

**CITY OF LOS BANOS
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES
SEPTEMBER 15, 2010**

***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 Jones called the City Council / Redevelopment Agency Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL / REDEVELOPMENT AGENCY

PRESENT: Tom Faria, Joe Sousa, Elizabeth Stone, Mike Villalta, Tommy Jones;
ABSENT: None

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, City Manager Rath, Fire Chief Guintini, Police Chief Brizzee, Public Works Director/City Engineer Fachin, Redevelopment Agency Director Post, Planning Director Fitzgerald and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Sousa, seconded by Stone to approve the agenda as submitted. The motion carried by the affirmative action of all City Council / Redevelopment Agency Members present.

PRESENTATION – PROCLAMATION RECOGNIZING LOS BANOS TIGERS – 18U GIRLS SOFTBALL TEAM. Mayor Jones presented the proclamation to the coach and team members present. Coach Pikas thanked the Mayor and Council Members for the recognition.

PROCLAMATION RECOGNIZING ALVIN MARQUES. Mayor Jones presented the proclamation to Alvin Marques. Mr. Marques thanked the Mayor, Council Members, staff and fellow veterans for the recognition.

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 FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. NORM DONOVAN, Los Banos, spoke regarding how the trash on his street did not get picked up last week and had a hard time contacting someone over the weekend, the need for someone to be on call for emergencies; ELLEN MEYER, Modesto, spoke on behalf of the High Speed Rail Authority and announced that there will be a public information meeting to learn more

about the Merced-Fresno section on Tuesday, October 5, 2010 at 4:00 p.m. at the Merced Community Senior Center; KEN HEATON, Los Banos, spoke regarding his concern that the upcoming Candidates Forums will not be televised live, informed everyone that Jack Mobley who is running for the 17th District Congressional Assembly seat is willing to pay the \$345 fee to have the congressional forum televised and this being a better way of having access to understand and be better informed of the candidates; Council Member Faria inquired about the fee to City Manager Rath, spoke of his willingness to put up the funding, and invited the other Council candidates to pay part of the fee; City Manager Rath spoke of the fee and reiterated that the City can't be involved in it and if people would like to pay these fees then it would have to go through the sponsors of the event; Council Member Villalta stated that he would pay the fee as well, the need for people to be informed, has nothing to hide, and asked the Mayor to split the fee with him for the mayoral forum; LES POLACSY, Los Banos, spoke as a member of the Los Banos Tea Party Patriots of how they have also decided to give a mayoral forum on October 7, 2010 at 7:00 p.m. at the Miller and Lux building, invited the public to attend, there will be no filtering of questions with no bias for any candidates, following the debate will be a meet and mingle for candidates who participate, informed that Council Member Villalta and Keith Snow have already confirmed that they will be available but has not heard from Mayor Jones, and this going to be a great augmentation to the League of Women Voters candidate forum; BOB REISTER, Los Banos, spoke regarding how he sent an email inquiry to each council member regarding a street sweeping issue, his disappointment that he only received replies from three of the five council members, and requested responses from Council Member Stone and Mayor Jones; City Manager Rath spoke of the street sweeper issue and informed Mr. Reister that staff is looking into the issue and will contact the council members to inform them of a solution; City Attorney Vaughn reminded Mr. Reister that the forum is simply to address Council, this not being a question and answer session, and the inappropriateness of this under the Brown Act; MATTHEW ALBERT, Hollister, spoke regarding his attendance at a Council meeting a couple weeks ago to ask Council to address the issue of the medical marijuana dispensary, members of the community living with terminal illnesses, not leaving and not planning on closing the doors of the Purple Cross dispensary store, and would like to re-address this issue and place it on the agenda; RICH LAWRENCE, Los Banos, thanked the Mayor for the community center, spoke of his support of medicinal marijuana dispensaries and Proposition 19, feels that the City is discriminating because the Council does not want to put it on the agenda, the dispensary being good for all walks of life, marijuana used as a medicine, no different than a pharmacy giving out Vicodin or Oxycontin, has identification to get medicinal marijuana, and he would like this issue put on the next City Council meeting agenda; ROBBIE AVILA, Stevinson, spoke regarding the Measure C "Save Farm Land" initiative on the November 2nd ballot, how it does not affect farm worker housing, Stanislaus County having already put this in place, and how it does not affect property rights; FRANK STAMBAUCH, Los Banos, spoke of his experience speaking with the Building and Planning Departments regarding the projects he is working on and his disappointment in the way he had to obtain the information; City Manager Rath informed Mr. Stambauch that the City will make sure to contact him and do a comprehensive look at the project he is working on; HENRY DOMINGUEZ, Los Banos, spoke in support of the medicinal marijuana dispensary, those struggling with serious health issues, a diabetes walk in Santa Barbara on February 14, 2011, there is a time right now that

