

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
JUNE 7, 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 Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, City Treasurer/Accountant II Tomas, 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 Faria, 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; Absent: None.

**PRESENTATIONS – PROCLAMATION RECOGNIZING THE GRAND OPENING OF LOS BANOS SAVE MART STORE 631.** Mayor Villalta presented the proclamation to Robbie Gallichio, representing Save Mart Store 631.

Mayor Villalta spoke regarding how he, City Manager Terrazas and Community & Economic Development Director Elms attended the ICSC (International Council of Shopping Centers) Conference in Las Vegas and how they met Ray Byett, the developer of the new Save Mart store in Los Banos and how he was a very nice guy and is looking to develop further in Los Banos.

**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.** MEGAN MACY, Attorney for Los Banos Unified School District, wanted to provide more general comments regarding the relationship with the City and the Los Banos Unified School

District (LBUSD) in regards to the Sunset Hills Development, the City and the District have historically had a good relationship in regards to new development and making sure the students of the City would be accommodated in schools, complimented staff who has been extremely cooperative with communications in regards to development, there was a lack of communication in regards to mitigation issues with this particular developer, even though it is a particularly small development the school district treats every development as an equal, spoke to SB50 (Senate Bill 50) and how that is not a limitation to the school district, there are other ways the City can be sure the district gets appropriate funding for housing these students and avoid overcrowding of schools from new development, she spoke about a few other options the City can take, she asked for the Council's support to the District in the way it has been for the last twenty years in making sure there is appropriate housing available for the students of the community, available for any questions, thanked the Council for their time; DENNIS AREIAS, Los Banos resident of Los Banos and School Board member, spoke regarding the Sunset Hills Development and would like to hear from the developer as to why he does not want to support the schools, asked Council what is best for our community and reminded them that their job is to decide what is best for the community, the District has conducted the study and did what it needed to do to come up with a number that will support the students and the development in town, twelve to fourteen developers are paying this number and this one developer is not because he believes it will kill his project, the land is being rezoned from professional office to medium density but the Council can choose not to rezone, the community will suffer if this is adopted, this is not in our City's best interest, we need another grammar school not eleven more houses, Mercey Springs Elementary is doubling its capacity to get through this next school year, based on the numbers a new grammar school will be needed for the 2018/2019 school year, San Luis High School is at capacity and is being overgrown, Pacheco High School is full, need locker rooms at Loftin Stadium as there have been no lockers available since the swimming pool has been closed, a state bond passed last year that Governor Brown did not support and now we are suffering the consequences, \$16 million is owed without the second expansion to Mercey Springs Elementary and not a dime has been received nor will it be received for another five to ten years, we averaged 230 new children every year in our school district for the last five years when there was no building going on, those numbers will rise now that there is new development going on in town again, very important that we get the money we need to keep the schools being built for our children, lets deal with developers that keep our community whole, part of the 2X3 meeting is to let the Council know what the school district needs, not in the best interest of the community to build these eleven homes at this time; ERIK LIMON, Los Banos and Republic Services, thanked the Council for upping the water days, his lawn looks much better, reminded all about recycling in the home carts, he frequently checks recycling bins and is still finding items that do not belong in there, if anyone has questions feel free to call him at 826-0231, thanked Chief Brizzee for helping out in mitigating the issues on the street behind WalMart as it has been extremely difficult for the garbage trucks to access that neighborhood and pick up trash in that area and access recycling bins, thanked Council for their time; JUAN SANDOVAL TOBIAS, Los Banos, spoke how he is a resident, a coach, a board member, and a father to two girls who play soccer, living in an agricultural town you expect to see everything green,

