

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
OCTOBER 18, 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. The following closed session items were held at 6:00 p.m. prior to the City Council Meeting.

**CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS (PURSUANT GOVERNMENT CODE SECTION 54956.8); PROPERTY: 645 SEVENTH STREET, APN 025-072-034, CONSISTING OF 3.64 ACRE PARCEL; AGENCY NEGOTIATOR: CITY MANAGER, CITY ATTORNEY; NEGOTIATING PARTIES: CITY OF LOS BANOS & EDNA SHERWOOD PROPERTY; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE.** No action taken, advisement to staff only.

**CALL TO ORDER:** Mayor Amabile called the City Council Meeting to order at the hour of 7:12 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 Chief Gallagher, Public Works Director/City Engineer Chisam, Recreation Manager Garcia, 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.** NORM DONOVAN, Los Banos, commented that Overland Avenue has finally been repaved and the thanked the Council. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** There was Council Member discussion regarding item 6G, Resolution No. 4787, approving the additional Local Transportation Funds (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2006-2007 in the amount of \$184,908.94.

Motion by McAdam, seconded by Jones to adopt the consent agenda as follows: Meeting Minutes for October 4, 2006; Check Register for #94486 - #94921 in the Amount of \$2,466,058.74; Denial of Late Claim Application for Jose Refugio Banuelos Sanchez; Progress Payment No. 2 to Tom Mayo Construction in the Amount of \$142,362.09 for the 2006 Street Overlays and Reconstruction of Alley Project; Progress Payment Invoice No. 12 to Erler & Kalinowski, Inc. (EKI) in the Amount of \$12,820.73 for the Los Banos Wastewater Treatment Plan Expansion Project; 2006 Conflict-of-Interest Code Local Agency Biennial Notice; Resolution No. 4787 – Approving the Additional Local Transportation Funds (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2006-2007 in the amount of \$184,908.94; Resolution No. 4788 – Amending the City’s Policy and Procedures Manual, Division 4, Pertaining to Part Time Classifications for the Recreation Department. The motion carried by the affirmative action of all Council Members present.

**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.

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

Motion by Jones, seconded by Pruitt, to waive the second 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 adopt 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.

**CONSIDERATION OF AWARD OF BID FOR THE CHILD DEVELOPMENT CENTER; RESOLUTION NO. 4789, AWARDING THE BID FOR THE CHILD DEVELOPEMNT CENTER.** Public Works Director/City Engineer Chisam presented the staff report, noting that the City Clerk received and opened bids on October 17, 2006 and staff is recommending awarding the bid to the lowest bidder, Explore General Inc. in the amount of \$3,646,300.00.

There was Council Member discussion regarding when the grant money expires, if this amount was budgeted for, and the groundbreaking ceremony to be scheduled for last week of October.

Motion by McAdam, seconded by Jones to adopt Resolution No. 4789, awarding the bid for the Child Development Center to Explore General Inc. in the amount of \$3,646,300.00. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL OF THE 2006 CITY OF LOS BANOS COMMUTER BIKE PLAN; RESOLUTION NO. 4790, ADOPTING THE 2006 COMMUTER BIKE PLAN.** Recreation Manager Garcia presented the staff report.

Motion by Jones, seconded by McAdam to adopt Resolution No. 4790, adopting the 2006 Commuter Bike Plan. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF THE DRAFT STRATEGIC ACTION PLAN FOR THE CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY.** Mayor Amabile presented the staff report, which included a detailed PowerPoint presentation.

There was Council Member discussion regarding hoping the State will earmark the funds in the new budget, and how glad and proud they are to have Mayor Amabile sitting on this board, finally have a voice for Los Banos and lucky to have a Governor that has paid an interest to the Central Valley.

Motion by McAdam, seconded by Pruitt to support the Draft Strategic Action Plan for the California Partnership for the San Joaquin Valley as submitted. The motion carried by the affirmative action of all Council Members present.

**PRESENTATION BY ECONOMIC DEVELOPMENT COMMITTEE.** Redevelopment Manager Post presented the staff report and introduced the members of the committee: Araceli Anderson, Chris White, Tom Faria, Sandra Hansen, Keith Gronigna, Arlene Washington, Melinda Wall, Mayor Pro Tem Mike McAdam, and Mayor Michael Amabile.

Ms. Anderson presented an overview of the Economic Development Committee, highlighting the activities and goals set by the committee. She spoke regarding the survey the Committee has created to be sent out to the community for them to complete

and return to the. Their hope is that the City will use the data compiled in their decision making process.

Mayor Amabile thanked the committee for their work, time and commitment, and the progress they've made since forming the committee.

Chris White thanked the Mayor and City Council for the opportunity to sit on the committee.

No action taken or needed, informational item only.

**ADVISEMENT OF PUBLIC NOTICES. (Three Report)** Planning Manager LeVan reported that there will be a public hearing before the Planning Commission on October 25, 2006 to consider a Vesting Tentative Parcel Map to divide two parcels totaling 9.38 acres into six parcels ranging in size from 63 acres to 4.18 acres on property located at the southeast corner of State Highway 152 and Place Road, more specifically described as APN 083-140-022 and 083-140-023. (East Pacheco Center LLC, VTM #2006-07)

Planning Manager LeVan reported that there will be a public hearing before the Planning Commission on October 25, 2006 to consider a Vesting Tentative Parcel Map to divide a 24.14 acre parcel into two parcels of 9.47 acres and 14.67 acres on property located at the northeast corner of Prairie Springs Drive and Badger Flat Road, more specifically described as APN 083-040-058. (Stonecreek Properties, VTM #2006-05)

Planning Manager LeVan reported that there will be a public hearing before the Planning Commission on October 25, 2006 to consider a Site Plan Review to allow the construction of a 178,000 square foot home improvement warehouse with a 10,850 square foot attached garden center located at the northeast corner of Badger Flat Road and Prairie Springs Dive, more specifically described as APN 083-040-044. (Target Corporation, Site Plan Review #2006-10)

**CITY MANAGER REPORT:** Nothing to report.

**M.C.A.G. REPORT:** Next meeting is October 19, 2006 at 3:00 pm in Merced.

### **CITY COUNCIL REPORTS**

**COUNCIL MEMBER BROOKS:** Thanked Grasslands for the tour they gave today of the wetlands and surrounding area. She stated that the Election Candidate Forums are being repeated on Channel 96 and noted that there was a great turnout for the Mayoral Candidate Forum.

**COUNCIL MEMBER JONES:** Thanked the Chamber of Commerce, the Los Banos Enterprise and Rotary Club for the putting on the Candidate Forum, which gives the community an opportunity to hear and see the candidates.

**COUNCIL MEMBER PRUITT:** Thanked Grasslands for the tour today and also made note that he attended the Dog Day in the Park event and thanked the organizers for that event also.

**COUNCIL MEMBER McADAM:** Spoke regarding the Manufacturing Summit Meeting being held on October 26, 2006 being held at UC Merced with topics of discussion to include the Enterprise Zone, Customer Service Academy that Merced College offers, and future manufacturing. He noted that he will be speaking as a member of the OneVoice group that day. He reminded all about the upcoming Heart Walk being held on October 21, 2006 and encouraged all to participate.

Recreation Manager Garcia spoke regarding the Halloween events being held on October 31, 2006, which include a Haunted House at the Recreation Hall and also the Halloween Carnival.

**MAYOR AMABILE:** Thanked Grasslands for the tour today and stated that he again attended Mr. McNally's class at the High School. He spoke regarding the California Partnership presentation he also gave to the City of Merced, which they also accepted, the Take Back the Night Event held on October 12, 2006, the recent Centennial Celebration Meeting to prepare and plan for the celebration at the Plaza on May 12, 2007, the meeting the Mayor had with the Mayor of Morgan Hill on October 10, 2006 while he was at City Hall on personal business, how he heard from the County of Merced that they may not be able to certify the election results by November 9, 2006 in time to be on the agenda of November 15, 2006, the candidate forums held and being rerun on Channel 96, and spoke to comments made during the Candidate Forums in regards to Measure G and not being able to use Redevelopment Agency funds to build schools.

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

**ADJOURNMENT.** The meeting was adjourned at the hour of 8:34 p.m.

APPROVED:

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Michael S. Amabile, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk