

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 3, 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 4:01 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, Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Fire Chief Hurley, Community & Economic Development Director Elms, Public Works Director/City Engineer.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Faria, seconded by Johnson-Santos to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all Council Member present.

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 has received many comments by email regarding Agenda Item 7 – COVID-19 Status Update. No other comments were received or read into the record and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Jones requested that item 6D – City Council Resolution No. 6219 – Authorizing Entering into a Fourth Amendment to Landscape Maintenance Contract Between the City of Los Banos and Ronnys Inc. which will extend the term through September 30, 2021 and adding Landscape and Irrigation Services Associated with the Newly Developed Landscape Areas in Districts 14 and 17 be removed from the Consent Agenda for separate consideration and approval. Motion by Jones, seconded by Lewis to approve the

consent agenda as follows: Check Register for #222244 – #222429 in the Amount of \$877,256.98; Minutes for the May 20, 2020 City Council Meeting; City Council Resolution No. 6218 – Authorizing the City Manager to Execute the Cares Act Airport Grants Agreement as the Sponsor’s Authorized Representative; ~~City Council Resolution No. 6219 – Authorizing Entering into a Fourth Amendment to Landscape Maintenance Contract Between the City of Los Banos and Ronnys Inc. which will extend the term through September 30, 2021 and adding Landscape and Irrigation Services Associated with the Newly Developed Landscape Areas in Districts 14 and 17;~~ City Council Resolution No. 6220 – Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2020, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California: Mayor “At-Large” for a Full Term of Two (2) Years, a Council Member for District 1 for a Full Term of Four (4) years, and a Council Member for District 4 for a Full Term of Four (4) years; City Council Resolution No. 6221 – Requesting the Board of Supervisors of the County of Merced to Consolidate a General Municipal Election to be Held on Tuesday, November 3, 2020, with the California Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Election Code. The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 6219 – AUTHORIZING ENTERING INTO A FOURTH AMENDMENT TO LANDSCAPE MAINTENANCE CONTRACT BETWEEN THE CITY OF LOS BANOS AND RONNYS INC. WHICH WILL EXTEND THE TERM THROUGH SEPTEMBER 30, 2021 AND ADDING LANDSCAPE AND IRRIGATION SERVICES ASSOCIATED WITH THE NEWLY DEVELOPED LANDSCAPE AREAS IN DISTRICTS 14 AND 17.

Council Member Jones requested that Public Works Director/City Engineer Fachin provide information about this contract and the amendments so that the public may better understand the history for which Public Works Director/City Engineer Fachin complied. Concerns about this contract continuing to be extended instead of going out to bid was brought to light for which Public Works Director/City Engineer Fachin spoke to the poor bidding results received for this contract in the past and that the City would not be saving money using a different contractor. The current company used for these services provides quality work at a price that is affordable to the City.

Motion by Jones, seconded by Lewis to approve City Council Resolution No. 6219 - Authorizing Entering into a Fourth Amendment to Landscape Maintenance Contract Between the City of Los Banos and Ronnys Inc. which will extend the term through September 30, 2021 and adding Landscape and Irrigation Services Associated with the Newly Developed Landscape Areas in Districts 14 and 17. The motion carried by the affirmative action of all Council Members present.

COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6222 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19); CITY COUNCIL RESOLUTION NO. 6223 – RATIFYING, IN PART, AMENDING, IN PART, AND RESCINDING IN PART, THAT CERTAIN EXECUTIVE ORDER 2020-01, ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES, DATE OF ORDER: APRIL 14, 2020. City

Clerk Mallonee read the many public comments received by email into the record. JARROD BRAZIL wrote in opposition to the facemask requirement; CELESTE SILVA wrote in opposition to the facemask requirement; TRICIA CAMPOS wrote in support of the facemask requirement; PATRICIA ACEVEZ wrote in support of opening businesses, especially CrossFit ValleyView; MARK VIERRA wrote in opposition to the COVID-19 ordinance requirements; JENNIFER CORREIA & GRACIANO RUBIO wrote in support of opening up businesses; LISA SOUZA wrote in support of opening businesses, especially CrossFit ValleyView; LAURA RASEY wrote in support of opening businesses, especially CrossFit ValleyView; DR. PHILLIP YU wrote in support of requiring facemasks; PATRICK GALLICHIO wrote in opposition to the facemask requirement; IRENE CHAVEZ wrote in support of opening businesses, especially CrossFit ValleyView; PAULA TINE wrote in support of opening businesses, especially CrossFit ValleyView; GENEVA BRETT wrote in opposition to the COVID-19 ordinance requirements; MARY GOIN wrote in opposition to the facemask requirement; STEPHEN HAMMOND wrote in opposition to the facemask requirement; WILL YORK wrote in opposition to the facemask requirement; DR. SALVADOR SANDOVAL wrote in support of the facemask requirement; ROSE GARCIA wrote in opposition to the facemask requirement; JOSEPH GARCIA wrote in opposition to the facemask requirement.

City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

The public was reminded that the City of Los Banos is following orders directed by State of California which are further ordered by Merced County. The City does not have the authority to make decisions higher than what the County orders. Individual cities may create stricter rules, but those rules must be in alliance with the County's. Los Banos Executive Order 2020-01 is still currently in place which imposes stricter rules such as face covering requirements for covered businesses for both employees and customers.

Motion by Faria, seconded by Johnson-Santos to approve City Council Resolution No. 6222 – Continuing the Declaration 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.

Motion by Faria, seconded by Villalta to rescind the requirement of one person per shopping cart. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta, seconded by Jones to rescind the requirement of 5 persons per 1,000 square feet. The motion carried by the affirmative action of all Council Members present, Johnson-Santos and Lewis voting NO.

Motion by Villalta, seconded by Johnson-Santos to require the use of face coverings in order to enter City Hall. The motion carried by the affirmative action of all Council Members present, Jones voting NO.

Motion by Villalta, seconded by Faria to require face coverings in the Council Chambers. The motion carried by the affirmative action of all Council Members present, Jones voting NO.

Motion by Villalta, seconded by Faria to require all businesses and organizations authorized to remain open or which are allowed to reopen pursuant to the May 8, 2020 County Order and beyond that are open to the public require employees and customers to wear face coverings. Allowing for exemptions from the face covering requirements under the ADA or for children under the age of 2 years. The motion carried by the affirmative action of all Council Members present, Johnson-Santos and Jones voting NO.

Motion by Villalta, seconded by Faria to require a self-certification to the completion of the detailed risk assessment and implementation of a site-specific protection plan as required pursuant to the May 8, 2020 County Order to be posted on the premises. The motion carried by the affirmative action of all Council Members present.

City Attorney Vaughn stated that staff will bring back a resolution with the language as stated above for consideration and approval at the June 17, 2020 City Council Meeting.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6225 – APPROVING TO STUDY COMMUNITY CHOICE AGGREGATION (CCA) AND PARTNERSHIP WITH PENINSULA CLEAN ENERGY (PCE) AND AUTHORIZE THE CITY MANAGER TO SIGN AND SUBMIT PG&E DATA FORMS TO CONDUCT A TECHNICAL STUDY/LOAD ANALYSIS. Community & Economic Development Director Elms presented the staff report, introducing Shawn Marshall who spoke in more detail which included a PowerPoint presentation. In addition, Jan Pepper, CEO of Peninsula Clean Energy was dialed in by phone and spoke in more detail.

There was Council Member and staff discussion with Ms. Marshall regarding discounts and programs for low income residents, seniors, and other groups of qualified individuals. Other cities in the area are currently looking at this energy option as well but there are currently no contracts in place. City Manager Terrazas noted that this would be a good investment and the contingency fund could be looked into if Council and staff deem this program important at this time.

Motion by Jones, seconded by Faria to adopt City Council Resolution No. 6225 – Approving to Study Community choice Aggregation (CCA) and Partnership with Peninsula Clean Energy (PCE) and Authorize the City Manager to Sign and Submit PG&E Data Forms to Conduct a Technical Study/Load Analysis.

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 1185 – AMENDING CHAPTER 8 OF TITLE 11 OF THE LOS BANOS MUNICIPAL CODE REGULATING SHOPPING CARTS (SECOND READING & ADOPTION). Community & Economic Development Director Elms presented the staff report.

Motion by Lewis, seconded by Johnson-Santos to waive the second reading of Ordinance No. Ordinance No. 1185 – Amending Chapter 8 of Title 11 of the Los Banos

Municipal Code Regulating Shopping Carts. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Johnson-Santos to adopt Ordinance No. 1185 – Amending Chapter 8 of Title 11 of the Los Banos Municipal Code Regulating Shopping Carts. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2020-2021 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19. CITY COUNCIL RESOLUTION NO. 6224 – CONFIRMING DIAGRAM, ASSESSMENT AND LEVYING ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19 FOR THE 2020-2021 FISCAL YEAR. Public Works Director/City Engineer presented the staff report.

There was Council Member and staff discussion regarding some of the costs outlined in the assessments and clarification of what those costs cover.

Mayor Villalta opened the public hearing. A short recess was taken to receive public comment by email.

After the five-minute recess, City Clerk Mallonee stated that no comments had been received by email and the public hearing was closed.

Motion by Johnson-Santos, seconded by Faria to adopt City Council Resolution No. City Council Resolution No. 6224 – City Council Resolution No. 6224 – Confirming Diagram, Assessment and Levying Assessments for Landscaping and Lighting District Nos. 1-7 and 9-19 for the 2020-2021 Fiscal Year. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF NOMINATION TO MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) MEASURE V CITIZENS OVERSIGHT COMMITTEE.

Motion by Jones, seconded by Villalta to nominate John Cates as a candidate for the Measure V Citizens Oversight Committee. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there one item to be considered at the next Planning Commission meeting on Wednesday, June 10, 2020, a tentative parcel map, site plan review and conditional use permit for a gas station convenience store with an attached carwash with the allowance of the off-sale of beer and wine through a Type 20 ABC license located at 2027 E. Pacheco Boulevard, APN 083-140-031.

CITY MANAGER REPORT. City Manager Terrazas stated that the City was successful in obtaining a \$160,000 grant to fund the preparation of the Tree Master Plan. It is great news and comes with the great leadership of Joe Heim, Parks and Recreation Operations Manager.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.

Mayor Villalta stated that they will be bringing forward what MCAG would like to do with the acreage to expand the City's refuse site to accommodate the westside of the County. The next meeting regarding the Pioneer Widening Project will be held virtually on June 23rd and Mayor Villalta wanted to assure all that a follow up in-person meeting is in the works to accommodate all to be able to attend in a safe manner.

BRETT JONES: Council Member Jones is there a way we can have a minister at a future meeting for which City Clerk Mallonee stated that they would need to sign up in order to attend.

TOM FARIA: Council Member Faria wished all to stay well and stay safe.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos thanked Chief Brizzee and all his support staff for the successful and peaceful event held yesterday.

DEBORAH LEWIS: No report.

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that he attended the peaceful Justice March yesterday and spoke to how proud he was with the whole group and event. Today he attended the Peace Gathering at Pacheco Park with about 40 students and adults present. He thanked Elizabeth Stonegrove and Illa Nelson for coordinating the event. Further, he spoke regarding COVID-19 and the research he has done and information he has discovered.

ADJOURNMENT. The meeting was adjourned at 8:04 PM to 4:00 PM, Thursday, June 4, 2020 in the Council Chambers, 520 J Street, Los Banos, California to Attend a 2020/2021 Fiscal Year Budget Workshop and Adjourn to 4:00 PM, Tuesday, June 9, 2020 in the Council Chambers, 520 J Street, Los Banos, California to Hold an Appeal Hearing Regarding the Decision to Not Grant a Waiver of Transient Occupancy Tax Collected.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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