

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
SEPTEMBER 19, 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 7:01 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 Lewis to approve the City Council Meeting agenda. The motion carried by the affirmative action of all City Council Members present.

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. RHONDA LOWE, Los Banos, spoke to how she started having meetings with Community & Economic Development Director Elms about a year ago regarding the businesses in town and their relationship with one another, on October 11, 2018 from 9:00 a.m. to 12:00 p.m. the First Annual Business-to-Business Network Event will take place and it is a free event, it will be held in the Grand Room at the Community Center, this is a partnering event between the Small Business Development Center and the City of Los Banos, hopes to see many businesses participate. 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 6 M – City Council Resolution No. 6011 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations for Airport Expenditures in the Amount of

\$4,440.94 for Computer Equipment 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 6 M – City Council Resolution No. 6011 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations for Airport Expenditures in the Amount of \$4,440.94 for Computer Equipment: Check Register for #212336 – #212586 in the Amount of \$1,292,555.35; Minutes for the August 30, 2018 Special City Council Meeting; Minutes for the September 5, 2018 City Council Meeting; City Council Resolution No. 6002 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Cab and Chassis to Valley Peterbilt in the Amount of \$105,957 and Authorize the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6003 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Medium Duty Utility Truck with Lift Gate #B to Reynolds Buick/GMC in the Amount of \$43,244.11 and Authorize the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6004 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Cab and Chassis with 240 Hooklift System to Fresno Truck Center in the Amount of \$133,710.45 and Authorize the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6005 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Medium Duty Utility Truck with Lift Gate #A to Reynolds Buick/GMC in the Amount of \$43,244.11 and Authorize the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6006 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Medium Duty Utility Truck to Santos Ford in the Amount of \$41,250 and Authorize the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6007 – Accepting Oliveira Park Renovations as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 6008 – Accepting the Sixth Street K Storm Line as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 6009 – Accepting the 644 & 646 I Street Demolition as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 6010 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations in Expenditures for Landscape and Lighting Districts #3 (Los Banos Gardens) in the Amount of \$4,710.14 and #6 (St. Francis) in the Amount of \$7,863.39 for Storm Drain Maintenance; ~~City Council Resolution No. 6011 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations for Airport Expenditures in the Amount of \$4,440.94 for Computer Equipment;~~ City Council Resolution No. 6012 – Amending City Council Resolution No. 5783 Relating to the City’s Conflict of Interest Code. The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 6011 – AMENDING THE FISCAL YEAR 2018-2019 BUDGET BY INCREASING APPROPRIATIONS FOR AIRPORT EXPENDITURES IN THE AMOUNT OF \$4,440.94 FOR COMPUTER EQUIPMENT. Mayor Pro Tem Lewis inquired as to the credits and costs involved regarding the airport equipment for which Public Works Director/City Engineer Fachin stated that the \$16,440.94 is the cost after the credit for the equipment exchange is applied.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 6011 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations for Airport Expenditures in the Amount of \$4,440.94 for Computer Equipment. The motion carried by the affirmative action of all Council Members present.

LITERACY COALITION OF MERCED COUNTY PRESENTATION – By Steve Tietjen, Ed.D, Merced County Superintendent of Schools. Mr. Tietjen spoke regarding the Literacy Coalition of Merced County, which included a PowerPoint presentation.

There was Council Member discussion with Mr. Tietjen regarding the challenges the schools and families face with student truancy and how the coordination of agencies within Merced County could help the issue. Mr. Tietjen spoke to different programs that are out there to give these students and families resources to aid them in their educational development and peak their interest in school and personal success. He further spoke to the Little Library project he has started within the County. Council is interested in finding out more information on what it would take to become a public agency partner in the Little Library project.

Informational item only, no action taken.

REPUBLIC SERVICES PRESENTATION – By Jennifer Joaquin, Recycling Coordinator with Republic Services. Ms. Joaquin and Jennifer Halpin from Merced County Republic Services spoke regarding the importance of and the dos and don'ts regarding recycling and also the Recycling/Household Hazardous Waste event that will be held on September 22, 2018. There was a PowerPoint presentation to go along with their information.

There was Council Member discussion with the representatives regarding items that should or should not be recycled and also which items are to be included in the Recycling/Household Waste event and how much these events cost. Council would like to have Republic Services work with the Merced County Association of Governments (MCAG) to get more cities involved in the recycling and events.

Informational item only, no taken.

BUXTON CO. RETAIL RECRUITMENT UPDATE AND PRESENTATION – By Cheyenne Robinson, Account Executive with Buxton Co. Community & Economic Development Director Elms presented the staff report and introduced Ms. Robinson who gave an update on Buxton Co. retail recruitment efforts for the City of Los Banos, which included a power point presentation.

There was Council Member discussion with Ms. Robinson concerning what aspects retailers focus on when selecting a location such as population and drive times for surrounding cities. The most promising potential retailers for the City were spoken to and how Staff resources should be focused on those in particular. Council feels that the taxpayer dollars have been spent wisely when it comes to choosing the services Buxton Co. has provided, and Ms. Robinson said the Community & Economic Development Department Staff is doing a great job in their partnership.

Informational item only, no action to be taken.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTION OF AN ORDINANCE TO ESTABLISH THE REGULATION AND PROCESSING OF ACCESSORY BUILDINGS AND STRUCTURE (SHADE CANOPIES, PATIO COVERS, SHEDS, CARPORTS, AND OTHER OUTBUILDINGS OR STRUCTURES) IN THE LOW DENSITY AND MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS (R-1 AND R-2); ORDINANCE NO. 1164 – AMENDING ARTICLE 18 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE AND ADDING ARTICLE 44 TO CHAPTER 3 TITLE 9 RELATING TO ACCESSORY BUILDINGS AND STRUCTURES (FIRST READING & INTRODUCTION).

Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding clearance requirements noted in the updated ordinance and which structures would be legal or illegal. There was also discussion pertaining to structures that would be grandfathered in.

Mayor Villalta opened the public hearing. NILSON GOMES FILHO, Los Banos, stated that he has lived in the City for eight years and spoke to his intention of being the next Mayor of the City, told Mayor Villalta that he's sorry if he is hurt by his presence but that he is his friend; JULIAN MAZINA, Los Banos, urged the Council to vote yes on the changes in the ordinance, understands that Staff has worked hard on the compromises and that some residents are going to be happy and some will be unhappy. No one else came forward to speak and the public hearing was closed.

Motion by Lewis, seconded by Silveira to waive the first reading of Ordinance No. 1164 – Amending Article 18 Chapter 3 of Title 9 of the Los Banos Municipal Code and Adding Article 44 to Chapter 3 Title 9 Relating to Accessory Buildings and Structures. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Silveira to introduce Ordinance No. 1164 – Amending Article 18 Chapter 3 of Title 9 of the Los Banos Municipal Code and Adding Article 44 to Chapter 3 Title 9 Relating to Accessory Buildings and Structures. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that a public hearing will be held at the Planning Commission Meeting on Wednesday, September 26, 2018 at 7:00 p.m. in the Council Chambers regarding a variance at 1602 Woodbrush Avenue.

CITY MANAGER REPORT. City Manager Terrazas stated that he learned a lot about recycling today and appreciated the presentation this evening.

REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: POLICE CHIEF. City Manager Terrazas stated that on September 6,

2018, based upon his performance review of the Police Chief, the Police Chief's salary was increased to \$14,277 monthly / \$171,324 annually retroactive to May 16, 2018.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Council Member Silveira stated that he had the honor and privilege to represent the city at the League of California Cities Conference in Long Beach and how it is very important to interact outside of the business setting with Staff members and other officials. He also believes it is important that we send out Planning Commissioners to the Planning Commission conferences. He will be attending the Farm to Table dinner that will be held tomorrow evening.

TOM FARIA: Council Member Faria congratulated the Chamber of Commerce on a successful street fair. He reminded the public about the clean-up event being held on Saturday, September 22, 2018. There are a lot of events going on in the coming months and a lot of the organizations are starting to do their fundraising. He spoke to the loss of Sherry Valentine, a citizen of Los Banos who has donated a lot of her time to the community.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos thanked the City for allowing her to attend the League of California Cities Conference and that she always learns lots of new things at these events. She thanked City Clerk/Human Resources Director Mallonee for assisting her while she was at the conference. She thanked the rest of the Staff for all of their hard work and that she has had a great experience so far being a part of the Council.

DEBORAH LEWIS: Mayor Pro Tem Lewis also had the opportunity to attend the League of California Cities conference and thanked the community for the tax payer funds that allowed her to attend the event and gain information on what's going on in California as far as law changes and what other communities are doing to improve the services they provide to their citizens. A request was made to the League to hold seminars for smaller cities in order to provide information to smaller cities regarding what they can do to gain some of the amenities the larger cities have. She spoke to Assembly Bill 649 and how there was a big protest last year regarding these communication companies wanting to place big electrical boxes on both public and private properties without any permission so that cell phone services could be upgraded. She spoke to how the City of San Leandro took advantage of the situation and agreed to have these transmitter boxes installed on their light poles. In turn, the City is gaining income and the fabric of the community is unbothered at the same time. She requested that the City Manager reach out to the Telecommunications Director of San Leandro to see how they went about receiving funds to get that program going. Mayor Pro Tem Lewis spoke to how she was unsure about the retail recruitment services provided by Buxton Co. in the beginning but that she is pleased with the results and that she is looking forward to what they could bring next year to the City. She further spoke to her concerns about spending more on the airport when it needs to be relocated out the City because the land that it is currently on would be more valuable in other uses such as a regional hospital. In regards to the recycling presentation, she reminded the public that after pick up on trash days, the recycling bins are to be placed behind the gate and out of public view. In relation to Community & Economic Development

Director Elms' presentation regarding the accessory buildings and structures, she asked City Manager Terrazas if there are visual examples that could be placed in the presentations so that the Council and the community has a better visual understanding of all of the numbers and examples that are being discussed.

MAYOR MICHAEL VILLALTA: Mayor Villalta thanked Rhonda Lowe for urging businesses to network with each other. He noted that all of the Council receives phone calls from residents and that if there are certain issues that arise to contact the appropriate district representative and him. If voicemails are left, please leave a callback number so calls can be returned. He spoke to a podium sign that was located on H Street on Highway 33 and how the Public Works Department contacted the County to have it removed. Mayor Villalta was unable to attend the League of California Cities Conference as he was in Washington D.C. with the Merced County Association of Governments (MCAG) to ensure that Los Banos' voice was heard in unison with the rest of the County regarding transportation and water topics. He spoke about a topic that came up in Washington D.C. regarding the California Rail Authority and a rail spur that hasn't been removed. The Rail Authority has been contacted and statistics were discussed. Supervisor McDaniel will be providing more information and providing assistance on this issue. The Farm to Table Dinner is tomorrow and the Our Lady of Fatima Oktoberfest will be held on Saturday, September 22, 2018. There are a lot of events going on and he urged the community to get involved. He gave kudos to Staff for their work on the ordinance update that was discussed tonight.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OF SUBDIVISION (D) OF SECTION 54956.9 OF THE GOVERNMENT CODE: 90-DAY NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT FROM CALIFORNIA RIVER WATCH, DATED SEPTEMBER 3, 2018. 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 10:08 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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