

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 19, 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 7:00 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: None.

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 Faria, 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.

PRESENTATIONS

PROCLAMATION RECOGNIZING THE WEEK OF OCTOBER 16-22, 2016 AS ALZHEIMER'S AWARENESS MONTH. Mayor Villalta presented the proclamation and Diana Ingram Thurston and Grover Thurston accepted the proclamation; Ms. Thurston spoke regarding alzheimers, the services the local Los Banos group provides and their fundraising efforts.

PROCLAMATION RECOGNIZING ELENA GUTIERREZ, LOS BANOS HIGH SCHOOL STUDENT, FOR ATTENDANCE AT THE STANFORD YOUTH MEDICAL SCIENCE PROGRAM. Mayor Villalta presented the proclamation to Elena Gutierrez. Miss Gutierrez introduced her parents, her vice principal and science teacher, and spoke to her future goals.

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.

CARYN COX, Los Banos, stated that something interesting has happened over the last couple of months, explained how her mother received a water citation because her sprinklers were watering on the wrong day at the wrong time, explaining her situation, how they disputed the claim and attended a hearing to explain how she didn't feel should have been cited, explained what happened during the hearing and how she is disgusted with the process and results; LAURA OLSEN, Los Banos, congratulated the Alzheimers Group for the recognition they received and the great job they did at the fundraiser, spoke to the Domestic Violence Awareness March recently held, the Purple Purse Challenge fundraising efforts starting September 28, 2016 and urged everyone to get involved; BERTHA FARIA, Los Banos Chamber of Commerce, spoke regarding the activities at the Chamber and their new members, looking forward to the new fundraiser being held on October 29, 2016 at the DES Hall – 1st Annual Halloween Party, the recent and upcoming ribbon cuttings for new businesses in town, October 22, 2016 is the historical mural dedication of the Buffalo Soldiers Trail Mural to the 24th Infantry and the 9th Calvary, the Los Banos Arts Council musical event Los Cenzontles on October 22, 2016, Navy Day events and the upcoming Veterans Day Parade and the fundraising events for this being held at Carl's Jr on October 26 and 27, 2016, fresh Holiday Greenery fundraiser sales going on at the Chamber, Chamber Mixer at Century 21 and Hot City BBQ; GENEVA BRETT, Los Banos, representing Los Banos Chamber of Commerce, spoke regarding how the City is talking about creating an ordinance regarding murals and how she would like to be a part of that, she spoke regarding landscaping issue throughout town, citing section LBMC 4-6, the dedication of the Buffalo Soldiers Trail Mural and the history behind the historic event, reminded all about the Veterans Day Parade on November 5, 2016, and how Century 21 sponsoring the next Chamber mixer and invited all to attend; Mayor Villalta spoke regarding the landscaping ordinance and the mural policy. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Faria to approve the consent agenda as follows: Check Register for #200921 – #201379 in the Amount of \$2,488,595.50; First Quarter Investment Report for Fiscal Year 2016/2017; Minutes for the August 3, 2016 City Council Meeting; Minutes for the September 7, 2016 City Council Meeting; City Council Resolution No. 5799 – Accepting the F Street Storm Line as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 5800 – Amending the Fiscal Year 2016/2017 Budget by Increasing Appropriations in Funds of the Park Maintenance Technical Services for Additional Parts and Material Costs to Streetscapes, Planters and Parks in the Amount of \$20,000; City Council Resolution No. 5801 – Approving an Amendment to Sec. 5010 of Division 5 – Personnel Benefits of the City's Policy & Procedures Manual as it Pertains to Municipal Clerk Certification Pay; City Council Resolution No. 5802 – Approving the Incorporation of Division 26 – Nepotism and Fraternalization Policy to the City's Policy & Procedures Manual. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF PRESIDENTIAL ESTATES EAST AREA PLAN TO GUIDE FUTURE DEVELOPMENT; A GENERAL PLAN AMENDMENT TO RE-DESIGNATE THE PROJECT SITE FROM PROFESSIONAL OFFICE, MEDIUM DENSITY RESIDENTIAL, AND COMMERCIAL TO LOW DENSITY RESIDENTIAL, ANNEXATION AND PREZONE OF APPROXIMATELY 106 ACRES; AND ASSOCIATED MITIGATED NEGATIVE DECLARATION (SCH #2015061056), PROJECT SITE LOCATED NORTH OF PIONEER ROAD, WEST OF MERCEY 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, 027 AND 028 (CONTINUED FROM SEPTEMBER 7, 2016); CITY COUNCIL RESOLUTION NO. 5786 – APPROVING MITIGATED NEGATIVE DECLARATION (SCH #2015061056) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION #2014-01, GENERAL PLAN AMENDMENT #2015-03, PRE-ZONE #2014-02, AND ASSOCIATED PRE-ANNEXATION DEVELOPMENT AGREEMENTS; CITY COUNCIL RESOLUTION NO. 5787 – APPROVING GENERAL PLAN AMENDMENT #2015-03 FOR PROPERTY LOCATED WITHIN THE PRESIDENTIAL ESTATES EAST AREA PLAN PROJECT, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 026-290-001, 002, 003, 004, AND 005; ORDINANCE NO. 1145 – AMENDING THE ZONING MAP TO PRE-ZONE APPROXIMATELY 106 ACRES LOCATED NORTH OF PIONEER ROAD AND WEST OF MERCEY SPRINGS ROAD (SR 165), MERCED COUNTY, CALIFORNIA, FROM COUNTY R-1 (RESIDENTIAL-SINGLE FAMILY) TO CITY R-1 (LOW DENSITY RESIDENTIAL), TO BE ANNEXED INTO THE CITY OF LOS BANOS (SECOND READING & ADOPTION); CITY COUNCIL RESOLUTION NO. 5788 – REQUESTING THE ANNEXATION AND PRE-ZONE OF APPROXIMATELY 106 ACRES FOR THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION; ORDINANCE NO. 1146 – APPROVING A PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND STONEFIELD COMMUNITIES, INC., FOR THE PROJECT COMMONLY KNOWN AS THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION (FIRST READING & INTRODUCTION); ORDINANCE NO. 1147 – APPROVING A PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND THE MANUEL M. CARDOZA PROPERTY, FOR THE PROJECT COMMONLY KNOWN AS THE PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION (FIRST READING & INTRODUCTION). City Attorney Vaughn stated that he lives within 500 feet of this proposed project and will be excusing himself from the discussion and the Council Chambers.

Senior Planner Elms stated that staff is requesting continuation of this item to November 16, 2016 to allow additional time to negotiate the pre-annexation development agreement.

Mayor Villalta opened the public hearing. JEFF ROBERTS, Granville Homes, Fresno, partners with Stonefield Properties, stated that he has been here the past couple of years talking about this project, he is now speaking in opposition to staff as they would

like Council to consider and approve City Council Resolution Nos. 5786, 5787, 5788 and Ordinance No. 1145 and spoke to the reasons why they are wanting approval, noting that LAFCO has scheduled a hearing for December 14, 2016 to hear this annexation and any delay could put this into next year, a lot could change and would like to move forward, he added that they would like to do one development agreement not two (pre development agreement and development agreement) and how they are willing to work with staff on developing just one development agreement to be presented at the November 16, 2016, they would like to see more things in the development agreement and some things changed, he is offering to add an additional condition to the prezone in regards to the need for an additional fire station in the City and they are willing to offer to pay for an additional study for such fire station, the items are all on the agenda for approval and actions would be consistent with the action taken a month ago, there is a lot of work to do before the LAFCO hearing if approved.

There was Council Member and staff discussion regarding frustration with the whole process at this point, we all have concerns and we have been talking about this project for well over a year, it was on the agenda and then changed to add something different than what has been talked about the past years, staff recommending postponing this item to a date certain, why staff is uncomfortable moving forward on all these items and not approving some for which Senior Planner Elms referenced a letter from the City's land use attorney William Abbott stating that the city take no action tonight adding that the City wants all items to be approved all at once, she explained that without a pre-annexation agreement the City cannot condition certain special conditions. Additional discussion regarding LAFCO recently setting the hearing for December 2016, what this means to this project. Jeff Roberts stated that we recognize that there needs to be some comfort level for this project and their comfort level would be higher if we could move forward with some of these items, if we do not stay on track with the LAFCO schedule it could all change in the New Year and Council's consideration would be helpful.

There was additional Council Member and staff discussion regarding when the agenda packet went out the recommendation was correct but discussions after that changed the recommendation, how it is important that we do this correctly and it not being unreasonable to ask for an extension, the letter from the legal counsel William Abbott that states that it was a package deal when presented to the Planning Commission and the Council should consider it the same way, how the city has a system in place with pre-annexation agreements.

Council Member Silveira still a little frustrated that it was on the agenda in the first place as he feels it should not have come to Council and action taken until all issues were resolved and he noted that he will not be at the November 16, 2016 Council Meeting due to a previous commitment.

City Manager Terrazas stated that staff is willing to travel to meet with the developer face to face, speak as often as possible to by telephone conferencing to resolve the issues with the pre-annexation development agreement conditions.

Motion by Lewis, seconded by Faria to continue the above stated public hearing and items related to the Presidential Estates East Area Plan to November 16, 2016 City Council Meeting. The motion carried by the affirmative action of all City Council Members present, Silveira voting No.

City Attorney Vaughn returned to the Council Chambers.

CONSIDERATION OF APPOINTING TWO (2) COUNCIL MEMBERS TO ATTEND SPECIAL EVENTS STAKEHOLDER MEETINGS. Council Member Faria stated that he has always and will continue to recuse himself from this item because his wife is associated with the Los Banos Chamber of Commerce and left his seat at the dais and the Council Chambers.

Senior Planner Elms presented the staff report.

Council Member Silveira nominated Mayor Villalta and himself.

Motion by Silveira, seconded by Stonegrove to designate Mayor Villalta and Council Member Silveira to attend the Special Events Stakeholder Meetings. The motion carried by the affirmative action of all City Council Members present, Faria abstained.

Council Member Faria returned to the Council Chambers and his seat at the dais.

DISCUSSION AND CONSIDERATION OF CHANGING FROM MONTHLY MEETINGS TO QUARTERLY MEETINGS FOR THE LOS BANOS PARKS & RECREATION COMMISSION, ECONOMIC DEVELOPMENT ADVISORY COMMISSION AND LOS BANOS AIRPORT COMMISSION. City Manager Terrazas presented the staff report, noting that the Airport Commission stated at their last meeting that they would like to continue to meet monthly.

There was Council Member and staff discussion regarding the Airport Commission's desire to continue to meet monthly, how their agenda is getting a little busier with the airport relocation, if there is any consideration to combine the Parks & Recreation Commission and the Tree Commission into one and there not being a lot of interest from the Tree Commission to combine with the Parks & Recreation, if the Economic Development Advisory Commission had been having quorums which was stated yes but that during the summer meetings had also been cancelled due to lack of agenda items, what is required to change to quarterly meetings for which the City Attorney stated that the Los Banos Municipal Code states that they are to meet monthly and those meetings need to occur but an ordinance amendment would need to happen to change to quarterly meetings.

There was additional Council Member and staff discussion regarding taking a look at the work load and come back with individual recommendations for each commission, which City Manager Terrazas stated they will do and bring back an ordinance for consideration.

NOTICE AND ANNOUNCEMENT OF VACANCIES ON THE FOLLOWING COMMISSIONS/COMMITTEES: PARKS & RECREATION COMMISSION – FOUR (4) VACANCIES; PLANNING COMMISSION – FOUR (4) VACANCIES; TREE COMMISSION – TWO (2) VACANCIES; ECONOMIC DEVELOPMENT ADVISORY COMMISSION – THREE (3) VACANCIES; AIRPORT ADVISORY COMMISSION – THREE (3) VACANCIES; MEASURE P COMMITTEE – THREE (3) VACANCIES. City Informational item only, no action to be taken.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Senior Planner Elms stated that there will be two public hearings held at the October 26, 2016 Planning Commission Meeting: one to consider a CEQA Categorical Exemption and Conditional Use Permit to allow the use of commercial storage container for Zoomys/7Eleven Inc. located at 140 W. Pacheco Boulevard, APN 027-154-019 and another to consider a Mitigated Negative Declaration for the construction of a new 5,690 square foot multi-tenant restaurant building for LRG Investors, LLC located at 1335 W. Pacheco Boulevard, APN 430-010-043.

CITY MANAGER REPORT. City Manager Terrazas stated that last week he attended the VFW American Legion Monthly meeting which was nice and good company, good folks, appreciate their service and what they do for the community, reminded all about the Veterans Parade on November 5, 2016, the street work being done on October 20, 2016 at the intersection of B Street and Mercey Springs Road, the Hobby Lobby Grand Opening, and how he attended EOC Training last week.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Spoke regarding the Grand Opening of Hobby Lobby and how they have really cool stuff, there's a lot going on in Los Banos, events going on at the Los Banos Arts Center, the Veterans Day Parade, Buffalo Soldiers Mural Unveiling, Peace for Family Events with the Choir singing, Alzheimer's Group and the work they do, how great the counselors at LBHS and recombining students for great achievements, wished his baby granddaughter a happy first birthday.

DEBORAH LEWIS: Thanked the City of Los Banos for allowing me to go to the League of California Cities Conference recently, learned a lot with a great wealth of information, congratulated Hobby Lobby on their grand opening, there will be another concert by San Jose State University Choir on November 5, 2016 at New Beginnings Church, how he attended the Peace for Families Event and how it take a lot of courage for men and women to step forward and talk about what they have went through and how this organization helped them, thanked them for all they do.

SCOTT SILVEIRA: Thanked the City for allowing me to go to the League of California Cities Conference in Long Beach and how the sessions were very beneficial and gives you a lot of insight and a very valuable tool, how he went to Paraiso Brewery and how the atmosphere is really cool and the micro brewery is good with a lot to select from, how he's wearing his vote sticker because he voted by mail, encouraged everyone to

vote in November, it is important and how this is your chance to give your elected officials your report card and to vote on the many important issues.

ELIZABETH STONEGROVE: Nothing to report

MAYOR MICHAEL VILLALTA: Spoke about the Hobby Lobby's Grand Opening, the Peace for Families March, League of California Cities Conference in Long Beach being great with many neat ideas, noted that Council Member Lewis is funding the San Jose State University Choir personally and commended her for that, the upcoming Hospital Dinner, Concert, Veterans Parade, how great the Tomato Festival was and then read a prepared statement that he wrote urging all to vote on November 8, 2016.

ADJOURNMENT. The meeting was adjourned at 8:36 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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