

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 1, 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, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira, 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.

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. BERTHA

FARIA, Los Banos Chamber of Commerce, spoke regarding a couple of items on the Chamber's calendar and would also like to speak on Item 10 later in the agenda regarding a Farmer's Market, the Milliken Museum will hold its Arbor Day Breakfast at the Miller & Lux Building on Friday, from 7:00 a.m. – 10:00 a.m. with tickets priced at \$8, registration for the Second Annual Hometown Throwdown Barbecue Cook-off sponsored by Barbecue Pros has begun, teams can pick up their competitor packets at 720 I Street for the Spring Fair Cook-off on Sunday, May 7, 2017, JMG Fabrics will be participating in the 2017 Quilters March Madness with a shop-hop challenge along with eleven other shops in our area on March 9-12, 2017 and visit www.quiltersmarchmadness.net for more information and to learn how you can win some great prizes; ADAM SHASKY, Shasky Farms, spoke in support of a Farmer's Market this summer and stated that he would like to speak on Item 10 later in the agenda regarding a Farmer's Market; JOY MENDES, Los Banos Chamber of Commerce Vice President, would like to speak on item 10 later in the agenda regarding

the possibility of a Farmer's Market. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Lewis to approve the consent agenda as amended as follows: Check Register for #203345 – #203533 in the Amount of \$806,706.46; Minutes for the February 15, 2017 City Council Meeting; City Council Resolution No. 5841 – Approving the First Addendum to Agreement for Professional Services between the City of Los Banos and Stantec Consulting Services Inc. Related to the Design of Wastewater Treatment Plant New Headworks Project in the Amount of \$109,000; City Council Resolution No. 5842 – Authorizing the Release of Unclaimed Checks Pursuant to California Government Code Section 50050 and 50053 to the City of Los Banos. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5843 – ADOPTING A REVISED BUDGET FOR THE 2016-2017 FISCAL YEAR BUDGET AS IT PERTAINS TO REVENUES AND EXPENDITURES ASSOCIATED WITH THE MID YEAR BUDGET REVIEW. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

Mayor Pro Tem Silveira inquired as to when it would be more cost-effective to hire our own employees to instead of contracting services through CSG for which Finance Director Williams stated more than likely never because they're on an as-needed basis and if the City hired employees to do this, there would be a lot of layoffs and rehiring, the services contracted through CSG are at a minimal cost to us as we are paying less than before.

Council Member Lewis inquired as to what the code enforcement transfer out was for and Finance Director Williams stated it was for a vehicle. Council Member Lewis also asked about the \$120,000 for three new police vehicles and wanted to know whether this number was inclusive of the numbers given under the Police Department in the presentation for which Finance Director confirmed it was.

Council Member Johnson-Santos talks about the decrease in Community Center funds and wondered if it will affect the employees over there for which Finance Director Williams stated it would not.

Council Member Silveira wanted to know if there's anything the City can do to get in a better financial position besides budgeting more money for which Finance Director Williams stated that the City has been in this position before and will need to have cutbacks and watch spending.

Council Member Lewis inquired if PERS keeps separate accounts for each municipality for which Finance Director Williams explained it's all in one big pot.

Council Member Faria commended the Finance Department on the \$9.1 million reserve because the City may need it and employees may get more cut out of their check.

Mayor invited the public to come forward and speak. COLEEN CRAWFORD, Los Banos, asked if the CalPERS rates are set in stone or can they change for which Finance Director Williams said they could change.

Mayor Villalta thanked the Finance Department also and noted that the reserve could come in handy.

Motion by Faria, seconded by Lewis to approve City Council Resolution No. 5843 – Adopting a Revised Budget for the 2016-2017 Fiscal Year Budget as it pertains to Revenues and Expenditures Associated with the Mid Year Budget Review Including Amendment to Exhibit A. The motion carried by the affirmative action of all Council Members present.

Finance Director Williams thanked her staff and spoke about how much hard work they have put into the budget.

CONSIDERATION OF APPROVAL TO RELEASE A REQUEST FOR PROPOSALS (RFP) TO SEEK QUALIFIED CONSULTING FIRMS TO PERFORM A DEVELOPMENT IMPACT FEE NEXUS STUDY(S).

Finance Director Williams presented the staff report and stated that the Finance Department is just looking for direction from Council as to whether or not they believe this study is needed.

Mayor Pro Tem Silveira inquired as to what is driving this study other than that it hasn't been done since 2006, is staff or Department Heads feeling as if the fees are too low and also wanted to know if the estimated cost of \$100,000 included the two or three (2 or 3) studies mentioned or if it was \$100,00 per study for which Finance Director Williams stated the estimate she got from a consultant was \$50,000 for the general impact fees and the wastewater storm drain and from there she estimated another \$50,000 for the traffic. Mayor Pro Tem Silveira feels that if there is no immediate need to take a look, then why do so, what if the fees come back lower than what they are, causing the City to have to lower them. We have a healthy reserve and tough economic times are coming. Finance Director Williams stated that one of the driving forces for this study is the CIP, much infrastructure is in need of repair or total replacement due to the impact on the City and its growing population. Mayor Pro Tem Silveira stated that new development needs to pay for their impact on the City. Finance Director Williams spoke about how AB 1600 is a requirement and another driving force, fees are collected and a plan must be in place on how to spend the fees because if they are not spent, they will go back to the developer after a certain time, the \$100,00 for this study will not come out of the General Fund but out of the Impact Fee Accounts.

Council Member Johnson-Santos spoke about how the last development study was done in 2006 and inquired as to how often these are usually done for which Finance Director Williams answered probably about every five (5) years but with that there's a CPI increase built in, but we stopped CPIs back in 2009.

Mayor Villalta wanted to confirm that the motion was to go out for the RFP and then have the issue brought back to Council to review where the money is going and whether or not the City would want to proceed at that time for which Finance Director Williams confirmed that is correct.

Council Member Faria believes eleven (11) years is a long time, the study could come back that our fees are too high but he doubts that, believes the City needs to take a look.

Motion by Faria, seconded by Lewis to approve the release of a request for proposals to seek qualified consulting firms to perform a development impact fee nexus study(s). The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5844 – ADOPTING THE CITY OF LOS BANOS SPEED CUSHION POLICY & PROCEDURE.

Police Chief Brizzee presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the criteria needed to be met in order for the street in question to be eligible for speed cushions, the cost of the speed cushions and how they would be paid for, and what the speed cushions themselves would actually look like.

Mayor Villalta asked if the cost for some of these cushions could be used with funds from Measure V for which Police Chief Brizzee confirmed it is a possibility.

Council Member Faria inquired as to whether other cities use the criteria where 100% of the neighbors must be on board with these cushions and whether the people speeding on these streets could perhaps be the people who live on these streets, he believes the City should be the decision maker as to whether or not speed cushions are installed in certain areas for which Police Chief Brizzee state these cushions will be driven by the resident requests, they are designed to be add-ons on the roadway, and in order to be successful they need the surrounding neighbors' approval. Council Member Faria spoke about how he feels speed cushions would be beneficial in the new developments for which Police Chief Brizzee said that staff is open to the idea of traffic calming measures for new developments.

Fire Chief Marrison spoke to the history behind not allowing speed cushions and how they have been an issue for emergency response vehicles, asked Council to keep in mind that when these are deployed it will delay the response times for ambulances, he understands that some neighborhoods get impacted by growth around them and sees how deploying these can help in some cases, he's not in support of speed cushions in new development.

Mayor Villalta spoke about how it's all a balancing act between traffic calming and emergency response measures and how not everyone is going to be happy, mentioned

this is a living document and how the City will be able to weigh out the good and bad, he appreciates the comments by Fire Chief Marrison and they are well received.

Council Member Faria appreciates Fire Chief Marrison's comments as well, happy about going after these streets without calming measures. Police Chief Brizzee spoke about how Fire Chief Marrison has been very consistent in his message, but this is a tool to help the Police Department minimize the speeding complaints they receive, he understands the concerns the Fire Chief has and appreciates him bending to the degree he has on this issue.

Council Member Lewis thanked Police Chief Brizzee for the presentation and the Fire Chief for his concerns, asked if the \$20,000 budgeted for this is going to be coming out immediately or if they will wait for funds from Measure V for which Police Chief Brizzee stated that there is no rush to get immediate funding in there right away, it is a very lengthy process and believes that the 2017/2018 fiscal year is soon enough; Council Member Lewis asked again if in the future funds from Measure V will be used for these speed cushions for which Police Chief Brizzee stated that he is hopeful, but not quite sure yet.

Council Member Lewis spoke about how she had done some research and found that Manteca and Stockton made reference to their ½ percent sales tax that was passed by the citizens and they set aside money for each district, she would like to see each district have equal access to funding for these speed cushions. Council Member Lewis asked for clarification as to the slow response times for emergency response vehicles and the noise increase for which Police Chief Brizzee explained that instead of just passing by, cars would be having to decelerate, brake, then accelerate at these speed cushions and these vehicles could also be playing loud music, there are a lot more sounds involved with these speed cushions as opposed to cars just passing through. She spoke about how not all streets in Los Banos are suitable for speed cushions, she spoke to the Director of the program in Stockton who said they do install these traffic calming measures on "collector" streets, but not on arterial streets, all streets are not suitable for speed cushions, streets that are 25 mph and are narrow are not of a big concern since traffic is forced to slow, she is concerned with the wider streets with higher speed limits that have houses fronting them, she would like collector streets to be included in the policy. Police Chief Brizzee stated those are very good concerns, he directed her attention to page five to review the minimum criteria.

There was further staff discussion pertaining to the minimum criteria and which of those are absolutely necessary and which ones could be flexible, the impact speed cushions will have on the neighborhood, and the total amount of time the entire process would take to get speed cushions installed. The effect on the City's streets during the installation of these speed cushions was also discussed as well as the cost and how the Traffic Safety Committee can determine a need for these cushions even if it is not wanted by the neighbors. Council would like to see how the first petition/application turns out and would like to see how these speed cushions are doing/being taken after a year. Mayor Pro Tem Silveira reminded that these cushions are not to be used all

around the City and mainly just for those streets of concern. Council Member Lewis encouraged the public who is wanting these speed cushions to invite surrounding streets to be a part of the discussion.

Motion by Lewis, seconded by Faria to approve City Council Resolution No. 5844 – Adopting the City of Los Banos Speed Cushion Policy & Procedure and to bring the policy back for review and update. The motion carried by the affirmative action of all Council Members present.

Mayor Villalta called for a brief recess.

The meeting reconvened.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5845 – AUTHORIZING CITY SUPPORT OF THE LOS BANOS CHAMBER OF COMMERCE IN THE DEVELOPMENT OF A CERTIFIED FARMER’S MARKET AND AMENDING THE 2016-2017 BUDGET BY INCREASING THE COMMUNITY & ECONOMIC DEVELOPMENT EXPENDITURES IN THE AMOUNT OF \$1,215. Council Member Faria recused himself from this item explaining it is brought forward by the Los Banos Chamber of Commerce and his wife is the Executive Director of that organization and it would be a conflict of interest and then left the council chambers.

City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

Mayor Villalta invited the public to come forward to speak. BERTHA FARIA, Los Banos Chamber of Commerce, read a prepared statement in support of the Farmer’s Market being proposed; JOY MENDES, Los Banos Chamber of Commerce Vice President, spoke in support of the proposed Farmer’s Market and spoke to the one held where she grew up and how it blossomed, people coming together in the community was an awesome time growing up, she lives closer to the Dos Palos area and fresh produce isn’t always at hand as much as she’d like for her healthy eating habits, she prefers to stay local and support her local farms here in Los Banos as opposed to driving an hour to the nearest Farmer’s Market, feels this is a way for the Chamber of Commerce to get involved with the community and not just its business members, the Farmer’s Market would be a time for all the businesses and communities within Los Banos to come together as a whole instead of going to only their association.; ADAM SHASKY, Shasky Farms, spoke in support of the proposed Farmer’s Market, he acknowledged the fact that there have been previous Farmer’s Markets held at Pacheco Park but believes the venue wasn’t the best, the community is evolving and he feels that majority of the population in Los Banos are commuters/city people who are looking for something to do, he feels a late afternoon into an evening market would be a good thing for the community, admits he was a bit hesitant on getting involved with another Farmer’s Market here in Los Banos because the previous times hadn’t gone so well but believes it would be better this time around with the new venue and new idea.

There was staff discussion regarding the amount of vendors expected to participate, the initial cost of the market until it becomes self-sustaining, what the funds will be responsible for covering, how the certified/non-certified goods will be handled, and the ability to tell whether or not the Farmer's Market is financially succeeding.

Motion by Lewis, seconded by Johnson-Santos to approve City Council Resolution No. 5845 – Authorizing city Support of the Los Banos Chamber of Commerce in the Development of a Certified Farmer's market and Amending the 2016-2017 Budget by Increasing the Community & Economic Development Expenditures in the Amount of \$1,215. The motion carried by the affirmative action of all Council Members present, Faria abstaining.

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

APPOINTMENT OF COMMISSIONERS TO THE FOLLOWING CITY COMMISSIONS: AIRPORT ADVISORY COMMISSION – ONE (1) VACANCY; PARKS & RECREATION COMMISSION – TWO (2) VACANCIES. Motion by Villalta, seconded by Lewis to appoint Annette Stichel to the Airport Advisory Commission. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta, seconded by Faria to appoint Rula Axibal and Rhonda Harper to the Parks & Recreation Commission. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. City Manager Terrazas stated that he attended the Homeless Summit recently along with Mayor Villalta and Council Member Johnson-Santos and believes they may have some comments to make, congratulated the Mayor on his recent appointment as the Chair of MCAG, believes that is a good appointment to the City and is looking forward to working with him on that board.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Thanked Parks and Recreation for completion of their basketball season, she attended a lot of the games and thought it was great, spoke regarding the Homeless Summit she attended and how our counts went up by 25 here in Los Banos would like to help to bring those numbers down.

DEBORAH LEWIS: Stated that March 3, 2017 is Arbor Day and it is being held at Oliveria Park at 4:00 p.m. with an Arbor Day breakfast at the Miller & Lux building with a cost of \$8 per ticket and believes it starts at either 7:00 a.m. or 8:00 a.m., invited the community to come out and enjoy the breakfast, thanked staff for the budget information, you always do an excellent job especially in the PERS situation, she believes the cushion ordinance is very important and thanked the staff for being patient with her and her questions.

SCOTT SILVEIRA: Stated that March 2, 2017 he will be attending Mercey Springs Elementary School to read some Dr. Seuss books, reminded that you have until 11:59 pm tonight to enter your livestock animals for the Los Banos May Day Fair, March 11, 2017 is the Spring Classic Golf Tournament which is a spinoff of the Ken Anderson Memorial tournament raising money for the American Cancer Society and the Los Banos Arts Council, spoke regarding RTIF and some comments and concerns he had last month, he stated that if one group was not in favor of it than was dead, with that being said if it is the same exact plan that was in place before then he is not in favor of it, he knows that MCAG spent \$40,000 on a study for a new program but unless that program has a new way similar to what Measure V did where money extracted from a certain jurisdiction had to be spent in that jurisdiction, than he is not in favor of it, he doesn't want to waste a bunch of peoples time talking about RTIF and going through the process because it hasn't worked out very well for Los Banos.

TOM FARIA: Stated that Los Banos High School Drama is a doing "You're A Good Man, Charlie Brown" on March 16th and 17th, 2017, a nice event for children and their families, the students are working very hard and are doing a good job, Friday is Arbor Day breakfast and celebration in the afternoon, nice community event, have a great week and enjoy all the good things to happen.

MAYOR MICHAEL VILLALTA: Stated that he has asked the City Manager to go to MCAG and get answers regarding the RTIF in response to Mayor Pro Tem Silveira's comments, they are all concerned about this issue and said if need be the issue will be brought back to Council with more answers, he has asked for a homeless presentation to speak regarding the services in the county for presentation at the March 15, 2017 meeting, someone from Merced will be coming and speaking about this issue, the numbers going up were about sixteen (16) people and he explained how the numbers went up because there was a homeless contingent outside city limits that was broken up and some were flooded out of their areas which caused them to come to Los Banos, wants to do whatever he can to help those who accept the help but some don't want help and are causing trouble in town which is intolerable, MCAG is in the process of outlining projects in priority in reference by Measure V and how they identify projects, everyone is aware of how they feel Highway 152 is a safety hazard and an air quality issue and it needs to be addressed, it's his understanding that air quality issues and safety issues will be moved to the top of the list, asked the Police Chief Brizzee to come up and give an update on Highway 152 and 11th street; POLICE CHIEF BRIZZEE stated there has been a lot of discussion regarding the crosswalk at 11th Street and Pacheco, back in October the Police Department engaged Caltrans in discussion and has been since then very regularly, they've had a good response from them and the person assigned to the City's division, they see and hear what is going on on social media, doesn't want to commit to what the changes are or when they will be installed because it is based solely on Caltrans, he is pretty confident that we will see some changes to that crosswalk in the near future, he along with Public Works Director/City Engineer Fachin and the City Manager met with Caltrans today and they are starting on Monday on the new HAWK system on Mercey Springs and Scripps for Mercey Springs Elementary, a press release will come out talking about Scripps, Mercey Springs and

11th/Pacheco and what the HAWK system is about; MAYOR VILLALTA stated that if these issues need to be discussed further then we will bring them back to Council as informational items as we get more updates.

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