

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 15, 2017**

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.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Daronica Johnson-Santos, Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/HR Director Mallonee, Police Chief Brizzee, Finance Director Williams, Fire Chief Marrison, Community & Economic Development Director 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.

PRESENTATIONS – CERTIFICATES OF RECOGNITION FOR LOS BANOS AND PACHECO HIGH SCHOOLS FUTURE FARMERS OF AMERICA (FFA) STUDENTS WHO PARTICIPATED IN ‘PROJECT COMPETITION’. Mayor Villalta introduced the two Agriculture teachers from Los Banos and Pacheco High Schools who spoke briefly about the program and how these students went above and beyond their chapter level to receive these project competition awards. The Mayor then presented the certificates to the following students: Siana Barrett, Taylor Curutuhague, Morgan Kanemoto, Suzanne Cardosa, Corie Falaschi, Peter Elgorriaga, Delaney Rawls, Kelly Robbins, Tyler Incaprera, Aimee Wheeler, Taylor Limon, Desiree Hernandez, Renee Hernandez, Laken Areia, Ashlan Morales, and Lizette Felix. He then thanked the teachers and the students for what they do and is very proud of all of them.

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. ERIK LIMON, Republic Services, spoke to how hard the FFA students work on their projects and give

their heart and souls to these things, how the animal project is a seven-day-a-week process, wanted to inform residents that trash service will be a day late because of the holiday, call (209) 826-0231, April 8, 2017 is the next Cleanup Day from 7:00 a.m. to 2:00 p.m. and will include household hazardous waste and paint collection will be included; TONY COOK, Los Banos, thanked the council for acknowledging the students on their efforts, inquired as to City issues with cleaning up the storm drains, how there are some streets in the City that the water builds up past the curb for which the Mayor explained that if there is a problem with drainage to please call Public Works right away and they will send someone to take care of it, the Mayor further explained that there are certain parts of the infrastructure that are older than others but that the City is slowly replacing these parts; PUBLIC WORKS DIRECTOR/CITY ENGINEER FACHIN added that during storms, the streets themselves are part of the storm drain system, the gutters will be full of water during the height of storms, the City has a limited amount of water that can be discharged to the canals so we have to hold it for a while, advised if there is an intersection that has excess build up to call Public Works; MR. COOK said the areas he's speaking about are ankle to shin deep with water; PUBLIC WORKS DIRECTOR/CITY ENGINEER FACHIN said to then call Public Works because he hasn't had anything like that reported in the last two years; MR. COOK thanked Public Works Director/City Engineer Fachin and directed his attention to Council asking whether Police Chief Brizzee was the acting Police Chief or the actual Police Chief for which the Mayor clarified that he is the City's Police Chief and has been the Police Chief and at one time was acting City Manager; MR. COOK stated he tried to address an issue last year and the issue was delegated to Ray Reyna for which the Mayor explained that Ray Reyna was one of the Acting Police Chiefs during the time Police Chief Brizzee was Acting City Manager; MR. COOK asked if he had any issues if he could contact Police Chief Brizzee for which the Mayor confirmed; VANESSA LOVATO, thanked the Council for welcoming her, spoke regarding how Los Banos now has a full service Music School called Los Banos Academy of Music located on Fifth Street next to the Ted Falasco Arts Center, the school is perfect for beginning singers or someone interested in learning to play an instrument, offers a safe and friendly environment for children looking to explore their inner talents, can be found on Snapchat, Instagram, and Facebook or call at (209) 421-2966; MIKE BONILLAS, Los Banos, spoke regarding the Drone Company he started a few months ago and the services they have to offer especially with the incident that happened last night with the police helicopter, how they have joined forces with educational institutes such as UC Merced's venture lab, stated that he would like to come in and talk to anyone who might be interested in this type of service, how he is working with BEAT and would like to offer classes at the community center such as beginner drone classes and also create their own type of models, lots of opportunities for kids in the community, spoke regarding drone racing which will be the next major league sport; Mayor encouraged him to coordinate an event and notify Council because he believes they would be very interested in something to get both kids and adults involved in, told him to talk to farmers and the Farm Bureau and also look into the Tulare Ag Show to spread interest. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. City Clerk/Human Resources Director Mallonee noted that there is a clerical correction that needs to be made on the February 1, 2017 Minutes with ROLL CALL in that Elizabeth Stonegrove was listed instead of Daronica Johnson-Santos.

Motion by Faria, seconded by Silveira to approve the consent agenda as amended as follows: Check Register for #203036 – #203344 in the Amount of \$1,050,539.82; Minutes for the February 1, 2017 City Council Meeting, with the correction to ROLL CALL stating Daronica Johnson-Santos instead of Elizabeth Stonegrove; City Council Resolution No. 5837 – Amendment to Agreement for City Attorney Services with the Law Offices of William A. Vaughn. The motion carried by the affirmative action of all City Council Members present.

PRESENTATION BY MERCED COUNTY ASSOCIATION OF GOVERNMENTS REGARDING MEASURE V, THE REGIONAL TRANSPORTATION PLAN, AND THE REGIONAL TRANSPORTATION IMPACT FEE PROGRAM. Anthony Zepeda, Transportation Manager with MCAG, presented the staff report, which included a PowerPoint presentation.

There was Council Member discussion regarding the points Mr. Zepeda addressed in his PowerPoint presentation.

Mayor Pro Tem Silveira inquired as to how MCAG works through the funding needs for special projects such as the bypass for which Mr. Zepeda stated the best way to do that is to work with him and other MCAG staff; Mr. Zepeda stated if a project is regionally significant and is a priority for a member jurisdiction then it is up to MCAG to work to develop a funding program. Mayor Pro Tem Silveira spoke about the trade-offs and scenario development and how MCAG determines which projects have a higher priority, asked when they discuss the priority of these projects for which Mr. Zepeda said that is at the discretion of the MCAG Governing Board, most Transportation Planning Organizations including MCAG do not make that decision when putting together an RTP (Regional Transportation Plan), the whole goal is getting the project on the RTP and the jurisdiction requesting priority and then an analysis could be conducted.

Mayor Villalta wanted to clarify that there have been decisions made on the Merced-Atwater Expressway and the Campus Parkway and those are both Eastside projects, over the course of the 30-40 years MCAG has been in existence there has been \$450 million spent on the Eastside and no money spent on the Westside, the Los Banos Bypass Project has been in its infancy or inception and listed as the number one (1) project in Merced County for the last twenty (20) years yet it always gets put on the back burner and these other two (2) projects keep moving forward, from this point on, will all projects move forward on an equal basis; Mr. Zepeda stated that all projects should be moving forward on an equal basis, can't speak about what's happened in the past before his position at MCAG, but all projects are on the RTP and should be progressing equally, but prioritizing is at the discretion of MCAG; Mayor Villalta stated

that the problem Council has is that other projects are moving forward and the Los Banos bypass is not, this project is a safety issue and everyone's concern is if not the bypass then what project; Mr. Zepeda said these are all excellent points and one positive is the safety programs that are being implemented right now are all going to be involved into grant funding programs, wants to make sure that geographic equity is coming into play, says he cannot solve all these issues right away but can at least get things going in the right direction; Mayor Villalta said the City is very appreciative of that.

Council Member Lewis stated that about a year, year and a half ago the State Department of Transportation eliminated a lot of highway projects throughout California until 2025-2030 and the Los Banos Bypass was one of them, some of the projects that would move forward realistically depends if there is funding, what if there is no funding for the Los Banos Bypass? How does that fit into MCAG's helping to fund that project?; Mr. Zepeda explained that everyone is in the same boat as far as projects being pushed back due to lack of funding at the State level, there are two transportation funding bills that are moving forward and one just went through yesterday and another one went through last week so they are looking very promising and expect to see an uptick in funding sometime around June, we may finally have a funding source moving forward where we can address the problems with the STIP (State Transportation Improvement Project) and the SHOP (Operations of Safety Program) that have both been pushed back, all the projects have been pushed back as one and all the projects will get moving again as one, they are trying to get the priority projects for each region back into the STIP program. Council Member Lewis spoke how she realizes it involves a lot of Federal and State funding and where the sources come from and whether or not they will be coming at any point, as a council person she has heard for the past fifteen (15) plus years that the LB Bypass is the number one (1) project and has heard many excuses as to why it hasn't moved forward and with each excuse comes a promise from an official from MCAG saying that our project is still number one (1) and it gets to be tiring after awhile, she is looking for a source as to however MCAG is going to make its priority list and set aside a significant amount of money to make sure we acquire land to move forward with this project, she realizes the bypass is a state project and the state requires that each county become self-sufficient in helping to fund things that they are legally required to pay for, we need some promise that there is going to be movement to have Los Banos and its projects put forward; Mr. Zepeda agreed.

Mayor Villalta the money over thirty (30) years is \$450 million but the money available for regional transportation projects over thirty (30) years is \$76 million for all the cities on the Westside and it's \$125 million for the Eastside, right now it's a half a billion dollars for the bypass, if we have to wait fifteen (15) years it could go up to \$750 million, the price keeps going up and we keep getting promised things, the question is if the project is not going to happen then what project is going to happen to improve traffic safety.

Council Member Faria said safety is the big concern, highway 152 is a state highway as is highway 165, the price tag for the bypass is ever-changing, it's a very complex situation along with acquisition, years ago the City took the lead to try and purchase

land for the bypass but the landowners kept moving the goalposts so we were never able to acquire the land, we are not going to see a bypass until the State deems it dangerous, there are many problems with crosswalks and medians on 152 and also the high rate of speed of people coming into town on the 165, he would like to see these concerns on the 165 from Los Banos to Hilmar, highway 59 from here to Merced is also a danger, with the flooding that goes across the road, Measure V was passed by the citizens of the Los Banos overwhelmingly, the citizens of Los Banos also passed a transportation tax overwhelmingly back in 2006 because they thought they were going to get the bypass out of it and the rest of the county did not pass it so nothing ever got fixed, his concern is that you have this many million dollars from Measure V to use on the Westside, MCAG needs to start looking at Los Banos as the major city that it is, it's the biggest city on the Westside and the second largest city in the County and has a huge traffic situation, we need to find a way to recoup those dollars and we need some help because it's a state highway which connects federal highways so it's the responsibility of the State and Federal Government who are pushing 30,000 cars a day through our town, he feels very passionately about this, he watched the bypass be built in San Joaquin County, he feels that the Federal government and State government need to come down and solve this problem, people are dying, it's a congestion problem, it's a pollution problem, it's a goods movement, it's time that the world looks at us and realizes how important Los Banos is and how heavily impacted our people are by these highways, would like to have an open conversation with CalTrans and come up with a solution but we need to have a commitment from MCAG to help Los Banos get what it deserves; Mr. Zepeda agreed to how complex the Los Banos Bypass issue is, that it will require a lot of communication and collaboration between the higher ups and agrees that they should start with a workshop or discussion, it's going to take a lot of funding from all the funding packages to get this problem solved.

Mayor Villata clarified that what we need to know is if not the bypass, then what, we need that question answered very quickly, maybe a meeting with Caltrans with MCAG and the City Manager is a good starting point at giving the citizens of Los Banos an answer about the bypass, the Westside only has access to \$76 million in regional funds so we need an answer so we can move forward with what we need to do.

Council Member Lewis stated that with the previous council that sat here back in the late 90s early 2000s when the bypass became a planning project here in Los Banos there were decisions is it going to be on the Southside or is it better on the Northside but she believes she heard something about CalTrans having property on the Southside, wonders if it is set in concrete as to where the bypass will be, but it CalTrans has land that will mitigate some of this problem then maybe we need to reconsider where this bypass is going to go; Mayor Villalta confirmed that is true and that they have a map of that.

Mayor Villalta stated that MCAG paid \$40,000 for a study where they were suppose to come up with an equity basis, all the jurisdictions on the Westside started getting out of the RTIF (Regional Transportation Impact Fee) because they thought they weren't getting the benefit out of the RTIF, has anything come up that where if member

jurisdictions are in the program that there's a way to track how the money they put in flows back into their city for which Mr. Zepeda said that is subject to further discussion, they have the findings of the update and they remind the jurisdictions that it's a voluntary program and do they still want to move forward with further discussions or maybe retooling this and looking at different approaches. Mayor Villalta explained that the question people are asking is we passed Measure V, so everyone is a partner agency on an equal basis within the district, so will it be unequal if you don't participate in RTIF so then all the money you put into Measure V won't go toward any of your projects for which Mr. Zepeda stated that it's an all or none concept, if one city opts out RTIF doesn't go forward. Mayor Villalta stated they are eager to cooperate but would like to be told if the Los Banos highways are safety concern or not, does it qualify because we can't move goods? Does it qualify because we have traffic issues? Does it qualify because we have 2,000 students and air pollution is an issue? If that is enough to make us the project that should be done in some form, either a bypass or a road that goes around the city for trucks or whatever else needs to be done to improve the congestion issue in Los Banos, does the safety needs of Los Banos move ahead of the Economic Development projects such as the Atwater/Merced Expressway and Campus Parkway, once we know we can communicate to the citizens of Los Banos where their tax dollars are going to go, he thanked Mr. Zepeda for coming tonight.

Mayor Villalta invited the public to come forward to speak. DAVID DEES, Los Banos, thanked Mr. Zepeda for his professional presentation and congratulated Council for their deep knowledge on this issue, this issue has an the emotional impact on our community, 66% of our community commute, our people are in traffic every single day, we are losing people because of safety issues that were identified over fifty (50) years ago, that's insane and it needs to be fixed, it's a tragic issue for families that have lost loved ones, he appreciates the responses and questions the Council had but fifty (50) years is too long; ANN McCAULEY, Los Banos, we worked over in the bay area for many years but luckily didn't have to make the daily commute, she agrees with David Dees that the bypass is critically important, if at all possible just make it a truck bypass because there is no reason for an 18-wheeler truck to stop in town nor is there anywhere for them to park unless it's at an empty shopping center parking lot, or make the bypass closer so that the exits are close enough to town to still make our exits, we are a bedroom community, the traffic is crazy, we definitely have traffic issues, Los Banos pulled out of the RTIF and wants to make sure that we do not lose some standing, hoping the land that Caltrans owns is closer to town than what is proposed so that way if a full bypass is built people can still exit off and stop in town to shop or eat, for all these reasons we need some concern on the Westside as to what is happening with the traffic and air issues, traffic is stacked up all the way through town in the evening, thanked Council. No one else came forward.

Mayor Pro Tem Silveira thanked Mr. Zepeda for being here tonight and appreciated the tone and approach that he's taken, asked what the parameters are for setting up the Citizens Oversight Committee and is also curious to know if there's going to be language for the eastern and western regional committees and what is going to govern them for which Mr. Zepeda said it is included in the Measure documentation that was

approved by the voters, the regional committees will come together after the strategic committee is formed, once revenues are received the strategic committee will begin to meet; Mayor Pro Tem Silveira asked what the parameters are for people to get on the Citizens Oversight Committee (strategic committee) for which Mr. Zepeda said it is laid out in the attachments provided to Council. Mayor Pro Tem Silveira commended his fellow Council tonight for expressing their desire and want for a bypass, explained why he felt the lb bypass was the #1 project and explained how he thinks it went sideways due to gamesmanship that went on and that finally Council was just discouraged with promises that never came through, now with having a partial funding source in Measure V and the safety issues are being favored by Council, hopefully it can move forward now.

Mayor Villalta spoke about how very fortunate we are on the Westside as we only have five (5) voting members on the regional committee, the Eastside has about fifteen (15) voting members, no rules have been laid out so the members have to work out how they're going to work out the regional money, the history is not something he is going to belabor anymore, he wants fairness for all cities in the Merced County, Planada and Delhi as well as other little cities are going to be governed by the County and not a local governance, he wants safety issues to be dealt with before people line their pockets with money.

Council Member Faria thanked Mr. Zepeda for coming tonight and for his very clear and pleasant presentation, geographical equity should become our buzzword moving forward as we discuss this, very pleased to hear that term come from an MCAG person and is looking forward to discussing geographical equity, the makeup of the MCAG board is mathematically different, thanked Mr. Zepeda once again.

Council Member Johnson Santos can't speak to the bypass history, but while campaigning she noticed many people were very interested in having this bypass, whether it be for safety or traffic reasons she can't wait to see how this is going to turn out and hopes for the best, thanked Mr. Zepeda.

Mayor Villalta stated how this Council is unified, whatever supports a safety measure for Los Banos moving forward is what's most important above anything else, wants this project to move forward with honesty and sincerity, hopes the community will stand beside Council so the community can get what it deserves after all these years, thanked Mr. Zepeda for coming tonight.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION REGARDING A CONDITIONAL USE PERMIT AND CALIFORNIA ENVIRONMENTAL QUALITY ACTION (CEQA) EXEMPTION TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE, LAS PALMAS TAQUERIA Y MARISCOS, LOCATED AT 502 PACHECO BOULEVARD, APN 026-044-035; CITY COUNCIL RESOLUTION NO. 5838 – APPROVING CONDITIONAL USE PERMIT #2016-21 FOR THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN

CONJUNCTION WITH AN EATING PLACE FOR LAS PALMAS TAQUEIRA Y MARISCOS LOCATED AT 502 PACHECO BOULEVARD.

Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that Kathy Ballard submitted a letter of opposition which she read into the record and spoke to the Planning Commission's discussion and approval.

There was staff discussion regarding the signage, walkways, and the type of barrier required to allow the consumption of alcohol outside for which Community & Economic Development Director Elms stated that it would be a 4-foot, well-grounded, visibly see through barrier, for traffic purposes, and which will also allow the business owners to regulate their patrons and the alcohol they would be serving outside. The business owners stated if their permit is approved, they would initially serve alcohol inside only and once they gather the necessary expenses for the barrier, they would then serve outside.

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

Motion by Faria, seconded by Silveira to approve City Council Resolution No. 5838 – Approving Conditional Use Permit #2016-21 for the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place for Las Palmas Taqueria Y Mariscos Located at 502 Pacheco Boulevard. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5839 – ADOPTING A REVISED BUDGET FOR THE 2016-2017 FISCAL YEAR AS IT PERTAINS TO REVENUE AND EXPENDITURES IN THE FIRE DEPARTMENT FUNDS ASSOCIATED WITH STATE HOMELAND SECURITY GRANT FUNDS FOR THE PURCHASE OF A MOBILE DECONTAMINATION TRAILER AND ACCESSESORIES. Fire Chief Marrison presented the staff report.

Motion by Silveira, seconded by Faria to approve City Council Resolution No. 5839 – Adopting a Revised Budget for the 2016-2017 Fiscal Year as it Pertains to Revenue and Expenditures in the Fire Department Funds Associated with State Homeland Security Grant Funds for the Purchase of a Mobile Decontamination Trailer and Accessories. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5840 – ADOPTING THE 2017 CITY OF LOS BANOS' EMERGENCY OPREATIONS PLAN REVISION AND THE 2017 EMERGENCY OPERATION CENTER ANNEX. Fire Chief Marrison presented the staff report.

Motion by Faria, seconded by Silveira to approve City Council Resolution No. 5840 – Adopting the 2017 City of Los Banos' Emergency Operations Plan. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms reported that there are two public hearing notices. The first notice is for a final development plan investing tentative tract map for Dove Hollow Villages VII at Stonecreek to be considered by the Planning Commission for a subdivision of approximately 75 acres to 335 single-family residential lots. The second notice is for site plan review #2017-01 for City Hall expansion on the east side of City Hall enclosing the courtyard area. These public hearings will be held at the Planning Commission meeting on Wednesday, February 22, 2017 at 7:00 p.m. in the Council Chambers.

Mayor Villalta asked if the 335 homes is in a previously annexed area for which Community & Economic Development Director Elms said yes they are and that all this is within the Stonecreek area plan.

CITY MANAGER REPORT. No report.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Hoped everyone had a nice Valentine's Day, loves to see families celebrating and seeing all the vendors along the street selling some neat things, all these vendors had their special permits that the City does check on, Saturday night Antsy McClain and the Troubs a.k.a. the Trailer Park Troubadours will be performing at the Ted Falasco Arts Center on Saturday night, tickets in advance are \$25 per person and \$30 the night of the show, the price is well worth it, he's seen their show before and it's very funny, try to support all the great stuff that comes to town.

DARONICA JOHNSON-SANTOS: Nothing to report.

DEBORAH LEWIS: February is Black History Month and she took an opportunity to find some statistics and share with the community various accomplishments and inventions created by various African Americans, she spoke about how she takes great pride in sharing these inventions that are used in today's society for everyday use and in the medical field.

SCOTT SILVEIRA: Nothing to report.

MAYOR MICHAEL VILLALTA: Spoke about the loss of a member of the teaching community, Jenny Marshall, she was at Henry Miller for forty (40 years), she was another pioneer of education in Los Banos, wished all a happy past Valentine's Day, President's Day coming up next Monday and that's to celebrate Washington and Lincoln's birthday.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT 1111 G STREET, LOS BANOS, CALIFORNIA, (APN 026-161-003, 026-161-008 (PORTION)), APPROXIMATELY 6.04 ACRES; CITY NEGOTIATORS: CITY

MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE; NEGOTIATING PARTIES: SAM WATSON; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No reportable action.

ADJOURNMENT. The meeting was adjourned at 10:05 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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