

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
APRIL 3, 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, Brett Jones, Mayor Michael Villalta; Absent: Lewis.

STAFF MEMBERS PRESENT: City Attorney Vaughn, Assistant City Clerk/Human Resources Analyst Sousa, Police Chief Brizzee, Fire Chief Hurley, Community & Economic Development Director Elms, City Treasurer/Accounting & Budget Supervisor Tomas, and 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 as submitted. The motion carried by the affirmative action of all City Council Members present; Absent: Lewis.

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. RHONDA LOWE, UC Merced Small Business Center, spoke about a job fair partnering with the City of Los Banos on April 24th from 9am to noon at the Community Center, please pass this on and let everyone know.

Council Member Lewis arrived at 7:03 p.m.

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 #215346 – #215572 in the Amount of \$1,156,846.74; Minutes for the March 20, 2019 City Council Meeting; City Council Resolution No. 6065 – Approving and Adopting Final Tract Map No. 2015-01 Southpointe at Regency Park; City Council Resolution No. 6066 – Accepting Public Improvements for Mission Village South Phase 3A; City Council

Resolution No. 6067 – Approving and Adopting Final Tract Map No. 2001-02 Mission Village South Phase 3B and Accompanying Subdivision Improvement Agreement; City Council Resolution No. 6068 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations in Expenditures for Traffic Impact Fees for Transportation Planner Services in the Amount of \$40,000; City Council Resolution No. 6069 – Approving Adopting Policies for the Administration and Procurement of Architectural and Engineering (A&E) Services for State and Federal Funded Transportation Projects. The motion carried by the affirmative action of all City Council Members present.

TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE TO ESTABLISH THE REGULATIONS AND PROCESSING OF ACCESSORY DWELLING UNITS. Community & Economic Development Director Elms presented the report which included a Powerpoint.

Council Member Lewis requested some examples that would be unique to our community. City Attorney Vaughn spoke about the uniform building code and how it sets the number of occupants per residence, how certain conditions may not apply to occupancy levels, there are some conditions that the City can limit but they must be unique to the agency, other jurisdictions have tried to limit occupancy levels and they have been struck down by the courts, according to the uniform building code a typical 1,500 square foot home could house up to 20 human beings, there isn't much the City can do, if the Council is looking to pick a number for occupancy and put that to a the square footage of a home it is not going to hold up in court. Council Member Jones stated he doesn't want to see overcrowding in homes, if it gets out of control and the owner doesn't care there may be another safety issue to deal with. City Attorney Vaughn stated that with a large number of people living in a residence we are more likely to see violations that the building official can use to deal with overcrowding in a home. Mayor Villalta inquired as to if the Council has the power to change an ordinance to require air conditioning in all future units being built. City Attorney Vaughn stated that it wouldn't hold up in court and the City must follow the uniform building code just as all others in the State of California do. Mayor Villalta requested that staff do more research on the issue. There was discussion regarding off-street parking requirements. Council Member Jones inquired as to if the City could require vehicles to be off the street in these areas so the street sweeper could come by. Community & Economic Development Director Elms stated that everyone in the City would need to be treated equally. Mayor Villalta explained how this is not the Council or staff's idea, the State of California passed down a ruling that these accessory units will be legal within your City and you do not have a choice to allow or not, we do not get any additional police patrol funds, if staff did not bring this ordinance forward then any person could build a unit and house anyone in our City, the ordinance has been crafted by staff to include every restriction it could have without violating state law, we are going to continue to research this topic.

Mayor Villalta opened the public hearing.

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

Motion by Johnson-Santos, seconded by Faria to waive the second reading of Ordinance No. 1170 – Amending and Restating Article 30 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Accessory Dwelling Units. The motion carried by the affirmative action of all City Council Members present.

Motion by Johnson-Santos, seconded by Faria to adopt Ordinance No. 1170 – Amending and Restating Article 30 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Accessory Dwelling Units. The motion carried by the affirmative action of all City Council Members present.

TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN APPROVAL OF TAXICAB LICENSE #2019-01 AT THE RESIDENCE OF 726 EAST B STREET FOR SHAZAD ALI, APN 025-015-017. Community & Economic Development Director Elms presented the staff report.

Council Member Jones inquired as to the difference between UBER and a private taxi cab company. Community & Economic Development Director Elms explained that the City's Police Department inspects private taxi cabs and drivers, UBER drivers are required to have a business license but do not go through the same process as a private company. Jones asked if the taxi cab could park anywhere on the public street at anytime with the advertisement on it. Community & Economic Development Director Elms stated that the taxi can park anywhere on the street.

Motion by Faria, seconded by Jones to adopt City Council Resolution No. 6070 – Approving Taxicab License #2019-01 for Shazad Ali dba Ez Cab and Deeming the Operation a Public Convenience and Necessity. The motion carried by the affirmative action of all City Council Members present.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, MAY 1, 2019 DUE TO THE MAY DAY FAIR. Motion by Faria, seconded by Johnson-Santos to adjourn the regular City Council Meeting scheduled for Wednesday, May 1, 2019 due to the May Day Fair. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report).

Community & Economic Development Director Elms reported that a public hearing will be held at the Planning Commission meeting of April 10, 2019, to consider revisions to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 and #2016-02 for The Villas and The Hill Subdivisions within the East Center Area Plan.

CITY MANAGER REPORT. Thank you to the Boy Scouts and Scout Leaders for attending the meeting.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Music department had their all district event, awards ceremonies; thank you to the Boy Scouts for coming to the meeting; the May Day Fair is coming soon; the Los Banos High School Spring concert is April 24th and will feature tunes by Queen.

DARONICA JOHNSON-SANTOS: No report.

BRETT JONES: Thanked staff for putting together the recruitment flyer for Police Officers, glad to see Measure H dollars being put to work.

DEBORAH LEWIS: Attended a Central California Irrigation District (CCID) members meeting, how it's very complicated dealing with state and federal water and they are doing an excellent job doing so, they will have more water this year than in the past which is excellent for our farmers, the good thing for the City of Los Banos is that due to the amount of water the district received they are working on a ground charge of water for the City of Los Banos, we're not the only ones that have water use restrictions.

MAYOR MICHAEL VILLALTA: Invited Chris White from CCID to come to a future City Council meeting and give the presentation, heard the report was excellent and wants to find out more about the recharge of water in Los Banos.

ADJOURNMENT. Motion by Faria, seconded by Johnson-Santos, to adjourn the meeting to 8:30 a.m., Thursday, April 4, 2019, at College Greens Building located at 1815 Scripps Drive, Los Banos, California to Conduct a City Council Goals & Objectives Workshop. The meeting was adjourned at 7:59 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Jana R. Sousa, Assistant City Clerk