

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 2, 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 prior to 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.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY IDENTIFICATION: MERCY SPRINGS ROAD, APN 083-120-016; AGENCY NEGOTIATOR: CITY MANAGER & CITY ATTORNEY; NEGOTIATING PARTIES: CITY OF LOS BANOS AND THOMAS M. LEWIS; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. NO ACTION TAKEN, ADVISEMENT TO STAFF ONLY. No action taken, advisement to staff only.

Mayor Amabile called the City Council Meeting to order at the hour of 7:11 p.m.

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

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Redevelopment Manager Hubler, Planning Manager Goodrich, Assistant Planner Silva, Contract Planner James, Police Chief Knapp, Fire Chief Guintini, Public Services Director Sousa, Finance Director Wall, Translator Reyna

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

PRESENTATION – PROCLAMATION OF COMMENDATION TO POLICE OFFICER MARCELINO CORTEZ. Mayor Amabile presented the proclamation of commendation to Police Officer Mareclino Cortez.

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. COREY PRIDE, Los Banos, spoke regarding the approved construction on the corner of 8th & G Street and his concerns for the project and the traffic conditions; EVA EAGLETON, Los Banos, spoke regarding farm workers living in a garage on her street and inquired as to what the City can do to stop this; and she also has an issue with a four-way stop sign that people blowing through the sign and something needs to be done about this too; CLIFF EAGLETON, Los Banos, spoke regarding the four-way stop sign on his street and the number of people who blow through it and that something needs to be done; LIZ ELLIS, Los Banos, spoke in opposition to item 11, Consideration of Annexation #2002-04, Zone Change #2002-08, and Pre-Annexation Development Agreement for the Spadafore-Giannone Area Plan, East of Mercey Sprigs Road and North of Scripps Avenue, APNs 083-010-005, 083-010-006, 083-010-007, 083-010-008, AND 083-010-009, reading from a list of questions pertaining to the project; KEITH SNOW, Los Banos, spoke about his concerns for the young kids wondering around in the City, ideas for a homeless shelter, reckless drivers, handicapped ramps, railroad from Los Banos to Gilroy, and Ranchwood Homes; PASQUEL PADIVI, Los Banos, sang a song in honor of Rosa Parks and read a couple poems in her honor. No one else came forward to speak and the public forum was closed.

Mayor Amabile and staff spoke to the comments made during the public forum.

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 October 19, 2005 Meeting; Minutes for the October 25, 2005 Adjourned Meeting; Check Register for #86834 - #87143 in the Amount of \$1,228,600.98; Progress Payment No. 4 to Harry Bunfill Urethane Roofing in the Amount of \$41,868.00 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 Harry Bunfill Urethane Roofing in the Amount of \$17,802 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; 2004-05 Fiscal Year Fourth Quarter Financial Report for the City of Los Banos; 2005-06 Fiscal Year First Quarter Financial Report for the City of Los Banos; 2005 Annual Administrative Report for Development Impact Fees for the Fiscal Year Ending June 30, 2005; Correction of

Resolution No. 4649 – Accepting Final Parcel Map #2005-02 2004-06; Resolution No. 4653 – Accepting Final Tract Map #2001-02 and Accompanying Subdivision Improvement Agreement (Mission Village South Subdivision); Resolution No. 4656 – Accepting Grant of Easement for Communication Services to the Meadowlands Subdivision and Immediate Community from SBC and Approving the quitclaim for the Old Grant of Easement Recorded December 1, 2004; Resolution No. 4657 – Accepting Grant Deeds for the Acquisition of Park Land in the Meadowlands 3 Subdivision (KB Home South Bay, Inc).

INFORMATIONAL PRESENTATION BY KEN ANDERSON, KD ANDERSON/TRANSPORTATION ENGINEERS ON THE FOLLOWING TRAFFIC CONCERNS: TRAFFIC CONTROLS AT WARD ROAD & SAN LUIS AVENUE, MAKING PAGE AVENUE ONE-WAY, CONSTRUCTION OF MORE LIGHTED CROSSWALKS, AND CONSTRUCTION OF SPEED BUMPS. Police Chief Knapp briefly introduced the items to be discussed and then introduced Ken Anderson, of KD Anderson/Transportation Engineers, who spoke on the following traffic concerns: traffic controls at Ward Road & San Luis Avenue, making Page Avenue one-way, construction of more lighted crosswalks, and construction of speed bumps.

There was Council Member and staff discussion regarding traffic controls at Ward Road & San Luis Avenue, lighted crosswalks, traffic light not warranted - what about a four way stop, if there always been a four way stop there, making Page Avenue one-way from Madison Avenue all the way to 7th Street, making Monroe Avenue one-way, construction of more lighted crosswalks, safe route to schools route, what creates a safer environment - crosswalks or stop signs, lighted crosswalks keep the traffic flowing, construction of speed bumps, noise factor, concerns for the fire trucks and increasing the response time, and favoring speed bumps around parks because of the young kids going to the parks.

No action taken, advisement to staff only.

PUBLIC HEARING – CONSIDERATION OF ANNEXATION NO. 4 TO THE CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-01, PUBLIC SAFETY SERVICES; RESOLUTION NO. 4658 – CALLING AN ELECTION REGARDING ANNEXATION NO. 2 TO CFD NO. 2002-01, PUBLIC SAFETY SERVICES; RESOLUTION NO. 4659 – DECLARING THE ELECTION RESULTS REGARDING ANNEXATION NO. 4 TO CFD NO. 2002-01, PUBLIC SAFETY SERVICES. Assistant Planner Silva reported that staff is requesting that this item be continued to the November 16, 2005 meeting because the sole voter needs additional time to review the ballots before voting.

Motion by Balatti, seconded by McAdam to continue the public hearing to consider Annexation No. 4 to the city of Los Banos Community Facilities District

No. 2002-01, Public Safety Services to the November 16, 2005 meeting. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – CONSIDERATION OF THE INTRODUCTION OF ORDINANCE NO. 4660 – ADDING ARTICLE 18 TO CHAPTER 2 OF TITLE 9 OF THE MUNICIPAL CODE ESTABLISHING PROVISIONS FOR THE CONVERSION OF APARTMENTS TO CONDOMINIUMS. (First Reading & Introduction) Planning Manager Goodrich presented the staff report.

There was Council Member discussion regarding when an apartment is converted if they needed to bring it up to code, making it a requirement to be more energy efficient, zoning classification, would it require rezoning, new air conditioning units, needing to establish a rental history, vacancy rate, and what this would do to the rental rates.

Motion by McAdam, seconded by Pruitt to refer the ordinance back to staff for further review and redraft and bring back for Council consideration at a later date. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – CONSIDERATION OF ANNEXATION #2002-04, ZONE CHANGE #2002-08, AND PRE-ANNEXATION DEVELOPMENT AGREEMENT, FOR THE SPADAFORE-GIANNONE AREA PLAN, EAST OF MERCY SPRINGS ROAD AND NORTH OF SCRIPPS AVENUE, APNS 083-010-005, 083-010-006, 083-010-007, 083-010-008, AND 083-010-009; RESOLUTION NO. 4661 – ADOPTING THE MITIGATED NEGATIVE DECLARATION, APPROVING THE SPADAFORE-GIANNONE AREA PLAN, MAKING A REQUEST TO THE MERCED COUNTY LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION, AND ADOPTING THE MITIGATION MONITORING PROGRAM; RESOLUTION NO. 4662 – APPROVING THE PRE ANNEXATION DEVELOPMENT AGREEMENT FOR THE SPADAFORE-GIANNONE AREA PLAN AND AUTHORIZING THE MAYOR TO ENTER INTO A PRE ANNEXATION DEVELOPMENT AGREEMENT WITH THE APPLICANT; ORDINANCE NO. 1040 – TO ADD SECTION 9-3. TO CHAPTER 3, TITLE 9 OF THE LOS BANOS MUNICIPAL CODE TO PRE ZONE FROM COUNTY A-1(GENERAL AGRICULTURE) TO R-1/PD (LOW DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) AND R-2 (MEDIUM DENSITY RESIDENTIAL). (First Reading & Introduction). Contract Planner James presented the staff report.

LARRY ZURCHER, O'Dell Engineering, presented the proposed Shaunessy Village project in detail, speaking to the project aspects.

There was Council Member and staff discussion regarding concerns for pedestrian traffic on Highway 165, making sure sidewalks, curbs and gutters are continuous through the developments in the area to the shopping center for pedestrian traffic and safety requiring the traffic mitigations in the pre annexation agreement, the widths of the roads in the project, and that the City is dealing with a lack of facilities and we might want to in the future contemplate adding a fee to

annexations that would go towards paying for facilities i.e., youth center, community center.

At this time the public hearing was opened. CAMI AVILAR, Los Banos, spoke regarding concerns within the development, i.e. Radcliff becoming a bypass road, parking concerns around parks, temporary restroom facilities in parks, day care center, lighted crossing on Mercey Springs Road; KEITH SNOW, Los Banos, spoke in opposition to the proposed project; KIM BURKE, Los Banos, commended the applicant for the project concept and had additional questions pertaining to the project which she stated; PAT BOYD, Los Banos, spoke regarding his concerns for the traffic flow on Mercey Springs and wanting to make sure that the traffic concerns on Radcliff are addressed; PATRICIA SPADAFORE, Los Banos, spoke regarding the traffic on Mercey Springs Road, whose responsibility it is to address the curb and gutter improvements, and wanting to keep it zoned neighborhood commercial; EVELYN PEREIRA, Los Banos, spoke regarding the project concept on Radcliff Road, not wanting her property to get boxed in and maintaining a driveway access, and wanting to see neighborhood commercial included in the project. No one else came forward to speak and the public hearing was closed.

Mayor Amabile, Council Members and staff spoke to the comments made during the public forum.

There was additional Council Member discussion regarding the proposed day care facility and the school district is looking for a preschool facility to use for their First5 program, parking dedicated in the parks, plans to extend Page Avenue to Mercey Springs Road, noticing requirements, ideas to let the immediate community know that an annexation is being considered in this area, this being an infill project, that Resolution No. 4662 should have been advertised as an ordinance and needs to be re-noticed, important to address pedestrian traffic on Mercey Springs Road, and permanent bathrooms in the park.

Motion by McAdam, seconded by Jones to continue the Consideration of Annexation #2002-04, Zone Change #2002-08, and Pre-Annexation Development Agreement for the Spadafore-Giannone Area Plan, East of Mercey Sprigs Road and North of Scripps Avenue, APNs 083-010-005, 083-010-006, 083-010-007, 083-010-008, AND 083-010-009 to the November 16, 2005 meeting. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – CONSIDERATION OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR 2005/2006 MICRO-ENTERPRISE FUNDS AND PROGRAM DESIGN AND GUIDELINES TO BE IMPLEMENTED IN THE EVENT THE CDBG FUNDS ARE AWARDED; RESOLUTION NO. 4663 – APPROVING AN APPLICATION AND CONTRACT EXECUTION FOR FUNDING FROM THE ECONOMIC DEVELOPMENT ALLOCATION OF THE STATED COMMUNITY

DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSE OF THIS GRANT. Redevelopment Manager Hubler presented the staff report and then introduced Jenelle York, Grant Analyst from MCAG, who presented the grant application and program concept, she noted that the City has assisted ten (10) Los Banos residents in rehabbing their homes since 2003.

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

Motion by McAdam, seconded by Jones to adopt Resolution No. 4663 approving an application and contract execution for funding from the Economic Development Allocation of the State Community Development Block Grant (CDBG) Program and authorizing the execution of a Grant Agreement and any amendments thereto with the State of California for the purpose of this grant. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF THE MERCED COMMUNITY COLLEGE (LOS BANOS CAMPUS WATER AND SEWER SERVICES EXTENSION MITIGATED NEGATIVE DECLARATION; RESOLUTION NO. 4664 – ADOPTING THE MERCED COMMUNITY COLLEGE (LOS BANOS CAMPUS) WATER AND SEWER SERVICES EXTENSION MITIGATED NEGATIVE DECLARATION. Planning Manager Goodrich presented the staff report.

Motion by Pruitt, seconded by Balatti to adopt Resolution No. 4664 Adopting the Merced Community College (Los Banos Campus) Water and Sewer Services Extension Mitigated Negative Declaration. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (One Report) Planning Manager Goodrich reported that a Public Hearing will be held at the Planning Commission meeting on November 9, 2005, at 7:00 p.m. to consider an Ordinance of the City of Los Banos adding Section 9-3.1913 to Article 19 of Chapter 3 of Title 9 of the Municipal Code establishing provision for the conversion of garages in residential zone district and planned development districts.

CITY MANAGER REPORT: Nothing to report.

M.C.A.G. REPORT: Mayor Pro Tem McAdam attending the last MCAG for Mayor Amabile and reported that there was an item on the agenda for a change in fees for the waste disposal site for un-separated waste material.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI: Thanked the Chamber of Commerce for a wonderful street faire and the City for the Halloween Carnival at Pacheco Park. She commended the City on a job well done for the Henry Miller Plaza Celebration.

COUNCIL MEMBER JONES: Echoed the comments made by Council Member Balatti.

COUNCIL MEMBER PRUITT: Echoed the comments made by Council Member Balatti.

MAYOR PRO TEM McADAM: Reported that the Henry Miller Plaza Celebration was very well put together by city staff and encouraged all to use the plaza for events, noting that the community Christmas tree will be at the plaza this year. He asked that the Police Chief take to the Traffic Safety Committee concerns about the intersection at 4th & I Streets and consider putting a 4-way stop sign there. He added that people parking in front of the business on 4th Street which blocks the vision when crossing 4th Street.

MAYOR AMABILE: Reported a safe Halloween this year and that he presented a 100th Anniversary Proclamation to the UPEC on October 30, 2005 at a luncheon at St. Joseph's Parish Hall. He too stated how wonderful the Henry Miller Plaza Celebration was and would like to see signs that show the way to plaza on both sides of 6th street. He noted that the Plaza celebration had been taped which will be replayed on Channel 96 in about a week. He stated that he met with Governor Swarzenegger's Chief of Staff the other day and will be traveling tomorrow attend the San Joaquin Valley Partnership Meeting in Fresno. He thanked Mayor Pro Tem McAdam for filling in for him while he was on vacation and noted that next week is Veterans Day, November 11th, and he will be attending different ceremonies throughout the week. He made special note that he attended the last Dos Palos City Council Meeting to pay a bet for loosing the Annual Los Banos/Dos Palos High School football game.

He announced that the City is looking for General Plan Steering Committee (GPSC) Members and there is also a vacancy on the Planning Commission that needs to be filled and encouraged anyone interested in volunteering to be on either of these to contact the City. The first GPSC meeting will beheld on November 28, 2005.

ADJOURNMENT. The meeting was adjourned at the hour of 10:47 p.m.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk