

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 4, 2006**

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 City Council of the City of Los Banos met on the above given date.

Mayor Amabile called the City Council Meeting to order at the hour of 7:08 p.m.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brooks, Jones, McAdam, Pruitt and Mayor Amabile.

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

APPROVAL OF AGENDA: Motion by Jones, seconded by Pruitt to approve the agenda as submitted. The motion carried by the affirmative vote of all Council 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. MELVIN WHITTLE, First Baptist Church in Los Banos and residing in Fresno, spoke regarding matters concerning naming buildings, streets, parks and schools after great people who have done great things for our nation, i.e. Dr. Martin Luther King Jr., Coretta Scott King, Rosa Parks, Cesar Chavez and presented a letter to the City Clerk regarding this topic; EVELYN MORALES, STEVEN MORENA, DANNY RAMIREZ, spoke on behalf of Mr. Nally's AP English class as Los Banos High School and thanked him for coming to speak to their class; PASQUEL MENDEVI, Los Banos, spoke regarding speaking the truth and the Los Banos Unified School Board Meeting and how he was treated at the meeting held on September 28, 2006 and read from a prepared statement; SANDY LEMAS, Los Banos, spoke regarding Soroptimist and the Sees Candy they are selling as fundraiser, the Victorian Tea being held on the first Saturday in November, noted that recycling is still going on the 2nd and 4th Saturdays of every month out at the Airport location, Kings View will be starting a recycling program and how people need to take curbside recycling more seriously, American Heart Walk being held on October 21, 2006 and encouraged all to support the event, the Foster and Kinship Care Program at Merced

College and how important foster care is, and the Los Banos Chamber of Commerce Street Faire being held on October 7, 2006; BILL KNOFF, Los Banos, spoke regarding Measure G and explained the measure and how it would benefit the community of Los Banos, encouraging all to Vote Yes on Measure G. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Mayor Amabile noted that item 5L, Resolution No. 4785 – Approving Amendment to Division 5, Personnel Benefits of the City’s Policy & Procedures Manual, Adding Section 515, Benefits Provided to Newly Hired Department Heads, needs to have “Recreation Manager” added to the list of Department Heads.

There was Council Member discussion regarding item 5D, Progress Payment No. 1 to Tom Mayo Construction in the amount of \$522,291.24 for the 2006 Street Overlays and Reconstruction of Alley Project, regarding the timeline of the project and the expected completion date; item 5H, Resolution No. 4781 – Amending Fiscal Year 2006-2007 Budget by Increasing the Appropriation Limit for the Traffic Safety Fund – Police Department – Capital Outlay, regarding what happens to the old Police cars.

Motion by McAdam, seconded by Jones and carried with the addition of Recreation Manager to attachment to Resolution No. 4785, items on the consent agenda were approved, by the affirmative action of all Council Members present as follows: Meeting Minutes August 16, 2006 Meeting and August 30, 2006 Adjourned Meeting; Check Register for #94180 - #94585 in the Amount of \$1,642,220.16; Progress Payment No. 1 to Granite Construction Co., in the amount of \$104,112 for the Seventh and H Street Improvements Project; Progress Payment No. 1 to Tom Mayo Construction in the amount of \$522,291.24 for the 2006 Street Overlays and Reconstruction of Alley Project; Progress Payments Relating to the Highway 165 Widening Project, Invoice No. 5 to Somerset Park, LLC in the amount of \$1,448.43, Invoice No. 6 to Somerset Park, LLC in the amount of \$50,670.63, Invoice No. 7 to Somerset Park, LLC in the amount of \$165,004.25, Invoice No. 8 to Somerset Park, LLC in the amount of \$274,457.25; Street Closure Request from the Los Banos Police Department – J Street between 5th & 6th Streets from 6:30 p.m. to 9:00 p.m. on October 12, 2006 for the Take Back the Night March; Award of Bid for Three (3) New 2007 Model Three-Quarter Ton Heavy Duty Pickups to Santos Ford in the amount of \$52,999.10; Resolution No. 4781 – Amending Fiscal Year 2006-2007 Budget by Increasing the Appropriation Limit for the Traffic Safety Fund – Police Department – Capital Outlay; Resolution No. 4782 – Rejecting all Bids Received on August 22, 2006 for One (1) New 2006/07 Model Half Ton Pickup, One (1) Used (1500 HR. Max) 86 H.P. 4WD Tractor Backhoe and One (1) New 2006/07 Model Skid Steer Loader; Resolution No. 4783 – Rescinding Award of Bid for Two (2) New 2007 Model One Ton Super Heavy Duty Pickups with Combo Service Bodies Awarded to Bob Silva Ford in the Amount of \$52,308.3 and Authorizing Award of Bid to the Subsequent Lowest Bidder, Santos Ford in the Amount of \$68,887.34; Resolution No. 4784 – Accepting Grant of Easement for Dedication of 22.23 square feet of Property Located on the Southeast and Southwest Corners of Seventh & H Streets (Richard & Lynnette Gerbi); Resolution No. 4785 – Approving Amendment to Division 5,

Personnel Benefits of the City's Policy & Procedures Manual, Adding Section 515, Benefits Provided to Newly Hired Department Heads.

PUBLIC HEARING – CONSIDERATION OF A CAPITAL FACILITIES FEE NEXUS STUDY AND CONSIDERATION OF A REVISION TO THE CITY OF LOS BANOS CAPITAL FACILITIES FEE PROGRAM – PRESENTED BY SUSAN GOODWIN, GOODWIN CONSULTING GROUP, INC; RESOLUTION NO. 4786 – REVISING DEVELOPMENT IMPACT FEES FOR THE PROVISION OF CAPITAL FACILITIES RELATING TO POLICE, FIRE, PARK IMPROVEMENTS, AND ESTABLISHING DEVELOPMENT IMPACT FEES FOR THE PROVISION OF CAPITAL FACILITIES RELATING TO COMMUNITY CENTER, CITY HALL, CORPORATION YARD, AND PROGRAM ADMINISTRATION; ORDINANCE NO. 1050 – AMENDING CHAPTER 2, TITLE 9, ARTICLE 6 OF THE LOS BANOS MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES FOR CAPITAL FACILITIES. (FIRST READING & INTRODUCTION) Planning Manager LeVan presented the staff report and introduced Susan Goodwin of Goodwin Consulting Group, who presented a brief presentation in regards to the proposed Development Impact Fees being proposed, which included a PowerPoint presentation.

There was Council Member discussion regarding what the existing fees are now compared to the recommended new ones, if the minimum inflation index were to be used and able to adjust accordingly, if funds have to be used for the funds that it was designated for or can they be applied to the same category, water, wastewater and traffic impact fees will need to be addressed and adjusted in the next 6 months, if the fee can be negotiated, setting the maximum you can charge, applying incentives for individual projects, why did two categories go down for Police and Fire fees but go up for one, and wanting to make sure that the fees encourage and not discourage more businesses to come to Los Banos, especially to create new jobs.

City Manager Rath reported that the report has been sent to the Building Industry Association for their comments and they have sent only positive comments.

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

Motion Jones, seconded by McAdam to adopt Resolution No. 4786, Revising Development Impact Fees for the Provision of Capital Facilities Relating to Police, Fire, Park Improvements, and Establishing Development Impact Fees for the Provision of Capital Facilities Relating to Community Center, City Hall, Corporation Yard, and Program Administration. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Pruitt, to waive the first reading of Ordinance No. 1050 – Amending Chapter 2, Title 9, Article 6 of the Los Banos Municipal Code Relating to Development Impact Fees for Capital Facilities. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Pruitt, to introduce Ordinance No. 1050 – Amending Chapter 2, Title 9, Article 6 of the Los Banos Municipal Code Relating to Development Impact Fees for Capital Facilities. The motion carried by the following roll call vote: AYES: Brooks, Jones, McAdam, Pruitt, Mayor Amabile; NOES: None; ABSENT: None.

PUBLIC HEARING – CONSIDERATION OF FINAL GRANTEE PERFORMANCE REPORT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 03-EDBG-921. Redevelopment Manager Post presented the staff report.

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

No action taken or needed, just an opportunity for the public to provide comments on the CDBG program.

ADVISEMENT OF PUBLIC NOTICES. (One Report) Planning Manager LeVan reported that there will be a public hearing before the Planning Commission on October 11, 2006 to consider a tentative tract map for the Hacienda Business Park, which will consist of 28 commercial condominium units to be used as a retail outlet. The property is located at the northwest corner of G and First Streets and is more precisely described as PN 081-110-014.

CITY MANAGER REPORT: Asked Planning Manager LeVan to introduce the Nancy Huff, the new Associate Planner who was in the audience.

M.C.A.G. REPORT: Mayor Amabile reported that there was a meeting on September 21, 2006 at the County of Merced and items discussed were the compressed natural gas buses being used in Los Banos and throughout Merced County, promotional services for The Bus system, State funds appropriation schedule and he spoke regarding the proposed Los Banos bypass. The next MCAG meeting is October 19, 2006 at the City of Merced.

CITY COUNCIL REPORTS

COUNCIL MEMBER BROOKS: Spoke regarding the Candidates Forums and encouraged all to come to the forums and vote on Election Day.

COUNCIL MEMBER JONES: Spoke regarding Redevelopment and how the Mayor was instrumental in beginning Redevelopment Agency and thanked him for his leadership and his direction for making it happen.

COUNCIL MEMBER PRUITT: Stated that he has been doing a lot of walking and talking to citizens in town and there are so many nice people in town who care about

what is going on in Los Banos. He commended the City Manager for the work staff has done on the Capital Facilities Fee Nexus Study and the Capital Facilities Fee Program.

COUNCIL MEMBER McADAM: Thanked the sponsors of the Candidates Forums, noted how well attended the Salute to Seniors Faire was and reminded all about the Chamber of Commerce Annual Street Faire being held on October 7, 2006.

MAYOR AMABILE: Thanked Mayor Pro Tem McAdam for filling in for him at the Senior Faire and read some silly information from The Book of Useless Information and a reference to the City of Los Banos. He thanked Police Commander Fitchie and Police Chief Gallagher for finding the person who started the recent fire in town and spoke regarding his trip to Mr. McNally's class at Los Bans High School to speak. He reminded everyone about the Fall Clean Up being held on October 14, 2006 and spoke regarding growth and the growth management system the City of Los Banos has in place.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 8:40 p.m.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk