

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
DECEMBER 15, 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 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.

**PRESENTATION – PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS ASSISTANT FIRE CHIEF ROBERT STRAUCH.** Mayor Faria presented the proclamation to Robert Strauch who was in attendance at the meeting to accept 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 those participating in the meeting if they would like to speak: **JUSTIN COLLINS** stated that he has tried multiple times to speak to Council Member Lewis and that she will not return his calls so speaking during the public forum is the only way he will be able to speak with her. He spoke regarding fees for the Fourth of July event that was put on this year and how Council Member Lewis regularly asks staff to research or review certain items which takes a lot of staff time and ends up being costly. He spoke to how

he feels some of the decisions made by Council are fueled by personal vendettas and that majority of the public do not care about these personal issues but instead want what's best for the community overall ; GENE LIEB spoke to the recent American Rescue Plan Act (ARPA) workshop that was held in order to gather input from the public as to how some of these funds should be spent in the community. During that workshop he suggested using some funding towards keeping the Los Banos Enterprise operating as it should and staff was directed to research how much funding would be needed for this. Mr. Lieb stated that he was supposed to receive a call back on the issue but never did. He contacted City Manager Pinheiro who told him that no funding would be provided for a local newspaper and that Council did not have an interest in the idea. He believes democracy would die in a community that did not support freedom of the press.; KATHY BALLARD spoke to how she is on the Measure H Committee and that there have not been any meetings held in a very long time due to a lack of quorum and she is wanting to know whether there can be any type of meeting held at all without a quorum or if it is necessary to wait until there is a quorum for which City Attorney Vaughn stated that he would look into the matter and report back to Council. No one else came forward to speak.

Mayor Faria then asked City Clerk Mallonee if she had received any emailed comments, for which City Clerk Mallonee stated that she received one email pertaining to item 12 – Consideration of Fourth of July Celebration Special Event Fee Waiver and the Mayor noted that the emailed comments would be read into the record during that item. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Council Member Jones stated that he would like to pull item 7E – City Council Resolution No. City Council Resolution No. 6430 – Approving a Tentative Agreement / Memorandum of Understanding by and Between the City of Los Banos and the Los Banos Police Officers Association (LBPOA) from December 1, 2021 – June 30, 2024 for discussion for which he wanted to thank staff for all the work they did to get this agreement before the City Council for approval.

Motion by Jones seconded by Lambert to approve the consent agenda as follows: Check Register for #230022 – #230187 in the Amount of \$554,115.86; Minutes for the November 17, 2021 City Council Meeting; Minutes for the November 23, 2021 Adjourned City Council Meeting; Minutes for the December 1, 2021 City Council Meeting; City Council Resolution No. 6430 – Approving a Tentative Agreement / Memorandum of Understanding by and Between the City of Los Banos and the Los Banos Police Officers Association (LBPOA) from December 1, 2021 – June 30, 2024; City Council Resolution No. 6431 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section F – Police Associated with the Los Banos Police Officers Association (LBPOA) Tentative Agreements / Memorandums of Understanding; City Council Resolution No. 6432 – Adopting a Revised Budget for the 2021-2022 Fiscal Year as it Pertains to Increasing Expenditures in the Fire Department Capital Outlay Specialized Equipment Account in the Amount of \$31,404.06; City Council Resolution No. 6433 – Accepting Public Improvements for Sunrise Ranch, Phase 3, 12.48± Acres, Generally Located within the Area Bounded by East B Street to the North, Future San Luis Street to the South, Jo Lin Park Manor Subdivision to the East and Place Road to

the West, APN 428-080-001 (Stonefield Home Inc.); City Council Resolution No. 6434 – Accepting Public Improvements for Sunrise Ranch, Phase 4, 7.66± Acres, Generally Located within the Area Bounded by East B Street to the North, Future San Luis Street to the South, Jo Lin Park Manor Subdivision to the East and Place Road to the West, APN 428-080-001 (Stonefield Home Inc.); City Council Resolution No. 6435 – Accepting a Grant Deed for a 10' Public Utility Easement Dedication of Approximately 21,814 Square Feet of Land Crossing Future Badger Flat Boulevard to the Northern Portion of Future Granite Boulevard and North Along the Western Portion of Limestone Boulevard and Authorizing the City Manager to Execute the Associated Documents (Anderson Homes, Inc.); City Council Resolution No. 6436 – Accepting a Grant Deed for a 10' Public Utility Easement Dedication of Approximately 4,273 Square Feet of Land Along the Western Portion of Future Badger Flat North of Future Granite Boulevard and Authorizing the City Manager to Execute the Associated Documents (Anderson Homes, Inc.); City Council Resolution No. 6437 – 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.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6438 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY, AS SUCCESSOR AGENCY, TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY TO THE CITY OF LOS BANOS, 0.13 ACRE PARCEL LOCATED DOWNTOWN AT 644/646 I STREET, UNDEVELOPED LAND, APN 025-201-010.** City Attorney Vaughn presented the staff report.

Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6438 – Accepting the Grant Deed from the Los Banos Designated Local Authority, as Successor Agency, to the Former Los Banos Redevelopment Agency to the City of Los Banos, 0.13 Acre Parcel Located Downtown at 644/646 I Street, Undeveloped Land, APN 025-201-010. 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. 6439 – AUTHORIZING VARIOUS EXPENDITURES FROM THE AMERICAN RESCUE PLAN ACT (ARPA) AND ADOPTING A REVISED BUDGET FOR FISCAL YEAR 2021/2022 AS IT PERTAINS TO EXPENDITURES.** Finance Director Williams presented the staff report.

There was Council Member and staff discussion regarding items that are not currently be considered for funding and which items Council would like to further consider. Some of the topics discussed were small business funding, further consideration for the Los Banos Enterprise, and funding towards helping the current water quality issues the City is facing.

Council Member Jones requested that small business loans be removed from further consideration. Mayor Faria asked each Council Member if they would like to agree to remove the topic from further funding discussions and majority of the Council requested the topic remain in discussion for possible funding.

Motion by Jones, seconded by LLamas to adopt City Council Resolution No. 6439 – Authorizing Various Expenditures from the American Rescue Plan Act (ARPA) and Adopting a Revised Budget for Fiscal year 2021/2022 as it Pertains to Expenditures. 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 direct staff to further pursue and include the items listed on page 237 of this agenda. The motion carried by the following roll call vote: AYES: Lambert, LLamas, Faria; NOES: Jones, Lewis.

It was requested that a note be made that the two dissenting Council Members only voted to not discuss any further the small business loans listed on page 237 of the agenda and that they would be open to further discussion other items on that list.

**PUBLIC HEARING – TO RECEIVE PUBLIC INPUT AND TESTIMONY REGARDING POSSIBLE REVISIONS TO LOS BANOS’S CITY COUNCIL ELECTORAL DISTRICT PLAN [7:00 P.M.]** City Attorney Vaughn presented the staff report and introduced Chris Skinnell and Jeff Tilton of National Demographic Corporation who presented a PowerPoint presentation.

Mayor Faria opened the public hearing and asked City Clerk Mallonee if there were any comments received for which City Clerk Mallonee stated there were no comments received and the public hearing was closed.

There were Council Member and representative discussion pertaining the draft maps, boundary lines and how changes in boundary lines could affect proper representation of the district. Any changes requested by Council would be made and brought back for further review during the final public hearing to be held at a council meeting in February.

No action taken. Opportunity for public comment only.

**CONSIDERATION OF CITY COUNCIL RESOLUTION NO. 6440 – APPROVING AND ELECTING TO “OPT IN” TO THE SETTLEMENT AGREEMENTS AND AUTHORIZING CITY MANAGER TO EXECUTE PARTICIPATION AGREEMENTS REGARDING THE SETTLEMENT OF THE NATIONAL OPIOID LITIGATION.** City Attorney Vaughn presented the staff report.

There was Council Member and staff discussion regarding how the settlement funds could potentially be used towards services that would benefit those in Los Banos and on the West Side in general and how there will be future conversations with the County regarding potential programs.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6440 – Approving and Electing to “Opt In” to the Settlement Agreements and Authorizing City Manager to Execute Participation Agreements Regarding the Settlement of the National Opioid Litigation. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

**CONSIDERATION OF FOURTH OF JULY CELEBRATION SPECIAL EVENT FEE WAIVER; CITY COUNCIL RESOLUTION NO. 6441 – AMENDING THE POLICY REGARDING WAIVER OR PARTIAL WAIVER OF DEPARTMENTAL SERVICE CHARGES RELATIVE TO SPECIAL EVENTS.** Council Member Lambert stated that he has been advised by the City Attorney that he has a disqualifying conflict of interest on this agenda item and he excused himself from the meeting by signing off.

Community & Economic Development Director Elms presented the staff report.

There were differing opinions amongst Council on this item. They discussed the current policy in place and how this amendment would benefit future community events but may also open a door to a slippery slope of the City getting involved in funding more events than those grandfathered in to the current ordinance in place. A discussion of costs of staff time to continue researching pros and cons of such waivers for particular events was brought up and how it's also very time consuming to continue circling around the issue. Fees associated with the various major community events was discussed and how the event in question is surpassing the fees that have normally been waived in the past.

Mayor Faria asked for City Clerk Mallonee to read any comments she received into the record for which Finance Director Williams stated she would read the comments because City Clerk Mallonee was having technical difficulties. KATHY BALLARD, submitted an email regarding the item in question and suggests placing a certain dollar amount for waived fees, especially for those events that have been around for many years. This event is more than just a parade – it is an all-day event requiring much more than just street closures.

Motion by Faria, seconded by Jones to authorize the waiver of departmental service charges relative to the Fourth of July Celebration for the Los Banos Downtown Association and to not amend the current policy. The motion carried by the following roll call vote: AYES: Jones, LLamas, Faria; NOES: Lewis; ABSTAIN: Lambert; ABSENT: None.

Council Member Lambert rejoined the City Council Meeting.

**ADVISEMENT OF PUBLIC NOTICES (ONE REPORT).** Community & Economic Development Director Elms stated that there will be a public hearing at the Planning Commission Meeting on December 22, 2021 to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) for a Cottage Food Operation for Kara Gomes dba Special Treats LLC at 648 Pinelli Drive, APN 431-300-047.

**CITY MANAGER REPORT.** City Manager Pinheiro spoke to various City events that have gone on in the last couple of weeks and he thanked all those organizations for putting on events like this for the community. He thanked the various school bands for coming out and playing some music pieces for the community as well. He spoke to mixer that will be hosted by Keller Williams Property Team in the near future. He thanked Assistant Fire Chief Strauch for all the work he has provided to the City and congratulated him on his retirement. He also recognized Council Member Lewis for providing nine years of service this month and Council Member Jones for providing three years of service on

the Council this month. He noted that Mayor Faria's birthday was on December 6 and wished him a happy belated birthday. Santa Claus will be traveling around the City on a fire engine in the next few weeks and he encouraged the community to check out the scheduled route so they do not miss him. He further celebrated and thanked all those City employees who have a birthday or work anniversary this month.

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

Mayor Faria reminded all that Sandra Benetti is the public outreach representative with PCE for Los Banos and can provide information on the migration to clean energy beginning in April. He spoke to how he recently found out that some local dairies are producing clean energy through agricultural means such as waste coming from these dairies. At the next MCAG meeting, Mayor Faria intends on asking if there's a way to locate grant writers in order to find more money for the West side and the County overall.

**CITY COUNCIL MEMBER REPORTS.**

**REFUGIO LLAMAS:** Council Member LLamas thanked the Chamber of Commerce for putting on the Christmas Parade. He spoke to how the veterans dinner was good and how there was a great turnout. He thanked Assistant Fire Chief Strauch for his years of service and further thanked all the City staff for the work they provide.

**BRETT JONES:** No report.

**KENNETH LAMBERT:** Council Member Lambert expressed his gratitude for Police Chief Brizzee and Fire Chief Hurley and all of their staff for working diligently through the holidays.

**DEBORAH LEWIS:** Council Member Lewis thanked her district constituents and all other citizens in the community for their kindness when they reach out to her for assistance with an issue or with questions. She spoke to and showed an award that Mid Valley Disposal presented to the City for its prompt and early implementation of a Senate Bill going into effect in January 2022 regarding the reduction of organic waste in our landfills. She spoke to the Christmas Parade and the Breakfast with Santa event that occurred and specially thanked the Public Works staff for all the work that they did for the breakfast event. Lastly, it was noted how there is money out there and available through the San Joaquin Air Quality Control Board for various things such as trading in older cars for new cleaner cars and replacing wood fireplace inserts for electric or gas inserts. She wished all a Merry Christmas and Happy New Year.

**MAYOR TOM FARIA:** Mayor Faria stated that he was called out earlier in the meeting for using a coffee cup that didn't have a very nice word on it and so he won't be using it again during a council meeting. He spoke to the venison meat he marinated and shared with some folks who helped put on the Breakfast with Santa event. He congratulated Assistant Fire Chief Strauch on his retirement and thanked him for his service.

**CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATIONS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT**

**610 PACHECO BOULEVARD, LOS BANOS, CALIFORNIA, APPROXIMATELY 0.296 ACRES (APN 026-121-006); CITY NEGOTIATORS: CITY MANAGER PINHEIRO, CITY ATTORNEY VAUGHN, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR ELMS; NEGOTIATING PARTIES: SYBIL A. BALATTI TRUSTEE; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE.** Mayor Faria stated that by a 5-0, City Council authorized the City Manager to sign a purchase and sale agreement for the purchase of approximately .296 acres located at 610 Pacheco Boulevard at a purchase price of \$170,500 subject to a 60 day due diligence period.

**ADJOURNMENT.** Motion by Lewis, seconded by LLamas, the meeting was adjourned at 8:55 p.m. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

APPROVED:

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Manuel Thomas Faria III, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk