

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
DECEMBER 19, 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:** Fire Chief Hurley led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta; Absent: Tom Faria.

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

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Johnson-Santos, seconded by Jones to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present; Absent: Tom Faria.

**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.** JENNIFER JOAQUIN, Republic Services, reminded everyone that trash service is on a holiday schedule next week, be sure to dispose of Christmas trees by cutting them up and placing them in the green bin; JIM VALENTINE, Los Banos Kiwanis Club, reminded everyone of the 35<sup>th</sup> annual Christmas Eve dinner on December 24<sup>th</sup> from 11am – 2pm at Los Banos Fire Station No. 1, dinner is free to all.

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 Jones to approve the consent agenda as follows: Check Register for #213780 – #213974 in the Amount of \$948,867.19; Development Impact Fee Report for Fiscal Years 2014-2018 (AB 1600); Minutes for the November 7, 2018 City Council Meeting; City Council Resolution No. 6031 – Adopting a Revised Budget for the 2018-

2019 Fiscal Year as it Pertains to Increasing Expenditures in the General Fund – Fire Department Building & Structures Account in the Amount of \$12,000; City Council Resolution No. 6032 – Approving and Adopting Final Tract Map No. 2016-01 East Center Phase 1 and Accompanying Subdivision Improvement Agreement. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF GENERAL PLAN AMENDMENT 2018-01, ZONE CHANGE #2018-01, AND NEGATIVE DECLARATION (SCH #2018101013) FOR THE DEVELOPMENT OF A NEW POLICE DEPARTMENT FACILITY LOCATED AT 1111 G STREET; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 026-161-003 AND PORTION OF 026-161-008.** Community & Economic Development Director Elms presented the staff report.

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 Lewis to approve City Council Resolution No. 6030 – Approving General Plan Amendment #2018-01 for the Los Banos Police Station Facility to Re-designate Properties from Mixed Use to Civic/Institutional Located at 1111 G Street, More Specifically Identified as Assessor’s Parcel Numbers: 026-161-003 and Portion of 026-161-008 and Finding That the Acquisition of the Property is Consistent with the City’s General Plan. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

Motion by Johnson-Santos, seconded by Lewis to waive the second reading of Ordinance No. 1167 – Amending the Official Zoning Map by Rezoning Property for the Los Banos Police Station Facility from Rail Corridor (R-C) to Public Facility (P-F) on Approximately 3.6 Acres Located at 1111 G Street, More Specifically Identified as Assessor’s Parcel Numbers: 026-161-003 and Portion of 026-161-008. The motion carried by the affirmative action of all City Council Members present. AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

Motion by Johnson-Santos, seconded by Lewis to adopt Ordinance No. 1167 – Amending the Official Zoning Map by Rezoning Property for the Los Banos Police Station Facility from Rail Corridor (R-C) to Public Facility (P-F) on Approximately 3.6 Acres Located at 1111 G Street, More Specifically Identified as Assessor’s Parcel Numbers: 026-161-003 and Portion of 026-161-008. The motion carried by the affirmative action of all City Council Members present. AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6033 – ESTABLISHING THE MEASURE “H” CITIZENS’ OVERSIGHT COMMITTEE AND ADOPTING OPERATIONAL BYLAWS.** City Attorney Vaughn presented the report.

Motion by Johnson-Santos, seconded by Jones to approve City Council Resolution No. 6033 – Establishing the Measure “H” Citizens’ Oversight Committee and Adopting

Operational Bylaws. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

**ANNOUNCEMENT TO ADVERTISE FOR MEASURE H CITIZENS' OVERSIGHT COMMITTEE MEMBERS – FIVE (5) VACANCIES.** Mayor Villalta announced the advertisement of the committee vacancies.

**APPOINTMENT OF COUNCIL MEMBER(S) TO SERVE WITH THE MAYOR ON THE SELECTION COMMITTEE FOR THE FOLLOWING:**

Motion by Villalta, seconded by Lewis, to appoint Council Member Jones to serve on the selection committee with Mayor Villalta for the Airport Advisory Commission. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

Motion by Villalta, seconded by Johnson-Santos, to appoint Council Member Johnson-Santos to serve on the selection committee with Mayor Villalta for the Economic Development Advisory Committee. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

Motion by Villalta, seconded by Jones, to appoint Council Member Lewis to serve on the selection committee with Mayor Villalta for the Parks & Recreation Commission. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

Motion by Villalta, seconded by Johnson-Santos, to appoint Council Member Faria to serve on the selection committee with Mayor Villalta for the Planning Commission; The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

Motion by Villalta, seconded by Johnson-Santos, to appoint Council Member Jones to serve on the selection committee with Mayor Villalta for the Tree Commission; The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

Motion by Villalta, seconded by Jones, to appoint Brett Jones to serve on the selection committee with Mayor Villalta for Measure H Citizens' Oversight Committee. The motion carried by the affirmative action of all City Council Members present; Absent: Faria.

**DISCUSSION REGARDING COMMISSIONS AND BOARDS BY-DISTRICT REPRESENTATION.** Community & Economic Development Director Elms presented the staff report.

Council Member Johnson-Santos inquired as to what would occur if there was no applicant within a district. Community & Economic Development Director Elms stated the City would re-advertise the vacancy to try and get applicants from the unrepresented district. Council Member Johnson-Santos stated would like to see the Planning Commission set up as a district commission.

Mayor Villalta stated that if there were no applicants in a district and the City had to re-advertise, maybe the vacancy could be advertised at large to allow for a full commission.

Council Member Lewis stated she would like to start off with the Planning Commission appointed in districts and as we evaluate how this works with the Planning Commission we may want to bring that on for other commissions, believes we will be able to find a good pool of applicants, it is our responsibility as Council Members to find representatives in our districts and encourage them to apply, how she was fortunate to serve on the Planning Commission and it gave her much knowledge, we have many people with good ideas and we need to go find them to help us on our Planning Commission, wants to make sure we have diversity and are being equal to everyone, hopes we make a concerted effort as we advertise to impress upon the application that we are in districts and make sure that people have the opportunity to apply if they live in a particular district.

Council Member Jones stated he recommends not to change the ordinance to districts, wants to pick the best applicants and not be limited to just picking someone because they are in a certain district, doesn't believe it would make a big difference on the commission.

Mayor Villalta stated he feels we should beat the bushes to find people to apply the first time, doesn't want to have to wait for another round of advertising for the districts, wants to see a second round of at large advertising if there are not enough applicants to fill the vacancies the first time.

Council Member Jones inquired as to what the process would be if someone were to move out of their district. Community & Economic Development Director Elms stated that similar to how the Council is appointed and serves in a district, the same rules would apply meaning if a commission member moved out of the district we would need to re-advertise and fill the vacancy.

Mayor Villalta stated he would like to see the applicant finish out their term if they move out of the district, we didn't kick anyone off of the City Council when we went to districting.

Council Member Lewis stated she feels there should be some sense of eligibility and responsibility that if someone moves out of their represented district they would resign their position as they are no longer representing the members of that district.

Johnson-Santos stated she agrees with Mayor Villalta in that commissioners moving out of their district should be allowed to finish out their term.

No action required, direction to staff only.

**ADVISEMENT OF PUBLIC NOTICES (No Report).**

**CITY MANAGER REPORT.** Congratulated Rachelle Ciuffo for being named City Employee of the Year, we have a highly committed staff, thank you to all City employees; happy holidays and safe travels.

**CITY COUNCIL MEMBER REPORTS.**

**TOM FARIA:** Absent.

**DARONICA JOHNSON-SANTOS:** Thanked Jennifer Matthews and Sarah Orozco for the holiday spread at tonight's event; announced the upcoming Merced County Behavioral Health Community event on December 22<sup>nd</sup> at 3pm being held at the Los Banos Community Center; happy holidays to everyone.

**BRETT JONES:** Thanked the Chamber of Commerce for the excellent Christmas Parade, it was a great turnout; happy holidays to everyone.

**DEBORAH LEWIS:** Congratulated the Fire and Police Departments in cooperation with City Employee of the Year Rachelle Ciuffo for raising quite a bit of money to help a young lady named Emily who was taken on a Christmas shopping spree, the money also allowed Emily to be taken to her cancer treatment, this is what Los Banos is all about; we had a successful Christmas concert with San Jose State University Choir who appeared last Sunday in Los Banos, the event which was free to the community, hopes to bring them back in another two years so the community can enjoy another Christmas concert; wished everyone a very merry Christmas and safe new year.

**MAYOR MICHAEL VILLALTA:** Congratulated Rachelle Ciuffo who was named City Employee of the Year, our employees make us look good, thank you to everyone, we're fortunate to have the staff that we have; the Christmas Parade keeps growing every year, there were 57 entries this year which was a record, thank you to everyone who attended; thanked Jennifer Matthews and Sarah Orozco for setting up for the Holiday Open House event tonight; thank you everyone for passing Measure H, we're going to have a great time approving the expenditures of Measure H money; we have a lot of to be thankful for, Merry Christmas and Happy New Year.

**ADJOURNMENT.** The meeting was adjourned at 8:01 p.m.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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