

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 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.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE: Police Commander Hedden led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members, Daronica Johnson-Santos, Deborah Lewis (*virtually participating*), Brett Jones, Mayor Michael Villalta; Tom Faria absent.

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

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that an emergency item related to COVID-19 needed to be added to the agenda after the posting of the regular agenda. The Government Code sections allowing the addition of this item after the posting of the regular agenda were recited to the public. This emergency item was added as Agenda Item No. 6

Motion by Villalta, seconded by Lewis to add Consideration of Approval of City Council Resolution No. 6190 – Ratifying the Director of Emergency Services' Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19) to the agenda as the new item #6. The motion carried by the following roll call vote – AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

Motion by Lewis, seconded by Jones to approve the City Council Meeting agenda with the addition of the emergency item, add Consideration of Approval of City Council Resolution No. 6190 – Ratifying the Director of Emergency Services' Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19), which will now become item #6. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Jones to approve the amended City Council Meeting agenda with the addition of add Consideration of Approval of City Council Resolution No. 6190 – Ratifying the Director of Emergency Services' Proclamation 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: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

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. No one came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6190 – RATIFYING THE DIRECTOR OF EMERGENCY SERVICES’ PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-10). City Manager Terrazas presented the staff report, which included a brief update of the COVID-19 situation. Fire Chief Hurley spoke in detail as to what the City is doing in response to the current situations and what the plans will be.

Mayor Villalta spoke to the reasoning behind the City proclaiming the existence of a local emergency and how it is not meant to cause panic, but is merely to follow emergency procedures and to be sure the City will be able to function properly after the situation passes. Proper documentation and procedures must be followed in order for the City to be reimbursed for its response efforts.

The issue of supply hoarding was discussed and how all should be mindful of how their actions could potentially affect the more vulnerable populations. All residents in the community, including the homeless and senior citizens, are aimed at being taken care of and there are many groups working together to be sure this goal is accomplished.

Staff was thanked for all their response efforts and the community was reminded about the importance of self-care and proper precautions to take to stay healthy. The main source of information or updates can be found on the Los Banos Police Department’s Facebook page.

Motion by Johnson-Santos, seconded by Jones to approve City Council Resolution No. 6190 – Ratifying the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The motion carried by the affirmative action of all Council Members present, Faria absent.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Johnson-Santos, seconded by Jones to approve the consent agenda as follows: Check Register for #220702 - #220948 in the Amount of \$1,112,594.14, Minutes for the March 4, 2020 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A STATUTORY EXEMPTION FROM CEQA PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO CONSIDER ADDING ARTICLE 46 TO CHAPTER 3 TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE

ACCOMMODATION; ORDINANCE NO. 1181 – ADDING ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION (FIRST READING & INTRODUCTION).

Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding certain situations that would possibly fall under accommodation relief measures. Staff will review these accommodations on a case-by-case basis and conduct studies or analyses as needed in order to make proper decisions.

Mayor Villalta opened the public hearing. No one came forward to speak.

Motion by Johnson-Santos, seconded by Lewis to waive the first reading of Ordinance No. 1181 – Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Lewis to introduce Ordinance No. 1181 – Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION A STATUTORY EXEMPTION FROM CEQA PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO AMEND CHAPTER 3 OF TITLE 9 OF THE MUNICIPAL CODE AS IT RELATES TO REMOVING BARRIERS FOR DEVELOPMENT OF SUPPORTIVE AND TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND SINGLE ROOM OCCUPANCIES IN ACCORDANCE WITH STATE HOUSING ELEMENT LAW; ORDINANCE NO. 1182 – AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS (FIRST READING & INTRODUCTION).

City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. No one came forward to speak.

Motion by Lewis, seconded by Jones to waive the first reading of Ordinance No. 1182 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing and Single Room Occupancy Units. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Jones to introduce Ordinance No. 1182 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing and Single Room Occupancy Units. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A GENERAL PLAN AMENDMENT THAT WOULD UPDATE THE HOUSING ELEMENT OF LOS BANOS GENERAL PLAN PURSUANT TO STATE LAW; CITY COUNCIL RESOLUTION NO. 6187 – ADOPTING THE 2019 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS REPORT IN ITS IMPLEMENTATION. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. No one came forward to speak.

