

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
DECEMBER 6, 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.

**STAFF MEMBERS PRESENT:** City Manager Terrazas, City Attorney Vaughn, Deputy City Clerk/Admin Clerk I Huff, Police Chief Brizzee, City Treasurer/Accountant II Tomas, Finance Director Williams, Public Works Director/City Engineer Fachin, Fire Chief Hurley, Community & Economic Development Director Elms and Information Technology Director Spalding.

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

**PRESENTATIONS**

**CERTIFICATE OF RECOGNITION TO IGNACIO GUTIERREZ RAMIREZ FROM LOS BANOS JUNIOR HIGH SCHOOL ON HIS 1<sup>ST</sup> PLACE AWARD IN THE ANNUAL COUNTYWIDE YOUNG PATRIOT CHALLENGE ESSAY CONTEST.** Mayor Villalta announced that the student was not present to accept the award and that it would be presented at a future council meeting.

**PROCLAMATION RECOGNIZING TERRY BROWN FOR WINNING MULTIPLE AWARDS AT THE FIRST ANNUAL “PRO COWBOY COUNTRY MUSIC AWARDS.”** Mayor Villalta spoke to the awards Mr. Brown has received and other achievements in his country music career then read and presented the proclamation to Mr. Brown. Merced County Board of Supervisor Jerry O’Banion also presented Mr. Brown with an additional award. Mr. Brown performed his award-winning song and presented the Council Members and Supervisor O’Banion with a specially-labeled bottle of wine.

**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.**

JIM VALENTINE, Kiwanis Club of Los Banos, stated that the 34<sup>th</sup> Annual Christmas Eve Dinner is to be held at Fire Station 1 located at 333 7<sup>th</sup> Street, on December 24, 2017 from 11:00 a.m. to 2:00 p.m., spoke to what kind of food would be served, Santa will be visiting from 12:00 p.m. to 1:00 p.m., dinner is free for all thanks to various donations given throughout the community, asked for the Police Department to alert anyone in need of a hot meal to direct them to the Fire Station, deliveries will be made for those who are unable to come to the station, call (209) 769-6703 for more information, he thanked the City and especially Fire Chief Hurley for allowing them to use the Fire Station for this event, how this event would not be possible without the co-sponsorship of the Los Banos Fire Department, fliers in English and Spanish will be available in the lobby at City Hall, volunteers can show up at 10:00 a.m., additional funding is always needed and can be deposited at the Kiwanis, P.O. Box No. 380 at the Los Banos Post Office for donations; MAYOR VILLALTA thanked Mr. Valentine and his organization for putting on this event for many years, 950 meals are prepared each year, asked the high school students that are present to spread the word to their peers; ERIK LIMON, Republic Services, wished Council Member Faria a Happy 57<sup>th</sup> Birthday, reminded residents to discard their Christmas trees properly in three-foot pieces; MR. DE LA CRUZ, Government teacher at Pacheco High School, thanked the City Council for allowing him and his class to be here tonight, explained why he asked the students to come here as an assignment, gives them the opportunity to see how government functions and how the City/Government is run. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Silveira, seconded by Lewis to approve the consent agenda as follows: Check Register for #207802-#208140 in the Amount of \$1,261,395.59; Minutes for the November 15, 2017 City Council Meeting; City Council Resolution No. 5912 – Approving and Adopting Final Tract Map No. 2001-02 for Mission Village South, Phase 3A and Accompanying Subdivision Improvement Agreement, Generally Located on Mission Drive West of Place Road, Applicant is Trevino Pioneer, LLC; City Council Resolution No. 5919 – Proof of Concept Agreement for Hexavalent Chromium Treatment with Aqua Metrology Systems Limited and Authorizing the City Manager to Execute Said Agreement; City Council Resolution No. 5920 – Approving the Cost Sharing/Funding Agreement for Pavement Management System Data Collection and Software with Merced County Association of Governments (MCAG) and Authorizes the City Manager to Execute Said Agreement in the Amount of \$26,921.52; City Council Resolution No. 5921 – Rejecting All Bids for the Los Banos Fire Department Concrete and Fuel Tank Canopy Project; City Council Resolution No. 5922 – Approving and Adopting Final Tract Map No. 2007-09 for Villages at Los Banos, Phase 2 Located on the South Side of H Street East of Colorado Avenue, Applicant is K. Hovnanian Four Seasons at Los Banos, LLC; City Council Resolution No. 5923 – Adopting a Revised Budget for the 2017-2018 Fiscal Year by Increasing Expenditures in City Hall Impact Fee – Furniture and Fixtures

Account as it Pertains to the City Hall Expansion Project in the Amount of \$21,000. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS EXTENDING THE TEMPORARY MORATORIUM ON MASSAGE ESTABLISHMENTS.**

Community & Economic Development Director Elms stated that she will be having City Attorney Vaughn present the staff report. City Attorney Vaughn gave a brief explanation of the previously adopted urgency interim ordinance and what changes are present in this newly updated ordinance. He stated a new ordinance would be presented in the next 60-90 days.

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

Motion by Silveira, seconded by Faria to adopt Ordinance No. 1160 – An Urgency Interim Ordinance of the City Council of the City of Los Banos Extending the Temporary Moratorium on Massage Establishments. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5924 – APPROVING THE LIST OF REGIONAL AND LOCAL CITY OF LOS BANOS STREET PROJECTS TO BE INCLUDED IN THE REGIONAL TRANSPORTATION PLAN FOR YEARS 2018-2042.**

Public Works Director/City Engineer Fachin presented the staff report, which included a PowerPoint presentation. He spoke to the projects that are to be included in the plan and briefly explained what each project consists of.

There was Council Member and Staff discussion pertaining to the presented projects and possibly getting a test on air quality along the Highway 152 corridor. The streets in the ‘States’ neighborhood are getting improvements and those improvements have been long awaited. An explanation was given as to what restricted/unrestricted projects are and it was requested that updates be given on these projects as they move along.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 5924 – Approving the List of Regional and Local City of Los Banos Street Projects to be Included in the Regional Transportation Plan for Years 2018-2042. The motion carried by the affirmative action of Council Members present.

**CONSIDERATION OF AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSALS (RFP) FOR A COMPREHENSIVE FEE STUDY AND COST ALLOCATION PLAN FOR THE CITY OF LOS BANOS.**

Finance Director Williams presented the staff report. There was Council Member and Staff discussion pertaining to the three-year plan, the rates and what those rates entail. The process of the RFP, the proposals, and the award was discussed.

Motion by Faria, seconded by Lewis to Release a Request for Proposals (RFP) for a Comprehensive Fee Study and Cost Allocation Plan for the City of Los Banos. The motion carried by the affirmative action of Council Members present.

**UPDATE ON COMMUNITY & ECONOMIC DEVELOPMENT PROJECTS.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that future fiscal year budgets would assist in funding for downtown incentive program. This program would need to be approved by the City Council. This program would help revitalize and make the downtown buildings more visually appealing and also bring these buildings up to code. Visual appeal draws new businesses to the City and also makes currently existing businesses more appealing to commuters. Better businesses are brought to the community when things are aesthetically pleasing. The relocation of the airport pertaining to annexation restrictions was brought up.

There was Council Member and Staff discussion pertaining to how much funding has already been spent on the I-5 and Highway 165 airport relocation study. The I-5 and 152 location is recommended to be looked into if there is funding still available. The shelf life on these studies was discussed with focus on the fact that the previous studies have not gone to waste. There is approximately \$250,000 in assigned funding for the Community & Economic Development that can be used for these studies.

Informational item only, no action taken.

**ADVISEMENT OF PUBLIC NOTICES (TWO REPORTS)** Community & Economic Development Director Elms presented the reports. The first report pertains to a Public Workshop that will be held at the Community Center on Wednesday, December 13, 2017 at 5:00 p.m. to discuss potential changes to the City's Business License Ordinance. The second report pertains to a Public Hearing for a conditional use permit for a Cheerleading and Fitness Facility to be located at 150 West G Street. This item is to be heard on Wednesday, December 13, 2017 at 7:00 p.m. at the Community Center.

**CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 20, 2017 DUE TO THE HOLIDAY SEASON.** Motion by Silveira, seconded by Faria to Cancel the Regular City Council Meeting Scheduled for Wednesday, December 20, 2017 Due to the Holiday Season. The motion carried by the affirmative action of all Council Members present.

**APPOINTMENT OF COUNCIL MEMBER(S) TO SERVE WITH THE MAYOR ON THE SELECTION OF COMMITTEE FOR THE FOLLOWING:** Airport Advisory Commission – Three (3) Vacancies: Mayor Villalta appointed Council Member Johnson-Santos; Economic Development Advisory Committee – Three (3) Vacancies: Mayor Villalta Appointed: Council Member Lewis; Parks & Recreation Commission – Three (3) Vacancies: Mayor Villalta Appointed: Mayor Pro Tem Silveira; Planning Commission – Three (3) Vacancies: Mayor Villalta Appointed: Council Member Faria; Tree

Commission – Three (3) Vacancies: Mayor Villalta Appointed: Council Member Johnson-Santos .

**CITY MANAGER REPORT.** City Manager Terrazas thanked the students for attending the meeting, invited them to City Hall to sit and talk about what he and other departments do for the City of Los Banos; Congratulated and recognized IT Director Spalding's retirement and announced that this would be his last City Council meeting.

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

**SCOTT SILVEIRA:** Congratulated Terry Brown on his achievements; congratulated IT Director Spalding on his retirement, he will be missed, how the IT team is always ready and willing to help; Spoke to Wool Growers about how the upstairs has been converted into a little business center, there are meeting rooms available up there, various events can be held there, it's not ready for business yet but it is coming soon, ties into the downtown revitalization projects; thanked City staff for another great year, the City isn't wealthy but it's healthy; and wished everyone a Merry Christmas and Happy New Year.

**TOM FARIA:** Pleased to see all the students in attendance, reminded these students that if they are 18 years of age they are able to apply to be on the City Commissions; thanked Clark Dooley for donating the piano to the City (used for his choir performance this evening); Congratulated Terry Brown on his achievements; The Christmas Parade was magnificent; Breakfast with Santa was fun; There's lots of things going on for the Holiday Season; spoke to the Kiwanis Christmas Eve Dinner; Congratulated IT Director Spalding on his retirement; how Jerry O'Banion will be missed as a member of the Merced County Board of Supervisors, will not be running anymore; wished everyone a Merry Christmas and Happy New Year.

**DARONICA JOHNSON-SANTOS:** Congratulated IT Director Spalding on his retirement; the Christmas Parade was fun and cold; thanked Fire Chief Hurley for inviting her to the Firemen's Christmas Dinner, met his wife and she was lovely; wanted to thank California Dairies and Food 4 Less for their donations in helping with the Breakfast with Santa Event and thanked Santa Claus for donating his time in coming to the event, how the City's Parks & Recreation Staff did a great job at working the event; wished Council Member Faria a Happy Birthday; thanked City Manager Terrazas and Community & Economic Development Director Elms for working hard to bring jobs to town; wished everyone a Merry Christmas and Happy New Year.

**DEBORAH LEWIS:** Congratulated IT Director Spalding on his retirement and for all the things he has taught her about cyber safety; thanked Clark Dooley for the piano donation and also for his time to play Christmas music during the Breakfast with Santa Event, how staff set up craft activities for children, ornament creations for children, thanked Paul Cardoza for putting on this event every year, cooking staff began to make pancakes that looked like Mickey Mouse ears and snowmen, the children loved it and so did the adults, was an enjoyable time with the community, sports attire was worn, it was a great time, Food 4 Less was a major donor that was used for the Breakfast with

Santa, thanked them for reaching out and making this event possible; spoke to the RTP Plan projects using Measure V funds, spoke to the 'States' streets projects and how those streets land in District 4 and how she made a promise to those residents to improve those areas, Staff has worked diligently with new funding through a sales tax measure to bring in additional funds for sidewalks, thanked the Public Works Staff and City Staff to make sure that the project was moved forward; thanked Mr. Valentine for the annual event every year during Christmastime to feed people who may not have family or a Christmas meal, thankful for all the volunteers who put that on; wished everyone a Merry Christmas and a Happy New Year.

**MAYOR MICHAEL VILLALTA:** Congratulated IT Director Spalding on his retirement; wished Council Member Faria a Happy Birthday, appreciates him being on the City Council; thanked Terry Brown again for coming; He has never missed Christmas events that go on in the City but is sad he missed them this year because of a visit he had with his daughter in Illinois; spoke to the newly approved Pavement Management System and the rating schedule; complimented all the MCAG members for agreeing for a plan to return the money to the community, prioritization of projects and fairness across the County on the Westside is essential, spoke to the air quality tests he would like to see conducted.

**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.** Motion by Silveira, second by Johnson-Santos to execute a Letter of Intent as presented for the purchase of approximately 3.6 Acres located on G Street adjacent to the new Courthouse; purchase price to be \$1,450,548.00 with authorization to make textual changes to the language concerning the Title review as approved by the City Attorney. The motion carried by the affirmative action of all Council Members present.

**ADJOURNMENT.** The meeting was adjourned at 9:30 p.m.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

/s/ Sara Huff  
Sara Huff, Deputy City Clerk/Admin Clerk I