

**CITY OF LOS BANOS  
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES  
JANUARY 16, 2008**

***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 (video, DVD and/or audiotapes) kept as a permanent record.***

The following closed session items were held prior to the City Council Meeting:

**CONFERENCE WITH LABOR NEGOTIATORS; AGENCY DESIGNATED REPRESENTATIVE: CITY MANAGER; UNREPRESENTED EMPLOYEES: ASSISTANT CITY ENGINEER, ASSISTANT CITY MANAGER, ASSISTANT FIRE CHIEF, ASSISTANT PUBLIC WORKS DIRECTOR, CHIEF FINANCIAL OFFICER, CITY CLERK, FIRE CHIEF, HUMAN RESOURCES DIRECTOR, INFORMATION TECHNOLOGY MANAGER, INFORMATION TECHNOLOGY TECHNICIAN, PLANNING DIRECTOR, POLICE CHIEF, POLICE COMMANDER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, REDEVELOPMENT MANAGER. (PURSUANT TO GOVERNMENT CODE 54957.6)** No action taken, advisement to staff only.

**CALL TO ORDER:** Mayor Jones called the City Council/Redevelopment Agency Meeting to order at the hour of 7:00 p.m.

**PLEDGE OF ALLEGIANCE.** Police Chief Gallagher led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL / REDEVELOPMENT AGENCY PRESENT:** Anna Brooks, Tom Faria, Joe Sousa, Mike Villalta, and Tommy Jones

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Manager Rath, City Treasurer/Chief Financial Officer Wall, Fire Chief Guintini, Police Chief Gallagher, Public Works Director/City Engineer Chisam, Redevelopment Manager Post, Translator Reyna

**CONSIDERATION OF APPROVAL OF AGENDA:** Council Member Villalta asked that item 14, Consideration of Commission Member Appointment – Planning Commission – One (1) Term, Expiring December 31, 2011 be continued because he did not receive a list of those who have applied.

Motion by Villalta, seconded by Faria to pull item 14, Consideration of Commission Member Appointment – Planning Commission – One (1) Term, Expiring December 31, 2011 based on lack of information given to Council Members.

Council Member Faria spoke to how Council Member Sousa had requested staff bring forward for consideration a more formal process in appointing the various Commission Members that would include an interview process and how we could not cast a vote

unless he's had a chance to review the applications. Council Member Sousa agreed that they wait until the next Council Meeting to appoint so that Council Members would have time to review the applications but not wait until a new policy is in place. Council Member Brooks stated that if it would not hurt the Planning Commission she would agree to wait to appoint until the next council Meeting, but not wait for a new policy decision. Council Member Villalta wanted to see a change in Commission Member appointments to include extending terms for those who have been termed out, interview process for filling the Commission vacancies, and changing the 4 year appointment to a 2 year appointment.

City Attorney Vaughn explained the motion still before them by Villalta to pull item 14, Consideration of Commission Member Appointment – Planning Commission – One (1) Term, Expiring December 31, 2011 based on lack of information given to Council Members and spoke to the discussions held previously and explained the options before them.

Motion by Villalta, seconded by Faria to not appoint a Planning Commission until such time we have a policy brought back to the City Council for consideration. The motion failed by the following roll call vote: AYES: Faria, Villalta; NOES: Brooks, Sousa, Jones; ABSENT: None.

Motion by Brooks, seconded by Sousa to take pull item 14, Consideration of Commission Member Appointment – Planning Commission – One (1) Term, Expiring December 31, 2011 off tonight's agenda to give Council Members a chance to review applications and bring it back for consideration of the appointment at the February 6, 2008 Council Meeting. The motion carried by the following roll call vote: AYES: Brooks, Faria, Sousa, Jones; NOES: Villalta; ABSENT: None.

Motion by Brooks, seconded by Faria to approve the agenda as amended to not include pull item 14, Consideration of Commission Member Appointment – Planning Commission – One (1) Term, Expiring December 31, 2011. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COUNCIL 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 THREE (3) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.** POLICE CHIEF GALLAGHER, spoke regarding the new Police Department motorcycles which was on display in the Council Chambers and introduced Police Officer Warkentin who is assigned to the motorcycle duty, the grant funding that helps fund the motorcycles and officers, computers in the new Police cars and showed a video taken from inside one of the Police cars; LORI WILSON, representing SHOUT Arts, thanked the Council for their support and informed all about the January 28, 2008 start date of the new SHOUT session, noted the websites that have additional information regarding the SHOUT

program: aboutshout.com, ourlosbanos.com, and extended her talents to the community and the children; MELISSA HAWKINS, Los Banos, stated that she would like to speak to Item 8A - PUBLIC HEARING - Consideration of Approval of a Use Permit for an Alcohol License in Conjunction with a Restaurant located at 225 Seventh Street, Suite B, APN 025-016-007, Applicant: Eliodoro & Mariscos Munoz would like to speak to item 8A; SHIRLEY NAPOLITANO, representing Soroptimist, spoke regarding their upcoming Recognition Dinner, what the Women's' Opportunity Award Program offers, and what Soroptimist is all about; GENE FORTE spoke to comments made about an article in the December 25, 2007 Los Banos Enterprise that spoke to City Council action in reducing Los Banos Foods water fees, comments made about the situation at previous Council Meetings about the situation, and an article in his newspaper The Badger Flat Gazette that spoke to where the Los Banos Foods contamination came from and how they need to consider where the contamination originated before reducing water rates, he feels that that Chevron should pay for the costs associated with the contamination and not lower water rates for Los Banos Foods, and how he expects answers to issues/questions directed to staff and the City Council; CHRISTI BENNETT, Los Banos FFA Chapter Recorder, spoke regarding the Los Banos FFA events going on: Sweetheart Campaign-their biggest fundraiser of the year and the Ag Booster Dinner Dance; KEITH SNOW, Los Banos, spoke regarding appointing a Planning Commission Member, how he never gets a return call, what he did when he was running for Mayor, the budget and reducing it, underage kids driving cars, kids needing jobs, and how he has lots of ideas; DAVE ANDERSON, Los Banos, stated that he would like to speak to item 13, Consideration of City Council/Redevelopment Agency Member Agenda Requests Policy and stated in regards to the Commission Member appointments that he didn't understand when they shrunk the Planning Commission down to 5 members from 7 and maybe raising it to 7 members will give more an opportunity to serve; MIKE NEU, Los Banos, stated that the Parks & Recreation Commission was unable to take action due to a lack of forum and encouraged the City Council to fill the Parks & Recreation Commission vacancies as soon as possible because it is a needed, noting that it would be nice to find a young parent to fill a vacancy. No one came forward to speak and the public forum was closed.

#### **CONSIDERATION OF THE SLECTION OF MAYOR PRO TEM FOR THE YEAR 2008.**

Council Member Brooks thanked her fellow Council Members for the opportunity to serve as Mayor Pro Tem.

Motion by Brooks, seconded by Jones to select Council Member Sousa as Mayor Pro Tem for the Year 2008. The motion carried by the affirmative action of all Council Members present.

Mayor Jones thanked Council Member Brooks for serving as Mayor Pro Tem and looks forward to working with Council Member Sousa. Mayor Pro Tem Sousa thanked the City Council for the Mayor Pro Tem appointment which he is looking forward to.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** There was Council Member and staff discussion regarding item 7C - Entering into an Executive Recruitment Agreement with Bob Murray & Associates for the Planning Director Position in the Amount of \$16,500; item 7F - City Council Resolution No. 4978 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the General Fund – Police Department – Capital Outlay in the Amount of \$23,990; item 7G - City Council Resolution No. 4979 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the Traffic Safety Fund in Revenues by the Traffic Safety Grant in the Amount of \$114,297 and Increasing the Appropriation Limit in Expenditures for the Traffic Safety Fund – Police Department – Personnel Services in the Amount of \$76,095 and Services & Supplies in the Amount of \$1,200 and Capital Outlay by \$37,002 for a Total of \$114,297; and item 7H - City Council Resolution No. 4980 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the Public Safety Augmentation Fund – Police Department – Personnel Services in the Amount of \$39,400 and Services & Supplies in the Amount of \$18,059 for a Total of \$57,459 and Rescind City Council Resolution No. 4974.

