

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 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 City Council Meeting to order at the hour of 7:43 p.m.

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

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Finance Director Wall, Community Development Director Blais, Redevelopment Manager Hubler, Planning Manager Goodrich, Police Chief Knapp, Assistant Fire Chief Marrison, Translator Reyna

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

PRESENTATION – PROCLAMATION RECOGNIZING RICHARD BROADHEAD.

Mayor Amabile stated that Mr. Broadhead was unable to make this meeting to receive his proclamation and he then invited anyone who is interested in sitting on the Airport Advisory Commission to submit a letter of interest to the Mayor for consideration.

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.

ALYCE PIGG, Committee Chair of Boy Scout Troop 58, spoke regarding the Boy Scouts and their accomplishments here in Los Banos. She also spoke regarding Kyle Zuspen and the service project he completed at the Recreation Center and those who helped him; JONATHAN PIGG JR, Los Banos, spoke regarding his Eagle Scout project and thanked those who helped him make his project a success; JAMES SANDERSON, spoke regarding his Eagle Scout project and thanked those who helped make his project a success; CAMERON ZUSPAN, spoke regarding this Eagle Scout project and thanked those who helped make his project a success; MARK SANDERSON, Scout Master, spoke regarding how proud he is of the boys in his troop and how honored he is to be their Scout Master; SANDY LEMAS, Los Banos, spoke regarding the Relay for Life wrap-up celebration,

recycling now being held at the Los Banos Airport on the second and fourth Saturdays of the month, Untied Way's Lunch in the Park being held on August 12, 2005, Habitat for Humanity and the wonderful service they provide to the community, and the service that WorkNet of Merced County provides; NORM DONOVAN, Los Banos, spoke regarding the park at First and Second Streets and the condition that it is in, he also noted that Ranchwood will be starting the Mercey Spring Road project; MRS. SEQUERIA, Los Banos, spoke regarding problems with her neighbors and asked for help from the City; BLANCHE WILLIAMS, Los Banos, spoke regarding the City's General Plan and the fencing requirements to build a 7 foot fence and because of her personal experience she has some suggestions to improve the Building Department process when one might want to build a fence - streamlining the process; MARK FACIN, Land Development for Ranchwood, spoke regarding the First and Second Street Park and how they will start working on that park on July 21, 2005 and he spoke regarding the pre-construction meeting being held on July 25, 2005 in regards to the Mercey Spring Road project, with proposed completion date in November 2005; 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. Mayor Pro Tem Smith stated that she would not be voting on item 6g, Professional Services Work Order (Task Order No. 1-05) with Stoddard & Associates for Services in Conjunction with the Wastewater Treatment Plant Preliminary Engineering Layout in the amount not to exceed \$166,000.00, because of a potential conflict of interest.

Motion by Balatti, seconded by McAdam to removed item 6g, Professional Services Work Order (Task Order No. 1-05) with Stoddard & Associates for Services in Conjunction with the Wastewater Treatment Plant Preliminary Engineering Layout in the amount not to exceed \$166,000.00, from the Consent Agenda. The motion carried by the affirmative action of all Council Members present, Jones absent.

Motion by Smith, seconded by Balatti and carried, items on the consent agenda were approved, by the affirmative action of all Council Members present, Jones absent, as follows: Minutes for the June 6, 2005 Meeting; Check Register for #84290 - #84569 in the amount of \$1,814,047.00; Quarterly Investment Report for the Period Ending June 30, 2005; Memorandum of Understanding (MOU) Between the City of Los Banos and the Los Banos Police Officers Association for the Period of July 1, 2005 - June 30, 2009; Memorandum of Understanding (MOU) Between the City of Los Banos and the Los Banos Police Dispatchers/Community Services Officers Association for the Period of July 1, 2005 - June 30, 2007; Rejection of Claim – Adam C. Sanchez; ~~Professional Services Work Order (Task Order No. 1-05) with Stoddard & Associates for Services in Conjunction with the Wastewater Treatment Plant Preliminary Engineering Layout in the amount not to exceed \$166,000.00;~~ Change Order Request in the Amount of \$67,354.00 to the contract for Los Banos Business Park, Phase I - Technology Drive Improvements to Provide for Design Modifications; Progress Payment No. 13 to CB&I Constructors, Inc. in the amount of \$24,052.00 for the Water Storage Tank and Booster

Pump Station No. 1; Resolution No. 4629 – Approving and Authorizing the Execution of a Professional Services Agreement with Randall Funding and Development Inc. for Grant Writing Services; Resolution No. 4630 – Amending Division 4, Salary Schedule – Employee Classifications, of the City Policy Manual Relating to Police Officers, Dispatchers, Community Services Officers.

Mayor Pro Tem Smith left her seat at the dais.

