

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
September 5, 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 7:02 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, Community & Economic Development Director Elms, City Treasurer/Accounting & Budget Supervisor Tomas, Public Works Director/City Engineer Fachin.

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

Mayor Villalta stated that he and City Attorney Vaughn will not be participating on Item 7 – Los Banos Downtown Update since they own property/conduct business within the surrounding 300 feet of the area in discussion.

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. Mayor Villalta opened the public forum. NICK GOMES, Merced, District Representative for Congressman Costa, spoke regarding his responsibilities and how he is responsible for the Westside and to make sure the bureaucracy of the Federal Government is easy to navigate, his office helps expedite matters that require Federal attention, the Merced office is fully staffed with many services available; KELLY TURNER, Atwater, founder of Simple Equation – a nonprofit youth organization, currently doing work with SWAG under Prop 47, awarded the Viper Grant through the District Attorney's office, work with at-risk youth from the Westside, currently working with Rob Baker to rent some of the facilities owned by the City, at-risk students ages 10-17 are referred to them by the

School Resource Officers, this program aims at getting to the root of issues these youth have and then preparing them to be productive members of society through various activities; JENNIFER JOAQUIN, Republic Services, spoke regarding what is recyclable and what is not, a fall event is coming up on September 22, 2018 from 7:00 a.m. until 2:00 p.m., household hazardous waste, mattresses, batteries, tires, and green waste will be accepted; GREG HOSTETLER, Los Banos, spoke to how he does business in a number of communities in California and that the Staff and Department heads in the City of Los Banos are at the top, the City hires people that live here, his company and Stonefield Homes are the only builders that do business here and live here, part of what he does is to give back in memory of his wife Cathy Hostetler, not enough compliments are said at City Council Meetings as there are mostly complaints.; ADAM COURTNEY, Los Banos, recently received a citation for having a canopy on his patio, inquired as to what the City law is pertaining to canopies for which MAYOR VILLALTA said that the ordinance that addresses canopies will be discussed at a meeting held on September 19, 2018 but at the current time canopies are not allowed. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested that item 6E - City Council Resolution No. 5997 – Authorizing Award of Construction Contract to Hobbs Construction Inc. for Cresthills Park Arbor Project in the Amount of \$244,856 with a One Percent (1%) Contingency in the Amount of \$2,500 and 6F - City Council Resolution No. 5998 – Accepting the Iowa Avenue Waterline Replacement as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder be removed from the consent agenda to be heard and voted on separately.

Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda as follows, with the removal of item 6E - City Council Resolution No. 5997 – Authorizing Award of Construction Contract to Hobbs Construction Inc. for Cresthills Park Arbor Project in the Amount of \$244,856 with a One Percent (1%) Contingency in the Amount of \$2,500 and 6F - City Council Resolution No. 5998 – Accepting the Iowa Avenue Waterline Replacement as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder: Check Register for #211811 – #212335 in the Amount of \$2,441,100.37; Minutes for the August 1, 2018 City Council Meeting; Approval of Response Letters from the Los Banos City Council and the Los Banos Police Chief Regarding Merced County Civil Grand Jury Final Report 2017-2018 Regarding the Los Banos Police Department; City Council Resolution No. 5996 – Rejecting the Bid for One (1) New 2018-2019 Model Brush Chipper; ~~City Council Resolution No. 5997 – Authorizing Award of Construction Contract to Hobbs Construction Inc. for Cresthills Park Arbor Project in the Amount of \$244,856 with a One Percent (1%) Contingency in the Amount of \$2,500; City Council Resolution No. 5998 – Accepting the Iowa Avenue Waterline Replacement as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder;~~ City Council Resolution No. 5999 – Approving a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Sergeants Association (LBPSA) from September 1, 2018 – June 30, 2020; City Council Resolution No. 6000 – Amending Division 4, Salary Schedule – Employee Classification Relating to Changes to Section G – Police Associated with the Los Banos Police

Sergeants Association (LBPSA) Tentative Agreement/Memorandum of Understanding; City Council Resolution No. 6001 – Adopting a Revised Budget for the 2018-2019 Fiscal Year as it Pertains to Expenditures in the Amount of \$3,000 for Information Technology/Professional Services Account 610-410-100-231. The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 5997 – AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO HOBBS CONSTRUCTION INC. FOR CRESTHILLS PARK ARBOR PROJECT IN THE AMOUNT OF \$244,856 WITH A ONE PERCENT (1%) CONTINGENCY IN THE AMOUNT OF \$2,500. There was Council Member and Staff discussion as to why there were no renderings for which Public Works Director/City Engineer Fachin explained that it was because of the cost. Council requested sketches of what the arbor project will look like.

CITY COUNCIL RESOLUTION NO. 5998 – ACCEPTING THE IOWA AVENUE WATERLINE REPLACEMENT AS COMPLETE AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH THE MERCED COUNTY RECORDER. There was Council Member and staff discussion regarding the number of bidders and that this is the process done at the end of a project.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 5997 – Authorizing Award of Construction Contract to Hobbs Construction Inc. for Cresthills Park Arbor Project in the Amount of \$244,856 with a One Percent (1%) Contingency in the Amount of \$2,500 **and** City Council Resolution No. 5998 – Accepting the Iowa Avenue Waterline Replacement as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder. The motion carried by the affirmative action of all Council Members present.

Mayor Villalta and City Attorney Vaughn left their seats at the dais and exited the Council Chambers because they own property and do business in the downtown area. Mayor Pro Tem Lewis took over and conducted the meeting in Mayor Villalta's absence.

LOS BANOS DOWNTOWN UPDATE. Community & Economic Development Director Elms presented the staff report noting that Sharon Silva will be giving the presentation for the Downtown Association. Sharon Silva spoke regarding the Los Banos downtown update which included a PowerPoint presentation.

A number of Downtown Association members came forward to speak about the downtown improvements to be made and about the services their individual businesses offer.

Greg Hostetler, spoke regarding how he was honored to be a part of the Mayor of San Francisco's inauguration and how it would be an honor to see Mayor Pro Tem Lewis seated as Mayor one day, spoke to the things she has contributed to the community and thanked her for those things, thanked his wife Catherine Hostetler and Andrea and Ron Brandt, spoke to his pledge of \$1 million to the Los Banos Spring Fair in honor of his late wife's wishes of giving back to the community, he spoke to his pledge to the downtown project and how it was inspired by members of the Council, City Manager

Terrazas and Gene Lieb, he liked the work that Sharon Silva did with the Turlock Downtown Project, he then presented a check in the amount of \$50,000 from the Catherine Hostetler Foundation for the Los Banos Downtown Project.

Council thanked Sharon Silva and her committee for all the work they have done and extended an extra special thank you to Mr. Hostetler for his financial support. There is a lot of excitement to see how everything is going to turn out.

Motion by Johnson-Santos, seconded by Silveira to start the process for a PBID in the downtown area. The motion carried by the affirmative action of all Council Members present; ABSTAINED: Villalta.

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

MARIJUANA REGULATION ORDINANCE UPDATE. Community & Economic Development Director Elms presented the staff report and stated that staff is not recommending any changes to the ordinance at this time because there is not enough data to support a change. She spoke to how the surrounding cities are handling the issue and that there is also not enough data to show that there is a benefit to allow commercialized marijuana. The Council was asked to take no action and provide direction to have Staff come back in a year with an update in August or September or 2019.

There was Council Member and Staff discussion in regards to any issues that have arisen from people not holding the appropriate growing certificates for which Staff reported that there were no issues reported and that only complaints of the odor from the plants or from the smoke has been reported. There were concerns brought forth when the ordinance was passed that criminal activity could possibly increase, however there has been no increase in criminal activity because there has been no active pursuit of illegal grows.

There was further Council Member and Staff discussion pertaining to the commercial aspects of marijuana sales and how there are already delivery services happening in Los Banos and how the City is missing out on getting its share of the sales tax. It was deemed best to wait another year to analyze the situation again before considering commercial sales because it is such a complex issue.

Motion by Faria, seconded by Silveira to continue research on the issue, including way points, and revisit this item again in a year. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF COUNCIL MEMBER REQUEST REGARDING COUNCIL MEMBER COMMUNITY OUTREACH EVENTS [JOHNSON-SANTOS]. Johnson-Santos stated that she brought this forward because she remembers a time when she felt a sense of community and neighbors looked out for one another. She would like to hold some type of community outreach event in her District and possibly have other

Districts follow the idea in theirs. A Neighborhood Watch program would be the ideal outcome of this event.

City Manager Terrazas stated that if Council agrees, Staff would be willing to work on putting some options together and present them to Council at a later date. Council believes that the City Departments should also be included in this community outreach event.

Motion by Johnson-Santos, seconded by Lewis to direct Staff to research optional events within the City that would cover a wide range of subjects and bring the item back for further discussion and direction. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that a public hearing will be held for two separate items at the Planning Commission Meeting on Wednesday, September 12, 2018 at 7:00 p.m. in the Council Chambers. The first item is for a mobile vendor permit for A1 Water Quality. The second item is in regards to a proposed ordinance addressing residential on-site parking and paved surfaces.

CITY MANAGER REPORT. City Manager Terrazas thanked the downtown merchants for the efforts they are putting forth for the Downtown Project. He spoke to the hazardous household waste/fall clean up event coming up on September 22, 2018 and thanked Jennifer Joaquin for bringing the information on that event.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Mayor Pro Tem Lewis thanked the Chief of Police and the entire Police and Fire Departments for the wonderful National Night Out event as it was the best event ever. On August 20, 2018 she had the opportunity to attend a water rally in Sacramento as they are looking to decrease 40% more water and divert it into the Sacramento Delta for smelt and salmon. Adam Gray has given the bottom line detail to build a second aqueduct to Los Angeles which would mean more surface water drained from the valley.

SCOTT SILVEIRA: Council Member Silveira noted that he has four more Council meetings to attend as a Council Member. He spoke to the National Night Out event and how it was a really cool event to see. He also attended the water rally and noted how Adam Gray has been the champion of the water cause.

TOM FARIA: Council Member Faria spoke to the National Night Out event and how it was a big hit. He is happy with the way the City is going. He thanked City Manager Terrazas and Community & Economic Development Director Elms for getting the Downtown item together.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos thanked everyone for speaking on the Downtown Project item. She spoke to how the National Night Out was a great event.

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that he was at the water rally also and he took a bus up with a farmer who kept them well fed. He also thought the National Night Out event was wonderful.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, PURSUANT TO SUBDIVISION (A) OF SECTION 54956.9 OF THE GOVERNMENT CODE. NAME OF CASE: TAN LAM VS CITY OF LOS BANOS, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA COURT CASE NO. 2:15-CV-00531. No reportable action.

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, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), AND LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA).
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 11:21 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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