

**CITY OF LOS BANOS**  
**ADJOURNED CITY COUNCIL MEETING MINUTES**  
**AUGUST 30, 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 LABOR NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54957.6. AGENCY DESIGNATED REPRESENTATIVE: CITY MANAGER; UNREPRESENTED EMPLOYEES: PUBLIC WORKS DIRECTOR/CITY ENGINEER, CHIEF OF POLICE, PLANNING MANAGER, REDEVELOPMENT MANAGER.**

Mayor Amabile stated that direction was given to the City Manager and the item would be discussed at a future public meeting.

**CALL TO ORDER:** Mayor Amabile called the City Council Meeting to order at the hour of 7:13 p.m.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Brooks, McAdam, Jones, Pruitt, Mayor Amabile.

**STAFF MEMBERS PRESENT:** Administrative Assistant/Deputy City Clerk Sousa, City Manager Rath, City Treasurer/Chief Financial Officer Wall, Police Commander Fitchie, Public Works Director Chisam, Planning Manager LeVan, Redevelopment Manager Post, Administrative Coordinator Garcia, 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.

**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.**

Norm Donovan, Los Banos, inquired as to when the re-striping of the Oddfellows Lodge parking lot would be completed. Mike Villalta, Los Banos, questioned if a plan was in place to correct the recent striping problem on 6<sup>th</sup> Street. Villalta noted that the striping was completed by a contractor and not by city workers. Ron Swim, Ranchwood Contractors, reported that the Highway 165 Project is currently under budget and on schedule. Keith Snow, Los Banos, inquired as to when the city would address the issue of a homeless shelter for those in need.

It was stated that the downtown would soon be re-striped correctly and that Overland Avenue would be signalized as part of the Highway 165 Widening Project.

No one else came forward to speak and the public forum was closed.

**APPROVAL OF CONSENT AGENDA.** Motion by Brooks, seconded by Pruitt and carried, items on the consent agenda were approved, by the affirmative action of all Council Members present as follows: Minutes for the August 2, 2006 Meeting; Check Register for #93497 - #93917 in the Amount of \$1,608,415.38; Award of Bids - One (1) New 2006/2007 Police Sport Utility Type Vehicle to Santos Ford in the amount of \$27,589.23, Police Surveillance Camera System U.S. Wired in the amount of \$14,997.09; Agreement between the City of Gustine and the City of Los Banos to Provide Law Enforcement Personnel, Equipment and/or Vehicles in Connection with the Our Lady of Miracles Celebration in Gustine on September 9 - 10, 2006; Progress Payment No. 3 to Somerset Park, LLC for the Gap Portion of State Highway 165 Widening Project in the amount of \$4,898.99; Progress Payment No. 4 to Somerset

Park, LLC for the Gap Portion of State Highway 165 Widening Project in the amount of \$82.00; Progress Payment No. 5 to Eco:Logic for the period on June 1, 2006 to June 30, 2006 for the Los Banos Wastewater Treatment Plant Expansion & Upgrade Phase II in the amount of \$24,867.00; Resolution No. 4767 – Approving Amendments to Division 8, Rules of Conduct of the Los Banos Policy & Procedures Manual to Add Section 847, which Prohibits Conflicts of Interests with Regard to Administering Federal Funds; Resolution No. 4768 – Accepting Public Improvements for Northgate at Regency Park II Subdivision, Unit 4 – Tract No. 2000-1. (Ranchwood Contractors, Inc.). The motion carried by the affirmative vote of all Council Members present.

**PUBIC HEARING – 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”. (FIRST READING & INTRODUCTION).** Administrative Coordinator Garcia presented the report.

Mayor Amabile opened the public hearing

Norm Donovan, Los Banos, stated that he was informed, at the Planning Commission meeting, that existing business could be asked to add more shade but were not required to do so.

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

Motion by McAdam, seconded by Pruitt to waive the first reading of Ordinance 1049. The motion carried by the affirmative vote of all Council Members present.

Motion by McAdam, seconded by Jones to introduce Ordinance 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”. The motion carried by the affirmative vote of all Council Members present.

John Spevak, Los Banos, on behalf of the Tree Committee, thanked the Council for moving the Ordinance along.

**PUBLIC HEARING – CONSIDERATION OF USE PERMIT #2006-07 APPLICANT: FRANCISCO CENDEJAS VILLA FOR PROPERTY LOCATED AT 107 WEST PACHECO BLVD WITHIN THE HIGHWAY COMMERCIAL DISTRICT. ASSESSOR PARCEL NUMBER: 026-061-006. RESOLUTION NO. 2006-24. APPROVAL WOULD ALLOW FOR A BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT (EL MICHOACANO).** Planning Manager LeVan presented the report.

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

Motion by Jones, seconded by McAdam to approve Resolution No. 4769 – Approving Use Permit No. 2006-07. The motion carried by the affirmative vote off all Council Members present.

**PUBIC HEARING – CONSIDERATION OF APPROVAL OF THE ANNUAL COPS SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) IN THE AMOUNT OF \$100,000.** Police Commander Fitchie presented the report.

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

Motion by McAdam, seconded by Jones to authorize the expenditures as submitted. The motion carried by the affirmative vote off all Council Members present.

**2006 FALL CLEAN-UP DAY.** Administrative Coordinator Garcia reported that Fall Clean-up Day will take place on Saturday, October 14, 2006 from 7:00 a.m. to 3:00 p.m. at Ranchwood Park Parking Lot and at the Merced County Fairgrounds Parking Lot.

Garcia then stated that Household Hazardous Waste would be accepted from 8:00 a.m. to 2:00 p.m. at the 4<sup>th</sup> & F Street parking lot only.

**ADVISEMENT OF PUBLIC NOTICES (TWO REPORTS).** Planning Manager LeVan reported that a public hearing will be held on September 13, 2006 to consider a proposed area plan and annexation. The project site consists of 118 acres in the northeast portion of the city, north of Meadowlands, adjacent to the San Luis Canal.

Planning Manager LeVan reported that a public hearing will be held on September 13, 2006 to consider a change to a condition of approval for Moreno Tortilleria. The project is located on the northwest corner of H Street and Texas Avenue.

**CITY MANAGER REPORT:** Nothing to report.

**M.C.A.G. REPORT:** Mayor Amabile reported that Los Banos hosted the MCAG meeting on August 17, 2006. Amabile stated that discussion included repairing roads and the San Joaquin Valley Partnership.

### **CITY COUNCIL REPORTS**

**COUNCIL MEMBER BROOKS:** Thanked the Recreation Department for hosting Movie Night at the Henry Miller Plaza. Inquired about the progress of the Fox Hills Development and Redevelopment Manager Post then stated that the project is being discussed and still has plans to develop.

**COUNCIL MEMBER JONES:** Thanked the Recreation Department for hosting the Movie Night at the Henry Miller Plaza. Stated that he attended a meeting with the Los Banos Unified School District regarding the conditions of local schools and urged the public to attend the next meeting on September 28, 2006.

**COUNCIL MEMBER PRUITT:** Stated that he was in agreement with Council Member Jones regarding the conditions of local schools. Congratulated city staff and the Tree Committee for their time spent working on the Shade Tree Ordinance.

**COUNCIL MEMBER McADAM:** Stated that he enjoyed Movie Night at the Henry Miller Plaza. Reported that he attended the Economic Development Committee meeting and there was good discussion with the group. Thanked Public Services Director Joe Sousa for making sure that the City's welcome sign, at the east end of town, was installed before he retired. Stated that he would like to see the intersection of 7<sup>th</sup> and B Street signalized soon.

**MAYOR AMABILE:** Stated that Movie Night in the Henry Miller Plaza was a great success and that the money collected went to the Los Banos Fire Department. Reported that next week Council will travel to San Diego to attend the League of California Cities Annual Conference. Reported that on August 23<sup>rd</sup> a 2x3 meeting was held with the Los Banos Unified School District and there was discussion regarding construction of a new high school. Reported that on August 22<sup>nd</sup> he spoke to the STAR Program at Henry Miller Elementary School and will speak to a few classes at the High School next month. Announced that May 7, 2007 the City of Los Banos will celebrate its Centennial and there would soon be community discussion to help plan the event.

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

**ADJOURNMENT.** The meeting was adjourned at the hour of 8:55 p.m.

APPROVED:

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Michael S. Amabile, Mayor

ATTEST:

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Jana R. Sousa, Deputy City Clerk