Motion by Johnson-Santos, seconded by Jones to approve City Council Resolution No. 6187 – Adopting the 2019 annual Report on the Status of the Housing Element of the General Plan and Progress Report in Its Implementation. The motion carried by the affirmative action of all Council Members present, Faria absent.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6188 – APPROVING A COMPENSATION AGREEMENT BETWEEN THE CITY OF LOS BANOS AND OTHER AFFECTED TAXING ENTITIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 34180(f) AS IT PERTAINS TO DESIGNATED LOCAL AUTHORITY (DLA) AND THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) PROPERTY INTERESTS. City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the agreement itself, the different categories of properties in the City, and how sales proceeds of certain properties would have to be shared with other local taxing entities if certain obligations under this agreement are not met.

Motion by Jones, seconded by Johnson-Santos to approve City Council Resolution No. 6188 – Approving a Compensation Agreement between the City of Los Banos and other Affected Taxing Entities Pursuant to Health and Safety Code Section 34180(f) as it Pertains to Designated Local Authority (DLA) and the Former Los Banos Redevelopment Agency (RDA) Property Interest. The motion carried by the affirmative action of all Council Members present, Faria absent.

Mayor Villalta called for a five-minute recess.

CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (CALPERS) CONTRACT AMENDMENT AS IT PERTAINS TO LOCAL SAFETY MEMBERS (POLICE & FIRE) AND COST SHARING OF PENSION; CITY COUNCIL RESOLUTION NO. 6189 – INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALPERS AND THE CITY OF LOS BANOS AS IT PERTAINS TO LOCAL SAFETY MEMBERS (POLICE & FIRE); ORDINANCE NO. 1183 – AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF LOS BANOS AND THE BOARD OF ADMINISTRATION OF THE CALPERS TO IMPLEMENT SECTION 20516, EMPLOYEES SHARING ADDITIONAL PENSION COSTS FOR LOCAL SAFETY

MEMBERS (POLICE & FIRE) (FIRST READING & INTRODUCTION). Human Resources Director Mallonee presented the staff report.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 6189 – Intention to Approve an Amendment to Contract between the Board of Administration CalPERS and the City of Los Banos as it Pertains to Local Safety Members (Police & Fire). The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1183 – Authorizing an Amendment to the Contract between the City of Los Banos and the Board of Administration of the CalPERS to Implement Section 20516, Employees Sharing Additional Pension Costs for Local Safety Members (Police & Fire). The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1183 – Authorizing an Amendment to the Contract between the City of Los Banos and the Board of Administration of the CalPERS to Implement Section 20516, Employees Sharing Additional Pension Costs for Local Safety Members (Police & Fire). The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director stated that a public hearing will be held by the Planning Commission at 7:00 p.m. on March 25, 2020 to consider a tentative parcel map, a site plan review, a conditional use permit and a negative declaration for the development of two parcels at 1420 E Pacheco Boulevard by The Orozco Group in order to accommodate quick serve restaurant drive-thru's for Chipotle and Dutch Bros.

CITY MANAGER REPORT. City Manager Terrazas reminded all who are watching on Facebook Live that the questions that were submitted will be answered and posted on the Police Department's Facebook page. There will be a summary prepared of the Facebook comments received and those will be provided to the Council.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta stated that the two big items that are continuing to be pushed forward are the Pioneer trail project and the expansion of the Billy Wright dumpsite.

DEBORAH LEWIS: Council Member Lewis stated that she received a text from the Los Banos Unified School Districting regarding free drive-thru/walk up meals provided to every child ages 1-18 every Monday-Friday from 10:00 a.m. – 1:00 p.m. There will be no service provided during spring break week, which will be March 23 – March 27 and April 10 – April 13. She identified all locations where these meals will be available. In regards to the COVID-19 situation, she made a comment about the importance of checking in on older family members to make sure all their needs are met and to maintain social distancing as much as possible.

TOM FARIA: Absent.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos encouraged all to keep calm and stay safe and to be mindful that there are other people trying to get the same essential supplies. Only obtain what is necessary for you and your family for a couple of days or weeks.

BRETT JONES: No report.

MAYOR MICHAEL VILLALTA: Mayor Villalta spoke to how the community has always had enough supplies for everyone and how the hoarding situation is a bit much. He encouraged all to continue to shop and spend locally. The school district has a wonderful plan on taking care of the children in the community and he encouraged all to utilize this resource. The City is working on taking care of special senior needs during this time such as alternative shopping avenues and meal services. For all questions and concerns regarding the COVID-19, please look to the Merced County website for more information.

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 OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9: ONE POTENTIAL CASE. No reportable action.

ADJOURNMENT. The meeting was adjourned at 10:26 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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