

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 21, 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 – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY IDENTIFICATION: 1704 E. PACHECO BOULEVARD, APN 428-122-004; AGENCY NEGOTIATOR: CITY MANAGER & CITY ATTORNEY; NEGOTIATING PARTIES: CITY OF LOS BANOS AND VINCENT PAUL ROTONDARO; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only.

CLOSED SESSION – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY: 645 SEVENTH STREET, APN 025-072-034; AGENCY NEGOTIATOR: CITY MANAGER, CITY ATTORNEY & PUBLIC SERVICES DIRECTOR; NEGOTIATING PARTIES: CITY OF LOS BANOS & EDNA SHERWOOD; 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, McAdam, Pruitt, Mayor Amabile; Absent: Jones

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Planning Consultant James, Police Chief Knapp, Interim Public Works Director Hutsell, Administrative Coordinator Garcia, City Treasurer/Chief Financial Officer Wall, Translator Reyna.

APPROVAL OF AGENDA: Motion by Brooks, seconded by Pruitt to approve the agenda as submitted. The motion carried by the affirmative vote of all Council Members present, Jones absent.

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. DAVE ANDERSON, Los Banos Amateur Radio Club, invited the Council and the community to the Annual Field Day

activities being held on June 24, 2006 and spoke regarding the service that they provide to the community and others in need; CANDACE STILLMAN, MCAG, spoke regarding the OneVoice Program and what they have done for the community and the plans they have for the future; KEITH SNOW, Los Banos, spoke regarding NAACP, an application he submitted, a non profit committee he is trying to put together, how people need to wear seatbelts, the drug bust last week, police officers, minors driving cars, and home invasions. No one else came forward to speak and the public forum was closed.

APPROVAL OF CONSENT AGENDA. There was Council Member discussion regarding item 6D, Agreement between the City of Los Banos and Merced County Office of Education (MCOE) for the Purpose of Allocating Channel 97 as the Education Channel and Allowing for MCOE to Provide Playbacks of all Government Channels Public Programming, wanting to make sure that the City has the option to review the schedule of programs to discuss the channel lineup and the City Manager stated that the City is in total control of the programming if the Government Channel and the lineup will be shared with the City Council. There was Council member discussion regarding item 6G, Award of Bid to Tom Mayo Construction, Inc for the 2006 Street Overlays & Reconstruction of Alleys in the amount of \$904,348, wanting to know which alleys are being reconstructed and Public Services Administrative Coordinator Garcia stated that the alleys between 4th & 6th Streets, 9th & I Streets, 10th & 11th Streets are the ones addressed in the bid proposal. City Manager Rath spoke regarding the message boards being put near future improvement projects to let people know what's going on in town.

Motion by McAdam, seconded by Pruitt and carried, items on the consent agenda were approved, by the affirmative action of all Council Members present: Minutes for the May 17, 2006 Meeting; Check Register for #91869 - #92144 in the Amount of \$996,259.82; Block Party/Street Closure Request for Saturday, July 1, 2006 from 11:00 a.m. to 7:00 p.m., on the 100 Block of Tangelo Avenue; Agreement between the City of Los Banos and Merced County Office of Education (MCOE) for the Purpose of Allocating Channel 97 as the Education Channel and Allowing for MCOE to Provide Playbacks of all Government Channels Public Programming; Agreement for Consulting Services with Ken D. Schmidt and Associates for an Evaluation of Current Groundwater Conditions at the City of Los Banos Wastewater Treatment Plant, Ken D. Schmidt and Associates in the Amount of \$20,970; Extending the Facility Use Agreement with Merced County Community Action Agency through June 2008 to Utilize 515 Stonewood Drive at Ranchwood Park for State Preschool and Child Development Center Program Services; Award of Bid to Tom Mayo Construction, Inc for the 2006 Street Overlays & Reconstruction of Alleys in the amount of \$904,348; Award of Bid to Moss, Levy & Hartzheim LLP for Professional Auditing Services in the Amount of \$27,450 for Three (3) Years with an Option to Extend the Contract for Two (2) Additional Years; Award of Bid to Super Products, LLC for One (1) Combination Catch Basin/Sewer High Pressure Cleaner Vacuum Truck, 12 Yard or Equal in the amount of \$268,460.53; Retention Payment to Granite Construction for the Henry Miller Plaza Project in the Amount of \$165,172.02; Reimbursement to Stonecreek Properties in the Amount of \$124,600.16 for Development of Villages I Pocket Park; Resolution No. 4742 – Amending the Fiscal Year 2005-2006 Budget by Increasing the Appropriation Limit in Expenditures by

\$124,600.16 for the Stonecreek Park Development Fund Relating to Developer Reimbursements; Resolution No. 4743 – Amending the Fiscal Year 2005-2006 Budget by Increasing the Proposed Expenditures by \$170,000 for Services and Increasing Proposed Revenues by \$170,000 for Planning Related Revenues and Expenditures in the General Fund; Resolution No. 4744 – Amending the Fiscal Year 2005-2006 Budget by Increasing the Proposed Expenditures by \$84,606 in the Redevelopment Agency Capital Projects Fund for Capital Outlay; Resolution No. 4745 – Authorizing the Public Services Director to Sign the California Department of Forestry Grant Green Trees for the Golden State; Resolution No. 4746 – Approving the Purchases of Right of Way Located at 1849 E. Pacheco Blvd (a portion of APN 083-130-044), The Place Road/Pacheco Boulevard Public Highway and Storm Drainage Infrastructure Improvements Project – San Joaquin Valley Hay Growers Association; Resolution No. 4747 – Approving the Purchases of Right of Way Located at 1854 E. Pacheco Blvd (a portion of APN 428-200-001), The Place Road/Pacheco Boulevard Public Highway and Storm Drainage Infrastructure Improvements Project – Vajretti Family Revocable Trust; Resolution No. 4748 – Approving the Purchases of Right of Way Located at 1743 E. Pacheco Blvd (a portion of APN 083-130-017), The Place Road/Pacheco Boulevard Public Highway and Storm Drainage Infrastructure Improvements Project – Espinosa Trust; Resolution No. 4749 – Approving the Purchases of Right of Way Located at 1950 E. Pacheco Blvd (a portion of APN 428-160-008), The Place Road/Pacheco Boulevard Public Highway and Storm Drainage Infrastructure Improvements Project – Erickson 2002 Living Trust.

At this time, Mayor Amabile moved the following agenda item to be heard.

PRESENTATION ON THE SAN JOAQUIN VALLEY REGIONAL BLUEPRINT BY MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG).

Candace Steelman, MCAG Public Affairs Manager, spoke regarding the San Joaquin Regional Blueprint , explaining that this will be a planning effort envisioned to support long range regional planning, the goal is to develop a preferred future growth vision for the San Joaquin Valley, and the public outreach for the planning process has been developed with the intent to build a regional vision by developing local and regional vision by developing local and regional collaboration from the bottom up. She spoke regarding the Regional Planning Summit being held on June 28, 2006 at the Fresno Convention Center from 8:00 a.m. – 3:30 p.m.

PUBLIC HEARING – ZONE CHANGE FROM “R-1” LOW DENSITY RESIDENTIAL TO “PD” PLANNED DEVELOPMENT (ZC #2006-05) AND FINAL DEVELOPMENT PLAN (FDP #2006-01) TO INCREASE ALLOWABLE LOT COVERAGE TO 65 PERCENT WITHIN AN EXISTING SUBDIVISION ON 18.89 ACRES OF LAND LOCATED SOUTH OF WILLMOTT ROAD, NORTH OF B STREET, BETWEEN WISTERIA AVENUE AND LAS PALMAS STREET. ASSESSOR PARCEL NUMBER 428-010-003. APPLICANT: WOODSIDE HOMES OF CENTRAL CALIFORNIA, (MISSION VILLAGE SOUTH PROJECT). APPROVAL WOULD ALLOW RE-ZONE TO PD (PLANNED DEVELOPMENT) AND HAS SUBMITTED A FINAL DEVELOPMENT PLAN TO IMPLEMENT THE PD ZONING. THE FINAL

DEVELOPMENT PLAN WOULD INCREASE ALLOWABLE LOT COVERAGE FROM THE R-1 DISTRICT STANDARD OF 40 PERCENT TO A PROPOSED 65 PERCENT; ORDINANCE NO. 1048 – ADDING SECTION 2399. TO CHAPTER 3, TITLE 9 OF THE LOS BANOS MUNICIPAL CODE TO RE-ZONE 18.89 ACRES NORTH OF B STREET BETWEEN WISTERIA AVENUE AND LAS PALMAS STREET FROM R-1 (LOS DENSITY RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT). (SECOND READING & INTRODUCTION ADOPTION); RESOLUTION NO. 4740 – APPROVING THE MISSION VILLAGE SOUTH FINAL DEVELOPMENT PLAN (FDP #2006-01).

Planning Consultant James presented the staff report.

The public hearing was opened. BRAD WALL, Odell Engineering, stated that he was present to answer any questions the Council Members might have and requested approval of the project as presented. No one else came forward to speak and the public hearing was closed.

Motion by McAdam, seconded by Brooks to waive the second reading of Ordinance No. 1048, Adding Section 2399.____ to Chapter 3, Title 9 of the Los Banos Municipal Code to Re-Zone 18.89 Acres North of B Street between Wisteria Avenue and Las Palmas Street from R-1 (Los Density Residential) to P-D (Planned Development). The motion carried by the affirmative action of all Council Members present, Jones absent.

Mayor Pro Tem McAdam noted that agenda stated that this was to be the introduction of the ordinance, when in fact it is the adoption. City Attorney Vaughn stated that the normal practice for the second reading is the adoption and it is stated so in the recommendation.

Motion by McAdam, seconded by Pruitt to adopt Ordinance No. 1048, Adding Section 2399.____ to Chapter 3, Title 9 of the Los Banos Municipal Code to Re-Zone 18.89 Acres North of B Street between Wisteria Avenue and Las Palmas Street from R-1 (Los Density Residential) to P-D (Planned Development). The motion carried by the following roll call vote: AYES: Brooks, McAdam, Pruitt, Amabile; NOES: None; ABSENT: Jones.

Motion by McAdam, seconded by Brooks to adopt Resolution No. 4740, approving the Mission Village South Final Development Plan (FDP #2006-01). The motion carried by the affirmative action of all Council Members present, Jones absent.

PUBLIC HEARING – 2006-2007 APPROPRIATION LIMITATION; RESOLUTION NO. 4750 – SETTING THE TAX RELATED APPROPRIATION LIMIT IN COMPLIANCE WITH PROPOSITION 4 AND PROPOSITION 111 FOR FISCAL YEAR 2006-2007 APPROPRIATION LIMIT. City Treasurer/Chief Financial Officer Wall presented the staff report.

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

Motion by Brooks, seconded by McAdam to adopt Resolution No. 4750, setting the Tax Related Appropriation Limit in Compliance with Proposition 4 and Proposition 111 for Fiscal Year 2006-2007 Appropriation Limit selecting the California per Capital Personal Income inflation factor and selecting City Population for the population factor. The motion carried by the affirmative action of all Council Members present, Jones absent.

PUBLIC HEARING – 2006-2007 FISCAL YEAR BUDGET; RESOLUTION NO. 4751 – ADOPTING FISCAL YEAR 2006-2007 BUDGET INCLUDING DIVISION 4 – SALARY SCHEDULES. City Treasurer/Chief Financial Officer Wall presented the staff report.

Mayor Pro Tem McAdam noted that there is not a \$12 million dollar deficit as reported in the local newspaper, adding that the estimated ending balance is in the millions and asked City Treasurer/Chief Financial Officer Wall to explain the difference between the general fund dollars and the enterprise fund dollars.

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

Mayor Amabile stated how proud he is of the budget and how fiscally sound the City is today, one of the best budgets he's seen.

Motion by McAdam, seconded by Pruitt to adopt Resolution No. 4751, Adopting Fiscal Year 2006-2007 Budget Including Division 4 – Salary Schedules. The motion carried by the affirmative action of all Council Members present, Jones absent.

PUBLIC HEARING – LANDSCAPING & LIGHTING DISTRICTS NO. 1-7 & NO. 9-17 ANNUAL ASSESSMENTS FOR THE FISCAL YEAR 2006-2007; RESOLUTION NO. 4752 – CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS FOR ASSESSMENT DISTRICTS NO. 1-7 AND NO. 9-17 FOR FISCAL YEAR 2006-2007. City Treasurer/Chief Financial Officer Wall presented the staff report.

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

Council Member Brooks inquired as to what happened to Landscape & Lighting District No 8 and City Treasurer/Chief Financial Officer Wall stated that the district was created but never put in effect.

Motion by Pruitt, seconded by Brooks to adopt Resolution No. 4752, Confirming Diagram and Assessment and Levying Assessments for Assessment Districts No. 1-7 and No. 9-17 for Fiscal Year 2006-2007. The motion carried by the affirmative action of all Council Members present, Jones absent.

PUBLIC HEARING – CONSIDERATION OF THE FORMATION OF LANDSCAPING & LIGHTING DISTRICT NO. 18 (RAIL TRAIL) AND CONSIDERATION OF THE

ANNUAL ASSESSMENT FOR THE FISCAL YEAR 2005-2006-2007; RESOLUTION NO. 4753 – CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 18 FOR FISCAL YEAR 2006-2007. City Treasurer/Chief Financial Officer Wall presented the staff report.

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

After a short recess was to tally the ballots received from the property owners of the proposed Landscape & Lighting District No. 18, City Clerk/Human Resources Director Mallonee reported that there were no negative vote received and we therefore have 100% support of Landscape & Lighting District No. 18.

Motion by Pruitt, seconded by Brooks to adopt Resolution No. 4753, Confirming Diagram and Assessment and Levying Assessments for Assessment District No. 18 for Fiscal Year 2006-2007. The motion carried by the affirmative action of all Council Members present, Jones absent.

ADVISEMENT OF PUBLIC NOTICES (TWO REPORTS). City Manager Rath reported that a public hearing will be held on June 28, 2006 to consider a proposal by Paul Rothbard, In Shape Development, to amend the original site plan to provide an outdoor pool adjacent to the In Shape Health Club. The project site is located at the corner of Pacheco Boulevard and Ward Road, more specifically described as Assessor's Parcel Number 428-160-015.

City Manager Rath reported that a public hearing will be held on June 28, 2006 to consider an application by Montgomery/Brinker for a Use Permit to allow a size variance in the display area for a building erected sign and company logo for Chili's Restaurant. The site project site is located at 1905 Pacheco Boulevard, more specifically described as Assessor's Parcel Number 083-014-014.

CITY MANAGER REPORT: He thanked City Treasurer/Chief Financial Officer Wall for a terrific job on the budget and noted that the first farmers market in the new plaza was held last week and the event is always looking for more vendors.

M.C.A.G. REPORT: Mayor Amabile reported that the next meeting is June 22, 2006 in Merced at 3:00 p.m. with items to be discussed including the Blueprint Project and that he will also be attending a meeting prior to the MCAG meeting to discuss the sales tax measure that just failed and how the San Joaquin Valley Partnership fits into all this.

CITY COUNCIL REPORTS

COUNCIL MEMBER BROOKS: Nothing to report

COUNCIL MEMBER JONES: Excused absence

COUNCIL MEMBER PRUITT: Nothing to report

COUNCIL MEMBER McADAM: Reported that he had the pleasure to go out to the Home Depot site for their ground breaking and also came to realize that there are a lot of Home Depot employees that live in Los Banos and will be able to transfer here to the Los Banos site and work in the community that they live in. He is excited to see the street overlays scheduled on 6th Street and spoke regarding the Chamber of Commerce activities being held on the 4th of July, noting all the firework booths going up around town.

MAYOR AMABILE: Asked City Manager Rath to explain the machine being used to make the Home Depot building structure very sound and able to withstand an earthquake. The Mayor reported that he had the honor to be in the Council Chambers for the Flag Day Ceremony held by the local Elks Lodge where he presented a proclamation. He requested that the Police Chief look into ordinances that regulate households that have multiple dogs in the backyard and specifically addressing pit bulls.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 8:45 p.m.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk