

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 5, 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 closed session item was discussed after the City Council Meeting:

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.

Mayor Amabile called the City Council Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE. Led by Police Commander Fitchie.

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Redevelopment Manager Hubler, Planning Manager Goodrich, Police Commander Fitchie, Public Works Director DeSa, Public Works Superintendent Hutsell, Finance Director Wall, Translator Reyna.

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

CEREMONIAL OATH OF OFFICE FOR COUNCIL MEMBER ROGER PRUITT. Mayor Amabile read the oath of office for Council Member Pruitt.

Council Member Pruitt stated that he is honored to service as a City Council Member and will represent the City to the best of his ability.

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

PRESENTATION – AMERICAN HEART WALK DAY PROCLAMATION. Mayor Amabile presented the proclamation to Diana Ingram, Lori Robles, Sandy Lemas, and Jesse Stoddard on behalf of the American Heart Association. They thanked

the Mayor for the proclamation and in turn invited all to come out and participate in the Heartwalk being held on Saturday, October 15, 2005 at Pacheco Park.

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.

NORM DONOVAN, Los Banos, thanked Public Services Director Sousa and City staff for finishing up the park in his neighborhood; KEITH SNOW, Los Banos, spoke regarding concerns he has about issues throughout the City and submitted a letter to this fact, which is on file with the City Clerk; KEITH GRONIGNA, Los Banos Chamber of Commerce, announced that the Street Fair & Car Show will be held on October 22, 2005; SANDY LEMAS, Los Banos, spoke regarding recycling day on October 8 & 22, 2005 and the need for people to take an active part in recycling. She spoke regarding Make a Difference Day being held on October 22, 2005 and the American Heartwalk on October 15, 2005. No one else came forward to speak and the public forum was closed.

APPROVAL OF CONSENT AGENDA. City Manager Rath requested that Planning Manager Goodrich speak on item 8L, Resolution No. 4649 - Accepting Final Parcel Map #2005-02 (Stonecreek Commercial Shopping Center). Planning Manager Goodrich stated that Condition off Approval has been added to the resolution that states, "The Final Parcel Map shall not be recorded until such time as the map content, form, and any agreements have been approved by City Staff."

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 September 17, 2005 Adjourned Meeting; Minutes for the September 20, 2005 Adjourned Meeting; Check Register for #85824 - #86456 in the Amount of \$2,278,295.80; Progress Payment No. 1 to Granite Construction in the Amount of \$351,497.70 for the Main Street Improvements Project; Progress Payment No. 1 to Harry Bunfill Urethane Roofing in the Amount of \$49,257.00 for in Kind Roofing for City of Los Banos Facilities: City Hall Building, Police Annex Building, Police Station, Animal Shelter Building, Fires Station No. 1, and Public Works Office Building; Progress Payment No. 5 to McElvany Inc. in the Amount of \$110,978.98 for Construction of the Los Banos Industrial Park – Phase I; Progress Payment No. 5 to Granite Construction in the Amount of \$183,763.58 for the Henry Miller Plaza Project; Progress Payment No. 6 to Granite Construction in the Amount of \$124,986.83 for the Henry Miller Plaza Project; Rejection of Claim – Nicole & Natalie Levario; Street Closure Request from the Los Banos Police Department – J Street between 5th & 6th Streets from 6:30 p.m. to 9:00 p.m. on October 13, 2005 for Take Back the Night March; Street Closure Request from the Los Banos Chamber of Commerce – Main Street from the alley south of K Street to H Street and also to close, to through traffic, K Street, J Street and I Street on October 22, 2005 from 5:00 a.m. to 5:00 p.m. for the annual Downtown Spring

Street Faire and Downtown Car Show; Resolution No. 4649 – Accepting Final Parcel Map #2005-02 (Stonecreek Commercial Shopping Center); Resolution No. 4650 – Amending the 2005-2006 Fiscal Year Budget by Creating a Separate Fund for the Regional Transportation Impact Fees (RTIF) and Increasing the Estimated Revenues and Proposed Expenditures by \$976,250; Resolution No. 4651 – Amending the 2005-2006 Fiscal Year Budget by Decreasing the Projected Expenditures by \$70,000 for the General Fund and Increasing Projected Expenditures by \$70,000 for the Comcast Grant Fund; Resolution No. 4652 – Accepting Grant Easement for Public Utility Easement (Lot 2, Meadowlands Unit No. 3 - KB Home South Bay, Inc.).

GENERAL PLAN UPDATE / PROGRESS REPORT / GENERAL PLAN ADVISORY COMMITTEE. Planning Manager Goodrich presented the staff report, including creating a General Plan Steering Committee (GPSC), the Stakeholders meeting to be held, circulating a General Plan bilingual Newsletter, briefings by the consultant, 9-15 people being the ideal size for a committee, the selection process, the makeup of the committee.

There was Council Member discussion regarding the circumstances in relation to the last time the City went through a General Plan Update, which was about ten years ago and took years to complete, there always being an opportunity for people to come forward at the meetings to give input, advertising to get people to apply to be a part of the GPSC, and if a Council Member could be a part of the GPSC.

By consensus of the City Council, direction was given to staff to advertise and submit a letter of interest to be considered for appointment to the GPSC, with appointments to be made at the November 2, 2005 City Council Meeting.

ADVISEMENT OF PUBLIC NOTICES. (One Report) Planning Manager Goodrich reported that a Public Hearing will be held at the Planning Commission meeting on October 12, 2005, at 7:00 p.m. to consider an Ordinance of the City of Los Banos adding Article 18 to Chapter 2 of Title 9 of the Municipal Code establishing provisions for the conversion of apartments to condominiums.

CITY MANAGER REPORT: City Manager Rath asked Public Works DeSa to speak on the status of the Highway 165 widening project, which will now not start until spring 2006 because of project conflictions. City Manager Rath reported that the Henry Miller Plaza is coming along really nice and is very nice at nighttime with the lighting.

M.C.A.G. REPORT: No report.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI: Thanked Comcast for redoing the bushes and trees in front of the library and inquired as to who takes care of the library's landscaping, because she would like the City to look into taking on the maintenance of the landscaping of the library. Mayor Amabile explained situation with the library and Pacheco Park's maintenance and where the responsibility lies. Council Member Balatti then welcomed Roger Pruitt to the City Council.

COUNCIL MEMBER JONES: Welcomed Roger Pruitt to the City Council and agreed that a solution needs to be found to maintain Pacheco Park and make it a park to be proud of.

COUNCIL MEMBER PRUITT: Thanked Nikki Smith for her years of service on the City Council.

MAYOR PRO TEM McADAM: Welcomed Roger Pruitt to the City Council, spoke regarding what the City has been doing in regards to helping those who affected by the Katrina Disaster, and inquired as to when the new welcome signs were to be installed.

MAYOR AMABILE: Spoke regarding joint use facilities and getting Merced County involved the conversation. He reported on the events he recently has been to: October 3, 2005 he visited the Kindergarten class at OLF School, September 29, 2005 visited a couple classrooms at Volta School, last week he attended a meeting held by a local access channel group, September 28, 2005 attend the Los Banos Unified School District 2 x 3 Meeting, September 27, 2005 attended the City/County Dinner in Dos Palos, September 23, 2005 was the Salute to Seniors event at the Fair Grounds, September 23, 2005 attended an Eagle Scout Ceremony, September 22, 2005 attended a LAFCO meeting in Merced. He gave a brief update on the proposed casino that is still in the very early preliminary stage and the next meeting will probably be held the end of October 2005. He stated that he received a letter from the Governor Schwarzenegger that he will not be able to attend the October 29, 2005 Henry Miller Plaza and that the next California Partnership for the San Joaquin Valley meeting is on December 8 & 9, 2005 at UC Merced, noting that he is on the Economic Development Higher Education and Workforce Development Committee.

ADJOURNMENT. The meeting was adjourned at the hour of 10:00 p.m.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk