

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 18, 2017**

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, Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: Daronica Johnson-Santos.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, City Treasurer/Accountant II Tomas, Finance Director Williams, Fire Chief Marrison, Assistant Fire Chief Hurley, Public Works Director/City Engineer Fachin, Community & Economic Development Director Elms and Information Technology Director Spalding.

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

PRESENTATION – PROCLAMATION RECOGNIZING CANCER AWARENESS MONTH. Mayor Villalta presented the proclamation to the Los Banos Firefighters in attendance and thanked them for all the good that they do year after year. Firefighter Castillo thanked Council for inviting them up there and also thanked Rachelle McCarthy and MaryLou Gilardi for their participation in helping spread the word and taking order for the shirts. Additionally thanked Firefighter Houtekamer's mom at Sign Solutions for making the shirts. Approximately \$10,000 was raised for local families that are dealing with cancer. Another big thank you went out to all the City departments that participated, the school district, and the community itself for their participation.

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. JOHN FULTON, Los Banos, thanked the Public Works staff for responding to his concerns regarding

bicycle safety, he spoke to the requirements of bike lanes and suggested bike lanes no longer be painted and instead establish bike routes, the extra paint can be used for graffiti problems within the City. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Faria to approve the consent agenda as follows: Check Register for #207100 – #207324 in the Amount of \$1,380,245.50; Minutes for the October 4, 2017 City Council Meeting; City Council Resolution No. 5901 – Authorizing Entering into a Facility Use Agreement between the City of Los Banos and the Los Banos Golden Age Club Inc. for Rental of the Community Grand Room in the amount of \$460 a Month; City Council Resolution No. 5902 – Adopting a Revised Budget for the 2017-2018 Fiscal Year as it Pertains to Expenditures in the Fire Department Vehicle Repair & Maintenance Account (100-422-100-216) in the Amount of \$13,435; City Council Resolution No. 5903 – Approving Closure of Non-Essential City Offices on Tuesday, December 26, 2017 and Tuesday, January 2, 2018; City Council Resolution No. 5904 – Accepting Public Improvements which have been Substantially Completed for Lots 1-13 Fronting North Street and Lots 14-19 Fronting Willmott Avenue of Harvest Grove, Tract #2013-01. The motion carried by the affirmative action of all Council Members present; ABSENT: Johnson-Santos.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN AMENDMENT TO TITLE 9, CHAPTER 3, ARTICLE 28 OF THE LOS BANOS MUNICIPAL CODE RELATING TO SIGNS; ORDINANCE NO. 1158 – AMENDING TITLE 9, CHAPTER 3, ARTICLE 28 OF THE LOS BANOS MUNICIPAL CODE RELATING TO SIGNS. (FIRST READING & INTRODUCTION) Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council and Staff discussion pertaining to what is recognized as a hardship and how decisions pertaining to that hardship are at the discretion of the Community & Economic Development Director. Banners and windblown devices will always need the approval of the Community & Economic Development Director, while A and I Frame signs will not need approval as long as they are following all the rules pertaining to those signs. All sign materials must be durable, all-weather resistant, and must have professionally done digital printing with the exception of chalkboards. It was requested that a letter with approved amendments to the sign ordinance be sent out to local businesses so they are aware of the new rules.

Mayor Villalta opened the public hearing. JOHN FULTON, Los Banos, stated that he is confused as he was involved in visually interpretive materials and used dye-cut vinyl for certain things, this dye-cut vinyl could be used with hand-drawn materials, believes the language Council and staff are using is ambiguous. No one else came forward to speak and the public hearing was closed.

There was Council Member and Staff discussion regarding that all art originated somewhere and that hand drawn art is okay to use on signs as long as it is professionally done and digitalized for use on the signs. Council thanked Staff for taking the time to reexamine the temporary sign ordinance and its fairness as it plays a big role in the local businesses in the community.

Community & Economic Development Director Elms reiterated for clarification that under portable signs it will state that that the signs need to be professionally done and on durable materials.

Motion by Lewis, seconded by Silveira to waive the first reading of Ordinance No. 1158 – Amending Title 9, Chapter 3, Article 28 of the Los Banos Municipal Code Relating to Signs with the inclusion of new language regarding portable signs must use professionally done designs on durable material. The motion carried by the affirmative action of all Council Members present; ABSENT: Johnson-Santos.

Motion by Lewis, seconded by Silveira to introduce Ordinance No. 1158 – Amending Title 9, Chapter 3, Article 28 of the Los Banos Municipal Code Relating to Signs. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: None; ABSENT: Johnson-Santos.

City Attorney Vaughn stated that the request to have a letter sent out to the local business community is to be included on the second reading and adoption of this ordinance at the next Council Meeting.

PROFESSIONAL SERVICES AGREEMENT AND BUDGET AMENDMENT FOR THE CITY OF LOS BANOS GENERAL PLAN UPDATE 2040; CITY COUNCIL RESOLUTION NO. 5905 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PLACEWORKS FOR THE PREPARATION OF A GENERAL PLAN UPDATE AND ACCOMPANYING ENVIRONMENTAL IMPACT REPORT AND ADOPTING A REVISED BUDGET FOR THE FISCAL YEAR 2017-2018 AS IT PERTAINS TO INCREASING EXPENDITURES IN THE COMMUNITY & ECONOMIC DEVELOPMENT/ TECHNICAL SERVICES ACCOUNT (100-419-100-231) BY \$196,959. Community & Economic Director Elms presented the staff report and introduced Joanna Jansen, representative with PlaceWorks, who spoke in detail to the General Plan Update, which included a PowerPoint presentation.

There was Council Member discussion with Ms. Jansen regarding where the projected data came from and what makes up the General Plan, how they want to see attainable goals and firm commitments to reach these goals, needing to move forward and continue growing and make it to where there are more jobs available locally.

Community & Economic Development Director Elms noted a typo/error on the agenda/submitted resolution and that the correct account number to have expenditures increased is 100-419-100-238.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5905 – Authorizing the City Manager to Execute a Professional Services Agreement with PlaceWorks for the Preparation of a General Plan Update and Accompanying Environmental Impact Report and Adopting a Revised Budget for the Fiscal Year 2017-2018 as it Pertains to Increasing Expenditures in the Community & Economic Development/ Technical Services Account (100-419-100-231) by \$196,959. The motion carried by the affirmative of all Council Members present; ABSENT: Johnson-Santos.

REVIEW OF MERCED COUNTY ASSOCIATION OF GOVERNMENTS BYLAWS, JOINT POWERS AGREEMENT AND REPRESENTATIONAL STRUCTURE FIRST QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2017-2018; CITY COUNCIL RESOLUTION NO. 5906 – AMENDING THE 2017-2018 FISCAL YEAR BUDGET AS IT PERTAINS TO INCREASING EXPENDITURES IN THE PUBLIC WORKS MAINTENANCE/GENERAL SERVICES ACCOUNT (100-452-100-101) BY \$8,075 AND THE PUBLIC WORKS MAINTENANCE/PARKS ACCOUNT (100-451-240-101) BY \$1,425, INCLUDING DIVISION 4, SALARY SCHEDULE – EMPLOYEE CLASSIFICATIONS RELATING TO CHANGES TO SECTION G – POLICE AND SECTION D – INFORMATION TECHNOLOGY DEPARTMENT. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion pertaining to the different tiers, unfunded liabilities and how we the City could save in the long run. It would be more beneficial to the City to pay down the higher limit accounts instead of trying to pay off the lower limit accounts. There was further discussion pertaining to Community Facilities Districts, Strike Team, and additional revenue to be used for safety equipment.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5906 – Amending the 2017-2018 Fiscal Year Budget as it Pertains to Increasing Expenditures in the Public Works Maintenance/General Services Account (100-452-100-101) by \$8,075 and the Public Works Maintenance/Parks Account (100-451-240-101) by \$1,425, Including Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section G – Police and Section D – Information Technology Department. The motion carried by the affirmative action of all Council Members present; ABSENT: Johnson-Santos.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5907 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUTUAL/AUTO AID AGREEMENT FOR FIRE PROTECTION BETWEEN THE COUNTY OF MERCED AND THE CITY OF LOS BANOS. Fire Chief Marrison presented the staff report. There was discussion pertaining to what mutual aid is and how it is beneficial to everyone involved. This is something that is long overdue and mutual aid can make a difference when it comes down to those few extra minutes that save lives. This agreement is a testament to Fire Chief Marrison and how he has developed a strong relationship between the City's Fire Department and the County's Fire Department. This is a great accomplishment for Fire Chief Marrison in his last few days before his retirement.

Motion by Lewis, seconded by Silveira to adopt City Council Resolution No. 5907 – Authorizing the City Manager to Enter into a Mutual Aid/Auto Aid Agreement for Fire Protection between the County of Merced and the City of Los Banos. The motion carried by the affirmative action of all Council Members present; ABSENT: Johnson-Santos.

REPORT ON UPDATE OF BUSINESS LICENSE ORDINANCE. City Attorney Vaughn presented the staff report, which included a PowerPoint presentation

There was Council Member and Staff discussion pertaining to rental homes and large property managers and whether or not these homes will be up for inspections. Property managers are currently licensed through the City. Business licensing is currently being done through the Springbrook Software System and a different system for business licenses will be considered in the future. The City's licensing fees are one of the lowest in the Valley and that is because they haven't been reviewed and updated for a while. Big department stores are paying as much as smaller mom-and-pop stores for business licenses which is something that needs further attention. Council would like to see conditions of approval of business licenses enforced and for Staff to come up with some type of method of enforcement that would be easy for Code Enforcement Officers to go by. While examining this ordinance, it was found that there is no revocation process in place which needs to be included in order to enforce compliance. The point of this ordinance is to reasonably regulate the businesses in town.

