

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MARCH 27, 2019**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

CALL TO ORDER: Chairperson Cates called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Commissioner Spada.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees, Thomas Higby III, and Tom Spada; Mona Giuliani, Erik Limon, and Susan Toscano absent.

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, Associate Planner Rudy Luquin, Planning Technician Sandra Benetti, and City Attorney William A. Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Higby, seconded by Spada to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani, Limon, and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 27, 2019. Motion by Higby, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani, Limon, and Toscano absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION 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.

Chairperson Cates opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT AN ORDINANCE ADDING A NEW ARTICLE TO TITLE 9 OF CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING SIDEWALK VENDING IN RESPONSE TO SENATE BILL 946. Community & Economic

Development Director Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Dees spoke of his resentment towards the state for forcing this on local governments and inquired about the associated permit fee.

Community & Economic Development Director Elms responded that the user fee study will determine the fee.

Commissioner Dees stated that Code Enforcement will be hard pressed to monitor, so the public will have to police, and suggested having a large and bright colored permit on the cart.

Community & Economic Development Director Elms stated that each vendor will wear an ID badge and have a permit along with Conditions of Approval on their person.

Commissioner Dees suggested to consider font size as well for the permit and inquired if this ordinance applies to schools.

Community & Economic Development Director Elms stated that there is language specific to schools within the ordinance.

Commissioner Dees inquired if there are restrictions on areas where there are no sidewalks.

City Attorney Vaughn responded that the definition of sidewalk vendor clarifies it is to take place on public sidewalk or pedestrian path of travel.

Commissioner Higby inquired as to how we ensure vendors stick to the path of travel.

City Attorney Vaughn responded that it would be on a complaint basis.

Commissioner Higby inquired about noncompliance.

City Attorney responded that statute is quoted in the ordinance, how it cannot be a criminal violation, also entitled to reduction in fine if shown financial hardship, and spoke of the administrative citation process.

Commissioner Dees inquired about the plan to notify the folks who currently vend that would fall under this.

Community & Economic Development Director Elms responded that staff will reach out to them upon their business license renewal when we that determination has been made.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of how the City doesn't have this type of vending currently, how it's not a problem at this point, it's obtrusive to brick and mortar, concerned about sales tax, how street vendors

are dishonest about the amount they sell, how its not a huge problem right now and she understands that the state enacted this law but she wants to voice her opinion, and she hopes it doesn't turn into a big problem in the future.

No one else came forward to speak and the public hearing was closed.

Motion by Dees, seconded by Spada to adopt Planning Commission Resolution No. 2019-04 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code Adding a New Article 45 to Create a Sidewalk Vending Program, Amending Related Provisions of the Los Banos Municipal Code and Making a Determination of Exemption under CEQA. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani, Limon, and Toscano absent.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Planning Commission Academy a few weeks ago, great conference, really great information, thanked those who attended, and looks forward to the conference next year.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked the City Council for allowing the Planning Commission to go to the Planning Commissioners Academy, how our staff is very functional, so many differences between our City and the larger communities, how they had a great chauffer and had a great time.

DEES: Spoke of Measure V finalized report, how the committee has requested that the City to provide a location on 4/17/19 and inquired if Community & Economic Development Director Elms has information.

Community & Economic Development Director Elms responded that the Public Works Director would be the point of contact for this and how she is sure he is handling it.

Commissioner Dees spoke of how he enjoyed Planning Commissioner Academy, how the sessions seemed to cater to larger communities, commended staff for doing an excellent job, great bonding experience for the group, and how each one of us cares for the City.

Commissioner Dees spoke of how Burger King had received approval for Site Plan Review a year ago, how they removed the trees and hedges and never replaced it, and now there is no separation between commercial and residential.

Community & Economic Development Director responded that the new landscaping that was put in meets the City's standards and staff has not received complaints since the new landscaping was put in.

Commissioner Dees stated that the intent to put shrubs in was to put a barrier between residential and commercial and short shrubs don't provide that barrier.

GIULIANI: Absent.

HIGBY: Inquired about a meeting that took place yesterday regarding the highspeed rail and asked if Community & Economic Development Director Elms had information.

Community & Economic Development Director Elms stated she was not aware or invited to a meeting yesterday, but the City is in contact with the High Speed Rail Authority staff regarding impact to the City and schools, and staff is told special consideration is given to environmental groups not municipalities.

LIMON: Absent.

SPADA: Inquired if Marshall's will have a loading dock.

Community & Economic Development Director responded that in the rear there will be a roll up door, not a loading dock.

Commissioner Spada stated that he doesn't want to see anything like the loading dock at Harbor Freight Tools.

Community & Economic Development Director Elms stated that its within an existing fenced area in the rear.

Commissioner Spada spoke of how he hopes the back of the building stays somewhat visually pleasing since it faces the junior high school.

Community & Economic Development Director Elms responded that the tenant improvement plans are for interior and not related to a loading dock but she will look into it.

Commissioner Spada stated that his wife is having spine surgery on Friday and he may not be at the next Planning Commission meeting.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 7:51 p.m.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician