

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
DECEMBER 5, 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 7:03 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, Scott Silveira, Mayor Michael Villalta; Absent: None.

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

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

**CONSIDERATION OF CERTIFICATION OF VOTE OF MUNICIPAL ELECTION, NOVEMBER 6, 2018; CITY COUNCIL RESOLUTION NO. 6024 – CERTIFYING RESULTS OF THE MERCED COUNTY GENERAL ELECTION HELD IN THE CITY OF LOS BANOS ON NOVEMBER 6, 2018 AS IT PERTAINS TO THE ELECTION OF THE MAYOR, CITY COUNCIL MEMBERS FOR DISTRICTS 2 AND 3, CITY CLERK AND CITY TREASURER.** Motion by Lewis, seconded by Silveira to adopt City Council Resolution No. 6024 – Certifying Results of the Merced County General Election Held in the City of Los Banos on November 6, 2018 as it Pertains to the Election of the Mayor, City Council Members for Districts 2 and 3, City Clerk and City Treasurer. The motion carried by the affirmative action of all City Council Members present.

**CITY COUNCIL RESOLUTION NO. 6025 – CERTIFYING RESULTS OF THE MERCED COUNTY GENERAL ELECTION HELD IN THE CITY OF LOS BANOS ON NOVEMBER 6, 2018 AS IT PERTAINS TO MEASURE H, LOS BANOS ESSENTIAL CITY SERVICES MEASURE.** Motion by Johnson-Santos, seconded by Lewis to adopt City Council Resolution No. 6025 – Certifying Results of the Merced County General Election Held in the City of Los Banos on November 6, 2018 as it Pertains to Measure

H, Los Banos Essential City Services Measure. The motion carried by the affirmative action of all City Council Members present.

**ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS: MAYOR MICHAEL VILLALTA, COUNCIL MEMBERS TOM FARIA – DISTRICT 2 AND BRETT JONES – DISTRICT 3, CITY TREASURER KIM TOMAS.** City Clerk Mallonee administered the oaths of office to Mayor Mike Villalta, Council Member Tom Faria (District 2) and Council Member Brett Jones (District 3) and City Treasurer Kim Tomas.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria, Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: None.

### **PRESENTATIONS.**

**CITY COUNCIL RESOLUTION NO. 6026 – A RESOLUTION OF COMMENDATION TO SCOTT SILVEIRA.** Mayor Villalta read the Resolution of Commendation recognizing Council Member Scott Silveira’s years of elected service to the City of Los Banos and presented it to Mr. Silveira. Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6026 – A Resolution of Commendation to Scott Silveira. The motion carried by the affirmative action of all City Council Members present.

Mr. Silveira thanked the City Council for the resolution and also thanked City staff for their dedicated service to the City.

**PROCLAMATION RECOGNIZING THE RETIREMENT OF JERRY O’BANION.** Mayor Villalta read the Proclamation recognizing the retirement of Merced County Board of Supervisor Jerry O’Banion and presented it to Mr. O’Banion.

Mr. O’Banion thanked the City Council for the proclamation, spoke to all he has achieved while representing Merced County – District 5, thanking city staff for all their support over the years.

**REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM.** Motion by Villalta, seconded by Jones, to select Council Member Johnson-Santos as Mayor Pro Tem. 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.** Mayor Villalta opened the public forum. DONALDA SOUSA, Los Banos, congratulated Scott Silveira and Jerry O’Banion and thanked them for their years of service, stated that she watched a Council Meeting where people are really upset with the housing boom in Los Banos

and how new housing is coming before the City Council for approval, schools are overcrowded, noting an incident at Miano Elementary with traffic today, we need to start thinking about our City and not keep this big housing boom going on, the traffic through town is horrible, sidewalks being put in the old part of town and they don't even pay into a Landscape & Lighting District or fees, how they need to be put in a Landscape & Lighting District so that they pay fees, please look at all the stuff; JIM VALENTINE, Los Banos, spoke regarding the Annual Kiwanis Club Christmas Dinner being held on December 24, 2018 11 am – 2 pm at Fire Station No. 1. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda as follows: Check Register for #213349 – #213779 in the Amount of \$1,510,718.44; Resolution No. 6027 – Approving a Boundary Map and Declaring its Intention to Annex Property to the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) and to Levy a Special Tax Therein to Finance Certain Public Safety Services for Such Community Facilities District (Shawnessy Village, a Subdivision of Approximately 31.9 Acres Located East of Mercey Springs Road and North of Scripps Drive); Resolution No. 6028 – Rejecting the Bids for One New 2018-2019 Model Brush Chipper. The motion carried by the affirmative action of all Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND DISCLOSE THE FINAL FUNDING AMOUNTS AND ACCOMPLISHMENTS OF 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT 10567.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation. Police Chief Brizzee spoke regarding the accomplishments they have made through these code enforcement efforts.

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

No action taken, just an opportunity for public comment and staff presentation.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING AN ORDINANCE TO AMEND AND REORGANIZE ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF-STREET PARKING AND AMEND AND REORGANIZE ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES; ORDINANCE NO. 1165 – AMENDING AND REORGANIZING ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF-STREET PARKING; AMENDING AND REORGANIZING ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES (SECOND READING & ADOPTION).** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding

Mayor Villalta opened the public hearing. *[DID NOT STATE HIS NAME]*, stated that he feels that these rules are too loose and proposed to make them stricter, doesn't see anything about boats, how he has met with the Code Enforcement administrator about his concerns, he feels that there needs to be two additional Code Enforcement Officers, how he owns a boat but doesn't store it in his driveway because he doesn't feel that his neighbors should have to look at it, he would encourage the City Council to keep the town looking good, keep updating the code to make sure that it doesn't get worse. No one else came forward to speak and the public hearing was closed.

Motion by Lewis, seconded by Johnson-Santos to waive the second reading of Ordinance No. 1165 – Amending and Reorganizing Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking; Amending and Reorganizing Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Johnson-Santos to adopt Ordinance No. 1165 – Amending and Reorganizing Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking; Amending and Reorganizing Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None, ABSENT: None.

**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; RESOLUTION NO. 6029 – APPROVING NEGATIVE DECLARATION (SCH#2018101013) FOR THE LOS BANOS POLICE STATION FACILITY LOCATED AT 1111 G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 026-161-003 AND PORTION OF 026-161-008; 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; 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 (FIRST READING & INTRODUCTION).** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

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

Motion by Faria, seconded by Lewis, to adopt City Council Resolution No. 6029 – Approving Negative Declaration (SCH#2018101013) for the Los Banos Police Station Facility 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 Council Members present.

Motion of intent by Faria, seconded by Johnson-Santos, to adopt 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 Council Members present.

Motion by Faria, seconded by Lewis to waive the first 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 Council Members present.

Motion by Faria, seconded by Lewis to introduce 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 following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None, ABSENT: None.

**ADVISEMENT OF PUBLIC NOTICES (Five Reports).** Community & Economic Development Director Elms stated that five public hearings will be held at the Planning Commission Meeting on Wednesday, December 12, 2018 at 7:00 p.m. in the Council Chambers regarding a Categorical Exemption from CEQA for Site Plan #2018-04 for the development of four residential structures located at 649 and 661 E Street; a Categorical Exemption from CEQA for Site Plan Review #2018-05 for the development of a mixed-use structure, two residential units, located at 652 K Street; a Site Plan Review #2018-06 for the development of a commercial structure located at 1153 W Pacheco Boulevard; a Categorical Exemption from CEQA and Conditional Use Permit #2018-15 to allow for the use of five billboards located at 3400 E Pacheco Boulevard; and on Thursday, December 13, 2018 at 6:00 p.m. in the Community Center Lounge to discuss possible application for funding under the next fiscal year’s (July 1-June 30) State Community Development Block Grant Program and to solicit citizen input on possible activities to be included in the application.

**CITY MANAGER REPORT.** City Manager Terrazas thanked the Pacheco High School students for coming to the City Council Meeting tonight, thanked Council Member Silveira and Merced County Supervisor O'Banion for his service, stated how he is looking forward to working with Council Member Jones, and congratulated Council Member Faria and Mayor Villalta on their re-election.

**CITY COUNCIL MEMBER REPORTS.**

**TOM FARIA:** Congratulated Mr. Jones and welcomed him to the City Council, congratulated all who ran for an elected office, the election process is highly important, if you're not moving forward you're moving backwards, explained what APN means, excited about the planning of the new police station, spoke regarding the upcoming Los Banos High School and Pacheco High School Choir performances, hopes to see everyone at the Christmas parade, and thanked all for coming to the Council Meeting tonight.

**DARONICA JOHNSON-SANTOS:** Stated how very nice it was to see all of the students in attendance at the meeting, spoke regarding the Merced County Health Services is having an event on December 22, 2018 at the Los Banos Community Center, thanked Mayor Villalta for choosing her as Mayor Pro Tem, congratulated Brett Jones on his election to the City Council, congratulated Council Member Faria and Mayor Villalta on their re-election and Scott Silveira and Jerry O'Banion on their years of service.

**BRETT JONES:** Thanked everyone for their help and support to get to this Council Member seat.

**DEBORAH LEWIS:** Congratulations to Brett Jones and to Mayor Villalta and Council Member Faria, congratulations to Scott Silveira and Jerry O'Banion, thanked staff, Mayor and City Council for allowing her the honor to serve as Mayor Pro Tem this last year, excited about the new police station and possibly a new animal shelter, we had one person that made a comment about sidewalk improvements being done in areas that don't have Landscape & Lighting Districts, noting that she is excited about the sidewalks being put in especially because it is in her district and these homes deserve sidewalks just like everyone else and is happy that Public Works has made this a priority this year, the children will be able to walk safely to get where they need to go, thankful for the tax dollars to give these amenities, spoke regarding how she is sponsoring the San Jose Choir coming to Los Banos to perform at the New Beginnings Church on December 9, 2018 featuring Tom Faria's concert choir and will be working with Pacheco High School's choir in the future to also have this experience.

**MAYOR MICHAEL VILLALTA:** Offered congratulations to Mr. Faria, noting that they started together 12 years ago as Council Members, we didn't have money at that time, we've been through the high times and very low times and we are making a comeback with everyone working together as a team, what is important is the good of Los Banos, glad to see everyone here tonight, please come back, congratulated and welcomed

Brett Jones to the City Council, reminded all about the Kiwanis Dinner on Christmas Eve at Fire Station No. 1, spoke regarding the Empty Bowls fundraiser event, there is so much giving going on at Christmas time, if things need to be improved let us know, spoke regarding Measure H and how it passed and the money it will raise allowing the City to hire an additional 7 police officers, 2 fire fighters and 1 dispatcher to help guide and protect Los Banos, how Public Safety is paramount, Measure H is a real booster for us in the community as it will also go to recreation, want to thank the community for supporting Measure H and passing it, spoke regarding the Christmas Parade.

**ADJOURNMENT.** The meeting was adjourned at 8:43 p.m.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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