

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
DECEMBER 2, 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: 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:** Motion by Johnson-Santos, seconded by Lewis 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.

**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 two comments by email as follows: LAURENCE MITCHELL wrote regarding a non profit program proposal for homeless that he would like to help put together called Operation Covid-19 which has been utilized by Alameda County D.A.'s office and various parts of Oakland; STEPHANIE GONZALEZ, Program Manager with Merced County Tobacco Control Program, wrote regarding the services they provide regarding education about the harms of secondhand smoke and the importance of smoke-free public outdoor area, and the upcoming campaign they are getting ready to launch "Fresh Air Dining. No further comments received and the public forum was closed.

Mayor Villalta stated that with the consensus of the City Council, item 9 – COVID-19 Status Update, will be heard next instead of later in the meeting.

**COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6289 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19).** Dr. Yu, Los Banos Memorial Hospital/Sutter Health Administrator, presented a COVID-19 Status Update, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if the whole county was where Los Banos was would we be in the same tier, refrigeration logistics for the new vaccine, tracking method being used the best to track cases, if someone tests positive 3 days in a row is each case counted as a new case, has any other viruses been tracked like COVID-19, if a statewide curfew makes a difference, PPE works very well, herd immunity, the age group that seems to be the highest symptomatic group, seriousness of COVID-19, the measures the Los Banos City Council put in place back in April, i.e. social distancing, masking, cleaning shopping carts, stores doing their diligence with customers wearing masks, encouraging families to stay in their bubble will help cut down on the infections, when both people are wearing masks it helps, if people get the flu shot, do they need to wait to get the COVID, what funding have we received so far from the State and how it's been spent

Motion by Johnson-Santos, seconded by Faria to approve City Council Resolution No. 6289 – 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 APPROVAL OF CONSENT AGENDA.** Mayor Villalta stated that he would like to remove item 6C – City Council Resolution No. 6287 – Authorizing Award of Construction Contract for Fire Station Training Tower Improvements Project to Burke Diversified dba Burke Construction Co. in the Amount of \$819,007.68 with a 15% Contingency in the Amount of \$122,850 and Adopt a Revised Budget for the Fiscal Year 2020/2021 as it Pertains to the Fire Public Safety Augmentation Fund Account for a presentation and individual approval.

Motion by Faria, seconded by Lewis to approve the consent agenda follows: Check Register for #224656 – #224823 in the Amount of \$917,533.66; Minutes for the November 18, 2020 City Council Meeting; ~~City Council Resolution No. 6287 – Authorizing Award of Construction Contract for Fire Station Training Tower Improvements Project to Burke Diversified dba Burke Construction Co. in the Amount of \$819,007.68 with a 15% Contingency in the Amount of \$122,850 and Adopt a Revised Budget for the Fiscal year 2020/2021 as it Pertains to the Fire Public Safety Augmentation Fund Account.~~ The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**CITY COUNCIL RESOLUTION NO. 6287 – AUTHORIZING AWARD OF CONSTRUCTION CONTRACT FOR FIRE STATION TRAINING TOWER**

**IMPROVEMENTS PROJECT TO BURKE DIVERSIFIED DBA BURKE CONSTRUCTION CO. IN THE AMOUNT OF \$819,007.68 WITH A 15% CONTINGENCY IN THE AMOUNT OF \$122,850 AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2020/2021 AS IT PERTAINS TO THE FIRE PUBLIC SAFETY AUGMENTATION FUND ACCOUNT.** Fire Chief Hurley presented the staff report.

Motion by Faria, seconded by Lewis to approve City Council Resolution No. 6287 – Authorizing Award of Construction Contract for Fire Station Training Tower Improvements Project to Burke Diversified dba Burke Construction Co. in the Amount of \$819,007.68 with a 15% Contingency in the Amount of \$122,850 and Adopt a Revised Budget for the Fiscal Year 2020/2021 as it Pertains to the Fire Public Safety Augmentation 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 presented the staff report.

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

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

Motion by Villalta, seconded by Lewis to introduce Ordinance No. 1189 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Employee Housing. 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 how the City regulates child day cares and how the State Licensing has the jurisdiction to regulate day cares, but the Fire Department does an inspection as part of their city day care permit process.

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

Motion by Johnson-Santos, seconded by Faria 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 Johnson-Santos, seconded by Faria 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.

**CONSIDERATION OF APPROVING THE DESIGN/BUILD DELIVERY METHOD BE USED FOR THE NEW POLICE DEPARTMENT FACILITIES PROJECT; CITY COUNCIL RESOLUTION NO. 6288 – AUTHORIZING THAT 1. THE DESIGN/BUILD DELIVERY SYSTEM BE USED FOR THE NEW POLICE DEPARTMENT FACILITIES PROJECT AND 2. AMENDMENT NO. 1 OF THE VANIR CONSTRUCTION MANAGEMENT, INC. PROFESSIONAL SERVICES AGREEMENT (PSA) BE ENTERED INTO AND THAT THE CITY MANAGER SHALL EXECUTE SAID AMENDMENT AND THE PUBLIC WORKS DIRECTOR/CITY ENGINEER WILL ADMINISTER SAID AMENDMENT, AND 3. THE ADOPTION OF A REVISED BUDGET FOR THE FISCAL YEAR 2020/2021 AS IT PERTAINS TO THE POLICE DEPARTMENT CAPITAL IMPROVEMENT FUND ACCOUNT.**

Public Works Director/City Engineer Fachin presented the staff report. Jerry Avalos, Vice President and Scott Murphy, Project Manager with Vanir Construction Management, Inc. were also present at the meeting to answer any questions that the City Council may have.

There was Council Member and staff discussion regarding if we are planning for additional office space for additional staff.

Motion by Johnson-Santos, seconded by Faria to City Council Resolution No. 6288 – Authorizing That 1. The Design/Build Delivery System be Used for the New Police Department Facilities Project and 2. Amendment No. 1 of the Vanir Construction Management, Inc. Professional Services Agreement (PSA) be entered Into and that the City Manager Shall Execute Said Amendment and the Public Works Director/City Engineer Will Administer Said Amendment, and 3. The Adoption of a Revised Budget for the Fiscal Year 2020/2021 as it Pertains to the Police Department Capital Improvement Fund Account. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF COUNCIL MEMBER REQUEST REGARDING HOMELESS SHELTERING PLAN DURING WINTER MONTHS [LEWIS].**

Council Member Lewis stated that she would like to turn this item over to Mayor Villalta to present. Mayor Villalta stated that he and City Manager Terrazas have been talking to the County of Merced regarding the need to house homeless and have been asking to be able to use the Migrant Center near Henry Miller Road for a homeless facility during the winter months. He is asking for support for the City Manager to send a letter to Merced County asking for

financial assistance to fund the staffing needed to run the Migrant Center for the homeless during the harsh winter months, in order to save homeless lives on the Westside.

Council Member Faria stated that he is very supportive of this, asked if we should be talking to MCAG about getting The Bus services to the location so that they can get back and forth from the Migrant Center; Council Member Johnson-Santos stated that this is a wonderful idea and referenced Mr. Mitchell submitted comments during the public forum regarding homeless outreach; Council Member Lewis thanked the Mayor and City Manager for looking into this, education and teaching sanitation to the homeless would be very beneficial and supports a letter being written.

### **ADVISEMENT OF PUBLIC NOTICES (No Reports).**

**CITY MANAGER REPORT.** City Manager Terrazas stated that tonight is Public Works Director/City Engineer Mark Fachin's last City Council Meeting, noting his contributions to the community have been significant, how he has enjoyed working with Mark, adding how engineers are special and unique people, Mark's efforts will be long-lasting and has been the driving force behind the new Police Station Project, he thanked him for his service to the community, how he will be missed.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** No report.

### **CITY COUNCIL MEMBER REPORTS.**

**BRETT JONES:** No report, but wanted to thank Public Works Director/City Engineer Mark Fachin for all his hard work and answering all his tedious questions, you are going to be missed.

**DEBORAH LEWIS:** Thanked Public Works Director/City Engineer Mark Fachin for his service to the City of Los Banos, more importantly enjoy your retirement. Would like to get an update on shopping cart cleaning process and upkeep. Last week she requested that the management out of Fresno for Republic Services come to speak about the issues happening right now at the next meeting.

**DARONICA JOHNSON-SANTOS:** Thanked Public Works Director/City Engineer Mark Fachin for his service to the City and for being one of the first people to welcome her into the City fold, to please enjoy your retirement, it is well deserved.

**TOM FARIA:** Thanked Public Works Director/City Engineer Mark Fachin, noting how the City has accomplished a great deal with your excellent work, you will be sorely missed and to enjoy his well-earned retirement. He echoed Ms. Lewis' request to address the City Council as things are not happening that they should with Republic Services, reminded all about the "reverse" Christmas parade being held on December 4, 2020.

**MAYOR MICHAEL VILLALTA:** Spoke regarding the reverse Christmas parade and how each Council Member will be able to bring their individual cars and be a static part of the parade, thanked Council Member Jones for the lights he donated for the downtown to put up, encouraged all to take part in the Christmas parade, congratulated Public Works Director/City Engineer Mark Fachin on his upcoming retirement, how it is well deserved, and how he will be missed.

Public Works Director/City Engineer Mark Fachin stated that he is so lucky to be at the end of his career to have the best job with the best people, thanked everyone adding that it has been such a pleasure to work for the City of Los Banos.

**ADJOURNMENT.** The meeting was adjourned at 5:58 P.M.

APPROVED:

/s/ Manuel Faria  
Manuel Thomas Faria III, Mayor

ATTEST:

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