

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
May 16, 2018**

***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 7:05 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, Fire Chief Hurley, Finance Director Williams, City Treasurer/Accounting & Budget Supervisor Tomas, Public Works Director/City Engineer Fachin.

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

PRESENTATIONS – HABITAT FOR HUMANITY CERTIFICATE OF RECOGNITION. Mayor Villalta invited the Habitat for Humanity volunteers in attendance to come forward and be recognized. Ashlee Williams of Habitat for Humanity spoke to what Habitat for Humanity is all about and how they service those in the West Side community who may not otherwise be able to find affordable housing. All of the work that is done is through volunteer work. Sandy Lemas of Habitat for Humanity thanked the community and the City for their support and also recognized the Habitat for Humanity Board Members for all of their hard work. Ashlee Williams further spoke to some of the ways to get involved with Habitat for Humanity and she then accepted the Certificate of Recognition from Mayor Villalta.

PRESENTATIONS – PROCLAMATION RECOGNIZING NATIONAL POLICE WEEK. Mayor Villalta invited Los Banos Police Officer Sean Bayard to come forward and he in turn invited all of the Los Banos Police Officers in attendance to also come forward. Officer Bayard spoke to the history of National Police Week and what it is all about. Mayor Villalta read the proclamation and presented it to the officers in attendance.

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.

GREG WILSON, Los Banos, spoke in opposition to the Boys & Girls Club agreement that is being considered for approval later in the meeting, his concerns are related to the cost to keep the program going and how their insurance requirements are below industry standards, believes this is a form of daycare due to the amount of hours the program goes per day, does not understand why the City is doing this for this organization and cannot remember a time when the City has done this for any other non-profit organization in town, hopes the Council reconsiders this approval; MARK MARSHALL, Los Banos, spoke regarding Measure X and how it will help improve Los Banos schools without raising tax rates; GENEVA BRETT, Los Banos, spoke regarding Measure X and as a realtor she can support that schools are a very important topic for new homeowners looking to buy in Los Banos, encouraged all to vote Yes on Measure X, further spoke regarding the American Legion Auxiliary Grave Markers program they are working on, who is involved in the program and how families of loved ones that were Veterans can be sure there is a grave marker installed at the grave site, thanked the Los Banos Fire Department, CalFire, Riggs, and the Los Banos Police Department for their aid in the installation of these grave markers, provided information on how to participate in flag placement events; MICHELLE SANDOVAL, Los Banos Chamber of Commerce, presented an update on events: Dad's Night Out to be held on June 16, 2018 from 6:00 p.m. to 10:00 p.m., the Farmers Market to be held every Saturday from 7:00 a.m. to 11:00 a.m. beginning June 23, 2018 until August 11, 2018; KATHY BALLARD, Los Banos, requested to speak on Item 10 regarding the Potential Tax Measure; PASTOR BRUCE RIVERS spoke regarding the new local Los Banos Today TV show and what it is all about, further spoke in support of the Boys & Girls Club because services like that are much needed for the kids in every community, he is proud of this City and thanked everyone for all that they do for the community, looks forward to the good things happening in town; RHONDA LOWE, Los Banos, Business Coach with Valley Sierra Small Business Development Center (SBDC) and how it is a partnership with the City of Los Banos that encourages and supports business growth in the City, spoke to two events that will be held in the near future: June 6, 2018 in the lounge at the Los Banos Community Center and another event on June 27, 2018 at the Community Center, spoke to the types of clients she is currently working with and how important business growth is for the community, further reminded everyone that these services are free of charge; SANDY LEMAS, Los Banos, spoke regarding the Downtown Association and the revitalization project that is moving forward, spoke to multiple fundraisers that will be held in order to support this project, provided information on how the community can get involved in support of these fundraisers. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Johnson-Santos, seconded by Lewis to approve the consent agenda as follows: Check Register for #210426 – #210700 in the Amount of \$392,659.92; Third Quarter Investment Report for Fiscal Year 2017-2018; Minutes for the April 18, 2018 City Council Meeting; City

Council Resolution No. 5952 – Awarding Contract for Legal Advertising to the Los Banos Enterprise for Fiscal Year Ending June 30, 2019 and Authorizing and Directing the City Manager to Execute Agreement; City Council Resolution No. 5953 – Award the Bid and Authorizing the City Manager to Execute a Contract for the I Street Demolition and Abatement Project to Bowen Engineering & Environmental in the Amount of \$117,400; City Council Resolution No. 5954 – Authorizing Award of Construction Contract to Floyd Johnston Construction Co., Inc. in the Amount of \$349,240 with a 20% Contingency in the Amount of \$70,000 for the Sixth Street K Storm Line Project; City Council Resolution No. 5955 – Amending the Fiscal Year 2017-2018 Budget by Increasing Appropriations in the General Fund for Engineering Revenue in the Amount of \$115,000 and Expenditures in the Amount of \$23,648; City Council Resolution No. 5956 – Amending the Fiscal Year 2017-2018 Budget by Increasing Revenues and Expenditures in the Retiree Health Fund in the amount of \$649,343; City Council Resolution No. 5957 – Authorizing the City Manager to Execute a Measure V Recipient Funding Agreement with Merced County Association of Governments for the Administration of the Local Projects Funding From Measure V; City Council Resolution No. 5958 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2018-2019 in the Amount of \$150,078. The motion carried by the affirmative action of all Council Members present.

BOYS & GIRLS CLUB PRESENTATION – BY CHUCK ERRECA, BOYS & GIRLS CLUB STEERING COMMITTEE MEMBER. Chuck Erreca, Boys & Girls Club Steering Committee Member, spoke regarding the services they provide and hope to continue to provide to the Los Banos community. His presentation included a PowerPoint presentation. He thanked the numerous people who have assisted the process of bringing this program to town.

There was Council Member discussion with Mr. Erreca pertaining to the age limits of the program, the food program associated with the club, and the fees that are associated with enrollment and how there are funds available to help those who cannot afford to pay. Possible expansion of the club outside of Merced County was discussed so that more children could be serviced.

Informational item only, no action taken.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5959 – AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITY USE AGREEMENT AND A SUMMER PROGRAM SERVICES AGREEMENT AND THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ADMINISTER SAID AGREEMENT WITH THE BOYS AND GIRLS CLUB OF MERCED TO PROVIDE A SUMMER PROGRAM FOR THE YOUTH AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2017-2018 AS IT PERTAINS TO EXPENDITURES FOR THE COMMUNITY CENTER TECHNICAL SERVICE ACCOUNT IN THE AMOUNT OF \$6,250. Public Works Director/City Engineer Fachin presented the staff report.

There was Council Member and Staff discussion regarding how this program will be beneficial to the community as there not many options for children during the summer time while their parents are away at work. Council is very pleased to see this program come to town as it is much needed for the youth.

There was Council Member and Staff discussion pertaining to the fees per child per week, how the lunch program will be handled, and how there are certain adjustments being made so that the regular activities that are held at the Community Center are uninterrupted while the program is in session. Council looks forward to hear at the end of summer how things went in the program.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5959 – Authorizing the City Manager to Execute a Facility Use Agreement and a Summer Program Services Agreement and the Public Works Director/City Engineer to Administer Said Agreement with the Boys & Girls Club of Merced to Provide a Summer Program for the Youth and Adopt a Revised Budget for the Fiscal Year 2017-20108 as it Pertains to Expenditures for the Community Center Technical Service Account in the Amount of \$6,250. The motion carried by the affirmative action of all Council Members present.

POTENTIAL ESSENTIAL CITY SERVICES BALLOT MEASURE – CITY COUNCIL RESOLUTION NO. 5960 – AUTHORIZING STAFF TO PROCEED WITH THE PREPARATION OF A BALLOT MEASURE FOR THE NOVEMBER 2018 ELECTION CYCLE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE LEW EDWARDS GROUP.

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

Mayor Villalta invited Kathy Ballard to come forward and speak; Kathy Ballard, Los Banos, spoke to the proposed sales tax increase and what it would be used for, she referenced salary averages for Los Banos residents and how she doesn't feel another tax increase is fair, believes it would be a bad choice for the people in the community and it could possibly backfire to where people wouldn't be able to afford to spend whatever disposable income they have, less and less people are staying in hotels and eating out because they can no longer afford it, believes the City should not be paying someone to twist the words of the measure in order to get the residents to vote for it.

Mayor Villalta assured that the Council would not be in support of a twisted measure and that the measure language will clearly state exactly what it is meant for. A survey has been done and it shows that public safety is a priority while the public pool is a small concern. A downturn in the community has created a need for more public safety services.

There was further Council and Staff discussion pertaining to exactly what the measure taxes would be used for, how the Lew Edwards Group would be assisting in the process and that they would be educating the public on factual information only.

Motion by Faria, seconded by Johnson-Santos to adopt City Council Resolution No. 5960 – Authorizing Staff to Proceed with the Preparation of a Ballot Measure for the November 2018 Election Cycle and Authorize the City Manager to Enter into a Professional Services Agreement with the Lew Edwards Group. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5961 – RESCINDING THE REGIONAL TRANSPORTATION IMPACT FEE PURSUANT TO ARTICLE 4.1 OF THE IMPLEMENTATION AGREEMENT AUTHORIZING THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS TO MANAGE AND ADMINISTER THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF) PROGRAM DATED AUGUST 1, 2005. City Manager Terrazas presented the staff report, noting that the City of Atwater took action to approve the 2016 project list and rescind RTIF. All of the participating agencies have taken action to approve the 2016 project list and rescind RTIF.

Mayor Villalta expressed his gratitude for the Council and what they have done in patiently waiting. Funding would have not been received had the 2016 project list not been adopted. There are projects to look forward to and the RTIF has ended as well as a long struggle.

Motion by Villalta, seconded by Faria to adopt City Council Resolution No. 5961 – Rescinding the Regional Transportation Impact Fee Pursuant to Article 4.1 of the Implementation Agreement Authorizing the Merced County Association of Governments (MCAG) to Manage and Administer the Regional Transportation Impact Fee (RTIF) Program Dated August 1, 2005. The motion carried by the following roll call vote: AYES: Council Members Faria, Johnson-Santos, Lewis, Silveira, Mayor Villalta; NOES: None; ABSENT: None.

APPOINTMENT OF COMMISSIONER TO THE AIRPORT ADVISORY COMMISSION: ONE (1) UNEXPIRED TERM – EXPIRING DECEMBER 31, 2019. Motion by Villalta, seconded by Johnson-Santos to appoint Rula Axibal to the Airport Advisory Commission, term expiring December 31, 2019. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there will be a public hearing by the Planning Commission on Wednesday, May 23, 2018 at 7:00 p.m. in the Council Chambers for a conditional use permit and a statutory exemption from CEQA in regards to a large family daycare by applicant Lisa Wilson.

CITY MANAGER REPORT. City Manager Terrazas thanked the police officers for being here in recognition of National Police Week. He thanked Rhonda Lowe and Pastor Rivers for the hard work they do for the good of the community and is also very pleased that the Boys and Girls Club is coming to Los Banos.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos is very excited about the Boys and Girls Club coming to town as it has really impacted a lot of people's lives.

DEBORAH LEWIS: Mayor Pro Tem Lewis reminded the community that on May 27, 2018 at 9:00 a.m. there will be a service at the San Joaquin National Cemetery and a service on May 28, 2018 at 9:00 a.m. at the local cemetery in recognition of Memorial Day.

SCOTT SILVEIRA: Council Member Silveira encouraged everyone to get out there and vote in the June election.

TOM FARIA: Council Member Faria thanked the Police Department for being in attendance and thanked them for their service. He spoke to how Habitat for Humanity does great things for the community. The Boys and Girls Club has been in the works for 10-12 years and he is glad it is happening. Memorial Day is coming up and there will be services held at both local cemeteries. The DES Festa is Memorial Day weekend and you can get sopas, have fun and meet lots of people.

MAYOR MICHAEL VILLALTA: Mayor Villalta is happy that students will have opportunities to enjoy activities during the summer time at the Boys and Girls Club. He spoke to accomplishments of Habitat for Humanity and how the City has contributed a lot through fees paid on those new homes that were built when the Redevelopment Agency was around. Thankful for the Police Officers and public safety as the community would not be able to survive without them. There is a Wine Stroll Event coming up where the community is able to mingle with people they don't normally mingle with. There are two moving services at the National and local cemetery in honor of Memorial Day and he is very pleased to hear about the grave markers for the Veterans. He further urged the public to support Mr. Marshall's request that was previously made during the meeting.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

CLOSED SESSION – PUBLIC EMPLOYEE RELEASE, PURSUANT TO GOVERNMENT CODE SECTION 54957. Motion by Faria, seconded by Silveira to adopt City Council Resolution No. 5962 – Concerning the Industrial Disability Retirement of Police Officer Christopher Borchardt (Government Code Section 21156). The motion carried by the affirmative action of all Council Members present.

ADJOURNMENT. Motion by Silveira, seconded by Faria, the meeting was adjourned at 10:21 p.m. to Tuesday, May 29, 2018 at 5:00 PM to attend a 2018/2019 Fiscal Year Budget Workshop being held in the Council Chambers, 520 J Street, Los Banos, California.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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