

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
MAY 21, 2014**

***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:** The pledge of allegiance was led by Police Chief Brizzee.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

**STAFF MEMBERS PRESENT:** City Manager Carrigan, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, Police Chief Brizzee, Fire Chief Guintini, Finance Director Williams, Public Works Director/City Engineer Fachin, Information Technology Director Spalding, Assistant Planner II Elms.

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

**PRESENTATION – PROCLAMATION RECOGNIZING NATIONAL VOLUNTEER WEEK.** Mayor Villalta presented the proclamation to the Los Banos Police Department VITAL Volunteer Group and thanked them for all they do; Larry Leonardo thanked the City of Los Banos and the Los Banos Police Department for allowing them to do what they do, presented the VITAL Volunteer of the Year Award to Icabod Nguelyn for the year 2013, and a symbolic check to the City Council equal to the value of volunteer hours in the amount of \$33,498, and recognized the hours worked/volunteered of those present at the meeting.

**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 COUNCIL; 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.)** GENEVA BRETT, Los Banos, spoke regarding how we cannot change history, the upcoming Buffalo Soldier event on June 7, 2014 and encouraged all to support the passage of Senate Bill 225 to make this a National Historical Trail, Mayor Pro Tem Lewis has already volunteered to help out during the event; students from Mr. McNally's AP US History class were present (and in character) to speak about the upcoming Wax

Museum event being held on May 23, 2014 at the Henry Miller Plaza. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by , seconded by to approve the consent agenda as submitted: Check Register for #147243 – #147461 in the Amount of \$1,301,952.03; Minutes for the Following City Council Meetings: February 19, 2014, March 5, 2014, March 19, 2014; City Council Resolution No. 5576 – Authorizing Award of Contract Agreement for the Exterior Painting of One (1) Five (5) Million Gallon Storage Tank to Quality Painting & Maintenance in the Amount of \$157,000 and Authorizing the Public Works Director/City Engineer to Execute and Administrate the Contract Agreement. The motion carried by the affirmative action of all City Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING ESTABLISHMENT, LB STEAKHOUSE LOCATED AT 1639 E. PACHECO BOULEVARD, ASSESSOR’S PARCEL NUMBER 083-130-013; CITY COUNCIL RESOLUTION NO. 5577 – APPROVING CONDITIONAL USE PERMIT #2014-06 FOR THE ON-SALE OF BEER AND WINE FOR LB STEAKHOUSE LOCATED AT 1639 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 083-130-013.** Assistant Planner II Elms presented the staff report.

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

There was Council Member and staff discussion regarding if there were any responses or comments received, for which Assistant Planner II Elms stated there was not, how it will be nice see someone open back up that building and have a restaurant in there, and what they were doing to rehabilitate the building.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5577 – Approving Conditional Use Permit #2014-06 for the On-sale of Beer and Wine for LB Steakhouse Located at 1639 W. Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number 083-130-013. The motion carried by the affirmative action of all City Council Members present.

**COUNCIL MEMBER AGENDA REQUESTS. (TO SEE IF THERE IS A MAJORITY CONSENSUS TO HAVE STAFF EXPEND TIME ON THE ISSUE AND TO HEAR IT AT A FUTURE MEETING.)**

**REQUEST FROM MAYOR VILLALTA FOR UPDATE AND DISCUSSION ON REVENUE SHARING AGREEMENT.** Mayor Villalta stated that for over three years the City has been working on negotiating a better deal with the County of Merced on the revenue sharing of our taxes and he would like to bring this forward for a an update an discussion. City Manager Carrigan stated that he can give a presentation on revenue sharing at future meeting.

Motion by Villalta, seconded by Lewis to place an item on the June 4, 2014 Agenda a Presentation Regarding Revenue Sharing. The motion carried by the affirmative action of all City Council Members present.

**REQUEST FROM MAYOR VILLALTA TO PLACE ON A FUTURE AGENDA FOR DISCUSSION – MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) RESOLUTION NO. 2011/05-05-01 AND THE CITY’S PARTICIPATION IN THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF). (CONTINUED FROM APRIL 16, 2014 MEETING)** Mayor Villalta spoke to how he would like to discuss how we can maintain the residential fee for the City of Los Banos.

Motion by Villalta, seconded by Faria to place on the June 18, 2014 City Council agenda to have a Discussion Regarding Merced County Association of Governments (MCAG) Resolution No. 2011/08-05-01 and the City’s Participation in the Regional Transportation Impact Fee (RTIF) and Removing Residential from RTIF and Keeping the Funds in Los Banos. The motion carried by the following vote: AYES: Faria, Lewis, Silveira, Villalta, NOES: Stonegrove.

