

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 2, 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 (7:05 pm), 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 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.

PRESENTATIONS.

CERTIFICATE OF RECOGNITION TO DAVID SANTOS FARMING AS THE AGRICULTURE BUSINESS OF THE YEAR, 2019. Mayor Villalta presented the certificate to Mr. David Santos who was in attendance at the meeting. Mr. Santos thanked the City Council for the recognition.

PROCLAMATION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE PREVENTION AWARENESS MONTH. Mayor Villalta presented the proclamation to Liz Tyler and Brenda Martinez representing Valley Crisis Center. Ms. Tyler spoke regarding domestic violence and the importance of education to serve and protect those affected, and invited all those interested to participate in the October 23, 2019 Annual Peace for Families March.

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.

MICHAEL HUGHES, Los Banos, Commander of the VFW in Los Banos, spoke regarding the upcoming events which include the Veterans Town Hall Meeting on October 24 and the ribbon cutting event that is for the medical telepod that will be located at the Veterans Memorial Hall, the Veterans Parade will take place on November 2, thanked the City for their support and cooperation; RHONDA LOWE, UC Merced SBDC, spoke regarding two events held this month for local businesses, on October 10 the third business-to-business event will take place at the Community Center from 9:00 a.m. to 3:00 p.m., this is a free event for local business promotion, a Booster Business series is starting on October 17 at the Police Annex from 6:00 p.m. to 8:00 p.m., will review the 10 things every retailer needs to know; ELAINE CORY, Los Banos, would like to state her opinion of opposition against the PBID, does not believe the City has been neutral during the process, says the boundaries of the district were changed when there was not enough votes to push the item through originally, does not believe that the City is doing anything that will benefit the downtown area. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda, as follows: Check Register for #218099 – #218327 in the Amount of \$1,361,111.48; City Council Resolution No. 6132 – Amending the Fiscal Year 2019-2020 Budget as it Pertains to the Expenditure of a Cab and Chassis with 240 Hooklift System in the Amount of \$133,710.45; City Council Resolution No. 6133 – Approving the Re-Certification of the City of Los Banos Sewer System Management Plan; City Council Resolution No. 6134 – Authorizing the City Manager to Develop and Submit an Application for Statewide Park Development and Community Revitalization Program Grant Funds; City Council Resolution No. 6135 – Approving Closure of Non-Essential City Offices on December 24 and 31, 2019. The motion carried by the affirmative action of all Council Members present.

Mayor Villalta stated that he and City Attorney Vaughn will be excusing themselves from the following item because they own property in the downtown area in question and they left their seats at the dais and exited the Council Chambers.

Mayor Pro Tem Johnson-Santos took over to chair the meeting in the Mayor's absence.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION REGARDING THE FORMATION OF THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (LBDPBID) AND THE LEVY OF ASSESSMENT; CITY COUNCIL RESOLUTION NO. 6136 – ESTABLISHING THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, APPROVING THE ASSESSMENT FORMULA AND LEVYING THE ASSESSMENTS.

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

Mayor Pro Tem Johnson-Santos opened the public hearing. No one came forward to speak and the public hearing was closed.

Mayor Pro Tem Johnson-Santos explained the ballot-opening procedure and how there would be a short recess so that City Clerk/Human Resources Director Mallonee can tabulate the ballots.

A short recess was taken.

City Clerk/Human Resources Director Mallonee stated that the ballots had been tabulated and that the results were as follows: 62.58% of the ballots were in favor of this item at a monetary amount of \$64,927.05; 37.42% of the ballots were not in favor of this item at a monetary amount of \$38,818.44.

There was Council Member and staff discussion pertaining to why the H Street area was cut out of the boundaries for which it was stated that that particular area does not have the same type of infrastructure as the other downtown streets and that it was recommended by the Civitas to not include that street.

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6136 – Establishing the Los Banos Downtown Property and Business Improvement District, Approving the Assessment Formula and Levying the Assessments. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis; NOES: Faria; ABSENT: None; ABSTAIN: Villalta.

Mayor Villalta and City Attorney Vaughn returned to their seats at the dais and Mayor Villalta returned to chairing the meeting.

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 (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 the potential developments for low income and very low income housing and what the requirements are for new development. Possible waiver of fees pertaining to public safety was discussed but not favored.

Mayor Villalta opened the public hearing. ADAM ROSALES, spoke regarding his concerns with utility cost increase, how this low income housing could attract criminal activity and crowds that can become a nuisance, suggests conducting background

checks on the people that will be occupying these properties. No one else came forward to speak and the public hearing was closed.

Motion by Johnson-Santos, seconded by Faria to waive the first 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.

Motion by Johnson-Santos, seconded by Faria to introduce 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: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

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 (FIRST READING & INTRODUCTION). Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

There was Council Member and staff discussion pertaining to how the next appointments would be handled and how that would affect the current seats of the present Planning Commissioners.

Motion by Lewis, seconded by Johnson-Santos to waive the first 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.

Motion by Lewis, seconded by Johnson-Santos 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: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6137 – ADOPTING MAJOR CITY GOALS. City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

The major city goals were discussed and how all goals would be worked on simultaneously but any goals given priority would be discussed amongst staff and Council.

Motion by Johnson-Santos, seconded by Jones to adopt City Council Resolution No. 6137 – Adopting Major City Goals. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6138 – APPROVING A FOURTH AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT AS IT PERTAINS TO INCREASING THE ANNUAL BASE SALARY BY FIVE PERCENT (5%). There were Council Member and staff discussion regarding the terms of City Manager Terrazas’ employment agreement and the amendments to that original agreement were discussed in regards to the percentage of salary increases allowable versus his salary range. A motion for a 3% salary increase instead of a 5% salary increase was introduced, which would not change the current salary range.

Motion by Lewis, seconded by Jones to authorize a 3% annual base salary increase for the City Manager. The motion failed by the following vote: AYES: Lewis, Jones; NOES: Faria, Johnson-Santos, Villalta.

Motion by Johnson-Santos, seconded by Faria to adopt City Council Resolution No. 6138 – Approving a Fourth Amendment to City Manager Employment Agreement as it Pertains to Increasing the Annual Base Salary by Five Percent (5%). The motion carried by the following vote: AYES: Faria, Johnson-Santos, Villalta; NOES: Jones, Lewis.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6139 – AMENDING DIVISION 4, SALARY SCHEDULE – EMPLOYEE CLASSIFICATIONS RELATING TO SECTION A – ADMINISTRATION / CITY MANAGER. Motion by Faria, seconded by Johnson-Santos to adopt City Council Resolution No. 6139 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Section A – Administration/City Manager. The motion carried by the following vote: AYES: Faria, Johnson-Santos, Villalta; NOES: Jones, Lewis.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that there will be two public hearings held at the Planning Commission meeting on Wednesday, October 9, 2019 at 7:00 p.m. in the Council Chambers. One of the items is site plan review for a modular structure at First Baptist Church and the other item is for a Type 41 Alcohol License for a restaurant located at 1101 F Street.

CITY MANAGER REPORT. No report.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta stated that MCAG will be finishing up a funding plan for the Atwater/Merced Expressway and Pioneer Expressway and how he will be calling a Special Meeting of the City Council to discuss next steps.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: No report

DEBORAH LEWIS: Council Member Lewis spoke regarding the upcoming October 31, 2019 Harvest Fun Festival from 5:30-8:00 p.m. located at 821 West L Street. There will be many fun activities for the whole family.

TOM FARIA: Council Member Faria stated that he will be out due to surgery for a few weeks or possibly months. This aging injury has affected his ability to play the piano and he asks for everyone's prayers. He also requested that anytime the City Attorney must recuse himself from an item, that there be a substitute City Attorney present in his place.

DARONICA JOHNSON-SANTOS: Mayor Pro Tem Johnson-Santos spoke regarding the Recreation Department's Party in the Park Series to be held on October 19, 2019 at 3:00 p.m. at Ranchwood Park.

MAYOR MICHAEL VILLALTA: Mayor Villalta Spoke regarding some upcoming events around town which include the flu shot clinic to be held at Memorial Hospital from 8:00 a.m. - 5:00 p.m. on October 9, 2019; the Veterans Parade on November 2, 2019; the Business Expo on October 10, 2019 from 9:00 a.m. - 3:00 p.m.; and the New Retail Info Business Event on October 17, 2019 from 6:00 p.m. - 8:00 p.m. He spoke to how all the City Council Members receive concerns about things in the City and that City officials should be contacted first so concerns can be directed to the appropriate department. If still not satisfied with the outcome, then Council Members can be contacted. There has been recent discussion with the City Manager to come up with a plan to clean up the trash cans in the back of Food 4 Less.

ADJOURNMENT. The meeting was adjourned at 10:00 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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