

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 20, 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 7:04 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, Brett Jones, Mayor Michael Villalta; Absent: None.

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

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that an emergency item needed to be added to the agenda after the posting of the regular agenda. The Government Code sections allowing the addition of this item after the posting of the regular agenda were recited to the public.

Motion by Johnson-Santos, seconded by Faria to add CONSIDERATION OF APPLICATION AND RECEIPT OF SENATE BILL 2 PLANNING GRANT PROGRAM to the agenda as the new item #10. The motion carried by the following roll call vote – AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

Motion by Lewis, seconded by Jones to approve the City Council Meeting agenda with the addition of the emergency item, which will now become item #10. 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. No one 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: Check #218869 – #219050 in the Amount of \$512,660.57; Minutes for the November 6, 2019 City Council Meeting. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDING THE BUSINESS LICENSE RENEWAL FEE. CITY COUNCIL RESOLUTION NO. 6158 – REDUCING THE ANNUAL RENEWAL COMMERCIAL BUSINESS LICENSE FEE. Community & Economic Development Director Elms presented the staff report.

There was Council Member and staff discussion regarding what the fee amounts have been for the past ten years and what amounts these fees should be according to the fee study that was recently conducted. The City will be working on getting these fees to where they should be in the years ahead but did not want to significantly increase these fees suddenly.

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

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6158 – Reducing the Annual Renewal Commercial Business License Fee. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF APPROVAL OF ORDINANCE NO. 1177 – AN UNCODIFIED URGENCY ORDINANCE OF THE CITY OF LOS BANOS AMENDING TITLE 2 CHAPTER 2 ARTICLE 2 OF THE LOS BANOS MUNICIPAL CODE TO AMEND THE NUMBER OF MEMBERS OF THE PLANNING COMMISSION. City Attorney Vaughn spoke to why this is an urgency ordinance and how it would take effect tonight in order to address the emergency situations that the Planning Commission is currently facing.

Motion by Lewis, seconded by Faria to waive the first reading of Ordinance No. 1177– An Uncodified Urgency Ordinance of the City of Los Banos Amending Title 2 Chapter 2 Article 2 of the Los Banos Municipal Code to Amend the Number of Members of the Planning Commission. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Faria to introduce Ordinance No. 1177– An Uncodified Urgency Ordinance of the City of Los Banos Amending Title 2 Chapter 2 Article 2 of the Los Banos Municipal Code to Amend the Number of Members of the Planning Commission. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1177– An Uncodified Urgency Ordinance of the City of Los Banos Amending Title 2

Chapter 2 Article 2 of the Los Banos Municipal Code to Amend the Number of Members of the Planning Commission. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1177– An Uncodified Urgency Ordinance of the City of Los Banos Amending Title 2 Chapter 2 Article 2 of the Los Banos Municipal Code to Amend the Number of Members of the Planning Commission. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF APPOINTMENT TO PLANNING COMMISSION – ONE (1) VACANCY. Community & Economic Development Director Elms presented the staff report proposing to bring forward Katherine Uhley as the new Planning Commissioner.

Motion by Lewis, seconded by Faria to appoint Katherine Uhley as the new Planning Commissioner. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF RESOLUTION NO. 6160 – AUTHORIZING APPLICATION FOR AND RECEIPT OF SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS. Community & Economic Development Director Elms presented the staff report.

Motion by Faria, seconded by Johnson-Santos to approve City Council Resolution No. 6160 – Authorizing Application For and Receipt of Senate Bill 2 Planning Grants Program Funds. The motion carried by the affirmative action of all council members present.

PIONEER ROAD WIDENING PROJECT UPDATE. City Manager Terrazas presented the staff report which included a PowerPoint presentation.

The Council spoke to certain questions that are being asked by residents of Los Banos regarding this potential project. Public Works Director/City Engineer Fachin, Mayor Villalta, and City Manager Terrazas answered the questions to the best of their knowledge. Mayor Villalta sought affirmation from the rest of the Council Members as to the continuance of this potential project and to continue seeking aid from Merced County Association of Governments for funding resources.

Each of the Council Members spoke regarding pros and cons to this project and how there needs to be a project study review done in order to support the need for it. There is a request for qualifications for engineering services that is due in the days ahead in order to assist with the review of the scope of the project as a whole.

Mayor Villalta invited members of the public to speak on the item. SCOTT SILVEIRA, District 5 Supervisor of Merced County Board of Supervisors, spoke to what the project study review will provide and how it is too early to make firm decisions on this project, understands there are tight guidelines to be met but that he cannot support the project

at this point in time; KATHERINE UHLEY, Los Banos, spoke to her observations of the negative effects of this project and how she does not believe it is the right solution to the traffic issues that are attempting to be resolved; PACHECO HIGH SCHOOL STUDENTS, questioned the Council as to why they are looking to put a bike path by the creek if it is not a desirable scene and also why the people affected by this project have not received the correct notices related to the project. CITY MANAGER TERRAZAS, took responsibility for the meeting notices not being delivered to all the residents who should have received them.

TINO GOMES, LISA SOUZA, ABEL GOMES, RON NUNES, FRANK VIERRA, and LUIS OLIVIERA, residents on/along Pioneer Road, spoke to how this project would have some kind of negative affect on their properties or would run through their property all together, these residences have been around for many generations, unhappy about how the City has handled providing notices to people who would be affected by this project, feel as though this project is not the right solution to the traffic issues on Pacheco Boulevard and that the City should explore other options.

Information only. No action taken.

A brief recess was taken, then the meeting recommenced.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. City Manager Terrazas spoke to the five new Prius vehicles that were a part of grant funding the City received. He gave kudos to Brenda Geary, Police Services Manager, for going after the grant for these vehicles and further spoke to which departments those vehicles would be going to.

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

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Council Member Faria expressed his sympathies to Mona Giuliani's family and spoke to how her loss is tragic to the town. There is a lot going on in school programs these days. The Christmas season is coming up and there are events such as the Christmas parade and concerts. The Los Banos High School concert will be on December 10 and the junior high concert will be on December 18. He thanked all for attending tonight's meeting and wished everyone a Happy Thanksgiving.

DARONICA JOHNSON-SANTOS: Mayor Pro Tem Johnson-Santos spoke regarding the funeral she attended for Mona Giuliani and thanked her family for allowing her to be there. She congratulated Katherine Uhley on her new appointment as Planning Commissioner. Apologies were expressed to those residents on Pioneer who may have felt that she was blasé about the situation they face with the Pioneer widening project.

BRETT JONES: Council Member Jones stated that he would like to get an item on the next agenda regarding development design standards and review standards. He feels as though lot frontages, sidewalks, and street widths are getting smaller. He would like a workshop or study session done.

DEBORAH LEWIS: Council Member Lewis spoke to the successful Boys and Girls Fundraiser that was held on November 9 to support an established site in Los Banos. She gave kudos to those who organized the fundraiser and to Police Chief Brizzee for participating in the event. On November 16, she volunteered her time with the Fire Department and the American Red Cross for the city-wide smoke detector event that took place in the Ranchwood home area and is looking forward to next year's event.

MAYOR MICHAEL VILLALTA: Mayor Villalta wished everyone a wonderful Thanksgiving holiday and looks forward to the Council continuing to work together on issues that are currently on the table.

CLOSED SESSION – PUBLIC EMPLOYEE RELEASE, PURSUANT TO GOVERNMENT CODE SECTION 54957. Motion Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 6159 – Concerning the Industrial Disability Retirement of Police Officer Kristifer Hew. The motion carried by the affirmative action of all Council Members present.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9: ONE POTENTIAL CASE. No reportable action.

ADJOURNMENT. The meeting was adjourned at 10:50 p.m.

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Sara Blevins
Sara Blevins, Deputy City Clerk