

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 17, 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 4:06 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, Ken Lambert, Deborah Lewis, Refugio LLamas, Mayor Tom Faria; ABSENT: None.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Acting Public Works Director/City Engineer Pezeshk, Police Chief Brizzee, Fire Chief Hurley.

CONSIDERATION OF APPROVAL OF AGENDA: Council Member Lewis stated that she would like to remove item 9 – Fiscal Year 2021-2022 Budget Priority Workshop from the agenda and requested that it get rescheduled for a special workshop meeting allowing the City Council to concentrate and focus on this matter without other agenda items as this is too important for the future of Los Banos.

Motion by Lewis, seconded by Jones to approve the City Council Meeting agenda as submitted, with the removal of item 9 – Fiscal Year 2021-2022 Fiscal Year Budget Priority Workshop. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

PRESENTATION – PROCLAMATION RECOGNIZING CESAR CHAVEZ DAY. Mayor Faria presented the proclamation to Patricia Ramos Anderson on behalf of the League of United Latin American Citizens (LULAC).

Ms. Ramos Anderson spoke briefly to the history of Cesar Chavez Day and thanked the City for the proclamation and recognition.

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 no comments and the public forum was therefore closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by LLamas to approve the consent agenda as follows: Check Register for #225859 – #226089 in the Amount of \$734,541.59; Minutes for the March 3, 2021 City Council Meeting; City Council Resolution No. 6335 – Accepting Public Improvements for East Center, Phase 2A Generally Located within the Area Bounded by Center Avenue to the West, Pioneer Road to the South, Rainier Drive to the East (Pioneer Development Company); City Council Resolution No. 6336 – Accepting Public Improvements for East Center, Phase 2B Generally Located within the Area Bounded by Center Avenue to the West, Pioneer Road to the South, and Rainier Drive to the East (Pioneer Development Company). 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 CITY OF LOS BANOS GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2020 AND TO CONSIDER AN EXEMPTION FROM THE REQUIREMENTS TO 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. 6337 – ADOPTING THE 2020 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS IN ITS IMPLEMENTATION. 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 and the public hearing was therefore closed.

There was Council Member and staff discussion regarding complexes and developments that are already existing in the City and how the City has already received credit for those units in a previous Regional Housing Needs Allocation (RHNA) cycle. Community & Economic Development Director Elms explained how the State provides income-based housing requirements to the County and then the County directs each of the cities on what requirements they need to meet in order to assist the County in reaching the State requirements. The next RHNA will start getting analyzed in 2022. She further provided some information on how the City of Los Banos is not entitled to Housing and Urban Development aid options to help reach these requirements because the City's population is under 50,000.

Motion by Lambert, seconded by LLamas to approve City Council Resolution No. 6337 – Adopting the 2020 Annual Report on the Status of the Housing Element of the General Plan and Progress in its Implementation. The motion carried by the following roll call vote: AYES: Lambert, Lewis, LLamas, Mayor Faria; NOES: Jones; ABSENT: None.

FISCAL YEAR 2021-2022 BUDGET PRIORITY WORKSHOP. *This item was removed at the beginning of the meeting with approval of the agenda.*

COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6338 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS. City Manager Terrazas provided an update on COVID-19 referencing the Merced County COVID-19 website and all the information that it provides regarding COVID-19, tier information, and vaccine availability.

There was Council Member and staff discussion regarding the need to continue the declaration of the existence of a local emergency and how it relates to remaining eligible for funding for things related to COVID-19. Concerns about local businesses still not being able to open up their indoor operations were expressed and City Attorney Vaughn noted that if this resolution was abolished, those restrictions relating to indoor operations would not go away as they are restrictions .

Motion by Lewis, seconded by Jones to approve City Council Resolution No. 6338 – Continuing the Declaration of the Existence of a Local Emergency within the City of Los Banos and to bring this item back for discussion every thirty (30) days. The motion carried by the following roll call vote: AYES: Lambert, Lewis, LLamas, Mayor Faria; NOES: Jones; ABSENT: None.

COUNCIL MEMBER REQUEST REGARDING LOCAL GOVERNMENT LOSING THE BATTLE OF LOCAL CONTROL (COUNCIL MEMBER LEWIS). Council Member Lewis stated that this request is in regards to land use and zoning and how there is a grass root organization looking for city council members to support the preservation of local control to remain with the cities. She spoke to how there are a lot of mandates pushed down from the State that forces cities to meet certain requirements and how she would like staff to draft a resolution to be approved at the April 7th council meeting which would support self-determination for cities as noted in the grass root organization's efforts.

By consensus, the City Council supports this item and directed staff to draft a resolution for consideration of approval for the April 7, 2021 meeting.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. No report.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Mayor Faria stated that MCAG is working on a study of commuters and is excited about

what that could mean for the City. PCE is still looking for a Los Banos citizen to serve on a committee and still has a professional position open to represent PCE in the City. He had no updates in regards to Measure V. City Manager Terrazas spoke to how the process in search for a PCE staff person will be agendized for the April 7, 2021 meeting and that an update will be provided.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: No report.

REFUGIO LLAMAS: Council Member LLamas stated that he was somewhat alarmed with the violent crime numbers and wonders if restructuring in City departments is needed in order to get the issues under control.

BRETT JONES: Council Member Jones stated that he was really surprised to see the high increase in crime. He noted that Code Enforcement and other Police Department staff are way too busy doing other things and need to refocus on their efforts to get these statistics under control.

KEN LAMBERT: No report.

MAYOR TOM FARIA: Mayor Faria stated that the crime statistics are disturbing and he would like to see if there is something else that can be done to make it better. He wished Rosie Barker a happy 100th birthday. The elementary schools are currently back in session and he reminded drivers to be cautious in school areas. Merced County has recently hired a Visual Arts Coordinator and he has been in contact with her to increase the life-enriching benefits a program like that can provide to not only children but all citizens.

CLOSED SESSION; CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, 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, TITLE: CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957. Direction given to Legal Counsel.

ADJOURNMENT; ADJOURN TO 4:00 P.M., TUESDAY, MARCH 30, 2021 TO HOLD A WORKSHOP REGARDING THE GENERAL PLAN UPDATE GROWTH

BOUNDARY/SPHERE OF INFLUENCE AND ANNEXATION POLICIES, WHICH WILL BE HELD VIRTUALLY. Motion by Lewis, seconded by Jones to adjourn the meeting at 7:56 p.m. to 4:00 p.m., Tuesday, March 30, 2021 to hold a Workshop Regarding the General Plan Update Growth Boundary/Sphere of Influence and Annexation Policies, which will be held virtually.

APPROVED:

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

ATTEST:

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