

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
FEBRUARY 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 7:01 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, Brett Jones, Mayor Michael Villalta; Absent: None.

**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, Finance Director Williams, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Johnson-Santos, seconded by Faria 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.** No one came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Johnson-Santos, seconded by Faria to approve the consent agenda as follows: City Council Resolution No. 6043 – Approving an Amendment to Division 5 –Personnel Benefits as it Pertains to Peace Officers Standard & Training (POST) Incentive Pay for Police Department Unrepresented Sworn and Non-sworn Personnel and Division 5-K – Workers’ Compensation Reporting Policy as it Pertains to Clarifying Supervisor Responsibilities of the City’s Policy & Procedures Manual; City Council Resolution No. 6044 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations in Expenditures for Landscape and Lighting District #12 (Mission Estates) in the Amount of

\$3,907.59 for Storm Drain Maintenance. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN AMENDMENT OF ANNEXATION NO. 11 TO THE CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-01 (PUBLIC SAFETY SERVICES), RELATIVE TO THE SHAUNESSY VILLAGE LOCATED EAST OF MERCY SPRINGS ROAD AND NORTH OF SCRIPPS DRIVE; EAST CENTER AREA PLAN LOCATED EAST OF CENTER AVENUE, NORTH OF PIONEER ROAD AND WEST OF CRESTHILLS SUBDIVISION; AND NORTHPOINTE AT REGENCY PARK LOCATED EAST OF WESTMINSTER WAY, SOUTH OF SAN SIMEONE WAY, AND WEST OF THE SAN LUIS CANAL; CITY COUNCIL RESOLUTION NO. 6045 – ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CFD NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES), CALLING AN ELECTION REGARDING THE ANNEXATION OF CERTAIN PROPERTY TO CFD NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES) AND TO LEVY A SPECIAL TAX THEREIN TO FINANCE CERTAIN PUBLIC SAFETY SERVICES FOR SUCH CFD NO. 11; CITY COUNCIL RESOLUTION NO. 6046 – ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CFD NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES) DECLARING THE RESULTS OF A SPECIAL TAX ELECTION AND ANNEXING CERTAIN TERRITORY ANNEXATION NO. 11.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated that she had received zero (1) written protests. No one came forward to speak and the public hearing was closed.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6045 – Acting in Its Capacity as the Legislative Body of CFD No. 2002-01 of the City of Los Banos (Public Safety Services), Calling an Election Regarding the Annexation of Certain Property to CFD No. 2002-01 of the City of Los Banos (Public Safety Services) and to Levy a Special Tax therein to Finance Certain Public Safety Services for Such CFD No. 11. The motion carried by the affirmative action of all City Council Members present.

#### *SHORT RECESS TO CONDUCT ELECTION*

City Clerk Mallonee stated that she received two hundred twenty-seven (227) YES votes and zero (0) NO votes.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 6046 – Acting in Its Capacity as the Legislative Body of CFD No. 2002-01 of the City of Los Banos (Public Safety Services) Declaring the Results of a Special Tax Election and Annexing Certain Territory Annexation No. 11. The motion carried by the affirmative action of all City Council Members present.

**CONSIDERATION OF ORDINANCE NO. 1168 – AMENDING CHAPTER 16 TITLE 3 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CONTRACTING FOR PUBLIC WORKS PROJECTS (ASSEMBLY BILL 2249).** City Attorney Vaughn

presented the staff report.

Motion by Johnson-Santos, seconded by Faria, to waive the second reading of Ordinance No. 1168 – Amending Chapter 16 Title 3 of the Los Banos Municipal Code Relating to Contracting for Public Works Projects (Assembly Bill 2249). The motion carried by the affirmative action of all Council Members present.

Motion by Johnson-Santos, seconded by Faria, to adopt Ordinance No. 1168 – Amending Chapter 16 Title 3 of the Los Banos Municipal Code Relating to Contracting for Public Works Projects (Assembly Bill 2249). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6047 – ESTABLISHING A POLICY REGARDING BY DISTRICT REPRESENTATION TO THE LOS BANOS PLANNING COMMISSION.** Community & Economic Development

Director Elms presented the staff report.

There was Council Member and staff discussion regarding the interview process, interested individuals will still need to apply and be qualified to hold that commission, the at large appointment process.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6047 – Establishing a Policy Regarding by District Representation to the Los Banos Planning Commission with the addition of language in the Policy that states the interview process for the at large appointments. The motion carried by the affirmative action of all Council Members present.

