

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 1, 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 Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta; ABSENT: Tom Faria.

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

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that staff is requesting an item to be added to the agenda regarding Coronavirus Relief Funding. He noted that there is an immediate need to take action, the need arose after the posting of the agenda and the action needs to be taken and submitted no later than July 10, 2020.

Motion by Lewis, seconded by Johnson-Santos to add City Council Resolution No. 6235 – Designating the City Manager to Execute the Certification for Receipt of Funds Pursuant to Paragraphs (2) or (3) of Subdivision (D) of Control Section 11.90 of the Budget Act of 2020 for the Purpose of Obtaining the City’s Allocation of the Coronavirus Relief Fund to the agenda as Agenda Item No. 6B. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Faria.

Motion by Lewis seconded by Johnson-Santos to approve the City Council Meeting agenda as submitted with the addition of City Council Resolution No. 6235 – Designating the City Manager to Execute the Certification for Receipt of Funds Pursuant to Paragraphs (2) or (3) of Subdivision (D) of Control Section 11.90 of the Budget Act of 2020 for the Purpose of Obtaining the City’s Allocation of the Coronavirus Relief Fund to the agenda as Agenda Item No. 6B. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Mayor 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 asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee read an email from STEPHANIE GONZALEZ, Program Manager of the California Health Collaborative with the Merced County Tobacco Control Program, speaking about tobacco littering and noting that 6-year old Jocelyn Gomez from Los Banos was the first place winner of their “Shoe Box Challenge”. Mayor Villalta congratulated Miss Gomez and asked that we prepare a Certificate of Appreciation for the next Council Meeting to be presented to her.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. There was Council Member and staff discussion regarding City Council Resolution No. 6235 – Designating the City Manager to Execute the Certification for Receipt of Funds Pursuant to Paragraphs (2) or (3) of Subdivision (D) of Control Section 11.90 of the Budget Act of 2020 for the Purpose of Obtaining the City’s Allocation of the Coronavirus Relief Fund for which City Manager Terrazas explained that staff is currently researching expenses that these funds would be eligible for. Once a list is compiled, it will be brought to Council for further discussion and consideration.

Motion by Johnson-Santos, seconded by Lewis to approve the consent agenda as follows: Check Register for #222571 – #222770 in the Amount of \$1,802,002.86; City Council Resolution No. 6235 – Designating the City Manager to Execute the Certification for Receipt of Funds Pursuant to Paragraphs (2) or (3) of Subdivision (D) of Control Section 11.90 of the Budget Act of 2020 for the Purpose of Obtaining the City’s Allocation of the Coronavirus Relief Fund. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF REPEALING LOCAL AMENDMENT AMENDMENTS SECTION 8-1.18 A AND SECTION 8-1.18 B OF THE LOS BANOS MUNICIPAL CODE RELATED TO “WATER HEATER PROHIBITED LOCATIONS AND WATER HEATER PROTECTION FROM DAMAGE”; ORDINANCE NO. 1086 – REPEALING PREVIOUSLY ENACTED LOCAL AMENDMENT TO THE CALIFORNIA PLUMBING CODE AS IT PERTAINS TO WATER HEATERS. Fire Chief Hurley presented the staff report.

There was Council Member and staff discussion regarding the water heaters, location requirements outlined in these amendments, and how the older homes and the plumbing inside of these homes would be affected.

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

Motion by Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1086 – Repealing Previously Enacted Local Amendment to the California Plumbing Code as it Pertains to Water Heaters. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Faria.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1086 – Repealing Previously Enacted Local Amendment to the California Plumbing Code as it Pertains to Water Heaters. . The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF CONDITIONAL USE PERMIT #2020-03 FOR THE ALLOWANCE OF THE OFF-SALE OF ALCOHOL THROUGH A TYPE 20 BEER AND WINE ABC LICENSE FOR TODD REAL ESTATE SOLUTIONS, INC. (ARCO AM PM) LOCATED AT 2027 E. PACHECO BOULEVARD, APN 083-140-031; CITY COUNCIL RESOLUTION NO. 6233 – APPROVING CONDITIONAL USE PERMIT #2020-03 TO ALLOWANCE FOR THE OFF-SALE OF BEER AND WINE UNDER A TYPE 20 ALCOHOL LICENSE FOR TODD REAL ESTATE SOLUTIONS, INC. (ARCO AM PM) LOCATED AT 2027 E. PACHECO BOULEVARD, APN 083-140-031. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

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

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6233 – Approving Conditional Use Permit #2020-03 to Allowance for the Off-Sale of Beer and Wine Under a Type 20 Alcohol License for Todd Real Estate Solutions, Inc. (Arco AM PM) Located at 2027 E. Pacheco Boulevard, APN 083-140-031. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: Faria.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6234 – APPROVING PROFESSIONAL SERVICES AGREEMENT FOR MUNICIPAL CODE ENFORCEMENT SERVICES [CSG CONSULTANTS, INC.] AND AMENDING THE 2020-2021 FISCAL YEAR BUDGET AS IT PERTAINS TO REVENUES AND EXPENDITURES IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the grant amount and approximately how much of that funding will be spent each fiscal year until 2023, the scope of services CSG and the single Code Enforcement Officer will be providing, and who would be the keepers of the records relating to these services.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6234 – Approving Professional Services Agreement for Municipal Code Enforcement

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

COVID-19 STATUS UPDATE. City Manager Terrazas presented the staff report and referred to the Merced County Coronavirus Dashboard site which shows Coronavirus statistics for cities in Merced County. He spoke to the new testing site opened in Los Banos and provided direction on how to schedule an appointment. Earlier in the day Governor Newsom amended California's Health Order for the 19 counties – Merced County included - on the State's watch list which called for the closure of various indoor services including indoor dining, indoor wineries/tasting rooms, indoor family entertainment centers including movie theaters, indoor zoos/museums, and indoor card rooms.

City Clerk Mallonee read the public comments received by email into the record: TRICIA CAMPOS wrote in support of wearing facemasks.

Mayor Villalta read comments from Dr. Yu, Sutter Health Memorial Hospital Los Banos Administrator, which stated that Los Banos' early efforts regarding the wearing of masks were helpful in delaying a spike in cases and that these efforts need to continue in order to keep the number of cases down and to not overwhelm the hospital's capacity. Hospital staff are ready to provide care and their supply levels are sufficient.

There was Council Member and staff discussion pertaining to how the City is currently pushing COVID-19 information out to the public and other options that may be more efficient and user friendly. There was further discussion about the testing site here in Los Banos and what the costs associated are with the testing. Ultimately, no one would be turned away for being unable to pay.

No action taken, informational item only.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there is one item to be considered at the next Planning Commission meeting on Wednesday, July 8, 2020 regarding a Vesting Tentative Tract Map #020-02 for Mission Village South Phase 5B, a project that consists of the subdivisions of approximately 7.81 acres into forty (40) Medium Density residential lots and one (1) High Density Residential lot for 16 multi-family units and Final Development Plan, located east of Merced Springs Road and south of Mission Drive and north of Willmott Avenue, APN 428-280-012

CITY MANAGER REPORT. No report.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta stated that the land acquisition for the Billy Wright disposal site is continuing on as well as the CMAQ funds for the synchronization of the traffic lights on Highway 152. Extensions of the recycling contracts will be brought forth for Council discussion due to the tremendous increase in costs.

BRETT JONES: No report.

DEBORAH LEWIS: Council Member Lewis spoke to how she was driving downtown the other day and noticed a building that had boarded up windows and that it has been that way for a long time. She expressed her frustration with the fact that downtown improvements are not being done and that not much progress has been made over the years. There was supposed to be a group of people participating in improvements and these improvements need to move forward. City Manager Terrazas stated that an update for the Downtown Strategic Plan will be brought to Council at the first Council Meeting in August.

Council Member Lewis wished everyone a happy 4th of July and encouraged all to not set off illegal fireworks as there is a lot of dry brush around and there is a hefty fine associated if you are caught. Purchase safe and sane fireworks only. She additionally suggested that pets be microchipped in case they escape from home due to being frightened.

TOM FARIA: Absent.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos wished all a happy and safe 4th of July.

MAYOR MICHAEL VILLALTA: Mayor Villalta wished all a happy and safe 4th of July. He encouraged all to wear their masks as cases are growing. We all need to do our part.

ADJOURNMENT. The meeting was adjourned at 5:34 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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