No action taken, advisement and direction from City Council on how to proceed.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: FINANCE DIRECTOR, FIRE CHIEF. City Manager Terrazas reported that on October 18, 2017, based upon his performance review of the Finance Director their salary was increased to \$10,311 monthly (\$123,732 annually) retroactive to May 16, 2017; On October 16, 2017 based upon entering into an employment agreement with the new Fire Chief, the monthly salary was set at \$10,244 or (\$122,928 annually) effective October 28, 2017.

City Manager Terrazas stated that tomorrow night, October 19, 2017, is the Police Department's National Night Out at Pacheco Park; Thanked Fire Chief Marrison for his service to the City as this is his final Council meeting, important night to the Fire Chief and the community, has only known him for a little over a year but has been impressed with his professionalism, dedication and service to the community, has been a pleasure to work with him in this short time, wished him luck in his retirement.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Absent.

DEBORAH LEWIS: Stated that Blaze Pizza had a successful opening, they served free pizza to the entire community two weeks prior, by 9:00 p.m. that evening they had served over 1,200 pizzas to the community, this is the 14th franchise the owners have opened in the State, she wished them great success, the pizza is excellent; There will be a Harvest Fun Fest on October 31, 2017 from 5:30 p.m. to 8:00 p.m. at 821 West L Street, there will be fun games for children and raffles, lots of candy for the children; National Night Out will be held from 5:00 p.m. to 7:00 p.m. at Pacheco Park; Thanked the Los Banos Fire Department for their continued effort on honoring Breast Cancer Awareness, this disease affects both men and women, excited to hear that the money raised by the T-Shirt fundraiser will stay in town and help families in Los Banos, hopes that effort will continue and the money will continue to stay in town, appreciates the dedication and the outreach to the community and the increase in number of shirts sold; She believes Fire Chief Marrison has done a great job as a Fire Chief, she's going to miss seeing him there, wishes him the best for his retirement, has done an incredible job and she has been happy to work with him, thanked him for his dedication and time served, welcomes the new Fire Chief and looks forward to seeing him sit in that chair at the first Council meeting in November.

SCOTT SILVEIRA: Congratulated Fire Chief Marrison on his retirement, he appreciates his professionalism, candor, honesty, dedication to the fire service, dedication to the citizens of Los Banos, always striving to make the Department better than what it is, saddened to see him go, wishes him all the luck in his retirement, he appreciates the Department and how it works, there isn't a whole lot of room for promotion in such a small town but these guys are dedicated to Los Banos and its citizens, and it's a testament to all the Chiefs before him and the Chiefs to follow, congratulated Fire Chief Marrison and Assistant Fire Chief Hurley for their new paths in life, looks forward to the work to come and keeping in touch with Fire Chief Marrison.

TOM FARIA: Congratulated Fire Chief Marrison on his retirement and Assistant Fire Chief Hurley for his appointment, has known they both a long time and it has been a pleasure and an honor, this town is served well, they represent the best, looks forward to seeing Fire Chief Marrison around town and hopes he gets more time to do more things he loves and gets more time with his grandkids, thanked him for his service; Wished his granddaughter Adalina a happy second birthday, they grow so fast; He won't be able to make it to National Night Out as his choir will be performing in Fresno.

MAYOR MICHAEL VILLALTA: Stated that tomorrow night there will be a Small Works of Art event that benefits the library, tickets can be obtained at the door; He will be at National Night Out, thanked Fire and Police for putting that event on, it's a great community get together, need more events like that, great way for the community to see the Departments in a different manner; On November 1, 2017, Assistant Fire Chief Hurley will be pinned as the new Fire Chief, looking forward to coming to that; Thanked the Fire Department for the T-shirt fundraiser, has been doing it for years, it's imperative that all types of cancer are fought, thanked the Fire Department for raising that money; Has known Fire Chief Marrison for many decades, it's great that he gets to retire,

wishes him happiness with his family, hopes he will continue to visit; His grandson also turned 9 years old today, wished his grandson Liam a happy birthday.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT 1111 G STREET, LOS BANOS, CALIFORNIA, (APN 026-161-003, 026-161-008 (PORTION)), APPROXIMATELY 6.04 ACRES; CITY NEGOTIATORS: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE; NEGOTIATING PARTIES: SAM WATSON; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No reportable action.

ADJOURNMENT. The meeting was adjourned at 10:00 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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