

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
DECEMBER 16, 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 4:15 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, Assistant Public Works Director Pezeshk, Police Chief Brizzee, Fire Chief Hurley.

CONSIDERATION OF APPROVAL OF AGENDA: City Clerk Mallonee/Human Resources Director stated that staff is requesting that item 11F – City Council Resolution No. 6295 – Approving and Adopting Final Tract Map No. 2015-04 Racquet Club Estates and Accompanying Subdivision Improvement Agreement (Hassan Ahmadi) on the consent agenda be removed.

Motion by Johnson-Santos, seconded by Lewis to approve the City Council Meeting agenda as amended, with the removal of item 11F – City Council Resolution No. 6295 – Approving and Adopting Final Tract Map No. 2015-04 Racquet Club Estates and Accompanying Subdivision Improvement Agreement (Hassan Ahmadi). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF CERTIFICATION OF VOTES OF MUNICIPAL ELECTION, NOVEMBER 3, 2020; CITY COUNCIL RESOLUTION NO. 6290 – CERTIFYING RESULTS OF THE MERCED COUNTY GENERAL ELECTION HELD IN THE CITY OF LOS BANOS ON NOVEMBER 3, 2020 AS IT PERTAINS TO THE ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS FOR DISTRICTS 1 AND 4. Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6290 – Certifying Results of the Merced County General Election Held in the City of Los Banos on November 3, 2020 as it pertains to the Election of the Mayor and City Council Members for Districts 1 and 4.

The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS; MAYOR MANUEL THOMAS FARIA III, COUNCIL MEMBERS KENNETH LAMBERT – DISTRICT 1 AND DEBORAH LEWIS – DISTRICT 4. City Clerk Mallonee administered the oaths of office individually to Mayor Manuel Thomas Faria III, Council Members Kenneth Lambert – District 1 and Deborah Lewis – District 4

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brett Jones, Ken Lambert, Deborah Lewis, Mayor Tom Faria; ABSENT: None.

PRESENTATIONS.

CITY COUNCIL RESOLUTION NO. 6291 – A RESOLUTION OF COMMENDATION TO DARONICA JOHNSON-SANTOS. Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6291 – A Resolution of Commendation to Daronica Johnson-Santos. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Daronica Johnson-Santos thanked the City for everything and congratulated Council Member Lambert and Mayor Faria on their elections.

CITY COUNCIL RESOLUTION NO. 6292 – A RESOLUTION OF COMMENDATION TO MICHAEL VILLALTA. Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6292 – A Resolution of Commendation to Michael Villalta. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Mayor Faria presented an engraved City Gavel to Michael Villalta and also a Merced County Board of Supervisors Certificate of Appreciation for his years of service.

Michael Villalta spoke of the beginning of his journey as a Council Member and how he and Mayor Faria began the journey together. He expressed his gratitude for staff and spoke to how appreciative he is of them. He spoke to how the other Council Members have made it easy for him to be Mayor and how they have worked together well over the years. His final request was that the Council keep Los Banos first and noted that the City has secured use and funds for the migrant center at the south end of town on Henry Miller Road as a winter homeless shelter but the County does not have staff to run it. His last hope is that the City is able to find someone to staff the location so homeless lives can be saved.

Michael Villalta and Daronica Johnson-Santos said their goodbyes and left the meeting.

REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM. Motion by Faria, seconded by Lewis to appointment Council Member Lewis as Mayor Pro Tem.

The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; 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 opened the public forum and asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she had received no comments and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Jones to approve the consent agenda as follows: Check Register for #224824 – #224981 in the Amount of \$750,440.49; Minutes for the December 2, 2020 City Council Meeting; Measure P Oversight Committee Report; City Council Resolution No. 6293 – Accepting Public Improvements for Southpointe at Regency Park, Phase 1 (Stonefield Home, Inc.); City Council Resolution No. 6294 – Accepting Public Improvements for Mission Village South, Phase 5A (Stonefield Home, Inc.); ~~City Council Resolution No. 6295 – Approving and Adopting Final Tract Map No. 2015-04 Racquet Club Estates and Accompanying Subdivision Improvement Agreement (Hassan Ahmadi).~~ The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND 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 516 I STREET, APN 025-191-017; CITY COUNCIL RESOLUTION NO. 6296 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 158301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2020-04 TO ALLOW FOR THE ON-SALE OF GENERAL ALCOHOL UNDER A TYPE 47 ALCOHOL LICENSE AT 516 I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 025-191-017. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Faria opened the public hearing and asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she had received no comments and the public hearing was closed.

The City Council expressed their excitement for the utilization of this building and is pleased with its appearance. This business will be an uplifting to the downtown area. The

City Council thanked the owner and the developer for investing in Los Banos and bringing this business to town.

Motion by Jones, seconded by Lambert to approve City Council Resolution No. 6296 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 158301, Existing Facilities and Approving Conditional use Permit #2020-04 to Allow for the On-Sale of General Alcohol Under a Type 47 Alcohol License at 516 I Street, More Specifically Identified as Assessor’s Parcel Number 025-191-017. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

CITY OF LOS BANOS COUNCIL MEMBER VACANCY – DISTRICT 2. City Attorney Vaughn presented the staff report.

There was Council Member and staff discussion pertaining to how district boundaries would be affected in the future during the redistricting process that is done every ten years after the census. Consultants have already been contacted in preparation for the next redistricting process and it has been determined that any changes made to the districts will not affect any Council Members that are currently seated or the Council Member that will be seated to fill the District 2 vacancy.

There was further discussion about what the process will be once applications for this vacancy are received by the staff for which City Attorney Vaughn stated that the applications would be posted on the City’s website in order to keep the process transparent.

Motion by Lewis, seconded by Jones to use the “appointment process” as discussed to fill the City Council Member District 2 vacancy. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6297 – AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR SOLID WASTE CONSULTING SERVICES WITH R3 CONSULTING GROUP, INC. IN THE AMOUNT OF \$39,140 WITH A 10% CONTINGENCY OF \$3,900 AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2020/2021 AS IT PERTAINS TO THE SOLID WASTE FUND ACCOUNT.

Acting Public Works Director Pezeshk presented the staff report and introduced Garth Schultz with R3 Consulting who spoke in greater detail as to what this amendment to the Professional Services Agreement entails and why it is beneficial to the City.

Motion by Lewis, seconded by Lambert to adopt City Council Resolution No. 6297 – Authorizing the City Manager to Execute the Amendment to the Professional Services Agreement for Solid Waste Consulting Services with R3 Consulting Group, Inc. in the Amount of \$39,140 with a 10% Contingency of \$3,900 and Adopt a Revised Budget for the Fiscal year 2020/2021 as it pertains to the Solid Waste Fund Account. The motion

carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

APPOINTMENT OF COUNCIL MEMBERS TO SERVE ON THE SELECTION COMMITTEES FOR THE FOLLOWING COMMISSIONS/COMMITTEES: AIRPORT ADVISORY COMMISSION – THREE (3) VACANCIES, THREE (3) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2022; ECONOMIC DEVELOPMENT ADVISORY COMMISSION – THREE (3) VACANCIES, THREE (3) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2022; PARKS & RECREATION COMMISSION – FOUR (4) VACANCIES, ONE (1) UNEXPIRED TERM – EXPIRING DECEMBER 31, 2021, THREE (3) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2022; PLANNING COMMISSION – FIVE (5) VACANCIES, DISTRICT 1 – ONE (1) FOUR (4) YEAR TERM – EXPIRING DECEMBER 31, 2024, DISTRICT 2 – ONE (1) TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2022, DISTRICT 3 – ONE (1) TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2022, DISTRICT 4 – ONE (1) FOUR (4) YEAR TERM – EXPIRING DECEMBER 31, 2024, AT-LARGE – ONE (1) TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2022; TREE COMMISSION – TWO (2) VACANCIES TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2022.

Motion by Faria, seconded by Lambert to appoint Council Member Jones to serve on the selection committee with the Mayor for the Airport Advisory Commission vacancies. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded by Jones to appoint Council Member Lambert to serve on the selection committee with the Mayor for the Economic Development Advisory Commission vacancies. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded by Jones to appoint Council Member to serve on the selection committee with the Mayor for the Parks & Recreation Commission vacancies. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded Jones to appoint each District Council Member to serve on the selection committee with the Mayor for the corresponding District Planning Commission vacancies. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded by Lewis to appoint Council Member Jones to serve on the selection committee with the Mayor for the At-Large Planning Commission vacancy. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded by Jones to appoint Council Member Lambert to serve on the selection committee with the Mayor for the Tree Commission vacancies. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

APPOINTMENT OF COUNCIL MEMBER TO SERVE ON THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT BOARD (LBPBID), TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2022.

Motion by Faria, seconded by Lambert to appoint Council Member Jones to serve on the LBPBID, two (2) year term, expiring December 31, 2022. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: None; ABSENT: None.

REPUBLIC SERVICES PRESENTATION. Assistant Public Works Director Pezeshk presented the staff report and introduced Luis Quinonez, General Manager with Republic Services who spoke regarding the recent challenges Republic Services has been facing and how it is affecting the services it provides to the Los Banos.

There was Council Member and staff discussion regarding complaints that have been received because garbage has not been collected on a normal basis and what next steps the City would/could take if the issues persist. City Attorney Vaughn noted that there were liquid damage provisions provided for in the contract but that the process is complex and involves legal issues which could result in litigation.

The City Council thanked Mr. Quinonez for coming to speak at tonight's meeting and hopes that these issues get resolved to avoid any possible litigation in the future.

COVID-19 STATUS UPDATE. City Manager Terrazas stated that the Merced County COVID website data has not been updated because of updates to the reporting process. He had no update in terms of numbers but there are a lot of press releases coming out from Merced County in regards to the vaccine but is unsure whether the lot has been received.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms reported that Pacheco Boulevard and Pioneer Road Complete Streets Plan would be discussed by way of a public hearing at the next Planning Commission meeting to be held on Wednesday, December 23 at 5:30 p.m. via GoTo Meeting.

CITY MANAGER REPORT. City Manager Terrazas stated congratulated Council Member Lambert and welcomed him to the City Council. He additionally congratulated Mayor Pro Tem Lewis on her re-election and Mayor Faria on his election. He thanked Daronica Johnson-Santos and Michael Villalta for their service on the Council.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE) AND MEASURE V COMMITTEE.

Mayor Faria stated that the MCAG meeting this month was cancelled and the next PCE meeting is tomorrow, December 17, 2020 at 6:30 pm. There was nothing to report on the Measure V Committee.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: Council Member Jones made a formal request that in the near future the City's design standards for future developments are discussed and updated as well as the standards and specs for roads and common areas. He knows there will be future developments and does not want anything delayed because the City took too long to update their standards.

KEN LAMBERT: Council Member Lambert thanked the Mayor and Council Members for their welcome and looks forward to working with each of them.

DEBORAH LEWIS: Council Member Lewis spoke of the reverse Christmas Parade, how it was a success and the amount of people who came out and supported the event. She won an award for best humor and funniest entry involving her dogs. She reminded the Mayor that a Council Member would need to be appointed to the Economic Development Advisory Commission because there is now a vacancy that was filled by Daronica Johnson-Santos. She requested that there be a report at a Council Meeting in January providing an update as to where the City is at in selecting and/or interviewing a Traffic Engineer to conduct the traffic mitigation study of the various City streets. She thanked Daronica Johnson-Santos and Michael Villalta for the time, energy, and dedication they put into serving on the City Council. Michael Villalta brought forth some important issues that still need to be addressed in the future. She wished all a Merry Christmas and looks forward to putting 2020 in the past and having a better perspective on life in 2021. She congratulated Mayor Faria on his election.

MAYOR TOM FARIA: Mayor Faria thanked Daronica Johnson-Santos and Michael Villalta for their efforts and further spoke to all of the accomplishments Michael Villalta has made for the City over the years. He thanked all of the candidates who ran in the election and noted that elections are not about winning and losing, but more about conversations. The Council heard loud and clear what the issues and concerns the people have. He looks forward to the holiday season and congratulated Council Member Lambert on his election

ADJOURNMENT. Motion by Lewis, seconded by Lambert to adjourn the meeting at 6:17 P.M.

APPROVED:

/s/ Manuel Thomas Faria III
Manuel Thomas Faria III, Mayor

ATTEST:

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