

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
MARCH 21, 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, DVD and/or audiotapes) kept as a permanent record.

CALL TO ORDER: Mayor Jones called the City Council/Redevelopment Agency Meeting to order at the hour of 7:01 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, Planning Manager LeVan, Planning Consultant James, Redevelopment Manager Post, 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.

ALYSON MARTIN, Los Banos High School student, spoke regarding the 1st Annual Historical Fun Run being held on April 15, 2007 with the proceeds to benefit the Dustin Hobbs Scholarship Fund and Adam Crawford a student battling an illness; JENNIFER LIEB, Los Banos High School student, spoke regarding the Historical Fun Run noting that the event will begin at 9:00 a.m. with a \$10 donation, and encouraged all to attend; KEITH GRONIGNA, Los Banos Chamber of Commerce, spoke regarding the Senator Denham Luncheon being held on March 23, 2007 at Espana's and the Downtown Street Faire being held on April 14, 2007; MARK FRONTELLA spoke regarding Kids Day that was recently held by selling newspapers to raise funds for the Children's Hospital in Madera, which is also celebrating their 20 year anniversary, and thanked the citizens of Los Banos and the Los Banos Fire Department for their support and contributions over the years. No one else came forward to speak.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Sousa, seconded by Villalta to approve the consent agenda as follows: Minutes for the March 13, 2007 Adjourned City Council Meeting; Minutes for the March 14, 2007 Adjourned City Council Meeting; Check Register for #97938 - #98409 in the Amount of \$1,380,350.37; Sole Source Purchase of Twenty-Four (24) Tasers from ProForce Law Enforcements; Progress Payment No. 1 in the amount of \$27,962.00 to Parsons Brinckerhoff; Construction Services for Highway 152 and Place Road Widening and Signal Light Project; Progress Payment No. 3 in the amount of \$334,914.93 to Greg Opinski Construction, Inc. for Construction of the Los Banos Child Development Center; License Agreement with the Central California Irrigation District for Storm Water Discharge Facilities; City Council Resolution No. 4847 – Acceptance of a Public Utility Easement for Property Generally Located South of State Highway 152, East of Ward Road and West of the San Luis Canal. (Assessor Parcel Number 084-040-027 and 084-040-031, EMH Properties, LLC); City Council Resolution No. 4848 – Abandoning Existing Easements for Parcel Map No. 2000-02 and Parcel Map No. 2004-06, Generally Located at the Corner of State Highway 152 and Ortigalita Road. (Stonecreek Properties); Resolution No. 4849 – Accepting Release of Performance Bonds for the Villages at Stonecreek Unit 4 Southbrook, Phase 1A and Reduction of Set Aside Letter for The Villages at Stonecreek Unit 4 Southbrook, Phase 1B, Tract No. 2005-05.; Resolution No. 4850 – Amending Division 4, Salary Schedule, Relating to Changes Associated with Section E – Public Works, to Adjust the Fleet Supervisor Salary Range; Resolution No. 4851 – Amending Division 4, Salary Schedule, Relating to Changes Associated with Section H – Police, to Add the Crime Analyst Position. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – CONSIDERATION OF A FINAL DEVELOPMENT PLAN TO IMPLEMENT PLANNED DEVELOPMENT ZONING FOR A PORTION OF 113-ACRE THE VILLAS SITE. THE VILLAS SITE IS EAST OF CENTER AVENUE, NORTH OF PIONEER ROAD, AND WEST AND SOUTH OF THE CRESTHILLS SUBDIVISION. THE PROPOSED FINAL DEVELOPMENT PLAN INCLUDES THE DEVELOPMENT OF 175 SINGLE-FAMILY DWELLINGS ON APPROXIMATELY 29 ACRES OF THE 39-ACRES IDENTIFIED ON THE APPROVED VESTING TENTATIVE MAP, MORE PRECISELY DESCRIBED AS ASSESSOR PARCEL NUMBER: 083-120-038, APPLICANT: RANCHWOOD HOMES; RESOLUTION NO. 4846 – APPROVING THE VILLAS FINAL DEVELOPMENT PLAN (FDP #2006-05). Planning Consultant James noted that Dave Anderson submitted a letter for the public record regarding his concerns with the project. Planning Consultant James presented the staff report.

There was Council Member discussion regarding the storm drainage basin, construction of houses, and construction of the park basin and how it will be phased in.

DAVE RAMANO, Russ Newman's Office representing Ranchwood Homes, spoke regarding the project.

There was additional Council Member discussion regarding the park design and if the one submitted is the one that is going to be built, final park plans, when the Cardoza Road extension will be built, the proposed solid median on Center Street by Cardoza Road does

not allow left turns and the need to look at making some breaks to enter business/homes, and the future Villa's entrance being a round-a-bout.

The public hearing was opened. No one came forward to speak and the public forum was closed.

Motion by Sousa, seconded by Brooks to adopt Resolution No. 4846 – Approving the Villas Final Development Plan (FDP #2006-05). The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – CONSIDERATION OF ANNEXATION NO. 7 TO THE CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-01, PUBLIC SAFETY SERVICES; RESOLUTION NO. 4852 – CALLING AN ELECTION REGARDING ANNEXATION NO. 7 TO CFD NO. 2002-01, PUBLIC SAFETY SERVICES. Planning Manager LeVan presented the staff report.

Mayor Jones opened the public hearing. No one came forward to speak. There were no comments or Council Member discussion regarding this item. City Clerk Mallonee stated that she received no written protests and Mayor Jones closed the public hearing.

Motion by Faria, seconded by Villalta to adopt Resolution No. 4852 – Calling an Election Regarding Annexation No. 7 to CFD 2002-01, Public Safety Services. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

* * * * * **RECESS TO CONDUCT ELECTION** * * * * *

City Clerk Mallonee stated that she has received one (1) ballot that represents thirty-nine (39) yes votes.

RESOLUTION NO. 4853 – DECLARING THE ELECTION RESULTS REGARDING ANNEXATION NO. 7 TO CFD NO. 2002-01, PUBLIC SAFETY SERVICES, Motion by Faria, seconded by Sousa to adopt Resolution No. 4853 – Declaring the Election Results Regarding Annexation No. 7 to CFD No. 2002-01, Public Safety. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

CONSIDERATION OF THE INTRODUCTION OF ORDINANCE NO. 1053 – AMENDING SECTION 5-7.02 OF THE LOS BANOS MUNICIPAL CODE AND ADDING SECTION 5-7.03 AND SECTION 4-11.01 (D) (44) OF THE LOS BANOS MUNICIPAL CODE RELATING TO THE PUBLIC CONSUMPTION OF ALCOHOL. (FIRST READING & INTRODUCTION) Police Chief Gallagher presented the staff report.

There was Council Member discussion regarding there being an exception to the rule if they obtained a permit through the Police Department, process to inform the public about the new regulation, and making sure the park signage will be corrected to reflect the new regulation.

Motion by Villalta, seconded by Faria to waive the first reading of Ordinance No. 1053 – Amending Section 5-7.02 of the Los Banos Municipal Coed and Adding Section 5-7.03 and Section 4-11.01 (D) (\$\$) of the Los Banos Municipal Code Relating to the Public Consumption of Alcohol. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

Motion by Sousa, seconded by Villalta to introduce Ordinance No. 1053 – Amending Section 5-7.02 of the Los Banos Municipal Coed and Adding Section 5-7.03 and Section 4-11.01 (D) (\$\$) of the Los Banos Municipal Code Relating to the Public Consumption of Alcohol. The motion carried by the following roll call vote: AYES: Brooks, Faria, Sousa, Villalta, Jones; NOES: None; ABSENT: None.

CONSIDERATION OF THE INTRODUCTION OF ORDINANCE NO. 1054 – REGULATING THE PARKING OF VEHICLES ON UNPAVED SURFACES. (FIRST READING & INTRODUCTION) Fire Chief Guintini presented the staff report.

There was Council Member discussion regarding the many complaints received regarding this issue and what type of ordinance is in place to address the broken down vehicles parked on the street.

Motion by Villalta, seconded by Brooks to waive the first reading of Ordinance No. 1054 – Regulating the Parking of Vehicles on Unpaved Surfaces. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

Motion by Villalta, seconded by Sousa to introduce Ordinance No. 1054 – Regulating the Parking of Vehicles on Unpaved Surfaces. The motion carried by the following roll call vote: AYES: Brooks, Faria, Sousa, Villalta, Jones; NOES: None; ABSENT: None.

REDEVELOPMENT AGENCY UPDATE. Redevelopment Manager Post spoke regarding the Economic Development Committee and how they will be coming to the Council Meeting on April 18, 2007 to present an update. She spoke regarding recently attending MCEDCOs Executive Board Meeting, working with MCEDCO on a feasibility grant, industrial park improvements, additions out on G Street, providing tours for interested businesses, and the Microenterprise Loan Programs.

ADVISEMENT OF PUBLIC NOTICES (ONE REPORT) Planning Manager LeVan reported that a Public Hearing will be held at the City Council Meeting on March 28, 2007, at 7:00 p.m. to consider the issuance of a Type 20 (Off Sale Beer and Wine – Package Store) Alcohol License in conjunction with a wine tasting and gourmet culinary store in the Retail Commercial District. The project is located at 101 6th Street, APN 026-052-006.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT. No report

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

TOM FARIA: Spoke regarding the Joint Use Facilities Meeting recently held with the Los Banos Unified School District Board, economic development, centennial celebration

events, and supporting the Children's Hospital in Madera and the Hobbs/Crawford Scholarship Run.

JOE SOUSA: Thanked Council for a very beneficial Priorities Workshop and for being so candid and honest, thanked staff for participating in the Priorities Workshop. He spoke regarding the Joint Use Facilities Meeting recently held with the Los Banos Unified School District Board and thanked staff for being so accommodating.

MIKE VILLALTA: Spoke regarding the Rotary Crab Feed to be held March 23, 2007 and encouraged all to attend, the March Bash on March 24, 2007 at the Merced County Fairgrounds sponsored by the Red Cross, and Adam Crawford's situation wishing him well, and also how great a teacher Dustin Hobbs was his life was cut short and he is glad that he is being remembered. He spoke regarding the Joint Use Facilities Meeting recently held with the Los Banos Unified School District Board.

MAYOR PRO TEM ANNA BROOKS: Thanked staff and fellow Council Members for putting it all out there, sharing ideas during the Priorities Workshop and thanked the Los Banos Unified School District Board.

MAYOR TOMMY JONES: Thanked the Council Members and staff for working so hard to bring them up to speed over the last couple of months, he is excited about the direction they are going in. He spoke regarding Dustin Hobbs and the fundraiser being held, encouraging all to contribute and attend, the recent MCAG Meeting he and Mayor Pro Tem Brooks attended noting that the Los Banos Bypass is MCAG's #1 project. He asked that staff look at putting together an informational packet for prospective businesses to help them decide to locate their businesses here in Los Banos, adding that he plans to travel this summer to the bay area to meet and greet businesses.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 8:15 p.m.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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