



City of
Los Banos
At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

OCTOBER 1, 2014

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.
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Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.
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Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)

Faria ____, Lewis ____, Silveira ____, Stonegrove ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)

6. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

A. Check Register for #149501 – #149697 in the Amount of \$1,280,966.99.

Recommendation: Approve the check register as submitted.

B. City Council Meeting Minutes:

- 1) June 4, 2014 Regular City Council Meeting
- 2) June 18, 2014 Regular City Council Meeting
- 3) July 2, 2014 Regular City Council Meeting
- 4) July 16, 2014 Regular City Council Meeting

Recommendation: Approve the minutes as submitted.

C. Street Closure Request from the Los Banos Police Department to Hold an Open House Event for Recruitment of Police Volunteers on Wednesday, October 15, 2014 at 945 5th Street (Los Banos Police Department) and to Close 5th Street from I Street to J Street and the Westside Alley at 6th Street Between I Street and J Street to Vehicle Traffic from 4:00 p.m. – 7:00 p.m.

Recommendation: Approve the street closure request as submitted.

7. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)

A. To Receive Public Comment and Consideration of General Plan Amendment #2014-01 and Zone Change #2014-01 from Neighborhood Commercial (C-N) to Low Density Residential (R-1) for the Property Located at 310 West I Street, APN 027-044-006, Applicant Debbie Perry.

- 1) Ordinance No. 1122 – Amending the Official Zoning Map by Rezoning Property Located at 310 West I Street from Neighborhood Commercial (C-N) to Low Density Residential (R-1). **(Second Reading & Adoption)**
- 2) City Council Resolution No. 5612 – Approving an Amendment to the General Plan Land Use Map from Neighborhood Commercial to Low Density Residential for Property Located at 310 West I Street, More Specifically Identified as Assessor's Parcel Number 027-044-006.

Recommendation: Receive staff report, open public hearing, receive public comment, close the public hearing, waive the second reading and adopt the ordinance, and adopt Resolution No. 5612 following adoption of the ordinance.

8. CONSIDERATION OF ADOPTION OF RESOLUTION NO. 5614 - AUTHORIZING AWARD OF LANDSCAPE MAINTENANCE CONTRACT TO RONNY'S INC.

Recommendation: Receive staff report and adopt the resolution as submitted.

9. CONSIDERATION OF ADOPTION OF RESOLUTION NO. 5615 - AWARDING THE BID APPROVING THE PURCHASE OF ONE (1) 2015 TYPE 1 CLASS A FIRE APPARATUS FROM ROSENBAUER DIRECT – CALIFORNIA IN THE AMOUNT OF \$513,566.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE CONTRACT OR ISSUE A PURCHASE ORDER.

Recommendation: Receive staff report and adopt the resolution as submitted.

10. PRESENTATION REGARDING YOSEMITE REGIONAL TRANSPORTATION (YARTS).

Recommendation: Informational item only.

11. PRESENTATION REGARDING THE DOWNTOWN BEAUTIFICATION IMPROVEMENTS.

Recommendation: Informational item only.

12. ADVISEMENT OF PUBLIC NOTICES. (One Report)

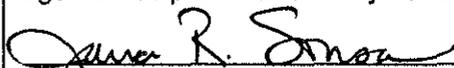
13. CITY MANAGER REPORT.

14. CITY COUNCIL MEMBER REPORTS.

- A. Deborah Lewis
- B. Scott Silveira
- C. Elizabeth Stonegrove
- D. Tom Faria
- E. Mayor Mike Villalta

15. ADJOURNMENT.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.


Jara R. Sousa, Assistant City Clerk

Dated this 24th day of September

CK #149501 - #149697

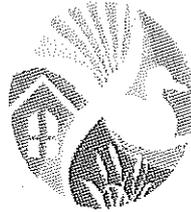
10/01/2014

\$1,280,966.99

Bank Reconciliation

Checks by Date

User: sorozco
 Printed: 09/23/2014 - 9:36AM
 Cleared and Not Cleared Checks
 Print Void Checks



City of
Los Banos
At the Crossroads of California

Check No	Check Date	Name	Module	Void	Amount
149503	9/12/2014	Abbott & Kindermann, LLP	AP		4,232.78
149504	9/12/2014	ABS Direct, Inc.	AP		1,054.69
149505	9/12/2014	Anthony Gomes	AP		403.43
149506	9/12/2014	Aramark Uniform Ser Inc	AP		495.99
149507	9/12/2014	Ascent Aviation Group, Inc.	AP		42,899.97
149508	9/12/2014	AT&T	AP		49.48
149509	9/12/2014	Bank of America	AP		4,466.67
149510	9/12/2014	Bank of America	AP		214.34
149511	9/12/2014	BJ's Consumers Choice	AP		68.00
149512	9/12/2014	Board of Equalization	AP		274.00
149513	9/12/2014	Borelli Real Estate Service, Inc.	AP		90.00
149514	9/12/2014	BSK Analytical Laboratories	AP		760.00
149515	9/12/2014	Capital One Commercial	AP		438.47
149516	9/12/2014	Comcast	AP		10.57
149517	9/12/2014	Copy Shipping Solutions	AP		8.42
149518	9/12/2014	LN Curtis & Sons	AP		288.31
149519	9/12/2014	City of Los Banos Escrow Account	AP		1,473.93
149520	9/12/2014	Custom Locksmith & Alarm Inc.	AP		173.68
149521	9/12/2014	Phillip e. Cota	AP		600.00
149522	9/12/2014	DB Gaya Consulting LLC	AP		8,375.00
149523	9/12/2014	Maricela Deloa	AP		600.00
149524	9/12/2014	Employee Relations, Inc.	AP		50.00
149525	9/12/2014	ABY MFG Group. Inc.	AP		749.06
149526	9/12/2014	ERIN Technology LLC	AP		1,200.00
149527	9/12/2014	Ewing Irrigation Products Inc.	AP		483.33
149528	9/12/2014	Fastenal Company	AP		366.35
149529	9/12/2014	Daniel Freeman	AP		295.00
149530	9/12/2014	Darrall Gargano	AP		412.80
149531	9/12/2014	Hartford Life Ins Co	AP		200.00
149532	9/12/2014	JB Anderson Land Use Planning	AP		384.88
149533	9/12/2014	Jerry Witt	AP		1,424.00
149534	9/12/2014	Liebert Cassidy Whitmore	AP		4,864.00
149535	9/12/2014	Lucas Business Systems	AP		1,041.17
149536	9/12/2014	Marfab Inc	AP		25.17
149537	9/12/2014	Matson Alarm Co Inc	AP		180.00
149538	9/12/2014	Merced Uniform & Accessories	AP		189.86
149539	9/12/2014	Napa Auto Parts	AP		133.57
149540	9/12/2014	New Year Group Corp	AP		96.63
149541	9/12/2014	The Office City	AP		167.39
149542	9/12/2014	OSE	AP		661.35
149543	9/12/2014	O'Reilly Auto Parts	AP		2,510.79

Check No	Check Date	Name	Module	Void	Amount
149544	9/12/2014	P G & E Company	AP		154,093.28
149545	9/12/2014	Sudanagunja Peraiah MD, Inc.	AP		295.00
149546	9/12/2014	PERS - Public Employees	AP		119,213.66
149547	9/12/2014	Phoenix Coating, Inc.	AP		351.00
149548	9/12/2014	Protech Security & Electronics, Inc.	AP		180.00
149549	9/12/2014	SJVUAPCD	AP		212.00
149550	9/12/2014	Santos Ford Lincoln Mercury, Inc.	AP		378.00
149551	9/12/2014	Save Mart Supermarkets	AP		110.35
149552	9/12/2014	Sherwin Williams Co	AP		249.97
149553	9/12/2014	Springbrook Software, Inc.	AP		58,252.40
149554	9/12/2014	Sorensens True Value	AP		1,168.38
149555	9/12/2014	Ulises Sanchez	AP		500.00
149556	9/12/2014	Terryberry Company LLC	AP		179.54
149557	9/12/2014	Tractor Supply Credit Plan	AP		1,249.56
149558	9/12/2014	United Textile	AP		156.36
149559	9/12/2014	Urban Restoration Group US Inc.	AP		445.70
149560	9/12/2014	Robert Hansen	AP		18.15
149561	9/12/2014	Martin Rodriguez	AP		64.54
149562	9/12/2014	Lilia Corcoles	AP		40.90
149563	9/12/2014	Blossom Valley Realty	AP		76.37
149564	9/12/2014	Westhill Property Mgmt	AP		23.61
149565	9/12/2014	Lewis Patton	AP		23.61
149566	9/12/2014	Armando Armenta	AP		19.02
149567	9/12/2014	Home Sweet Home Property Management	AP		54.58
149568	9/12/2014	William A. Vaughn	AP		471.10
149569	9/12/2014	Law Offices of William A Vaughn	AP		5,143.75
149570	9/12/2014	Verizon Wireless	AP		922.69
149571	9/12/2014	William Westbrook	AP		301.00
149572	9/12/2014	Windecker Inc	AP		342.72
149573	9/12/2014	Young's Automotive	AP		2,436.44
149574	9/12/2014	Antonio Zavala	AP		385.00
149578	9/12/2014	Bank of America	AP		191.47
149579	9/12/2014	Bank of America	AP		10.24
149580	9/12/2014	Luis Castellanos	AP		216.00
149581	9/12/2014	Richard Mancera	AP		216.00
149582	9/16/2014	Merced County Auditor Controller	AP		36,509.00
149583	9/16/2014	Quad Knopf, Inc.	AP		14,070.90
149607	9/18/2014	Aflac-Customer Service	AP		95.81
149608	9/18/2014	Aflac-Customer Service	AP		143.95
149609	9/18/2014	Aflac-Customer Service	AP		41.26
149610	9/18/2014	Aflac-Customer Service	AP		83.59
149611	9/18/2014	Bank of America	AP		90,418.72
149612	9/18/2014	Bank of America	AP		2,673.96
149613	9/18/2014	Bank of America	AP		12,122.73
149614	9/18/2014	Los Banos Fitness &	AP		695.00
149615	9/18/2014	Los Banos Police Assn	AP		1,915.00
149616	9/18/2014	MassMutual	AP		1,332.40
149617	9/18/2014	MassMutual	AP		4,757.00
149618	9/18/2014	Nationwide Retirement Solutions	AP		1,590.00
149619	9/18/2014	Professional Fire Fighter	AP		630.00
149620	9/18/2014	State Disbursement Unit	AP		2,085.00
149621	9/18/2014	Vantagepont Transfer Agents - 306797	AP		455.00
149622	9/18/2014	Vantagepont Transfer Agents - 705827	AP		25.00

Check No	Check Date	Name	Module	Void	Amount
149623	9/18/2014	Vantagepoint Transfer Agents - 801838	AP		825.00
149624	9/18/2014	Westamerica Bank - Cafeteria Plan	AP		230,293.34
149625	9/19/2014	Alhambra	AP		19.69
149626	9/19/2014	A & A Portables Inc	AP		286.20
149627	9/19/2014	Steve & Manuela Aldama	AP		25.00
149628	9/19/2014	All American Plumbing	AP		190.11
149629	9/19/2014	Amerigas Propane, LP	AP		806.23
149630	9/19/2014	Ameripride Valley Uniform Services Inc.	AP		159.61
149631	9/19/2014	Aramark Uniform Ser Inc	AP		337.59
149632	9/19/2014	AT&T	AP		858.65
149633	9/19/2014	Todd Baker	AP		2,460.50
149634	9/19/2014	Sean Bayard	AP		120.00
149635	9/19/2014	BSK	AP		8,325.00
149636	9/19/2014	BSK Analytical Laboratories	AP		1,077.00
149637	9/19/2014	Ca Dept of Justice	AP		2,173.00
149638	9/19/2014	City of Dos Palos	AP		125.00
149639	9/19/2014	Manuel A Avila	AP		113.13
149640	9/19/2014	CSJVRMA	AP		210,256.00
149641	9/19/2014	Comcast	AP		95.65
149642	9/19/2014	Copy Shipping Solutions	AP		2,098.44
149643	9/19/2014	CSG Consultants Inc.	AP		9,932.21
149644	9/19/2014	LN Curtis & Sons	AP		276.01
149645	9/19/2014	City of Los Banos Utility	AP		49,424.66
149646	9/19/2014	Custom Locksmith & Alarm Inc.	AP		350.25
149647	9/19/2014	Electrical Distributors Co.	AP		825.90
149648	9/19/2014	Environmental Systems Research Inst.	AP		832.00
149649	9/19/2014	Eric Espindola	AP		150.00
149650	9/19/2014	Fastenal Company	AP		1,612.60
149651	9/19/2014	Federal Express	AP		6.42
149652	9/19/2014	Ferguson Enterprises Inc DBA Groeniger & Company	AP		728.74
149653	9/19/2014	Ford Motor Credit Company LLC	AP		4,420.32
149654	9/19/2014	Mary Lou Gilardi	AP		36.29
149655	9/19/2014	Lucas Business Systems	AP		490.19
149656	9/19/2014	Lucille L Mallonee	AP		450.00
149657	9/19/2014	Marlow White Unifroms, Inc.	AP		252.00
149658	9/19/2014	Marfab Inc	AP		590.31
149659	9/19/2014	Merced County LAFCo	AP		1,556.00
149660	9/19/2014	Merced County Regional Waste Management Authority	AP		70,066.35
149661	9/19/2014	The Office City	AP		353.97
149662	9/19/2014	Robert J Olin	AP		3,726.00
149663	9/19/2014	OnTrac	AP		107.18
149664	9/19/2014	P G & E Company	AP		12.12
149665	9/19/2014	Evelyn Pereira	AP		29.90
149666	9/19/2014	Pinnacle Medical Group	AP		356.00
149667	9/19/2014	Pitney Bowes Inc	AP		453.60
149668	9/19/2014	Radio Shack Accounts Rec	AP		9.71
149669	9/19/2014	Rick's Auto Body	AP		5,312.04
149670	9/19/2014	SJVUAPCD	AP		197.00
149671	9/19/2014	Save Mart Supermarkets	AP		71.06
149672	9/19/2014	Sherwin Williams Co	AP		481.46
149673	9/19/2014	Sierra Chemical Co	AP		2,907.95
149674	9/19/2014	Sky Blue Mobile Glass, LLC	AP		206.37
149675	9/19/2014	Smith & Loveless Inc	AP		1,211.87

Check No	Check Date	Name	Module	Void	Amount
149676	9/19/2014	Springbrook Software, Inc.	AP		1,750.00
149677	9/19/2014	Sorensens True Value	AP		494.47
149678	9/19/2014	Spriggs Inc.	AP		692.83
149679	9/19/2014	Talley Oil Inc.	AP		9,333.01
149680	9/19/2014	Thomas Ochoa	AP		4,183.62
149681	9/19/2014	Triangle Rock Products	AP		126.01
149682	9/19/2014	US Bank Corp Pymt System	AP		12,762.27
149683	9/19/2014	Deanie Machado	AP		18.15
149684	9/19/2014	Christina Carrillo	AP		1.78
149685	9/19/2014	Patty Dong	AP		51.80
149686	9/19/2014	Daniel Song	AP		59.08
149687	9/19/2014	Marie Morgan	AP		84.40
149688	9/19/2014	Glenn Lubarsky	AP		45.43
149689	9/19/2014	Anthony Freitas	AP		39.99
149690	9/19/2014	Michael & Crystal Rocha	AP		39.98
149691	9/19/2014	Berj or Dorena Mossekian	AP		2.58
149692	9/19/2014	Jaime Gordon	AP		6.50
149693	9/19/2014	Andrew & Erica Meza	AP		5.43
149694	9/19/2014	Mary and Nick Cross	AP		42.70
149695	9/19/2014	Isel Pena	AP		9.96
149696	9/19/2014	Windecker Inc	AP		32,850.38
149697	9/19/2014	Zee Medical Service Co	AP		235.21

Break in check sequence due to the following:

Check # 149501 - 149502 (Payroll Checks)

Check # 149575 (Payroll Check)

Check # 149576 - 149577 (Voids)

Check # 149584 - 149605 (Payroll Checks)

Check # 149606 (Void)

Total Void	0
Total Void	
Total Valid	169
Total Valid	1,280,966.99
Total Check	169
Total Check	1,280,966.99

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 4, 2014**

***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 (CD and/or audio) kept as a permanent record.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Chief Brizzee.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Manager Carrigan, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, Police Chief Brizzee, Fire Chief Guintini, Finance Director Williams, Public Works Director/City Engineer Fachin, Information Technology Director Spalding, Assistant Planner II Elms.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira, seconded by Faria to approve the agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

PRESENTATION – PROCLAMATION RECOGNIZING TIFFANY HENDRICKSON, MISS WHEELCHAIR CALIFORNIA. Mayor Villalta presented the proclamation to Tiffany Hendrickson.

PUBLIC FORUM. (MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY COUNCIL; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.) LAURA RICO, Los Banos, spoke regarding the article in the newspaper regarding diversity in the community and for going from an at large voting system to by-district voting, stated that perhaps the Latino citizens are not registered to vote, recommends that a campaign be ran to get the Latino voters registered to vote; ANN McCAULEY, Los Banos, spoke regarding the upcoming Movie in the Park Night – Despicable Me 2, June 27, 2014 at Henry Miller Plaza at 9:00 p.m. and encouraged all to attend, there are plans to have another movie event in August 2014; GENEVA BRETT, Los Banos, stated that 500 soldiers have waited over 100 years to be recognized and spoke regarding the Buffalo Soldiers riding into town on June 7, 2014, encouraged all to come out and recognize the

Buffalo Soldiers coming through town by waiving an American flag, the Los Banos Chamber of Commerce is selling American flags that would be great for this event and fifty percent of the proceeds will go toward the 4th of July Fireworks event, we have an opportunity to honor these soldiers in Los Banos, we are about a community that loves itself and salutes its Veterans; CURTIS FOURNIER, Los Banos, cancer patient and cancer survivor, spoke regarding the Relay for Life Event and how they raised \$76,538.25 so far for the 2014 year, would like to ask the community to get behind this fundraiser, the organization has reached a 15 year milestone raising \$1,000,000 to date towards research and patient services, because of the American Cancer Society and Relay for Life he has been able to survive and in the game of life which is very important to him because he has grandchildren he thought he would never see, thanked all for their support and encouraged all to come out next year; BERTHA FARIA, Los Banos Chamber of Commerce, reminded all about upcoming events including the Buffalo Soldiers, please stop by and purchase your American flags, welcomed Pied Piper Pest Control and the UPS Store as the newest members of the Chamber of Commerce, Fathers Day in the Park is set for June 14, 2014 in Pacheco Park, working very hard on fundraising for the 4th of July Fireworks show including holding a drive-thru sausage dinner with tickets available at the Chamber or through any of the Directors; KAYLA DAVIS & SARAH HUMPHREY, Representing the Los Banos High School Wax Museum, thanked the Council and Mayor for the use of the laminator and securing the Henry Miller Plaza for the Wax Museum event, thanked City employees Paul Cardoza and Paul Cornejo for their help with the set-up and help during the event, thanked Council Member Faria for loaning out the music stands and Council Member Stonegrove for always supporting the event, asked Council Member Stonegrove to explain who she was in the Wax Museum event when she was in High School, Council Member Stonegrove explained she was Dorthea Dicks and spoke about how much she enjoyed the event.

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

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Faria to approve the consent agenda as submitted: Check Register for #147462 – #147729 in the Amount of \$2,641,359.10; Assignment of Fund Balance for the General Fund in the Amount of \$500,000 for Development Projects; Minutes for the Adjourned City Council Meeting of May 27, 2014; Minutes for the Special City Council Meeting of May 28, 2014; City Council Resolution No. 5578 – Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2014, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California; City Council Resolution No. 5579 – Requesting the Board of Supervisors of the County of Merced to Consolidate a General Municipal Election to be Held on November 4, 2014, with the California Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Election Code; City Council Resolution No. 5580 – Authorizing the City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim Form for Fiscal Year 2013-2014 in the Amount of \$387,254; City Council Resolution No. 5581 – Adopting a Revised Budget for Fiscal Year 2013-2014 as it Pertains to Changes in Revenues (\$104,414) and

Expenditures (\$98,000) for Various Accounts; City Council Resolution No. 5582 – Approving a First Amendment to City Manager Employment Agreement, Increasing the Annual Base Salary by Five Percent (5%). The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2014-2015 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19; CITY COUNCIL RESOLUTION NO. 5583 – CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS FOR ASSESSMENT DISTRICT NOS. 1-7 AND 9-19 FOR THE 2014-2015 FISCAL YEAR. Public Works Director/City Engineer Fachin presented the staff report.

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

Council Member Silveira stated it's tough every time the City has to go back and ask for increases, but its needed, part of homeownership with the deed that you sign includes and explains that you are part of the Landscaping & Lighting District, the districts are costing the City more to operate than the revenue brought into them, the districts are running at half service and still can't bring in enough revenue, good to see that some are getting better, believes that the rates were set too low to begin with and more green space costs more to operate.

Council Member Faria stated that he feels that we are victims of poor planning, he supports the increases today even though he has voted no in the past, he would ask that the City look at other solutions to find a way to just keep these at a cost of living increase.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5583 – Confirming Diagram and Assessment and Levying Assessments for Assessment District Nos. 1-7 and 9-19 for the 2014-2015 Fiscal Year. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A PROPOSED ORDINANCE TO ESTABLISH A PROCESS BY WHICH CERTAIN TYPES OF DEVELOPMENT PROJECTS AND STRUCTURES SHALL BE SUBJECT TO A COMPREHENSIVE DISCRETIONARY REVIEW APPROVAL PROCESS BEFORE THE CITY'S PLANNING COMMISSION CONCERNING SITE DEVELOPMENT AND ARCHITECTURE REVIEW; ORDINANCE NO. 1119 – AMENDING TITLE 9, CHAPTER 3 ARTICLE 23, OF THE LOS BANOS MUNICIPAL CODE TO AMEND AND REVISE THE SITE PLAN REVIEW PROCEDURE; TO REORGANIZE ARTICLE 23 OF TITLE 9, CHAPTER 3 INTO SIX (6) PARTS; AND TO REPEAL SECTIONS WITHIN TITLE 9, CHAPTER 3 INCONSISTENT WITH THE REVISED SITE PLAN REVIEW PROCEDURE (FIRST READING & INTRODUCTION).

Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation including staff's recommended alternatives.

Mayor Villalta opened the public hearing. DONALDA SOUSA, Los Banos, wonders why this item is coming up when there is a commission in place already to address items like this, feels that developers have not paid their share to the City. No one came forward to speak and the public hearing was closed.

Council Member Lewis thanked Assistant Planner II Elms and the Planning Commission for coming up with the various alternatives, the City of Los Banos has spent a lot of time and money on developing design standards for developers/businesses to follow early on and not down the road when it is too late, would like to raise the bar a bit to make sure that the design standards are met.

Council Member Stonegrove stated she had reservations about this idea when it was first discussed, still not sure what part of the process is broken because the Planning Commission is working together really good now, inquired as to Alternative 3 and the design standard review process, the City is trying to be a business friendly community and streamline the process but is worried about the extra time the applicant will spend in the process and if there would there be an increase in cost to the applicant. Assistant Planner II Elms stated this would be the simplest process and how the Planning Commission liked Alternative 3.

Council Member Silveira stated he was not in favor in the beginning either because he didn't want to slow down progress and make an applicant jump through hoops, likes Alternative 3 because it is something that is already being done, the process gives the Planning Commission an opportunity to do what they do earlier in the process.

Council Member Faria stated he can support Alternate 3 too, likes the dynamic relationship between the Planning Commission and City staff on finding a solution, and likes the idea of looking back at this in 6-12 months.

Mayor Villalta stated he likes that this process includes the Planning Commission, we are in some of the predicaments we are in because we didn't make good decisions before, likes to hear Council Members Stonegrove and Silveira say that they weren't originally for this but now they are.

Council Member Lewis spoke to how she feels sometimes when we come up with ideas they are not always stated in the proper format that may be helpful, but we allow staff to work out a process that gives us an advantage of opportunity to look at an item, as far as developers coming to town believes they would be more than happy to know what the expectations are with a project, this is just a way to raise the standard in our community.

Motion by Lewis, seconded by Faria to waive the first reading of Ordinance No. 1119 – Amending Title 9, Chapter 3 Article 23, of the Los Banos Municipal Code to Amend and Revise the Site Plan Review Procedure; to Reorganize Article 23 of Title 9, Chapter 3 into Six (6) Parts; and to Repeal Sections within Title 9, Chapter 3 Inconsistent with the Revised Site Plan Review Procedure. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Faria to introduce Ordinance No. 1119 – Amending Title 9, Chapter 3 Article 23, of the Los Banos Municipal Code to Amend and Revise the Site Plan Review Procedure; to Reorganize Article 23 of Title 9, Chapter 3 into Six (6) Parts; and to Repeal Sections within Title 9, Chapter 3 Inconsistent with the Revised Site Plan Review Procedure. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5584 – DETERMINING TO COMMENCE A PROCESS FOR SUBMISSION OF BY-DISTRICT ELECTION METHOD TO THE VOTERS ON THE NOVEMBER 4, 2014 BALLOT. City Manager Carrigan presented the staff report.

Council Member Faria stated he believes this is the right thing to do, the closer we are to the population the better we will be able to serve the constituents, each Council Member will be representing their own district.

Council Member Stonegrove spoke about how she feels it is very refreshing that we are considering this item tonight, especially that our community is predominantly Latino and how this is a great step in the right direction.

Council Member Silveira echoed comments made, this is the right thing to do, the School District can just decide to go with by-district voting because of the Education Code, but the California Government Code doesn't allow the City to not take this to the voters, looking forward to seeing the maps.

Council Member Lewis echoed comments again, we are going to be moving forward and this is necessary and needs to be done, encouraging people to support this process as it moves forward.

Council Member Stonegrove spoke of people that are stakeholders in the process and hopes they will continue to come to the meeting at provide their input to make sure that this is done the correct way.

Mayor Villalta invited the public to speak.

JULIAN MANCIAS AND RUBEN SANTOS, Community Advocacy Coalition (CAC), stated that they initiated the letter that went to Mayor Villalta, respectfully disagrees that the City has to go to the election process and not just approve an Ordinance to have action, thank you for being in favor of this process.

Motion by Faria, seconded by Stonegrove to adopt City Council Resolution No. 5584 – Determining to Commence a Process for Submission of a By-District Election method to the Voters on the November 4, 2014 Ballot. The motion carried by the affirmative action of all City Council Members present.

DISCUSSION ON THE PLANNING COMMISSION APPEAL PROCESS. Assistant Planner II Elms explained the current Planning Commission appeal process and how there is not a current process for the City Council to review the appeal on its own initiative.

Council Member Stonegrove stated she likes the process we have in place now, \$120 is considerable but if you have a strong opinion you'd be willing to pay for an appeal, doesn't feel that Council Members should have the power to overturn Planning Commission decisions and will lead to lobbying issues, feels what we have going right now is working, the Circle K project recently paid for an appeal which was \$150 and for the investment that the applicant has in the project, doesn't feel that City Council Members should be playing by different rules.

Council Member Lewis stated that she finds it hard to believe that back in 1997 the City Council would think this applied to them, doesn't feel that Council Members should be subjected to a fee because they are the elective body, Merced and Fresno charge do not charge a fee for Council Members, as we move forward to districting Council Members will be listening to their constituents, this is not usurping the Planning Commission's authority, strongly believes that as a City Council we should not have to be charged a fee to bring something up.

Council Member Silveira inquired as to if all these Planning Commission decisions are brought before Council. Assistant Planner Elms stated no, this would be for items that the Planning Commission is the final authority on and the item would not go to the City Council. Council Member Silveira stated this may slow down the process, can this new idea be streamlined, likes the majority vote idea, and leave the filing fee of \$150 if an individual Council Member wants to do it on their own.

Council Member Faria stated he is in agreement with majority Council vote and the \$150 for an individual Council Member to call up an item.

Council Member Silveira stated he is envisioning the streamline process and asked if it possible that the Council Member ask the City Manager to place an item on the agenda for consideration. City Attorney Vaughn stated the Council can establish the process in terms of the timing, there are laws such as the Subdivision Map Act, embarking on the process we need to look at state law, need to look at the different types of things that can be appealed, allowing the appeal by the City Council staff would need to go through the code and make changes.

Mayor Villalta asked if the Council can have staff look for a decision, if not let us know. City Attorney Vaughn stated it would need to go back to the Planning Commission

because it will change the zoning code, he is aware of at least one case that talks about due process, going to need to do research on different types and manners of decisions.

Motion by Silveira, seconded by Faria to give staff direction to look into the possibility of majority Council appeal no fee, individual Council appeal pay the fee, and stream lining the process. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: Stonegrove; None; ABSENT: None.

PRESENTATION REGARDING REVENUE SHARING. City Attorney Vaughn spoke regarding revenue sharing, which included a PowerPoint presentation, stating that significant process has been made with the negotiation process.

ADVISEMENT OF PUBLIC NOTICES. (TWO REPORTS) Assistant Planner II Elms stated that two public hearings will be held at the Planning Commission Meeting on June 11, 2014 to consider a Mobile Vendor Permit to allow the operation of a mobile taco truck to vend on private property located at 1245 W. Pacheco Boulevard, APN 431-141-024 and to consider a Conditional Use Permit to allow the operation of a fitness facility in the General Industrial Zoning District located at 60 W. G Street, APN 081-190-028.

CITY MANAGER REPORT. No report.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Reminded all about Movie Night on June 27 at 9:00 p.m. at Henry Miller Plaza.

ELIZABETH STONEGROVE: Thanked the representatives from Relay for Life, attended the event and spent the night out there, thanked all the volunteers that were involved, great cause to be a part of; reminded all about Movie Night and how he's looking forward to that; congratulations to all the graduates.

TOM FARIA: Thanked Relay for Life, such a wonderful cause and organization; congratulations to the graduates; Fathers Day in the Park; D.E.S. Hall is having their 100 year Festa in town, thanks all for all they do for Los Banos.

DEBORAH LEWIS: Reminded all about June 24, 2014 the Chamber of Commerce will be having their community drive-thru dinner 4th of July Fireworks fundraiser, Merced County Fair in Merced on June 11th – 15th and encouraged all to attend, she chairs the small animal committee which is a good entry level for youth to get into the fair; June 7, 2014 is the Buffalo Soldier retracing from the San Francisco Presidio to Yosemite, a historical event with a lot of involvement from various groups, how Senator Canella will be riding with us and speaking at the services at the fairgrounds and then on to Yosemite, encouraged all to come out with flags and for lunch, happy and overwhelmed.

MAYOR MICHAEL VILLALTA: Spoke about how he attended the Homeless Connect event at Bethel Community Church, thanked them for that, likes that we are keeping the dollars local, he spoke to how the homeless individuals were all given an opportunity to receive help and we helped more than anticipated, how the City had a plan, with help of Homeless Connect we are still helping those that want it; thanked Eric Gallichio for cleaning up the corner building at 7th and I Street, there will be a bbq supply business in the building, would like to look at other buildings for this type of re-hab; Fathers Day in the Park June 14, 2014 and encouraged all to attend, spoke regarding Sober Grad Night being held at Pacheco High School, they are still looking for donations, this is a safe place for Seniors to go and celebrate their graduation, how the Police Activities League (PAL) runs that event and does a great job.

ADJOURNMENT. The meeting was adjourned at the hour of 9:35 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 18, 2014**

***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 (CD and/or audio) kept as a permanent record.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Chief Brizzee.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Manager Carrigan, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, Police Chief Brizzee, Fire Chief Guintini, Finance Director Williams, Public Works Director/City Engineer Fachin, Information Technology Director Spalding, Assistant Planner II Elms.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by Stonegrove to approve the agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

PUBLIC FORUM. (MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY COUNCIL; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.) ANN McCAULEY, Los Banos, spoke regarding the upcoming Movie Night on June 27, 2014, – Despicable Me 2 – sponsored by PG&E and encouraged all to come out to the event; GENE FORTE, Modesto, spoke regarding how he went to Federal Court and represented himself against former Mayor Tommy Jones, spoke to actions taken at a May 2008 City Council meeting against him, documents provided to him regarding undisclosed loans and how the Los Banos Enterprise is not reporting on these issues; BERTHA FARIA, Los Banos Chamber of Commerce, spoke regarding the Fathers Day in the Park event and how successful it was, thanked all who helped out, the drive-thru dinner 4th of July fundraiser is being held on June 24, 2014, asked that the community purchase their safe and sane fireworks from the Los Banos Chamber of Commerce booth; MARTHA SEPULDOVA, Los Banos, how her son was hit by a car and asked that speed bumps be installed to slow cars down on Linda Vista. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Silveira requested that items 6E – City Council Resolution No. 5585 – Approving an Amendment to Division 5-G – Overtime Compensation Policy, and Division 6 – Fair Labor Standards Act of the City’s Policy & Procedures Manual and 6F – City Council Resolution No. 5586 – Approving the Recertification and Adoption of the City of Los Banos Sewer System Management Plan be removed from the consent agenda and presented separately.

Motion by Silveira, seconded by Stonegrove to approve the consent agenda as amended: Check Register for #147730 – #147902 in the Amount of \$972,949.07; Street Closure Request for Saturday, June 28, 2014 from 9:00 a.m. to 5:00 p.m., on the 500 Block of Sixth Street for a Car Show being held by the Los Banos Elks Lodge No. 2510; Street Closure Request/Block Party for Friday, July 4, 2014 from 12:00 p.m. to 11:00 p.m., on the 200 Block of North Santa Clara Street; Street Closure Request/Block Party for Friday, July 4, 2014 from 12:00 p.m. to 10:00 p.m., on the 500 Block of Sixth Street; ~~City Council Resolution No. 5585 – Approving an Amendment to Division 5-G – Overtime Compensation Policy and Division 6 – Fair Labor Standards Act of the City’s Policy & Procedures Manual; City Council Resolution No. 5586 – Approving the Recertification and Adoption of the City of Los Banos Sewer System Management Plan.~~ The motion carried by the affirmative action of all City Council Members present.

CITY COUNCIL RESOLUTION NO. 5585 – APPROVING AN AMENDMENT TO DIVISION 5-G – OVERTIME COMPENSATION POLICY, AND DIVISION 6 – FAIR LABOR STANDARDS ACT OF THE CITY’S POLICY & PROCEDURES MANUAL. City Clerk/Human Resources Director Mallonee presented the staff report.

CITY COUNCIL RESOLUTION NO. 5586 – APPROVING THE RECERTIFICATION AND ADOPTION OF THE CITY OF LOS BANOS SEWER SYSTEM MANAGEMENT PLAN. Public Works Director/City Engineer Fachin presented the staff report.

Motion by Silveira, seconded by Faria to approve City Council Resolution No. 5585 – Approving an Amendment to Division 5-G – Overtime Compensation Policy, and Division 6 – Fair Labor Standards Act of the City’s Policy & Procedures Manual and City Council Resolution No. 5586 – Approving the Recertification and Adoption of the City of Los Banos Sewer System Management Plan. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5587 – SPECIFYING THE CRITERIA TO GUIDE THE PREPARATION OF COUNCIL DISTRICTS FOR SUBMISSION OF BY-DISTRICT ELECTION METHOD TO THE VOTERS ON THE NOVEMBER 4, 2014 BALLOT. City Manager Carrigan presented the staff report, introducing the Chris Skinnel who spoke regarding the criteria of Council Districts which included a PowerPoint presentation. Doug Johnson, National Demographics Corporation spoke regarding the districting of maps, and what he will be trying to achieve through the process.

Council Member Faria inquired as to when the districts are set if there would be any consideration of voter turnout by region. Doug Johnson stated the total population figure is going to dominate and there will be equal numbers of people within each district.

Council Member Silveira asked about how often the plan would have to be revisited once approved. Doug Johnson stated that the plan would need to be reviewed every census to make sure it is okay, if territory is annexed with people in it the lines will need to be adjusted.

Council Member Stonegrove spoke about new development/annexation and wondered if it would initially go into the district it is in and be dealt with at a later date. Chris Skinnel stated yes it would unless it's a substantial number of people in the area.

City Manager Carrigan stated there was discussion on if the City Council could just approve this as an Ordinance and declare that the City has these districts opposed to taking a measure to the voters for an election. Chris Skinnel explained the difference between a General Law City (Los Banos) versus a Charter City and how a Charter City can make their own laws but a General Law City is governed by the State Laws.

Mayor Villalta spoke about how the Los Banos Unified School District went to voting districts without having to get a vote of the people in accordance with the Education Code, they can have the requirement waived, but there is no such thing for General Law cities.

Council Member Silveira inquired as to how the districts would be adjusted after the next census and if that is done by Ordinance or does it have to go back to the people to vote. Chris Skinnel stated the City Council can adjust the districts by Ordinance after the initial districting process is approved by the people.

Mayor Villalta invited the public to come forward and speak. ANN McCAULEY, Los Banos, likes the way this maps show the different degrees of Latino population, she is curious about the 0-25% areas and how you bring the two together; LAURA RICO, Los Banos, after looking at the all the demographics if we did want to back up and do things by voter education what are the legal implications; CHRIS SKINNEL stated that the City would be sued, it has already been threatened with a lawsuit, there are other reasons to consider this districting.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5587 – Specifying the Criteria to Guide the Preparation of Council Districts for Submission of By-District Election Method to the Voters on the November 4, 2014 Ballot. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE APPROPRIATION LIMITATION FOR THE 2014/2015 FISCAL YEAR (FY); CITY COUNCIL RESOLUTION NO. 5588 – SETTING THE TAX RELATED

APPROPRIATION LIMIT IN COMPLIANCE WITH PROPOSITION 4 AND PROPOSITION 111 FOR THE 2014/2015 FY. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

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

Motion by Faria, seconded by Silveira to adopt City Council Resolution No. 5588 – Setting the Tax Related Appropriation Limit in Compliance with Proposition 4 and Proposition 111 for the 2014/2015 FY. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE 2014/2015 FISCAL YEAR (FY) BUDGET; CITY COUNCIL RESOLUTION NO. 5589 – ADOPTING THE 2014/2015 FY BUDGET, INCLUDING EMPLOYEE SALARY SCHEDULE (DIVISION 4) AND PERSONNEL BENEFITS (DIVISION 5) OF LOS BANOS POLICY & PROCEDURES MANUAL. Finance Director Williams presented the staff report, which included a PowerPoint presentation.

City Manager Carrigan spoke to the past year and where we are at today and how proud he is of the finance staff for the great job they have done.

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

Council Member Silveira thanked staff for the work that they do, feels that they have educated him over the years on this subject, we are not a wealthy City but a healthy City, happy to be able to give back to the employees who helped us get to where we are today, look at the General Fund reserve Los Banos has compared to the City of Fresno that has \$1m in reserve, thanked all that worked on the budget.

Mayor Villalta stated that on June 3, 2014 he contacted the Executive Director of MCAG (Merced County Association of Governments) regarding dues versus contributions to MCAG and is still waiting for the County Attorneys clarification, does not want to pay MCAG until this is clarified. Council Member Stonegrove asked what different it makes with the wording regarding MCAG and how it doesn't make a difference in her mind. Mayor Villalta spoke about how dues are mandatory and contributions are not. Council Member Stonegrove stated she does not feel that the City should be withholding payments to MCAG for that reason. Council Member Silveira made a motion to adopt the budget as submitted and Mayor Villalta requested he add language to not pay MCAG until an answer is received, but he definitely understands. Council Member Silveira stated he does not feel that the MCAG language is necessary and should be included in the adoption of the budget.

Motion by, seconded by to adopt City Council Resolution No. 5589 – Adopting the 2014/2015 FY Budget, Including Employee Salary Schedule (Division 4) and Personnel

Benefits (Division 5) of the Los Banos Policy & Procedures Manual. The motion carried by the following vote: AYES: Faria, Lewis, Silveira, Stonegrove; NOES: Villalta; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A PROPOSED ORDINANCE TO ESTABLISH A PROCESS BY WHICH CERTAIN TYPES OF DEVELOPMENT PROJECTS AND STRUCTURES SHALL BE SUBJECT TO A COMPREHENSIVE DISCRETIONARY REVIEW APPROVAL PROCESS BEFORE THE CITY’S PLANNING COMMISSION CONCERNING SITE DEVELOPMENT AND ARCHITECTURE REVIEW; ORDINANCE NO. 1119 – AMENDING TITLE 9, CHAPTER 3 ARTICLE 23, OF THE LOS BANOS MUNICIPAL CODE TO AMEND AND REVISE THE SITE PLAN REVIEW PROCEDURE; TO REORGANIZE ARTICLE 23 OF TITLE 9, CHAPTER 3 INTO SIX (6) PARTS; AND TO REPEAL SECTIONS WITHIN TITLE 9, CHAPTER 3 INCONSISTENT WITH THE REVISED SITE PLAN REVIEW PROCEDURE. (SECOND READING & ADOPTION)

Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation.

Council Member Lewis thanked staff for the work put into this item.

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1119 – Amending Title 9, Chapter 3 Article 23, of the Los Banos Municipal Code to Amend and Revise the Site Plan Review Procedure; to Reorganize Article 23 of Title 9, Chapter 3 into Six (6) Parts; and to Repeal Sections within Title 9, Chapter 3 Inconsistent with the Revised Site Plan Review Procedure. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1119 – Amending Title 9, Chapter 3 Article 23, of the Los Banos Municipal Code to Amend and Revise the Site Plan Review Procedure; to Reorganize Article 23 of Title 9, Chapter 3 into Six (6) Parts; and to Repeal Sections within Title 9, Chapter 3 Inconsistent with the Revised Site Plan Review Procedure. The motion carried by the following roll call vote: AYES: NOES: ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING ESTABLISHMENT (PLAYA AZUL) LOCATED AT 2160 E. PACHECO BOULEVARD, SUITE A, ASSESSOR’S PARCEL NUMBER 428-160-032; CITY COUNCIL RESOLUTION NO. 5590 – APPROVING CONDITIONAL USE PERMIT #2014-07 FOR THE ON-SALE OF BEER AND WINE FOR PLAYA AZUL LOCATED AT 2160 E. PACHECO BOULEVARD, SUITE A, ASSESSOR’S PARCEL NUMBER 428-160-032.

Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation.

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

Motion by Stonegrove, seconded by Silveira to adopt City Council Resolution No. 5590 – Approving Conditional Use Permit #2014-07 for the On-Sale of Beer and Wine for Playa Azul Located at 2160 E. Pacheco Boulevard, Suite A, Assessor's Parcel Number 428-160-032. The motion carried by the affirmative action of all City Council Members present.

DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR THE 2014 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD SEPTEMBER 3-5, 2014 IN LOS ANGELES. Mayor Villalta stated that by default Council Members Silveira and Lewis should be named as alternates as they are the only Council Members attending the event along with him.

Motion by Silveira, seconded by Lewis to designate Mayor Villalta as the Voting Delegate and Council Members Silveira and Lewis as the Alternates. The motion carried by the affirmative action of all City Council Members present.

DISCUSSION REGARDING MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) RESOLUTION NO. 2011/05-05-01 AND THE CITY'S PARTICIPATION IN THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF) AND REMOVING RESIDENTIAL FROM RTIF AND KEEPING THE FUNDS IN LOS BANOS (TO BE CONTINUED TO JULY 16, 2014). Mayor Villalta stated that City staff is not ready to bring forth a recommendation at this time.

Motion by Villalta, seconded by Faria to continue this item to the July 16, 2014 City Council meeting. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (NO REPORT)

CITY MANAGER REPORT. Thanked the Public Works department, especially Claire Hughes, Paul Cardoza, and Randy Rodrigues, who helped get some graffiti off the wall near Pacheco High School on Graduation Night, really proud of all them.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Reminded all about Movie Night on June 27, 2014 and how he and his family plan to attend; Los Banos Chamber of Commerce is holding a drive-thru fundraiser dinner for the 4th of July Fireworks being held on June 24, 2014.

ELIZABETH STONEGROVE: Reminded all about Movie Night on June 27, 2014 at 9:00 p.m.

TOM FARIA: Buffalo Soldier Day was a great event and was happy to accompany Council Member Lewis on the singing of the Star Spangled Banner, the event was great at the Cemetery and Fairgrounds; Fathers Day in the Park was a great event and great turnout; the Portuguese D.E.S. celebration this past weekend was great; reminded all of Movie Night and the 4th of July festivities.

DEBORAH LEWIS: Thanked the public sincerely and those residents who showed up and participated in the Buffalo Soldier events in town, hopes to have a nicer event next year and an even better event in 2016, wants to make it an annual event as we move forward; Merced County Fair ended this past Sunday and it was a tremendous event, thank all that participated in the fair.

MAYOR MICHAEL VILLALTA: Spoke to the magnificent job the Finance Department has done on the budget this year, we have come so far from where we were and how him voting no had nothing to do with the budget but the MCAG item, this City is in great shape; spoke regarding the fireworks season coming up and to how there will be extra personnel out writing citations for illegal fireworks, asking the community to please not set off illegal fireworks; spoke regarding Movie Night in the Park and the Los Banos Chamber of Commerce drive-thru dinner; great Buffalo Soldier event; spoke about how he will be giving the State of the City Address on July 2, 2014.

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

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 2, 2014**

***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 (CD and/or audio) kept as a permanent record.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Commander Reyna.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Manager Carrigan, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, Police Commander Reyna, Assistant Fire Chief Marrison, Finance Director Williams, Assistant Public Works Director Pimentel, Information Technology Director Spalding, Assistant Planner II Elms.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira, seconded by Faria to approve the agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

PUBLIC FORUM. (MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY COUNCIL; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.) ANN McCAULEY, Los Banos, spoke regarding the recent outdoor movie night held at Henry Miller Plaza June 27, 2014 and thanked the sponsor PG & E, those who attended and help set up the event, great memories were made, she noted that another movie night will be held in late August 2014; CASSANDRA HELMRICK, Los Banos Chamber of Commerce, spoke regarding the upcoming 4th of July events and their firework booth at the San Luis Center; PEGGY LOGAN, spoke regarding the number of animals processed at the Los Banos Animal Shelter, the large number that are euthanized, the City of Turlock's process and how she would like to see procedures like Turlock's instituted in Los Banos and encourage owners to become more responsible, revenue from new fees and fines would pay for additional facilities here in Los Banos; JOHN CATES, Los Banos Chamber of Commerce, spoke regarding the 4th of July firework

show being held at Pacheco High School with vendors providing drinks, food and entertainment leading up to the firework show, how it costs about \$1,000 a minute to put on the firework show and how tremendous a problem it is to raise funds for the show, the Los Banos Chamber of Commerce can always use donations to help fund the firework show.

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

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Faria to approve the consent agenda as submitted: Check Register for #147903 – #148127 in the Amount of \$920,696.52; Minutes for the April 2, 2014 City Council Meeting; Street Closure Request/Block Party for Friday, July 4, 2014 from 3:00 p.m. to 10:00 p.m., on the 100 Block of Driftwood Court; City Council Resolution No. 5591 – Approving the Adriel Vogt Soares Memorial Bench, with Plaque, be Placed at Pacheco Park, 903 Pacheco Boulevard. The motion carried by the affirmative action of all City Council Members present.

PRESENTATION OF INITIAL DRAFT COUNCIL DISTRICT PLANS OF BY-DISTRICT METHOD OF ELECTION OF CITY COUNCIL MEMBERS. City Manager Carrigan presented the staff report and introduced demographer consultant Doug Johnson, President with National Demographic Corporation, who presented the draft Council District Plans #1-4, which included a power point presentation.

Mayor – if members of the public submit a map it will be their lines – Doug will make contact with each person if there are issues

Mayor Villalta invited the public speak.

PAUL ROSE, Los Banos, inquired as to what benefit this is going to do for Los Banos and what would happen if no one decides to run in a particular district, doesn't see a benefit for doing this. SANDRA POLECSAY, Los Banos, spoke in opposition of by-district voting and how she feels that dividing this City into districts is a bad idea. JULIAN MANCIAS, Los Banos, founding member of Community Advocacy Coalition (CAC), spoke in favor of the by-district voting and spoke to the wording "may" and how they are still not sure that the language is correct, it is very important for this measure to pass because as it currently stands it is unfair, and hopes that the Council will continue to support the by-district voting both publicly and privately, encouraged the public to speak with Mr. Johnson, stated support for Plan #2, he sees that all the representation is South of Hwy 152, the City Council does not match the demographics of our City with the percentage of latinos and there are not any latinos on the City Council. LAURA RICO, Los Banos, inquired as to what happens if we do not divide into districts and if there would be violations of Federal or State law. DOUG JOHNSON, Demographer, stated that the Federal Voting Rights Act has already been in place and the California Voting Rights Act is what forced the recent issue for by-district voting, Federal Law governs how the lines are drawn and California law defines how you go to districts. ARKADY FACTORVICH, Los Banos, spoke to comments made by the member of the coalition, since when do we divide the community by race, this reminds him of his

former home in the Soviet Union and the Russian Federation of the Ukraine, how he thought we were all Americans, if we have a population that is 68% latino all they have to do is elect someone, file the papers and run for office, feels that we are going back to racism and feels this is very dangerous, in opposition of by-district voting. LES POLECSAY, Los Banos, would urge the City Council to be neutral in this situation and not go pro or con with regards to the by-districting voting, feels this is a racist ploy, if you are a Hispanic then run and you will probably win, how we need more people to run to get a broader background, feels that dividing the City up and bringing up the race issue is wrong, we are all Americans. RUBEN SANTOS, Los Banos, member of CAC, spoke in support of the by-district voting, things are not always what some people say it is for all of us, the City is not in compliance with the law to begin with so that's why we are asking for change, a Hispanic did run for office but they didn't win, how he sees people struggling to get things done and to get jobs here, feels that if you're not a member of the good ole boys here you get diddly squat and spoke to how hard it was for him to get a wrestling job at the Los Banos Junior High School, how he's proud to be Mexican, when has the City Council decided to do something for the youth, the City needs to be in compliance with the law. ANN McCAULEY, Los Banos, confused as to where the Hispanic vote would come in and bring forth a candidate, feels that it is sad that they do not want to run, we are such a small population, and concerned as to where it will take us in the future. HELEN GALLICHIO, Los Banos, she takes offense to the statement what does the City do for our youth, instead what do the people do for the youth, she is a 4-H leader and doesn't know of any latino leaders, how they need to step up to the plate and do things for our youth, how she is Portuguese and proud to be a American and a citizen of Los Banos. INEDA KEITA, Los Banos, stated that she is totally appalled at the things that have been said, feels that the maps presented have been served well, her concerns are that there are still concerns with separation, we should just be grateful that we are American, the data presented is where we are today, separation by ethnicity or economically has no place in America, why can't we make a decision that is favorable to all, why should they not sit there, thankful for brining the process to the community.

Council Member Stonegrove stated this is an extremely important issue and how she was hoping that the discussion would have been about which plan to choose not if we are going to do this, discussion about pairing incumbents should not be considered, all four Council Members live South of Highway 152, hopes that we can move forward and pick which plan(s) will work best encouraged the public to come forward to speak.

Mayor Villalta stated that we are Americans, we are voters and we are free in this Country to vote.

Council Member Faria spoke about how the City is a General Law City, the State Law states that we need to do this so we have to do it, it will go to the voters in November, we need to get as many citizens involved as possible, likes the districts because he can better represent a smaller area, closer to his constituents, spoke to his thoughts on the community and how people come to Los Banos to raise their families, feels that we are coming from more the same place than different.

Council Member Lewis stated she is an American first and people from various countries and backgrounds make America what it is, how she ran three times for this office and finally won the third time, if you don't win don't give up keep trying, she spoke to how she had to win the trust of the community and prove that she was qualified, don't divide your community be a part and contribute to Los Banos, don't give up on your Hispanic community and encourage people to run for office, whatever your color or ethnic background – run for City Council and do the best possible job you can, we all want more jobs and that is a difficult thing to create, encouraged the Hispanic community to run for office, don't give up if you don't win the first time.

Council Member Silveira added that he feels draft plan #4 is horrible and believes it is not easy to follow with regards to the lines that were drawn.

Mayor Villalta stated he is thankful that we don't live in a Country like Mr. Faktorovich did where every whisper was monitored and if you didn't vote the right way you may not wake up the next morning, God Bless America and God Bless our freedom.

ADVISEMENT OF PUBLIC NOTICES. (TWO REPORTS) Assistant Planner II Elms reported that there will be two Public Hearings held by the Los Banos Planning Commission at their July 9, 2014 Planning Commission as follows: 1) To consider a Mobile Vendor Permit to allow the operation of a mobile taco truck to vend on private property located at 403 N. Mercey Springs Road in the Highway Commercial zoning district; more specifically identified as Assessor's Parcel Number: 082-072-024, and 2) To consider Conditional Use Permit #2014-09 for the use of a Type 20 alcohol license for the off-sale of beer and wine at Mi Barrio Food & Gas Mart located within the Highway Commercial zoning district at 403 N. Mercey Springs Road, more specifically described as Assessor's Parcel Number: 082-072-024.

CITY MANAGER REPORT. Wished all a happy 4th of July and be safe, spoke about how there will be extra Police Officers out there looking for illegal fireworks.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Stated there was a very lively discussion tonight in tune with upcoming Independence Day, reminded all that illegal fireworks are not allowed, be careful with fireworks.

DEBORAH LEWIS: Stated she missed the movie night in the park because she was not feeling well and apologized for not being there, wished all a safe and happy 4th of July, remember not to drink and drive, be careful and have fun with your families.

SCOTT SILVEIRA: Spoke about how he attended movie night to watch Despicable Me, thanked the sponsor PG & E, vendors and those who attended the event, his kids enjoyed it, thanked Ann McCauley for all she does, wished all a happy and safe 4th of July and remember that if you get caught shooting off fireworks you will be fined, be careful with safe and sane fireworks too.

ELIZABETH STONEGROVE: Thanked Ann McCauley for coordinating movie nights at the plaza and wished all a safe and happy 4th of July.

MAYOR MICHAEL VILLALTA: Thank you to all City employees, have a safe 4th of July, stay away from illegal fireworks, fines will be issued.

Mayor Villalta requested a short break at 8:23 p.m. and the State of the City Address commenced at 8:31 p.m. following the break.

MAYOR'S STATE OF THE CITY ADDRESS.

ADJOURNMENT. The meeting was adjourned at the hour of 8:58 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 16, 2014**

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 (CD and/or audio) kept as a permanent record.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER CARRIGAN, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA). No action taken, advisement to staff only.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, Assistant City Clerk/Human Resources Technician Sousa, Police Chief Brizzee, Acting City Manager/Finance Director Williams, City Treasurer/Accountant II Brazil, Assistant Fire Chief Marrison, Assistant Planner II Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira seconded by Stonegrove to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS 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 FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. ANN MCCAULEY, Los Banos, stated she is working on another movie night scheduled for Friday, August 22, 2014 and will provide further details at a later date, encouraged all to attend; WILL YORK, Los Banos, commended everyone involved with the graffiti clean-up, you know who you are and you've done a wonderful job, our town is looking good,

keep up the good work; LAURA RICO, Los Banos, stated she feels the people who are concerned with Latino representation in political office may be barking up the wrong tree, spoke of how she remembers the segregated south when no black people were allowed to vote or hold office, how we've come a long way since then and she is happy to see that black people are now in office, believes voter registration made the difference, whether you don't vote because the system won't let you or because you choose not to vote the result is the same, to the people behind the re-districting: please encourage more Latinos to vote and you may have a better result, how her mother's advice to her was to not discuss race and just be a friend; KATHY BALLARD, Los Banos, thank you in regards to the process we are going through to help the homeless, stated that as a business owner she has dealt with solicitations of her customers and people rummaging through her dumpsters, thank you to the Police and Fire departments as well as the City Council for the public now being able to use Pacheco Park; BERTHA FARIA, Los Banos Chamber of Commerce, announced that everyone had a very happy 4th of July and enjoyed the annual fireworks display, spoke about a ribbon cutting scheduled for July 31, 2014 at the Law Offices of Shawn Jorge, a wine stroll is scheduled for August 1, 2014 from 6:00 p.m. – 10:00 p.m. and those tickets are \$30.00, the Annual Downtown Street Faire will occur on September 6, 2014, the Los Banos Tomato Festival will be held October 4th 10:00 a.m. – 10:00 p.m. and plans are being made for free entrance to that event.

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

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Silveira to approve the consent agenda as follows: Check Register for #148128 – #148524 in the Amount of \$1,112,102.62; Fourth Quarter Investment Report for Fiscal Year 2013-2014; Minutes for the April 16, 2014 City Council Meeting; City Council Resolution No. 5592 – Amending Division 4 – Salary Schedule – Employee Classifications Relating to Changes to Section B – Finance Department. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC INPUT AND TESTIMONY REGARDING PROPOSED COUNCIL DISTRICTS FOR BY-DISTRICT CITY COUNCIL ELECTIONS TO BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 4, 2014 ELECTION.

Acting City Manager/Finance Director Williams presented the report and introduced Demographer Doug Johnson who spoke about the process and plan options.

Mayor Villalta opened the public hearing.

WILL YORK, Los Banos, inquired as to how many people live in the sewer treatment plant and why it is on the map, wondered if lines were drawn by population and not the area. Mayor Villalta stated we are looking for balance; JULIAN MANCIAS, Los Banos, registered voter and founder of the Community Advocacy Coalition (CAC), spoke about how the CAC has endorsed Draft Plan #2 and are still in favor of that plan, believes Draft Plan #1A may cause problems due to the number of incumbents located in the same district, feels comfortable with Draft Plan #s 1 and 3 as well, would like to strike Draft Plan #4 completely, thank you for moving forward with this process, our goals are to have a voice in City processes and to be able to communicate the community's

feelings of constituents through the City Council; ANN MCCAULEY, Los Banos, spoke about how initially she was in favor of Draft Plan #2, it seemed like Draft Plan #3 was a little simpler as far as where the current Council Members are located now and what new candidates coming in are looking for, believes Draft Plan #3 provides a more even concept; KATHY BALLARD, Los Banos, stated she still supports Draft Plan #3.

No one else came forward to speak and Mayor Villalta closed the public hearing.

Council Member Stonegrove stated it is her sincere hope that the Council doesn't focus on where the current Council Members are located within the proposed districts and that we get a good map, would like to see us focus on eliminating some maps and moving towards a common goal, likes Draft Plan #1 because it is compact, when the School Board first went to districting there was confusion about who could vote for who and when, doesn't particularly care for Plan #3 because currently there are four Council Members residing on the South side of town and feels it would be very beneficial to have some representation on the North side of town and feels map #s 1 and 2 are the best to do that.

Council Member Faria stated he is in favor of Draft Plan #s 2 and 3.

Council Member Silveira stated he likes Draft Plan #3, when you look at the numbers of people in each district it is the closest to even, it has a good voting age population and pretty easy lines to follow, gives the opportunity for good representation, doesn't care for Map #1A, a lot of the commercial retail centers all sit on the South Side of Highway 152, likes the lines on #3.

Council Member Lewis stated she likes Draft Plan #3 because the lines are a lot cleaner than the other maps.

Mayor Villalta stated he is also leaning towards Draft Plan #3, reminded the Council that the direction tonight is to give the Planner and the City one choice if possible so we can move forward, we have certain timelines to meet and we don't want to miss anything, would like to see one map recommended tonight if possible.

Council Member Stonegrove stated there is very heavy representation South of Highway 152 with four Council Members each living in College Greens, Presidential, Cresthills and Teal landing/Birch area, spoke about how her favorite map was Draft Plan #1 and how she is the only person that liked that one, asked that the Council eliminate Draft Plan #s 1 and 1A and continue to look at Draft Plan #s 2 and 3.

City Attorney Vaughn stated the next meeting happens July 30, 2014 where the Council will introduce an ordinance and will have to have chosen one plan, there is some time to keep pushing around the plans at this point, the special meeting (July 30, 2014) is the drop dead night in order to stay on the timeline.

Council Member Silveira spoke about how if the Council moves forward with Draft Plan #3, since there was a majority consensus, and wants to move a line or two around there is still time to do that.

Motion by Faria, seconded by Lewis, to move forward with Draft Plan #3. The motion carried by the following vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: Stonegrove; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5593 – APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) FOR AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND COUNTY OF MERCED TO IMPLEMENT, CARRY-OUT, AND MANAGE ECONOMIC DEVELOPMENT ACTIONS AND INITIATIVES. Assistant Planner II Elms presented the staff report.

Council Member Silveira stated he feels this is a good idea, we're taking the best and the brightest of each City, the group is working toward moving businesses to Merced County which benefits all of us, likes the team strategy, not costing any money right now, we're getting together to come up with lead strategies, definitely supports this.

Motion by Faria, seconded by Silveira to adopt City Council Resolution No. 5593 – Approving a Memorandum of Understanding (MOU) for an Economic Development Agreement between the City of Los Banos and County of Merced to Implement, Carry-out, and Manage Economic Development Actions and Initiatives. The motion carried by the affirmative action of all City Council Members present.

DISCUSSION REGARDING MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) RESOLUTION NO. 2011/05-05-01 AND THE CITY'S PARTICIPATION IN THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF) AND REMOVING RESIDENTIAL FROM RTIF AND KEEPING THE FUNDS IN LOS BANOS (CONTINUED FROM JUNE 18, 2014). Public Works Director/City Engineer Fachin presented the report.

Mayor Villalta stated that Council Member Silveira asked that he speak with MCAG about this contract and he has since gone through the contract word for word, feels this morphed into a money grab, happy to report that tomorrow MCAG will be holding a study session to discuss the RTIF and how it originated and what's actually happening, hoping that at some point they will see there is a benefit to having Los Banos and the other cities participate, the City of Dos Palos has suspended their residential and commercial fees, City of Livingston signed the RTIF agreement in 2005 and never passed an Ordinance to collect the money, the City of Atwater had a tremendous amount of construction and have only paid \$300,000 into the RTIF since 2005, this agreement morphed into an agreement where some paid and some didn't but because all signed onto the agreement they all came under the coverage of the RTIF, the money from the RTIF is spent on the east side, the money we collected (1.7 million dollars) has been transferred to other projects, hoping that in the future the members of MCAG will see a benefit of having Los Banos as part of their agreement, wants to see the agreement be fair to all cities so if you put money in the likelihood is that you will get something back, we've put in and there's been no chance for us to get anything back, hoping that through all these discussions they will see the value of having us.

Council Member Lewis stated that on April 17, 2014 she sat on the MCAG Board meeting in the Mayor's absence and at that meeting the monies that were left in the account were approved to use as seed money for the Tiger grant being applied for the federal government in order to finish the campus parkway at the UC Merced campus, for many years we have sat here and heard directors of MCAG come here and tell us that we were number one for the grant, so now all of our seed money is gone, we have none left, but we are expected to pay into this fund with the hopes that someday that we may at some point have money to purchase land, now we have nothing, was quite disappointed and how she made a simple statement to indicate that the residents and businesses in Los Banos have paid that money with the promise that it was there for a purpose, when someone gives me their word that they are going to do something I expect it to be done, the rest of our money was taken to fund a project on the Merced side and now we have no money for the Bypass purchase.

Council Member Stonegrove spoke about how she feels this is a terrible idea and should not come as a surprise to anyone, believes the developers come in and make millions of dollars and they should have to pay for the impact to our community and our roads, how it is unthinkable that the City has not been contributing for two years and expects MCAG to keep their promises.

Council Member Silveira stated the City is back on the RTIF discussion now and talking about the housing portion, agrees with the Mayor and believes the whole program is broken and outdated, believes that in order for the City to keep supporting the program MCAG needs to revamp it, it is a regional project so we are all going to have to pay in, the discussion we should have with the community is do we want a Bypass or do we not want a Bypass, it is not fair that Los Banos should pay for the Bypass around Los Banos, Highway 152 is owned by the State of California but we don't have the votes or the political juice, the reality is the citizens of Los Banos did pass a sales tax measure to make ourselves a self-help County, if you're not a self-help County they are just going to keep passing you by, how he's in favor of re-vamping the entire RTIF program and feels a certain percentage of the contribution should come back to the community for projects, was one of the ones that sent money over with the promise from the Director of MCAG that future money would come our way, the 1.7 million is now down to 1.2 and was raised here in Los Banos, we collected that money under an agreement that the money would go toward a regional program, how he's not ready to suspend a fee with no real plan in place, stands by the first two times he suspended the commercial fee because he felt like it was the best shot if the City was going to get a Bypass, if the reason we're doing this is to fuel residential growth then great but feels this is a shot at MCAG and MCAG will then not give us anything.

Mayor Villalta stated the City paid its full share of residential and commercial, this may spur growth as it did for commercial, when Los Banos was paying MCAG still took our money.

Council Member Faria spoke about his reason being for commercial growth, there is no final plan to get the Bypass built, our Bypass has been estimated to cost anywhere from 280-400 million dollars, how he's concerned that Los Banos is sending money to MCAG who is not helping Los Banos, it is up to us as a Council to provide the services and the

fees for developers to come here and not rely on MCAG, things got out of hand twenty years ago and development went very fast, developers are going to do as much as they can and it's up to the City to lay the ground rules, Los Banos has managed to – through the Council's support – pass school bonds and now we have Pacheco High School and Mercey Springs Elementary School, if people want to work and live in Los Banos then we welcome them and lets provide the services they need, we need to send a message to MCAG to re-vamp the program, UC Merced is a giant financial vacuum for government funds and is going to draw lots of grant money and highway money, if we are going to build a Bypass here we need to make sure it is built properly, let's recind this and the entire RTIF.

Motion by Faria, to suspend the RTIF residential fee and keep the money in Los Banos. The motion died for lack of a second.

City Attorney Vaughn stated the Council needs to give direction to the Public Works Department to bring back an Ordinance just like they did with the Commercial portion. The action should be to give staff direction on what the Council would like to see brought back.

Motion by Faria, seconded by Lewis to direct staff to write the Ordinance to suspend the RTIF residential fee and to suspend the collection of all fees indefinitely. The motion carried by the following vote: AYES: Faria, Lewis, Villalta; NOES: Silveira, Stonegrove; ABSENT: None.

Mayor Villata, encouraged the public to attend the MCAG meeting tomorrow.

ADVISEMENT OF PUBLIC NOTICES (No Report).

Mayor Villalta spoke of the new signs recently re-furbished at the entrance of downtown 6th Street and Pacheco Boulevard, Assistant Planner II Elms spoke about how the Welcome to Downtown signs have been vandalized and the City needed to make a change, can't thank the Whitehurst family enough as they have been very professional and courteous to the City, we've added lighting to the sign and there will be a planter installed that was once there before.

CITY MANAGER REPORT. Acting City Manager/Finance Director Williams stated Police Officers issued thirteen citations for illegal fireworks and two citations for fireworks after hours; gave a short update on the industrial park stating City Manager Carrigan recently attended a meeting and the project is still in the feasibility stage; spoke about regarding revenue sharing stating the ball is still in our court and how she and the City Attorney have been going over a few things and hope to have something to Council by the August 20, 2014 meeting

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Asked that everyone keep in mind the announcements made during our public forum regarding upcoming community activities.

SCOTT SILVEIRA: Thanked Ann McCauley for scheduling another movie night.

ELIZABETH STONEGROVE: No report.

TOM FARIA: The Chamber of Commerce put on a great fireworks show on the 4th of July, thank you to everyone for supporting all the booths in town, it takes a great deal of long hard work in very hot conditions to keep our community services going; there was a beautiful celebration by Our Lady of Carmel Society with a very delicious Italian stew that you can't get anywhere else; thanked the City's Public works and Community Development departments for the downtown Welcome to Los Banos signs which is just the beginning, keep promoting the beauty of our town.

MAYOR MICHAEL VILLALTA: We have many different ethnic celebrations in town where the food is served for free, Los Banos is unique and how we do this because of pride in our community; about a month ago there was an item on the Merced County Board of Supervisors Agenda that happened to come his way through an email and it outlined the Meals on Wheels Program for senior citizens, the County now wants to replace the hot meals with frozen meals, they say they are \$80,000 in debt, they want to visit the seniors once a week and give them seven frozen meals, some of the seniors do not know how to operate a microwave and were eating the meals frozen, he and a few other people attended the meeting and the board unanimously agreed to postpone their decision, this is not a group you should pick on because they cannot fight back, if this is something you agree with please contact the Board of Supervisors and let them know, the last thing we should do is sever our ties with the seniors; thanked Ann McCauley for the movie night; announced the wine stroll is being held August 1, 2014 and how it is a very successful event and is sold out every year; glad to hear the positive comments on the graffiti clean-up which is due to the work of many individuals young and old.

ADJOURNMENT. The meeting at the hour of 8:30 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Jana R. Sousa, Assistant City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members
FROM:  Aundre Garcia, Police Services Manager
DATE: October 1, 2014
SUBJECT: Los Banos Police Department Road Closure and Usage Request
TYPE OF REPORT: Consent Agenda

Recommendation:

Approve road closure and usage.

Discussion:

To accommodate the Los Banos Police Department Open House, we will need authorization for the related road closure and usage. This event will be on Wednesday, October 15, 2014, with booth set up starting at approximately 4:00 pm, with the Open House opening to the Public from 5:00 pm to 7:00 pm. The request is to close 5th Street from I Street to J Street. The west side alley at 6th between I Street and J Street will be blocked off to vehicle traffic.

The Los Banos Police Department Open House is a volunteer recruitment that will give an inside look at the Department for residents.

Additional information is attached

Fiscal Impact:

The fiscal impact is minimal.

Reviewed by:



Steve Carrigan, City Manager



City of Los Banos

At the Crossroads of California

LOS BANOS POLICE DEPARTMENT

PRESS RELEASE

PRESS RELEASE

PRESS RELEASE

September 5, 2014

Los Banos Police Hold
Open House to Recruit Volunteers

Save the date! The Los Banos Police Department will host an open house event on Wednesday, October 15, 2014 from 5:00 p.m. to 7:00 p.m. The event will be held at the Police Department located at 945 5th Street, Los Banos.

“This event will hopefully serve two purposes. First, this open house is designed to be a volunteer recruitment event. I want to show residents that our volunteers are an important part of our operation and that becoming a volunteer can be very exciting and rewarding; what better way to accomplish that then to let everyone in, to see what we do every day. I also want to showcase Police Department employees in their work environment. I work with great people who accomplish amazing things everyday, and the community deserves to see that.”

- Gary Brizzee, Chief of Police

The open house will feature tours of the Police Department, Jail Facility and the 9-1-1 Communication Center. Police personnel from various divisions will be available to provide law enforcement equipment demonstrations, answer questions and interact with the community.

To leave an anonymous crime tip call **209-827-7070 Ext. 288**. If you have access to a computer and the internet you can also leave an anonymous tip at the Police Department's web page at www.losbanos.org. At the bottom of the “Contact” page simply click on the “report graffiti and other crime” link or visit the Merced Area Crime Stoppers by telephone at 1-855-725-2420, or at www.mercedareacrimestoppers.org

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City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & City Council Members

FROM: Stacy Souza Elms, Assistant Planner *[Signature]*

DATE: October 1, 2014

SUBJECT: General Plan Amendment from Neighborhood Commercial to Low Density Residential and Zone Change from C-N (Neighborhood Commercial) to R-1 (Low Density Residential) for 310 West I Street

TYPE OF REPORT: Public Hearing

Recommendation:

Staff recommends that the City Council:

1. Receive presentation of the staff report;
2. Open the Public Hearing and receive applicant and public comment;
3. Consider comments presented at the hearing, the information in staff report, the recommendation of the Planning Commission and discuss the proposal;
4. Adopt Ordinance No. 1122 and Resolution No. 5612.

Background:

On September 17, 2014 the Los Banos City Council waived the first reading and introduced by title Ordinance No. 1122 and considered Resolution No. 5612 to be acted upon on October 1, 2014.

In December 2012, the Los Banos City Council adopted Ordinance No. 1106 and approved Resolution No. 5448 for the existing single-family residence at 310 West I Street for a General Plan Land Use Map Amendment from Low Density Residential to

Neighborhood Commercial and a Zone Change from R-1 (Low Density Residential) to C-N (Neighborhood Commercial). The property owner/applicant, Debbie Perry, had recently purchased the property and was proposing to utilize the property as a Durable Medical Equipment (DME) supply store.

After receiving entitlements from the City, the property owner discovered that the cost to convert the existing residence into a commercial structure would be cost prohibitive. The owner put the property up for sale as a Neighborhood Commercial use and has received no interest due to the costs associated with the commercial conversion. The Tenant Improvements would require a partial tear down and addition to the structure, the carport and front porch would need to be removed to accommodate a parking lot, the fence would need to be removed and replaced, and new landscape would need to be installed in accordance with commercial standards. In addition, the interior and exterior of the building would need to be improved to meet the Americans with Disability Act (ADA), which include handicap accessible bathrooms, widening of doorways, flush thresholds, and handicapped parking onsite.

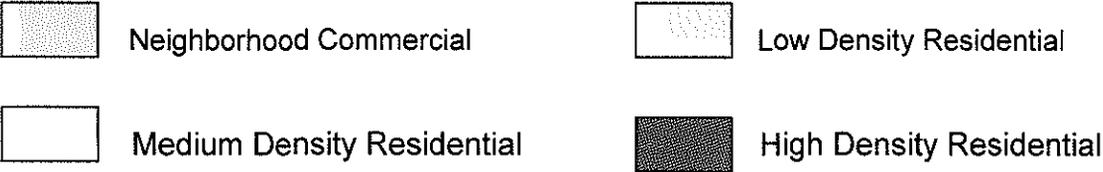
The property owner has received no interest from buyers to use the property as a commercial facility, but rather as its original use of a single-family residence. Currently the property owner does have a potential buyer for the property contingent upon the use being a single-family residence.

Discussion:

The project site is located on the northwest corner of West I Street and Arizona Avenue, more specifically identified as 310 West I Street. The lot is approximately 6800 square feet, and fronts on West I Street, the lot dimensions are approximately 100 linear feet on West I Street and approximately 68 linear feet along Arizona Ave. The site is surrounded by single family dwelling units to the north and east, neighborhood commercial to the south and high density residential to the west.



Additionally, the surrounding zoning is depicted on the map below. Note that the pink color is Neighborhood Commercial, dark brown is High Density Residential, tan is Medium Density Residential, blue is Public Facilities, and yellow is Low Density Residential.



ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301. The proposed land use change is converting the property back to its original land use designation. The proposed project does not consist of expanding the existing single-family residence or consist of any changes to the previous use of a private residential dwelling unit.

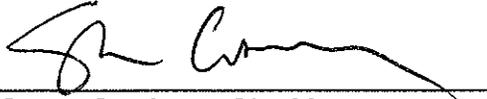
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission of the City of Los Banos held a regularly scheduled public hearing on August 27, 2014 for the purpose of considering General Plan Amendment #2014-01 and Zone Change #2014-01. At the completion of the public hearing, the Planning Commission duly considered all evidence presented at said hearing and recommended approval to the Los Banos City Council.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on September 5, 2014.

Reviewed by:



Steve Carrigan, City Manager

Attachments:

1. Ordinance No. 1122
2. Resolution No. 5612
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
3. General Plan Map
4. Zoning Map
5. Site Photos
6. Public Hearing Notice – September 5, 2014

ORDINANCE NO. 1122

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED AT 310 WEST I STREET FROM NEIGHBORHOOD COMMERCIAL (C-N) TO LOW DENSITY RESIDENTIAL (R-1)

The City Council of the City of Los Banos does hereby ordain as follows:

Section 1. The property described as 310 W I Street, more specifically identified as Assessor's Parcel Number: 027-044-066 is hereby rezoned as shown on said map from Neighborhood Commercial (C-N) to Low Density Residential (R-1).

Section 2. The City Clerk is hereby directed to make the appropriate markings on the Official Zoning Map in conformance with this Ordinance and the provisions of the Los Banos Municipal Code.

Section 3. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Faria and seconded by Council Member Silveira on the 17th day of September, 2014.

Passed on the ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

RESOLUTION NO. 5612

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP FROM NEIGHBORHOOD COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 310 WEST I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-044-006

WHEREAS, Debbie Perry, as the project applicant and property owner, applied for an amendment to the General Plan Land Use Policy Map and Zoning Map; and

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the proposal is consistent with the intent of the General Plan and the Zoning Code regulations; and

WHEREAS, the proposal is consistent with surrounding properties and the area in general; and

WHEREAS, the Los Banos Planning Commission held a public hearing on August 27, 2014 for the purpose of considering General Plan Amendment #2014-01 and Zone Change #2014-01 and at the completion of the public hearing, duly considered the evidence presented and recommended approval to the Los Banos City Council; and

WHEREAS, a public hearing was duly noticed for September 17, 2014, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on September 5, 2014 to consider and take testimony regarding General Plan Amendment #2014-01 and Zone Change #2014-01 for 310 West I Street; and

WHEREAS, at the September 17, 2014 City Council Meeting the Los Banos City Council, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the General Plan Amendment criteria established in Section 9-3.2314 of the Los Banos Municipal Code; and

WHEREAS, the City Council of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA)

Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approving an amendment to the General Plan Land Use Map from Neighborhood Commercial to Low Density Residential for the property located at 310 West I Street; more specifically identified as Assessor's Parcel Number: 027-044-006.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1st day of October 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR A GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT 310 WEST I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-044-006

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 for existing facilities, as the original use of the dwelling unit will not be intensified or altered.
2. General Plan Amendment #2014-01 and Zone Change #2014-01 was adequately noticed on September 5, 2014 for consideration at a public meeting on September 17, 2014.
3. On the basis of the whole record, including public comment, the City Council finds that there is no substantial evidence that the Project may have a significant effect on the environment.
4. The environmental analysis was prepared in compliance with CEQA and on the basis of the whole record, there is no substantial evidence of significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Initial Study.
5. The City of Los Banos Community and Economic Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the negative declaration is based and will be certified by the Los Banos City Council.
6. Prior to considering the proposed Project, the City Council considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL FOR A GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT 310 WEST I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-044-006

The City of Los Banos City Council hereby finds as follows:

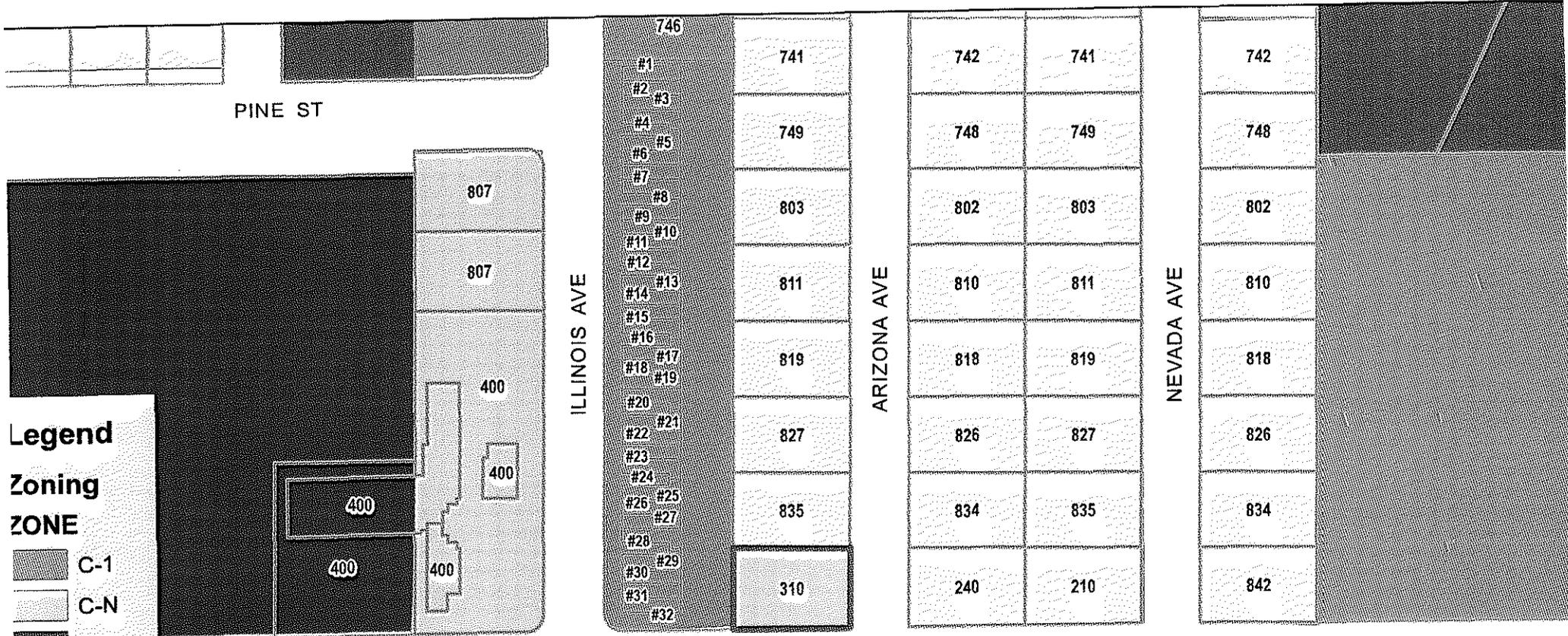
1. As described in the Project staff report, the proposal is consistent with the Los Banos General Plan and Zoning Ordinance as it meets the use and development standards specified within. Evidence. The original use of the property was a private single-family residence which is permitted in the Low Density Residential Zoning District per the text of the Zoning Code. The proposed use is consistent with the Los Banos General Plan as the proposal is compatible in scale and character with existing uses and historic structures and neighborhoods.
2. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing and working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. Evidence. The Low Density Residential use will be compatible with the existing R-1 neighborhood and surrounding uses.
3. The proposed Low Density Residential (R-1) zoning is compatible with the adjacent land uses, properties, and neighborhoods and will not be detrimental or injurious to the neighborhood or to the general welfare of the City. Evidence. The Low Density Residential use matches the surrounding uses and is compatible with adjacent neighborhoods.

EXHIBIT C

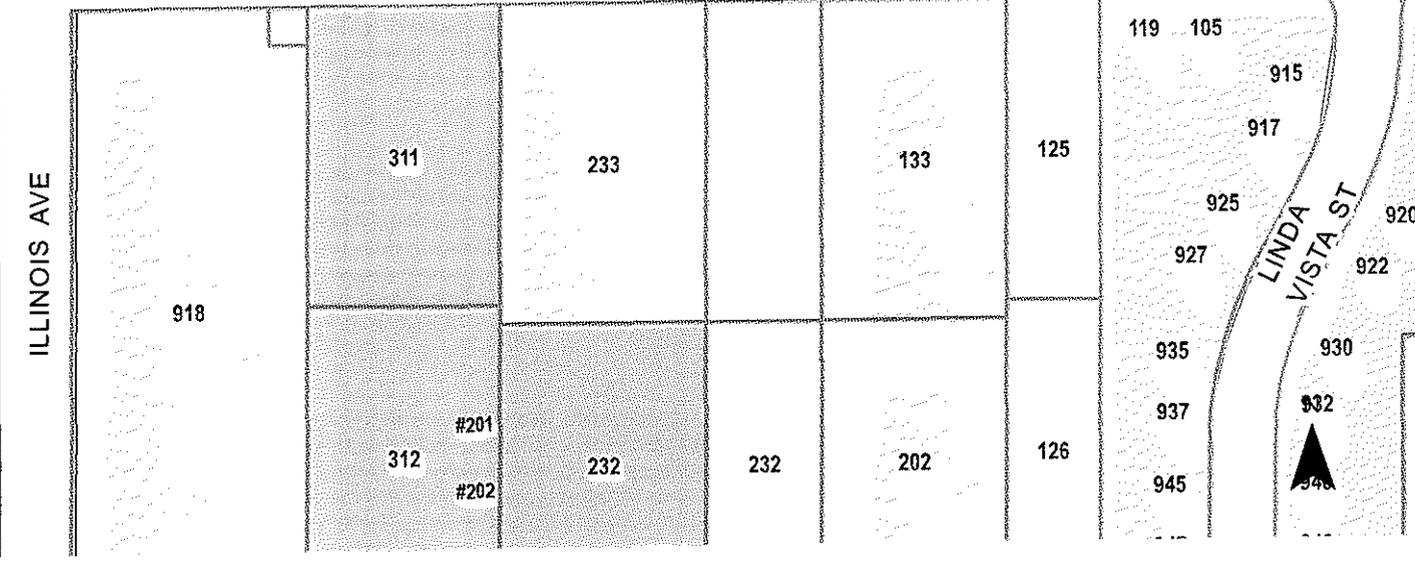
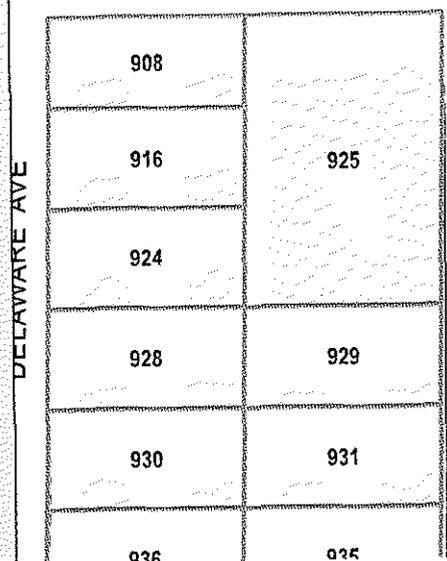
CONDITIONS OF APPROVAL FOR A GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT 310 WEST I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-044-006

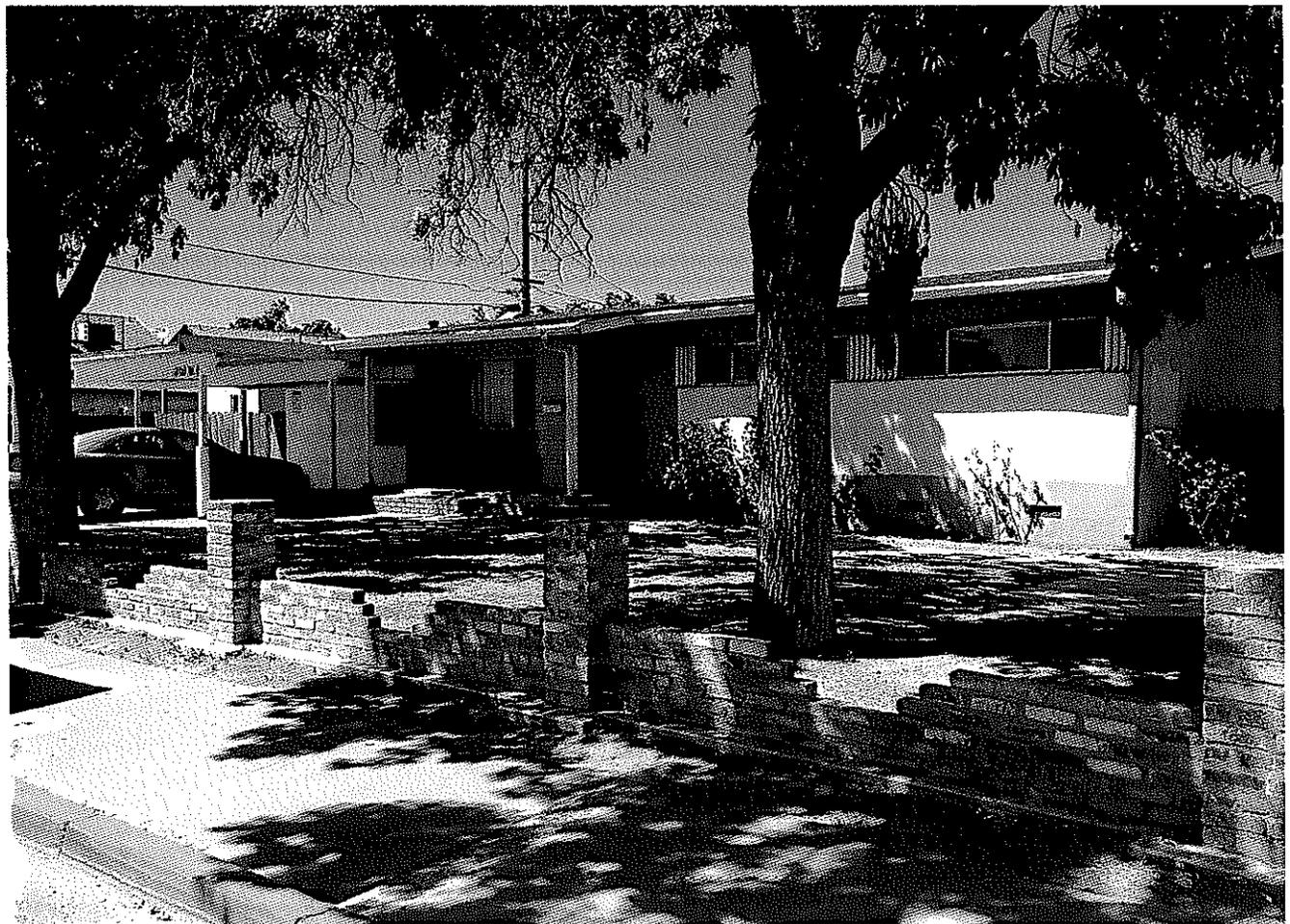
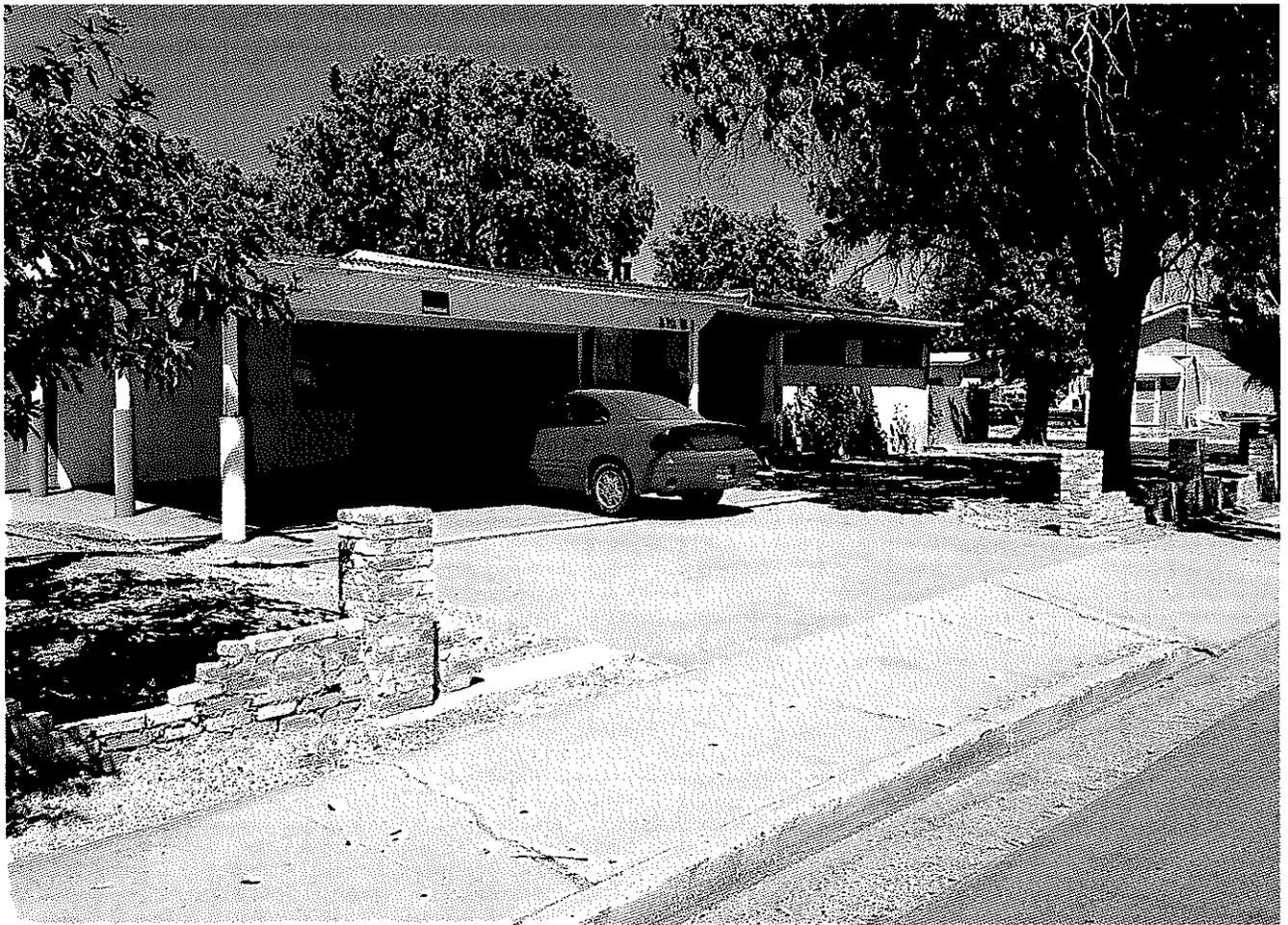
1. Upon approval, the property is to be utilized in a manner appropriate with the Low Density Residential General Plan Designation and the existing structure must be used in accordance with the density standards specified within the Los Banos General Plan
2. Upon approval, the property is to be utilized in a manner appropriate with the R-1 (Low Density Residential) Zoning Classification and the existing structure must be used in accordance with the uses specified within the Los Banos Municipal Code.

Los Banos Zoning map



- Legend**
- Zoning**
- ZONE**
- C-1
 - C-N
 - H-C
 - I
 - L-I
 - M-X
 - OS
 - PARK
 - P-F
 - P-O
 - R-1
 - R-2
 - R-3
 - R-C
 - U







City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 5, 2014

Regarding: Notice of Public Hearing

Proposal: General Plan Amendment #2014-01 and Zone Change #2014-01 for 310 West I Street

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider General Plan Amendment #2014-01 and Zone Change #2014-01 for Debbie Perry. The project proposal is for the amendment to the General Plan Land Use Policy Map and Zoning Map from Neighborhood Commercial (C-N) to Low Density Residential (R-1). The project site is located at 310 W. I Street; more specifically identified as Assessor's Parcel Number: 027-044-006.

The Planning Commission of the City of Los Banos held a regularly scheduled public hearing on August 27, 2014 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented at said hearing and recommended approval to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the City Council on Wednesday, September 17, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner II at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should the action by the City Council be challenged in court, you may be limited to only those issues raised at the public hearings or by written comment per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner II



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer
DATE: October 1, 2014
SUBJECT: Landscape Maintenance Contract
TYPE OF REPORT: Non Consent Agenda

Recommendation:

That the City Council adopts the Resolution awarding the Landscape Maintenance Contract for the Maintenance of Parks, Streetscapes, and Planters to Ronnys Inc. and authorize the City Manager to enter into the Contract with Ronnys Inc. in the amount of \$2,300,571.00, representing five (5) years of weekly maintenance. The administration of this Contract will be performed by the Public Works Director/City Engineer.

Background:

The City of Los Banos is currently in a Landscape Maintenance Contract for Parks, Streetscapes, and Planters with Ronnys Inc. (formerly Ronny's Landscaping and Parking Lot Maintenance) which expired on September 30, 2014.

Discussion:

The Public Works Department solicited prospective contractors to submit proposals for providing maintenance for parks, streetscapes, and planters in the City of Los Banos on a bi-weekly basis for five years. Proposals were received until August 26, 2014. Ronnys, Inc. of Los Banos submitted the lone proposal.

After a thorough review of the conditions of bi-weekly service and the conditions of weekly service, staff is recommending entering into a Contract for Landscaping Maintenance on a weekly basis. The Contract will include the maintenance of existing parks, landscape planters, right-of-ways, trails, street medians, parking lots, City buildings, irrigation; and future acreage dedicated to the City of Los Banos from new development.

The City Parks Maintenance staff will retain responsibility for tree care/pruning, pest control, and fertilization in all parks, streetscapes, and planters.

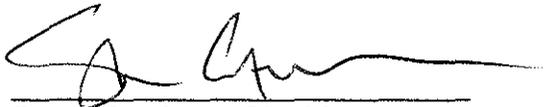
The Contract term shall be five (5) years with the possibility of three (3) one-year extensions. Extensions may be granted by the City Manager based on the performance of Ronnys Inc. The City Manager may renew the Contract for an agreed upon length if

Ronnys Inc. has demonstrated superior performance of landscaping maintenance for the City.

Fiscal Impact:

The proposed landscape maintenance expenses have been budgeted within the current fiscal budget. Expenses have been calculated proportionately in each of the Landscape and Lighting Assessment Districts and the General Fund Maintenance Budget. Expenses for future contract years will be submitted with annual fiscal budgets.

Reviewed by:

A handwritten signature in black ink, appearing to read "Steve Carrigan", written over a horizontal line.

Steve Carrigan, City Manager

Attachments:

Resolution

Notice to Landscape Contractors

Bidders List

Landscaping Maintenance Contract

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AUTHORIZING AWARD OF
LANDSCAPE MAINTENANCE CONTRACT TO
RONNYS INC.**

WHEREAS, the City of Los Banos Public Works Department received competitive bids on August 26, 2014 for the purpose of providing landscape maintenance for parks, streetscapes, and planters in the City of Los Banos; and

WHEREAS, the City of Los Banos Public Works Department has determined, that Ronnys Inc. provided the lowest responsive and responsible proposal for five years of weekly landscape maintenance, which amounts to \$460,114.20 per year in the five year contract amount of \$2,300,571.00; and

WHEREAS, the City of Los Banos can option for three (3) one-year extensions if City Manager deems the performance of Ronnys Inc. has warranted an extension; and

WHEREAS, the City of Los Banos can renew the Contract for an agreed upon length if Ronnys Inc. has demonstrated superior performance; and

WHEREAS, the five year contract provides prices in square foot units for new parks, streetscapes, and planters within the City of Los Banos; and

WHEREAS, the City Council of the City of Los Banos authorizes the City Manager to execute the Landscape Maintenance Contract with Ronnys Inc. and authorizes the Public Works Director/City Engineer to administer the Landscape Maintenance Contract.

NOW, THEREFORE, BE IT RESOLVED: 1. That the foregoing recitals are true and correct. 2. That the City Council of the City of Los Banos does hereby accept the Landscape Maintenance proposal from Ronnys Inc. in the amount of \$2,300,571.00, authorizes the City Manager to execute the Landscape Maintenance Contract, and authorizes the Public Works Director/City Engineer to administer the Landscape Maintenance Contract.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1st day of October 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

NOTICE

LOS BANOS PUBLIC WORKS DEPARTMENT

Request for Proposal for Landscape Maintenance in the City of Los Banos

Notice is hereby given that the City of Los Banos (City) is seeking proposals from qualified companies for maintenance of parks and other landscaped areas within the City.

It is the intent of the City to identify and establish a long-term relationship with a highly qualified landscape maintenance contractor (Contractor) to achieve the best level of service for the City. The Contractor must possess a Class "C-27" License.

Each proposal must be received no later than 2:00 p.m. Tuesday, August 26, 2014, at the City of Los Banos Public Works Department, 411 Madison Avenue, Los Banos, CA 93635. No late submittals will be accepted.

The City may conduct interviews of the top ranking Contractors for the purpose of making a final selection.

The selected Contractor will be recommended to the City Council for authorization to enter into a Professional Services Agreement for Landscape Maintenance of the City of Los Banos' facilities, parks, park strips, medians, planters, parking lots, trails, and other landscaped areas.

Any questions with regard to submissions, process, or proposals can be emailed to Greg Pimentel, Assistant Public Works Director at greg.pimentel@losbanos.org.

The Request for Proposal can be viewed and/or obtained from the City of Los Banos website at www.losbanos.org. Contractors should regularly check this web page for updated information.

Acceptance of any proposal submitted pursuant to this Request for Proposal shall not constitute any implied intent to enter into an agreement for landscape maintenance service. The City reserves the right to reject any and all proposals prior to execution of the agreement.



City of
Los Banos

At the Crossroads of California

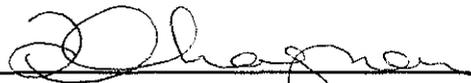
BID OPENING

LANDSCAPE MAINTENANCE OF THE CITY OF LOS BANOS'

PARKS AND LANDSCAPE AREAS

TUESDAY, AUGUST 26, 2014 @ 2:00 PM

- | | | |
|----|-------------|----------------|
| 1. | Ronnys Inc. | \$2,300,571.00 |
|----|-------------|----------------|

Signed: 
Teresa M. Chagnon, Engineering Technician

Dated: August 26, 2014

Signed: 
Greg Pimentel, Assistant Public Works Director

**LANDSCAPE MAINTENANCE CONTRACT BY AND BETWEEN
THE CITY OF LOS BANOS AND RONNYS INC.**

THIS CONTRACT is made and entered into this day of October____, 2014, between the CITY OF LOS BANOS, a municipal corporation ("City") and RONNYS INC., a California Corporation ("Contractor");

RECITALS

WHEREAS, City is a municipal corporation duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California;

WHEREAS, City desires to contract out landscape maintenance for various public locations throughout the City of Los Banos;

WHEREAS, RONNYS INC., submitted a responsive bid in response to a Request for Proposal prepared by the City for Landscape Maintenance of the City of Los Banos' Parks and Landscape Areas;

WHEREAS, City has determined that Contractor is a responsible bidder and is qualified by experience and ability to render such services; and

WHEREAS, City and Contractor desire to contract for specific services in connection with landscape maintenance for the City and desire to set forth their rights, duties and obligations in connection with the services to be performed.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. **AWARD OF CONTRACT**

1.01 **Contract Documents.** The Contract Documents shall include this Contract, City's Request for Proposal, dated August 26, 2014, and any future Addenda and Amendments. In the event of any conflict between the printed provisions of this Contract and those of the City's Request for Proposal, the provisions of this Contract shall prevail.

1.02 **Term.** The term of this Contract shall commence upon the above written date and shall remain in effect until September 30, 2019, unless terminated earlier as set forth herein. The City may elect to extend this Contract for three (3) additional one-year terms, if mutually agreed upon by both parties. The City, at its option, may renew this Contract for an agreed upon length if the Contactor has demonstrated superior performance for landscape maintenance to the City.

1.03 **Scope of Work.** Subject to the terms and conditions set forth in this Contract, and as set forth in the City's Request for Proposal, Contractor shall furnish all labor, materials, services, transportation, and equipment necessary in order to provide the landscape maintenance on a weekly basis. During the term of this Contract and any extensions, City may accept new parks, streetscapes and planters, which are not covered in the Fee Schedule of the City's Request for Proposal. Additional locations at the request of the City will be added as an addendum to the

Contract with compensation based on a pro rata amount of square footage and identified as New Locations, as outlined on the Fee Schedule Summary.

1.04 Additional Services. Payments for additional services requested, in writing, by City, and not included in the scope of work, shall be paid on a reimbursement basis in accordance with the Total Unit Cost per square foot for New Locations set forth in the Fee Schedule Summary. Charges for additional services shall be invoiced on a monthly basis and shall be paid by City within a reasonable time after said invoices are received by City.

1.05 Compensation. The total amount to be paid under this Contract for all of the work set forth in Section 1.03 above shall be in accordance with the Fee Schedule Summary of the Contract Documents attached hereto and incorporated herein by this reference ("Total Contract Price"). This price includes all costs for labor, materials, tools, equipment, services, warranty, taxes, insurance, overhead, profit and all other costs necessary to perform the work in accordance with this Contract. If the City exercises its option to extend the term of this contract pursuant to section 1.02, the compensation shall be increased 5% or pursuant to the applicable Consumer Price Index whichever is less using the applicable schedules for the preceding 12 months as the base year.

1.06 Billing. Contractor shall invoice City not more frequently than once a month for the services performed in the preceding month. Compensation shall be paid to Contractor upon receipt and approval by City of invoices setting forth in detail, the services performed. City shall reimburse Contractor only for those costs or expenses specifically approved in this Contract, or specifically approved in advance by City.

Contractor shall not receive any compensation for extra work without prior authorization of City. As used herein, "Extra Work" means any work that is determined by City to be necessary, but which is not included within Section 1.03, above, and which the parties did not reasonably anticipate would be necessary at the execution of this Contract. City shall pay Contractor within thirty (30) days after approval of the invoice by City staff

1.07 Time for Performance. After the Contract has been executed by City, Contractor shall begin work after the effective date of the Notice to Proceed issued by City and shall diligently prosecute the work from the effective date of the Notice to Proceed. If Contractor fails to complete the work within any of the time limits set forth in the Request for Proposal shall constitute a material breach of this Contract.

2. GENERAL WORK REQUIREMENTS

2.01 Standards. Contractor shall provide said landscape maintenance services in the manner specified in the City's Contract Documents incorporated herein by reference and in conformance with the general work requirements set forth herein.

2.02 Public Convenience. Contractor shall so conduct its operations as to offer the least possible obstruction and inconvenience to the public and to owners of abutting property.

2.03 Traffic Control Measures. Contractor shall provide appropriate vehicular, pedestrian and bicycle traffic control measures. All work shall be planned and carried out so that there is least possible inconvenience to vehicular and pedestrian and bicycle traffic, including deliveries to adjacent properties.

2.04 Sound Control Requirements. Contractor shall comply with all local sound control and noise level rules, regulations and ordinances that apply to any work performed pursuant to the Contract. Unless otherwise provided in writing, work shall be limited to Monday through Friday from 7:00a.m. to 6:00p.m. Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer.

2.05 Use of Pesticides. Contractor shall employ pest control measures in the manner specified in the City's Request for Proposal and shall comply with all rules and regulations of the Department of Food and Agriculture, the Department of Health, the Department of Industrial Relations and all other agencies that govern the use of pesticides required in the performance of this Contract. Any substance or mixture of substances intended for preventing, repelling, mitigating or destroying weeds, insects, diseases or nematode and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant shall be considered as pesticide.

2.06 Safety Requirements. Contractor shall comply with all safety requirements prescribed by applicable federal, state and local laws and regulations to ensure the safety and health of those working and the local community. Contractor shall assume all responsibility for public safety during the prosecution of the work and all such costs shall be included in the Contract price. Whenever Contractor's operations create a condition hazardous to traffic or to the public, it shall furnish, erect and maintain, at its expense, such fences, barricades, lights, signs and other devices and take such other protective measures as are necessary to prevent accidents or damage or injury to the public.

3. CONTRACTOR'S RESPONSIBILITIES

3.01 Responsibility for Damage. Contractor shall be responsible for any loss or damage that may happen to the work and for any loss or damage to any of the materials of other things used or employed in performing the work.

3.02 Indemnification and Hold Harmless. Contractor shall indemnify, defend and save harmless City, and its officials, officers, employees, volunteers and agents against all suits, claims or losses (including attorneys' fees and expenses) that may be based on any injury or damage to, or death of any person or any damage to property that may occur, or that may be alleged to have occurred, arising from the performance of this Contract by Contractor, its subcontractors or employees, whether or not it shall be claimed that the injury was caused through an act or omission of Contractor, its subcontractors, employees or other agents, except for the sole negligence, active negligence or willful misconduct of City. Contractor shall, at its own expense, pay all charges of attorneys and all cost and other expenses arising or incurred in connection with such suits, claims or losses. If any judgment shall be rendered against City in connection with any such suit, claim or loss, Contractor shall at its own expense satisfy and discharge it.

3.03. Insurance. Contractor shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property of the work hereunder by Contractor, his agents, representatives, and employees.

a. Minimum Scope and Limits of Insurance. Coverage shall be placed with insurers admitted in California with a current A.M. Best's rating of not less than A: VII:

(1) Contractor shall maintain general liability insurance with limits no less than \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Contractor shall maintain automobile liability insurance with limits of no less than \$2,000,000 per accident for bodily injury and property damage.

(3) Workers' Compensation limits as required by the Labor Code of the State of California and Employers Liability limits of no less than \$2,000,000 per accident.

b. Other Insurance Provisions.

(1) As to the general liability, automobile liability and builder's risk property insurance policies, City and their officers, officials, employees, agents and volunteers are to be covered as additional insured pursuant to an endorsement to the policy. The coverage shall contain no special limitations on the scope of protection afforded to City, and their officers, officials, employees, agents or volunteers.

(2) For any claims related to this project, Contractor's insurance coverage shall be endorsed to be primary insurance as respects City, and their officers, officials, employees, agents or volunteers. Any insurance or self-insurance maintained by City and their officers, officials, employees, agents or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

(3) For worker's compensation coverage, the insurer agrees by endorsement to waive all rights of subrogation against City, and their officials, employees, and volunteers for losses arising from the work.

(4) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to City of Los Banos, its officers, officials, employees, agents or volunteers.

(5) Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

(6) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to City.

(7) Any deductibles or self-insured retentions must be declared to and approved by City.

3.04 Payment of Taxes. The Contract prices paid for the work shall include full compensation for all taxes which Contractor is required to pay, whether imposed by Federal, State or local government, including, without being limited to, Federal excise tax. No tax exemption certificate or any document designed to exempt Contractor from payment of any tax will be furnished to Contractor by City, as to any tax on labor, services, materials, transportation, or any other items furnished pursuant to the Contract. Contractor shall withhold and pay any and all sales and use taxes, withholding taxes, whether State or Federal, Social Security taxes, State Unemployment Insurance charges and all other taxes that are now or hereafter may be required to be paid or withheld under any laws.

3.05 Permits and Licenses. Contractor covenants and declares that it has obtained all certificates, licenses, permits or the like required of Contractor by any and all national, state, regional, county, city or local boards, agencies, commissions, committees or other regulatory bodies in order to perform the services contracted for under this Contract. Contractor shall comply with all permits applicable to the work. Contractor has and shall maintain the appropriate State Contractor's License, pursuant to Chapter 9 of Division 3 of the California Business and Professions Code.

3.06 Labor Code Requirements. Attention is directed to the following requirements of the Labor Code:

a. Labor Non-Discrimination. Contractor shall comply with Section 1735 of the Labor Code which provides Contractor shall not discriminate against any employee who is employed on the work because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status or sex of such persons, except as provided in Section 12940 of the Government Code.

b. Prevailing Wages. Contractor shall comply with California Labor Code Sections 1770 to 1780, inclusive.

c. Payroll Records. Contractor's attention is directed to the following provisions of Labor Code Section 1776. Contractor shall be responsible for the compliance with these provisions by his subcontractors. Contractor and each subcontractor shall preserve their payroll records for a period of three (3) years from the date of completion of the Contract.

d. Workers' Compensation. Pursuant to the requirements of Section 1860 of the California Labor Code, Contractor will be required to secure the payment of workers' compensation to his employees in accordance with the provisions of Section 3700 of the Labor code. By signing this Contract, Contractor certifies the following:

"I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

3.07 Warranty. Contractor warrants that all materials and work furnished (1) shall meet all requirements and conditions of City's Contract and manufacturer's warranty if any; (2) shall be free from defects in design, material; workmanship and methods of installation; and (3)

shall be fit for the purposes intended. Work not conforming to these requirements, including substitutions not properly approved and authorized, may be considered defective and nonconforming. This warranty by the Contract is in addition to any warranties or guarantees required or provided by the manufacturer or supplier.

Contractor shall correct the work at its own expense promptly after written notice from City to do so and pay for any damage to other property resulting from such nonconforming work. If Contractor fails to do so promptly, or in an emergency when delay could cause risk of damage or loss, then City take whatever actions are necessary to have the nonconforming work removed, replaced or corrected at the expense of Contractor and to recover its damages, costs and expenses, including withholding the amount from any payment that is due or to commencing an action against any performance bond.

3.08 Independent Contractor Status. Contractor shall independently perform all work under this Contract and shall not be considered an agent or employee of City; nor shall Contractor's subcontractors or employees be considered as subagents of the City.

3.09 Hazardous Chemicals and Wastes. Should any release, discharge, leakage, spillage, emission or pollution of any hazardous chemicals or wastes occur due to Contractor's work, then Contractor at its sole cost shall clean all affected property to the satisfaction of City and any governmental body with jurisdiction. Contractor shall immediately report any such release to the Director of Public Works. If the performance of the work outlined by these Contract Documents creates any hazardous wastes, Contractor shall properly dispose of such wastes in full accordance with federal, state and local laws, at its expense.

3.10 Compliance with Laws. All work performed by Contractor under this Contract shall be in accordance with applicable federal, state and local requirements, including, but not limited to environmental laws and laws regarding disposal of hazardous wastes.

3.11 Non-Collusion Declaration. By executing this Contract, Contractor declares that only persons or parties interested in this Contract are those named in Contractor's Proposal and that such bid was not made in the interest of or on behalf of any undisclosed person, firm or organization; that the bid was genuine and not collusive or sham; that the signatory to this Contract has not directly or indirectly induced or solicited others to put in a sham bid, or to refrain from proposing; and that the signatory to this Contract has not in a manner sought by collusion to secure for itself an advantage over other potential proposers.

3.12 Conflicts of Interest. Contractor covenants and declares that other than this Contract, it has no holdings or interests within the City, nor business holdings or agreements with any official, employee or representative of City and shall disclose any such holdings or interests to City in writing.

3.13 Discrimination Prohibited. Contractor covenants and agrees that in performing the services required under this Contract, Contractor shall not discriminate against any person on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age or disability.

3.14 Performance Bond. The Contractor shall furnish to the City a Faithful Performance Bond in the sum of twenty-five percent (25%) of the annual compensation provided for under this Contract, payable to the City and executed by a corporate surety licensed to transact business as a surety.

4. GENERAL PROVISIONS

4.01 Termination. City shall have the right to terminate Contractor's right to proceed with some or all of the work and may terminate this Contract at any time by providing written notice thereof at least thirty (30) calendar days in advance of the termination date. In the event of termination, City shall pay Contractor for the reasonable value of services rendered by Contractor prior to termination; provided, however, City shall not in any manner be liable for lost profits which might have been made by Contractor had the contract not been terminated or had Contractor completed the services required herein. The foregoing is cumulative and does not affect any right or remedy that City may have in law or equity.

4.02 Controlling Law and Venue. City and Contractor agree that the law governing this Contract shall be that of the State of California. Any suit brought by either party against the other arising out of the performance of or otherwise relating to this Contract shall be filed and maintained in the County of Merced.

4.03 Assignment and Subcontracting. Neither this Contract nor any interest herein nor any claim hereunder may be assigned or subcontracted by Contractor either voluntarily or by operation of law, without the prior written consent of City. No such consent shall relieve Contractor of its obligations to comply fully with the requirements of this Contract.

4.04 Records. Contractor will permit City to audit, examine, and make copies of all contracts, invoices, materials, payroll records of personnel, conditions of employment and or data relating to all matters covered by this Contract. Except as otherwise authorized, such records shall be maintained for a period of three years from the date that final payment is made under this Contract.

4.05 Waiver. Failure of City to insist upon strict performance of any of the terms and conditions hereof, or failure or delay to exercise any rights or remedies or to properly notify Contractor in the event of breach, or the acceptance of or payment for any good hereunder, shall not release Contractor of any of the warranties or obligations of this Contract and shall not be deemed a waiver of any right of City to insist upon strict performance hereof.

4.06 Notices.

a. Communications Relating to Daily Activities. All communications relating to the day to day activities of the work shall be exchanged between the Public Works Director/City Engineer or his/her authorized representative for City and Ronny Navarro for Contractor.

b. Official Notices. All other notices, writings or correspondence as required by this Contract shall be directed to City and Contractor, respectively, as follows:

To City:

Mark Fachin, P.E., Public Works Director/City Engineer
CITY OF LOS BANOS
411 Madison Avenue
Los Banos, California 93635

To Contractor:

Ronny Navarro, President
RONNYS INC.
15901 Badger Flat Road
Los Banos, California 93635

4.07 No Personal Liability. No member, official or employee of City shall be personally liable to Contractor or any successor in interest in the event of any default or breach by City or for any amount which may become due to Contractor or successor on any obligation under this Contract.

4.08 Entire Agreement. This Contract contains the entire agreement of the parties with respect to the subject matter of this Contract. Any modifications to this Contract shall be in writing.

4.09 Authority to Contract. Contractor covenants and declares that it has obtained all necessary approvals to bind Contractor to this Contract and that the representative signing the Contract is authorized to do so

4.10 Integration. This Contract represents the full and complete understanding of every kind or nature whatsoever between the parties hereto, and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions herein.

4.11 Amendments. This Contract may be modified or amended only by a written document executed by both Contractor and City and approved as to form by the City Attorney.

[SIGNATURE PAGE BEGINS ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the dates set forth below.

RONNYS INC., a California corporation

Date:

**by: Ronny Navarro
President**

**CITY OF LOS BANOS, a California
municipal corporation**

Date:

**by: Steve Carrigan
City Manager**

**ATTEST:
CITY CLERK**

**Lucille L. Mallonee
City Clerk**

APPROVED AS TO FORM:

**William A. Vaughn
City Attorney**



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Tim Marrison, Acting Fire Chief 

DATE: October 1, 2014

SUBJECT: Fire Department Award of Bid for one (1) 2015 Type 1 Class A Fire Apparatus Custom to Rosenbauer Direct - California in the amount of \$513,566.00

TYPE OF REPORT: Agenda

Recommendation:

That the City Council adopt a Resolution to award the Contract for the purchase of one (1) 2015 Type 1 Class A Fire Apparatus to Rosenbauer Direct - California in the amount of \$513,566.00 and authorizing the City Manager to enter into a contract or to issue a purchase order.

Discussion:

On June 16, 2014 the Fire Department issued an invitation for sealed bids and proposal for the purchase of one (1) 2014/15 Type 1 Class A Fire Apparatus, Custom 4 Door Cab, 6 Crew Members. The City received sealed bids and proposals from five fire apparatus manufacturers. The sealed bids were opened on July 29, 2014. A copy of the Bid Opening document certified by the City Clerk is attached hereto as Attachment "A". The bids ranged from a low of \$490,914.00 to a high of \$598,517.64.

Each bid and proposal was carefully evaluated by former Fire Chief Guintini and myself to determine compliance with the technical aspects of the specifications.

KME Fire Apparatus ("KME") submitted the lowest bid at \$490,914.00, however, the submitted bid proposal was found to be non-responsive. KME failed to complete the necessary documentation within the Bid Packet. The bid instructions require that the bidder complete the "Specifications Compliance" document located within the "Invitation For Sealed Bids" packet. The "Specifications Compliance" document clearly states that "Each line item specification left blank shall be considered a non-responsive bid and will be rejected." KME failed to complete page 13 of this document which included 17

individual items that are required to be delivered with the proposed apparatus. In addition, KME also failed to provide as required by the Bid Packet an apparatus schematic of their proposal.

Staff has determined the bid to be non-responsive and is requesting that the City Council reject the bid proposal of KME for the reasons indicated above.

Former Chief Guintini and I undertook a detailed side by side comparison of the next two lowest bids from A-Z Bus Sales, Inc dba A2Z Fire Apparatus ("A2Z") and Rosenbauer Direct – California ("Rosenbauer") against the bid specifications.

While price is a consideration, it should be noted that the bid specifications provide as follows:

"An evaluation of the bidder's ability, quality, and performance as set forth under "Most Responsive Bidder" and "Lowest Responsible Bidder", of this bid, will be used in addition to total cost as a basis of award for any ensuing contract."

"Bid award shall be made to the manufacturer whose bid is most compliant to the technical aspects of the specifications at the most competitive price and which best meets the primary mission of the apparatus."

The City of Los Banos reserves the right to reject any and all bids, and the right to not accept the lowest bid.

In comparing the two proposals from A2Z and Rosenbauer, the proposal and apparatus of Rosenbauer was determined to be most compliant to the technical aspects of the specifications at the most competitive price and which best meets the primary mission of the apparatus. There are a number of significant differences in the two proposals and apparatus that support this determination highlighted below:

- One of the more critical differences between the two apparatus relates to the cab dimensions. The bid specifications required a Cab dimension of 100 inches A2Z proposed a cab dimension of 94 inches, whereas Rosenbauer proposed a cab dimension of 99 inches. The cab width is a major ergonomic consideration for the driver and front seat passenger.
- Another important difference is hose bed height. A2Z proposed a hose bed height of 95 inches, whereas Rosenbauer proposed a hose bed height of 83.5 inches. The lower hose bed height is an important safety feature for fire personnel when deploying and loading fire hose.
- A2Z did not meet the specified cab height as outlined in the bid specifications. In addition the overall total height of the apparatus makes the apparatus more susceptible to negative outside clearance issues. In this case the Rosenbauer proposes a lower height of 9 feet nine inches.

- A2Z also designs the rollover protection devices as interior cab posts. This design was found to negatively affect visibility from within the cab.
- The specifications call for a minimum of six California municipal references. A2Z only provided one. Rosenbauer provided eight California municipal references.
- The specifications call for a service center within 90 miles of Los Banos. The A2Z service center is in Sacramento California and the Rosenbauer service center is in Ceres, California.

A more detailed comparison of the two apparatus and proposals is set forth in the Table attached to this Staff Report and incorporated herein.

In addition, key departmental employees had an opportunity for a hands-on inspection of the apparatus proposed by each of the two manufacturers including a test driving vendor demonstration by each. As a result of that opportunity the clear subjective consensus was that the Rosenbauer apparatus was superior in driving and handling; visibility and ergonomics; and quality of build.

Conclusion:

For all of the foregoing reasons it is recommended that (1) the bid of KME Fire Apparatus be rejected as non-responsive; (2) the bid of Rosenbauer Direct be found to be most compliant to the technical aspects of the specifications at the most competitive price and which best meets the primary mission of the apparatus; and (3) authorizing the City Manager to enter into a contract or to issue a purchase order with Rosenbauer Direct for the purchase of One (1) 2013 Rosenbauer, 1/8" FX 1500 GPM Pumper with Commander Custom Chassis.

Fiscal Impact:

The 2014/2015 approved fiscal year budget identified the purchase of this vehicle from the Departments Capital Improvement account #243-422-100-750. Within this approved budget, \$600,000.00 was allocated to this purchase. There will be no financial impact to the General Fund.

Reviewed by:



Sonya Williams, Finance Director



Steve Carrigan, City Manager

Attachments:

Bid Opening Sheet
Comparison Chart
Resolution



City of
Los Banos
At the Crossroads of California

BID OPENING

PURCHASE OF ONE (1) 2014/15 TYPE 1 CLASS A FIRE APPARATUS
CUSTOM 4 DOOR CAB, 6 CREW MEMBERS
TUESDAY, JULY 29, 2014 @ 2:00 PM

1. Golden State Fire Apparatus	\$ NO BID
2. Hi-Tech Emergency Vehicle Service, Inc.	\$598,517.64
3. A-Z Bus Sales, Inc. dba A2Z Fire Apparatus	\$509,659.06
4. Ferrera Fire Apparatus, Inc.	\$556,548.84
5. Rosenbauer Direct - California	\$513,566.00
6. KME Fire Apparatus	\$490,914.00

Signed: Lucille L. Mallonee
Lucille L. Mallonee, MMC, City Clerk

Dated: July 29, 2014

Signed: Chet Guintini
Chet Guintini, Fire Chief

TABLE - COMPARISON OF FIRE APPARATUS PROPOSALS

<u>MANUFACTURER:</u>	<u>A-Z FIRE APPARATUS</u>	<u>ROSENBAUER</u>
<u>Model:</u>	Typhoon X Medium	2015 Rosenbauer, 1/8" FX 1500 GPM Pumper with Commander Custom Chassis
<u>PRICE</u>	\$509,659.06	\$513,566.00
<u>Build Time</u>	180 – 240 days	360 days
<u>References</u> *Note RFP requested minimum of 6 California municipal references	1 California reference Non municipal reference	8 California references All municipal references
<u>Cab width</u> *Note: width major ergonomic consideration for driver and front seat passenger	94"	99"
<u>Cab Height</u> *Note: height of cab effects outside clearance	12" raised cab	8" raised cab
<u>Total Height of Engine</u>	10'3"	9'9"
<u>Rollover protection devices</u>	Interior Cab Posts Note: Cab Posts negatively affected visibility	No interior Cab Posts
<u>Hose Bed Height</u> *Note: Height of hosebed affects safety and loading	95"	83.5"
<u>Cab doors</u> <u>Cab door swing</u>	Front: 36" wide Rear: 33.75" wide Front: 75 degrees Rear: 80 degrees	Front: 42.5" wide Rear: 38.5" wide Front: 85 degrees Rear: 85 degrees
<u>Wheel Base</u> *Note: affects turning radius	188"	186"

<u>Alternator</u>	\$250.00 upgrade to meet spec.	Meets spec.
<u>Motor/Transmission</u>	Cummins ISL 2013, 450 HP Allison transmission	Cummins ISL 9.0 liter 450 HP Allison transmission
<u>Water tank</u>	800 gallon	750 gallon
<u>Warranty</u>	1 yr standard 10yrs/100,000 miles – structural 10 yrs paint and perforations 10 yrs stainless plumbing 5 yrs Brass	2 yrs bumper to bumper 10yrs structural 10 yrs paint 10 yrs plumbing 2yrs chasis 1yr lettering and graphics Lifetime frame rail body sub frame
<u>Service Location</u>	Sacramento CA More than 90 miles from the City of Los Banos	Ceres, CA Within 90 miles from the City of Los Banos,

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AWARDING THE BID APPROVING THE PURCHASE OF ONE (1) 2015 TYPE 1 CLASS A FIRE APPARATUS FROM ROSENBAUER DIRECT - CALIFORNIA IN THE AMOUNT OF \$513,566.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE CONTRACT OR ISSUE A PURCHASE ORDER

WHEREAS, On June 16, 2014 the Los Banos Fire Department issued an invitation for sealed bids and proposal for the purchase of one (1) 2014/15 Type 1 Class A Fire Apparatus, Custom 4 Door Cab, 6 Crew Members ("fire apparatus"); and

WHEREAS, five sealed bids were received and opened on July 29, 2014; and

WHEREAS, the bid from KME Fire Apparatus was found to be incomplete and therefore non – responsive and pursuant to the bid documents may be rejected as non-responsive; and

WHEREAS, the next two lowest bids were carefully compared and evaluated by department staff and their findings and recommendations are summarized in the Agenda Staff Report presented to the City Council; and

WHEREAS, the City Council has considered the report of the Acting Fire Chief and as a result, has determined that the bid and proposal from A2Z Fire Apparatus was not compliant to the technical aspects of the specifications in a number of material ways and that the bid from Rosenbauer Direct - California is most compliant to the technical aspects of the specifications at the most competitive price and which best meets the primary mission of the apparatus; and

WHEREAS, the City Council finds and determines that the award of bid and approval of the purchase of fire apparatus from Rosenbauer Direct – California in the amount of \$513,566.00 will be in the best interest of the City of Los Banos as the lowest most responsive and responsible bid; and

WHEREAS, funding to purchase this vehicle was approved during the Fiscal Year 2014-2015 budget for use through the Fire Departments Capital Improvement fund.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS, DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

1. That the foregoing is true and correct and adopted and material to this Resolution.

2. That in making its findings the City Council relied upon and hereby incorporates by reference all of the bid materials, staff reports and all other related materials.

3. That the bid submitted by received by KME Fire Apparatus is rejected as incomplete and therefore non – responsive.

4. That the bid and proposal from A2Z Fire Apparatus is not compliant to the technical aspects of the specifications in a number of material ways.

5. That the bid and proposal from Rosenbauer Direct - California is most compliant to the technical aspects of the specifications at the most competitive price and which best meets the primary mission of the apparatus.

6. That the City Council finds and determines that the award of bid and approval of the purchase of the fire apparatus from Rosenbauer Direct – California in the amount of \$513,566.00 will be in the best interest of the City of Los Banos as the lowest most responsive and responsible bid.

7. That the City Manager is authorized to enter into a contract or issue a purchase order contract or to issue a purchase order with Rosenbauer Direct for the purchase of One (1) 2013 Rosenbauer, 1/8" FX 1500 GPM Pumper with Commander Custom Chassis in the amount of \$513,566.00.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of September 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Steve Carrigan, City Manager 

DATE: October 1, 2014

SUBJECT: Presentation Regarding the Yosemite Regional Transportation System (YARTS) – Public Transit to Yosemite

TYPE OF REPORT: Agenda Item

There will be a brief presentation from Dick Wittington, YARTS Transit Manager.



City of
Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & Council Members
FROM: Sandra Benetti, Planning Technician
DATE: October 1, 2014
SUBJECT: Downtown Beatification Improvements
TYPE OF REPORT: Informational Item

Recommendation:

Informational item only, no action to be taken.

Discussion:

Staff has prepared a presentation regarding the beautification improvements that have taken place in the Downtown area this past fiscal year and will be providing information to the City Council on future improvements.

Reviewed by:

Steve Carrigan, City Manager



City of
Los Banos

At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: September 26, 2014

Regarding: Notice of Public Hearing

Proposal: Mobile Vendor Permit #2014-04

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Mobile Vendor Permit to allow the operation of a mobile truck to vend on private property located at 1460 E. Pacheco Blvd. in the Highway Commercial zoning district; more specifically identified as Assessor's Parcel Number: 428-140-047. The applicant is Steve Fraga, dba: The Cupcake Lady.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, October 8, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner II at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should the action by the City Council be challenged in court, you may be limited to only those issues raised at the hearings or by written comment per Government Code Section 65009.

THE CITY OF LOS BANOS

A handwritten signature in black ink, appearing to read "Stacy Souza Elms".

Stacy Souza Elms
Assistant Planner II