

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 4, 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 7:01PM.

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, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Fire Chief Marrison, Assistant Fire Chief Hurley, Senior Planner Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Faria, seconded by Villalta to amend the agenda to move item 9 – Appointment of Commissioners to Commissions to be heard after the Public Form. The motion carried by the affirmative action of all City Council Members present.

PRESENTATIONS – PROCLAMATIONS RECOGNIZING CITY COMMISSIONERS:
DAVID ANDERSON – AIRPORT ADVISORY COMMISSION; ALAN WILBER – AIRPORT ADVISORY COMMISSION; DAVID DEES – ECONOMIC DEVELOPMENT ADVISORY COMMISSION; KATHY BALLARD – ECONOMIC DEVELOPMENT ADVISORY COMMISSION; ANN MCCAULEY – ECONOMIC DEVELOPMENT ADVISORY COMMISSION; ARKADY FAKTOROVICH – PLANNING COMMISSION; PALMER MCCOY – PLANNING COMMISSION; TOM SPADA – PLANNING COMMISSION; SUSAN TOSCANO – PLANNING COMMISSION; MARY COAKLEY – TREE COMMISSION; TOM KALJIAN – TREE COMMISSION; ARLENE CARDOZA – MEASURE P COMMITTEE; GERALD GIESEL – MEASURE P COMMITTEE; TOM NEEB – MEASURE P COMMITTEE. Mayor Villalta presented the proclamations to those listed above that were in attendance at tonight's meeting: Kathy Ballard and David Dees, Economic Development Advisory Committee Arlene Cardoza, Measure P Committee.

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.

GENEVA BRETT, Los Banos, stated the fact that the world's largest minority group is the disabled, how there is a group of people in the United States who are disabled and who love to water ski that have become world-class athletes despite their disabilities, Water Skiers with Disabilities is a United States disabled water ski team, who is traveling to Australia in April to compete and hopefully win their fifth consecutive world championship, spoke about the fact that someone in Los Banos has been chosen to be the team manager and in support of all this their first fundraiser being a Spaghetti dinner on Valentine's Day at Dutra's Place with a "Lady and the Tramp" theme, how she and her husband have volunteered their time with this organization for over 20 years, this particular group of people go unnoticed and unfunded, encouraged donations by going to the website: usskiteam2017.com, mentioned some drawings that will take place as well for donors to participate in, encouraged all to check out the website and support this group, thanked everyone; BERTHA FARIA, Los Banos Chamber of Commerce, wished all a Happy New Year and spoke regarding the upcoming calendar events for 2017 beginning with the Annual Spring Street Faire on April 22, 2017, hosting a beer booth at the May Day Fair from May 3-7, 2017, Celebrate Dad at Dad's Night Out on June 17, 2017, Fall Street Faire on September 16, 2017, 7th Annual Tomato Festival on October 7, 2017, Second Annual Halloween Costume Party on October 21, 2017, Annual Christmas Parade on December 1, 2017, stated that the Chamber of Commerce looks forward to bringing more community events to the City and is working with the City on bringing a much-requested Farmer's Market into town, how the Chamber of Commerce would like to promote the quality of life Los Banos offers and the final classes of the Customer Service Academy at Merced College being held January 11, 2017 and January 18, 2017 in the morning or afternoon on Managing and Organizational Change call; a series of finance and taxation classes being held at the Community Center by Alex Dvorkin, CPA for \$10 a course with information on the website: losbanoscpa.com, Green Valley Charter School's 4th through 7th Graders will present "Henry Miller and the Dream of the San Joaquin" by Howard Schrage on January 11, 2017 and January 13, 2017 at Pacheco High School at 6:30 p.m. and to contact Paula at 261-3500 for more information, the Los Banos Arts Council will present Frank Wiens in concert at the Ted Falasco Arts Center on January 21, 2017 beginning at 7:00 pm. and to call 826-6132 or 826-9048 for tickets, and she thanked everyone; ERIK LIMON, Republic Services, wished everyone a happy new year; reminded that Christmas trees should be cut up and placed in the green trash cans for collection, how garbage pick-up will be a day late the week of January 16, 2017 because of the Martin Luther King holiday, and thanked everyone. No one else came forward to speak and the public forum was closed.

APPOINTMENT OF COMMISSIONERS TO THE FOLLOWING CITY COMMISSIONS: AIRPORT ADVISORY COMMISSION – THREE (3) VACANCIES; ECONOMIC DEVELOPMENT ADVISORY COMMITTEE – THREE (3) VACANCIES; PARKS & RECREATION COMMISSION – FOUR (4) VACANCIES; PLANNING COMMISSION – FOUR (4) VACANCIES; TREE COMMISSION – TWO (2) VACANCIES.

Motion by Villalta, seconded by Faria to appoint Alan Wilber and David Anderson to the Airport Advisory Commission. The motion carried by the affirmative action on all Council Members present.

Motion by Villalta, seconded by Johnson-Santos to appoint Rhonda Lowe, Kathy Ballard and Mary Sequera to the Economic Development Advisory Commission. The motion carried by the affirmative action on all Council Members present.

Motion by Villalta, seconded by Lewis to appointment Laurence Mitchell, Todd Baker, and Los Banos Unified School District Representative Gary Munoz to the Parks & Recreation Commission. The motion carried by the affirmative action on all Council Members present.

Motion by Villalta, seconded by Silveira to appoint David Dees, Palmer McCoy, Brett Jones and Susan Toscano to the Planning Commission. The motion carried by the affirmative action on all Council Members present.

Motion by Villalta, seconded by Faria to appoint Steve Creighton and Stefanie Rubio to the Tree Commission. The motion carried by the affirmative action on all Council Members present.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Faria to approve the consent agenda as corrected by the City Clerk as follows: Check Register for #202176 – #202640 in the Amount of \$1,945,295.06; Minutes for the November 16, 2016 City Council Meeting; Minutes for the December 7, 2016 City Council Meeting; City Council Resolution No. 5817 – Approving the Acceptance of a \$25,000 Grant Awarded by the California Department of Alcoholic Beverage Control Related to the Enforcement of Alcohol Related Crimes and Amending the Fiscal Year 2016-2017 Budget by Increasing the Appropriation Amount for Expenditures and Revenues in the Amount of \$25,000; City Council Resolution No. 5818 – Accepting a Grant of Public Utility Easement from 4240 S. Fig Street LLC for Assessor's Parcel Number 431-141-020, Located Near the Corners of Ortigalita Road and Pacheco Boulevard; City Council Resolution No. 5819 – Amending the 2016-2017 Fiscal Year Budget as it Pertains to Expenditures and Amending Division 4, Salary Schedule, Employee Classifications Relating to Changes to Section E – Public Works ***with the correction to Exhibit A of maintain the one (1) unfunded position for Fiscal Year 2016/2017 as noted at the bottom the exhibit as opposed to the strike through as noted***; City Council Resolution No. 5820 – Awarding the Bid for the Purchase of One (1) New 2016 Model 4x4 Utility Tractor and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order to Belcorp Ag in the Amount \$99,999; City Council Resolution No. 5821 – Awarding the Bid for the Purchase of One (1) New 2016/2017 Model Medium Duty Utility Truck and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order to Merced Chevrolet in the Amount of \$39,985.13; City Council Resolution No. 5822 – Awarding the Bid for the Purchase of One (1) New 2016/2017 Model Brush Chipper and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order to Cal-Line Equipment, Inc. in the Amount of \$56,824.83; City Council Resolution No. 5823 – Awarding the Bid for the Purchase of One (1) New 2016/2017 Model Pneumatic Compactor and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order to Holt of California in the Amount of \$108,684.64; City Council Resolution No. 5824 – Awarding the Bid for the Purchase of One (1) New 2016/2017 Model Vibratory Asphalt Compactor and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order to Holt

of California in the Amount of \$69,015.02; City Council Resolution No. 5825 – Awarding the Bid for the Purchase of One (1) New 2016/2017 Model Trailer Mounted Six Inch (6”) Trash Pump and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order to Pac Machine Company, Inc in the Amount of \$57,950.40; City Council Resolution No. 5826 – Appointing Members to the Measure P Citizens Oversight Committee (Tom Neeb, Gerald Giesel and Richard Stewart); Measure P Oversight Committee Report. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDING ARTICLE 35, TITLE 9, CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL AND COMMERCIAL USE OF MARIJUANA IN THE CITY OF LOS BANOS; ORDINANCE NO. 1152 – AMENDING ARTICLE 35, OF TITLE 9, CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA IN THE CITY OF LOS BANOS (SECOND READING & ADOPTION). City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

Mayor Pro Tem Silveira wanted clarification as to whether the law was six plants per each 21 year old in each household is allowed for which City Attorney Vaughn stated that was incorrect and that the law was six plants per residence and you need to be 21 years old for cultivation.

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

Council Member Johnson-Santos stated she knows the registry would be a good way to get information to the public and would be beneficial to the people, but wondered if this is something that could be scratched from this Ordinance, for which Mayor Villalta stated that he believes Senior Planner Elms and City Attorney Vaughn have some additional information on that to present.

City Manager Terrazas commented that he believes there is some specific information that will be presented tonight in terms of the registry so the Council and community can have a better understanding of the registry itself.

Senior Planner Elms spoke regarding the registry and how it will be used to educate the public, but also be mindful of people’s privacy and how they would be creating the registry, stating that they could do it in a way that does not out individuals with their names or addresses specifically and would be purely for educational purposes, explained how it would be similar to the registration of garage sales and anonymous tips that could be left on the City’s website, it would be a template with check boxes that must be checked stating that you have read the information/rules and that you understand them, reiterating that this is purely requiring the individuals to be educated in each checklist area and they would not be required to give their name, address, phone number or email address, but would be required to maintain written permission of cultivation from the homeowner and also the proof of registry confirmation letter to be printed and available to show upon request by law enforcement, noting that she is still

working with the IT Director on some things but that she would like the system to send her an email notifying her that someone did register so she is able to at least have a count that she could provide should Council request it.

Mayor Villalta inquired if the address for that particular individual's certificate or thank you confirmation could show up on their certificate so that that certificate is good for that particular residence. Senior Planner Elms stated that if they did that, then it would not be anonymous. Mayor Villalta explained that he means not for the address to be known to the City, but so that that particular certificate is good for that residence only, because what if people carry certificates around to different residences. Senior Planner Elms stated that that could be a little bit more intense than the template that she and the IT Director are working with for the registry. IT Director Spalding explained that their goal is to make this process as anonymous as possible and not ask for information that residents think that could be transferred into the City's hands, that they could ask for information from the applicant, but then not allow that information to be carried over into the City, that however, could make the applicant wonder why these things are being asked and whether or not to trust that it won't then be in the City's hands. Senior Planner Elms added that they could possibly include a disclaimer that the City will not retain the data being requested and IT Director Spalding further added that a disclaimer stating that the information will not be recorded is already in discussion to be added to the template they're working on. Mayor Villalta explained that they have required documents in the past where those documents are good for that particular residence only so that people can't treat it as a portable document and take it house to house and believes that law enforcement should have the ability to know whether a residence does or does not have a certificate; he inquired as to whether his knowledge is correct in that the residence has to have two documents, one document which would clear the residence by the property owner to grow six plants. Senior Planner Elms clarified by saying they would have to have written permission according to the Ordinance and also that certificate. Mayor Villalta inquired as to what would happen if they do not have that, what happens for which Senior Planner Elms answered by saying that they would then be in violation of the Ordinance and they could receive an administrative citation. Mayor Villalta asked what the cost of administrative citations are right now, for which Senior Planner Elms stated that the first violation would be \$100, then it would double to \$200 and then from there go up to \$500. Council Member Lewis asked if the permission from the landlord would be for growth only, for which Senior Planner Elms answered by saying it would be for permission to cultivate on the property. Council Member Lewis further questioned that it would be for the growth only and not for the use, for which Senior Planner Elms answered by confirming that it is only for permission for personal cultivation.

Police Chief Brizzee stated that he supports the Ordinance as submitted and that he and other staff members took the time to review the comments and concerns from the meeting where this Ordinance was introduced and spoke to how this is entirely to educate and instill some thought into what they are doing as they cultivate, he's worried about increase with crime, nuisance behavior, what the state of Colorado is experiencing, and what could become of commercial marijuana in the future, he further stated that it is a very complicated topic right now and the City will slowly ease into it and that if future City Council decides to amend the Ordinance to allow for commercial

businesses to come into Los Banos, that they would gladly take a look into the Ordinance again.

Mayor Villalta reminded everyone that this is a living document and submitted as is, he believes is not a bad idea, but if this does become a nuisance and the guidelines set forth do not work then the City Council does have an avenue for stricter rules, how he wants people to register and understand the safety of doing this within their own home and know that their information will not be tracked, if the Fire Department and/or Police Department knocks on their doors with a complaint that they have the right to issue administrative citations for violators, especially renters doing these such things without permission from the homeowner, he also encouraged homeowners to monitor their properties, he spoke about an article he read about an illness called Cannibinoid Hyperemesis Syndrome that's more frequently occurring in states that have legalized marijuana and also that emergency rooms visits in the state of Colorado have doubled since 2009, reiterated that if the Ordinance adopted tonight isn't working, then they can bring it back to the City Council and make it stiffer.

Mayor Pro Tem Silveira stated that he appreciates staff looking into his concerns, particularly the privacy issue regarding the City asking for personal information that could become available for Public Records Act requests, that he likes that it is educational focused, he agrees with the Mayor that this is a living document and would like to see this come back to the City Council on a date certain to see how many people are registering and if crime has increased, added that he did a little homework with the voting record as it pertains to precincts and how Los Banos voted in favor and his math showed that Los Banos overall, passed it as a whole and that 13 of the 17 precincts in the City passed it, how now that it passed the City Council has the responsibility to reasonably regulate it and he believes that they're doing that, he reflected on the woman who spoke at the previous City Council Meeting and how she uses it for medical purposes but chooses not to grow it in her home because she doesn't want her children to be around it, and for this reason he believes the City should eventually allow dispensaries to come to town and be regulated just like alcohol and cigarettes, how he read through the whole Proposition 64 and the State doesn't really know how much revenue this will generate, but it's being taxed at 35% and by the City closing any possibility of dispensaries coming to town, the City is missing out on any possible revenue this could generate, he is very curious to know how many people will actually use the registry because he believes the honest people will do what they're supposed to and feels that once the system gets up and running, it will be good, he did finish up by saying the only way he could fully support the Ordinance if it's agreed to bring back this Ordinance to a date certain to see what's been going on with it since there's a lot of moving parts.

Mayor Villalta suggested the City Council set a date to bring it back in twelve months, for which Senior Planner Elms requested 18 months because of the State's timeline in the issuance of commercial licenses. City Attorney Vaughn suggested that you not make the suggestion to bring it back a part of the Ordinance because the Ordinance would then have to be rewritten and the process would have to start over again and offered the suggestion to if there is a motion to adopt then to add during that motion, or

a separate motion, for a report to be submitted to City Council in eighteen months. Mayor Villalta stated he would like that as a separate motion.

Council Member Faria reminded how he is not familiar with marijuana, has no experience with it, and does not inhale smoke of any kind because he's a singer, but one of his main concerns is that there is nothing that talks about potency in the State Law and nothing that certifies potency like alcohol is certified, he hopes the State will somehow address that, how this reminds him a lot of the prohibition and how you can create your own product, but you can't purchase it from a commercial location, believes there is going to be a problem with the fact that it is still illegal on a Federal level because banking is governed by the Federal Government and so bank cards will not be allowed to be used for the purchase of marijuana and consequentially it would be a cash-only business and there would be no way to track sales, for this reason he believes the City should not allow any dispensaries in town until the State comes up with a way to track sales, believes it's a very complex problem because it's a very complex product being that it's a naturally occurring product, how he is in support of the Ordinance as written and also in support of bringing it back to see how it's been going.

Council Member Johnson-Santos thanked staff for reworking the registration and hopes that the naysayers are appeased. Mayor Villalta stated that he hopes this works out for everyone, but sometimes it does and sometimes it doesn't which is why this is a living document and if it needs to be revamped, then it will.

Motion by Faria, seconded by Lewis to waive the second reading of Ordinance No. 1152 – Amending Article 35, of Title 9, Chapter 3 of the Los Banos Municipal Code to Regulate the Personal, Medical, and Commercial Use of Marijuana in the City of Los Banos. The motion carried by the affirmative action of all Council Members present.

Motion by Faria, seconded by Lewis to adopt Ordinance No. 1152 – Amending Article 35, of Title 9, Chapter 3 of the Los Banos Municipal Code to Regulate the Personal, Medical, and Commercial Use of Marijuana in the City of Los Banos. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

Motion by Silveira, seconded by Faria to have a detailed informational item brought back to the City Council as it relates to this whole new process put in place in 18 months. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH AN EATING PLACE FOR TACOS CAMPESINOS LOCATED AT 651 I STREET, APN 025-231-007; CITY COUNCIL RESOLUTION NO. 5827 – APPROVING CONDITIONAL USE PERMIT #2016-19 FOR THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH AN EATING PLACE FOR TACOS CAMPESINOS LOCATED AT 651 I STREET.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Council Member Lewis inquired as to whether or not the daycare on I Street and Seventh Street is still in operation, for which Senior Planner Elms answered by confirming that Yellow Brick Road Daycare is a private daycare that is still open. Council Member Lewis further inquired as to whether there still was a developmentally disabled center in that same area, for which Senior Planner Elms confirmed that, yes, Kingsview is still in operation.

Mayor Villalta opened the public hearing. JOSE VALDEZ, Los Banos, stated that there is a daycare center there for disabled kids or adults, the building right next to the restaurant in question is a beauty shop and also an apartment up above with children and their mother, said he's aware they have some sort of license for drinking already and that's okay, but they also have music, drinking and eating and he knows they only have one bathroom there, how people go outside to smoke and talk and he can hear them because he also lives in an apartment above that facility and it's a disturbance, he further stated that people have come outside to urinate elsewhere since there is only one bathroom, there's been beer bottles left outside and fights where windows have been broken, wonders why the City is granting them a liquor license when all this is happening and when there's other establishments in the area that already sell liquor; POLICE CHIEF BRIZZEE stated that he can appreciate his comments, the instances that he has described does happen downtown, but not solely from that particular establishment, how he couldn't give an exact data on that establishment, but the things the gentleman talked about do occur in a couple block radius, mentioned the fact that the ABC Grant that has just been approved by the City Council and a portion of that funding will be used for impact inspection specifically in the area of beer and liquor sales; COUNCIL MEMBER LEWIS clarified that even though Police Chief Brizzee doesn't have exact data, there are still concerns about alcohol use and other issues in this particular area; POLICE CHIEF BRIZZEE, answered by saying there have been responses in the downtown area for some of the scenarios he has described; CHRIS (*LAST NAME INAUDIBLE*), Los Banos, she reinforced what Mr. Valdez stated and that we need to take a closer look at I Street, it needs a lot of attention, it is filthy down there, the drinking that occurs down there needs to be in control, as they drink the louder they get, the louder the music gets and they become more stimulated, how they corral outside after 2:00 a.m., she hears it every Friday and Saturday night, reminded everyone that there are mothers who live downtown upstairs with children and we had better take a better look at what's going on down there, thanked everyone and wished a Happy New Year; JOE WAGNER, Modesto, representative for the applicant, stated that this establishment is already licensed for alcohol and they are not adding another license, just enhancing it, they've had their current license for eight years with no disciplinary actions, how the applicant is trying to upgrade the present license to upgrade his product and service to the community and would like to see this license approved. No one else came forward to speak and the public hearing was closed.

Council Member Lewis stated she would like to say again that this particular establishment is near a day care, church and a developmentally disabled center, understands the applicant is trying to increase value to his business, but she just cannot support this use permit.

Mayor Villalta stated his concern about the fact that the Police Chief didn't wholeheartedly endorse this use permit and that he would like to hear more of a history on this particular establishment before he votes on this. Police Chief Brizzee clarified that he is not opposed to the change in the license from Type 41 to Type 47. Senior Planner Elms stated that she did contact the Los Banos Police Department to see if there was any history there going back one year specific to 651 I Street, she went over the conditions of approval with the Chief of Police, and restated the certain additional conditions of approval again specific to this use permit. Mayor Villalta requested Senior Planner Elms reiterate what conditions the establishment needs to meet in order to obtain a Type 47 Use Permit for which she did. Mayor Villalta inquired as to whether someone could go in there just to have a drink, for which Senior Planner Elms confirmed that was correct. Mayor Villalta inquired about surveillance cameras, for which Senior Planner Elms answered that one of the conditions in the permit is for the establishment to have operating surveillance cameras area the establishment at all times.

Council Member Faria stated he is okay with going from a Type 41 to Type 47 because there is still food being served and there no specific issues to the business, it's not a major change and one that he can accept, but would not want to see a Type 48 there, and to be reminded that if issues do arise at that establishment, the City has a right to revoke that license.

Council Member Lewis reiterated the hours of operation for the business and asked why the Planning Commission changed the original drinking start time from 11:00 a.m. to 7:00 a.m. for which Senior Planner Elms said the Planning Commission thought the City should not regulate this and that it should be consistent with what the Los Banos Municipal Code allows and beyond that the City would be over-reaching. Council Member Lewis asked City Attorney Vaughn if he could recall what his opinion was on that subject for which City Attorney Vaughn stated the sense he got from the Planning Commission is that they felt that the noise ordinance stated that you could operate at 7:00 a.m. and we should not inject new rules and instead just maintain consistency, but he wanted to draw the City Council's attention to the findings, if you were to deny the application it would have to be for the reason that you could not make one or findings. He reminded them that they need to focus on which of the findings could not be met if the City Council is leaning towards denial and read through some of the findings that could be used in a denial but also stated that Senior Planner Elms has made her argument as to how the establishment has met those findings and also stated that evidence would have to be gathered in order to show how one of the findings has not been met.

Council Member Lewis stated it's based on the fact that we do not have any evidence of reports made to the Police Department, but maybe an adverse affect has happened and has been witnessed by people around, but have not reported it. City Attorney Vaughn stated if there are complaints and reasons as to why this would be bad for the neighborhood then they need to be specifically stated in the findings, but as far as the staff report goes, it shows that all the findings could be made.

Mayor Villalta asked the applicant to come forward and asked if he was in agreement with placing a camera system in the front and rear of the building with adequate lighting in both locations for which the applicant's representative stated there is already a camera system in place and that he would be upgrading it. Mayor Villalta asked Senior Planner Elms whether that particular finding in regards to the camera system was to the satisfaction of the Police Chief for which Senior Planner Elms read that particular finding and confirmed that it was to the satisfaction of the Police Chief and she further read the finding that pertained to adequate lighting in the front and rear and that too was to the satisfaction of the Police Chief.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5827 – Approving Conditional Use Permit #2016-19 for the Use of a Type 47 Alcohol License for the On-sale of General Alcohol in Conjunction with an Eating Place for Tacos Campesinos located at 651 I Street with additional language to Condition #9 to state to the Police Chief's Satisfaction and also Condition #16 to state to the Police Chief's satisfaction. The motion carried by the following vote: AYES: Silveira, Villalta, Johnson-Santos, Faria; NOES: Lewis; ABSENT: None.

There was a short recess.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND RANCHWOOD HOMES, CORP., PURSUANT TO GOVERNMENT CODE SECTION 65486 AND 66487 AND THE LOS BANOS MUNICIPAL CODE SECTION 9-2.60.3, TO ESTABLISH A MECHANISM WHEREBY PROPERTY OWNERS WHO BENEFIT FROM, BUT DO NOT CONTRIBUTE TO, CERTAIN PUBLIC IMPROVEMENTS WILL REIMBURSE THE DEVELOPER OR GOVERNMENT AGENCY THAT HAS INSTALLED THE IMPROVEMENTS AT THE TIME THE BENEFITED PROPERTY OWNER DEVELOPS THE BENEFITED PROPERTY (ST. FRANCIS STORM DRAIN BASIN); CITY COUNCIL RESOLUTION NO. 5828 – APPROVING FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND RANCHWOOD HOMES CORP. FOR REIMBURSEMENT FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AND FACILITIES COMMONLY REFERRED TO AS THE ST. FRANCIS STORM DRAIN BASIN. Public Works Director/City Engineer Fachin presented the staff report, noting that the Resolution states “First Amendment” but that this is in fact the first and only reimbursement agreement pertaining to this project.

Mayor Pro Tem Silveira inquired as to whether or not the City is agreeing to pay back or collect for which Public Works Director/City Engineer Fachin responded that we are agreeing to collect and will keep 5% for an administration fee, that all this has to be a part of the Master Plan for the subdivision. Mayor Pro Tem Silveira asked if Ranchwood or one of the subsidiaries actually do the building there, would it be up to them to take from one of their companies for which Public Works Director/City Engineer Fachin said all they would be doing then is paying into a fund and paying us 5% to give it back to them. Council Member Faria inquired as to how it states there are 100+ acres involved and 200+ lots and asked if those 200 lots were going to take up all that acreage, for

which Public Works Director/City Engineer Fachin clarified that those were two different items.

Mayor Villalta opened the public hearing. KATHY BALLARD, Los Banos, inquired as to the twenty (20) year time limit and if the land is not developed then there is no reimbursement to the person who put in the storm basin for which City Attorney Vaughn answered by saying the twenty (20) years is for the built out, and if it is not built out in twenty years and if the improvements are still beneficial then the City would just extend the agreement for a specific amount of time; noting that this agreement is beneficial and does have a life longer than twenty (20) years. Public Works Director/City Engineer Fachin added that being that the agreement is eleven years old, they do go out and look at the improvements and that they will last easily another twenty (20) years. No one else came forward and the public hearing was closed.

Motion by Faria with amendments, seconded by Silveira to adopt City Council Resolution No. 5828 – Approving ~~First Amendment to~~ Reimbursement Agreement between the City of Los Banos and Ranchwood Homes Corp. for Reimbursement for the Construction of Public Improvements and Facilities Commonly Referred to as the St. Francis Storm Drain Basin. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (Four Reports). Senior Planner Elms stated that there will be four public hearings held at the Planning Commission on January 11, 2017 at 7:00 p.m. in the council chambers: one will be for consideration of a conditional use permit for a home-based occupation license for Peace at Home Caregivers; second will be for a conditional use permit to increase the maximum display area for wall signage and increase a free standing sign for Harbor Freight; third will be a site plan review for Hunt Enterprises' automotive repair building; fourth will be for the Academy of Performing Arts and Fitness for the relocation of their business.

CITY MANAGER REPORT. City Manager Terrazas wished all a happy New Year; how he looks forward to a productive 2017; thanked the commissioners who were recognized this evening; congratulated the new commissioners that were appointed; spoke regarding how had the opportunity to stop by the Community Center to watch youth basketball groups practice and wished them luck on their games.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Hoped everyone had a good Christmas and New Years; looks forward to working with everyone in 2017 and is hoping to get some things done.

DEBORAH LEWIS: Wished all a happy New Year and hoped everyone was safe; congratulated Council Member Faria on his Christmas concert at Creekside Junior High School.

SCOTT SILVEIRA: Wished everyone a happy New Year.

TOM FARIA: Thanked Council Member Lewis for coming to the choir concert; had lots of performances during the holiday season and always appreciates when the public comes; moving forward the Los Banos High School will be doing the musical “You’re a Good Man, Charlie Brown” in March; special concert by Frank Wiens, one of the most famous pianists in the world who teaches at University of the Pacific on January 21, 2017; Los Banos High School Choir chicken dinner fundraiser on January 25, 2017 and tickets are available through him or any of the choristers; wished all a happy New Year and thanked everyone for all their hard work.

MAYOR MICHAEL VILLALTA: Spoke regarding the 7th Annual Rotary Empty Bowls event this year on January 24, 2017 from 4:30-7:00 p.m.at the Ted Falasco Arts Center, how Coats for Kids were purchased from last year’s event and tickets can be purchased through him; February 1, 2017 this City Council will be going through a detailed review of Measure V by MCAG staff and presentations given by City staff and how we the City needs to push forward with a plan to spend the funds.

ADJOURNMENT. The meeting was adjourned at 9:31 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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