

**CITY OF LOS BANOS
REDEVELOPMENT AGENCY MEETING MINUTES
FEBRUARY 16, 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 Redevelopment Agency of the City of Los Banos met on the above given date; Chairman Amabile called the meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE. Led by Police Commander Fitchie.

ROLL CALL -- MEMBERS OF THE AGENCY PRESENT: Balatti, Jones, McAdam, Smith, and Chairman Amabile.

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, Deputy City Clerk/Administrative Clerk II Sousa, City Treasurer/Finance Director Wall, Public Services Director Sousa, Public Works Director DeSa, Redevelopment Manager Hubler, Planning Consultant Miller, Police Commander Fitchie, Translator Reyna.

APPROVAL OF THE AGENDA: On motion by Smith, seconded by Balatti and carried, the agenda was approved by the affirmative vote of all Agency Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE AGENCY ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE AGENCY; 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. No one came forward to speak.

APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda will be voted on in one motion unless removed from the calendar by an Agency Member.) On motion by McAdam, seconded by Jones and carried, items on the consent agenda were approved by the affirmative vote of all Agency Members present as follows: Minutes for the January 19, 2005 Meeting.

PUBLIC HEARING – DISPOSITION AND DEVELOPMENT AGREEMENT WITH STOCKMEN'S BANCORP, INC. TO CONSIDER THE SALE OF APPROXIMATELY 29,400 SQUARE FEET OF PROPERTY TO ALLOW THE CONSTRUCTION OF A NEW BANK BUILDING TOTALING 3,580 SQUARE FEET IN THE C2 ZONE DISTRICT, AT 7TH AND H STREETS, APN 025-070-035. (CONTINUED FROM JANUARY 16, 2005 AND TO BE CONTINUED TO MARCH 16, 2005) Planning Consultant Miller presented the staff report and requested the continuation of the public hearing to March 16, 2005.

Motion by Smith, seconded by Balatti to continue the public hearing for a Disposition and Development Agreement with Stockmen's Bancorp, Inc. to March 16, 2005. The motion carried by the affirmative action of Agency Members present.

STAFF REPORT: None.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY: APN 025-070-035, CONSISTING OF APPROXIMATELY 29,400 SQUARE FEET OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF 7TH AND H STREETS, LOS BANOS, CALIFORNIA; AGENCY NEGOTIATOR: CITY MANAGER/EXECUTIVE DIRECTOR; NEGOTIATING PARTIES: LOS BANOS REDEVELOPMENT AGENCY & THE STOCKMEN'S BANCORP, INC.; NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only. (This closed session item was discussed in conjunction with the closed session items at the City Council meeting later in the evening.)

ADJOURNMENT: The meeting was adjourned at the hour of 10:18 p.m.

APPROVED:

Michael S. Amabile, Chairman

ATTEST:

Jana R. Sousa, Secretary

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
FEBRUARY 16, 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 meeting to order at the hour of 7:06 p.m.

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

STAFF MEMBERS PRESENT: City Manager Rath, City Attorney Vaughn, Deputy City Clerk/Administrative Clerk II Sousa, City Treasurer/Finance Director Wall, Public Services Director Sousa, Public Works Director DeSa, Redevelopment Manager Hubler, Planning Consultant Miller, Police Commander Fitchie, Translator Reyna.

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

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. Patti Dosetti, Grant Writer for Merced Union High School District, invited Council Members to attend a Grant Writer Meeting being held February 25, 2005 at 9:00 a.m. at the Merced County Office of Education, Newbold Room, and the fourth Fridays of each month in various locations. Ms. Dosetti stated that interested parties should contact Family Resources Council at (209) 381-5980.

APPROVAL OF CONSENT AGENDA. Council Member Smith stated that due to a conflict of interest she would abstain from item D on the consent agenda, Partial Retention Payment to Granite Construction for the Runway and Taxiway Extension and Associated Improvements in the amount of \$91.507.37.

Motion by McAdam, seconded by Jones to remove item D, Partial Retention Payment to Granite Construction for the Runway and Taxiway Extension and Associated Improvements in the amount of \$91.507.37, from the consent agenda. The motion carried by the affirmative vote of all Council Members present, Council Member Smith abstaining.

Mayor Amabile requested more information for item I on the consent agenda, Resolution No. 4582 – Increasing Local Parking Penalty Fees. Police Commander Fitchie presented a staff report in which he spoke of the fee increases being proposed, and there were

various questions posed from Council Members including the proposed fee increases, truck parking throughout the City, and illegal u-turns in the downtown area.

On Motion by McAdam, seconded by Jones and carried, items on the consent agenda were approved by the affirmative vote of all Council Members present as follows: Minutes for the February 2, 2005 Meeting; Minutes for the February 9, 2005 Adjourned Meeting; Check Register for #80847 - #81198 in the amount of \$1,204,992.94; Progress Payment No. 3 to St. Paul Travers for the Henry Miller Plaza Project in the amount of \$158,162.98; Progress Payment No. 9 to CB&I for the Water Storage Tank and Booster Pump Station No. 1 in the amount of \$93,745.44; Payment for Change Order #005 to St. Paul Travelers for the Henry Miller Plaza Project in the amount of \$4,395.00; Resolution No. 4581 – Amending the Fiscal Year 2004-2005 Budget by Increasing the Appropriation Limit for the Traffic Safety Fund - Police Dept - Capital Outlay; Resolution No. 4582 – Increasing Local Parking Penalty Fees; Resolution No. 4583 – Accepting Final Tract Map #2004-03 (Meadowlands 3 Phase 5 Subdivision); Resolution No. 4584 – Authorizing the Mayor to Execute Agreements with the State Board of Equalization for Implementation of a Local Transaction and Use Tax. The motion carried by the affirmative vote of all Council Members present.

Council Member Smith excused herself and Item D, Partial Retention Payment to Granite Construction for the Runway and Taxiway Extension and Associated Improvements in the amount of \$91,507.37, was then discussed. Council Member McAdam questioned what improvements were included in this project. Public Services Director Sousa spoke about improvements associated with the Runway and Taxiway Extension project.

Motion by Jones, seconded by Balatti to approve item D on the consent agenda; Partial Retention Payment to Granite Construction for the Runway and Taxiway Extension and Associated Improvements in the amount of \$91,507.37. The motion carried by the affirmative vote of all Council Members present, Council Member Smith abstained.

Council Member Smith then returned to her seat at the dais.

PUBLIC HEARING – DISPOSITION AND DEVELOPMENT AGREEMENT WITH STOCKMEN’S BANCORP, INC. TO CONSIDER THE SALE OF APPROXIMATELY 29,400 SQUARE FEET OF PROPERTY TO ALLOW THE CONSTRUCTION OF A NEW BANK BUILDING TOTALING 3,580 SQUARE FEET IN THE C2 ZONE DISTRICT, AT 7TH AND H STREETS, APN 025-070-035. (Continued from January 16, 2005 and to be continued to March 16, 2005) Mayor Amabile stated this item was continued to March 16, 2005 during the Redevelopment Agency Agenda earlier this evening and then requested to continue the item to March 16, 2005.

Motion by McAdam, seconded by Jones to continue the public hearing for a Disposition and Development Agreement with Stockmen’s Bancorp, Inc. to March 16, 2005. The motion carried by the affirmative vote of all Council Members present.

PARKS & RECREATION COMMISSION MEMBER APPOINTMENT – ONE (1) VACANCY, 4-YEAR TERM TO EXPIRE DECEMBER 31, 2008. Public Services Director

Sousa gave a brief explanation of the vacancy to be appointed. Mayor Amabile then recommended Rick Gomez for appointment to the Parks & Recreation Commission and thanked all who submitted applications for appointment.

Motion by Smith, seconded by McAdam to appoint Rick Gomez to the Parks & Recreation Commission. The motion carried by the affirmative vote of all Council Members present.

STATE OF CALIFORNIA LEGISLATIVE UPDATE – COUNCIL MEMBER McADAM.

Council Member McAdam stated that he recently had the opportunity to represent the City of Los Banos by attending numerous meetings with legislators in Sacramento throughout a number of days. McAdam shared discussions that occurred with legislators and stated that this was a great experience for him. McAdam also stated that it is important for the City of Los Banos to have a voice in Sacramento.

ADVISEMENT OF PUBLIC NOTICES. (Two Reports).

Planning Consultant Miller stated that a public hearing will be held February 23, 2005 to consider an application by Anthony Whitehurst for a Site Plan Review to allow the construction of an 8,000 square foot general commercial shell building. Miller also stated that the project is located on the north side of "G" Street and east of 7th Street, and anyone having questions on this public hearing should contact Julie Silva in the City Planning Department at 827-7000. Planning Consultant Miller then stated that another public hearing is being held February 23, 2005 that includes multiple applications for The Provinces (Meadowlands Unit IV) Planned Development. Miller also stated that the site is 109.51 acres east of Place Road, north of the Verona and Mission Estates subdivisions, and west of the San Luis Canal and Ward Road. Miller stated that anyone having questions regarding this public hearing should contact Richard James in Planning Department at 827-7000.

CITY MANAGER REPORT: City Manager Rath reported on the construction of the Henry Miller Plaza. City Manager Rath stated that the company working on the project recently had financial difficulties and is no longer working on the Henry Miller Plaza. Rath stated that the City of Los Banos, through its bond company, expects to call for bids soon for completion of the project.

M.C.A.G. REPORT: Mayor Amabile reported that he plans to attend a Merced County Association of Governments (MCAG) meeting tomorrow at 3:00 p.m., and a workshop tomorrow at 2:00 p.m. to discuss locating monies for transportation in Merced County.

CITY COUNCIL REPORTS

COUNCIL MEMBER BALATTI: Asked for an update on the removal of a telephone pole located at Cardoza Road and Center Avenue. City Manager Rath stated that there are plans to remove the pole soon. Balatti then reported that she attended a dinner last night for the University of California Merced and expressed what a great asset the UC will be for central valley students. Balatti also stated that she helped judge the Arbor Day artwork and urged citizens to visit City Hall where the artwork is now being displayed.

COUNCIL MEMBER JONES: Reported that he recently met with Pastor Steve Hammonds and Victory Outreach regarding gang violence and how destructive it is to our community. Jones also reported that Victory Outreach is currently working on a play to be held October 1, 2005 on the subject of gang violence in the community. Jones stated that he would report further information as it becomes available to him.

COUNCIL MEMBER McADAM: Spoke regarding upcoming project seminars, concerning funding problems of businesses, for the V3 Program that stands for Venture Networking, Virtual Communities, and Value Add Programs. McAdam stated that this program is for business owners in Merced County interested in learning about venture capital and bank loans to start or grow their business. McAdam reported that there are meetings scheduled in Atwater on February 23, 2005 at Castle Conference Center, and in Los Banos on March 3, 2005 in City Hall Council Chambers. Council Member McAdam stated that anyone having questions regarding the V3 program should call Mary Cervantes at 385-7686 or contact Mr. McAdam by calling City Hall at 827-7000.

MAYOR PRO TEM SMITH: Asked for an update about under-grounding telephone poles on Pacheco Boulevard beginning at I street and running east. City Manager Rath stated that priority is currently on under-grounding the rail corridor. Public Services Director Sousa stated that he has made several requests to under-ground poles on Pacheco Boulevard but is waiting for the phone company to fund the project. Council Member Smith stated that a patient of hers recently commented that the City is trying to keep Applebees Restaurant from coming to Los Banos. Smith stated that she took it upon herself to call Applebees Restaurant in Gilroy where she was then directed to the President of Applebees Restaurants. Smith stated that the President of Applebees stated he is very interested in coming to Los Banos but he would like an acre of land for the restaurant. Smith stated that she would pass on the phone number of the President of Applebees Restaurants to City Manager Rath along with any developer who may be interested in Applebees coming to their construction site.

MAYOR AMABILE: Thanked Supervisor O'Banion for his support at Los Banos City Council Meetings, and then asked Public Services Director Sousa to speak about the upcoming Arbor Day Celebration. Public Services Director Sousa stated that this year Arbor Day will be held March 4, 2005, at SnowGoose Park in the Meadowlands off of San Luis Street, and the Arbor Day Breakfast will also be held March 4, 2005 at the Miller & Lux Building. Amabile thanked everyone for viewing the State of the City Address and the Los Banos Enterprise for running the entire text of the speech.

Council Member Smith stated that due to a conflict of interest, she would not be participating in the following closed session: Conference with Real Property Negotiators – Pursuant to Government Code 54956.8. Property: Los Banos Municipal Airport, 1000 Airport Way, Los Banos, California; Negotiating Parties: City Manager and City Attorney; Under Negotiation: Purchase Price and Terms of Sale.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY: APN 025-070-035, CONSISTING OF APPROXIMATELY 29,400 SQUARE FEET OF PROPERTY LOCATED

AT THE NORTHWEST CORNER OF 7TH AND H STREETS, LOS BANOS, CALIFORNIA; AGENCY NEGOTIATOR: CITY MANAGER/EXECUTIVE DIRECTOR; NEGOTIATING PARTIES: LOS BANOS REDEVELOPMENT AGENCY & THE STOCKMEN'S BANCORP, INC.; NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY: ADDRESS: 644 I STREET, APN 025-201-010, LOS BANOS, CALIFORNIA; NEGOTIATING PARTIES: CITY OF LOS BANOS & UNITED STATES LAND & CATTLE CO.; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only.

CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO GOVERNMENT CODE 54956.8. PROPERTY: LOS BANOS MUNICIPAL AIRPORT, 1000 AIRPORT WAY, LOS BANOS, CALIFORNIA; NEGOTIATING PARTIES: CITY MANAGER AND CITY ATTORNEY; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE. No action taken, advisement to staff only, Mayor Pro Tem Smith did not take part in this closed session.

CLOSED SESSION – PUBLIC EMPLOYMENT – PURSUANT TO GOVERNMENT CODE 54957. JOB TITLE: PLANNING MANAGER. No action taken, advisement to staff only.

ADJOURNMENT. The meeting was adjourned at the hour of 10:18 p.m.

MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Jana R. Sousa, Deputy City Clerk