

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 1, 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 Pro Tem Lambert called the City Council Meeting to order at the hour of 6:01 p.m.

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

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brett Jones, Kenneth Lambert, Deborah Lewis; **ABSENT:** Council Member Douglas Begonia, Mayor Paul Llanez.

STAFF MEMBERS PRESENT: Interim City Manager Souza Elms, City Attorney Vaughn, Acting Police Chief Reyna, City Clerk/Human Resources Director Mallonee, City Treasurer Lawrence, Public Works Director/City Engineer Than, Fire Chief Tualla

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, Begonia and Llanez absent.

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, lives in the mobile home park where the homeless are at, spoke regarding how a lady at the mobile home park passed away and she believes that she died because of the stress, she spoke to all the bad things they have experienced with the homeless, how the homeless are breaking the law and nothing is done, she challenged the Council to come into the mobile home park, how they are law abiding citizens and live on social security, come ask us and we may be able to help, how she cannot afford to fix her toilet, is asking for help and urged the Council to start helping them at the mobile home park as much as you help the homeless; GILBERT FELIX, District Director for Assembly Member Esmeralda Soria, spoke to the area she serves and the issues she is currently working on, proud to share that she has been made chair of the Military Veterans Committee, Agriculture Committee, and urged the City to use her as a resource and looks to meeting the City Council and City leadership; NICHOLAS GOMES field representative for Congressman John Duarte and spoke regarding the area he serves and spoke to how he is here to help and serve the communities and help the congressman represent his constituents, spoke to how Merced county was designated as a

disaster area because of the flooding and urged anyone affected to contact the FEMA at the fairgrounds in Merced; UNNAMED PERSON, representing the Elks Lodge, spoke regarding the grants they are closing up, how they have not trespassed on the homeless encampment but have provided items to the homeless in the community to keep them warm, they have extended the give-away for food for the children, helped agencies with warm clothing, helped senior citizens help with PG & E costs by giving warm clothing, they have been doing this for about three weeks and are doing what they can to help those in need; UNNAMED PERSON, representing the Los Banos Chamber of Commerce, spoke regarding how he went to Gilroy and Hollister to see how their Chamber of Commerce's are run, how they rely on tourism, spoke regarding the upcoming Chamber events, i.e. Spring Street Fair in April, two new members – Alzheimer's Association and Titans Road Assistance, the upcoming workshop with Merced County Workforce and Hispanic to find workshops for the Los Banos business community, ribbon cuttings with Up and Up and Valley Spring Memory Care, how the Chamber is always looking for new ways to help the City, spoke regarding the upcoming Ag Booster Dinner Dance, John Lennon concert, Rotary Empty Bowls fundraiser, Los Banos Fire Department Annual Pancake Breakfast, and the updated directory the Chamber is working on updating and distributing. 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 no comments. 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 7G – City Council Resolution No. 6609 – Amending Division 4, Salary Schedule/Employee Classifications Relating to Changes to Section A – Administration and Section C – Community & Economic Development for discussion and separate approval.

Motion by Lambert, seconded by Begonia, to approve the consent agenda as amended as follows: Check Register for #236808 - #237252 in the Amount of \$4,925,031.82; Second Quarter Investment Report for the 2022/2023 Fiscal Year; Minutes for the January 18, 2023 City Council Meeting; City Council Resolution No. 6606 – Denying Application for Leave to Present Late Claim by Attorney Mario Cesar Valladares, Esq., on Behalf of Elizabeth Ann Lopez; City Council Resolution No. 6607 – 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. 6608 – Appointing Gerald Giesel to the Measure P Citizens Oversight Committee; ~~City Council Resolution No. 6609 – Amending Division 4, Salary Schedule/Employee Classifications Relating to Changes to Section A – Administration and Section C – Community & Economic Development.~~ The motion carried by the affirmative action of all Council Members present, Begonia and Llanez.

City Council Resolution No. 6609 – Amending Division 4, Salary Schedule/Employee Classifications Relating to Changes to Section A – Administration and Section C – Community & Economic Development. Council Member Lewis stated that in reviewing Exhibit A, it appears from what she can understand there are two employees involved in this classification and it gives an increase for the Human Resources Director of \$596 and for the Community & Economic Development Director of \$4,083 which is a large disparity to her, she knows that the Community & Economic Development Director as a lot of projects they oversee with 2-3 employees in that department, and with the Human Resources Director there is 2-3 employees that work directly under them and how they are also responsible for

all the employees in the City, she is very concerned about this salary re-evaluation and wonders if we can hire someone from the outside to look at these positions and give us another look. City Attorney Vaughn stated that you gave Brent Kuhn the authority to do a market comparison for those two classifications and his recommendations was driven by information given to you in closed session, if you are not comfortable going forward he suggested to put that on the next agenda for a time when he is here to explain it to you, adding that he reported to you his rationale and how he came to the numbers, they are two very different jobs and will be in conformance with the ranges that he was seeing outside the City of Los Banos and to be competitive with outside jurisdictions. Council Member Lewis inquired as to if Mr. Kuhn presented salary ranges during closed session for which City Attorney Vaughn stated yes adding that this is not person driven it is job driven. Council Member Lewis added that they have been underpaid for some time now and has some concerns and how these two employees have been without a justifiable wage for what they do for a very long time and feels that there is a large disparity. Lewis inquired as to why Mr. Kuhn is not here to present this item, for which Interim City Manager Souza Elms stated that Mr. Kuhn felt confident he had gone through this item and was a consent item that has been talked about explained and explained his work schedule. Council Member Jones stated that he was in the closed session meeting and all five of us were on the same page with this, whether it is a male position or female position, it is about the job title, does not want to do this again and come up with the same conclusion.

Motion by Jones to approve City Council Resolution No. 6609 – Amending Division 4, Salary Schedule/Employee Classifications Relating to Changes to Section A – Administration and Section C – Community & Economic Development.

City Attorney noted that this item will take three yes votes to approve.

Council Member Jones withdrew his motion.

Mayor Pro Tem Lambert stated that this item will be continued to the next meeting.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT ON REVISIONS TO THE CITY OF LOS BANOS’ 2020 URBAN WATER MANAGEMENT PLAN (UWMP) AND WATER SHORTAGE CONTINGENCY PLAN (WSCP) UPDATE AND CONSIDER A RESOLUTION ACCEPTING THE 2020 UWMP AND WSCP; CITY COUNCIL RESOLUTION NO. 6610 – ACCEPTING THE 2020 REVISED URBAN WATER MANAGEMENT PLAN. Public Works Director/City Engineer Than presented the staff report, which included a PowerPoint presentation.

Mayor Pro Tem Lambert opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6610 – Accepting the 2020 Revised Urban Water Management Plan. The motion carried by the affirmative action of all Council Members present, Begonia and Llanez absent.

ADVISEMENT OF PUBLIC NOTICES. (Three Reports) Interim City Manager Souza Elms reported that there will be three Public Hearings at the Planning Commission on February

8, 2023 to consider Conditional Use Permit #2023-01 and a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 13501, Existing Facilities, to allow the use of a Type 47 Alcohol License for the on-sale of General Alcohol for a bona-fide eating place, the Roundup Bar & Grill, located at 830 I Street, Assessor's Parcel Numbers: 026-143- 003; to consider a Categorical Exemption from the CEQA and a Mobile Food Vendor Permit #2023-01 to allow the operation of a mobile food vending vehicle on route throughout the City of Los Banos within the public right-of-way for Dennis Lingo dba Bentley and Papa Hotdog; and to consider a Categorical Exemption from the 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, APN 081-110-052.

CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: PUBLIC WORKS DIRECTOR/CITY ENGINEER.

Interim City Manager Souza Elms stated that on January 26, 2023, based upon an annual performance review by herself, the Interim City Manager, the Public Works Director/City Engineer's salary will be increased to \$16,259 monthly (\$195,108 annually) effective February 16, 2023. She gave an update on the homeless encampment and the progress the City is making on the cleanup and closure efforts, and thanked the tireless effort of the Public Works Director/City Engineer Than and his entire department on the great work they have done during the recent sewer break situation and also thanked the other City departments, Police and Fire, for pitching in and helping Public Works during this time.

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, LBDBID.

Mayor Pro Tem Lambert stated that there is no report on MCAG. Council Member Lewis stated that there is no report on the SJVAPCD.

CITY COUNCIL MEMBER REPORTS:

DEBORAH LEWIS: No report

BRETT JONES: Thanked City staff and especially the Public Works Department for working so hard on a very complex sewer line replacement, welcomed new City Treasurer Lucy Lawrence and she will make a great addition to the City and thanked her for stepping up for the position, spoke regarding the Downtown Association Casino Night event being held on April 29, 2023 at the Lopes Barn.

KENNETH LAMBERT: Thanked the Public Works Director/City Engineer Than and Interim City Manager Souza Elms for the updates and great work, and welcomed our new Finance Director Lucy Lawrence.

DOUGLAS BEGONIA, JR.: Absent

PAUL LLANEZ: Absent

ADJOURNMENT. Motion by Jones, seconded by Lewis, the meeting was adjourned at 6:48 p.m. The motion carried by the affirmative action of all Council Members present, Begonia and Llanez absent.

APPROVED:

/s/ Paul Llanez
Paul Llanez, Mayor

ATTEST:

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