

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
DECEMBER 21, 2005**

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 item was discussed prior to the City Council Meeting:

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54957.6. AGENCY DESIGNATED REPRESENTATIVE: CITY MANAGER; UNREPRESENTED EMPLOYEES: CITY MANAGER, CHIEF OF POLICE, CODE ENFORCEMENT OFFICER, COMMUNITY DEVELOPMENT DIRECTOR, FINANCE DIRECTOR, FIRE CHIEF, HUMAN RESOURCES DIRECTOR, PLANNING MANAGER, PUBLIC SERVICES DIRECTOR, PUBLIC WORKS DIRECTOR, REDEVELOPMENT MANAGER. City Manager Rath reported that by consensus the City Council was in favor of adjusting the salary ranges as presented for the City Manager, Chief of Police, Community Development Director, Finance Director, Fire Chief, Human Resources Director, Public Services Director, Public Works Director; establishing new salaries as presented for the City Manager, Chief of Police, Community Development Director, Finance Director, Fire Chief, Human Resources Director, Public Services Director, Public Works Director with half the increase to occur on January 1, 2006 and the other half on July 1, 2006; and approving a five percent (5%) salary bonus for department heads who give a one (1) year advance notice of their retirement date to assist in searching for new department heads.

Motion by McAdam, seconded by Jones to approve the ranges as presented for the City Manager, Chief of Police, Community Development Director, Finance Director, Fire Chief, Human Resources Director, Public Services Director, Public Works Director; to establish new salaries as presented for the City Manager, Chief of Police, Community Development Director, Finance Director, Fire Chief, Human Resources Director, Public Services Director, Public Works Director with half the increase to occur on January 1, 2006 and the other half on July 1, 2006; and approve a five percent (5%) salary bonus for department heads who give a one (1) year advance notice of their retirement date to assist in searching for new directors. The motion carried by the affirmative action of all Council Members present.

CLOSED SESSION – LIABILITY CLAIM – PURSUANT TO GOVERNMENT CODE 54956.95. CLAIMANT: VALLEY FARM TRANSPORT; AGENCY CLAIMED AGAINST: CITY OF LOS BANOS. Direction was given to the City Attorney to authorize the City's representatives to make an offer to settle the above stated claim.

CALL TO ORDER. Mayor Amabile called the City Council Meeting to order at the hour of 7:33 p.m.

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

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Redevelopment Manager Hubler, Planning Manager Goodrich, Planning Consultant James, Public Services Director Sousa, Public Works Director DeSa, Police Chief Knapp, Fire Chief Guintini, City Treasurer/Finance Director Wall, Translator Reyna.

APPROVAL OF AGENDA: Motion by Jones, seconded by McAdam 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. KEITH SNOW, Los Banos, spoke regarding ADA requirements, handicapped ramps, sidewalks, homeless shelter, railroad project from Los Banos to San Jose, housing needs for low income families, recycling program, eagles and loss of trees, city growing too fast, homeless people; SANDY LEMAS, Los Banos, spoke regarding recycling on December 24, 2005 being held by Soroptimist, wished all a very Merry Christmas; SHIRLEY NAPOLITANO, Los Banos, spoke regarding the Soroptimist Sees Candy being sold throughout town and also about the Women's Opportunity Award that Soroptimist awards annually; CHUCK MARTIN, Los Banos Kiwanis Club, spoke regarding their free Annual Christmas Eve dinner at Fire Station No. 1 from 11:00 a.m. to 2:00 p.m. and that take-outs are available for those who can not get out, Santa will be there from 12:00 p.m. to 1:00 p.m. and he wished all a Merry Christmas. No one else came forward to speak and the public form was closed.

Mayor Amabile and staff spoke to the comments made during the public forum.

APPROVAL OF CONSENT AGENDA. There was Council Member and staff discussion regarding item 6C, Progress Payment No. 1 to Tennyson Electric, Inc.

in the Amount of \$19,546.51 for the B Street & State Route 165 Traffic Signal and Safety Lighting Project, inquiring as to how long it would take to complete the project would be completed – about 30-45 days.

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: Minutes for the December 7, 2005 Meeting; Check Register for #87697 - #88150 in the Amount of \$2,051,672.83; Progress Payment No. 1 to Tennyson Electric, Inc. in the Amount of \$19,546.51 for the B Street & State Route 165 Traffic Signal and Safety Lighting Project; Progress Payment No. 1 to Royal Electric Company in the Amount of \$164,034 for the Los Banos Airport lighting Reconstruction Project; Progress Payment No. 1 to Central Striping Service, Inc. in the Amount of \$6,882.30 for the Bike Lanes Project; Progress Payment No. 3 to Granite Construction in the Amount of \$140,301.90 for the Main Street Improvements Project; Progress Payment No. 8 to Granite Construction in the Amount of \$27,882.00 for the Henry Miller Plaza Project; Final Payment to Harry Bunfill Urethane Roofing in the Amount of \$18,187 for in Kind Roofing for City of Los Banos Facilities: City Hall Building, Police Annex Building, Police Station, Animal Shelter Building, Fire Station No. 1, and Public Works Office Building; Annual Adjustment for Development Impact Fees for the 2006 Calendar Year; Authorization to Record the Notice of Competition for the Los Banos Municipal Airport Lighting Reconstruction Project; Resolution No. 4676 – Authorizing Amendment of Current Agreement Between the City of Los Banos and CalTrans for Purpose of Maintenance of Curb, Gutter, and Sidewalk Along State Highway 152; Resolution No. 4677 – Amending the Fiscal Year 2005-2006 Budget by Increasing the 2005-06 Appropriation Limit for the Fire Development Impact Fund – Capital Outlay Expenditures by \$44,481 and Increasing Revenues in Federal Grants by \$40,032.

MCAG TRANSPORTATION EXPENDITURE PLAN PRESENTATION – JESSE BROWN, MCAG EXECUTIVE DIRECTOR. Jesse Brown, MCAG Executive Director, presented an overview of the proposed MCAG Transportation Expenditure Plan, which would place an additional sales tax measure on the June 2006 ballot for consideration by the voters. He spoke regarding the public opinion survey that was done in August 2005 which showed support for this measure and he noted that all the other cities in Merced county, and Merced County, have approved the proposed measure to go before the voters in June 2006.

There was Council Member discussion regarding what will be put on the ballot, specific expenditures associated with he ballot measure, the specific projects included in the measure, and proposed street maintenance.

Motion by McAdam, seconded by Jones to approve the MCAG Transportation Plan as presented. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – CONSIDERATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH COMMUNITY HOUSING IMPROVEMENT SYSTEMS AND PLANNING ASSOCIATIONS, INC. FOR THE PROPERTY ON FIRST STREET AT F STREET, APN 025-042-01; RESOLUTION NO. 4678 – APPROVING AND CONSENTING THAT THE LOS BANOS REDEVELOPMENT AGENCY ENTER INTO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE AGENCY AND COMMUNITY HOUSING IMPROVEMENT SYSTEMS AND PLANNING ASSOCIATION, INC. Redevelopment Manager Hubler presented the staff report.

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

Motion by Balatti, seconded by Pruitt to adopt Resolution No. 4678, approving and consenting what the Los Banos Redevelopment Agency, including the correction and addition as follows: Paragraph six of Resolution No. 2005-15 should read: “. . . to acquire certain land located at 1st and F Streets (the “”Site”) and to construct, . . . “ and the follow section should be added and read: “Section 1. The Agency finds and determines that the Agreement and the activities described thereunder are exempt under Section 15332 of the Guidelines (Class 32, infill development) adopted pursuant to the California Environmental Quality Act”, and the subsequent sections should then be renumbered accordingly. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – CONSIDERATION OF THE VILLAS (EAST CENTER AVENUE) AREA PLAN, ANNEXATION #2001-03, PRE-ZONE #2001-04. AND VESTING TENTATIVE TRACT MAP #2001-04; (RANCHWOOD HOMES CORP., APNS 083-120-003, 006, 008, 035, 037, 038, 040). THE PROJECT SITE IS ABOUT 113 ACRES EAST OF CENTER AVENUE NORTH OF PIONEER ROAD AND WEST OF THE SOUTH OF THE CRESTHILLS SUBDIVISION; RESOLUTION NO. 4679 – MAKING CEQA FINDINGS AND ADOPTING THE EAST CENTER AVENUE AREA PLAN MITIGATED NEGATIVE DECLARATION; RESOLUTION NO. 4680 – APPROVING THE VILLAS AREA PLAN AND REQUESTING ANNEXATION (ANX #2001-05) OF THE “VILLAS ANNEXATION”; RESOLUTION NO. 4681 – APPROVING THE VESTING TENTATIVE TRACT MAP (VTTM #2001-06); ORDINANCE NO. 1042 – ADDING SECTION 9-3.2399 TO CHAPTER 3, TITLE 9 OF THE LOS BANOS MUNICIPAL CODE TO PRE-ZONE FROM COUNTY A-1 (GENERAL AGRICULTURAL) TO R-1/P-D (LOW DENSITY RESIDENTIAL/PLANNED DEVELOPMENT), R-2/PD (MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT), P-O (PROFESSIONAL OFFICE), AND N-C (NEIGHBORHOOD COMMERCIAL). (FIRST READING & INTRODUCTION); ORDINANCE NO. 1043 – AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY FOR THAT CERTAIN DEVELOPMENT PROJECT KNOWN AS THE VILLAS VESTING TENTATIVE MAP. (First Reading & Introduction) City

Attorney Vaughn stated that he lives on the border of this proposed project and will be excusing himself from this item.

Contract Planner James presented the staff report, which included a power point presentation regarding the proposed project aspects.

DAVE RAMONO, Russ Newman's Office on behalf of Ranchwood Homes, stated that they held a neighborhood meeting to receive comments regarding the proposed project and conditions of approval, but has a concern with one condition as it pertains to the widening of Center & Pioneer Avenue; he believes this should be a discretionary condition not a mandatory condition and offered an alternative condition for consideration.

RANDY O'DEL, Civil Engineer with O'Dell Engineering on behalf of Ranchwood Homes, spoke in detail to the proposed project and also to what they would like to do on behalf on the condition in question and as it pertains to the widening of Center Avenue & Pioneer Road. He offered compromise requirements for the modified condition.

DAVE RAMONO added that this project has been four years in the making and pointed out that he feels that some of the required improvements being requested are not needed right now and asked that the Council remove the condition in question on the area plan and add a condition on the tentative map in regards to who is responsible for the road improvements.

The public hearing was opened. KEITH SNOW, Los Banos, spoke regarding the types of homes that Ranchwood builds and making homes handicapped accessible; PAUL ALDERETE, Los Banos Unified School District Superintendent, spoke in support of this proposed project and is please to say that Ranchwood Homes were the first developers in the community to reach an agreement with the Los Banos Unified School District regarding mitigating the impact on the schools that their projects create; No one else came forward to speak and the public hearing was closed.

There was Council Member discussion regarding mitigation of the traffic concerns being a priority with this project, just doing a portion of the road opposed to all of the road, concerns with the impact on Center Avenue & Pioneer Road that this project will create, wanting to see infrastructure for all that will happen in the long run, the need for four (4) lanes on Pioneer Road, reimbursement agreement for improvements, the Vierra Family being opposed to the proposed project, Meza's being concerned with access to their bed and breakfast, having a problem with the first person to develop paying for everything and waiting to be reimbursed until someone else develops, not wanting to penalize the first person to develop, doing pieces of the road improvements might entice others to do the other needed road improvements, the City not in the

position to pay for the road improvements because we are not collecting fees for road improvements, this road being one of the projects discussed during MCAG's sales tax presentation, and looking at improving Pioneer Road on the south side instead of the north side.

RANDY O'DELL spoke to the comments made by the Council and stated that the buildout of Center Avenue would be something to consider. DAVE ROMANO feels that the undeveloped land does not need access.

Motion by McAdam, seconded by Jones to approve Resolution 4679, making CEQA findings and adopting the East Center Avenue Area Plan Mitigated Negative Declaration, to include the build out on Pioneer Road. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Pruitt to continue Resolution No. 4680, approving the Villas Area Plan and requesting Annexation (ANX #2001-05) of the "Villas Annexation" to the January 18, 2005 meeting. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Pruitt to continue Resolution No. 4681, approving the Vesting Tentative Tract Map (VTTM #2001-06) to the January 18, 2005 meeting. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Balatti to waive the first reading of Ordinance No. 1042, adding Section 9-3.2399 ___ to Chapter 3, Title 9 of the Los Banos Municipal Code to Pre-Zone from County A-1 (General Agricultural) to R-1/P-D (Low Density Residential/Planned Development), R-2/PD (Medium Density Residential/Planned Development), P-O (Professional Office), and N-C (Neighborhood Commercial). The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Balatti to introduce Ordinance No. 1042, adding Section 9-3.2399 ___ to Chapter 3, Title 9 of the Los Banos Municipal Code to Pre-Zone from County A-1 (General Agricultural) to R-1/P-D (Low Density Residential/Planned Development), R-2/PD (Medium Density Residential/Planned Development), P-O (Professional Office), and N-C (Neighborhood Commercial). The motion carried by the following roll call vote: AYES: Balatti, Jones, McAdam, Pruitt, Amabile; NOES: None; ABSENT: None.

Motion by Jones, seconded by Balatti to waive the first reading of Ordinance No. 1043, authorizing the Mayor to Execute a Development Agreement on behalf of the City for that certain Development Project known as the Villas Vesting Tentative Map. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Balatti to introduce Ordinance No. 1043, authorizing the Mayor to Execute a Development Agreement on behalf of the City for that certain Development Project known as the Villas Vesting Tentative Map. The motion carried by the following roll call vote: AYES: Balatti, Jones, McAdam, Pruitt, Amabile; NOES: None; ABSENT: None.

CONSIDERATION OF THE PROPOSED COTTAGE GREENS PLAN BOUNDARY TO INCLUDE 13.7 ACRES LOCATED WEST OF NANTES AVENUE AND NORTH OF OVERLAND AVENUE. (APPLICANT: WATERS FUND MANAGEMENT, LLC) Planning Manager Goodrich presented the staff report.

The applicant stated that he was available to answer any questions anyone might have.

There was Council Member discussion regarding the landowners being in agreement to this proposed use, the adjacent development, and the proposed area being designated low density residential in the General Plan. Mayor Pro Tem McAdam stated that he was opposed to this annexation at the corner of Nantes and Overland and does not encourage any more growth in this area; he feels it is a natural boundary.

Motion by Jones, seconded by Balatti to confirm the area plan boundaries as depicting on this map as being acceptable by the Council. The motion carried by the following roll call vote: AYES: Balatti, Jones, Pruitt, Amabile; NOES: McAdam; ABSENT: None.

CONSIDERATION OF ADDENDUM TO LOS BANOS WASTEWATER TREATMENT PLANT EXPANSION EIR AND AUTHORIZATION TO PROCEED WITH ACQUISITION OF 243 ACRES OF LAND SOUTH OF AND ADJACENT TO THE EXISTING WASTEWATER TREATMENT PLANT, APN 084-010-009; RESOLUTION NO. 4682 – AFFIRMING THE ADEQUACY OF THE CERTIFIED LOS BANOS WASTEWATER TREATMENT PLANT EXPANSION EIR, MAKING CEQA FINDINGS, REAFFIRM THE MITIGATION MONITORING PROGRAM, ACCEPTING THE ADDENDUM TO THE EIR, AND AUTHORIZING THE CITY TO PROCEED WITH ACQUISITION. Contract Planner James presented the staff report.

Motion by McAdam, seconded by Jones to adopt Resolution No. 4682, affirming the adequacy of the Certified Los Banos Wastewater Treatment Plant Expansion EIR, making CEQA findings, reaffirm the mitigation program, accepting the addendum to the EIR and authorizing the City to proceed with acquisition. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (Two Reports) Planning Manager Goodrich reported that a Public Hearing will be held at the Planning Commission meeting on December 28, 2005 at 7:00 p.m. to consider a conditional use permit to allow a

Beer and Wine Liquor License in conjunction with the Seafood House Restaurant, 1639 East Pacheco Boulevard, APN 083-130-013.

Planning Manager Goodrich reported that a Public Hearing will be held at the Planning Commission meeting on December 28, 2005 at 7:00 p.m. to consider a conditional use permit to allow the placement of a paint and body spray booth in conjunction with an auto repair facility located at 1235 E Street, APN 025-142-017.

CITY MANAGER REPORT: Nothing to report.

M.C.A.G. REPORT: Mayor Amabile stated that Mayor Pro Tem McAdam attended the last meeting for him and McAdam reported that items of discussion were the RTIF program and having workshops regarding the program, studying Highway 165 from Highway 99 to Hilmar to help alleviate traffic on Highway 165. McAdam spoke about the workshop held here in Los Banos last week at the Police Annex regarding the MCAG transportation sales tax measure and the OneVoice group and what they are working on, trying to find much needed funds for the Merced County area.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI: Wished everyone has a Happy New Year, a Merry Christmas, and Happy Holidays.

COUNCIL MEMBER JONES: Wished everyone a Merry Christmas and a Happy New Year and encouraged all to go by the PAL office and drop off Toys for Tots.

COUNCIL MEMBER PRUITT: Wished everyone a Merry Christmas. He stated that he was able to attend the Police Department Christmas Dinner the other night, noting the marvelous job the Police Department does for us.

MAYOR PRO TEM McADAM: Congratulated the Recreation Department for a job well done with Breakfast with Santa and wished all a Merry Christmas and a Happy New Year.

MAYOR AMABILE: Reported that there will be LAFCO interviews for new staffing of LAFCO, because Merced County will not be staffing LAFCO come April or May 2006, depending on when the new staff is chosen. He stated that he was very honored to have been made an honorary Veteran at a Veteran's luncheon held on December 11, 2005 where he also received a jacket.

He spoke about the latest San Joaquin Valley Partnership meeting held at UC Merced to talk about economic development, K-12, infrastructure, and Central Valley issues; it was a good, well attended, and UC Merced was a good host. He wished all a very Merry Christmas and a very healthy New Year for all.

ADJOURNMENT. The meeting was adjourned at the hour of 10:04 p.m.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk