

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
APRIL 19, 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 Chief Brizzee 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 Chief Brizzee, City Clerk/Human Resources Director Mallonee, City Treasurer Lawrence, 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.

PRESENTATIONS: PROCLAMATION – RECOGNIZING NATIONAL POPPY DAY. Mayor Llanez presented and read the proclamation, for which Jeri Alves and other members of the VFW Women’s Auxiliary were in attendance to accept.

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: ANN McCAULEY, Los Banos, stated that she would like to recognize our Mayor, Council, City Manager and Fire Chief on the fabulous job they are doing, she likes the attitude the Mayor has, she spoke regarding the animal shelter and another million dollars added to the program, really pleased to see Josh Pinheiro back and all the progress he is making, spoke regarding the Merced County Volunteer Recognition Program she has been involved in, spoke to the organizations who were nominated and selected, i.e. Dos Palos Service Club, Los Banos VFW and Los Banos American Legion and how they are so involved in the community, spoke regarding the Flag Service Program, the upcoming Veterans Parade, ceremony to

recognize the winners for which she would really recommend that Council Members could attend and hoping that we honor these groups at the next Council Meeting; KATHY BALLARD had a question on item 9, City Council Resolution No. 6627 – Authorizing Examination of Sales or Transaction and Use Tax Records and what Muni Services has been doing for the City since 2013 and how much dollars they have recouped, do they go out and audit each hotel, she wants to make sure it is something that brings in more money for the city; PATRICIA McCOY, Los Banos Veterans chair person, stated that it's a little bit early but to save the date of November 4, 2023 for the Veterans Parade, spoke regarding the fundraiser they do for the parade called the Grocery Grab, how during May Day Fair they will have a fundraiser by opening up the parking lot for \$5 a spot to help pay for the expenses of the Veterans Hall; BLANCHE JORGE, Downtown resident and Elks Lodge member, mentioned that the Elks Lodge will be participating in the May 5 Stand-down Event for Veterans, how they have participated in the Street Faire, their Drug Awareness Coloring Books, reminder that the Elks Lodge is always available to rent, they will be having a Mother's Day Event there, and the house she mentioned in downtown a few weeks ago for sale is now pending and another home downtown is available for sale and is one of the most historical homes in downtown, spoke regarding the Boys and Girls Club event on September 23, 2023 at the Grasslands Water District Building, and the upcoming Sip, Savor & Chocolate event and how they are looking for sponsors; A REPRESENTATIVE of the Los Banos Chamber of Commerce stated that they are spending a lot of time reconstructing their website, how April was busy in the community with the Rotary Crab Feed, number of Easter Egg Hunts, recent Spring Street Fair, how the Los Banos Arts Council is putting on a concert at the Falasco Arts Center, and the Mardi Gras Casino Night event being held by the Downtown Association; A Spanish speaking woman stated through a translator that she has an issue with the Los Banos Police Department that she would like to talk with someone about. Mayor Llanez asked the City Clerk if she had received any comments to be read into the record, for which she stated 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 7D - City Council Resolution No. 6623 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the General Fund Maintenance Line Item 100-452-100-720 for Expenditures in the Amount of \$12,500 for the Purchase of a Replacement Air Conditioning Unit at the Miller and Lux Building for separate discussion and approval.

Motion by Lewis, seconded by Lambert to approve the consent agenda as follows: Check Register for #238187 - #238361 in the Amount of \$2,184,153.04; Minutes for the March 15, 2023 City Council Meeting; Minutes for the April 5, 2023 City Council Meeting; ~~City Council Resolution No. 6623 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the General Fund Maintenance Line Item 100-452-100-720 for Expenditures in the Amount of \$12,500 for the Purchase of a Replacement Air Conditioning Unit at the Miller and Lux Building;~~ City Council Resolution No. 6624 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2022-2023; City Council

Resolution No. 6625 – Authorizing the City Manager to Execute a Professional Service Agreement Amendment with Mark Thomas for the Downtown Master Plan/Civic Master Plan. The motion carried by the affirmative action of all Council Members present.

City Council Resolution No. 6623 – Amending the Fiscal Year 2022-2023 Budget by Increasing Appropriations in the General Fund Maintenance Line Item 100-452-100-720 for Expenditures in the Amount of \$12,500 for the Purchase of a Replacement Air Conditioning Unit at the Miller and Lux Building. Council Member Lewis inquired as to if this item went out for public bid for which Public Works Director/City Engineer Than stated that this is part of the maintenance service provided by Young’s Air Conditioning.

Motion by Lewis, seconded by Lambert, to adopt City Council Resolution No. 6627 – Authorizing Examination of Sales or Transaction and Use Tax Records. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ANNUAL ADJUSTMENT TO THE LOS BANOS DEVELOPMENT IMPACT FEE SCHEDULE BASED ON THE ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX; CITY COUNCIL RESOLUTION NO. 6626 – APPROVING AN INCREASE IN DEVELOPMENT IMPACT FEES TO REFLECT INCREASES IN THE ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX FOR 2023. Community & Economic Development Director 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 Lambert, second by Jones to adopt City Council Resolution No. 6626 – Approving an Increase in Development Impact Fees to Reflect Increases in the Engineering News Record Construction Cost Index for 2023. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTION AND USE TAX RECORDS; CITY COUNCIL RESOLUTION NO. 6627 – AUTHORIZING EXAMINATION OF SALES OR TRANSACTION AND USE TAX RECORDS; CITY COUNCIL RESOLUTION NO. 6628 – ACCEPTING AND APPROVING A CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF LOS BANOS AND MUNI SERVICES, LLC. Interim Finance Director Kuhn presented the staff report, which included a PowerPoint presentation.

Council Member Lewis inquired as to how the monies are collected through sales tax, with the City getting a portion back with the state giving us a breakdown, why all of a sudden do we have a concern about hotel motel tax, concerns with how the agency will be charging us up to \$2,500 per visit for travel costs, will they be working out the Redwood City or Fresno office, and that she feels like Council is being asked to approve a contract that they don’t know how much it will cost, would like to have some general idea of how

much this will all cost, feels that it should be more specific for the public to know, and feels it should have been a public hearing item for which Interim Finance Director Kuhn responded to and explained.

Motion by Jones, seconded by Begonia to adopt City Council Resolution No. 6627 – Authorizing Examination of Sales or Transaction and Use Tax Records. The motion carried by the affirmative action of all Council Members present, Lewis voting No.

Motion by Lambert, seconded by Begonia to adopt City Council Resolution No. 6628 – Accepting and Approving a Consultant Services Agreement between the City of Los Banos and Muni Services, LLC. The motion carried by the affirmative action of all Council Members present, Lewis voting No.

ORDINANCE NO. 1202 – REPEALING IN PART AND AMENDING SECTION 2-3.126 OF ARTICLE 1 CHAPTER 3 TO TITLE 2 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CITY MANAGER (FIRST READING & INTRODUCTION). City Attorney Vaughn presented the staff report.

Mayor Llanez invited the public to come forward to speak. No one came forward to speak.

Motion by Jones, seconded by Lambert to waive the first second of Ordinance No. 1202 – Repealing in Part and Amending Section 2-3.126 of Article 1 Chapter 3 to Title 2 of the Los Banos Municipal Code Relating to City Manager. The motion carried by the affirmative action of all Council Members present, Lewis voting No.

Motion by Lambert, seconded by Jones to adopt Ordinance No. 1202 – Repealing in Part and Amending Section 2-3.126 of Article 1 Chapter 3 to Title 2 of the Los Banos Municipal Code Relating to City Manager. The motion carried by the following roll call vote: AYES: Begonia, Jones, Lambert, Llanez; NOES: Lewis; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES. (One Report). Community & Economic Development Director Souza Elms stated that there will be a public hearing at the April 26, 2023 Planning Commission Meeting to consider a Categorical Exemption from the California Environmental Quality Act (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 Christian Mendoza dba Tacos El Jefe.

CITY MANAGER REPORT. City Manager Pinheiro wanted to let everyone know that this Saturday there will be an Autism Event being put on by the Fire Department at Fire Station No. 1 and encouraged everyone to come out to the event.

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 he and City Manager Pinheiro will be traveling with

MCAG One Voice from May 9-12 to Washington D.C. to get support for the possible relocation of our airport to best suit our community, Pioneer Road widening project and Fire Station No. 3 with a EOC; he also attend the last PCE meeting and there is a surplus of funds and he will be talking to them about getting the funds back to our citizens.

CITY COUNCIL MEMBER REPORTS

KENNETH LAMBERT: Wanted to let the Los Banos Chamber of Commerce know he walked the street during the Street Fair and was excited to see all the people that showed up.

DOUGLAS BEGONIA, JR.: No report.

BRETT JONES: No report.

DEBORAH LEWIS: Stated that she just recently found out that she has been replaced as an alternative member on the MCAG committee and is hoping this is something the Mayor didn't approve of, she has not been getting any information from the City Manager, she has not received a phone call or an email and she seeks the Mayor's help on that so that she is informed on what is going on in the City.

PAUL LLANEZ: Stated that he reaches out to our City Manager, he calls and emails the City manager and he responds, he doesn't know who his alternate is on MCAG as this is his first time as Mayor and he only know what he knows, for which City Attorney Vaughn responded to how the selection is made by Council action. Mayor stated that he donated his last City pay checks to Bentley & Papas Hotdogs and Los Banos Little League, if anyone has any questions at any time to contact him as he has a completely open door policy to anyone in the public who wants to talk, he wants to talk about solutions and doesn't want to talk to people who all they do is complain.

ADJOURNMENT. Motion by Jones, seconded by Lambert, the meeting was adjourned at 7:10 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