

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 5, 2022**

***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, City Clerk/Human Resources Director 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 Lambert, 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.

PRESENTATIONS.

PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS FIRE CAPTAIN EDWARD VIERRA. Mayor Faria read the proclamation

PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS FIRE ENGINEER MARK FRONTELLA. Mayor Faria read and presented the proclamation to Mark Frontella who was in attendance at the meeting to accept the proclamation.

PROCLAMATION – RECOGNIZING REVEREND DR. MARTIN LUTHER KING, JR. DAY. Mayor Faria read and presented the proclamation to Edward Vierra.

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: SANDRA BENETTI, representative with Peninsula Clean Energy spoke regarding roof top solar systems regarding their energy services, which will begin April 2022, virtual workshop on January 20, 2022 @ 6:00 pm. Mayor Faria then asked City Clerk Mallonee if she had received any comments, for which City Clerk Mallonee stated that she received no comments to be read into the record. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis stated that she would like to pull item 7B – City Council Resolution No. 6442 – Adopting a Revised Budget for the 2021-2022 Fiscal Year as it pertains to Increasing Expenditures in the Police Department Code Enforcement, General Materials and Supplies Account in the Amount of \$20,000 for discussion.

Police Chief Brizzee presented the staff report for item 7B – City Council Resolution No. 6442 – Adopting a Revised Budget for the 2021-2022 Fiscal Year as it pertains to Increasing Expenditures in the Police Department Code Enforcement, General Materials and Supplies Account in the Amount of \$20,000. Council Member Lewis inquired as to the items being provided, are there other agencies monies being provided or items being provided for which Police Chief Brizzee responded to. Council Member LLamas inquired as to how many entry/exit points will there be, how it will be patrolled and inspected, for which Police Chief Brizzee responded to.

Motion by Jones seconded by Lambert to approve the consent agenda as follows: Check Register for #230188 – #230510 in the Amount of \$1,151,118.08; City Council Resolution No. 6442 – Adopting a Revised Budget for the 2021-2022 Fiscal Year as it Pertains to Increasing Expenditures in the Police Department Code Enforcement, General Materials and Supplies Account in the Amount of \$20,000; City Council Resolution No. 6443 – 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.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A MITIGATED NEGATIVE DECLARATION (SCH #2014091056) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE AMG & ASSOCIATES, LLC INDUSTRIAL ANNEXATION AND PRE-ZONE 2013-01, AND ASSOCIATED PRE-ANNEXATION DEVELOPMENT AGREEMENT FOR A PROPOSED PROJECT LOCATED ON THE SOUTHEAST CORNER OF OVERLAND AVENUE AND JOHNSON ROAD, ADJACENT TO THE NORTHWESTERN BOUNDARY OF THE CITY OF LOS BANOS IN MERCED COUNTY, APN 081-110-007; CITY COUNCIL RESOLUTION NO. 6444 – APPROVING SUBSEQUENT MITIGATED NEGATIVE DECLARATION (SCH #2014091056) ASSOCIATED MITIGATION MONITORING PROGRAM FOR AMG & ASSOCIATES, LLC; ORDINANCE NO. 1193 – APPROVING A PRE ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND AMG & ASSOCIATES, LLC FOR THE ANNEXATION OF

APPROXIMATELY 28.5 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF OVERLAND AVENUE AND JOHNSON ROAD MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 081-110-007 [AMG INDUSTRIAL BUSINESS PARK ANNEXATION] (FIRST READING & INTRODUCTION). Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation. She noted that she received a written comment from CCID requesting support of detachment of the acres as requested and presented for which Community & Economic Development Director Elms spoke to the detachment.

There was Council Member and staff discussion regarding how nice it is to see that this is industrial property and how it will be detached.

Mayor Faria opened the public hearing. DAVID PARKS spoke regarding how this property is zoned industrial and asked why they want to be detached apart from the City and what are their plans, he stated that he would rather it be farmable land for which Community & Economic Development Director Elms responded; MARIA FATIMA SEQUEIRA, representing CCID, spoke regarding the history of this parcel and the reasoning behind the request. Mayor Faria then asked City Clerk Mallonee if she had received any comments, for which City Clerk Mallonee stated that she received no comments to be read into the record. No one else came forward to speak and the public forum was closed.

Motion by Jones, seconded by LLamas to adopt City Council Resolution No. 6444 – Approving Subsequent Mitigated Negative Declaration (SCH #2014091056) Associated Mitigation Monitoring Program for AMG & Associates, LLC. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Jones, seconded by LLamas to waive the first reading of Ordinance No. 1193 – Approving a Pre Annexation Development Agreement between the City of Los Banos and AMG & Associates, LLC for the Annexation of Approximately 28.5 Acres Generally Located at the Southeast Corner of Overland Avenue and Johnson Road More Specifically Identified as Assessor's Parcel Number 081-110-007 [AMG Industrial Business Park Annexation]. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Jones, seconded by LLamas to introduce Ordinance No. 1193 – Approving a Pre Annexation Development Agreement between the City of Los Banos and AMG & Associates, LLC for the Annexation of Approximately 28.5 Acres Generally Located at the Southeast Corner of Overland Avenue and Johnson Road More Specifically Identified as Assessor's Parcel Number 081-110-007 [AMG Industrial Business Park Annexation]. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE; ORDINANCE NO. 1194 – ADDING CHAPTER 3.2 (ORGANIC WASTE DISPOSAL REDUCTION) TO TITLE 6 (SANITATION AND HEALTH) OF THE LOS BANOS MUNICIPAL CODE (FIRST

READING & INTRODUCTION). Public Works Operations Manager Via presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the good waste going into the green container and how it would like to see if we could get those little buckets that you could sit on your sink to for good waste be made available for purchase in our community

Motion by Jones, seconded by Lambert to waive the first reading of Ordinance No. 1194 – Adding Chapter 3.2 (Organic Waste Disposal Reduction) to Title 6 (Sanitation and Health) of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: LLamas; ABSENT: None.

Motion by Jones, seconded by Lambert to introduce Ordinance No. 1194 – Adding Chapter 3.2 (Organic Waste Disposal Reduction) to Title 6 (Sanitation and Health) of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: LLamas; ABSENT: None.

ACCEPTANCE OF GRANT DEEDS FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY (DLA), AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) TO THE CITY OF LOS BANOS; CITY COUNCIL RESOLUTION NO. 6445 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, .68 ACRE PARCEL LOCATED BETWEEN MERCY SPRINGS ROAD AND THE FUTURE 10TH STREET EXTENSION; CURRENTLY ZONED RAIL CORRIDOR (RC), APN 026-141-002, PARTIALLY DEVELOPED WITH A PUBLIC WALKING TRAIL; CITY COUNCIL RESOLUTION NO. 6446 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, 1.3 ACRE PARCEL LOCATED BETWEEN MERCY SPRINGS ROAD AND THE FUTURE 10TH STREET EXTENSION; CURRENTLY ZONED RAIL CORRIDOR (RC), APN 026-171-011; PARTIALLY DEVELOPED WITH A PUBLIC WALKING TRAIL, AND A 2.0 ACRE PARCEL, LOCATED BETWEEN MERCY SPRINGS ROAD AND THE FUTURE 10TH STREET EXTENSION; CURRENTLY ZONED RAIL CORRIDOR (RC), APN 026-161-001. City Attorney Vaughn presented the staff report.

There was Council Member and staff discussion regarding the types of uses planned for these properties for which City Attorney Vaughn responded to.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6445 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, .68 Acre Parcel Located between Mercy Springs Road and the Future 10th Street Extension; Currently Zoned Rail Corridor (RC), APN 026-141-002, Partially Developed with a Public Walking Trail. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6446 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former

Los Banos RDA to the City of Los Banos, 1.3 Acre Parcel Located between Mercey Springs Road and the Future 10th Street Extension; Currently Zoned Rail Corridor (RC), APN 026-171-011; Partially Developed with a Public Walking Trail, and a 2.0 Acre Parcel, Located between Mercey Springs Road and the Future 10th Street Extension; Currently Zoned Rail Corridor (RC), APN 026-161-001. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Council Member Lambert stated that he has been advised by the City Attorney that since his place of business is within 500 feet of this property that he cannot participate in this item and left the City Council Meeting.

ACCEPTANCE OF GRANT DEED FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY (DLA), AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) TO THE CITY OF LOS BANOS; CITY COUNCIL RESOLUTION NO. 6447 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, 5.63 ACRE PARCEL LOCATED BETWEEN 7TH STREET AND THE FUTURE 10TH STREET EXTENSION; CURRENTLY ZONED RAIL CORRIDOR (RC), APN 025-114-010, DEVELOPED WITH A PUBLIC WALKING TRAIL. City Attorney Vaughn presented the staff report.

Motion by Jones, seconded by LLamas to adopt City Council Resolution No. 6447 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, 5.63 Acre Parcel Located between 7th Street and the Future 10th Street Extension; Currently Zoned Rail Corridor (RC), APN 025-114-010, Developed with a Public Walking Trail.. The motion carried by the following roll call vote: AYES: Jones, Lewis, LLamas, Mayor Faria; NOES: None; ABSTAIN: Lambert; ABSENT: None.

Council Member Lambert returned to the meeting.

ADVISEMENT OF PUBLIC NOTICES (NO REPORT).

CITY MANAGER REPORT. City Manager Pinheiro wished everyone a happy New Year, a big thank you to Mark Frontella and Eddie Vierra for all their years of service as Fire Fighters for the City of Los Banos, gave big recognition to the Los Banos Police Department on working very hard and being very proactive and reducing the homicide and shooting rate down in 2021 and thanked Police Chief Brizzee for his leadership and his department and all their hard work.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Mayor Faria spoke regarding highlights of the year: MCAG expanded The Bus service in the Westside this last year, coordination with CalTrans and the signal lighting synchronization to move traffic along Pacheco Boulevard, and progress on the Pioneer Corridor project, Measure V: Has generated \$91 million county-wide; PCE will be having virtual meetings to help with the transition to the new service in April 2022.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: No report

KENNETH LAMBERT: No report

DEBORAH LEWIS: No report

REFUGIO LLAMAS: Council Member LLamas spoke regarding the upcoming Los Banos Rotary Club is having their annual crab feed on April 1, 2022; with concerns on public safety (police/fire) as we have this suburban sprawl and it will make more stress and maybe instead of hiring an assistant fire chief instead hire new fire fighters and look at ways to reallocate that money.

MAYOR TOM FARIA: Mayor Faria stated that a letter was sent out regarding the City's water quality and he noted that the city's water was never a danger to the residents, the well in question was not online, the well has not supplied water since October 2021. Spoke regarding how the Fire Department was able to distribute COVID-19 tests to the community.

CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION, TITLE: CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957. No reportable action.

ADJOURNMENT. Motion by Lambert, seconded by LLamas, the meeting was adjourned at 9:46 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