

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
JANUARY 2, 2008**

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.

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

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, Redevelopment Manager Post, Translator Reyna

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

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

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Sousa to approve the consent agenda as follows: Minutes for the December 5, 2007 City Council / Redevelopment Agency Meeting; Check Register for #104620 - #104915 in the amount of \$1,943,336.60; Progress Payment No. 12 to Granite Construction Company for Construction of Seventh and H Street Improvements Project in the amount of \$36,900.00; City Council Resolution No. 4973 – To Place Towed Vehicle Monies Collected into the Traffic Safety Fund (246); City Council Resolution No. 4974 – Gang Resistance Education and Training (GREAT) Grant Monies Budget Amendment; City Council Resolution No. 4975 – Relating to the Annual Adoption of an Investment Policy. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present; Villalta absent.

PUBLIC HEARING – CONSIDERATION OF BUILDING AND FIRE CODE UPDATES AND ADOPTING OF THE FOLLOWING CODES: CALIFORNIA ADMINISTRATIVE CODE AS AMENDED AND BASED ON THE 1997 UNIFORM ADMINISTRATIVE CODE, PART 2 – CALIFORNIA BUILDING CODE, PART 3 – CALIFORNIA ELECTRICAL CODE, PART 4 – CALIFORNIA MECHANICAL CODE, PART 5 – CALIFORNIA PLUMBING CODE, PART 6 – CALIFORNIA ENERGY CODE, PART 8 – CALIFORNIA HISTORICAL CODE, PART 9 – CALIFORNIA FIRE CODE, PART 10 – CALIFORNIA EXISTING BUILDING CODE, PART 12 – CALIFORNIA REFERENCE STANDARDS CODE, THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 2006 UNIFORM SWIMMING POOL, SPA & HOT TUB CODE, THE 2006 UNIFORM SOLAR ENERGY CODE; ORDINANCE NO. 1065 – ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE AND RELATED CODES, AS AMENDED BY REPEALING AND REPLACING, TITLE 8, CHAPTERS 1, 4, 5, 6, 7, 8, 11 & 12, BUILDING REGULATIONS OF THE LOS BANOS MUNICIPAL CODE (Second Reading & Adoption); ORDINANCE NO. 1066 – ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, AS AMENDED BY REPEALING AND REPLACING TITLE 4, CHAPTER 3, “FIRE PREVENTION CODE: OF THE LOS BANOS MUNICIPAL CODE (Second Reading & Adoption). Fire Chief Guintini presented the staff report.

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

Motion by Brooks, seconded by Faria to waive the second reading of Ordinance No. 1065, Adopting by Reference the 2007 Edition of the California Building Code and Related Codes, as Amended by Repealing and Replacing, Title 8, Chapters 1, 4, 5, 6, 7, 8, 11 & 12, Building Regulations of The Los Banos Municipal Code. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Villalta absent.

Motion by Brooks, seconded by Faria to adopt Ordinance No. 1065, Adopting by Reference the 2007 Edition of the California Building Code and Related Codes, as Amended by Repealing and Replacing, Title 8, Chapters 1, 4, 5, 6, 7, 8, 11 & 12, Building Regulations of The Los Banos Municipal Code. The motion carried by the by the following roll call vote: AYES: Council Members Brooks, Faria, Sousa, Mayor Jones; NOES: None; ABSENT: Villalta.

Motion by Sousa, seconded by Faria to waive the second reading of Ordinance No. 1066, Adopting by Reference the 2007 Edition of the California Fire Code, as Amended by Repealing and Replacing Title 4, Chapter 3, “Fire Prevention Code: of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Villalta absent.

Motion by Sousa, seconded by Faria to adopt Ordinance No. 1066, Adopting by Reference the 2007 Edition of the California Fire Code, as Amended by Repealing and

Replacing Title 4, Chapter 3, "Fire Prevention Code: of the Los Banos Municipal Code. The motion carried by the by the following roll call vote: AYES: Council Members Brooks, Faria, Sousa, Mayor Jones; NOES: None; ABSENT: Villalta.

PUBLIC HEARING – CONSIDERATION OF AN AMENDMENT TO THE LOS BANOS MUNICIPAL CODE REGARDING THE CITY’S PURCHASING ORDINANCE PERTAINING TO PUBLIC WORKS PROJECTS TO BE SUBJECT TO THE STATE OF CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING ACT; ORDINANCE NO. 1067 – REPEALING AND REPLACING CHAPTER 16 OF TITLE 3 OF THE LOS BANOS MUNICIPAL CODE PERTAINING TO THE AWARD OF PUBLIC WORKS PROJECTS (SECOND READING & ADOPTION); CITY COUNCIL RESOLUTION NO. 4971 – ELECTING TO BECOME SUBJECT TO THE UNIFORM CONSTRUCTION COST ACCOUNTING PROCEDURES AND ADOPTING ALTERNATIVE BIDDING PROCEDURES AS SET FORTH IN THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT FOR CONSTRUCTION WORK PERFORMED OR CONTRACTED BY THE CITY OF LOS BANOS. Chief Financial Officer Wall presented the staff report.

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

Motion by Sousa, seconded by Faria to waive the second reading of Ordinance No. 1067, Repealing and Replacing Chapter 16 of Title 3 of the Los Banos Municipal Code Pertaining to the Award of Public Works Projects. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Villalta absent.

Motion by Sousa, seconded by Faria to adopt Ordinance No. 1067, Repealing and Replacing Chapter 16 of Title 3 of the Los Banos Municipal Code Pertaining to the Award of Public Works Projects. The motion carried by the by the following roll call vote: AYES: Council Members Brooks, Faria, Sousa, Mayor Jones; NOES: None; ABSENT: Villalta.

Motion by Brooks, seconded by Faria to adopt City Council Resolution No. 4971 – Repealing and Replacing Chapter 16 of Title 3 of the Los Banos Municipal Code Pertaining to the Award of Public Works Projects to the January 2, 2008 City Council Meeting. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Villalta absent.

PUBLIC HEARING – CONSIDERATION OF AN UPDATE TO THE LOS BANOS MUNICIPAL CODE REGARDING THE CITY’S PURCHASING ORDINANCE PERTAINING TO THE CITY OF LOS BANOS PURCHASING SYSTEM; ORDINANCE NO. 1068 – REPEALING AND REPLACING CHAPTER 10 OF TITLE 3 OF THE LOS BANOS MUNICIPAL CODE RELATING TO THE PURCHASING SYSTEM (First Reading & Introduction). Chief Financial Officer Wall presented the staff report.

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

Motion by Sousa, seconded by Brooks to waive the second reading of Ordinance No. 1068, Repealing and Replacing Chapter 10 of Title 3 of the Los Banos Municipal Code Relating to the Purchasing System. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Villalta absent.

Motion by Sousa, seconded by Brooks to adopt Ordinance No. 1068, Repealing and Replacing Chapter 10 of Title 3 of the Los Banos Municipal Code Relating to the Purchasing System. The motion carried by the by the following roll call vote: AYES: Council Members Brooks, Faria, Sousa, Mayor Jones; NOES: None; ABSENT: Villalta.

PUBLIC HEARING – CONSIDERATION OF USE PERMIT FOR AN ALCOHOL LICENSE IN CONJUNCTION WITH A RESTAURANT LOCATED AT 1245 PACHECO BLVD., MORE SPECIFICALLY DESCRIBED AS ASSESSOR’S PARCEL NUMBER: 026-280-018; CITY COUNCIL RESOLUTION NO. 4976 – APPROVING USE PERMIT #2007-14 FOR THE ON SALE OF BEER AND WINE IN CONJUNCTION WITH A RESTAURANT LOCATED AT 1245 PACHECO BOULEVARD. Public Works Director/City Engineer Chisam presented the staff report.

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

Motion by Sousa, seconded by Faria to adopt City Council Resolution No. 4976 – Approving Use Permit #2007-14 for the On Sale of Beer and Wine in Conjunction with a Restaurant Located at 1245 Pacheco Boulevard. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present, Villalta absent.

DEVELOPMENT PROJECTS SCHEDULE. Public Works Director/City Engineer Chisam presented the staff report.

There was Council Member discussion regarding projects going through the process, current projects agreeing to our terms, airport layout plain, groundwater salt study, downtown building standards and if the downtown committee be involved, if the plan was to bring all annexations back to the City Council at the same time, none of the annexations will happen until LAFCO approval, and the Community Center project coming back to Planning Commission and City Council in the spring.

This is an informational item only, no action taken.

CONSIDERATION OF COMMISSION MEMBER APPOINTMENT(S); PLANNING COMMISSION – ONE (1) TERM, EXPIRING DECEMBER 31, 2011. Mayor Jones stated that he would like to put off appointments until the next meeting until a full City Council is in attendance and he would like to keep the application period open for the next two weeks. No action taken.

REDEVELOPMENT AGENCY UPDATE. Redevelopment Manager Post spoke regarding the Home Rehabilitation Program and the projects that have been completed through the program.

ADVISEMENT OF PUBLIC NOTICES (ONE REPORT) Public Works Director/City Engineer Chisam reported that a Public Hearing will be held at the Planning Commission Meeting on January 9, 2008 at 7:00 p.m. to consider recommendations on the Pioneer Corridor Environmental Impact Report, and three annexation requests and associated area plans: The West Center Area Plan/annexation includes about 456 acres north and south of Pioneer Road, west of Center Avenue and mostly east of Ortigalita Road. The Presidential Estates Area Plan/annexation includes about 116 acres north of Pioneer Road and west of Mercey Springs Road. The Ward/Place Area Plan/annexation includes about 377 acres north and south of Pioneer Road, between Mercey Springs Road and Ward Road. Each project includes a request for annexation, pre-zoning, and a pre-annexation development agreement. As required by Los Banos General Plan Policy LU18.1, an area plan has been prepared to guide development of the land proposed for annexation. Proposed land uses are low and medium density single-family residential, professional office, and neighborhood commercial. Many of the areas would be developed under Planned Development zoning. Subdivision maps, final development plans, and/or site plan reviews would require separate approvals following annexation and prior to development. Assessor Parcel Numbers of the proposed annexations are as follows: West Center Area Plan: 083-030-012; 083-030-013; 083-030-016; 083-030-017; 083-030-018; 083-030-019; 083-030-020; 083-030-021; 083-030-022; 083-030-023; 083-030-025; 083-030-026; 083-030-027; 083-030-032; 083-030-033; 083-090-002; 083-090-004; 083-090-005; 083-090-006; 083-090-007; 083-090-008; 083-090-011; 083-090-012; 083-090-013; 083-090-014; 083-090-015; 083-090-016; 083-090-017; 083-090-018; 083-090-019; 083-090-020; 083-090-021; 083-090-022; 083-090-023; 083-180-016; 083-180-017; 083-180-019; 083-180-032; 083-180-033; 083-180-034; 083-180-035; Presidential Estates Area Plan: 083-110-009, 083-110-010, 083-110-015, 083-110-016, 083-110-031, 083-120-012, 083-120-013, 083-120-014, 083-120-015, 083-120-016, 083-120-017, 083-120-018, 083-120-019, 083-120-020, 083-120-021, 083-120-022, 083-120-023, 083-120-024, 083-120-027, 083-120-028; Ward/Place Area Plan: 083-010-022, 083-010-023, 083-010-024, 083-010-025, 083-100-011, 083-100-013, 083-100-033, 083-100-038, 083-100-039, 083-100-071, 083-100-075, 083-100-076, 083-150-041, 083-150-047, 083-150-048.

CITY MANAGER/EXECUTIVE DIRECTOR REPORT. City Manager Rath spoke regarding the upcoming storm and the preparations staff has made to prepare for the nasty weather, noting that if needed the Miller & Lux Building is ready to be used as an emergency facility.

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

JOE SOUSA: Reported that he is glad staff is working on the warming center, wished all a happy new year, and thanked everyone for everything they do for our city

MIKE VILLALTA: Excused absence.

ANNA BROOKS: Spoke regarding the upcoming storms, wished all a happy new year, and how she is looking forward to 2008.

TOMMY JONES: Thanked staff for being prepared for the upcoming storm, thanked Supervisor O'Banion for being in attendance at tonight's meeting and for all he does for the City of Los Banos, spoke regarding the upcoming opportunity to vote on a school bond to build a new school and encouraged all to vote yes – for the kids.

TOM FARIA: Spoke regarding the importance of the school bond - Measure K – encouraging all to support the bond measure, he thanked Commander Reyna for his invocation tonight, spoke regarding Jelene's de Melo's recent safe delivery of a baby girl that he attributes to prayer, the upcoming Concert at the Arts Center, the Elks Crab Crack on February 4, 2008, asked all to support local vendors and local events, and wished all a happy new year.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 7:44 p.m.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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