

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 16, 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 Commander Reyna led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Deborah Lewis, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: Scott Silveira.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Police Commander Reyna, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Assistant Fire Chief Hurley, 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, Scott Silveira absent.

PRESENTATIONS

CERTIFICATES OF RECOGNITION – VETERANS OF FOREIGN WARS, AMERICAN LEGION AND PARADE AWARDS. Mayor Villalta presented the certificates of recognition to the Veterans in attendance and the Veterans of Foreign War and American Legion presented Veterans Day Parade awards. Michael Hughes spoke regarding the parade awards and the history in putting the parade together and then presented the Patriotic Award to Westside Union Elementary School, the Best Entry to Creekside Junior High School and Pacheco High School.

CERTIFICATES OF RECOGNITION – CHURCHES SPONSORING THE HARVEST OF FUN FESTIVALS. Mayor Villalta presented the certificates of recognition to the representatives in attendance for Valley Christian Center, Calvary Baptist Church, Vision Familiar, New Beginnings Church and thanked them for all they do for the community.

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 regarding the subsequent delay in garbage pickup services due to the Thanksgiving holidays; MICHELLE PARADISO, BRENDA RUSHING & SANTA CLAUS spoke regarding the Breakfast with Santa event on December 3, 2016; BERTHA FARIA, Los Banos Chamber of Commerce spoke regarding their new members and upcoming events, Los Banos Golden Agers Dinners, Los Banos DES Cioppinni Dinner Dance on November 19, 2016, Tax Credit Workshop on December 10, 2016, Christmas Parade on December 2, 2016. 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 #201645 – #201920 in the Amount of \$786,483.83; Re-appointment of Mark Bodley to Serve a Four (4) Year Term as the City's Representative on the Merced County Mosquito Abatement District Board of Trustees; City Council Resolution No. 5803 – Approving a Side Letter Agreement to the Existing Memorandum of Understanding with the Los Banos Police Officers Association Regarding Reporting the Monetary Value of Uniform Expenses; City Council Resolution No. 5804 – Approving Closure of Non-Essential City Offices on Friday, December 23, 2016 and Friday, December 30, 2016. The motion carried by the affirmative action of all City Council Members present, Silveira absent.

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 OCTOBER 19, 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, as does Police Chief Brizzee, they both left their seats at the dais and the Council Chambers.

Senior Planner presented the staff report.

Mayor Villalta opened the public hearing. JEFF ROBERTS, representing Stonefield Properties, spoke regarding the proposed project package and fire station, thanked staff for working with them on a solution, how they want to be helpful but feel that their proposal of a development agreement only and not a pre-annexation agreement serves the same purpose and explained their eight conditions in greater detail, they are asking City Council to move on approving these resolutions and ordinances tonight as was previously approved by City Council, they feel that approval through LAFCO seems to be better this year than next year. ANN McCAULEY, Los Banos, stated that she is glad to see this moving forward, happy to see the fire station being included which is much needed, inquired as to the area just north of Pioneer Road and if their wells fail what happens to the leech fields and who pays for that, for which Senior Planner Elms explained when they would be required to connect to City services. No one else came forward to speak.

There was Council Member and staff discussion regarding a more detailed explanation from Planning Attorney Bill Abbott as to the why the pre-annexation agreement is the preferred option, the Community Amenity Fee (CAFE) which is required by resolution and has been City policy for a while, how the City's best negotiating time is at pre-annexation and can compel them to enter into a Development Agreement, pre-annexation agreement sets out how the Master Plan is drawn up, why the rush to get it to LAFCO which is very complicated, in that the current LAFCO board is in support of the Cardoza family and is not sure if when the LAFCO board changes there will be support and concerns with Ag Mitigation issues, how the pre annexation agreement is a recorded document, conditions of approval can be changed, could a future Council take away what is approved, how the owners are not comfortable with the CAFE and would prefer to do it a different, the need and want of a new fire station, not so sure that the City needs to spend \$30,000 on a Needs Assessment when we already know we need a fire station for which Mr. Roberts explained what that would entail, redrafting the agreement so that you are credited with the CAF to ensure that the Fire Station is guaranteed, Mr. Roberts added that they have no issue with what Council wants, but they just became aware of the fire station need and they feel that they have come up

with a way to get the same results, if the applicant decides to sell the property and a pre-annexation agreement is executed and runs with the land, if sold it would be part of the entitlement with approved conditions of approval, concerns with the fire station site not being in the city limits, Fire Chief Marrison added that the discussion of the fire station goes back many years in this area, talks about a funding mechanism to build a fire station, how a \$30,000 Needs Assessment would help them to identify the best location, how any developer that comes before the City would have the CAF, worried about setting a precedent if we do something different with his project, if the developer will not sign a pre-annexation agreement then sending this project back to the Planning Commission to work out a solution would be the next step, would like to see this worked out as soon as possible, how we are a City that is growing up in order to help our city and if we start negotiating and changing agreements and policy we are setting a precedent, not comfortable with going against staff's recommendation and protecting the City on what they need, possibly hold joint meetings with the Planning Commission and City Council to help move the project along, Mr. Roberts feels a bit caught in the middle noting that pre-annexation agreements are voluntary and Development Agreements come with entitlements. Mr. Abbott stated that the applicant has stated that they will not sign the agreements as presented and he is therefore recommending that the project be sent back to the Planning Commission.

