

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MAY 18, 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.

The following three (3) closed session items were discussed at 6:00 PM prior to the City Council Meeting.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54957.6. AGENCY DESIGNATED REPRESENTATIVE: CITY MANAGER & CITY ATTORNEY; EMPLOYEE ORGANIZATION: LOS BANOS POLICE OFFICERS ASSOCIATION, LOS BANOS POLICE DISPATCHER/CLERK/MATRON/ COMMUNITY SERVICES OFFICERS; 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. V. LOS BANOS UNIFIED SCHOOL DISTRICT, BY AND THROUGH ITS BOARD OF TRUSTEES; CITY OF LOS BANOS; COUNTY OF MERCED; AND DOES 1 THROUGH 30, INCLUSIVE, SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED, COURT CASE 147440. No action taken, advisement to staff only.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTIES: 14944 BADGER FLAT ROAD, APN 081-090-006, APPROXIMATELY 47 ACRES OF AGRICULTURAL PROPERTY IN THE COUNTY OF MERCED, OWNERS: JOE I. & MARY A. SILVA; 20809 INGO MAR ROAD, APN 081-090-018, APPROXIMATELY 27.4 ACRES OF AGRICULTURAL PROPERTY IN THE COUNTY OF MERCED, OWNERS: JOE I. & MARY A. SILVA; 20785 WEST H STREET, APN 081-110-019, APPROXIMATELY 29.2 ACRES OF AGRICULTURAL LAND IN THE COUNTY OF MERCED, OWNERS: JOE A. & THERESA A. GIANNONE; 15297 COLORADO AVENUE, APN 081-11-020, APPROXIMATELY 8.7 ACRES OF AGRICULTURAL LAND IN THE COUNTY OF MERCED, OWNERS: MILES S. & CINA M. SORENSEN; APN 081-120-002, APPROXIMATELY 38 ACRES OF AGRICULTURAL LAND IN THE COUNTY OF MERCED LOCATED IMMEDIATELY TO THE NORTH, EAST AND WEST OF THE LOS BANOS AIRPORT AND TO THE SOUTH OF STATE ROUTE 33, OWNERS: ANTONIA LASALVIA EBNER, NICOLA LASALVIA SMITH,

STEVE & LAURA M. LASALVIA; APN 081-110-022, APPROXIMATELY 15.6 ACRES OF AGRICULTURAL LAND IN THE COUNTY OF MERCED LOCATED IMMEDIATELY TO THE NORTH, EAST AND WEST OF THE LOS BANOS AIRPORT AND TO THE SOUTH OF STATE ROUTE 33, OWNERS: ANTONIA LASALVIA EBNER, NICOLA LASALVIA SMITH, STEVE & LAURA M. LASALVIA; AND APN 081-130-004, APPROXIMATELY 20.5 ACRES OF AGRICULTURAL LAND IN THE COUNTY OF MERCED LOCATED IMMEDIATELY TO THE NORTH, EAST AND WEST OF THE LOS BANOS AIRPORT AND TO THE SOUTH OF STATE ROUTE 33, OWNERS: GREG & CATHERINE HOSTETLER; AGENCY NEGOTIATOR: WILLIAM A. VAUGHN & JOE H. SOUSA; NEGOTIATING PARTIES: CITY OF LOS BANOS AND PROPERTY OWNERS LISTED; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only.

Mayor Amabile called the City Council Meeting to order at the hour of 7:17 p.m.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Balatti, Jones, and Mayor Amabile; McAdam, Smith absent.

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Finance Director Wall, Public Works Director DeSa, Community Development Director Blais, Redevelopment Manager Hubler, Police Chief Knapp, Planning Consultant James, Legal Consultant Abbott, Translator Reyna

APPROVAL OF AGENDA: City Manager Rath stated that he would like to add an item to the agenda to make a presentation of the Footbridge Project on the Canal. City Attorney Vaughn stated that it could not be added to the agenda but talked about during Council Member comments.

Motion by Jones, seconded by Balatti to approve the agenda as submitted. The motion carried by the affirmative vote of all Council Members present, McAdam and Smith absent.

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 THREE (3) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. SANDY LEMAS, Los Banos, spoke regarding recycling, Relay for Life being held on June 4-5, 2005; an "UNKNOWN PERSON" spoke regarding how the City will honor the memory of Martin Luther King and Cesar Chavez and respectfully requested that this item be put on a future agenda; DAVE ANDERSON, Los Banos, spoke regarding a group who would like to get a Public Access Channel; No one else came forward to speak and the public forum was closed.

Mayor Amabile spoke in regards to the comments made during the public forum.

APPROVAL OF CONSENT AGENDA. Council Member Balatti inquired as to the amount budgeted for item 6I – Authorization to Issue a Request for Proposal (RFP) for a Telecommunication System at City Hall; Authorization to enter into a Contract for Consulting Services with Erler & Kalinowski, Inc. (EKI) for Services Pertaining to the Wastewater Treatment Plant Expansion. Council Member Jones asked for more information on item 6F – 2005 Sober Graduation Funding Request in the amount of \$2,500.00.

Motion by Jones, seconded by Balatti and carried, items on the consent agenda were approved by the affirmative vote of all Council Members present, McAdam and Smith absent, as follows: Minutes for the April 20, 2005 Meeting; Minutes for the May 3, 2005 Adjourned Meeting; Check Register for #82837 - #83143 in the amount of \$1,989,003.09; Request for Waiver of Business License Fees - WAG Parent Team Club, Los Banos Kiwanis Club, Los Banos High School Sports Booster, Knights of Columbus, Los Banos Chamber of Commerce; Rejection of Claims - E. W. Hostetler, Judy Johanson; 2005 Sober Graduation Funding Request in the amount of \$2,500.00; Authorization to Name the Proposed Park, to be Located on the Southwest Corner of Cardoza and Ortigalita Roads, Oliveira Park; Authorization to Issue a Request for Proposal (RFP) for a Telecommunication System at City Hall; Authorization to enter into a Contract for Consulting Services with Erler & Kalinowski, Inc. (EKI) for Services Pertaining to the Wastewater Treatment Plant Expansion; Progress Payment No. 1 to Granite Construction in the amount of \$288,791.34 for the Henry Miller Plaza Project; Progress Payment No. 11 to CB&I Constructors, Inc. in the amount of \$16,461.36 for the Water Storage Tank and Booster Pump Station No. 1; Progress Payment No. 13 to Granite Construction in the amount of \$132,633.18 for the Rails to Trails Project; Award of Bid to Tom May Construction for the State Highway 165 & Overland Avenue Intersection Reconstruction (West Side) and Traffic Signals & Safety Lighting Project in the amount of \$445,073.00.

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 17, 2005 - JUNE 16, 2020) (SECOND READING & ADOPTION) City Manager Rath introduced Patrick Whitenall, Attorney with Meyers Nave, consultant for the City, who then presented the proposed cable franchise agreement detailing the changes made to the agreement that were added by Council at their last meeting in regards to the PEG channel.

City Attorney Vaughn indicated the changes noted in the proposed ordinance were included with the ordinance when introduced.

Motion by Jones, seconded by Balatti to waive the second reading of Ordinance No. 1030, granting to Comcast of San Joaquin a Franchise to provide Cable Services within the City of Los Banos (June 17,2005 – June 16, 2020). The motion carried by the affirmative action of all Council Members present, McAdam and Smith absent.

Motion by Jones, seconded by Balatti to introduce Ordinance No. 1030, granting to Comcast of San Joaquin a Franchise to provide Cable Services within the City of Los

Banos (June 17,2005 – June 16, 2020). The motion carried by the following roll call vote: AYES: Balatti, Jones, Amabile; NOES: None; ABSENT: McAdam, Smith.

CONSIDERATION OF A REGIONAL TRANSPORTATION IMPACT FEE (RTIF) PROGRAM; ORDINANCE NO. 1031 – ESTABLISHING A REGIONAL TRANSPORTATION IMPACT FEE (RTIF). (SECOND READING & ADOPTION) City Manager Rath presented the staff report.

Motion by Balatti, seconded by Jones to waive the second reading of Ordinance No. 1031, establishing a Regional Transportation Impact Fee (RTIF). The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

Motion by Balatti, seconded by Jones to adopt Ordinance No. 1031, establishing a Regional Transportation Impact Fee (RTIF). The motion carried by the following roll call vote: AYES: Balatti, Jones, Amabile; NOES: None; ABSENT: McAdam, Smith.

PUBLIC HEARING – STONECREEK VILLAGES IIA, III, AND IV PLANNED DEVELOPMENT; VESTING TENTATIVE TRACT MAPS #2004-05 AND #2005-05; FINAL DEVELOPMENT PLANS #2005-01 AND #2005-02 AND STONECREEK VILLAGES IIA, III, AND IV DEVELOPMENT AGREEMENTS. APNS: 083-30-036, 083-30-037, 083-30-052, 83-30-053, 83-30-054, 083-30-055, 083-30-056, AND 083-40-006. TO CONSIDER TWO FINAL DEVELOPMENT PLANS, TWO VESTING TENTATIVE TRACT MAPS, AND TWO DEVELOPMENT AGREEMENTS FOR THE STONECREEK VILLAGES IIA, III, AND IV PLANNED DEVELOPMENT. THE SITE IS 239.7 ACRES WEST AND SOUTH THE STONECREEK VILLAGES I AND II SUBDIVISIONS, WEST OF ORTIGALITA ROAD, NORTH OF PIONEER ROAD, AND SOUTH OF THE WAL-MART SHOPPING CENTER AND APPROXIMATELY 1,000 FEET SOUTH OF PACHECO BOULEVARD; RESOLUTION NO. 4609 – ADOPTING CEQA FINDINGS FOR AND APPROVING STONECREEK VILLAGES IIA AND III FINAL DEVELOPMENT PLAN (FDP) #2005-01) AND STONECREEK VILLAGES IIA AND III VESTING TENTATIVE TRACT MAP (VTTM #2004-05); RESOLUTION NO. 4610 – ADOPTING CEQA FINDINGS FOR AND APPROVING STONECREEK VILLAGES IV FINAL DEVELOPMENT PLAN (FDP) #2005-02 AND STONECREEK VILLAGES IV VESTING TENTATIVE TRACT MAP (VTTM #2005-05); ORDINANCE NO. 1032 – AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY FOR THAT CERTAIN DEVELOPMENT PROJECT KNOWN AS STONECREEK VILLAGES IIA AND III. (FIRST READING & INTRODUCTION); ORDINANCE NO. 1033 – AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY FOR THAT CERTAIN DEVELOPMENT PROJECT KNOWN AS STONECREEK VILLAGES IV. (FIRST READING & INTRODUCTION) (CONTINUED FROM MAY 4 AND TO BE CONTINUED TO JUNE 1, 2005) Community Development Director Blais stated that the developer and staff are still working out final changes to the documents listed.

The public hearing was opened. No one came forward to speak.

Motion by Jones, seconded by Balatti to continue the above stated public hearing item to June 1, 2005. The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

PUBLIC HEARING – CONSIDERATION OF SECOND UNIT ORDINANCE. (TO BE CONTINUED TO JUNE 1, 2005) Redevelopment Manager Hubler reported that staff is still working on this item and are requesting this item be continued to finish up the ordinance review.

The public hearing was opened. No one came forward to speak.

Motion by Jones, seconded by Balatti to continue the above stated public hearing item to June 1, 2005. The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

PUBLIC HEARING – CDBG PLANNING AND TECHNICAL GRANTS APPLICATION; RESOLUTION NO. 4611 – APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE PLANNING/TECHNICAL ASSISTANCE ECONOMIC DEVELOPMENT OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG); RESOLUTION NO. 4612 – APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE PLANNING/TECHNICAL ASSISTANCE GENERAL ALLOCATION OF THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG). Redevelopment Manager Hubler presented the staff report and introduced Roger Klemm from Syntheses Design Group (SDI) who then presented the program concept, highlighting the grant process and funding.

There was Council Member discussion regarding the match funding.

The public hearing was opened. No one came forward to speak.

Motion by Jones, seconded by Balatti to adopt Resolution No. 4611, approving an application for funding and the execution of a Grant Agreement and any amendments thereto from the Planning/Technical Assistance Economic Development of the State Community Development Block Grant Program (CDBG). The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

Motion by Jones, seconded by Balatti to adopt Resolution No. 4612 – Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the Planning/Technical Assistance General Allocation of the State Community Development Block Grant Program (CDBG). The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

CONSIDERATION OF A NEW CITY LOGO. Redevelopment Manager Hubler introduced representatives from Full Steam Marketing and Design, a professional marketing firm, who presented the logo concept and how it was created.

There was Council Member discussion regarding how would it look on a police car, will everything be changed, being phased in/phased out, creating a way to use the logo when making proclamations.

Motion by Jones, seconded by Balatti to go forward with the new logo. The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

CONSIDERATION OF ESTABLISHING A CODE ENFORCEMENT TRUST ACCOUNT FOR COLLECTIONS, DEPOSIT OF FINES, PENALTIES, LIEN, ASSESSMENTS AND/OR LEGAL PROCEEDINGS COLLECTIONS; ORDINANCE NO. 1034 – ESTABLISHING A CODE ENFORCEMENT TRUST ACCOUNT FOR COLLECTIONS, DEPOSIT OF FINES, PENALTIES, LIEN, ASSESSMENTS AND/OR LEGAL PROCEEDINGS COLLECTIONS. (FIRST READING & INTRODUCTION)

Redevelopment Manager Hubler.

There was Council Member discussion regarding adding language to Section 1-2.07 to state “. . .as a result of enforcement **actions by the Code Enforcement Officer**, shall be. . .”