Motion by Brooks, seconded by Villalta to approve the consent agenda as follows: Check Register for #104916 - #105416 in the Amount of \$1,599,702.35; Progress Payment No. 3, Final Payment, for the 2007 Street Overlays and Airport Runway Repair to Tom Mayo Construction Inc. in the Amount of \$259,429.88; Authorization to File a Notice Completion with the Merced County Recorder; and Authorize Payment of the Ten Percent (10%) Retention in the amount of \$79,703.94 Thirty-five (35) Days Following Recordation of the Notice of Completion; Entering into an Executive Recruitment Agreement with Bob Murray & Associates for the Planning Director Position in the Amount of \$16,500; Request by the Kente Women’s Club to Conduct a March and Rally on Martin Luther King’s Day, January 21, 2008 Starting at Approximately 10:30 a.m. and Ending No Later Than 12:00 p.m. from Los Banos City Hall on J Street to the First Baptist Church on D Street, to Include Parts of 7<sup>th</sup>, J, and D Streets in the Downtown Area; City Council Resolution No. 4977 – Approving the Annual Local Transportation Fund (LTF) Claim in the Amount of \$322,222 to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2007-2008; City Council Resolution No. 4978 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the General Fund – Police Department – Capital Outlay in the Amount of \$23,990; City Council Resolution No. 4979 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the Traffic Safety Fund in Revenues by the Traffic Safety Grant in the Amount of \$114,297 and Increasing the Appropriation Limit in Expenditures for the Traffic Safety Fund – Police Department – Personnel Services in the Amount of \$76,095 and Services & Supplies in the Amount of \$1,200 and Capital Outlay by \$37,002 for a Total of \$114,297; City Council Resolution No. 4980 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the Public Safety Augmentation Fund – Police Department – Personnel Services in the Amount of \$39,400 and Services & Supplies in the Amount of \$18,059 for a Total of \$57,459 and Rescind City Council Resolution No. 4974. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**PUBLIC HEARING – CONSIDERATION OF APPROVAL OF A USE PERMIT FOR AN ALCOHOL LICENSE IN CONJUNCTION WITH A RESTAURANT LOCATED AT 225 SEVENTH STREET, SUITE B, APN 025-016-007. APPLICANT: ELIODORO & MARISCOS MUNOZ; CITY COUNCIL RESOLUTION NO. 4981 – CONDITIONALLY APPROVING USE PERMIT #2007-16 FOR THE ON SALE OF BEER AND WINE IN CONJUNCTION WITH A RESTAURANT AT 225 SEVENTH STREET, SUITE B WITH RESTRICTIONS SPECIFIC TO HOURS OF ALCOHOL SALES; OR CITY COUNCIL RESOLUTION NO. 4981– DENYING USE PERMIT #2007-16 FOR THE ON SALE OF BEER AND WINE IN CONJUNCTION WITH A RESTAURANT AT 225 SEVENTH STREET, SUITE B; OR CITY COUNCIL RESOLUTION NO. 4981 – APPROVING USE PERMIT #2007-16 FOR THE ON SALE OF BEER AND WINE IN CONJUNCTION WITH A RESTAURANT AT 225 SEVENTH STREET, SUITE B.** Public Works Director/City Engineer Chisam introduced Assistant Planner Souza who presented the staff report.

The public hearing was opened. MELISSA HAWKINS spoke in support of approval of the use permit for M & M Restaurant; DEBRA GUTIERREZ spoke in support of approval of the use permit for M & M Restaurant; JOHN LUPINI spoke in opposition to approval of the use permit for M & M Restaurant and read his letter to ABC into the record because of the close proximity to the school and the conditions it can add to the neighborhood; POLICE CHIEF GALLAGHER spoke in opposition to approval of this use permit and stated that he will be opposed to any alcohol use permits that are in close proximity to schools; ROBERT CONGER spoke in support of approval of the use permit for M & M Restaurant and stated that he would think that the alcohol sold at the store next door would be more of a concern;; MIKE NEU spoke in support of approval of the use permit for M & M Restaurant and feels that the store next door is more of a concern; ELI MUNOZ, M & M Restaurant, spoke to why he feels his use permit should be approved, read a statement into the record, and thanked the City Council and staff for their consideration. No one came forward to speak and the public hearing was closed.

