

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
OCTOBER 21, 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 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: Tom Faria

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, Police Chief Brizzee, 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 Lewis to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present, Faria absent.

**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.** KEN HENTON announced that on October 31<sup>st</sup> there will be a Harvest Fun Festival at 821 W. L Street from 5:30 to 8:00 p.m.; GREG HOSTETLER stated that cleanliness of the town is a hobby of his, how he has been working on cleaning up the south end of town and now embarking on cleaning up the West end of town, he also stated that the Mayor should put together a Citizen Advisory Committee to research a Landscape and Lighting District (LLD) for the entire town noting that not all of the areas in the city have an LLD, he also stated that he supports what Jeff Roberts is going to say tonight, noting that the City Council had a lot of good ideas at the last meeting and he would like to work with the City Council and LAFCO on the annexation project. 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 #155867 – #156082 in the Amount of \$1,297,418.90; First Quarter Investment Report

for Fiscal Year 2015-2016; Minutes for the August 19, 2015 City Council Meeting; Minutes for the September 2, 2015 City Council Meeting; City Council Resolution No. 5706 – Increasing the Appropriation Amount in the Homeland Security Fund for Revenue and Expenditures in the Amount of \$31,000 for the Purpose of an Above Ground Fuel Storage and Dispensing Station. The motion carried by the affirmative action of all City Council Member present, Faria absent.

City Attorney Vaughn stated that he would not be participating in the following item because owns property in the area being considered and left his seat at the dais and the Council Chambers 7:15 PM.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ANNEXATION #2014-01, PREZONE #2014-02, PRE-ANNEXATION DEVELOPMENT AGREEMENT, AND ASSOCIATED MITIGATE 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 1658) 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; 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 Manager Carrigan stated that Jeff Roberts, the representative from Stonefield Communities, would like to make a statement. Jeff Roberts stated that they would like to request a continuance until December 2, 2016 of this item. The ideas and suggestions that came out of the prior meeting made Stonefield Communities decide to go work on the new ideas and resubmit the item.

Council Member Silveira thanked Mr. Roberts for taking a leadership role and making changes to the product. Council Member Lewis stated that we do want to make the project work for our community and the developer, staff did the best job they could with the information they had, and she appreciated staff taking the time to rectify the concerns. She also stated that the community loves the idea of having full custom homes.

Motion by Silveira, seconded by Lewis to continue this public hearing item to December 2, 2015. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Silveira, seconded by Lewis to continue 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. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Silveira, seconded by Lewis to continue Ordinance No. 1139 – 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 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 to December 2, 2015, seconded by Lewis. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Silveira, seconded by Lewis to continue 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. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Silveira, seconded by Lewis to continue 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 to December 2, 2015. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Silveira, seconded by Lewis to continue City Council Resolution No. 5705 – Requesting the Annexation and Pre-Zone of Approximately 106 Acres for the Presidential Estates East Area Plan and Annexation, of Property Located North of Pioneer Road, and West of Mercey Springs Road (SR 165), Merced County, California to December 2, 2015. The motion carried by the affirmative action of all City Council Members present, Faria absent.

City Attorney Vaughn returned to the Council Chambers and his seat at the dais (7:25 PM).

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING A PROPOSED ORDINANCE FOR REGULATION OF FARMERS’ MARKETS LOCATED IN TITLE 9 AND CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE; ORDINANCE NO. 1135 – ADDING ARTICLE 42 CHAPTER 3 TO TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CERTIFIED FARMERS’ MARKET (SECOND READING & ADOPTION); CITY COUNCIL RESOLUTION NO. 5699 – ESTABLISHING PERMIT FEES FOR THE ADMINISTRATION AND ISSUANCE OF CERTIFIED FARMERS’ MARKETS (CONTINUED FROM SEPTEMBER 16, 2015 CITY COUNCIL MEETING).**

City Attorney Vaughn presented the staff report which included a brief summary of the item, noting that currently we do not have a permitting process for a Farmers Market; but with the adoption of this ordinance now in order to hold such an event you will have to provide proof of insurance, an indemnity agreement, and additional criteria. How the permit process will be handled by the Community and Economic Development Department and staff will have the discretion to deal with the necessary criteria and add other conditions. City Attorney Vaughn stated that the only change to the ordinance was in Section 9-3.4207 (d), no more than two consecutive days per week as motioned by Council Member Silveira. City Attorney Vaughn stated that we currently have one small operator who is currently going through the formal process of obtaining a permit and how the resolution before the tonight for approval will set forth the cost of the permit.

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

Mayor Villalta asked if the City Manager has reached an agreement with Will Areias. City Manager Carrigan stated he had and they were in the process of issuing a permit. Mr. Areias stated he did not have a market last weekend because he did not have insurance, but he has since obtained insurance; he also stated that he has agreed to all conditions set forth on the permit. Mayor Villalta stated that the City Manager has the authority to set the conditions of the permit.

Motion by Silveira, seconded by Stonegrove to waive the second reading of Ordinance No. 1135 – Adding Article 42 Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Certified Farmers’ Market. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Silveira, seconded by Stonegrove to adopt Ordinance No. 1135 – Adding Article 42 Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Certified Farmers’ Market. The motion carried by the following roll call vote: AYES: Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: Faria.

Motion by Silveira, seconded by Stonegrove to adopt resolution no. 5699 – Establishing Permit Fees for the Administration and Issuance of Certified Farmers’ Markets. The motion carried by the affirmative action of all Council Members present, Faria absent.

**PRESENTATION REGARDING IMPLEMENTATION OF UNITED WAY OF MERCED COUNTY'S 211 TELEPHONE SERVICE IN MERCED COUNTY.** Police Chief Brizzee introduced Octavio Valencia and Carol Bowman to present a PowerPoint presentation regarding the 211 System. Ms. Bowman stated that the United Way has wanted to implement this service for several years, how 211 is a phone number and data base to help individuals find services including Human Services, Mental Health, Child Welfare, Elderly Care and more located in Merced and Mariposa Counties. Ms. Bowman played a brief video regarding the 211 services available, noting that ninety-two percent (92%) of Californian's already have access to 211 services and this will be new to Merced and Mariposa Counties and this data base allows users to search services on their own.

Mayor Villalta asked if someone needed mental help could they call 211 for help and Ms. Bowman stated absolutely and that people in the call center do call backs to ensure the person calling received the help they were looking for. Mr. Valencia handed cards to Council Members and Staff stating that the cards are available to hand out to make people aware of the service and they will be available for Police Officers to hand out to citizens. Councilmember Stonegrove thanked Ms. Bowman for their services and asked if the 211 system is available for 24 hours.

No action taken, informational item only.

**ADVISEMENT OF PUBLIC NOTICES (One Report).** City Manager Carrigan stated that Wednesday, October 28, 2015 the Planning Commission will hold a public hearing to consider a conditional use permit and site review for recycling center located in the Target Parking Lot.

**NOTICE AND ANNOUNCEMENT OF VACANCIES ON THE FOLLOWING COMMISSIONS/COMMITTEES: PARKS & RECREATION COMMISSION – TWO (2) VACANCIES; PLANNING COMMISSION – THREE (3) VACANCIES; TREE COMMISSION – THREE (3) VACANCIES; ECONOMIC DEVELOPMENT ADVISORY COMMISSION – ONE (1) VACANCY; AIRPORT ADVISORY COMMISSION – THREE (3) VACANCIES; MEASURE P COMMITTEE – TWO (2) VACANCIES.** Informational item only, no action taken.

**CITY MANAGER REPORT.** City Manager Carrigan stated that he attended Wayne Pricolo's funeral services, thanking Fire Chief Marrison and Assistant Fire Chief Hurley on the outstanding job they did honoring the retired Fire Captain, adding that the services were very well done and how proud he was of the job Assistant Fire Chief Hurley did on the Eulogy.

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

**ELIZABETH STONEGROVE:** Extend her condolences to the Pricolo family.

**TOM FARIA:** Absent

**DEBORAH LEWIS:** Attended the October 16, 2015 Domestic Violence gathering at the Police Annex, thanking the women for reaching out to the community and sharing their stories.

**SCOTT SILVEIRA:** Attended Wayne Pricolo's funeral and offered his condolences to the family and he congratulated to Council Member Faria on the new addition to their family.

**MAYOR MICHAEL VILLALTA:** Spoke to how he grew up with Wayne Pricolo and the amazing send off and a great tribute to a really nice guy. He offered his condolences to the people in the Fire Services who remember Wayne, to his family, sons, and in-laws. He spoke to how Tesse Mazzina recently passed a way; she was a 40 year City of Los Banos employee and a fixture in the community, a wonderful lady. He also stated that City Manager Carrigan has ordered the flags flown at half mass in her honor.

Mayor Villalta stated that he would like to request that an item be placed on the next agenda to see if the City Council would like staff to expend time researching to see there is sufficient interest for the City to offer City funded grants to community groups for public events.

**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