

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
SEPTEMBER 21, 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.

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

PLEDGE OF ALLEGIANCE: Police Chief Brizzee 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: Council Member Faria.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Police Chief Brizzee, 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, Faria absent.

PRESENTATIONS – CERTIFICATES OF RECOGNITION – GIRLS STATE AND BOYS STATE DELEGATES. Mayor Villalta introduced Rick Toscano and Stephanie Bayard who spoke to the history of Boys State and Girls State. The following students were presented certificates of recognition: Kiara Gilardi (Los Banos High School), Kassandra Rameriz (Pacheco High School), Ashly Flores (Dos Palos High School), Juan Ramos (Pacheco High School), Giovanni Mevi (Los Banos High School), Arzan Kermani. Mayor Villalta spoke regarding Tyler Turner who recently passed away in a tragic accident who was last year's Boys State alternate and asked for a moment in silence in his honor.

PRESENTATIONS – CERTIFICATES OF RECOGNITION – VETERAN PARTICIPANTS OF THE CENTRAL VALLEY HONOR FLIGHT TOUR IN WASHINGTON, D.C. Mayor Villalta introduced Rodney Torres who spoke regarding the trip the veterans are taking. The following veterans were presented certificates of recognition: Donald Stowe, Korean War Navy Veteran; Charles Day, War World II Army Veteran; Ralph Steitz, World War II Navy Veteran; Leroy Tucker, World War II Army Veteran; James Murrell, Korean War Air Force Veteran; Eugene Anderson, Korean War Army Veteran.

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 to the upcoming fall clean up on September 24, 2016 and what can and cannot be disposed of; LINA CARMO, Valley Crisis Center and Laura McPearson Valley Crisis Center spoke about the upcoming Peace for Families March Against Domestic Violence being held on October 12, 2016; GENEVA BRETT, Los Banos Chamber of Commerce, spoke regarding the Chamber's function, purpose, and a quick history, asking that the Chamber be part of the process when creating a mural policy ordinance for the City. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Stonegrove to approve the consent agenda as follows: Check Register for #200679 – #200920 in the Amount of \$827,551.64; City Council Resolution No. 5793 – Authorizing the City Manager to Award the Bid for the Purchase of One (1) New Half-ton Truck from Merced Chevrolet in the Amount of \$34,615.40; City Council Resolution No. 5794 – Awarding the Bid and Authorizing the City Manager to Execute a Contract to Purchase and Install One (1) 4,000 Gallon Above Ground Blast/Impact Resistant Fuel Storage Tank (AST) Split 1,000/3,000 Gallons with Fuel Management and Gasoline and Diesel Dispensing Systems from Donlee Pump Company in the Amount of \$89,038.76; City Council Resolution No. 5795 – Approving the Acceptance of a First 5 Merced County Mini-Grant to Support a Car Seat Safety and Awareness Training Program for the Community in the Amount of \$3000 and Amending the 2016-2017 Fiscal Year Budget by Increasing the Appropriation Amount for the Expenditures and Revenues in the Amount of \$3000. The motion carried by the affirmative action of all City Council Members present, Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF APPROVAL OF THE VILLAS FINAL DEVELOPMENT PLAN #2016-01, EAST CENTER AREA PLAN AMENDMENT, AND EAST CENTER AREA PLAN MITIGATE NEGATIVE DECLARATION, CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 58.8 ACRES INTO 231 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM CUSTOM AND SEMI CUSTOM HOMES TO PRODUCTION HOMES; APPROXIMATELY 51 ACRES OF THE PROJECT SITE WILL BE CONTAINED WITHIN A PRIVATE GATED-COMMUNITY WITH A FOUR (4) ACRE PARK/DETENTION BASIN; LOCATED EAST OF CENTER AVENUE, SOUTH OF THE CRESTHILLS #1 SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE, APNS 431-270-010 AND 431-270-004; CITY COUNCIL RESOLUTION NO. 5796 – APPROVING AN AMENDMENT TO THE VILLAS AREA PLAN ANNEXATION (ANX #2001-05) PREVIOUSLY ADOPTED BY CITY COUNCIL RESOLUTION NO. 4680 ON JANUARY 18, 2006; CITY COUNCIL RESOLUTION NO. 5797 – APPROVING THE VILLAS FINAL DEVELOPMENT PLAN #2016-01. City Attorney Vaughn stated that he lives on

the edge of this proposed project and will be excusing himself from the discussion and the Council Chambers.

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

Yushin Imura, Project Manager from O'Dell Engineering, presented a visual tour of the project.

There was Council Member and staff discussion regarding another piece of property, the Meza Property and how it is being included in the project, and their current uses being grandfathered in for livestock as long as they continue use, but once they stop they will have to conform to current.

Jeff Roberts, Granville Homes, stated that the Meza property is totally surrounded by the Villa Project, they have a private entrance off of Cardoza and will be maintained in its present state and the visual tour presented only concentrated on the Villa's project.

Mayor Villalta opened the public hearing. JEFF ROBERTS, Granville Homes, Fresno and representative of Stonefield Homes, stated that they support staff's recommendation of approval and also the Planning Commission's approval last month, he spoke to the proposed project in more detail; MARK MILOSEVICH, Los Banos, spoke in opposition of this proposal and talked about the history of the project and the 100-120 feet buffer, how the proposal impacts the existing residents on Bluff Drive negatively; DARRYL LAWRENCE, Los Banos, spoke in opposition to the proposed project and why not run Cardoza Road all the way through like it was told to them back in 2005/2006 and to do what they said they would do back then; ANDREW MEZA, Los Banos, spoke in opposition of the proposed project, how he has been to all the meetings and how his residence will be losing part of his property if the project is approved, how this will truly be an educational impact to the City by an increase in students and schools being impacted. No one else came forward to speak.

There was additional Council Member and staff discussion regarding Condition #18 of Resolution No. 4680, which Senior Planner Elms explained in more detail, at what point in the process was the concept changed and what was the logic, which Jeff Roberts stated that we have a different proposal than what was provided ten years ago, we are proposing a private street instead of a public road. There was Council Member and staff discussion on how back in 2006 things were quite different especially in regards to water, we are not going to have a water shortage in regards to this development with Senior Planner Elms stating that we will have sufficient water supply with this project and Public Works Director/City Engineer Fachin added that the Urban Water Management Plan approved by the City Council does not change with new homes. There was discussion on the number of custom homes in that gated area, number of semi custom, street connectivity to the Hill Project, how the lot line adjustment would happen and that would have to happen with the developer and the property owners.

Motion by Silveira, seconded by Stonegrove to adopt City Council Resolution No. 5796 – Approving an Amendment to the Villas Area Plan Annexation (ANX #2001-05)

Previously Adopted by City Council Resolution No. 4680 on January 18, 2006. The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Silveira, seconded by Stonegrove to adopt City Council Resolution No. 5797 – Approving the Villas Final Development Plan #2016-01. The motion carried by the affirmative action of all Council Members present, Faria absent.

City Attorney Vaughn returned to the Council Chambers and his seat at the dais.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDING THE SPECIAL EVENTS PERMIT FEE; CITY COUNCIL RESOLUTION NO. 5798 – AMENDING APPLICATION FEES FOR THE ADMINISTRATION AND ISSUANCE OF SPECIAL EVENTS PERMITS. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the cost for the events, how long would you need to hold the stakeholder events, wanting to see two City Council Members at the Stakeholder Meetings, how we do not currently charge for the Christmas parade or the May Day parade, consider suspending the permit fees because that would give everyone a level playing field until we figure out a permanent solution, how when we passed this ordinance we talked about charging and the gifting of public funds, would we be safe in waiving the fees for which the City Attorney stated that the idea of city's charging fees for services rendered is not a new concept, laws around gifts of public funds when providing services or property for public use, it's not something Los Banos is unique in recouping the costs of a public event, what is troubling is figuring out who to charge which group what charge, the need to be very careful with the types of events you are subsidizing, for profit vs non profit businesses, have to be very careful when grading groups and events as to waiving fees for community wide events, he has no issue with what is being proposed tonight.

There was additional Council Member and staff discussion regarding the application fee not being an issue, it's the unknown departmental fee is what is of big concern, being sure to not waive the liability issues, needing to balance the cost to support the event, concerned with suspending the departmental service charges, if there would be an exception when a small organization would not have to pay these fees, like if they do not use public streets but are simply walking down the sidewalk for which City Attorney Vaughn stated that this would be just when you want to use city streets or public parks.

Mayor Villalta opened the public hearing. MICHAEL HUGHES, Los Banos VFW, spoke to the fees they have paid for their parades, they have no problem with the application fee but have an issue with the departmental fees because of the unknown costs and would like a fair playing field and others holding parades are paying the same, community events are great events to have in the city, they want a fair price that is the same as everyone else, would be happy to be involved in the Stakeholders Meetings to come up with a solution that is fair for all; KATHY BALLARD, Los Banos, spoke to her logic in the permit fee and supports that for all who have a parade even those who are on the sidewalk, the LB Chamber of Commerce did pay the permit fee but did not pay the departmental fee, most people are nervous about the unknown, thinking \$300 and

then the bill comes in and its \$1,200, very hard for the non-profit organizations, she would like to be part of the Stakeholders Meetings, needs to be completely fair for everybody; GENEVA BRETT, Los Banos, in 2014 before the ordinance was put in affect the Chamber paid \$1,200 and we did pay the permit fee the past two years, she agrees that \$60-120 will not break the bank, she does not personally believe that veterans should pay a fee at all because of all they have done for our country; TOM GIRLADIN, Los Banos, when I moved here in 1985 we were a community that comes together, we need to have more of these events to make the community stronger, everyone should pay the permit fee but absorb all staff costs. No one else came forward the public hearing was closed.

There was Council Member and staff discussion regarding the Stakeholder Meetings being an excellent idea, that grandfathering in should not happen as Council should be the ones making that decision, does need to be fair and equitable.

Motion by Lewis, seconded by Silveira to adopt City Council Resolution No. 5798 – Amending Application Fees for the Administration and Issuance of Special Events Permits. The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Lewis, seconded by Silveira to hold Stakeholders Meetings with two Council Members not to exceed one year. The motion carried by the affirmative action of all Council Members present, Faria absent.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, OCTOBER 5, 2016 DUE TO COUNCIL MEMBERS ATTENDING THE LEAGUE OF CALIFORNIA CITIES CONFERENCE IN LONG BEACH, CALIFORNIA, OCTOBER 5-7, 2016. (PLEASE NOTE THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS OCTOBER 19, 2016). Motion by Silveira, seconded by Lewis to cancel the October 5, 2016 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Faria absent.

ADVISEMENT OF PUBLIC NOTICES. (Two Reports) Senior Planner Elms stated that there will be two public hearings held at the September 28, 2016 Planning Commission Meeting: one to consider a Site Plan Review #2016-09 for the construction of a new 4,800 multi-tenant retail building for the Vieira Company, located at 305 Mercey Springs Road, APN 025-133-006 and another to consider Mobile Vendor Permit #2016-03 to allow the operation of a mobile food truck to vend on private property located at 80 West G Street, Suite C, APN 081-190-008, Tacos El Jefe.

CITY MANAGER REPORT. Nothing to report.

CITY COUNCIL MEMBER REPORTS.

ELIZABETH STONEGROVE: Nothing to report

TOM FARIA: Absent

DEBORAH LEWIS: Stated that this past Friday we had a wonderful event at the new Robert M. Falasco Justice Center, the new courthouse is a beautiful structure and very impressed by our state Chief Justice in attendance, very proud to see this new structure in Los Banos and hopefully the new Police Department will be built adjacent to this property soon.

SCOTT SILVEIRA: Congratulations to the Boys and Girl States designees and thanked them for a job well done.

MAYOR MICHAEL VILLALTA: Stated that last week he attended the Chili Cook Off at the New Beginning Church and thanked them for the event, thanked the veterans for the event the other night, this weekend is the OLF Oktoberfest and October 1, 2016 is the Tomato Festival, spoke regarding the mural project and how it will help spruce up downtown and looking forward to developing the mural policy, the new courthouse dedication was phenomenal and how beautiful the building is.

ADJOURNMENT. The meeting was adjourned at 9:21 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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