

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 17, 2016**

***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 PM.

PLEDGE OF ALLEGIANCE: Acting Police Chief Reyna led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Interim City Manager Brizzee, Acting Police Chief, Finance Director Williams, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Senior Planner Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

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

PRESENTATION – PROCLAMATION RECOGNIZING DEOLINDA BRASIL – SECONDARY PRINCIPAL OF THE YEAR FROM THE ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS. Mayor Villalta presented the proclamation to Deolinda Brasil.

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. BERTHA FARIA, Los Banos Chamber of Commerce, spoke regarding how the Chamber Calendar is quickly filling up, noting how Congressman Costa spoke today at the Board of Director's meeting and spoke regarding items that affect our valley, announced the Chamber Members and the services offered to the community and the events going on through the month of March and the upcoming Downtown Street Faire; SHIRLEY ROSE, Los Banos, inquired as to who wrote the rules and laws of this town and what can be done about the rules and regulations that no one wants to follow, spoke

regarding a man in her neighborhood who has broken every rule in the book and nothing has happened to him, the restraining order against her, what is the Code Enforcer getting paid for, what rights as a citizen does she have, how a man has tormented her for 2 years and would like answers to her questions. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis stated that she would like to remove item 7E – City Council Resolution No. 5726 – Authorizing Submittal of Application(s) for the CalRecycle Legacy Disposal Site Abatement Partial Grant Program and Authorizing the Public Works Director/City Engineer to Execute All Documents Necessary to Secure and Implement Approved Grant Funding for separate vote and discussion.

Motion by Lewis, seconded by Stonegrove to approve the consent agenda as amended: Check Register for #157690 – #158017 in the Amount of \$4,406,675.52; Minutes for the January 6, 2016 City Council Meeting; Minutes for the January 20, 2016 City Council Meeting; Minutes for the February 3, 2016 City Council Meeting; ~~City Council Resolution No. 5726 – Authorizing Submittal of Application(s) for the CalRecycle Legacy Disposal Site Abatement Partial Grant Program and Authorizing the Public Works Director/City Engineer to Execute All Documents Necessary to Secure and Implement Approved Grant Funding;~~ City Council Resolution No. 5727 – Authorizing the Submittal of CalRecycle Application for Payment Programs and Related Authorizations and Authorizing the Public Works Director/City Engineer to Execute All Documents Necessary to Implement and Secure Payment. The motion carried by the affirmative action of all City Council Member present.

CITY COUNCIL RESOLUTION NO. 5726 – AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR THE CALRECYCLE LEGACY DISPOSAL SITE ABATEMENT PARTIAL GRANT PROGRAM AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE ALL DOCUMENTS NECESSARY TO SECURE AND IMPLEMENT APPROVED GRANT FUNDING. Council Member Lewis stated that she pulled the wrong item in error. Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 5726 – Authorizing Submittal of Application(s) for the CalRecycle Legacy Disposal Site Abatement Partial Grant Program and Authorizing the Public Works Director/City Engineer to Execute All Documents Necessary to Secure and Implement Approved Grant Funding. The motion carried by the affirmative action of all City Council Member present.

Council Member Lewis inquired as to item 7F – City Council Resolution No. 5727 – Authorizing the Submittal of CalRecycle Application for Payment Programs and Related Authorizations and Authorizing the Public Works Director/City Engineer to Execute All Documents Necessary to Implement and Secure Payment as to when the recyclables that are collected, as to where do they go once they are collected for which Public Works Director/City Engineer Fachin stated that his grant funding is for a part time Public Works employee who will collect recyclables and turn them in for revenue for the Solid Waste account and explained the program parameters.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE USE OF TYPE 23 ALCOHOL LICENSE FOR A SMALL BEER MANUFACTURER ONSITE TASTING ROOM, PARAISO BREWERY, LOCATED AT 80 WEST G STREET, ASSESSOR’S PARCEL NUMBER 081-190-008; CITY COUNCIL RESOLUTION NO. 5728 – APPROVING CONDITIONAL USE PERMIT #2016-01 TO ALLOW THE ON AND OFF SALE OF BEER IN CONJUNCTION WITH A TYPE 23 ALCOHOL LICENSE FOR PARAISO BREWERY LOCATED AT 80 WEST G STREET, SUITE C. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding ABC regulations, how much alcohol is allowed to be distributed or tasted in a tasting room.

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

There was additional Council Member discussion regarding how nice it is to see something coming to the town that we don’t have, the business hours and plans for expanding the hours of operation for which the applicants, JESSE DELAPAZ & HECTOR GARIBAY, stated that they would adjust he hours in the future if needed.

Motion by Silveira, seconded by Stonegrove to adopt City Council Resolution No. 5728 – Approving Conditional Use Permit #2016-01 to Allow the On and Off Sale of Beer in Conjunction with a Type 23 Alcohol License for Paraiso Brewery Located at 80 West G Street, Suite C. The motion carried by the affirmative action of all City Council Member present.

MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) CIVICSPARK PRESENTATION. Rebecca True spoke regarding funding possibilities and resources available for sustainable planning activities, which included a PowerPoint presentation.

There was Council Member discussion regarding the proposing of planting of trees and wonders how this will inter-relate with the new State laws that call for more drought tolerant landscape, solar powered houses are another dilemma, and how the State has a lot of regulations which are unfunded and this just adds to the already existing unfunded mandates, i.e. water quality issues.

Informational item only, no action taken.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5729 – ADOPTING A REVISED BUDGET FOR THE 2015-2016 FISCAL YEAR BUDGET AS IT PERTAINS TO 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 regarding if it is common that the sales tax is more than property tax for which Finance Director Williams stated that it depends on the size of each jurisdiction and the property values.

Motion by Silveira, seconded by Lewis to adopt City Council Resolution No. 5729 – Adopting a Revised Budget for the 2015-2016 Fiscal Year Budget as it pertains to Expenditures Associated with the Mid Year Budget Review. The motion carried by the affirmative action of all City Council Member present.

Mayor Villalta called for a short recess.

APPOINTMENT OF COMMISSION MEMBERS FOR THE FOLLOWING: ECONOMIC DEVELOPMENT ADVISORY COMMISSION – ONE (1) VACANCY, TWO (2) YEAR TERM EXPIRING DECEMBER 31, 2017; AIRPORT ADVISORY COMMISSION – ONE (1) VACANCY, UNEXPIRED TWO (2) YEAR TERM EXPIRING DECEMBER 31, 2016.

Motion by Villalta, seconded by Faria to appoint Brett Jones to the Economic Development Advisory Commission (EDAC) for a two (2) year term expiring December 31, 2017. The motion carried by the affirmative action of all City Council Member present.

Motion by Villalta, seconded by Faria to appoint Annette Stichel to the Airport Advisory Commission for a one (1) year unexpired term expiring December 31, 2016. The motion carried by the affirmative action of all City Council Member present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Senior Planner Elms stated that there will be a public hearing held at the February 24, 2016 Planning Commission Meeting to consider a Conditional Use Permit to allow the operation of a softball/baseball training facility in the General Industrial zoning district (I) located at 110 W. G Street, APN 081-190-004.

CITY MANAGER REPORT. Interim City Manager Brizzee reported that when we were in the height of using Measure P funds for personnel we were at eight (8) employees and now we are down to two (2) employees, how really proud he is that we have been able to move personnel back into the general fund as promised, looking forward to the future, and thanked the Finance staff for bearing with us through the hard financial times.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Congratulated Ms. Deolinda Brasil on her recognition, reminded all about the Grand Opening event for Habitat for Humanity, and asked Ms. Rose if she could wait around until after the Council Meeting and someone will speak to you about your concerns raised during the public forum. He then asked that a Council Member Request item be added to the next agenda to consider future discussions about the bypass and some type of forum by taking it to the vote of the city or survey to see what the constituents want to support or not support the bypass, noting that he supports a

bypass but believes that the State should fund it because it is a State highway not a City road.

ELIZABETH STONEGROVE: Reminded all of Arbor Day being held on March 4, 2016 at the Los Banos Community Center at 4:00 PM, how the Los Banos Arts Council is hosting a Joe Craven Concert on March 5, 2016 and the NAACP 7 Women 7 Stools production on March 19, 2016.

TOM FARIA: Congratulated Ms. Deo Brasil on her recognition and spoke to the great job she does.

DEBORAH LEWIS: Offer congratulations to Ms. Deo Brasil for her award, how really nice it is to hear that our administrator and teachers are receiving these awards.

MIKE VILLALTA: Spoke regarding the Veteran services offered, congratulated Ms. Deo Brasil, the \$765 million that was cut out of the Federal transportation budget and how he too believes it is time to have the bypass discussion, how last week at Pacheco High School there was a Children's Concert held through the generous donations from those in the community and spoke to what it took to provide this opportunity with the Merced Symphony for the 5th graders in attendance, noting how a musician let someone play a very expensive violin.

CLOSED SESSION – PUBLIC EMPLOYMENT, CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957. They will not be going into closed session, so there will be nothing to report.

ADJOURNMENT. The meeting was adjourned at 7:29 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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