

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
APRIL 15, 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.*

*The following closed session items were held prior to the City Council Meeting at 4:00 p.m. Mayor Villalta asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated she had not.*

**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.** Mayor Villalta stated that no reportable action was taken during this closed session item.

**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.** Mayor Villalta stated that no reportable action was taken during this closed session item.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(D)(1)), NAME OF CASE: CALIFORNIA SPORTFISHING PROTECTION ALLIANCE VS. CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY; STANISLAUS SUPERIOR COURT, CASE NO CV-20-001748.** Mayor Villalta stated that no reportable action was taken during this closed session item.

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 5:07 p.m.

**PLEDGE OF ALLEGIANCE:** Fire Chief Hurley led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** *Participating by teleconference:* Council Members Tom Faria, Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta.

**STAFF MEMBERS PRESENT:** *Participating by teleconference:* City Manager Terrazas, City Attorney Vaughn, Police Chief Brizzee (5:14 PM), Fire Chief Hurley, Community & Economic Development Director Elms; *Present in the Council Chambers:* City Clerk/Human Resources Director Mallonee, Finance Director Williams.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Johnson-Santos, seconded by Jones to approve the City Council Meeting agenda as submitted. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, 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, two (2) had to do with item 7H - City Council Resolution No. 6203 – Continuing the Declaration of the Existence of a Local Emergency Within the City of Los Banos (COVID-19) and read a comment from “Janice” regarding wanting clarification on the new health order, are minor children allowed to accompany their parent/ guardian while shopping, many children are too young to leave home or in the car and not everyone has the option for daycare etc. For example would an infant or toddler be limited from entering an open business because it's not "1 cart 1 person". No other comments were received or read into the record and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Mayor Villalta requested that items 7D – City Council Resolution No. 6199 – Rejecting All Bids for the Construction of the Los Banos Dog Park Project and 7H – City Council Resolution No. 6203 – Continuing the Declaration of the Existence of a Local Emergency Within the City of Los Banos (COVID-19) be removed from the consent agenda to be heard and considered separately.

Motion by Faria, seconded by Lewis to approve the consent agenda, with the removal of items 7D – City Council Resolution No. 6199 – Rejecting All Bids for the Construction of the Los Banos Dog Park Project and 7H – City Council Resolution No. 6203 – Continuing the Declaration of the Existence of a Local Emergency Within the City of Los Banos (COVID-19), as follows: Check Register for #221170 – #221316 in the Amount of \$ 742,822.32; Minutes for the April 1, 2020 City Council Meeting; City Council Resolution No. 6198 – Awarding Contract for Legal Advertising to the Los Banos Enterprise for Fiscal Year Ending June 30, 2021 and Authorizing the City Manager to Execute Agreement; ~~City Council Resolution No. 6199 – Rejecting All Bids for the Construction of the Los Banos Dog Park Project;~~ City Council Resolution No. 6200 –

Authorizing Entering into a Second Amendment to Lease Agreement Between the City of Los Banos and Ferrara Ranches, LTD, for the Purpose of Leasing Pasture Land Located at the City of Los Banos Wastewater Treatment Facility; City Council Resolution No. 6201 – Accepting Public Improvements for Stonecreek at Los Banos, The Villages VII, Phase 1; More Specifically Identified as APNs 431-060-027, 431-060-033, and a Portion of 430-060-016 and 430-060-039; Applicant: Anderson Homes; City Council Resolution No. 6202 – Amending the 2019-2020 Fiscal Year Budget in the Amount of \$24,000 as it Pertains to Revenues and Expenditures for SB2 Planning Grant; ~~City Council Resolution No. 6203 – Continuing the Declaration of the Existence of a Local Emergency Within the City of Los Banos (COVID-19)~~; City Council Resolution No. 6204 – Designating Applicant’s Agent for the Purpose of Obtaining State and Federal Disaster Assistance and Emergency Preparedness Grants; Ordinance No. 1183 – Authorizing an Amendment to the Contract between the City of Los Banos and the Board of Administration of the California Public Employees’ Retirement System (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: None.

**CITY COUNCIL RESOLUTION NO. 6199 – REJECTING ALL BIDS FOR THE CONSTRUCTION OF THE LOS BANOS DOG PARK PROJECT.** Public Works Director/City Engineer Fachin presented the staff report and stated that all bids are being rejected due to the financial impact of COVID-19. This project may be able to move forward in the months ahead if finances improve.

Motion by Lewis, seconded by Johnson-Santos to approve City Council Resolution No. 6199 – Rejecting All Bids for the Construction of the Los Banos Dog Park Project. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

**CITY COUNCIL RESOLUTION NO. 6203 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19).** City Manager Terrazas presented the staff report and spoke to the previous declaration of a local emergency within the City of Los Banos and how the City Council is required to periodically provide a status as to whether or not the declaration of an emergency is continuing. He provided a brief update regarding the recent increase in the number of cases currently reported in Merced County, which is why the continuation of a local emergency is being recommended. The Executive Order that is being implemented alongside this continuation declaration was spoken to and the new requirements that pertain to “Covered Businesses”, their employees and the customers/visitors that go to those businesses. A full text version of this Executive Order will be posted to the City’s website.

City Clerk Mallonee read the first comment received by email from “Janice”: Please clarify on the new health order. Are minor children allowed to accompany their parent/guardian while shopping? Many children are too young to leave home or in the car and not everyone has the option for daycare etc. For example would an infant or toddler be limited from entering an open business because it's not "1 cart 1 person"?

City Attorney Vaughn answered that question by stating that the Order reads that one adult customer per household shall be allowed into the store to do the shopping for the household. The idea behind the portion of this Order is so that entire families are not going into businesses all at once. It will be up to the individual stores to decide how strictly to enforce this particular rule.

City Clerk Mallonee read the second comment received by email from Will McBride: To whom it may concern: The mandate ordered by the City Manager is an infraction on the civil rights of Americans residing in Los Banos, CA. Demanding that everyone be required to wear a mask or cover is absurd as demanding we wear a uniform. You the Council, please review Mr. Alex Terrazas' decision. Our freedom was not established with a clause declaring unless there is a pandemic.

City Attorney Vaughn responded to that comment by stating that the Order is not requiring everyone to wear a mask or to wear a mask if someone is simply going outside of their home. The Order only requires everyone to wear a mask whenever they are entering a Covered Business where there are other people in the area and employees are serving those people.

City Clerk Mallonee read the third comment received by email from Yvonne McMurray: I am writing this email to both of you to voice my frustration about the new city ordinance that is set to go in place allowing only 1 family member into a store at a time and the Order to wear face coverings. I do not agree that government should have the ability to dictate these basic living liberties. If a person is worried about exposure, then that person should shop online or stay home. Government should not be allowed to get involved and tell me what is essential and how to shop. I had always hoped that our local city officials would be the voice of calm, reasonable action. I was wrong. Our city officials are only adding panic to the residents with these ridiculous orders. I know it isn't today, but there will come a time in our city when you will need my support. Believe me, you will not get it. I have lost all confidence and pride in your abilities to lead in times of trouble.

City Attorney Vaughn stated that the concerns relayed in the last comment have been addressed by the previous two responses he provided regarding the Order and why these precautions are being put into place.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6203 – 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: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

**ADVISEMENT OF PUBLIC NOTICES (Two Reports).** Community & Economic Development Director Elms stated that there will be a public hearing for a site plan review, a tentative parcel map, and two conditional use permits for Chipotle and Dutch Bros to be located at 1420 E. Pacheco Boulevard. The other public hearing will be for a mobile food vendor to be located at 849 W. Pacheco Boulevard which is Goodger's Shell gas station. Both items will be heard by the Planning Commission on Wednesday,

April 22, 2020 at 4:00 p.m. via a virtual meeting. The link to watch this virtual meeting will be included on the Planning Commission agenda when it is posted.

**CITY MANAGER REPORT – COVID-19 STATUS UPDATE.** City Manager Terrazas spoke to how the Emergency Operations Center is continuing its efforts and is in close communication with regional partners, the County, local businesses, and local churches to keep the information going. The Emergency Operations Team is being led by Fire Chief Hurley and he is doing a great job at guiding the City through this incident. He thanked all the City employees who are involved in the emergency operations effort and all those employees who are continuing to provide service during this stressful time. The City offices may be closed to the public, but City staff are continuing to work and provide services to the community.

**CITY MANAGER REPORT - REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: FIRE CHIEF.** City Manager Terrazas stated that on April 14, 2020, based upon his performance review, the Fire Chief's salary was increased to \$11,924 monthly (\$143,088 annually) retroactive to October 28, 2019.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** Mayor Villalta stated that the items that will continue to be worked on and discussed are the Billy Wright Waste Disposal Site, the Pioneer Trail, and the synchronization of the traffic intersection lights on Highway 152 to keep the traffic moving.

**DARONICA JOHNSON-SANTOS:** Council Member Johnson-Santos thanked City staff and all those out there who are continuing to work in the trenches. She spoke to how we as Americans are used to convenience but at this time we all need to sacrifice for the better for everyone else. The Council is looking to keep everyone's best interests in mind. She wished all to continue to be safe and well.

**BRETT JONES:** No report.

**DEBORAH LEWIS:** Council Member Lewis stated that we are in trying times and that we are trying to save lives. Everyone is working to try to overcome this pandemic that has hit the whole world. We are all in this together. She spoke to the daily reporting done by the Merced County Public Health Department and how she is hoping that the information can start showing the number of new cases that arise each day and what kind of exposure was involved with these new cases. The sanitation of grocery carts was spoken to and how she has never seen any of those grocery carts properly sanitized. She would like to have some kind of permanent action put in place for this pandemic and for the future that would require the carts to be sanitized on a regular basis. She is asking for Council's support in directing staff to begin working on this.

City Manager Terrazas stated that on an immediate basis under the Executive Order, additional cart cleaning can be mandated. On a long-term basis, this could be brought back as a council member request.

**TOM FARIA:** Council Member Faria encouraged everyone to follow the directives and stay safe so we can get this thing done and over with.

**MAYOR MICHAEL VILLALTA:** Mayor Villalta stated that the place to go for all of the COVID-19 information is the Los Banos Police Department Facebook page. If any questions arise, please direct them to the City Clerk and you will get an answer. He stated that he as well as Police Chief Brizzee, Fire Chief Hurley and City Manager Terrazas are all in constant contact with the hospital and that it is ready and equipped to care for patients. He encouraged all to thank the healthcare workers and first responders. Maintain social distancing and wear your masks.

**ADJOURNMENT.** The meeting was adjourned at 6:07 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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