

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 18, 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 6:01 p.m.

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

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members 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, Acting Chief Reyna, 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 Jones, seconded by Lambert to approve the agenda as submitted. The motion carried by the affirmative action of all Council Members present.

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. KATHY BALLARD, I know you can't answer my questions, but she noticed on the agenda the appointment to the Downtown Association representative and feels that to the Downtown Board and feels that it should be someone new with a fresh view, she has no idea what is going and feels that there should be reported by the representative, she learned from city meetings that the arch way to the downtown and the land purchased on the corner of downtown and the sidewalk is being funded by the city and feels that it is premature, all through the city that there is mention of re-hire for city manager and you all know my opinion regarding that, consultant contract that cost \$25,000 that is lost money, paid for a consultant last time too, tried to call the city and was told to call the City Attorney regarding the two litigation matters, are these the types of litigations that go away if we do rehire someone, she is also speaking for those that come to her with the same concerns but don't want to out a face to their upset; SHANDRA LEWIS, Los Banos and resident of Rancho Los Banos Mobile Home Park, stated that the beginning of December it was voted to remove the homeless encampment behind the mobile home park in two weeks, we are at 6 weeks now and there is no action, how Mr. Begonia has not

reached out to us, how he ran for council and you know our concerns, do we need to go through the Interim City Manager for action, we don't know what to do any more, was the vote to just give us a Christmas present, we would like to have someone reach out to us since we reached out to you; JACQUILINE LAWRENCE, spoke how she will be leaving soon because of her health concerns, how her work with the homeless community and her ideas of putting up pods and to put them in a circle and have some of the pods to have questions, how warming shelters and cooling shelters do not work, wants to take the property by the duck club and put a lot of different things there including a hospital, and put a tiny house village like they do in Colorado, she knows of businesses that will help, feels really sad for the homeless man in the wheelchair by Food4Less and no one is helping him, she wants the Council to listen to her because she was homeless and she knows what they are going through and it takes years to get help; BLANCHE WILLIAMS spoke regarding how the Boys & Girls Club was gifted food cans for the community that are in need, mentioned the idea of nonprofits getting together to sponsor rooms for the future homeless shelter, spoke regarding an app to help end homelessness with options to donate and to reach out for help; MICHELLE SANDOVAL, Los Banos Chamber of Commerce Executive Director, thanked those Council Members for coming out to the Planet Fitness ribbon cutting and the upcoming ribbon cutting event at the Memory Care Facility, spoke to the upcoming events the Chamber is putting on, i.e. street faire, Father's Day event, Fall Street Faire, Halloween Trick or Treat event, Christmas event, now how grateful and appreciative they are for the support they have been getting from the City. 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 comment that is on file with the City Clerk: KASEY MILLER wrote regarding her concerns with the homeless encampment and how it is now 6 weeks later and the camp is still there, how the tenants can't sleep, the homeless are still trespassing, stealing, fighting, creating unsanitary conditions not only in the encampment but in the mobile home park, the lack of communication on the city's part is astounding, frustrating and completely unprofessional and would appreciate Council Member Begonia getting in touch with her. Mayor Llanez gave a quick update on the homeless encampment cleanup operation confirming that it is going forward but the severe weather situation weather has postponed the cleanup but it is still happening and apologized for not communicating that to them in a better way. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lambert, seconded by Begonia, to approve the consent agenda as follows: Check Register for #236808 - #236962 in the Amount of \$2,904,067.57; Minutes for the December 7, 2022 City Council Meeting; Minutes for the December 13, 2022 Special City Council Meeting; Minutes for the January 4, 2023 City Council Meeting; Minutes for the January 11, 2023 Special City Council Meeting; City Council Resolution No. 6604 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361. The motion carried by the affirmative action of all Council Members present.

APPOINTMENT OF A CITY COUNCIL MEMBER TO THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT BOARD (LBDPBID); CITY COUNCIL RESOLUTION NO. 6605 – APPOINTING COUNCIL MEMBER JONES TO REPRESENT THE CITY OF LOS BANOS ON THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (LBDPBID) BOARD. Interim City Manager Souza Elms presented the staff report.

Council Member Lewis stated that she went to the LBDPBID website and doesn't see that they post agendas and minutes, inquired as to when they have their meetings and how often they have them for which Interim City Manager Souza Elms stated that the executive director has been ill, yes they post their agendas and minutes on their website and on social media, and meetings are held generally the 3rd Thursday of the month in the mornings.

Mayor Llanez nominated Council Member Jones to represent the City of Los Banos on the LBDPBID.

Council Member Lewis stated that she would like to see the position rotated to give each Council Member an opportunity to serve on the LBDPBID so that they can learn more about the organization and she then nominated Council Member Lambert to represent the City of Los Banos on the LBDPBID.

Council Member Lambert stated that due to his business being downtown, thought that it might be a conflict; therefore, Council Member Lewis withdrew her nomination

Motion by Llanez, seconded by Begonia to adopt City Council Resolution No. 6605 – Appointing Council Member Jones to Represent the City of Los Banos on the Los Banos Downtown Property and Business Improvement District (LBDPBID) Board. The motion carried by the affirmative action of all Council Members present.

APPOINTMENT OF COMMISSIONERS TO THE FOLLOWING COMMISSIONS: PARKS & RECREATION COMMISSION, ONE (1) TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2024; PLANNING COMMISSION, ONE (1) FOUR (4) YEAR TERM IN DISTRICT 2 – EXPIRING DECEMBER 31, 2026, ONE (1) TWO (2) YEAR TERM “AT-LARGE” – EXPIRING DECEMBER 31, 2024. Motion by Lambert, seconded by Begonia to appoint Los Banos Unified School District Representative – Gary Munoz to the Parks & Recreation Commission for two-year terms expiring December 31, 2024. The motion carried by the affirmative action of all Council Members present

Motion by Lambert, seconded by Begonia to appoint Clarence Robinson to the Planning Commission – District 2 for a four-year term expiring December 31, 2026. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Begonia to appoint Elias Reyes to the Planning Commission – “At Large” for a two-year term expiring December 31, 2024. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (No Report)

CITY MANAGER REPORT. Interim City Manager Souza Elms thanked the Mayor for giving an update on the homeless encampment, adding how it has been delayed due to weather and condition of the ground, they will be removing and clean up, staff is doing their best to honor their commitment to remove the encampment, spoke regarding how staff is finalizing the application for small business loan grants with ARPA funding and hope to be able to start that program process soon. She announced that she did just had a baby but if need be please reach out to her via email or phone.

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, LBDPBID. Mayor Llanez reported next MCAG meeting is January 18, 2023.

Council Member Lewis reported that there was a grand opening in Modesto for a Frito Lay facility that all the San Joaquin Valley Air Pollution Control District Board (SJVAPCDB) Members attended regarding their new zero emission plants, the vehicles they have bought, natural gas on site, processing plant has been upgraded as well, received at \$15 million grant from the SJVAPCDB, exciting to see the new equipment, how in California there is a big push to go to 0 emissions and this is an example of what can be done.

CITY COUNCIL MEMBER REPORTS:

BRETT JONES: Congratulated Interim City Manager Elms and her family on their new baby.

DEBORAH LEWIS: Stated that she hopes that our staff can at least start moving the homeless out of there so that when the ground dries up we can get in there so that we can keep our commitment to the residents out there, inquired as to where the City is with the hiring of the Housing Homeless Coordinator and hopes that we just don't drop the ball and make an effort to keep the fires burning on that and really wants to get help for the homeless.

KENNETH LAMBERT: No report

DOUGLAS BEGONIA, JR.: Apologized to Ms. Lewis and the other lady who wrote in regarding their concerns with the homeless encampment and stated that he will be in touch with them and with other members of the mobile home park.

PAUL LLANEZ: State that his goal is transparency and communication and wants to work with our staff to better communicate to our public on what's going on and come up with a better strategy, how he will be spending Fridays at City Hall to meet with the public, so you can come down and make an appointment to meet with him, how he got his first pay check and encouraged the nonprofit organizations to come to meetings and tell us about your organization and he plans to donate his pay check to you nonprofit organizations, spoke to how amazing the Public Works Department is and the outstanding work you did to keeping our roads dry during the storms we just had.

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.

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

CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: INTERIM FINANCE DIRECTOR KUHN & CITY ATTORNEY VAUGHN; EMPLOYEE ORGANIZATIONS: UNREPRESENTED MISCELLANEOUS EMPLOYEES. Direction given to staff.

ADJOURNMENT. Motion by Lewis, seconded by Lambert, the meeting was adjourned at 8:04 p.m.. 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