

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
MARCH 18, 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 7:01 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, Assistant City Clerk/Human Resources Technician Sousa, 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 Faria 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.)** JERRY KNUSTER, Los Banos Chamber of Commerce, spoke regarding a seminar on hydraulic fracking held yesterday which was well presented and well attended, a women's safety in the workplace seminar will be held tomorrow at Espana's Restaurant and is free to the public, the Chamber will sponsor a labor law seminar at Espana's Restaurant on May 14<sup>th</sup>, currently working on two workshops – Customer Service and Online Marketing Skills although no dates have been set as of yet, hosting a ribbon cutting on March 26<sup>th</sup> at 10:00 a.m. for Sandoval Bailbonds located at 560 J Street and a ribbon cutting at Los Banos Steak House on April 2<sup>nd</sup> at 1:00 p.m., the Chamber mixer will be held at Office City at 5:30 p.m., Los Banos D.E.S. Hall drive-thru fish dinner being held March 20<sup>th</sup>, Los Banos Rotary Crab Feed on March 27<sup>th</sup>, the Downtown Spring Street Fair will be held April 18<sup>th</sup>, the Merced County Board of Supervisors is holding an annual call for nominations through their volunteer recognition program and nomination forms

may be picked up at the Chamber office or on the Chamber's website, spoke about a raffle wreath called Luck of the Irish and the winner of the wreath will receive the contents of the wreath which is \$40.00 worth of lotto tickets; ERIK LIMON, Allied Waste, reminded all about the City's Spring Clean-up event being held on March 28<sup>th</sup>, tires will be collected with no more than 9 per customer allowed, resident's may place 2 gallons of oil at their curb on the regular pickup day that week; No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Faria, seconded by Silveira to approve the consent agenda as amended: Check Register for #152104 – #152342 in the Amount of \$737,330.39; City Council Resolution No. 5645 – Authorizing Entering into a First Amendment to Lease Agreement between the City of Los Banos and Ferrara Ranches, Ltd., for the Purpose of Leasing Pasture Land Located at the City of Los Banos Wastewater Treatment Plant, 17963 West Henry Miller Road. The motion carried by the affirmative action of all City Council Members present.

**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.** Stacy Elms, Assistant Planner II, stated that she lives within 500ft of the project and would need to recuse herself from presenting the item. City Attorney Vaughn presented the staff report.

Mayor Villalta opened the public hearing.

Bruce Meyers, representing the applicant, stated he is available for any questions; BOB REISTER, Los Banos, happy to see this is happening, are they extending for 5 years or will they start building right away, concerned about dust control and would like to make sure the City has some sort of dust control plan in place during the building. City Attorney Vaughn stated the City is just extending the agreement at this time, there are no plans to move forward with building at this time, not sure what dust control measures are in place. Public Works Director/City Engineer Mark Fachin stated the major dust problem seen in the past should not occur because there are streets in place and building will occur lot by lot.

Mayor Villalta closed the public hearing.

Council Member Silveira inquired as to when looking at the map everything to the south and east of Church Street would fall under the new guidelines and anything north and west of Church Street would remain under the current guidelines. City Attorney Vaughn confirmed that is the case.

Council Member Stonegrove inquired as to if Council would have an opportunity to talk about landscape and lighting districts in the other areas. City Attorney Vaughn stated that to the east is Villages IV and staff will be asking for the same extension soon so yes, there will be an opportunity.

Motion by Silveira, seconded by Faria to waive the first 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 of Behalf of the City. The motion carried by the affirmative action of all City Council Members present.

Motion by Silveira, seconded by Faria to introduce 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 of Behalf of the City. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

Motion by Silveria, seconded by Faria, to continue the public hearing to April 1, 2015. The motion carried by the affirmative action of all City Council Members present.

**CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5646 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH J.B. ANDERSON LAND USE PLANNING FOR PREPARATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE DOCUMENTS FOR THE PRESIDENTIAL ESTATES EAST PROJECT (APPROXIMATELY 111 ACRES LOCATED NORTH OF PIONEER ROAD, EAST OF MERCY SPRINGS ROAD, SOUTH OF PIONEER ROAD AND WEST OF ELEVENTH STREET) AND A REIMBURSEMENT AGREEMENT WITH STONEFIELD COMMUNITIES, INC. AND AMENDING THE 2014 – 2015 BUDGET.** Assistant Planner II Elms presented the staff report.

Motion by Faria, seconded by Silveira to approve City Council Resolution No. 5646 – Authorizing the City Manager to Execute a Professional Service Agreement with J.B. Anderson Land Use Planning For Preparation of California Environmental Quality Act (CEQA) Compliance Documents for the Presidential Estates East Project (Approximately 111 Acres Located North of Pioneer Road, East of Mercey Springs Road, South of Pioneer Road and West of Eleventh Street) and a Reimbursement Agreement with Stonefield Communities, Inc. and Amending the 2014 – 2015 Budget. The motion carried by the affirmative action of all City Council Members present.

**REPORT ON THE 4<sup>TH</sup> OF JULY FIREWORKS EVENT.** City Manager Carrigan presented the staff report, noting the total cost to run the event would be approximately \$75,000 and would come from the City’s General Fund, the City is healthy not wealthy, spoke about how he struggles with putting on an event versus moving another Measure K employee into the General Fund, the City is not in a position to host a 4<sup>th</sup> of July Fireworks event and he does not have a recommendation at this time.

Council Member Faria gave a brief history of the fireworks in Los Banos and suggested an exploratory committee be formed to try and fund the event, this is the Birthday of the United States and how it is so important.

Council Member Stonegrove stated she does not believe this is the City's responsibility, the City has bigger issues such as moving Measure K employees back into the General Fund, believes any donations and sponsoring of the event should come from private groups.

Council Member Silveira stated he agrees it is the United State's most important birthday, but the Chamber wasn't able to keep up the event because it was a financial struggle and he is concerned the City would be in the same situation, agrees with Council Member Stonegrove and if there is a group that wants to take this project on they should contact the City Manager or one of the Council Members.

Mayor Villalta stated the City can't afford to dedicate those type of funds to this event, how the Chamber carried on this event for 17 years and gave it a good run, all those years the Chamber had in donations and dedication is exemplary, suggested that interested parties contact the City Manager to discuss the issue of raising funds for the event, he will help facilitate in any way but the City is unable to provide City funds for this event.

Council Member Lewis stated she agrees with Council Member Stonegrove that the City has obligations it needs to take care of and has a responsibility to take care of those obligations, this has always been a big event in our town, how she feels really positive that there will be enough community effort and maybe it won't happen this year but it could happen next year.

Council Member Stonegrove stated if there is a donor that wants to come forward and put on the event on its fine with her but the City should not be involved.

Council Member Faria stated that whoever puts on the event will be a financial loser; however, he will be extremely disappointed, saddened and disheartened if a town of 37,000 people could not move forward to put on a 4<sup>th</sup> of July event that is so important to the community.

Fire Chief Marrison stated it's important to note that there is still plenty of opportunity for the public to celebrate the 4<sup>th</sup> of July at home and there are still non-profit firework booths that will sell fireworks, this is a separate issue.

**APPOINTMENT OF COMMISSION MEMBER TO THE PARKS & RECREATION COMMISSION – ONE (1) VACANCY, EXPIRING DECEMBER 31, 2015.** Mayor Villalta recommended Erik Limon to fill the vacancy.

Motion by Villalta, seconded by Faria to appoint Erik Limon to the Parks & Recreation Commission with a term expiring December 31, 2015. The motion carried by the affirmative action of all City Council Members present.

**COMMUNITY AND ECONOMIC DEVELOPMENT PRESENTATION.** Assistant Planner II Elms presented the report.

There were Council Member comments regarding the recent clean-up and control of shopping carts.

No action necessary; informational report only.

**ADVISEMENT OF PUBLIC NOTICES. (THREE REPORTS)** Assistant Planner II Elms state there will be three (3) public hearings at the March 25, 2015 Planning Commission Meeting: Consideration of a Conditional Use Permit to allow the operation of a Large Family Day Care facility for Veronica's Family Child Care operated by Veronica Lopez; consideration of Site Plan Review #2014-01 for 99cent Only Store; and Villages at Stonecreek IV Development Agreement Extension.

**CITY MANAGER REPORT.** Thanked Mark Fachin, Chief Marrison and Chief Brizzee for the tour of their facilities with the Planning Commission, the Commission really appreciated the tour and he received great feedback from Commission Members; Council Member Stonegrove we hope to see you on April 1<sup>st</sup>.

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

**SCOTT SILVEIRA:** Stated he visits the California Dairies store quite often and how they know the Courthouse is coming so they are putting a facelift on their building and are welcoming their soon-to-be neighbor; Fair time is coming up and this year's theme is "A Timeless Tradition", starting April 1<sup>st</sup> the public can purchase discount tickets at the Fair office; this past 2-3 weeks there have been a lot of untimely deaths in Los Banos and how it reminds him to tell people you love them; be safe out there.

**ELIZABETH STONEGROVE:** Reminded all about the Spring Clean-up Day on Saturday at the Fairgrounds.

**TOM FARIA:** Spoke about how Rashondra Roper was instrumental in the Choir in High School, we are going to miss her very much, peace to the family; the new Junior High is coming; the downtown banner looks good; still working on the mural project; Wal-mart solar power; how we'll have a first-class Courthouse in Los Banos.

**DEBORAH LEWIS:** Congratulated Erik Limon on his appointment to the Parks & Recreation Commission; had an opportunity to serve at Pacheco High School for their portfolio day and was really surprised at how well the young students did during their interviews, they carried themselves in a way that she would be proud to hire them if she were in the business community, thanked Pacheco High for inviting her.

**MAYOR MICHAEL VILLALTA:** Asked when the watering days are and Mark Fachin stated Saturday and Tuesday are even and Wednesday and Sunday are odd between the hours of 7:00 p.m. to 11:00 a.m.; women's safety in the workplace luncheon; the Rotary Crab Feed; thanks to Mark Fachin's crew the Plaza will have a ring of American Flags 8 days a year and will look really sharp; the downtown banner looks wonderful; compliments to the Public Works crew for resetting the pavers.

**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 action taken; advisement to staff only.

**ADJOURNMENT.** The meeting was adjourned at the hour of 9:05 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

/s/ Jana R. Sousa  
Jana R. Sousa, Assistant City Clerk