

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
NOVEMBER 1, 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.***

**FIRE CHIEF HURLEY BADGE PINNING CEREMONY:** The badge pinning ceremony for Fire Chief Mason Hurley was held prior to the Council Meeting at 6:30 p.m. in the Council Chambers.

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 7:00 p.m.

**PLEDGE OF ALLEGIANCE:** Fire Chief Hurley led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria, Daronica Johnson-Santos (7:20 pm), Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: None.

**STAFF MEMBERS PRESENT:** City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, City Treasurer/Accountant II Tomas, Finance Director Williams, Fire Chief Hurley, Public Works Director/City Engineer Fachin, Community & Economic Development Director Elms and Information Technology Director Spalding.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Silveira, seconded by Faria to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present. ABSENT: Johnson-Santos.

**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.** (NAME UNCLEAR), Salvation Army, spoke regarding the Kettle Season (bell-ringing season) and how it begins on Monday, November 20, 2017, encouraged the public to register to ring for the 2018 budget season, registration can be done at one of the six locations or online, this fundraising season accounts for 75% of the Salvation Army's budget, spoke to the different ideas they have for getting the public involved, spoke to how the Salvation Army helps local families in need, spoke to the other events the Salvation Army will be holding in an effort to raise money; BONNIE ROBERTS, Salvation Army Los Banos, spoke to how the money stays here in Los Banos and that they have

enough to feed breakfast and lunch to those in need, they have about fifteen regular people who come in and pick up food and another ten that come sometimes after work, their goals are to feed and house families in need as best they can; JOHN FULTON, Los Banos, spoke to the MCAG transportation presentation that is on the agenda, wants to be sure the City is going to be considering pedestrians, bicyclists, and electric vehicles when the transportation planning arises in the upcoming general plan update, spoke to how the City needs to have something to attract electric vehicles, children need to have a healthier way to get to school rather than smell the bus fumes or the fumes coming from idling cars; PATRICIA McCOY, Los Banos, she is the chairperson of the 4<sup>th</sup> Annual Los Banos Veterans Day Parade and also a United States Air Force Veteran, the parade is Saturday, November 4, 2017, and begins at 11:00 a.m., all Veterans are being honored but the focus this year is on Operation Desert Storm/Desert Shield Veterans, there will again be a C-130 flyover at approximately 12:00 p.m., there are about 55-60 entries thus far; MIKE HUGHES, Los Banos VFW (Veterans of Foreign War) Commander, like to thank Council for their help on this and invited them to the hall after the parade where food will be served, the ladies auxiliary is holding a breakfast from 7:00 a.m. to 9:00 a.m. at the Veterans Memorial Hall on 615 E Street, tickets are \$7 each; COUNCIL MEMBER FARIA sends his regrets as he cannot attend this year because of a family funeral. He thanked them for all they do. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Lewis, seconded by Faria to approve the consent agenda as follows: Check Register for #207325 – #207510 in the Amount of \$983,532.02; First Quarter Investment Report for Fiscal Year 2017/2018; Minutes for the October 18, 2017 City Council Meeting. The motion carried by the affirmative action of all Council Members present; ABSENT: Johnson-Santos.

**MERCED COLLEGE PRESENTATION – CHRIS VITELLI, SUPERINTENDENT / PRESIDENT.** Merced College Superintendent/President Chris Vitelli spoke regarding what community colleges offer, general overview of Merced College, the programs and services they offer and plans for the future, which included a powerpoint presentation.

*Council Member Johnson-Santos arrived at the meeting at 7:20 p.m. and took her seat at the dais.*

There was discussion between Council Members and Mr. Vitelli regarding how these students get to the college campus and how they need to utilize the bus system as much as possible for safety reasons until the footpath becomes a reality. There was discussion pertaining to what kinds of education programs would be considered at the campus for which Mr. Vitelli explained that a welding program will for sure be added to the local campus and how the data from the Educational Master Plan Study will be used to determine what other kinds of programs are needed and wanted at this local campus and what is doable with the resources available. Council is willing to share their input and ideas in future discussions.

Informational item only, no action taken.

**MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) REGIONAL TRANSPORTATION PLAN PRESENTATION – PATRICK PITTENGER, EXECUTIVE DIRECTOR.** Executive Director Patrick Pittenger spoke briefly regarding the MCAG Regional Transportation Plan and also about MCAG itself and what they do for the County and the many programs under its authority. Further spoke to how Measure V has been approved by this county in a unique situation as it was approved without a list of projects and now 44% of the funds are unobligated and up for discussion. He then introduced Matt Fell, MCAG Planner, who spoke in detail to the RTP (Regional Transportation Plan) which included a PowerPoint presentation.