Motion by Balatti, seconded by Jones to waive the first reading of Ordinance No. 1034, establishing a Code Enforcement Trust Account for Collections, Deposit of Fines, Penalties, Lien, Assessments and/or Legal Proceedings Collections with the change to Section 1-2.07 to state “. . .as a result of enforcement **actions by the Code Enforcement Officer**, shall be. . .”. The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

Motion by Balatti, seconded by Jones to introduce Ordinance No. 034, establishing a Code Enforcement Trust Account for Collections, Deposit of Fines, Penalties, Lien, Assessments and/or Legal Proceedings Collections with the change to Section 1-2.07 to state “. . .as a result of enforcement **actions by the Code Enforcement Officer**, shall be. . .”. The motion carried by the following roll call vote: AYES: Balatti, Jones, Amabile; NOES: None; ABSENT: McAdam, Smith.

CONSIDERATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH UNITED STATES LAND AND CATTLE COMPANY FOR THE PURCHASE AND DEVELOPMENT OF 644/646 I STREET; RESOLUTION NO. 4613 – APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BY AND AMONG THE LOS BANOS REDEVELOPMENT AGENCY, THE CITY AND UNITED STATES LAND AND CATTLE CORP., INC.

Redevelopment Manager Hubler presented the staff report, noting that this action is done in conjunction with the action taken earlier at the Redevelopment Agency meeting.

Motion by Jones, seconded by Balatti to adopt Resolution No. 4613, approving a Disposition and Development Agreement (DDA) by and among the Los Banos Redevelopment Agency, the City and United States Land and Cattle Corp., Inc. The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

BUSINESS LICENSE FEE STUDY. Redevelopment Manager Hubler presented the staff report, noting that this is the first step in noticing the fact that a new Business License Fee will be coming before the City Council for consideration.

Motion by Jones, seconded by Balatti to set June 1, 2005 as the public hearing date to consider adoption of a new business license ordinance. The motion carried by the affirmative action of all Council Members present; McAdam and Smith absent.

ADVISEMENT OF PUBLIC NOTICES. (Two Reports) Community Development Director Blais reported that a Public Hearing will be held at the Planning Commission meeting on May 25, 2005, at 7:00 p.m. to consider a General Plan Amendment and Zone Change in support of the Los Banos Rail Corridor Master Plan, total 66 acres. The project site is located in the center of the City just north and east of the downtown district and extends approximately one-mile along the vacant, abandoned rail corridor. The site extends from Mercey Springs Road and Pacheco Boulevard/State Route 152 in the east, to Second Street in the west, and from H Street northward G Street.

Community Development Director Blais reported that a Public Hearing will be held at the Planning Commission meeting on May 25, 2005, at 7:00 p.m. to consider a Final Development Plan to allow the construction of a multi-family development in the PD zone district. The project is located on the east side of Mercey Springs Road directly abutting the Casa Mobile Home Park, APN 082-240-014.

CITY MANAGER REPORT: City Manager Rath introduced the new Planning Manager, Fred Goodrich and asked Public Services Director Sousa to go over the footbridge project on the canal for Council's information only. Public Services Director Sousa gave an overview of the project.

M.C.A.G. REPORT: Mayor Amabile stated that the next MCAG meeting is May 19, 2005 in Merced and items of discussion are revenue sources for MCAG and to recognize those people who went on the OneVoice Trips to Sacramento and Washington, D.C.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI: Reported that she has received complaints regarding motorized bikes/scooters up and down the canal. Public Services Director Sousa stated that the trail on the canal is a non-motorized trail and motorized bikes/scooters are prohibited.

COUNCIL MEMBER JONES: Encouraged all to vote yes on Measure A-1.

COUNCIL MEMBER McADAM: Excused absence

MAYOR PRO TEM SMITH: Excused absence

MAYOR AMABILE: Reported that he believes he set a record handing out proclamations the past two weeks, handing out over 24 total. He recognized the 150th Anniversary of Merced County, employees of the Los Banos Unified School District retiring, Bill & Jewell Jackson's 75th Wedding Anniversary, Soroptimist Awards, Loretta Garcia as Soroptimist of the Year to name a few. He spoke regarding the Henry Miller Statue and the visit he had from the Mayor of Brakenheim, Germany, Henry Miller' birthplace. He also spoke regarding the pedestrian bridge and the history behind the project. He reported that there was an article in the Hollister Free Lance regarding an Indian group considering Los Banos as a location for a Casino Gaming Area.

ADJOURNMENT. The meeting was adjourned at the hour of 8:47 p.m. to 5:00 p.m., Monday, May 23, 2005 to attend a Budget Workshop Being Held in the Council Chambers, 520 J Street, Los Banos, California

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk