

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 4, 2023**

***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 Llanez called the City Council Meeting to order at the hour of 6:00 p.m.

PLEDGE OF ALLEGIANCE: Acting Police Chief Reyna led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Douglas Begonia, Jr., Brett Jones, Kenneth Lambert, Deborah Lewis, Mayor Paul Llanez; **ABSENT:** None.

STAFF MEMBERS PRESENT: Interim City Manager Souza Elms, City Attorney Vaughn, Police Chief Brizzee, City Clerk/Human Resources Director Mallonee, Fire Chief Tualla, Public Works Director/City Engineer Than, Interim Finance Director Kuhn

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

PRESENTATIONS.

CERTIFICATES OF RECOGNITION: EMPLOYEE OF THE YEAR 2022 – IVAN MENDEZ, POLICE SERGEANT; EMPLOYEE OF THE MONTH FOR DECEMBER 2022 – KELSEY DAGUERRE, ACCOUNTING CLERK II. Mayor Llanez presented and read the Certificates of Recognition, for which Ivan Mendez and Kelsey Daguerre attended to accept.

PROCLAMATIONS RECOGNIZING CITY COMMISSIONERS: DAVE ANDERSON – AIRPORT ADVISORY COMMISSION, LARRY LEONARDO – AIRPORT ADVISORY COMMISSION, DAVID KING – AIRPORT ADVISORY COMMISSION, RICHARD STEWART – MEASURE P COMMITTEE, GERALD GIESEL – MEASURE P COMMITTEE, TOM NEEB – MEASURE P COMMITTEE, GARY MUNOZ – PARKS & RECREATION COMMISSION, CLARENCE “ROB” ROBINSON – PLANNING COMMISSION, JOHN CATES – PLANNING COMMISSION. Mayor Llanez presented and read the Proclamations, for which Larry Leonardo was in attendance to accept.

PROCLAMATION – RECOGNIZING REVEREND DR. MARTIN LUTHER KING, JR. DAY. Mayor Llanez presented and read 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 Llanez opened the public forum and asked those at the meeting if they would like to speak. TONY WHITEHURST, President of the Chamber of Commerce, wished all a Happy New Year and a pleasure to see you all, he spoke to the struggles the Chamber of Commerce is going through, losing half of their membership through the pandemic, he then introduced Executive Director Michelle Sandoval who gave a brief report on what they have been doing the last four months, new members, working on their major events, upcoming ribbon cutting with Planet Fitness on January 16, 2023 at 4:15 pm and invited the Council Members to attend their mixers and show their support; JIM COELHO, spoke on behalf of the local pickleball group and requested to put the courts on the rail trail property to bring people to the downtown, how the pickleball community is growing and the need for more courts, the positives that a pickleball facility will bring the community, and will be great exposure for our community; LAURA BALATTI, spoke in support of pickleball and gave a little background, how they are getting new players daily, it is a game for all ages, wants access to pickleball courts for all in the community, the benefits of pickleball, hopes plans are moving forward, concerned that ARPA funds might be lost, would request that they please invite experienced pickleball players to be a part of the planning process; KATHERINE & CHLOE YOUNG, members of the pickleball community, spoke to how the sport of pickleball is growing, would reach more members of the community if you could have courts available to public, its fun and kind of silly, great exercise and appreciate the City Council moving forward and helping us out; DAYNA VALADAO, amazed at the cost that the pickleball courts are budgeted at, spoke regarding the option to eliminate the lights to cut costs especially because our working people need a place to play at night, pickleball makes you happy, makes you fit and brings everyone together and asked all the pickleball members to stand up that were at the Council Meeting; KATHY BALLARD, Los Banos, stated that she supports pickleball and but is not in support of the cost of the proposed pickleball courts, she suggested to save costs by building the pickleball courts near an energy source, supports putting them downtown on the rail trail; SHANDRA LEWIS, resident and Rancho Los Banos Mobilehome Park, she understands that the homeless encampment is to be removed, but they are still having problems with them, cars are being stolen, she had to report a man in the park in a stolen vehicle, doesn't want City Council to go back on not moving it, they are doing more than just trespassing, she is being threatened when she confronts them, she supports closing the encampment for the safety of those living at the mobile home park; BLANCHE WILLIAMS, citizen of the Los Banos Downtown, spoke on behalf of the Los Banos Elks Lodge and how they have received 3 grants to buy warm clothing for the homeless, donated to the community over \$1 million over the years, have applied for many grants, i.e. infrared red equipment, dictionaries for third graders, backpacks for fourth graders, Say No to Drugs education efforts, laptops for Kingsview so that they could continue learning online during the pandemic, boots and socks for the homeless veterans, the Elks Lodge has been providing a lot to our city and invited others to help out as they welcome the help, suggests that in future planning for the homeless shelter to have sponsorship of rooms; TOM BALATTI, stated that he is a big proponent of pickleball in our City, how recreation has gone backwards in our City and we really need to look at recreation overall, he has gotten to know Parks & Recreation Manager Joe Heim and you have a gem; ANNE McCAULEY gave a shout out to Westside Express and the masterfully job they have done to bring this newspaper to life, we have heard so

much talk about bringing business to Los Banos and bringing livable wages, we could have been Patterson, we never had companies seriously talking about coming to Los Banos until Josh Pinheiro showed up, she has since learned about things that he has implemented and we will see come to fruition, she feels we should bring him back, how she feels he got fired for trying to do his job, for too long the City Council has been trying to call the shots, our charter mandates that the city manager is the CEO, Council is directing staff and it should be the city manager, she doesn't know all the details and she is hearing now that there were no requirements for him to have to be fired, council gets too cozy with city staff and department heads, stay in your own lane and let the city manager do his job; ROY TODD, Los Banos resident and member of the Chamber of Commerce, spoke to how he is one of the folks who brought the AM/PM ARCO to town, the number of years it took to bring businesses to town, spoke to what the Chamber of Commerce has done for him, and the business he first brought to the City and what he went through, if you want the big time players here you need to show them why they need to invest here, the Chamber of Commerce has a number of planned events this year; RICHARD CASTANEDA spoke in support of the pickleball community, how he used to play softball all over the United States, referenced a small town in Texas, Mansville and how they started a simple baseball idea and have now expanded to a full on complex, how Los Banos is in a crucial spot and prime to be a prime spot for a pickleball complex; DOMINGO SANDOVAL, thanked the City for the support for his Christmas Toy Drive and the many families he was able to give presents too, thanked his many sponsors and looks forward to a bigger and better year next year.

Mayor Llanez 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: KASEY MILLER that thanked Council Member Lewis for her continual advocacy in regards to the removal of the homeless encampment behind their mobilehome park, how they have been negatively affected, had it not been for Lewis and Mayor Llanez support nothing would have changed, inquired as to the City is doing to ensure they don't return, she suggested making the parcel inaccessible to them, fencing to protect the mobilehome park, if the soil is now contaminated and wished all a Merry Christmas and a Happy New Year; MARINA SALINAS thanked the City Council for finally taking action and deciding to remove the homeless encampment from our backyard and is looking forward to the removal and a peaceful and worry-free new year, thanked the City Clerk for reading the written comments at the last meeting, spoke to the Planning and Best Practices Guide that was prepared by Portland State University and how there is some helpful information, and spoke to her thoughts on a homeless shelter and what it should include. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis asked to remove item 7D – City Council Resolution No. 6601 – Amending Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Los Banos Park Fund for Landscape and Irrigation in the Amount of \$84,170 for the Pacheco Park Irrigation Improvements Project for discussion and approval.

Motion by Lewis, seconded by Lambert, to approve the consent agenda as follows, with the removal of 7D - City Council Resolution No. 6601 – Amending Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Los Banos Park Fund for Landscape and Irrigation in the Amount of \$84,170 for the Pacheco Park Irrigation Improvements Project:

Check Register for #236375 - #236807 in the Amount of \$4,076,326.20; City Council Resolution No. 6599 – 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. 6600 – Appointing Members to the Measure P Citizens Oversight Committee: Richard Stewart & Nathan Mancebo; ~~City Council Resolution No. 6601 – Amending Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Los Banos Park Fund for Landscape and Irrigation in the Amount of \$84,170 for the Pacheco Park Irrigation Improvements Project.~~ The motion carried by the affirmative action of all Council Members present.

City Council Resolution No. 6601 – Amending Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Los Banos Park Fund for Landscape and Irrigation in the Amount of \$84,170 for the Pacheco Park Irrigation Improvements. Council Member Lewis inquired as to the maps that were provided in the staff report and wanted clarification on what property is the Los Banos Unified School District and what portion is the City's and if there is some shared the costs, for which Public Works Director/City Engineer Than responded that the improvements will only serve the City.

Motion by Lewis, seconded by Begonia to adopt City Council Resolution No. 6601 – Amending Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Los Banos Park Fund for Landscape and Irrigation in the Amount of \$84,170 for the Pacheco Park Irrigation Improvements Project. 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 #2022-11 TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT, LOCATED AT 435 W. PACHECO BOULEVARD, APN 027-173-012; CITY COUNCIL RESOLUTION NO. 6602 – ADOPTING A CATEGORICAL EXEMPTION FROM CEQA PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2022-11 TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING ESTABLISHMENT, FOR NOODLES PHO U, LOCATED AT 435 W. PACHECO BOULEVARD. Interim City Manager Souza Elms presented the staff report, which included a PowerPoint presentation.

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

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6602 – Adopting a Categorical Exemption from CEQA Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2022-11 to Allow the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Establishment, for Noodles Pho U, Located at 435 W. Pacheco Boulevard. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ACCEPTANCE OF THE DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEARS 2018-2022 IN ACCORDANCE WITH ASSEMBLY BILL (AB) 1600. Interim Finance Director Kuhn presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding how often are the fees looked at, are the fees appropriate, how inflation has been taken into account, fees may have to be revisited, are the new laws that are passed that affect us taken into account when the nexus studies, how staff allows for new laws and fees, and concerns with mandates not being funded.

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

Motion by Jones, seconded by Lambert to accept the Development Impact Fee Report for Fiscal Years 2018-2022 in accordance with AB 1600. The motion carried by the affirmative action of all Council Members present.

PICKLEBALL COURT PROJECT UPDATE. Public Works Director/City Engineer Than presented the staff report and introduced Parks & Recreation Operations Manager Heim who spoke in more detail to the proposed project, which included a PowerPoint presentation.

Council Member Lewis inquired as to the breakdown of costs for the \$1.3 million, where would the reductions be for Option 2, which would be removing basic essential features, eliminate irrigation for cost savings, how the extra would come from ARPA funds, and thoughts to build a minimum project and then add on amenities as needed. Council Member Lambert stated that there is nothing on the south side of town, would like to look at a new review and a new location just west of Henry Miller Plaza on the rail trail and feels we should get up to 12 courts instead of 6, how this will benefit all of us and businesses, he watches pickleball on TV and every other commercial is about pickleball, how a project like this will possibly bring Los Banos a little sooner to the map, and moving locations would delay the project. Public Works Director/City Engineer Than stated that there is a potential cost savings if you add courts but there are other costs that will increase, postponing the lighting would not be feasible, and Interim Finance Director spoke to the ARPA funding available. Council Member Jones agrees with Council Member Lambert on the rail trail location for the pickleball courts and would also like for the new City Manager to come in and take a look at this and give us their ideas. Council Member Begonia stated that he does not want to see something built that is not up to the quality, would want to see something that is good quality and will be used for years and makes us proud, and inquired as to if there will be opportunity to play something else besides pickleball like corn hole. Council Member Lewis asked the City Attorney if the rail trail land had been turned over to the City for government use for which City Attorney Vaughn explained the parcels on the rail trail. Council Member Jones stated that it would be a good idea to get a Design Committee going to help us pick design elements and what they need in the pickleball facility. Mayor Llanez stated that when people are passionate about something like it makes it something he can support and he feels that there will be a return on the investment, inquired as to where would they rather be Cresthills Park or Downtown, and feels like we should table this item and come back with a better design and he is happy to hear that we are talking about amenities.

UPDATES SOLAR PROCUREMENT FOR THE COMMUNITY CENTER AND THE WASTE WATER TREATMENT PLANT THROUGH PENINSULA CLEAN ENERGY PARTNERSHIP. Public Works Director/City Engineer Than presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding how the termination of payment schedule is in the millions, how the 5% reduction would work, the current number of KW we are paying for now, the panel service hours, and if there will be a true-up bill or generation bill for which Public Works Director/City Engineer Than explained, how this will be saving money at both locations and it is easy savings, and having a report back to City Council on this after they are installed to see if we are on track with what is being proposed.

Informational item only, no action taken.

APPOINTMENT OF COMMISSIONERS TO THE FOLLOWING COMMISSIONS: AIRPORT ADVISORY COMMISSION, TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2024; PARKS & RECREATION COMMISSION, TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2024; PLANNING COMMISSION, ONE (1) FOUR (4) YEAR TERM IN DISTRICT 3 – EXPIRING DECEMBER 31, 2026. Motion by Llanez, seconded by Lambert to appoint Larry Leonardo and Dave Anderson to the Airport Advisory Commission for two-year terms expiring December 31, 2024. The motion carried by the affirmative action of all Council Members present

Motion by Llanez, seconded by Begonia to appoint Brad Gargano & Shemar Pierce to the Parks & Recreation Commission for two-year terms expiring December 231, 2024. The motion carried by the affirmative action of all Council Members present

Motion by Llanez, seconded by Jones to appoint John Cates to the Planning Commission – District 3 for a four-year term expiring December 31, 2026. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (One Report) Interim City Manager Souza Elms reported that there will be a Public Hearing at the Planning Commission on January 11, 2023 to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) for Site Plan Review #2022-03 for the development of a self-storage facility within the Industrial Zoning District, located at the northeast corner of Johnson Road and Willmott Avenue, Assessor's Parcel Numbers: 081-110-052.

CITY MANAGER REPORT. Interim City Manager Souza Elms thanked the City Council for the appointment as Interim City Manager, as she is excited to fill in and hold down the fort in the interim, she spoke to the homeless encampment closure and the current timeline, the weather and the intense storm we will be experiencing over the next couple of days and weeks, how Merced County proclaimed a state of emergency as did the State of California, the City of Los Banos is prepared to open our Emergency Operations Center when needed, staff is working with our partner water districts regarding flood control and she asked Fire Chief Tualla to report briefly on what is happening with the action plan that is in place and ready if needed.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), AND MEASURE V COMMITTEE.

Mayor Llanez reported that he attended his first MCAG meeting as Mayor and was able to receive some extra funding for the City, how there are funds dedicated to homeless projects and Dos Palos has decided not to use their funds and he will try to get those funds for Los Banos.

Council Member Lewis reported that there will be a grand opening in Stockton for a Frito Lay facility that will be going all green and how all the San Joaquin Valley Air Pollution Control District Board Members will be in attendance for that.

CITY COUNCIL MEMBER REPORTS:

DOUGLAS BEGONIA, JR.: No report

BRETT JONES: No report

DEBORAH LEWIS: Following up on report from Interim City Manager and Fire Chief as to if something becomes really major how do we get the information out to the public for which Fire Chief Tualla explained how the City and Merced County will get the information out through social media, emergency notification, reverse dial and phone intrusion. She reported that there are three Council Members that sit on committees and requested that that we can add the Downtown Association to reports so that we can know what is happening with that.

KENNETH LAMBERT: No report

PAUL LLANEZ: For people just do their best to stay dry and the importance if the financial reimbursement aspect of emergencies.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO § 54956.9(B): (ONE POTENTIAL CASE). No reportable action.

PUBLIC EMPLOYMENT – CITY MANAGER (RECRUITMENT), PURSUANT TO GOVERNMENT CODE SECTION 54957. No reportable action.

ADJOURNMENT. Motion by Jones, seconded by Lambert, the meeting was adjourned. The motion carried by the affirmative action of all Council Members present.

APPROVED:

/s/ Paul Llanez
Paul Llanez, Mayor

ATTEST:

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