

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 7, 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: 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, 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: AMY, stated that she is seeking information and transparency for license plate readers (ALPR) and the data collected and how she feels it is an invasion of privacy, how it jeopardizes the poor and people of color , how agencies share information, she is asking if the Los Banos Police Department has shared their data collection without permission and how the information is retained; AMY AVILA, spoke about the homeless behind Pfitzer Way and how she is not happy with the responses she is getting that it will take time, it has gotten pretty bad since the last time she was here to speak of her concerns, there was a homeless man sleeping on her porch, she calls the police, fires on the walking trail , can we can find a place where it will not bother a neighborhood, handed out pictures of what it looks like behind her house, how something needs to be done, how she has been told that the homeless are being directed by the City Manager to come to the rail trail, why is that our neighborhood has to bear the brunt of this, concerns with drug deals, prostitutes, this is not going to stop is it going to get worse and not fair to put in in our neighborhood, how

she feels much more attention needs to be put into this; KATHERINE UHLEY, spoke regarding the development of an animal development advisory committee and hopes to see it on a future agenda, how the budget is being considered soon and hopes to see funding for the animal shelter for additional staffing and services and a medical director, last meeting had mentioned the lack of emergency services in town, concerns with feral cats and kittens, how she has learned over the years how to care for animals, the need for spay and neuter service, spoke to the landscape and lighting district increases and the hard white lights and how it is harmful and encouraged the city to look into changing the light temperature to a warmer hue; MARIBEL GARCIA, Los Banos Downtown Association, spoke regarding the upcoming events, i.e. firework booth and the upcoming PBID presentation to City Council on June 21, 2023; UNNAMED PERSON, spoke regarding concerns with foxtails around town, where is code enforcement with all this, it cannot continue and needs to be taken care of, the rail trail situation with the homeless and she has so much sympathy for those people living in that environment and she approves the animal advisory committee and would like to see an increase in the budget for the animal shelter, how there was a social media post regarding a dog that was recently left behind who had just had puppies and her concerns for that; LEVI FASTORI spoke regarding the stray animal problem, the animal shelter as it stands no longer meets the needs of the community, not here to point fingers and thinks the staff does a great job with the resources they have, code enforcement does not have the capacity necessary to bring the animal shelter to where is needs to be, need for the animal advisory committee and how an email was sent to the City Council regarding the formation of the committee; ELAINE COREY, spoke regarding her concerns regarding 518 I Street and how she objects to the platform being built on public property and does not agree with the city giving them 4 feet of sidewalk and leaves just a small portion for the public to walk on, wonder where the city planner and engineer were at on this and how did this get approved, the slope is too steep and not ADA compliant, outdoor dining was meant to be temporary during COVID, how this is short-sided to pin your hopes on one type of business, you need to pay for the mistake and pay for the cost to install it and remove it; ROY TODD, Los Banos Chamber of Commerce, spoke regarding how things are going with the Los Banos Chamber of Commerce, they have 215 members in good standing, spoke regarding the new members, ribbon cuttings, mixers, how June 19th is a holiday, upcoming car show, July 8 Tomato Festival, has he has shown Council Member Lambert their new website and would like to have someone pull it up on the screen so that he can talk about it and the many hours put into improving it, and thanked the City for all their support; BLANCHE JORGE, spoke regarding the Los Banos Elks community blood drive on June 17, 2023, how they are working with the VFW for a fireworks event to watch them there at their buildings, how they rent out their building for events, spoke regarding the Mother's Day event, the upcoming events on October 28, 2023 is the 5th Annual Halloween Pet Costume contest, and on October 11, 2023 the Friends of the Library are having a thank you event. 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 three (3) comments that are on file with the City Clerk's office: GREG WELLMAN wrote regarding his interim service as City Manager with Los Banos and how he has had no contact with the current City Manager; KATHY BALLARD wrote regarding her concerns with the mobile vendor ordinance not being enforced; LEVI FISTORI, which were spoke in person earlier during the public form. 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 6H – City Council Resolution No. 6646 – Approving the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal year 2023-2024 for discussion.

City Council Resolution No. 6646 – Approving the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal year 2023-2024. Council Member Lewis inquired as to the date of the report and had concerns about Birch Avenue and how it is on the list for just crack seal and hope there will be another list to include more streets for improvements; for which Public Works Director/City Engineer Than responded to explaining the list that is part of the 5 year pavement plan, noting that Birch Avenue is included as a full rehabilitation, and how City Council has approved an agreement to do a Pavement Survey that will be presented to City Council at a near future meeting.

Motion by Lewis, seconded by Lambert to approve the consent agenda as follows: Check Register for #238844 - #239163 in the Amount of \$3,010,255.14; Minutes for the May 17, 2023 City Council Meeting; Los Banos Police Department Annual Military Equipment Use Report for May 18, 2022 – June 7, 2023; City Council Resolution No. 6642 – Authorizing the City Manager to Execute a Memorandum of Understanding between the City of Los Banos and Los Banos Unified School District for the Public Use of the 7th Street Basketball Facilities; City Council Resolution No. 6643 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Los Banos Unified School District for School Resource Officer Services for the 2024-2026 Fiscal Years; City Council Resolution No. 6644 – Awarding Contracts for Publication Legal Notices/Legal Advertisements for Fiscal Year Ending June 30, 2024 and Authorizing and Directing the City Manager to Execute Agreement(s) with the Merced Sun Star and Westside Express; City Council Resolution No. 6645 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) Swap in the Amount of \$195,930.00; City Council Resolution No. 6646 – Approving the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal year 2023-2024; City Council Resolution No. 6647 – Accepting the Community Center Parking Lot Improvements Project as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 6648 – Authorizing Award of Construction Contract to United Pavement Maintenance, Inc. in the Amount of \$2,041,755.44 with a 10% Contingency in the amount of \$204,175.00 for 2023 Street Rehabilitations Project. The motion carried by the affirmative action of all Council Members present.

Council Member Lambert stated that he is recusing himself from the next item and left his seat at the dais and the City Council Chambers. City Attorney Vaughn explained why Council Member Lambert was recusing himself due to his own personal business' close proximity.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CONDITIONAL USE PERMIT #2022-10 TO ALLOW THE USE OF TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR BLUE AGAVE

BAR & GRILL LOCATED WITHIN THE MIXED-USE ZONING DISTRICT AT 509 I STREET, ASSESSOR'S PARCEL NUMBER 025-241-003; CITY COUNCIL RESOLUTION NO. 6649 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2022-10 TO ALLOW FOR THE ON-SALE OF GENERAL ALCOHOL UNDER A TYPE 47 ALCOHOL LICENSE AT 509 I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 025-241-003. Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

Mr. DeLaTorre spoke regarding their new business, the request before City Council tonight, and thanked the City Council for their consideration.

There was Council Member and staff discussion regarding if the business was going to have a makeover or any improvements being made.

Mayor Llanez opened the public hearing. BLANCHE JORGE, as a downtown neighbor we welcome you, happy to see the cameras are being installed and encourage HD cameras. No one else came forward to speak and the public hearing was closed.

Motion by Jones, second by Begonia to adopt City Council Resolution No. 6649 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2022-10 to Allow for the On-sale of General Alcohol Under a Type 47 Alcohol License at 509 I Street, More Specifically Identified as Assessor's Parcel Number 025-241-003. The motion carried by the affirmative action of all Council Members present.

Council Member Lambert returned to the Council Chambers and his seat at the dais.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2023-2024 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19; CITY COUNCIL RESOLUTION NO. 6650 – CONFIRMING DIAGRAM, ASSESSMENT AND LEVYING ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19 FOR THE 2023-2024 FISCAL YEAR. Public Works Director/City Engineer Than 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 Jones, seconded by Begonia to adopt City Council Resolution No. 6650 – Confirming Diagram, Assessment and Levying Assessments for Landscaping and Lighting District Nos. 1-7 and 9-19 for the 2023-2024 Fiscal Year. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6640 – AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH RONNYS INC. TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF LOS BANOS. Public Works Director/City Engineer Than introduced Parks & Recreation Operations Manager Heim who presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the number 1 complaint being about the grass mowing and the mulch that is left behind and the inspection process.

Motion by Begonia, seconded by Jones to adopt City Council Resolution No. 6640 – Authorizing the City Manager to Execute a Contract with Ronnys Inc. to Provide Landscape Maintenance Services for the City of Los Banos. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE APPROPRIATION LIMITATION FOR THE 2023-2024 FISCAL YEAR (FY). (To be continued to June 21, 2023) Interim Finance Director Kuhn stated that they would like to continue this public hearing item to the June 21, 2023 City Council Meeting as there is still a little more work that needs to be done of finalizing the budget.

Mayor opened the public hearing, no one came forward to speak.

Council Member Lewis stated that it has been historical that the City Council has a workshop so that we can see what is being proposed, if we have any questions, or request certain things be included in the budget, and inquired as to why this is not happening. Interim Finance Director Kuhn responded by explaining that this item is not in regards to the budget, that is the next item.

Motion by Jones, seconded by Lambert to continue this item and the Public Hearing to June 21, 2023. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE 2023-2024 FISCAL YEAR (FY) BUDGET. (To be continued to June 21, 2023) Interim Finance Director stated that his item is also being continued to June 21, 2023 due to the fact that we needed a little extra time to finalizing the budget.

Mayor opened the public hearing, no one came forward to speak.

Council Member Lewis stated that we generally have a special meeting to discuss the budget and wonders what happened with this. Interim Finance Director Kuhn stated that he will present a presentation that is fairly involved and looking at highlighting these items during the public forum, felt that the workshop would be redundant, most items are structural and carry over items, and it made most sense to present during the public hearing. Council Member Lewis stated that we get the budget on Friday and only a few days to review, how the workshop was for the public to get a better understanding and for City Council to have time to ask questions, the budget workshop was for a purpose,

we have really shortened the time for the council to review without knowing what will be in it, comparing it to prior year's budget process. Interim Finance Director Kuhn's goal will be to dazzle and clarify during his presentation and there will be time before hand to ask questions; workshops have been important in years past but this year's budget is just a continuation of last years, not much changing. Mayor Llanez stated that he is new to this whole thing and encouraged staff to take as much time as you need to get the budget done.

Motion by Jones, seconded by Lambert to continue this item and the Public Hearing to June 21, 2023. The motion carried by the affirmative action of all Council Members present, Lewis voting No.

ADVISEMENT OF PUBLIC NOTICES. (No Reports). No report

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 (LBDPBID). Mayor Llanez spoke regarding PCE and how he is not happy with the amount that we are paying and after doing some research he feels that we are off on the discount that it should be, there is a residual amount of money that could come back to our community and he is working on that; MCAG has an upcoming meeting that he will report on after that is held.

CITY COUNCIL MEMBER REPORTS

BRETT JONES: No report

DEBORAH LEWIS: Acknowledged the residents who have come forward with animal shelter concerns, how she had a friend come to her that lives out in the county area and how animals are being left out there, she stressed how important education is in the community, spoke to the cost of feeding and caring for animals, abiding to the rules and doesn't see that happening in Los Banos and welcomes a change too and getting the citizens committee started.

KENNETH LAMBERT: Stated that he hopes to see everyone out here at our next meeting when we discuss our budget.

DOUGLAS BEGONIA, JR.: No report

PAUL LLANEZ: Stated that the things that people come to me relating to the budget he passes along the messages, how the City Manager has brought forward for us to spend \$2.4 million on streets, agreement to use basketball courts on 7th Street, repaving the Community Center parking lot, and Los Banos Police Department SRO agreement, thanked our staff for putting these things forward, how he recently attend the San Joaquin Veterans and the VFW Veterans Day events, attended a meeting today with

Congressman John Duarte to talk about issues that communities are dealing with and feels fortunate for what we have in Los Banos, how he got a call regarding the homeless by Pftizer Way and he walked the whole trail and it's not perfect, but we are doing the best we can with what we have.

ADJOURNMENT. Motion by Lambert, seconded by 7:19 PM, the meeting was adjourned at 7:19 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