There was Council Member and staff discussion with the MCAG representatives in regards to other pots of money from other sources and how MCAG is waiting for a list of projects to be presented in June to decide how these multiple pots will be used for distribution on these projects. Council's concerns were voiced regarding MCAG's outreach to the public to discuss possible projects and how a mass mailer could be a beneficial means of public outreach.

Informational item only, no action taken.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN AMENDMENT TO TITLE 9, CHAPTER 3, ARTICLE 28 OF THE LOS BANOS MUNICIPAL CODE RELATING TO SIGNS; ORDINANCE NO. 1158 – AMENDING TITLE 9, CHAPTER 3, ARTICLE 28 OF THE LOS BANOS MUNICIPAL CODE RELATING TO SIGNS. (SECOND READING & ADOPTION)** Community & Economic Development Director Elms presented the staff report.

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

There was Council request to Staff regarding notices needing to be sent out to local businesses so they are aware of what is expected of them and what is allowed regarding signage.

Motion by Lewis, seconded by Johnson-Santos to waive the second reading of Ordinance No. 1158 – Amending Title 9, Chapter 3, Article 28 of the Los Banos Municipal Code Relating to Signs with the inclusion of new language regarding portable signs must use professionally done designs on durable material. The motion carried by the affirmative action of all Council Members present.

Council Member Lewis thanked Staff for taking the time and effort for reexamining and moving forward with this item.

Motion by Lewis, seconded by Johnson-Santos to adopt Ordinance No. 1158 – Amending Title 9, Chapter 3, Article 28 of the Los Banos Municipal Code Relating to

Signs. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT AND CEQA EXEMPTION TO ALLOW THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH A BONAFIDE EATING ESTABLISHMENT FOR EL CAMPESINOS RESTAURANT AND BAR LOCATED AT 1639 EAST PACHECO BOULEVARD, APN 083-130-013; CITY COUNCIL RESOLUTION NO. 5908 – APPROVING CONDITIONAL USE PERMIT #2017-03 FOR THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH AN EATING PLACE FOR EL CAMPESINOS RESTAURANT AND BAR LOCATED AT 1639 EAST PACHECO BOULEVARD.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council and Staff discussion regarding a security camera system at this location, both inside and outside cameras running at all times, and how these requirements are to be met and approved by Police Chief Brizzee. The business will not be able to operate with their alcohol license until the Police Chief approves the security system.

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

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5908 – Approving Conditional Use Permit #2017-03 for the Use of a Type 47 Alcohol License for the On-Sale of General Alcohol in Conjunction with an Eating Place for El Campesinos Restaurant and Bar Located at 1639 East Pacheco Boulevard. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A MORATORIUM TEMPORARILY PROHIBITING NEW MASSAGE ESTABLISHMENTS OR RELOCATION OR EXPANSION OF EXISTING MASSAGE ESTABLISHMENTS WITHIN THE CITY OF LOS BANOS PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS; ORDINANCE NO. 1159 – URGENCY INTERIM ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON MASSAGE ESTABLISHMENTS.** City Attorney Vaughn presented the staff report which included a history of massage establishments and why the City is requesting the moratorium. A moratorium is good for 45 days and Staff will be back with an ordinance to update the massage establishments. He explained how an urgency ordinance can be adopted and imposed immediately when there are concerns with illicit activities which would prevent any new establishments from coming in or the expansion of any existing establishments until an ordinance is on board. This moratorium could be extended up to two years if specific findings are presented showing a need for the extension. The process with this urgency interim ordinance is different from normal

ordinances as it can be adopted on its first introduction, does not require a second reading and it will become effective the minute it is adopted.

There was Council Member and Staff discussion pertaining to approximately when that 45 days would end and how that would fall within the schedule of Council meetings. City Attorney Vaughn stated that there would probably be a request for extension with updates presented at the first meeting in December and that there would most likely be something to present in January's meetings.

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

Motion by Silveira, seconded by Faria to waive the reading of Ordinance No. 1159 – Establishing a Temporary Moratorium on Massage Establishments. The motion carried by the affirmative action of all Council Members present.

Motion by Silveira, seconded by Faria to adopt Ordinance No. 1159 – Establishing a Temporary Moratorium on Massage Establishments. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

**ADVISEMENT OF PUBLIC NOTICES (One Report).** Community & Economic Development Director Elms stated that on November 6, 2017 at 5:00 p.m. there will be a public meeting held at the Community Center lounge to solicit citizen input on possible activities to be included in an application for the State Community Development Block Grant (CDBG) Program. A maximum application limit has been set at \$5 million and there are various programs/activities the City can apply for.

**CITY MANAGER REPORT.** City Manager Terrazas congratulated Fire Chief Hurley on his promotion and is happy to see how many people attended the badge-pinning ceremony, was nice to meet his folks, looks forward to working with him.

### **CITY COUNCIL MEMBER REPORTS.**

**DEBORAH LEWIS:** Wanted to let the audience know that she had the opportunity to attend the Peace for Families Domestic Violence Walk on October 26<sup>th</sup>, 2017, great turnout with a lot of young people in attendance, the walk ended at the Community Center this year instead of at the Police Annex, one of the testimonies of a woman really touched her, thanked the organization for all they do for the residents of Los Banos and encourages the public to support that organization, they are located inside the Police Annex building on J Street; She also attended the Retirement Dinner for former Fire Chief Marrison, was a great turnout, she wishes him well and enjoyed working with him, hopes to keep a good relationship with the new Chief, congratulated him on his promotion; Habit Burger has finally opened and she has been waiting for it for quite some time, she has already been there a couple times, believes they are a bit

superior than In and Out, she spoke to the different menu items they offer, she encourages the public to go enjoy the food.

**SCOTT SILVEIRA:** Congratulated to Fire Chief Hurley and looks forward to working with him for many more years; Special thank you to Staff for working things out regarding sudden changes in insurance requirements for the Veterans Day Parade, thanked City Attorney Vaughn and Community & Economic Development Director Elms for getting to the bottom of the issue and resolving it; Spoke to the fact that it has been said that Los Banos is lacking in its efforts of providing a homeless shelter compared to other local jurisdictions, the City hasn't forgotten about these people, there are many organizations, non-profits, and churches in town that are out there to provide assistance, the City is doing its best, it tried to purchase a piece of property in the past but the grant money didn't amount to what the value of the property was and the owner would have lost money on the sale, would like Community & Economic Development Director Elms to prepare something for a future Council meeting showing what the City has and is working on for this issue.

Mayor Villalta wanted to make it clear that the City was working on permanent housing for the homeless and not a shelter.

**TOM FARIA:** Peace for Families Night was a beautiful event, his choir kids did a Jamaican piece and the DJ there happened to be from Jamaica, was a lovely evening with a lot of support for those people in a difficult situation, thanked all those who put it on and for inviting his class to come and sing and for inviting the community, there was hot dogs, goodies and games with prizes; Saturday, November 4, 2017 is the Veterans Parade, regrestfully cannot attend this year as he will be attending a funeral, our Veterans have served this country and the parade is a great way of honoring them; Congratulated former Fire Chief Marrison and looks forward to working with Fire Chief Hurley for many more years, is sure Fire Chief Hurley's former music teacher is very happy to have previously taught one Fire Chief to the next, as a teacher it is rewarding to see their students grow up and serve the world; Halloween was safe, it was a lot of fun with his two grandbabies who are the highlight of his life.

**DARONICA JOHNSON-SANTOS:** Congratulated Fire Chief Hurley, can't wait to sit down with him to talk about his future plans, thanked former Fire Chief Marrison for his service; Looking forward to the Veterans Day Parade, she was able to help sell some tickets to raise money for this parade, her husband is a Veteran so she is looking forward to see what the parade holds.

**MAYOR MICHAEL VILLALTA:** Congratulated Fire Chief Hurley, former Fire Chief Marrison has served the City well for 30 plus years and wishes him a very happy retirement; He attended a safe alternative to Halloween that was held at various churches, he attended the three that he knew of, apologizes if he missed any, the Pastors and the Preachers of the community offered a great and safe alternative to trick-or-treating, was a well-organized group, appreciates the dedication and effort to put forth these events to provide a safe Halloween for the community, thanked all the

churches, would like to honor these organizations at a future meeting; There will be a breakfast on Saturday morning, November 4, 2017 from 7:00 a.m. to 9:00 a.m. for \$7 per ticket at the Veterans Hall and there will also be a lunch held at the Hall after the parade.

**CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT 1111 G STREET, LOS BANOS, CALIFORNIA, (APN 026-161-003, 026-161-008 (PORTION)), APPROXIMATELY 6.04 ACRES; CITY NEGOTIATORS: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE; NEGOTIATING PARTIES: SAM WATSON; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE.** Mayor Villalta stated that this closed session will not be held.

**ADJOURNMENT.** Motion by Silveira, seconded by Johnson-Santos, the meeting was adjourned at 8:29 p.m. to 6:00 p.m., Tuesday, November 7, 2017 at the Community Center Grand Room located at 645 7<sup>th</sup> Street, Los Banos, California to Conduct a Transportation Program and Associated Funding Workshop for the City of Los Banos. The motion carried by the affirmative action of all Council Members present.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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