

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 16, 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:** Council Member Brett Jones.

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, Public Works Director/City Engineer Than.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lambert, seconded by Lewis to approve the agenda as submitted. The motion carried by the following roll call vote: **AYES:** Lambert, Lewis, Mayor Faria; **NOES:** LLamas; **ABSENT:** Jones.

PRESENTATIONS.

PROCLAMATION RECOGNIZING CESAR CHAVEZ DAY. Mayor Faria read and presented the proclamation to Patricia Ramos Anderson, President of LULAC who was in attendance to accept.

PROCLAMATION RECOGNIZING WEEK OF THE YOUNG CHILD. Mayor Faria read and presented the proclamation to Scott Waite, Executive Director, Merced County First 5 who was in attendance to accept.

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: GENE

LIEB, stated that he heard a rumor that April 6, 2022 that the City Council Meeting will be back in person and wanted to be sure to be on the last zoom meeting, spoke regarding how masks are optional and should be supported; PATRICIA RAMOS-ANDERSON stated that she is so happy that we have all worked together to get through the COVID-19 pandemic, using special precautions is what got us through the hard times and respect each other's decisions. 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 LLamas requested that items 7B – City Council Resolution No. 6469 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361 be pulled for discussion and separate vote; he also requested that item 7D - City Council Resolution No. 6471 – Amending the Fiscal Year 2021-2022 Budget by Increasing the Appropriation for Expenditures in the Fire Gasoline and Oil Fund by \$8,000 to Purchase Fuel for Vehicles be pulled for discussion.

City Attorney Vaughn presented the staff report for item Bill spoke to item 7B – City Council Resolution No. 6469 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361. There was Council Member and staff discussion regarding when AB 361 expires and how the City of Los Banos has taken some pretty serious precautions to keep everyone safe.

Motion by Lewis, seconded by Lambert to adopt City Council Resolution No. 6469 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361. The motion failed by the following roll call vote: AYES: Lambert, Lewis; NOES: LLamas, Mayor Faria; ABSENT: Jones.

Fire Chief Hurley presented the staff report for item 7D – City Council Resolution No. 6471 – Amending the Fiscal Year 2021-2022 Budget by Increasing the Appropriation for Expenditures in the Fire Gasoline and Oil Fund by \$8,000 to Purchase Fuel for Vehicles. There was Council Member and staff discussion regarding the breakdown to the request for increase, fuel costs, increase in calls for service and where are those calls for service, increase in calls, if the increase was due to EMT calls, if we are entitled to reimbursements.

Motion by LLamas seconded by Lambert to approve the consent agenda as follows, minus item 7B – City Council Resolution No. 6469 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361: Check Register for #231265 – #231410 in the Amount of \$738,717.24; ~~City Council Resolution No. 6469 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361;~~ City Council Resolution No. 6470 – Authorizing the City Manager to Extend Charging a Flat Rate for Late Penalties for Delinquent Water, Wastewater, and Solid Waste Services; City Council Resolution No. 6471 – Amending the Fiscal Year 2021-

2022 Budget by Increasing the Appropriation for Expenditures in the Fire Gasoline and Oil Fund by \$8,000 to Purchase Fuel for Vehicles; City Council Resolution No. 6472 – Approving and Adopting Final Tract Map No. 2015-01 Southpointe at Regency Park 7-11, APN. 424-120-020 [Stonefield Home, Inc.]; City Council Resolution No. 6473 – Approving and Adopting Final Tract Map No. 2015-01 Southpointe at Regency Park, Phase 7 and Accompanying Subdivision Improvement Agreement, APN. 424-120-019 [Stonefield Home, Inc.]; City Council Resolution No. 6474 – Authorizing Entering into a Facility Use Agreement Between the City of Los Banos and Los Banos American Little League for the Use of the Colorado Ballpark; City Council Resolution No. 6475 – Authorizing Award of Construction Contract for the Cresthills Sewer Lift Station Rehabilitation Project to W.M. Lyles Co. in the Amount of \$642,749.00 with a 10% Contingency of \$64,000.00 and Adopting a Revised Budget for the Fiscal Year 2021-2022 as it Pertains to the Wastewater Collections Fund for Master Plan Improvements. The motion carried by the following roll call vote: AYES: Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: Jones.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE CITY OF LOS BANOS GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2021 AND TO CONSIDER AN EXEMPTION FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES AS THE ANNUAL REPORT HAS NO SIGNIFICANT EFFECT ON THE ENVIRONMENT; CITY COUNCIL RESOLUTION NO. 6476 – ADOPTING THE 2021 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS ITS IMPLEMENTATION. Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the deficient in lower income housing area and the City's strategy to address this, how the General Plan update will help with, talking to developers to encourage all different types of housing stock, i.e. duplex, triplex, apartments, category the multiple housing development on 7th Street fell under, concerns with developers who are cool to the idea of developing very low income housing because it doesn't meet their margins and what the City can do, i.e. tax credits, subsidies, how the Gilbert Gonzales Project was developed, and how it would be nice to get some nice multi-family lower income housing.

Mayor Faria opened the public hearing. PATRICIA RAMOS-ANDERSON inquired as to if the City is coordinating and reaching out to affordable housing agencies for which Community & Economic Development Director Elms confirmed she was and also working on homeless housing with the Rescue Mission.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6476 – Adopting the 2021 Annual Report on the Status of the Housing Element of the General Plan and Progress its Implementation. The motion carried by the following roll call vote: AYES: Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: Jones.

PENINSULA CLEAN ENERGY (PCE) PRESENTATION AND UPDATE. Community & Economic Development Director Souza Elms presented the staff report, introduced Jan Pepper, CEO with PCE, who spoke in more detail which included a PowerPoint presentation.

There was Council Member and staff discussion regarding opt out information, how when you call you will get a confirmation number but no written confirmation, the two types of service available being 5% discount and the 100% renewable energy for \$4 more a month, how the cost of traditional energy rises and how it will affect PCE rates, incentives for purchasing a used EV and the estimated cost and life span of a battery, the different types of rebates, and incentive rates for EV purchases dependent on income level.

Informational item only, no action taken.

ADVISEMENT OF PUBLIC NOTICES. (Three Reports) Community & Economic Development Director Elms reported that a Public Hearing will be held by the Los Banos Planning Commission on March 23, 2022 to consider a Negative Declaration (SCH #2022020246) and Vesting Tentative Parcel Map #2021-01 to divide two (2) parcels totaling 85.85 acres into six (6) parcels, located within an Undesignated Zoning District at 3400 East Pacheco Boulevard, north of E. Pacheco Boulevard and west of Santa Fe Grade, Assessor's Parcel Number: 084-010-077 and 084-020-007; to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15301, Existing Facilities and Cottage Food Operation #2022-01 for Maria Rodriguez at 826 Place Road, more specifically identified as Assessor's Parcel Number: 082-515-008; to consider Conditional Use Permit #2022-02 and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15301, Existing Facilities, to allow the use of a Type 47 Alcohol License for the on-sale of General Alcohol for Eddie's Cafe, located at 401 W. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number 027-161-048.

CITY MANAGER REPORT. City Manager Pinheiro stated that he recently attended the Badge Pinning Ceremony of Fire Captain Daniel Freeman Engineer Jake Sawyer Firefighter Kevin Spencer Firefighter Ian McDonald Firefighter Vincent Rizzo Firefighter Julian Mendoza on March 10, 2022, the Police Commander promotion ceremony for Justin Melden, announced how staff is making preparations to go back to in person meetings on April 6, 2022 and reminded all to stop by the Community Center and pick up the new Recreation Guide.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Mayor Faria spoke regarding the upcoming MCAG meeting on March 17, 2022 with topics being land fill, OneVoice trip and a Homeless Workshop being held just prior to the meeting, Measure V is looking at the lights on Pacheco Boulevard and pedestrian bike path to Merced College.

CITY COUNCIL MEMBER REPORTS.

KENNETH LAMBERT: Congratulated Police Commander Melden on his promotion and knows he will do a great job, how nice the Badge Pinning Ceremony was, and thanked Police Chief Brizzee on the great job the Los Banos Police Department is doing.

DEBORAH LEWIS: Congratulated the new Fire fighters and promotions and also to Police Commander Justin Melden.

REFUGIO LLAMAS: Congratulated all those who got promoted and well deserved, welcomed aboard to the new fire fighters, spoke regarding how we have a lot of parks that don't have names and inquired if we could we start naming parks and build a more sense of community, his upcoming Community Outreach Event that he is holding to help connect with residents and find out how they'd like to see the city grow, and would like to see a Veterans hiring preference for new hires to attract some of those veterans.

BRETT JONES: Absent

MAYOR TOM FARIA: Spoke regarding the Week of the Young Child event, Pacheco High School play "Into the Woods", congratulated all the Fire Department employees on their new hire and promotions at the badge pinning ceremony and to Police Commander Justin Melden on his promotion.

ADJOURNMENT. Motion by Lewis, seconded by Lambert, the meeting was adjourned at 8:02 p.m. The motion carried by the following roll call vote: AYES: Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: Jones.

APPROVED:

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

ATTEST:

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