

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 15, 2020**

***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.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, Deputy City Clerk/HR Technician Blevins, City Treasurer/Accounting & Budget Supervisor Tomas, Finance Director Williams, Police Chief Brizzee, Fire Chief Hurley, 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:

PROCLAMATION RECOGNIZING JANUARY AS “NATIONAL SLAVERY & HUMAN TRAFFICKING PREVENTION MONTH”. Mayor Villalta read the proclamation and presented it to Brenda Martinez and Gameelah Alsama from Valley Crisis Center. They thanked the City and the Council Members for their support.

PROCLAMATIONS RECOGNIZING CITY COMMISSIONERS. Mayor Villalta spoke to how important volunteerism is to the City and to the community as a whole and how the commissioners that are being recognized do great deeds in their service on City commissions. He called up the commissioners in attendance and presented them each with a proclamation recognizing them for their completed terms of service.

REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM. Mayor Villalta spoke to the history of the Mayor Pro Tem rotation and how important it is for each Council Member to have a chance to serve in that capacity. He thanked Council Member Johnson-Santos for her service and asked Council Member Jones if he would serve in that capacity for the year 2020 for which he agreed.

Motion by Villalta, seconded by Johnson-Santos to appoint Council Member Jones as Mayor Pro Tem for the year 2020. The motion carried by the affirmative action of all City Council Members present.

APPOINTMENT OF COMMISSIONERS TO SERVE ON THE FOLLOWING CITY COMMISSIONS: AIRPORT ADVISORY COMMISSION – ONE (1) TWO (2) YEAR TERM EXPIRING DECEMBER 31, 2021; PARKS AND RECREATION COMMISSION – ONE (1) TWO (2) YEAR TERM EXPIRING DECEMBER 31, 2021; TREE COMMISSION – TWO (2) TWO (2) YEAR TERMS EXPIRING DECEMBER 31, 2021; MEASURE H CITIZENS’ OVERSIGHT COMMITTEE – TWO (2) TWO (2) YEAR TERMS EXPIRING DECEMBER 31, 2021; PLANNING COMMISSION – DISTRICT 2 – ONE (1) UNEXPIRED TERM EXPIRING DECEMBER 31, 2020.

Motion by Villalta, seconded by Jones to appoint Dennis Reed to the Airport Advisory Commission for a two (2) year term expiring December 31, 2021. The motion carried by the affirmative action of all City Council Members present.

Motion by Villalta, seconded by Lewis to appoint John Spevak to the Parks & Recreation Commission for a two (2) year term expiring December 31, 2021. The motion carried by the affirmative action of all City Council Members present.

Motion by Villalta, seconded by Faria to appoint Laurel Heaton and Trinidad Ramos to the Tree Commission for two (2) year terms expiring December 31, 2021. The motion carried by the affirmative action of all City Council Members present.

Motion by Villalta, seconded by Johnson-Santos to appoint Kathy Ballard and Roger Pruitt to the Measure H Citizens’ Oversight Committee for two (2) year terms expiring on December 31, 2021. The motion carried by the affirmative action of all City Council Members present.

Motion by Villalta, seconded by Faria to appoint Clarence “Rob” Robinson to the Planning Commission for an unexpired term expiring on December 30, 2020. The motion carried by the affirmative action of all City Council Members present.

Council Member Faria stated that despite the fact that he is recovering from a recent surgery, he wanted to be present to second the motion of the Planning Commission appointment as the new commissioner is from his district. He asked to be excused from the meeting and he left at 7:20 p.m.

The Mayor spoke to the commissions that still have vacancies and how staff needs to re-advertise in order to fill these vacancies.

Motion by Villalta, seconded by Johnson-Santos to approve the re-advertisement of vacant City commissions. The motion carried by the affirmative action of all City Council Members present; Faria absent.

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.

REBECCA WOOD, Los Banos, spoke to how she is present to convey concerns regarding a person who has been living in his car outside of her residence and has been causing a disturbance, this issue has escalated in the last couple of weeks, he flees law enforcement but returns in a short time to begin the nuisance again; PENNY GLICK, Los Banos, present on behalf of Sharon Silva, spoke to how there is a board of directors currently being formed for the PBID, spoke to the terms and how it will be run, thanked the City for its support. No one else came forward to speak.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Mayor Villalta spoke to how he has a conflict with item 9H - City Council Resolution No. 6174 – Authorizing the City Manager to Execute an Agreement for Implementation of the Los Banos Downtown Property and Business Improvement District (PBID) Management District Plan between the City of Los Banos and the Los Banos Downtown Association. He asked that other agenda items as follows be approved in his presence.

Motion by Johnson-Santos, seconded by Lewis to approve the consent agenda as follows with the removal of item 9H - City Council Resolution No. 6174 – Authorizing the City Manager to Execute an Agreement for Implementation of the Los Banos Downtown Property and Business Improvement District (PBID) Management District Plan between the City of Los Banos and the Los Banos Downtown Association, as follows: Check Register for #219583 - #219953 in the Amount of \$2,318,399.03; Development Impact Fee Report for Fiscal Years 2015-2019 (AB 1600); Minutes for the December 18, 2019 City Council Meeting; City Council Resolution No. 6170 – Appointing Members to the Measure P Citizens’ Oversight Committee (Tom Need, Gerald Giesel & Richard Stewart, Terms Ending December 31, 2022); City Council Resolution No. 6171 – Approving the Consultant Agreement – Notice of Augmentation of the Professional Services Agreement with David Taussig & Associates, Inc., to Provide a Nexus Study for the Update of the City of Los Banos Development Impact Fee Program and Adopt a Revised Budget for the Fiscal Year 2019-2020 as it Pertains to the City Hall Admin Impact Fee Account in the Amount of \$29,7000 and the Traffic Impact Fee Account in the Amount of \$3,300; City Council Resolution No. 6172 – Acting as the City of Los Banos Groundwater Sustainability Agency (GSA) Authorizing and Directing that Application be Made to Obtain a Grant Under the Sustainable Groundwater Management Grant Program’s Planning Grant – Round 3 and to Enter into an Agreement with the California Department of Water Resource to Receive a Grant for the Delta-Mendota Subbasin Supplemental Ground Water Sustainability Plan (GSP) Development Proposal; City Council Resolution No. 6173 – Accepting Public Improvements for Mission Village South, Phase 3B, Generally Located within the Area Bounded by Mission Drive to the North, Las Palmas Road to the East, Willmott Road to the South (Developer: Stonefield Home, Inc.); ~~City Council Resolution No. 6174 – Authorizing the City Manager to Execute an Agreement for Implementation of the Los Banos Downtown Property and Business Improvement District (PBID) Management~~

~~District Plan between the City of Los Banos and the Los Banos Downtown Association.~~
The motion carried by the affirmative action of all City Council Members present; Faria absent.

The Mayor excused himself from the dais and exited the council chambers.

CITY COUNCIL RESOLUTION NO. 6174 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR IMPLEMENTATION OF THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID) MANAGEMENT DISTRICT PLAN BETWEEN THE CITY OF LOS BANOS AND THE LOS BANOS DOWNTOWN ASSOCIATION. There was Council Member and staff discussion regarding the insurance requirements the District would be required to produce for this agreement and often the budget and performance goals of the District would be audited. Community and Economic Development Director Elms explained that once this agreement is officially approved by Council, that the District would be obtaining the insurance requirements and would be submitting proof of coverage before the agreement is fully executed. As far as auditing goes, the City can request progress reports and/or audits whenever and how often it chooses.

Motion by Lewis, seconded by Johnson-Santos to approve City Council Resolution No. 6174 – Authorizing the City Manager to Execute an Agreement for Implementation of the Los Banos Downtown Property and Business Improvement District (PBID) Management District Plan between the City of Los Banos and the Los Banos Downtown Association. The motion carried by the affirmative action of all City Council Members present; Faria and Villalta absent.

Mayor Villalta returned to the council chambers and took his seat at the dais.

UPDATE ON MCAG, THE BUS AND REGIONAL WASTE AUTHORITY (RWA). Executive Director, Stacie Guzman presented a PowerPoint presentation.

There was discussion between the Council and Stacie Guzman regarding when there would be busing services from Merced County to the Bay Area. That idea is currently being worked on and analyzed for implementation in the near future.

Informational item only. No action to be taken.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENTS TO THE CITY BUILDING CODE ORDINANCE BY ADOPTION BY REFERENCE THE CALIFORNIA BUILDING CODE 2019 EDITION AND RELATED 2019 EDITION CODES. Fire Chief Hurley presented the staff report.

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

Motion by Lewis, seconded by Jones to waive the second reading of Ordinance No. 1179 – Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical

Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Lewis, seconded by Jones to adopt Ordinance No. 1179 - Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. 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 AMENDMENTS TO THE CITY FIRE PREVENTION CODE ORDINANCE BY ADOPTION BY REFERENCE THE CALIFORNIA FIRE CODE 2019 EDITION AND LOCAL AMENDMENTS THERETO. Fire Chief Hurley presented the staff report.

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. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. 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. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. 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 APPROVING AND ADOPTING AN UPDATED AB 1600 DEVELOPMENT IMPACT FEE JUSTIFICATION STUDY PREPARED FOR THE CITY OF LOS BANOS BY DTA (DAVID TAUSSIG & ASSOCIATES, INC.); ADJUSTING THE CITY’S DEVELOPMENT IMPACT FEES FOR ALL DEVELOPMENT WITHIN THE CITY OF LOS BANOS; AND A PROPOSED AMENDMENT TO TITLE 9, CHAPTER 2, ARTICLE 6 OF THE LOS BANOS MUNICIPAL CODE ESTABLISHING A GENERAL GOVERNMENT

FACILITIES DEVELOPMENT IMPACT FEE (CONTINUED FROM DECEMBER 4, 2019 CITY COUNCIL MEETING). Public Works Director/City Engineer Fachin gave a brief history of this item and how it has been quite a long process. He introduced the representative of David Taussig & Associates, Inc. who continued the item with a PowerPoint presentation.

There was Council Member and staff discussion regarding what assessments were used in order to come up with the comparison chart in the study and how other cities compared. It was noted and discussed how there are various components that went into this study and how other cities do not necessarily report or assess in the same manner as the City of Los Banos.

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

Motion by Lewis, seconded by Jones, to adopt City Council Resolution No. 6163 – Adopting a Development Impact Fee Justification Study for the City of Los Banos and Revising Development Impact Fees for All Development within the City of Los Banos. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Jones, seconded by Lewis, to waive the first reading of Ordinance No. 1178 – Amending Title 9 Chapter 2 Article 6 of the Los Banos Municipal Code Establishing a General Government Facilities Development Impact Fee. The motion carried by the affirmative action of all City Council Members present; Faria absent

Motion by Jones, seconded by Lewis to introduce Ordinance No. 1178 – Amending Title 9 Chapter 2 Article 6 of the Los Banos Municipal Code Establishing a General Government Facilities Development Impact Fee. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6175 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH BUXTON COMPANY FOR RETAIL RECRUITMENT STRATEGY AND SERVICES. Community and Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the differences between Buxton and the other agencies that submitted proposals for this service for which Community & Economic Development Director Elms stated it was their experience with healthcare services that was appealing.

Motion by Lewis, seconded by Johnson-Santos to approve City Council Resolution No. 6175 – Authorizing the City Manager to Execute a Professional Service Agreement with Buxton Company for Retail Recruitment Strategy and Services. The motion carried by the affirmative action of all City Council Members present; Faria absent.

CITY MANAGER REPORT. City Manager Terrazas spoke to how the first Parks Master Plan Workshop was last week and how there was a good turnout of people who came to show their support for a wide range of interests including high support for a skate park. On February 4 from 6:30 p.m. to 8:00 p.m. at the community center there will be a second workshop held in regards to the SR-152/Pioneer Project. There will be a consultant presenting alternatives related to this project.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta spoke to the dangers of SR-152 and how these safety issues cannot be put on the back burner. He additionally spoke regarding the Billy Wright expansion project and how the project is essential in order to keep certain costs down. Lastly, the topic of transportation for those citizens who work over the hill was spoken to and how the possible busing option is much needed.

BRETT JONES: No report.

DEBORAH LEWIS: Council Member Lewis congratulated Council Member Brett Jones on his Mayor Pro Tem designation. The delegation process for One Voice was spoken to and how she thinks there should be an alternate chosen in addition to the two firm attendees just in case one of them is not able to attend.

TOM FARIA: Absent.

DARONICA JOHNSON-SANTOS: No report.

MAYOR MICHAEL VILLALTA: No report.

ADJOURNMENT. The meeting was adjourned at 9:27 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Sara Blevins
Sara Blevins, Deputy City Clerk