

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 6, 2019**

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 7:03 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: Tom Faria.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accounting & Budget Supervisor Tomas, Police Chief Brizzee, Fire Chief Hurley, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin.

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

PRESENTATIONS.

PROCLAMATION – CANCER AWARENESS. Mayor Villalta presented the proclamation to the Los Banos Fire Fighters in attendance. Los Banos Firefighter Juan Ramirez stated that this is the 6th year in a row that the Fire Department has put on this fundraiser. This year, Kagome sponsored the cost of the shirts so that the entire amount of raised funds would be going to those recipients in the community. This year, \$6,860 was raised through this fundraiser.

RECOGNITION OF ENTRY AWARDS FROM THE VFW POST 2487 AND AMERICAN LEGION POST 166 VETERANS DAY PARADE.

Mayor Villalta asked the Veterans in attendance to come forward and present the Veterans Parade awards. Mike Hughes spoke regarding the Veterans Day Parade and thanked the Los Banos Police Department and the City for their cooperation during the event. Patricia McCoy presented awards to the following recipients: Westside Elementary School as a parade winner. The Assistant Principal, Maggie Ordunez, spoke regarding their group and thanked all the students and parents for the time they spent on the parade float; Los Banos Junior High School. The Principal, Deolinda Brasil, thanked the veterans for putting on this annual parade and for their service; Pacheco High School girls' golf

team, Teacher Laura Barger thanked the veterans for their service and for putting on the parade. Mike Hughes introduced the veterans in attendance: Patricia McCoy, Rick Toscano, Ray McCully, Ildo Martins, Jim Valentine, and Tom Higby.

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.

POLICE CHIEF BRIZZEE recognized Kathy Wilber for her 15 years of Police Volunteer Service at the Animal Shelter amounting to thousands of hours of work; Ms. Wilber thanked the community for their support and spoke regarding the services the animal shelter provides; Mayor Villalta thanked Ms. Wilber both personally and professionally for all that she has done in taking care of the animals at the animal shelter, stating that she will be missed so much; JEFF DELACRUZ, Government Teacher at Pacheco High School, spoke regarding how his students are in attendance and how he brings them here to see how local government works; STACIA ROLAS, Pacheco High School student, stated that she lives in the Ranchwood area and thinks there needs to be more stop signs in the area, particularly adding stop signs on Santa Barbara; Gene Lieb, Chamber of Commerce, spoke regarding the upcoming Christmas Parade being held on December 6, 2019 and sponsored by Republic Services and Coldwell Bank, the events going on that evening, applications are available at the Chamber office and Los Banos Enterprise too, and encouraged all to participate and attend. 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 7Q - City Council Resolution No. 6152 – Awarding the Bid for the Purchase of One New 2019-2020 Crack Seal Machine; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Dispensing Technology Corporation in the Amount of \$93,481.24 be removed from the Consent Agenda for separate approval and presentation.

Motion by Lewis, seconded by Jones to approve the consent agenda, with the removal of 7Q - City Council Resolution No. 6152 – Awarding the Bid for the Purchase of One New 2019-2020 Crack Seal Machine; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Dispensing Technology Corporation in the Amount of \$93,481.24 item as follows: Check Register for #218328 – #218868 in the Amount of \$2,634,773.16; First Quarter Investment Report for Fiscal Year 2019/2020; Minutes for the September 18, 2019 City Council Meeting; Minutes for the October 2, 2019 City Council Meeting; City Council Resolution No. 6140 – Amending the 2019-2020 Fiscal Year Budget and Approving the Increase of Expenditures in the Amount of \$45,331.33 and Revenues in the Amount of \$43,331.33, Related to the Replacement of a Totaled Police Vehicle, to be Reimbursed by McLarens Insurance Firm and the Central San Joaquin Valley Risk Management Authority; City Council Resolution No. 6141 – Authorizing the City Manager to Enter into Measure V Regional Project Funding

Agreement for the Pacheco Boulevard (SR 152) Regional Path Project Between the City of Los Banos and Merced County Association of Governments (MCAG); City Council Resolution No. 6142 – Authorizing the City Manager to Enter into Measure V Regional Project Funding Agreement for the Pioneer Road Widening Project Between the City of Los Banos and Merced County Association of Governments (MCAG); City Council Resolution No. 6143 – Accepting Public Improvements for Shaunessy Village Phases 1, 2 & 3, Generally Located Within the Area Bounded by APN 083-130-042 to the North, Highway 165 (Mercey Springs Road) and APNs 083-100-009, 083-100-008 and 083-100-007 to the West, Scripps Drive to the South, and College Greens Subdivision to the East, More Specifically Identified as APNs 083-100-005 and 083-100-006 (Developer: Stonewood Home, Inc.); City Council Resolution No. 6144 – Approving and Adopting Final Tract Map No. 2001-02 Mission Village South Phase 3C and Accompanying Subdivision Improvement Agreement, Generally Located Within the Area Bounded by Mission Village South Phase 3B to the North, Las Palmas Road to the East, Willmott Road to the South, and APN 428-280-002 to the West, More Specifically Identified as APN 428-280-010 (Applicant: Stonefield Home, Inc., a California Corporation); City Council Resolution No. 6145 – Approving and Adopting Final Tract Map No. 2016-02 East Center Phase 2A and Accompanying Subdivision Improvement Agreement, Generally Located within the Area Bounded by Center Avenue to the West, Future Easter Center Phase 3 to the South, East Center Phase 1 Subdivision to the East, More Specifically Identified as APN 431-270-005 (Developer: Pioneer Development Company, Inc.); City Council Resolution No. 6146 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos the Villages Phase VII Phase 1B Unit 1 and Accompanying Subdivision Improvement Agreement, Generally Located within the Area Bounded by Villages VII Phase 1 Unit 1 to the North, Future Villages VII Phase 1B Unit 2 to the South and East, and Merced County APN 430-060-002 to the West, More Specifically Identified as Lot D APN 430-060-032 (Applicant: Anderson Homes, a California Corporation); City Council Resolution No. 6147 – Awarding the Bid for the Purchase of One New 2019-2020 Model Cab and Chassis; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Fresno Truck Center in the Amount of \$108,884.21; City Council Resolution No. 6148 – Awarding the Bid for the Purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Fresno Truck Center in the Amount of \$141,834.37; City Council Resolution No. 6149 – Awarding the Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$47,995.00; City Council Resolution No. 6150 – Awarding the Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$47,995.00; City Council Resolution No. 6151 – Awarding the Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$47,995.00; ~~City Council Resolution No. 6152 – Awarding the Bid for the Purchase of One New 2019-2020 Crack Seal Machine; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Dispensing Technology~~

~~Corporation in the Amount of \$93,481.24; City Council Resolution No. 6153 – Authorizing Award of Construction Contract to Precision Grade, Inc. in the Amount of \$52,439.00 with a 10% Contingency in the Amount of \$5,243.00 for 7th Street Ball Park Restroom; City Council Resolution No. 6154 – Authorizing Award of Construction Contract to TBS Contractors in the Amount of \$198,630.00 with a 10% Contingency in the Amount of \$19,863.00 for the “Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements” (Federal-Aid Project No. CML-5160(027)) at Various Locations in the City of Los Banos; City Council Resolution No. 6155 – Amending the 2019/2020 Fiscal Year Budget and Approving the Increase in Expenditures of Measure H Funding in the Amount of \$40,000; Related to the Purchase and Upfitting of a New Code Enforcement Vehicle. The motion carried by the affirmative action of all Council Members present; Faria absent.~~

CITY COUNCIL RESOLUTION NO. 6152 – AWARDING THE BID FOR THE PURCHASE OF ONE NEW 2019-2020 CRACK SEAL MACHINE; AUTHORIZES THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ISSUE THE PURCHASE ORDER TO DISPENSING TECHNOLOGY CORPORATION IN THE AMOUNT OF \$93,481.24.

There was Council Member and staff discussion regarding what projects this machine would be used for and the timelines for these projects.

Motion by Lewis, seconded by Jones to approve City Council Resolution No. 6152 – Awarding the Bid for the Purchase of One New 2019-2020 Crack Seal Machine; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Dispensing Technology Corporation in the Amount of \$93,481.24. The motion carried by the affirmative action of all Council Members present; Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE TO AMEND AND RESTATE ARTICLE 34, CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER AFFORDABLE HOUSING DEVELOPMENT INCENTIVES; ORDINANCE NO. 1175 – AMENDING AND RESTATING ARTICLE 34 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER AFFORDABLE HOUSING DEVELOPMENT INCENTIVES (SECOND READING & ADOPTION).

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

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

Motion by Johnson-Santos, seconded by Jones to waive the second reading of Ordinance No. 1175 – Amending and Restating Article 34 Chapter 3 of Title 9 of the Los Banos Municipal Code Regarding Density Bonuses and Other Affordable Housing Development Incentives. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Jones to adopt Ordinance No. 1175 – Amending and Restating Article 34 Chapter 3 of Title 9 of the Los Banos Municipal Code Regarding Density Bonuses and Other Affordable Housing Development Incentives. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT #2019-03 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE LOCATED AT 1101 F STREET; APN: 025-152-009 (APPLICANT: JOHN C. BUSTILLOS); CITY COUNCIL RESOLUTION NO. 6156 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS AND APPROVING CONDITIONAL USE PERMIT #2019-03 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT 1101 F STREET, APN 025-152-009.

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

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

Motion by Johnson-Santos, seconded by Jones to adopt City Council Resolution No. 6156 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects and Approving Conditional Use Permit #2019-03 to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License at 1101 F Street, APN 025-152-009. The motion carried by the affirmative action of all City Council Members present; Faria absent.

CONSIDERATION OF ORDINANCE NO. 1176 – AMENDING TITLE 2 CHAPTER 2 ARTICLE 2 OF THE LOS BANOS MUNICIPAL CODE TO CREATE PLANNING COMMISSION DISTRICTS; AMEND THE NUMBER OF MEMBERS AND MANNER OF APPOINTMENT; LENGTH OF TERMS; AND ABSENCES. (SECOND READING & ADOPTION)

Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation. She spoke to how one Planning Commissioner has passed away and another Planning Commissioner will be resigning. An urgency ordinance regarding the commission vacancies will be presented at the next City Council Meeting on November 20.

Motion by Johnson-Santos, seconded by Jones to waive the second reading of Ordinance No. 1176 – Amending Title 2 Chapter 2 Article 2 of the Los Banos Municipal Code to Create Planning Commission Districts, Amend the Number of Members and Manner of Appointment; Length of Terms; and Absences. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Johnson-Santos, seconded by Jones to introduce Ordinance No. 1176 – Amending Title 2 Chapter 2 Article 2 of the Los Banos Municipal Code to Create Planning Commission Districts, Amend the Number of Members and Manner of Appointment; Length of Terms; and Absences. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

NOTICE AND ANNOUNCEMENT OF VACANCIES AND APPOINTMENT OF COUNCIL MEMBERS TO SERVE ON THE SELECTION COMMITTEES FOR THE FOLLOWING COMMISSIONS/COMMITTEES: AIRPORT ADVISORY COMMISSION – FOUR (4) VACANCIES, TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2021, TWO (2) UNEXPIRED TERMS – EXPIRING DECEMBER 31, 2020; ECONOMIC DEVELOPMENT ADVISORY COMMISSION – THREE (3) VACANCIES, ONE (1) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2021, TWO (2) UNEXPIRED TERMS – EXPIRING DECEMBER 31, 2020; PARKS & RECREATION COMMISSION – TWO (2) VACANCIES, TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2021; TREE COMMISSION – THREE (3) VACANCIES, THREE (3) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2021; MEASURE H COMMITTEE – TWO (2) VACANCIES, TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2021; MEASURE P COMMITTEE – THREE (3) VACANCIES, THREE (3) THREE (3) YEAR TERMS – EXPIRING DECEMBER 31, 2022. City Clerk/Human Resources Director Mallonee announced the commission/committee vacancies.

Motion by Villalta, seconded by Johnson-Santos to appoint Council Member Lewis to the Selection Committee with the Mayor for the Airport Advisory Commission. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Villalta, seconded by Lewis to appoint Council Member Jones to the Selection Committee with the Mayor for the Economic Development Advisory Commission. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Villalta, seconded by Jones to appoint Council Member Faria to the Selection Committee with the Mayor for the Parks & Recreation Commission. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Villalta, seconded by Johnson-Santos to appoint Council Member Johnson-Santos to the Selection Committee with the Mayor for the Tree Commission. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Villalta, seconded by Lewis to appoint Council Member Lewis to the Selection Committee with the Mayor for the Measure H Committee. The motion carried by the affirmative action of all City Council Members present; Faria absent.

City Clerk/Human Resources Director Mallonee noted that the Police Chief and Fire Chief recommend appointments to Measure P Committee to the City Council for approval.

CONSIDERATION OF APPROVAL TO ADVERTISE FOR EMERGENCY PLANNING COMMISSION VACANCY(S).

Community & Economic Development Director Elms presented the staff report and spoke to how there have been some unexpected vacancies in the commission and that in order to conduct business and keep the Planning Commission Meetings going, she is requesting that the City Council approve the advertisement of these emergency vacancies. The ordinance that was just approved is planned to go into effect immediately with the passage of an urgency ordinance that is to be presented at the next City Council Meeting on November 20.

There was Council Member and staff discussion pertaining to how there is only one vacancy looking to be filled at the present time, how these applications would be submitted through the City Clerk's Office and how staff is hoping to fill these vacancies with representatives from certain districts. Beginning with the 2020 election, Planning Commissioners will begin to be formally elected by district representation per the ordinance that was recently adopted.

Motion by Lewis, seconded by Johnson-Santos to dispense with the normal process of advertising for the Planning Commission vacancy and accept nominations to fill the position and bring back to the City Council for consideration and approval. The motion carried by the affirmative action of all City Council Members present, Faria absent.

CONSIDERATION OF FUNDING OPTIONS FOR PIONEER ROAD WIDENING PROJECT. City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion pertaining to the importance of this project and how it needs to be done as soon as possible. This project has been discussed for a long time but before funding sources are sought, a project study review needs to be conducted to have formal backing on its importance and safety benefits.

It was the consensus of the City Council to pursue all potential funding options for the Pioneer Road Widening Project: i.e. RTIP/STIP, Measure V Regional – West – “20% set-aside”, Measure V Regional – West – Bonding, Local Partnership Program (LPP) Formula, Highway Infrastructure Program (HIP), Congestion Mitigation and Air Quality (CMAQ), Measure V Local (Los Banos), SB 1 – LPP, SB 1 – Trade Corridor Program (TCEP), CalTrans & CTC Interregional Transportation Improvement Plan (ITIP), and federally discretionary programs (BUILD, INFRA).

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6157 – REQUESTING THAT \$5,000,000 OF STATE TRANSPORTATION IMPROVEMENT PROGRAM CARRYOVER REGIONAL IMPROVEMENT FUNDS REMAIN AS UNPROGRAMMED AND AVAILABLE FOR THE PIONEER ROAD WIDENING

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

There was Council Member and staff discussion pertaining to how this item will be presented due to Highway 152 being a safety concern, deemed by CalTrans, in order to support the funding request being brought forth. Together, the City and a chosen engineering firm, with the support of CalTrans, will be working on a project study review in support of this project. The California Transportation Commission will ultimately decide how funds in the State Transportation Improvement Program will be used which is why having the best supporting evidence of the need for projects is essential.

Motion by Villalta, seconded by Jones to adopt City Council Resolution No. 6157 – Requesting that \$5,000,000 of State Transportation Improvement Program Carryover Regional Improvement Funds Remain as Unprogrammed and Available and \$5,000,000 of Measure V funds Allocated to the County of Merced Local Projects Be Earmarked and Available for the Pioneer Road Widening Project. The motion carried by the following vote: AYES: Johnson-Santos, Villalta; NOES: Jones, Lewis; ABSENT: Faria.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. City Manager Terrazas stated that it is always a pleasure to see Mr. Delacruz and his students and applauded Miss Morales for speaking at the podium. He thanked all for coming to tonight's meeting.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. No report

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Council Member Lewis stated that on November 9 at 6:00 p.m. at Hotel Del Oro in Santa Nella there will be a fundraiser for the Boys and Girls Club of Merced benefiting the Los Banos program. On October 23, the annual Peace for Families March was held and she is proud of the organization for their efforts and of the city for showing its support to the cause. The Fun Fest that was held on October 31 on West I and West L Street was a successful event. Police Chief Brizzee attended as well as the Fire Department. Every year the event continues to grow.

TOM FARIA: Absent.

DARONICA JOHNSON-SANTOS: Mayor Pro Tem Johnson-Santos spoke regarding the Party in the Park event held on October 19 at Ranchwood Park and thanked the Parks & Recreation Operations Manager, Joe Heim, and all his employees for their efforts in putting on a great event.

BRETT JONES: No report

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that attending events with his fellow Council Members is a pleasure and presenting proclamations is an honor. He spoke regarding the upcoming Elks Lodge Veterans Lunch and the Volta Flag raising on November 8. Thanked the City Council for the unity as he appreciates it very much. They're doing the right thing how it is the right thing to do and let's stay as a cohesive group.

ADJOURNMENT. The meeting was adjourned at 9:36 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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