

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 16, 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 Chief Hedden 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, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Acting Police Chief Hedden, Fire Chief Hurley, Public Works Operations Manager Via, Parks & Recreation Operations Manager Heim.

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

PRESENTATION – PROCLAMATION RECOGNIZING JUNETEENTH DAY. Mayor Faria read the proclamation and will be delivering it to the Los Banos NAACP representative.

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 received one (1) email as follows: DARLENE INGERSOLL, Merced County Registrar of Voters stated that the Merced County Elections Department is transitioning to the Voter's Choice Act (VCA) this year and is effective with the Governor Recall Election in 2021.

No other comments were received and the public forum was therefore closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lambert, seconded by LLamas to approve the consent agenda as follows: Check Register for #227195 – #227355 in the Amount of \$1,096,567.62; Minutes for the June 2, 2021 City Council Meeting; City Council Resolution No. 6373 – Designating an Authorized Representative for the Purpose of Obtaining Coronavirus Relief Funds; City Council Resolution No. 6374 – Denying Application for Leave to Present Late Claim by Michael R. Seville, Esq., on Behalf of Roberto Maldonado; City Council Resolution No. 6375 – Granting Application for Leave to Present Late Claim by Michael R. Seville, Esq., on Behalf of Amelia Maldonado (a Minor), Through Her Mother and Guardian Ad Litem Representative Audrey Ramirez. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

PENINSULA CLEAN ENERGY (PCE) PRESENTATION AND UPDATE. Community & Economic Development Director Elms presented the staff report, introducing Jan Pepper, CEO of Peninsula Clean energy who spoke in more detail to the services PCE will be providing the City of Los Banos, and an update on the outreach and launch process, which included a PowerPoint presentation. Ms. Pepper allowed Jennika Uribe to introduce herself as PCE's new full time Outreach Coordinator for Los Banos.

There was Council Member and staff discussion regarding the Peninsula Clean Energy program, how it works, and the benefits it provides to its customers. Concerns were shared regarding the life span of the windmills that are to be used. There was also discussion regarding residents having the option to opt out of the program and the amount of time they have to decide. If they do not opt out of the program, residents will automatically be enrolled.

Informational item only, no action taken.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE APPROPRIATION LIMITATION FOR THE 2021-2022 FISCAL YEAR (FY); CITY COUNCIL RESOLUTION NO. 6376 – SETTING THE TAX RELATED APPROPRIATION LIMIT IN COMPLIANCE WITH PROPOSITION 4 AND PROPOSITION 111 FOR THE 2021-2022 FY. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

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

There was Council Member and staff discussion regarding the different taxes and how property taxes are regulated by law and Merced County. There is no anticipation of any local special taxes being raised as it relates to Measure H or Measure P.

Motion by Lambert, seconded by Lewis to adopt City Council Resolution No. 6376 – Setting the Tax Related Appropriation Limit in Compliance with Proposition 4 and Proposition 111 for the 2021-2022 FY. 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 THE 2021-2022 FISCAL YEAR (FY) BUDGET; CITY COUNCIL RESOLUTION NO. 6377 – ADOPTING THE 2021-2022 FY BUDGET, INCLUDING EMPLOYEE SALARY SCHEDULE (DIVISION 4) OF THE LOS BANOS POLICY & PROCEDURES MANUAL AND THE CAPITAL IMPROVEMENT PLAN SUMMARY. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding certain elements of the budget that had been previously discussed and whether they remained in the budget. There was specific discussion pertaining to a change in positions at the Animal Shelter, certain improvements budgeted for around town, and equipment, specifically City vehicles, that were and still are included in the proposed budget.

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

Motion by Lewis, seconded by LLamas to adopt City Council Resolution No. 6377 – Adopting the 2021-2022 FY Budget, Including Employee Salary Schedule (Division 4) of the Los Banos Policy & Procedures Manual and the Capital Improvement Plan Summary. 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 ACCEPTING THE 2020 URBAN WATER MANAGEMENT PLAN (UWMP) WHICH WILL SUPPORT THE CITY’S LONG-TERM RESOURCE PLANNING AND ENSURE ADEQUATE WATER SUPPLIES ARE AVAILABLE TO MEET EXISTING AND FUTURE WATER DEMANDS (Continued from June 2, 2021 City Council Meeting); CITY COUNCIL RESOLUTION NO. 6378 – ACCEPTING THE 2020 URBAN WATER MANAGEMENT PLAN. Public Works Operations Manager presented the staff report.

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

Motion by Lambert, seconded by Lewis to adopt City Council Resolution No. 6378 – Accepting the 2020 Urban Water Management Plan. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

PUBLIC HEARING – A USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH A BONA-FIDE EATING PLACE FOR COURTYARD MIMOSAS LOCATED AT 245 W. PACHECO BOULEVARD, SUITES A & B, APN 027-161-042; CITY COUNCIL RESOLUTION NO. 6379 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 AND APPROVING CONDITIONAL USE PERMIT #2021-03 TO ALLOW FOR THE ON-SALE OF GENERAL ALCOHOL UNDER A TYPE 47 ALCOHOL LICENSE IN CONJUNCTION WITH A BONA-FIDE EATING PLACE FOR COURTYARD MIMOSAS LOCATED AT 245 W. PACHECO BOULEVARD, SUITES A & B. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Faria opened the public hearing and asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she received no comments.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6379 – Finding the Proposed Project to be Categorically Exempt from CEQA Pursuant to Section 15301 and Approving Conditional Use Permit #2021-03 to Allow for the On-Sale of General Alcohol under a Type 47 Alcohol License in Conjunction with a Bona-Fide Eating Place for Courtyard Mimosas Located at 245 W. Pacheco Boulevard, Suites A & B. 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. 6380 – APPROVING PROPOSED PUBLIC HEARING TIMELINE IN CONNECTION WITH THE REDISTRICTING OF ITS CITY COUNCIL ELECTORAL DISTRICTS FOLLOWING THE 2020 CENSUS AND AUTHORIZING STAFF TO CONTRACT WITH NATIONAL DEMOGRAPHICS CORPORATION FOR THE CREATION AND MAINTENANCE OF REQUIRED WEBSITE AND MAPPING TOOLS. City Attorney Vaughn presented the staff report, introducing Chris Skinnell with Nielsen Merksmaer who will provide the City legal services in connection with the redistricting of the Council Districts. Mr. Skinnell spoke in more detail to the Los Banos City Council redistricting timeline going forward for the City.

There was Council Member and staff discussion regarding the hard deadlines associated with the redistricting process and how it will affect the 2022 elections.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6380 – Approving Proposed Public Hearing Timeline in Connection with the Redistricting of its City Council Electoral Districts following the 2020 Census and Authorizing Staff to Contract with National Demographics Corporation for the Creation and Maintenance of Required Website and Mapping Tools. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CITY COUNCIL & PLANNING COMMISSION MEETING TIMES; 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. (First Reading & Introduction)

Acting City Manager Brizzee presented the staff report.

Motion by Lewis, seconded by Jones to waive the first 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 Jones to introduce 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.

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. (First Reading & Introduction) City Attorney Vaughn presented the staff report.

Motion by Lambert, seconded by Jones to waive the first 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 Jones to introduce 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.

RECOGNITION OF 2021 AMERICAN PLANNING ASSOCIATION (APA) CALIFORNIA CENTRAL SECTION PLANNING AWARD FOR THE LOS BANOS PARKS MASTER PLAN.

Parks & Recreation Operations Manager Heim presented the staff report, introducing Rob Terry and Mike Ratajski who helped submit the City for this recognition. Mr. Terry spoke in more detail to the APA award given to the Los Banos Parks Master Plan and congratulated the City and their consultant on the excellent job they have done.

The Council thanked Parks and Recreation Operations Manager Heim and his staff for all their work on this plan and all of the community members who participated in the process.

Informational item only, no action taken.

FOURTH OF JULY CELEBRATION SPECIAL EVENT UPDATE. Council Member Lambert stated that he has been advised by legal counsel that he may have a disqualifying conflict of interest on this item due to the fact that he has provided catering services to the Downtown Association in the past twelve months. Because of this, he will be excusing himself from the meeting during the discussion of this item.

Council Member Lambert left the virtual meeting.

Community & Economic Development Director Elms presented the staff report, noting that the Los Banos Downtown Association has withdrawn their request for the City of Los Banos to co-sponsor and support (waiver of departmental service charges) Fourth of July Celebration on July 3, 2021 at the Henry Miller Plaza.

Mayor Faria asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she received one comment: JUSTIN COLLINS spoke in support of the City co-sponsoring the Fourth of July Celebration with the Los Banos Downtown Association.

Council Member Jones stated that he is making a request to pull back City funding for all events in order to revisit the policy and to see a side-by-side comparison of each event in order to see what the City is pays.

Informational item only, no action taken.

Council Member Lambert returned to the virtual council meeting.

ILLEGAL FIREWORKS PRESENTATION. Fire Chief Hurley presented the staff report regarding the rules for use of safe & sane fireworks in the City of Los Banos, which included a PowerPoint presentation. Acting Police Chief Hedden spoke in more detail to firework rules and enforcement of illegal fireworks.

There was Council Member and staff discussion regarding firework safety and how safe and sane fireworks are only permitted to be discharged in driveways; not in public rights-of-way, sidewalks, or at parks. There was also discussion regarding the troubling continuation of illegal fireworks going on throughout the City and how the best measures to get people to stop discharging them is to have neighbors call in and report the matter.

Informational item only, no action taken.

COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6381 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19). Acting City Manager Brizzee provided an update on COVID-19 referencing the Governor's orders lifting the tiers and the requirement of facemasks and spoke to how the Cal OSHA Board is considering changes

on June 17, 2021. Extending the City's Emergency Declaration will give staff time to plan for the changes that Cal OSHA makes. Virtual meetings for City Council and Planning Commissions will continue to begin at 4:00 p.m. through this extension and meetings will be held back in the Council Chambers for the August 18, 2021 meeting at 6:00 p.m.

Motion by Lambert, seconded by Jones to adopt City Council Resolution No. 6381 – Continuing the Declaration of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there will be a public hearing to consider a Conditional Use Permit #2021-14 to allow the use of a Daycare Center for Yellow Brick Road to be located at 720 & 726 I Street APN 025-212-019, 014 at the next Planning Commission meeting on Wednesday, June 23, 2021 at 5:30 p.m.

CITY MANAGER REPORT. Acting City Manager Brizzee thanked Parks & Recreation Operations Manager Joe Heim and his staff for their awesome work and award presentation. As we move towards moving back into the Council Chambers for meetings, we are also making sure the Council Chambers is fit and ready for the return to in-person meetings. Mark your calendars to cancel the August 4, 2021 City Council Meeting for a summer break before school starts back up. He made special note that City Hall-Administration has opened up a Facebook page for information that may not be suitable for the other City Facebook pages like Police, Fire, and Community & Economic Development.

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

Mayor Faria spoke regarding MCAG and how they are providing a tire amnesty on July 3, 2021 for Merced County residents.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: No report.

KEN LAMBERT: No report.

DEBORAH LEWIS: Council Member Lewis gave a brief update on the San Joaquin Valley Air Pollution Control District (SJVAPCD), noting they will be making a presentation at a future Council Meeting. She stated that there are rebates that residents of Merced County are eligible for through SJVAPCD and how they will be doing extensive outreach to all cities in Merced County.

REFUGIO LLAMAS: No report.

MAYOR TOM FARIA: Mayor Faria stated that the City of Los Banos is doing an Urban Forest Management Plan and are conducting a survey and encouraged all to participate and take the survey online on the City's website.

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.

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. This closed session item was not held.

ADJOURNMENT. Motion by Lewis, seconded by LLamas to adjourn the meeting at 8:09 p.m.

APPROVED:

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

ATTEST:

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