

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
DECEMBER 18, 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 Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: Council Member Faria.

**STAFF MEMBERS PRESENT:** City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, 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:** Motion by Lewis, seconded by Johnson-Santos 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.** SANDY LEMAS, Los Banos, spoke regarding the opportunity to be a bell ringer for the Salvation Army and the services they provide and to the Salvation Homeless Grant they recently received, spoke to Habitat for Humanity and the services they provide and the New Years Eve event they are having this year in order to establish funds for future projects, wished everyone a very merry Christmas and happy New Year; RAQUEL WHITE, Fresno, representing an organization called CIFAC - Construction Industry Force Account Council, aimed at public contract code compliance and education, they are a resource to both the construction industry as well as public entities to ensure public works bidding requirements are met, she left her business card and made herself available for any questions or concerns anyone had, wished all a merry Christmas; JIM VALENTINE, Los Banos, spoke regarding the Kiwanis 33<sup>rd</sup> Annual Christmas Eve dinner being held at Fire Station No. 1, Santa will be visiting and dinner is free to all, deliveries will be available to those who are unable to go to the Fire Station, he thanked the City and the Fire Department for co-sponsoring the event; JOHN CATES, Los

Banos Chamber of Commerce President, thanked Police Chief Brizzee, the police task force and the Police Department VITAL volunteers for the making the Christmas Parade a successful and safe event, he was just reinstated as the 2020 Los Banos Chamber of Commerce President and looks forward to further partnership with the City and the Los Banos Downtown Association, wished everyone a merry Christmas and a happy New Year. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Jones, seconded by Johnson-Santos to approve the consent agenda as follows: Check Register for #219346 – #219582 in the Amount of \$1,081,132.36; Minutes for the December 4, 2019 City Council Meeting; City Council Resolution No. 6165 – Approving a Lease Agreement Between the City of Los Banos and Pentagon Company DBA Delta Farms for Approximately 50 Acres of Pasture Land and 150 Acres of Farmable Land Located at the Wastewater Treatment Plant; City Council Resolution No. 6166 – Approving and Adopting Final Tract Map No. 2016-02 East Center Phase 2B and Accompanying Subdivision Improvement Agreement; More Specifically Identified as APN 431-270-005; Applicant: Pioneer Development Company, Inc.; City Council Resolution No. 6167 – Amending City Council Resolution No. 5604 Regarding Use of City Council Chambers to Include City Hall Conference Rooms. The motion carried by the affirmative action of all Council Members present; Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT FOR BERTHA CARILLO DBA AJUA! RESTAURANT TO BE LOCATED AT 1041 EAST PACHECO BOULEVARD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 026-182-003; CITY COUNCIL RESOLUTION NO. 6168 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2019-04 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT 1041 EAST PACHECO BOULEVARD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-182-003.** Community & Economic 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 Johnson-Santos seconded by Jones to adopt City Council Resolution No. 6168 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2019-04 to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License at 1041 East Pacheco Boulevard; More Specifically Identified as Assessor’s Parcel Number: 026-182-003. The motion carried by the affirmative action of all City Council Members present; Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT FOR TARIQ ABEDI DBA MOUNTAIN MIKE’S PIZZA TO BE LOCATED AT 2260 E. PACHECO BOULEVARD SUITES A AND B; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 428-160-027; CITY COUNCIL RESOLUTION NO. 6169 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2019-06 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT 2260 EAST PACHECO BOULEVARD, SUITES A AND B; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-160-027.** Community & Economic Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding exterior camera coverage.

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

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6169 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2019-06 to Allow for the Sale of Alcohol under a Type 41 On-Sale Beer and Wine License at 2260 East Pacheco Boulevard, Suites A and B; More Specifically Identified as Assessor’s Parcel Number: 428-160-027. The motion carried by the affirmative action of all City Council Members present; Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENTS TO THE CITY BUILDING CODE ORDINANCE BY ADOPTION BY REFERENCE THE CALIFORNIA BUILDING CODE 2019 EDITION AND RELATED 2019 EDITION CODES; ORDINANCE NO. 1179 – ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE, THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA REFERENCED STANDARDS CODE, THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2019 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; BY AMENDMENT TO TITLE 8 CHAPTER 1 OF THE LOS BANOS MUNICIPAL CODE (FIRST READING & INTRODUCTION).** Fire Chief Hurley 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, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1179 – Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1179 – Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENTS TO THE CITY FIRE PREVENTION CODE ORDINANCE BY ADOPTION BY REFERENCE THE CALIFORNIA FIRE CODE 2019 EDITION AND LOCAL AMENDMENTS THERETO; ORDINANCE NO. 1180 – ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA FIRE CODE BY AMENDMENT TO TITLE 4 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE AND ADOPTION OF LOCAL AMENDMENTS THERETO (FIRST READING & INTRODUCTION).** Fire Chief Hurley 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 Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**ANNOUNCEMENT OF DISTRICT 2 VACANCY ON PLANNING COMMISSION.** City Clerk Mallonee announced that a recent vacancy has occurred on the Planning Commission in District 2, for an unexpired term that expires December 31, 2020.

**CITY OF LOS BANOS IMPROVEMENT STANDARDS AND SPECIFICATIONS UPDATE, IN REGARDS TO COUNCIL MEMBER JONES' COUNCIL MEMBER REQUEST.** Public Works Director/City Engineer Fachin presented the staff report.

There was Council Member and staff discussion related to property characteristics that are more desirable than what is currently present in certain neighborhoods. Items such as wider sidewalks, rolled curbs, and alternative placement of fire hydrants that block parking spaces were discussed. These items will be brought up and further discussed at the City Council/Planning Commission Joint Meeting.

Informational item only, no action taken.

**ADVISEMENT OF PUBLIC NOTICES (Two Reports).** Community & Economic Development Director Elms stated that the two reports noted on the agenda was in error and that there are actually no reports.

**CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: FINANCE DIRECTOR.** City Manager Terrazas stated that on December 3, 2019, based upon his performance review, the Finance Director's salary was increased to \$11,758 monthly (\$141,096 annually) retroactive to August 15, 2019; He along with City staff consisting of the Public Works Director, the Police Chief, the Fire Chief, and the Mayor attended the first CalTrans SR-152 Safety Task Force meeting yesterday. This task force was established in order to identify different methods of improving highway safety operations for drivers, motorcyclists and pedestrians on SR-152 within the city limits. Information will be passed on to the Council as it is received; The 7<sup>th</sup> Street ballpark restroom was craned into place this morning and is closer to being completed; On January 9<sup>th</sup> from 5:30 p.m. to 7:30 p.m., a Parks Master Plan Workshop will be held at the Community Center in order for the public to provide input on the city's park needs; He wished all happy holidays and a happy and safe New Year.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** Mayor Villalta reiterated how a motion for \$5 million to be set aside for an alternative route from SR-152 was denied and instead the funds went to the Atwater-Merced Expressway project. He thanked the Council for its support during the MCAG voting process. He spoke to how there are improvements being constructed by the CalTrans Safety Task Force in order to make SR-152 safer,

however the City needs to stay persistently active in the conversations and plans made for these improvements to be sure the safety concerns are addressed.

**CITY COUNCIL MEMBER REPORTS.**

**BRETT JONES:** Council Member Jones wished everyone a merry Christmas and a safe New Year.

**DEBORAH LEWIS:** Council Member Lewis spoke to how she presented a council member request at a prior meeting in regards to the standards of the downtown area business buildings and how City Manager Terrazas informed her that staff was already working on an item related to this that is planned to be presented at a council meeting in February; therefore, she withdrew her request. She wished all a merry Christmas and a safe and happy New Year.

**TOM FARIA:** Absent.

**DARONICA JOHNSON-SANTOS:** Mayor Pro Tem Johnson-Santos spoke regarding the Christmas Parade and how it was the largest one she has seen thus far in the city. She thanked all who helped put that on and wished everyone a happy holiday and merry Christmas.

**MAYOR MICHAEL VILLALTA:** Mayor Villalta reminded everyone about the Christmas Eve Dinner at Fire Station 1 and encouraged all to enjoy this meal. He further spoke regarding the Christmas Parade noting that it was a great event and also one of the safest. He wished all a merry Christmas and a happy New Year.

**ADJOURNMENT.** The meeting was adjourned at 8:01 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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