

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 6, 2013**

***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 (CD and/or audio) kept as a permanent record.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:03 p.m.

PLEDGE OF ALLEGIANCE: Police Commander Reyna led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Deborah Lewis, Scott Silveira, Elizabeth Stonegrove, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Administrative Services Director Mallonee, Police Commander Reyna, City Treasurer/Accountant II Brazil, Acting City Manager/Police Chief Brizzee, Fire Chief Guintini, Community Development Director Fitzgerald, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Stonegrove, seconded by Faria to approve the agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

PRESENTATIONS – CERTIFICATES OF RECOGNITION IN APPRECIATION FOR MAKING THE 2012 CHRISTMAS SEASON MORE JOYOUS FOR SO MANY. Mayor Villalta presented Certificates of Recognition to the following groups/events, thanking them for all that they do in the community: Marty Lloyd, Angel Tree; Brenda Latham, Empty Bowls; Gloria Mendoza and Chuck Martin, Kiwanis' Christmas Eve Dinner; Claire Jensen, Manna Ministries; Tom Neeb, Salvation Army; and Christina Flores, Toys for Tots.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS 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 FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. ADEL DESSOUKY, Los Banos, spoke of how he bought a new home in an area which he thought would be a quiet area, how homes in his area were purchased and then rented out, how now the renters are having parties every weekend at their homes and in their driveways, how there are often times fights, the situation being serious, inquired as to how we can address these problems; JIM VALENTINE, Los Banos, spoke on behalf of

Kiwanis, thanked the City Council for the recognition, and spoke of how the financiers are not primarily Kiwanis but individuals and businesses; LES POLACSAY, Los Banos, spoke of how he has lived in many different cities in his life, how giving people in Los Banos are, and the Institute of Principle Studies presenting the topic Constitution Under Siege on March 9, 2013; PASCUAL MENDIVIL, Los Banos, spoke in Spanish, invited the community to the Rosa Parks celebration at Bethel Community Church at 1:00 p.m. on February 23, 2013, spoke of the cold weather, and the irony that the public's money isn't spent on the public and instead it is spent on health insurance for public servants; CHANTELE SILVERADO, Los Banos, spoke regarding pedestrian crossing at the intersection of Fourth and West K Streets, her hope that maybe a crossing guard or stop sign be put in place, how difficult it is for people in wheelchairs to maneuver in that area because the sidewalks do not have ramps, and the bird droppings on the sidewalks downtown; Mayor Villalta spoke of the City's efforts to maintain cleanliness in regards to the bird droppings. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Faria to approve the consent agenda as follows: Check Register for #139362 – #139625 in the Amount of \$836,839.21; Acceptance of the Second Quarter Investment Report for Fiscal Year 2012/2013; Minutes for the December 19, 2012 City Council Meeting; City Council Resolution No. 5462 – Authorizing the Acting City Manager to Execute an Out of Boundary Service Agreement Upon Local Agency Formation Commission (LAFCO) Approval, for the Property Located at 15901 Badger Flat Road, APN 081-140-012 (LB Property Management, LLC); City Council Resolution No. 5463 – Accepting the 2012 Street Repairs Project as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 5464 – Amending the Fiscal year 2012-2013 Budget by Increasing the Appropriation for Expenditures in the Fire Capital Improvement Fund by \$38,000 to Purchase Personal Protective Equipment for the Volunteer Fire Fighters. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE OF THE CITY OF LOS BANOS TEMPORARILY SUSPENDING THE COLLECTION OF THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF) ESTABLISHED BY ORDINANCE NO. 1031; ORDINANCE NO. 1107 – EXTENDING THE TEMPORARY SUSPENSION OF THE COLLECTION OF REGIONAL TRANSPORTATION IMPACT FEES ESTABLISHED BY ORDINANCE NO. 1031 AS AMENDED AND CODIFIED IN TITLE 3 CHAPTER 18 OF THE LOS BANOS MUNICIPAL CODE. Public Works Director/City Engineer Fachin presented the staff report.

Mayor Villalta opened the public hearing. LES POLACSAY, Los Banos, spoke of the need for Los Banos to be competitive, how Merced is looking at reducing fees, how Dos Palos has reduced their fees, how all of the RTIF money has gone to the east side of the County and will not be spent on the west side, his feelings that Council should support the suspension, and how there is a local transportation fee. No one else came forward to speak and the public hearing was closed.

Mayor Pro Tem Stonegrove spoke in opposition of the suspension of the RTIF, her feelings that development should pay for itself, how it wouldn't be fair to future generations to pay for these improvements to infrastructure, how businesses impact the roads and developers should pay for the impact not the citizens, her feelings that the RTIF suspension a year ago was the unraveling of the bypass project, and reminded all that it was stated during the prayer at the beginning of the meeting to be wise with our decisions.

Council Member Lewis spoke of how RTIF money has been spent on the east side of the County, mainly for the Atwater Exchange, how when businesses come they bring an economic boom to the City, citizens create the impact, and how if it were up to her she would suspend the RTIF indefinitely.

Mayor Villalta spoke of how new businesses have come to Los Banos and have stated that it is due to the suspension of the RTIF and how Los Banos has contributed \$1.2 million and has not received anything in return.

Mayor Pro Tem Stonegrove spoke of how she has an issue with giving misinformation, how the statements made that new businesses in town that are linked to the suspension of the RTIF are not true, how the RTIF supports the big businesses, fees being one of the last things businesses look at when coming to town, and the many vacant commercial buildings in the community.

Mayor Villalta spoke of how he has been honest and has letters to support what he states, how Les Schwab is one business that came because the RTIF was suspended, how the bypass has been unraveling because it was originally on the south side, how Caltrans bought land for an off ramp near the Merced College Los Banos Campus, how it has now been moved to the north side, how greed has unraveled the bypass, how there is a need for a bypass but it shouldn't be on the backs of Los Banos, it has been unraveling since 1962, and spoke of the toll road.

Mayor Pro Tem Stonegrove encouraged the public to check the record for facts regarding the toll road.

Motion by Lewis, seconded by Faria, to waive the first reading of Ordinance No. 1107 – Extending the Temporary Suspension of the Collection of Regional Transportation Impact Fees Established by Ordinance No. 1031 as Amended and Codified in Title 3 Chapter 18 of the Los Banos Municipal Code. The motion carried by the following vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: Stonegrove; ABSENT: None.

Motion by Lewis, seconded by Faria, to introduce Ordinance No. 1107 – Extending the Temporary Suspension of the Collection of Regional Transportation Impact Fees Established by Ordinance No. 1031 as Amended and Codified in Title 3 Chapter 18 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Faria, Lewis, Silveira, Villalta; NOES: Stonegrove; ABSENT: None.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5465 – FORMING AN ECONOMIC DEVELOPMENT STRATEGIC PLAN TASK FORCE AND APPOINTMENT OF THE INITIAL MEMBERSHIP. Community Development Director Fitzgerald presented the staff report.

There was Council Member and staff discussion regarding the length of time it may take to develop the plan and how the Economic Development Advisory Committee will work with this task force.

Motion by Villalta, seconded by Silveira to appoint Mayor Villalta and Council Member Faria to serve as members of the Economic Development Strategic Plan Task Force. The motion carried by the affirmative action of all City Council Members present.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5465 – Forming an Economic Development Strategic Plan Task Force and Appointment of the Initial Membership. The motion carried by the affirmative action of all City Council Members present.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5461 – AWARDED CONTRACT FOR LEGAL ADVERTISING FOR FISCAL YEAR ENDING JUNE 30, 2013, AND AUTHORIZING AND DIRECTING THE ACTING CITY MANAGER TO EXECUTE AGREEMENT. (CONTINUED FROM JANUARY 16, 2013)

Acting City Manager/Police Chief Brizzee presented the staff report.

Council Member Faria spoke of how this item came up because he thought it would be a good idea to put advertisements in both local newspapers, how legal notices and public notices would be good to put in both newspapers, how he isn't so worried about classified ads, how the more people we can reach about what's going on the better, and how it wouldn't be that much more to include advertising in The Paper in addition to already advertising in the Los Banos Enterprise.

Acting City Manager/Police Chief Brizzee spoke of how we've learned in our research that the bulk of the City's advertising is legal and public notices and how classified ads do not amount to much.

Mayor Pro Tem Stonegrove spoke of how they have spent a lot of time on this item, her regrets that they did not make this decision at the last meeting, how the City doesn't have the extra money to spend on this, one vendor fulfilled the requirements within the Request for Proposal (RFP) and one did not, how the City is not in a position to be giving money on tax payer dollars that, how City employees have given up 10.5% three years ago, and how employees are still going without their full salary.

Council Member Silveira spoke of how it was clear to him that we are getting the most bang for our buck with the Los Banos Enterprise, spoke of how it's not broke then why fix it, how the City doesn't have the extra money, the constant bickering about what has happened in the past, the need to move forward, how we are entitled to our opinions, and the need to be forward thinkers and not constantly dwelling on the past.

Council Member Lewis spoke of there being some things in the scope of the RFP, how there are provisions where the City has the right to declare a nonresponsive RFP and reject proposal if information isn't provided, spoke of being half way into the fiscal year, how its isn't feasible or the right thing to do economically for the citizens of Los Banos right now, and the need for the playing field to be even.

Mayor Villalta spoke of a recent scenario with the County in which they spent a number of months negotiating an annual contract with one organization then retracted that and awarded it to another and then decided to throw the whole thing out and hire a consultant.

City Attorney Vaughn clarified that the RFP does request documentation verifying circulation numbers in addition to a number of other items.

Council Member Faria spoke of his support for publishers of all newspapers and journals, how newspapers get the message out to the people, and how he favors them all.

Motion by Stonegrove, seconded Silveira to adopt City Council Resolution No. 5461 – Awarding Contract for Legal Advertising for Fiscal Year Ending June 30, 2013, and Authorizing and Directing the Acting City Manager to Execute Agreement with Los Banos Enterprise. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community Development Director Fitzgerald reported that a public hearing will be held by the Los Banos Planning Commission on Wednesday, February 13, 2013 at 7:00 p.m. at City Hall in the Council Chambers to consider Site Plan Review #2013-01 for Family Dollar.

CONSIDERATION OF THE DISCONTINUANCE (DISBANDMENT) OF THE CULTURE & THE ARTS COMMISSION. City Clerk/Administrative Services Director Mallonee presented the staff report.

Council Member Silveira spoke to the purpose and benefits of disbanding this commission and how he would like staff to review the municipal code in an effort to disband other currently non-applicable committees and/or commissions.

Motion by Silveira, seconded by Stonegrove to disband the Culture & the Arts Commission and give staff direction to review Ordinance No. 1069 and Title 2, Chapter 2 of the Los Banos Municipal Code to bring back with clean up language at a future City Council meeting. The motion carried by the affirmative action of all City Council Members present.

CITY COMMISSION MEMBER APPOINTMENTS & ANNOUNCEMENT OF VACANCY ON COMMITTEE.

PARKS & RECREATION COMMISSION – ONE (1) VACANCY. Motion by Villalta, seconded by Silveira to appoint Diana Ingram to serve a full term expiring on December 31, 2014 on the Parks & Recreation Commission. The motion carried by the affirmative action of all City Council Members present.

AIRPORT ADVISORY COMMISSION – ONE (1) VACANCY. Motion by Villalta, seconded by Faria to appoint Dave Anderson to serve a full term expiring on December 31, 2014 on the Airport Advisory Commission. The motion carried by the affirmative action of all City Council Members present.

