

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 6, 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 and in accordance with Assembly Bill 361.*

CALL TO ORDER: Mayor Faria called the City Council Meeting to order at the hour of 6:06 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee 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: City Manager Pinheiro, City Attorney Vaughn, Human Resources Director/City Clerk Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Police Chief Brizzee, Fire Chief Hurley, Interim Public Works Director Bowersox.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Jones, seconded by Lambert 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.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6405 – AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF LOS BANOS PURSUANT TO THE PROVISION OF ASSEMBLY BILL 361. City Attorney Vaughn presented the staff report, provided a brief history on the allowances of virtual meetings throughout the pandemic, and what the new requirements are under Assembly Bill 361.

City Clerk Mallonee stated that she received one comment by email from KATHY BALLARD and the email was read into the record. In summary, KATHY BALLARD stated that she is a frequent visitor to public meetings and finds it difficult to submit comments beforehand instead of being able to speak at the meetings in person. She noted other local agencies who have returned to holding in-person public meetings and is asking the Council to do the same for council meetings.

There was Council Member and staff discussion regarding the every-30-day requirement for Council to reconfirm that meetings will continue to be held virtually.

Motion by Jones, seconded by Lambert to approve City Council Resolution No. 6405 – Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provision of Assembly Bill 361. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

INTRODUCTION OF NEW CITY MANAGER – JOSH PINHEIRO. Mayor Faria introduced City Manager Josh Pinheiro, who in turn thanked the Council for their confidence in him and for granting him this opportunity. He looks forward to continuing to make Los Banos a great place to live.

PRESENTATIONS.

PROCLAMATION RECOGNIZING OCTOBER 2021 AS DOMESTIC VIOLENCE AWARENESS MONTH. Mayor Faria presented the proclamation to Elizabeth Tyler with Valley Crisis Center who in turn spoke to how the organization this year was focusing on how domestic violence directly affects children. They have created displays of butterflies with their wings spread in order to show support of children spreading their wings after going through a domestic violence crisis. These butterfly displays will be available for viewing and photo opportunities at the Fall Party in the Park event being held on October 23.

CERTIFICATE OF RECOGNITION – MERCEY SPRINGS CHURCH OF THE NAZARENE. Mayor Faria presented the proclamation to Raul Granillo who in turn stated that he was grateful to be a part of something that assisted the community.

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 had not. Mayor Faria asked those participating in the meeting if they would like to speak and CHRIS MEDEIROS with the Central California Irrigation District (CCID) spoke regarding constituents concerns regarding the groundwater resource and how we need to do everything we can to preserve that resource. He mentioned that CCID holds the responsibility of overseeing that this resource is being used responsibly and that currently it is not. There are people suffering hardships due to the diminishing resource and he would like to see the area return to a sustained environment. No other comments were received and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lambert, seconded by LLamas to approve the consent agenda as follows: Check Register for

#228872 – #229134 in the Amount of \$3,148,495.72; Minutes for the September 15, 2021 City Council Meeting. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6406 – AUTHORIZING A REFUND TO SOLID WASTE CUSTOMERS AND ADOPTING A REVISED BUDGET FOR THE 2021/2022 FISCAL YEAR AS IT PERTAINS TO SOLID WASTE REVENUES AND EXPENDITURES. Finance Director Williams presented the staff report.

Council thanked staff for all of their hard work in getting these refunds calculated and ready to be issued for account holders for the service disruptions.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6406 – Authorizing a Refund to Solid Waste Customers and Adopting a Revised Budget for the 2021/2022 Fiscal Year as it Pertains to Solid Waste Revenues and Expenditures . The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6407 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES FOR IMPLEMENTATION, MAINTENANCE AND ONGOING SUPPORT OF THE INCODE ENTERPRISE RESOURCE PLANNING SOLUTION. Finance Director Williams presented the staff report.

Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6407 – Authorizing the City Manager to execute an Agreement with Tyler Technologies for Implementation, Maintenance and Ongoing support of the Incode Enterprise Resource Planning Solution. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

PRESENTATION REGARDING AMERICAN RESCUE PLAN ACT (ARPA) ALLOCATION. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding how the funds would need to be obligated by December 31, 2024 and expended by December 31, 2026. There was also a brief discussion regarding the community survey that will be going out and some further details provided on issues that could be selected for funding. Staff stated that the survey will be readily available for the public's participation at the end of the week or early next week.

PRESENTATION REGARDING CURRENT STATUS AND RESTRUCTURING OF LOS BANOS VOLUNTEER FIRE DEPARTMENT. Fire Chief Hurley presented the staff report, which included a PowerPoint presentation.

COVID-19 STATUS UPDATE. City Manager Pinheiro presented a document that had information on where the public may go to get tested or vaccinated for COVID-19.

COUNCIL MEMBER REQUEST TO DISCUSS UPDATES TO SHOPPING CART ORDINANCE (COUNCIL MEMBER LEWIS). Council Member Lewis made note that in the future if the council adopts an ordinance that is related to another, that each of the ordinances are assigned their own number and are written apart from the one another so that they can be revised, amended, or updated individually and it won't be such a big undertaking and will be more direct. She then provided a brief summary as to what is stated in the current ordinance that was adopted approximately 16 months ago relating to shopping cart cleaning/sanitizing requirements. She would like to see carts/baskets in stores being steam cleaned using the proper equipment on a monthly basis. She would also like to see the stores improve on providing sanitation stations inside their stores for customers to use (hand sanitizing stations, hand/cart wipes).

There was Council Member and staff discussion regarding how much staff time it would take to enforce this and if there is a way for Code Enforcement to log when they see sanitization violations for which Police Chief Brizzee stated that Code Enforcement staff will take direction from Council on how to proceed but that there are currently no regulatory mechanism in place to capture or track when/if the carts have been sanitized. He further spoke to a section in the current ordinance where it references that each establishment that provides shopping carts for customer use must have available cart wipes or hand sanitizer and that this compliance issue can be addressed by having Code Enforcement make contact with management at these businesses.

Council Member Lewis stated that she felt of the statements in the ordinance are vague and written unclearly. She feels strongly about the importance of this issue and feels it deserves the same amount of attention and enforcement as any other item. She restated what she would like to see done – touch areas on all shopping carts wiped down each time a cart returns to the store from the parking lot and having carts pressure washed or steam cleaned on a monthly basis (cargo area included).

Council asked that Code Enforcement staff add this to their priority list and that this item be brought back in the near future in order to see how things are progressing.

ADVISEMENT OF PUBLIC NOTICES (ONE REPORT). Community & Economic Development Director Elms stated there is a public hearing to consider a Mitigated Negative Declaration (SCH #2021090191) in accordance with the California Environmental Quality Act (CEQA) and General Plan Amendment #2020-02 to amend the General Plan Land Use Designation from Industrial to High Density Residential, Zone Change #2020-02 to change the zone form General Commercial to High Density Residential, and Site Plan Review #2020-6 to allow the development of two multi-family structures totaling 18,136 square feet with 16 residential units and associated site improves, located at 1133 F Street, APN 025-152-005 which will be held virtually at the next Planning Commission Meeting on Wednesday, October 13, 2021 at 6:00 p.m.

CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: FINANCE DIRECTOR & FIRE CHIEF.

City Manager Pinheiro stated that on September 8, 2021, based upon the performance review by the Acting City Manager, the Finance Director's salary was increased to \$13,223 monthly (\$158,676 annually) retroactive to August 16, 2021; and on September 20, 2021, based upon the performance review by the Acting City Manager, the Fire Chief's salary was increased to \$13,409 monthly (\$160,908 annually) effective October 16, 2021. He thanked Police Chief Brizzee for serving in the Acting City Manager position and thanked staff for all the work they have done in the last seven months or so to keep the City moving forward. He further spoke to how staff has been very gracious and helpful during his onboarding transition.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE.

Mayor Faria stated that there will be a retreat held in November and that he will provide further information on that as he receives it. The Measure V Committee will be meeting on October 14 and October 28 to discuss the ongoing projects. PCE should have a new community outreach representative soon. PCE also has grants available for non-profit organizations. The deadline to apply for those grants is October 15 and more information can be found on their website.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Council Member Lewis welcomed the new City Manager and has faith that he's going to do a good job. She congratulated him and assured him that he has her support.

REFUGIO LLAMAS: Council Member LLamas welcomed City Manager Pinheiro noting that there's a lot of work to be done but he supports him and knows he sees the opportunities that await for the City. He congratulated all the Fire Department and Police Department employees who recently were promoted. He further thanked Police Chief Brizzee for all of his hard work as Acting City Manager the last few months.

BRETT JONES: Council Member Jones welcomed City Manager Pinheiro.

KENNETH LAMBERT: Council Member Lambert welcomed City Manager Pinheiro and is excited for the new things he will be bringing to the City shortly. He congratulated the newly promoted Fire Department and Police Department personnel. He further thanked Police Chief Brizzee for all the work he did these past several months as Acting City Manager.

MAYOR TOM FARIA: Mayor Faria thanked Police Chief Brizzee and Commander Hedden for their acting roles these last few months. He will be requesting proclamations for them in order to recognize their exemplary service. He echoed the congratulations to the Fire and Police Department personnel for their promotions. Both of these departments still have breast cancer awareness t-shirts for sale. He mentioned October being

Domestic Violence Awareness Month, how it is an important topic to continue to discuss and keep working to put an end to and how there used to be a Peace for Families event held each October that was a nice event.

ADJOURNMENT. Motion by Lewis, seconded by Jones to adjourn the meeting at 8:36 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