

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
JULY 6, 2016**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

**OPEN HOUSE FOR NEW CITY MANAGER – ALEX TERRAZAS.** Prior to the City Council Meeting, an Open House was held for the new City Manager, Alex Terrazas at 6:00 PM.

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 7:01 PM.

**PLEDGE OF ALLEGIANCE:** Acting Police Chief Reyna led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Police Commander Reyna, Finance Director Williams, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Senior Planner Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, seconded by Faria to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

**INTRODUCTION OF NEW CITY MANAGER – ALEX TERRAZAS.** Mayor Villalta introduced and welcomed Mr. Terrazas and spoke briefly regarding his background, spoke to the process that the Council went through selecting them, thanked the staff for the great job they did while the City was operating with Interim City Manager, Gary Brizzee.

**PRESENTATIONS – PROCLAMATION RECOGNIZING JAMES SAVAGE.** Mayor Villalta presented the proclamation recognizing James Savage for setting a “touch and go” swimming record and for the strength, determination, and courage he showed in accomplishing his goal of swimming from Aquatic Park shoreline to Alcatraz Island and back.

**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.**

GREG HOSTETLER, Los Banos, congratulated Mr. Savage on his accomplishment, congratulated the City Council for their selection of their new City Manager, he has been well received so far, has a great staff to work with and some great leaders, and welcomed his wife Denise also, spoke regarding the 2x3 meetings the City and the Los Banos Unified School District hold and topics discussed, how important planning is for the future and annexation is part of planning which comes years before we see the end result of housing and timing is everything, fees are a very important part to the planning and housing process, noting the school fees he pays are double what is required, thanked the City for the time to speak; BERTHA FARIA, Los Banos Chamber of Commerce, welcomed the new City Manager, spoke regarding the new members of the Chamber of Commerce, the Dads Night Out Event recently held, firework sales was a successful fundraiser, Attitude in the Workplace Merced College courses, July Open Mic Night at Hooks n Ladder, Los Banos Arts Council events Jungle Book production, and the July Mixer being hosted by Santos Ford on July 28, 2016. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Council Member Silveira requested that item 8C – City Council Resolution No. 5760 – Adopting a Revised Budget for the 2016-2017 Fiscal Year Budget as it Pertains to Increasing Expenditures in the Community & Economic Development Department by \$15,000 in Relation to Updating the Los Banos Airport Site Selection and Concept Study be pulled from the Consent Agenda for discussion and approval. Mayor Villalta requested that items 8I – City Council Resolution No. 5766 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with Merced County Association of Governments (MCAG) for Fiscal Year 2016-2017 in the Amount of \$389,623 and 8J – City Council Resolution No. 5767 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Merced County Sheriff's Department for Inmate Transportation Services be pulled from the Consent Agenda for discussion and approval.

Motion by Silveira, seconded by Stonegrove to approve the consent agenda as amended as follows: Check Register for #159896 - #160189 in the Amount of \$2,844,757.85; Measure P Oversight Committee Report; ~~City Council Resolution No. 5760 – Adopting a Revised Budget for the 2016-2017 Fiscal Year Budget as it Pertains to Increasing Expenditures in the Community & Economic Development Department by \$15,000 in Relation to Updating the Los Banos Airport Site Selection and Concept Study;~~ City Council Resolution No. 5761 – Approving the Quitclaim Deed from the City of Los Banos to Beardon Family Limited Partnership for the 7 Foot Wide Public Utilities Easement for Assessor's Parcel Number 424-120-007 (Located Along the Northerly Line of Mission Drive, from N. Mercey Springs Road to the Existing Mission Drive Cul-de-sac); City Council Resolution No. 5762 – Approving the Quitclaim Deed from the City of Los Banos to Beardon Family Limited Partnership for the ½ Street Mission Drive Right of Way for Assessor's Parcel Number 424-120-007 (Located Along Mission Drive from N. Mercey Springs Road to the Existing Mission Drive Cul-de-sac); City Council Resolution No. 5763 – Accepting a Grant of Easement from Beardon Family Limited

Partnership for Assessor's Parcel Number 242-120-007 (Located Along the Mission Drive Cul-de-sac Right of Way and the N. Mercey Springs Road Right of Way); City Council Resolution No. 5764 – Authorizing Award of Construction Contract for Mercey Springs Sewer Line Replacement to Floyd Johnston Construction, Company, Inc. in the Amount of \$1,429,190; City Council Resolution No. 5765 – Authorizing Award of Construction Contract for F Street Storm Line to McElvany Inc. in the Amount of \$174,657.40; ~~City Council Resolution No. 5766 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with Merced County Association of Governments (MCAG) for Fiscal Year 2016-2017 in the Amount of \$389,623; City Council Resolution No. 5767 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Merced County Sheriff's Department for Inmate Transportation Services;~~ City Council Resolution No. 5768 – Approving Professional Services Agreement for Municipal Code Enforcement Services (CSG Consultants, Inc.) and Amending the 2016-2017 Fiscal Year Budget as it Pertains to Revenues and Expenditures in the Community Development Block Grant Fund. The motion carried by the affirmative action of all City Council Members present.

**COUNCIL RESOLUTION NO. 5760 – ADOPTING A REVISED BUDGET FOR THE 2016-2017 FISCAL YEAR BUDGET AS IT PERTAINS TO INCREASING EXPENDITURES IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT BY \$15,000 IN RELATION TO UPDATING THE LOS BANOS AIRPORT SITE SELECTION AND CONCEPT STUDY.**

Council Member Silveira inquired as to if the amount was \$15,000 or \$150,000 as stated in the staff report. Finance Director Williams stated that the correct amount is \$150,000.

Motion by Silveira, seconded by Stonegrove to approve City Council Resolution No. 5760 – Adopting a Revised Budget for the 2016-2017 Fiscal Year Budget as it Pertains to Increasing Expenditures in the Community & Economic Development Department by ~~\$15,000~~ **\$150,000** in Relation to Updating the Los Banos Airport Site Selection and Concept Study. The motion carried by the affirmative action of all City Council Members present.

**CITY COUNCIL RESOLUTION NO. 5766 – APPROVING THE ANNUAL LOCAL TRANSPORTATION FUND (LTF) CLAIM TO BE FILED WITH MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) FOR FISCAL YEAR 2016-2017 IN THE AMOUNT OF \$389,623.**

Public Works Director/City Engineer Fachin presented the staff report.

Mayor Villalta asked Senior Planner Elms to speak regarding City Council Resolution No. 5768 – Approving Professional Services Agreement for Municipal Code Enforcement Services (CSG Consultants, Inc.) and Amending the 2016-2017 Fiscal Year Budget as it Pertains to Revenues and Expenditures in the Community Development Block Grant Fund.

**CITY COUNCIL RESOLUTION NO. 5767 – AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE MERCED COUNTY SHERIFF'S DEPARTMENT FOR INMATE TRANSPORTATION SERVICES.**

No report given, this item was pulled from the Consent Agenda by mistake.

Motion by Villalta, seconded by Stonegrove to adopt City Council Resolution No. 5766 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with Merced County Association of Governments (MCAG) for Fiscal Year 2016-2017 in the Amount of \$389,623 and City Council Resolution No. 5767 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Merced County Sheriff's Department for Inmate Transportation Services. The motion carried by the affirmative action of all City Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT REGARDING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG).**

Police Commander Reyna presented the staff report.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

No action taken, just an opportunity for public comment.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 20 ALCOHOL LICENSE FOR THE OFF-SALE OF BEER AND WINE FOR THE 99 CENT STORE LOCATED AT 1209 W. PACHECO BOULEVARD, APN 431-141-020; CITY COUNCIL RESOLUTION NO. 5769 – APPROVING CONDITIONAL USE PERMIT #2016-09 FOR THE USE OF A TYPE 20 ALCOHOL LICENSE FOR THE OFF-SALE OF BEER AND WINE FOR THE 99 CENT STORE LOCATED AT 1209 WEST PACHECO BOULEVARD.**

Senior Planner Elms presented the staff report.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Faria, seconded by Stonegrove to adopt City Council Resolution No. 5769 – Approving Conditional Use Permit #2016-09 for the Use of a Type 20 Alcohol License for the Off-Sale of Beer and Wine for the 99 Cent Store Located at 1209 West Pacheco Boulevard. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 20 ALCOHOL LICENSE FOR THE OFF-SALE OF BEER AND WINE FOR WINDECKER INC./CHEVRON FUEL STATION LOCATED AT 2270 PACHECO BOULEVARD, APN 428-160-016; CITY COUNCIL RESOLUTION NO. 5770 – APPROVING CONDITIONAL USE PERMIT #2016-15 FOR THE OFF-SALE OF BEER AND WINE FOR WINDECKER INC. LOCATED ON THE NORTHWEST CORNER OF PACHECO BOULEVARD AND WARD ROAD.**

Senior Planner Elms presented the staff report.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

There was Council Member discussion regarding being happy to see that Windecker is putting a fueling station on this side of town and excited to see the new automation/technology at this service station.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5770 – Approving Conditional Use Permit #2016-15 for the Off-Sale of Beer and Wine for Windecker Inc. Located on the Northwest Corner of Pacheco Boulevard and Ward Road. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF INSERTING FLYERS (ENGLISH & SPANISH) IN THE CITY'S UTILITY BILLS TO INFORM CINTIZENS OF THE NEWLY PASSED ORDIANNCE REGARDING GARAGE SALE REGISTRATIONS.** Finance Director Williams presented the staff report.

There was Council Member and staff discussion regarding the addition of the new code enforcement officer services through a grant, mitigating the problem we have with garage sales, the CDBG grant is for a targeted area and the problem is all over Los Banos, trying the advertising efforts and bring back the issue in 90 days to see if the problem is under control, it's a situation that has gotten overwhelming, in September we will see if there are any other ideas for mitigating and if the weekend code enforcement officer will help mitigate the problems, and the message box on the utility bill is an option also to put a special message in there about garage sales.

By consensus, direction given to staff to do the things stated in the staff report as presented by Finance Director Williams.

Motion by Lewis, seconded by Faria to bring back for a status update for September 7, 2016. The motion carried by the affirmative action of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES (One Reports).** Senior Planner Elms stated that there will be a public hearing at the Planning Commission Meeting on July 13, 2016 to consider a Annexation and Prezone #2014-01, General Plan Amendment #2015-03, Pre-Annexation Development Agreement, and associated Mitigated Negative Declaration (SCH #2015061056) for Presidential Estates East Area Plan and Annexation located north of Pioneer Road, west of Mercey Springs Road and east of Eleventh Street.

**CITY MANAGER REPORT.** City Manager Terrazas thanked everyone for the warm welcome and reception, especially thanking the City Council for the confidence and looking forward to working with everyone.

#### **CITY COUNCIL MEMBER REPORTS.**

**ELIZABETH STONEGROVE:** Welcomed the new City Manager, Alex Terrazas.

**TOM FARIA:** Welcomed Alex to the meeting and to Los Banos, exciting times in Los Banos, a great time to be in Los Banos, how he spent the last 2 weeks in Toronto, Canada and spoke regarding his observations, town squares, community activities,

water parks, thanked staff for keeping the city moving very smoothly, we are in a good financial situation and our city staff is very effective.

**DEBORAH LEWIS:** Welcomed Alex, adding how she is excited to work with him, excited about his ideas for Los Banos, thanked the staff for being as professional as you are for carrying on with Interim City Manager Gary Brizzee. Thanked the Fire Department for their fire fighting efforts in June with her neighbor and how Fire Chief Marrison and his staff did a superior job and thanked those who also helped in mutual aid, her neighbors are happy that the house didn't burned down, spoke regarding James Savage and his record swim to Alcatraz.

**SCOTT SILVEIRA:** Congratulated Alex, adding how a lot of exciting things are coming up, thank you and good luck.

**MAYOR MICHAEL VILLALTA:** Thanked the Los Banos Chamber of Commerce for the Dads Night Out event in June, encouraged the public to try all the different events being held in town, the Open Mic Night and how you would be amazed at the talent in town, spoke regarding RTIF and how the Merced City Council suspended the RTIF for 2 years last night, and Dos Palos and Los Banos had already suspended it. Congrats to James Savage on his monumental achievement, just an example of the kind of talent we have in this town. Very pleased with what he sees and let's make Los Banos a better place.

**ADJOURNMENT.** The meeting was adjourned at 8:09 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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