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE – ONE (1) VACANCY. Motion by Faria, seconded by Silveira to authorize staff to advertise the vacancy on the Economic Development Advisory Committee on the City's website. The motion carried by the affirmative action of all City Council Members present.

CITY MANAGER REPORT. No report.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Spoke of how the choir kids wanted to thank La Morenita for helping them with their drive thru dinner fundraiser, thanked the Public Works Department for cleaning the bird droppings off the downtown sidewalks, how he is pleased to see that violent crime is down considerably, encouraged the public to call the Police Department if they see anything suspicious, spoke of how the Arts Council is going to be sponsoring a sing-a-long on Sunday, February 10, 2013, how some famous people coming out of Los Banos including Chef Ryan Scott who was featured on Rachel Ray last week and G.B. Blackmon who will be starring in a production of Jesus Christ Superstar by Merced Play House, February being black history month, wished a happy birthday to his son-in-law, and encouraged the community to read Mark Twain's Jim Smiley and His Jumping Frog.

DEBORAH LEWIS: Thanked the City and citizens for sending her to the League of California Cities New Mayors and Council Members Academy, her appreciation that the City sent her there, how the San Francisco Giants will be displaying the 2010 and 2012 World Series trophies on February 12, 2013 at the Community Center, how the trophies will also be at the Merced County Fairgrounds on February 11, 2013, how pleased she was to see all those honored who worked so hard during the holidays to help those in need, reminded all that these organizations serve year round and encouraged the community to support them.

SCOTT SILVEIRA: Thanked those that were honored earlier for all they do, reminded all about the San Francisco Giants World Series trophies visit to Los Banos on February 12, 2013, how he will be making a \$25 donation but he won't be able to attend the trophy tour, and encouraged all to make comments and suggestions to Council but to also come up with possible solutions.

ELIZABETH STONEGROVE: Reminded all that the San Francisco Giants will be displaying the 2010 and 2012 World Series trophies on Tuesday, February 12, 2013 from 5:00 p.m. to 7:00 p.m. at the Community Center, thanked Police Officer Noah Jones for his efforts with the Buster Posey baseball field makeover and the world series trophy tour, and reminded all about the Rosa Parks birthday celebration taking place on February 23, 2013 at Bethel Community Church at 1:00 p.m.

MAYOR MICHAEL VILLALTA: Spoke of how downtown has many merchants and the City has cleaned the streets, how it would be nice if the merchants could help out and also clean their sidewalks too, how the groups that were recognized tonight were just a few that help the wheel to turn in this City as far as charity, spoke to the comments made about the warming/cooling shelter concerns, suggested that church groups in town assist in providing these services, how liability is a huge factor in this regards, the saying "no good deed goes unpunished", looking at ways to stretch dollars, how Mr. Arkfeld is writing about Los Banos and all the successful people who have gone on to do exciting things, encouraged those who may know of someone who is doing great things in any area talk to Mr. Arkfeld so that he can showcase this, Rosa Parks' 100th birthday celebration on February 23, 2013 at Bethel Community Church, the Institute of Principle Studies' presentation on March 9, 2013 and how it is good to know our roots, encouraged those who are complaining about loud music issues to contact the Police Department so the offenders can be cited , and encouraged the community to get involved with volunteerism and the neighborhood watch program.

Acting City Manager/Police Chief Brizzee spoke to a comment made during the public forum regarding a murder/homicide in the Bentley Drive area, clarified that the Police Department is not aware of such an incident in that area, spoke regarding the neighborhood watch program, and asked for anyone interested to contact Los Banos Police Department to get one started.

Mayor Villalta encouraged all to volunteer and spoke to how Los Banos is a shining star to some of the communities he saw when he went out of state recently.

ADJOURNMENT. Motion by Lewis, seconded by Faria to adjourn the meeting at the hour of 9:14 PM to 3:30 p.m., Friday, February 15, 2013 in City Hall Council Chambers, 520 J Street, Los Banos, California Regarding City Manager Recruitment. The motion carried by the affirmative action of all City Council Members present.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk