

**SPECIAL/REGULAR MEETING
LIVINGSTON CITY COUNCIL
JANUARY 4, 2005**

A Special/Regular Meeting of the Livingston City Council was held in the City Council Chambers on January 4, 2005, with Mayor Friesen presiding.

SPECIAL MEETING

Mayor Friesen called the meeting to order at approximately 5:35 p.m.

ROLL CALL

Present were Mayor Friesen, Mayor Pro-Tem Vierra and Council Members Espinoza, Ingram and Vierra; and Staff members Creighton, Forde, Gottiparthi, Hallinan, Lewis and R. Wyatt (some staff members were present for only part of Closed Session items.)

CLOSED SESSION

The Council/Staff went into Closed Session at 5:36 p.m. to discuss the following matters:

Conference with Labor Negotiator

(Pursuant to Government Code Section 54957.6)

Agency Negotiator: City Manager

Position: Public Works Director (Contract)

Conference with Legal Counsel – Anticipated Litigation

{Pursuant to Government Code Section 54956.9(b)}

Number of Cases: 2

OPEN SESSION

The Council/Staff came back into Open Session at approximately 6:53 p.m. and continued the Closed Session to the end of the Regular Meeting.

REGULAR MEETING

The Regular meeting was called to order by Mayor Friesen at 7:00 p.m.

ROLL CALL

In attendance were Mayor Friesen, Mayor Pro-Tem Vierra and Council Members Espinoza, Ingram and Soria; Staff members Creighton, Forde, Gottiparthi, Hallinan, Lewis, Millar, Nateras, Rasmussen, Shambaugh, Silva and R. Wyatt; and approximately twelve people in the audience.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

URGENCY ITEM – PLANNING COMMISSION APPOINTMENTS

MOTION: M/S Vierra/Ingram to reappoint Diann Benafield to a four-year term on the Livingston Planning Commission, commencing January 1, 2005. The motion carried 5-0.

MOTION: M/S Soria/Vierra to appoint Maricela Avelar to a four-year term on the Livingston Planning Commission, effective January 1, 2005. The motion carried 5-0.

MOTION: M/S Vierra/Soria to move Item #12, Claim Against the City, placed as a regular agenda item to the consent calendar. The motion carried 5-0.

PUBLIC COMMENT

Sherman Kishi, 12077 Olive Avenue, expressed concern about the City's plans to develop senior housing on property adjacent to Livingston United Methodist Church property.

MERCED COUNTY SUPERVISOR – JOHN PEDROZO

Commented he had moved into his County office today and plans to be available at Livingston City Hall one day per week. He further congratulated the new Mayor and elected and/or reelected Council Members.

CONSENT CALENDAR

MOTION: M/S to approve the following consent agenda items:

MINUTES: Special/Regular Meeting of December 21, 2004.

WARRANTS: Registers of December 28, 2004, Nos. 55432, 55537 and 55538 totaling \$8,505.34, and December 29, 2004, Nos. 55542-55611 in the amount of \$176,221.66.

ADOPTION OF RESOLUTION NO. 2005-01: Initiating proceedings for the formation of Consolidated Landscape and Streetlight Maintenance Assessment District No. 1 as Annexation No. 7, Davante Villas.

ADOPTION OF RESOLUTION NO. 2005-02: Initiating proceedings for the formation of Benefit Assessment District No. 9, Davante Villas.

PROPOSAL FROM QUICKPC SUPPORT: Proposal from Merced County Information Systems to provide computers, network equipment and technical support to the City.

CLAIM FOR DAMAGES: Denied a claim from Shanna Bosnar alleging injuries she sustained during an incident that involved the Livingston Police Department serving as a back-up to the Merced County Sheriff's Department.

The motion carried 5-0.

PUBLIC HEARING

FORECAST HOMES (VIEIRA/TASHIMA PROPERTIES), VESTING TENTATIVE MAP 2004-03, AND DEVELOPMENT AGREEMENT 2004-07

The agenda item was presented by Contract City Planner Millar with the assistance of City Engineer Gottiparthi. The project proposes development of a low-density residential subdivision in the southwest portion of the City located between "F" Street and Peach Avenue, east of Robin Avenue, and adjacent to the recently approved Rancho Estrada residential subdivision.

Mr. Jim Nelson, representing Storm Water Consulting, distributed a package to Council that included a comparison of different parks in the Turlock and South Sacramento areas. He also provided the Council with a recommendation on which facility to select.

Considerable discussion on the project followed.

Mayor Friesen opened the Public Hearing at 8:19 p.m.

David Blevins, Chairman of the Livingston Planning Commission, voiced concern that the Vieira residence does not have sidewalk or gutters.

Gurpal Samra, 1034 “J” Street, expressed concern with the standing water that could get to be seven feet in depth during a 24-hour period. He stated this is an unsafe condition and he worried about children that will be playing in the area.

Mayor Friesen closed the Public Hearing at 8:24 p.m., there being no further public comments.

MOTION: Vierra/Ingram to adopt Resolution No. 2005-03, and a Mitigated Negative Declaration, and introduce Ordinance No. 521, approving Development Agreement 2004-07, as amended. The motion carried 5-0 by the following vote:

AYES: Council Members: Espinoza, Friesen, Ingram, Soria, Vierra
NOES: Council Members: None
ABSENT: Council Members: None

ADMINISTRATIVE MATTERS

RESOLUTION APPROVING AN INSPECTION AGREEMENT FOR DAVANTE VILLAS SUBDIVISION UNIT 1, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

City Engineer Gottiparthi presented the agenda item. Considerable discussion followed.

Mark Wilbur, Developer, was present to answer questions.

MOTION: M/S Ingram/Soria to adopt Resolution No. 2005-04, approving the Inspection Agreement for Davante Villas Subdivision Unit 1, and authorizing the Mayor to sign the Agreement on behalf of the City. The motion carried 5-0 by the following vote:

AYES: Council Members: Espinoza, Friesen, Ingram, Soria, Vierra
NOES: Council Members: None
ABSENT: Council Members: None

RESOLUTION ADOPTING THE CITY OF LIVINGSTON INVESTMENT POLICY AS PER EXHIBIT “A”

The agenda item was presented by Assistant City Manager/Finance Director Lewis. Discussion followed on the Investment Policy, and the number of bids to be solicited.

MOTION: M/S Vierra/Espinoza to adopt Resolution No. 2005-05, adopting the City of Livingston Investment Policy as per Exhibit “A”. The motion carried 5-0 by the following vote:

AYES: Council Members: Espinoza, Friesen, Ingram, Soria, Vierra
NOES: Council Members: None
ABSENT: Council Members: None

REPORTS

CITY STAFF

Contract Planner

- Update – Davante Villas Subdivision.

Building Official

- Requested that Council provide staff with a clarified directive on enforcement of State laws, City Codes and Ordinances as relating to housing, building and zoning in an attempt to make this information available to the public.

Mayor Friesen recommended staff plan on scheduling a workshop on code enforcement updates and safety health issues for the benefit of the residents of the community.

City Manager Forde suggested including a notice of the workshop in City utility bills.

This matter will be discussed at the next regularly scheduled meeting.

City Manager

- ▶ Reminded Council to submit their list of the five top priorities they want to see implemented.
- ▶ Reminded Council of a meeting scheduled with the Merced Union High School District. Discussion followed on moving the meeting to a later date and different location.

CITY COUNCIL MEMBERS

Council Member Espinoza

- ▶ Requested that a notice be placed on the City's community access channel for non-English speaking residents of the City informing them that if they have concerns they are welcome to contact either himself or Council Member Soria.
- ▶ Questioned if anyone was working on the City's web site.

Council Member Soria

Concurred with Council Member Espinoza's recommendation, pointing out that in the past there were two Council Members available to assist residents who had concerns.

Mayor Friesen

- ▶ Recommended that the Council obtain the view of the Planning Commission before projects are presented to the Council for action.

Mayor Pro-Tem Vierra

- ▶ Suggested that a notice of the meeting with the MUHSD be placed on the City's community access channel for the public's information.

CLOSED SESSION (Continued)

The meeting was called to order by Mayor Friesen at 9:22 p.m.

The Council/Staff went back into Closed Session at 9:23 p.m. to resume discussion on the items previously noted.

OPEN SESSION

The Council/Staff came out of Closed Session at 10:15 p.m. and continued the Closed Session to January 7, 2005, at 9:45 a.m.

ADJOURNMENT

The meeting was adjourned by consensus at 10:16 p.m.

City Clerk of the City of Livingston

APPROVED: January 18, 2005

Mayor or Mayor Pro-Tempore