**COMMUNITY & ECONOMIC DEVELOPMENT UPDATE.** Community & Economic Development Director Elms gave update, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding families are moving here and the need for more services, hospital to keep up with the growth of our town, legislation out there that will equal this out, we are not getting the good things of having people moving here, contributing to our community is being in our community, carbon emission concerns, transportation and quality of life concerns, businesses don't want to locate/invest in the central valley because they already have a captive audience in the bay area, \$4500 a month for rent in the bay area, new State mandates on housing will force cities to offer more affordable housing, how there needs to be a balance between jobs and home, how we already have someone in Sacramento to keep an eye out for this.

Ms. Elms introduced Audrey Taylor from Chabin Concepts who spoke in detail to the City's industrial business recruitment plan.

There was additional Council Member and staff discussion regarding MCAG conducting a survey of all the commuters in our city, commuter connection, van pools, looking to see what the impact is to Los Banos compared to other cities, property owners not wanting to put capital on their land, marketing tactics to move obstacles, the campaign tactical plan, the workforce and graduating seniors, career pathways for certain types of jobs, how Merced community college in Los Banos instituted a welding program and will work on other types of programs for certain types of businesses, the business park plan with the relocation of the airport, the land is very valuable to the community, what are we doing as a city to maybe closing the airport if we cannot afford to be relocated, how the FAA has told staff that closure of the airport was not a consideration and is only looking at things that benefit aviation and the City would have to determine how closure is a benefit and relocation is the only option, but the FAA understands that that is not an appropriate location for an airport, how other cities have closed down or combined with nearby airports, how staff needs to prove that there is a benefit to the community to do all these things, wanting to see us maximize this valuable land for the whole of the community, being a 10 year process. City Manager Terrazas stated that we have been meeting to figure all this out, getting special legal counsel involved to get concrete answers, when we are back in Washington, DC with OneVoice that will be a topic with FAA Headquarter staff.

Informational item only, no action to be taken.

**NEW POLICE STATION UPDATE PRESENTATION.** Assistant Public Works Director Pimentel gave an update on the new Police Station, which included a PowerPoint presentation.

Informational item only, no action to be taken.

**ADVISEMENT OF PUBLIC NOTICES (No Report).**

**CITY MANAGER REPORT.** City Manager Terrazas reported pursuant to Government Code Section 54953(c)(3) Executive Compensation that on January 29, 2019 based upon his performance review of the Fire Chief, the Fire Chief's salary was increased to \$11,025 monthly (\$132,300 annually) retroactive to October 16, 2018.

City Manager Terrazas spoke regarding this Friday's Coffee with a Cop event at the Starbucks by Walgreens

**CITY COUNCIL MEMBER REPORTS.**

**TOM FARIA:** Spoke regarding the event "Los Banjos" being this Saturday and the events going on that day, the upcoming Knights of Columbus Free Throw event this Saturday at the Community Center, in March Advanced Parent Institute, schools last

week had an all district choir festival which was very successful, how Los Banos is a great place to raise your family.

**DARONICA JOHNSON-SANTOS:** Thanked the City for allowing us to go to the City County Dinner in Gustine it was a nice event.

**BRETT JONES:** No report

**DEBORAH LEWIS:** Stated that she had the opportunity on January 24, 2019 to attend the Valley Crisis Center presentation on human trafficking in Merced County noting that the new District Attorney and LBPD Sergeant Justin Melden were speakers, it was a great presentation and an eye-opener for me.

**MAYOR MICHAEL VILLALTA:** Stated that tonight we had Mason Pereira in attendance because his is earning his merit badge for Boy Scouts and encourage him to contact the City Council Members if he had any questions. Spoke regarding the presentation on economic development, how the group from Africa chose Los Banos as a place to stop, thanked staff for the event and all that they did, how he met one of the participants in Washington, DC, how we need to move forward with the Economic Development Plan, work in partnership with landowners, hard on commuters and another generation is going through the hardship.

**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, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES.** No reportable action.

**ADJOURNMENT.** The meeting was adjourned at 9:43 p.m.

APPROVED:

/s/ Michael Villalta

Michael Villalta, Mayor

ATTEST:

/s/ Lucille L. Mallonee

Lucille L. Mallonee, City Clerk