

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 17, 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 Johnson-Santos to approve the City Council Meeting agenda. The motion carried by the affirmative action of all City Council Members present.

PRESENTATION – PROCLAMATION – RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH. Mayor Villalta presented the proclamation to members of the Los Banos Fire Department. Fire Fighter Castillo spoke regarding the fundraiser and thanked those that were involved in the process. Thanked all the citizens of Los Banos for their support and donations.

PRESENTATION – NEW CITY EMPLOYEE INTRODUCTION(S). Public Works Director/City Engineer Fachin introduced the new Public Works Operations Manager, William Via, and Parks & Recreation Operations Manager, Joseph Heim. He spoke to their background and gave them both an opportunity to speak for themselves.

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. Mark Bodley, Los Banos representative for Merced County Mosquito Abatement, spoke regarding a new mosquito species that has been found active in the city as well as

other cases that have been reported in Merced County as a whole, the duck clubs are now being flooded and are presenting breeding areas for mosquitoes, spraying and other methods of mosquito control will be very active until the beginning of November or until the first frost, for further information he can be contacted at (209) 722-1527 or (800) 622-3242; COUNCIL MEMBER FARIA asked Mr. Bodley if mosquito fish are still used in ponds and troughs for which Mr. Bodley confirmed they are, they are bred and if members of the public have ponds or troughs they can call to get mosquito fish delivered; MAYOR VILLALTA spoke to how he was given a tour of the Mosquito Abatement facility and had a chance to see all that they do there; ELAINE CORY, Los Banos, spoke regarding her concerns regarding the downtown redevelopment area and how she spoke with City Manager Terrazas and Community & Economic Development Director Elms regarding extending the deadline for the survey to the end of the month and that unreturned surveys would be counted as a “no” vote, she wanted the information entered into the public record; MAYOR VILLALTA stated that Community & Economic Development Director Elms will be doing a presentation in the future and that all facts regarding this project will be shared at that time; MONICA SELLER, Los Banos, here to show support for Measure H on behalf of Stonefield Homes, presented a donation in the amount of \$15,000 to the volunteers of “Say Yes to H” on behalf of Stonefield Homes. 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 Silveira to approve the consent agenda as follows: Check Register for #212809 – #213031 in the Amount of \$969,430.46; Minutes for the October 3, 2018 City Council Meeting; City Council Resolution No. 6016 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Medium Duty Flat Bed Utility Truck to Santos Ford in the Amount of \$132,079 and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6017 – Awarding the Bid for the Purchase of One (1) New 2018-2019 Model Heavy Duty Combination Sewer Cleaner Truck to Municipal Maintenance Equipment, Inc. in the Amount of \$443,814.62 and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order; City Council Resolution No. 6018 – Accepting Public Improvements for Villages IV Phase 2A and Release of the Faithful Performance Bond and the Labor and Materials Bond. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF ENTERING INTO A PROFESSIONAL SERVICES AGREEMENT TO PERFORM A POLICE FACILITY NEEDS ASSESSMENT; CITY COUNCIL RESOLUTION NO. 6019 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR POLICE FACILITIES NEEDS ASSESSMENT WITH INDIGO HAMMOND + PLAYLE ARCHITECTS, LLP IN THE AMOUNT NOT TO EXCEED \$166,400 FOR FISCAL YEAR 2018-2019. Public Works Director/City Engineer Fachin presented the staff report.

The Council expressed how happy they are that this project is in the works and that the animal shelter remodel or rebuild will be included. The designs are very nice and Council looks forward to what will come of the new facilities.

Motion by Faria, seconded by Johnson-Santos to adopt City Council Resolution No. 6019 – Authorizing the City Manager to Execute a Professional Services Agreement for Police

Facilities Needs Assessment with Indigo Hammond + Playle Architects, LLP in the Amount Not to Exceed \$166,400 for Fiscal Year 2018-2019. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING AN ORDINANCE TO AMEND AND REORGANIZE ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF-STREET PARKING AND AMEND AND REORGANIZE ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES; ORDINANCE NO. 1065 1165 – AMENDING AND REORGANIZING ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF-STREET PARKING; AMENDING AND REORGANIZING ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES (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 multiple topics relating to this item such as encroachment permits, fees, the amount of vehicles to be allowed in a resident's backyard, RV restrictions, and clearance points.

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

Fire Chief Hurley spoke to his concerns regarding fire hazards and making sure accessibility issues were addressed. Majority of the topics that were being discussed are code enforcement issues. There were varying opinions amongst Council on this topic and it was decided it would be best to continue this item to gather further public comment and consideration.

Motion by Silveira, seconded by Faria to continue this item, Public Hearing – To Receive Public Comment and Consideration of Adopting an Ordinance to Amend and Reorganize Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking and Amend and Reorganize Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational Vehicles, Ordinance No. 1065 1165 – Amending and Reorganizing Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking; Amending and Reorganizing Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational Vehicles (First Reading & Introduction) to November 7, 2018. The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL COMMUNITY OUTREACH EVENTS. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding the ideas of park side or district chats, how often they would be held, and how the Mayor would most likely be in

attendance at each event since he is elected at large. These events would give the Council Members an opportunity to speak to the community about things such as neighborhood watch programs. Council Member Johnson-Santos stated that she would love to host the first event. Community & Economic Development Director Elms said she will come back to Council with a policy on this.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that two public hearings will be held at the Planning Commission Meeting on Wednesday, October 24, 2018 at 7:00 p.m. in the Council Chambers regarding an addendum to Mitigate Negative Declaration #2005071027 and Vesting Tentative Tract Map #20148-03 for Shaunessy Village and a categorical exemption from the CEQA for Site Plan Review #2018-03 and Conditional Use Permit #2018-11 for the development of a mini storage near H and Second Streets.

Mayor Villalta wanted to make a clarification on the fact that the building of these properties is not something that can be stopped. The grants were approved some time ago and they are in the process of building now.

CITY MANAGER REPORT. City Manager Terrazas welcomed Joseph Heim and William Via to the team and also thanked Fire Fighter Castillo and the rest of the Fire Department for their work on the breast cancer awareness t-shirts. Council meetings for Council Member Silveira are winding down. He wished him the best of luck in his future endeavors and encouraged him not to be a stranger.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos spoke to how she has learned so much from Council Member Silveira and how she is confident he will do a great job on the Merced County Board of Supervisors. She is sad to have missed out on the Tomato Festival that was held in the beginning of October. Thanked the Fire Department for all they do and for all that Staff does in general.

DEBORAH LEWIS: Mayor Pro Tem Lewis reminded the public that on October 31, 2018 from 5:30 p.m. to 8:00 p.m. there will be the Annual Harvest Festival. She spoke to how she attended the Domestic Violence Awareness March in Los Banos. The newly elected District Attorney attended the event and spoke. She looks forward to next year's event and thanked the Police Department for sponsoring the event and keeping the route safe. Thanked the Fire Department for the breast cancer awareness shirts and how she would like a Dalmatian design available for the adult-sized shirts. Expressed her gratitude to the Council for their time and efforts on hashing out differences on the discussed ordinance and to Staff for taking the time to work on the ordinance.

SCOTT SILVEIRA: Council Member Silveira spoke to how Memorial Hospital did a walk-up flu clinic yesterday and how they will be doing another one on October 30, 2018. The Fire Department always does a great job with the breast cancer awareness t-shirts. He announced that this is his last official Council Meeting and that it has been a pleasure to work with Staff on a business and personal level. Would like to keep office hours in Los Banos one day a week and looks forward to working with the City. Wished his colleagues

the best and commended them because it takes a lot of courage to run for an elected office. He wished Public Works Director/City Engineer Fachin a Happy Birthday.

TOM FARIA: Council Member Faria thanked the Fire Department for their work on the breast cancer awareness t-shirts. Today was the anniversary of the Loma Prieta Earthquake and reminded everyone not to forget the things that happen in their lives. He is happy to see Joseph Heim and William Via working in Los Banos. The Drama and Arts Council put on a Beauty and the Beast Production. He congratulated Council Member Silveira on his future role.

MAYOR MICHAEL VILLALTA: Mayor Villalta thanked the Fire Department for the work they do and spoke to how they do much more than just come to work. The breast cancer awareness fundraiser is such a worthy cause. He welcomed Joseph Heim and William Via as new employees. The Tomato Festival was another great event this year and he thanked the festival staff. The Peace for Families March was once again a great event. He thanked Council Member Silveira for being a part of this Council and how this is not goodbye. The relationship is going to be a great one and it is important to end his last meeting with a discussion and compromise.

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 10:22 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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