

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
JANUARY 25, 2012**

***ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.***

**CALL TO ORDER:** Chairman Mello called the Planning Commission Meeting to order at the hour of 7:00 p.m.

**PLEDGE OF ALLEGIANCE.** Planning Commissioner Toscano led the Pledge of Allegiance.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Arkady Faktorovich, Deborah Lewis, Tom Mello, and Susan Toscano.

**STAFF MEMBERS PRESENT:** Planning Director Fitzgerald, City Attorney Vaughn, Payroll Technician/Deputy City Clerk Ascencio and Interim Planning Secretary O'Bannon.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, seconded by Faktorovich to approve the agenda as submitted. The motion carried by the affirmative action of all Commission Members present.

**ADMINISTRATION OF OATH OF OFFICE TO NEW PLANNING COMMISSIONERS:** Payroll Technician/Deputy City Clerk Ascencio administered the Oath of Office to Vern Hixson, Chandra Lee and Tracey Rosin.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Arkady Faktorovich, Vern Hixson, Chandra Lee, Deborah Lewis, Tom Mello, Tracey Rosin and Susan Toscano.

**ELECTION OF OFFICERS:** Motion by Toscano to nominate Tracey Rosin to serve as the new Chairman of the Planning Commission. Motion by Mello to nominate Chandra Lee to serve as the new Chairman of the Planning Commission. A vote was held on the first nomination for Rosin. The motion carried by the majority vote of Commissioners present.

Motion by Mello to nominate Chandra Lee to serve as the new Vice Chair of the Planning Commission. The motion carried by the affirmative vote of all Commissioners present.

**CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF DECEMBER 14, 2011:** Motion by Faktorovich seconded by Hixson to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION.** No one came forward and the public forum was closed.

**PUBLIC HEARING – CONSIDER RECOMMENDING APPROVAL OF THE LOS BANOS RAIL TRAIL REGULATING CODE** Planning Director Fitzgerald presented the staff report.

Commissioner Toscano; does that mean that what was meant to be a commercial section can be turned into a residential section; Community Development Director Fitzgerald; yes; Commissioner Faktorovich; from my understanding the State is now the owner; Community Development Director Fitzgerald; as of February 1<sup>st</sup> Redevelopment Agency will be dissolved and a Successor Agency will own the property and will attempt to sell the property; City Attorney Vaughn; those types of questions are being debated by attorneys, as of February 1<sup>st</sup> the Redevelopment Agency will be dissolved, the City of Los Banos has opted out of becoming the Successor Agency to oversee the Redevelopment Agency, the purpose of the Successor Agency is to pay the Redevelopment Agency's bills, collect and distribute property taxes formerly collected by the Redevelopment Agency, and oversee the shutting down of the Redevelopment Agency; Commissioner Faktorovich; who is on the title of the Rail Trail properties; City Attorney Vaughn; the Redevelopment Agency is on the title of those properties but they may have the authority to transfer title, the properties are in limbo; Commissioner Faktorovich; who is going to be responsible for the contamination clean-up; City Attorney Vaughn; the City of Los Banos will not be responsible for the contamination clean-up on the Rail Trail; the Successor Agency will be responsible for the contamination clean-up; Commissioner Faktorovich; by approving this today we are not putting ourselves into a situation where whoever owns the property can do anything without the approval of the Commission; City Attorney Vaughn; it does not matter who owns the property, this deals with zoning regulations of the properties; Commissioner Mello; are we going to follow the same standards when a future property owner comes to the Commission; Community Development Director Fitzgerald; yes you should follow this, but are not limited to it; Commissioner Toscano; who is going to be making money off of this; City Attorney Vaughn; the legislature does not specify that, the assets are supposed to be inventoried and sold to repay bond debt and taxing authorities, properties such as the Community Center and the Henry Miller Plaza will be transferred to the City of Los Banos, the Rail Trail might be transferred to the City of Los Banos by the Successor Agency; Commissioner Lewis; recalls back in 2002 the City hired Urban Development company, is happy to see the money spent put to use so that the City is protected; Commissioner Faktorovich; it is my understanding that the land that the Community Center is on belongs to the City and that the building will be transferred to the City; City Attorney Vaughn; it could be, that is a decision that the Successor Agency will make; Commissioner Faktorovich; I ask because the Community Center is running in red, will the Successor Agency help cover costs; City Attorney Vaughn; the only costs that the City is responsible for is maintenance and operation of the facility, if the Community Center was transferred to the City so they would cover costs.

Chair Rosin opened the public hearing;

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

Motion by Lee, seconded by Toscano to adopt Planning Commission Resolution No. 2012-01 – Recommending approval of the Los Banos Rail Trail Regulating Code. The motion carried by the affirmative action of all Commission Members present.

**PLANNING DEPARTMENT REPORT:** We're working on the LAFCo submittal for the AM/PM / McDonald's and starting to see a lot of projects coming forward, thank you to Tom and Chandra for Chair and Vice Chair for the past year, and congratulations to Tracey and Chandra for the next year, happy birthday Tracey.

**PLANNING COMMISSION MEMBER REPORTS.**

**ARKADY FAKTOROVICH:** Visited In n Out, very nice facilities, plenty of parking, hopes that it will come to Los Banos sometime in the future.

**VERN HIXSON:** Nothing to report.

**DEBORAH LEWIS:** Nothing to report.

**CHADRA LEE:** Nothing to report.

**TOM MELLO:** Nothing to report.

**TRACEY ROSIN:** Would like to thank Paula and Vaughn for their work on a very difficult project and issue.

**SUSAN TOSCANO:** Nothing to report.

**ADJOURNMENT.** The meeting was adjourned at the hour of 7:46 p.m.

APPROVED:

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Tracey Rosin, Planning Commission Chair

ATTEST:

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Crystal O'Bannon, Interim Planning Commission Secretary