

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
AUGUST 19, 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:** Police Commander Reyna led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria (7:20 PM), Deborah Lewis, Scott Silveira, Elizabeth Stonegrove (7:56 PM), Mayor Michael Villalta; Absent: None.

Mayor Villalta stated that Council Members Faria and Stonegrove are at Back to School Night and will be here as soon as their school instructor duties are over.

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Commander Reyna, City Manager Carrigan, Finance Director Williams, 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 Lewis to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present; Faria and Stonegrove absent.

**PRESENTATION – CERTIFICATE OF APPRECIATION TO NED AND PATTY RYAN.** Mayor Villalta presented the certificate to Ned and Patty Ryan in appreciation of their efforts to improve the landscaping and beautification of their home.

**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.** KATHERINE EULEY, Los Banos, spoke regarding “Not Just Your Average Cat” which is a non-profit organization that helps educate the public on stray and feral cats and she spoke in more detail to what the organization is all about and the services they provide; LAURA RICO, Los Banos, spoke regarding an issue addressed in the Los Banos Enterprise regarding a large track of agricultural land that will be annexed into the City and spoke to some

history which included a quote from 200 years ago; GEANETTE DURAN, Los Banos, spoke regarding the Not Just Your Average Cat organization and how she didn't realize there was a cat problem until just a few years ago, there are people in town that feed homeless cats, and the group's efforts to educate the community regarding spay and neuter clinics and other services that they provide, how the program is quite successful and would like to see the City get behind them on this and realize that their program is working, and how the Trap-Neuter-Return program works. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Lewis, seconded by Silveira to approve the consent agenda as follows: Check Register for #154706 – #155059 in the Amount of \$688,302.21; Minutes for the August 5, 2015 City Council Meeting; Waiver of Business License Fee for Greater San Joaquin Umpire Association; City Council Resolution No. 5687 – Adopting a Revised Budget for the 2015/2016 Fiscal Year as it Pertains to Expenditures in the Building Department's Professional Services Account. The motion carried by the affirmative action of all City Council Members present, Faria and Stonegrove absent.

Council Member Faria arrived to the City Council Meeting at 7:20 PM.

**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.** Senior Planner 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.

Council Member Silveira stated he feels it is a good thing that they purchased this building because it is an eye sore and glad to see that someone saw some value in this property.

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

Motion by Silveira, seconded by Faria to adopt 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 following roll call vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: None; ABSENT: Stonegrove.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE USE OF TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING ESTABLISHMENT (HOOK & LADDER HOT WINGS), FOR THE BUSINESS LOCATED AT 245 WEST PACHECO BOULEVARD, SUITES A & B, APN 027-161-042; CITY COUNCIL RESOLUTION NO. 5688 – APPROVING CONDITIONAL USE PERMIT #2015-08 FOR THE ON-SALE OF BEER AND WINE FOR HOOK & LADDER HOT WINGS LOCATED AT 245 WEST PACHECO BOULEVARD, SUITES A & B.**

Senior Planner Elms presented the staff report which included a PowerPoint.

Council Member Silveira inquired as to the 11:00 PM close time and if it is part of the Conditional Use Permit for which Senior Planner Elms stated that yes it is part of their operational statement and if they wanted to change that it would have to go back to the Planning Commission for approval and ultimately to the City Council for approval.

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. 5688 – Approving Conditional Use Permit #2015-08 for the On-sale of Beer and Wine for Hook & Ladder Hot Wings Located at 245 West Pacheco Boulevard, Suites A & B. The motion carried by the affirmative action of all City Council Members present, Stonegrove absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE AMENDING TITLE 8 BUILDING REGULATIONS OF THE CITY OF LOS BANOS MUNICIPAL CODE, TO PROVIDE AN EXPEDITED, STREAMLINED SOLAR PERMITTING PROCESS THAT COMPLIES WITH THE SOLAR RIGHTS ACT AND ASSEMBLY BILL 2188 (FIRST READING & INTRODUCTION); ORDINANCE NO. 1133 – AMENDING TITLE 8 OF THE LOS BANOS MUNICIPAL CODE BY ADDING CHAPTER 6 TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.**

Fire Chief Marrison stated that he is turning over the presentation to Mike Brinkman with CSG who spoke regarding the expedited permitting process as it pertains to AB 2188.

Mayor Villalta inquired as to what constituted a small rooftop and wanted to be sure that this expedited service doesn't lessen the product or installation of the solar systems.

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

Council Member Lewis stated that the City has already been streamlining the solar permitting process and this is just officially putting it in Los Banos Municipal Code and noted that there is a HERO program to help citizens have solar systems installed in their home, which is a really good thing.

Motion by Lewis, seconded by Silveira to waive the first reading of Ordinance No. 1133 – Amending Title 8 of the Los Banos Municipal Code by Adding Chapter 6 to Provide an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar

Systems. The motion carried by the affirmative action of all City Council Members present, Stonegrove absent.

Motion by Lewis, seconded by Silveira to introduce Ordinance No. 1133 – Amending Title 8 of the Los Banos Municipal Code by Adding Chapter 6 to Provide an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Systems. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: None; ABSENT: Stonegrove.

**CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5689 – ADOPTING THE 2014 MERCED COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN.** Fire Chief Marrison presented the staff report which included a PowerPoint presentation.

*Council Member Stonegrove arrived to the City Council Meeting at 7:56 PM.*

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5689 – Adopting the 2014 Merced County Multi-Jurisdictional Local Hazard Mitigation Plan. The motion carried by the affirmative action of all City Council Members present.

**CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5690 – APPROVING THE ‘DRAFT LOS BANOS STATE ROUTE 152 COMPREHENSIVE OPERATIONAL STUDY’ DATED JUNE 1, 2015, AS PREPARED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION WITH THE FOLLOWING EXCEPTIONS: THE INSTALLATION OF THE RAISED MEDIANS AS OUTLINED IN THE DRAFT STUDY IS NOT APPROVED BY THE CITY COUNCIL; ALL INTERSECTION WIDENING IMPROVEMENTS TO ACCOMMODATE U-TURNS ARE NOT APPROVED BY THE CITY COUNCIL; THE INSTALLATION OF CUL-DE-SAC ON 9<sup>TH</sup> STREET AT THE INTERSECTION OF STATE ROUTE 152 AND 9<sup>TH</sup> STREET IS NOT APPROVED BY THE CITY COUNCIL; AND THE CLOSING OF EXISTING DRIVEWAYS ONTO STATE ROUTE 152 IS NOT APPROVED BY THE CITY COUNCIL.** Public Works Director/City Engineer Fachin presented the staff report.

Mayor Villalta inquired as to if the crosswalk at Center Avenue and 11<sup>th</sup> Street would be eliminated, for which Public Works Director/City Engineer Fachin stated no. Council Member Lewis inquired as to the signaling upgrades and if that would include any proposal for public safety and emergency vehicles to hold lights when needed, for which Public Works Director/City Engineer Fachin stated that the function already exists with the current signals, and he also noted that Merced College-Los Banos came out and spoke in support of bicycle routes to the Los Banos campus college site. City Manager Carrigan stated that a lot of the potential highway bypass is in the county and Merced College did come to us and ask for assistance in facilitating the route to the college. Council Member Stonegrove inquired as to if the synchronization of the lights and the raised medians are they mutually exclusively or has it always been like that, for which Public Works Director/City Engineer Fachin stated that it has always been like that. Council Member Lewis stated that the Fire Department has the ability to control the signal lights, but do ambulances, for which Fire Chief Marrison stated no, not even

the Police Department does, just the Fire Department vehicles. Council Member Faria stated that having the lights timed is a great solution.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 5690 – Approving the “Draft Los Banos State Route 152 Comprehensive Operational Study” Dated June 1, 2015, as Prepared by the California Department of Transportation with the Following Exceptions: The Installation of the Raised Medians as Outlined in the Draft Study is Not Approved by the City Council; All Intersection Widening Improvements to Accommodate U-Turns are Not Approved by the City Council; The Installation of Cul-De-Sac on 9<sup>th</sup> Street at the Intersection of State Route 152 and 9<sup>th</sup> Street is Not Approved by the City Council; and the Closing of Existing Driveways onto State Route 152 is Not Approved by the City Council. The motion carried by the affirmative action of all City Council Members present.

**PRESENTATION REGARDING AN UPDATE ON CHROMIUM 6.** Public Works Director/City Engineer Fachin presented the staff report, which included a PowerPoint presentation.

Mayor Villalta stated that the standards have been lowered, so the City is taking corrective action to make sure we are in compliance and for the safety of the Los Banos citizens. City Manager Carrigan thanked Public Works Director/City Engineer Fachin and Provost & Pritchard for all their work on this, how he likes the pilot ideas and is frustrated with the State of California and the those in Sacramento, and inquired as to what happens if we get a lot of water with Godzilla El Nino, if that would help the Chrom 6 levels in the water, for which Public Works Director/City Engineer Fachin explained that it probably would not. City Manager Carrigan stated that the City is taking this very very seriously, looking for a solution that is financially viable. Council Member Silveira stated that this is a mandated issue, we are within the Federal standards but not within the State of California standards, how this is just another unfunded government mandate, noting how on June 30, 2014 we were in compliance and then one day later on July 1, 2014 we were out of compliance because of a change in State of California government standards; Council Member Stonegrove inquired as to the special company mentioned who had been in touch with any other cities in the valley, for which Public Works Director/City Engineer Fachin stated yes there is one other city besides Los Banos they are considering working with, with a two month start date. Council Member Faria is pleased to see that we are hitting this very aggressively, he feels there will be funding out there and the City is doing everything in their power to treat the water.

Informational item only, no action to be taken.

**ADVISEMENT OF PUBLIC NOTICES (Four Reports).** Senior Planner Elms stated that there will be four (4) public hearings at the August 26, 2015 Planning Commission Meeting to consider approval of Site Plan #2015-03 for Eakins Properties for the development of a 5,000 square foot industrial warehouse located within the Industrial zoning district in what is known as the Pacheco Pass Commerce Center on Commerce Way off of Willmott Avenue; 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 for J & N Restaurant located at 933 Sixth Street; Mobile Vendor Permit

#2015-03 to allow the operation of a mobile trailer to vend on private property located at 1725 W. Pacheco Boulevard; a recommendation to the Los Banos City Council to adopt a proposed ordinance to regulate and create a process for Temporary Uses on private (non-residential) property in the City of Los Banos.

**CITY MANAGER REPORT.** City Manager Carrigan stated that October is Cancer Awareness Month and at the September 16, 2015 City Council Meeting it will be proclaimed so and spoke regarding how the Fire Department is selling pink t-shirts for an annual fundraiser they do each year, encouraging the public to wear pink all month long in October; on September 12, 2015 at Henry Miller Plaza at 5:00 p.m. the Fire Department is putting on their 125<sup>th</sup> birthday celebration and asked Fire Chief Marrison to explain what will be going on at the event, for which he explained. City Manager Carrigan asked Public Works Director/City Engineer Fachin to talk about water conservation, for which he did, noting that the State mandated goal is 20% and how we need to be more stringent and cut back on our park watering, enforcement efforts, working with the School District on cutting back on non essential fields, how he feels we are doing very well but the City will be getting a little stricter, and will be bringing forward a conservation ordinance for City Council consideration. Mayor Villalta stated that in the near future, he will be writing a letter that will be sent out to merchants regarding fundraiser car washes, it is not our intent to stop or hurt our fundraising events and how car washes are not just something we should do

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

**ELIZABETH STONEGROVE:** Stated that she is excited and looking forward to the September 12<sup>th</sup> 125<sup>th</sup> Birthday Celebration for the Fire Department, welcome back all the students last week and this week, as she hopes to have a great school year.

**TOM FARIA:** Nothing to report for tonight.

**DEBORAH LEWIS:** She congratulated our Fire Chief on how the great Fire Department is, noting how our some of our Fire Fighters returned home safely from a strike team assignment and thanked them for their dedication and service to not just our community but those that they serve on their strike team assignment.

**SCOTT SILVEIRA:** He spoke regarding the September 11, 2015 CASA event being held at the Fairgrounds; how as you drive around town you can see that we are doing a lot of work to our storm drain system and our streets are in really good shape, the plan that we have in place allows us to keep up on our streets, and commended the Roads Department with the City of the great job they are doing.

**MAYOR MICHAEL VILLALTA:** He spoke regarding the Neighborhood Watch Program and how you cannot believe what a different it makes, encouraged all to call the Los Banos Police Department and they will help you organize one, it is the best offense to making sure that your neighborhood is safe; how schools are back in session and hopes everyone has a wonderful year, how the Los Banos Unified School District just surpassed 10,000 students and the wonderful job they do.

**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 DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES.** No reportable action.

**ADJOURNMENT.** The meeting at the hour of 10:15 p.m.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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