

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 7, 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 4:03 p.m.

PLEDGE OF ALLEGIANCE: Acting Police Commander Melden led the pledge of allegiance.

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

STAFF MEMBERS PRESENT: Acting City Manager Brizzee, City Attorney Vaughn, Human Resources Technician/Deputy City Clerk Blevins, Finance Director Williams, Community & Economic Development Director Elms, Acting Police Commander Melden, Fire Chief Hurley, Interim Public Works Director Bowersox.

CONSIDERATION OF APPROVAL OF AGENDA:

Mayor Faria stated that Council Member Lewis had requested that Agenda Item # 13 – Council Member Request Regarding the Economic Development Advisory Commission (Council Member Lewis) - be removed from discussion and consideration.

Motion by Lewis, seconded by Lambert to approve the agenda as submitted with the removal of Agenda Item # 13 – Council Member Request Regarding the Economic Development Advisory Commission (Council Member Lewis). The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

PRESENTATION – PROCLAMATION RECOGNIZING THE RETIREMENT OF MARGARET SPANN. Mayor Faria read the proclamation and presented it to Margaret Spann who briefly spoke on her gratitude for the experience she has had as a teacher.

PRESENTATION – PROCLAMATION RECOGNIZING THE RETIREMENT OF HOWARD WILSON. Mayor Faria read the proclamation. Mr. Wilson was not present to receive the proclamation.

PRESENTATION – PROCLAMATION RECOGNIZING THE RETIREMENT OF JOHN NOIA. Mayor Faria read the proclamation. Mr. Noia was not present to receive the proclamation.

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 Deputy City Clerk Blevins stated that no comments had been received. Mayor Faria closed the public forum.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested to pull consent agenda item no. 7E – Accepting Public Improvements at the Intersection of B Street and Place Road Including the Traffic Signal (Applicant: Los Banos Unified School District).

Council Member Lewis asked about the funds that were allocated to this project and where those funds came from for which Interim Public Works Director Bowersox stated that the total cost of the project was still being tallied but that the \$512,000 has been allocated to the traffic signal project only and that the funds came from traffic impact fees. She further explained that the funds were used specifically for the traffic signal project and anything else that involved the public right of way in the area. It was further discussed that if the total cost of this project exceeds \$512,000, this item would need to return to Council for further consideration as to where the remaining balance would need to come from.

Motion by Lambert, seconded by Lewis to approve the consent agenda as follows: Check Register for #227356 - #227686 in the Amount of \$2,175,288.49; Minutes for the June 16, 2021 City Council Meeting; Measure P Oversight Committee Report; City Council Resolution No. 6382 – Authorizing the Acting City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim for Fiscal Year 2020-2021; City Council Resolution No. 6383 – Accepting Public Improvements at the Intersection of B Street and Place Road Including the Traffic Signal (Applicant: Los Banos Unified School District); City Council Resolution No. 6384 – Approving a Tentative Agreement / Memorandum of Understanding by and Between the City of Los Banos and the Public Employees’ Union Local One/AFSCME – Public Works Unit (LBPW) from July 1, 2021 – June 30, 2024; City Council Resolution No. 6385 – Approving a Tentative Agreement / Memorandum of Understanding By and Between the City of Los Banos and the Los Banos Fire Fighters Association (LBFFA) from July 1, 2021 – June 30, 2024; City Council Resolution No. 6386 – Approving a Tentative Agreement / Memorandum of Understanding By and Between the City of Los Banos and the Los Banos Police Sergeants Association (LBPSA) from July 1, 2021 – June 30, 2024; City Council Resolution No. 6387 – Approving a Tentative Agreement / Memorandum of

Understanding By and Between the City of Los Banos and the Los Banos Police Dispatchers / Community Services Officers Association Local 1/AFSCME Council 57 (LBPDCSOA) from July 1, 2021 – June 30, 2024; City Council Resolution No. 6388 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section D – Public Works, Section E – Fire and Section F – Police Associated with the LBPW, LBFFA, LBPSA, and LBPDCSOA Tentative Agreements / Memorandums of Understanding. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

LOCAL AGENCY FORMATION COMMISSION (LAFCO) OF MERCED COUNTY PRESENTATION. Community & Economic Development Director Elms introduced Bill Nicholson of LAFCO. Mr. Nicholson presented a PowerPoint presentation. Informational item only, no action taken.

There was Council Member and representative discussion relating to the representation on the Merced County board, who the current members are, where they are located in the county and how long their terms are. There was also discussion about the City's Sphere of Influence.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE ANNUAL ADJUSTMENT TO THE LOS BANOS DEVELOPMENT IMPACT FEE SCHEDULE BASED ON THE ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX. Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

Council asked for clarification as to who gets charged these development fees for which Community & Economic Development Director Elms stated that the fees are related to all types of new development for the new impacts it places on the City. She further spoke to the process of reviewing and analyzing the current fees and the specific process that needs to happen in order to adjust and/or increase the fees.

Community & Economic Development Director Elms spoke to a comment she received from some developers who noted that the proposed increases are coming at a difficult time.

Mayor Faria opened the public hearing and asked the Deputy City Clerk if she had received any comments by email, for which Deputy City Clerk Blevins stated that she received no comments; therefore the public hearing was closed.

Motion by Lewis, seconded by Lambert to adopt City Council Resolution No. 6389 – Approving an Increase in Development Impact Fees to Reflect Increases in the Engineering News Record Construction Cost Index for 2021. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF ORDINANCE NO. 1191 – AMENDING TITLE 2 CHAPTER 1 ARTICLE 2 SECTION 2-1.202 (MEETINGS) OF THE LOS BANOS MUNICIPAL CODE TO CHANGE THE CITY COUNCIL MEETING START TIME FROM SEVEN (7) P.M. TO SIX (6) P.M. City Attorney Vaughn presented the staff report.

Motion by Lewis, seconded by Lambert to waive the second reading of Ordinance No. 1191 - Amending Title 2 Chapter 1 Article 2 Section 2-1.202 (Meetings) of the Los Banos Municipal Code to Change the City Council Meeting Start Time from Seven (7) p.m. to Six (6) p.m. 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 adopt Ordinance No. 1191 - Amending Title 2 Chapter 1 Article 2 Section 2-1.202 (Meetings) of the Los Banos Municipal Code to Change the City Council Meeting Start Time from Seven (7) p.m. to Six (6) p.m. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF ORDINANCE NO. 1192 – AMENDING TITLE 2 CHAPTER 2 ARTICLE 2 SECTION 2-2.210 (MEETINGS) OF THE LOS BANOS MUNICIPAL CODE TO CHANGE THE PLANNING COMMISSION MEETING START TIME FROM SEVEN (7) P.M. TO SIX (6) P.M. City Attorney Vaughn presented the staff report.

Motion by Lambert, seconded by LLamas to waive the second reading of Ordinance No. 1192 - Amending Title 2 Chapter 2 Article 2 Section 2-2.210 (Meetings) of the Los Banos Municipal Code to Change the Planning Commission Meeting Start Time from Seven (7) p.m. to Six (6) p.m. 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 Ordinance No. 1192 - Amending Title 2 Chapter 2 Article 2 Section 2-2.210 (Meetings) of the Los Banos Municipal Code to Change the Planning Commission Meeting Start Time from Seven (7) p.m. to Six (6) p.m. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

STREET NAMING POLICY.

Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

The was Council and staff discussion regarding the options of how to proceed with an established policy and how the current process involves the Planning Commission reviewing and approving the street names as they come in with the tentative maps for review and approval.

Council agreed that developments in town should have a specific theme and that the street names in those developments should cohesively relate to those themes. It was also

agreed that commemorative streets names should be implemented in town and named after important people/events in history.

