

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
JULY 5, 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.

The following closed session items were held prior to the meeting:

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO SECTION 54957.6 OF THE GOVERNMENT CODE. AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER, CITY ATTORNEY, POLICE CHIEF, HUMAN RESOURCES DIRECTOR; EMPLOYEE ORGANIZATION: LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION. No action taken, advisement to staff only.

CLOSED SESSION – PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957. TITLE: CITY MANAGER. No action taken and this item was continued to the next meeting being held on July 18, 2007.

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: Tom Faria, Joe Sousa, Mike Villalta, Mayor Jones; Absent: Anna Brooks

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, Redevelopment Manager Post, Translator Reyna

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Faria, seconded by Sousa to approve the agenda as submitted. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

PRESENTATIONS – PROCLAMATION RECOGNIZING DEBBIE BENTO-JURADO AS THE LOS BANOS CHAMBER OF COMMERCE BUSINESS PERSON OF THE YEAR; PROCLAMATION RECOGNIZING THE LOS BANOS FLOWER SHOP AS THE LOS BANOS CHAMBER OF COMMERCE BUSINESS OF THE YEAR; PROCLAMATION RECOGNIZING FREDA CHOUNET AS THE LOS BANOS CHAMBER OF COMMERCE WILMA KEOKUCKK – VOLUNTEER OF THE YEAR. Mayor Jones invited the Los Banos Chamber of Commerce President, Mr. Gene Lieb,

to join him in presenting the proclamations and they proceeded to present the above stated proclamations.

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.

KATHLEEN LAWRENCE, Los Banos, spoke regarding leasing Brandi's Restaurant to be a homeless shelter, ideas for helping the homeless community, need for a bus barn, a MAP hospital, buying the Los Banos Hotel for the homeless, and moving the recycling center and have the homeless work at the recycling center; DAVE ANDERSON, Los Banos, stated that he called Comcast to let them know that there was a problem with the audio on Channel 96 and experienced a very long hold time, about 14 minutes, which he feels is too long and would like staff to look into the matter; MEGAN GOIN, Los Banos Recreation Coordinator, spoke regarding the next centennial celebration event being held on July 14, 2007 – Battle of the Bands and the next movie night to see "Open Season". She also spoke regarding the Cooling Center that is being opened at the Miller & Lux, 830 6th Street, from 11:00 a.m. to 10:00 p.m. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA.

There were Council Member comments regarding item 6C, Approval of the City of Los Banos 2005-2006 Audit.

Motion by Sousa, seconded by Faria to approve the consent agenda as follows and for the Chief Financial Officer prepare a written report on the noted findings and what the City is doing to correct them : Minutes for the June 18, 2007 Adjourned City Council Meeting; Check Register for #100422 - #100687 in the Amount of \$1,252,153.33; Approval of the City of Los Banos 2005-2006 Audit; Progress Payment No. 6 in the Amount of \$615,399.75 to Greg Opinski Construction, Inc. for Construction of the Los Banos Child Development Center; Progress Payment No. 9 in the Amount of \$92,782.93 to Granite Construction Company for Construction of Seventh and H Street Improvements Project; Rejection of Claim – Greg Jaso; City Council Resolution No. 4885 – Approving the Annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2007-2008 in the Amount of \$201,626.00; City Council Resolution No. 4886 – Authorizing the City Manager to File Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2006-2007 in the Amount of \$275,026.00; City Council Resolution No. 4887 – Accepting Public Improvements and Release of Performance Bonds for Mission Village North Phase 3 Subdivision, Tract Map. No. 2001-01; City Council Resolution No. 4888 – Approval of the Amendment to the Current Lease Agreement with Central California Irrigation District for Property Extension of H.G. Fawcett Canal Side Park and Authorizing the City Manager to Execute; Redevelopment Agency Resolution No. 2007-07 – Regarding Its Intention to Issue Tax-exempt Obligations. The

motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

PUBLIC HEARING – 2007-2008 FISCAL YEAR BUDGET; RESOLUTION NO. 4881 – ADOPTING FISCAL YEAR 2007-2008 BUDGET INCLUDING DIVISION 4 – EMPLOYEE CLASSIFICATIONS & SALARY SCHEDULES, DIVISION 5 – PERSONNEL BENEFITS. (CONTINUED FROM JUNE 20, 2007) City Treasurer/Chief Financial Office Wall presented the staff report.

There was Council Member discussion regarding approving the budget as submitted, but wanting to authorize the funding for the Information Technology (IT) Department and not go forward with hiring of the new personnel until further discussion and approval on how to proceed from Council; authorizing the funding for the Redevelopment Agency Admin Clerk I and wanting to wait to fill that position until the beginning of the year 2008; waiting until Mayor Pro Tem Brooks is in attendance to adopt the budget but not wanting to slow down City government,

Staff noted that if the budget were not approved the Police Department would not be able to move forward with promotions and transfers within the department, the Fire Department would not be able to hire the new Fire Fighter, and the number of labor contracts that do call for an increase July 1, 2007

The public hearing was opened. JACQUELINE LAWRENCE, Los Banos, inquired as to the need for portable bathrooms on the railway. No one came forward to speak and the public forum was closed.

Motion by Villalta, seconded by Sousa to approve Resolution No. 4881 – Adopting Fiscal year 2007-2008 Budget Including Division 4 – Employee Classifications & Salary Schedules, Division 5 – Personnel Benefits with the modification of approving the Redevelopment Agency Admin Clerk I and no to fill it until the January 2008, approving the Information Technology Department positions not to extend those funds as stated in the budget and to not move forward with the hiring process until further direction from Council, approving the allocation of funds of \$25,000 for both the Community Action Group (CAG) and the Homeless Shelter Group be included in the budget but not authorized until Council approval, and approval of the Los Banos Chamber of Commerce funding in the amount of \$36,000. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

ONEVOICE PRESENTATION BY CANDACE STEELMAN. City Manager Rath stated that Ms. Steelman is ill tonight therefore this item will be continued to another meeting.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 4889 – AMENDING THE SCHEDULE OF FINES FOR ADMINISTRATIVE CITATIONS. Fire Chief Guintini presented the staff report.

There was Council Member discussion regarding recouping the cost associated with handling the refractions.

Motion by Sousa, seconded by Faria to adopt City Council Resolution No. 4889 – Amending the Schedule of Fines for Administrative Citations. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

CONSIDERATION ON ENTERING INTO AN AGREEMENT WITH ENTERPRISE FLEET LEASING SERVICES FOR THE PROCUREMENT OF FUTURE VEHICLES WHEN FINANCIALLY ADVANTAGEOUS; CITY COUNCIL RESOLUTION NO. 4890 – AUTHORIZING STAFF TO ENTER INTO LEASE AGREEMENTS WITH ENTERPRISE FLEET LEASING SERVICES FOR THE PROCUREMENT OF FUTURE VEHICLES WHEN FINANCIALLY ADVANTAGEOUS. Public Works Director/City Engineer Chisam presented the staff report.

There was Council Member discussion regarding how this will help the local businesses and how the local car dealers play into the picture, lease agreements, local increments, sales tax, who the fleet would belong to, and the amount of miles we are putting on our City vehicles.

Motion by Villalta, seconded by Sousa to adopt City Council Resolution No. 4890 – Authorizing staff to enter into lease agreements with Enterprise Fleet Services for the procurement of Future vehicles when financial advantageous. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

CONSIDERATION OF ENTERING INTO AN AGREEMENT WITH CGI COMMUNICATIONS TO PRODUCE SIX VIDEOS ON AREAS OF INTEREST IN THE CITY OF LOS BANOS. Redevelopment Manager Post presented the staff report.

There was Council Member discussion regarding if there would be a problem with a Commercial link on the City's website, concerns if we have no control over who can advertise the videos, very concerned about the City's image, having CGI Communications come down and talk to us, and putting this on the Los Banos Chamber of Commerce's website

Motion by Villalta, seconded by Faria to continue this item. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

REQUEST TO SET A PUBLIC HEARING DATE TO PRESENT THE HIGHWAY 152 REALIGNMENT PROJECT. Public Works Director/City Engineer Chisam presented the staff report.

Motion by Villalta, seconded by Sousa to set a public hearing date for the August 1, 2007 City Council Meeting to present the Highway 152 Realignment Project. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

REQUEST TO SET A PUBLIC HEARING DATE TO PRESENT THE H & I STREET TRAFFIC SIGNAL PROJECT. Public Works Director/City Engineer Chisam presented the staff report.

Motion by Sousa, seconded by Villalta, to set a public hearing date for the August 1, 2007 City Council Meeting to present the H & I Street Traffic Signal Project. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

DISCUSSION REGARDING THE DOWNTOWN SCHOOL PARKING LOT – INFORMATIONAL ITEM ONLY. Public Works Director/City Engineer Chisam presented the staff report.

There was Council Member discussion regarding what is proposed for the remaining parking spaces past M Street, what could be done to encourage people to use the 7th Street parking lot, the east side of 6th Street being changed to 20 minute parking, the south side of K Street being an unloading and loading zone, and if the School District would provide security to maintain the 7th Street parking lot.

City Attorney Vaughn noted that the Traffic Safety Committee has jurisdiction over parking issues and signage and the City Council is the appellate body for Traffic Safety Committee decisions.

This was an informational item only, no action taken.

DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR 2007 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD SEPTEMBER 5-8, 2007 IN SACRAMENTO. City Manager Rath presented the staff report.

Motion by Villalta, seconded by Sousa to designate Mayor Jones as the LCC Voting Delegate and Council Member Faria and Mayor Pro Tem Brooks as alternates. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

REDEVELOPMENT AGENCY UPDATE. Redevelopment Manager Post spoke regarding the City's Home Rehab noting that grant funding is still available and encouraged eligible residents to apply.

ADVISEMENT OF PUBLIC NOTICES (THREE REPORTS) Planning Manager LeVan reported that a Public Hearing will be held at the Planning Commission Meeting on July 11, 2007, at 7:00 p.m. to consider the approval of Site Plan Review #2007-02, to permit the construction of a mixed-use industrial center. The project is located at the northwest corner of F and Santa Rita Street, APN 025-152-005.

Planning Manager LeVan reported that a Public Hearing will be held at the Planning Commission Meeting on July 11, 2007, at 7:00 p.m. to consider Tentative Parcel Map

#2006-06 to subdivide a .75 acre parcel into three parcels ranging in size from 6,228 sq. ft. and 6.575 sq. ft. The project is located on the west side of Seventh Street and 500 feet north of B Street, APN 082-420-047.

Planning Manager LeVan reported that a Public Hearing will be held at the Planning Commission Meeting on July 11, 2007, at 7:00 p.m. to consider a Site Plan Review to develop 5 parcels into a mix of retail uses. The project is located at the southwest corner of Pacheco Boulevard and Ortigalita Road, APN 083-040-052/053/055/056/058.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT. Spoke regarding the recent Community Center Tour that he, Redevelopment Manager Post and Public Works Director/City Engineer Chisam took to look at the community center facilities that the council and Community Center Steering Committee will tour on Monday, July 9, 2007.

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

MAYOR TOMMY JONES: Thanked staff for the cooling centers that are being set up for the community and Mayor Pro Tem for stepping up and filling in for him while he was out of town. He invited Supervisor O'Banion to come forward and speak regarding the Westside, especially the Highway 152 Bypass. Supervisor O'Banion came forward and spoke regarding the Westside of Merced County and thanked the Council for their support. Mayor Jones thanked the Los Banos Chamber of Commerce and everyone who worked on the 4th of Celebration, Senator Denham, Assemblywoman Galgiani, Congressman Cardoza for all their help, and the residents at 6th & F Streets for inviting him to their 4th of July party.

TOM FARIA: Stated that the 4th of July event was fantastic, with the bucket brigade fun to watch, thanking all those involved in the event. He thanked staff for the cooling center is great, making note of the "Happy Birthday Los Banos" signs on garbage trucks in town. He spoke regarding the next Centennial Celebration event being held on July 14, 2007 that will include the Battle of the Bands and invited all to come out to the Miller & Lux Building on July 15, 007 to listen to old music standards being played and take part in the tea dances. He stated he is looking forward to the Community Center Tours being held on Monday July 9, 2007.

JOE SOUSA: Thanked the Chamber of Commerce for the 4th of July event, staff for expanding The Bus service. He spoke regarding his concerns for the wait time when you call into Comcast and the opportunity he will have in a couple of weeks ago to travel to Tennessee with the Holstein Association, noting that the kids who participate are real ambassadors for our community making us all proud. He wished his wife a happy anniversary, celebrating 32 years last week.

MIKE VILLALTA: Asked Fire Chief Guintini to speak on the fireworks show last night and the growing amount of illegal fireworks, which he did noting that there were no accidents or injuries reported. Police Chief Gallagher reported on the 911 and dispatch calls in regards to the fireworks. Council Member Villalta stated that there were seven (7) nonprofit groups who were able to sell fireworks at a stand this year and the money

will be put to good use. He spoke regarding the July 14, 2007 Centennial Celebration movie night which will continue through October 2007, the cooling shelters, the recent retirement of Mrs. Kathy Hew after 35 years of service with the City of Los Banos wishing her a very happy and well deserved retirement, thanking her for all her years of service. He inquired as to when the project updates would begin and Public Works Director/City Engineer Chisam stated that he hopes to start that the beginning of August.

MAYOR PRO TEM ANNA BROOKS: Excused absence.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. Motion by Faria, seconded by Sousa to adjourned at the hour of 9:11 p.m. to 6:30 a.m., Monday, July 9, 2007 at Los Banos City Hall, 520 J Street, Los Banos, California to Tour the Following Community Centers: Maidu Community Center, 1550 Maidu Drive, Roseville, California; Oakdale Community Center, 110 S 2nd Avenue, Oakdale, California; Modesto Maddux Youth Center, 615 Sierra Drive, Modesto, California; Neighborhood Center at Marshall Park, 905 Sutter Avenue, Modesto, California; and Boys & Girls Club of Merced, 615 W 15th Street, Merced, California. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Brooks absent.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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