

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 21, 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 7:02 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 (7:05 pm), Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: None.

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

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Johnson-Santos, seconded by Lewis to approve the City Council Meeting agenda. The motion carried by the affirmative action of all City Council Members present, Faria absent.

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. STEPHANIE GONZALEZ, California Health Collaborative Merced County Tobacco Control Program, and a student from Pacheco High School who is a youth member of the same organization, spoke regarding the Merced County Tobacco Control Program and the services they provide, the dangers of smoking and second hand smoke were spoken to and the ways they are educating the community on these dangers, requested that the City adopt a smoke-free policy in the public outdoors; CLAUDIA CORCHADO, Cultiva La Salud, spoke to the grant received from Sutter Hospital for a Leadership Program for the residents of Los Banos, they're at the Community Center every Thursday from 10 am – 12 pm, focused on obesity, self-health and also on educating the public on how local government works and how they can get involved; RHONDA LOWE, UC Merced Small Business Program, spoke regarding the upcoming events scheduled to help the development of small businesses. 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 6D - City Council Resolution No. 6121 – Authorizing Award of Construction Contract to Sinclair General Engineering Construction, Inc. in the Amount of \$881,799 with a 20% Contingency in the Amount of \$176,360.00 for Fire Station 1 and 2 ADA (Americans with Disabilities Act) and “State Streets” Sidewalk Improvement Project from the consent agenda for separate report and consideration of approval.

Motion by Lewis, seconded by Jones to approve the consent agenda as follows, with the removal of item 6D - City Council Resolution No. 6121 – Authorizing Award of Construction Contract to Sinclair General Engineering Construction, Inc. in the Amount of \$881,799 with a 20% Contingency in the Amount of \$176,360.00 for Fire Station 1 and 2 ADA (Americans with Disabilities Act) and “State Streets” Sidewalk Improvement Project, as follows: Check Register for #217399 – #217702 in the Amount of \$480,652.86; Minutes for the July 17, 2019 City Council Meeting; Approval of Response Letters from the Los Banos City Council and the Los Banos Police Chief Regarding Merced County Civil Grand Jury Final Report 2018-2019 Regarding the Los Banos Police Department; ~~City Council Resolution No. 6121 – Authorizing Award of Construction Contract to Sinclair General Engineering Construction, Inc. in the Amount of \$881,799 with a 20% Contingency in the Amount of \$176,360.00 for Fire Station 1 and 2 ADA (Americans with Disabilities Act) and “State Streets” Sidewalk Improvement Project;~~ City Council Resolution No. 6122 – Authorizing Award of Construction Contract to United Pavement Maintenance, Inc. in the Amount of \$1,116,831.35 with a 20% Contingency in the Amount of \$223,366.00 for 2019 Street Rehabilitations Project; City Council Resolution No. 6123 – Approving and Adopting Final Tract Map No. 2018-03 Shaunessy Village Phase No. 2 and Accompanying Improvement Agreement (Stonefield Home, Inc.); City Council Resolution No. 6124 – Approving and Adopting Final Tract Map No. 2018-03 Shaunessy Village Phase No. 3 and Accompanying Improvement Agreement (Stonefield Home, Inc.). The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 6121 – AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO SINCLAIR GENERAL ENGINEERING CONSTRUCTION, INC. IN THE AMOUNT OF \$881,799 WITH A 20% CONTINGENCY IN THE AMOUNT OF \$176,360.00 FOR FIRE STATION 1 AND 2 ADA (AMERICANS WITH DISABILITIES ACT) AND “STATE STREETS” SIDEWALK IMPROVEMENT PROJECT. Council Member Lewis stated that how proud she is of the staff on the work they have done to bring this project forward, it’s been a much-needed improvement to the residents in the area.

Motion by Lewis, seconded by Jones to approve City Council Resolution No. 6121 – Authorizing Award of Construction Contract to Sinclair General Engineering Construction, Inc. in the Amount of \$881,799 with a 20% Contingency in the Amount of \$176,360.00 for Fire Station 1 and 2 ADA (Americans with Disabilities Act) and “State Streets” Sidewalk Improvement Project. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF GENERAL PLAN AMENDMENT 2019-01, ZONE CHANGE #2019-01, AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) FOR THE CHILD DEVELOPMENT CENTER LOCATED AT 1624 SAN LUIS STREET, APN 428-070-001; CITY COUNCIL RESOLUTION NO. 6113 – APPROVING GENERAL PLAN AMENDMENT #2019-01 FOR THE CHILD DEVELOPMENT CENTER TO RE-DESIGNATE APPROXIMATELY 1.33 ACRES FROM PARK TO PROFESSIONAL OFFICE LOCATED AT 1624 SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS A PORTION OF ASSESSOR’S PARCEL NUMBER: 428-070-001 AND FINDING THAT THE DISPOSITION OF THE PROPERTY IS CONSISTENT WITH THE CITY’S GENERAL PLAN; ORDINANCE NO. 1173 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY FOR THE LOS BANOS CHILD DEVELOPMENT CENTER FROM PARK TO PROFESSIONAL OFFICE (P-O) ON APPROXIMATELY 1.33 ACRES LOCATE AT 1624 SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS A PORTION OF APN 428-070-001 (SECOND READING & ADOPTION). Community & Economic Development Director Elms presented the staff report.

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

Motion by Lewis, second by Faria to adopt City Council Resolution No. 6113 – Approving General Plan Amendment #2019-01 for the Child Development Center to Re-designate Approximately 1.33 Acres from Park to Professional Office Located at 1624 San Luis Street, More Specifically Identified as a Portion of Assessor’s Parcel Number: 428-070-001 and Finding that the Disposition of the Property is Consistent with the City’s General Plan.

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1173 – Amending the Official Zoning Map by Rezoning Property for the Los Banos Child Development Center from Park to Professional Office (P-O) on Approximately 1.33 Acres Locate at 1624 San Luis Street, More Specifically Identified as a Portion of APN 428-070-001. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1173 – Amending the Official Zoning Map by Rezoning Property for the Los Banos Child Development Center from Park to Professional Office (P-O) on Approximately 1.33 Acres Locate at 1624 San Luis Street, More Specifically Identified as a Portion of APN 428-070-001. The motion carried by the following roll call vote: AYES: Faria, Jones, Johnson-Santos, Lewis, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDING CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE TO ALLOW CHILD DAY CARE CENTERS IN ALL ZONING DISTRICTS, EXEMPT INDUSTRIAL ZONES, SUBJECT TO CONDITIONAL USE PERMIT; ORDINANCE NO. 1174 – AMENDING ARTICLE 37, CHAPTER 3 OF TITLE 9 OF THE LOS BANOS

MUNICIPAL CODE TO RELATING TO CHILD DAY CARE FACILITIES AND RELATED ZONING CODE CLASSIFICATIONS AND DEFINITIONS (SECOND READING & ADOPTION). Community & Economic Development Director Elms presented the staff report.

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

Motion by Faria, seconded by Johnson-Santos to waive the second reading of Ordinance No. Ordinance No. 1174 – Amending Article 37, Chapter 3 of Title 9 of the Los Banos Municipal Code to Relating to Child Day Care Facilities and Related Zoning Code Classifications and Definitions. The motion carried by the affirmative action of all Council Members present.

Motion by Faria, seconded by Johnson-Santos to adopt Ordinance No. Ordinance No. 1174 – Amending Article 37, Chapter 3 of Title 9 of the Los Banos Municipal Code to Relating to Child Day Care Facilities and Related Zoning Code Classifications and Definitions.

CONSIDERATION OF NOMINATION TO MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) MEASURE V CITIZENS OVERSIGHT COMMITTEE.

Motion by Lewis, seconded by Johnson-Santos to nominate John Cates to MCAG Measure V Citizens Oversight Committee as the City of Los Banos representative. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that the notices involve a site plan review and a mobile food vendor. These hearings will be held at the Planning Commission meeting on Wednesday, August 28, 2019 at 7:00 p.m. in the Council Chambers.

CITY MANAGER REPORT. City Manager Terrazas spoke regarding the Fire Department's Breast Cancer Awareness T-Shirts that can now be pre-ordered until September 16.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. No report at this time.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Council Member Lewis congratulated the Fire Department on the land dedication off of Ward Road and Gilbert Gonzalez Drive for the new fire station and asked Fire Chief Hurley to speak about the plans for a regional emergency operations center. The dedication event had a nice turn out and included the attendance of Assemblymember Adam Gray and Senator Ana Caballero. She noted that Assemblymember Adam Gray is also currently working on a bill addressing the issues of the rising number of youth smokers because of vaping popularity.

TOM FARIA: Council Member Faria apologized for his being late and congratulated the Fire Department on their new future Fire Station/Emergency Operations Center. He thanked Assemblymember Gray and Senator Ana Cabellero for their appearances and support and also to Staff for putting on the event.

DARONICA JOHNSON-SANTOS: Mayor Pro Tem Johnson-Santos congratulated the Fire Department on the dedication site for the new fire station/emergency operations center.

BRETT JONES: No report

MAYOR MICHAEL VILLALTA: Mayor Villalta said the fire station dedication event was a great event and thanked Assemblymember Gray and Senator Caballero for attending. The Fire Department is taking orders for their breast cancer awareness t-shirts for \$20 each.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS), LOCAL 1/AFSCME UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

CLOSED SESSION – PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER. No reportable action.

ADJOURNMENT. Motion by Faria, seconded by Lewis, the meeting was adjourned at 9:36 PM to 5:00 PM, Tuesday, August 27, 2019 in The Lounge at the Los Banos Community Center Located at 645 7th Street, Los Banos, California to Attend the City of Los Banos Capital Improvement Plan 2020-2024 Workshop.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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