City Manager Rath spoke regarding item 6G, Professional Services Work Order (Task Order No. 1-05) with Stoddard & Associates for Services in Conjunction with the Wastewater Treatment Plant Preliminary Engineering Layout in the amount not to exceed \$166,000.00. There was Council Member discussion regarding how long it would take to finish the analysis.

Motion by McAdam, seconded by Balatti to approve item 6g, Professional Services Work Order (Task Order No. 1-05) with Stoddard & Associates for Services in Conjunction with the Wastewater Treatment Plant Preliminary Engineering Layout in the amount not to exceed \$166,000.00. The motion carried by the affirmative action of all Council Members present, Jones absent, Smith abstain.

Mayor Pro Tem Smith returned to her seat at the dais.

MEASURE P OVERSIGHT COMMITTEE REPORT. Police Chief Knapp presented the staff report and introduced Diana Ingram, a Member of the Measure P Oversight Committee. On behalf of the Measure P Oversight Committee Members, Ms. Ingram read from a prepared report “On June 22, 2005, the Measure P Oversight committee met with Finance Director Melinda Wall, Police Chief Mark Knapp, and Fire Chief Chet Guintini to review the 2005-2006 Budget for the city of Los Banos and the Measure P expenditures. After careful review and consideration, the committee found that Measure P expenditures are within the guidelines as approved by the voters. We will continue to be vigilant to ensure the voting public that Measure P funds will be spent correctly.” She also made note of all that the additional funding has done for the City. Mayor Amabile thanked the Measure P Committee for their work.

Motion by McAdam, seconded by Balatti to accept the Measure P Oversight Committee Report as submitted. The motion carried by the affirmative action of all Council Members present, Jones absent.

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. _____ – AMENDING THE BUSINESS LICENSE FEE. (Continued from July 6, 2005 and to be continued to August 3, 2005) Redevelopment Manager Hubler stated that staff is requesting that this item be continued to August 3, 2005 to facilitate a Council Workshop to discuss this in greater detail. The workshop will be held on July 26, 2005 at 6:00 p.m. in the Council Chambers.

The public hearing was opened. No one came forward to speak and the public forum was closed.

Motion by Smith, seconded by Balatti to continue this public hearing item to August 3, 2005. The motion carried by the affirmative action of all Council Members present, Jones absent.

PUBLIC HEARING – LOS BANOS RAIL CORRIDOR MASTER PLAN. (CONTINUED FROM JULY 6, 2005) Mayor Pro Tem Smith stated that she will be abstaining from this item because of a potential conflict of interest. She then left her seat at the dais.

Planning Manager Goodrich presented the staff report, highlighting the aspects of the proposed Los Banos Rail Corridor Master Plan, the Planning Commission action, land use issues, and staff's recommendations for approval.

There was Council Member discussion regarding modifications made because of comments by Windecker and Mr. Mozekian.

The public hearing was opened. AARON BARCELLOS, President of the Los Banos Unified School District, thanked the Council for their leadership and support on school issues and asked for their continued support and cooperation to figure out a way to mitigate the school fees associated with the project; MARSHALL KRUPP, Consultant for the Los Banos Unified School District, spoke regarding some issues in the Draft EIR that need to be addressed, i.e. alternatives for school sites, no residential, mitigation measures, general plan policies, a prior request for a meeting that has never happened, and encouraged the City to negotiate an agreement that is equitable for both sides; ADDISON COBURT, Legal Advisor the Los Banos Unified School District, spoke regarding Senate Bill 50 that instituted new limitations on funding for new schools and addressed some issues of concern in the Draft EIR. He stated that he is ready, able and willing to work with staff to evaluate the alternatives that may exist in regards to this proposed project; BLANCHE WILLIAMS, Los Banos, spoke regarding how critical it is for entry level positions to be able to purchase homes in the Los Banos community and suggested they also look at what other cities have done to provide homes for police officers, fire fighters, nurses and teachers, because of the high cost of housing; JOHN KANE, Los Banos, encouraged the Council to sign a mitigation agreement with the Los Banos Unified School District, because it is for the common good. No one else came forward to speak.

Mayor Amabile spoke to the comments made during the public hearing. He thought it might be a good idea to have staff work with school district on ways to work within SB 50.

There was Council Member discussion regarding the history on why housing is being proposed on the rail corridor, encouraging staff to look into the options available to mitigate the school fees, wanting to come to some kind of an agreement with the School

District that is within SB 50 guidelines, if there has been a precedent set in regards to mitigating school fees within SB 50 limitations.

Mr. Coburt spoke regarding what his knowledge is on this issue and Mr. Krupp spoke regarding this issue too.

Motion by McAdam, seconded by Balatti to continue this item to September 7, 2005 and direct Legal Counsel to meet with the Los Banos Unified School District staff to come to some kind of an agreement within SB guidelines. The motion carried by the affirmative action of all Council Members present, Jones absent, Smith abstained.

Mayor Pro Tem Smith returned to her seat at the dais.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL GRANTEE PERFORMANCE REPORT FOR THE PERIOD OF JULY 1, 2004 TO JUNE 30, 2005. Redevelopment Manager Hubler presented the staff report, introducing Anna Fuentes of Merced County who then outlined the program achievements and progress.

There was Council Member discussion regarding what a great program CDBG is, what happens to the loan if a homeowner dies, and are there provisions in the guidelines to address this.

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

No action taken, just an opportunity for the public to make comments.

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 1036 – AMENDING SECTION 902.4 OF THE CALIFORNIA FIRE CODE AND ADDING SECTION 4-3.19 TO CHAPTER 3, TITLE 4 OF THE LOS BANOS MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR A RAPID ACCESS/ENTRY SYSTEM. (SECOND READING & ADOPTION) Assistant Fire Chief Marrison presented the staff report.

There was Council Member discussion regarding if there has been additional interest since this item was introduced two weeks ago.

Motion by Smith, seconded by Balatti to waive the second reading of Ordinance No. 1036, amending Section 902.4 of the California Fire Code and Adding Section 4-3.19 to Chapter, Title 4 of the Los Banos Municipal Code to establish provisions for a Rapid Access/Entry System. The motion carried by the affirmative action of all Council Members present, Jones absent.

Motion by Smith, seconded by Balatti to adopt Ordinance No. 1036, amending Section 902.4 of the California Fire Code and Adding Section 4-3.19 to Chapter, Title 4 of the Los Banos Municipal Code to establish provisions for a Rapid Access/Entry System.

The motion carried by the following roll call vote: AYES: Balatti, McAdam, Smith Amabile; NOES: None; ABSENT: Jones.

ADVISEMENT OF PUBLIC NOTICES. (No Report)

CITY MANAGER REPORT: Stated that he is looking for two Council Members to sit on an Ad Hoc Committee to review Affordable Housing Proposals and reported that Community Development Director Mary Blais has resigned her position with the City of Los Banos.

M.C.A.G. REPORT: Mayor Amabile stated that he has received confirmation regarding State funding for roads, and the City of Los Banos will receive 135,034 for maintenance and road upkeep. He reported that he has been nominated by MCAG to be considered for a vacancy on the Governor's California Partnership for the San Joaquin Valley that focuses on economic development. The next MCAG meeting is in Livingston on July 21, 2005.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI: Inquired as to the dying trees and bushes on the canal path and if the irrigation drip line is broken – Public Services Director indicated that there was one broken and it is being repaired. She stated that H & Second Street is blocked off with people not being able to access it and wanted to know if it was a permanent or temporary situation – staff indicated that a wrought iron fence will be installed with landscaping. She added that it has been a real pleasure working with Mary Blais and she thanked her for helping her get acquainted as a Council Member with planning issues.

COUNCIL MEMBER JONES: Excused absence.

COUNCIL MEMBER McADAM: Thanked Council for supporting MCEDCO on the renewal of the agreement; congratulated all the Boy Scouts on the Eagle Scout awards and project success; he spoke regarding the groundbreaking ceremony for the new Merced College campus in Los Banos. He ask that staff look at what it would take to put a welcome, City of Los Banos sign on the east side – like the one on the west side of town

MAYOR PRO TEM SMITH: Spoke regarding to what the great job Mary Blais has done as the Community Development Director in her last year of employment and thanked her for her hard work. She asked for an update on the B Street light project – Public Services Director Sousa stated that the project is out to bid, with award in a couple weeks. She then commented that the streets are not getting very clean, and would like staff to look into it. She then stated what a great service Comcast provides with the OnDemand movie service.

MAYOR AMABILE: Inquired as to where the City is at with the funding from Comcast for new equipment that was included in the franchise agreement. City Manager Rath stated that staff is working with MCOE on the programming for the educational channel; he commented on Mary Blais leaving and that it has been a pleasure working with her and she has added so much to the Community Development Department. He reported that he attended a flag raising ceremony on July 13, 2005 at Volta School, followed with a great breakfast with the veterans. He attended another flag raising ceremony on July 22, 2005 at Los Banos Elementary. He too was able to attend the groundbreaking ceremony for the new Merced College campus in Los Banos. He ask that staff look into incentives if a developer uses local subs, just like the variance with allow for "local" bids through the bidding process.

ADJOURNMENT. The meeting was adjourned at the hour of 10:11 p.m. to 6:00 PM, Tuesday, July 26, 2005, Council Chambers, 520 J Street, Los Banos, California, to attend a Business License Workshop.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk