

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MAY 18, 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 Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Souza Elms, Police Chief Brizzee, Police Commander/Acting Fire Chief Reyna, Public Works Director/City Engineer Than

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Faria requested that he be able to change the order of the presentations. Motion by Lambert, seconded by LLamas to approve the agenda as submitted, allowing the Mayor to change the order of presentations. The motion carried by the affirmative action of all Council Members present.

PRESENTATIONS; PROCLAMATION RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS FIRE CHIEF MASON HURLEY; PROCLAMATION RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS PUBLIC WORKS SUPERVISOR JEFF BONDI; PROCLAMATION RECOGNIZING NATIONAL PUBLIC WORKS WEEK; PROCLAMATION RECOGNIZING THE MONTH OF MAY AS MENTAL HEALTH AWARENESS MONTH; CERTIFICATE OF RECOGNITION – KYLIE HURD (ANNE'S WARRIORS), LOS BANOS HIGH SCHOOL. Mayor Faria read and presented the Proclamation Recognizing the Month of May as Mental Health Awareness Month; he then read and presented the Proclamation Recognizing National Public Works Week and the Proclamation Recognizing the Retirement of City of Los Banos Public Works Supervisor Jeff Bondi for which Public Works Operations Manager William Via accepted; he read and presented the Certificate of Recognition – Kylie Hurd (Anne's Warriors), Los Banos High School, who present at the meeting to accept; he then presented the Certificate of Recognition – Makenna Silveira (Team Silveira), Los Banos High School who had a prior commitment and was unable to attend the meeting; he then asked the full City Council to come join him and read and presented the Proclamation Recognizing the Retirement of City of Los Banos Fire Chief Mason Hurley who was present at the meeting to accept.

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 at the meeting if they would like to speak: CLAUDIA NUNES, resident at the Mobile Home Park on Pacheco, stated that they have been coming to the Council Meetings to bring attention to what is happening with the homeless encampment near their mobile home park, how they have caught people stealing from them, they need the City's help, and hoped that the City does not ignore us, we have come to this meeting time after time to get you to understand what we are going through, they are scared and afraid to come home because they may find someone in her home stealing stuff, and asked the City Council to please help them; MARIA SALINAS, Rancho Mobile Home Park resident, stated that we are here again tonight to speak and ask that the homeless encampment be moved from our area, noting that the fence has been repaired and the drummer was gone for a few weeks but came back last night, thanked the Police Chief for all that he has done working in good faith to help them, she wonders if the others in the City are listening, thanked the one Council Member who came out to the mobile home park, blamed the City for choosing the location, having the homeless so close to us is a disaster waiting to happen, she referenced an email that the City clerk should have received and to be read into the record from Kasey Miller, thanked the Fire and Police Departments for all they do; MARTHA TURNER, Los Banos, spoke regarding her ideas and concerns to homeless community, how she heard the City is putting in permanent pods, worried that someone will get hurt, something needs to be done with the homeless encampment, they beat on the side of our house, the City needs to fix this problem, noting that she has spoken to the Police Chief about her concerns and thanked him for listening; SHARON GRAY, Los Banos, encouraged the City to do something about the homeless encampment, the homeless have absolutely no respect for any one or their property, they are getting everything for free, they need to get away from our mobile home park, the fires they are burning are dangerous, she stays up all night and is afraid to go to sleep and worries what the homeless will do; SANDRA BENETTI, Peninsula Clean Energy, spoke regarding the new Clean Bike Program PCE is offering for e-bikes for Los Banos residents and the upcoming Silicon Valley E-bikes Webinar on May 25, 2022.

Mayor Faria then asked City Clerk Mallonee if she had received any comments, for which City Clerk Mallonee stated that she received two comments by email that she read into the record: ANNE McCAULEY, Los Banos resident, wrote regarding how she couldn't be at the meeting in person because she was wanted to be at the airport when the Central Valley Honor Flight returned with two long-time local Vietnam veterans, disappointed with Council Members, concerns over the solar panels to be installed at the Community Center and not having adequate and multiple income streams to pay for our police, fire and infrastructure for all the new residential permits being issued; KASEY MILLER, Park Operator for Rancho Los Banos Mobile home Park, wrote regarding her concerns with the homeless encampment behind the mobile home park, how the whole situation has become completely overwhelming, they have been dealing with it for over two years, they

have been continually reaching to law enforcement, Code enforcement, and city officials for assistance but the problem still remains and they just cannot take it any longer and they shouldn't be expected to do so, the homeless continue to trespass on our property, homeless are tagging property and leaving trash, everyone who lives at the mobile home park should feel safe to walk outside when they want, concerns with the fires being in the homeless camp spreading to the mobile home park, being woke up with arguments, loud music, drum playing, valuable being stolen, having to raise rent to cover legal, administrative and repair costs, how we shouldn't have to live like this and something needs to be done and quick. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member LLamas stated that he would like pull item 7E – City Council Resolution No. 6494 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361 from the Consent Agenda for separate presentation, discussion, and vote. Council Member Lewis stated that she would like to like to pull Item 7I – City Council Resolution No. 6498 – Approving and Authorizing the City Manager to Execute a Contract Between the City of Los Banos and Ronnys Inc. for the Vineyard Median Renovation Project in the Amount of \$51,975.00 and 7J – City Council Resolution No. 6499 – Approving and Authorizing the City Manager to Execute a Contract Between the City of Los Banos and Ronnys Inc. for the Badger Flat Right of Way Renovation Project in the Amount of \$34,325.00.

City Attorney Vaughn presented the staff report for item 7E – City Council Resolution No. 6494 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361, noting that this resolution will allow you to go back to virtual meetings should there be another COVID-19 related outbreak or positive test or exposure or quarantine or to allow for a quorum, adding this is not a return to virtually meetings but to return if necessary due to COVID-19 circumstances. There was Council Member and staff discussion regarding how it may appear that we are just altering this resolution for convenience, what would happen if one person comes down positive with COVID-19 and not able to attend what the Council Meeting set up might be. Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6494 – 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.

Parks & Recreation Operations Manager Heim stated that he could answer any questions that the City Council might have on Item 7I – City Council Resolution No. 6498 – Approving and Authorizing the City Manager to Execute a Contract Between the City of Los Banos and Ronnys Inc. for the Vineyard Median Renovation Project in the Amount of \$51,975.00. There was Council Member and staff discussion regarding that this is a significant improvement to our park, concerns with the watering restrictions possibly coming from the State, and a certain grass treatment that can be put on the new landscaping to help preserve it from going brown if there are water restrictions put in place. Motion by Lewis, seconded by Lambert to adopt City Council Resolution No. 6498 – Approving and Authorizing the City Manager to Execute a Contract Between the City of

Los Banos and Ronnys Inc. for the Vineyard Median Renovation Project in the Amount of \$51,975.00 and to have staff look into the certain grass treatment as mentioned by Council Member Lewis. The motion carried by the affirmative action of all Council members present.

Parks & Recreation Operations Manager Heim stated that he could answer any questions that the City Council might have on Item 7J – City Council Resolution No. 6499 – Approving and Authorizing the City Manager to Execute a Contract Between the City of Los Banos and Ronnys Inc. for the Badger Flat Right of Way Renovation Project in the Amount of \$34,325.00. There was Council Member and staff discussion regarding that this is a significant improvement to our park, concerns with the watering restrictions possibly coming from the State, and a certain grass treatment that can be put on the new landscaping to help preserve it from going brown if there are water restrictions put in place. Motion by Lewis, seconded by Lambert to adopt City Council Resolution No. 6499 – Approving and Authorizing the City Manager to Execute a Contract between the City of Los Banos and Ronnys Inc. for the Badger Flat Right of Way Renovation Project in the Amount of \$34,325.00 and to have staff look into the certain grass treatment as mentioned by Council Member Lewis. The motion carried by the affirmative action of all Council members present.

Motion by Lambert, seconded by Lewis to approve the consent agenda as follows: Check Register for #232477 - #232695 in the Amount of \$841714.20; Minutes for the May 4, 2022 City Council Meeting; City Council Resolution No. 6492 – Approving and Authorizing the City Manager to Execute a Contract between the City of Los Banos and Straight Edge Roofing Inc., for Miller & Lux Roof Repair Project in the Amount of \$49,750.00; City Council Resolution No. 6493 – Approving and Authorizing the City Manager to Execute a Contract between the City of Los Banos and ElectroMech Scoreboard Company for the Purchase and Installation of Scoreboards at the Colorado Ballpark in the Amount of \$37,800.00; City Council Resolution No. 6495 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Merced County Office of Education for School Resource Officer Services for the 2022-2025 School Years; City Council Resolution No. 6496 – Approving the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal Year 2022-2023; City Council Resolution No. 6497 – Authorizing the City Manager to Execute Amendment No. 9 to the Landscape Maintenance Services Contract Between the City of Los Banos and Ronnys Inc. Adding Five (5) New Landscape Areas for Bi-Weekly Landscape and Irrigation Maintenance Services in the Amount of \$2,407.73 Monthly. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE TO ADOPT THE LOS BANOS POLICE DEPARTMENT MILITARY EQUIPMENT POLICY, AS REQUIRED BY CALIFORNIA ASSEMBLY BILL 481 AND GOVERNMENT CODE SECTION 7070-7075; ORDINANCE NO. 1196 – ADOPTING A MILITARY EQUIPMENT POLICY AND ADDING CHAPTER 12 TO TITLE 4 OF THE LOS BANOS MUNICIPAL CODE TO ADOPT A MILITARY EQUIPMENT USE ORDINANCE (FIRST READING & INTRODUCTION). Police Commander Melden presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding officers being trained to use the equipment, do we use the equipment for, cost of maintenance and system requirements for certain equipment.

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

Motion by Lewis, seconded by LLamas, to waive the first reading of Ordinance No. 1196 – Adopting a Military Equipment Policy and Adding Chapter 12 to Title 4 of the Los Banos Municipal Code to Adopt a Military Equipment Use Ordinance. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Lambert, to introduce Ordinance No. 1196 – Adopting a Military Equipment Policy and Adding Chapter 12 to Title 4 of the Los Banos Municipal Code to Adopt a Military Equipment Use Ordinance. The motion carried the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Faria; NOES: None. ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A FINAL DEVELOPMENT PLAN #2021-01 AND ASSOCIATED DEVELOPMENT AGREEMENT FOR VILLAGES V AT STONECREEK — QUAIL MEADOWS CONSISTENT WITH THE STONECREEK ENVIRONMENTAL IMPACT REPORT (EIR); PROPOSED PROJECT CONSISTS OF THE SUBDIVISION OF APPROXIMATELY 70.5 ACRES INTO 271 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED SOUTH OF WEST PACHECO BOULEVARD, WEST OF DOCK AVENUE, AND EAST OF THE CITY LIMIT LINE, ASSESSOR'S PARCEL NUMBERS 430-010-024, 430010-026, 430-010-027, 430-010-028, 430-010-035, AND 430-103-004 (ANDERSON HOMES); CITY COUNCIL RESOLUTION NO. 6500 – APPROVING FINAL DEVELOPMENT PLAN #2021-01 FOR QUAIL MEADOWS – VILLAGES AT STONECREEK V; UNCODIFIED ORDINANCE NO. 1197 – APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND ANDERSON HOMES, A CALIFORNIA CORPORATION, FOR DEVELOPMENT OF APPROXIMATELY 70.5 ACRES GENERALLY LOCATED SOUTH OF WEST PACHECO BOULEVARD, AND WEST OF STONECREEK BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 430-010-024, 430-010-026, 430-010-027, 430-010-028, 430-010-035, AND 430-103-004 [QUAIL MEADOWS VILLAGES AT STONECREEK V] (FIRST READING & INTRODUCTION). Community & Economic Development Director presented the staff report, which included a PowerPoint presentation.

Mayor Faria opened the public hearing. City Clerk Mallonee read a letter into the record from Ken Sadler, Los Banos, regarding wanting to make sure the City Council is aware that Development Agreement #2021-01 is divided into two parcels and the restrictive covenants that go along with the two parcels; KATHY BALLARD, Los Banos, has concerns with the project because of the number of starter homes, the jump in numbers, concerns with the water intake and the number of residents this will add, and inquired if this went to the Planning Commission for approval; MICHAEL ANDERSON, Anderson Homes, gave a brief background of Anderson Homes going back to the early 1980s, how

he is really happy to see the development of the City and noted all that they have been involved in, their local involvement with local community events, making note of the donated land to the new Merced College-Los Banos campus, how they are excited for future of Los Banos and to be part of that. No one else came forward to speak and the public hearing was closed.

Community & Economic Development Director Souza Elms spoke to the comments and questions raised during the public hearing noting that this item did go to the Planning Commission for consideration and approval.

Motion by Lewis, seconded by Lambert, to adopt City Council Resolution No. 6500 – Approving Final Development Plan #2021-01 for Quail Meadows – Villages at Stonecreek V. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Lewis to waive the first reading of Ordinance No. 1197 – Approving a Development Agreement between the City of Los Banos and Anderson Homes, a California Corporation, for Development of Approximately 70.5 Acres Generally Located South of West Pacheco Boulevard, and West of Stonecreek Boulevard, More Specifically Identified as Assessor's Parcel Numbers: 430-010-024, 430-010-026, 430-010-027, 430-010-028, 430-010-035, and 430-103-004 [Quail Meadows Villages at Stonecreek V]. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Lewis to introduce Ordinance No. 1197 – Approving a Development Agreement between the City of Los Banos and Anderson Homes, a California Corporation, for Development of Approximately 70.5 Acres Generally Located South of West Pacheco Boulevard, and West of Stonecreek Boulevard, More Specifically Identified as Assessor's Parcel Numbers: 430-010-024, 430-010-026, 430-010-027, 430-010-028, 430-010-035, and 430-103-004 [Quail Meadows Villages at Stonecreek V]. The motion carried the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Faria; NOES: None. ABSENT: None.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6501 – AUTHORIZING AND APPROVING THE PURCHASE OF THE REAL PROPERTY LOCATED AT 610 PACHECO BOULEVARD (APN 026-121-006) AND ADOPTING A BUDGET ADJUSTMENT FOR FISCAL YEAR 2021-2022 AS IT PERTAINS TO EXPENDITURES IN THE AMOUNT OF \$172,515.50. Community & Economic Development Director presented the staff report; which included a PowerPoint presentation.

There was Council member and staff discussion regarding thanking staff for all that they have done on this project, this is a major step in revitalizing efforts of the downtown area, and praise and appreciation for the efforts to beautify this corner lot.

Motion by Jones, seconded by LLamas, to adopt City Council Resolution No. 6501 – Authorizing and Approving the Purchase of the Real Property Located at 610 Pacheco Boulevard (APN 026-121-006) and Adopting a Budget Adjustment for Fiscal Year 2021-2022 as it Pertains to Expenditures in the Amount of \$172,515.50. 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 a Public Hearing will be held by the Los Banos Planning Commission on May 25, 2022 to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a revision to Mobile Food Vendor Permit #2022-02 to allow the operation of a mobile food vending vehicle on private property for Juan Carlos Gutierrez Alcaraz dba El Grullense Jal #8 J&A, the subject property is located within the Highway Commercial Zoning District at 1955 E. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 083-140-024.

CITY MANAGER REPORT. City Manager Pinheiro stated that he recently participated in the OneVoice trip to Washington, D.C. where he had fruitful conversations regarding the needs of Los Banos and reminded everyone about the new Los Banos Police Station Groundbreaking on May 19, 2022 at 10:30 a.m.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Mayor Faria stated that the next MCAG meeting is May 19, 2022 which includes a budget adoption and referenced the PCE report earlier by Ms. Benetti.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: No report

KENNETH LAMBERT: Thanked staff for getting this all put together, excited for tomorrow's grand breaking ceremony of the new Police Station.

DEBORAH LEWIS: Stated that she attended the Livingston City Council Meeting to promote the various grants being offered by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for residents in Merced County, i.e. turn in their gas lawn mowers and get vouchers electric ones with plans to attend upcoming Council Meetings for the cities of Gustine, Atwater and Dos Palos to also suggest that they put a the SJVAPCD information on their city's webpage; spoke regarding the lawn product AquaSmart product and encouraged residents to try it to preserve their lawns, she noted that she is dressed unusual tonight because of the partnership with the City of Los Banos and the Warriors to use their logo for our youth basketball programs, she is "Gold Blooded" this year for the Warriors, go Warriors!

REFUGIO LLAMAS: Stated that he appreciates all the work done by staff, hopefully we can start making some progress with the homeless encampment area, concerns

regarding attrition with our staff and to have people leave it will be a big vacuum to get up the level we are producing at right now.

MAYOR TOM FARIA: Stated that he is a bit distracted tonight because a good friend and colleague, Cliff Brand, passed away last night, these are troubling times, and he will be greatly missed, stated that he missed the opportunity to go on the OneVoice trip to Washington, D.C. because of a back injury, those who spoke on the homelessness issues we have heard you, noting that we have helped get homeless off the street, he is hoping to help out with the homeless encampment issue near the mobile home park, and thanked all thanked those who came to the meeting tonight.

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. No reportable action.

ADJOURNMENT. Motion by Lewis, seconded by LLamas, the meeting was adjourned at 8:11 p.m. The motion carried by the affirmative action of all Council Members present.

APPROVED:

Manuel Thomas Faria III, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk