

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 1, 2016**

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.

The following Closed Session items were held prior to the Council Meeting beginning at 6:01 PM.

PUBLIC EMPLOYEE EMPLOYMENT, CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957. No reportable action, noting that this will be addressed with Item #9 on the agenda, Consideration of City Council Resolution No. 5754 – Appointing a City Manager and Approving City Manager Employment Agreement.

CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: INTERIM CITY MANAGER BRIZZEE, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, CONSULTANT GARY PETERSON WITH RALPH ANDERSEN & ASSOCIATES; UNREPRESENTED EMPLOYEE: CITY MANAGER. No reportable action, noting that this will be addressed with Item #9 on the agenda, Consideration of City Council Resolution No. 5754 – Appointing a City Manager and Approving City Manager Employment Agreement.

CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: INTERIM CITY MANAGER BRIZZEE, 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.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:02 p.m.

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

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Interim City Manager Brizzee, Acting Police Chief Reyna, 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 Stonegrove to approve the City Council Meeting 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; 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. BERTHA FARIA, Los Banos Chamber of Commerce, welcomed new members to the Los Banos Chamber of Commerce, spoke regarding the local graduations, Grand Opening on June 4, 2016 of Konker MMA & Fitness, June 6, 2016 will be the 5th Annual Debbie Parreira Memorial Blood Drive, Flag Day Fundraiser on June 14, 2016 at Me N Ed's, June 18, 2016 Dad's Night Out Event with a Car Show Downtown, she wished the Council well on their selection of the new City Manager and looks forward to a new relationship under his direction. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Stonegrove to approve the consent agenda as follows: Check Register for #159427 – #159657 in the Amount of \$3,415,355.05; Minutes for the City Council Meeting of May 18, 2016; Waiver of Business License Fee for Generating Renewable Ideas for Development (GRID) Alternatives; City Council Resolution No. 5748 – Amending the Fiscal Year 2015-2016 Budget by Increasing Appropriations in the General Fund for Engineering Revenue and Expenditures in the Amount of \$15,000; City Council Resolution No. 5749 – Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2016, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California; City Council Resolution No. 5750 – Requesting the Board of Supervisors of the County of Merced to Consolidate a General Municipal Election to be Held on Tuesday, November 8, 2016, with the California Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Election Code. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF FINAL DEVELOPMENT PLAN #2016-02 FOR THE HILL PROPERTY LOCATED EAST OF CENTER AVENUE, SOUTH OF THE PROPOSED VILLAS SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF THE CITY LIMIT LINE, APN 431-270-005; CITY COUNCIL RESOLUTION NO. 5751 – APPROVING THE HILL PROPERTY FINAL DEVELOPMENT PLAN #2016-02. City Attorney Vaughn stated that he will be stepping down from the dais on this item because he owns property within 500 feet of this project, noting that Legal Planning Consultant Bill Abbott will be assisting staff on the presentation, and left the Council Chambers.

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

Jeff Roberts, speaking on behalf of Stonefield Communities, stated that they do concur with the overall recommendations as presented by City staff with one modification; they met with Mr. Vieira to speak regarding his concerns regarding the ditch and feel they have mitigated those concerns, adding that Mr. Vieira is also concerned about the proposed stub street and would prefer to not have it there for which they would agree to not having it also. Mr. Vieira spoke to his concerns regarding the fence along the property line and his desire to keep farming in the area and to have some type of fencing that has one side of stucco, he is okay with the traffic calming as described in 2G, and the connection conditions also.

There was Council Member and staff discussion regarding the extension of Street G and if it will be connected with Diablo Street, the exact location of the masonry wall on the Pioneer side, making the changes for Mr. Vieira is appropriate, court L and if there will be an opening at the southern end of the property leaving a cul-de-sac as originally proposed, the difference between a Class I and a Class II bike lane, mitigating the traffic impacts on Pioneer Road if needed, if there is going to be any undergrounding of utilities on Center, if there are any plans to widen Center Avenue to the north beyond the cemetery, at the time of build out being able to keep up with City services, how the this project will be required to annex into a Community Facilities District and a Landscape & Lighting District, does not incorporate any parks, this development will become part of Cresthills as part C or D. Mr. Roberts stated that the fence range of 6-7ft is to allow for the land variation on the property, and clarification on the stub street.

Mayor Villalta opened the public hearing. FRANK L. VIEIRA JR., Los Banos, stated that he has lived on Pioneer Road for the last 71 years, he had a lot of questions which have been answered already, he would really like to see that stub street never happen as long as his family is on the property, that the wall would be built on the developer side of the property line and inquired as to who would be responsible for the maintenance of the fence for which Senior Planner Elms stated that it would be the private property owners responsibility. Mr. Vieira thanked the staff for their time and Mr. Roberts & Mr. Hostetler for meeting with him and working through his issues and concerns. No one else came forward to speak and the public hearing was closed.

There was additional Council Member and staff discussion regarding the stucco-side of the wall and if it would will it be coated with anti-graffiti material which, how great it is to see the applicant and Mr. Vieira come up with solutions and working something out. Mr. Hostetler stated that they will work with Mr. Vieira on his drainage system concerns also.

Motion by Silveira, seconded by Lewis to adopt City Council Resolution No. 5751 – Approving the Hill Property Final Development Plan #2016-02, to include the following conditions: The developer shall install a 7-foot tall fence of cedar or redwood material consisting of a stucco wall along the southern property line, the stucco wall shall have a graffiti seal coat or anti-graffiti paint on the southern side of the fence, and Court L shall remain as a cul-

de-sac as originally designed with the Vesting Tentative Tract Map. The motion carried by the affirmative action of all Council Members present.

City Attorney Vaughn returned to his seat at the dais.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF FINAL DEVELOPMENT PLAN #2015-01 FOR SOUTHPOINTE AT REGENCY PARK LOCATED EAST OF PLACE ROAD, NORTH OF THE VERONA/MISSION ESTATES, AND WEST OF WARD ROAD, APNS 424-120-009 AND 073-220-015; CITY COUNCIL RESOLUTION NO. 5752 – APPROVING SOUTHEPOINTE AT REGENCY PARK FINAL DEVELOPMENT PLAN #2015-01. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding walking path in the area, paved with trees, separated from the canal, plans for irrigation to be built to standards, traffic calming measures, Ward Road having median with trees which will help, that the most eastern part of the project there are no houses facing Ward Road and Overland Avenue, parking around the basin, Overland Avenue having a striped median, bike lanes on Ward Road and Place Avenue, masonry wall, gutters vs. pillows as good traffic calming measures, nice to have a good Class 1 bike lane in the community with buffers, and the need for a dog park or two in the City.

Mayor Villalta opened the public hearing. JEFF ROBERTS, speaking on behalf of the property owner and applicant Stonefield Properties and Greg Hostetler, thanked City staff for all their work on the proposed project, noting that they are in 100% concurrence with what staff has presented and stated. They've agreed to the 3 cul-de-sacs as proposed in the original layout. No one else came forward to speak and the public hearing was closed.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5752 – Approving Southeointe at Regency Park Final Development Plan #2015-01. The motion carried by the affirmative action of all Council Members present.

Mayor Villalta called for a short recess.

The City Council reconvened.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2016-2017 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19; CITY COUNCIL RESOLUTION NO. 5753 – CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS FOR ASSESSMENT DISTRICT NOS. 1-7 AND 9-19 FOR THE 2016-2017 FISCAL YEAR. Public Works Director/City Engineer Fachin presented the staff report, speaking in great detail referring to a colored map and the Engineer's Report.

There was Council Member and staff comments regarding the assessment table, the years developed, some are built in the same year and have different assessments, the

districts that are underfunded and operating at negative balances and if the current income covering the current expenses, what kind of dollars it would take to get those districts so where they are healthy and inject some funds, Talbot Park is one that staff will be looking at more closely for solutions.

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

Motion by Stonegrove, seconded by Faria to approve City Council Resolution No. 5753 – Confirming Diagram and Assessment and Levying Assessments for Assessment District Nos. 1-7 and 9-19 for the 2016-2017 Fiscal Year. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF CITY COUNCIL RESOLUTION NO. 5754 – APPOINTING A CITY MANAGER AND APPROVING CITY MANAGER EMPLOYMENT AGREEMENT.

City Attorney Vaughn spoke regarding the process in selecting and negotiating with the prospective City Manager, the employment agreement is the basic format which provides for a 5 year contract starting July 1, 2016 – June 30, 2021, either party can extend the term by mutually agreement, annual base salary \$170,000, entitled to annual performance evaluation each year with a 5% increase for the first 2 years, provides for a moving allowance and temporary housing allowance, customary health/welfare benefits (CalPERS pension, health/vision/dental/life, vacation/sick time accrual equal to other management employees), at-will contract, 30-days notice can terminate by either party, severance package cause items, noting that the agreement has already been executed by the prospective city manager.

Mayor Villalta thanked City Attorney Vaughn for all his work through the process and for getting this agreement done.

Motion by Silveira, seconded by Lewis to approve City Council Resolution No. 5754 – Appointing a City Manager and Approving City Manager Employment Agreement with Alex Terrazas. The motion carried by the affirmative action of all Council Members present.

Mayor Villalta thanked all City Employees for all they have done to make this recruitment process smooth, welcoming Mr. Terrazas to Los Banos and thanking the staff for what they did.

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 COUNCIL MEMBER LEWIS – TO CONSIDER INSERTING FLYERS (ENGLISH & SPANISH) IN THE CITY’S UTILITY BILLS TO INFORM CITIZENS OF THE NEWLY PASSED ORDINANCE REGARDING GARAGE SALE REGISTRATIONS.

Council Member Lewis stated that the body of the statement explains itself, reiterating that the Council recently adopted an ordinance regarding garage sales and is requesting this so that people who do not listen to our meetings on television or follow us on the internet, this is a way to reach more of the public.

There was Council Member and staff discussion regarding the cost to do all that is being suggested, where the money comes from, ways that the City is currently getting the information out, getting additional information out that about other ordinances, i.e. parked cars, front yards not being tended to. City Attorney Vaughn reminded the City Council that this is just to determine if there is a majority consensus to bring this item back for a decision.

Motion by Lewis, seconded by Faria to have staff expend time to analyze the cost of what is being suggested and bring back what is currently being done and other ideas to let the public know about not just garage sales but other types of enforcement issues. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (Three Reports). Senior Planner Elms stated that there will be three public hearings at the Planning Commission Meeting on June 8, 2016: to consider a Conditional Use Permit to allow the use of a Type 20 Alcohol License for the off-sale of beer and wine at the 99 Cent Only Store located at 1209 W. Pacheco Boulevard, to consider a Conditional Use Permit to allow the operation of a professional office in the General Industrial Zoning District (I) for Merced County Community Action Agency – WIC Program at 30 W. G Street Suites A & B, and to consider a Conditional Use Permit to allow the operation of a retail store for WIC Programs in the General Industrial Zoning District (I) at 30 W. G Street Suite C.

CITY MANAGER REPORT. Interim City Manager Brizzee stated that he received a notice from the GFOA that the City's 2015-2016 CAFR was awarded a Certificate of Achievement for two years in a row, how it is a very good report, a good achievement for the Finance Department, thanking Finance Director Williams and her staff, Kim Tomas, Rosemarie Souto and Martha Brazil, for all their hard work.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Reported that May 25, 2016 was the Grand Opening of the 99 Cent Store which was nice to attend and thanked them for providing electronically controlled shopping carts to keep carts in their area, the two wonderful Memorial Day services at the San Joaquin National Cemetery on May 29, 2016 in honor of the veterans of Vietnam Wars, the other ceremony at the Los Banos Cemetery on May 30, 2016 and encouraged the community to bring their children to remind them of what this is about, the upcoming fundraiser at Me n Eds for veteran, how she has noticed that in some newer communities how public sidewalks are wider and no dips, with curved curbs to walking communities and would like to throw that out there as an idea to make communities safer and nicer for walkers.

SCOTT SILVEIRA: Congrats to all the graduating seniors, thanked Eric Lemon for inviting him to the Senior Banquet at Pacheco High School and enjoyed serving the students and talking with them, spoke regarding the June 6, 2016 5th Annual Debbie Parreira Blood Drive and has asked the City Clerk to put it on the City's website, congratulated the Finance team on the CAFR award and the great job they do, thanked Interim City Manager Brizzee for the great job he has done and keeping the team

moving forward and not slowing down, congratulations to Alex Terrazas the new City Manager and welcomed him to an already great team and community and looks forward to working with him.

ELIZABETH STONEGROVE: Echoed the congratulations to the Finance Department, welcomed the new City Manager Alex Terrazas, thanked Interim City Manager Brizzee for the great job he has done and the departments for filling in, the upcoming Community Graffiti Cleanup Day on June 10, 2016.

TOM FARIA: Spoke regarding the Los Banos Cemetery Memorial Services and how meaningful they are, would like to see people come out and honor the veterans for keeping us safe, congratulate the Finance staff on their outstanding work and award, congratulated Interim City Manager Brizzee and the whole staff on the great job they do, congrats to Mr. Terrazas, lots of graduations this week, opening of 99 Cent Store and how he has heard many comments and it serves a need, thanked City Attorney Vaughn for all the work he did with the city manager recruitment, wished all a happy summer.

MAYOR MICHAEL VILLALTA: Spoke regarding the upcoming blood drive at the O'Banion Building, Veterans Fundraiser at Me n Eds, Dads Night Out June 18, 2016, congrats to graduates, Sober Grad on Friday for all graduates, how the Senior Banquet was a great event, thanks for the staff for coming together and for everything they have done, welcome to Alex Terrazas the new City Manager and how during the selection period that this Council was 100% focused on finding a great City Manager, not one bit of dissention, the upcoming Graffiti Cleanup Day on June 10, 2016 and thanked Ms. Stonegrove for leading that.

ADJOURNMENT. Motion by Villalta, seconded by Faria the meeting was adjourned at 10:00 PM to Monday, June 6, 2016 at 4:00 PM to Discuss Merced County Revenue Sharing Agreement in the Council Chambers, 520 J Street, Los Banos, California. The motion carried by the affirmative action of all Council Members present.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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