

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 2, 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.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS; 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. (GOVERNMENT CODE SECTION 54956.8) No action taken, advisement to staff only.

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. No action taken, advisement to staff only.

CALL TO ORDER: Mayor Amabile called the City Council Meeting to order at the hour of 7:08 p.m.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brooks, Jones, McAdam, and Mayor Amabile; Absent: Council Member Pruitt

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Manager Rath, City Treasurer/Chief Financial Officer Wall, Police Commander Fitchie, Assistant Fire Chief Marrison, City Engineer Stoddard, Interim Public Works Director Hutsell, Public Works Supervisor Lloyd, Redevelopment Manager Post, Translator Reyna

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

REPORT FROM THE CITY ATTORNEY, WILLIAM A. VAUGHN, REGARDING PUBLIC FORUM, NON AGENDA ITEMS, AND THE BROWN ACT. City Attorney Vaughn presented the staff report, which included a power point presentation.

There was Council Member discussion regarding the interpretation of brief response, directing staff to research comments made during the public forum, if the comments pertain to an agenda item should be discussed at the time it appears on the agenda or during the public forum, and if dialogue can take place if it is on the agenda

Mayor Amabile spoke regarding the way he runs the City Council meetings and why. City Attorney Vaughn noted that there should be no reactive discussion during the public forum.

No action taken, informational item only.

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. RON SWIMM, Merced, spoke regarding how the Highway 165 widening project is progressing and commended staff for the role they've played in making this project possible, local labor and materials are being used and the project is on schedule; KEITH SNOW, Los Banos, spoke regarding how things in the city should be changed, articles in the newspaper, and how he is running for Mayor to take charge. No one else came forward to speak and the public forum was closed.

Mayor Amabile asked Mr. Swimm to speak as to when the Highway 165 project will be complete, which he stated to be the end of August 2006.

APPROVAL OF CONSENT AGENDA. There was Council Member discussion regarding item 6J, Resolution No. 4761 – Authorizing Submission of the Application to the State Department of Housing and Community Development for an Enterprise Zone Designation for the County of Merced and Directing the City Manager to Execute Documents and Agreements thereto and what happens if the City does not qualify

Motion by McAdam, seconded by Jones to remove item 6J, Resolution No. 4761 – Authorizing Submission of the Application to the State Department of Housing and Community Development for an Enterprise Zone Designation for the County of Merced and Directing the City Manager to Execute Documents and Agreements thereto of the consent agenda to discuss and take action separately. The motion carried by the affirmative action of all Council Members present, Pruitt absent.

Mayor Amabile asked for a brief report on item 6D, Subrecipient Agreement with Merced County Association of Governments (MCAG) for Administration of Community Development Block Grant 05-EDBG-1970, which Redevelopment Manager Post presented.

Motion by McAdam, seconded by Jones and carried, items on the consent agenda were approved, by the affirmative action of all Council Members present, Pruitt absent: Minutes for the July 19, 2006 Meeting; Check Register for #92655 - #93073 in the Amount of \$6,731,759.38; Quarterly Investment Report for the Quarter Ending June 30, 2006; Subrecipient Agreement with Merced County Association of Governments (MCAG) for Administration of Community Development Block Grant 05-EDBG-1970; Award of Bid – Two (2) New 2006 Heavy Duty Police Patrol Sedans to Santos Ford in the amount of \$49,364.91; Award of Bid – One (1) New 2007 Model Sport Utility Vehicle 4 Door to Santos Ford in the amount of \$29,808.88; Rejection of Bids: for One (1) New 2006 Police Sport Utility Type Vehicle & Police Surveillance Camera System and Purchase of Installation of a 12-camera surveillance system; Resolution No. 4759 – Approving and Authorizing the Execution of a Second Amended and Restated Cooperation Agreement with the Los Banos Redevelopment Agency and Making Certain Findings in Connection therewith; Resolution No. 4760 – Amending Division 4, Salary Schedule Relating to Changes Associated with Section A – Administration, Section C – Planning, and Section F – Public Works; Resolution No. 4761 – Authorizing Submission of the Application to the State Department of Housing and Community Development for an Enterprise Zone Designation for the County of Merced and Directing the City Manager to Execute Documents and Agreements thereto; Resolution No. 4762 – Amending the Fiscal Year 2006-2007 Budget by Increasing the Appropriation Limit for the Solid Waste Fund by \$67,500.

PUBLIC HEARING – CONSIDERATION OF ACQUISITION OF SANSONI PROPERTY – APN 084-010-009 FOR THE LOS BANOS WASTEWATER TREATMENT PLANT DISCHARGE LAND EXPANSION PROJECT. PROJECT DESCRIPTION: THE PROPOSED PROJECT IS THE PURCHASE OF 243.364 ACRES OF LAND IMMEDIATELY ADJACENT AND SOUTH OF THE CITY OF LOS BANOS WASTEWATER TREATMENT PLANT. THE PURPOSE FOR THE LAND ACQUISITION IS FOR THE EVENTUAL EXPANSION OF ADDITIONAL AREA FOR IRRIGATION WITH TREATED EFFLUENT FROM THE WASTEWATER TREATMENT PLANT, IN ACCORDANCE WITH THE CITY'S REGIONAL WATER QUALITY CONTROL BOARD DISCHARGE PERMIT. PROJECT LOCATION: THE PROPERTY IS LOCATED EAST OF THE CITY OF LOS BANOS, IMMEDIATELY EAST OF THE ARROYO CANAL, IMMEDIATELY SOUTH OF THE EXISTING WASTEWATER TREATMENT PLANT, AND ABOUT ONE-QUARTER MILE NORTH OF STATE ROUTE 152. THE PROPERTY IS MORE PRECISELY DESCRIBED AS ASSESSOR PARCEL NUMBER: 084-010-009. THE PROPERTY IS WITHIN THE MERCED COUNTY AGRICULTURAL PRESERVE PROGRAM AND SUBJECT TO A LAND CONSERVATION CONTRACT; RESOLUTION NO. 4763 – APPROVING THE PURCHASE OF APPROXIMATELY 243.364 ACRES GENERALLY LOCATED NORTH OF STATE ROUTE 152 AND WEST OF PATTON ROAD IN THE COUNTY OF MERCED (APN 084-10-009) – THE LOS BANOS WASTEWATER TREATMENT PLANT DISCHARGE LAND EXPANSION PROJECT – SANSONI/PETRONI. Interim Public Works Director Hutsell presented the staff report.

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

There was Council Member discussion regarding that this project isn't just for the expansion for residential but it does include industrial and commercial growth, being no other alternative if we want to expand the existing plant, keeping within the Williamson Act, and how important it is to be able to expand the Wastewater Treatment Plant.

Mayor Amabile thanked the Sansoni & Petroni families for allowing the City to buy this land.

Motion by Jones, seconded by McAdam to adopt Resolution No. 4673 Approving the Purchase of Approximately 243.364 Acres Generally Located North of State Route 152 and West of Patton Road in the County of Merced (APN 084-10-009) – The Los Banos Wastewater Treatment Plant Discharge Land Expansion Project – Sansoni/Petroni. The motion carried by the affirmative action of all Council Members present, Pruitt absent.

CONSIDERATION OF RESOLUTION NO. 4761 – AUTHORIZING SUBMISSION OF THE APPLICATION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR AN ENTERPRISE ZONE DESIGNATION FOR THE COUNTY OF MERCED AND DIRECTING THE CITY MANAGER TO EXECUTE DOCUMENTS AND AGREEMENTS THERETO. Redevelopment Manager Post presented the staff report, which included a power point presentation.

There was Council Member discussion regarding as to the City's eligibility, what happens if something is left out from another particular city, the City needing something like this to attract new businesses, and if this s doesn't go through would the maps be amended to include Los Banos.

Motion by McAdam, second by Jones to adopt Resolution No. 4761, Authorizing Submission of the Application to the State Department of Housing and Community Development for an Enterprise Zone Designation for the County of Merced and Directing the City Manager to Execute Documents and Agreements thereto. The motion carried by the affirmative action of all Council Members present, Pruitt absent.

CONSIDERATION OF DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR 2006 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD SEPTEMBER 6-9, 2006 IN SAN DIEGO. Motion by McAdam, seconded by Jones to designate Mayor Amabile as the voting delegate and Council Member Jones as the alternate voting delegate. The motion carried by the affirmative action of all Council Members present, Pruitt absent.

City Manager Rath noted that the regularly scheduled September 6, 2006 City Council Meeting may not take place because of a lack of quorum if at least three (3) members of the City Council attend the LCC Annual Meeting.

ADVISEMENT OF PUBLIC NOTICES (NO REPORT)

CITY MANAGER REPORT: Thanked the public for their patience while the street improvements are happening throughout the City; noted that beginning this August 6, 2006 and through the month of August the City will be working on the 6th Street improvements; on Saturdays there is a Farmers Market held at the Henry Miller Plaza and encouraged all to attend; and spoke regarding the first Plaza Movie Night to be held on August 18, 2006 at 9:00 p.m. which will be Grease.

M.C.A.G. REPORT: Mayor Amabile reported that the last meeting was July 10, 2006 with items discussed included the 10 year anniversary of The Bus and that Los Banos has about 100,000 riders a year with a million riders countywide, voted to go forward with recommending putting a measure back on the ballot for a half cent sales tax for transportation and their could be extra funding from the State for the City if this measure is passed at the November 2006 election.

CITY COUNCIL REPORTS

COUNCIL MEMBER BROOKS: Wished Mayor Amabile a happy birthday, which is today. She had questions about the lights on the rail trail and if there is an ordinance against spraying a wall on a building to advertise.

COUNCIL MEMBER JONES: Wished Mayor Amabile a happy 29th birthday. He noted that there are some lights out on the rail trail which make it unsafe and we might want to think about installing cameras to catch those causing the damage and establishing a fine.

COUNCIL MEMBER PRUITT: Excused absence.

COUNCIL MEMBER McADAM: Wished the Mayor a happy birthday. Spoke regarding an ordinance that addresses selling vehicles on property, i.e. San Luis Street and Ward Road, and would like to see cars ticketed if it's not on their property. He is happy to see that we were able to define how many parking spaces would be taken out on the H St project.

MAYOR AMABILE: Spoke regarding the H street project and the parking issues, noting that staff will speak to the aspects of the project at the August 16, 2006 City Council meeting. He spoke regarding ordinances and that the city has gone out and hired someone to take a look at all the ordinances and making sure they are up to State law, i.e. sign ordinance, design standards, vehicles parked on unimproved areas of their property, all new homes to have backyards landscaped now. He would like staff to consider, now that we have our own street sweepers, to address those cars that are always parked in the same place on the same day which doesn't allow the street sweeper to sweep appropriately. He also noted that some of the medians on Highway 152 still have a lot of sand around them and would like to see better reflectors on the

highway medians. He stated that he met with the Larry Anderson and his group and they are getting ready to announce more stores coming to the Lowe's shopping center; and that he recently went to a CCID meeting for approval of the bridge that will connect to the walking path and the Page Avenue canal.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned to 3:00 p.m., Monday, August 14, 2006 to attend a Joint Facilities Workshop with the Los Banos Unified School District Board at the Police Annex, 535 J Street, Los Banos, California.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk