

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
OCTOBER 17, 2007**

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, CD and/or audiotapes) kept as a permanent record.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (A). NAME OF CASE: FELIX M. LOPEZ AND ELIZABETH RUIZ VS. COUNTY OF MERCED, ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION, CASE NO. 06-CV-01526-OWW-DLB. No action taken, advisement to staff only.

PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957. TITLE: CITY MANAGER. No action taken, advisement to staff only.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY IDENTIFICATION: 10+/- ACRES, LOCATED ON THE EAST SIDE OF BADGER FLAT ROAD AND APPROXIMATELY ½ MILE NORTH OF PACHECO BOULEVARD, APN 081-130-017; AGENCY NEGOTIATOR: CITY MANAGER AND CITY ATTORNEY; NEGOTIATING PARTIES: CITY OF LOS BANOS AND HOSTETLER INVESTMENTS LLC; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. 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, Planning Manager LeVan, Translator Reyna

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Brooks, seconded by Faria to approve the agenda as submitted. 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.

NORM DONOVAN, Los Banos, spoke regarding the Los Banos Elks Lodge Annual Law Enforcement Night being held on Monday, October 22, 2007 and stated that he would like to speak on item 10D, Public Hearing – Consideration of an Ordinance Amendment to the Los Banos Municipal Code Regarding Mobile Vendors. COREY TENANT, Los Banos, spoke regarding the illegally parked vehicles/trailers around town and his concerns as to how it affects the look and feel of a neighborhood especially when trying to sell a home. He also spoke to his recommendations on how to deal with these problems; LISA LEMOND, PRICILLA ROMERO, Los Banos, spoke to the need for a youth center; JOSH BRETT thanked the City Council for the new activity center; JOHN WHALA read another poem regarding the recent Henry Miller Wild West Weekend Event; KENT SANDERS spoke regarding the Henry Miller Wild West Weekend Event and thanked the City for all their help; GENEVA BRETZ, Los Banos, thanked the City for supporting the Henry Miller Wild West Weekend and spoke regarding the many events held throughout the weekend; PASTOR JUAN ESCOVEDO, along with some of the youth from his church, spoke in support of the City's efforts to create a youth center/gymnasium. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Police Chief Gallagher was asked to speak to the following consent agenda items: City Council Resolution No. 4932 – Accepting the Sole Source Bid for a Lighted Crosswalk System to be Provided by Silicon Constellations; City Council Resolution No. 4934 – Approving the Purchase of Crime Analysis Mapping Software from VisionAir in the amount of \$9,725.00; City Council Resolution No. 4935 – Approving a Contract with GeoComm to Fix Merced County Association of Governments (MCAG) Maps to Correspond to State 911 Database in the Amount of \$3,600.00.

Motion by Sousa, seconded by Faria to approve the consent agenda as follows: Check Register for #102811 - #103278 in the Amount of \$2,512,288.56; Progress Payment No. 4, Final Payment for Mercey Springs Highway Widening Project, in the amount of \$38,202.01 to Somerset Park, LLC.; Progress Payment No. 9 for Construction of the Los Banos Child Development Center in the amount of \$352,707.75 to Greg Opinski Construction, Inc.; Progress Payment No. 19 for Professional Services Related to the Wastewater Treatment Plant Expansion and Upgrade Phase II Project in the Amount of \$6,993.00 to Eco:Logic.; Memorandum of Understanding (MOU) Between the City of Los Banos and the Los Banos Police Dispatchers/Community Services Officers Association for the Period of July 1, 2007 - June 30, 2010; City Council Resolution No. 4931 – Amending Division 4, Salary Schedule-Employee Classifications and Division 5, Personnel Benefits of the City Policy Manual Relating to Changes Associated with the Los Banos Police Dispatchers/Community Services Officers Association Memorandum of Understanding (MOU); City Council Resolution No. 4932 – Accepting the Sole Source Bid for a Lighted Crosswalk System to be Provided by Silicon Constellations; City Council Resolution No. 4933 – Approving the Boundaries of the Targeted Employment Area (TEA) and Submission of Application for the County of Merced Enterprise Zone; City Council

Resolution No. 4934 – Approving the Purchase of Crime Analysis Mapping Software from VisionAir in the amount of \$9,725.00; City Council Resolution No. 4935 – Approving a Contract with GeoComm to Fix Merced County Association of Governments (MCAG) Maps to Correspond to State 911 Database in the Amount of \$3,600.00. The motion carried by the affirmative action of all City Council/ Redevelopment Agency Members present.

PRESENTATION BY DISTRICT ATTORNEY LARRY MORSE II REGARDING LAW ENFORCEMENT.

Police Chief Gallagher introduced Merced County District Attorney Larry Morse II. Mr. Morse spoke regarding crime patterns on the Westside of Merced County (Los Banos), District Attorney Office staffing at the Courthouse in Los Banos, the number and nature of crimes, gang crimes, newly established Merced County Gang Task Force, Police Chief Gallagher’s progressive attitude and leadership and noted that Chief Gallagher has been named the “chief” of all police chiefs on the Merced County Gang Task Force, the Merced County Narcotics Task Force, Asset Forfeiture funds, crime and punishment issues.

There was Council Member and staff discussion regarding what other cities have done to combat the gang problems that could be implemented in the City of Los Banos, what the Los Banos Police Department is doing to address the gang activities in the community, how important gang intervention is, how tragic it is to lose kids to gangs, and the need to provide activities for the youth.

No action taken, informational item only.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 4936 – APPROVING THE PROFESSIONAL SERVICE AGREEMENT WITH DIGITAL MAP PRODUCTS TO PROVIDE GEOGRAPHICAL INFORMATION SYSTEMS (GIS) SERVICES IN THE AMOUNT OF \$26,250.00.

Planning Manager LeVan presented the staff report, which included a PowerPoint presentation, and introduced Mr. Steve Batz from Digital Map Products, who also made a PowerPoint presentation regarding the product and service they are offering to the City of Los Banos.

There was Council Member and staff discussion regarding if the cost would be shared by other departments not just the Planning Department, if it was budgeted for, if it could be absorbed in the current budget, the training for the product, how far down can you zoom in to the property, how will the GeoComm item fit into this product, annual aerial photography updates, sphere of influence option, this will be a very convenient tool, less staff time spent researching and retrieving information, Megan’s law information, and help enforce parking issues.

Motion by Villalta, seconded by Faria to adopt City Council Resolution No. 4936 - Approving the Professional Service Agreement with Digital Map Products to Provide Geographical Information Systems (GIS) Services in the Amount of \$38,050 to include the options of ¼ mile sphere of influence and Community View Resident Fencing Site. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – CONSIDERATION OF A USE PERMIT FOR AN ALCOHOL LICENSE IN CONJUNCTION WITH A RESTAURANT LOCATED AT 650 I STREET, APPLICANT: LEO & LINDA MIKHA, OWNER: JAMES LEMON.; CITY COUNCIL RESOLUTION NO. 4937 – APPROVING USE PERMIT NO. 2007-11. Planning Manager LeVan presented the staff report.

The public hearing was opened. NORM DONOVAN, Los Banos, spoke in support of this item. No one else came forward to speak and the public hearing was closed.

There was Council Member and staff discussion regarding this being the only Type 41 ABC License (beer and wine only) on I Street.

Motion by Brooks, seconded by Sousa, to adopt Resolution No. 4937 - Approving Use Permit No. 2007-11. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – CONSIDERATION OF FINAL DEVELOPMENT PLAN NO. 2006-12 AND DEVELOPMENT AGREEMENT FOR QUAIL MEADOWS AT STONECREEK. THE SITE IS ABOUT SEVENTY-SIX (76) ACRES WITHIN THE STONECREEK AREA PLAN, SOUTH OF PACHECO BOULEVARD BETWEEN BADGER FLAT ROAD AND LOS BANOS CREEK, APNS 083-040-007, 083-040-008, 083-040-050, 083-040-051, AND 083-020-032. APPLICANT: STONECREEK PROPERTIES; ORDINANCE NO. 1060 – AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY FOR THAT CERTAIN DEVELOPMENT PROJECT KNOWN AS QUAIL MEADOWS AT STONECREEK. (SECOND READING & ADOPTION); CITY COUNCIL RESOLUTION NO. 4921 – APPROVING OF THE QUAIL MEADOWS AT STONECREEK FINAL DEVELOPMENT PLAN NO. 2006-12. Planning Manager LeVan presented the staff report.

The public hearing was opened. TOM TERPSTRA spoke in agreement with staff on the staff report and thanked the City for all their work.

There was Council Member and staff discussion regarding if the 225 base permits could be built in one year, plus the 50 permits that can be built in one year, if we are at out limit, the 150 bonus permits for Lowe's and future incentive bonus permits, wanting a clear understanding of the access to the linear park plan and if the applicant will provide both the north and south access, wanting to include backyard landscaping requirement, and how soon will the two connections to the creekside park be made. Mr. Terpstra stated that the backyard landscaping requirement would need to defer to the applicant before speaking to the matter at this time and that the north connections to the Creekside Park would be done right away, with the southern one not be done until the project is developed.

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

Motion by Sousa, seconded by Faria to waive the second reading and to adopt Ordinance No. 1060 - Authorizing the Mayor to Execute a Development Agreement on Behalf of the City for that Certain Development Project Known as Quail Meadows at Stonecreek. The

motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

Motion by Sousa, seconded by Faria, to adopt City Council Resolution No. 4937 - Approving Use Permit No. 2007-11. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – CONSIDERATION OF AMENDMENTS TO TITLE 10, PARKS & RECREATION, CHAPTERS 2, OF THE LOS BANOS MUNICIPAL CODE “WATER CONSERVATION IN LANDSCAPING” IN ITS ENTIRETY AND ADD CHAPTER 3 RELATING TO “COMMUNITY PRESERVATION”; (TO BE CONTINUED TO NOVEMBER 7, 2007); ORDINANCE NO. 1059 – AMENDING TITLE 10, CHAPTER 2 OF THE LOS BANOS MUNICIPAL CODE “WATER CONSERVATION IN LANDSCAPING” IN ITS ENTIRETY AND ADD CHAPTER 3 RELATING TO “COMMUNITY PRESERVATION” (FIRST READING & INTRODUCTION); CITY COUNCIL RESOLUTION NO. 4928 – ADOPTING PROCEDURES FOR LANDSCAPE PLAN REVIEW, SCHEDULE OF FEES, GUIDELINES FOR PREPARATION OF LANDSCAPE DOCUMENT, TREE LIST, AND TWELVE LANDSCAPE STANDARD PLANS. Motion by Faria, seconded by Brooks to continue this item to the November 7, 2007 City Council Meeting. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – CONSIDERATION OF AN ORDINANCE AMENDMENT TO THE LOS BANOS MUNICIPAL CODE REGARDING MOBILE VENDORS. THE ORDINANCE AMENDMENT WOULD APPLY CITY-WIDE; ORDINANCE NO. 1061 – AMENDING TITLE 9, CHAPTER 3, SECTION 9-3.1725 OF THE LOS BANOS MUNICIPAL CODE REVISING REGULATIONS REGARDING MOVEABLE STRUCTURE BUSINESSES. (FIRST READING & INTRODUCTION) Planning Manager LeVan presented the staff report.

The public hearing was opened. NORM DONOVAN, Chairman of the Los Banos Planning Commission spoke in support of this item. The Woody’s vendor thanked the City stating that they are trying to establish a more permanent kiosk type of stand if the City Council is not in support of the mobile vendor type. No one else came forward to speak and the public hearing was closed.

There was Council Member discussion regarding requiring connection to utilities (i.e. water, electricity), liking the idea of a more permanent structure, this could be lowering our standards if we allow mobile vendors for any type of product that is readily available for sale, an unfair advantage to mobile vendors, it should have be included in Lowe’s building plan, limiting the vendor to 180 days not 365 days, and needing to offer people a variety of eating establishments.

Motion by Villalta, seconded by Sousa to not introduce Ordinance No. 1061 – Amending Title 9, Chapter 3, Section 9-3.1725 of the Los Banos Municipal Code Revising Regulations Regarding Moveable Structure Businesses and refer it back to staff with the modification to allow the moveable structure for one hundred eighty (180) days and bring

back to the City Council for consideration at a later date. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

CONSIDERATION OF APPROVAL OF BEVERLY PRIOR ARCHITECTS PROPOSED WORK PLAN AND FEE ESTIMATE FOR THE LOS BANOS COMMUNITY CENTER PROJECT; CITY COUNCIL RESOLUTION NO. 4938 – APPROVING THE DESIGN PROPOSAL FOR THE CONSTRUCTION OF THE COMMUNITY CENTER AS OUTLINED IN BEVERLY PRIOR ARCHITECTS PROPOSED WORK PLAN AND FEE ESTIMATE IN THE AMOUNT OF \$1,161,000.00. Public Works Director/City Engineer Chisam presented the staff report.

Council Member Faria inquired as to not seeing the activities rooms included in the proposal, wanting to see the whole thing designed not just this initial phase, and find ways to raise the funds for the completion of the whole community center project.

A representative from Beverley Prior spoke regarding the designing the whole facility, but the proposal is to only do construction documents according to the final budget number of \$12.5 million

Council Member Villalta stated that he was thought that the direction was that the facility be called youth center, we were going to design the total facility with bid and bid alternates for construction of the complete facility, wanting the to get as much as we can for our money, and what if construction costs are down.

Council Member Brooks stated that she would like to see a specialized energy analysis included in the project.

Motion by Brooks, seconded by Sousa to adopt City Council Resolution No. 4938 – Approving the Design Proposal for the Construction of the Community Center as Outlined in Beverly Prior Architects Proposed Work Plan and Fee Estimate in the Amount of \$1,161,000 including specialized energy analysis.

For clarification purposes Council Member Sousa stated that for this project the City Council has agreed to commit \$12.5 million to the project, a task force committee was created to work on the proposed project ideas and recommended the phasing of the project to include one large room and a gymnasium, it would be designed in full and see if we would be able to afford more than Phase 1, and the public has been asked to make comments and none have been received.

City Attorney Vaughn inquired as to if the scope of work is be appended to the current contract or will it require a new contract with staff coming back with an addendum of additional scope of works. Public Works Director/City Engineer Chisam stated that an addendum will be used in this case.

Council Member Faria stated that he feels we need to have the full design of the community center with a model and feels that the community will contribute if they see what is going to be built, children need things to do and places to go, and he committed his

centennial gold coin tonight to kick off the funding for the community center. Council Member Villalta stated that he would like to see the total project designed not just phase 1 so that we can see what the total project will look like and cost.

Motion by Brooks, seconded by Sousa to adopt City Council Resolution No. 4938 – Approving the Design Proposal for the Construction of the Community Center as Outlined in Beverly Prior Architects Proposed Work Plan and Fee Estimate in the Amount of \$1,161,000.00 with an addendum to the current agreement with Beverly Prior. The motion carried by the following roll call vote: AYES: Brooks, Faria, Sousa, Jones; NOES: Villalta, ABSENT: None.

Public Works Director/City Engineer Chisam explained the concept of the establishing Public Works Capital Projects Committee.

Motion by Brooks, seconded to Sousa to appoint Council Members Brooks and Sousa to the Community Center Committee. The motion carried by the affirmative action of all Council Members present.

Motion by Brooks, seconded by Faria to appoint Council Members Sousa and Villalta to the Public Works Capital Projects Committee. The motion carried by the affirmative action of all Council Members present.

REDEVELOPMENT AGENCY UPDATE. No report.

ADVISEMENT OF PUBLIC NOTICES (THREE REPORTS) Planning Manager LeVan reported that a Public Hearing will be held at the Planning Commission Meeting on October 24, 2007 at 7:00 p.m. to consider 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 Assessor Parcel Numbers: 082-030-016, 082-030-017, 082-020-033, and 082-020-034.

Planning Manager LeVan reported that a Public Hearing will be held at the Planning Commission Meeting on October 24, 2007 at 7:00 p.m. to consider a subdivision map and development agreement for Shaunessy Village. The 33.6 acre site is located to the east of Mercey Springs Road roughly ¼ mile south of Pacheco Boulevard and just north of Scripps Drive, APN 083-100-005 and 083-100-006.

Planning Manager LeVan reported that a Public Hearing will be held at the Planning Commission Meeting on October 24, 2007 at 7:00 p.m. to consider a final development plan, subdivision map, and development agreement for Mission Village South No. 5. The 6.39 acre site is located to the east of Mercey Springs Road between Mission Drive on the

north and Willmott Road on the south, a small portion of the site is south of Willmott Road, APN 428-280-002.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT. City Manager Rath spoke regarding the OneVoice Group and the #1 priority being the Los Banos Highway Bypass, invited all to their next meeting on Thursday, October 25, 2007, and to the November 1, 2007 workshop by Merced County on the Merced County General Plan Update.

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

JOE SOUSA: Congratulated the Henry Miller Wild West Weekend group, they did a great job. He spoke regarding the Submarine Veterans event held at Merced College on October 13, 2007, reminded the community to keep the community clean and put their garbage cans away, and to also put the basketball hoops away and off of the right of way.

MIKE VILLALTA: Stated that he is no way against the community center, he just wants to build the most that we can and hopes the bids are well under the price, and wants to know how much it would cost to build it all. He would like staff to look into a paperless agenda – going totally digital, to save trees and be more efficient. He thanked Mr. Tenant for coming forward with his concerns on the illegally parked vehicles and spoke regarding the upcoming Elks Law Enforcement Night, the Wild West Weekend and how he got to shoot off the cannon and the great job the committee did. He thanked the Submarine Veterans all they went through and stated what a great ceremony it was.

ANNA BROOKS: Stated that she agrees with the paperless agenda concept if it is doable. She was sorry to have missed the beautiful ceremony recognizing the Submarine Veterans. She inquired as to if City Code Enforcement can address illegally parked vehicles, thanked staff for the Redevelopment Agency tour, how excited she is about the community center, and wished all a safe and happy Halloween.

TOMMY JONES: Thanked Council and staff for going on the recent tour and out to businesses in the Bay Area. He spoke to how Seattle's Mayor has a green city and wants to see how we can start doing things too, the next MCAG tour, the recent design standard tour, the Elks Law Enforcement Night, the Wild West Weekend event and how fun the stage coach ride was. He stated that the complete Council is in support of the community center and wants nothing but the best for the community.

TOM FARIA: Spoke regarding the Our Lady of Fatima Celebration, the Submarine Veterans event, thanked the veterans for their service, and thanked the Wild West Weekend Committee for a great event and how he dressed up as Padre Arroyo and his wife was his companion. He stated that he would like to make a recommendation for the community center grand room be called Centennial Hall. He spoke regarding how the Los Banos Unified School District is looking at generating a school bond to build schools which he is in total support of, the Soroptimist event next weekend, the Our Lady of Fatima School Oktoberfest on October 20, 2007, how he is the LAFCO representative and they recently let Gustine expand their sphere of influence from 400 to 2400 and would like the City to explore expanding our sphere of influence so that we can control more.

Council Member Sousa encouraged all to check out ourlosbanos.com website that speaks about all the events in town and spoke to his recent tour with the Redevelopment Manager Post.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 10:30 p.m. to 6:30 p.m., Tuesday, October 30, 2007, at Miller & Lux Building, 830 6th Street, Los Banos, California to Attend a City of Los Banos Solid Waste Fees Workshop and to 5:30 p.m., Thursday, November 1, 2007, in the City Council Chambers, 520 J Street, Los Banos, California to Review the Merced County General Plan Update Workshop Presented by the Merced County Planning Department.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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