there is a need, how cannabis can be used all different types of ways, the illnesses he has had and how smoking marijuana eased his pain, the need to educate children about the medical marijuana law, and asked Council to put the item on the agenda; DAVE ANDERSON, Los Banos, spoke regarding having an earthquake drill called the California Great Shakeout in October which helps everybody get used to earthquakes and get ready for them, spoke of the cities that have been devastated by earthquakes, what ham radio operators do for the community during earthquakes, would like more people to join the ham radio club, ham cram event on November 13, 2010 to study for the test; RHONDA LOWE, Los Banos Chamber of Commerce, spoke of partnering with Los Banos Enterprise on the Readers Choice Awards and gives the community a chance to give a shout out to who they like in these categories at a dinner October 16, 2010 at the new community center, tickets available at the Chamber of Commerce office, encouraged people to go to www.losbanosenterprise.com to nominate and vote, and the meals on wheels program to help housebound senior citizens; LINDA MARTINEZ, Los Banos, spoke of running for City Council, announced that she is having a fundraiser dinner at the community center; JOHN WHALA, Los Banos Chamber of Commerce, reminded all that this weekend is the Fall Street Faire and encouraged all to come out and enjoy the event and the Rotary Club pancake breakfast that's also that day; DARREN NUNES, Los Banos, spoke as a volunteer for St. Joseph's Store regarding the problems they are having with people dumping stuff in the alley behind the store and requested that the Police Department keep an eye on the alley and do something about it. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Sousa to approve the consent agenda as follows: Check Register for #124080 - #124396 in the Amount of \$1,701,781.11; Minutes for the August 18, 2010 City Council / Redevelopment Agency Meeting; Minutes for the September 8, 2010 Adjourned City Council / Redevelopment Agency Meeting; City Council Resolution No. 5271 – Declaring Real Property Surplus and Authorizing Sale of Surplus Real Property (1740 D Street, Merced CA, APN 034-211-023); City Council Resolution No. 5272 – Accepting the 2010 Street Repairs Project and a Notice of Completion to be Executed and Recorded by Merced County; City Council Resolution No. 5273 – Approving the Acceptance of an \$85,000 Grant (AL1195) from the California Office of Traffic Safety (OTS) and Amending the 2010-2011 Budget by Increasing the Appropriation Amount of the Traffic Safety Fund for Revenues and Expenditures in the Amount of \$85,000. The motion carried by the affirmative action of all City Council / Redevelopment Agency Members present.

REDEVELOPMENT AGENCY UPDATE. No report.

ADVISEMENT OF PUBLIC NOTICES (One Report). Planning Director Fitzgerald reported that a public hearing will be held by the Los Banos Planning Commission on September 22, 2010 at 7:00 p.m. regarding a mobile ice cream vendor.

CITY MANAGER / EXECUTIVE DIRECTOR REPORT. No report

CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

TOM FARIA: Congratulated the girls softball team and Mr. Marques, generations at its best and hopes the younger ones follow in these footsteps, thanked all veterans for their service, the fall street fair on Saturday, September 18, 2010, Modesto cutting fees and maybe its something the City should look at, and the need to encourage more businesses to come to town.

JOE SOUSA: Thanked Mrs. Susanna Hepworth and Principal Jan Whitehurst at Volta Elementary for the invitation to the flag raising, concerns with walkers on the canal and dogs not being on a leash, encouraged all to keep their dogs on a leash, reminded folks to come out to the community center grand opening on Friday, September 17, 2010 at 6:00 p.m., reminded all about the Central Valley blood drive being held at the street faire on September 18, 2010, the salute to seniors faire on September 24, 2010 and encouraged all to attend, and wished his son Michael a happy birthday who turned 35 years old yesterday.

ELIZABETH STONE: Congratulated and thanked Mr. Marques and the girls softball team for their accomplishments and service to the community, this town is full of role models, attended the March of Dimes event last weekend which was a great event, thanked Judy Whitaker and Hillary Betancourt in addition to several others for all their hard work on the event and all those who helped out and donated their money and time, encouraged all to attend community enter grand opening on September 17, 2010, and the salute to seniors fair on September 24, 2010.

MIKE VILLALTA: Invited all who have a few extra dollars to help air the candidate forums for those running for office, the importance to air the forums live, looking for others to help out with the funding, how council members do not have the authority to reduce costs for the Recreation Division classes, understands that there is scholarship money available for these classes and asked staff to look into that if possible, encouraged all to attend the downtown street faire and Rotary Club pancake breakfast which will help sponsor a van for Kingsview for disabled persons, Chamber of Commerce Readers Choice Awards dinner on October 16, 2010, March of Dimes event was a great event and encouraged all to support the them, congratulated Mr. Marques, and thanked all that the veterans for what they do for the community.

MAYOR TOMMY JONES: Spoke of the community center grand opening at 6:00 p.m. on September 17, 2010, the Los Banos High School Tigers vs. Dos Palos High School Broncos football game also on September 17, 2010, thanked Mr. Marques for his service to the country and community in addition to all veterans, congratulated the girls softball team for their achievement, attended the 9/11 flag raising ceremony at Volta Elementary, Mrs. Head's students who are in attendance tonight to see local government in action, looking forward to the salute to seniors event, and invited Supervisor Jerry O'Banion to come forward and speak of any good news.

Supervisor O'Banion thanked the Mayor and noted that he looks forward to the Los Banos High School Tigers vs. Dos Palos High School Broncos football game, will be at

the community center grand opening as he has a presentation to make, congratulated Mr. Marques, as a citizen he does not feel that Measure C is the solution to stopping growth, land use issues, encouraged everyone to seriously look at the measure, and wished good luck to Los Banos High School regarding the football game.

Mayor spoke to the different debates and forums being held, how he is talking to his campaign manager and examining the fairness of the forums, and will be attending the one that they believe is more appropriate.

ADJOURNMENT. The meeting was adjourned at 8:16 p.m.

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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