

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

CALL TO ORDER: Mayor Faria called the City Council Meeting to order at the hour of 6:04 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 LLamas to approve the agenda as submitted. 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 those participating in the meeting if they would like to speak and no one came forward to speak; he then asked City Clerk Mallonee if she had received any comments, for which City Clerk Mallonee stated that she received no comments and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Jones stated that he would like to pull item 6E – City Council Resolution No. 6427 – Approving Closure of Non-Essential City Offices on Monday, December 27, 2021 and Monday, January 3, 2022 for discussion for which he wanted to thank staff for requesting these extra office closure days so that employees can spend extra time with their families during the holidays.

Motion by Jones, seconded by LLamas to approve the consent agenda as follows: Check Register for #229818 – #230021 in the Amount of \$526,068.01; Minutes for the November 10, 2021 Special City Council Meeting; City Council Resolution No. 6425 – Authorizing the Release of Unclaimed Checks Pursuant to California Government Code Section 50055 to the City of Los Banos; City Council Resolution No. 6426 – Amending the Fiscal Year 2021-2022 Budget by Increasing Appropriations in the General Fund for Maintenance Building and Structures in the Amount of \$28,000 for the Replacement of Flooring at the Miler & Lux Facility; City Council Resolution No. 6427 – Approving Closure of Non-Essential City Offices on Monday, December 27, 2021 and Monday, January 3, 2022; City Council Resolution No. 6428 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361. 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. 6429 – AUTHORIZING AWARD OF DESIGN-BUILD CONSTRUCTION CONTRACT FOR CITY OF LOS BANOS POLICE STATION FACILITY PROJECT TO SWINERTON BUILDERS IN THE AMOUNT OF \$22,333,609.00 WITH A CONTINGENCY OF \$274,367.00. Interim Public Works Director and Police Chief Brizzee presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding thanking staff for working so hard on getting this far with the New Police Station, how excited they all are about the new building and the architectural design is right on edge in its style and graphics for our City, happy for our Police Department and City. Police Chief Brizzee thanked the City Council and community for all their support, this is a very exciting time for all of us at the Police Department, couldn't have been done without the support of the community through Measure P, hoping to break ground in May 2022.

Motion by Lewis, seconded by Lambert to adopt City Council Resolution No. 6429 – Authorizing Award of Design-Build Construction Contract for City of Los Banos Police Station Facility Project to Swinerton Builders in the Amount of \$22,333,609.00 with a Contingency of \$274,367.00. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF FOURTH OF JULY CELEBRATION SPECIAL EVENT FEE WAIVER. Council Member Lambert stated that he has been advised by the City Attorney that he has a disqualifying conflict of interest on this agenda item and I will be excusing myself from the meeting and signing off.

Community & Economic Development Director Elms presented the staff report.

There was Council Member and staff discussion regarding how this is a great event and well attended, which of the requested items to be waived are the same of the Christmas Parade, what fees they will still have to pay; will they pay for the use of tables and chairs, based on this request look at the current policy and bring it up to date to make it more fair and equitable, maybe put in a pot of money to be shared by events, how these events could get costly for us and the need to treat each group the same, this event was attended

by a lot more folks even more than anticipated, the need for events like this and the need to support more types of events like this, getting more revenue for these types of events, how there is a multifaceted benefit to these events, have staff bring us back information with numbers to consider at the next meeting and would like to see these organizations continue forward, how we need to be mindful of tax payers dollars and equitable to everyone, concern that this organization is planning this event under the current rules and not change the rules now while they are applying for this waiver and how under the current rules the cost of permit fees have to be paid as well as the firework fees and rental fees.

Motion by Lewis, seconded by LLamas to continue this item to December 15, 2021. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Council Member Lambert rejoined the City Council Meeting.

PENINSULA CLEAN ENERGY (PCE) PRESENTATION & UPDATE. Community & Economic Development Director Elms presented the staff report and introduced Jan Pepper, CEO of Peninsula Clear energy who provided an update on the outreach and launch process for the City of Los Banos, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the 3% that is reverted back to PG&E, if PCE has determined the number of people to be enrolled in Los Banos for it to work and continue services with Los Banos, is there a number that would make it not viable to provide services to Los Banos, helping customers with the change-over of equipment to qualify for grant funding, if there are income eligible programs or for anyone, what happens to the solar equipment at the end of the life, research showing some horrible situations with the labor arrangements, how the City could decide to not do business with PCE and there is a clause that the City would be penalized if we left before a certain time and if that were to happen there are incurred costs and reimbursements, and what happens if you do not get the return on investment you were planning for.

Informational item only, no action taken.

ADVISEMENT OF PUBLIC NOTICES (ONE REPORT). Community & Economic Development Director Elms stated that there will be a public hearing at the Planning Commission Meeting on December 8, 2021 to consider a Mitigated Negative Declaration for the AMG Industrial Annexation and Pre-Zone and associated Pre-Annexation Development Agreement, the proposed project is located on the southwest corner of Overland Avenue and Johnson Road, 28.5 acres, APN 081-110-007.

CITY MANAGER REPORT. City Manager Pinheiro spoke regarding the new ARCO grand opening yesterday and congratulated the Todd family, thanked the Chamber of Commerce on the excellent job of putting together the grand opening and how he enjoys going to those events as he gets to see people he hasn't seen in years, the upcoming Grocery Outlet Grand Opening event, Berkshire Realty Grand Opening event, Downtown Christmas lighting ceremony, Christmas parade, and Breakfast with Santa.

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

Mayor Faria stated that he has nothing to report.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Council Member Lewis stated that she had a great time and the ARCO grand opening last night and especially enjoyed the cookie and reminded residents to contact San Joaquin Valley Air for incentives too.

REFUGIO LLAMAS: Council Member LLamas stated that December 7th is next week to honor Pearl Harbor and how it is a reminder that we need to come together as a republic, how he went on a ride along with two of Los Banos's finest police officers and he was so impressed, the team and the department are a well-oiled machine and how we have tremendous men and women working to keep us safe, kudos to command staff and Police Chief Brizzee.

BRETT JONES: No report

KENNETH LAMBERT: Council Member Lambert thanked Ms. Pepper for a great presentation and looking forward to the excitement for the rest of the week.

MAYOR TOM FARIA: Mayor Faria stated that so much is going on around town, parade, music concerts, school choir concerts, it's all the volunteers in the town that make this happen.

ADJOURNMENT. Motion by Lambert, seconded by Lewis, the meeting was adjourned at 7:40 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