

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
APRIL 15, 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 7:00 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, Mayor Michael Villalta; Absent: Elizabeth Stonegrove

**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.)** DAVID SILVA, Los Banos, spoke regarding problem solving and his concerns with the water issues, cutting water usage, water wells, water tables, how long the drought will last and how water is our most valuable asset; ERIK LIMON, Los Banos resident and representing Republic Services/Allied Waste Management, spoke regarding how garbage clean up is very important and reported on the tons turned in and spoke regarding when residents may leave the garbage cans out for pickup and how they cannot stay at the curbside, replacing stone garbage cans, Household Hazardous Waste Disposal event being held at the Highway 59 Landfill and encourage residents to go out to the fair and see how hard the kids works to get their animals/projects ready for the fair; ASHLEY WILLIAMS, Los Banos resident and Habitat for Humanity representative, spoke regarding the home dedication/celebration at 537 M Street and invited all to attend; BERTHA FARIA, Los Banos Chamber of Commerce and resident, spoke regarding the upcoming Chamber

events: ribbon cuttings for new businesses, Annual Downtown Street Faire on April 18, 2015, Social Media Marketing Seminar on April 20, 2015; FRANCES GARCIA JR, Los Banos, spoke regarding how they were celebrating their 15<sup>th</sup> Anniversary with a parade and the 24 hour prayer chain focusing on reducing crime in Los Banos, how they were happy to hear the Police Chief state that crime has gone down and that the Police Department for their dedicated service, thanked the Los Banos Fire Department for their dedicated service also. No one else came forward to speak and the public forum was closed.

## **PRESENTATIONS**

**PRESENTATION BY THE HERITAGE FOUNDATION REGARDING THE MERCED COUNTY SPRING FAIR.** Council Member Silveira spoke regarding how the Heritage Foundation was created. Corrie Falaschi, Hannah Young, Isabella Alberti, Paige Menezes, Payton Brazil, Andrea Pineda, Lea Palazzo who each spoke in greater detail as to the history and what the May Day Fair means to them and the community.

**PROCLAMATION RECOGNIZING VOLUNTEER WEEK.** Mayor Villalta presented the proclamation to the Los Banos Police Department VITAL Volunteers present and spoke regarding the number of hours they have donated and how the City cannot get along without them. He encouraged all those interested in volunteering to contact the Los Banos Police Department for additional information.

**PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS “CALL BEFORE YOU DIG” MONTH.** Mayor Villalta presented the proclamation to Anna Ballati Brooks, Public Relations Officer with P G & E, who spoke in greater detail to what “call before you dig” means.

**CERTIFICATES OF APPRECIATION FOR JIM TORRE, KIM BORGES AND BRYAN BORGES FOR THEIR HOME BEAUTIFICATION PROJECT.** Mayor Villalta presented the certificates for their work done on their home at 4<sup>th</sup> & J Streets, which happened to be a home that Council Member Faria lived in many many years ago and spoke in more detail to the home’s history.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Silveira, seconded by Faria to approve the consent agenda as submitted: Check Register for #152586 – #152826 in the Amount of \$1,154,632.93 and Acceptance of the Third Quarter Investment Report for 2014/2015. The motion carried by the affirmative action of all City Council Members present, Stonegrove absent.

**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) (SECOND READING & ADOPTION)** Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation.

NED RYAN, Habitat for Humanity, spoke regarding the 543 and 547 M Street discrepancy.

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

Motion by Silveira, seconded by Faria 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, Stonegrove absent.

Motion by Silveira, seconded by Faria to waive the second 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, Stonegrove absent.

Motion by Silveira, seconded by Faria to adopt 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, Mayor Villalta; NOES: None; ABSENT: Stonegrove.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDER EXTENDING THE DEVELOPMENT AGREEMENT FOR THE VILLAGES AT STONECREEK IV SUBDIVISION; ORDINANCE NO. 1129 – APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT RELATIVE TO THE DEVELOPMENT KNOWN AS “VILLAGES AT STONECREEK IV”, MAKING CERTAIN FINDINGS RELATED THERETO, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT ON BEHALF OF THE CITY (FIRST READING &**

**INTRODUCTION).** Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding how the City is doing really well with parks, how Stonecreek built the big park on Ortigalita and would like to see the additional parks done away with and homes be built on the land instead.

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

Motion by Silveira, seconded by Faria to approve a motion of intent to adopt to approve the First Amendment to Development Agreement Relative to the Development Known as Villages at Stonecreek IV. The motion carried by the affirmative action of all City Council Members present, Stonegrove absent.

Motion by Silveira, seconded by Faria to waive the first reading of Ordinance No. 1129 – Approving First Amendment to Development Agreement Relative to the Development Known as “Villages at Stonecreek IV”, 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, Stonegrove absent.

Motion by Faria, seconded by Lewis to waive Ordinance No. 1129 – Approving First Amendment to Development Agreement Relative to the Development Known as “Villages at Stonecreek IV”, 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, Mayor Villalta; NOES: None; ABSENT: Stonegrove.

**MERCED COUNTY ECONOMIC DEVELOPMENT PRESENTATION.** Assistant Planner II Elms introduced Mark Hendrickson, Merced County Community and Economic Development Director and Robert Lung, Deputy Director of Economic Development who spoke in great detail the economic development being done in Merced County, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding where jobs were added and if a breakdown is available, hearing that the big push is in the dot.com and high tech industry, how people are going to tech schools instead of college, how we need to move towards technology and put buildings on the ground to be ready to put companies in, getting Merced College involved, when pitch packets are sent out and if they are hard copies or by email, how new businesses benefit the whole area, how we want to complement each other, and to make sure the jobs come to Merced County, the proposed business park in Los Banos will benefit not just Los Banos but the whole area.

No action taken, informational item only.

**POLICE DEPARTMENT UPDATE AND PRESENTATION OF 2014 CRIME STATISTICS.** Police Chief Brizzee presented the Police Department Update, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding Neighborhood Watch programs and how it is a great equalizer, how police volunteers and animal shelter volunteers help tremendously, code enforcement numbers are up, as are call for services, complimented Code Enforcement Office Jason Martin on the excellent job he is doing and if there was a need another animal control officer in the City of Los Banos.

No action taken, informational item only.

**ADVISEMENT OF PUBLIC NOTICES. (ONE REPORT)** Assistant Planner II Elms stated that there will be a public hearing at the April 22, 2015 Planning Commission Meeting to consider and make a recommendation to the Los Banos City Council to adopt a proposed ordinance to regulate and create a process for Farmer's Markets in the City of Los Banos.

**CITY MANAGER REPORT.** Thanked the Public Works Department and Foreman Butch Terranova for allowing him to shadow him during the water shut off process, spoke regarding water conservation and how it will be a group effort and asked Public Works Director/City Engineer Fachin to speak in more detail to the water conservation requirements set forth by the State and the 35% reduction for which he did.

There was Council Member and staff discussion regarding the fines that will be assessed for those abusing the water conservation guidelines and the enforcement efforts being undertaken by the Public Works Department.

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

**TOM FARIA:** Spoke regarding the prayer chain, reminded all about the upcoming Street Fair being held on April 18, 2015, the Los Banos High School Choir Concert next week at St. Joseph's Church, the new ice cream shop in town, Surf's Up, which is very good, have a great week and a great May Day Fair.

**DEBORAH LEWIS:** Nothing to report

**SCOTT SILVEIRA:** Thank you for Francisco and Erik for staying through the whole Council Meeting and hearing the important comments regarding water conservation, hopes the fines are enough and will make citizens more aware, reminded all about the May Day Fair coming up April 29 – May 3, 2015 and the Blood Drive "Donate for Debbie" on June 8, 2015.

**ELIZABETH STONEGROVE:** Absent

**MAYOR MICHAEL VILLALTA:** Reminded all about the Street Fair and Rotary Breakfast being held on April 18, 2015, spoke regarding the reduction in town of

runaway shopping carts and how he was at a CALCOG conference and “phone apps” are becoming popular for all types of issues - like reporting a shopping carts or garbage cans.

**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 10:32 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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