

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 3, 2024**

***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 6:03 p.m.

PLEDGE OF ALLEGIANCE: 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: City Manager Pinheiro, City Attorney Vaughn, Police Chief Reyna, City Clerk/Human Resources Director Mallonee, City Treasurer Lawrence (6:10 PM), Fire Chief Tualla, Community & Economic Development Director Souza Elms, Interim Parks & Recreation Director Heim, Interim Finance Director Kuhn, Interim Public Works Director/City Engineer Lemus

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: CERTIFICATE OF RECOGNITION – ANDREW DENNY & JUAN RAMIREZ – FIRE ENGINEERS, CITY OF LOS BANOS EMPLOYEES OF THE MONTH FOR NOVEMBER 2023; PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS POLICE CHIEF GARY BRIZZEE, JR.; PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS POLICE SERGEANT JESSE CEJA; PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS POLICE OFFICER NOAH JONES; PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS FOREMAN TIM BAPTISTA, SR.; PROCLAMATION – RECOGNIZING THE RETIREMENT OF CITY OF LOS BANOS FOREMAN ANTHONY (BUTCH) TERRANOVA. Mayor Llanez presented the certificates and proclamations, for which Javier Maganda, Juan Ramirez, Gary Brizzee, Jr., Jesse Ceja, Noah Jones 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. JULIE CREIGHTON, Los Banos resident, spoke regarding how the voting block of four is set to approve the Imagine Way More agreement, she has spoken with the man and impressed with his services but not the cost and explained the costs of the other bids, her second issue was a video put out with a racial slur and to continue to pursue this is not the right thing to do, I can see many other ways the \$7,500 a month could be better put to use if approved, they feel tax payer dollars are their own piggy banks; CHESTER HALEY, requested that the City of Los Banos adopt labor standards to use construction apprenticeships, the policies that require this, how they provide health care for these workers and the NorCal Carpenters support this type of thing; ANN McCAULEY, Los Banos resident, spoke regarding Imagine Way More and how she spoke with a Council Member regarding Tiktok and how serious she takes it and how all that information goes right to China, any time the City does business with anything linked to Tiktok is a bad idea and needs to be eliminated; CAMI AVELAR gave an update on the homeless and how they seem to be growing in population and how they are still behind her house, how the Mayor a year ago talked about the homeless and nothing has changed, spoke to item 12 and the funds being specified for the old police building but it doesn't say what the plans are for those buildings and what \$8 million will go towards, and if things are not going so well with our homeless hotel we can put some of that money here; UNNAMED PERSON spoke in support of not using Imagine Way More for campaigning and it should just be employees and not the Mayor or City Council as they are up for election, they did notice that it was a lot higher because it was going to offer internships to help out with videos, she has seen the good work in the Parks & Recreation is doing and appreciates it but I don't like to see tons of money spent constantly, makes her nervous; UNNAMED PERSON coming to the meetings is very informative and important for every person, is the check register for public knowledge can anyone look at it, doesn't feel we should use Tiktok and \$7,500 is a lot to spend on social media to attract people to our City, spend it in a better way, wonders what the old Police Department is being renovated into, and what's the status of the homeless hotel, restated the need for an Animal Advisory Committee and is not to follow along with the building of the shelter but something is needed to help the crisis it is in and getting a group of people to work together to come up with solutions to help, recent post about coming together to provide a list of resources, different types of services and this is something an Animal Advisory Committee could achieve, its needed now and will be needed again, doesn't understand why we can't have a committee; UNNAMED PERSON, spoke to how Tiktok is a real issue and concern and definitely a problem and directly linked to China, the new Police Building was to consolidate all Police Services into one location and is secure, would like to know what we are spending this money on for these buildings, have the citizens participate in the decision making process, the Animal Advisory Commission would provide resources and a network for services and grants to help the animal population; UNNAMED PERSON spoke to how she thinks about the good things and not the bad things, she writes a lot on social media about the history of Los Banos, especially the homes, changes do happen and sometimes they happen for the best, spoke to the history of Los Banos fair and parade and the events that have happened throughout the years, there are good events from the history that can be

brought back to help the economic development of our town. 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 remove items 7C and 7D for discussion and separate vote and item 7F for discussion.

7C – City Council Resolution No. 6718 – Authorizing the City Manager to Execute the First Amendment to the Agreement for Contract Services with Synagro-WWT, Inc. for the Dredging, Dewatering, Transportation and End Use of Recirculation Channel Solids at the Wastewater Treatment Plant and Amend the 2023-2024 Fiscal Year Budget to Increase Expenditures in the Wastewater Fund 502-433-100-231 in the Amount of \$1,497,724.52. Council Member Lewis spoke to the history behind this project and now how staff is asking for an increase of \$1.4 mill, she didn't see this information in the first report, there is a realization that more material needs to be removed, for a total cost of \$3 million plus, inquired as to why didn't the Council know that Provost & Pritchard were involved in the project and make these findings in the first place, when they made the initial evaluation, did they go out or what was it based and asked for an explanation for which Interim Public Works Director/City Engineer Lemus provided. Council Member Lewis stated this is a really important project and if those channels are not cleaned out, we could be in danger, these companies that we hired should have done something more in depth initially so that the Council could make a decision, it needs to be done, the 2023/24 budget has \$2.5 million for this and now the project comes to \$3.7 million and there is a deficit and wonders where is that money come from for which Interim Finance Director Kuhn responded to. Council Member Lewis feels that this needs to be more specific because to her it appears that this project is over budget, this needs to make sense to me and the public too, we seem to be having a lot of cost overruns, especially for big items like this and asks for these discussions so that the Council and public can have clarity. Mayor Llanez stated that we have been collecting fees for two decades and are finally addressing the problems, for which Council Member Jones noted what has happened in the past and all that is finally happening now. Council Member Lambert spoke to if I knew that his taxpayer dollars have not been spent earlier on this project, he would have been unhappy and how he lived in Hollister when there was a moratorium while they were dealing with issues like this, which will happen if we can't store waste.

Motion by Jones, seconded by Begonia to adopt City Council Resolution No. 6718 – Authorizing the City Manager to Execute the First Amendment to the Agreement for Contract Services with Synagro-WWT, Inc. for the Dredging, Dewatering, Transportation and End Use of Recirculation Channel Solids at the Wastewater Treatment Plant and Amend the 2023-2024 Fiscal Year Budget to Increase Expenditures in the Wastewater Fund 502-433-100-231 in the Amount of \$1,497,724.52. The motion carried by the affirmative action of all Council Members present.

7D – D. City Council Resolution No. 6719 – Authorizing the City Manager to Execute the Contract with Perfection Painting Corp for Exterior Painting of the Los Banos Community Center Project in the Amount of \$46,000 and a Project Contingency of \$6,900

and Amend the Fiscal Year 2023-2024 Budget by Increasing the Appropriation Amount in the Recreation Account 100-451-240-205 in the Amount of \$6,900. Council Member Lewis spoke to the history of this project and now this project will cost \$52,900 and how there is \$78,000 and wonders why there is a need for more funding and where is the increase going to come from for which Parks & Recreation Director Heim explained that there are extra services beyond this project and the funding will come from the general fund reserves.

Motion by Lambert, seconded by Begonia to adopt D. City Council Resolution No. 6719 – Authorizing the City Manager to Execute the Contract with Perfection Painting Corp for Exterior Painting of the Los Banos Community Center Project in the Amount of \$46,000 and a Project Contingency of \$6,900 and Amend the Fiscal Year 2023-2024 Budget by Increasing the Appropriation Amount in the Recreation Account 100-451-240-205 in the Amount of \$6,900. The motion carried by the affirmative action of all Council Members present.

7F – City Council Resolution No. 6721 – Adopting a Revised Budget for the 2023-2024 Fiscal Year as it Pertains to Fire Department Overtime in the amount of \$156,004.00. Council Member Lewis inquired as to where this money was coming from for overtime for which Fire Chief Tualla explained.

Motion by Jones, seconded by Lewis to approve the consent agenda, minus items 7C and 7D as follows: Check Register for #242283 - #242639 in the Amount of \$2,658,535.58; Minutes for the November 15, 2023 City Council Meeting; ~~City Council Resolution No. 6718 – Authorizing the City Manager to Execute the First Amendment to the Agreement for Contract Services with Synagro-WWT, Inc. for the Dredging, Dewatering, Transportation and End Use of Recirculation Channel Solids at the Wastewater Treatment Plant and Amend the 2023-2024 Fiscal Year Budget to Increase Expenditures in the Wastewater Fund 502-433-100-231 in the Amount of \$1,497,724.52; City Council Resolution No. 6719 – Authorizing the City Manager to Execute the Contract with Perfection Painting Corp for Exterior Painting of the Los Banos Community Center Project in the Amount of \$46,000 and a Project Contingency of \$6,900 and Amend the Fiscal Year 2023-2024 Budget by Increasing the Appropriation Amount in the Recreation Account 100-451-240-205 in the Amount of \$6,900; City Council Resolution No. 6720 – Accepting Public Improvements for Southpointe at Regency Park, Phase 10 (Stonefield Home, Inc.); City Council Resolution No. 6721 – Adopting a Revised Budget for the 2023-2024 Fiscal Year as it Pertains to Fire Department Overtime in the amount of \$156,004.00.~~ The motion carried by the affirmative action of all Council Members present.

