

CITY OF LOS BANOS

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AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

SEPTEMBER 20, 2006

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

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Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

1. **CLOSED SESSION.** **6:00 PM**
(Members of the public may address the City Council on the following closed session items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)
 - A. 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 & Public Services Director; Negotiating Parties: City of Los Banos & Edna Sherwood Property; Under Negotiation: Purchase Price and Terms of Sale.
 - B. Conference with Real Property Negotiators – Pursuant to Government Code 54956.8. Property Identification: 807 Page Avenue, APN 083-241-001; Agency Negotiator: City Manager & City Attorney; Negotiating Parties: City of Los Banos and Francisco & Florinda Perez; Under Negotiation: Purchase Price and Terms of Sale.
2. **CALL TO ORDER.** **7:00 PM**
3. **ROLL CALL:** Council Members Brooks, Jones, McAdam, Pruitt, Mayor Amabile
4. **CONSIDERATION OF APPROVAL OF AGENDA.**
5. **SWEARING IN OF POLICE CHIEF – CHRISTOPHER J. GALLAGHER**
6. **PRESENTATION – COMMUNITY HEALTH AND WELLNESS DAY PROCLAMATION**

7. PUBLIC FORUM: Members of the public may address the City Council on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.
8. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda will be voted on in one motion unless removed from the calendar by a Council Member.)
 - A. Check Register for #93918 - #94179 in the Amount of \$894,283.16.

Recommendation: Approve the check register as submitted.
 - B. Rejection of Claims.
 - 1) Jose Refugio Banuelos Sanchez
 - 2) Dorothy Angle

Recommendation: Rejection of claims with referral to claims adjustor.
 - C. Progress Payment No. 1 to Tom Mayo Construction for the Highway 165 and Overland Avenue Intersection Reconstruction and Traffic Signal and Safety Lighting Project in the amount of \$60,192.00.

Recommendation: Approve the payment as submitted.
 - D. Progress Payments Relating to the Los Banos Wastewater Treatment Plant Expansion Project.
 - 1) Invoice No. 13 to Erler & Kalinowski, Inc. (EKI) in the amount of \$10,869.15.
 - 2) Invoice for April 2006 to Kenneth D. Schmidt & Associates in the amount of \$1,000.40.
 - 3) Invoice for July 2006 to Kenneth D. Schmidt & Associates in the amount of \$465.26
 - 4) Invoice for August 2006 to Kenneth D. Schmidt & Associates in the amount of \$6,552.12.

Recommendation: Approve the payments as submitted
 - E. Street Closure Request from the Los Banos Chamber of Commerce – Main Street from K Street to H Street, and I, K, and J Streets on October 7, 2006 from 5:00 a.m. to 5:00 p.m. for the annual Downtown Street Faire.

Recommendation: Approve the street closure request as submitted.

F. Award of Bids.

- 1) One (1) New Administrative Police Vehicle to Santos Ford in the amount of \$24,393.69.
- 2) Two (2) Model One Ton Super Heavy Duty Pickups with Combo Service Bodies to Bob Silva Ford in the amount of \$52,308.30.
- 3) Two (2) 2006/07 Model Hook Lift Trucks and Three (3) Roll-off Attachments to Gibbs International in the amount of \$218,510.62
- 4) Two (2) New Model Power Drop Deck Enclosed Trailers to Aerial Lift Service in the amount of \$26,307.00.
- 5) One (1) New Model Power Drop Deck Trailer to Aerial Lift Service in the amount of \$10,687.00.
- 6) One (1) New Model Infrared Asphalt Recycler to Kasi Infrared in the amount of \$30,676.65.
- 7) One (1) New Model Walk Behind Vibratory Roller to Vibco Inc. in the amount of \$5,750.00.
- 8) One (1) New Model Walk Behind Grinder with Push Truck to SASE Company, Inc. in the amount of \$7,419.25.
- 9) One (1) 2006/07 Model Skid Steer Loader to Holt of California in the amount of \$47,224.07.
- 10) One (1) 2006/07 Model Three-Point Laser Grading Scraper to N & S Tractor Co. in the amount of \$19,055.59.
- 11) One (1) 2007 Model Three-Quarter Ton Heavy Duty Pickup with Utility Box to Santos Ford in the amount of \$25,769.17.
- 12) One (1) 2007 Model Riding Rotary Mower to Turf Star in the amount of \$17,381.69.

Recommendation: Award the bids as submitted.

G. 2005-06 Fiscal Year – Preliminary Fourth Quarter Financial Report.

Recommendation: Accept the report as submitted.

- H. Notice of Completion for the H Street Reconstruction at 2nd Street Project.

Recommendation: Approve the notice of completion as submitted and authorize the execution and recordation.

- I. Agreement between Ali and Tooba Farsad and the City of Los Banos for the purchase of 6200 Sq. Feet of a portion of property located at 760-860 H Street; APN 025-114-009, for an Easement.

Recommendation: Approve the agreement as submitted and authorize City Manager to execute agreement.

- J. Resolution No. 4770 – Amending the fiscal year 2006-07 budget by increasing the appropriation limit by \$40,000 for the Fire Capital Improvement Fund – Capital Outlay.

Recommendation: Adopt the resolution as submitted.

- K. Resolution No. 4771 – Amending the 2006-2007 fiscal year budget by increasing the proposed expenditures by \$5,000 in the General Fund and authorizing an increase in Personnel for the General Fund in the Fire Department by one Fire Captain position.

Recommendation: Adopt the resolution as submitted.

- L. Resolution No. 4772 – Approving the issuancy by the Los Banos Redevelopment Agency of its 2006 Tax Allocation Bonds (Los Banos Redevelopment Project) and making certain determinations relating thereto.

Recommendation: Adopt the resolution as submitted.

- M. Resolution No. 4773 – Accepting Final Tract Map #2001-01 and Subdivision Improvement Agreement.

Recommendation: Adopt the resolution as submitted.

- N. Resolution No. 4774 – Approving a Boundary Map and declaring intention to annex property to the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) and to levy a special tax therein to finance certain Public Safety Services for such Community Facilities District.

Recommendation: Adopt the resolution as submitted.

- O. Resolution No. 4775 – Accepting Grant of Easement subject to the approval of road improvements.

Recommendation: Adopt the resolution as submitted.

- P. Resolution No. 4776 – Entering into an agreement with the State of California Department of Transportation to accept Congestion Mitigation and Air Quality funding for an Intermodal Transportation Center.

Recommendation: Adopt the resolution as submitted.

- R. Resolution No. 4777 – Rejecting all bids received on August 1, 2006 for the Child Development Center Project and directing staff to re-solicit bids for this project.

Recommendation: Adopt the resolution as submitted.

9. CONSIDERATION OF PROPOSED REORGANIZATION OF THE PUBLIC WORKS DEPARTMENT AND PUBLIC SERVICES DEPARTMENTS.

- A. Resolution No. 4778 – Approving the reorganization of the Public Works and Public Services Department and amending Division 4, Salary Schedule, of the City's Policy and Procedures Manual.

Recommendation: Adopt the resolution as submitted.

10. CONSIDERATION OF DEPARTMENT HEAD PERFORMANCE SALARY RANGES.

- A. Resolution No. 4779 – Amending Division 4, Salary Schedule relating to changes associated with Section A – Administration, Section B – Finance, Section C – Planning, Section E – Recreation, Section F – Public Works, Section G – Fire, Section H – Police of the City Policy Manual.

Recommendation: Adopt the resolution as submitted.

11. CONSIDERATION OF ORDINANCE NO. 1049 – AMENDING SECTION 9-3.1912 OF THE LOS BANOS MUNICIPAL CODE TO READ AS “PARKING LOT SHADING STANDARDS AND MASTER PARKING LOT SHADE TREE LIST”.
(SECOND READING & ADOPTION)

Recommendation: Adopt the ordinance as submitted.

12. **PUBLIC HEARING** – CONSIDERATION OF ANNUAL GRANTEE PERFORMANCE REPORT FOR PROGRAM INCOME FROM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING AND ECONOMIC DEVELOPMENT GRANTS.

Recommendation: Open the public hearing, receive public comment, and accept the report as submitted.

13. **PUBLIC HEARING** – CONSIDERATION OF CHANGE IN CONDITION OF APPROVAL (APN 027-201-004, 005, 006 & 032). JAVIAR MORENO, APPLICANT (LA MORENTITA TORTILLERIA & CARNICERIA PROJECT) FOR

PROPERTY LOCATED AT THE SOUTHWEST CORNER OF TEXAS AVENUE AND H STREET. ASSESSOR PARCEL NUMBER: 027-201-004 THRU 006 AND 032. APPLICANT: LA MORENITA TORTILLERIA & CARNICERIA. Consideration of a change in condition to allow partial parking lot construction and landscaping with the first building.

- A. Resolution No. 4780 – Authorizing a change to the Conditions of Approval for the La Morentita Tortilleria & Carniceria Project.

Recommendation: Open the public hearing, receive public comment, and adopt the resolution as submitted.

14. CONSIDERATION OF PARKS AND RECREATION COMMISSION APPOINTMENT.

Recommendation: Appoint Erasmo Viveros with council approval.

15. ADVISEMENT OF PUBLIC NOTICES. (No Reports)

16. CITY MANAGER REPORT.

17. MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) REPORT.

18. CITY COUNCIL REPORTS.

- A. Council Member Brooks
- B. Council Member Jones
- C. Council Member Pruitt
- D. Mayor Pro Tem McAdam
- E. Mayor Amabile

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

20. ADJOURNMENT.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Jana R. Sousa, Deputy City Clerk

Dated this 15th day of September 2006