

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 7, 2018**

***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 7:00 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 (7:02 PM), Daronica Johnson-Santos, 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, Fire Chief Hurley, Finance Director Williams, Public Works Director/City Engineer Fachin, Community & Economic Development Director Elms.

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

[Council Member Faria arrived at the Council Meeting at 7:02 pm and took his seat at the dais.]

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, spoke about the grave marker fundraiser put on by the American Legion Auxiliary, grave markers are intended to honor the veterans buried at the Los Banos Cemetery, the grave markers are \$14 apiece, she also thanked Council for postponing the vote on the amended Business License Ordinance in order to take time to address her concerns she stated a couple of Council meetings prior; RHONDA LOWE, Los Banos, spoke regarding small businesses and how they contribute to the City and the Nation, a small business startup workshop will be held on March 13, 2018 and will address the steps it takes to open up a small business in Los Banos, the event is free and will take place from 10:00 a.m. to 11:00 a.m. at the Los Banos Community Center; JOANN LLAMAS, Senator Canella's office, reminded the public that the Senator's mobile district office will be present in the Council Chambers on Thursday,

March 15, 2018 from 11:30 a.m. to 12:30 p.m. and is there to assist the public on a range of matters; MICHELLE SANDOVAL, Los Banos Chamber of Commerce, spoke regarding new Chamber of Commerce members and some upcoming ribbon cutting events they are holding, addressed the fact that the Chamber of Commerce is still accepting applications for the 2018 Spring Street Faire. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Silveira requested that item 6C - City Council Resolution No. 5941 – Approving the Public Facilities Needs List for the Development Impact Fee Program Nexus Study Update for the City of Los Banos be removed from the consent agenda to be presented and considered separately.

Motion by Johnson-Santos, seconded by Lewis to approve the consent agenda as amended as follows: Check Register for #209270 - #209480 in the Amount of \$738,322.09; Minutes for the February 21, 2018 City Council Meeting; ~~City Council Resolution No. 5941 – Approving the Public Facilities Needs List for the Development Impact Fee Program Nexus Study Update for the city of Los Banos.~~ The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 5941 – APPROVING THE PUBLIC FACILITIES NEEDS LIST FOR THE DEVELOPMENT IMPACT FEE PROGRAM NEXUS STUDY UPDATE FOR THE CITY OF LOS BANOS. Council Member Silveira inquired as to the breakdown of the expenditures for which Public Works Director/City Engineer Fachin spoke to the various funds and what fees are covered by those funds. The schedule that was adopted along with this update at a previous meeting was spoken to and how things are a bit behind but that it had nothing to do with the consultant.

Motion by Silveira, seconded by Faria to approve City Council Resolution No. 5941 – Approving the Public Facilities Needs List for the Development Impact Fee Program Nexus Study Update for the City of Los Banos. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A NOISE STUDY UPDATE FOR THE 24-HOUR OPERATION OF THE EXISTING SELF-SERVE AUTOMATIC CARWASH FOR CIRCLE K STORES, INC. LOCATED AT 410 N. MERCEY SPRINGS ROAD, APN 424-120-015. Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

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

Motion by Silveira, seconded by Johnson-Santos to accept the acoustical analysis as presented. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5942 – ADOPTING A REVISED BUDGET FOR THE 2017-2018 FISCAL YEAR BUDGET AS

IT PERTAINS TO REVENUES AND EXPENDITURES ASSOCIATED WITH THE MID YEAR BUDGET REVIEW. Finance Director Williams presented the staff report which included a PowerPoint presentation.

There was Council Member and Staff discussion pertaining to various portions of the budget with a focus on Community Facilities Districts (CFDs), the reserve fund, CalPERS, and when new personnel could possibly be hired. Finance Director Williams noted that it would not be fair or fiscally responsible to hire new personnel at this point until the CalPERS situation is better understood and until a trend in raising revenue growth is established.

Motion by Silveira, seconded by Johnson-Santos to adopt City Council Resolution No. 5942 – Adopting a Revised Budget for the 2017-2018 Fiscal Year Budget as it Pertains to Revenues and Expenditures Associated with the Mid Year Budget Review with the Corrected Exhibit A as presented by staff. The motion carried by the affirmative action of all Council Members present.

*** A short recess was taken ***

CONSIDERATION AND DISCUSSION OF REGULATING OF CARPORTS.

Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation. Staff is seeking direction from Council on one of two options: 1) Provide relief for carports as long as they meet certain criteria. 2) Make no changes to the zoning code.

There was Council Member and Staff discussion pertaining to public outreach on this issue, how it was a well-attended event and how it was important for owners of these carports to voice their opinions and concerns.

Mayor Villalta allowed members of the public to approach the podium and speak on the item: JOHN GOMES, Los Banos, spoke to how he has two carports on his property that he purchased some years ago and at an expensive cost to him, he keeps the carports clean and neat, they look the same as they did when he first purchased him, his home doesn't have a garage so these carports are used to protect his equipment, his car, and his motor home, would like Council to consider allowing those carports that are already up to remain up.

After Council Member and Staff discussion pertaining to enforcement, already existing carports, fees and what is best for the residents of the City, Council concluded that option number one would be the best choice.

Motion by Lewis, seconded by Silveira to give staff direction to proceed with option #1 as stated in the staff report. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION AND DISCUSSION OF REGIONAL TRANSPORTATION IMPACT FEE (RTIF) OPTIONS. City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

Mayor Villalta spoke to the options before them tonight and noted that if the Council decides to rescind the RTIF, then every other city in the County would have to also in order for it go away. After further discussion amongst Council, it was determined that the adoption of the 2016 project list would be the most viable option for the City at this moment in time. A brief history of the project list was given by City Manager Terrazas.

Motion by Faria, seconded by Lewis to approve the 2016 Regional Transportation Impact Fee (RTIF) Update Study dated December 15, 2016, including the project list included therein. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. No report.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: No report.

DEBORAH LEWIS: No report.

SCOTT SILVEIRA: No report.

TOM FARIA: He attended the Arbor Day event and thanked everyone who was a part of putting that on. Los Banos is a True Tree City of the Nation. Looks forward to spring time.

MAYOR MICHAEL VILLALTA: Arbor Day has been held in Los Banos for over 30 years and is a well organized even recognizing the importance of trees. He thanked all who came and everyone who was a part of putting the event on. Briefly explained how all Council Members can't make it out to all the events but they try their hardest to make it out to as many as possible.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action, direction to staff only.

CLOSED SESSION – PUBLIC EMPLOYEE RELEASE, PURSUANT TO GOVERNMENT CODE SECTION 54957. Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5943 – Concerning the Industrial Disability

Retirement of Police Officer Preston Jelen (Government Code Section 21156). The motion carried by the affirmative action of all Council Members present.

ADJOURNMENT. Motion by Lewis, seconded by Faria the meeting was adjourned at 10:29 p.m. to 8:30 AM, Friday, March 9, 2018 at College Greens Building located at 1815 Scripps Drive, Los Banos, California to Conduct a City Council Goals & Objectives Workshop. 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