Council Member Silveira stated that he would like to have a full presentation on RTIF, that he supports regional participation, and would like to look at different ways to fund regional projects. Mayor Villalta stated that he would like to go to the June 2014 MCAG meeting and ask that the RTIF model be put on as a discussion item.

**ADVISEMENT OF PUBLIC NOTICES. (ONE REPORT)** Assistant Planner II Elms stated that a public hearing will be held at the Planning Commission Meeting on May 28, 2014 to consider a Conditional Use Permit to allow the use of a Type 41 Alcohol License for the on-sale of beer and wine in conjunction with an eating establishment, Playa Azul, located at 2160 E. Pacheco Boulevard, APN 428-160-032.

**CITY MANAGER REPORT.** City Manger Carrigan spoke regarding the upcoming Budget Workshop on May 27, 2014 at 5:00 PM, inviting all to come join, the Homeless Encampment and all that has since December 2013 to date, how this isn’t the end of the homeless issue, we will be coming back with grants, and wished all a happy and safe Memorial Day, noting that his dad is a veteran.

Council Member Stonegrove requested that City Manager Carrigan speak to the status of the CDBG grant and what we are going after for which he provided.

### **CITY COUNCIL MEMBER REPORTS.**

**DEBORAH LEWIS:** Spoke regarding the Living Memorial Service held in Merced for all the fallen Police Officers in Merced County that she recently attended, how this year’s ceremony was even better than last years, and stated how just like our military the police officers are our first line of defense in the City and thanked them for all they do, thanked the VITAL volunteers who do a wonderful job and our City couldn’t function without them, May 25, 2014 there will be a Memorial Day Service at the National Cemetery in Gustine and encouraged all to attend, how she is looking forward to the Buffalo Soldiers Event and honored to be riding with Senator Canella and hopes the

route gets the recognition it deserves, Colonel Young and those like him were taken out of duty and were also our first forest rangers in the Yosemite and Redwood area, congratulations to the May Day Fair and the success they had, and spoke to the upcoming Merced County Fair in June and all the events going on there.

**SCOTT SILVEIRA:** Congratulated the VITAL volunteers for their dedication and volunteer work they do, good to see the progress on the homeless encampment situation and how the City helped facilitate the situation and get those people help who wanted it, how the new court house will be coming soon there on that location, thanked City Manager Carrigan and City staff for all the work they have done in regards to the homeless situation, wished all a happy Memorial Day, spoke to being absent at the last meeting because he was at the One Voice event in Washington, D.C. and spoke to all that he did while he was there representing Los Banos/Merced County, noting that Congressman Costa gave the group a personal tour of the Capitol, and how the trip was a unique experience, building relationships with other officials.

**ELIZABETH STONEGROVE:** Thanked the VITAL volunteers for what they do and also to the Animal Shelter volunteers, reminded all about the Los Banos High School Wax Museum being held May 23, 2014 from 3:30-5:30 P.M. at the Henry Miller Plaza.

**TOM FARIA:** Stated that he recently attended a Wellness Workshop today in Los Banos, thanked the VITAL volunteers for all they do to make our City better, spoke to the Buffalo Soldiers coming through town on June 7, 2014, the Wax Museum being held on Friday, May 23, 2014, the upcoming Memorial Day Service at the local cemetery, how June 14-15, 2014 will be a very busy weekend in Los Banos with Fathers Day in the Park being put on by the Los Banos Chamber of Commerce, upcoming DES Celebration, Flag Day, and its fishing season and there are lots of place to fish in Los Banos, and hoped that everyone enjoys the Memorial Day weekend.

**MAYOR MICHAEL VILLALTA:** Spoke to the meaning of Memorial Day, how there are 14 men who have perished over 4 wars from Los Banos, thanked all the VITAL volunteers and for the service they provide and to the volunteer for Animals group, how he just got back from visiting his daughter in Illinois and attended a fundraiser for SIDS and how we have similar groups in town to raise funds for cancer research, encouraged all to volunteer, how he attended the Soroptimist Awards event last night and how the group focuses on the betterment of women and thanked them for what they do.

### **CLOSED SESSION**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER.** No action taken, advisement to staff only.

**CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE; UNREPRESENTED EMPLOYEE: CITY MANAGER.** No action taken, advisement to staff only.

**ADJOURNMENT.** The meeting was adjourned at the hour of 8:51 p.m. to 5:00 p.m., Tuesday, May 27, 2014 to Attend a 2014-2015 Fiscal Year Budget Workshop Being Held in the Council Chambers, 520 J Street, Los Banos, California.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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