



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

MAY 21, 2014

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)
Faria ____, Lewis ____, Silveira ____, Stonegrove ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PRESENTATION – PROCLAMATION RECOGNIZING NATIONAL VOLUNTEER WEEK.

6. 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.)

7. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

A. Check Register for #147243 – #147461 in the Amount of \$1,301,952.03.

Recommendation: Approve the check register as submitted.

B. Minutes for the Following City Council Meetings:

- 1) February 19, 2014
- 2) March 5, 2014
- 3) March 19, 2014

Recommendation: Approve the minutes as submitted.

C. 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.

Recommendation: Adopt the resolution as submitted.

8. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)

A. 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.

- 1) 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 Indentified as Assessor's Parcel Number 083-130-013.

Recommendation: Receive staff report, open public hearing, close the public hearing, and adopt the resolution as submitted.

9. 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.)

A. Request from Mayor Villalta for Update and Discussion on Revenue Sharing Agreement.

Recommendation: Direction from the City Council on how to proceed.

B. 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)**

Recommendation: Direction from the City Council on how to proceed.

10. ADVISEMENT OF PUBLIC NOTICES. (One Report)

11. CITY MANAGER REPORT.

12. CITY COUNCIL MEMBER REPORTS.

A. Deborah Lewis

B. Scott Silveira

C. Elizabeth Stonegrove

D. Tom Faria

E. Mayor Mike Villalta

13. CLOSED SESSION.

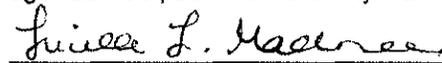
A. Public Employee Performance Evaluation, Pursuant to Government Code Section 54957, Title: City Manager.

B. 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.

14. ADJOURNMENT.

A. Adjourn 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.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.



Lucille L. Mallonee, City Clerk

Dated this 15th day of May 2014

CK# 147243-147461
Bank Reconciliation

5/21/2014

\$1,301,952.03



City of
Los Banos
At the Crossroads of California

Checks by Date

User: jdemelo
 Printed: 05/15/2014 - 9:16AM
 Cleared and Not Cleared Checks
 Print Void Checks

Check No	Check Date	Name	Module	Void	Amount
147243	4/30/2014	PERS - Public Employees	AP		112,824.14
147244	4/30/2014	PERS - Public Employees	AP		6,003.21
147245	4/30/2014	United States Post Office	AP		220.00
147246	4/30/2014	Westamerica Bank - Cafeteria Plan	AP		217,922.26
147247	4/30/2014	Sonya Williams	AP		100.00
147248	4/30/2014	Internal Revenue Service	AP		287.36
147273	5/5/2014	A & A Portables Inc	AP		105.75
147274	5/5/2014	Abbott & Kindermann, LLP	AP		516.04
147275	5/5/2014	ABS Direct, Inc.	AP		5,000.00
147276	5/5/2014	Aflac-Customer Service	AP		161.32
147277	5/5/2014	Aflac-Customer Service	AP		158.15
147278	5/5/2014	Aflac-Customer Service	AP		41.26
147279	5/5/2014	Aflac-Customer Service	AP		92.34
147280	5/5/2014	Allied Waste Services #917	AP		285,046.03
147281	5/5/2014	Ameripride Valley Uniform Services Inc.	AP		142.08
147282	5/5/2014	Henry A Anderson Jr	AP		51.00
147283	5/5/2014	Aramark Uniform Ser Inc	AP		662.09
147284	5/5/2014	AT&T	AP		359.68
147285	5/5/2014	AT&T	AP		390.97
147286	5/5/2014	Bank of America	AP		87,808.44
147287	5/5/2014	Bank of America	AP		2,535.54
147288	5/5/2014	Bank of America	AP		11,280.20
147289	5/5/2014	Dorothy June Baker	AP		289.04
147290	5/5/2014	BJ's Consumers Choice	AP		68.00
147291	5/5/2014	Richard A Blak Phd	AP		350.00
147292	5/5/2014	Board of Equalization	AP		88.00
147293	5/5/2014	Bruce's Tire Inc	AP		2,832.38
147294	5/5/2014	BSK Analytical Laboratories	AP		62.00
147295	5/5/2014	California Building Standards Commission	AP		122.10
147296	5/5/2014	CCAPA Central Section	AP		75.00
147297	5/5/2014	Chabin Concepts, Inc.	AP		1,194.25
147298	5/5/2014	Chevron Usa Inc	AP		747.04
147299	5/5/2014	Susan C. Covello	AP		60.00
147300	5/5/2014	CCID	AP		500.00
147301	5/5/2014	Central Sanitary Supply	AP		209.53
147302	5/5/2014	Coffee Break Service	AP		138.23
147303	5/5/2014	Comcast	AP		97.78
147304	5/5/2014	Culver Company Inc	AP		3,175.39
147305	5/5/2014	Joe & Evelyn Miranda	AP		504.00
147306	5/5/2014	Dept of Conservation	AP		90.51
147307	5/5/2014	Department of Public Health	AP		80.00

Check No	Check Date	Name	Module	Void	Amount
147308	5/5/2014	Fact Automated Entrances	AP		166.12
147309	5/5/2014	Federal Express	AP		6.24
147310	5/5/2014	Juan Gabriel Flores	AP		500.00
147311	5/5/2014	Tiffany Leanne Basuil Garcia	AP		95.00
147312	5/5/2014	Abel Gomes Enterprise	AP		339.00
147313	5/5/2014	Great Valley Supply	AP		123.90
147314	5/5/2014	Hartford Life Ins Co	AP		1,277.15
147315	5/5/2014	Hartford Life Ins Co	AP		4,720.00
147316	5/5/2014	Helena Chemical Co Inc	AP		389.34
147317	5/5/2014	Hi Tech Emergency Vehicle Services, Inc	AP		1,194.51
147318	5/5/2014	Don Hughes Photography	AP		137.16
147319	5/5/2014	Charles A. Edler	AP		414.00
147320	5/5/2014	Interstate Truck Center, LLC	AP		775.68
147321	5/5/2014	ICMA Membership	AP		1,248.00
147322	5/5/2014	In Shape Health Clubs Inc	AP		418.00
147323	5/5/2014	Integrated Electronics	AP		90.00
147324	5/5/2014	Lotz Calvin	AP		411.40
147325	5/5/2014	Jorgensen & Co	AP		124.89
147326	5/5/2014	K Mart W 3764	AP		17.02
147327	5/5/2014	Liebert Cassidy Whitmore	AP		2,906.50
147328	5/5/2014	Los Banos Express Oil & Lube	AP		74.03
147329	5/5/2014	Los Banos Ministries	AP		300.00
147330	5/5/2014	Los Banos Police Assn	AP		1,972.00
147331	5/5/2014	Lucas Business Systems	AP		512.18
147332	5/5/2014	Steve Macillas	AP		70.00
147333	5/5/2014	Marfab Inc	AP		152.54
147334	5/5/2014	Matson Alarm Co Inc	AP		180.00
147335	5/5/2014	Jose Melendrez Sr.	AP		280.00
147336	5/5/2014	Ivan Mendez	AP		39.63
147337	5/5/2014	Merced Truck &Trailer Inc	AP		2,011.75
147338	5/5/2014	Merced Uniform & Accessories	AP		276.82
147339	5/5/2014	Met Life	AP	Void	727.54
147340	5/5/2014	The Office City	AP		24.79
147341	5/5/2014	OSE	AP		326.51
147342	5/5/2014	P G & E Company	AP		81,370.77
147343	5/5/2014	P G & E Company	AP		3,286.55
147344	5/5/2014	PAPE Machinery Inc.	AP		175,523.88
147345	5/5/2014	Nationwide Retirement Solutions	AP		1,840.00
147346	5/5/2014	PERS Long Term Care	AP		88.45
147347	5/5/2014	Pinnacle Medical Group	AP		370.00
147348	5/5/2014	Premier Access Insurance Co.	AP	Void	2,329.11
147349	5/5/2014	Professional Fire Fighter	AP		630.00
147350	5/5/2014	Provost and Pritchard Engineering, Inc.	AP		752.20
147351	5/5/2014	PVP Communications	AP		88.56
147352	5/5/2014	Ronny's Landscaping	AP		37,669.62
147353	5/5/2014	Ronny's Landscaping	AP		8,898.30
147354	5/5/2014	Ronny's Landscaping	AP		7,405.00
147355	5/5/2014	Scott Savage	AP		705.00
147356	5/5/2014	Santos Ford Lincoln Mercury, Inc.	AP		467.78
147357	5/5/2014	Save Mart Supermarkets	AP		85.20
147358	5/5/2014	Henry Schein Inc.	AP		748.21
147359	5/5/2014	Sorensens True Value	AP		117.23
147360	5/5/2014	State Disbursement Unit	AP		1,895.00
147361	5/5/2014	Jacob Toscano	AP		530.00
147362	5/5/2014	USA Blue Book	AP		409.15

Check No	Check Date	Name	Module	Void	Amount
147363	5/5/2014	Vantagepont Transfer Agents - 306797	AP		455.00
147364	5/5/2014	Vantagepoint Transfer Agents - 705827	AP		25.00
147365	5/5/2014	Vantagepoint Transfer Agents - 801838	AP		1,025.00
147366	5/5/2014	Vavrinek, Trine, Day & Co., LLP	AP		7,280.00
147367	5/5/2014	Jennifer Williams	AP		760.00
147368	5/5/2014	Windecker Inc	AP		448.91
147369	5/5/2014	Young's Air Conditioning	AP		1,764.00
147370	5/5/2014	Young's Automotive	AP		1,303.91
147371	5/5/2014	Emi Zako	AP		60.00
147372	5/5/2014	Zero Waste USA Inc.	AP		267.00
147373	5/5/2014	Jose Melendrez Sr.	AP		630.00
147374	5/9/2014	ABS Direct, Inc.	AP		2,028.58
147375	5/9/2014	Acquisition Partners Of America, LLC	AP		8,950.63
147376	5/9/2014	Ameripride Valley Uniform Services Inc.	AP		142.08
147377	5/9/2014	Aramark Uniform Ser Inc	AP		501.94
147378	5/9/2014	Maria Alvarado	AP		600.00
147379	5/9/2014	Luis Aquino	AP		300.00
147380	5/9/2014	Backflow Apparatus & Valve Co.	AP		546.80
147381	5/9/2014	Dorothy June Baker	AP		46.44
147382	5/9/2014	Belkorp Ag, LLC	AP		103.76
147383	5/9/2014	BlueTarp Financial, Inc.	AP		913.33
147384	5/9/2014	Borelli Real Estate Service, Inc.	AP		90.00
147385	5/9/2014	Bruce's Tire Inc	AP		402.33
147386	5/9/2014	BSK Analytical Laboratories	AP		570.00
147387	5/9/2014	Luis Castellanos	AP		252.00
147388	5/9/2014	Certified Laboratories	AP		192.15
147389	5/9/2014	Coffee Break Service	AP		31.00
147390	5/9/2014	LN Curtis & Sons	AP		442.92
147391	5/9/2014	City of Los Banos Escrow Account	AP		1,130.88
147392	5/9/2014	Maria Luz Canas	AP		200.00
147393	5/9/2014	Employee Relations, Inc.	AP		50.00
147394	5/9/2014	Employment Development Dept	AP		4,841.00
147395	5/9/2014	Fastenal Company	AP		428.44
147396	5/9/2014	Food 4 Less	AP		18.72
147397	5/9/2014	Golden State Flow	AP		3,532.97
147398	5/9/2014	Galls Inc	AP		201.15
147399	5/9/2014	Mary Lou Gilardi	AP		30.21
147400	5/9/2014	Helena Chemical Co Inc	AP		327.89
147401	5/9/2014	Herwaldt Automotive Group, Inc.	AP		68.18
147402	5/9/2014	Holt of California	AP		1,025.59
147403	5/9/2014	Ana Hernandez	AP		500.00
147404	5/9/2014	Lotz Calvin	AP		143.80
147405	5/9/2014	JB Anderson Land Use Planning	AP		681.00
147406	5/9/2014	LC Action Police Supply, LTD	AP		530.40
147407	5/9/2014	The Lighthouse, Inc.	AP		369.90
147408	5/9/2014	Los Banos Express Oil & Lube	AP		153.18
147409	5/9/2014	Los Banos Vet Clinic	AP		731.24
147410	5/9/2014	Los Banos Vet Clinic	AP		479.00
147411	5/9/2014	Lucas Business Systems	AP		102.10
147412	5/9/2014	Richard Mancera	AP		252.00
147413	5/9/2014	Merced County Dept Of Agriculture	AP		184.00
147414	5/9/2014	The Office City	AP		848.34
147415	5/9/2014	OSE	AP		1,295.33
147416	5/9/2014	Old Dominion Brush	AP		2,721.17
147417	5/9/2014	O'Reilly Auto Parts	AP		1,869.55

Check No	Check Date	Name	Module	Void	Amount
147418	5/9/2014	Joe Ortega	AP		234.00
147419	5/9/2014	The Paper	AP		220.00
147420	5/9/2014	PAPE Machinery Inc.	AP		24.17
147421	5/9/2014	PERS - Public Employees	AP		113,589.05
147422	5/9/2014	Price Paige and Company Accountancy Corpor	AP		1,870.00
147423	5/9/2014	Purchase Power Inc	AP		4,000.00
147424	5/9/2014	Griselda Paz	AP		150.00
147425	5/9/2014	Ronny's Landscaping	AP		346.32
147426	5/9/2014	San Joaquin River Exchange Contractors Wate	AP		891.19
147427	5/9/2014	Sharper Technology, INC.	AP		8,849.75
147428	5/9/2014	Sierra Chemical Co	AP		2,423.84
147429	5/9/2014	Silveria Electric	AP		2,725.13
147430	5/9/2014	Snap On Tools	AP		806.71
147431	5/9/2014	Sol's Mobile Service	AP		630.82
147432	5/9/2014	Springbrook Software, Inc.	AP		3,559.11
147433	5/9/2014	Terryberry Company LLC	AP		92.01
147434	5/9/2014	Toscana Upholstery	AP		52.95
147435	5/9/2014	Tractor Supply Credit Plan	AP		1,056.87
147436	5/9/2014	U.S. Bank Equipment Finance	AP		1,826.61
147437	5/9/2014	Bricio Garcia	AP		31.29
147438	5/9/2014	Marie Charles	AP		17.52
147439	5/9/2014	Antonio and Analia Nunes	AP		38.24
147440	5/9/2014	Cesar Beltran-Lopez	AP		14.95
147441	5/9/2014	Sally Huang	AP		56.18
147442	5/9/2014	Stella Gutierrez	AP		12.38
147443	5/9/2014	Carlos Gonzalez	AP		9.79
147444	5/9/2014	Anderson Homes	AP		48.45
147445	5/9/2014	Kevin Steinmetz	AP		46.74
147446	5/9/2014	Blossom Valley Realty	AP		50.19
147447	5/9/2014	Robert and Diana Gomez	AP		79.38
147448	5/9/2014	Daljit Singh	AP		40.72
147449	5/9/2014	Baljinder Singh	AP		50.53
147450	5/9/2014	Home Sweet Home Property Management	AP		66.51
147451	5/9/2014	Josephine Haas	AP		49.33
147452	5/9/2014	Blossom Valley Realty	AP		44.18
147453	5/9/2014	Arvind Sabherwal	AP		43.31
147454	5/9/2014	DLP Real Estate, Inc.	AP		11.85
147455	5/9/2014	Vavrinek, Trine, Day & Co., LLP	AP		9,660.00
147456	5/9/2014	Law Offices of William A Vaughn	AP		6,022.50
147457	5/9/2014	Verizon Wireless	AP		874.87
147458	5/9/2014	Westside Veterinary Service, Inc.	AP		138.51
147459	5/9/2014	Westside Water Conditioning	AP		129.50
147460	5/9/2014	Windecker Inc	AP		1,112.59
147461	5/9/2014	Young's Air Conditioning	AP		259.00

Break in check sequence due to the following:
Check# 147249-147272 (payroll checks)

Total Check Count:	195
Total Check Amount:	\$1,305,008.68
Total Void Check Count:	2
Total Void Check Amount:	\$3,056.65
Total Valid Check Count:	193
Total Valid Check Amount:	\$1,301,952.03

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 19, 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 7:01 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, Assistant Planner Elms, Public Works Director/City Engineer Fachin, Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Mayor stated that the agenda needs to be amended to reflect a correction in the date of the adjournment to Tuesday, March 4 not Wednesday March 5.

Motion by Silveira, seconded by Faria to approve the agenda as amended to reflect the correct date of the adjournment to March 4, 2014. 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 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.) DONALDA SOUSA, Los Banos, spoke regarding how she does not support waiving the RTIF fee and how there are current vacant buildings for business to go into and how the current buildings do not pay fees, we need to encourage new businesses to go in existing buildings; BERTHA FARIA, Los Banos Chamber of Commerce, reminded all about the upcoming Los Banos Chamber of Commerce Readers Choice Awards and Installation Dinner and encouraged the Council Members to attend. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Silveira to approve the consent agenda as submitted: Check Register for #145690 – #146023 in the Amount of \$760,043.28; Second Quarter Investment Report for Fiscal Year 2013-2014; City Council Resolution No. 5557 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section C – Community Development, Section E – Public Works, Section F – Fire & Building, Section G – Police, and Fiscal Year 2013-2014 Budget Amendments to Support Those Changes; City Council Resolution No. 5558 – Adopting a Revised Budget for the Fiscal Year 2013-2014 as it Pertains to Expenditures in the Fire Department Facility Maintenance Account. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE OF THE CITY OF LOS BANOS TEMPORARILY SUSPENDING THE COLLECTION OF THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF) ESTABLISHED BY ORDINANCE NO. 1031; ORDINANCE NO. 1115 – EXTENDING THE TEMPORARY SUSPENSION OF THE COLLECTION OF REGIONAL TRANSPORTATION IMPACT FEES ESTABLISHED BY ORDINANCE NO. 1031 AS AMENDED AND CODIFIED IN TITLE 3 CHAPTER 18 OF THE LOS BANOS MUNICIPAL CODE. (SECOND READING & ADOPTION) Public Works Director/City Engineer Fachin 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 Lewis to waive the second reading of Ordinance No. 1115 – Extending the Temporary Suspension of the Collection of Regional Transportation Impact Fees Established by Ordinance No. 1031 as Amended and Codified in Title 3 Chapter 18 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council Members present, Silveira and Stonegrove voting No.

Motion by Faria, seconded by Lewis to adopt Ordinance No. 1115 – Extending the Temporary Suspension of the Collection of Regional Transportation Impact Fees Established by Ordinance No. 1031 as Amended and Codified in Title 3 Chapter 18 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Faria, Lewis, Villalta; NOES: Silveira and Stonegrove; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTION BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND RELATED 2013 EDITION CODES TO THE CITY OF LOS BANOS BUILDING CODE ORDINANCE; ORDINANCE NO. 1116 – ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, THE 2013 EDITION OF THE CALIFORNIA ENERGY CODE, THE 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, THE 2013 EDITION OF THE CALIFORNIA REFERENCED STANDARDS CODE, THE 2013 EDITION OF THE

CALIFORNIA ELECTRICAL CODE, THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE, THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2013 EDITION OF THE CALIFORNIA PLUMBING CODE; BY AMENDMENT TO TITLE 8, CHAPTER 1 OF THE LOS BANOS MUNICIPAL CODE. (FIRST READING & INTRODUCTION)

Assistant Fire Chief Marrison 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 Lewis to waive the first reading of Ordinance No. 1116 – Adopting by Reference the 2013 Edition of the California Building Code, the 2013 Edition of the California Energy Code, the 2013 Edition of the California Historical Building Code, the 2013 Edition of the California Referenced Standards Code, the 2013 Edition of the California Electrical Code, the 2013 Edition of the California Mechanical Code, the 2013 Edition of the California Administrative Code, the 2013 Edition of the California Existing Building Code, the 2013 Edition of the California Green Building Standards Code, the 2013 Edition of the California Residential Code, the 2013 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.

Motion by Faria, seconded by Lewis to introduce Ordinance No. 1116 – Adopting by Reference the 2013 Edition of the California Building Code, the 2013 Edition of the California Energy Code, the 2013 Edition of the California Historical Building Code, the 2013 Edition of the California Referenced Standards Code, the 2013 Edition of the California Electrical Code, the 2013 Edition of the California Mechanical Code, the 2013 Edition of the California Administrative Code, the 2013 Edition of the California Existing Building Code, the 2013 Edition of the California Green Building Standards Code, the 2013 Edition of the California Residential Code, the 2013 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: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTION BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE AND LOCAL AMENDMENTS TO THE CITY OF LOS BANOS FIRE PREVENTION CODE ORDINANCE; ORDINANCE NO. 1117 – ADOPTING BY REFERENCE THE 2013 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)

Assistant Fire Chief Marrison presented the staff report.

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

Motion by, seconded by to waive the first reading of Ordinance No. 1117 – Adopting by Reference the 2013 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.

Motion by Silveira, seconded by Faria to introduce Ordinance No. 1117 – Adopting by Reference the 2013 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: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

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 he has spoken with Merced County Supervisor O'Banion and he would like to postpone discussion on this item.

Motion by Villalta, seconded by Faria to continue the Request from Mayor Villalta for Update and Discussion on Revenue Sharing Agreement to the March 5, 2014 City Council Meeting. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (TWO REPORTS) Assistant Planner Elms reported that there will be two (2) public hearings at the Los Banos Planning Commission Meeting on February 26, 2014: Consideration of Certifying Mitigated Negative Declaration (MND) SCH#2014011068 and Tentative Tract Map #2013-01 to subdivide 11.4 acres into fifty-seven single-family residential lots located at the northeast corner of Willmott Avenue and North Street, APN 082-050-066; and Consideration of a Use Permit to allow the operations of a vehicle towing business and tire shop operated by Juan and Norma Fernandez, located at 150 W. G Street, APN 081-110-013.

CITY MANAGER REPORT. City Manager Carrigan spoke to how the Mid Year Budget Review will be on the March 19, 2014 Council Agenda, thanked Public Works Director/City Engineer Fachin and his staff for all their work and effort on the bird situation downtown and for cleaning up the streets/sidewalks.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Complimented the Public Works Department on solving the crow problem downtown and thanked them very much for a job well done, spoke regarding how he will be playing at the Arts Council on Friday nights from 7-10:00 P.M., the movie being

shown at Pacheco High School "From Here to Nowhere" encouraging all to attend, the Arts Council is having auditions and rehearsals for "The Hobbit Show", March 21-22, 2014 is the Youth Arts Show, the different musical performers that will be playing at the Arts Council in March and April 2014, how there is lots of stuff for families to do in Los Banos, the Los Banos Chamber of Commerce Best of the Best Event on February 21, and encouraged all to attend.

DEBORAH LEWIS: Thanked the Public Works Department for the wonderful job they did for getting rid of the crow problem downtown, how she has heard from merchants downtown how happy they are and how nice it looks, how very proud of our Public Works Department she is.

SCOTT SILVEIRA: Thanked the Public Works Department for that they do, they are appreciated, spoke regarding how Chief Borelli in Gustine called to talk to him about the creamery that burned down and how he appreciative he was for Los Banos Fire Department's assistance and the great job they did, how we are going through an extreme drought right now and it is getting worse, he would ask the public to voluntarily start using water conservation measures, and he would venture to think that mandatory water conservation is coming in the future.

Mayor Villalta asked if Public Works Director/City Engineer Fachin could bring speak in the future regarding water conservation, for which Mr. Fachin stated that May starts the City's water conservation program and how they are already looking at changing, but the main issue is sprinklers and how if water leaves your gutter you will be cited.

ELIZABETH STONEGROVE: Spoke regarding the film "Return to Nowhere" being shown on February 21, 2014 at 7:00 p.m. at Pacheco High School and the upcoming Arbor Day Celebration on March 7, 2014 at 4:00 p.m. at Pacheco Park.

MAYOR MICHAEL VILLALTA: Stated how he and Council Member Silveira attended the Los Banos Elks dedication of new monument at the corner of 9th and E Streets, which is dedicated to the veterans and thanked the Elks for doing that, as it is heartwarming.

Council Member Faria stated that it is National FFA week and without agriculture there is no civilization and how important the industry is.

Public Works Director/City Engineer Fachin spoke to how the community lost a very endearing member of the community, Gary Rogers, prior Los Banos City Engineer for about 20 years.

Mayor Villalta thanked staff for handling the crow situation downtown.

CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER CARRIGAN, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN

RESOURCES DIRECTOR MALLONEE, POLICE CHIEF BRIZZEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA). No reportable action.

ADJOURNMENT. The meeting was adjourned at the hour of 8:08 p.m. to 3:30 p.m., Tuesday, March 4, 2014 in the Cesar Chavez Room, Martin Luther King Jr. Child Development Center, 1624 San Luis Street, Los Banos, California to Conduct City Council Goals & Objectives Workshop.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 5, 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 7:0 p.m.

Mayor Villalta announced that the Overland Courts Affordable Senior Housing Project item is not on the agenda because the applicant requested that the item not go forward.

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, Assistant Planner Elms, Public Works Director/City Engineer Fachin, Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Faria, seconded by Lewis to approve the agenda as submitted. 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 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.) MARK BODLEY, Los Banos, spoke regarding the Merced County Mosquito Abatement District providing a brief history of the district and the many services they provide; PASQUEL MANDIVI, Los Banos, spoke regarding how Maria Mandivi started the bilingual program at the library and provides local scholarships, the event at the library to celebrate Dr. Suess' Birthday, the 8th Annual Cesar Chavez March on March 29, 2014 starting at 12:00 noon at City Hall and how important it is that we honor Cesar Chavez, how he's invited City Manager Carrigan and Mayor Villalta to read to the kids at the library but they haven't attended yet, and how programs like this help kids stay on the right track; DENNIS BRAZIL, Mayor of City of Gustine, thanked the City Council and the City for the assistance of Fire Chief Guintini and his Fire Department on the structure 2 alarm fire in

the City of Gustine and the great service they provided, he very much appreciated the help and without mutual aid cities would not be able to fight fires; GENEVA BRETT, Los Banos, thanked the Los Banos Chamber of Commerce Board of Directors for allowing her to serve another year as President, she spoke regarding the upcoming Chamber of Commerce Dinner, how the Los Banos Chamber of Commerce is co-hosting the Merced County Sheriffs' Candidate Forum at St. John's Lutheran Church from 7-9:00 p.m., the Annual Street Faire will be April 12, 2014 and reminded all to shop local, and how Merced County Fire Department received a \$200,000 grant to replace smoke detectors for those in unincorporated areas of Merced County; BRUCE RIVERS, Los Banos, spoke regarding the March 15, 2014 California Baptist Association Annual Youth Softball Tournament at the Ag Sports Complex and invited all to come out. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Silveira asked to remove item D – City Council Resolution No. 5560 – Approving and Authorizing the City Manager to Execute a Professional Services Agreement for Auditing Services with Price, Paige & Company for a Three (3) Year Period Beginning with Fiscal Year 2013/2014.

Motion by Silveira, seconded by Faria to approve the consent agenda as amended: Check Register for #146024 – #146229 in the Amount of \$755,381.44; Fiscal Years 2009 through 2013 Development Impact Fees Administrative Reports (AB 1600); City Council Resolution No. 5559 – Awarding the Bid for the Purchase of One (1) New 2014/2015 Model Wheeled Loader and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order in the Amount of \$114,552.28 to Holt of California; ~~City Council Resolution No. 5560 – Approving and Authorizing the City Manager to Execute a Professional Services Agreement for Auditing Services with Price, Paige & Company for a Three (3) Year Period Beginning with Fiscal Year 2013/2014.~~ The motion carried by the affirmative action of all City Council Members present.

CITY COUNCIL RESOLUTION NO. 5560 – APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR AUDITING SERVICES WITH PRICE, PAIGE & COMPANY FOR A THREE (3) YEAR PERIOD BEGINNING WITH FISCAL YEAR 2013/2014. Finance Director Williams presented the staff report, explaining the reason for the change and the selection process.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5560 – Approving and Authorizing the City Manager to Execute a Professional Services Agreement for Auditing Services with Price, Paige & Company for a Three (3) Year Period Beginning with Fiscal Year 2013/2014. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5561 – APPROVING THE KAGOME INC. CONCRETE PLANTER/SITTING AREA AND PLAQUE TO BE PLACED IN PACHECO PARK TO COMMEMORATE THEIR 25TH ANNIVERSARY. Public Works Director/City Engineer Fachin presented the staff report.

Dennis Brazil and Mel Moseley from Kagome Inc. were present at the meeting; Mr. Brazil spoke to the history of Kagome and where they are at today, how Kagome is well invested in the community of Los Banos, and he appreciates the opportunity to put the planter in at Pacheco Park.

Council Member Faria expressed his appreciation for what Kagome has done for Los Banos, the cherry blossom is a great idea/symbol it means a lot, thankful for the hard work Kagome does for Los Banos. Council Member Lewis also thanked Mr. Brazil and Mr. Moseley for the donation and the history of Kagome.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5561 – Approving the Kagome Inc. Concrete Planter/Sitting Area and Plaque to be Placed in Pacheco Park to Commemorate their 25th Anniversary. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5562 – AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH ACQUISITION PARTNERS OF AMERICA, LLC (APA) FOR GENERAL CONSULTING AND GRANT WRITING SERVICES. City Manager Carrigan presented the staff report.

John Quiring, APA spoke in more detail to the services they provide, what they have provided to the City of Los Banos so far, and what they plan for the future.

Council Member Silveira stated that this is what APA does for a living, with governments being in such a tight economy, inquired as to if grants were getting more competitive, for which Mr. Quiring provided his opinion and what he is seeing.

Finance Director Williams noted that a correction to Attachment C of the contract should state to not exceed \$16,500 instead of \$5,500 per month.

Motion by Silveira, seconded by Lewis to adopt City Council Resolution No. 5562 – Authorizing the City Manager to Amend the Professional Services Agreement with Acquisition partners of America, LLC (APA) for General Consulting and Grant Writing Services, with the correction on Attachment C to state not to exceed \$16,500 instead of \$5,500 per month. The motion carried by the affirmative action of all City Council Members present.

APPOINTMENT OF COMMISSION MEMBERS FOR THE FOLLOWING: PARKS & RECREATION COMMISSION – TWO (2) VACANCIES. Motion by Villalta, seconded by Faria to appoint Palmer McCoy and Ronald George to the Parks & Recreation Commission, terms expiring December 31, 2014. 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. (CONTINUED FROM THE FEBRUARY 19, 2014 MEETING) City Manager Carrigan spoke to the meeting they held yesterday to discuss the City's strategy with Merced County in regards to the revenue sharing agreement.

Motion by Villalta, seconded by Faria to continue this item to the April 16, 2014 City Council Meeting. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (NO REPORT)

CITY MANAGER REPORT. Reminded all about the March 19, 2014 Mid Year Budget Review item.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Spoke regarding the Arbor Day Celebration being held on March 7, 2014 at Pacheco Park, the Sheriffs' Candidate Forum being held on March 6, 2014 at St. John's Lutheran Church, the Baptist Association of Central Valley baseball game for Youth Outreach at the Ag Sports Complex on March 15, 2014, and like to put a Council Member Request item on the agenda to discuss bringing forth an ordinance to allow council to bring a condition of approval from the Planning Commission to the council without having to pay fees, other City's have this practice and would like the City Council to look into allowing this.

SCOTT SILVEIRA: Stated that it was nice seeing Pastor Rivers tonight, how the May Day Fair is less than 2 months away with more information to follow in the coming weeks, and the upcoming Street Fair in April.

ELIZABETH STONEGROVE: Spoke regarding the March 7, 2014 Arbor Day Event encouraging all to attend and the upcoming Cesar Chavez March/Event on March 29, 2014 starting at City Hall.

TOM FARIA: Stated that he will not be able to be at Arbor Day because he has a choir performance, how he loves the trees and it is great to see more being planted, trees bring value to the city, how Salvation Army hosted a recent Los Banos Chamber of

Commerce Mixer, how they have a Salvation Camp, and he appreciates what they do for our community

MAYOR MICHAEL VILLALTA: Spoke regarding how there will be an ad for free smoke detectors in the Merced County, how the Los Banos Chamber of Commerce event was absolutely spectacular and thanked the Chamber Director for a fantastic event, he attended the swearing in of the two new Police Sergeants and Police Officer, how he went to a report on our County Schools and spoke to how well we are doing and how Mr. Gomes is doing great things to bolster schools in Merced County, he attended a party for the drug dog at the high school, how Pacheco High School is having a Youth Conference on March 15, 2014, there are events happening in the city and how Council Members do go to a lot of the events, he referred to report given to him by Assistant Planner II Elms that states that the City has received \$750,000 in transportation fees, how Wal-Mart is building a \$1 million signal light project with reimbursable fees, which Public Works Director/City Engineer Fachin explained. Mayor Villalta spoke to sewer water lines and how there are reimbursement agreements to construct that and the bottom line is development has to pay its way.

CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER CARRIGAN, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, POLICE CHIEF BRIZZEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA). No reportable action.

ADJOURNMENT. The meeting was adjourned at the hour of 8:58 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MARCH 19, 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 7:01 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Chief Brizzee.

Mayor Villalta recognized and welcomed students in the audience from April Lotta's Government class at Los Banos High School.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: Elizabeth Stonegrove.

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

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

PRESENTATION – PROCLAMATION RECOGNIZING LOS BANOS ELKS LODGE 2510 VETERANS POW – MIA MEMORIAL. Mayor Villalta presented the proclamation.

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. TOM SPADA, Los Banos, Chairman of the City's Planning Commission, stated he would like to speak on item 14 – Request from Mayor Pro Tem Lewis to Discuss an Ordinance Amendment to Allow Council Members to Appeal Planning Commission Decisions without Payment of Filing Fee – and spoke about how the public is appointed to the Planning Commission by the City Council, there is already a mechanism in place for these decisions, good governance requires transparency, later tonight you will discuss changing that balance by allowing anyone to challenge an item up for review, as the decisions of the Planning Commission are determined by majority rule the Commission may lose its transparency, why have a Planning Commission if you're just going to

challenge their decisions, the Council should have the proper confidence in the Planning Commission to make decisions, thank you for the opportunity to speak; LAURA RICO, Los Banos, as she was listening to the bible readings on February 9, 2014 a phrase jumped out to her from Isaiah "bring the homeless poor into your house", asked that the City Council to give this top priority and make something available for the homeless, it is her understanding that there is an organization citizens can contribute to called the Continuum of Care and encouraged the Council to give that a high priority, if you are a follower of Christ he said to do this; BERTHA FARIA, Los Banos Chamber of Commerce, announced the Annual Spring Street Faire coming up on April 12, 2014, appreciates the assistance from the City of Los Banos Parks and Recreation division and the Police Chief, will be accepting vendor applications after the 23rd but there is an increased fee, the local Rotary Club will offer breakfast for \$6.00 and those proceeds will go towards the Sober Graduation event, Fathers Day in the Park is being hosted on June 14, 2014 from 9:00 a.m. – 5:00 p.m. at Pacheco Park, remember to shop local; GENEVA BRETT, Los Banos, there is a Fourth of July Committee Planning Meeting on March 27, 2014 at 8:00 a.m., Merced County Association of Governments is coming to Los Banos tomorrow at 3:00 p.m. and wanting to take more of our money so come out and show your support, spoke of a woman named Teresa Baker who grew up with eight brothers and realized there weren't a lot of African Americans like her, the little sister that she was said she was going to try it her way and she started African Americans in the National Parks Day, the parks service stepped up and started offering services to inform the public of the Buffalo Soldiers group who will make a stop in Los Banos on June 7, 2014 and then move to the Fairgrounds O'Banion building for lunch, would love the public's input on this event, part of our local effort is to help support Senate Bill 225 which helps to identify historical landmarks, Mercey Springs and Overland used to be a race track and was where the Buffalo Soldiers stopped, it would be great if a local musician came up with a song to honor the Buffalo Soldiers, asked the public to contact her at lbbuffalosoldierday@gmail.com with any offers of ideas or money.

No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Mayor Villalta requested to remove Item D – Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 12, 2014 from 5:30 a.m. – 4:00 p.m. in the Downtown Area to Close 6th Street from K Street to H Street and to close J Street between 5th and 6th Street, with the streets at 7th & K, 7th and J Street, 7th and I Street, 5th and I Street blocked off to Vehicle Traffic of and to Allow Vendors to be Set Up in the Center of Each Street – for a separate vote stating that Council Member Faria has a Conflict of Interest because his spouse is currently employed by the Los Banos Chamber of Commerce.

Council Member Stonegrove arrived.

Motion by Silveira, seconded by Lewis to approve the consent agenda with the removal of Item D – Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 12, 2014 from 5:30 a.m. – 4:00 p.m. in the Downtown Area to Close 6th Street from K Street to H Street and to close J Street between 5th and 6th Street, with the streets at 7th & K, 7th and J Street, 7th

and I Street, 5th and I Street blocked off to Vehicle Traffic of and to Allow Vendors to be Set Up in the Center of Each Street as follows: Check Register for #146230 – #146476 in the Amount of \$813,920.69; Minutes for the Adjourned City Council Meeting of March 4, 2014; Measure P Oversight Committee Report; ~~Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 12, 2014 from 5:30 a.m. – 4:00 p.m. in the Downtown Area to Close 6th Street from K Street to H Street and to close J Street between 5th and 6th Street, with the streets at 7th & K, 7th and J Street, 7th and I Street, 5th and I Street blocked off to Vehicle Traffic of and to Allow Vendors to be Set Up in the Center of Each Street;~~ Rejection of Claim – Tan Lam & Tieng Truong; City Council Resolution No. 5563 – Awarding the Bid for the Purchase of One (1) New 2014 Model Trailer Mounted Leaf Machine and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order in the Amount of \$30,988.44 to Nixon-Egli Equipment Co. The motion carried by the affirmative action of all City Council Members present.

Council Member Faria removed himself from the dais and left the room.

Motion by Silveira, seconded by Lewis to approve Item D – Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 12, 2014 from 5:30 a.m. – 4:00 p.m. in the Downtown Area to Close 6th Street from K Street to H Street and to close J Street between 5th and 6th Street, with the streets at 7th & K, 7th and J Street, 7th and I Street, 5th and I Street blocked off to Vehicle Traffic of and to Allow Vendors to be Set Up in the Center of Each Street. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Council Member Faria returned to his seat at the dais.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5564 – APPROVING A TENTATIVE AGREEMENT / MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LOS BANOS AND THE LOS BANOS POLICE OFFICERS ASSOCIATION. City Clerk/Human Resources Director Mallonee presented the staff report.

Council Member Silveira stated he is excited that staff was able to reach an agreement and the City is making employees whole again by giving back concessions that have been received from those employees since 2009, had the Council not made the tough decisions at the right time the City would not be in the position it is in today.

Council Member Faria spoke about how the City was saved on the backs of its employees and how he is very pleased to see the City moving back in this direction.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5564 – Approving a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Officers Association. The motion carried by the affirmative action of all City Council Members present.

City Clerk/Human Resources Director Mallonee thanked Police Officers Preston Jelen, Ramon McDonald and Noah Jones for their hard work in getting this deal done, Director Mallonee also thanked Finance Director Sonya Williams, Accountant I Kim Tomas, Assistant City Clerk/Human Resources Technician Jana Sousa, Police Chief Gary Brizzee, and Legal Counsel Kelly Tuffo.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5565 – APPROVING A TENTATIVE AGREEMENT / MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LOS BANOS AND THE LOS BANOS POLICE SERGEANTS ASSOCIATION.

City Clerk/Human Resources Director Mallonee presented the staff report and thanked Police Sergeants Elias Reyes, Ivan Mendez, Jesse Ceja and all the Sergeants, Finance Director Sonya Williams, Accountant I Kim Tomas, Assistant City Clerk/Human Resources Technician Jana Sousa, Police Chief Gary Brizzee, and Legal Counsel Kelly Tuffo for their work during the negotiation process.

Council Member Silveira explained that when Finance Director Williams looks at these numbers she's crunching those numbers and how when the Council votes to give this back to employees they want to make sure the City is able to sustain this long term and not have to take it back tomorrow.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5565 – Approving a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos by and Between the City of Los Banos and the Los Banos Police Sergeants Association. The motion carried by the affirmative action of all City Council Members present.

City Manager Carrigan thanked City Clerk/Human Resources Director Mallonee for her hard work with labor negotiations stating she has the office next to him at City Hall and how it is the sign of a good deal is when both sides walk away a little bit upset, Director Mallonee knows my achilles heal is that there are a number of employees who have been with the City for years and haven't seen a raise, we are on a path to success, you're going to hear more tonight with our Mid-Year budget, thank you...thank you... thank you...Lucy.

CENTRAL CALIFORNIA IRRIGATION DISTRICT (CCID) PRESENTATION ON WATER ISSUES RELATIVE TO THE CITY OF LOS BANOS.

Chris White, Manager of Central California Irrigation District (CCID), gave a PowerPoint presentation on the San Joaquin River Exchange stating they had a decent February and a nice start to March, believes they are on track for a 40% allocation by April 1, 2014, spoke of how the Endangered Species Act is designed to protect the Delta Smelt Fish that lives one year in the Delta and the fish weren't even there, the total water supply for the City of Los Banos is about 80,000 acre feet and 450,000 acre feet is only 25% of the San Luis Reservoir which is a lot of water.

Council Member Silveira suggested that CCID post this presentation on their website in case anyone is interested in seeing it, this is really serious folks, maybe it's not affecting the City as much as it possibly can but nothing is set in stone yet, they're citing health

and safety reasons for holding this water back, we're very spoiled in this State with the food we buy in our grocery stores, hopes that everyone takes a minute to look at this presentation and tries to understand how it is going to affect them, they've finally found a way to unite all farmers on this issue, we are very fortunate to have guys like Chris White and Chase Hurley who are fighting for our water rights, we've got the High School government class here today and this is going to affect you, we're throwing these rallies to make the elected officials in Washington D.C. know just how much this is affecting us.

City Manager Carrigan thanked Chris White for coming down to do this presentation, when farmers don't get water they don't grow crops and when they don't grow crops they don't hire workers then the unemployment rate goes up and then crime goes up, everyone needs to get educated on this issue and ask lots of questions.

Mayor Pro Tem Lewis asked if the Delta Smelt Fish is indigenous to this area. Chris White stated he's heard it is, this is harming many areas in our community, the Central Valley is important to the people who live in the United States of America that we provide food to, now you understand the signs that state "Where water flows food grows", urged children to educate their parents about speaking to their Congressman and Senators, make sure there is a future for you as young adults.

Mayor Villalta stated that he and Council Member Silveira attended a water rally in Firebaugh where 1,000 – 1,500 farm workers, farmers, families, showed up and how the message was clear that they don't want a hand out, they don't want to depend on a food bank they want a job, the government is going to have to make a decision to open the flood gates and give us some water.

Chris White spoke about how much he appreciates the support and how the City has been there on this issue, it is simply the power of people writing letters to their government officials, 1,500 farmers had a rally in Firebaugh; it is amazing what people can do.

Tracey Rosin, CCID, spoke about a list of contacts on their website and urged citizens to write letters as often as they like.

No action taken, presentation only.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY OF LOS BANOS TEMPORARILY CHANGING THE IRRIGATION RESTRICTION BEGINNING DATE FOR 2014 TO MARCH 20, 2014 AS ESTABLISHED BY ORDINANCE NO. 1090. Public Works Director/City Engineer Fachin presented the report.

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

Motion by Silveira, seconded by Lewis to waive the first reading of Ordinance No. 1118 – An Uncodified Urgency Ordinance of the City Council of the City of Los Banos

Amending Title 10 Chapter 2 of the Los Banos Municipal Code Regarding Scheduling of Landscape Irrigation. The motion carried by the affirmative action of all City Council Members present.

Motion by Silveira, seconded by Lewis to introduce Ordinance No. 1118 – An Uncodified Urgency Ordinance of the City Council of the City of Los Banos Amending Title 10 Chapter 2 of the Los Banos Municipal Code Regarding Scheduling of Landscape Irrigation. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

Motion by Silvera, seconded by Lewis to adopt Ordinance No. 1118 – An Uncodified Urgency Ordinance of the City Council of the City of Los Banos Amending Title 10 Chapter 2 of the Los Banos Municipal Code Regarding Scheduling of Landscape Irrigation. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5566 – ADOPTING A REVISED BUDGET FOR THE 2013-2014 FISCAL YEAR AS IT PERTAINS TO REVENUES AND EXPENDITURES AND AMENDING DIVISION 4, SALARY SCHEDULE – EMPLOYEE CLASSIFICATIONS RELATING TO CHANGES TO SECTION A – ADMINISTRATION & PART TIME CLASSIFICATION. Finance Director Williams presented the report, which included a PowerPoint presentation.

Council Member Silveira stated that one of the things most important to him in supporting Measure K was that it was a safety net to fund public safety, appreciates the cautious approach of Finance Director Williams, City staff pays attention to detail.

Council Member Stonegrove stated she is happy to see the Fire Captain moved back into the General Fund, inquired as to what the Community Development Block Grant (CDBG) grant for Code Enforcement can pay for. Finance Director Williams stated the grant is very specific as to how we can spend the funds; we're looking at other cities to see what they are doing. Council Member Stonegrove spoke about how much she enjoys the Graffiti Cleanup Day and will continue to do it as long as the kids are enjoying it.

Mayor Villalta stated that a few weeks ago our City Attorney gave a presentation on Revenue Sharing with the County and there has been some movement, another meeting will take place on April 3, 2014, hopefully we can get this settled.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5566 – Adopting a Revised Budget for the 2013-2014 Fiscal Year as it Pertains to Revenues and Expenditures and Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section A – Administration & Part Time Classification.

PRESENTATION REGARDING DROUGHT AWARENESS. Public Works Director/City Engineer Fachin gave a PowerPoint presentation.

No action taken, presentation only.

Mayor Villalta requested a five minute recess.

The City Council Meeting resumed.

COUNCIL MEMBER AGENDA REQUEST FROM MAYOR PRO TEM LEWIS TO DISCUSS AN ORDINANCE AMENDMENT TO ALLOW COUNCIL MEMBERS TO APPEAL PLANNING COMMISSION DECISIONS WITHOUT PAYMENT OF FILING FEE.

Mayor Pro Tem Lewis explained that she brought this up at the last City Council meeting when she asked about the process of appealing a Planning Commission decision and that the appeal process requires a fee of \$150 but it doesn't specify if the fee is for the public, there is no agenda behind this to usurp any authority before the Planning Commission, other City Council Members have made requests to bring forward items that other Planning Commissioners have heard, other cities do this now without a charge to their legislative body.

Council Member Silveira spoke about how he doesn't agree with this at all, doesn't feel like he has any special rights over any other citizens where he should be exempt from paying a fee imposed on others, if you get a Council Member sitting up here in the back pocket of special interests then that Council Member can now appeal a decision that another body already made, it's so broad when you say appeal a decision of the Planning Commission, that's what we have a Planning Commission in place for, the City Council puts those folks on the Commission and we entrust them to get a project through at that level, he is uncomfortable going down this road and that this would be undermining to the Planning Commission.

Council Member Stonegrove stated she is also concerned about doing this, believes Council Members should have to play by the same rules as other members of the community, \$150 is a lot of money but if it's a concern legitimate enough people will pay it, if Council Members do not have to pay a fee to appeal a decision and you're the friend of a Council Member then you can lobby that Council Member to appeal your decision for you but not for other people, this opens a Pandora's box of unanticipated problems.

Council Member Faria stated the issue is not if Council has the authority to bring forth an item, the issue is whether or not a Council Member has to pay a \$150 fee to bring the issue forward, one Council Member can call up an issue but it takes more than one Council Member to overturn the decision, appreciates Mr. Spada's comments from the public forum but sees no problem with a Council Member bringing forth an issue and not paying a fee to do so, doesn't believe a Council Member should have to pay \$150 to bring appeal a decision.

City Manager Carrigan stated the issue at hand right now is if Council wants staff to bring forth the item and spend time on this issue and not if the Council wants to do adopt a policy tonight.

Mayor Villalta stated he would like to hear more about the item and get more information on the issue before he makes a decision, out of respect to a Council Member we should bring back the idea, give staff time to look at this and we'll find out through investigation.

Mayor Pro Tem Lewis stated she thinks everyone is mature enough to look at this in an objective way, how nobody made any suggestions about having anyone in their back pocket, respects the Planning Commission as well and served as a Planning Commissioner for ten years where the decisions were sometimes appealed, it's not personal, this is not about defacing the Planning Commission.

Council Member Silveira explained he is not accusing anyone of backroom deals he just said the perception is there, how perception is reality and people believe what they perceive to be true, what we've had in place has worked for a very long time, we are supposed to be calling ourselves a business friendly City and now we want to add another layer a business will have to go through to come here, doesn't know why Council would think they're above everyone else, it is the job of the project applicant to appeal a decision not a Council Member.

Mayor Villalta asked if the \$150 fee has ever been charged for an appeal. Assistant Planner Elms stated the City has in fact charged the fee and explained how \$150 doesn't even cover the cost of staff time and research through the appeal process, Circle K was the most recent project appealed.

Motion by Faria, seconded by Lewis to have staff research the information and bring back to Council. The motion was approved with Stonegrove and Silveira voting No.

ADVISEMENT OF PUBLIC NOTICES. (THREE REPORTS) Assistant Planner Elms reported that three public hearings will be held by the Planning Commission on Wednesday, March 26, 2014 at 7:00 p.m. at City Hall in the Council Chambers to consider: 1) a Conditional Use Permit for the display of a digital billboard located approximately 500 feet west of Badger Flat Road and north of Pacheco Blvd., more specifically described as Assessor's Parcel Number: 430-010-040, 2) to consider and make a recommendation to the Los Banos City Council to adopt a proposed ordinance to establish a process by which certain types of development projects and structures shall be subject to a comprehensive discretionary review approval process before the City's Planning Commission concerning site development and architecture review, and 3) to consider a Conditional Use Permit for the modification of an existing billboard into a digital billboard located approximately 1,200 feet west of Badger Flat Road and north of Pacheco Blvd., more specifically described as Assessor's Parcel Number: 430-010-003.

CITY MANAGER REPORT. Announced he will be giving a presentation on the homeless in Los Banos at the April 16, 2014 City Council Meeting, recently visited Mercey Springs Road and G Street and thinks he has a short term plan for everyone, encouraged all to attend the Merced County Spring Fair.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Stated he attended 20th Annual Henry Miller Ag Day sponsored by Morningstar, the kids enjoyed it and it was a really cool event, Mrs. Younce and Mr. Walton do a great job; attended the water rally in Firebaugh with the Mayor and City Manager yesterday and went to the water rally in Fresno today where a good crowd showed up, saw the Mayor in a picture on Fox News, how a lot of our local Future Farmers of America (FFA) kids were up at the State Capital today fighting for funding to continue their program, would like to see a resolution showing support for our local FFA, this is another situation where folks can get together on some issues and force their legislators to pay attention.

ELIZABETH STONEGROVE: Reminded all of the Cesar Chavez March being held on March 29, 2014 at noon, will be announcing a date/time for the next graffiti day at the next City Council meeting.

TOM FARIA: Stated Los Banos lost an active community member Rose Mello and he'll miss her greatly; last Saturday the Portuguese Kids came to town and packed the D.E.S. Hall and how it was nice to see them, these kids are very famous and it was very cool; the Los Banos High School band is having their Spring Concert on March 26, 2014, the Junior High School will have their Spring Concert on April 9, 2014 and the Pacheco High School Spring Concert will be April 10, 2014, I'll be playing downtown at the Arts Center on April 11, 2014; Fathers Day weekend will be very busy as the D.E.S. Hall is having their 100th year anniversary, there will be a Portuguese sing-along and rhymes; the Buffalo Soldiers are coming to town on June 7, 2014; how recognizing the Elks and Veterans tonight was emotionally powerful and thankful and glad to honor them tonight; the MCAG Governing Board meeting is tomorrow at 3:00 p.m. in Los Banos.

DEBORAH LEWIS: Spoke about how the Buffalo Soldiers were a fierce fighting group of men who had very little recognition in this Country for what they did, they served in the Philippines and after coming back had a little bit of rest and relaxation where they served for three years as Forest Rangers in Yosemite, they received the name "Buffalo" from the Indians because of their woolly hair like the buffalo, the Indians called them fierce fighters because they were relentless and didn't back down, how Charles Young was the first black American who went to WestPoint and graduated, it is important to recognize these men and the time that they served our Country, the route coming is the route tracing the Buffalo Soldiers as they left the Presidio, they had many stops along the way and stayed the night in Los Banos, James Hill in the 24th infantry is buried in the Los Banos Cemetery and was a Buffalo Soldier, there will be a small ceremony honoring James Hill, the idea is to have this as an annual event and hopes this will grow in the future.

MAYOR MICHAEL VILLALTA: Spoke about the Buffalo Soldiers coming to town and how it is a co-sponsored event with the Merced County Fairgrounds along with Mayor Pro Tem Lewis who is personally paying \$750 of her own money, how that ties into the previous agenda item in that if someone believes in something money is not an issue and how Mrs. Lewis proved that to be true because she is putting up \$750 of her own

money to help sponsor the Buffalo Soldiers; every year the Rotary Club gives to Sober Graduation and is happy to do it; thank you to the Veterans and Elks members who came tonight.

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

ADJOURNMENT. The meeting was adjourned at the hour of 9:45 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Jana R. Sousa, Assistant City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer *Mark Fachin*

DATE: May 21, 2014

SUBJECT: Award of Bid for Exterior Painting of 1 Five Million Gallon Storage Tank

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution awarding the Exterior Painting of 1 Five Million Gallon Storage Tank project contract to Quality Painting & Maintenance, and authorize the Public Works Director/City Engineer to execute the contract agreement in the amount of \$157,000. Staff is requesting a 10% contingency of \$15,700.00. The administration of this contract agreement, including the 10% contingency, is to be performed by the Public Works Director/City Engineer.

Background:

Public Works staff observed the exterior paint coating of the storage tank had deteriorated to the point of warranting a new surface coating to protect the integrity of the tank. The tank was painted just prior to being put into service in 2005. The original paint coating was the first and only painting of the tank. Prior to advertising bid invitations to paint the tank, Public Works secured the services of DB Gaya Consulting LLC to assist in the selection of a qualified contractor, observe the work in progress, and complete the final inspection of the work performed on the tank.

Discussion:

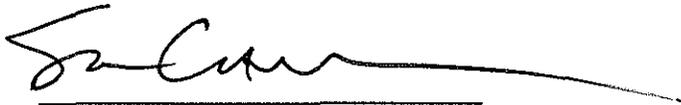
The Public Works Department released the bid documents for the exterior painting of 1 five million gallon storage tank on March 28, 2014. The public notice was advertised in the Los Banos Enterprise on March 28, 2014. A mandatory attendance pre-bid meeting was held at the tank site with prospective bidders. Sixteen painting contractor's attended the meeting. The bid opening occurred on April 25, 2014.

The Public Works Department, through the office of the City Clerk, received nine (9) timely bids. After a detailed review of the submitted bid documents from staff and the consultant, staff determined Quality Painting & Maintenance supplied a responsive and responsible bid. Therefore, staff is requesting that Quality Painting & Maintenance be awarded the contract agreement for painting the exterior of 1 five million gallon storage tank for their bid in the amount of \$157,000.00.

Fiscal Impact:

The bid amount of \$157,000.00 and contingency amount of \$15,700.00 is identified in fund 501-461-100-738.

Reviewed by:

A handwritten signature in black ink, appearing to read 'Steve Carrigan', written over a horizontal line.

Steve Carrigan, City Manager

Attachments:

Resolution

Public Notice

Bid Opening Sheet

2013/14 Fiscal Budget Sheet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING AWARD OF CONTRACT AGREEMENT FOR THE EXTERIOR PAINTING OF ONE (1) FIVE (5) MILLION GALLON STORAGE TANK

WHEREAS, the City of Los Banos has a need to re-paint the above ground potable water storage tank; and

WHEREAS, the City of Los Banos has allocated funds for the Exterior Painting of (1) Five Million Gallon Storage Tank; and

WHEREAS, the City of Los Banos received sealed bids for the Exterior Painting of (1) Five Million Gallon Storage Tank that were officially opened on April 25, 2014; and

WHEREAS, it was determined that Quality Painting & Maintenance of Reno, Nevada provided the lowest responsive and responsible bid of \$157,000.00; and

WHEREAS, the Public Works Department requests the City Council authorize the Public Works Director/City Engineer to execute and administrate the Contract Agreement with Quality Painting & Maintenance, including the 10% contingency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$157,000.00 from Quality Painting & Maintenance for the Exterior Painting of (1) Five Million Gallon Storage Tank, authorizes the Public Works Director/City Engineer to enter into a contract agreement, and administer the construction including the 10% contingency.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of May 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Notice to Bidders

For the Exterior Painting of:
One (1) Five Million Gallon Storage Tank

Notice is hereby given that the City of Los Banos (hereinafter called the "Owner") invites and will receive sealed Bid Proposals up to the hour of 2:00 p.m. Daylight Savings Time (hereinafter called "DST") on April 25, 2014 for furnishing to Owner for all transportation, labor, materials, tools, equipment, services, permits, utilities, and other items necessary to construct/install said work. At said time, the sealed Bid Proposals will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

**Los Banos City Hall
520 "J" Street
Los Banos, California 93635**

Bid Proposals shall be submitted only on Bid Proposal forms provided within the Contract Documents. Bid Proposals shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. DST on April 25, 2014. No late Bid Proposals will be accepted, and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone Bid Proposal submittals or modifications will be considered unless specified. No conditional Bid Proposals will be accepted.

Each Bid Proposal must be submitted in a sealed envelope and addressed to the City of Los Banos at 520 J Street, Los Banos, CA 93635. Each sealed envelope containing a Bid Proposal must be plainly marked on the outside as "**Paint Storage Tank: Attention City Clerk**", and the envelope shall also bear on the outside, the name of the Contractor, and their address. If forwarded by mail, the sealed envelope containing the Bid Proposal must be enclosed in another envelope addressed to the City of Los Banos at 520 J Street, Los Banos, CA, 93635, and also clearly state, "**Paint Storage Tank: Attention City Clerk**".

The Contract Documents, in their entirety, can be viewed and/or obtained from the City of Los Banos website at www.losbanos.org.

The Contractor's license classification(s) required for this Work shall be "C33" as a minimum.

This Work is subject to California State **Prevailing Wage**.

The City reserves the right to reject any and/or all Bid Proposals received, and to waive any and all irregularities in any Bid Proposal.



City of
Los Banos
At the Crossroads of California

BID OPENING

**EXTERIOR PAINTING OF ONE (1) FIVE (5) MILLION GALLON
STORAGE TANK**

FRIDAY, APRIL 25, 2014 @ 2:00 PM

1. OnPoint Construction	\$261,000
2. Quality Painting & Maintenance	\$157,000
3. Blastco, Inc.	\$189,900
4. Industrial Coating & Restoration	\$261,800
5. J Colon Coatings Inc	\$205,900
6. Olympus and Associates	\$180,000
7. Pro-Finish	\$257,800
8. Wm. B. Saleh Co.	\$264,368
9. KM Industrial	\$395,115

Signed: Lucille L. Mallonee Dated: April 25, 2014
Lucille L. Mallonee, MMC, City Clerk

Signed: Greg Pimentel
Greg Pimentel, Acting Assistant Public Works Director

City of Los Banos

Business-Type Fund 2013-2014 Adopted Budget

	2010-2011 Actual	2011-2012 Actual	2012-2013 Projected	2013-2014 Adopted
Water - Fund 501				
Water - Department 461				
General Services - Activity 100				
735 Master Plan	\$63,189	\$3,170	\$20,000	\$0
737 Meters	442,054	0	0	0
<u>738 Wells</u>	0	0	190,000	1,100,000
739 Water Master Plan Improv.	0	0	0	2,088,000
750 Vehicles	0	0	59,883	60,000
753 Specialized Equipment	0	0	0	195,000
770 Computer Equipment	0	0	0	1,510
Capital Outlay	\$505,243	\$3,170	\$269,883	\$3,444,510
822 Principal: Debt Service	\$0	\$325,000	\$340,000	\$4,325,000
882 Interest: Debt Service	246,904	234,523	212,700	102,950
885 Debt Related Fees	1,900	0	4,300	4,300
Debt Service	\$248,804	\$559,523	\$557,000	\$4,432,250
825 Charge Ins - Outs	(\$13,411)	\$0	\$0	\$0
Charge Ins - Outs	(\$13,411)	\$0	\$0	\$0
Contingency - Department 495				
General Services - Activity 100				
900 Contingency	\$0	\$0	\$0	\$100,000
Contingency	\$0	\$0	\$0	\$100,000
Total: Water	\$3,302,821	\$3,116,666	\$3,298,315	\$10,629,383
Grand Total: Water Fund	\$3,868,615	\$3,645,442	\$3,870,452	\$11,220,092



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & Council Members

FROM: Stacy Souza Elms, Assistant Planner II *SE*

DATE: May 21, 2014

SUBJECT: LB Steakhouse Conditional Use Permit #2014-06 for On-Sale Beer and Wine in Conjunction with a Type 41 Alcohol License

TYPE OF REPORT: Public Hearing

Recommendation:

That the City Council adopt Resolution No. ____ approving Conditional Use Permit #2014-06 for the use of a Type 41 alcohol license for the on-sale of beer and wine for LB Steakhouse located at 1639 E. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 083-130-013.

Procedural Background:

On April 23, 2014, the Los Banos Planning Commission held a Public Hearing to review a request for a Conditional Use Permit for the on-sale of beer and wine in conjunction with a restaurant located at 1639 E. Pacheco Boulevard. At the Public Hearing, the Planning Commission considered the application including the report and presentation by staff and public comment and as the recommending body recommended approval of Conditional Use Permit #2014-06 to the Los Banos City Council.

Discussion:

The applicant, Carlos Ruiz, is requesting a Conditional Use Permit for the on-sale of beer and wine in conjunction with an eating place. The applicant is preparing to open the restaurant in June and is planning to serve lunch from 11:00 am to 2:00 pm and dinner from 4:00 pm to 9:00 pm. The menu will consist of various items such as soups, salads, assorted meats (i.e. beef, lamb, pork, etc.), pastas, and seafood. The applicant has been a chef for 16 years and this location will be his first restaurant he opens.

The location of 1639 E. Pacheco Boulevard has been the home of several restaurants in the past few years. Most notably this was the location of Chalet Basque; however, this location has not been utilized as a restaurant since 2010. This project site has had the use of alcohol in the past and as such had been grandfathered without the requirement of a Conditional Use Permit. As a result of the project site being vacant for more than one (1) year, the use of alcohol is no longer grandfathered and a Conditional Use Permit is required from the City.

LOCATION AND ACCESS:

The project site is located at 1639 E. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 083-130-013.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Project site	Commercial	H-C	C
North	Commercial	H-C	C
South	Residential	H-C	C
East	Commercial	H-C	C
West	Commercial	H-C	C

H-C = Highway Commercial

C = Commercial

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for the on-sale of beer and wine in conjunction with an eating place and involves the permitting and licensing of an existing private structure and involves no expansion of the previous use of a restaurant at 1639 E. Pacheco Boulevard.

USE PERMIT ANALYSIS

Code Requirements

A Conditional Use Permit, pursuant to the Los Banos Municipal Code Section 9-3.2322, is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. A Conditional Use Permit may be granted if the proposal is conforming to the following criteria:

General Use Permit Criteria:

1. That the proposed use and project is consistent with the City of Los Banos General Plan and Los Banos Municipal Code;
2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use; and
3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 pm and 7:00 am.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Los Banos Municipal Code and offers the following observations:

The project will not contribute to the proliferation of alcohol in the area or cause an increase in crime, in that the proposed use will be ancillary to the property which is primarily a restaurant and will be used as an accessory to food.

The proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds. The proposed use is not in close proximity to any of these uses and the operational characteristics of the restaurant will not create problems for the surrounding uses.

The proposal will not have an affect with the movement of people, in that there will be no off-site or public consumption of alcohol pursuant to Alcoholic Beverage Control Board regulations.

The proposal will be limited to hours of operation and will close by 9:00 pm. In addition, the project will be subject to conditions which will mitigate any adverse affects on the surrounding neighborhood.

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 41 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Zoning Code.

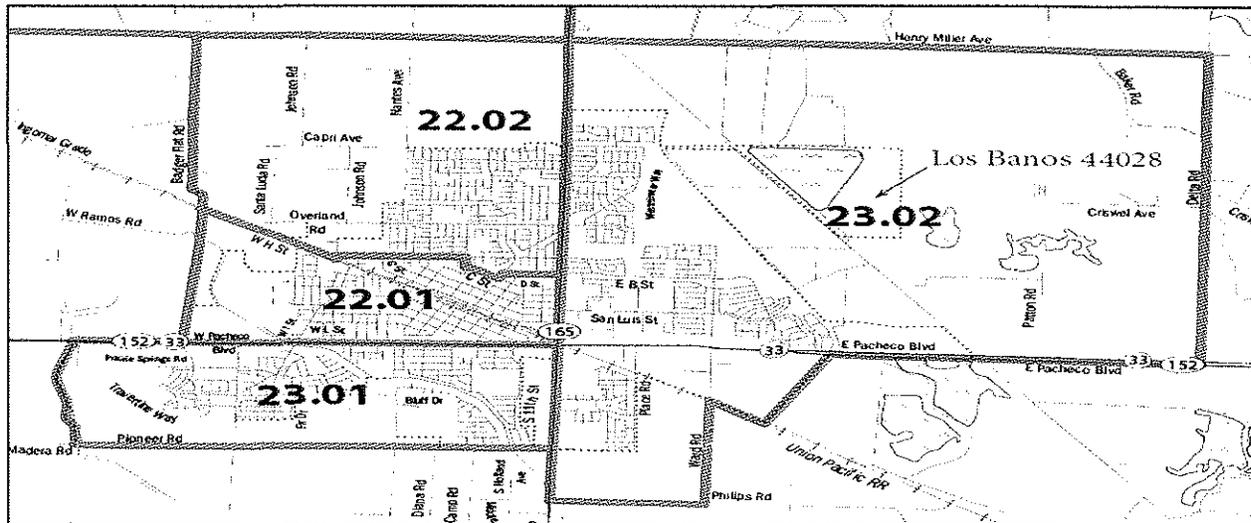
ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale.
- b) Display of signs.
- c) Employment of designated persons.
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law.
- e) The portion of the privileges to be exercised under the license.
- f) The personal conduct of the licensee.

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

Census Tract

The project site is located in Census Tract 23.02.



As of the date of this report there are two (2) on-sale licenses currently in use in this specific census tract. According to Section 23817.5 of the Business and Professions Code there are **no limitations** to how many “on sale” beer and wine licenses may be issued in a census tract. Limitations are only specified for “off-sale” of beer and wine and “off-sale” general licenses.

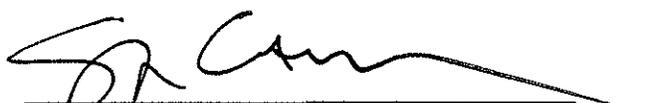
License Type ¹	Business Name	Premises Address
47	Espanas Southwest Bar & Grill	1460 E. Pacheco Boulevard
47	Chillis Grill & Bar	1905 E. Pacheco Boulevard

Type 41 license = On-sale beer and wine
 Type 47 license = On-sale general alcohol

PUBLIC COMMENT:

A Public Hearing notice was published in the Los Banos Enterprise and Merced Sun-Star and notices were provided to adjacent property owners within a 300 foot radius of the subject property on April 11, 2014 and May 9, 2014. As of the date of this staff report, no comments have been received.

Reviewed by:


 Steve Carrigan, City Manager

¹ California Department of Alcoholic Beverage Control
<http://www.abc.ca.gov/datport/AHCityRep.asp>

Attachments:

1. Resolution
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Floor Plan
3. Site Photos
4. Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2014-06 FOR THE ON-SALE OF BEER AND WINE FOR LB STEAKHOUSE LOCATED AT 1639 E. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-013

WHEREAS, the applicant, Carlos Ruiz, has requested that the City of Los Banos 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 place for LB Steakhouse located at 1639 E. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 083-130-013; and

WHEREAS, a Public Hearing notice was published in the Los Banos Enterprise Merced Sun-Star on April 11, 2014 and May 9, 2014 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, it has been found that the proposal will not contribute to the undue proliferation of crime, loitering or create traffic problems or capacity issues; and

WHEREAS, it has been found that the proposal will not adversely affect churches, schools or public areas; and

WHEREAS, it has been found that the proposal will not interfere with the movement of people along an important pedestrian street; and

WHEREAS, the use is located and will be operated so as to avoid disruption of residents sleep; and

WHEREAS, the Los Banos Planning Commission held a Public Hearing on April 23, 2014 for the purpose of considering Conditional Use Permit #2014-06 and at the completion of the Public Hearing, duly considered the evidence presented and recommended approval of Conditional Use Permit #2014-06 to the Los Banos City Council; and

WHEREAS, the Los Banos City Council has held a Public Hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in

accordance with the Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2014-06 for LB Steakhouse was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the City Council of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve Conditional Use Permit #2014-06 to allow the on-sale of beer and wine for an eating place in conjunction with an Alcoholic Beverage Control (ABC) License, Type 41, on-sale beer and wine for LB Steakhouse located at 1639 E. Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 083-130-013, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of May 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS CONDITIONAL USE PERMIT #2014-06 – LB STEAKHOUSE

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2014-06 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the on-sale of beer and wine in conjunction with an eating place involves the permitting and licensing of an existing private structure and involves no expansion of the previous use of a restaurant located at 1639 E. Pacheco Blvd.
2. Conditional Use Permit #2014-06 was adequately noticed on May 9, 2014 for consideration at a public meeting on May 21, 2014.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Los Banos City Council considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2014-06 – LB STEAKHOUSE

A. General Findings

1. That the proposed use and project is consistent with the City of Los Banos general plan, and the Los Banos Municipal Code. Evidence: The site is designated Commercial and zoned Highway Commercial. Commercial uses include restaurant establishments which permit on-sale alcohol.
2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use. Evidence: As reflected in the application and conditions of approval, the proposed use will be conducted within a commercial establishment and will not result in significant operational changes to the existing commercial area.
3. That the proposed use is compatible with the adjacent uses, properties, and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. Evidence: The proposed use will be in conjunction with an eating place and will be ancillary to the primary use of the business.

B. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity. Evidence: The project site has had the use of alcohol sales in the past which did not alter the area's function and character. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently two (2) and the addition of one more license will not contribute to the proliferation of alcohol sales as the on-sale of beer and wine will be in conjunction with food.
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds. Evidence: The City

Council considered the surrounding area and nearby uses and determined that there was no evidence of adverse impacts to adjacent or nearby churches, temples, or synagogues, nearby parks, recreation centers or playgrounds.

3. That the proposal will not interfere with the movement of people along an important pedestrian street. Evidence: Consumption of alcohol will only be allowed inside the premises and the use will be regulated by City, State and Federal regulations.
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m. Evidence: The regulated use involves the sale of alcohol. All of these sales will be conducted interior to the building, and consumption of alcohol is not allowed outside of the premises per the conditions of approval and city ordinance. The nearest residential window is located at least 100 feet away from the restaurant. Based upon these considerations the Planning Commission finds that there is no evidence that the use will cause disruption of sleep.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2014-06 – LB STEAKHOUSE

Planning:

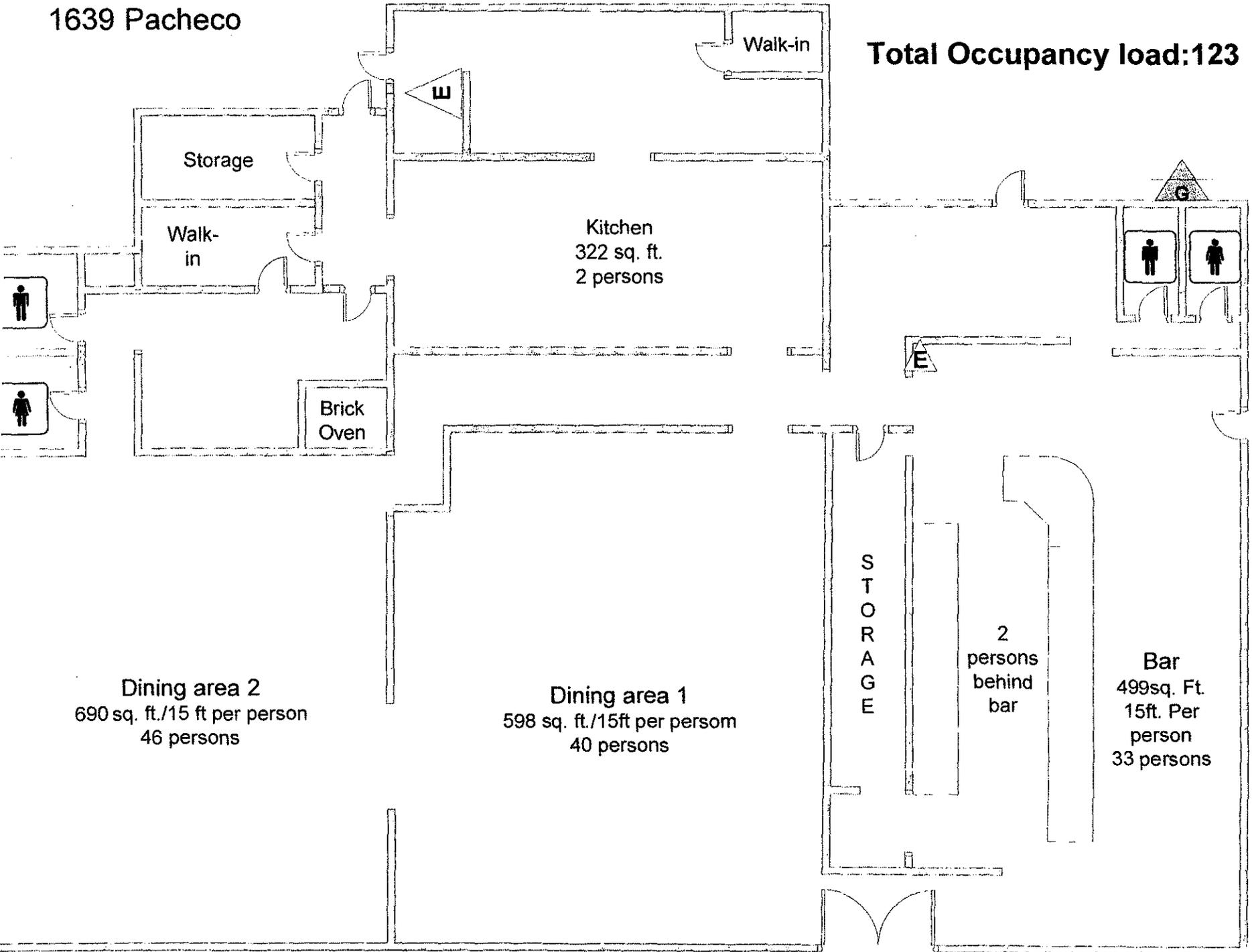
1. Conditional Use Permit 2014-06 is for LB Steakhouse located at 1639 E. Pacheco Blvd.; more specifically identified as Assessor's Parcel Number: 083-130-013 and the requested use shall expire after one (1) year from date of approval by the Los Banos City Council unless implemented. The City for cause may revoke this Conditional Use Permit.
2. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The applicant/operator shall obtain and maintain an active Type 41 "On-Sale Beer and Wine Eating Place" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Community Development Department prior to the sale of alcohol on the premises.
4. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
5. The applicant/operator shall be responsible for maintaining the property free of litter at all times in the parking lot area and the areas adjacent to the premises over which they have control.
6. The Planning Commission shall have the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol on the premises.
7. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the

permit, save and except that caused solely by the City's active negligence.

8. The exterior of the premises, including adjacent public sidewalks and the parking lot areas, shall be illuminated during all hours of darkness when the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel.
9. The premises shall be operated primarily as an eating place (restaurant) as described in the application prepared by the applicant and filed with the Community Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Use Permit.
10. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
11. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

1639 Pacheco

Total Occupancy load:123



Storage

Walk-in

W

Walk-in

Kitchen
322 sq. ft.
2 persons

Brick
Oven

E

G

S
T
O
R
A
G
E

2
persons
behind
bar

Bar
499sq. Ft.
15ft. Per
person
33 persons

Dining area 2
690 sq. ft./15 ft per person
46 persons

Dining area 1
598 sq. ft./15ft per person
40 persons







City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Date: May 9, 2014

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2014-06 – Type 41 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council 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. The requested Conditional Use Permit is for LB Steakhouse located at 1639 E. Pacheco Blvd., more specifically described as Assessor's Parcel Number: 083-130-013.

The Los Banos Planning Commission held a public hearing on April 23, 2014 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval of Conditional Use Permit #2014-06 to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, May 21, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner II at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner II



City of
Los Banos

At the Crossroads of California

**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Date: May 16, 2014

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2014-07 – Type 41 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission 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. The requested Conditional Use Permit is for Restaurant Playa Azul located at 2160 E. Pacheco Blvd., more specifically described as Assessor's Parcel Number: 428-160-032.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission to consider a recommendation to the Los Banos City Council on Wednesday, May 28, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner II at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner II