

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 2, 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 7:02 p.m.

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

Mayor Villalta spoke regarding the recently injured police officers and gave updates on their conditions. He expressed gratitude towards the Officers, their families and the other first responders for their selfless dedication to the community. He wished them a speedy recovery.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Daronica Johnson-Santos (7:54 PM), Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: Council Member Tom Faria.

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, Fire Chief Marrison, Assistant Fire Chief Hurley, Public Works Director/City Engineer Fachin, Community & Economic Development Director Elms and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira, seconded by Lewis to approve the City Council Meeting agenda with the removal of item 9 – Open Counter Presentation and Demonstration. The motion carried by the affirmative action of all City Council Members present. ABSENT: Faria, Johnson-Santos.

PRESENTATION – PROCLAMATION RECOGNIZING AUGUST 13-19, 2017 AS NATIONAL HEALTH CENTER WEEK. Mayor Villalta presented the proclamation to Lue Thao, Chief Financial Officer of Golden Valley Health Center. Mr. Thao thanked the City for allowing them to open up two clinics in Los Banos and spoke to the number of residents they serve.

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. MARLENE

SIEMILLER-ALVES, stated that at the last meeting Council stated they were following the footsteps of Clovis with the sign ordinance, she has Clovis's sign ordinance and it is much stricter than what Los Banos has in place right now, she spoke to her sister who lives in Clovis and who also has a sign business there for the last 35 years, there are problems with the sign ordinance in Clovis as well, would like her sister to come down and speak in the future to talk more about the issues , contacted the City of Clovis regarding the water issue and stated that the cost of water is \$30 every two weeks, feel as though the residents of Los Banos should be charged for what is used instead of a flat rate of \$89 plus a month, feels as though this matter should be further looked into, thanked Council; RHONDA LOWE, Los Banos, Farm to Table event on September 21, 2017 is almost sold out as they have 32 tickets left out of the 150, they have added a Farm Family of the Year Award and is welcoming applications and nominations for these families, applications are available through some downtown stores or you can email her at LBpub@earthlink.net or text her at (209)704-4384, deadlines for entries is August 31, 2017, as a representative of Valley Sierra Small Business Development Center she wanted to note that they help small business owners start up a business or improve their existing business, one-on-one coaching is available to help guide things in the right direction and on what steps to take, two events will take place, one will be on August 24, 2017 from 8:30 a.m. to 10:30 a.m. at 919 6th Street, drop in and see what this place is about, all the services are free to the people that use them, have made a commitment to help individuals start a business, the second event will be held on September 7, 2017 from 6:00 p.m. to 8:00 p.m. at Cecilia's Restaurant and that one will be more of a small business boot camp, thanked Council. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis stated that she would like to remove item F – City Council Resolution No. 5881 – Authorizing the City Manager to Execute the Measure V Master Recipient Funding Agreement between Merced County Association of Governments and the City of Los Banos from the consent agenda separate consideration and approval.

Motion by Lewis, seconded by Silveira to approve the consent agenda, with the removal of item F – City Council Resolution No. 5881 – Authorizing the City Manager to Execute the Measure V Master Recipient Funding Agreement between Merced County Association of Governments and the City of Los Banos, as follows: Check Register for #205817 – #206057 in the Amount of \$2,455,221.51; Minutes for the July 19, 2017 City Council Meeting; City Council Resolution No. 5878 – Accepting Three (3) Grant Deeds for Right-of-Way Dedication Associated with Street Sidewalk Corner Improvements as Part of the K Street Storm Drain Improvements; City Council Resolution No. 5879 – Authorizing Award of Construction Contract for Oliveira Park Renovations to Ronny's Inc. in the Amount of \$312,284.03; City Council Resolution No. 5880 – Awarding the Bid and Authorizing the City Manager to Execute a Contract for the Construction of Approximately 350 Square Foot Addition to the East Side of City Hall that Will Expand Office Space for the Finance and Human Resources Departments with Arts Construction Co. Inc. in the Amount of \$199,500 and Adopting a Revised Budget for the 2017-2018 Fiscal Year as it Pertains to Expenditures in the Amount of \$19,950 for a

10% Contingency for Unexpected Expenses; ~~City Council Resolution No. 5881— Authorizing the City Manager to Execute the Measure V Master Recipient Funding Agreement between Merced County Association of Governments and the City of Los Banos~~; City Council Resolution No. 5882 – Authorizing the City Manager to Execute a Professional Services Agreement with Management Partners Incorporated to Conduct an Organizational Assessment Study Not to Exceed \$49,900. The motion carried by the affirmative of all Council Members present; ABSENT: Faria, Johnson-Santos.

CITY COUNCIL RESOLUTION NO. 5881 – AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEASURE V MASTER RECIPIENT FUNDING AGREEMENT BETWEEN MERCED COUNTY ASSOCIATION OF GOVERNMENTS AND THE CITY OF LOS BANOS.

City Council Member Lewis inquired as to if the expenditure plan that was put in place previously has been modified over and above what the voters have approved for which City Manager Terrazas noted that the expenditure plan put in place by the voters overpowers the agreement itself. The funds will be allocated according to the expenditure plan. The expenditure plan is what the voters approved. Council Member Lewis asked if anything in the plan has changed for which City Attorney Vaughn stated that the allocations and how the money will be spent has not changed. This is simply an agreement between MCAG and the recipient of the money in terms of how all that will happen. The agreement is simply addressing how the money will be administered to the cities and has nothing to do with the expenditure plan. Council Member Lewis stated this is a complicated measure and wants to be sure there is no hidden agenda for any of the cities.

Mayor Villalta stated that he asked City Attorney Vaughn to review the agreement and he then developed his own version based off of that agreement and MCAG then incorporated a lot of his language into the agreement. The agreement will be coming back to Council in less than a year for review. City Attorney Vaughn noted that this is simply an agreement implementing the measure. Significant comments were made in regards to the first draft and MCAG accepted 95% of those comments.

Council Member Lewis referred to another spot in the summary agreement and asked for clarification for which City Attorney Vaughn stated that is just ensuring that the funds will be used for transportation projects noted in the measure and not spending it on a new city hall, for instance. City Attorney Terrazas echoed City Attorney Vaughn's comments stating that the entities receiving the funds are to spend them according to the expenditure plan relating to transportation projects.

Mayor Villalta noted that there are several pots of money that are to be used for different things. There is one pot that is to be used for green pathways, a second pot for transportation, and a third pot for regional funds that will be handled amongst a five-member panel consisting of three mayors and two supervisors. If there are any questions or concerns with this agreement, they need to be brought to light so they can be addressed in the future agreement.

Mayor Pro Tem Silveira asked what would happen if Council voted no for which City Attorney Vaughn stated the City would not get the money. He likes the one-year agreement idea so that there are opportunities to change things, but if things get in a good rhythm can a longer agreement be put in place for which City Attorney Vaughn confirmed.

Motion by Silveira, seconded by Lewis to adopt City Council Resolution No. 5881 – Authorizing the City Manager to Execute the Measure V Master Recipient Funding Agreement between Merced County Association of Governments and the City of Los Banos. The motion carried by the affirmative of all Council Members present; ABSENT: Faria, Johnson-Santos.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN AMENDMENT OF ANNEXATION NO. 10 TO THE CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-01 (PUBLIC SAFETY SERVICES), RELATIVE TO THE OVERLAND COURTS SENIOR AFFORDABLE HOUSING COMPLEX LOCATED AT THE NORTHWEST CORNER OF OVERLAND AVENUE AND ROCKPORT DRIVE (CONTINUED FROM JULY 19, 2017); CITY COUNCIL RESOLUTION NO. 5883 – ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CFD NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES), CALLING AN ELECTION REGARDING THE ANNEXATION OF CERTAIN PROPERTY TO CFD NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES) AND TO LEVY A SPECIAL TAX THEREIN TO FINANCE CERTAIN PUBLIC SAFETY SERVICES FOR SUCH CFD NO. 10; CITY COUNCIL RESOLUTION NO. 5884 – ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CFD NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES) DECLARING THE RESULTS OF A SPECIAL TAX ELECTION AND ANNEXING CERTAIN TERRITORY ANNEXATION NO. 10. 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 Council Member Lewis stated that she doesn't remember this project having a community facilities district when approved so why now is it being done for which Community & Economic Development Director Elms explained that each community facilities district has to go through this process. A resolution of intent is first put into place and then there is an election held and the results must be certified. This is simply a process that must be done in accordance with the law.

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. 10 for CFD No. 2002-01 and there were none.

Motion by Silveira, seconded by Lewis to adopt City Council Resolution No. City Council Resolution No. 5883 – Acting in Its Capacity as the Legislative Body of CFD No. 2002-01 of the City of Los Banos (Public Safety Services), Calling an Election Regarding the Annexation of Certain Property to CFD No. 2002-01 of the City of Los Banos (Public Safety Services) and to Levy a Special Tax therein to Finance Certain Public Safety Services for Such CFD No. 10. The motion carried by the affirmative action of all Council Members present; ABSENT: Faria, Johnson-Santos.

A short recess was called to conduct the election results.

City Clerk Mallonee reported that the City has received 5 ‘yes’ votes and 0 ‘no’ votes.

Motion by Silveira, seconded by Lewis to adopt City Council Resolution No. 5884 – Acting in Its Capacity as the Legislative Body of CFD No. 2002-01 of the City of Los Banos (Public Safety Services) Declaring the Results of a Special Tax Election and Annexing Certain Territory Annexation No. 10. The motion carried by the affirmative action of all Council Members present; ABSENT: Faria, Johnson-Santos.

OPEN COUNTER PRESENTATION AND DEMONSTRATION. *This item was removed at the beginning of the meeting with approval of the agenda.*

LOS BANOS AIRPORT SITE SELECTION AND CONCEPT STUDY REPORT UPDATE AND TO RECEIVE CITY COUNCIL DIRECTION ON THE NEXT STEPS IN THE PROCESS. Public Works Director/City Engineer Fachin presented the staff report and introduced Airport Consultant Bob Wadell who spoke in detail to the Los Banos Airport Site Selection and Concept Study Report Update.

[7:54 pm Council Member Johnson-Santos arrived to the Council Meeting and took her seat at the dais.]

Public Works Director/City Engineer Fachin noted that what staff is looking for is direction from Council on how to proceed with this I-5 location site. He believes it could consist of three steps being to begin meetings with the FAA (Federal Aviation Administration) regarding all available options in an effort to relocate the airport from its current site, enter into a contract to have a land appraisal done on the current airport site which would cost about \$5,000, and the third would be to enter into a contract for an airport feasibility study with the current airport which would cost approximately \$11,000. The items presented by Bob Wadell wouldn't be considered until after a meeting is held with the FAA. If these three steps were to be approved by Council, staff would be bringing back a report to Council after these three items are completed.

Mayor Pro Tem Silveira is surprised an appraisal wasn't done on the current airport recently. One has been done but a current one should be done. The City needs to know the current value of the airport when seeking funding from other sources such as the FAA. He believes this is an absolute must as the last time this was done was about 2002-2003.

Mayor Pro Tem Silveira asked what the chances are that the City could received funding from the FAA and the State for this project for which Bob Wadell stated that the project is eligible for funding but that certain steps need to be taken before consideration of funding. If a new airport was being proposed, the FAA would require a site selection study, a year of wind review, a NEPA (National Environmental Policy Act) study, a CEQA (California Environmental Quality Act) study, and public hearings held. The FAA would then approve an airport layout plan and then they would program the funds through the five-year Capital Improvement Plan process. The first would be funding land acquisition at the new site. That is the process for a brand new airport in a city that doesn't have one. The FAA is not flush with a lot of money for projects such as this one. They will also have an attitude that the current airport is perfectly fine. He agrees that it is good, but that its location is not appropriate for the long run. He believes the City has taken some good steps in conducting certain studies that make for stronger arguments. He spoke to further things the FAA would want reports on such as the pavements and lighting conditions. The FAA may help, but not a lot. It's a good idea to conduct the studies previously stated so that there are facts to present. Mayor Pro Tem Silveira asked what percentage of chance does he believe the FAA will give funding for which Bob Wadell is encouraging a 100% chance but he prefers not to give an answer. There are certain arguments the City has in its favor as to why funding should be given. Mayor Pro Tem Silveira would just like an idea on how much of a chance there is that some sort of funding will be received from the FAA for which Bob Wadell believes the City would have a better idea after actually meeting with them. There are a few different ways some sort of argument could be made to get some sort of funding aid from the FAA as the City has good reasoning behind wanting a new site. Mayor Pro Tem Silveira asked if an appraisal was actually done on the future site for which Bob Wadell said the numbers are assumptions from City Staff. If the I-5 site doesn't work out, there are other sites to be looked into further, however the wind study was only conducted at the I-5 site.

Mayor Villalta commented that he is so glad that the current airport land was not sold many years ago when it was up for discussion. There was discussion pertaining to the site that was up for discussion years ago and how it all fell apart due to issue of multiple landowners and other things of that sort. Mayor Villalta asked Public Works Director/City Engineer Fachin out of all the sites, were there any other really good candidates in his opinion for which he pointed out certain issues and problems that could come out of the other three locations mentioned. Community & Economic Development Director Elms chimed in, echoed Public Works Director/City Engineer Fachin's comments and spoke to how those four sites had the best potential and would meet eligibility requirements. Mayor Villalta noted that the current airport is 125 acres and the City is looking to double that for the new site. Mayor Villalta asked if leasing farmland around that new airport site would be possible for which Bob Wadell explained that the FAA has restrictions on how close farmland could be near the airport but that farming would be a way to contain weed and shrub growth around the location. Mayor Villalta asked Public Works Director/City Engineer Fachin for the exact language Staff would like regarding direction from Council for which he repeated the three steps noted above for a good starting point.

Motion by Lewis, seconded by Johnson-Santos to direct staff to 1) begin meetings with the FAA to discuss all the options that are available in the effort to relocate the airport from its current site, 2) that the City enter into a contract to provide an updated land appraisal of the current airport site, 3) that the City enters a contract to develop an Airport Feasibility Study and bring back to Council when all done for a report back and update. The motion carried by the affirmative action of all Council Members present; ABSENT: Faria.

Bob Wadell added some closing comments regarding what could be done with the existing land, noting it could swap land with the hospital, sell of pieces of it for different uses, or lease it. There are a lot of exciting possibilities and he is looking forward to the next steps.

Mayor Villalta mentioned that a regional hospital is really needed here for Dos Palos, Gustine, Los Banos and other rural areas. He asked if an RFP (request for proposal) could be conducted in the near future for a regional hospital.

Council Member Lewis added to Bob Wadell's comments regarding leasing the unused land and mentioned that the Madera Fair had a bunch of unused land and it was leased out and now there is a shopping center on that land. The City of Madera is going to acquire a good amount of money for a long period of time as a result of that lease.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, AUGUST 16, 2017 DUE TO SUMMER BREAK. (The next City Council Meeting will be September 6, 2017) Motion by Johnson-Santos seconded by Lewis to cancel the regular City Council Meeting scheduled for August 16, 2017. The motion carried by the affirmative action of all Council Members present; ABSENT: Faria.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. No report

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Apologized for her late arrival today as she has been unable to coordinate her schedule with her two jobs, her heart goes out to the two injured officers and their families, it was terrible news to hear.

DEBORAH LEWIS: Stated that on July 22, 2017 I had the honor to attend the Eagle Court of Honor for Parker Wilson, Patrick Allen, and Jerry Lara from Troop 58 here in Los Banos, she has attended the Eagle Scouts honoring over the past three to four years, it's a joyous event to attend, she tips her hat to these young men for sticking it out and obtaining all their badges, on July 25, 2017 was the Little Ag Conference at Pacheco High School which she was in attendance for, they had guest speaker there to encourage the young people in attendance there, on July 26, 2017 she attended Chuckchansi Park in Fresno and attended a ceremony for the United Soccer League

awarding a professional franchise in Fresno, so other than the Earthquakes there will be another franchise coming to Fresno, on August 16, 2017 the City will be having a second Measure V Workshop at the Community Center from 6:00 p.m. to 8:00 p.m. and she encourages the community to come out and attend the workshop so it is known where and how the Measure V Funds will be used in the community, any questions will be answered by Measure V staffing and MCAG, she would like to express her heartfelt thanks to the two injured Officers for the outstanding job that they do and to all the Officers of the City, she has been praying for them and their speedy recovery and that their health will be restored, she would like to send out her condolences to the family and especially to the children that lost their father, she would like to voice to the community that if an Officer asks you to do something just comply and if they feel their rights have been violated then they can take it up with their attorney after the fact, she would also like to thank the Los Banos Police Department as she was attacked by a Pit Bull this weekend and fortunately it wasn't anything serious, the dog was trying to attack one of her dogs that she had in her arms, Sergeant Reyes and another deputy came out with him and she wanted to thank them for taking control of the situation and also thanked the dispatchers who comforted her while she was being attacked, a community member in her district happened to be driving by and allowed her to get in his truck for safety until the Officers arrived, was a very scary situation and she feels very fortunate that she wasn't mauled, asked the community to make sure that their animals are contained, licensed and are up to date on their vaccinations, also encourages spaying/neutering.

SCOTT SILVEIRA: Stated that his thoughts and prayers go out to the injured officers and their families, thanked all of the first responders, there is going to be a "Back the Blue" motorcycle event happening on Saturday, August 19, 2017, all the funds will be going to the families of the two injured Officers, contact Geneva Brett at (209) 587-0573, the donation amount is \$25 and it includes the ride and a tri-tip dinner or just dinner if you don't want to ride, thanked all the folks that are putting that together such as Jesse Rodriguez and also American Armory in Hollister.

TOM FARIA: Absent.

MAYOR MICHAEL VILLALTA: Stated that he also attended the Eagle Scout presentation, they are not boy scouts, they are men scouts, he was thoroughly impressed with these young men, started the first step for a bike path that goes through to Merced College, MCAG is going to be doing an analysis and it was approved significantly, would be a perfect project for Measure V Regional funds because it involves more than one jurisdiction, this would be a great thing for students as it would be a safe path of travel for many different methods of travel, the Italian Celebration went very well, a lot of good food, the plates were so filled with food that it required two hands to hold, thanked Mr. Silveira for the auctioneering, the Measure V Workshop is very important to attend, it's the planning of road projects for the next 30 years, the first meeting that was held was not well attended as the publicity wasn't done well, thanked MCAG for scheduling a second meeting, many people are inquiring as to donations to the two injured officers, one person needs to be in charge so nothing is wasted, any

donations can be used and are appreciated, he asks to please contact the Police Department at (209)827-7070 and ask for Brenda Geary who is the coordinator for these two Officers and to make sure that all of the donations are utilized by these Officers and their families, a heartfelt thanks for the Officers for their service and to the brotherhood of all the first responders including the Fire Department for what they do for the community.

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 9:31 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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