

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
APRIL 19, 2017**

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 7:02 p.m.

PLEDGE OF ALLEGIANCE: Police Commander Hedden led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Daronica Johnson-Santos, Deborah Lewis, Scott Silveira, Mayor Michael Villalta; Absent: Tom Faria.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/HR Director Mallonee, Police Commander Hedden, City Treasurer/Accountant II Tomas, Finance Director Williams, Fire Chief Marrison, Assistant Fire Chief Hurley, Assistant Public Works Director Pimentel and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira, seconded by Johnson-Santos to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present; Absent: Faria (8:17 PM).

PRESENTATIONS

PROCLAMATION RECOGNIZING GIRL SCOUT TROOP 2702. Mayor Villalta presented the proclamation to the Girl Scout Troop members in attendance.

PROCLAMATION RECOGNIZING THE LOS BANOS TIGER TRAP TEAM. Mayor Villalta presented the proclamation to Los Banos Tiger Trap Team members in attendance.

PROCLAMATION RECOGNIZING NATIONAL DAY OF PRAYER. Mayor Villalta presented the proclamation to Steve Hammond. Mr. Hammond spoke regarding the National Day of Prayer event and what it entails.

PROCLAMATION RECOGNIZING APRIL AS “SEXUAL ASSAULT AWARENESS MONTH” AND APRIL 26, 2017 AS “DENIM DAY” IN LOS BANOS. Mayor Villalta presented the proclamation to Reina (*last name not mentioned*) and April Ortiz. Ms. Reina thanked the Mayor and City Council Members for the proclamation and spoke

regarding the services Valley Crisis Center provides. Ms. Ortiz spoke regarding what Denim Day is all about and how to get involved and show support.

PROCLAMATION RECOGNIZING NATIONAL VOLUNTEER WEEK. Mayor Villalta presented the proclamation to the Los Banos Police Department VITAL Volunteers in attendance. Sandra Gonzales thanked the Mayor and City Council for this recognition.

Police Sergeant Reyes and Mayor Villalta presented the VITAL Volunteer of the Year award to Sandra Gonzales. Ms. Gonzales stated that this is quite an honor and encouraged others to become VITAL volunteers.

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, spoke regarding their new member O&J Hotdog Heaven who has been a member since 2003 but has since located to Santa Nella at the golf clubhouse, the downtown street faire is on Saturday, there will be breakfast with the Los Banos Rotary, vendors, food and entertainment, there will be an unveiling of a second mural depicting a Los Banos grammar school done by Anne Whitehurst, it is located at 6th and K Street and it will be unveiled at noon on Saturday, tickets for the Mary Poppins performance put on by the Los Banos Arts Council and Community Theatre Productions is on sale, shows begin at 7:00 p.m. on April 21, 22, 28 and 29, 2017 at the Arts Council, tickets are \$10 for general admission and \$8 for children, Ingomar Packing will be hosting a hiring event at WorkNet in Los Banos on Wednesday, April 26, 2017 from 10:00 a.m. to 2:00 p.m., there are multiple positions available and more information can be found at www.ingomarpacking.com, also on April 26, 2017 the Los Banos Tiger Trap Team will host a wine and paint night fundraiser at 6:30 p.m. with tickets priced at \$40 per person, space is limited and preregistration is required, there will be a step-by-step painting demonstration presented by a professional artist and you can take home your artwork, contact Linda Gomes at losbanosttt@gmail.com, the Chamber of Commerce will have its beer booth at the May Day Fair from May 3-7, the directors and members will be participating at this annual fundraiser for the Los Banos Chamber of Commerce, the Chamber appreciates the process the City granted for various organizations that frequently provide regular community events and hope the recommendations on the agenda in regards to the special events permit ordinance are up to their approval, thanked Council; ERIK LIMON, Republic Services, spoke regarding the spring cleanup event and how it was a huge success, he spoke of the numbers (in tons) of how much stuff was collected and how much money was saved, Salvation Army was there and was able to repurpose two tons worth of clothing and furniture, spoke regarding the traffic issues during the cleanup event and how he and Police Chief Brizzee are going to try to come up with a route pattern for the next event so there won't be as many issues, there's ideas of a voucher program but there's duplication issues along with that, solution ideas are in the works,

Mayor Villalta said this event was and is always a huge success in Los Banos and would like to expand the program for the future; SANDY LEMAS, Los Banos, spoke regarding how Salvation Army participated in spring cleanup day and how she's grateful for everyone's participation but is also appalled by how much waste there was, she would rather see everyone do their recycling on a regular basis rather than once or twice a year, we need to reduce waste by 75%, reducing, recycling and reusing will help practice to make a small footprint on the environment, she would like to assist Erik Limon on helping to educate the community more so that we can get better at reducing waste, Habitat for Humanity and Salvation Army really appreciate being a part of this, reminded the community that a lot of the bigger items can be recycled on a daily basis, A&S Metals takes appliances, metals, e-waste etc., we need to educate the community about these opportunities to utilize these services and recycle on a daily basis, spoke about how the Salvation Army and Habitat for Humanity try their best to repurpose these items to places that really need them, the Salvation Army just wrapped up its income tax program processing over 300 returns which will bring money into the community, still selling studs for the Habitat for Humanity at \$25 per stud, they are always accepting volunteers to participate in building houses, thanked Council for their continuous support for all these organizations; PATRICIA McCOY, Los Banos, stated that she is the chairperson for this year's Veterans Day Parade on November 4, 2017, spoke regarding a fundraiser they are doing for a \$500 Shopping Spree at Savemart when they move into their new location, the shopping spree will be held on July 15, 2017, tickets are \$5 for one or five for \$20, raffle tickets will be sold until June 30, 2017 which is when they will pull the raffle prize winner, contact her or any of the Veterans at the American Legion or the VFW, Pearson's Jewelers will also be selling tickets out of their shop as well, this is something they are very excited about as she and her husband are both veterans, this year the theme for the parade is honoring those who served at Desert Storm and Desert Shield, hopes that the community gets behind this fundraiser and helps support this parade honoring the Veterans; RON HELMRICH, Los Banos, spoke regarding the Submarine Force's birthday which was on April 11 and spoke about the history behind it, there was a memorial dedicated to submarines by Merced College on October 13, 2007 and it was officially laid up in 2014, how he is a Scout Master for Troop 85 and a Cub Master for Pack 85, he named some of the scout groups in town and said scouting is a great way to keep the youth off the streets and that they are always looking for new scouts to join, the Pack meets on Thursdays at 6:00 p.m. at the Scout Hut at Pacheco Park and the Troop meets at 7:00 p.m. on Mondays at the Scout Hut; Mayor Villalta spoke regarding Luis McMullen and how he lost his life in 1944 serving on the USS Growler, his wife was pregnant when he left and so he never met his son, he was the only submariner from Los Banos who lost their life during World War II, there is a dedicated headstone for him outside of Los Banos at the National Cemetery; TONY COOK, Los Banos, wanted to bring up a few issues he hasn't gotten a response on, stated how he has spoken to Police Chief Brizzee on a couple issues and has gotten some answers but not full answers, spoke regarding things that are being enforced upon residents but those of higher authority are not being held to those standards, spoke about an issue that occurred with him a few months ago and how that issue still hasn't been addressed, he has been documenting things that have been going on in the City, he showed a picture on his phone of an unmarked

police vehicle or a vehicle that is owned by a police officer, notes how it is an unregistered vehicle since its tags expired in February, thinks that before something is enforced on the residents of Los Banos that the people enforcing it should be able to live up to that standard first, asked Council how they are okay with people who enforce the law are actually breaking it for which Mayor Villalta stated that neither he nor the rest of Council are okay with anyone breaking the law and that Police Chief Brizzee is not present tonight, but that Commander Hedden is and that he can speak with him either after the meeting or tomorrow. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Silveira to approve the consent agenda as follows: Check Register for #204191 – #204423 in the Amount of \$1,053,655.15; Third Quarter Investment Report for Fiscal Year 2016-2017; City Council Resolution No. 5855 – Amending the Fiscal Year 2016-2017 Budget by Increasing Appropriations in Funds of the Los Banos Park Development Fee Fund in Professional Services in the Amount of \$9,500 and Advertising for Rehabilitation of Oliveira Park Soccer Fields in the Amount of \$500. The motion carried by the affirmative of all Council Members present; Absent: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING A COMPREHENSIVE UPDATE ON TITLE 6, CHAPTER 1 – ANIMALS ORDINANCE OF THE LOS BANOS MUNICIPAL CODE; ORDINANCE NO. 1153 – REPEALING CHAPTER 1 OF TITLE 6 OF THE LOS BANOS MUNICIPAL CODE ENTITLED ANIMALS AND ENACTING AN ORDINANCE ENTITLED ANIMAL CONTROL, REGULATION AND PROTECTION (SECOND READING & ADOPTION); CITY COUNCIL RESOLUTION NO. 5851 – ESTABLISHING ANIMAL CONTROL FEES; CITY COUNCIL RESOLUTION NO. 5852 – ESTABLISHING ANIMAL CONTROL ADMINISTRATIVE FINES AND PENALTIES. City Attorney Vaughn presented the staff report on the Animal Control Ordinance; Police Commander Hedden presented the staff report on Animal Control Fees, Fines and Penalties.

Mayor Villalta opened the public hearing. PEGGY LOGAN, Los Banos, thanked Council and particularly Deborah Lewis, Police Commander Hedden, and Police Chief Brizzee for all the work on this, she feels that the fees are too low and could in turn become ineffective to the purpose of trying to maintain a reasonable number of pets in the City, that the breeders license should be \$100 to discourage those who carelessly breed pets, hopes people are active in spaying/neutering; LARRY LOGAN, Los Banos, echoed what Peggy said that the \$50 breeders license is too low and should be set at \$100, believes higher fees and strict enforcement will deter irresponsible breeding, believes this will increase public safety and possibly liability for the City. No one else came forward to speak and the public hearing was closed.

There was staff discussion pertaining to the other cities that Police Commander Hedden studied and what their fees were. He explained that Turlock, one of the cities they have looked at very closely, had a breeder's permit fee of \$100 but that some of the other cities had a lower cost. How they took the average of the fees and came up with the \$50

amount, noting that the Police Department would be willing to set the cost at \$75 so that it would be in between \$50 and \$100. City Manager Terrazas and City Attorney Vaughn confirmed that making this change would be okay. By consensus, the City Council felt the fees presented at the last meeting were a bit high but now feels the fees are reasonable, how these fees are being established through resolution so they can be studied and changed if need be, and agreed that reviewing statistics after twelve (12) months would be ideal.

[Council Member Faria arrived at 8:17 pm]

Motion by Silveira, seconded by Faria to waive the second reading of Ordinance No. 1153 – Repealing Chapter 1 of Title 6 of the Los Banos Municipal Code Entitled Animals and Enacting an Ordinance Entitled Animal Control, Regulation and Protection. The motion carried by the affirmative action of all Council Members present.

Motion by Silveira, seconded by Faria to adopt Ordinance No. 1153 – Repealing Chapter 1 of Title 6 of the Los Banos Municipal Code Entitled Animals and Enacting an Ordinance Entitled Animal Control, Regulation and Protection. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5851 – Establishing Animal Control Fees with one amendment being made to the Breeder's Permit Fee being set at \$75 instead of \$50. The motion carried by the affirmative action of all Council Members present.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5852 – Establishing Animal Control Administrative Fines and Penalties. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF APPROVAL OF GENERAL PLAN AMENDMENT #2016-02, ZONE CHANGE #2016-02, AND MITIGATED NEGATIVE DECLARATION (MND) (SCH#2017021033). THE PROJECT PROPOSAL IS FOR THE GENERAL PLAN AMENDMENT AND REZONE OF SEVEN (7) PARCELS CURRENTLY DESIGNATED PROFESSIONAL OFFICE (P-O) INTO MEDIUM DENSITY RESIDENTIAL (R-2) ON 1.2 ACRES AND TO SUBDIVIDE SEVEN (7) EXISTING PARCELS INTO ELEVEN (11) PARCELS FOR THE DEVELOPMENT OF 11 DETACHED SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DELAWARE AVENUE BETWEEN PINE STREET AND MADRONE STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 027-214-001, -002, -003, -004, -005, -006, AND -007 [SUNSET HILLS DEVELOPMENT]; CITY COUNCIL RESOLUTION NO. 5856 – APPROVING MITIGATED NEGATIVE DECLARATION (SCH#2017021033) AND MITIGATION MONITORING/REPORTING PLAN FOR SUNSET HILLS DEVELOPMENT LOCATED ON THE EAST SIDE OF DELAWARE AVENUE BETWEEN PINE STREET AND MADRONE STREET, MORE

SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 027-214-001, -002, -003, -004, -005, -006, AND -007; CITY COUNCIL RESOLUTION NO. 5857 – APPROVING GENERAL PLAN AMENDMENT #2016-02 TO REDESIGNATE PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 027-214-001, -002, -003, -004, -005, -006, AND -007 FROM PROFESSIONAL OFFICE TO MEDIUM DENSITY RESIDENTIAL; ORDINANCE NO. 1154 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED ON ASSESSOR'S PARCEL NUMBERS 027-214-001, -002, -003, -004, -005, -006, AND -007 FROM PROFESSIONAL OFFICE (P-O) TO MEDIUM DENSITY RESIDENTIAL (R-2) (FIRST READING & INTRODUCTION).

Mayor Villalta excused himself from this item, as he owns property within 500 feet of the agenda item up for discussion. City Attorney Vaughn also excused himself as he has represented the applicant for this agenda item on several matters within the last twelve (12) months. It was noted that Mayor Pro Tem Silveira will be reading and running this item as the Mayor abstains. Mayor Villalta and City Attorney Vaughn left their seats at the dais and the Council Chambers.

Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation. She spoke regarding a comment letter received from the Los Banos Unified School District authored by their attorney regarding the City's environmental document, noting that the letter in summary stated that there needed to be consultation with the District by the City or the applicant. There are environmental impact concerns, district facilities would be changed, and schools are already at capacity; temporary buildings would have to be added as a result of this particular project. The letter further states that the quality of education provided to students would be negatively impacted, how the impacts combined with other developments were not considered, and the project is inconsistent with the City's General Plan and so the District asked if the City would consider further mitigation options.

Mayor Villalta opened the Public Hearing. DENNIS ARIEAS, Los Banos School Board, spoke regarding how they put together a mitigation agreement together with the developers in the community a little over ten (10) years ago because it was found out that SB50 (Senate Bill 50) was a basis and guideline but it was not in place for the school districts to go broke and not be able to build schools, if a study was done to figure out needs then it is legal to supersede SB50, the school board met with Greg Hostetler and Larry Anderson and came up with an agreement which noted that the numbers were accurate and that quality education was wanted for the Los Banos schools, eventually twelve to fourteen (12-14) other developers jumped on board with the agreement, he recently visited Texas and the mandatory number of students per classroom is twenty-three (23) and here in Los Banos teachers are having to deal with classroom sizes of 30+ students, these developers that entered into the agreement agree that the prices of houses should be raised in order to have more money to put towards the needs of the schools, he's angry to have read in the paper that this particular developer stated that 'if they have to pay the school fees that it will kill the project', he feels this item should not be rezoned, there are many other developers who entered into the agreement who are willing to pay the school fees to keep quality

education alive in Los Banos; ROSA ROPEL, Law Offices of Terpstra Henderson in Ripon, speaking on behalf of the applicant Sunset Hills, stated that they are ready to move forward and understands all the requirements of the City, noted how her client received a proposed agreement from the school district which demanded the developer to pay over 280% of the state-mandated school fees, the eleven-home (11) subdivision will pay approximately \$73,920 in school fees but the district wants \$207,670, the district is now citing a CEQA condition that does not pertain to the school district therefore it is irrelevant, she noted how the district has not done an environmental impact report in over twenty (20) years, notes how there are other CEQA laws that the district quoted but that none of these pertain and other allegations made by the district is pure speculation lacking evidence, she supplied the City Clerk with a memorandum supporting their case. No one else came forward to speak and the public hearing was closed.

Motion by Faria, seconded by Lewis to consider the comments made tonight, respond to the concerns brought forward by the Los Banos Unified School District, and bring back this item at the May 17, 2017 regular City Council meeting. The motion carried by the affirmative action of all Council Members present, Villalta abstained.

A short recess was called.

Mayor Villalta and City Attorney Vaughn returned to the Council Chambers and took their seat at the dais.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF FINAL DEVELOPMENT PLAN #2017-01 AND ASSOCIATED DEVELOPMENT AGREEMENT, CONSISTENT WITH THE STONECREEK ENVIRONMENTAL IMPACT REPORT (EIR). THE PROPOSED PROJECT CONSISTS OF THE SUBDIVISION OF APPROXIMATELY 75.3 ACRES INTO 343 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 NORTH OF PIONEER ROAD, WEST OF BADGER FLAT ROAD, SOUTH OF THE VILLAGES AT STONECREEK IV, PHASE 1B, AND EAST OF THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 430-060-008, 430-060-016, 430-060-017, AND 430-060-018 [DOVE HOLLOW VILLAGES AT STONECREEK VIII]; CITY COUNCIL RESOLUTION NO. 5858 – APPROVING FINAL DEVELOPMENT PLAN #2017-01 FOR DOVE HOLLOW VILLAGES AT STONECREEK VII; ORDINANCE NO. 1155 – APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND ANDERSON HOMES, A CALIFORNIA CORPORATION FOR DEVELOPMENT OF APPROXIMATELY 80.4 ACRES GENERALLY LOCATED ON THE SOUTH OF THE FUTURE CARDOZA ROAD EXTENSION, WEST OF THE FUTURE BADGER FLAT ROAD EXTENSION AND NORTH OF PIONEER ROAD MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 430-060-008, 430-060-016, 430-060-017, AND 430-060-018 [DOVE HOLLOW STONECREEK VII] (FIRST READING & INTRODUCTION).

Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

Council Member Lewis noted the area of the project and stated there is an agreement in the works for a new fire station in that area. She asked City Attorney Vaughn if there is some sort of covenant or something similar that protects the City and guarantees that there will be a fire station built there no matter who owns the land or who is developing on it for which City Attorney Vaughn explained that there is a site dedication for the fire station in question and that condition will follow on no matter who owns that particular land. There can be no final map until all conditions are met and the site dedication for the new fire station is one of those conditions.

Mayor Villalta opened the public hearing. RAYMOND DeSa, Stonecreek Properties in Hollister, assured Council that Stonecreek Properties is prepared to dedicate the site for the fire station and is ready to answer any other questions Council may have; DAVID SOARES, Los Banos, stated that he has a dairy west of where they are putting their property line, his dairy has been there for over eighty (80) years and the development is getting close to the dairy which has bulls and lagoons, wants to make sure that they know they are there because he is worried about kids being near the area as a dairy isn't the safest place; Mayor Villalta asked if the dairy is located within City limits or it's a part of the County for which Community & Economic Development Director Elms stated the dairy is a part of the County. Mayor Villalta explained that there would be a disclosure provided for any potential homebuyers in regards to the dairy and it would be their choice at that time whether to purchase a home or not; Community & Economic Development Director Elms further noted that Merced County participates in the right to farm act which would be included with every deed of purchase homes. No one else came forward to speak.

Mayor Pro Tem Silveira feels it would be best to know where the fire station dedication will be so that the homes can be built around it and everyone will be aware of where the station will be for which Ray DeSa explained that the site has already been identified and that it will be where the future Stonecreek Office site will be. Mayor Pro Tem Silveira shares the same concerns as Mr. Soares in regard to his dairy and would like to see some type of masonry wall put up as a boundary for which Ray DeSa stated they were already planning on putting up a masonry wall there.

There was staff discussion pertaining to a masonry wall being added on the southwest border line to provide safety to both the dairyman's property and the residents of that new development. Community & Economic Development Director Elms stated tonight a condition would need to be added stating a wall would need to be built there but that the size of the actual wall could be discussed at a later date during the improvement plan stage. Ray DeSa predicts that that portion of the property will not be under construction until after the development agreement is extended. There is a small portion of land that may be spot annexed in to be a part of the development that could potentially hold two houses but ideally would be used as ingress and egress into the development.

Council Member Faria wanted to be sure that staff was okay with the costs that would generate in order to staff additional safety personnel to accommodate this new development for which Fire Chief Marrison confirmed that this project will take in Community Facilities District (CFD) which is one of the primary funding sources for police and fire; Mayor Villalta asked if since the revenue sharing agreement was renegotiated, if that would help the City a little bit with fees for which Finance Director Williams confirmed that there would be an increase in property taxes.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5858 – Approving Final Development Plan for #2017-01 Dove Hollow Villages at Stonecreek VII with additional language/conditions that a masonry wall shall be developed and designed during the improvement plan stage to separate the residential uses from the dairy use to the west. The location, design, and materials shall be approved by the Public Works Director/City Engineer. The motion carried by the affirmative action of all Council Members present.

Motion by Silveira, seconded by Faria to waive the first reading of Ordinance No. 1155 – Approving a Development Agreement between the City of Los Banos and Anderson Homes, a California Corporation for Development of Approximately 80.4 Acres Generally Located on the South of the Future Cardoza Road Extension, West of the Future Badger Flat Road Extension and North of Pioneer Road More Specifically Identified as Assessor's Parcel Numbers: 430-060-008, 430-060-016, 430-060-017, and 430-060-018 [Dove Hollow Stonecreek VII]. The motion carried by the affirmative action of all Council Members present.

Motion by Silveira, seconded by Faria to introduce Ordinance No. 1155 – Approving a Development Agreement between the City of Los Banos and Anderson Homes, a California Corporation for Development of Approximately 80.4 Acres Generally Located on the South of the Future Cardoza Road Extension, West of the Future Badger Flat Road Extension and North of Pioneer Road More Specifically Identified as Assessor's Parcel Numbers: 430-060-008, 430-060-016, 430-060-017, and 430-060-018 [Dove Hollow Stonecreek VII]. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDING THE SPECIAL EVENTS PERMIT FEES. Council Member Faria stated that he is excusing himself from this item because his wife is the Executive Director with the Chamber of Commerce and he left his seat at the dais and exited the Council Chambers.

Community & Economic Development Director Elms presented the staff report.

Mayor Villalta stated this was a long arduous task and believes all of the concerns have been addressed and is very pleased with the fair outcome. He and Mayor Pro Tem Silveira thanked everyone for their time and effort that was put into this.

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

Motion by Silveira, seconded by Johnson-Santos to send the Special Events Permit Fees item back to the Planning Commission for their consideration and recommendation. The motion carried by the affirmative action of all Council Members present; Absent: Faria.

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

CONSIDERATION OF NOMINATION TO MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) MEASURE V CITIZENS OVERSIGHT COMMITTEE.

Motion by Villalta, seconded by Silveira to nominate Paul Parreira to the Merced County Association of Governments (MCAG) Measure V Citizens Oversight Committee. The motion carried by the affirmative action of all Council Members present.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, MAY 3, 2017 DUE TO THE MAY DAY FAIR.

Motion by Faria, seconded by Silveira to cancel the May 3, 2017 City Council Meeting due to the May Day Fair. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated the Planning Commission will hold a public hearing on the water efficient landscape revision for an update to the landscape ordinance. It will be held on Wednesday, April 26, 2017 at 7:00 p.m. in the Council Chambers.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Wished everyone a Happy Easter, the Los Banos High School is holding their Spring Choir Concert next Wednesday night at 7:30 p.m. in the multi-purpose room at Los Banos High School, the Merced College Choir will be a guest at the program, glad the animal ordinance is being updated.

DARONICA JOHNSON-SANTOS: Thanked Police Chief Brizzee and Officer Mancera for setting up the ride along she participated in last week.

DEBORAH LEWIS: Thanked Fire Chief Marrison for making arrangements for them to attend the annual firefighters dinner last week in Merced, two of the Los Banos firefighters were honored and they are Lupe Castillo and volunteer Jose Garcia, our City participated in the color guard this year and it was exceptional and made her very proud, how our firefighters in uniform looked snappy and stood out and looked sharp, this was her third year and she enjoys going very much, our department is an exception to what they do for our community as well as the State of California, thanked Commander Hedden and City Attorney Vaughn for all the work they've put in the last few years and working with the community on drafting up the new animal control codes, believes we are headed in a positive direction to alleviate the number of unwanted

animals in the community, congratulated them once again, hopes the fees generated from this will alleviate the financial pressures the City is currently experiencing and hopefully a new code enforcement officer will be utilized with these fees as well.

SCOTT SILVEIRA: Congratulated Lupe Castillo and Jose Garcia for their well-deserved honors, he was unable to attend the event, the spring clean up moved quite a bit of stuff, maybe we could do a third summer cleanup event to go along with the others, his dairy is out on Henry Miller Road and a couple times a month he will see a mattress or other large pieces of furniture thrown on out the property, the May Day Fair will be here before we know it, there are multiple packages you can buy now for cheaper prices, unlimited ride wristbands and adult entry tickets are the ones that are the big ones people go for.

MAYOR MICHAEL VILLALTA: Spoke regarding how the firefighter dinner was an absolute joy to honor all of the public safety officials, echoed Mayor Pro Tem Silveira's comments regarding the May Day Fair as being a staple in the community, urged residents to support the fair, it's been 125 years that that fair has been going on, we are very proud to have that in the community, the volunteers that keep that going are absolutely phenomenal, the amount of law enforcement there make it a very safe place to be.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT 1111 G STREET, LOS BANOS, CALIFORNIA, (APN 026-161-003, 026-161-008) (PORTION), APPROXIMATELY 6.04 ACRES; CITY NEGOTIATORS: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE; NEGOTIATING PARTIES: SAM WATSON; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No reportable action.

ADJOURNMENT. The meeting was adjourned at 10:16 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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