

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
JULY 19, 2006**

***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 closed session items were held at 5:30 p.m. prior to the City Council Meeting.

**PUBLIC EMPLOYMENT. POSITION TO BE FILLED: CHIEF OF POLICE. (GOVERNMENT CODE SECTION 54957).** This item was continued to the end of the City Council meeting.

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS; PROPERTY: 645 SEVENTH STREET, APN 025-072-034, CONSISTING OF 3.64 ACRE PARCEL; AGENCY NEGOTIATOR: CITY MANAGER, CITY ATTORNEY & PUBLIC SERVICES DIRECTOR; NEGOTIATING PARTIES: CITY OF LOS BANOS & EDNA SHERWOOD PROPERTY; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. (GOVERNMENT CODE SECTION 54956.8).** This item was continued to the end of the City Council meeting.

**CALL TO ORDER:** Mayor Amabile called the City Council Meeting to order at the hour of 7:31 p.m.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members McAdam, Jones, Pruitt, Mayor Amabile, Absent: Brooks.

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, Deputy City Clerk/Admin Clerk II Sousa, City Manager Rath, City Treasurer/Chief Financial Officer Wall, Police Chief Knapp, Fire Chief Guintini, Interim Public Works Director Hutsell, Public Services Director Sousa, Administrative Coordinator Garcia, Translator Reyna.

**APPROVAL OF AGENDA:** Motion by Jones, seconded by McAdam to approve the agenda as submitted. The motion carried by the affirmative vote of all Council Members present, Brooks 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.** KEITH SNOW, Los Banos, announced his plans to run for Mayor of Los Banos. DICK GERBI, Los Banos, stated

concerns for businesses currently residing on the corner of 7<sup>th</sup> & H Street regarding the elimination of street parking on H Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street. Gerbi stated that he was also speaking on behalf of Mr. Iturbide, the owner of Woolgrowers Restaurant. MIKE VILLALTA, Los Banos, stated that he felt disclosure of information was not occurring as it should and then commended council for asking questions at the Redevelopment meeting regarding MCEDCO. PASQUAL MENDEVES, Los Banos, stated that he felt the city is taking a step back and that council should answer questions during the public forum. DAVE ANDERSON, Los Banos, inquired as to the progress on different projects happening throughout the city. Jeanette Garcia, Los Banos, extended an invitation to the community for Merced County Transit's 10 year celebration of "The Bus" on July 28<sup>th</sup> at the Henry Miller Plaza.

No one else came forward to speak and the public forum was closed.

**APPROVAL OF CONSENT AGENDA.** Motion by McAdam, seconded by Jones and carried, items on the consent agenda were approved, by the affirmative action of all Council Members present as follows: Minutes for the July 5, 2006 Meeting; Check Register for #92318 - #92654 in the Amount of \$1,469,235.08; Land Lease Agreement between Toddco Aviation and the City of Los Banos for the Placement of Modular Building(s), approximately 3,000 square feet at the Los Banos Municipal Airport; Agreement between the City of Los Banos and Los Banos Unified School District for School Resource Officer (SRO) for the Period of August 14, 2006 – May 25, 2007; Agreement between the City of Los Banos and Merced County Office of Education for School Resource Officer (SRO) for the Period of August 14, 2006 – June 7, 2007; Additive Alternate to the Highway 165 Widening Project for the Installation of Signal Light Infrastructure on the East Side of Highway 165 at Overland Avenue in the amount of \$40,000; Award of Bid to Rolfe Construction Co. for the Highway 152 Bore and Jack at Place Road Project in the Amount of \$198,794; Progress Payment No. 1 to Floyd Johnston Construction Co., Inc. in the amount of \$307,575 for the Nantes Avenue Stormdrain Line Project; Resolution No. 4758 – Approving the Purchase of Right of Way Located at 1704 E. Pacheco Boulevard (a portion of APN 428-122-004), the Place Road/ Pacheco Boulevard Public Highway and Storm Drainage Infrastructure Improvements Project - Vincent Paul Rotondaro et al. The motion carried by the affirmative vote of all Council Members present, Brooks absent.

**PUBLIC HEARING – CONSIDERATION OF THE ANNUAL GRANTEE PERFORMANCE REPORT FOR COMMUNITY DEVELOPMENT BLOCK GRANT 04-STBG-1908 (CHILD DEVELOPMENT CENTER PROJECT) FOR THE PERIOD OF JULY 1, 2005 TO JUNE 30, 2006.** Administrative Coordinator Garcia introduced Christina Smith, MCAAG, who reported that the First Five Commission of Merced County and the Los Banos Redevelopment Agency are working together on this project and the anticipated completion date is June 30, 2007.

Mayor Amabile opened the public hearing. No one came forward to speak and the public hearing was closed. No action was taken, informational item only.

**PUBLIC HEARING – CONSIDERATION OF THE ANNUAL GRANTEE PERFORMANCE REPORT FOR COMMUNITY DEVELOPMENT BLOCK GRANT 03-EDBG-921(MICROENTERPRISE TECHNICAL ASSISTANCE AND LOAN PROGRAM) FOR THE PERIOD OF JULY 1, 2005 TO JUNE 30, 2006.**

Administrative Coordinator Garcia introduced Mary Cervantes who reported that this program provides technical assistance to business and a couple is currently receiving counseling on their loan packet. Cervantes also stated that six week courses were held teaching the business side of childcare.

