

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
MAY 19, 2010**

***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.*

The following closed session item was held prior to the City Council / Redevelopment Agency Meeting:

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY: 1740 D STREET, MERCED, CALIFORNIA, APN: 034-211-023; NEGOTIATORS: CITY MANAGER, CITY ATTORNEY, REDEVELOPMENT AGENCY DIRECTOR; NEGOTIATING PARTIES: CITY OF LOS BANOS & HABITAT FOR HUMANITY; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only.

CLOSED SESSION – PUBLIC EMPLOYEE RELEASE. (GOVERNMENT CODE SECTION 54957). Motion by Sousa, seconded by Stone to adopt City Council Resolution No. 5239 – Concerning the Industrial Disability Retirement of Police Officer Joe Vieira. The motion carried by the following roll call vote: AYES: Faria, Sousa, Stone, Villalta, Jones; NOES: none; ABSENT: none.

CALL TO ORDER: Mayor Jones called the City Council / Redevelopment Agency 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 / REDEVELOPMENT AGENCY PRESENT: Tom Faria, Joe Sousa, Elizabeth Stone, Mike Villalta, and Tommy Jones

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, City Manager Rath, Fire Chief Guintini, Police Chief Brizzee, Public Works Director/City Engineer Fachin, Planning Director Fitzgerald, Redevelopment Agency Director Post, and Information Technology Director Spalding.

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

SWEARING IN OF CHIEF OF POLICE – GARY M. BRIZZEE, JR. City Clerk Mallonee administered the oath of office to Police Chief Brizzee.

Police Chief Brizzee spoke of this special occasion and what it means to him, briefly spoke of his vision as Police Chief, thanked and acknowledged his family, the City Council, employees, and others present and those who've mentored him along the way.

Mayor Jones stated that Police Chief Brizzee is the perfect man at the perfect time and will do a perfect job.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COUNCIL ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.

STEPHANIE CAMACHO, Los Banos High School student, spoke of the Wax Museum event scheduled for Friday, May 21, 2010 from 3:30 p.m. to 5:30 p.m., students have been researching their characters, thanked the City of Los Banos and the Los Banos Unified School District for all their help, spoke specifically to those who have assisted them in this event, and invited all to come to the Wax Museum event; ANNA UY, Los Banos High School student, spoke regarding her portrayal of her grandfather, Gregory Uy, who took part in the baton death march in World War II; SAVANNAH SINGH, Los Banos High School student, spoke regarding her portrayal of Annie Oakley; ARMANDO LOMELI, Los Banos High School student, spoke regarding his portrayal of Cesar Chavez; DARREL QUINTOZ, Los Banos High School student, spoke regarding his portrayal of General Dwight D. Eisenhower; Council Member Stone spoke to how excited she is to go out to the event on Friday and encouraged all to attend; RHONDA LOWE, Los Banos, spoke on behalf of Merced County Community Action Agency (MCCAA) regarding May being Older Americans Month, the three primary issues affecting seniors: hunger, poverty and isolation, MCCAA projects that provide assistance to seniors, asked that everyone join in honoring this special group; ERNIE ROQUE, Los Banos, spoke regarding the sign ordinance enforcement temporary suspension, the formation of a business committee to go over the proposed sign ordinance revision and bring up new ideas, not knowing until the last Planning Commission Meeting that the sign ordinance revision was brought forward, feels the business community would be a good source of information and input, inquired as to why he hasn't been able to form a committee like he proposed at a previous meeting, and read an excerpt from the February 17, 2010 City Council/Redevelopment Agency minutes regarding the sign ordinance enforcement temporary suspension with the addendum of organizing a task force; City Manager Rath spoke to what City staff is doing in regards to the opportunity for public comment; Planning Director Fitzgerald explained the progress so far and opportunities for public input; Council Member Faria inquired as to if a task force has been created thus far; Planning Director Fitzgerald responded that she's had conversations with a local business person regarding potential complaints or problems with the temporary suspension of enforcement and self-policing and a task force for the ordinance itself has not been formed but the opportunity for input has been readily available; Council Member Stone spoke of her understanding of the issue and feels the Planning Department has held doors open for public comment; Council Member Villalta stated that the minutes depict the formation of a task force is what was approved to do; KEITH

