

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
JUNE 2, 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 LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6; AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER RATH, CITY ATTORNEY VAUGHN, HUMAN RESOURCES DIRECTOR MALLONEE, LEGAL COUNSEL TUFFO, POLICE CHIEF BRIZZEE, CITY TREASURER BRAZIL, BRENT KUHN, VAVRINEK, TRINE, DAY & CO. LLP; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA). No action taken, advisement to staff only.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY: DOWNTOWN RAIL CORRIDOR, PORTIONS OF F STREET, BETWEEN 7TH AND 8TH STREETS, LOS BANOS, CALIFORNIA, APNS: 025-114-011, 025-114-012, APPROXIMATELY 2.02 ACRES; NEGOTIATORS: CITY MANAGER RATH, CITY ATTORNEY VAUGHN, REDEVELOPMENT AGENCY DIRECTOR POST; NEGOTIATING PARTIES: LOS BANOS REDEVELOPMENT AGENCY & MATTHEWS SOUTHWEST; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE.
No action taken, advisement to staff only.

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 Sousa, seconded by Stone to approve the agenda as submitted. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PRESENTATIONS – PROCLAMATION RECOGNIZING DYLAN MARQUES. Mayor Jones presented the proclamation to Dylan Marques who thanked the Mayor and City Council for the recognition.

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.

GENE FORTE, Los Banos, spoke of circulated bulletins regarding a grand jury complaint, Mr. Anthony Donaldson's apology during the March 3, 2010 City Council/Redevelopment Agency meeting, his arrest at Our Lady of Fatima School (OLF), and his kids getting kicked out of that school; NORM DONOVAN, Los Banos, spoke to not being responsible for selecting volunteers in the Police Department, his recollection that it was up to the business community to form the sign ordinance taskforce, still waiting for an apology from Council Member Villalta regarding his comments made last year about the mobile vendor ordinance and shacks being built around town, reminded Council that City employees do not work for the City Council but for the department heads who report to the City Manager, and the need for Council to stop the petty bickering and work together for the benefit of the community; YOLANDA CARILLO, owner of Los Banos Auto Repair, spoke regarding her concerns about the garbage at an apartment across the street from her business; ERNIE ROQUE, Los Banos, spoke regarding the tough job the council members have and commended them, the sign committee taskforce and hopes that the issue can be resolved tonight, suggested that business people should help form the ordinance, downtown business owners upset with the Code Enforcement Officer because they were told to take down their A-frame signs on the sidewalk, inquired if trees were also a liability, and spoke of a solution for each business owner's liability to be extended to cover anything that would happen because of their signs; KEITH SNOW, Los Banos, spoke to the comments made by Mr. Donovan, wants to be part of a committee, wrote a letter to City Manager Rath and the Council Members and didn't receive a response, the recall efforts last year, the importance of knowing what you are saying before you say it, having wrote articles and letters to the editor in the local newspapers, and being for the citizens; WILLIAM RODRIGUEZ, Los Banos, gave the City Clerk a flyer to hand out to the Council Members regarding a neighborhood watch meeting event in his subdivision on Saturday, June 5, 2010 at 12:00 p.m.; ARLENE CARDOZA, Los Banos, spoke regarding item 11, suggested that the grand room be dedicated to the veterans, the stage be called "Freedom Stage", the lobby be called "Liberty Lobby", the kitchen be called "Mess Hall", the lounge be called "Patriot Lounge and Meeting Room", the multipurpose room dedicated to our Police and Fire Departments and be called "Muster Hall", and suggested that the other buildings be named after the folks that signed the articles of incorporation for the City; JOHN WHALA, Los Banos, announced the annual Chamber of Commerce Installation Dinner

on June 21, 2010 at 6:00 pm at Espana's in which they will be swearing in new board members and honoring retiring board members and volunteers; NIKKI TUFT, Allied Waste Services, reminded the community not to put plastic bags in their blue and green cans and concerns with scavenging; CARYN COX, Los Banos, spoke regarding the City of Los Banos receiving a grant for the Neighborhood Stabilization Program (NSP), that money being given away to Habitat for Humanity and the City using \$900,000 to purchase 8 homes, concerns about this process, the City only buying Fannie Mae and Freddie Mac homes and using the listing agent to represent the City, all of the realtors having been out of town and one not having a current business license, having a list of all homes sold in 2010, and concerns that local realtors were not given the opportunity to represent the City; GENEVA BRETT, Los Banos, thanked all the veterans for allowing her to have freedom of speech, congratulated Mr. Marques on his acceptance to West Point Academy, spoke of Colonel Charles Young who was from Los Banos and also went to West Point Academy, reminded all about Ms. Tuft's comments and that the world is watching, thanked all for their sincere thoughts regarding her recent loss of personal items, a joint Los Banos, Gustine, and Santa Nella Chamber of Commerce mixer on June 24, 2010 at Santos Ford, invited restaurant owners and caterers to join them and provide hors d'oeuvres, Rhonda Lowe and John Cates are co-chairs for the Independence Day celebration at the Henry Miller Plaza at 4:00 p.m. on July 4, 2010, and spoke of realtors taking care of lawns of foreclosed properties as much as they are able to do. No one else came forward to speak and the public forum was closed.

Council Member Villalta spoke to Ms. Carillo's comments and informed her that the Fire Department will take care of the problem for her and requested that Ms. Cox take the information she has to the City Clerk who will transfer it to the right department.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Sousa to approve the consent agenda as follows: Check Register for #122112 – #122348 in the Amount of \$1,962,655.72; City Council/Redevelopment Agency Minutes for the March 25, 2010 Special Meeting; Block Party/Street Closure Request for Saturday, July 24, 2010 from 12:00 p.m. to 8:00 p.m., on the 100 Block of Chianti Court; Street Closure Request for Saturday, June 19, 2010 from 7:00 p.m. to 11:00 p.m., to Close H Street from the Corner of 5th and H Streets Heading East to the Corner of 7th and H Streets; Acceptance of the Second & Third Quarter Investment Report for 2009/2010; City Council Resolution No. 5240 – Calling and Giving Notice of the Holding of a General Municipal Election of Certain Officers as Required by the Provisions of the Laws of the State of California; City Council Resolution No. 5241 – Requesting the Board of Supervisors of the County of Merced to Consolidate a General Municipal Election to be Held on November 2, 2010 with the California Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Election Code; City Council Resolution No. 5242 – Rejecting All Bids for the 2010 Street Overlays Construction Project; City Council Resolution No. 5243 – Amending the Fiscal Year 2009-2010 Budget by Increasing the Appropriation Amount of the Capital Improvement Account for Revenues in the Amount of \$28,595 and Expenditures in the Amount of \$28,595 to the Police Department's Capital Improvement Budget for Expenditures Relating to the Replacement of the Safety Padding Within the Police

Department's Safety/Sobering Cell. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF MODIFYING CONDITION #1 OF USE PERMIT #2007-15 FOR THE USE OF A TYPE 21 ALCOHOL LICENSE FOR RITE AID PHARMACY AT THE PROPOSED LOCATION ON THE NORTHEAST CORNER OF MERCY SPRINGS ROAD AND OVERLAND AVENUE, APN 424-420-006; CITY COUNCIL RESOLUTION NO. 5244 – AMENDING THE CONDITIONS OF APPROVAL FOR USE PERMIT #2007-15 FOR THE USE OF A TYPE 21 ALCOHOL LICENSE FOR RITE AID PHARMACY LOCATED AT THE NORTHEAST CORNER OF OVERLAND AVENUE AND MERCY SPRINGS ROAD. Planning Director Fitzgerald presented the staff report.

Mayor Jones opened the public hearing. JIM HALFERTY, Halferty Development, spoke to the relationship between Rite Aid and his company, encouraged Council to grant this extension, and can answer any questions or clarify any comments made; KEITH SNOW, Los Banos, spoke of deals being made, favoritism, and knows that the locations of this property is for sale; Mr. Halferty clarified that the property that Mr. Snow is referring to is located at the southeast corner of Mercey Springs Road and Overland Avenue and the property that Rite Aid has purchased is at the northeast corner. No one else came forward to speak and the public hearing was closed.

There was council member and staff discussion regarding the purpose of the three year extension, the timeline that is tentative for building out, no other conditions changing aside from the one proposed tonight, and the alcohol license being for this particular property location and business.

Motion by Stone, seconded by Faria, to adopt City Council Resolution No. 5244 – Amending the Conditions of Approval for Use Permit #2007-15 for the Use of a Type 21 Alcohol License for Rite Aid Pharmacy Located at the Northeast Corner of Overland Avenue and Mercey Springs Road. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

CONSIDERATION OF THE FORMATION OF AN ADVISORY COMMITTEE ON THE SIGN ORDINANCE UPDATE. Planning Director Fitzgerald presented the staff report.

There was council member and staff discussion regarding the format of the formation of the committee, this taskforce not having actual authority, ensuring that the taskforce members are not involved in asking businesses to take down signs, this committee being strictly advisory, and code enforcement having done a great job on the sign issue by removing signs out of the right of way.

City Attorney Vaughn clarified that an ad hoc committee by definition is a temporary committee for a single purpose, in which this purpose would be to report to the Planning Commission and City Council, advised that a deadline be set to consider adoption of changes to the sign ordinance allowing the ad hoc committee to meet as many times as

needed to get changes to the Planning Commission by the deadline, and tenure ending upon the completion of their task of reporting to the City Council.

Motion by Faria, seconded by Stone to authorize staff to advertise for interested persons to form an ad hoc advisory committee, advertise the notice in the June 11, 2010 edition of the Los Banos Enterprise, the Planning Department must receive letters of interest with pertinent contact information by June 25, 2010, and to report input and suggestions from the ad hoc committee to the Planning Commission at the July 28, 2010 Planning Commission meeting. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

CONSIDERATION OF RECOMMENDATIONS FROM THE COMMUNITY CENTER NAMING COMMITTEE. Mayor Pro Tem Sousa presented the report, thanked everyone for their participation, noted that there was a running theme that the grand room be named in support of the veterans, had not offered an opinion to the committee regarding his name choice, and announced the three names submitted to the City Council for consideration: Los Banos Community Center, Los Banos Westside Community Center, and Westside Community Center.

Mayor Pro Tem Sousa invited Community Center Naming Committee members who were present to address the City Council. NORM DONOVAN, Los Banos, spoke of receiving many phone calls mostly in support of naming it the Los Banos Community Center, having had a few suggestions for naming it the Los Banos Westside Community Center, didn't personally feel the committee was charged with naming the individual rooms, although agreed that Ms. Cardoza had very good suggestions for naming the rooms; GENEVA BRETT, Los Banos, suggested honoring the veterans in naming the community center; KEITH SNOW spoke regarding Mr. Donovan's comments, the need for the truth to be spoken, naming it after the veterans being a good idea, the importance of not misleading people, and inquired as to why Mr. Joe Gutierrez wasn't present.

There was Council Member discussion regarding the importance of including the whole community and respect for the committee recommendation.

Mayor Jones spoke of his support of naming the grand room Veterans Hall and displaying plaques in honor of the veterans.

Council Member Faria encouraged veterans who were present to speak to this matter. RICK TOSCANO, Los Banos, spoke regarding the discussion of not offending anyone in naming the community center, opinion is that it would be nice to honor and not worrying about offending, honoring our history, our present, and our future, honoring a group of Americans who have gave their time and in some cases their lives, cant speak for anyone else, it being a very personal thing to many people, it would be nice to name the hall after the veterans but even nicer to name the whole facility after the veterans.

Council Member Villalta would support the name Veterans Community Center, would like to see that the veterans are honored, and would like to have a living memorial with veteran names etched in marble.

Mayor Pro Tem Sousa spoke of his participation with the veterans, holds them dear to his heart, made a commitment that he would listen to the entire community, a wall was suggested, and there being a wall currently at the fairgrounds.

Council Member Faria supported the naming of the Los Banos Community Center expecting that the veterans would be recognized, the pride he felt, and the need for every public building to have some type of veterans' recognition.

Motion by Stone, seconded by Sousa to name the community center the Los Banos Community Center. The motion carried by the following roll call vote: AYES: Faria, Sousa, Stone, Villalta, Jones; NOES: none; ABSENT: none.

Motion by Jones, seconded by Sousa to name the grand room within the community center the Veterans Hall. The motion carried by the following roll call vote: AYES: Faria, Sousa, Stone, Villalta, Jones; NOES: none; ABSENT: none.

REDEVELOPMENT AGENCY UPDATE. City Manager Rath spoke to comments made earlier regarding the NSP, clarified the process, meeting federal and state regulations that change on a daily basis, comments made regarding habitat for humanity, having met with Congressman Cardoza regarding additional potential NSP funding coming this way possibly from the federal government rather than the state government, and Redevelopment Agency Director Post doing a great job with the funding while other cities are having to send funding back.

Redevelopment Agency Director Post encouraged people with concerns or in need of clarification on the NSP to come see her, explained the process, spoke of still selling pavers at the community center, 24 bookings in the grand room with 17 who have already paid their deposits, and getting contracts together.

Mayor Jones spoke of the City of Los Banos being a model city in regards to the NSP and the possibility of receiving additional funding.

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. No report.

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

JOE SOUSA: Thanked Redevelopment Agency Director Post for the work she's done on the NSP, having heard from many communities that are flabbergasted how our City

has been able to spend the money, state playing around with the rules to make it as difficult for the City to spend the money, Habitat for Humanity being a worthwhile cause, the need to honor the young man here today Mr. Dylan Marques, his success due in part to his parents and grandparents, congratulated all the graduates, and a special congratulations to his neighbor Amanda Coleman who is a graduate.

ELIZABETH STONE: Thanked the veterans for the beautiful Memorial Day event, having heard so many positive comments about the event, been told by Dr. Cox that it was the highest turnout ever, congratulated Los Banos High School Class of 2010, and congratulated Mr. Dylan Marques and his family.

MIKE VILLALTA: Spoke of the honor it is to have a local student accepted to West Point Academy, 4th of July celebration being held by the Chamber of Commerce with a fireworks display in the evening, the Chamber of Commerce event on June 21, 2010, reminded all not to put plastic bags in the recycling containers, Memorial Day ceremony at the Los Banos Cemetery being a great event, thanked Darryl Bentley and his crew for maintaining the grounds at the cemetery, and a new structure out there soon to make ceremonies more fitting.

TOM FARIA: Spoke of this being a week of honoring the veterans, thanked the Community Center Naming Committee for their work, this being a great way to honor our veterans, requested that a resolution be brought forward to have the money that was made by Council Member Faria playing piano around town to be used for some type of memorial to honor all veterans, congratulated to Mr. Dylan Marques and his family, West Point Academy being an ivy league military school that gives world class education, would like to see the Memorial Day service to continue to grow, the sober graduation event, and graduation being a commencement ceremony to celebrate the beginning of your life.

City Manager Rath spoke to Council Member Faria's request and that we will check the account and bring it back to Council for consideration.

MAYOR TOMMY JONES: Encouraged graduates to attend the sober graduation event, spoke of his happiness about the culmination of the Los Banos Community Center, looking forward to the opening of the community center, thanked the members of Council for their dedication to the community, his pride that Mr. Dylan Marques will be attending West Point Academy and former Los Banos High School student Michael Head who recently graduated from West Point Academy, thanked Dr. Cox for the Memorial Day service at the San Joaquin Memorial Cemetery, thanked the veterans for all that they do in the community, congratulated the Class of 2010, and thanked all the department heads for all their work on the budget.

Norm Donovan came forward and spoke regarding the Flag Day service next week.

ADJOURNMENT. Motion by Jones, seconded by Stone to adjourn the City Council/Redevelopment Agency meeting to June 10, 2010 at 4:30 p.m. to attend the 2010-2011 fiscal year budget workshop in the Council Chambers at City Hall, 520 J Street at the hour of 9:07 p.m.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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