

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
SEPTEMBER 1, 2021**

***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 Faria called the City Council Meeting to order at the hour of 6:04 p.m.

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

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brett Jones, Kenneth Lambert, Deborah Lewis, Refugio LLamas, Mayor Manuel Thomas Faria III; ABSENT: None.

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

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by LLamas to approve the agenda as. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; 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 Faria opened the public forum and asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she received the following comments: JOE HEIM, Los Banos Parks & Recreation Operations Manager wrote inviting the public to a community meeting at the Community Center from 6:00 - 7:00 p.m. on September 8, 2021 for input on improvements at Colorado Ballpark, the input is a vital piece to an application the City of Los Banos will be submitting for the Rural Recreation and Tourism grant through the State of California Parks and Recreation Department, the grant is funded by Prop 68 and accepts requests of up to \$3 million in improvements, Colorado Ballpark is one of Los Banos oldest and most important parks in Los Banos, hosting Little League, a skate park and tennis courts, the grant is intended to offer benefits for physical activity, cultural enrichment, environmental education, economic gain and the prevention of the displacement of residents, improvements include the renovation and addition of new recreation features, noting the grant is due November 5th, 2021; MACEY SOGG wrote

regarding stating we need police officers who are invested in our community to stay in our community, seasoned officers have street knowledge of the problems this city has, losing experienced officers to other agencies because they are not compensated justly is a huge loss for the Los Banos Community considering the crime spike we have seen in the last year, what plan does the city have to deal with the problem of experienced police officers leaving our city for higher-paying agencies, why can't the city offer better wages to officers despite having a financial surplus after this last fiscal year and despite all the new construction happening in town. No other comments were received and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested that item 6D - City Council Resolution No. 6403 – Authorizing that the Acting City Manager Execute the Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery Form for the City of Los Banos Pioneer Road Widening Pioneer Road/Ortigalita Road Signalization Project be removed from the consent agenda for separate presentation. Acting Public Works Director Bowersox presented the staff report. Council Member Lewis stated that she feels the staff report contains quite a bit of information that should be more thoroughly discussed with Council rather than being included as a consent item. She requested that this item be pulled from the agenda and included on the next council meeting agenda as a regular agenda item.

Motion by Lewis, seconded by LLamas to continue item 6D - City Council Resolution No. 6403 – Authorizing that the Acting City Manager Execute the Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery Form for the City of Los Banos Pioneer Road Widening Pioneer Road/Ortigalita Road Signalization Project to the September 15, 2021 City Council Meeting for a full presentation and consideration of approval. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Lewis, seconded by Lambert to approve the consent agenda as follows: Check Register for #228459 – #228665 in the Amount of \$692,501.60; Minutes for the August 18, 2021 City Council Meeting; Minutes for the August 24, 2021 Special City Council Meeting; ~~City Council Resolution No. 6403 – Authorizing that the Acting City Manager Execute the Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery Form for the City of Los Banos Pioneer Road Widening Pioneer Road/Ortigalita Road Signalization Project.~~ The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF CONFIRMING THE CITY'S INTEREST IN ACCEPTING THE PROPOSED TRANSFER OF TWO (2) PARCELS FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY (DLA), AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY TO THE CITY OF LOS BANOS: 0.91 ACRE PARCEL LOCATED ON THE NORTHWEST CORNER OF WEST H STREET AND 2ND STREET (APN 025-053-002) AND A 2.02 ACRE PARCEL THAT RUNS ALONG THE NORTH SIDE OF H STREET BETWEEN 4TH STREET AND 2ND STREET (APN 025-054-006). City Attorney Vaughn presented the staff report and introduced Mark Persico, representing the DLA, and David Norman, representing Provost & Pritchard, and spoke in more detail to the properties, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the process that would need to be done through the Department of Finance if the City was interested in having these properties transferred as described in the presentation and how the parcels would be subject and added, by amendment, to the previously implemented DLA compensation agreement for other DLA parcels. City Attorney Vaughn spoke to how the City would have an obligation to the other local taxing entities to ensure the parcels would be priced at fair market value for future developmental opportunities. David Norman spoke to what assessment phase the parcels are currently in and certain environmental elements discovered thus far.

It was the consensus of the City Council that they are interested in accepting the transfer of the properties as stated above and presented.

COVID-19 STATUS UPDATE. Acting City Manager Brizzee introduced Dr. You from Memorial Hospital – Los Banos who spoke in more detail to the COVID-19, which included a PowerPoint presentation.

There was Council Member and representative discussion regarding various statistics relating to COVID cases both currently and since the beginning of the pandemic as well as instances of individuals with other health conditions who have worsened due to the fact that they have delayed their own care for fear of contracting COVID in healthcare settings.

ADVISEMENT OF PUBLIC NOTICES (ONE REPORT). Community & Economic Development Director Elms stated there is a public hearing to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Conditional Use Permit regarding the allowance of operation of a hair salon out of one room in a private residential unit with no employees located at 1045 Harrison Avenue, APN 083-252-003, which will be held virtually at the next Planning Commission Meeting on Wednesday, September 8, 2021 at 6:00 p.m.

CITY MANAGER REPORT. No report.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Mayor Faria stated that MCAG has an interesting program they partake in where they have sheep go and graze the properties they own in order to keep the grasses down. He spoke to a grant program called REAP 2 that has to do with aiding in housing challenges. More information can be found at calcog.org. PCE is still looking for a community outreach professional. More information can be found on their website under “Join Our Team.”

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: No report.

KENNETH LAMBERT: No report.

DEBORAH LEWIS: Council Member Lewis stated the San Joaquin Valley Air Pollution Control District was recently in Los Banos promoting the opportunity for folks to apply to

receive various incentives including aid in the full replacement of their vehicle for a hybrid or electric vehicle. She spoke to how SB 9 and SB 10, which would revoke the autonomy of city rights to decide how they want to build their cities out, passed in the Senate despite opposition from multiple cities throughout California. She further spoke to how she has noticed that the stores around town, including the big box stores, are not following shopping cart sanitation protocols as outlined in the ordinance that is currently still in effect. The protocols outlined in the ordinance were to be enforced on the honor system, however she would like to request that the item be brought back to council to discuss the possibility of making it a requirement for each store that has shopping carts to provide the city with a schedule proving that they had their carts professionally cleaned and sanitized on a monthly basis.

REFUGIO LLAMAS: Council Member LLamas wanted to bring to the light the tragic deaths of the serviceman and servicewomen in the recent attacks in Afghanistan. He spoke to the importance of speaking to your family and having a plan if something like this were to ever happen here.

MAYOR TOM FARIA: Mayor Faria echoed the comments of Council Member LLamas and also spoke to the fires that continue to burn in the State. Fire Chief Hurley confirmed that there are crews still out assisting with the Caldor Fire. He spoke to how the Fire Department and Police Department are both selling cancer awareness shirts and that the departments can be contacted directly for ordering.

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.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: ACTING CITY MANAGER BRIZZEE, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATION: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA). No reportable action.

ADJOURNMENT. Motion by Lambert, seconded by LLamas to adjourn the meeting at 9:27 p.m. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

APPROVED:

/s/ Manuel Thomas Faria III
Manuel Thomas Faria III, Mayor

ATTEST:

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