SNOW, Los Banos, spoke regarding telling the truth, Gary Brizzee becoming the Police Chief and wasting tax payers money to find him, wanting to be a volunteer, would like to be on the Airport Advisory Committee, and his bill of rights; GENEVA BRETT, Los Banos, spoke regarding the cancellation the Buffalo Soldiers event that was to be held on May 29, 2010, honoring Buffalo Soldier Private James Hall at the Los Banos Cemetery, educating Americans and honoring buffalo soldiers, the United States House of Representatives passed HR4491 regarding the Buffalo Soldiers and Nation Parks Study Act, a rash of burglaries within the city and the country, herself included, how her father's dog tags were stolen, how personal it is to her, and encouraged anyone who may know about the whereabouts of these dog tags to contact her. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Sousa, seconded by Faria to approve the consent agenda as follows: Check Register for #121891 – #122111 in the Amount of \$2,593,189.27; City Council / Redevelopment Agency Minutes for the February 3, 2010 Meeting; Agreement Between the City of Los Banos and Los Banos Unified School District – School Resource Officer (SRO) Program for the Period of July 1, 2010 – June 30, 2011; City Council Resolution No. 5237 – Adopting Amendment to the City of Los Banos Nationwide Deferred Compensation Plan to Allow Loans to Participants. The motion carried by the affirmative action of all City Council / Redevelopment Agency Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADDITION OF A NEW CHAPTER TO THE LOS BANOS MUNICIPAL CODE PERTAINING TO URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROL; ORDINANCE NO. 1094 – ADDING CHAPTER 13 TO TITLE 6, OF THE LOS BANOS MUNICIPAL CODE “URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROL”. (SECOND READING & ADOPTION) Public Works Director/City Engineer Fachin presented the staff report.

Mayor Jones opened the public hearing. KEITH SNOW, Los Banos, wants everything done over again, the Chevron station, drinking water, map of the City in City Attorney Vaughn's office, had gotten hurt on the job, drinks bottled water, his concerns about contaminated water and waste, the need to tell the people the truth, and wants reports of all the wells. No one came forward to speak and the public hearing was closed.

Motion by Faria, seconded by Stone, to waive the second reading of Ordinance No. 1094 – Adding Chapter 13 to Title 6, of the Los Banos Municipal Code “Urban Storm Water Management and Discharge Control”. The motion carried by the affirmative action of all City Council / Redevelopment Agency Members present.

Motion by Faria, seconded by Stone, to adopt Ordinance No. 1094 – Adding Chapter 13 to Title 6, of the Los Banos Municipal Code “Urban Storm Water Management and Discharge Control”. The motion carried by the following roll call vote: AYES: Faria, Sousa, Stone, Villalta, Jones; NOES: none; ABSENT: none.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5238 – ESTABLISHING THE ADMINISTRATIVE FINE SCHEDULE FOR FIREWORKS RELATED VIOLATIONS. Fire Chief Guintini presented the staff report, noting correction to Exhibit A in relation to fines for violations of the use of “safe and sane fireworks” should be changed from “\$200” to “\$150” for the third offense in a three year period.

There was council member and staff discussion regarding the possibility of putting out notices to citizens in water bills, putting the notices in English and Spanish, the cost to put notices in the utility bill, and the need to get this information out to the schools.

Motion by Faria, seconded by Sousa to adopt City Council Resolution No. 5238 – Establishing the Administrative Fine Schedule for Fireworks Related Violations with the correction made to Exhibit A in relation to fines for violations of the use of “safe and sane fireworks” from “\$200” to “\$150” for the third offense in a three year period and to send out mailers in the utility bills in English and in Spanish to notify citizens of the change in the fine schedule. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

AIRPORT COMMISSION MEMBER APPOINTMENT – ONE (1) VACANCY, TERM EXPIRES DECEMBER 31, 2011. Motion by Jones, seconded by Faria to appoint Dale Combs to the Airport Advisory Commission. The motion carried by the affirmative action of all City Council/ Redevelopment Agency Members present.

REDEVELOPMENT AGENCY UPDATE. Redevelopment Agency Director Post reported that she met with realtors in town on Friday, May 14, 2010, gave tours of the homes the City has purchased and has already received bids for the homes, an update on Enterprise Zone coming from Worknet for December 2006 through March 2010 regarding the value of tax credits and vouchers that go to our businesses, the Enterprise Zone being available to business owners, and the tax credits that are available for the people hired and some heavy equipment that is purchased.

ADVISEMENT OF PUBLIC NOTICES (One Report). Planning Director Fitzgerald advised that a public hearing will be held on Wednesday, May 26, 2010 at 7:00 p.m. in the Council Chambers at City Hall to consider modifying condition #1 of Site Plan Review #2007-16 for the development of a Rite Aid Pharmacy.

CITY MANAGER / EXECUTIVE DIRECTOR REPORT. Spoke regarding this being budget season for all government agencies and noted that budget workshops are scheduled for June 1, 2010 at 4:30 p.m. and June 10, 2010 at 4:30 p.m., budget numbers being reduced, thanked staff for working on reducing expenditures, the sign ordinance concerns, would like to see if the Council has an interest establishing a regular taskforce, and will put it on the agenda for the next City Council meeting agenda.

There was council member and staff discussion regarding support for putting this item on the agenda, the need for clarification on the formation of the taskforce, and moving forward with this item.

Mayor Jones gave direction to City Manager Rath to bring this item forward at the next regularly scheduled City Council meeting.

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

TOM FARIA: Congratulated Police Chief Brizzee, public safety has all his support, spoke regarding the Wax Museum event on Friday, May 21, 2010, Los Banos Junior High concert on May 20, 2010 at 7:30 p.m., and the organization of a taskforce regarding the sign ordinance.

JOE SOUSA: Congratulated Police Chief Brizzee and his family on his appointment to Police Chief, Wax Museum being well worth anyone's time to attend, concerns with garage sale signs on traffic control posts becoming a real hazard, reminded all that it is illegal to place them on traffic control posts, the Community Center Naming Committee will be bringing forward a recommendation to the City Council on June 2, 2010, the month of May being dedicated to older folks, and thanked Mark Knapp for his service to the City and community as the Interim Police Chief.

ELIZABETH STONE: Congratulated Police Chief Brizzee on his recent appointment, supports him 100%, evident that he has the support of the community, attended the annual Soroptimist Awards Night last night, they are a great group who do an outstanding job in the community, Women's Opportunity Award was presented to Carina Begonia, encouraged all to attend the Wax Museum event on Friday, May 21, 2010, reminded all about the Elks Dinner rib drive thru on Monday, May 24, 2010, the second annual salad luncheon fashion show on June 19, 2010 and encouraged all to attend these events.

MIKE VILLALTA: Spoke regarding the Los Banos Cemetery District as Chairman of the Board, the shelter being under construction to have a fitting place to hold services, completion being expected by the July 4, 2010 or even Memorial Day, happy that there will now be a more fitting way to doing burials in Los Banos, a better and safer surface for individuals, one contributor was in upwards of \$60,000, congratulated Police Chief Brizzee on his appointment, reminded all about the Wax Museum event, and his concern about Council bringing back an item to vote on that which was previously voted on at a prior meeting.

MAYOR TOMMY JONES: Congratulated Police Chief Brizzee and his family, his support for the new Police Chief, having met with Police Chief Brizzee regarding a gang prevention taskforce, Memorial Day event at the cemetery on May 31, 2010 at 9:00 a.m., asked all citizens to please come out and honor our veterans, reminded all about the wax museum on Friday, May 21, 2010, at 3:30 p.m., congratulated all the graduates and their parents on their accomplishments and encouraged the graduates to go to the sober graduation event, congratulated the Elks student essay winners, reminded all

about the Elks rib drive thru dinner on Monday, May 24, 2010, reminded everyone about the upcoming budget workshops on June 1, 2010 at 4:30 p.m. and June 10, 2010 at 4:30 p.m. in the Council Chambers at City Hall, and invited Merced County District 5 Supervisor O'Banion to come forward in which he came forward and spoke of recent discussions regarding the high speed rail meetings being held to show the routes coming through Merced County and an upcoming meeting on June 14, 2010 at 6:00 p.m. in Los Banos for this purpose.

ADJOURNMENT. The meeting was adjourned at 8:19 p.m.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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