

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 16, 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 Pro Tem Lambert 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; **ABSENT:** None.

STAFF MEMBERS PRESENT: Interim City Manager Wellman, City Attorney Vaughn, Police Chief Brizzee, City Clerk/Human Resources Director Mallonee, City Treasurer/Accounting & Budget Supervisor Tomas, Community & Economic Development Director Souza Elms, Fire Chief Tualla, Public Works Director/City Engineer Than, Interim Finance Director Kuhn

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

PRESENTATIONS: CERTIFICATE OF RECOGNITION – DANIEL FREEMAN, FIRE CAPTAIN, CITY OF LOS BANOS EMPLOYEE OF THE MONTH FOR OCTOBER 2022; CERTIFICATE OF RECOGNITION – MERCY SPRINGS ELEMENTARY, MOST PATRIOTIC ELEMENTARY SCHOOL IN THE VETERANS DAY PARADE; CERTIFICATE OF RECOGNITION – LOS BANOS JUNIOR HIGH SCHOOL, MOST PATRIOTIC JUNIOR HIGH SCHOOL IN THE VETERANS DAY PARADE; CERTIFICATE OF RECOGNITION – PACHECO HIGH SCHOOL, MOST PATRIOTIC HIGH SCHOOL IN THE VETERANS DAY PARADE. Mayor Pro Tem Lambert presented and read the Certificate of Recognition – Daniel Freeman, Fire Captain, City of Los Banos Employee of the Month for October 2022 for which Fire Chief Tualla accepted on his behalf. Mayor Pro Tem Lambert along with representatives from the VFW presented and read Certificate of Recognition – Mercy Springs Elementary, Most Patriotic Elementary School in the Veterans Day Parade; Certificate of Recognition – Los Banos Junior High School, Most Patriotic Junior High School in the Veterans Day Parade; Certificate of Recognition – Pacheco High School, Most Patriotic High School in the Veterans Day Parade who were in attendance 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 Pro Tem Lambert opened the public forum and asked those at the meeting if they would like to speak. CLAUDIA NUNES read a poem titled American Flag that she wrote regarding what she has been dealing with regarding the homeless encampment issues she has been dealing with, spoke regarding a lady that fell down at the Post Office because of skateboarders in the area and how badly injured they were and the terrible things the skateboarders said to the people there, how a Police Officer drove by and didn't stop, the skateboarders are from the homeless encampment, something needs to be done, they do not follow rules, a program in Fresno called Heart, in Sacramento the Homeless Squad, how in the mobile home park they follow the rules and how they need help desperately, her plumbing needs to be repaired but can't fix it and no one helps her but you run out to help the homeless, she is fed up with the City not doing a damn thing before something bad happens; SHANDRA LEWIS, Rancho Los Banos Mobilehome Park, stated that she has been coming to Council Meetings to talk about the many issues they are having with the homeless encampment, how Merced County arrested someone for the damage they did at Bear Creek referring to an article and why can't Los Banos arrest people, but you put them in a space where you can't see them and leave it up to us to identify them, why can't we arrest them for destroying property, look at what Merced County has done and arrest them and hold them accountable, she is against thieves and people who harm others, she is against destruction and mayhem; ANN McCAULEY, Los Banos, spoke regarding the homeless that she hopes they hang around because there is an item on the agenda to address some of the homeless concerns, at the last meeting the landscaping contract was going to be amended to add more time to redo an RFP, how do you expect the next one to be all that much better if it is just the basics and just adding oversight, she feels you need to fix the areas that need to be fixed, the different water districts in the area really need to collaborate to improve our political standing to work together to have a lot more power going forward, water is just a finite quantity and how important managing the water is, need more water coming into the central valley; DOMINGO SANDOVAL spoke regarding his Los Banos Christmas Toy Drive and asked for help and how he has 355 families that need help this Christmas, help us help these families, let's make Los Banos better, would like to give away the toys in the Plaza with Santa Claus there and would appreciate the help; GALETTE SANCHEZ, Los Banos, Executive Director of the Los Banos Chamber of Commerce, spoke about the upcoming Christmas Parade being held on December 3, 2022 at 6 pm, asked the community to participate and donate; SHERYL SEROS, Los Banos, stated that she was formerly homeless, and is only speaking about the homeless as "those people" because it upsets her, she spoke to how the City is helping the homeless to make sure there are no needles, there was stench and an accident with the portapotty that was dealt with, the homeless are people too and they have lost everything they have and are just trying to survive, a gentleman is coming to town with hopefully a solution and she is doing whatever she can to help the situation, how she has reached out to Council Member Lewis, and how we are all Christians and we should act like it; BLANCHE WILLIAMS, Elks Lodge, gave a report about the Halloween Contest we had for pets and the purpose of the fundraiser to buy kibbles.

Mayor Pro Tem Lambert asked the City Clerk if she had received any comments to be read into the record. City Clerk Mallonee stated she received the following comments that are on file with the City Clerk: CHARLOTTE DAVIS, wrote regarding her background before coming to Los Banos 5 years ago, desire to see Los Banos grow in a responsible way, what

she loves about Los Banos, what needs to be better about Los Banos, how her husband has attended Council Meetings and is a VITAL Volunteer and has decided to run as a write-in candidate for Mayor and is taking a grassroots approach, and encouraged all to vote for him; KASEY MILLER wrote regarding her concerns with the homeless encampment behind Rancho Los Banos Mobilehome Park, how it smells like a landfill, there is garbage everywhere, would like to see some improvement, spoke regarding Raisin City in Fresno and what they are doing for the homeless, how they have been begging for help with their situation with the homeless encampment, false claims of exaggeration, asking the churches to open up their parking lots to house them, it has taken to long for the Council to do something about the situation, they need immediate solutions right now and feels they have failed the citizens of Los Banos; JOHN CIUFFO wrote regarding concerns regarding bushes at his home being wrongly cut down, how he was not notified of this happening, how he's had this type of action happen at his other home with the sidewalk was being repaired and his sprinklers were removed, he wants to know why he wasn't notified and who is to be held responsible for these actions, and would like some guidance and answers to his questions so that this may resolve it from happening in the future. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis remove item E – City Council Resolution No. 6580 – Authorizing the Interim City Manager to Enter into the Eleventh Amendment to Landscape Maintenance Contract between the City of Los Banos and Ronnys Inc. through March 30, 2023 for discussion and approval.

Motion by Lewis, seconded by Jones to approve the consent agenda, with the removal of item E- City Council Resolution No. 6580 – Authorizing the Interim City Manager to Enter into the Eleventh Amendment to Landscape Maintenance Contract between the City of Los Banos and Ronnys Inc. through March 30, 2023, as follows, with the removal of : Check Register for #235742 - #235934 in the Amount of \$1,337,108.25; First Quarter Investment Report for the 2022/2023 Fiscal Year; City Council Resolution No. 6578 – 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. 6579 – Approving Closure of Non-Essential City Offices on Friday, December 23, 2022 and Friday, December 30, 2022; ~~City Council Resolution No. 6580 – Authorizing the Interim City Manager to Enter into the Eleventh Amendment to Landscape Maintenance Contract between the City of Los Banos and Ronnys Inc. through March 30, 2023.~~; City Council Resolution No. 6581 – Approving a Side Letter Agreement / Memorandum of Understanding by and between the City of Los Banos and the Public Employees' Union Local One/AFSCME (Public Works Unit) Regarding Mid-Contract Salary Increases and Essential Worker Payments; City Council Resolution No. 6582 – Approving a Side Letter Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Dispatchers/Community Services Officers Association Regarding Mid-Contract Salary Increases and Essential Worker Payments; City Council Resolution No. 6583 – Approving a Side Letter Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Fire Fighters Association Regarding Mid-Contract Salary Increases and Essential Worker Payments; City Council Resolution No. 6584 – Approving a Side Letter Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Officers Association Regarding Mid-Contract Salary Increases and Essential Worker Payments; City Council Resolution No. 6585 – Approving a Side Letter Agreement /

Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Sergeants Association Regarding Mid-Contract Salary Increases and Essential Worker Payments; City Council Resolution No. 6586 – Amending and Approving Division 4, Salary Schedule – Employee Classifications Relating to Citywide Salary Increases and Authorizing Essential Worker Payments. The motion carried by the affirmative action of all Council Members present.

City Council Resolution No. 6580 – Authorizing the Interim City Manager to Enter into the Eleventh Amendment to Landscape Maintenance Contract between the City of Los Banos and Ronnys Inc. through March 30, 2023. Council Member Lewis spoke to what she would like to see with the new contract and that she would like to see all the RFPs come back to City Council for review and approval. Public Works Director/City Engineer Than explained staff's the new approach and Interim Finance Director explained staff's plan as to the association costing and contact options.

Motion by Lewis, seconded by Jones to approve City Council Resolution No. 6580 – Authorizing the Interim City Manager to Enter into the Eleventh Amendment to Landscape Maintenance Contract between the City of Los Banos and Ronnys Inc. through March 30, 2023. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF AUTHORIZING TWO (2) NEW HOUSING/HOMELESS POSITIONS IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT; CITY COUNCIL RESOLUTION NO. 6587 – AMENDING DIVISION 4, SALARY SCHEDULE – EMPLOYEE CLASSIFICATIONS RELATING TO CHANGES TO SECTION C – COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT AND BUDGET AMENDMENT. Interim City Manager Wellman stated that in light of the many meetings that you have regarding this topic and trying new things and have some integration in terms of our overall housing efforts, this will be a specific assignment for a full time non-sworn positions, which is financially sustainable for the long-term future. Interim Finance Director Kuhn presented the staff report.

There was Council Member and staff discussion regarding pleased to see that grant writing will be part of the job functions, how the Governor is not going to distribute homeless funds because the cities are not doing enough and how Bay Area Mayors are coming out in opposition, where does that leave small cities like us, there is a different in advocacy and actual services, services may or may not be there but even with outreach they do not have to take it and therein lies the difference, they really need help to regain their lives and our government has failed California who are mentally ill, hopeful and interested to see if we can move this problem and make something happen, happy to see that reunification as a topic, should not have been laid in the Police Department, hope for these positions to be self-funded with grants and partnerships with other agencies, don't feel like we have to reinvent the wheel but perfect it, and how this will allow us to leverage to the maximum and provide much needed relief.

Motion by Lewis, seconded by LLamas to adopt City Council Resolution No. 6587 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section C – Community & Economic Development Department and Budget Amendment. The motion carried by the affirmative action of all Council Members present.

MERCED COUNTY SIXTH CYCLE MULTI-JURISDICTIONAL HOUSING ELEMENT; CITY COUNCIL RESOLUTION NO. 6588 – TO PARTICIPATE IN THE MERCED COUNTY MULTI-JURISDICTIONAL HOUSING ELEMENT, COST SHARING AGREEMENT, AND ADOPTING A REVISED BUDGET FOR FISCAL YEAR 2022/2023 AS IT PERTAINS TO EXPENDITURES. Community & Economic Development Director Elms presented the staff report.

There was Council Member and staff discussion regarding if this would alleviate some of the burden and responsibility when it comes to house numbers, this will not change our responsibility for our housing numbers as they cannot be shared, if we have a recession and building stops, are we in the clear, there is criteria that will still have to be met, how this will affect low income developments, fiscal impact of \$35,000 in addition or including to the \$88,000, cost share agreement, what MCAG is responsible for, wanting to make sure it is equitable for Los Banos, how does it bind us to it, can we decide later to withdraw without penalty, and if any of the cities don't go with this will it affect our costs if they don't.

Motion by Lewis, seconded by LLamas to adopt City Council Resolution No. 6588 – To Participate in the Merced County Multi-Jurisdictional Housing Element, Cost Sharing Agreement, and Adopting a Revised Budget for Fiscal year 2022/2023 as it pertains to Expenditures. The motion carried by the affirmative action of all Council Members present.

CITY MANAGER REPORT. Interim City Manager Wellman stated a giant thank you to Council Members with the earlier vote of substantial salary increases and recognizing your employees and the great job they do, this is probably in the last several decades the best position he has experienced in any jurisdiction, this will allow us to compete for applicants and you will see some significant results from this; he is required as Interim City Manager to provide the Council with 30 days written notice and he will do his best to make it through the calendar year and will work with the City Attorney, Finance Director and city personnel on that, your departments are working at full speed and he is concerned at the level of work they are working at, and would caution all to not get caught speeding.

ADVISEMENT OF PUBLIC NOTICES. (No Report)

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Council Member Lewis stated that she had previously asked our City manager to add the San Joaquin Valley Air Pollution Control District to this item and she spoke regarding the planning session she attended last week, topics included healthy air for school districts, purchasing electric buses, smaller communities have funds reserved for them, no idling signs, EPA was there, a lot of restrictions coming down on our farmers, impact on drought and water, fire prevention, system called STAR that the employees at the Air District participate in which she thinks is a great program.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Reiterate that we need to figure out a way to bring back levels for the landscaping RFP for Council to consider options and variables and would like to step up or landscaping services, spoke regarding a letter from a resident who had bushes cut; hoping this was a major oversight, was thankful for the Veterans Day Parade but we had a situation

during the parade where one of our Council Members, who are both veterans, but only one had a biography read during the event and the other did not, she wants to make sure if it was an oversight and that it does not happen again, how she felt badly for Mr. LLamas who was not given a biography as he is a 22+ year veteran and felt he deserved to be spoken about too.

REFUGIO LLAMAS: Thanked city staff, both current and former, it has been a fantastic privilege to sit in this capacity, he thanked God for it and it came right at the right time, he did his duty as best he could, many key accomplishments were done over the last few years, city has continued to function on thanks to our staff, wishes we would have taken more action on the homeless encampment situation and spoke to what is happening out there, our primary responsibility is public safety, feels tiny homes is a good option for the homeless encampment, would like to talk about the Chamber of Commerce that is in dire straits and if we are spending money on the downtown we should also consider giving something to the Chamber of Commerce, congratulated Mr. Begonia on his election to office, he seems to be a nice man and his intentions are good, thanked staff for bearing with his difficult questions, thanked Mr. Wellman for his tremendous service to the city, especially the water issues, working with staff and getting them together, spoke to the Veterans Day Parade and knows there is no ill will, those things happen and he appreciates the work they do and the hard work they put in it and looks forward to next year's parade, and offered Merced County's assistance.

BRETT JONES: No report

KENNETH LAMBERT: Thanked staff for the great reports tonight, we care about our residents and our city employees and invited everyone to the 26th Annual Holiday Open House on December 7, 2022 beginning at 4:30 PM here in the City Hall lobby.

ADJOURNMENT. Motion by Jones, seconded by LLamas, the meeting was adjourned at 8:02 p.m.

APPROVED:

/s/ Kenneth Lambert
Kenneth Lambert, Mayor Pro Tem

ATTEST:

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