Council Member Lambert left the Council Chambers.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT #2023-09 AND A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, EXISTING FACILITIES, TO ALLOW THE USE OF A TYPE 41

ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE FOR A BONA-FIDE EATING PLACE, BIGGINS TEXAS BBQ LOCATED AT 609 I STREET, APN 025-231-019; CITY COUNCIL RESOLUTION NO. 6717 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2023-09 TO ALLOW FOR THE ON-SALE OF BEER AND WINE UNDER A TYPE 41 ALCOHOL LICENSE AT 609 I STREET, MORE SPECIFICALLY IDENTIFIED AS APN 025-231-019. Community & Economic Development Director Souza Elms presented the staff report, which included a PowerPoint presentation.

Mayor Llanez opened the public hearing. BLANCHE JORGE, Los Banos, spoke regarding the historical building and how everyone knows about this location and the dress shop that was there and having wine will be nice to have in this store; ANN McCAULEY, Los Banos, stated that she has been in the restaurant many times and Mr. Lambert runs a nice restaurant and it will be nice to have wine or beer at this location. No one else came forward to speak and the public forum was closed.

Council Member Jones stated that this is a non-routine item so that's why it is not on the consent agenda.

Motion by Jones, seconded by Begonia to adopt City Council Resolution No. 6717 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2023-09 to Allow for the On-Sale of Beer and Wine Under a Type 41 Alcohol License at 609 I Street, More Specifically Identified as APN 025-231-019. The motion carried by the affirmative action of all Council Members present, Lambert abstained.

Council Member Lambert returned to the Council Chambers.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6722 – APPROVING THE PURCHASE AND SALE AGREEMENT FOR THE RESIDENTIAL REAL PROPERTY OWNED BY THE CITY LOCATED AT 1329 FRANK STREET, DOS PALOS, APN 012-104-017. Community & Economic Development Director Souza Elms presented the staff report.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6722 – Approving the Purchase and Sale Agreement for the Residential Real Property Owned by the City Located at 1329 Frank Street, Dos Palos, APN 012-104-017. The motion carried by the affirmative action of all Council Members present.

Mayor Llanez left the Council Chambers.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6723 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE

AGREEMENT WITH IMAGINE WAY MORE, LLC FOR SOCIAL MEDIA CONTENT SERVICES. Council Member Lewis inquired as to why Mayor Llanez left the room and if he should state why for which City Attorney Vaughn responded. Community & Economic Development Director Souza Elms presented the staff report.

Council Member Jones stated that at the last meeting he was blindsided by the statement regarding the offensive video and how the song was selected by the business owner, it just seems pretty not fair that we are critiquing this one vendor over a song they didn't select, it was something the customer selected; he does like this use of media outlet on Facebook and Instagram, not sure about Tiktok and that being a part of Tiktok would sink the City if China finds out, would be nice if we could use the newspaper to advertise information, how social media is the number one tool to get the message out of what we are accomplishing in the City, doesn't see it as a political campaign platform. Council Member Lewis stated that she looked at the contract and there is nothing different in it besides the change of a start date, they just received their license August 2023 from the State of California and we have been doing some business with this company already, she asked for information as to how we have been paying this company, the first payments were paid by checks, but the payments for June-December were all paid on a City credit card, she has never heard of an outside vendor be paid by credit card because that way it is really hard to determine how much was paid to that person, she was told that our bank credit card is US Bank, stressed that this Council is going to decide tonight what it wants to do, the video is still up with the n word, how we just celebrated Martin Luther King Jr. Day, how they were called the n word consistently and it is a sore spot for the people of her culture but maybe not for my fellow Council Members, as far as Tiktok is concerned and how the government is spying on you, if the Federal Government bans employees from being on Tiktok why are we not making an exception and we could do that, she cannot vote for a company that will have the video up with an offensive word, she will not vote for this and we have Pacheco High School to do these types of services and to learn these skills and would a big savings to the City. Council Member Jones stated that having interns like that, do you know for a fact they have the equipment at the schools, the editing software is expensive, how we are operating a professional business here and need to hire professionals. Council Member Lambert has his thoughts on this but he will speak to her one-on-one about it.

Motion by Begonia, seconded by Jones to adopt City Council Resolution No. 6723 – Authorizing the City Manager to Execute a Professional Service Agreement with Imagine Way More, LLC. For Social Media Content Services. The motion carried by the affirmative action of all Council Members present, Lewis voting no and Llanez abstaining.

Mayor Llanez returned to the Council Chambers and stated that he recused himself from this decision because he hired Gabriel to do work for him because he does excellent work.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6724 – TO COMMIT FUNDING TO RENOVATE AND EQUIP THE POLICE DEPARTMENT MAIN

BUILDING LOCATED AT 945 5TH STREET AND THE POLICE ANNEX LOCATED AT 535 J STREET. Interim Finance Director Kuhn presented the staff report.

Motion by Jones, seconded by Lambert to adopt City Council Resolution No. 6724 – To Commit Funding to Renovate and Equip the Police Department Main Building Located at 945 5th Street and the Police Annex Located at 535 J Street. The motion carried by the affirmative action of all Council Members present.

COUNCIL MEMBER REQUEST REGARDING AN UPDATE FOR THE HOMEKEY PROGRAM & MOTEL PURCHASE (Council Member Lewis). Council Member Lewis stated that she would like to have an update on the Homekey & Motel Purchase, she understands that we did not make the first cut and was hoping that the Council would vote to put this on the agenda so that we can get an update. Motion by Lewis, seconded by Lambert to put the item Update for the Homekey Program & Motel Purchase on the January 17, 2024 agenda. The motion carried by the affirmative action of all Council Members present, Jones voting no.

COUNCIL MEMBER REQUEST REGARDING AN UPDATE FOR THE SCORING SYSTEM FOR AMERICAN RESCUE PLAN ACT (ARPA) FUNDING (Council Member Lewis). Council Member Lewis would like to bring this to a future agenda so that the Council can know where we are in the whole process and get more information on the scoring system and if there is any funds left over. Mayor Llanez stated that it is his understanding that we need reports back from businesses and Council Member Jones stated that he feels that it is premature for this update. City Attorney Vaughn inquired as to if Council Member Lewis was limiting her request to the Small Business Program or are you talking about the whole ARPA funds for which Council Member Lewis stated the Small Business Program is in the middle of what is going on and she's trying to understand it all and give the public some clarity, and if there was a scoring system. Community & Economic Development Director Souza Elms stated that the City is done awarding loans and are currently going through the closeout process to determine if they move from a loan to a grant. City Attorney Vaughn stated that there was criteria and grants were awarded on need, there was an individual evaluation as to how COVID affected their business, there was no scoring competition. Interim Finance Director Kuhn gave the background to the ARPA funding and the process the City is going through and the closeout will come after we receive all the information from the participants, follow up letters are going out soon to anyone who hasn't turned in the required information, with the close out to hopefully happen within 45 days. Mayor Llanez stated that the goal was to give it to small businesses affected by COVID to help those affected and give them time to spend it.

ADVISEMENT OF PUBLIC NOTICES. (Three Reports). Community & Economic Development Director Souza Elms reported that there will be three public hearings at the January 10, 2024 Planning Commission Meeting to consider a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332 (In-fill Development Projects), Site Plan Review #2023-01, and Final Development Plan #2023-01 for Seventh St. Apartments. The project consists four (4) multi-family residential structures totaling 18 units. The project site is located southwest quadrant of Seventh St.

and Willmott Ave. intersection; more specifically identified as Assessor's Parcel Numbers: 082-420-047; a Categorical Exemption from the California Environmental Quality Act (CEQA) and Conditional Use Permit #2023-12 to allow a place of worship for Los Banos Victory Outreach within the General Industrial Zoning District. The subject property is located at 80 W. G St., Stes. C&D, more specifically identified as Assessor's Parcel Number: 081-110-008,009; an addendum to Negative Declaration (SCH#201712060) and a Site Plan Review #2023-09 for Paradise Tomato Kitchen Warehouse Expansion. The proposed project consists of a 234,054 square foot expansion for their current warehouse. The project site is located at 149 W. G St.; more specifically identified as Assessor's Parcel Number: 081-110-056.

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 (LBDBPID). Council Member Jones stated that the Downtown is getting ready for the Annual Casino Night Event to be held downtown; Mayor Llanez stated that with MCAG there are projects in the works for Los Banos with a commitment of funding for commuters to help get over the hill and what will that look like, i.e. bus transit; Mayor Llanez stated that with PCE he is happy to report that more than 5,000 customers received refunds and they are working hard to develop program, the Measure V committee has multiple projects and will be resolving intersections problems throughout town.

CITY COUNCIL MEMBER REPORTS

DOUGLAS BEGONIA, JR.: Spoke regarding College Greens Park and how he is excited to see that, especially for the special needs.

BRETT JONES: Wished all a happy New Year.

DEBORAH LEWIS: No report

KENNETH LAMBERT: Stated that hopefully this will be a great year and wished all a happy New Year.

PAUL LLANEZ: Wished all a happy New Year and thanked staff for all their work, especially Recreation and Joe Heim and Police Chief Reyna with the new Police Department.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER PINHEIRO, CITY ATTORNEY VAUGHN, HUMAN RESOURCES DIRECTOR MALLONEE, INTERIM FINANCE DIRECTOR KUHN, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS

POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

ADJOURNMENT. The meeting was adjourned at 8:45 p.m.

APPROVED:

/s/ Paul Llanez
Paul Llanez, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk