

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 15, 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: Police Commander Melden led the pledge of allegiance.

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

STAFF MEMBERS PRESENT: City Manager Pinheiro, City Attorney Vaughn, Police Commander Melden, City Clerk/Human Resources Director Mallonee, Fire Chief Tualla, Community & Economic Development Director Souza Elms, 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: JEFF DELACRUZ, History Teacher at Pacheco High School, spoke regarding how he has his students attend Council Meetings to see and experience local government in action and he looks forward to seeing what the Council has to say, he spoke regarding youth athletics in this community and how his children play travel sports, how they play in massive complexes out of town and wonders why we don't have something here like that in Los Banos, especially an indoor type facility, feels it would be good for the City and bring in revenue, and how was a friend once game him advice on raising kids to "keep them on the court to keep them out of court"; RHONDA LOWE, Business Coach with UC Merced Small Business Development Center (SBDC), spoke to how passionate she is to help independent entrepreneurs, been a part of the Los Banos Economic Development Committee, how fostering the entrepreneurial spirit is the life blood of the city, she started he first business in 1984 and she understands the struggles, she wants to uplift these business owners and help them succeed at no cost to them, how SBDC is ready to partner with the City of Los Banos again and start educating and empowering to make Los Banos

a robust economy and culture keepers of our community; BLANCHE JORGE, Los Banos Downtown resident, spoke regarding a grant that the Los Banos Elks Lodge has received regarding Military Stand Down in Merced County and spoke to the event details, how they continue to support veterans and purchasing items that they need, and mentioned that you can eat, live and shop in Downtown Los Banos. Mayor Llanez asked the City Clerk if she had received any, for which there were none. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis stated that she would like to pull item G - City Council Resolution No. 6617 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Waste Water Fund for Expenditures in the Amount of \$870,000 for the Response to the Cresthills Sanitary Sewer Incident from the consent agenda for discussion and approval.

Motion by Lewis, seconded by Lambert, to approve the consent agenda as follows: Check Register for #237696 - #237893 in the Amount of \$2,972,362.01; Minutes for the February 15, 2023 City Council Meeting; Minutes for the March 1, 2023 City Council Meeting; City Council Resolution No. 6614 – Adopting a Revised Budget for the 2022-2023 Fiscal Year as it Pertains to Increasing Expenditures in the Fire Department's Equipment Repair & Maintenance Account in the Amount of \$16,750; City Council Resolution No. 6615 – Authorizing the City Manager to Enter into the Twelfth Amendment to Landscape Maintenance Contract between the City of Los Banos and Ronnys Inc. for an Additional Three Months (April 1, 2023 – June 30, 2023); City Council Resolution No. 6616 – Accepting Public Improvements for Southpointe at Regency Park, Phase 7 (Stonefield Home, Inc.); ~~City Council Resolution No. 6617 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Waste Water Fund for Expenditures in the Amount of \$870,000 for the Response to the Cresthills Sanitary Sewer Incident;~~ City Council Resolution No. 6618 – Authorizing the City Manager to Execute a Professional Services Agreement between the City of Los Banos and Fehr & Peers to Update the Transportation Master Plan. The motion carried by the affirmative action of all Council Members present.

City Council Resolution No. 6617 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Waste Water Fund for Expenditures in the Amount of \$870,000 for the Response to the Cresthills Sanitary Sewer Incident. Council Member Lewis inquired as to if this is everything financially to date or is there more to be considered and are we still doing water testing on the canal for which Public Works Director/City Engineer Than responded to and explained.

Motion by Lewis, seconded by Begonia to approve City Council Resolution No. 6617 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the Waste Water Fund for Expenditures in the Amount of \$870,000 for the Response to the Cresthills Sanitary Sewer Incident. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT ON AND CONSIDER THE CITY OF LOS BANOS GENERAL PLAN HOUSING ELEMENT ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2022 AND TO CONSIDER AN EXEMPTION FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES; CITY COUNCIL RESOLUTION NO. 6619 – ADOPTING THE 2022 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS IN ITS IMPLEMENTATION. Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

Mayor Llanez opened the public hearing. ANN McCAULEY spoke to water heaters and recirculating water pumps, how they are so efficient and thinks that should be a no brainer in new homes, how she has done it in her house and it has made such a big difference and will help to not waste water, talking about energy efficiency what about building homes for special needs and what has been done in the recent years in that regard. No one else came forward to speak and the public hearing was closed.

There was Council Member and staff discussion regarding the remaining RENA, if there a certain percentage that the State is going to require us to meet, the unsheltered situation in Los Banos and funding set aside for purchasing a hotel or containers and a Homeless Outreach Coordinator, for which Community & Economic Development Director Souza Elms responded to and explained where the City is currently at on these items.

Motion by Lewis, second by Lambert to adopt City Council Resolution No. 6619 – Adopting the 2022 Annual Report on the Status of the Housing Element of the General Plan and Progress in Its Implementation. The motion carried by the affirmative action of all Council Members present.

MID-YEAR 2022-2023 FISCAL YEAR BUDGET REVIEW; CITY COUNCIL RESOLUTION NO. 6620 – ADOPTING A REVISED BUDGET FOR THE 2022-2023 FISCAL YEAR AS IT PERTAINS TO EXPENDITURES AND REVENUES. Interim Finance Director Kuhn presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the enterprise funds and when it comes to dealing with Chrom 6 issues, concerns with what the State will make the City do and how is the City going to handle that, how the surplus funds puts the City in a position to program new projects i.e. animal shelter for which Interim Finance Director Kuhn responded to and explained where the City is currently at on these items.

Motion by Jones, second by Lambert to adopt City Council Resolution No. 6620 – Adopting a Revised Budget for the 2022-2023 Fiscal Year as it pertains to Expenditures and Revenues. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (One Report). Community & Economic Development Director Souza Elms stated that there will be a public hearing at the Planning Commission on March 22, 2023 to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Conditional Use Permit to allow the variation of the Highway Commercial Sign Standards for DD's Discount located at 1333 W. Pacheco Boulevard, AP 026-280-016.

CITY MANAGER REPORT. No report

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), MEASURE V COMMITTEE, AND SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), AND LOS BANOS DOWNTOWN PROPERTY & BUSINESS IMPROVEMENT DISTRICT (LBDBID). Mayor Llanez stated that the next MCAG meeting is tomorrow and items to be discussed are tipping fees.

CITY COUNCIL MEMBER REPORTS

BRETT JONES: No report

DEBORAH LEWIS: Reported that she has been sponsored and will be attending a Civil Wellness Conference this coming Thursday, Friday and Saturday with topics to include energy savings and solar.

KENNETH LAMBERT: No report

DOUGLAS BEGONIA, JR.: No report.

PAUL LLANEZ: Stated that he has been pretty busy, a lot of meetings and would like to have more meetings, how he heard tonight that we have a budget surplus and would like people to come forward with some ideas, thanked the City Manager and Fire Chief for responding to his request to open up a Warming Shelter and how they jumped right on top of it to get it done.

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B): ONE POTENTIAL CASE. Nothing to report.

ADJOURNMENT. Motion by Jones, seconded by Begonia, 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