

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
MARCH 2, 2016**

***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 7:00 PM.

**PLEDGE OF ALLEGIANCE:** Acting Police Chief Reyna led the pledge of allegiance.

**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 Clerk/Human Resources Director Mallonee, Interim City Manager Brizzee, Acting Police Chief, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Senior Planner Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Silveira, seconded by Stonegrove to approve the City Council Meeting 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; 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.** VONDEL McKENZIE spoke regarding the play that is sponsored by the NAACP, “7 Women, 7 Stools” and the Los Banos Arts Council on March 19, 2016 at 7 pm; DAVID GARCIA, Merced, spoke regarding the Merced County Area Transit and how he feels that the Transit Manager needs to be replaced, noting his concerns as it pertains to maintaining and caring for the buses correctly, drivers are not being correctly certified, and how MCAG has fired him already. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Silveira, seconded by Lewis to approve the consent agenda as follows: Check Register for #158018 – #158205 in the Amount of \$461,914.45. The motion carried by the affirmative action of all City Council Member present.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A GENERAL PLAN AMENDMENT #2016-01, ZONE CHANGE #2016-01, AND AMENDMENT OF THE STONECREEK SOUTH AREA PLAN FOR SPRIG HAVEN FARMS LLC FOR THE AMENDMENT OF THE GENERAL PLAN DESIGNATIONS OF APPROXIMATELY 21 ACRES CURRENTLY DESIGNATED AS NEIGHBORHOOD COMMERCIAL, PARK, AND MEDIUM DENSITY INTO COMMERCIAL, AND REZONE THE SAME PROPERTY FROM NEIGHBORHOOD COMMERCIAL (CN) TO HIGHWAY COMMERCIAL LOCATED ON WEST PACHECO BOULEVARD AND WEST OF BADGER FLAT ROAD, ASSESSOR’S PARCEL NUMBERS 430-010-004, 005 AND 430-010-040; CITY COUNCIL RESOLUTION NO. 5730 – APPROVING GENERAL PLAN AMENDMENT #2016-01 AND STONECREEK AREA PLAN AMENDMENT FOR PROPERTIES IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 430-010-004, 005 AND 040; ORDINANCE NO. 1143 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED AT ON ASSESSOR’S PARCEL NUMBERS: 430-010-004, 005 AND 040 FROM NEIGHBORHOOD COMMERCIAL (C-N) TO HIGHWAY COMMERCIAL (H-C) (FIRST READING & INTRODUCTION).** Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. PEPPER SNYDER stated that he has a building in Gilroy that he has outgrown and since he has lived in Los Banos for quite some time this would be his first choice to move his business to, it would bring 40 jobs to Los Banos. No one else came forward to speak.

There was Council Member discussion regarding future expansion of the location in the future, if needed.

Motion by Faria, seconded by Silveira to state a motion of intent to adopt City Council Resolution No. 5730 – Approving General Plan Amendment #2016-01 and Stonecreek Area Plan Amendment for Properties Identified as Assessor’s Parcel Numbers: 430-010-004, 005 and 040. The motion carried by the affirmative action of all City Council Member present.

Motion by Faria, seconded by Silveira to waive the first reading of Ordinance No. 1143 – Amending the Official Zoning Map by Rezoning Property Located at Assessor’s Parcel Numbers: 430-010-004, 005 and 040 from Neighborhood Commercial (C-N) to Highway Commercial (H-C). The motion carried by the affirmative action of all City Council Members present.

Motion by Faria, seconded by Silveira to introduce Ordinance No. 1143 – Amending the Official Zoning Map by Rezoning Property Located at Assessor’s Parcel Numbers: 430-010-004, 005 and 040 from Neighborhood Commercial (C-N) to Highway Commercial (H-C). 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 A PROPOSED GENERAL PLAN AMENDMENT THAT WOULD UPDATE THE HOUSING ELEMENT OF THE LOS BANOS GENERAL PLAN PURSUANT TO STATE LAW.** Senior Planner Elms presented the staff report and introduced David Niskanen, Associate Planner with J.B. Land Use Planning, who spoke in greater detail which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the recent homeless count done by Merced County which is different than the numbers stated in the draft document and how the document could be updated prior to submittal or before it is adopted; and Mr. Niskanen's opinion of the previous Housing Element which was very good.

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

Motion by , seconded by authorize staff to submit the Draft 2014-2023 Housing Element to the California Department of Housing and Community Development (HCD) for a Mandated Sixty (60) Day Review Period and to release the Draft 2014-2023 Housing Element for public review. 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 COUNCIL MEMBER SILVEIRA – TO CONSIDER ALTERNATIVE MEANS TO MEASURE CITIZEN SUPPORT FOR THE LOS BANOS BYPASS.** Council Member Silveira stated that this has been an issue that he has talked about a few times before, he would like to see what the City Council feels about this and also wants to know if the public wants a bypass or not, staff spends a lot of time discussing this bypass topic, about 60% of the people he talks to wants a bypass, maybe send out a ballot and have the public say yes or no, or could we have a survey done to judge what the public is feeling by asking questions, stressing that what he is looking for clear direction from his constituents.

There was Council Member discussion regarding what he is asking for staff to bring back, what methodology would be used, not supporting this if it would mean to spend a ton of money on this, putting something on a ballot or having someone come in could cost \$20,000-\$30,000 and what would the results change what we do, how it would give us clear direction on how we need to proceed, how some of us say we want a bypass but our actions say different, not having all the answers on what it would cost or entail but if it comes back that it is super expensive then it wouldn't be an option. Council Member Silveira stated for the record that he is in support of the bypass, there is too much traffic.

Mayor Villalta stated that there is a memo from Marje Kern from MCAG regarding the list of the projects that have been deleted from CTC in the amount of \$800,000 and the

\$40,000 study that was done. Council Member Lewis stated that this whole thing may be a mute point because MCAG will be coming to cities asking for support for a new tax to support regional transportation projects and how a forum like that would be a better place for that to happen.

Motion by Silveira, seconded by Stonegrove to have staff come back with options to measure citizen support for the Los Banos Bypass. The motion failed: Faria, Lewis and Villalta voting No.

**ADVISEMENT OF PUBLIC NOTICES (One Report)**. Senior Planner Elms stated that there will be a public hearing held at the March 9, 2016 Planning Commission Meeting to consider a Conditional Use Permit to allow the operation of a fitness facility in the General Industrial zoning district (I) at 115 W. G Street, Suite B, APN 081-110-037.

**CITY MANAGER REPORT.** Interim City Manager Brizzee asked Public Works Director/City Engineer Fachin to report on the February water reduction numbers, for which he did and also spoke to what the forecast looks like for the rest of the year.

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

**ELIZABETH STONEGROVE:** Reminded all about the upcoming Arbor Day event and breakfast.

**TOM FARIA:** Spoke regarding the beautiful report on our schools the other day, nice to see the administrators and teachers working very hard, reminded everyone about the play 7 Women, 7 Stools at the Los Banos Arts Center.

**DEBORAH LEWIS:** Reminder that Habitat for Humanity's Women Build Kick-off Day at Espana's on March 8, 2016.

**SCOTT SILVEIRA:** Stated that he read an article in the Merced Sun Star regarding the proposed ½% sales tax and that the Mayor of Los Banos was at a Livingston City council meeting asking for them to not support the idea, how he does not feel that it is being fair to the rest of the City Council because we have not voted on this as a Council, and would ask that in the future to not represent yourself as the City of Los Banos without us not being able to vote on it yet.

**MIKE VILLALTA:** Stated that he went there as Mike Villalta not as the City of Los Banos and stated that he is not supporting the proposed ½% sales tax.

Council Member Silveira stated that with a little bit of work and wanting to work with MCAG and giving a little to get a little, at the end of the day if Los Banos gets nothing if the sales tax measure does not pass, how not only Los Banos but the City's of Dos Palos and Gustine could really benefit from the tax measure.

Mayor Villalta stated that you too agreed that the language was inferior and explained how the MCAG board could have amended the language to benefit not just Los Banos but the whole west side of the County.

Villalta spoke regarding the tour he gave to the Green Valley School of City Hall and the Police Station, how he went to Miano Elementary School and read to Ms. Cintora's class. If you have a function that you would like City Council Members to attend, please let us know. He asked Fire Chief Marrison to speak briefly about having maintain weeds and to remind all to disc your lots to the point that it will not be a fire hazard, for which Fire Chief Marrison spoke in more detail to the letters that will be going out regarding abating property. Mayor Villalta stressed that if your residential property is not maintained, you will get a notice too, urging citizens to please maintain your properties.

**CLOSED SESSION – PUBLIC EMPLOYMENT, CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957.** They will not be going into closed session, so there will be nothing to report.

**ADJOURNMENT.** The meeting was adjourned at 8:15 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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