spoke to how one of the frequent conversations he has with other teams that travel to Los Banos to play is the field conditions, the fields in town are not safe to play on due to the many gopher holes and dips all over the field, would like to see the fields be brought back up to par, doing this could be a revenue generator as tournaments could be held in town and other communities will come and participate, there's many fields in town but it's difficult to find ones that are safe to play on due to their conditions; ROSA ROPEL, representing Sunset Hills Development, stated that the developer is willing to pay his fair share of development the fees but to require him to pay three times that amount is an injustice, the developer is going to permanently maintain this property and is not pushing it off to someone else, he wants to also participate in future development in the community, reminded everyone that SB50 is still part of the law, the developer has reviewed all of the conditions necessary for this development and is willing to abide by all these rules, doesn't feel it's fair to force the developer into an agreement making him pay three times what is required by law, thanked Council. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Lewis, seconded by Faria to approve the consent agenda as follows: Check Register for #204890 – #205194 in the Amount of \$1,631,393.12; Minutes for the May 17, 2017 City Council Meeting; Minutes for the May 30, 2017 Adjourned City Council Meeting; Measure P Oversight Committee Report; City Council Resolution No. 5860 – Approving a Boundary Map and Declaring Its Intention to Annex Property to the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) and to Levy a Special Tax therein to Finance Certain Public Safety Services for Such Community Facilities District (Annexation No. 10, Overland Courts); City Council Resolution No. 5861 – Authorizing the City Manager to Enter into a Contract to Purchase Six (6) New Panasonic CF-20 Mobile Data Computers (MDCs), One (1) New Panasonic CF-54 Training Computer, and Four (4) MDC / Video Solutions from Lehr in the Amount of \$70,449.77; City Council Resolution No. 5862 – Adopting a Revised Budget for the 2016-2017 Fiscal Year as it Pertains to Increasing Expenditures in the Amount of \$2,900 in the General Fund – Police Department Parking Fees Account; City Council Resolution No. 5863 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Los Banos Unified School District for School Resource Officer Services for the 2017-2020 School Years.

Motion by Lewis, seconded by Faria to approve the consent agenda as stated. The motion carried by the affirmative of all Council Members present.

**B.F. SISK SAFETY OF DAMS PRESENTATION – BY MYNUL CHOWDHURY, P.E., US BUREAU OF RECLAMATION PROJECT MANAGER.** Mr. Chowdury spoke in detail to the B.F. Sisk Safety of Dams, which included a PowerPoint presentation.

There was staff discussion pertaining to the dam not meeting safety standards which is why this project will be conducted. Council expressed their concerns about the influx of workers and their families that will be coming to town and made sure the representative knew he would need to reach out to the all the entities in town that will be affected by

this influx of people. A question was asked of the representative as to whether there would be any mitigation funding to offset the hardships that will be suffered by this community and others surrounding it for which Mr. Chowdury said he could not answer that at this time. Council asked for an update to be provided once all the affected entities in the community have been spoken to.  
Informational item only, no action taken.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF PROPOSED REVISIONS TO THE WATER EFFICIENT LANDSCAPE ORDINANCE; ORDINANCE NO. 1156 – AMENDING AND RENUMBERING CHAPTER 2 OF TITLE 10, OF THE LOS BANOS MUNICIPAL CODE “CITY OF LOS BANOS WATER EFFICIENT LANDSCAPE ORDINANCE” IN ITS ENTIRETY (SECOND READING & ADOPTION).** City Attorney Vaughn presented the staff report.

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

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1156 – Amending and Renumbering Chapter 2 of Title 10, of the Los Banos Municipal Code “City of Los Banos Water Efficient Landscape Ordinance” in its Entirety. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1156 – Amending and Renumbering Chapter 2 of Title 10, of the Los Banos Municipal Code “City of Los Banos Water Efficient Landscape Ordinance” in its Entirety. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2017-2018 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19; CITY COUNCIL RESOLUTION NO. 5864 – CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NOS. 1-7 AND 9-19 FOR THE 2017-2018 FISCAL YEAR.** Public Works Director/City Engineer Fachin 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.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5864 – Confirming Diagram and Assessment and Levying Assessments for Landscaping and Lighting Assessment District Nos. 1-7 and 9-19 for the 2017-2018 Fiscal Year. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN AMENDMENTS TO ARTICLE 41, CHAPTER 3, TITLE 9, SPECIAL EVENTS**

**ORDINANCE AND SPECIAL EVENT FEES; ORDINANCE NO. 1157 – AMENDING SECTION 9-3.411 OF ARTICLE 41, CHAPTER 3 TO TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO SPECIAL EVENTS ON PUBLIC PROPERTY (FIRST READING & INTRODUCTION); CITY COUNCIL RESOLUTION NO. 5865– ESTABLISHING A POLICY REGARDING WAIVER OR PARTIAL WAIVER OF DEPARTMENTAL SERVICE CHARGES RELATIVE TO SPECIAL EVENTS (MOTION OF INTENT TO ADOPT).** Council Member Faria excused himself from this item as his wife is the Executive Director of the Los Banos Chamber of Commerce. He left his seat at the dais and exited the Council Chambers.

Community & Economic Development Director presented the staff report, which included a PowerPoint presentation.

Council Member Lewis asked if these three events that would be exempt by this would share an equal portion of the \$6,700 cost for which Community & Economic Development Director Elms stated that they are not responsible for equal portions but that the costs of each are based on their route.

Council Member Johnson-Santos asked if things have drastically changed in prior years and why this charge is so high for which Community & Economic Development Director Elms explained that before this special events ordinance, departmental fees were not charged.

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

Motion by Silveira, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1157 – Amending Section 9-3.411 of Article 41, Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Special Events on Public Property. The motion carried by the affirmative action of all Council Members present; Abstain: Faria.

Motion by Silveira, seconded by Johnson-Santos to introduce Ordinance No. 1157 – Amending Section 9-3.411 of Article 41, Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Special Events on Public Property. The motion carried by the following roll call vote: AYES: Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None; ABSTAIN: Faria.

Motion by Silveira, seconded by Johnson-Santos to approve a motion of intent to adopt City Council Resolution No. 5865– Establishing a Policy Regarding Waiver or Partial Waiver of Departmental Service Charges Relative to Special Events. The motion carried by the affirmative action of all Council Members present; Abstain: Faria.

Mayor Villalta called a short recess.

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

**CONSIDERATION OF APPROVAL OF GENERAL PLAN AMENDMENT #2016-02, ZONE CHANGE #2016-02, AND MITIGATED NEGATIVE DECLARATION (MND) (SCH#2017021033). THE PROJECT PROPOSAL IS FOR THE GENERAL PLAN AMENDMENT AND REZONE OF SEVEN (7) PARCELS CURRENTLY DESIGNATED PROFESSIONAL OFFICE (P-O) INTO MEDIUM DENSITY RESIDENTIAL (R-2) ON 1.2 ACRES AND TO SUBDIVIDE SEVEN (7) EXISTING PARCELS INTO ELEVEN (11) PARCELS FOR THE DEVELOPMENT OF 11 DETACHED SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DELAWARE AVENUE BETWEEN PINE STREET AND MADRONE STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 027-214-001, -002, -003, -004, -005, -006, AND -007. [SUNSET HILLS DEVELOPMENT] (PUBLIC HEARING WAS CLOSED ON APRIL 19, 2017 AND ACTION ITEM WAS CONTINUED FROM MAY 17, 2017 CITY COUNCIL MEETING); CITY COUNCIL RESOLUTION NO. 5857 – APPROVING MITIGATED NEGATIVE DECLARATION (SCH#20170210033) AND MITIGATION MONITORING/REPORTING PLAN FOR SUNSET HILLS DEVELOPMENT LOCATED ON THE EAST SIDE OF DELAWARE AVENUE BETWEEN PINE STREET AND MADRONE STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 027-214-001, -002, -003, -004, -005, -006, AND -007 (MOTION OF INTENT TO ADOPT); CITY COUNCIL RESOLUTION NO. 5858 – APPROVING GENERAL PLAN AMENDMENT #2016-02 TO REDESIGNATE PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 027-214-001, -002, -003, -004, -005, -006, AND -007 FROM PROFESSIONAL OFFICE (P-O) TO MEDIUM DENSITY RESIDENTIAL (R-2) (MOTION OF INTENT TO ADOPT); ORDINANCE NO. 1154 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED ON ASSESSOR'S PARCEL NUMBERS 027-214-001, -002, -003, -004, -005, -006, AND -007 FROM PROFESSIONAL OFFICE (P-O) TO MEDIUM DENSITY RESIDENTIAL (R-2) (FIRST READING & INTRODUCTION).** Mayor Villalta excused himself from this item, as he owns property within 500 feet of the agenda item up for discussion. City Attorney Vaughn also excused himself as he has represented the applicant for this agenda item on several matters within the last twelve (12) months. It was noted that Mayor Pro Tem Silveira will be reading and running this item as the Mayor abstains. Mayor Villalta and City Attorney Vaughn left their seats at the dais and exited the Council Chambers.

Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Council Member Faria spoke regarding his concerns and how back in 2009 the City took a meat cleaver against the public safety budget, which he notes he voted against, and it dropped the City's public safety numbers by 25%. Public Works also took hits during this time. He does not support rezoning this into medium-density residential unless there is something to show fiscally that our public services are able to accommodate these residences. Until he can see that the City has recovered from all the hits and cuts that occurred some years ago, he cannot support rezoning anything residential or annexing anything residential. It is essential to make sure the public services are able to accommodate these types of residences coming in because it is not

fair to the people who already live here and it is not fair to those who may be living in those residences.

Mayor Pro Tem Silveira invited the public to come forward and speak. DAVID DEES, Los Banos, stated that he is on the Planning Commission but that he is not speaking on behalf of the Planning Commission in any way but instead for himself, stated he was not aware at the time he voted that the funding to make schools readily able to accommodate more students that could arise from this development would not be provided, feels as though the rules for all this is very complicated and that our hands are tied and the City has to say 'yes' to this, encourages the Council to consider a 'no' vote, agrees with Council Member Faria that there needs to be a line drawn somewhere, he understands that this project is a great benefit to the City but does not feel it is right for school children to be suffering in the classroom because of it, thanked Council; ANTHONY PARREIRA, President of the Board of Trustees for the Los Banos Unified School District, wasn't going to speak tonight until the topic of the dam discussion came up where a couple thousand workers could be coming and residing in the area, he and another gentleman from the District did a quick calculation which showed that that project could bring in another 2,000+ more kids to the schools on top of the number of kids they already have, if that number of kids came in three years there will be no place to put them, there are no facilities that they could expand with just portables and let alone pay for those portables to house these kids, if the developer of the Sunset Hills Development continues to develop in town and not pay the mitigation fees, there will be no way to fund schools, what kind of quality of life will that bring to the community if there is now way to house the children that come here, would like Council to keep in mind how much of an impact this decision could make beginning in 2020 for six (6) years, it's very scary, thanked Council; ROSA ROPEL, representing Sunset Hills Development, thanked staff for explaining and addressing the concerns, reiterated the fact that the applicant is not trying to go above the law and that he is willing to comply with every condition and measure, he is not trying to harm the children in this town, he is willing to abide by what the law requires, Council must make a decision tonight based on what State law requires, thanked Council once again for their consideration and noted that the developer is here and welcomes any questions.

Mayor Pro Tem Silveira expressed his frustrations with this project and noted that it's hard when the City is being told by their legal counsel that they cannot deny this project just based on the fact that the developer is not paying the school fees. He expressed his frustration with the fact that this item went to both the Planning Commission and the school district and that it's hard to stop or reverse things once the ball has already been rolling. When it gets past the Planning Commission and the school district waits until it gets to the Council level to send its letter of concern, it makes the Council look like the bad guys when having to make the final decision. There is a new Superintendent of the school district that is starting soon and he hopes he will be reaching out to Council and is able to work together in the future to have a game plan for these types of situations.

Council Member Lewis reiterated what Mayor Pro Tem Silveira stated about the fact that this item did go through the required process and now it is at the Council level.

Council must make a tough decision tonight but must make a decision based on the law and being fair whether they like it or not. She also hopes that in the future and with the new Superintendent of the district that everyone can be able to work together and get these issue mitigated early on and moving forward. One thing that concerned her was the DAM discussion. One thing about the Federal Government is when they come in to do something, they don't really care about the impact it has on the community it's working in. They just come in and do what they need to do. She hopes they are being honest about the fact that they will be working with the school district, but normally they don't care about the fallout. She explained that they have to make the decision tonight based solely on the law and not on personal feelings. She would like to see the school district working on bond issues.

Council Member Johnson-Santos echoed a lot of what was said by the previous two Council Members. She believes this is a good project and it will beautify the area. In the future, the City and any developers really need to get more involved and have more communication with the school district. The developer is meeting all the requirements of the law. She does have a concern about the DAM project as well and feels as though a lot of preparation for that is needed because it will be hitting us hard. Dennis Areias did contact her but she feels this is a project that is needed.

Council Member Faria reiterated that he is fully aware of the school situation as he is a teacher. He has researched SB50 intently and his position has nothing to do with the schools on this issue. He wants this to be the beginning of fiscal analysis on every residential project to show that all the public services will be able accommodate such a project. Right now in the City there is one officer per 1,000 residents. It is within the Council's purview to deny a zone change. He wants everyone to be very clear of where he stands on this issue.

Motion by Lewis, seconded by Johnson-Santos to approve a motion of intent to approve City Council Resolution No. 5857 – Approving Mitigated Negative Declaration (SCH#20170210033) and Mitigation Monitoring/Reporting Plan for Sunset Hills Development Located on the East Side of Delaware Avenue between Pine Street and Madrone Street, More Specifically Identified as Assessor's Parcel Numbers 027-214-001, -002, -003, -004, -005, -006, and -007. The motion carried by the affirmative action of the majority of the Council Members present; NOES: Faria; ABSTAIN: Villalta.

Motion by Lewis, seconded by Johnson-Santos to approve a motion of intent to approve City Council Resolution No. 5858 – Approving General Plan Amendment #2016-02 to Redesignate Properties Identified as Assessor's Parcel Numbers 027-214-001, -002, -003, -004, -005, -006, and -007 from Professional Office (P-O) to Medium Density Residential (R-2). The motion carried by the affirmative action of the majority of the Council Members present; NOES: Faria; ABSTAIN: Villalta.

Motion by Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1154 – Amending the Official Zoning Map by Rezoning Property Located on Assessor's Parcel Numbers 027-214-001, -002, -003, -004, -005, -006, and -007 from



Professional Office (P-O) to Medium Density Residential (R-2). The motion carried by the affirmative action of all Council Members present; ABSTAIN: Villalta.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1154 – Amending the Official Zoning Map by Rezoning Property Located on Assessor’s Parcel Numbers 027-214-001, -002, -003, -004, -005, -006, and -007 from Professional Office (P-O) to Medium Density Residential (R-2). The motion carried by the following roll call vote: AYES: Johnson-Santos, Lewis, Silveira; NOES: Faria; ABSENT: None; ABSTAIN: Villalta.

Mayor Villalta and City Attorney Vaughn returned to the Council Chambers and took their seat at the dais.

**CONSIDERATION OF COUNCIL MEMBER REQUEST REGARDING COMPOSITION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) BOARD OF DIRECTORS [FARIA].**

Council Member Faria stated that what he would like to do is re-open a ten-year old conversation regarding MCAGs charter and who makes up that charter. He believed that in order to change the charter organization that you must wait until the next ten-year mark, but he recently learned they may have been able to change that sooner. He spoke to how back in 2006 there was a different Mayor and a different City Manager. Spoke to what the Technical Review Board is and who it consists of. There was certain drama that went on in the past with this issue and he explained that the Mayor never discussed the issue with the Council Members of the City during that year and that everything was done quietly. Spoke about surrounding counties and how many supervisors make up each COG (Council of Governments). With the Measure V Funds becoming available, where these funds go are based on the leverage from MCAG members. He wants to make sure that our City is properly represented so that our needs can be met.

Mayor Pro Tem Silveira asked Council Member Faria what his desired outcome is for which Council Member Faria stated he would like to see Los Banos represented a little bit more than just 9%. Mayor Pro Tem Silveira thinks it would be unfair to have only one representative from the County and feels it would be fair to have three from the County because there are certain unincorporated towns that need representation also. He feels that things could very easily go from one extreme to the other from where cities aren’t getting enough representation but then it could very easily go to the County not being very well represented. Council Member Faria agrees and notes that this is why he believes there needs to be a conversation going. Council Member Faria also feels that there should be transportation and school board representatives involved. He feels things are getting better as far as communication goes but feels things were handled poorly in the past.

Mayor Villalta wanted to be clear that he was not the Mayor at that time and was a junior Council Member. The question that Council needs to consider is: is the voting structure a fair representation for each area in the County? There is no one supervisor that solely represents the Westside. He believes Council Member Faria is concerned

about the by-laws and even he himself is not familiar with all the by-laws and how they work. He believes it would be good to have the City Attorney or the City Manager thoroughly explain the by-laws and what they're there for that way all the Council Members can understand what is at stake here. Then the second step would be what kind of outcomes they would like to see based on the by-laws. He believes the proof of the representation lies in where all the projects have taken place. There's been lots of money spent on the Eastside and none spent on the Westside.

Council Member Lewis states that one thing she has always noticed about MCAG is that Los Banos has had an unfair advantage. MCAG comes to Council and claims that the bypass is the top priority but it always seems to be pushed off. She isn't sure how MCAG would even make the bypass a priority. She believes five supervisors is a little bit much and believes they should be on the same page and should be aware of their district's needs. She believes that the City needs to come up with a project for MCAG to approve because it will not be the bypass. They've spent millions doing studies, etc. and we know that isn't going to happen. She feels that the board does need to be restructured as far as the numbers of representation go.

Mayor Villalta stated that he is listening to the discussion and he doesn't feel like he needs to bring up this discussion at MCAG on his own but instead would like Council's support. Council Member Lewis doesn't believe staff time is needed but Mayor Villalta believes it is needed that way Council can get fully educated on the MCAG by-laws before taking action. After understanding the by-laws and determining that the voting structure is not adequate, then they can move forward and he can put it on the MCAG agenda.

Council Member Johnson-Santos echoed the same concerns as the other Council Members and agrees that it should be looked into and discussed and also wants to learn more about the by-laws.

Mayor Pro Tem Silveira wants everyone to understand that the Council is not bashing MCAG. It's frustrating because for a long time the bypass was supposedly the top priority project and it was also the most expensive. He believes the bypass was the only project discussed for years and it shouldn't have been. Other projects need to be discussed and looked at as the bypass isn't going to happen because the money isn't there. He is done talking about the bypass and wants to come up with new projects that will actually get done. There are Measure V Funds available and we need projects to use the money on. He also believes that maybe there are others who think the representation structure is unfair, but if not, then Los Banos will look like the whiners on the Westside and it could create more animosity. He isn't sure which way this could go.

City Manager Terrazas wanted to clarify that the agenda topic was to discuss the MCAG makeup and not the bypass. He asked to keep the discussion to the MCAG by-laws only.

Council Member Lewis explained that the bypass was brought up as a frustration because MCAG has for years been saying that that project is their top priority and then nothing ever happened with it. She thinks it is a good idea to have staff summarize the MCAG by-laws and determine whether or not it has been working for the City. It is important for Council and the community to understand how these things work to better understand the process.

Mayor Villalta spoke to how the City was allocated money on three different occasions for the bypass but then it was pulled back. Coming up with another project back then would have made it look as though the bypass was not important. The bypass was always the top priority but it was known that it was never going to get done because of the expense.

Council Member Faria tied everything up by saying he would like City Manager Terrazas and City Attorney Vaughn to analyze the by-laws, determine what can be done as far as the representational structure, then the findings can be discussed amongst Council once again to figure out what there is to be done.

Motion by Faria, seconded by Villalta to allow staff to research the MCAG by-laws and representational structure of MCAG and to bring back an update at a City Council Meeting in the future. The motion carried by the affirmative action of all Council Members present.

Council Member Faria closed by saying he does not want any animosity with any other City in the valley and that all of Merced County is one family. The whole County must work together as a whole to get the things it needs. He also wants no animosity, anger, or opposition towards anyone from MCAG either.

Mayor Villalta asked when they could gather the information to be presented for which City Manager Terrazas stated they were planning on July 19, 2017 but depending on how long the analysis takes, it could be a little longer.

**ADVISEMENT OF PUBLIC NOTICES (One Report).** Community & Economic Development Director Elms stated the Planning Commission will hold a public hearing on June 14, 2017 at 7:00 p.m. in the Council Chambers for a site plan review amendment to allow the 24-hour operation of the existing self-service automatic carwash for Circle K Stores, Inc. located at 410 N. Mercey Springs Road.

**CITY MANAGER REPORT.** City Manger Terrazas stated that we had a great Farm to Plaza event last night, thanked the Chamber of Commerce for putting that together, was promoted to 'roadee' for Tom and the Tom Cats and will let everyone know when the next gig is.

## **CITY COUNCIL MEMBER REPORTS.**

**DEBORAH LEWIS:** Thanked Save Mart for the grand reopening of their new store and location, very happy to see such a beautiful facility come to town and thinks they are going to do well, looks forward to shopping there, celebrated at the National Cemetery for the Memorial Day Service to honor the fallen heroes, encouraged the community to come out and bring their children so they can understand the sacrifices made for their freedom, was also a ceremony at the Los Banos cemetery on Memorial Day, congratulated the City Manager on a successful Farm to Plaza farmers' market, was a nice community event and she knows it will be successful, would like to go back to the project we heard tonight (Item 10 – Sunset Hills Development) and would like to in the future look at an analysis on new project annexations and determine how it is going to affect city services such as police, fire, and public works, when big projects come forward she likes to look at both the pros and cons, cannot force new projects to get in touch with the school district but she believes it's important to have conversations to the entities that will be affected by development, quality of life is her biggest standard for the City of Los Banos.

**SCOTT SILVEIRA:** Congratulated his daughter on winning 4H Advanced Showmanship and she is going into the round robin on Friday since she won it here and then won it in Merced again, Council received an email that Fire Chief Marrison is retiring in a few months and congratulated him on that and said he is going to be sad to see him go, and thanked him for all his years of service.

**TOM FARIA:** Congratulated Fire Chief Marrison on his well-deserved retirement, there will be celebrations and sadness, attended the Memorial Day service in Los Banos, it was a beautiful service on a beautiful morning, all the local dignitaries attended, reminded everyone that yesterday was D Day, congratulated the Chamber of Commerce on the Farm to Plaza farmer's market event as it was a huge success, Vanessa Lovato and her Music Academy will be providing entertainment next week, anyone interested in providing entertainment can get in touch with him at (209)675-1675 or send him an email, thanked Ron Bertao for playing last night, tomorrow there is a Flag Day service here at City Hall at 6:00 p.m. and put on by the Elks, June 14<sup>th</sup> is actual Flag Day, Saturday and Sunday is the big Festa at the DES Hall, there will be folklorico and dancing on Saturday and Sunday, there will be roast beef soupish, Los Banos just keeps getting better and better with lots of people working very hard.

**DARONICA JOHNSON-SANTOS:** Apologized for last meeting's absence as she was sick, also attended the Memorial Day event, Save Mart is beautiful and is very aesthetically pleasing, congratulated Fire Chief Marrison on his upcoming retirement, the VFW and American Legion will be outside of Save Mart selling tickets for the Veterans Day Parade proceeds.

**MAYOR MICHAEL VILLALTA:** Spoke regarding his Las Vegas trip and thanked staff for sending him to this event, spoke to the farmer's market and how everyone has great ideas but in order to get these ideas going you need to partner with people, in this case

the Chamber of Commerce partnered with the City, it is a very successful event, thanked Police Chief Brizzee for providing the officer that was walking around providing security, spoke to all the different goodies that can be found at the market, it will be every Tuesday from now until September beginning at 4:30-9pm, spoke about the Memorial Day event and how he attended both, cannot forget the fifteen men from Los Banos who gave their lives during service, spoke about the fact the City has legal representation and Council is guided by the suggestions and guidance made by this legal representation, spoke further about the school district conflict and how the City does what is right and what is within the law.

**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.

**CLOSED SESSION – PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER.** No reportable action.

**ADJOURNMENT.** The meeting was adjourned at 10:45 p.m.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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