

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
SEPTEMBER 18, 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 Commander Hedden 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 Commander Hedden, Fire Chief Hurley, Finance Director Williams, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin.

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that there is an immediate need to take action on an item that arose after the posting of the agenda (receipt of MCAG Agenda after City's Agenda had been distributed) and therefore is requesting to add this item for consideration: PIONEER ROAD WIDENING PROJECT INCLUSION IN THE REGIONAL TRANSPORTATION PROGRAM so that the City Council can provide direction to the Mayor. He read the allowances under the Brown Act which cover adding items to the City Council's agenda after the 72-hour posting requirement has elapsed.

Motion by Lewis, seconded by Johnson-Santos to add PIONEER ROAD WIDENING PROJECT INCLUSION IN THE REGIONAL TRANSPORTATION PROGRAM to the agenda as item #12. The motion carried by the following roll call vote – AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta. NOES: None.

Motion by Jones, seconded by Faria to approve the City Council Meeting agenda with the addition of item #12 – PIONEER ROAD WIDENING PROJECT INCLUSION IN THE REGIONAL TRANSPORTATION PROGRAM. 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.

JOHN CATES, Los Banos, President of the Los Banos Chamber of Commerce, expressed gratitude to Police Chief Brizzee and the Los Banos Police Department for their help at the very successful Fall Street Faire and noted that there was a very nice Police presence and it presented a great sense of security, thanked the Police Vital Volunteers and the Mayor and Council Members for their support, as Chamber President he continues to work on building the relationship with the City, spoke regarding the upcoming October events; KYLE LORETO, Republic Services, reminded all about the Fall Cleanup event on Saturday, September 21, 2019 at the fairgrounds and spoke regarding what is being accepted. 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 6D – City Council Resolution No. 6127 – Accepting Grant Deed for Right-of-Way Dedication of Approximately 7,000 Square Feet of Land at the ~~Southeast~~ *Northeast* Corner of Second Street and H Street for Public Sidewalk and Pedestrian Purposes in Connection with the Rail Trail be pulled from the consent agenda for separate consideration.

Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda, with the removal of item 6D - City Council Resolution No. 6127 – Accepting Grant Deed for Right-of-Way Dedication of Approximately 7,000 Square Feet of Land at the Southeast Corner of Second Street and H Street for Public Sidewalk and Pedestrian Purposes in Connection with the Rail Trail, as follows: Check Register for #217909 – #218098 in the Amount of \$310,205.24; Minutes for the September 4, 2019 City Council Meeting; Minutes for the September 5, 2019 Adjourned City Council Meeting.; ~~City Council Resolution No. 6127 – Accepting Grant Deed for Right-of-Way Dedication of Approximately 7,000 Square Feet of Land at the Southeast *Northeast* Corner of Second Street and H Street for Public Sidewalk and Pedestrian Purposes in Connection with the Rail Trail;~~ City Council Resolution No. 6128 – Authorizing Award of Construction Contract to Rolfe Construction Company in the Amount of \$154,679.00 with a 10% Contingency in the Amount of \$15,468.00 for the 8th and 9th Street Waterline Construction Project; City Council Resolution No. 6129 – Accepting the Idaho Avenue Waterline Replacement Project as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder. The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 6127 – ACCEPTING GRANT DEED FOR RIGHT-OF-WAY DEDICATION OF APPROXIMATELY 7,000 SQUARE FEET OF LAND AT THE SOUTHEAST *NORTHEAST* CORNER OF SECOND STREET AND H STREET FOR PUBLIC SIDEWALK AND PEDESTRIAN PURPOSES IN CONNECTION WITH THE RAIL TRAIL. Council Member Lewis inquired as to whether the legal description attached as Exhibit A to the resolution is stated correctly for which Public Works Director/City Engineer Fachin confirmed.

Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 6127 – Accepting Grant Deed for Right-of-Way Dedication of Approximately 7,000 Square Feet of Land at the Northeast Corner of Second Street and H Street for Public Sidewalk and Pedestrian Purposes in Connection with the Rail Trail. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6130 – ACCEPTING THE POLICE FACILITIES NEEDS ASSESSMENT REPORT PREPARED BY INDIGO HAMMOND + PLAYLE ARCHITECTS, LLP.

Assistant Public Works Director Pimentel presented the staff report and introduced Bruce Playle, Principal Architect who spoke in more detail to the Police Facilities Needs Assessment they prepared.

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6130 – Accepting the Police Facilities Needs Assessment Report Prepared by Indigo Hammond + Playle Architects, Inc. The motion carried by the affirmative action of all City Council Members present.

PENINSULA CLEAN ENERGY PRESENTATION REGARDING THE BILLY WRIGHT SOLAR PROJECT.

Jan Pepper, CEO of Peninsula Clean Energy and Rick Bonilla, City of San Mateo Council Member spoke in more detail regarding the Peninsula Clean Energy Billy Wright Solar Project, which included a PowerPoint presentation.

There was discussion with the representatives regarding how this Community Choice Energy Program works, how it would be beneficial to the residents of Los Banos and how it differs from PG&E.

Direction was given to staff to investigate the Community Choice Energy Programs and bring back results to the City Council for further discussion and direction.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE CITY’S COST ALLOCATION PLAN AND THE COMPREHENSIVE USER FEE STUDY AND ADOPTION OF A COMPREHENSIVE FEE SCHEDULE ESTABLISHING AND AMENDING CERTAIN SERVICE AND DEVELOPMENT-RELATED FEES FOR CITY SERVICES; CITY COUNCIL RESOLUTION NO. 6131 – ADOPTING THE CITY’S COST ALLOCATION PLAN AND A CITY-WIDE COMPREHENSIVE USER FEE STUDY, ADOPTING A COMPREHENSIVE FEE SCHEDULE ESTABLISHING AND AMENDING CERTAIN SERVICE AND DEVELOPMENT-RELATED FEES FOR SERVICE.

Finance Director Williams presented the staff report and introduced Tony Thrasher, with Willdan Financial, who spoke in detail to the Comprehensive User Fee Study they conducted and the suggested fee schedule, which included a PowerPoint presentation.

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

There was discussion with the representative, staff and Council pertaining to how often studies on increases and fees should be done and what tools are provided to the Finance staff in order to analyze this data themselves.

Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6131 – Adopting the City’s Cost Allocation Plan and a City-Wide Comprehensive User Fee Study, Adopting a Comprehensive Fee Schedule Establishing and Amending Certain Service and Development-Related Fees for Service. The motion carried by the affirmative action of all City Council Members present.

A short recess was taken.

SOLID WASTE CONTRACT AND ORGANICS DIVERSION UPDATE. Public Works Director/City Engineer Fachin presented the staff report and introduced Garth Shultz, R3 Principal who gave an update regarding the City’s Solid Waste System Overview and Service procurement pathway, which included a PowerPoint presentation.

Informational item only, no action taken.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, OCTOBER 16, 2019 DUE TO COUNCIL MEMBERS ATTENDING THE LEAGUE OF CALIFORNIA CITIES CONFERENCE IN LONG BEACH, CALIFORNIA, OCTOBER 16-18, 2019. Motion by Lewis, seconded by Johnson-Santos to cancel the October 16, 2019 City Council Meeting due to Council Members attending the League of California Cities Conference in Long Beach, California on October 16-18, 2019. The motion carried by the affirmative action of all City Council Members present.

PIONEER ROAD WIDENING PROJECT IN THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP). City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

There was Council Member discussion about the importance of this project, the future of the project, and funding concerns.

It was the consensus of the City Council to recommend that the MCAG Board include a funding plan that identifies sources of funding for construction of the Pioneer Road Project.

Mayor Villalta encouraged anyone who was interested to attend the September 19, 2019 MCAG Board Meeting being to be held in Gustine at 3:00 p.m., noting that it is imperative that there is a pathway to this funding.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. No report

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

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: No report.

BRETT JONES: No report.

DEBORAH LEWIS: No report.

TOM FARIA: No report.

MAYOR MICHAEL VILLALTA: Reminded all about the upcoming Farm to Table event.

ADJOURNMENT. Motion by Faria, seconded by Johnson-Santos, the meeting was adjourned at 9:32 PM to 5:00 PM, to Wednesday, September 25, 2019 in The Lounge at the Los Banos Community Center Located at 645 7th Street, Los Banos, California to Conduct a Joint Study Session with the Los Banos Planning Commission Regarding the Los Banos Downtown Strategic Plan.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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