

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
APRIL 1, 2015**

***ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.***

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 7:02 PM.

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

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Silveira, seconded by Stonegrove 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.)** BERTHA FARIA, Los Banos Chamber of Commerce and resident, spoke regarding the upcoming events: Annual Downtown Street Faire and events going on that day, April 18, 2015, the new Chamber Members, Annual Merced County Spring Fair and the beer booth they sponsor each year; ERIK LIMON, Los Banos resident and representing Republic Services/Allied Waste Management, spoke regarding what is a recyclable items and what is not, spring clean up days; ASHLEY WILLIAMS, Executive Director of Habitat for Humanity, spoke regarding the Women Build Event on May 8-9, 2015 they are sponsoring and April 18, 2015 Open House at 537 M Street and celebrating a home dedication. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Council Member Faria requested that item 6B - Street Closure Request from the Los Banos Chamber of

Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 18, 2015 from 5:30 AM – 5:00 PM in the Downtown Area to Close 6<sup>th</sup> Street between K Street to H Street, J Street between 5<sup>th</sup> and 6<sup>th</sup> Street, with the Streets at 7<sup>th</sup> & K, 7<sup>th</sup> and J Street, 7<sup>th</sup> and I Street, 5<sup>th</sup> and J Street, and 5<sup>th</sup> Street and I Street Blocked off to Vehicle Traffic and to Allow Vendors to be Set Up in the Center of Each Street be removed from the consent agenda and be considered separately.

Motion by Silveira, seconded by Lewis to approve the consent agenda as amended: Check Register for #152343 – #152585 in the Amount of \$663,664.52; ~~Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 18, 2015 from 5:30 AM – 5:00 PM in the Downtown Area to Close 6<sup>th</sup> Street between K Street to H Street, J Street between 5<sup>th</sup> and 6<sup>th</sup> Street, with the Streets at 7<sup>th</sup> & K, 7<sup>th</sup> and J Street, 7<sup>th</sup> and I Street, 5<sup>th</sup> and J Street, and 5<sup>th</sup> Street and I Street Blocked off to Vehicle Traffic and to Allow Vendors to be Set Up in the Center of Each Street;~~ City Council Resolution No 5647 – Authorizing the City Manager to Execute a Hold Harmless Agreement Between the City of Los Banos and the Los Banos Oddfellows for the Purpose of Securing a Community Banner Across Sixth Street in Downtown Los Banos; City Council Resolution No 5648 – Accepting the Grant Deed and Dedication from Stonecreek Properties for Oliveira Park Located West of Ortigalita Road and South of Cardoza Road, Assessor's Parcel Number 430-060-013; City Council Resolution No 5649 – Accepting a Grant of Easement from California Dairies Generally Located Near Pacheco Boulevard and 13<sup>th</sup> Street, Assessor's Parcel Number 026-280-005 and 026-280-017. The motion carried by the affirmative action of all City Council Members present.

**STREET CLOSURE REQUEST FROM THE LOS BANOS CHAMBER OF COMMERCE TO HOLD THE ANNUAL DOWNTOWN SPRING STREET FAIRE ON SATURDAY, APRIL 18, 2015 FROM 5:30 AM – 5:00 PM IN THE DOWNTOWN AREA TO CLOSE 6<sup>TH</sup> STREET BETWEEN K STREET TO H STREET, J STREET BETWEEN 5<sup>TH</sup> AND 6<sup>TH</sup> STREET, WITH THE STREETS AT 7<sup>TH</sup> & K, 7<sup>TH</sup> AND J STREET, 7<sup>TH</sup> AND I STREET, 5<sup>TH</sup> AND J STREET, AND 5<sup>TH</sup> STREET AND I STREET BLOCKED OFF TO VEHICLE TRAFFIC AND TO ALLOW VENDORS TO BE SET UP IN THE CENTER OF EACH STREET.**

Motion by Silveira, seconded by Lewis to approve Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 18, 2015 from 5:30 AM – 5:00 PM in the Downtown Area to Close 6<sup>th</sup> Street between K Street to H Street, J Street between 5<sup>th</sup> and 6<sup>th</sup> Street, with the Streets at 7<sup>th</sup> & K, 7<sup>th</sup> and J Street, 7<sup>th</sup> and I Street, 5<sup>th</sup> and J Street, and 5<sup>th</sup> Street and I Street Blocked off to Vehicle Traffic and to Allow Vendors to be Set Up in the Center of Each Street be removed from the consent agenda and be considered separately. The motion carried by the affirmative action of all City Council Members present, Faria abstaining.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENT TO THE DEVELOPMENT AGREEMENT RELATIVE TO THE VILLAGES AT STONECREEK IIA & III, GENERALLY LOCATED IN THE SOUTHWEST QUADRANT OF THE CITY OF LOS BANOS, WEST OF BADGER**

**FLAT ROAD, NORTH OF PIONEER ROAD, AND SOUTH OF THE WAL-MART SHOPPING CENTER; ORDINANCE NO. 1127 – APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT RELATIVE TO THE DEVELOPMENT KNOWN AS “VILLAGES AT STONECREEK IIA AND III”, MAKING CERTAIN FINDINGS RELATED THERETO, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT ON BEHALF OF THE CITY (SECOND READING & ADOPTION)**

Assistant Planner II Elms recused herself from this item. City Attorney Vaughn presented the staff report.

Mayor Villalta stated that when this property was annexed into the City in 2005 the agreement states that when the houses are built the impact fees will be paid at the current rate.

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

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1127 – Approving First Amendment to Development Agreement Relative to the Development known as “Villages at Stonecreek IIA and III”, Making Certain Findings Related Thereto, and Authorizing the Mayor to Execute Said Amendment on Behalf of the City. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1127 – Approving First Amendment to Development Agreement Relative to the Development known as “Villages at Stonecreek IIA and III”, Making Certain Findings Related Thereto, and Authorizing the Mayor to Execute Said Amendment on Behalf of the City. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Mayor Villalta; NOES: None; ABSENT: None.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND TO DISCUSS THE SUBMITTAL OF AN APPLICATION IN RESPONSE TO THE 2015 STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NOTICE OF FUNDING AVAILABILITY (NOFA), CITY COUNCIL RESOLUTION NO. 5650 – APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2015 ALLOCATION OF THE STATE CDBG PROGRAM.**

Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation, and read the public hearing notice.

City Manager Carrigan thanked Stacy Elms and Sandra Benetti in the Community & Economic Development Department for all their work on this project and noted that they will be revisiting this project again next year.

There was Council Member and staff discussion regarding the dollar cap.

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

Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 5650 – Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments thereto from the 2015 Allocation of the State CDBG Program. The motion carried by the affirmative action of all City Council Members present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND TO CONSIDER GENERAL PLAN AMENDMENT #2015-01, ZONE CHANGE #2015-01, AND TENTATIVE PARCEL MAP #2015-01 FOR HABITAT FOR HUMANITY WESTSIDE MERCED COUNTY, INC. FOR THE REZONE OF THREE (3) PARCELS CURRENTLY ZONED LOW DENSITY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2) WITH A REMAINDER 3,300 SQUARE FOOT PARCEL TO HIGHWAY COMMERCIAL (H-C), FOR THE PROJECT SITE LOCATED AT 537, 543 AND 547 M STREET, ASSESSOR’S PARCEL NUMBERS 026-044-012, 013 AND 014; CITY COUNCIL RESOLUTION NO. 5651 – APPROVING GENERAL PLAN AMENDMENT #2015-01 FOR PROPERTY LOCATED AT 537, 543 AND 547 M STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS 026-044-012, 013, AND 014; ORDINANCE NO. 1128 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED AT 537, 543 AND 547 M STREET FROM LOW DENSITY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2) AND A REMAINDER 3,300 SQUARE FOOT PARCEL TO HIGHWAY COMMERCIAL (H-C) (FIRST READING & INTRODUCTION)** Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation.

NED RYAN, Habitat for Humanity, came forward to speak in support of the project and commended Ms. Elms for her staff report.

There was Council Member and staff discussion as to if a portion was going to be zoned as highway commercial for which Mr. Ryan stated that it will remain with the current owner and use.

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

Motion by Silveira, seconded by Lewis the intent to adopt City Council Resolution No. 5651 – Approving General Plan Amendment #2015-01 for Property Located at 537, 543 and 547 M Street, More Specifically Identified as Assessor’s Parcel Numbers 026-044-012, 013, and 014. The motion carried by the affirmative action of all City Council Members present.

Motion by Silveira, seconded by Lewis to waive the first reading of Ordinance No. 1128 – Amending the Official Zoning Map by Rezoning Property Located at 537, 543 and 547 M Street from Low Density Residential (R-1) to Medium Density Residential (R-2) and a Remainder 3,300 Square Foot Parcel to Highway Commercial (H-C). The motion carried by the affirmative action of all City Council Members present.

Motion by Silveira, seconded by Lewis to introduce Ordinance No. 1128 – Amending the Official Zoning Map by Rezoning Property Located at 537, 543 and 547 M Street from Low Density Residential (R-1) to Medium Density Residential (R-2) and a Remainder 3,300 Square Foot Parcel to Highway Commercial (H-C). The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Mayor Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5652 – APPROVAL OF NOISE VARIANCE PERMIT #2015-01 TO ALLOW CONSTRUCTION ASSOCIATED WITH THE LOS BANOS COURTHOUSE TO COMMENCE WORK AT 5:30 AM, MONDAY THRU SATURDAY, AT THE LOCATION OF 1159 G STREET, ASSESSOR’S PARCEL NUMBER 026-161-007.** Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation.

VICTOR SWINTERON, Swinterton Builders, stated that he is only requesting the sound barrier at this time.

There was Council Member and staff discussion regarding if they are not required to put up a sound barrier without the earlier start time; if the sound barriers are needed on the east side of the project, what materials WalMart used for their project, what is the comparison to WalMart, what pile driving meant, concerns with disturbing residents’ sleep beyond what is allowed, how did it come up to add the eastern sound barrier, truck traffic all day on Mercey Springs Road currently especially during tomato season, how quickly the sound barriers could be put up, addressing complaints when we get them, first concern being for the residents and their welfare, safety and health, and that there is a lot of redundancy but not wanting to go against the Planning Commission recommendation.

Motion by Silveira, seconded Stonegrove to adopt City Council Resolution No. 5652 - Approval of Noise Variance Permit #2015-01 to Allow Construction Associated with the Los Banos Courthouse to Commence Work at 5:30 AM, Monday Thru Saturday, at the Location of 1159 G Street, APN 026-161-007 with the change to Condition #12 of Exhibit C that includes language that states under direction of the Community & Economic Development Director a minimum 8-foot high temporary noise attenuation barrier shall be placed along the length of the northern and eastern edge of construction activities for the duration of the construction. The motion carried by the affirmative action of all City Council Members present.

**CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5653 – DESIGNATING THE CITY OF LOS BANOS FIRE STATIONS AS SAFE SURRENDER BABY SITES.** Fire Chief Marrison presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding that no one will be turned away, how if we ever build a new fire station this would apply to all and new fire facilities, after the seventy-two (72) hours do we have a way to help those that still need help, and after the fourteen (14) days they would go to social services/welfare.

Motion by Stonegrove, seconded by Silveira to adopt City Council Resolution No. 5653 – Designating the City of Los Banos Fire Stations as Safe Surrender Baby Sites. The motion carried by the affirmative action of all City Council Members present.

**ADVISEMENT OF PUBLIC NOTICES. (TWO REPORTS)** Assistant Planner II Elms stated that there will be two (2) public hearings at the April 8, 2015 Planning Commission Meeting to consider: a Conditional Use Permit to allow the operation of a Home Occupation Business License with employees for Herman Laulea, dba: Laulea Family Care, located at 2349 S. Fallbrook Drive, APN 084-293-008 and make a recommendation to the Los Banos City Council to adopt a new update to the Special Events located in Title 9, Chapter 3, Article 38 of the Los Banos Municipal Code.

**CITY MANAGER REPORT.** City Manager Carrigan thanked Mr. Delacruz and his students for attending the meeting tonight and spoke to what it means to work in City government and encouraged them to consider City government as a career.

Mayor Villalta stated that maybe we need to bring back City Council mock Council Meetings with students.

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

**ELIZABETH STONEGROVE:** Thanked Allied Waste for hosting cleanup day.

**TOM FARIA:** Reminded all about the April 18, 2015 Street Faire and Open House for Habitat for Humanity, wished all a happy Easter and a wonderful spring break.

**DEBORAH LEWIS:** Stated that she had the opportunity to work on a Habitat for Humanity project and it was a very worthwhile project/program, she was at the recent Ribbon Cutting event for Sandoval Bail Bonds Men where she found out that they are starting a girls soccer team and encouraged those interested to contact them, for the students here at tonight's meeting she saw faces light up when talked about sitting with Council Members and spoke to what it means to be a Council Member and being part of a legislative body.

**SCOTT SILVEIRA:** Reminded all that May Day Fair is right around the corner, April 29, 2015 – May 3, 2015, with early tickets going on sale soon and spoke regarding the events going on during the fair; announced that June 8, 2015 is the 4<sup>th</sup> Annual Donate for Debbie Blood Drive and he has a Council Member Request in regards to the drought situation not going away and would like to have staff expend some time on looking into ordinance changes that include drought tolerate landscaping options, we need to conserve water and do whatever we can to reduce water usage, and wished all a happy Easter.

**MAYOR MICHAEL VILLALTA:** Stated that a resident came to him about how they are fixing up homes that are eyesores and suggested that we give out some awards for those that do this and he has decided that he will be giving out certificates of appreciation with the first ones to be presented on April 15, 2015; thanked Eric Limon

and Allied Waste for the recent Clean Up Day, he spoke regarding the Billy Wright Waste Site and how the Director of MCAG is coming on May 6, 2015 to give us a report on a wellness of our landfills and the economic viability and the future of the site; reminded all about the Street Fair on April 18, 2015, the Open House for Habitat for Humanity, and the Women's Builders Day on May 8-9, 2015.

**CLOSED SESSION – 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, 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), AND UNREPRESENTED MISCELLANEOUS EMPLOYEES.** No reportable action.

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

**ADJOURNMENT.** The meeting was adjourned at the hour of 9:47 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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