

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
SEPTEMBER 20, 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 REALL PROPERTY NEGOTIATORS (PURSUANT TO GOVERNMENT CODE SECTION 54956.8); 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 & TERMS OF SALE.** Item was continued to the end of the meeting.

**CONFERENCE WITH REALL PROPERTY NEGOTIATORS (PURSUANT TO GOVERNMENT CODE SECTION 54956.8); PROPERTY: 807 PAGE AVENUE, APN 083-241-001; AGENCY NEGOTIATOR: CITY MANAGER & CITY ATTORNEY; NEGOTIATING PARTIES: CITY OF LOS BANOS & FRANCISCO & FLORINDA PEREZ; UNDER NEGOTIATION: PURCHASE PRICE & TERMS OF SALE.** Item was continued to the end of the meeting.

**CALL TO ORDER:** Mayor Amabile called the City Council Meeting to order at the hour of 7:34 p.m.

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

**STAFF MEMBERS PRESENT:** City Clerk/Human Resources Director Mallonee, City Manager Rath, City Treasurer/Chief Financial Officer Wall, Police Chief Gallagher, Public Works Director/City Engineer Chisam, Planning Manager LeVan, Redevelopment Manager Post, Administrative Coordinator Garcia, Translator Reyna.

**APPROVAL OF AGENDA:** Motion by Jones, seconded by Brooks 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, requested to speak on items 9 and 10. Keith Gronigna, Los Banos Chamber of Commerce, spoke regarding the Annual Downtown Street Faire being held on October 7, 2006. Ann McCauley, Los Banos, spoke regarding changing the size of city garbage cans and noting that the City of Eureka offers three sizes at a different cost because not everyone needs the larger sizes especially if their recycling. Anita Kata, Los Banos, spoke regarding her concerns for the youth in Los Banos and traffic concerns on Highway 165 near Overland Avenue.

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

**APPROVAL OF CONSENT AGENDA.** City Manager Rath explained the following: Item F9 should be pulled from the consent agenda so that staff can review the technical specifications for this project; item I should be pulled from the consent agenda because there is a current agreement in place; Item L should be pulled from the consent agenda so it can be reported on by the Chief Financial Officer.

Motion by Jones, seconded by Pruitt to remove the following items from the September 20, 2006 Consent Agenda: Item F9 – Award of Bid for One (1) 2006/07 Model Skid Steer Loader to Holt of California in the amount of \$47, 224.07; Item I – Agreement between Ali and Tooba Farsad and the City of Los Banos for the purchase of 6200 Sq. Feet of a portion of property located at 760-860 H Street; APD 025-114-009, for an Easement; Item L – Resolution No. 4772 – Approving the Issuance by the Los Banos Redevelopment Agency of its 2006 Tax Allocation Bonds (Los Banos Redevelopment Project) and making certain determinations relating thereto. The motion carried by the affirmative vote of all Council Members present.

Motion by McAdam, seconded by Jones and carried, items on the consent agenda were approved, by the affirmative action of all Council Members present as follows: Check Register for #93918 - #94179 in the Amount of \$894,283.16; Rejection of Claims - Jose Refugio Banuelos Sanchez, Dorothy Angle; Progress Payment No. 1 to Tom Mayo Construction for the Highway 165 and Overland Avenue Intersection Reconstruction and Traffic Signal and Safety Lighting Project in the amount of \$60,192.00; Progress Payments Relating to the Los Banos Wastewater Treatment Plant Expansion Project - Invoice No. 13 to Eler & Kalinowski, Inc. (EKI) in the amount of \$10,869.15, Invoice for April 2006 to Kenneth D. Schmidt & Associates in the amount of \$1,000.40, Invoice for July 2006 to Kenneth D. Schmidt & Associates in the amount of \$465.26, Invoice for August 2006 to Kenneth D. Schmidt & Associates in the amount of \$6,552.12; Street Closure Request from the Los Banos Chamber of Commerce – Main Street from K Street to H Street, and I, K, and J Streets on October 7, 2006 from 5:00 a.m. to 5:00 p.m. for the annual Downtown Street Faire; Award of Bids - One (1) New Administrative Police Vehicle to Santos Ford in the amount of \$24,393.69, Two (2) Model One Ton Super Heavy Duty Pickups with Combo Service Bodies to Bob Silva Ford in the amount of \$52,308.30, Two (2) 2006/07 Model Hook Lift Trucks and Three (3) Roll-off Attachments to Gibbs International in the amount of \$218,510.62, Two (2) New Model

Power Drop Deck Enclosed Trailers to Aerial Lift Service in the amount of \$26,307.00, One (1) New Model Power Drop Deck Trailer to Aerial Lift Service in the amount of \$10,687.00, One (1) New Model Infrared Asphalt Recycler to Kasi Infrared in the amount of \$30,676.65, One (1) New Model Walk Behind Vibratory Roller to Vibco Inc. in the amount of \$5,750.00, One (1) New Model Walk Behind Grinder with Push Truck to SASE Company, Inc. in the amount of \$7,419.25, One (1) 2007 Model Three-Quarter Ton Heavy Duty Pickup with Utility Box to Santos Ford in the amount of \$25,769.17, One (1) 2007 Model Riding Rotary Mower to Turf Star in the amount of \$17,381.69; 2005-06 Fiscal Year – Preliminary Fourth Quarter Financial Report; Notice of Completion for the H Street Reconstruction at 2<sup>nd</sup> Street Project; Resolution No. 4770 – Amending the fiscal year 2006-07 budget by increasing the appropriation limit by \$40,000 for the Fire Capital Improvement Fund – Capital Outlay; Resolution No. 4771 – Amending the 2006-2007 fiscal year budget by increasing the proposed expenditures by \$5,000 in the General Fund and authorizing an increase in Personnel for the General Fund in the Fire Department by one Fire Captain position; Resolution No. 4773 – Accepting Final Tract Map #2001-01 and Subdivision Improvement Agreement; Resolution No. 4774 – Approving a Boundary Map and declaring intention to annex property to the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) and to levy a special tax therein to finance certain Public Safety Services for such Community Facilities District; Resolution No. 4775 – Accepting Grant of Easement subject to the approval of road improvements; Resolution No. 4776 – Entering into an agreement with the State of California Department of Transportation to accept Congestion Mitigation and Air Quality funding for an Intermodal Transportation Center; Resolution No. 4777 – Rejecting all bids received on August 1, 2006 for the Child Development Center Project and directing staff to re-solicit bids for this project. The motion carried by the affirmative vote of all Council Members present.

Motion by Jones, seconded by Pruitt to continue Item F9 – Award of Bid for One (1) 2006/07 Model Skid Steer Loader to Holt of California in the amount of \$47, 224.07 to the October 4, 2006 City Council meeting. The motion carried by the affirmative vote of all Council Members present.

Motion by Balatti, seconded by Pruitt to table Item I – Agreement between Ali and Tooba Farsad and the City of Los Banos for the purchase of 6200 Sq. Feet of a portion of property located at 760-860 H Street; APD 025-114-009, for an Easement. The motion carried by the affirmative vote of all Council Members present.

Chief Financial Officer Wall spoke on item L that was removed from the consent agenda and stated that the finance team was present to answer any questions.

Motion by McAdam, seconded by Jones to adopt Resolution No. 4772 – Approving the Issuance by the Los Banos Redevelopment Agency of its 2006 Tax Allocation Bonds (Los Banos Redevelopment Project) and making certain determinations relating thereto. The motion carried by the affirmative vote of all Council Members present.

**CONSIDERATION OF PROPOSED REORGANIZATION OF THE PUBLIC WORKS DEPARTMENT AND PUBLIC SERVICES DEPARTMENTS).** Administrative Coordinator Garcia and Public Works Director/Engineer presented the report.

Norm Donovan, Los Banos, stated that he did not wish to speak on this item. There was council member discussion regarding the new Engineering Division of the Public Works department. Public Works Director/City Engineer Chisam spoke to this aspect and what having an in-house engineering staff provides opposed to a contract one and that it would be more cost effective.

Motion by Brooks, seconded by Pruitt to adopt Resolution No. 4778 – Approving the reorganization of the Public Works and Public Services Department and amending Division 4, Salary Schedule, of the City's Policy and Procedures Manual. The motion carried by the affirmative vote of all Council Members present.

**CONSIDERATION OF DEPARTMENT HEAD PERFORMANCE SALARY RANGES.** City Manager Rath presented the report.

Norm Donovan, Los Banos, stated that some of the increases were obscene and did not see the police, fire and other employees getting the same increases. City Manager Rath stated that these were only ranges and that an employee could be placed anywhere within that range. It was stated that the purpose of the range increases was to retain highly productive management staff.

Motion by McAdam, seconded by Jones to approve Resolution No. 4779 – Amending Division 4, Salary Schedule relating to changes associated with Section A – Administration, Section B – Finance, Section C – Planning, Section E – Recreation, Section F – Public Works, Section G – Fire, Section H – Police of the City Policy Manual. The motion carried by the affirmative vote of all Council Members present.

**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” (SECOND READING & ADOPTION).** Administrative Coordinator Garcia presented the report. There was discussion regarding the affects on small businesses and if new projects would have to follow this ordinance.

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

Motion by McAdam, seconded by Jones to adopt 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.

**PUBLIC HEARING – CONSIDERATION OF ANNUAL GRANTEE PERFORMANCE REPORT FOR PROGRAM INCOME FROM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING AND ECONOMIC DEVELOPMENT GRANTS.** Chief Financial Officer Wall presented the report.

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

Motion by Jones, seconded by McAdam to accept the Annual Grantee Performance Report for Program Income from Community Development Block Grant (CDBG) Housing and Economic Development Grants. The motion carried by the affirmative vote of all Council Members present.

**PUBLIC HEARING – CONSIDERATION OF CHANGE IN CONDITION OF APPROVAL (APN 027-201-004, 005, 006, & 032). JAVIAR MORENO, APPLICANT (LA MORENITA TORTILLERIA & CARNICERIA PROJECT) FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF TEXAS AVENUE AND H STREET. ASSESSOR PARCEL NUMBER: 027-201-004 THRU 006 AND 032. APPLICANT: LA MORENITA TORTILLERIA & CARNICERIA. – CONSIDERATION OF A CHANGE IN CONDITION TO ALLOW PARTIAL PARKING LOT CONSTRUCTION AND LANDSCAPING WITH THE FIRST BUILDING.** Planning Manager LeVan presented the report.

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

Motion by Jones, seconded by Brooks to adopt Resolution No. 4780 – Authorizing a change to the Conditions of Approval for the La Morenita Tortilleria & Carniceria Project. The motion carried by the affirmative vote of all Council Members present.

**CONSIDERATION OF PARKS AND RECREATION COMMISSION APPOINTMENT.** Mayor Amabile spoke regarding the appointment and thanked the Parks and Recreation Commission for their efforts and dedication to the city.

Motion by McAdam, seconded by Jones to appoint Erasmo Viveros to the Parks and Recreation Commission. The motion carried by the affirmative vote of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES (NO REPORTS).**

**CITY MANAGER REPORT:** No report.

**M.C.A.G. REPORT:** Mayor Amabile reported that the next Merced County Association of Governments (MCAG) meeting is in Merced tomorrow and he would be giving a report on that meeting at the next City Council meeting. Amabile noted that he is no longer on the (Local Agency Formation Commission) LAFCO Commission.

## **CITY COUNCIL REPORTS**

**COUNCIL MEMBER BROOKS:** Spoke regarding the upcoming election and the candidate forums being held in the upcoming weeks.

**COUNCIL MEMBER JONES:** Encouraged all to register to vote in order to have a choice on what happens in the community.

**COUNCIL MEMBER PRUITT:** Welcomed the new Police Chief and his expertise on gangs to the community.

**COUNCIL MEMBER McADAM:** Welcomed the new Police Chief and requested that he look into the traffic congestion at the high school. Thanked staff for the new downtown entrance signs and the new logo. Reminded everyone to attend the Salute to Seniors Faire on September 29, 2006 at the Fairgrounds.

**MAYOR AMABILE:** Spoke regarding the League of California Cities Conference in San Diego attended by Amabile, Jones, Pruitt, Vaughn and Rath. Reported that the Tiger Rally held at Food 4 Less was great for both the Los Banos and Dos Palos athletic departments. Spoke regarding the homeless situation in Los Banos and how to address the issue.

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

**ADJOURNMENT.** The meeting was adjourned at the hour of 10:00 p.m.

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APPROVED:

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Michael S. Amabile, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk