

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
AUGUST 19, 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.*

**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.** This closed session item was held in closed session at 3:00 PM prior to the City Council Meeting. City Clerk Mallonee stated she received no public comments by email regarding this closed session item.

No reportable action.

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 4:34 p.m.

**PLEDGE OF ALLEGIANCE:** Police Commander Reyna 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; **ABSENT:** None.

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

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, seconded by Faria 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 received two emails regarding item 11 regarding City Council Resolution No. 6259 – Directing City of Los Banos Staff to Begin Negotiations with mid Valley Disposal to Finalize Franchise Agreement for the Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services which will be read during that item. There were no additional comments and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.**

Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda as follows: Check Register for #223246 – #223417 in the Amount of \$432,379.27; Minutes for the August 5, 2020 City Council Meeting; City Council Resolution No. 6252 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 3 and Accompanying Subdivision Improvement Agreement (Anderson Homes); City Council Resolution No. 6253 – Adopting a Revised Budget for the 2020-2021 Fiscal Year as it Pertains to Needed Modifications to the New Fire Apparatus and Increasing Expenditures in the Fire Department Capital Improvement Fund in the Amount of \$25,000; City Council Resolution No. 6254 – Adopting a Revised Budget for the 2020-2021 Fiscal Year as it Pertains to Purchasing All Needed Miscellaneous Equipment for the New Fire Apparatus and Increasing Expenditures in the Fire Department Capital Improvement Fund in the Amount of \$80,000; City Council Resolution No. 6255 – Approving an Amendment to Division 5 – Personnel Benefits of the City’s Policy & Procedures Manual as it Pertains to the City’s Contribution toward Monthly Health Premiums for Unrepresented Employees for the Calendar Year 2021; City Council Resolution No. 6256 – Approving the Acceptance of Federal Grant Funding from the Assistance to Fire Fighter Grant Program - COVID-19 Supplement (AFG-S) and Amending 2020-2021 Fiscal Year Budget as it Pertains to Revenues and Expenditures in the Amount of \$9,555.93. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**PRESENTATION – PROCLAMATION RECOGNIZING NATIONAL HEALTH CENTER WEEK.**

City Clerk Mallonee read the proclamation.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND DISCUSSION OF THE SUBMITTAL OF AN APPLICATION IN RESPONSE TO THE RELEASE OF STATE ADMINISTERED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CV FUNDS FOR COVID-19 RELATED ACTIVITIES THAT BENEFIT LOW AND MODERATE INCOME RESIDENTS; CITY COUNCIL RESOLUTION NO. 6257 – APPROVING AN APPLICATION FOR FUNDING AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS RESPONSE ROUND 1 (CDBG-CV1)**

**NOFA DATED JUNE 5, 2020.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if we have received inquiries regarding help for local businesses and how the loans for low-mod households work.

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 Lewis, seconded by Jones to adopt City Council Resolution No. 6257 – Approving an Application for Funding and Execution of a Grant Agreement and Any Amendments thereto from the 2020 Community Development Block Grant Program-Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020. 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 CITY COUNCIL RESOLUTION NO. 6258 – ACCEPTING CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS IN THE AMOUNT OF \$517,629 AND ADOPTING THE CARES ACT FUNDING PLAN, COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM GUIDELINES AND THE RESIDENTIAL HARDSHIP ASSISTANCE PROGRAM GUIDELINES.** Finance Director Williams presented the staff.

There was Council Member and staff discussion regarding if we were going to receive additional funding from Merced County and the Small Business Program funding Merced County is offering to all business in the County.

Motion by Faria, seconded by Jones to adopt City Council Resolution No. 6258 – Accepting Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds in the Amount of \$517,629 and Adopting the CARES Act Funding Plan, COVID-19 Small Business Assistance Program Guidelines and the Residential Hardship Assistance Program Guidelines. 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 CITY COUNCIL RESOLUTION NO. 6259 – DIRECTING CITY OF LOS BANOS STAFF TO BEGIN NEGOTIATIONS WITH MID VALLEY DISPOSAL TO FINALIZE FRANCHISE AGREEMENT FOR THE RESIDENTIAL AND COMMERCIAL GARBAGE, RECYCLABLE MATERIAL AND ORGANIC WASTE COLLECTION SERVICES CONTRACTOR.** Public Works Director/City Engineer Fachin presented the staff report and introduced the city's Consultant, Richard Tagore-Erwin, President, with R3 Consulting Group, Inc., which included a PowerPoint presentation.

There was Council Member and staff discussion regarding fines if they do not comply with recycling guidelines, concerns with the word “may” and if there is a deadline date that everyone has to be in compliance, suggestion of not burdening our rate payers with organic waste costs, not wanting to commit to instituting recycling rate/increases until absolutely necessary, options for smaller cans for people not needing a large can, concerns and questions regarding the trucks that the haulers will use and wanting them to be kept clean and not being messy when garbage is picked up, appreciating the can replacement turnaround time, the additional residential cleanup days and paper shredding being offered, the price of Mid Valley’s contract proposal, and how the current employees coming over will transition to the new service provider.

Mayor Villalta asked City Clerk Mallonee to read the comments received into the record. City Clerk Mallonee read a letter from STEVEN GALLICHIO, Operations Supervisor with Republic Services requesting that they continue to include Republic Services in the negotiation process, as negotiating with multiple haulers will ensure that the City is receiving the highest value possible; BRYAN RONNGREN, President/Business Representative with Teamsters Local 386 speaking in support of Allied Waste/Republic Services and the union members they represent.

Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 6259 – Directing City of Los Banos Staff to Begin Negotiations with mid Valley Disposal to Finalize Franchise Agreement for the Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services. 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 CITY COUNCIL RESOLUTION NO. 6260 – REQUESTING THAT THE MERCED COUNTY REGIONAL WASTE AUTHORITY (RWA) DO THE FOLLOWING: 1. PERFORM A STUDY THAT RESEARCHES AND REVIEWS THE EXISTING LANDFILL TIPPING FEES AT THEIR TWO LANDFILLS, AND 2. ESTABLISHES AND FOLLOWS A WASTE STREAM DIRECTION POLICY OF SOLID WASTE, RECYCLING AND PLANT MATERIAL THAT IS EQUITABLE AND CONSISTENT FOR ALL THE RWA JURISDICTIONS.** Public Works Director/City Engineer Fachin presented the staff report.

There was Council Member and staff discussion regarding the huge discrepancy in tipping fees with cities in the County, how some pay more and some pay less with no explanation, transportation fees for hauling garbage, how the fees need to be applied fairly, how the State sets the rules on recycling, how it is wrong that MCAG is penalizing the rate payers in Los Banos, and how everything should be based on an equitable price, should be fair to each community and only for the services they are receiving.

Motion by Johnson-Santos, seconded by Faria to adopt City Council Resolution No. 6260 – Requesting that the Merced County Regional Waste Authority (RWA) Do the Following: 1. Perform a Study that Researches and Reviews the Existing Landfill Tipping Fees at their Two Landfills, and 2. Establishes and Follows a Waste Stream Direction Policy of

Solid Waste, Recycling and Plant Material that is Equitable and Consistent for all the RWA Jurisdictions. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**LOS BANOS DOWNTOWN UPDATE.** Community & Economic Development Director Elms provided an update on the Downtown, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the vacant building monitoring fee, buildings currently being renovated downtown and others in need of renovations, wanting the downtown to become vibrant, concerns with retrofitting buildings, seismic work that needs to be done on some buildings, plans for the Crest Theater property, think of ways to incentivize and make all this happen, enhancing the food theme downtown in hopes of bringing more people to downtown, and how the Downtown Association will be important partners with all of this. Police Commander Reyna gave an update on what Code Enforcement has been working in respect to the buildings at 503/507 I Street and what the owner has planned and the concerns the City has regarding the buildings. Fire Chief Hurley spoke regarding 543 I Street give an overview of what happened to the property, what has been completed and what still needs to be done.

**CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 2, 2020 DUE TO SUMMER BREAK.** Motion by Faria, seconded by Johnson-Santos to cancel the regular City Council Meeting scheduled for Wednesday, September 2, 2020 due to Summer Break. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6261 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19).** City Manager Terrazas presented a COVID-19 status update, reading the current numbers COVID-19 numbers from the Merced County website. He stated that he attended two days' worth of meetings with the Governor's COVID-19 Strike Team staff who were offering assistance to Merced County and looking to implement best practices and strategies to try to reduce the COVID-19 case numbers.

Motion by Johnson-Santos, seconded by Lewis to adopt City Council Resolution No. 6261 – 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.

**ADVISEMENT OF PUBLIC NOTICES (Two Reports).** Community & Economic Development Director Elms stated that there are two items to be considered at the next Planning Commission meeting on Wednesday, August 26, 2020 including revisions to Vesting Tentative Tract Map #2020-02 for Mission Village south Phase 5B and revisions to Final Development Plan #2020-01 for Mission Village south Phases 5A and 5B located east of Mercey Springs Road and South of Mission Drive and north of Willmott Avenue;

Vesting Tentative Tract Map #2020-10 for Overland Subdivision located west of Cottonwood Drive, north of Overland Ave and east of Cabernet Street.

**CITY MANAGER REPORT.** City Manager Terrazas reported that we in a significant heat spell and the City's cooling zone is open at Mercey Springs Church of the Nazarene through Thursday; he spoke regarding the smoke issues and the unhealthy impacts and affects, reminded all to avoid the smoke if you can and stay indoors; and how we have received a supply of masks and information from Merced County and have assembled it into packets and will distribute it to the community.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** Mayor Villalta stated that MCAG is still actively working on the Highway 152 project with task force meetings, the Pioneer Trail, Pathway out to the College, and refuse expansion

**DARONICA JOHNSON-SANTOS:** No report

**BRETT JONES:** No report

**DEBORAH LEWIS:** Council Member Lewis inquired as to the shopping cart ordinance and if staff could bring it back to a Council Meeting for an update on if any of the companies have set up a monthly cleaning process.

**TOM FARIA:** Council Member Faria stated that first we had to deal with COVID-19 and now we have the fires, there are all kinds of heroes and volunteers fighting fires and our thoughts and prayers are with them.

**MAYOR MICHAEL VILLALTA:** Mayor Villalta spoke regarding the fires wishing all to stay safe as they work to fight the fires.

**ADJOURNMENT.** The meeting was adjourned at 7:42 PM.

APPROVED:

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Michael Villalta, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk