, he read Covid-19 statistics from Merced County's website, encouraged all to continue to practice good hygiene practices, social distancing, Merced County is also encouraging all to get tested and how negative tests help out numbers to get us back into the less restrictive tier.

Mayor Villalta stated that the City of Los Banos still has per capital the least transmission rate, encouraged all to continue with social distancing, wearing masks, keep you gathering numbers low, and spoke to the number of deaths in Los Banos.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that there are two items to be considered at the next Planning Commission meeting on Wednesday, November 25, 2020 for a Conditional Use

Permit #2020-04 to allow the use of Type 47 Alcohol License for the on-sale of general alcohol in conjunction with a bona-fide eating establishment for Jams @ 209 Sports Bar & Grill located at 1516 I Street, APN 025-191-017 and a Mobile Food-vending Permit #2020-16 to allow the operation of a mobile food vending vehicle on private property for Roger Pires dba A-1 Water Quality located at 1248 E. Pacheco Boulevard, APN 026-171-021.

CITY MANAGER REPORT. City Manager Terrazas stated that it is fall out there, how we are seeing a lot of leaves, how leave pick-up won't officially begin until November 30th and will happen on the day before your normal garbage pick-up day.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta stated that things are progressing forward with Pioneer Road improvements, Highway 152 improvements with synchronization of lights, and the Billy Wright expansion is still moving forward.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Congratulations to Mr. de Alba for his recognition with the City Proclamation recognizing him as National Teacher of the Year.

DARONICA JOHNSON-SANTOS: Wished everyone a happy Thanksgiving and to be safe, wanted to thank everyone here for these past 4 years, it has been a big, wonderful experience, thanked staff and fellow Council Members from the bottom of her heart.

BRETT JONES: No report

DEBORAH LEWIS: Stated that since we have passed the contract to affiliate with PCE, inquired as to if there was a meeting since we took the vote and if so she would like an update to the City Council so that we know what is going on at the next meeting. She stated that the City is having issues with our garbage pickup services with Republic Services, as the pickups this week have not been picked up in her area and what can we do to remedy this situation and inquired as to the reason behind this.

Mayor Villalta stated that the City of Los Banos membership was accepted by an unanimous vote by PCE at the November 19, 2020 meeting.

Public Works Director/City Engineer Fachin stated that the last couple of weeks have been really tough times for Republic Services due to staffing issues, they have added drivers from Salinas to help out, there was a holiday last week, there is a holiday next week so it will be impacted, they have had sicknesses, retirements and problems hiring staff. City staff has been in contact with Republic Services about these issues. Council Member Lewis stated that she would like an item on the agenda for an update on Republic Services for a future City Council Meeting.

MAYOR MICHAEL VILLALTA: Wished everyone a Happy Thanksgiving, requested that City Manager Terrazas send out an update on Center Avenue and to please contact the Merced Housing Authority of Merced County as to why we cannot have the Migrant Center as a temporary homeless center during the winter to save lives during the winter months and get a little tougher to make it happen.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

ADJOURNMENT. The meeting was adjourned at 5:47 P.M.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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