

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
JULY 5, 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 Reyna 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 Reyna, 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 – CERTIFICATES OF RECOGNITION – WESTSIDE UNION ELEMENTARY SCHOOL PARTICIPATION AND ACHIEVEMENTS AT THE NATIONAL ACADEMIC PENTATHLON: FIRST PLACE SUPER QUIZ WINNERS – 7<sup>TH</sup> GRADE CHAMPION DIVISION; SECOND PLACE, OVERALL TEAM – 7<sup>TH</sup> GRADE CHAMPION DIVISION; MAX MENEFFEE, GOLD IN SOCIAL SCIENCE, SILVER IN SCIENCE, BRONZE IN FINE ARTS, – HONORS DIVISION; SIENA HALLORAN, BRONZE IN FINE ARTS – HONORS DIVISION; REESE BETSCHART, GOLD IN LITERATURE, BRONZE IN SOCIAL SCIENCE – SCHOLASTIC DIVISION; WARD SAEB, BRONZE IN SCIENCE, SILVER IN MATHEMATICS, GOLD IN FINE ARTS, GOLD IN SOCIAL SCIENCE, GOLD OVERALL – SCHOLASTIC DIVISION; DELIA PEREZ, BRONZE IN SCIENCE – VARSITY DIVISION; JORGE OLIVARES, BRONZE IN SOCIAL SCIENCE, SILVER IN FINE ARTS, SILVER IN LITERATURE, SILVER OVERALL – VARSITY DIVISION; TAMMI SCHULTZ, TEACHER AND COACH.** Mayor Llanez presented and read the Certificates of Recognition.

**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 spoke regarding how the fireworks show was a nice display and in a safe way, how the illegal fireworks are of concern to her and hopes that those who are caught get fined and held accountable, fireworks went on all night, constantly being shot into the air over the houses, applaud the Mayor in getting our city streets repaired, what about Pacheco the state highway, feels there should be an ordinance that prevents smoking within 500 feet of any parade or public event, how she is allergic to smoke; UNNAMED PERSON gave credit to the local hospital and the great job they do and the services they provide, the daunting task that the Police Department and Fire Department do and thanked them for the work that they do, spoke to the reason behind the 4<sup>th</sup> of July and how very important the sacrifices were and continue to provide oversight and ask questions, spoke to budget items that he thinks should have been addressed is the roads and how disrepair they are in need of attention, thanked Council for the animal shelter funding and thinks there should have been more funding and the need to increase capacity, spoke to his concerns with all the expenditures in the budget; MIKE HUGHES, Commander VFW Los Banos, thanked the City Manager for swearing in all the new VFW officers for the year and how great it was to have him there, thanked the Mayor for the luncheon he had for some of the City employees and how the veterans offer their help to cook for those events and looking at ways to give back, thanked the Council for the downtown trees and how great they are finally looking, gave thanks for the good job they are doing; GRACIANO RUBIO, requesting that the City give an update to Small Business Assistance Program through ARPA funding, questions raised as to why non-profits were included, how awards in the amount of \$70,000 to ineligible nonprofits, concerns with how things were classified and details of the scoring system, how published guidelines were not followed, would like to see a list of the actual grants given, how 7 months have lapsed and asked for a report at the next City Council meeting; TAMMI AVILAR spoke regarding her concerns about the homeless on the rail trail on Pfitzer Way or Shaunessey Village and about an incident she experienced with a fire clear above the trees, how it took 10 minutes for a Firetruck to arrive and how unhappy she was with the response time, the homeless situation is an ongoing source of problems, backyards are being broken into, fights happening in the late night and calls to the Police Department and by the time they come out the fight is over, knows they are moving the homeless to this spot and would really like some type of response; UNNNAME PERSON offered her sincere appreciation to who is involved in making Los Banos a better place for people and animals, looking to help in whatever capacity she can, searched for companies that build modular animals shelter and found a great example of one that was built in Atascadero and dropped off packets to all of the Council Members, City Manager, Police Chief, how there is a big job ahead of us and would happy to help in any way possible. Mayor Llanez asked the City Clerk if she had received any, for which she stated she had received none. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Council Member Lewis requested that item 7B – City Council Resolution No. 6658 – Authorizing the Public Works Director/City Engineer to Execute Change Order No. 8 to the Design-Build Construction

Contract Agreement for the City of Los Banos Police Station Facility Project to Swinerton Builders for the Construction of the Public Works Parking Lot and to Increase the Project Contingency to \$974,367 be pulled from the consent agenda for presentation.

City Council Resolution No. 6658 – Authorizing the Public Works Director/City Engineer to Execute Change Order No. 8 to the Design-Build Construction Contract Agreement for the City of Los Banos Police Station Facility Project to Swinerton Builders for the Construction of the Public Works Parking Lot and to Increase the Project Contingency to \$974,367. Council Member Lewis inquired as to the \$700,000 for a new Public Works parking lot if there is going to be a separate entry than the Police Department and where the funding is coming from for which Public Works Director/City Engineer Than explained that there will be a separate gate to go into the Public Works parking lot and the Police Department will have their own gate and funding is coming from the corporation impact fee that has been collected over time and there is sufficient funding.

Motion by Jones, seconded by Begonia to approve the consent agenda as follows: Check Register for #239348 - #239560 in the Amount of \$2,443,515.56; City Council Resolution No. 6658 – Authorizing the Public Works Director/City Engineer to Execute Change Order No. 8 to the Design-Build Construction Contract Agreement for the City of Los Banos Police Station Facility Project to Swinerton Builders for the Construction of the Public Works Parking Lot and to Increase the Project Contingency to \$974,367; City Council Resolution No. 6659 – Authorizing the City Manager to Execute a Contract with First 5 of Merced County for a Grant to Purchase and Install Shade Sail Structures over Five (5) Playground Locations; City Council Resolution No. 6660 – Accepting the Fairgrounds Area Waterline Project as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 6661 – Authorizing the City Manager to Execute a Professional Services Agreement between the City of Los Banos and Carollo Engineers, Inc. to Update the Wastewater Master Plan and to Amend the Fiscal Year 2023/2024 Budget by Increasing Appropriations in the Wastewater Collections Fund Line Item 502-432-100-231 in the Amount of \$49,600; City Council Resolution No. 6662 – Authorizing the City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim Form For Fiscal Year 2022/2023. The motion carried by the affirmative action of all Council Members present.

**MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) ANNUAL UPDATE – Presented by Stacie Guzman, MCAG Executive Director.** Stacie Guzman presented MCAG's Annual Update, which included a PowerPoint presentation, with the top of discussion being the Measure V ½ cent Transportation Sales Tax Program.

There was Council Member and staff discussion regarding completed projects, Henry Miller Road improvements, Los Banos City projects, YARTS which is public transportation to Yosemite Valley year-round, The Bus is free for veterans, seniors and the disabled, possibility of reciprocity for those driving into other counties.

Informational item only, no action taken.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CONDITIONAL USE PERMIT #2023-05 TO ALLOW THE USE OF TYPE 21 ALCOHOL LICENSE FOR THE OFF-SALE OF GENERAL ALCOHOL FOR THE BEVERAGE HOUSE LOCATED WITHIN THE PROFESSIONAL OFFICE ZONING DISTRICT AT 547 W. I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 027-033-008; CITY COUNCIL RESOLUTION NO. 6663 – FINDING PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 AND APPROVING CONDITIONAL USE PERMIT #2023-05 TO ALLOW THE USE OF A TYPE 21 OFF-SALE GENERAL ALCOHOL LICENSE FOR BEVERAGE HOUSE LOCATED AT 547 WEST I STREET.** 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.

STEVE RAWLINGS, on behalf of the applicant, spoke in support of staff’s presentation and recommendation, and thanked Community & Economic Development Director Souza Elms and Police Commander Reyna for their support and input and gave a background on the project which will enhance the store and make it more of a local market with change in hours (less).

Motion by Jones, seconded by Begonia to adopt City Council Resolution No. 6663 – Finding Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Approving Conditional Use Permit #2023-05 to Allow the Use of a Type 21 Off-Sale General Alcohol License for Beverage House Located at 547 West I Street. The motion carried by the affirmative action of all Council Members present.

**STATE OF THE STREETS AND PAVEMENT CONDITION REPORT.** Public Works Director/City Engineer Than presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding how in the past we had a different management system to oversee our roads and this current one is different and better, what we passed in our budget is just a small part to get our roads into good condition and that’s a priority for the community, comparing each scenarios funding rationale, how no matter what we choose the very poor road conditions hardly change, the plan for those, if you just repair then you will be continually playing catch up, the financing or funding for this with grant funding, gas tax, Measure V funds, how if we don’t front load years 1 and 2 to get our roads up to par, we will continue to fight the battle down the road, and the rehabilitation side of it and choosing a plan that is sustainable.

Motion by Jones, seconded by Lambert to direct staff to research and prepare what is financially feasible and then bring back to City Council for consideration and approval. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6664 – APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS BANOS AND THE GRASSLAND WATER DISTRICT REGARDING RECHARGE BASINS AND STORM WATER CAPTURE PROJECT – PHASE 1.** Public Works Director/City Engineer Than presented the staff report, which included a PowerPoint presentation.

Mayor Llanez stated that he met with Ric Ortega and Chris White and he is happy to see the collaboration with the City and Grasslands Water District.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6664 – Approving Memorandum of Understanding between the City of Los Banos and the Grassland Water District Regarding Recharge Basins and Storm Water Capture Project – Phase 1. The motion carried by the affirmative action of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES. (No Report).**

**CITY MANAGER REPORT.** City Manager Pinheiro wanted to say great job to the Downtown Association on the great 4<sup>th</sup> of July event, a big thank you to the veterans for all the work you do and quite an honor to swear in the new VFW officers, great to see you put out the American flags throughout town, and the viewing area to watch the fireworks at the VFW and Elks Lodge was great to see, and a great job by the Fire Department too.

**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 was recently elected as Vice Chair for MCAG.

**CITY COUNCIL MEMBER REPORTS**

**KENNETH LAMBERT:** Stated that he has spoken to several people and they are finally glad that we are focusing on streets and upgrading of employees and how we will be happier and better for it.

**DOUGLAS BEGONIA, JR.:** No report

**BRETT JONES:** No report

**DEBORAH LEWIS:** No report

**PAUL LLANEZ:** Thanked the veterans for the flags and enjoys opening his door and seeing his and all the flags around town, how he recently held a BBQ for the Public Works Department and thanked Police Commander Reyna and the Police Department on the multiple arrests at the rail trail behind McDonalds and with the Fire Department issuing over 30 firework citations issued, thanked the Public Works Director/City Engineer Than for having forward thing with roads

**ADJOURNMENT.** Motion by Jones, seconded by Lambert, the meeting was adjourned at 7:51 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