

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
AUGUST 3, 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:** Acting Fire Chief/Police Commander Reyna 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, Police Chief Brizzee, City Clerk/Human Resources Director Mallonee, City Treasurer/Accounting & Budget Supervisor Tomas, Community & Economic Development Director Souza Elms, Acting Fire Chief/Police Commander Reyna, Public Works Director/City Engineer Than, Interim Finance Director Kuhn

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

**PRESENTATION – PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS FIRE ENGINEER JOSHUA HOUTEKAMER.** Mayor Faria presented and read the proclamation, for which IAFF President Juan Ramirez accepted on behalf of Joshua Houtekamer who was unable to attend the meeting.

**PRESENTATION – CERTIFICATE OF RECOGNITION – LOS BANOS LITTLE LEAGUE 12-YEAR-OLDS ALL STARS, CALIFORNIA DISTRICT 73 LITTLE LEAGUE CHAMPIONS.** Mayor Faria presented and read the certificate to members of the Los Banos Little League team who were in attendance to accept the proclamation.

**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. RICHARD, Treasurer

of the Los Banos Chamber of Commerce along with Executive Director Michelle, gave a brief history on tomatoes and all the different types of things they produce and spoke regarding the upcoming Tomato Festival being held on August 6, 2022 and all the events planned for the day; DOMINGO SANDOVAL, Director of the Chamber of Commerce, asked for the Council's support of the Tomato Festival, how they are trying to make it more of a family-oriented event and spoke to all the events happening that day; AMY BONILLAS, Los Banos, wanted to be a voice and advocate for the homelessness in Los Banos, how the homeless encampment allows groups of individuals the help they are deserving, how she watched the meeting of July 20, 2022 and spoke to her concerns if the City was to close down the containment area, she feels they need to find ways to make it better, do what Modesto did and allow a tent City and Modesto saw crime reduction, maybe Los Banos could build homes that the homeless need, and the important to provide minimal comfort for the homeless; SHANDRA LEWIS, resident of Los Banos Rancho Park, spoke to how she has been here every few weeks to explain the situation they are going through with the homeless as their neighbors, they do not respect us, they do not respect what the City has done for them, they have trashed their encampment and the mobile home fence, they have the homeless on camera and are being reported to the Police Department, they should not be stealing, it is okay to help them but it is not okay for them to have a pass to terrorize us, elderly people are afraid to go outside, we would like them to stay on their side of the fence and live peacefully with us but they don't, agencies have been out there to help them and they are not taking the help, her tenants are angry with her because we will not provide security, the Police Department is there every night but they can't be there all the time, something needs to be done to address the situation; ANN McCAULEY, Los Banos, spoke regarding the homeless concerns made, how this council has far too many issues to deal with, your termination of the past City Manager has made the public upset, if you are on the ballot you will not be re-elected, spoke to how great Josh Pinheiro was and the more she thought about his firing the more she thought it all came down to personalities and not performance, and explained why she feels that way, thanked to former Mayor Villalta who allowed for a simple majority to terminated the City Manager, how it needs to go from 3-2 vote to 4-1 vote, and anyone who doesn't have time to return a phone call you do not deserve to be on Council, how years long politicians being hired into city manager position and how we need to clean house; JOHNNY MARTINEZ, resident in Los Banos for 59 years, spoke regarding back in 2020 his shop was shot at and being vandalized, how they are having a lot of problems with the homeless, he contacts dispatch when he has issues, and spoke to his personal experiences as examples and how he has been contacting the Police Department about parking issues, asking for the Police Department to be more fair with us when we contact them with issues. Mayor Faria asked the City Clerk if she had received any comments to be read into the record. City Clerk Mallonee stated that she received the following comments that is on file with the City Clerk: LORI THOMAS, property manager at the Pacheco Court Apartments, wrote in support of Josh Pinheiro, the issues they were having with the homeless in their area, and how after Josh Pinheiro was hired she saw a big improvement and he was working on cleaning up the situation, how he loved about Los Banos and wanted a safer place for all of us, how he would visit businesses and the homeless encampment, and he led by example and she found him to be honest, reliable and proactive; MARIA FATIMA SEQUEIRA, Assessor with Central

California Irrigation District, wrote regarding wanting to make sure that the City of Los Banos is aware that APN 430-010-004 is in CCID District Boundary, and it has not been detached and it's not in the City of Los Banos, we want to make sure that the city is aware that when parcel 004 is considered commercial and no longer be farmed, it needs to be detached from CCID. 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 #234090 - #234253 in the Amount of \$1,747,853.48; Minutes for the July 6, 2022 City Council Meeting; Minutes for the July 11, 2022 Adjourned City Council Meeting; City Council Resolution No. 6529 – 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. 6530 – Approving First Amendment to Compensation Agreement Pursuant to Health and Safety Code Section 34180(f) for Los Banos Successor Agency Transfer of Properties to City of Los Banos for Governmental Use and Future Redevelopment Activity; City Council Resolution No. 6531 – Authorizing the City Manager to Execute the Amendment No. 2 to the Professional Services Agreement with Mark Thomas & Company, Inc. for Engineering Services for the Pioneer Road Widening Project. The motion carried by the affirmative action of all Council Members present.

**COUNCIL MEMBER REQUEST REGARDING AN OVERVIEW OF THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (LBDPBID) FINANCIALS (COUNCIL MEMBER LEWIS).** Interim Finance Director Kuhn presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding what happens 2.5% increase is not approved before the August 12, 2022 deadline date can it be approved later and assessed, previous agenda items referring to their costs in the FY 2022 which is it, explanation of the annual report and how the accounting happened, concern with expenditures spent on the Christmas and 4<sup>th</sup> of July events, the report given to us is very generalized and there is nothing specific about the public tax money that is collected from this organization and what it is being spent on, assessment vs non-assessment funding/expenditures, how staff is working with the LBDPBID to clean up some of the accounting and reporting, if they have used our City services and what that cost might be, reporting requirements pursuant to the agreement, now the city is entitled to know what is being spent in this district, if the Downtown Association is required or not required to produce an itemize expenditure for the LBDPBID and can we ask for one for which staff has passed that request on to the LBDPBID, clarification on if the City contribution for the 4<sup>th</sup> of July event was a written dollar check amount or in lieu of services for which staff stated was in lieu services, confirming with staff that there are no red flags to be concerned about besides getting the reporting in line, and how the City Council could request that LBDPBID be audited but not something that the City staff would perform or do on their own.

No action taken on this item.

**CONSIDERATION OF THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (LBDPBID) ANNUAL 2.5% INCREASE.** Community & Economic Development Director Elms presented the staff report.

Motion by Jones, seconded by Lambert to approve the annual 2.5% assessment increase as provided in the LBDPBID Annual Report. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF SELECTION OF AN EXECUTIVE SEARCH FIRM TO ASSIST THE CITY COUNCIL IN THE RECRUITMENT OF A NEW CITY MANAGER.** Human Resource Director Mallonee presented the staff report.

There was Council Member and staff discussion regarding if they would like to be interviewed in person then have them be interviewed online, firms preferring to be interviewed remotely through zoom, feelings that this is a stall tactic, wanting to schedule the interviews as soon as possible, open interviews vs. closed interviews, wanting to be transparent through the process, days and times that work best for the City Council to hold the interviews, and City Attorney clarifying that that the last time interviews like this were conducted they were open to the public and all on Zoom.

By the consensus of the City Council, the City Clerk will reach out to the three firms to see if they are available the week of August 15, 2022, preferable August 17, 2022 and once a date is set the Mayor will call a special meeting to conduct the interviews.

**COUNCIL MEMBER REQUEST REGARDING AN OVERVIEW OF CITY INSURANCES (COUNCIL MEMBER LAMBERT).** Interim Finance Director Kuhn presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if anyone in Ms. Mallonee's immediate family was an owner of Western Valley Insurance, have the Interim City Manager go over this to see if we are maximizing our insurance and to see if it is cost effective, how we may not be able to find a better policy price wise, how the City is well protected in its liability, concern with the personal line of questioning directed at Ms. Mallonee, how it's all about being transparent, concern with how this Council is heading down the wrong avenue to make them uncomfortable, how Council needs to stick to City business, and how Interim Finance Director Kuhn made it clear that the City Manager signs off on all the policies during the budget process.

**ADVISEMENT OF PUBLIC NOTICES. (Five Reports)** Community & Economic Development Director Elms stated that there will be a Public Hearing held at the Planning Commission Meeting on August 10, 2022 to consider: a Categorical Exemption from CEQA, Minor Lands Division and a Tentative Parcel Map #2022-01 to divide an approximate 9.97 acre parcel into 2 parcels, located at 1725 W. Pacheco Boulevard, APN 430-010-004; a Categorical Exemption from CEQA and Mobile Food Vendor Permit #2022-11 to allow the operation of a mobile food vending vehicle on private property for Jaidel Perez dba El Grullense Jal #7, located at 2220 E. Pacheco Boulevard, APN 428-160-029; a Categorical Exemption from CEQA and 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, located at 740 G Street, APN 025-111-021; a Categorical Exemption from CEQA, Existing Facilities, and cottage Food Operation #2022-03 for Claudia Gonzales at 2575 Canvasback Drive, APN 084-192-008; and a Conditional Use Permit #2022-08 and a Categorical Exemption from CEQA to allow the use of a Type 47 Alcohol License for the on-sale of General Alcohol for Jungle Jim's Adventure Lanes, located t 923 W. Pacheco Boulevard, APN 431-020-002.

**CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR.**

Police Chief Brizzee reported that on July 26, 2022, based upon an annual performance review, the Community Development Director's salary was increased to \$10,515 monthly (\$126,180 annually) retroactive to February 1, 2022.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE.**

Mayor Faria stated that MCAG meetings are on the third Thursday of every month and explained they types of things MCAG is working on, i.e. Joint Powers Agreement, Billy Wright Landfill, Pioneer Road Widening Project; spoke regarding Peninsula Clean Energy and the services they provide to the residents in Los Banos and how it affects their P G & E billing.

**CITY COUNCIL MEMBER REPORTS.**

**KENNETH LAMBERT:** Thanked Interim Finance Director Kuhn for the reports he did and a job well-done last night with the National Night Out event.

**DEBORAH LEWIS:** Stated that last night she attended the Gustine Council Meeting to talk about the grant opportunities the Air Quality Board is offering cities so she missed the Police's National Night Out and apologized for not being there, how she will be going to the Atwater City Council Meeting soon to talk about the grant opportunities the Air Quality Board is offering cities.

**REFUGIO LLAMAS:** Congratulated Josh Houtekamer on his retirement and Los Banos Little League on their championship, stated how National Night Out was a great event, the upcoming Tomato Festival this weekend that the Chamber of Commerce is putting on, how the homeless enclosure is a difficult situation and serious concern with those who have to live with it, how they are working towards a better outcome for all involved, Congratulated Ms. Elms for a well-deserved promotion.

**BRETT JONES:** No report

**MAYOR TOM FARIA:** Congratulated the Police Department on the National Night Out event and being honored to sing the National Anthem, spoke regarding the upcoming Movie Night at College Greens on August 6th, congratulated Ms. Elms on her raise in compensation.

**ADJOURNMENT.** Motion by Lewis, seconded by LLamas to adjourn the meeting at 8:07 p.m. The motion carried by the affirmative action of all Council Members present.

APPROVED:

/s/ Kenneth Lambert  
Kenneth Lambert, Mayor Pro Tem

ATTEST:

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