

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
DECEMBER 2, 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.*

HOLIDAY OPEN HOUSE (Held prior to the City Council Meeting at 6:00 PM).

Mayor Villalta said a special thank you to City Hall employees Rosemarie Souto and Sara Orozco for the beautiful Christmas decorations in the Council Chambers.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 PM.

PLEDGE OF ALLEGIANCE: Police Commander Hedden 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: Council Member Elizabeth Stonegrove

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Commander Hedden, City Manager Carrigan, Finance Director Williams, City Treasurer/Accountant I Brazil, Fire Chief Marrison, 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.

PRESENTATIONS – CERTIFICATES OF RECOGNITION TO VARIOUS LOCAL CHURCHES FOR THE OCTOBER 31, 2015 EVENTS. Mayor Villalta presented Certificates of Recognition to the various local churches in attendance at the meeting: Bethel Community Church, St. John's Lutheran Church, New Beginnings Church, Vision Familiar Church, Valley Christian Center, also mentioning the other churches not in attendance that also received the certificates of recognition.

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. STEVE NUNES, Los Banos, spoke regarding JustServe.org which is a web-based community service and volunteerism opportunities, i.e. American Cancer Society, Roads to Recovery, Drive; GREG HOSTETLER, Los Banos, spoke regarding how he is always working

towards making the Los Banos community better, potential annexations in Los Banos, how he would like to have a little more input from City staff for ideas that that they could partner with Granville Homes to find ways to help the City move forward and create jobs; MICHELLE PARADISO, Los Banos, spoke regarding the upcoming Breakfast with Santa event being held by the City of Los Banos Parks & Recreation Department on December 5, 2015; BERTHA FARIA, Los Banos Chamber of Commerce, spoke regarding upcoming events: Espana's Craft Faire, Evening of Shopping Downtown, Downtown Christmas Parade and lighting of the community Christmas tree, City's Breakfast with Santa, Los Banos Arts Council Annual Makers Market, noting that all these events are on the Los Banos Chamber of Commerce calendar on their website; JIM VALENTINE, Los Banos resident, invited all to attend the Christmas Eve Dinner on December 24, 2015 from 11 AM – 2 PM being held at the Los Banos Fire Station No. 1, thanked Fire Chief Marrison for co-sponsoring the event, and invited volunteers to the event also, wished a Merry Christmas to all; ERIK LIMON, Los Banos, Republic Services, stated that garbage services will be a day behind for Christmas Day, December 25 and thanked the Police Officers/Department for all they do and the great job they do protecting the community, he spoke regarding the Rotary Empty Bowls event which was a great event with a great turnout, wished all happy holidays; STEVE HAMMOND, Bethel Community Church, spoke regarding the December 13, 2015 Concert at the Church with special guests, Bellamy Boys, and thanked the Rotary for their Empty Bowls Fundraiser. 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 submitted: Check Register for #156620 – 446832 **156832** in the Amount of \$839,055.20; Minutes for the October 7, 2015 City Council Meeting; Minutes for the November 4, 2015 City Council Meeting; Minutes for the November 18, 2015 City Council Meeting; Development Impact Fees Report for Fiscal Years 2011-2013 (AB 1600); City Council Resolution No. 5712 – Accepting Public Improvements for Villages III Phase I at Stonecreek and Villages III Phase 2 at Stonecreek; City Council Resolution No. 5713 – Authorizing the Use of the National Joint Powers Alliance (NJPA) Procurement Contract with Miracle Recreation Equipment Company for the Purchase and Installation of Playground Equipment for Ranchwood Park. The motion carried by the affirmative action of all City Council Member present, Stonegrove absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ANNEXATION #2014-01, PRE-ZONE #2014-02, PRE-ANNEXATION DEVELOPMENT AGREEMENT, AND ASSOCIATED MITIGATED NEGATIVE DECLARATION (SCH #2015061056) FOR PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION OF APPROXIMATELY 106 ACRES ON UNINCORPORATED LANDS LYING NORTH OF PIONEER ROAD, WEST OF MERCY SPRINGS ROAD (SR 165) AND EAST OF ELEVENTH STREET, APNS 026-290-001, 002, 003, 004, 005, 083-120-012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, AND 028; (CONTINUED FROM OCTOBER 21, 2015 CITY COUNCIL MEETING); CITY COUNCIL RESOLUTION NO. 5704 – APPROVING MITIGATED NEGATIVE DECLARATION (SCH #2015061056) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PRESIDENTIAL ESTATES EAST AREA

PLAN AND ANNEXATION #2014-01 AND PRE-ZONE #2014-02; ORDINANCE NO. 1139 – AMENDING THE ZONING MAP TO PRE-ZONE APPROXIMATELY 106 ACRES LOCATED NORTH OF PIONEER ROAD AND WEST OF MERCY SPRINGS ROAD (SR 165), MERCED COUNTY, CALIFORNIA FROM COUNTY SINGLE FAMILY RESIDENTIAL (R-1) TO PROFESSIONAL OFFICE (P-O), NEIGHBORHOOD COMMERCIAL (C-N), PLANNED DEVELOPMENT (P-D), AND UNCLASSIFIED (U), TO BE ANNEXED INTO THE CITY OF LOS BANOS (FIRST READING & INTRODUCTION); ORDINANCE NO. 1140 – APPROVING A PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH STONEFIELD COMMUNITIES, INC. FOR THE PROJECT COMMONLY KNOWN AS THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION (FIRST READING & INTRODUCTION); ORDINANCE NO. 1141 – APPROVING A PRE-ANNEXATION DEVELOPMENT AGREEMENT FOR THE MANUAL M. CARDOZA PROPERTY FOR THE PROJECT COMMONLY KNOWN AS THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION (FIRST READING & INTRODUCTION); CITY COUNCIL RESOLUTION NO. 5705 – REQUESTING THE ANNEXATION AND PRE-ZONE OF APPROXIMATELY 106 ACRES FOR THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION, PROPERTY LOCATED NORTH OF PIONEER ROAD, AND WEST OF MERCY SPRINGS ROAD (SR 165), MERCED COUNTY, CALIFORNIA. City Attorney Vaughn left the meeting at 7:30 PM because of a conflict of interest, because he owns property in the area being considered.

Senior Planner Elms presented the staff report. Jeff Roberts, Granville Homes in Fresno, stated that staff is requesting a continuance of the items above and spoke to the new CEQA law that passed regarding native tribes which needs to be included in the environmental documents, which will take a few months. Council Member Lewis thanked Mr. Roberts for working so diligently with the Cardoza family and is glad to hear about the changes being made for the proposed project. Council Member Silveira thanked Mr. Roberts for taking the advice of the City Council and addressing some of our concerns and he feels that this will make the project an even better one, one that the whole City Council can support and get behind.

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

Motion by Silveira, seconded by Lewis to continue these items to a date uncertain. The motion carried by the affirmative action of all City Council Member present, Stonegrove absent.

City Attorney Vaughn returned to the Council Chambers and his seat at the dais (7:42 PM).

APPOINTMENT OF COMMISSION MEMBERS FOR THE FOLLOWING: LOS BANOS AIRPORT ADVISORY COMMISSION – TWO (2) VACANCIES, TWO (2) YEAR TERMS EXPIRING DECEMBER 31, 2017; LOS BANOS PLANNING COMMISSION – THREE (3) VACANCIES, TWO (2) YEAR TERMS EXPIRING DECEMBER 31, 2017; LOS BANOS TREE COMMISSION – THREE (3) VACANCIES, TWO (2) YEAR TERMS EXPIRING DECEMBER 31, 2017. Motion by Villalta,

seconded by Lewis to appoint Jim Renshaw and Dennis Reed to the Los Banos Airport Advisory Commission. The motion carried by the affirmative action of all City Council Member present, Stonegrove absent.

Motion by Villalta, seconded by Silveira to appoint John Cates, Refugio Llamas, Erik Limon to the Los Banos Planning Commission. The motion carried by the affirmative action of all City Council Member present, Stonegrove absent.

Motion by Villalta, seconded by Faria to appoint Colleen Menefee, John Spevak, Rebecca Tietjen. The motion carried by the affirmative action of all City Council Member present, Stonegrove absent.

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 MAYOR VILLALTA – TO SEE IF THE CITY CAN PROVIDE CITY SPONSORED GRANTS TO COMMUNITY ORGANIZATIONS FOR PUBLIC EVENTS. (CONTINUED FROM NOVEMBER 4, 2015 CITY COUNCIL MEETING) Mayor Villalta stated that the City Council has not had a goal setting meeting lately, how they need to figure out how much is enough in the City's financial reserve account, and staff will go over all of this at the midyear budget review, for which is why he is pulling this agenda item until they all have an understanding.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 16, 2015 DUE TO THE HOLIDAY SEASON. Motion by Faria, seconded by Silveira to cancel the Regular City Council Meeting of December 16, 2015. The motion carried by the affirmative action of all City Council Member present, Stonegrove absent.

ADVISEMENT OF PUBLIC NOTICES (Four Reports). Senior Planner Elms stated that there will be four public hearings at the December 9, 2015 Planning Commission Meeting: Consider and make a recommendation to the Los Banos City Council to adopt a proposed ordinance imposing an express ban on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Los Banos; Consider a Conditional Use Permit and site plan review for the development of a 1,94 square foot telecommunication headend facility for Comcast located in the Professional Office zoning district at 604 Texas Avenue; Consider a Conditional Use Permit to allow the use of a Type 86 Alcohol License for the instructional tasting of alcoholic beverages onsite at the Wal-Mart Store located at 1575 W. Pacheco Boulevard; Consider a Conditional Use Permit to allow the use of a Type 40 Alcohol License for the on-sale of beer in conjunction with the availability of snacks at the Aqua Entertainment Center located at 923 W. Pacheco Boulevard.

CITY MANAGER REPORT. City Manager Carrigan welcomed Senior Planner Elms back, thanked Tammy Smith for bringing the wreath for the memorial out front of City Hall, congratulated to Sergeant Ceja for being selected Employee of the Year, and noted that he often gets comments that there really isn't much to do in Los Banos but

after hearing tonight during the public forum of all the events going on he would say there is a lot to do in Los Banos.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Welcomed Senior Planner Elms back and congratulated her on her new baby, congratulations to Sergeant Ceja on being named Employee of the Year, reminded all about the Christmas Eve Kiwanis Dinner, Breakfast with Santa on December 5, 2015, the Christmas Parade on December 4, 2015 and wished all a safe and Merry Christmas and a happy New Year.

ELIZABETH STONEGROVE: Absent

TOM FARIA: Inquired as to if we could do an Educational Program for Code Enforcement like we did for Water Reduction to let people know what is and isn't allowed in accordance with the Los Banos Municipal Code, there is lots to do in Los Banos during the Holiday Season with all the events being talked about going on, noting that the High School choir performing at the Arts Council, Bethel Gospel Trio Belamy Boys, JustServe volunteerism website, thanks to all and have a wonder holiday season, new years, have a wonderful time.

COUNCIL MEMBER LEWIS: Welcomed Senior Planner Elms back, congratulated Sergeant Ceja for being Employee of the Year and the great job that he does, congratulated all the new appointees to the various commissions, wished all a very merry Christmas and a happy New Year, thank you to the viewing audience, those in attendance, and the beautiful Open House tonight.

MAYOR VILLALTA: thanked Lucy Mallonee, Jana Sousa and Jennifer Matthews for preparing the Open House tonight and to Sergeant Ceja for being named Employee of the Year, spoke to the Downtown Shopping event on December 3, 2015 and would like to recognize them also, wished all a very Merry Christmas and happy New Year, how there are a lot of things to do in Los Banos, there is a Community Calendar on the Los Banos Chamber of Commerce website, he's happy to hear about the JustServe.org website, wished all a very merry Christmas again and a safe Christmas and a safe new years.

ADJOURNMENT. The meeting at the hour of 8:05 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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