After further discussion, Council decided that ultimately, development themes and street names should be a part of master/general plan for the City. Until a permanent policy is established for this process, Council would like to have Community & Economic Development staff work with developers on street names and present to Council for final approval.

COVID-19 STATUS UPDATE: RECONSIDERATION OF MASK MANDATE IN CITY HALL, CITY BUILDINGS AND CITY COUNCIL CHAMBERS.

Acting City Manager Brizzee presented the staff report.

There was Council and staff discussion pertaining to the requirements of employees having to fill out self-attestation forms indicating their vaccination status and their eligibility of no longer needing to wear a face covering in the workplace and how these forms would not be violating any HIPAA laws and would remain in the possession of the Human Resources Department.

Motion by Jones, seconded by LLamas to rescind the June 17, 2020 motion requiring face coverings in order to enter City Hall and all city buildings and requiring face coverings as mandatory in the City Council Chambers. 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 LLamas to direct staff to take steps to implement and continue to follow State guidelines regarding COVID-19 safety rules in city buildings and venues and in the workplace. The motion carried by the following roll call vote: AYES: Lambert, Lewis, LLamas, Mayor Faria; NOES: Jones; None; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. Acting City Manager Brizzee reminded all that the August 4, 2021 City Council Meeting is planned to be cancelled so that Council and staff may enjoy a final summer break with their families, however regular business will continue to press on.

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

MCAG continues to move forward with the Highway 152 traffic signal light synchronization project. A regular traffic control light is also in the works to be placed at 11th Street and Pacheco Boulevard. PCE's regular board meeting in July has been cancelled. No new information for Measure V Committee.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: Council Member Jones spoke to the removal of Item 13 off of the agenda and asked if there was a reason for that for which Council Member Lewis stated that the item was her request and that she would like to do some additional research on the topic before discussing it. She added that she thought the July 3rd event was successful.

Council Member Jones stated that he received some complaints from some residents stating that they believed the new trash carts were smaller than what was promised in the new contract. He asked that staff do an internal audit to make sure the new carts are the sizes they should be and once findings are made, to make a public notice for the public to review. He further spoke to the July 3rd fireworks event and how it was a huge success despite the hot temperatures. He feels the association responsible for the event is worthy of a proclamation for which the Mayor agreed.

KENNETH LAMBERT: Council Member Lambert thanked Mr. Nicholson and staff for their presentations tonight. He thanked the Downtown Association for the successful event and fireworks show they put on this past weekend.

DEBORAH LEWIS: Council Member Lewis spoke to how she attended a demonstration put on by Nessie Farm League at a non-operating vineyard where they put the old vines through a conveyor belt machine and it came out of the other end as pure mulch. She noted that in 2025, the burning of tree cuttings and other organic waste will not be allowed, so processes like this demonstration will be done by farmers to clear out the remnants of their crops after harvesting in order to minimize pollution.

REFUGIO LLAMAS: Council Member LLamas spoke to the July 3rd event and thanked all who were involved. He spoke to how fire and police personnel did a great job at providing a safety presence. There was a homicide incident that occurred in his neighborhood over the holiday weekend and he reminded all to see something if they say something.

MAYOR TOM FARIA: Mayor Faria stated that the July 3rd event was an overall nice event.

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 ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION

(LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

PUBLIC EMPLOYMENT – CITY MANAGER (RECRUITMENT), PURSUANT TO GOVERNMENT CODE SECTION 54957. No reportable action.

ADJOURNMENT. Motion by Lewis, seconded by Jones to adjourn to 4:00 p.m., Tuesday July 20, 2021 to Hold a Workshop Regarding the General Plan Update Boundary Map and Agricultural Land Preservation Policies, which will be held virtually.

APPROVED:

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

ATTEST:

/s/ Sara Blevins
Sara Blevins, Deputy City Clerk