

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 1, 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 6:02 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: Motion by Jones, 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 STATE FARM DAY; PROCLAMATION RECOGNIZING THE 50TH ANNIVERSARY OF GOLDEN VALLEY HEATH CENTERS; CERTIFICATE OF RECOGNITION – VINCENZO GRECO, 2022 LOS BANOS POLICE OFFICER OF THE YEAR; CERTIFICATE OF RECOGNITION – BETHEL COMMUNITY CHURCH FOR BEING NAMED AS AN OUTSTANDING VOLUNTEER ORGANIZATION BY MERCED COUNTY BOARD OF SUPERVISORS; CERTIFICATE OF RECOGNITION – JERI BLEVINS FOR BEING NAMED AS AN OUTSTANDING VOLUNTEER BY MERCED COUNTY BOARD OF SUPERVISORS.

Mayor Faria read and presented the Proclamation Recognizing State Farm Day for which local agent Joe Gutierrez was present to accept and thanked the City Council for the recognition; he read presented the Proclamation Recognizing the 50th Anniversary of Golden Valley Heath Centers for which Yamilet Valladolid, Director of Government and Community Affairs was present to accept and thanked the City Council for the recognition; he read and presented the Certificate of Recognition – Vincenzo Greco, 2022 Los Banos Police Officer of the Year who present at the meeting to accept thanked the City Council for the recognition; he 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 read and presented the Certificate of Recognition – Bethel

Community Church for Being Named as an Outstanding Volunteer Organization by Merced County Board of Supervisors; and he read the Certificate of Recognition – Jeri Blevins for Being Named as an Outstanding Volunteer by Merced County Board of Supervisors who was present to accept and thanked the City Council for the recognition.

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: SCOTT SILVEIRA Merced County Board of Supervisor for District 5, spoke regarding the certificates being presented presented to the Merced County Volunteers, congratulated to them on behalf of the Board of Supervisors, thanked Ann McCauley for dedication and participation in the annual review and selection of the Merced County volunteers and encouraged all to nominate volunteers every yea; ANN McCAULEY, Los Banos, stated that she didn't realize that she has been screening applicants for as long as she has, spoke regarding the many worthy volunteers and how hard it is to choose, and encouraged all to nominate volunteers to be considered next year; CLAUDIA NUNES, resident at the Mobile Home Park on Pacheco, stated that they have been coming to the Council Meetings for a while now to bring attention to what is happening with the homeless encampment near their mobile home park, they feel like their liberties have been taken away, they hear gun shots, they feel like they have not received justice, you hear us but you are not listening to what we are saying, we want the homeless moved, it's not fair at our age to be afraid to go out at night, the homeless are stealing property, we have been deprived of our happiness, please help us; SHANDRA LEWIS, Los Banos, she feels like they are not being listened to, we had a meeting with the Chief of Police on May 3, 2022 and that they agreed to go from that moment forward, he said that he would do what he could and talk to his supervisor, talk of putting out a two week notice, how more people are coming to the homeless encampment and it is growing, they want to be put on the agenda, and when you do not put us on the agenda you are ignoring us, we are not a young community, we are mostly elderly, some are not saying anything and just putting up with it, we are not going away, when are you going to come visit us and see what we are going through, you are ignoring us and I am ashamed of Los Banos; RAY WALTON, Merced County, thanked the Police Department for helping him with his efforts on diversity, but he does not want to thank City Hall and the City Manager who has refused to put up the posters regarding diversity, he is one person who can deal with this but he is refusing to return my calls or talk to me; GENE LIEB, Publisher of the new Westside Express Newspaper, spoke regarding the 1st edition of the newspaper that was just sent out and how the 2nd edition came out today, he introduced reporter Melina Duran who will be covering Council Meetings and Planning Commission meetings; JOHN CORNELL, Los Banos, stated that he is proud to live in Los Banos, things have been happening in our mobile home neighborhood near the homeless encampment that are horrible, last night it really hit home and he now has baseball bats at all his doors and by his bed to defend himself, he appreciates all that is being done with the extra patrolling, but he has an 88 year old father

who can't move much faster than him, he is really worried, does someone need to get hurt for action to happen, it has gotten out of hand, we need to come up with something, it only takes a few people to ruin things; SANDRA BENETTI, Peninsula Clean Energy, provided information regarding the e-bike program that closes on June 5, 2022 and the electricity generation services that PCE is providing the City of Los Banos residents. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lambert, seconded by Jones to approve the consent agenda as follows: Check Register for #232696 - #232901 in the Amount of \$729,334.09; Minutes for the May 18, 2022 City Council Meeting; City Council Resolution No. 6502 – 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. 6503 – Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2022 for the Election of Certain Officers: Mayor “At-Large” for a Full Term of Two (2) Years, Council Member for District 2 for a Full Term of Four (4) Years, Council Member for District 3 for a Full Term of Four (4) Years, City Clerk “At-Large” for a Full Term of Four (4) Years, City Treasurer “At-Large” for a Full Term of Four (4) Years as Required by the Provisions of the Laws of the State of California; City Council Resolution No. 6504 – Requesting that the Board of Supervisors of the County of Merced Consolidate a General Municipal Election to be Held on Tuesday, November 8, 2022 with the California Statewide General Election to be held on the Date Pursuant to Section 10403 of the Election Code; City Council Resolution No. 6505 – Adopting a Revised Budget for the 2021-2022 Fiscal Year as it Pertains to Increasing Expenditures in the Administration Department General Fund Professional Services Account in the Amount of \$25,000; City Council Resolution No. 6506 – Authorizing the City Manager to Enter into Measure V Regional Project Funding Agreement for the Pacheco Boulevard (SR 152) Regional Path Project between the City of Los Banos and Merced County Association of Governments (MCAG); City Council Resolution No. 6507 – Approving and Adopting Final Tract Map No. 2016-01 East Center, Phase 3A and Accompanying Subdivision Improvement Agreement (Pioneer Development Company, Inc.); City Council Resolution No. 6508 – Accepting Public Improvements for Southbrook at Stonecreek the Villages IV, Phase 2B Unit 1 (Anderson Homes, Inc.); City Council Resolution No. 6509 – Accepting Public Improvements for Southbrook at Stonecreek the Villages IV, Phase 2B Unit 2 (Anderson Homes, Inc.); City Council Resolution No. 6510 – Amending the Fiscal Year 2021-2022 Budget by Increasing Appropriations in the General Fund for Professional Services for Engineering in the Amount of \$156,500. 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 (SECOND READING & ADOPTION). Police Commander Melden 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.

Motion by Lewis, seconded by LLamas, to waive the second 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 LLamas, to adopt 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); 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.

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

Motion by Jones, seconded by Lewis to waive the second 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 adopt 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.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2022-2023 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19; CITY COUNCIL RESOLUTION NO. 6511 – CONFIRMING DIAGRAM, ASSESSMENT AND LEVYING ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19 FOR THE 2022-2023 FISCAL YEAR. Public Works Director/City Engineer Than 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.

Motion by Lewis, seconded by Jones, to adopt City Council Resolution No. 6511 – Confirming Diagram, Assessment and Levying Assessments for Landscaping and Lighting District Nos. 1-7 and 9-19 for the 2022-2023 Fiscal Year. The motion carried by the affirmative action of all Council Members present.

FISCAL YEAR 2022-2023 BUDGET WORKSHOP. Finance Director Williams presented the staff report.

There was Council Member and staff discussion regarding the cost to paint City Hall, master planning our new neighborhoods, how that would happen during the General Plan Update, at the time of annexation, master plan approval, specific plans, Public Works is working on standards and specifications that could also address master planning new neighborhoods, the amount budgeted for spay and neutering seems low and the reason behind the number, can we force owners to spay and neuter captured animals before we let them be adopted, Airport FAA funds, complimented to staff on a great job putting together and presenting the \$101 million budget, range classroom upgrade, equipment replacement in Public Works and what happens with the old equipment, clean air vehicles in the Police Department, Parks & Recreation budget for putting up signage at the various parks, sodding and reseeding of landscaping, the process of removing weeds at the parks.

Mayor Faria invited the public to come forward and speak. ANN McCAULEY, Los Banos, inquired as to animal license fee, how she never receives a renewal notice to let her know when fees are due, would like to see a system in place to remind those when their license fee is expiring. RAY WALTON stated that he would like to have the city add a

reimbursement account for his diversity programs to spend on the schools and issues. No one else came forward to speak. Informational item only, no action to be taken.

ADVISEMENT OF PUBLIC NOTICES. (Four Reports) Community & Economic Development Director Elms reported that a Public Hearing will be held by the Los Banos Planning Commission on June 8, 2022 to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Site Plan Review #2022-05 for the Loftin Stadium Renovation, project site is located at 1414 S. Seventh Street, more specifically identified as Assessor's Parcel Number 026-110-004; 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 Gullense Jal #8 J&A The subject property is located within the Highway Commercial Zoning District at 1400 Mercey Spring Road., more specifically identified as Assessor's Parcel Number: 083-130-053; a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Conditional Use Permit to allow the operation of a spray booth for auto restoration for Speedy Auto Service, LLC, subject property is located in the Highway Commercial Zoning District at 1235 E Street, more specifically identified as Assessor's Parcel Number 025-142-017; a Categorical Exemption from the California Environmental Quality Act (CEQA) and a revision to Mobile Food Vendor Permit #2022-10 to allow the operation of a mobile food vending vehicle on private property for Antemio Cortes Jr. dba Taco Mex, subject property is located within the General Commercial Zoning District at 740 G Street, more specifically identified as Assessor's Parcel Number 025-111-021.

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 he is excited to see the bike path to Merced College in the budget and spoke regarding the e-bike program with PCE.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Gave comments and congratulations to our San Joaquin Valley National Cemetery for Memorial Day services back at the cemetery and it was absolutely beautiful, wonderful improvements have been made out there, beautiful day out there, heartfelt thanks for those who have fallen, she spoke regarding a Council Member Request she made in May regarding the mobile home park and their concerns and would like it to be on the next agenda to have the Chief of Police give an update on what is going on out there and if there is anything we can do to help them.

REFUGIO LLAMAS: Stated how the Memorial Day services at the San Joaquin Cemetery were very well put together and a unique way to honor our fallen soldiers, thank Police Commander Reyna and Fire Captain Gallichio for putting together non-used equipment for Ukraine, he would also like to see the homeless encampment issue brought

forward to be presented to City Council to get a better understanding of what is happening over there, to have oversight and transparency, and reassured them that we are listening and we do care.

BRETT JONES: No report

KENNETH LAMBERT: Stated that he did not get a chance to go to the Memorial Day ceremony at the San Joaquin Cemetery, but he did go to the local one at the Los Banos Cemetery, and he thanked Finance Director Williams for a quick in depth budget presentation.

MAYOR TOM FARIA: State that he too is very concerned with the homeless situation, happy to hear that we have more patrol that way, we are hearing you, encouraged them to please call the Police Department every time you have an issue out there or are concerned, homeless issue was all over town, the legal issues around if you do not have a place to house the homeless you cannot ask them to leave the property, the idea behind the encampment, how the City hasn't solved the whole problem, Memorial Day services in Los Banos are always beautiful at the local cemetery and also out at the San Joaquin Valley cemetery.

ADJOURNMENT. Motion by Lewis, seconded by Lambert, the meeting was adjourned at 8:23 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