

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
July 18, 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 7:07 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 (7:12 PM), Daronica Johnson-Santos (7:16 PM), 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: Mayor Villalta stated that item 5 - P PRESENTATIONS – Proclamation Recognizing Young’s Air Conditioning needs to be pulled from the agenda and well be presented at future meeting.

Motion by Lewis, seconded by Silveira to approve the City Council Meeting agenda as amended with the removal of item 5 - PRESENTATIONS – Proclamation Recognizing Young’s Air Conditioning. The motion carried by the affirmative action of all City Council Members present, Faria and Johnson-Santos absent.

PRESENTATIONS – PROCLAMATION RECOGNIZING YOUNG’S AIR CONDITIONING: *[Removed with the approval of the agenda]*

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. NIKKI TUFT, Los Banos, spoke regarding ten years ago how she and her five year old son came to a council meeting to speak regarding the closing of the public pool, the summer of 2008 her son learned how to swim, with the closure of the pool she found Tiger Sharks to allow him to continue to swim, spoke regarding the closure of the Pacheco Pool this summer and how issues of this type arise every year, she attended the school board

meeting and learned of new security measures that will be taken and is happy to hear that, she hopes that Council finds a way to bring a pool back to this community as it is much needed; MAX GOMEZ, Los Banos, stated that last time he was here the Police Chief helped him with addressing code violations his neighbor was committing and now he is here to speak about code violations he has been cited for, says he has spent about \$15,000 on his home in the current previous months on renovations, spoke to a fence he had put up in his front yard to increase safety and privacy and how code enforcement said the fence is two feet too short of the requirement from the edge of the sidewalk and that it needed to be taken down or modified, started to speak to homes in his neighborhood that were very rundown but his speaking time ran out, MAYOR VILLALTA advised him to contact Chief Brizzee the following day to discuss the enforcement issues; SANDY LEMAS, Los Banos spoke regarding Salvation Army and the Vacation Bible Study they are providing next week for the youth in the community, there is a new officer in charge and she introduced Major Jennifer Cortez, Ms. Lemas spoke regarding Habitat for Humanity and the activities they have going on and how the students are learning about construction through a course taught at Valley Community Campus, spoke to the success of the M Street house funded through Habitat for Humanity; JENNIFER CORTEZ, Major with Salvation Army, spoke to how she is looking forward to working with the community and helping the community, she spoke to her experience and about the upcoming vacation bible school for the youth but that everyone is welcome to come; ELIZABETH BAUCHMAN, Los Banos, new to los Banos, moved here in February, her husband works for the school district, she is a stay at home mom of two young boys and she is also the Assistant Coach to the Tiger Sharks swim program, spoke to how disheartening it is to watch these families she is coaching to fall off and get so discouraged because of the pool issues, as a coach it is hard to tell these kids they cannot swim, a public program needs to be brought to the community, she grew up in a successful program and she loved it, she would love to get in touch with someone and learn about what the steps would be to get a public pool. No one else came forward to speak and the public forum was closed.

[Council Member Faria arrived at the meeting at 7:12 PM and Johnson-Santos arrived at the meeting at 7:16 PM and took their seats at the dais.]

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Faria to approve the consent agenda as follows: Check Register for #211179 – #211576 in the Amount of \$4,213,361.03; Minutes for the June 20, 2018 City Council Meeting; Minutes for the June 26, 2018 Special City Council Meeting; Measure P Oversight Committee Report; City Council Resolution No. 5976 – Authorizing Entering into a License Agreement between the City of Los Banos and Central California Irrigation District to Construct, Operate, Repair and Maintain Storm Water Drainage Discharge Facilities within Central California Irrigation District Main Canal Right-of-Way; City Council Resolution No. 5977 – Authorizing Entering into a License Agreement between the City of Los Banos and Central California Irrigation District to Construct, Operate, Repair and Maintain Underground Drainage Pipeline Facilities within the Avellar Drain; City Council Resolution No. 5978 – Authorizing the City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim for

Fiscal Year 2017-2018; City Council Resolution No. 5979 – Approving the Submittal of a CalTrans Active Transportation Program (ATP) Cycle 4 Grant Application to Provide Funding for a 0.95 Mile Multi-Use Path Along the Northerly Right -of-Way of State Route 152 From Badger Flat Road to the Merced College Los Banos Campus; City Council Resolution No. 5980 – Authorizing the City Manager to Execute the Grant Agreement and Associate Amendments with the California Department of Transportation for the 2018-2019 State Route 152 Specific Plan, Road Maintenance and Rehabilitation Account – Sustainable Communities Grant Program. The motion carried by the affirmative action of all Council Members present.

NEW POLICE STATION UPDATE. Police Chief Brizzee presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion pertaining to what the plans were of the California Highway Patrol Department and the Sheriff's Department for which Police Chief Brizzee stated that he has heard that they are planning to move to the new location as well.

Informational item only, no action taken.

CONSIDERATION OF A PROPOSED GENERAL TAX MEASURE TO ESTABLISH A CITY ONE HALF CENT SALES TAX TO BE PLACED ON THE NOVEMBER 6, 2018 BALLOT FOR VOTER APPROVAL; CITY COUNCIL RESOLUTION NO. 5981 – CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN ITS JURISDICTION ON NOVEMBER 6, 2018 FOR THE PURPOSE OF SUBMITTING TO VOTERS A GENERAL TAX MEASURE, TO ESTABLISH A RETAIL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF 1/2% (1/2 CENT PER DOLLAR); REQUESTING THE MERCED COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE CONDUCTED ON THE SAME DATE AND TO PERMIT THE ELECTIONS DEPARTMENT TO PROVIDE ELECTION SERVICES; AND SETTING RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID MEASURE. City Manager Terrazas presented the staff report, which included a PowerPoint presentation, noting that the ballot measure question needed to be shortened by a few words as advised by the Merced County Elections Department.

There was Council Member discussion regarding the many comments made about the community pool. A brief history of the old pool was shared and how it would cost more money to salvage the old pool than it would to build a new one. The School District did everything they could to maintain the pool however changed OSHA rules made the pool less safe. With this proposed measure, things like this as well as other amenities and increased public safety services will be addressed.

Mayor Villalta invited the public to come forward and speak. DIANA INGRAM THURSTON, Los Banos, spoke to how about fifteen years ago she and a few other citizens fought tooth and nail to get the Measure P passed, she is a part of the Measure P Committee and they have done exactly what they said they would do with that

measure, this is a small tax and will be spent on public safety which is highly important and hopes the community will support it; GROVER THURSTON, Los Banos, inquired as to who would perform the audits for which CITY MANAGER TERRAZAS stated that it would be done as a part of the annual auditing process that is done by an outside firm; GROVER THURSTON asked if there is a bidding process for those auditors for which CITY MANAGER TERRAZAS stated that periodically bids do go out for these services and that FINANCE DIRECTOR WILLIAMS could provide more information if need be; THURSTON GROVER asked how many members would be sought for the Oversight Committee for which CITY MANAGER TERRAZAS stated it would be a five member board; THURSTON GROVER asked how these members would be selected for which CITY MANAGER TERRAZAS said applications would be solicited to fill these vacancies followed by the conduction of interviews of the applicants, this process would begin shortly after the certification of the election results; MAYOR VILLALTA reminded the public that these funds are not co-mingled with general fund money; JULIAN MANCIAS, Los Banos, is very supportive of this tax measure, was recently given the privilege of touring facilities in a poor community in Texas and they had a great pool facility for the community, he hopes the Council will support bringing a facility the whole City can be proud of, something to keep the youth busy and out of trouble; PATRICIA RAMOS ANDERSON, President of League of United Latin American Citizens (LULAC), worked in the criminal activity field for a long time, public safety is the quality of life, short term and long term goals need to be established, a certain level of officers are needed in the field at all times in order to maintain public safety, other classifications and positions of officers can be looked into in order to spread out services appropriately, the community has to have a buy-in and a partnership with their community officers in order for them to be successful. No one else came forward to speak.

Police Chief Brizzee stated that they never take sales tax measures lightly. He appreciates the Measure P Committee in attendance tonight to remind him of the process set forth with that measure. This new measure plan will allow the Police Department to provide more than just core services. There are times when the quality of life issues go first and secondary things come later. These added funds will help hire additional personnel to provide the services the community needs and will make significant strides forward to create a better quality of life. He whole heartedly supports this measure.

Fire Chief Hurley thanked the Measure P Committee members that are in attendance. They are proof that the City is transparent and follows through with what is promised. He spoke to how the added personnel will ease his staffing limitations and that it will provide for a safer environment for the community. His Staff will be able to continue their training and provide better service to the community. There are a lot of things that can be done with these funds and they want to be able to provide the best service that is expected. He thanked the community for speaking about the measure and is excited to move forward with further support.

There was Council Member discussion pertaining to how this measure is justifiable because the funds will be used in the community where it was collected. There has

been a lot of discussion about being sure the money will be spent for the purposes discussed and how the Oversight Committee will be used solely for the purpose of making sure those funds are being spent properly. Providing a safe community as well as providing future recreational facilities such as a community pool is important in order to keep the community thriving. As far as using the funds appropriately, there will be assurances put in place to make sure of that. As elected officials, they are responsible for holding their end of the bargain. If the measure passes, the City will be in a better position. If it does not, the City will continue to do the best it can to provide the best services possible.

There was further Council Member discussion regarding grants and pledges by higher ups. Adam Gray wanted to put money into the State budget for a swimming pool for the community but it wasn't approved by the Governor. These extra amenities that are being spoken of have no funding in existence at the present time. This extra sales tax could change that.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5981 – Calling a General Municipal Election to be Held in its Jurisdiction on November 6, 2018 for the Purpose of Submitting to Voters a General Tax Measure, to Establish a Retail Transactions and Use Tax (Sales Tax) at the Rate of 1/2% (1/2 Cent Per Dollar); Requesting the Merced County Board of Supervisors to Consolidate Said Election with the Statewide General Election to be Conducted on the Same Date and to Permit the Elections Department to Provide Election Services; and Setting Rules for Arguments and Rebuttals For and Against Said Measure with the revised ballot question as presented. 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 A RESOLUTION STATING THE CITY COUNCIL'S INTENTION FOR THE EXPENDITURE OF PROPOSED SALES TAX MEASURE PROCEEDS; CITY COUNCIL RESOLUTION NO. 5982 – STATING ITS INTENTION TO EXPEND ALL PROCEEDS OF THE SALES TAX OF THE PROPOSED LOS BANOS ESSENTIAL CITY SERVICES MEASURE IF THE PROPOSED MEASURE IS APPROVED BY THE VOTERS AT THE NOVEMBER 6, 2018 ELECTION. City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding possibly adding language to address the fiscal sustainability part of the measure and how it is important that every year when the expenditure plan comes up that a certain amount of excess funds should be put away in the sustainability fund for a rainy day. City Attorney Vaughn reminded Council that this is a general tax measure and that it is purposely general to allow for some flexibility. This resolution does not obligate future Council's intent for the funds, just this current Council's. This is a general tax, not a special tax and certain terminology needs to be used with caution.

There was further Council Member and Staff discussion about having a priority list that could be reviewed annually and how decisions made will bind this money for a long time. Future Council will have the discretion to spend the money as they feel necessary. Part of the Council felt it was not the best choice to discuss a reserve process at the present time and that the City may grow much faster than can be handled. General public safety services are trying to be provided in order to keep up with the City's growth.

Motion by Silveira, seconded by Johnson-Santos to adopt City Council Resolution No. 5982 – Stating Its Intention to Expend All Proceeds of the Sales Tax of the Proposed Los Banos Essential City Services Measure if the Proposed Measure is Approved by the Voters at the November 6, 2018 Election, with the added language based upon anticipated revenues of \$2.5 million. The motion carried by the affirmative action of the majority of the Council. AYES: Johnson-Santos, Silveira, Villalta; NOES: Faria, Lewis.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. City Manager Terrazas thanked the folks that attended tonight and how it is great to see the community participate in the Council Meeting.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Council Member Faria hoped everyone had a wonderful 4th of July. He has had a few questions asked of him about the trees in Pacheco Park. It might be something that would need to be budgeted for next year in order to increase the number of trees back out there. It is a beautiful place for the whole community to see.

DARONICA JOHNSON-SANTOS: No Report.

DEBORAH LEWIS: Mayor Pro Tem Lewis spoke to how the Los Banos Police Department will be presenting their 35th Annual National Night Out this year with the 1st Annual Taco Truck throw down. It will be held on August 7, 2018 from 5:30 p.m. to 8:30 p.m. She invited the public to come out and have a good time.

SCOTT SILVEIRA: Council Member Silveira wanted to thank the Council and the residents of Los Banos. He has had the pleasure of serving on LAFCO as the Los Banos representative for six years. His last meeting was in May and today he was awarded with a certificate of appreciation from them. He has learned a lot while serving.

MAYOR MICHAEL VILLALTA: Mayor Villalta spoke to a City-County Dinner he attended which had a city select committee meeting where it appoints Mayors and Council Members to different roles in the county on special board. A couple of years ago he was selected to be on the RAN Board (Random Access Board) where that board distributes funds from a special fund of licenses through the State of California. Many things are funded through this fund and one our employees is funded through this fund also. He spoke to how there is now only one board for the Redevelopment Agencies

within the county. He is happy to say that he was chosen to be the county representative for all of the cities within Merced County on this board. It is good to have representation on these committees. It will be more insight for the City of Los Banos. He briefly spoke to the tax measure plan and how the Council pledges to spend the money the most prudent way possible.

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, POLICE CHIEF BRIZZEE, FIRE CHIEF HURLEY, 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.

ADJOURNMENT. Motion by Faria, seconded by Lewis, the meeting was adjourned at 10:31 p.m. to 6:00 PM, Wednesday, July 25, 2018 to attend a Joint Study Session with the City Council and Planning Commission to Discuss Planning Design for the Review of New Neighborhoods Being Held at the Los Banos Police Annex, 535 J Street, Los Banos, California. The motion carried by the affirmative action of all Council Members present

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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