

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
APRIL 20, 2005**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (video, DVD and/or audiotapes) kept as a permanent record.*

The City Council of the City of Los Banos met on the above given date; Mayor Amabile called the meeting to order at the hour of 7:13 p.m.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Balatti, Jones, McAdam, Smith, Mayor Amabile

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, Police Chief Knapp, Deputy City Clerk Solano, City Treasurer/Finance Director Wall, Community Development Director Blais, RDA Manager Hubler, Fire Chief Guintini, Public Services Director Sousa, Public Works Director DeSa

APPROVAL OF AGENDA: Motion by Smith, seconded by Balatti to approve the agenda as submitted. The motion carried by the affirmative vote of all Council Members present.

PRESENTATIONS – PROCLAMATION – MOSQUITO & VECTOR CONTROL AND WEST NILE AWARENESS WEEK. Mark Bodley and Alan Inman accepted the proclamation from the Mayor.

CALIFORNIA SOCIETY OF MUNICIPAL FINANCE OFFICERS (CSMFO) CERTIFICATE OF AWARD – EXCELLENCE IN OPERATIONAL BUDGETING 2004-05 PRESENTED TO THE CITY OF LOS BANOS. Finance Director Wall presented her staff, Martha Brazil, Rosemarie Santos, Sherry Deaver and Jelene Souza, they all accepted the award.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL 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. Norm Donovan – When is the park on 2nd Street going to be completed. We keep hearing that it will be two weeks and yet nothing is happening. He commented that he has called the Ranchwood offices several times and has received no response. When is 2nd and H Street going to be completed, we have not had any rain for 5 weeks; **Sandy Lemas** – She informed the City Council that they had a very successful turn out at their annual Administrative Professional's Day. She thanked the City for sponsoring the Spring Clean Up Day it was a huge

success. They are still looking for teams for the Relay for Life; **Paul Perriera** – Representing Merced County Spring Fair, invited everyone to the fair April 22nd – May 1st. With the help of the LBPD and Merced County Sheriff's this will be a very safe place to be. They had their kick-off dinner last Saturday, Frank and Helen Gallichio are the grand marshals. He listed the different entertainment that will be happening; **Greg Hostetler** – 2nd Street Park has been delayed due to the rain, the ground has to dry properly before the work can be completed. He apologized for his staff not responding to Mr. Donovan's concerns and stated that he will have someone call him. He commented that he has been trying to get a hold of staff regarding park plans and he has gotten no response to his calls. He also commented on an incident that happened at his place of business at Mercey Springs and Henry Miller Roads, he asked in the event this ever happens he would appreciate a call before people trespass onto his property. No one else came forward therefore the public forum was closed.

RESPONSE TO PUBLIC FORUM COMMENTS/CONCERNS. City Manager Rath stated that he has spoken with the City Engineer and was told that it is still not dry enough to be able to finish the project at H and 2nd Street. He also explained that what Mr. Hostetler was talking about was that there was a terrible accident at the intersection of Mercey Springs Road and Henry Miller Road. There was nowhere to land the Medi-Flight so emergency response personnel landed on Mr. Hostetler's property in order to pick up those people that were injured.

APPROVAL OF CONSENT AGENDA. Motion by McAdam, seconded by Jones and carried, items A through E and items G through M on the consent agenda were approved by the affirmative vote of all Council Members present as follows: Minutes for the April 6, 2005 Meeting; Minutes for the April 14, 2005 Adjourned Meeting; Check Register for #82227 - #82541 in the amount of \$775,132.78; Quarterly Investment Report for the Period Ending march 31, 2005; Approval to set May 23, 2005 and June 6, 2005 as Budget Study Sessions; Memorandum of Understanding (MOU) between the City of Los Banos and the Los Banos Fire Fighters Association for the Period of July 1, 2005 – June 20, 2009; Progress Payment No. 6 to Granite Construction for the H Street Reconstruction @ 2nd Street Project in the amount of \$150,224.82; Progress Payment No. 10 to CB&I Constructors, Inc. for the Water Storage Tank and Booster Pump Station No. 1 in the amount of \$14,361.82; Progress Payment No. 12 to Granite Construction for the Rail to Trail Project in the amount of \$85,598.23; Resolution No. 4600 – Authorizing the City Manager to File Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal year 2004/05; Resolution No. 4601 – Amending the Fiscal year 2004-2005 Budget by Increasing the Appropriation Limit in Revenues and Expenditures for the General Fund (Planning Department – Engineering Services); Resolution No. 4602 – Accepting Final Map #99-02 and Accompanying Subdivision Agreement (Regency Park Estates, Phase 5).

ITEM F. APPROVAL OF AGREEMENT BY AND BETWEEN THE CITY OF LOS BANOS AND STONECREEK PROPERTIES, LLC AND ANDERSON HOMES FOR THE MAINTENANCE AND OPERATION OF THE VILLAGES PHASE ONE TEMPORARY LIFT STATION. On Motion by McAdam, seconded by Jones and carried

by a 4-0 (Smith excused herself from voting as her family owns property in the area) vote to approve.

PUBLIC HEARING – DISPOSITION AND DEVELOPMENT AGREEMENT WITH STOCKMEN’S BANCORP, INC. TO CONSIDER THE SALE OF APPROXIMATELY 29,400 SQUARE FEET OF PROPERTY TO ALLOW THE CONSTRUCTION OF A NEW BANK BUILDING TOTALING 3,580 SQUARE FEET IN THE C2 ZONE DISTRICT, AT 7TH AND H STREETS, APN 025-070-035. On Motion by McAdam, seconded by Jones and carried by the unanimous vote of all Council Members present to remove the item from the Agenda.

COMCAST FRANCHISE AGREEMENT FOR CABLE SERVICES – 15-YEAR TERM; ORDINANCE NO. 1030 – GRANTING TO COMCAST OF SAN JOAQUIN A FRANCHISE TO PROVIDE CABLE SERVICES WITHIN THE CITY OF LOS BANOS (JUNE 3, 2005 – JUNE 2, 2020). City Manager Rath requested that the item be pulled from the agenda until such time that the agreement is ready. On Motion by Jones, seconded by McAdam and carried by the unanimous vote of all Council Members present to remove item from the agenda.

CALTRANS PRESENTATION OF LOS BANOS BYPASS ALTERNATIVES. Community Development Director Blais presented Ram Gupta of Caltrans who in turned presented the project. He explained that the actual By-Pass Project started in 1962. He explained the 3 different routes from their start to end points. Mayor Amabile commented that this project would also be going before the different County agencies to get their recommendation. There was a lengthy discussion about the project.

The Public Hearing was open and the following people spoke out against Alternative 3M: Mrs. Pugliese, Sandra Balmaige, Dominic Pugliese Diane Spork, John Spevak, Ron Burck, Nick Villareal, Holt Bros, Joe Mello, Los Banos.

On Motion by McAdam, seconded by Jones, it carried by the unanimous vote of all Council Members present to accept Alternative 3M as the City’s choice of routes.

CONSIDERATION OF A CITY CODE ENFORCEMENT PROGRAM/ACTION PLAN 2005-2006. City Manager Rath introduced Code Enforcement Officer Angela Basch. Basch discussed the program that she would be implementing for code enforcement. On Motion by Smith, seconded by Balatti it carried by a unanimous vote of all Council Members present to accept the Code Enforcement Action Plan and direct staff to create a Trust Account for Cost Recovery.

2004/2005 FISCAL THIRD QUARTER FINANCIAL REPORT FOR THE CITY OF LOS BANOS. Finance Director Wall presented the report and gave an update.

ADVISEMENT OF PUBLIC NOTICES. Community Development Director Blais informed the City Council that the Planning Commission will be reviewing two site plan

reviews, one for Joe Gutierrez and the other an amendment to a site plan for In-Shape City at their April 2, 2005 meeting.

CITY MANAGER REPORT. City Manager Rath reported that the Plaza is coming along really good. Caltrans will be here next week to discuss traffic lighting.

M.C.A.G. REPORT. The next MCAG meeting will be held on April 28, 2005.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI. She invited everyone to the fair.

COUNCIL MEMBER JONES. He reminded everyone to vote on Measure A1 and invited everyone to the fair.

COUNCIL MEMBER MCADAM. He asked when the "NO RV" signs would be posted. City Manager Rath informed that the signs are already posted. Invited everyone to the fair.

MAYOR PRO TEM SMITH. She invited everyone out to the fair

MAYOR AMABILE. He commented that there was a 2x3 meeting, which went very well. He attended Los Banos Memorial Hospital's Volunteer Recognition, Ms. Agnes Cardoza was named Volunteer of the Year, students from OLF came in for a tour, YLI celebrated their 60th anniversary, and invited everyone to the fair.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54957.6. AGENCY DESIGNATED REPRESENTATIVE: CITY MANAGER & CITY ATTORNEY; EMPLOYEE ORGANIZATION: LOS BANOS POLICE SERGEANTS ASSOCIATION, LOS BANOS POLICE OFFICERS ASSOCIATION, LOS BANOS POLICE DISPATCHER/CLERK/MATRON/ COMMUNITY SERVICES OFFICERS, LOS BANOS FIRE FIGHTERS. No action taken, advisement to staff only.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, PURSUANT TO SUBDIVISION (A) OF SECTION 54956.9 OF THE GOVERNMENT CODE. NAME OF CASE: RANCHWOOD CORP. VS CITY OF LOS BANOS, MERCED SUPERIOR COURT CASE NO. 144254. No action taken, advisement to staff only.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, PURSUANT TO SUBDIVISION (A) OF SECTION 54956.9 OF THE GOVERNMENT CODE. NAME OF CASE: BUILDING INDUSTRY ASSOCIATION OF CENTRAL CALIFORNIA INC., VS LOS BANOS UNIFIED SCHOOL DISTRICT, BY AND THROUGH ITS BOARD OF TRUSTEES; CITY OF LOS BANOS; COUNTY OF MERCED; AND DOES 1-30,

INCLUSIVE, SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED, COURT CASE 147440. No action taken, advisement to staff only.

ADJOURNMENT. The meeting was adjourned at the hour of 11:40 PM to be continued to a special meeting of May 3, 2005 to attend a Master Permit Allocation Workshop at 6:30 PM in the Council Chambers, 520 J Street, Los Banos, California.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

MICHAEL S. AMABILE, MAYOR

ATTEST:

RACHEL M. SOLANO, DEPUTY CITY CLERK