

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 2, 2022**

***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 6:05 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 Lewis, 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.

PRESENTATIONS.

CERTIFICATES OF RECOGNITION – FUTURE FARMERS OF AMERICA (FFA) SPEECH CONTEST HOSTED BY LOS BANOS ROTARY CLUB: EMMA VAN LOBEN SELS, JUNIOR – LOS BANOS FFA – FIRST PLACE; AVA MENELEE, SOPHOMORE – LOS BANOS FFA – SECOND PLACE; LARRY BORELLI, SOPHOMORE – LOS BANOS FFA – THIRD PLACE; LILLIAN KANEMOTO – JUNIOR, LOS BANOS FFA – HONORABLE MENTION. Mayor Faria read and presented the certificates of recognition, for which Larry Borelli and Lillian Kanemoto were in attendance to accept the recognition.

COVID-19 STATUS UPDATE – BY DR. PHILLIP YU, MEMORIAL HOSPITAL LOS BANOS/SUTTER HEALTH. Dr. Yu spoke regarding COVID-19, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the new virus called stealth omicron and the different types of COVID-19 viruses, California COVID-19 rates,

vaccines, booster vaccines, how viruses mutate, immunity, total mortality from this last surge, how viruses lose their vitality, people are gaining immunity, how we are going in the direction of an endemic situation.

Informational item only, no action taken.

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: KATHY BALLARD stated that she would like to see our Council Meetings open and in person again and that the City Council should set an example and get back to normal meetings in person; SANDRA BENETTI, representative with Peninsula Clean Energy spoke regarding upcoming enrollment for electric energy services beginning in April 2022, their next workshop on March 15, 2022 at 6:00 p.m. at the Community Center in Spanish and also on Zoom, Workshop on March 31, 2022 in English and also on Zoom, and the upcoming April 2022 Workshops; Mayor Faria then asked City Clerk Mallonee if she had received any comments, for which City Clerk Mallonee stated that she received no comments to be read into the record. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lambert seconded by LLamas to approve the consent agenda as follows: Check Register for #230615 – #230801 in the Amount of \$1,107,162.13; Second Quarter Investment Report for the 2021/2022 Fiscal Year; Minutes for the City Council Meeting of January 5, 2022; City Council Resolution No. 6458 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361; City Council Resolution No. 6459 – Authorizing the City Manager to Execute an Amendment to Professional Service Agreement with Place Works for the Preparation of a General Plan Update and Accompanying Environmental Impact Report and Adopting a Revised Budget for the Fiscal Year 2021-2022 as it Pertains to Expenditures in the Amount not to Exceed \$178,113. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

ELIMINATION OF THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION; ORDINANCE NO. 1195 – ELIMINATING THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION SPECIFICALLY REPEALING TITLE 2 CHAPTER 2 ARTICLE 4 OF THE LOS BANOS MUNICIPAL CODE (SECOND READING & ADOPTION). Community & Economic Development Director Souza Elms presented the staff report.

Motion by Lewis, seconded by Lambert to waive the second reading of Ordinance No. 1195 – Eliminating the Economic Development Advisory Commission Specifically

Repealing Title 2 Chapter 2 Article 4 of the Los Banos Municipal Code. 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. 1195 – Eliminating the Economic Development Advisory Commission Specifically Repealing Title 2 Chapter 2 Article 4 of the Los Banos Municipal Code. 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 [HELD AT 7:00 P.M.]; CITY COUNCIL RESOLUTION NO. 6460 – ADJUSTING THE BOUNDARIES OF THE CITY COUNCIL DISTRICTS IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE SUBSECTION 21601-21609 AND MUNICIPAL CODE SECTION 2-2.102(C). City Attorney Vaughn presented the staff report, which included a PowerPoint presentation by Chris Skinnell and Jeff Tilton with National Demographic Corporation.

Mayor Faria opened the Public Hearing. No one came forward to speak and there were comments received by the City Clerk, and the public hearing was closed.

There was Council Member and staff discussion regarding concerns with current developments, if we were allowed to take those into consideration at this time, how the inclusion of developments has to be on a systematic and timely basis, Draft B seems to be the most equitable redistricting that we have been presented within the guidelines, how to handle future growth mid-decade, and newly annexed property. It was the consensus of all five Council Members to go with Draft B Map.

Motion by Lewis, seconded by LLamas to adopt City Council Resolution No. 6460 – Adjusting the Boundaries of the City Council Districts in Accordance with California Elections Code Subsection 21601-21609 and Municipal Code Section 2-2.102(c) and incorporate Draft B Map. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

AMERICAN RESCUE PLAN ACT (ARPA) – PROPOSED SPENDING PLAN; CITY COUNCIL RESOLUTION NO. 6461 – AUTHORIZING EXPENDITURES FROM THE ARPA AND ADOPTING A REVISED BUDGET FOR FISCAL YEAR 2021/2022 AS IT PERTAINS TO EXPENDITURES. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the \$1 million already committed to the RAD Card Program for businesses which would include the small census track, how the Small Business Grant Program is just not fair to all businesses, may be a hassle for staff and tilted unfairly, putting the funding towards revenue reimbursement, money that will be allocated towards the special district downtown,

options for businesses outside that downtown area; not being an income qualification for either areas, the funding is to be focused on businesses that had a financial lost due to COVID-19, support for the idea of supporting both big and small businesses, if the funding can be used for parks, no interest for helping start-up businesses but okay with helping re-start businesses. Council Members Jones, Lambert, Lewis, and Faria supported allocating the undedicated ARPA funding to revenue and reimbursement; Council Member LLamas supported to also include the Small Business Funding option.

Motion by Lewis, seconded by Lambert to allocate the undedicated ARPA funds to revenue and reimbursement. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: LLamas; ABSENT: None.

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 going through their Regional Housing needs assessment and regional transportation needs and how PCE had a meeting last week, they continue to acquire more power, spoke regarding their upcoming workshops.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: No report

REFUGIO LLAMAS: Congratulated the young kids for their achievements in the speech contests; spoke regarding the homeless problem behind Home Depo and concerns for there being more theft and vandalism, how he was happy to hear Dr. Yu state that we are working towards an endemic, and asked staff if we could start working on a solution to get back to in person meetings as it is important as part of an open and democratic process.

BRETT JONES: No report

KENNETH LAMBERT: Thanked all the presenters at tonight's meeting as they were presented very well and spoke regarding the ground breaking of the new IHop.

MAYOR TOM FARIA: No report.

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