Motion by Stonegrove, seconded by Faria to send this entire item including Resolution Nos. 5786,5787,5788 and Ordinance Nos. 1145, 1146, 1147 back to the Planning Commission for re-consideration. The motion carried by the affirmative action of all Council Members present, Lewis voting No and Silveira absent.

City Attorney Vaughn and Police Chief Brizzee returned to the Council Chambers and their seats at the dais.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDER FINAL DEVELOPMENT PLAN #2016-03 AND DEVELOPMENT AGREEMENT CONSISTENT WITH THE STONECREEK ENVIRONMENTAL IMPACT REPORT. THE PROPOSED PROPERTY CONSISTS OF THE SUBDIVISION OF APPROXIMATELY 18.6 ACRES INTO 71 SINGLE-FAMILY RESIDENTIAL LOTS. THE FINAL DEVELOPMENT PLAN CONSISTS OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF ORTIGALITA ROAD AND PIONEER ROAD, ASSESSOR'S PARCEL NUMBER 430-060-020; CITY COUNCIL RESOLUTION NO. 5802 – APPROVING FINAL DEVELOPMENT PLAN #2016-03 FOR THE VILLAGES AT STONECREEK IX; ORDINANCE NO. 1148 – APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND ANDERSON HOMES, A CALIFORNIA CORPORATION FOR DEVELOPMENT OF APPROXIMATELY 18.64 ACRES LOCATED AT THE NORTHWEST CORNER OF ORTIGALITA AND PIONEER ROADS, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 430-060-020 (VILLAGES AT STONECREEK IX) (SECOND READING & ADOPTION). Senior Planner Elms presented the staff, which included a power point presentation.

Mayor Villalta opened the public hearing. Yushin Imura, O'Dell Engineering stated that they are in support of staff's presentation and recommendations. No one came forward and the public hearing was closed.

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1148 – Approving a Development Agreement between the City of Los Banos and Anderson Homes, a California Corporation for Development of Approximately 18.64 Acres Located at the Northwest Corner of Ortigalita and Pioneer Roads, More Specifically Identified as Assessor's Parcel Number 430-060-020 (Villages at Stonecreek IX). The motion carried by the affirmative action of all City Council Members present, Silveira absent.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1148 – Approving a Development Agreement between the City of Los Banos and Anderson Homes, a California Corporation for Development of Approximately 18.64 Acres Located at the Northwest Corner of Ortigalita and Pioneer Roads, More Specifically Identified as Assessor's Parcel Number 430-060-020 (Villages at Stonecreek IX). The motion carried by the following roll call vote: AYES: Faria, Lewis, Stonegrove, Villalta; NOES: None; ABSENT: Silveira.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDER AMENDMENTS TO THE CITY FIRE PREVENTION CODE ORDINANCE TO ADOPT BY REFERENCE THE CALIFORNIA FIRE CODE 2016 EDITION AND LOCAL AMENDMENTS THERETO; ORDINANCE NO. 1149 – ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA FIRE CODE BY AMENDMENT TO TITLE 4 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE AND ADOPTION OF LOCAL AMENDMENTS THERETO (SECOND READING & ADOPTION). Assistant Fire Chief Hurley presented the staff report.

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

Motion by Faria, seconded by Lewis to waive the second reading of Ordinance 1149 – Adopting by Reference the 2016 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. The motion carried by the affirmative action of all City Council Members present, Silveira absent.

Motion by Faria, seconded by Lewis to adopt Ordinance No. 1149 – Adopting by Reference the 2016 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. The motion carried by the following roll call vote: AYES: Faria, Lewis, Stonegrove, Villalta; NOES: None; ABSENT: Silveira.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDER AMENDMENTS TO THE CITY BUILDING CODE ORDINANCE TO ADOPT BY REFERENCE THE CALIFORNIA BUILDING CODE 2016 EDITION AND RELATED 2016 EDITION CODES; ORDINANCE NO. 1150 – ADOPTING BY REFERENCE THE

2016 EDITION OF THE CALIFORNIA BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA ENERGY CODE, THE 2016 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA REFERENCED STANDARDS CODE, THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2016 OF THE CALIFORNIA RESIDENTIAL CODE, THE 2016 EDITION OF THE CALIFORNIA PLUMBING CODE; BY AMENDMENT TO TITLE 8 CHAPTER 1 OF THE LOS BANOS MUNICIPAL CODE (SECOND READING & ADOPTION). Assistant

Fire Chief Hurley presented the staff report.

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

Motion by Faria, seconded by Lewis to waive the second reading of Ordinance No. 1150 – Adopting by Reference the 2016 Edition of the California Building Code, the 2016 Edition of the California Energy Code, the 2016 Edition of the California Historical Building Code, the 2016 Edition of the California Referenced Standards Code, the 2016 Edition of the California Electrical Code, the 2016 Edition of the California Mechanical Code, the 2016 Edition of the California Administrative Code, the 2016 Edition of the California Existing Building Code, the 2016 Edition of the California Green Building Standards Code, the 2016 of the California Residential Code, the 2016 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council Members present, Silveira.

Motion by Faria, seconded by Lewis to adopt Ordinance No. 1150 – Adopting by Reference the 2016 Edition of the California Building Code, the 2016 Edition of the California Energy Code, the 2016 Edition of the California Historical Building Code, the 2016 Edition of the California Referenced Standards Code, the 2016 Edition of the California Electrical Code, the 2016 Edition of the California Mechanical Code, the 2016 Edition of the California Administrative Code, the 2016 Edition of the California Existing Building Code, the 2016 Edition of the California Green Building Standards Code, the 2016 of the California Residential Code, the 2016 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: Silveira.

CONSIDERATION OF ORDINANCE NO. 1151 – AMENDING TITLE 2 CHAPTER 2 OF THE LOS BANOS MUNICIPAL CODE TO CHANGE THE MEETING DATES AND TIMES OF THE LOS BANOS PARKS & RECREATION COMMISSION AND THE LOS BANOS ECONOMIC DEVELOPMENT ADVISORY COMMISSION (FIRST READING & INTRODUCTION). City Clerk/Human Resources Director presented the staff report.

Motion by Faria, seconded by Lewis to waive the first reading of Ordinance No. 1151 – Amending Title 2 Chapter 2 of the Los Banos Municipal Code to Change the Meeting

Dates and Times of the Los Banos Parks & Recreation Commission and the Los Banos Economic Development Commission. The motion carried by the affirmative action of all City Council Members present, Silveira.

Motion by Faria, seconded by Lewis to introduce Ordinance No. 1151 – Amending Title 2 Chapter 2 of the Los Banos Municipal Code to Change the Meeting Dates and Times of the Los Banos Parks & Recreation Commission and the Los Banos Economic Development Advisory Commission. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: Silveira.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. Police Chief Brizzee stated that City Manager Terrazas is home ill with the flu.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Absent

ELIZABETH STONEGROVE: Congratulated Daronica Johnson-Santos on election to the city council; Stated she will be a great addition to the council and will bring fresh, new ideas; Will be real benefit to the community.

TOM FARIA: Congratulated Daronica Johnson-Santos on election to city council; Stated he had her as a student during her high school years as a choirister; Congratulated everyone who ran in the election; Stated how he loves to hear different discussions, ideas, and questions that come up during election time and how it keeps the city moving forward with better and improved vision; Thanked Council Member Lewis for bringing the San Jose State Choirs to Los Banos and for the incredible concert they put on; Stated how the Veterans Day Parade was fantastic to see; Thanked everyone for they're doing and once again thanked Council Member Lewis; Wished everyone a Happy Thanksgiving; Additionally stated that the Maker's Market would be held on Saturday, December 3 at the Arts Center.

DEBORAH LEWIS: Congratulated Daronica Johnson-Santos on her election to Council and looks forward to her joining on the council; Talked about the San Jose State Choir Concert and how she believes nothing has been performed like that in Los Banos; Looking forward to prepare for next year's concert; Thanked Council Member Faria for his assistance in providing the risers for the concert; The concert brought back memories of her performing in the choir in the past; Talked about her and the Mayor's attendance of the swearing in of Officer Dustin Bender who is one of five new Police Department employees who started today; Janae Rasmussen as a Code Enforcement Officer, Luis Beltran as a Police Officer Trainee, Eduardo Barrera as a Community Services Officer, and Jessica Delgado as a Dispatcher; Congratulated all those new employees and a job well done to Officer Bender for completing the academy; Wished all the new Police Department employees well and to be safe on duty; Wished everyone a Happy Thanksgiving; Reminded about the Christmas Parade which will be the first

Friday in December and also breakfast with Santa; Thanked Council Member Stonegrove for her service to the City and that it's been a pleasure to serve with her.

MAYOR MICHAEL VILLALTA: Wished Council Member Stonegrove well and that it has been a pleasure serving with her; Stated that he looks forward to meeting with Daronica Johnson-Santos and discussing some of the ideas she has for the City; Mentioned the Christmas Parade on December 2 and that it always has a good turnout; Said to contact the Chamber of Commerce if anyone would like to enter in the parade; Spoke about breakfast with Santa on Saturday, December 3 and how it is always a fun event; Said the Veterans Day Parade was wonderful and there was a good attendance for the free breakfast and lunch that was provided; Thanked the Veterans for everything they've done; Wonderful job by Monica and her team for organizing the parade; Mentioned that he has heard from people that they thought the parade had no hiccups and were very pleased; Additionally thanked the VFW and American Legion; Wished everyone a Happy Thanksgiving and would see everyone at the next meeting on December 7; Reminded that the Council is compassionate and deeply concerned for what's best for the City and the safety of the community; Thanked Fire Chief Marrison for interjecting.

ADJOURNMENT. The meeting was adjourned at 9:18 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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