

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 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 7:02 p.m.

PLEDGE OF ALLEGIANCE: Mike Hughes and Allan Cotta 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: Scott Silveira.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Fire Chief Hurley, Finance Director Williams, Community & Economic Development Director Elms, City Treasurer/Accounting & Budget Supervisor Tomas, 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, Silveira absent.

PRESENTATION – RECOGNITION OF ENTRY AWARDS FROM THE VFW POST 2487 AND AMERICAN LEGION POST 166 VETERANS DAY PARADE. Mayor Villalta asked members of the VFW and American Legion present to come forward; Mike Hughes introduced veteran Patricia McCoy who did a great job on the veterans parade and spoke regarding parade, thanked the City and the Los Banos Police Department, City staff and all who participated.

Mayor Villalta read the Veteran's Day Proclamation and presented it to the veterans in attendance.

VFW Commander Hughes & Patricia McCoy presented the parade winners: Henry Miller Elementary, Los Banos Junior High School, and Pacheco High School. Representatives from each school came forward to accept their awards. Mayor Villalta thanked all the schools, teachers and administrators for all they do.

PRESENTATION – RECOGNITION OF ACE 10 PARTICIPANTS. Mayor Villalta presented the certificates to the ACE 10 participants: Los Banos High School Marching Band, Los Banos High School Future Farmers of America, Los Banos High School Transition into Adulthood Program, Pacheco High School Culinary Arts Program, Cotton

Tree Ranch, E.J. Gallo, The Country Duck, Hostetler Ranches, Bowles Farming Company, Gilardi Farms, Kagome Inc USA, Morning Star, Paradise Kitchen, Jess Smith & Sons, Merced College, Sandra Benetti, Jelen de Melo, and Brenda Geary. Community & Economic Development Director Elms explained what ACE 10 event on October 24, 2018 at the Los Banos Community Center was all about. Mayor Villalta explained how Los Banos was able to get ACE 10 to stop and visit Los Banos and thanked all for their help and presentations

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.

Mayor Villalta opened the public forum. MAJOR JENNIFER CORTEZ, Salvation Army, stated that it is time to ring the bells and explained the services they provide and programs they offer, challenged all to raise money for those in need, reminding all that all the money raised in Los Banos stays in Los Banos, invited and encouraged all to come out and ring the bell; JACQUELINE LAWRENCE stated that she has been in Los Banos for many years and is currently homeless, she's been through some very hard times and is now living on the streets, inquired as to what the City is going to do about the situation, spoke regarding her plans for property to build tiny houses for homeless and ideas for helping people; ELAINE CORY, Los Banos, spoke regarding the Downtown Revitalization Project and how she doesn't agree with some of the things City staff has done, she doesn't feel the City should be taking sides and be upfront with information, how she feels most of the money is going to administrative fees with no money for improvements downtown; NELSON GOMES FILHO spoke regarding the last election, election procedures, 8 years ago he wrote two letters to the City and received no answers, spoke of how a good mayor should be a leader.

Mayor Villalta called for a 5 minute recess.

ALDINA MACIEL, Real Estate Broker, spoke regarding the Golden Ticket Fundraiser; FATIMA LIMA, Realtor in Los Banos, ALSO spoke regarding Golden Ticket Fundraiser; PENNY GLICK, Los Banos, owner of Country Duck, spoke regarding Small Business Saturday, encouraged all to come check out Christmas Evening Downtown on November 30, 2018 from 5:00-8:00 PM, spoke about the holiday raffle with proceeds to be shared with the Los Banos Downtown Association and Cops for Kids, how she is the Teddy Bear House at 698 Plum Court during the holidays and welcomed everyone to come by, thanked the City, Ms. Elms and everyone who has helped with the Downtown Revitalization Program, would like to see it revamped and see more people come to downtown, noting how Tom Kaljian is redoing his building. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Johnson-Santos, seconded by Faria to approve the consent agenda as follows: Check Register for #213032 – #213348 in the Amount of \$1,628,470.72; First Quarter Investment Report for

Fiscal Year 2018-2019; Minutes for the October 17, 2018 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Silveira absent.

BOYS & GIRL CLUB PRESENTATION – STEERING COMMITTEE MEMBER, CHUCK ERRECA. Public Works Director/City Engineer Fachin introduced Mr. Erreca who presented staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the sources of income, which can be local, regional or national, how much it would cost to run the program a year, upcoming fundraiser, the number of participants during the summer program was about 36 on average, how Mayor Villalta was a part of the organizing committee, it was nice to see the kids having a good time, how the Boys & Girls Club is a needed asset, but the cost to run the program is very high.

Michael Kuric, representative with the Boys & Girls Club, spoke in more detail, noting that they are very optimistic about the program in Los Banos but in order for the program to be successful and proceed we have to meet the financial reserve requirements.

Informational item only, no action to be taken.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING AN ORDINANCE TO AMEND AND REORGANIZE ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF-STREET PARKING AND AMEND AND REORGANIZE ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES; ORDINANCE NO. 1165 – AMENDING AND REORGANIZING ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF-STREET PARKING; AMENDING AND REORGANIZING ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES (CONTINUED FROM OCTOBER 17, 2018 MEETING) (FIRST READING & INTRODUCTION). Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding wanting to stay with the original 5 feet set back, for the safety of our public safety staff we need as much feet as possible, 3 feet not being enough, and the fence height requirements of 6-7 feet.

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

Motion by Lewis, seconded by Faria to waive the first reading of Ordinance No. 1165 – Amending and Reorganizing Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking; Amending and Reorganizing Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational with the correction to Section 9-3.2024 to change 5 feet to 3 feet on the side yard requirement. The motion carried by the affirmative action of all Council Members present, Johnson-Santos voting No and Silveira absent.

Motion by Lewis, seconded by Faria to introduce Ordinance No. 1165 – Amending and Reorganizing Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking; Amending and Reorganizing Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational with the correction to Section 9-3.2024 to change 5 feet to 3 feet on the side yard requirement. The motion carried by the following roll call vote: AYES: Faria, Lewis, Villalta; NOES: Johnson-Santos; ABSENT: Silveira.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15322, IN-FILL DEVELOPMENT PROJECTS AND CONDITIONAL USE PERMIT #2018-10 FOR AN ABC TYPE 20 OFF SALE BEER AND WINE LICENSE FOR A PROPOSED CONVENIENCE STORE WITHIN THE PROPOSED SHOPPING CENTER, LOCATED AT THE SOUTH EAST CORNER OF MERCY SPRINGS ROAD AND OVERLAND AVENUE, APN 424-120-017; CITY COUNCIL RESOLUTION NO. 6020 – APPROVING CONDITIONAL USE PERMIT #2018-10 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 20 OFF-SALE BEER AND WINE LICENSE FOR 7-11 LOCATED AT THE SOUTH EAST CORNER OF MERCY SPRINGS ROAD AND OVERLAND AVENUE, APN 424-120-017. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding the Police Chief approving the camera system.

Mayor Villalta opened the public hearing. JIM HALFETY, representing the applicant, spoke to the growth that is taking place in Los Banos and how it's an honor to be able to do this in this project in the community. No one else came forward to speak and the public hearing was closed.

Motion by Lewis, seconded by Faria, to adopt City Council Resolution No. 6020 – Approving Conditional Use Permit #2018-10 to Allow for the Sale of Alcohol Under a Type 20 Off-Sale Beer and Wine License for 7-11 Located at the South East Corner of Mercy Springs Road and Overland Avenue, APN 424-120-017. The motion carried by the affirmative action of all Council Members present, Silveira absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A REVISION TO CONDITIONAL USE PERMIT #2016-01 TO ALLOW THE EXPANSION OF THE USE OF A TYPE 23 ALCOHOL LICENSE FOR A SMALL BEER MANUFACTURER ONSITE TASTING ROOM TO THE EXPANDED FLOOR AREA OF THE BUILDING, PARAISO BREWERY, LOCATED AT 80 WEST G STREET, SUITE C AND D, APNS 081-190-008 AND 081-190-009; CITY COUNCIL RESOLUTION NO. 6021 – APPROVING A REVISION OF CONDITIONAL USE PERMIT #2016-01 TO ALLOW FOR AN EXPANSION OF THE SALE OF ALCOHOL UNDER A TYPE 23 SMALL BEER MANUFACTURER FOR PARAISO BREWERY LOCATED AT 80 WEST G STREET, APN 081-190-008 AND 081-190-009. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. HECTOR GARIBAY, stated that they added a small kitchen to the brewery and this would help us regain the seating. No one came forward to speak and the public hearing was closed.

Motion by Johnson-Santos seconded by Faria, to adopt City Council Resolution No. 6021 – Approving a Revision of Conditional Use Permit #2016-01 to Allow for an Expansion of the Sale of Alcohol Under a Type 23 Small Beer Manufacturer for Paraiso Brewery Located at 80 West G Street, APN 081-190-008 and 081-190-009. The motion carried by the affirmative action of all Council Members present, Silveira absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT, ROUND TABLE PIZZA, LOCATED AT 1462 MERCY SPRINGS ROAD, APN 083-130-038; CITY COUNCIL RESOLUTION NO. 6022 – APPROVING A CONDITIONAL USE PERMIT #2018-12 FOR THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE FOR ROUND TABLE PIZZA LOCATED 1462 MERCY SPRINGS ROAD, APN 083-130-038. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding the easement from Pacheco Boulevard going into the parking lot.

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

Motion by Faria seconded by Johnson, to adopt City Council Resolution No. 6022 – Approving a Conditional Use Permit #2018-12 for the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place for Round Table Pizza Located 1462 Mercey Springs Road, APN 083-130-038. The motion carried by the affirmative action of all Council Members present, Silveira absent.

CONSIDERATION OF ENTERING INTO AGREEMENTS RELATED TO GROUND WATER SUSTAINABILITY; CITY COUNCIL RESOLUTION NO. 6023 – ACTING AS THE CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY (GSA), AUTHORIZING THE CITY MANAGER TO ENTER INTO: (A) DELTA-MENDOTA SUBBASIN COORDINATION AMONG THE GROUNDWATER SUSTAINABILITY AGENCIES (GSA’S) WITHIN THE DELTA-MENDOTA SUBBASIN; (B) THE COST SHARING AGREEMENT AMONG THE GSA’S OF THE DELTA-MENDOTA SUBBASIN; AND (C) THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS BANOS GSA AND THE SAN JOAQUIN RIVER EXCHANGE CONTRACTORS GSA. Public Works Director/City Engineer Fachin presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding recently the federal government has talked about releasing additional water and if that happen that will be taken into account, how the bump to the 3 day watering has not outreached our mandates.

Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 6023 – Acting as the City of Los Banos Groundwater Sustainability Agency (GSA), Authorizing the City Manager to Enter into: (A) Delta-Mendota Subbasin Coordination Among the Groundwater Sustainability Agencies (GSA's) within the Delta-Mendota Subbasin; (B) the Cost Sharing Agreement Among the GSA's of the Delta-Mendota Subbasin; and (C) the Memorandum of Understanding between the City of Los Banos GSA and the San Joaquin River Exchange Contractors GSA. The motion carried by the affirmative action of all Council Members present, Silveira absent.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, NOVEMBER 21, 2018 DUE TO THE THANKSGIVING HOLIDAYS.

Motion by Lewis, seconded by Johnson-Santos to cancel the November 21, 2018 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Silveira absent.

ADVISEMENT OF PUBLIC NOTICES (Three Reports). Community & Economic Development Director Elms stated that three public hearings will be held at the Planning Commission Meeting on Wednesday, November 14, 2018 at 7:00 p.m. in the Council Chambers regarding a General Plan Amendment, Zone Change and Negative Deflation for the development of a new Police Department Facility at 1111 G Street; regarding a Categorical exemption from the California Environmental Quality Act regarding Cottage Food Operation for Stephanie Kusayanagi-Dees at 780 Amelia Court Ninth Street; regarding Mitigated Negative Declaration and Vesting Tentative Tract Map for Sunrise Ranch on the north of San Luis Street, south of B Street, East of Los Banos Junior High School.

Villalta spoke to the homes being built currently were approved not by this City Council but by past City Council's before he was a Council Member.

CITY MANAGER REPORT. No report.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Mayor Pro Tem Lewis congratulated the newly elected members of the City Council and re-elected members of the City Council, how she is looking forward to working with whoever, congratulations on the passage of Measure H noting that the citizens have faith in the City that we will spend the money as promised; she had the privilege to host the San Jose State University Choir a few years ago and will again be hosting them again on December 9, 2018 at 7:00 pm at New Beginnings Church with Mr. Faria's ensemble choir will singing with them.

SCOTT SILVEIRA: absent

TOM FARIA: Council Member Faria stated that the concert went very very well last year and the addition of the choir will be nice, congrats to Measure H and it will be nice to bring those public safety numbers up, congratulations to all that ran in the election, elections are all about conversations, Mayor Villalta and I look to be re-elected, my opponent Mr. Llamas called me and congratulated me, looks like Mr. Jones will win the other Council Member seat, the discussion tonight was a great lesson we gave you tonight, nice to see the students, spoke regarding the upcoming Makers Market at the Arts Council, Santa Claus Parade on December 7, 2018 High School Concert on December 12, 2018 and Creekside Junior High School on December 19, 2018, there are lots of fun things for Los Banos residents to do, the Veterans Day Parade awards were nice, wished all a great night.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos thanked all the veterans for the parade, it was very nice to see and be in it, congratulations Mike Villalta and Tom Faria on their re-election, great job on Measure H it is definitely going to help.

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that the Veterans Parade was a really nice and successful event, the Downtown Christmas Parade is on December 7, 2018 and encouraged all to come down, how elections are always interesting, we are a perfect example of people coming together and we are going to continue with that, if the election numbers hold up Mr. Jones will be sitting in the seat, congratulations to Council Member Faria and thanked Mr. Llamas for running, some good discussion and hopefully we can continue to move forward on the issues of the present City Council, how Measure H passed and recognized the work put in by the City Manager, Police Chief and Fire Chief for all that they did to get it passed, the task is now how to proceed and make sure we are an open book and spend the money on what we said we'd spend it on, encouraged people to apply to be on Measure H Oversight Committee; spoke regarding the Downtown Revitalization Program, noting that it is called a PBID and how it works, how the economy improves when you have a nice downtown to go to, some people are not for that, how he is for improving the downtown, suggested that people go to Turlock and look at what they did with their PBID money and how cute it looks; how Police Chief Brizzee is looking into see if he can help the lady who spoke during the public forum, and how nice the choir event is nice.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OF SUBDIVISION (D) OF SECTION 54956.9 OF THE GOVERNMENT CODE: 90-DAY NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT FROM CALIFORNIA RIVER WATCH, DATED SEPTEMBER 3, 2018. No reportable action.

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, POLICE CHIEF BRIZZEE, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA) AND LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA). No reportable action.

ADJOURNMENT. The meeting was adjourned at 10:45 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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