Mayor Amabile opened the public hearing. No one came forward to speak and the public hearing was closed. No action was taken, informational item only.

**CONSIDERATION OF BUDGET AUGMENTATION NO. 2 FOR PROGRAM MANAGEMENT SERVICES WITH ERLER AND KALINOWSKI, INC. RELATED TO WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION, PHASES I & II, AND EVALUATION OF SURFACE WATER SUPPLY AUGMENTATION ALTERNATIVES FOR THE CITY OF LOS BANOS IN THE AMOUNT OF \$180,000.**

City Manger Rath introduced Stephen Tarentino, Erler and Kalinowski, Inc., who reported on phases I & II of the Wastewater Treatment Plant upgrade and expansion. There was council member discussion regarding the completion of planning for this project and Tarentino stated that the process should be complete in January 2007. It was stated that new growth would pay for this upgrade and expansion.

Motion by Pruitt, seconded by Jones to approve budget augmentation No. 2 for program management services with Erler and Kalinowski, Inc. related to the Wastewater Treatment Plant upgrade and expansion, Phases I & II and evaluation of surface water supply augmentation alternatives for the City of Los Banos in the amount of \$180,000. The motion carried by the affirmative action of all Council Members present, Brooks absent.

**UPDATE ON SAFE & SANE FIREWORKS BY FIRE CHIEF GUINTINI.** Fire Chief Guintini reported that no citations were issued; however, a fair amount of fireworks were confiscated. Guintini stated that fireworks sales were reportedly down ten percent from last year. There was council member discussion regarding shortening the window of sales and implementing citations for illegal firework sales and staff was asked to look into this. No action was taken, informational item only.

**ADVISEMENT OF PUBLIC NOTICES (TWO REPORTS).** City Manager Rath reported that a public hearing will be held on July 26, 2006 to consider a proposal to construct a single family residential unit and a secondary dwelling. The project site is located at 930 F St., more specifically described as Assessor's Parcel Number 025-103-012.

City Manager Rath reported that a public hearing will be held on July 26, 2006 to consider an off-street parking requirement. The project site is located in the C-1 (Retail Commercial) district, more specifically described as Assessor's Parcel Number 025-201-009.

**CITY MANAGER REPORT:** Reported that the MCEDCO partnership is looking for infrastructure and that small businesses have been successful.

**M.C.A.G. REPORT:** Mayor Amabile reported that a meeting will be held on July 20, 2006, and discussion will include Measure M the ½ cent sales tax for new road infrastructure and the possibility of placing the Measure on the November ballot for consideration once again. Amabile reminded the public that on July 28, 2006, “The Bus” will celebrate their 10<sup>th</sup> Anniversary at the Henry Miller Plaza.

## **CITY COUNCIL REPORTS**

**COUNCIL MEMBER BROOKS:** Absent.

**COUNCIL MEMBER JONES:** Stated that he attended a community choir event at the Ted Falasco Arts Center, the children were outstanding in their performance and he presented proclamations on behalf of Mayor Amabile. Stated he would like to discuss getting a group together who will build buildings and invest to bring new business to Los Banos.

**COUNCIL MEMBER PRUITT:** Stated that a lot of money is being spent for the planning of the Wastewater Treatment Plant expansion; however, it will last the City of Los Banos many years. Spoke on the Brown Act and stated there are certain matters Council Members cannot control.

**COUNCIL MEMBER McADAM:** Stated that the \$23,000 MCEDCO contract pays for a consultant to work with the City of Los Banos to help create more jobs. Thanked the Traffic Safety Committee for implementing a 4-way stop at 4<sup>th</sup> & I Street. Stated that the City of Los Banos welcome signs need to reflect the new theme of the downtown.

**MAYOR AMABILE:** Stated that staff will respond to Dave Anderson’s questions asked at the public forum. Stated that he disagreed with the parking situation for 7<sup>th</sup> & H Streets and directed staff to add back as much parking possible to the block of H Street from 6<sup>th</sup> to 7<sup>th</sup>. Stated that public notices are advertised in the Los Banos Enterprise, City Council meetings, and signs are now placed in the area of the project prior to the public hearing.

**PUBLIC EMPLOYMENT. POSITION TO BE FILLED: CHIEF OF POLICE. (GOVERNMENT CODE SECTION 54957).** No action taken, advisement to staff only.

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS; PROPERTY: 645 SEVENTH STREET, APN 025-072-034, CONSISTING OF 3.64 ACRE PARCEL; AGENCY NEGOTIATOR: CITY MANAGER, CITY ATTORNEY & PUBLIC SERVICES DIRECTOR; NEGOTIATING PARTIES: CITY OF LOS BANOS & EDNA SHERWOOD PROPERTY; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. (GOVERNMENT CODE SECTION 54956.8).** No action taken, advisement to staff only.

**MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.**

**ADJOURNMENT.** The meeting was adjourned at the hour of 10:15 p.m.

APPROVED:

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Michael S. Amabile, Mayor

ATTEST:

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Jana R. Sousa, Deputy City Clerk