

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
APRIL 20, 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.*

**CALL TO ORDER:** Mayor Faria called the City Council Meeting to order at the hour of 6:01 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, City Treasurer/Accounting & Budget Supervisor Tomas, Finance Director Williams, Community & Economic Development Director Souza Elms, Police Chief Brizzee, Fire Chief Hurley, Public Works Director/City Engineer Than.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, seconded by LLamas to approve the agenda as submitted. The motion carried by the affirmative action of all Council Members present.

**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, Los Banos, consent agenda item H for reauthorizing remote telecommunications, how she contacted Merced County Health department and the local hospital to get information on the current status of the Covid-19 situation, wonders why you would want to go back to virtual meetings, how the meeting start time has been changed to make it more convenient for those up on the dais and does not allow for our commuters to come and talk, and restated that she feels meetings should not be virtual; CLAUDIA NUNES, Los Banos, stated that she lives at the mobile home park on Pacheco and is here to speak regarding how the City has allowed the homeless to live in the field near them, how the homeless have been stealing from the mobile home owners, homeless are mistreating the kids, she's called 911 regarding her concerns with the homeless not following the rules, fires and how they need help and how she feels nobody

cares, nobody listens to us, the music is too loud during the middle of the night; SHANDRA LEWIS, Los Banos, has lived in the mobile home park for 35 years and it has been a terror since 2020 when the city started allowing the homeless to stay in the area near them, she is concerned with stolen items, i.e. shopping carts, bikes, dealing with homeless drug overdoses, women getting beat up, raped, cutting their fence, going through their garbage and stealing items, feels she is in danger and fears for her life, this is not a safe place for us and the City has put us in jeopardy by allowing the homeless to be there and they have no respect, the situation has been unbearable, they climb over the brick wall, my thoughts on what should be done is irrelevant but she should not have to fear for her life; SHARON GRAY, Los Banos, has been the Manager of Rancho Los Banos Mobile Home Park for 27 years and she has never had to deal with what she has had to deal with the homeless, it is not fair to our tenants, they try to keep their mobile homes as neat as possible, children cannot play outside safely, she wants the homeless gone from the area; MARTHA TURNER, Los Banos, lives in the mobile home park and it is a community and the homeless living near them make fires every night, make explosions with propane tanks, someone is going to get hurt, a house will get set on fire, how she caught a drug addicted homeless person trying to steal her grandsons bike, homeless man walked into her back door and walked back out when he saw her, the managers work tirelessly to keep order in the mobile home park so that they can feel safe, but they don't feel safe anymore, loud music, fighting, profanity, it just can't continue, she has raised 4 kids there the last 22 years, we want results and we want them right now; MARIA SALINAS, Los Banos, lives at the Mobile Home Park, her mobile home is a few yards near the homeless encampment and she is very concerned, the noise is out of control, they play it very loud at night until 2-3 in the morning, there is a certain drummer boy who plays it day and night every day, hard for people who have to get up early and go to work, homeless are very rowdy, arguing and using profanity, safety is a very big concern, used syringes are thrown over the fence into our area, feces and urine are a horrible smell, and the trash, shame on the person or people who decided to have the homeless encampment right outside our fence, shame on you for not asking us, clearly we do not matter, and we will be making our concerns known until something changes and they are moved from the area, what will it take for you to relocate them, infections, our kids matter and we do not want to see them get hurt, be proactive instead of taking action after something happens, we are very tired, concerned and scared and we ask for our help; JOHN CORNELL, Los Banos, the mobile home park is like a little community, it's only been the last couple of years that it has gotten bad, he doesn't hate homelessness because he has been there, making them move is really hard, but there are a couple of places around our trailer park that are wide open, find a better place for them, get Merced County to help with the programs they offer the homeless, how he has a bag full of syringes that he has collected when picking trash up, concerns for kids and animals in the trailer park handling the syringes, he has seen some crude stuff, can't we just try to come up with an idea to move them just enough to give us some peace, they keep cutting fences, putting blankets over the fence, concerned with those who live in the park, only takes one bad apple to ruin it, if we work together we could relocate them no problem; DARLENE EBERSOL, Merced County Registrar of Voters, spoke regarding the voting services they provide. The upcoming June 7, 2022 election, election centers, election boxes, how redistricting impacts may affect residents and encouraged all to contact the

Merced County Elections Department with any questions they may have. 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.** Council Member Lewis requested that item 6H – City Council Resolution No. 6487 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361 be pulled from the Consent Agenda for discussion and separate vote.

City Attorney Vaughn presented the staff report for item 6H – City Council Resolution No. 6487 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361.

Council Member Lewis stated that she requested that this item be put back on the agenda because of the split vote we had at our meeting when this was presented, which will not allow the City Council in any circumstance to have a remote meeting, she sits on other special district committees and this resolution appears on the agenda every month so that if an emergency comes up it allows us to hold meetings remotely, and how it is for safety of the City Council and the community.

There was Council Member and staff discussion regarding how the public is not as involved as it should be with virtual meetings, the important of holding the in person meetings, those that can attend should be able to in person, those that can't or are not comfortable should be okay to not attend, how the personal connection is very important, the whole purpose of allowing teleconference meetings was to address an emergency situation during the COVID-19 pandemic, to allow the government to continue to function, the pandemic is winding down and the many variants but not at the severity as it has been, the precautions the City has put in place, allowing for the City to do hybrid option with Council Members remoting in, voting for virtual meetings so that the City has the option of go virtual if needed, and to all offer the Council Members options if they were unable to attend.

Motion by Lewis, seconded by Lambert to continue this item, City Council Resolution No. 6487 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361 to the May 18, 2022 City Council Meeting. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Lambert to approve the consent agenda, with the removal of item 6H - City Council Resolution No. 6487 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361 as follows: Check Register for #232013 – #232120 in the Amount of \$475,037.20; Minutes for the April 6, 2022 City Council Meeting; City Council Resolution No. 6482 – Accepting the Grant Deed and Dedication from Stonefield Home, Inc., a California Corporation, to the City of Los Banos for a Portion of Ward Road Near Luna Court,

Consisting of Approximately 1.43+- Acres as a Portion of Assessor Parcel Number 073-220-017; City Council Resolution No. 6483 – Accepting a Grant Deed and Easement Deed Dedication from Century Communities of California, LLC, a Delaware Limited Liability Company, to the City of Los Banos for a Portion of San Luis Street Near Place Road, Assessor Parcel Number 428-370-011 thru 428-370-019; City Council Resolution No. 6484 – Accepting Public Improvements for Southpointe at Regency Park, Phase 4 [Stonefield Home, Inc.]; City Council Resolution No. 6485 – Accepting Public Improvements for Southpointe at Regency Park, Phase 5 [Stonefield Home, Inc.]; City Council Resolution No. 6486 – Accepting Public Improvements for Southpointe at Regency Park, Phase 6 [Stonefield Home, Inc.]; ~~City Council Resolution No. 6487 – 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 affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CONDITIONAL USE PERMIT #2022-02 TO ALLOW THE USE OF TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR EDDIE’S CAFÉ LOCATED AT 401 W. PACHECO BOULEVARD, APN 027-161-048; CITY COUNCIL RESOLUTION NO. 6488 – APPROVING CONDITIONAL USE PERMIT #2022-02 TO ALLOW THE USE OF A TYPE 47 ON-SALE GENERAL ALCOHOL LICENSE FOR EDDIE’S CAFÉ LOCATED AT 401 WEST PACHECO BOULEVARD.** Assistant Planner Luquin presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if the door towards the back where the bar will be for public use, will the door be secured, any concerns from the Police Department, location of cameras, tenant improvements, the bar situation and how ABC will look into it to make sure it is safe.

Mayor Faria opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Jones, seconded by LLamas to adopt City Council Resolution No. 6488 – Approving Conditional Use Permit #2022-02 to allow the Use of a Type 47 On-Sale General Alcohol License for Eddie’s Café Located at 401 West Pacheco Boulevard. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ANNUAL ADJUSTMENT TO THE LOS BANOS DEVELOPMENT IMPACT FEE SCHEDULE BASED ON THE ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX; CITY COUNCIL RESOLUTION NO. 6489 – APPROVING AN INCREASE IN DEVELOPMENT IMPACT FEES TO REFLECT INCREASES IN THE ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX FOR 2022.** Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

Mayor Faria opened the public hearing. No one came forward to speak and the public hearing was closed.

There was Council Member and staff discussion regarding Exhibit A regarding institutional fees which would be associated with Civic buildings, County buildings, hospitals, if the developer is able to ask for a waiver of any of these fees, how there is a reduction for age relative units, the impact to the Police and Fire services if the fees were reduced and we need to make sure we have the revenues necessary to offer the services that we do, and how if the City lacks certain amenities we may need to waive fees like this to gain the housing that we need.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6489 – Approving an Increase in Development Impact Fees to Reflect Increases in the Engineering News Record Construction Cost Index for 2022. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6490 – AUTHORIZING THE CITY MANAGER TO DEPLOY SOLAR PHOTOVOLTAIC SYSTEMS AT MUNICIPAL FACULTIES IN PARTNERSHIP WITH THE CITY’S PUBLIC POWER PROVIDER, PENINSULA CLEAN ENERGY, THROUGH A STANDARD POWER PURCHASE AGREEMENT.** Public Works Director/City Engineer Than and Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding, parking canopies, the sourcing of these panels coming from China, no mention of recycling from PCE and no solutions, wanting to know what the taxpayers are committed to prior to the City Manager approving this so that there is some oversight, the resolution was crafted this way so that there is a level of commitment from the City to move forward on this project if there is a cost benefit for the project, no upfront cost but just once it is built we start paying, we will save money on maintenance, waste of time to bring this back, if our City Manager found us a service to provide a savings we should not micromanage the City Manager and move forward, not seeing this as micromanaging, whenever there is an RFP for a project like this it always comes back for approval, clarification on the 5%, wanting to buy products made in the United States that have provided jobs in the United States, setting up an RFP for the competitive process for any supplier and have the source solely the United States as an option, but it may be assembled in the United States but the parts to build the panels are form China, taxpayers have a right to know where our tax dollars are going, happy it could be cost savings, how PCE has pretty strict rules as to who does work for them, this being proper oversight, part of transparency and oversight, and just wanting to have the numbers before moving forward.

Motion by Jones, seconded by Lambert to approve the City Council Resolution No. 6490 – Authorizing the City Manager to Deploy Solar Photovoltaic. The motion carried by the

following vote: AYES: Council Members Faria, Jones, Lambert NOES: Council Members Lewis, LLamas.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6491 – ADOPTING THE 2021 MERCED COUNTY MULTI JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN.** Fire Chief Hurley presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding unreinforced building concerns, the need to continue to look at resources to address those issues, masonry type buildings needing to be retrofitted.

Motion by LLamas, seconded by Lewis to adopt City Council Resolution No. 6491 – Adopting the 2021 Merced County Multi-Jurisdictional Local Hazard Mitigation Plan. The motion carried by the affirmative action of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES. (Three Reports)** Community & Economic Development Director Elms reported that Public Hearings will be held by the Los Banos Planning Commission on April 27, 2022 to consider Tentative Parcel Map #2021-03 to divide an approximate 7.57 acre parcel into three (3) parcels and a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15315, Minor Land Divisions, located within the Highway Commercial Zoning District near the north east corner of Mercey Springs Rd. and Overland Ave., more specifically identified as Assessor's Parcel Number: 424-120-024; to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15301, Existing Facilities, and Cottage Food Operation #2022-02 for Paschina Weedling at 413 San Luis Obispo St., more specifically identified as Assessor's Parcel Number: 424-145-006; to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Site Plan Review #2022-02 for the new Los Banos Police Department Station, located at 1111 G St.; more specifically identified as Assessor's Parcel Numbers: 026-161-003.

**CITY MANAGER REPORT.** City Manager Pinheiro spoke regarding the volunteer event being held on April 23, 2022 to help spread mulch at a local park, continuing to remind everybody about the RAD Card Program, which supports your local businesses, and to go by the Community Center and pick up a Recreation Guide to see all that is being offered.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE.** Mayor Faria spoke regarding a lot of energy that MCAG is putting into the Washington, D.C. trip which he and City Manager Pinheiro will be going on, making note of the PCE presentation earlier tonight and the opt out period is still in place, and nothing new for Measure V.

**CITY COUNCIL MEMBER REPORTS.**

**REFUGIO LLAMAS:** Hoped everyone had a nice Easter with their families, there seems to be quite some distress at the Mobile Home Park near the homeless encampment and hopes the City can provide some relief to them, disappointed that he was not included in the matter and how the City has failed some in that we did not interact with the neighbors of the homeless encampment, and the need to increase communication.

**BRETT JONES:** No report

**KENNETH LAMBERT:** Spoke regarding the new digital sign that was installed and it is very impressive and thanked staff for getting that installed, and thanked staff for putting together all of the presentations tonight.

**DEBORAH LEWIS:** Spoke regarding the April 9<sup>th</sup> Easter Egg Hunt in her district put on by the Parks & Recreation staff and what a great event it was and how fun the suds machine was, thanked Parks & Recreation Operations Manager Heim and his staff and the vendors for a wonderful event, how the City is moving to revising our General Plan for future annexations and we are also being asked by the State to be mindful of the usage of water and we may want to consider as a City for the developers of figure out where the water is coming from and how they are bringing water into the City for the homes they are building.

**MAYOR TOM FARIA:** Spoke regarding the Easter Egg Hunt event and how fun it was, how there is a lot to do in Los Banos, Saturday is the Spring Kick Off dinner dance for the May Day Fair, April 23 is the Los Banos Chamber of Commerce Street Faire, and April 23 he will get the opportunity to play drums with some former student, happy to know that the May Day fair is back next week and he is looking forward to seeing everyone out there.

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

**ADJOURNMENT.** Motion by Lewis, seconded by Lambert, the meeting was adjourned at 10:30 p.m. The motion carried by the affirmative action of all Council Members present.

APPROVED:

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

ATTEST:

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