

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 5, 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 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

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

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

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. ERIK LIMON, Republic Services, spoke regarding an award program that was established three years ago to encourage Los Banos commercial customers to recycle based on the State's legislative bill AB-341 (requiring customers that have 4 cubic yards of trash to have some form of recycling practices), Republic Services awards the best recyclers every six months and recognizes them in front of the Los Banos City Council and the Los Banos Unified School District Board of Education and then a check in the amount of \$500 is then provided to the Los Banos Unified School District in the name of that business, Limon announced the winner as Kathy Ballard owner of Baskin Robbins in Los Banos, Ms. Ballard was not present to receive the certificate; BERTHA FARIA, Los Banos Chamber of Commerce, spoke about how the Chamber welcomed new members including Paradise Tomato Kitchens, Lilly's Party Creations and RentPartyStuff.com and will welcome Surf's Up Frozen Yogurt and Ice Cream on August 11, 2015, there is still time to purchase tickets for the "Grapes, Hops & Shops

Wine and Beer Walk in Downtown” and designated driver tickets may also be purchased, the Chamber is busy gearing up for the Annual Fall Street Faire and is looking for vendors of all kinds, getting ready for the Los Banos Tomato Festival to be held on October 2, 2015, thinking ahead to the Christmas Parade on December 4, 2015 and looking for a theme for this year’s event, the winner of this year’s theme idea will have bragging rights. 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 F be removed from the consent agenda and discussed separately due to a conflict of interest.

Motion by Faria, seconded by Lewis to approve the consent agenda as follows: Check Register for #154077 – #154705 in the Amount of \$3,586,231.57; Acceptance of Fourth Quarter Investment Report for 2014/2015; Request from Stonecreek Properties for the Refund of 2014/2015 Special Tax Assessments Charged to Twenty-two (22) Parcels and to Reject Thirteen (13) Parcels; Minutes for the June 23, 2015 Special City Council Meeting; Minutes for the July 14, 2015 City Council Meeting; ~~Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Fall Street Faire on Saturday, September 19, 2015 from 5:30 a.m. – 3:00 p.m. in the Downtown Area and to Close 6th Street between H Street and K Street, J Street between 5th Street and 6th Street, and J Street between 6th Street and 7th Street;~~ City Council Resolution No. 5681 – Amending the Contingency for Henry Miller Storm Drain and L Street Water Line Project to Twenty Percent (20%) from Ten Percent (10%); City Council Resolution No. 5682 – Authorizing Award of Construction Contract for 13th Street Water Extension to JT2 Inc. dba Todd Companies in the amount of \$143,750; City Council Resolution No. 5683 – Awarding Professional Services Agreement to CSG Consulting, Inc. for Building Permit Processing, Building Inspections and Plan Check Services for a Period of Three (3) Years with Two (2) Additional One (1) Year Term Extensions Available at the Discretion of the City Council. The motion carried by the affirmative action of all City Council Members present, Stonegrove absent.

Motion by Silveira, seconded by Lewis to approve the Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Fall Street Faire on Saturday, September 19, 2015 from 5:30 a.m. – 3:00 p.m. in the Downtown Area and to Close 6th Street between H Street and K Street, J Street between 5th Street and 6th Street, and J Street between 6th Street and 7th Street. The motion carried by the affirmative action of all City Council Members present; Abstain: Faria; Absent: Stonegrove.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDER ADOPTION OF A NEW UPDATE TO THE MOBILE VENDOR ORDINANCE LOCATED IN TITLE 9, CHAPTER 3, ARTICLE 36 OF THE LOS BANOS MUNICIPAL CODE. Assistant Planner II Elms presented the staff report which included a PowerPoint.

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

Stonegrove arrived at 7:25 p.m.

Council Member Lewis spoke regarding her concern for vendor parking at Pacheco Park stating she feels parking should be at the most eastern parking lot, how the driveway only has so many exits and she wouldn't want to see a vendor to blocking an exit. Assistant Planner II Elms stated the current language regarding vendor parking is specific to the northern boundary and any changes would require the ordinance to be re-introduced. City Attorney Vaughn stated that no changes can be made to the ordinance after the ordinance has been introduced. Assistant Planner II Elms stated that since it is an admin permit that will be issued she can add a condition of approval to each permit issued to state that vendor parking shall be on the eastern side of Pacheco Park.

Council Member Lewis spoke about the inspections the City's fire department will be doing and wonders if the community and economic development department will be alerting the fire department if a vendor may have flammable material and/or poses a threat of any kind to the adjacent businesses. Assistant Planner II Elms stated she will alert the fire department of any hazards. Fire Chief Marrison stated that he and Assistant Planner II Elms have a good relationship as far as discussing safety concerns on projects.

Motion by Silveira, seconded by Stonegrove to waive the second reading of Ordinance No. 1130 – Amending Article 36 of Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Mobile Food Vending. The motion carried by the affirmative action of all City Council Members present.

Motion by Silveira, seconded by Stonegrove to adopt Ordinance No. 1130 – Amending Article 36 of Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Mobile Food Vending. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF LEVYING PROPERTIES FOR WEED ABATEMENT SERVICES PERFORMED DURING THE FISCAL YEAR 2014/2015 OR PRIOR FOR AREAS OF LAND LOCATED IN THE CITY OF LOS BANOS, MERCED COUNTY AS FOLLOWS: ASSESSOR PARCEL NUMBERS 025-101-006, 026-082-022, 027-086-009, 027-161-040, 027-211-001, 027-211-002, 027-211-003, 027-211-011, 430-051-067. Finance Director Williams presented the staff report.

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. 5684 – Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos. The motion carried by the affirmative action of all City Council Members present.

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 LOCATED AT 1313 E. PACHECO BOULEVARD, SUITE A, APN 026-280-013 (CHINA BUFFET). Assistant Planner II Elms presented the staff report which included a PowerPoint.

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

Motion by Faria, seconded by Silveira to adopt City Council Resolution No. 5685 – Approving Conditional Use Permit #2015-07 for the On-sale of Beer and Wine for China No. 1 Buffet Located at 1313 E. Pacheco Boulevard, Suite A. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A GENERAL PLAN AMENDMENT #2015-02 AND ZONE CHANGE #2015-02 FOR CAMNIC LLC FOR ONE (1) PARCEL CURRENTLY DESIGNATED MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL AND TO RE-ZONE THE SAME PROPERTY FROM LOW DENSITY RESIDENTIAL (R-1) TO NEIGHBORHOOD COMMERCIAL (C-N) FOR THE PROPERTY LOCATED AT 745 WEST J STREET, APN 027-094-005. Assistant Planner II Elms presented the staff report which included a PowerPoint.

Mayor Villalta inquired as to if a convenience store would be allowed to also have gas facilities located in this zoning district and Assistant Planner II Elms stated that type of use would be more appropriate in the highway commercial district, this zoning district is very light and is intended to serve the neighborhood.

Mayor Villalta opened the public hearing. MARK ERRECA, CAMNIC LLC, stated he was available to answer any questions. No one else came forward to speak and the public hearing was closed.

Motion by Faria, seconded by Silveira to adopt City Council Resolution No. 5686 – Approving General Plan Amendment #2015-02 for Property Located at 745 West J Street, More Specifically Identified as Assessor's Parcel Number 027-094-005. The motion carried by the affirmative action of all City Council Members present.

Motion by Faria, seconded by Silveira to waive the first reading of Ordinance No. 1132 – Amending the Official Zoning Map by Rezoning Property Located at 745 West J Street from Low Density Residential (R-1) to Neighborhood Commercial (C-N). The motion carried by the affirmative action of all City Council Members present.

Motion by Faria, seconded by Silveira to introduce Ordinance No. 1132 – Amending the Official Zoning Map by Rezoning Property Located at 745 West J Street from Low Density Residential (R-1) to Neighborhood Commercial (C-N). The motion carried by the affirmative action of all City Council Members present.

Motion by Faria, seconded by Silveira to continue the public hearing to August 19, 2015. The motion carried by the affirmative action of all City Council Members present.

APPOINTMENT OF COMMISSION MEMBERS FOR THE FOLLOWING: A) PARKS AND RECREATION COMMISSION – TWO (2) VACANCIES; ONE (1) TERM EXPIRING DECEMBER 31, 2015, AND ONE (1) TERM EXPIRING DECEMBER 31, 2016, AND B) AIRPORT ADVISORY COMMISSION – ONE (1) VACANCY, TERM EXPIRING DECEMBER 31, 2015.

Motion by Villalta, seconded by Silveira to appoint Eduardo Sandoval, term expiring December 31, 2015, to the Parks and Recreation Commission. The motion carried by the affirmative action of all City Council Members present.

Motion by Villalta, seconded by Stonegrove to appoint Refugio Llamas, term expiring December 31, 2016, to the Parks and Recreation Commission. The motion carried by the affirmative action of all City Council Members present.

Motion by Villalta, seconded by Lewis to appoint Dennis Reed, term expiring December 31, 2015, to the Airport Commission. 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 August 12, 2015 Planning Commission Meeting to consider recommending an amendment to Condition No. 17 of Conditional Use Permit #2014-09 for Mi Barrio Food & Gas Mart located within the Highway Commercial zoning district at 403 N. Mercey Springs Road, more specifically described as Assessor's Parcel Number: 082-072-024; and to consider and make a recommendation to the Los Banos City Council to adopt proposed ordinances for the policy and regulation of Block parties, Famer's Markets, and Zoning Code Appeals located in Title 9 and Chapter 3 of the Los Banos Municipal Code.

CITY MANAGER REPORT. Requested that Fire Chief Marrison update the Council on the current strike team assignments. Chief Marrison stated the City sent two engines to the Willow fire and three days later they requested our OES (Office of Emergency Services) engine, last weekend the fire was contained enough for them to release our engines and the firefighters are back home with their families. The OES engine was re-assigned west of Redding and there are 40 fires totaling 26,000 acres, today our firefighters were assigned to a smaller fire, they are very active and busy, hopefully we'll see the OES engine return in the next week.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Attended National Night Out last night at the park on San Luis Street and Ward Road, Republic Services donated a 40" flat screen television, there were Buster Posey bobbleheads given away, thanked Target for everything they did, thanked Public Works and Parks and Recreation employees who were also there helping, as Chief Brizzee stated last night: this is our town and we need to let the bad guys know we are fighting to keep our neighborhoods safe.

ELIZABETH STONEGROVE: Nothing to report.

TOM FARIA: It was nice to see Super Pup come out of the closet at National Night Out last night, thank you to Foster Farms for donating the hotdogs, thank you to everyone for coming out.

DEBORAH LEWIS: Thanked the Police Chief and Fire Chief and everyone who attended the National Night Out, it's always good to see the parents and children enjoying themselves and feeling comfortable in the neighborhood; congratulated the newly appointed commissioners.

MAYOR MICHAEL VILLALTA: National Night Out was a lot of fun, we hope to do more outings like this because the public really gets involved, one good thing he saw was that a neighborhood watch group was organized and he encouraged other neighborhoods to do the same, an officer will be assigned to assist you when forming a neighborhood watch group and these groups help to have more eyes on the ground, please also invite council members to your neighborhood watch meetings; invited Erik Limon to present the certificate he spoke of at the public forum to Kathy Ballard as she was not able to be in attendance at the beginning of the meeting.

ADJOURNMENT. The meeting at the hour of 8:16 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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