

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 20, 2019**

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; Absent: None.

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

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

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. TOM BALATTI, Los Banos, spoke regarding pickle ball and thanked the City for their support, how they are trying to get a program started at San Luis High School, spoke regarding Recreation & Parks and how he worked for the City many many years ago and has a real passion for Recreation and Parks in the City, feels that it is a burden on the Public Works Director and would like to see the City go back to a stand-alone Parks & Recreation Department like the other departments in the City, would also like to see the Parks & Recreation Commission meet more than 4 times a year, monthly would be ideal, the passage of Measure H was great for our community and hopes there will be funds for recreation and parks and how he is embarrassed to see the condition of our parks; SANDRA SANCHEZ, Los Banos, spoke regarding the Parent Leadership Institute and her perspective of what the program is all about; LIZBETH (inaudible last name), Los Banos, spoke regarding Parent Leadership Institute and her perspective on what the

program is all about. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Lewis to approve the consent agenda as follows: 214665 – #214939 in the Amount of \$430,193.93. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6051 – ACCEPTING THE 2017-2018 FISCAL YEAR AUDIT REPORTS CONSISTING OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), THE GOVERNMENT AUDITING STANDARDS REPORT AND THE ABANDONED VEHICLE ABATEMENT PROGRAM FINANCIAL STATEMENTS. Finance Director Williams presented the staff report, introducing CPA Josh Giosa, Audit Manager with Price Paige & Company who spoke in more detail to the financial reports.

There was Council Member and staff discussion regarding the City's OPEB liability.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 6051 – Accepting the 2017-2018 Fiscal Year Audit Reports Consisting of the Comprehensive Annual Financial Report (CAFR), the Government Auditing Standards Report and the Abandoned Vehicle Abatement Program Financial Statements. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A GENERAL PLAN AMENDMENT NO. 2018-03, ZONE CHANGE #2018-03, AND A MITIGATED NEGATIVE DECLARATION (SCH#2019011005); THE PROPOSED PROJECT CONSISTS OF A GENERAL PLAN AMENDMENT AND ZONE CHANGE TO REDESIGNATE APPROXIMATELY FIVE (5) ACRES FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR THE DEVELOPMENT OF NINETY-SIX (96) MULTI-FAMILY RESIDENTIAL UNITS LOCATED ON THE WEST SIDE OF MERCY SPRINGS ROAD (SR 165), NORTH OF SANTA BARBARA STREET, AND EAST OF SANTA VENETIA STREET, APN 082-030-051; CITY COUNCIL RESOLUTION NO. 6052 – APPROVING MITIGATED NEGATIVE MONITORING/REPORTING PLAN FOR MERCY SPRINGS ROAD APARTMENTS LOCATED WEST OF MERCY SPRINGS ROAD (SR 165), NORTH OF SANTA BARBARA STREET, AND EAST OF SANTA VENETIA STREET; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-030-051 (MOTION OF INTENT TO ADOPT); CITY COUNCIL RESOLUTION NO. 6053 – APPROVING GENERAL PLAN AMENDMENT #2018-03 FOR MERCY SPRINGS ROAD APARTMENTS CONSISTING OF APPROXIMATELY FIVE (5) ACRES LOCATED ON THE WEST SIDE OF MERCY SPRINGS ROAD (SR 165), NORTH OF SANTA BARBARA STREET, AND EAST OF SANTA VENETIA STREET; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-030-051 (MOTION OF INTENT TO ADOPT); ORDINANCE NO. 1169 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY FOR MERCY SPRINGS

ROAD APARTMENTS LOCATED ON ASSESSOR'S PARCEL NUMBER: 082-030-051 FROM LOW DENSITY RESIDENTIAL (R-1) TO HIGH DENSITY RESIDENTIAL (R-3) (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 what the Planning Commission approves, i.e. site plans, at what point does the City Council have a say in what a project, i.e. land use, the Planning Commission is involved in the Site Plan Review Process to dig in deep into the project, when the City Council would have the opportunity to make any enhancements, creating an ordinance to give the City Council that kind of authority for which City Attorney Vaughn stated that there is an ordinance that gives that duty to the Planning Commission, being able to go to the Planning Commission meetings if we had issues, comments or concerns.

Mayor Villalta opened the public hearing. CARLOS MORRIS, Los Banos, stated that he has been living in this proposed area for 3 years and is advocating for people in that area, he feels that when you put an apartment complex in this area you will be creating more traffic coming through and that concerns him, it can be dangerous too for the kids playing outside, learning how the low income housing works could we find another place for this development, his neighborhood is calm and this will just open it up to more traffic; City Attorney Vaughn noted that this is not low income housing, this is market rate housing; DAVID DEES, Los Banos Planning Commission, encouraged anyone who would like to see our processes to come to our meeting and observe what we do, we like the feedback, citizen involvement is very important. No one else came forward to speak.

There was additional Council Member and staff discussion regarding if a contractor brings a project to Los Banos is there an agreement that it will never turn into low income housing and ways to insure that never happens, concerns that the Police Department is very overworked, what can we do to help alleviate public safety concerns, we are rezoning property and we don't know what the project is like and we don't know what the developer will be bringing forward, wanting security at the project site, a full camera system 24-7, proper lighting, through the last Housing Planning Cycle the State has identified this parcel to rezone, the existing number of housing unit numbers and the numbers we are lacking in each area, what happens when the City runs out of acreage to rezone ordered by the State, concerns for expanding our boundaries, what are the consequences, do we need the funds from the State and is it worth what they want us to do, it's not fair to local government to put the burden on the City and the services we provide, not sure how we are going to meet the States expectations. City Manager Terrazas stated that losing the SB1 gas tax, current grant funding, future grant funds would be potentially a big hit to the city and Finance Director Williams stated that the City would lose about \$2.7 million which the City desperately needs and relies on. There was more discussion on what does market rate need, need for more for health care services i.e. hospital, need for more police services.

FRANK SAREMI, the project applicant, stated that he came to the City to see what he could do to help the City in developing something that was needed and was told that market value apartments was needed and he plans to create a gated community with security with apartments that are nicer than some homes in this City, noting that the people that live here will be the workers from Los Banos. He stated that he is developing land by Home Depot and G Street property and wants to do more in Los Banos, he be willing to put in a camera system, lighting, security.

Council Members and staff discussed public services and how are we going to fund police and fire, the CFDs helping to pay for these services, how the Planning Commission would be the appropriate body to during the design review process to set conditions of approval, adopting a new ordinance to give the Planning Commission more tools, using the Business License process to set further conditions and safeguards related to public safety concerns the city may have, i.e. cameras, security, the conceptual plan contemplates providing a community building with a pool, as well as open space within the gated community.

Motion by Johnson-Santo, seconded by Lewis a motion of intent to adopt City Council Resolution No. 6052 – Approving Mitigated Negative Monitoring/Reporting Plan for Mercey Springs Road Apartments Located West of Mercey Springs Road (SR 165), North of Santa Barbara Street, and East of Santa Venetia Street; More Specifically Identified as Assessor’s Parcel Number: 082-030-051. The motion carried by the affirmative action of all City Council Members present.

Motion by Johnson-Santos, seconded by Lewis a motion of intent to adopt City Council Resolution No. 6053 – Approving General Plan Amendment #2018-03 for Mercey Springs Road Apartments Consisting of Approximately Five (5) Acres Located on the West Side of Mercey Springs Road (SR 165), North of Santa Barbara Street, and East of Santa Venetia Street; More Specifically Identified as Assessor’s Parcel Number: 082-030-051. The motion carried by the affirmative action of all City Council Members present.

Motion by Johnson-Santos, seconded by Lewis, to waive the first reading of Ordinance No. 1169 – Amending the Official Zoning Map by Rezoning Property for Mercey Springs Road Apartments Located on Assessor’s Parcel Number: 082-030-051 from Low Density Residential (R-1) to High Density Residential (R-3). The motion carried by the affirmative action of all Council Members present.

Motion by Johnson-Santos, seconded by Lewis, to introduce Ordinance No. 1169 – Amending the Official Zoning Map by Rezoning Property for Mercey Springs Road Apartments Located on Assessor’s Parcel Number: 082-030-051 from Low Density Residential (R-1) to High Density Residential (R-3). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

Motion by Villalta, seconded by Lewis to continue this item and the public hearing to the March 20, 2019 City Council Meeting. The motion carried by the affirmative action of all Council Members present.

CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION (CDTFA) TRANSACTIONS AND USE TAX AGREEMENTS AS IT PERTAINS TO MEASURE H; CITY COUNCIL RESOLUTION NO. 6055 – AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CDTFA FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX; CITY COUNCIL RESOLUTION NO. 6056 – AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS. Finance Director Williams presented the staff report.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6055 – Authorizing the City Manager to Execute Agreements with the CDTFA for Implementation of a Local Transactions and Use Tax. The motion carried by the affirmative action of all Council Members present.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6056 – Authorizing the Examination of Transactions (Sales) and Use Tax Records. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6057 – ESTABLISHING A POLICY REGARDING CITY COUNCIL MEMBER NEIGHBORHOOD OUTREACH EVENTS. Community & Economic Development Director Elms gave update, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the \$100 allocation and if there needed to be a little bit more than that, how this event was envisioned to be a meeting in the park with water, light refreshments, cookies, coffee, not district-wide BBQs, how the public will be notified through our existing outreach channels and we will let everyone know about the events.

Motion by Johnson-Santos, seconded by Lewis to adopt City Council Resolution No. 6057 – Establishing a Policy Regarding City Council Member Neighborhood Outreach Events, with the note that the \$100 is for the cost of refreshments. The motion carried by the affirmative action of all Council Members present.

APPOINTMENT OF COMMISSIONERS TO THE FOLLOWING CITY COMMISSIONS: ECONOMIC DEVELOPMENT ADVISORY COMMISSION – ONE (1) UNEXPIRED TERM – EXPIRING DECEMBER 31, 2020; PARKS & RECREATION COMMISSION – TWO (2) UNEXPIRED TERMS – EXPIRING DECEMBER 31, 2020; PLANNING COMMISSION – ONE (1) UNEXPIRED TERM – EXPIRING DECEMBER 31, 2019 AND ONE (1) UNEXPIRED TERM – EXPIRING DECEMBER 31, 2010; TREE COMMISSION – TWO (2) UNEXPIRED TERMS – EXPIRING DECEMBER 31, 2020; MEASURE H CITIZENS’ OVERSIGHT COMMITTEE – FIVE (5) TERMS TO BE DETERMINED PER COMMITTEE BYLAWS AT THE COUNCIL MEETING. Motion by

Villalta, seconded by Jones to appoint Stephanie Dees to the Economic Development Advisory Commission, term expiring December 31, 2020. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta, seconded by Jones to appoint Kimberlee Flore and Martin Irwin to the Parks & Recreation Commission, terms expiring December 31, 2020. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta, seconded by Faria to appoint Thomas Higby to the Planning Commission, term December 31, 2019 and Erik Limon to the Planning Commission, term expiring December 31, 2020. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta, seconded by Lewis to appoint Steve Creighton and Tom Kaljian to the Tree Commission, terms expiring December 31, 2020. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta seconded by Jones to appoint James Roelofs, John Cates, Michael Amabile, Kathy Ballard, and Tom Spada to the Measure H Citizens' Oversight Committee with the terms to be determined per Committee Bylaws at the first Measure H Citizens' Oversight Committee Meeting. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms report that a public hearing will be held on February 27, 2019 at 7:00 pm to consider a recommendation to the Los Banos City Council to adopt an ordinance to establish the regulation and processing of accessory dwelling units.

CITY MANAGER REPORT. City Manager Terrazas stated a quick thank you to the committee and commission members recently appointed and Stephanie Dees and Kathy Ballard for staying for the whole meeting.

CITY COUNCIL MEMBER REPORTS.

DARONICA JOHNSON-SANTOS: Thanked everyone for staying and volunteering, thanked staff for all our decisions and good conversation.

BRETT JONES: No report

DEBORAH LEWIS: Stated a special thanks to Finance Director Sonya Williams and her staff for the exemplary work you have done over the years, noting the many exemplary awards the City has received.

TOM FARIA: Congratulated the Finance Department on a job well done, stated that we are in better financial shape and you are the reason, asking that future committee appointees in the be at the beginning of the agenda instead of at the end, thanked all for volunteering.

MAYOR MICHAEL VILLALTA: Stated that today he and City Manager Terrazas met with Sutter Health who will be giving a report at the March 6, 2019 Council Meeting about the future of health care, spoke regarding the recent Parent Institute graduation for parents who gave up their time to be better parents, a great job on the financials to Finance Director Williams and her staff, and reminded all to make no mistake everyone up here cares for the betterment of Los Banos and wants to make sure we can get the best from everyone.

ADJOURNMENT. The meeting was adjourned at 10:04 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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