

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
MARCH 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 Daronica Johnson-Santos, Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: Tom Faria.

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, City Clerk/HR Director Mallonee, Police Chief Brizzee, Finance Director Williams, Assistant Fire Chief Hurley, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

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

**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, Los Banos resident and employee of Republic Services, spoke regarding the Annual Spring Clean Up on Saturday, April 8, 2017 from 7:00 a.m. – 2:00 p.m. at the Merced County Spring Fairgrounds parking lot at the corner of 4<sup>th</sup> Street and F Street, explained what can be dropped off for disposal, how the Salvation Army and Habitat for Humanity will also be there accepting donations, thanked the City Council and Finance Department for sending the Planning Commissioners to the Planning Commissioners Academy they recently went to, he learned a lot and noted how organized our City is and how well it is run, he is thankful for having Stacy Elms as the Community & Economic Development Director and for her knowledge; PALMER McCOY, Los Banos, inquired as to an item on the Consent Agenda regarding the electric vehicle charging station, noted that if the electric charging station were to be located in the City Hall parking lot where would it be because the parking lot isn't very big, also asked if the City would be charging people to use them for which Mayor Villalta said he would pull that

item off of the consent agenda so those questions could be addressed. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Silveira, seconded by Johnson-Santos to remove item 6C – City Council Resolution No. 5846 – Approving the Submittal of a Charge Up! Electric Vehicle (EV) Charging Station Program Grant Application to San Joaquin Valley Air Pollution Control District (SJVAPCD) and Authorizing the City Manager to Sign all Necessary Documents Related to the Grant for separate presentation and approval. The motion carried by the affirmative of all Council Members present, Faria absent.

Motion by Silveira, seconded by Johnson-Santos to approve the consent agenda as amended as follows: Check Register for #203534 – #203740 in the Amount of \$990,984.10; Minutes for the March 1, 2017 City Council Meeting; ~~City Council Resolution No. 5846 – Approving the Submittal of a Charge Up! Electric Vehicle (EV) Charging Station Program Grant Application to San Joaquin Valley Air Pollution Control District (SJVAPCD) and Authorizing the City Manager to Sign all Necessary Documents Related to the Grant.~~ The motion carried by the affirmative of all Council Members present, Faria absent.

**CITY COUNCIL RESOLUTION NO. 5846 – APPROVING THE SUBMITTAL OF A CHARGE UP! ELECTRIC VEHICLE (EV) CHARGING STATION PROGRAM GRANT APPLICATION TO SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS RELATED TO THE GRANT.** Community & Economic Development Director Elms presented the staff report. She stated that staff has identified two spots in the City Hall parking lot nearest the PG&E power pole; both spots will be marked with appropriate signage and one spot needs to be ADA compliant; staff is also looking to pursue a grant to purchase an electric vehicle but will need to have the infrastructure first before being eligible for this grant; payment at this charging station is done electronically like at a gas pump through credit card use; a third party, with which the City will have an agreement with, will be responsible for the software side of the charging station, but the City will be responsible for maintenance of the stations.

Mayor Villalta wanted to clarify if it was mandatory for one of the EV parking spaces to be used for regular parking for which Community & Economic Development Director Elms said that one space is for EV charging only and that the second space could be used as regular parking if need be, but that it is ultimately up to the drivers to follow the signage. Mayor Villalta asked if it was possible to block both spots off for EV charging only for which Community & Economic Director Elms said through signage it is possible. Mayor Villalta would like to see the two spaces designated for EV charging only and also inquired as to what kind of chargers these are and how long it takes to charge a car for which Community & Economic Development Director Elms stated it takes about two hours to get a full charge on the car, making it a medium charger not a rapid charger.

Council Member Lewis wanted clarification as to where exactly the two charging stations would be located in the City Hall parking lot for which Community & Economic Development Director Elms stated one would be on the employee side of the parking lot, the other would be on the customer side, both being right next to the power pole closest to the alley.

Mayor Pro Tem Silveira inquired about one of the charging stations needing to be ADA accessible and how that worked for which Community & Economic Development Director Elms explained that one of the two charging stations needed to be able to accommodate a large van and that if a particular vehicle is needing to charge and they need ADA accommodations, they should park in the charging spot created for ADA compliance. Mayor Pro Tem Silveira asked how many parking spots we would lose to these charging stations since one needs to be wider for ADA compliance for which Community & Economic Development Director Elms stated that she and others working on this project believe that there is enough room on the customer parking side to accommodate this ADA compliant station without losing an additional customer parking space. Mayor Pro Tem Silveira wanted to be sure the \$10,000 the City is applying for would be enough to cover all costs for this project for which Community & Economic Development Director Elms stated they are confident the grant would cover more than enough.

Mayor Villalta asked if the signs for the stations could say 'EV Charging Station Only' and 'ADA Charging Station Only' for which Community & Economic Development Director Elms said yes and she also stated that the ADA compliant station was necessary to put in so those who need it will be accommodated. She further noted that she would report back to Council once things got moving along with the project.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 5846 – Approving the Submittal of a Charge Up! Electric Vehicle (EV) Charging Station Program Grant Application to San Joaquin Valley Air Pollution Control District (SJVAPCD) and Authorizing the City Manager to Sign all Necessary Documents Related to the Grant. The motion carried by the affirmative action of all Council Members present; Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTION OF THE 2017 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS IN ITS IMPLEMENTATION; CITY COUNCIL RESOLUTION NO. 5847 – CONSIDERATION OF ADOPTION OF THE 2017 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS IN IT'S IMPLEMENTATION.** Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

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

Council Member Johnson-Santos asked if once this is submitted, can the goals be moved at our own discretion or is it set in stone for which Community & Economic Development Director Elms said we can progress faster, but cannot progress slower, we have to complete these goals by 2023, finishing the goals quicker would be kudos to the City but doing less would be frowned upon and could cause the City to not be in compliance with the housing element. Council Member Johnson-Santos asked if the goals had to be completed in a certain order for which Community & Economic Development Director Elms said they are not listed in a particular priority order, that all the goals hold the same priority.

Mayor Villalta asked if she remembered when the ten (10) year plan to end homelessness was signed for which Community & Economic Development Director Elms said she believed it was signed in 2010 so the goal is set to be met in 2020. Mayor Villalta stated when the presenter for this item comes to the April 5, 2017 meeting, he would like to ask her about the status of this issue to make sure it's making progress along with the housing element.

Motion by Silveira, seconded by Johnson-Santos to approve City Council Resolution No. 5847 – Consideration of Adoption of the 2017 Annual Report on the Status of the Housing Element of the General Plan and Progress in its Implementation. The motion carried by the affirmative action of all Council Members present; Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ANNEXATION NO. 9 TO THE CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-01, PUBLIC SAFETY SERVICES, RELATIVE TO TENTATIVE TRACT MAP #2013-01 FOR HARVEST GROVE LOCATED AT THE NORTHEAST CORNER OF WILLMOTT AVENUE AND NORTH STREET; CITY CLERK RESOLUTION NO. 5848 – CALLING AN ELECTION REGARDING ANNEXATION NO. 9 TO CFD NO. 2002-01, PUBLIC SAFETY SERVICES, RELATIVE TO TENTATIVE TRACT MAP #2013-01 FOR HARVEST GROVE LOCATED AT THE NORTHEAST CORNER OF WILLMOTT AVENUE AND NORTH STREET; RESOLUTION NO. 5849 – DECLARING THE ELECTION RESULTS REGARDING ANNEXATION NO. 9 TO CFD NO. 2002-01, PUBLIC SAFETY SERVICES, RELATIVE TO TENTATIVE TRACT MAP #2013-01 HARVEST GROVE LOCATED AT THE NORTHEAST CORNER OF WILLMOTT AVENUE AND NORTH STREET.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

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

Mayor Villalta asked if there was any discussion or questions from the members of the Council and there were none.

Mayor Villalta asked City Clerk Mallonee if she had received any written protests to any of the matters addressed in this public hearing from any registered voters or landowners

of more than 50% of the acreage located within Annexation No. 9 for CFD No. 2002-01 and there were none.

Motion by Silveira, seconded by Johnson-Santos to approve City Council Resolution No. 5848 – Calling an Election Regarding Annexation No. 9 to CFD No. 2002-01, Public Safety Services, Relative to Tentative Tract Map #2013-01 for Harvest Grove Located at the Northeast Corner of Willmott Avenue and North Street. The motion carried by the affirmative action of all Council Members present, Faria absent.

A short recess was called to conduct the election results.

City Clerk Mallonee reported that the City has received 11 'yes' votes and 0 'no' votes.

Motion by Silveira, seconded by Lewis to approve City Council Resolution No. 5849 – Declaring the Election Results Regarding Annexation No. 9 to CFD No. 2002-01, Public Safety Services, Relative to Tentative Tract Map #2013-01 Harvest Grove located at the Northeast Corner of Willmott Avenue and North Street. The motion carried by the affirmative action of all Council Members present; Faria absent.

**CONSIDERATION OF APPOINTMENTS TO MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) MEASURE V CITIZENS OVERSIGHT COMMITTEE.** City Terrazas presented the staff report.

Motion by Silveira, seconded by Johnson-Santos to have Mayor Villalta and Mayor Pro Tem Silveira review the applications received for recommendation to the City Council for approval for nomination to the Measure V Oversight Committee for approval and to authorize the advertising of such. The motion carried by the affirmative action of all Council Members present, Faria absent.

**CONSIDERATION OF APPOINTMENT OF A COUNCIL MEMBER AND AN ALTERNATE TO THE VALLEY-WIDE SPECIAL CITY SELECTION COMMITTEE ASSOCIATED WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD).** City Clerk/Human Resources Director Mallonee presented the staff report.

Mayor Villalta inquired if Mayor Pro Tem Silveira and Council Member Lewis were interested in being appointed to the Valley-wide Special City Selection Committee with the SJVAPCD for which they both indicated they would.

Motion by Villalta, seconded by Silveira to appoint Mayor Pro Tem Silveira as the representative to the Valley-wide Special City Selection Committee with the SJVAPCD and Council Member Lewis as the alternate. The motion carried by the affirmative action of all Council Members present; Faria absent.

**ADVISEMENT OF PUBLIC NOTICES (One Report).** Community & Economic Development Director Elms stated the Planning Commission will be recommending to

the Council a general plan amendment and zone change, and also a mitigated negative declaration for Sunset Hills Development. She explained the item in further detail and said the Planning Commission will be considering this item on Wednesday, March 22, 2017 at 7:00 p.m. in the Council Chambers.

**CITY MANAGER REPORT.** City Manager Terrazas stated that he had the pleasure of participating in Portfolio Day at Pacheco High School along with several other City employees, next week he will be at Los Banos High School to do the same event.

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

**DEBORAH LEWIS:** No reports but inquired as to some time ago Council had requested that City work with the community for street closures, and permits for parades and the costs of these permits, she stated this issue was planned to come back to Council for review and wanted to know where the City was in that process for which City Manager Terrazas said it is scheduled to come back very soon in either April or May.

**SCOTT SILVEIRA:** Spoke about a volunteer recognition program through the Merced County Board of Supervisors, he read some details about it and stated there was an application form to nominate someone, he would like the form to be put up on the website for citizens to nominate anyone who has participated in outstanding volunteer service, he noted that Ann McCauley is on the interviewing committee and therefore the Westside has some representation; spoke about the May Day Fair and how it will take place from May 3, 2017 – May 7, 2017, congratulated Antone Giannone for being chosen as the 2017 May Day Fair Grand Marshal, he feels he will do an outstanding job at representing the Fair and our community; coming up on Saturday, April 8, 2017 is the kickoff dinner for the fair, it will be held at the fairgrounds and tickets are available at the fair office which is open Monday through Friday from 8:00 a.m. until noon and then 1:00 p.m. until 5:00 p.m., the phone number for the office is (209) 826-5166; reminded that he is on the Fair Board and so he may not attend the May 3, 2017 City Council meeting since it is the opening day of the Fair unless there is very important business on the agenda.

Mayor Villalta mentioned that other Council Members or staff may also have other matters to attend to aside from the fair that day, so he would like staff to discuss possibly recommending the cancellation of the May 3, 2017 City Council meeting.

**TOM FARIA:** Absent.

**DARONICA JOHNSON-SANTOS:** No report.

**MAYOR MICHAEL VILLALTA:** Spoke regarding the trap shooting event he attended at the Los Banos Sportsmens Club, there were no less than 385-400 kids ages 18 and under who were safely competing in trap shooting, in addition to those kids were the parents that were there supporting them, the good will that organization brought to town was phenomenal, he complimented and congratulated the local students and the

students from out of town; if you missed the April 8, 2016 trash collection last year, this is a day you are able to clean up and properly dispose of hazardous waste around the house, remember this year's event will be on April 8, 2017 at the fairgrounds parking lot from 7:00 a.m. until 2:00 p.m., you can bring as many loads as you would like to bring, thanked Public Works Director/City Engineer Fachin and the Los Banos Fire Department for allowing them to bring this trash event to town; the Rotary Crab Feed will be on March 31, 2017, tickets are selling fast and it is always a sold out event so contact a Rotarian to get your tickets; spoke about the new stop signs by Circle K on West I Street and how people are stopping and that these safety procedures were much needed at that location, thanked all involved for making it happen, as we get more money we will be making more improvements including the enforcement of the new speed cushion policy; spoke regarding the City's code enforcement team and encouraged citizens to report items of concern so the issues can be addressed or citations will be issued

**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 8:20 PM to 8:30 AM, Monday, March 20, 2017 at College Greens Building located at 1815 Scripps Drive, Los Banos, California to Conduct a City Council Goals & Objectives Workshop.

APPROVED:

/s/ Michael Villalta

Michael Villalta, Mayor

ATTEST:

/s/ Lucille L. Mallonee

Lucille L. Mallonee, City Clerk