

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
JULY 21, 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:** Police Commander Reyna 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:** Acting City Manager Brizzee, City Attorney Vaughn, Human Resources Director/City Clerk Mallonee, 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:** Motion by \_\_\_, seconded by \_\_\_ to approve the agenda as. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

**PRESENTATION – PROCLAMATION DECLARING BUFFALO SOLDIER DAY IN LOS BANOS.** Mayor Faria read the proclamation and presented it to Dennis Reed, Southbay Buffalo Soldiers Motorcycle Club and Geneva Brett who were present on the virtual meeting.

**PRESENTATION – CERTIFICATE OF RECOGNITION – LOS BANOS LITTLE LEAGUE ALL STARS JUNIORS DIVISION.** Mayor Faria read 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 City Clerk Mallonee stated that she received the following comments:

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by LLamas, seconded by Lambert to approve the consent agenda as follows: Check Register for #227687 – #227915 in the Amount of \$1,941,744.18; Minutes for the July 7, 2021 City Council Meeting; City Council Resolution No. 6390 – Accepting Public Improvements, Excluding Off-Site Landscape, for Sunrise Ranch, Phase 1, 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 (Stonefield Home, Inc.); City Council Resolution No. 6391 – Accepting Public Improvements, Excluding Off-Site Landscape, for Sunrise Ranch, Phase 2, 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 (Stonefield Home, Inc.); City Council Resolution No. 6392 – Accepting the Fire Station Training Tower Improvements Project as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 6393 – Approving an Amendment to Division 5 – Personnel Benefits, Division 5-C – Vacation Leave Policy, and Division 5-F – Compensatory Time Off (CTO) Policy of the City’s Policy & Procedures Manual as it Pertains to Unrepresented/Miscellaneous Employees; City Council Resolution No. 6394 – Authorizing Essential Worker Pay for Full-Time Unrepresented/Miscellaneous and Part-Time Employees. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT PRESENTATION (SJVAPCD).** Acting City Manager Brizzee presented the staff report and introduced Brian Dodds with the SJVAPCD. Mr. DeYoung spoke to the services the SJVAPCD provides, which included a PowerPoint presentation.

There was Council Member and representative discussion regarding some of the incentive programs and what the application process looks like for those programs. The representative noted that some of the programs do not currently have funding available but that they are currently working with the State to get additional funding. Council asked how the State was planning on keeping up with the demand of generated power, especially during months of less sunshine, for these electric-powered vehicles for which the representative said he could not provide a definite answer right at that moment.

Acting City Manager Brizzee spoke to how Council Member Lewis is a board member for the San Joaquin Valley Air Pollution Control District and that she helps to keep the City informed on the many different programs available to our residents.

Informational item only, no action taken.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE PROPOSED LEVY FOR WEED ABATEMENT FOR SERVICES PERFORMED DURING THE FISCAL YEAR 2020/2021 OR PRIOR; CITY COUNCIL RESOLUTION NO. 6395 – AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEED ABATEMENT WITHIN THE CITY OF LOS BANOS.** Finance Director Williams presented the staff report.

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

Motion by Faria, seconded by Lambert to adopt City Council Resolution No. City Council Resolution No. 6395 – Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos. 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 INPUT AND TESTIMONY REGARDING POSSIBLE REVISIONS TO LOS BANOS’S CITY COUNCIL ELECTORAL DISTRICT PLAN [5:00 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.

There was Council Member and representative discussion regarding map submittals and how anyone, even those who are not residents of Los Banos, may submit a map for consideration.

City Attorney Vaughn noted that there is fairly extensive recipient list of those who receive notice information directly. This list includes those who were interested in receiving information directly when the City first transitioned to districts.

Mayor Faria stated that the future public hearings on this topic are scheduled during Council Meetings to be held on August 18, 2021, December 15, 2021 and February 2, 2022.

No action taken. Opportunity for public comment only.

**DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2021 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE & EXPO BEING HELD SEPTEMBER 22-24, 2021 IN SACRAMENTO.** Motion by Faria, seconded by Lambert to Designate Mayor Faria as the voting delegate and Mayor Pro Tem Lewis as the alternate voting delegate. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

**CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, AUGUST 4, 2021 DUE TO SUMMER BREAK.** Motion by Lewis, seconded by LLamas to cancel the August 4, 2021 Regular City Council Meeting due to summer break. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

**COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6396 – TERMINATING THE LOCAL EMERGENCY DECLARED BY THE DIRECTOR OF EMERGENCY SERVICES.** Acting City Manager Brizze presented the staff report,

giving an update on COVID-19 statistics, Los Banos, statewide and county-wide, numbers of those vaccinated, which included a PowerPoint presentation.

City Attorney Vaughn spoke the request to terminate the Local Emergency Declared by the Director of Emergency Services in response to the COVID-19 pandemic.

Motion by Lambert, seconded by Jones to adopt City Council Resolution No. 6396 – Terminating the Local Emergency Declared by the Director of Emergency Services. 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 thanked the City Council and Community & Economic Development Director Elms for the hard work on the Sphere of Influence General Plan workshop that was held yesterday. He spoke to how the Los Banos Fire Department houses and maintains a lime green fire engine provided by the Office of Emergency Services through a mutual aid agreement for purposes of assisting with wild land fires as it is called up on. That engine recently became assigned to the Dixie Fire up in Butte County. Fire Chief Hurley asked that we keep the crews in our thoughts and are hoping for a safe return home soon.

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

Mayor Faria stated that PCE cancelled their monthly board meeting this week and spoke to how MCAG had a meeting last week and they are working on a plethora of projects including the natural landfill gas project, SR 152 widening projects and homelessness.

### **CITY COUNCIL MEMBER REPORTS.**

**DEBORAH LEWIS:** Council Member Lewis thanked Acting City Manager Brizzee for inviting the San Joaquin Valley Air Pollution Control District to give a presentation at tonight's council meeting.

**REFUGIO LLAMAS:** No report

**BRETT JONES:** No report

**KENNETH LAMBERT:** Council Member Lambert spoke to how his thoughts and prayers are with our firefighters and their families for a safe trip home.

**MAYOR TOM FARIA:** Mayor Faria thanked Mayor Pro Tem Lewis for filling in for him at the Sphere of Influence General Plan Workshop. He reminded everyone that there are a lot of opportunities for citizens to get involved in our community.

**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.

**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) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES.**  
No reportable action.

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION, TITLE: ACTING CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957.** No reportable action.

**ADJOURNMENT.** Motion by Lewis, seconded by Lambert to adjourn to 9:00 a.m., Friday, July 30, 2021 to Hold a Closed Session Regarding Public Employment, Title: City Manager, Pursuant to Government Code Section 54957, which will be Held virtually; and motion by Lambert, seconded by Lewis adjourn to 8:30 a.m., Monday, August 2, 2021 to Hold a Closed Session Regarding Public Employment, Title: City Manager, Pursuant to Government Code Section 54957, which will be Held virtually; and motion by Lewis, seconded by LLamas to adjourn to Adjourn to 10:00 a.m., Monday, August 9, 2021 to Hold a Closed Session Regarding Public Employment, Title: City Manager, Pursuant to Government Code Section 54957, which will be Held at the College Greens Building Located at 1815 Scripps Drive, Los Banos, California.

APPROVED:

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

ATTEST:

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