

**CITY OF LOS BAÑOS
CITY COUNCIL MEETING
APRIL 2, 2003**

The City Council of the City of Los Baños met on the above given date; Mayor Amabile called the meeting to order at the hour of 7:07 p.m.

PLEDGE OF ALLEGIANCE. To the flag was led by Police Chief Knapp.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Burnett-Hampson, Hudak, McAdam, Smith and Mayor Amabile.

APPROVAL OF AGENDA: City Manager Rath reported that he would like to add a Closed Session item to the agenda: Conference with Legal Counsel – Potential Annexation Liability (Government Code Section 54956.9).

Motion by McAdam, seconded by Smith to approve the agenda as amended. The motion carried by the affirmative vote of all Council Members present, Amabile 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. NORM DONOVON, reported that there will be a rally to support the troops on April 12, 2003 at Pacheco Park beginning at 11:00 a.m. BLANCHE WILLIAMS, stated that the Rotary Club and Soroptimist are putting the event together and invited the City Council Members and the whole community to attend. DIANNA INGRAHM, 703 Page Avenue reported that on May 17 & 18, 2003 there will be the “Relay for Life” event being held and encouraged all to participate in this important fundraiser to fight cancer. SANDY LEMAS, reported that the next community recycling day is scheduled for April 12, 2003 and encouraged all to recycle. She wanted to point out that newspaper does not go into the green waste can. She encouraged all to support the Relay for Life event to be held. BLANCHE WILLIAMS, stated that a local group named Citizens Building Schools has been organized and will have their next meeting at Williams Kempo Karate on April 7, 2003 at 7:00 p.m.; PAUL ALDERETE, Superintendent of the Los Baños Unified School District, stated that he would like to address the community about the attack the school District is currently under by Building Industry Association and stating that the statements made are misleading and he then read from a prepared written statement.

No one else came forward to speak.

APPROVAL OF CONSENT AGENDA. Motion by Burnett-Hampson, seconded by McAdam and carried, items on the consent agenda were approved by the affirmative vote of all Council Members present, as follows: Minutes for the meeting of March 19,

2003; Bills & Claims in the amount of \$1,033,088.95 warrants # 65606 – 65942; approval of the FY 2003/2004 Merced County Association of Governments (MCAG) Budget and Work Program; approval of Contract Amendment with MCAG for administration of the Community Development Block Grant (CDBG) Housing Rehabilitation Loan Program and Authorize Execution of the Contract Amendment; and Resolution No. 4398 – Accepting Public Improvements for Canal Farm Lane (Triple M Cattle Company/College Plaza Shopping Center). The motion carried by the affirmative vote of all Council Members present, Smith absent.

CALTRANS BYPASS PRESENTATION. (45 MINUTES) Mr. Ram Narayan, Project Manager from CalTrans reported on the 3 bypass route options, the project history, the cost of the proposed bypass options, that construction is slated to begin in 2008 and to be completed in 2012, the environmental study process, about concern for the wetlands area, the temporary impacts to the environment, the permanent impacts to the environment, the Clean Water Act, identifying potential endangered species in the project area, architectural history survey, estimated farmland acreage to be converted and the estimated displacements. He then reported on what CalTrans is working towards, adding that they will be having a public hearing in September 2003 to receive input on the bypass option. Mr. Ram stated that he would like to meet with different groups in the community to explain the bypass options in detail. He stated that approval of the final project report and environmental documents is scheduled for January 2005. There is much to be done until that date, i.e. adoption of selected bypass route, resolving land development conflicts He stated that this project will be a pretty challenging project and a very costly one, but a very important project for the community for Los Baños.

There was Council Members discussion regarding traffic levels, level of service, how the bypass would impact Pacheco Boulevard, mitigation, who decides on the route, public input being very crucial in the to the decision, why construction would take 4 years.

Jesse Brown, Executive Director of MCAG, reported that CalTrans has specific procedures as to the selection of the alternate route and the ultimate decision will be made by the Los Baños City Council, the Merced County Board of Supervisors and MCAG. The group as a whole wants to do what is the best for the local community. He noted that this project will be very costly and MCAG is actively looking for funding. Mr. Brown wanted to note that the Los Baños bypass is the #1 project with MCAG.

There was Council Member discussion regarding who pays for what, traffic controls and pedestrian safety, school crossings, crosswalks, controlled intersections, the timeline contingent upon funding, approving projects before a route is defined, and the landowners' views and how value of the land is assessed.

Jerry O'Banion, Merced County Board of Supervisor, stated that it is important that we choose one route; Merced County can not put land on hold for all proposed routes. He stated how very crucial it is so select a route, this will allow for the protection of right of way; currently we can not deny permits in the proposed affected areas.

Mayor Amabile stated that there will be a public meeting in September 2003 and encouraged all to attend the meeting and make their comments, this is a very important decision to be made and public input is vital.

City Manager Rath noted that staff is currently working the Mr. Ram on an Access Management Plan for the existing highways in the community and will have a draft document before City Council in June or July 2003. Community Development Director Miller explained the Access Management Plan process and what staff is working on.

STATUS REPORT OF PACHECO BOULEVARD SIGNAGE. Community Development Director Miller reported on the information received from the business owners on Pacheco Boulevard in regards to sign regulations. He also reviewed the types of signage, types of violations, and time periods allowed for signage.

There was Council Member discussion regarding reviewing the existing sign ordinance, looking at entire community and not just one area, provisions for temporary use permits, banner signs, using staff to set and review the criteria being an option, implementing an administrative review process for signage issues, signage becoming excessive and extended over time, what type of fee would be associated, streamlining the process, what the consequences are for a violation.

Staff was directed to take the topics addressed to the Planning Commission for discussion and approval and then bring back to the City Council for further discussion and approval.

ADVISEMENT OF PUBLIC NOTICES. (No Reports)

M.C.A.G. REPORTS: Mayor Amabile stated that the last MCAG meeting was March 13, 2003 and the Los Baños highway bypass project was voted again as the #1 project. He stated that UC Merced will be a major impact to the county and we will have to fight for the Los Baños bypass to stay the #1 project. The next MCAG meeting is April 17, 2003.

CITY STAFF REPORTS

CITY ENGINEER: Nothing to report.

CITY ATTORNEY: Nothing to report.

CITY MANAGER: Reported that the College Greens Park Center is open and the open house is scheduled for April 9, 2003 from 5:30 p.m. to 9:00 p.m. The Park Center It is getting a lot of use with rave reviews. He reported that the CalTrans maps showing the 3 bypass routes are available at City Hall for those interested.

MEMBERS OF THE CITY COUNCIL REPORTS

COUNCIL MEMBER HUDAK: Stated that public input is very important, especially when a decision has to be made on the bypass route, and encouraged everyone to voice their opinion on this important decision. He inquired as to when the new Senior Planner was coming on staff. It was noted that the new Senior Planner start date is April 14, 2003

COUNCIL MEMBER McADAM: Wanted to thank and commend all the participants of the Westside Business Expo held recently at the Los Baños fairgrounds, the event was well attend. Reminded everyone about the spring clean up day on April 12, 2003. Wanted to thank everyone for their patience in the new refuse collection that started this week.

COUNCIL MEMBER SMITH: Asked for a quick update of the rail property corridor project. City Manager Rath reported that all the rail road ties are out and the next step will be cleaning out the rock and will be laying some dirt to level the land.

MAYOR PRO TEM BURNETT-HAMPSON: Inquired as to where staff was at with the RV parking ordinance. It was reported that staff is working on bringing a report back to Council on their finding. Mayor Pro Tem Burnett-Hampson wanted to remind everyone that the garbage/green waste containers need to be 3 feet apart from each other. She then noted that there were some errors on what was allowable in the green waste containers. City Manager Rath stated that the correct information was printed correctly in the local newspapers. Mayor Pro Tem Burnett-Hampson encouraged all to attend the April 7, 2003 Citizens Building Schools meeting to be held at 7 pm at Williams Kempo Karate. Also on April 7, 2003 two police officers from the City will be doing a special presentation on drug use prevention during the health class at Merced Junior College.

MAYOR AMABILE: Reported on the swearing in ceremony held for the new California Highway Patrol Lt. Commander Jose Vasques of the CHP, noting that he will replace Lt. Commander Norm Chavez who is planning retirement. Mayor Amabile reported on the recent Mayors Council meeting stating that Senator Denham was in attendance and talked about the State's budget, the proposed VLF take-away, and the University of Merced funding. Senator Denham stated that he would like the State to go forward with a multi-year budget. City staff has invited Senator Denham to come to Los Baños and meet the community. The Mayors Council also talked about developer fees throughout Merced County. Mayor Amabile asked staff to take another look at putting together shopping cart ordinance; he understands that the local stores are doing their own self-enforcement, but the problem has returned.

CLOSED SESSIONS – CONFERENCE WITH LEGAL COUNSEL – POTENTIAL ANNEXATION LIABILITY. (GOVERNMENT CODE SECTION 54956.9) No action taken, advisement only.

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

The next City Council Meeting is April 16, 2003.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

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 video and/or audiotapes kept as a permanent record.

APPROVED:

MICHAEL S. AMABILE, MAYOR

ATTEST:

LUCILLE L. MALLONEE, CITY CLERK