There was Council Member discussion regarding not feeling this would be a hazard to the school, how the liquor store is already there selling alcohol and how it would be unfair to the restaurant owners because of that.

Motion by Sousa, seconded by Villalta to adopt City Council Resolution No. 4981, approving Use Permit #2007-16 for the On Sale of Beer and Wine in Conjunction with a Restaurant at 225 Seventh Street, Suite B with Restrictions Specific to Hours of Alcohol Sales. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**PUBLIC HEARING – CONSIDERATION OF A DEVELOPMENT AGREEMENT FOR SHAUNESSEY VILLAGE. THE PROJECT SITE IS APPROXIMATELY 33.6 ACRES LOCATED EAST OF MERCY SPRINGS ROAD, BETWEEN PACHECO BOULEVARD AND SCRIPPS DRIVE. THE PROJECT SITE IS MORE PARTICULARLY DESCRIBED AS APN 083-100-005 AND 083-100-006.**

**APPLICANT: NA ENGINEERING. (CONTINUED FROM THE DECEMBER 19, 2007 CITY COUNCIL MEETING); ORDINANCE NO. 1063 – AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT AS HEREIN APPROVED BY THE CITY COUNCIL ON BEHALF OF THE CITY FOR THE SHAUNESSY VILLAGE PROJECT. (SECOND READING & ADOPTION).** Council Member Faria requested permission to excuse himself from consideration of this item because of a potential conflict of interest and left his seat at the dais and the Council Chambers.

Public Works Director/City Engineer Chisam introduced Contract Planner James who presented the staff report.

The public hearing was opened. The applicant stated that he has met with City Attorney Vaughn and City staff and is concerned about having to purchase the land to conduct the improvements. No one came forward to speak and the public hearing was closed.

There was Council Member discussion regarding the frontage improvements from Scripps down to the shopping center, concern about the 90 day due diligence, what happens if the requirements are not met.

Motion by Sousa, seconded by Brooks to waive the second reading of Ordinance No. 1063 – Authorizing the Mayor to Execute a Development Agreement as Herein Approved by the City Council on Behalf of the City for the Shaunessy Village Project. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Faria abstained.

Motion by Sousa, seconded by Brooks to adopt Ordinance No. 1063 – Authorizing the Mayor to Execute a Development Agreement as Herein Approved by the City Council on Behalf of the City for the Shaunessy Village Project. The motion carried by the by the following roll call vote: AYES: Council Members Brooks, Sousa, Villalta, Mayor Jones; NOES: None; ABSTAIN: Faria; ABSENT: None.

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

**PUBLIC HEARING – CONSIDERATION OF APPROVAL TO INCREASE CITY DISPOSAL RATES. THE PURPOSE OF THE PROPOSED INCREASE IS TO IMPLEMENT THE CITY'S RECYCLING PROGRAM, REQUIRED CLOSURE OF THE OLD LANDFILL LOCATED AT THE AG SPORTS COMPLEX, DISPOSAL DUMPING FEES, AND THE IMPACT ON STREETS; CITY COUNCIL RESOLUTION NO. 4982 – RELATING TO AN ADJUSTMENT IN DISPOSAL RATES.** Chief Financial Officer Wall presented the staff report. Public Works Director/City Engineer Chisam clarified what the proposed rate represents and how it only affects the contracting amount for services; no increases associated with road maintenance fees, how this increase will only affect future rate increases, this rate increase would provide for the recycling services approved by the City Council through the contract and if not approved the General Fund would have to fill, noting that Mr. Rob Hylton was in attendance to answer any questions the City Council might have.

There was Council Member and staff discussion regarding how we are not dealing with the road repair fees tonight just the contract rate increase and dump closure fee, how long it has been since the waste rates were increased, recycling is a great idea, tipping fee is being raised 17% over 3 years, green waste diversion can bring the cost down, how the fee was calculated, how the City would bond for the City landfill, when the road maintenance fee was to be instituted, how the City Council had a choice to go with a cheaper disposal contract and chose not to.

The public hearing was opened. STEPHANIE MENEZES, Los Banos, spoke in opposition of approval of this item and is not sure why the City Council went with Allied Waste when Sunset was cheaper, supports recycling, wants to know who actually reaps the benefits of recycling, is concerned because now we are being told that there will be an additional fee for the garbage trucks using the streets; DICK GERBI, Los Banos, spoke in opposition to approval of this item, wonders why they did not go with the cheaper contract, is confused as to what the additional fees will be paying for, supports recycling and wonders why it wasn't done sooner, feels the ball has been dropped and the whole thing is a mess, noted that the commercial rates have gone up 23%; ROBERT LUCIO spoke in opposition to approval of this item; DAVE ANDERSON, Los Banos, stated that he did not attend the study session where the rates were discussed but has a question as to the road tax that would be applied in the second year because of impacts to the streets from the garbage trucks, feels that the public hearing notice was confusing and feels that the increase should be specific, feels the 36 gallon garbage can should be bigger and what if they want 2 little cans instead of one bigger one; KATHY HOLMES, Los Banos, inquired as to who is reaping the profit on our recycling products; PEG EYERMAN, Los Banos, stated that she has two big cans that get put out once a month and pays the same as a large family and doesn't feel this is fair and also wanted to know who is reaping the benefits; MARY ANN WOOD spoke in opposition, stating that she does not recycle; MARK LUIZO, Allied Waste, spoke to the landfills, recycling services, the container size issues, road damage associated with the garbage trucks, how the recycling materials picked up do not offset the price to run the services, recycling is a market driven product, stated that he is available to answer any questions after the meeting and that Allied Waste has never come back to the City to ask for a raise outside their contract; MIKE NEU spoke in support of recycling.

There was additional Council Member and staff discussion regarding raising fees being the last thing the Council wants to do, what will happen if we don't recycle, recycling is the best thing for the community, our fee is lower compared to other fees in the valley.

Mayor Jones stated that if there anyone present tonight who has not submitted a protest form and would like to please do so.

City Attorney Vaughn stated that the number of protest votes need to be read into the record. City Treasurer/Chief Financial Officer Wall stated that the City of Los Banos received 1,322 ballots protesting the fee, which amounts to about 12% of those mailed.

No one else came forward to speak and the public hearing was closed.

There was additional Council Member and staff discussion regarding needing to make sure that the Billy Wright land fill is not closed because then we would have to pay for the hauling of garbage to the Highway 59 location in Merced, how we have made the best efforts to keep the costs down, if this is not implemented it will be considerably more later on, confusion about the road fee not being included, how heavy will the trucks be when fully loaded, and needing to be responsible for future generations.

Motion by Sousa, seconded by Brooks to adopt City Council Resolution No. 4982 – Relating to an Adjustment in Disposal Rates. The motion carried by the majority action of all City Council/Redevelopment Agency Members present, Faria and Villalta voting No.

**PUBLIC HEARING – CONSIDERATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT, AREA PLAN, PRE-ANNEXATION DEVELOPMENT AGREEMENT, ANNEXATION, GENERAL PLAN AMENDMENT TO LOW DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL, AND PRE-ZONING TO P-D (PLANNED DEVELOPMENT) FOR THE LAKES AT LOS BANOS. THE PROJECT SITE IS APPROXIMATELY 151.8 ACRES LOCATED IN UNINCORPORATED MERCED COUNTY WITHIN THE CITY OF LOS BANOS URBAN LIMIT LINE, NORTH OF CITY LIMITS. THE SITE IS LOCATED EAST OF NANTES AVENUE AND NORTH OF THE VINEYARDS SUBDIVISION (NORTHEAST OF THE INTERSECTION OF CAPRI AVENUE AND NANTES AVENUE). THE SITE IS MORE PRECISELY DESCRIBED AS APN: 082-030-016, 082-030-017, 082-020-033, AND 082-020-034. THE GENERAL PLAN AMENDMENT INCLUDES THE CHANGE OF ABOUT 61 ACRES FROM AGRICULTURE TO LOW DENSITY RESIDENTIAL. THE AREA PLAN DEFINES THE LAND USES AND CIRCULATION AND GUIDES DEVELOPMENT WITHIN THE PLAN AREA. PROPOSED LAND USES ARE LOW AND MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL, MULTI-FAMILY TOWNHOME RESIDENTIAL, AND NEIGHBORHOOD COMMERCIAL. A 32-ACRE TO 37-ACRE LAKE IS INCLUDED WITH THE PLAN. SUBDIVISION MAPS AND FINAL DEVELOPMENT PLANS WOULD REQUIRE SEPARATE APPROVALS FOLLOWING ANNEXATION PRIOR TO DEVELOPMENT. (CONTINUED FROM THE DECEMBER 19, 2007 MEETING)**

Public Works Director/City Engineer Chisam introduced the item and Contract Planner James presented the staff report. There was one letter received from Joe Mello regarding the development of the project site and how it will affect his property.

Tim Miller, Miller Planning & Design Group, spoke regarding the proposed project, which included a power point presentation.

City Attorney Vaughn spoke as to the action to be taken tonight because the public hearing was not properly noticed.

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

There was Council Member and staff discussion regarding interim level housing, this project will give our residents a choice in housing, where will the water come from to fill the lake, what happens during a drought year, how can we support filling a lake when we ask our citizens to conserve water, liking the apartments, concern for the mosquitoes the lake will attract, maintenance of the lake, likes that it is environmentally friendly, could we require that the backyards be developed when the homes are sold, how many homes will be under 6000 sq. ft., not liking the 4000 sq ft lots, if the Marina will be open to the public and if the “fingers” of the lake that extend out will have private access, how permit allocation will be worked out, impact to the community, lake is to be constructed with Phase 1 and who will maintain the lake until the Homeowner Association is formed, of it would become a completely gated community, water concerns, would like to see varied housing at all levels of cost, annexation fee and how it will be collected, if the entire lake is accessible, park accessibility, the upcoming study session to be held on this project and another opportunity for the City Council and community to get a better feel for this project.

Tim Miller stated that the lake will be owned by the Homeowner Association who will be responsible for the maintenance and upkeep, there is a lot of beauty to the project, the population growth potential and need to compensate for the past practices, a portion of the annexation fee to be paid at the time of annexation and a portion at Final Map approval with the balance paid when the permit is pulled, drought issues, CCID water rights, Fire and Police are satisfied with the project conditions, and the land fill issue.

Andy Komer, PACE Engineering, spoke to the features of the man made lake and how it is constructed and to the proposed water demands. Ken Schmidt, Ground Water Hydraulist, spoke regarding his experience with doing ground water studies and to the study done regarding this project.

John Kevan, Architect, spoke as the project layout, lot sizes and concept, and how it is a 600 home project.

Public Works Director/City Engineer Chisam stated that the Public Hearing will be re-noticed after the study session is held. Council Member Villalta and Faria stated that they would like to see the study session(s) televised, Council Member Sousa disagreed.

Mayor Jones invited the public to come forward to make comments. No one came forward.

No action taken, just an opportunity for Council Member comment.

**PRESENTATION BY MERCED COUNTY ECONOMIC DEVELOPMENT CORPORATION (MCEDCO) ON THE ENTERPRISE ZONE AND THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS).**

Redevelopment Manager Post presented the staff report, noting that the MCEDCO representative was not present. She spoke to the Enterprise Zone Incentives that

include hiring tax credits, sales and use tax credits, business expense deductions, net operating loss carryover, lender credits, how any unused credits may be carried over to succeeding year until exhausted, and how Enterprise Zone companies may earn preference points on State contracts, and the upcoming workshops in February 2008.

No action taken, informational item only.

**CONSIDERATION OF ADOPTION OF REDEVELOPMENT AGENCY RESOLUTION NO. 2008-01 – APPROVING CASH MATCH FOR THE FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) INNOVATION PLACE PLANNING AND BUSINESS MODEL PROJECT GRANT.**

Redevelopment Manager Post presented the staff report. Spread the 7500 cost over two budget years.

There was Council Member discussion regarding why the cities of Merced and Los Banos were the only ones involved.

Motion by Faria, seconded by to adopt Redevelopment Agency Resolution No. 2008-01 – Approving Cash Match for the Federal Economic Development Administration (EDA) Innovation Place Planning and Business model Project Grant. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 4983 – AUTHORIZING THE NAMING OF THE LOS BANOS CHILD DEVELOPMENT CENTER AS THE MARTIN LUTHER KING JR. CHILD DEVELOPMENT CENTER AND THE COMMUNITY ROOM LOCATED AT THE CENTER AS THE CESAR CHAVEZ COMMUNITY ROOM.**

Redevelopment Manager Post presented the staff report, noting that the Street Naming Committee Members felt strongly enough to educate the youth on these leaders and why these buildings were being named after these individuals.

Council Member Faria stated that although he is part of the Street Naming Committee he did not take a vote at the last Committee Meeting and reserved his vote to tonight's meeting.

Motion by Sousa, seconded by Faria to adopt City Council Resolution No. 4983 – Authorizing the Naming of the Los Banos Child Development Center as the Martin Luther King Jr. Child Development Center and the Community Room Located at the Center as the Cesar Chavez Community Room. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO 4984 – AUTHORIZING APPROVAL OF THE PROPOSAL FROM EMC PLANNING GROUP INC. TO COMPLETE THE LOS BANOS DESIGN STANDARDS.**

Public Works Director/City Engineer Chisam presented the staff report.

There was Council Member discussion regarding wants to be sure that we are including the Downtown Planning Advisory Committee (DPAC) in the project approval process and

if we have the names of all the original committee members. City Clerk Mallonee stated that she does have a list on file in the City Clerk's office.

Motion by Faria, seconded by Brooks to adopt City Council Resolution No. 4984 – Authorizing Approval of the Proposal from EMC Planning Group Inc. to Complete the Los Banos Design Standards not to exceed \$74,600 and to include the Downtown Planning Advisory Committee in the process. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**CONSIDERATION OF A CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER AGENDA ITEM REQUESTS POLICY; CITY COUNCIL RESOLUTION NO. 4957 – ESTABLISHING A CITY COUNCIL/ REDEVELOPMENT AGENCY MEMBER AGENDA ITEM REQUESTS POLICY.** City Manager Rath presented the staff report.

There was Council Member discussion regarding the policies that allow for Council Members to add items to the agenda by email or phone call for consideration by the whole City Council, where a Council Member can recommend an agenda item verbally at a meeting, this being an opportunity for citizens to get more involved in the process, can't be a free for all, if it is something that the majority of the City Council wants then staff will go out and research it to bring back to the City Council more information before fully studying it and bringing it to the City Council for consideration, this would allow for clear direction to staff, not wanting this policy to put a chilling affect of the City Council or string things out.

Council Member Villalta invited the public to come forward to speak. MIKE NEU spoke in opposition to the proposed agenda policy because he is concerned with how it is written ad he would request that they find a way that does not require three votes to add something to the agenda; DAVE ANDERSON stated that it is very hard for people to come down to the public forum to speak and there needs to be an easy way for citizens to communicate and he considers this policy a roadblock.

City Manager Rath stated that this policy would allows for any Council Member to request an item to be put on the agenda for consideration by the whole City Council before moving forward and to also give staff clear direction.

Motion by Faria, seconded by Brooks to adopt City Council Resolution No. 4957 – Establishing a City Council/Redevelopment Agency Member Item Requests Policy to read as follows: "CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER AGENDA ITEM REQUESTS POLICY: A City Council / Redevelopment Agency Member may request that an item be added to the agenda of a future City Council / Redevelopment Agency Meeting by raising the request during a public meeting of the City Council / Redevelopment Agency or by direct written communication to the City Manager / Executive Director. The City Manager / Executive Director will add the item to the agenda of the next meeting date for City Council / Redevelopment Agency consideration to see if there is a majority consensus to have staff expend time on the issue and to hear it at a future meeting. If approved, staff would come forward at a future City Council / Redevelopment Agency

meeting with information on the item, staff recommendations, budget ramifications, and add the issue to the appropriate department's Work Plan, if applicable." The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**CONSIDERATION OF COMMISSION MEMBER APPOINTMENT; Planning Commission – One (1) Term Expiring December 31, 2011.** This item was continued at the beginning of the meeting, by motion, to the February 6, 2008 City Council Meeting.

**REDEVELOPMENT AGENCY UPDATE.** Redevelopment Manager Post spoke regarding a note she received from Pasquel Mandivi regarding the naming of the Child Development Center the Martin Luther King Jr Child Development Center and with a room named the Cesar Chavez Room, how she will be heading to business conference to represent Los Banos, and the \$800,000 HOME grant.

**ADVISEMENT OF PUBLIC NOTICES (THREE REPORTS)** Public Works Director/City Engineer Chisam reported that a Public Hearing will be held at the Planning Commission Meeting on January 23, 2008 at 7:00 p.m. to consider a use permit to allow a large recycling facility to operate in the General Commercial Zoning District. The project site is located at 1220 E Street, Suites F, G and H, APNs 025-134-015 and 015-134-016.

Public Works Director/City Engineer Chisam reported that a Public Hearing will be held at the Planning Commission Meeting on January 23, 2008 at 7:00 p.m. to consider a use permit for a Type 41 alcohol license located at 651 I Street, APN 025-231-007.

The third public hearing notice is being continued to the Planning Commission Meeting February 13, 2008.

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT.** City Manager Rath introduced the new Information Technology Manager, Rick Spalding.

#### **CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.**

**MIKE VILLALTA:** Spoke regarding his desire to see paperless agenda process for the City Council Agenda packets, the Ag Boosters BBQ, the Elks Lodge Crab Crack Dinner, and the Los Banos High School Baseball/Softball crab feed.

**ANNA BROOKS:** Congratulated Council Member Sousa on being appointed Mayor Pro Tem, stated that all the Council Members really do like each other even if it comes off like we don't, how she respects all of her fellow Council Members and is very happy to work with them, and spoke to a letter from concerned citizens regarding dog droppings being left on the trail and not being picked up and if there was anything staff could do to address the issue.

**TOMMY JONES:** Stated that the next meet, February 6, 2008 he will present the State of the City address.

**TOM FARIA:** Spoke regarding how Measure K got picked on the local news, the Elks Lodge Dinner Dance, how he will be playing music at Winestyles Friday night, how his wife found the other cities have “coffee with cops” for citizen to meet the local officers and is something to think about, how solar power is the industry of the future, how he too has a great deal of respect for all his fellow Council Members, and hopes all is enjoying the conversation.

**JOE SOUSA:** Stated how honored he is to be named Mayor Pro Tem, would like to recognize Lori Wilson on her work with the SHOUT group and what it does for the kids, what a great tool ourlosbanos.com is for the community, the upcoming Martin Luther King March in Los Banos, the warming center, how an individual personally told him he gave a personal monetary donation to help pay the PG&E bill for the warming center, welcomed the new Information Technology Manager Rick Spalding, spoke to the cartoon in the Los Banos Enterprise regarding M & M Restaurant, and how he feels honored to be sitting up here and respects each and everyone of his fellow Council Members.

Mayor Jones encouraged all to remember to vote yes for Measure K.

**MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.**

**ADJOURNMENT.** The meeting was adjourned at the hour of 12:38 p.m.

APPROVED:

/s/ Tommy Jones  
Tommy Jones, Mayor

ATTEST:

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