

**CITY OF LOS BANOS  
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES  
APRIL 20, 2011**

***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 / Redevelopment Agency Meeting to order at the hour of 7:03 p.m.

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

**ROLL CALL – MEMBERS OF THE CITY COUNCIL / REDEVELOPMENT AGENCY**

**PRESENT:** Council Members Scott Silveira, Joe Sousa, Elizabeth Stone, Mayor Michael Villalta; **ABSENT:** Council Member Tom Faria

**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, Accounting & Budget Supervisor Williams and Information Technology Director Spalding.

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

**PRESENTATIONS – PROCLAMATION RECOGNIZING THE VOLUNTEERS INTERACTING TO ADVANCE LAW ENFORCEMENT (VITAL) VOLUNTEERS.**

Mayor Villalta read and presented the proclamation to the VITAL volunteers in attendance. Mr. Larry Leonardo who presented the Volunteer of the Year Certificate to Marvin Greer and his volunteer pin, Norm Donovan with a the Presidential Volunteer Service Awards from the White House and a Letter from President Obama and service pin for his 582.5 hours of service, Frances Leon 514 hours of service pin and certificate and letter from the White House, Phyllis Graham for her 462 service hours, Marvin Greer for his 300.5 service hours silver award, and to Police Chief Brizzee and the Los Banos Police Department for the may hours worked by the VITAL group. Mr. Leonardo spoke about the VITAL program, 27 volunteers, 4091 hours of service this year, equal to volunteer dollars of \$95,279.39 which he presented to the Police Chief Brizzee, spoke to how they are a tax exempt group that accepts donations, and all the programs they participate in the community.

**PRESENTATION BY MERCED COUNTY ON THE 2011 REDISTRICTING PROJECT.**

Jim Brown, Assistant Chief Executive Officer with County of Merced, spoke regarding the 2011 Redistricting Project, which included a detailed PowerPoint presentation.

There was Council Member discussion regarding District 3 and wanting to get it to an acceptable number as close to 51,000, the timeline before this will all be completed, how much of this equation does the 18+ age group get looked at.

Informational item only, no action taken.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL / REDEVELOPMENT AGENCY 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.**

KATHY BALLARD, Los Banos, spoke regarding the small get together at near her house last night and brought it to the State regarding the courthouse that they do not want it in the residential area but at a better location on the rail trail or the other location pointed out, and submitted a letter regarding her request and consideration future agenda item; Mayor Villalta stated that he has received a letter from the State to be appointed to the Site Selection Committee for the courthouse; RHONDA LOWE, Merced County Action Agency, spoke regarding the Senior Lunch Program being held at the Community Center; Mayor Villalta inquired as to if the Dial a Ride Program will be providing transportation to the senior programs and would like to see the information on the city's website and Channel 96; PASQUEL MANDIVI, Los Banos, stated that he feels the Mayor needs to meet with staff prior to meetings so as to not waste staff time, more time needs to be spent on the warming shelter, battered women's shelter, how he went to the local museum and the conversation he had with the man there about Mexican Americans, comments made at the Golden Globe awards about Mexican waiters and read a letter he prepared regarding that issue, and stated how Los Banos is the most illiterate city in the county; Mayor Villalta asked Fire Chief Guintini to come forward and speak regarding the guidelines for the warming shelter, which Chief Guintini provided; Mayor Villalta spoke about how the City Council is always looking for funding to open a battered women's shelter because it is needed in every city in the county. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Council Member Sousa spoke to item 7D, City Council Resolution No. 5314 – Approving a Memorandum of Understanding (MOU) By and Between the City of Los Banos and the Los Banos Fire Fighters Association (LBFFA), thanking the Fire Fighters Association for their work and understanding of what the City is faced with, how Merced is going through massive lay offs, spoke of Los Banos being better off than most but not as good as some, how he, Ms. Stone and Mr. Jones made the difficult decision to support a budget that included layoffs a few years ago that prevented massive lay offs today, and thanked the Fire Fighters for their hard work.

Council Member Silveira thanked the Fire Fighters Association for their cooperation, after talking to a few of them how thankful they are to have jobs, and thankful that they are willing partners through the hard budget times.

Council Member Stone thanked the Fire Fighters for understanding the situation we are in, they took the lead last year as well when all City employees took cuts to their paychecks that affected their families, helping the City and the budget, and little by little we are getting through these hard times.

City Manager Rath thanked the Fire Department, all public safety employees, and all City employees as well, there have been many changes to save public safety positions, big employee concessions, many changes to benefits which is greatly appreciated, the Los Banos Fire Fighters Association is leading the charge on rolling over contracts, which staff is also currently negotiating with the Police bargaining groups, these are very hard economic times, and thanked all the employees for caring.

Mayor Villalta stated that having had to use the Fire Department services, it is nice to see the red truck, and thanked them for what they do.

Motion by Sousa, seconded by Silveira to approve the consent agenda as follows: Check Register for #128083 – #128316 in the Amount of \$539,021.72; Minutes for the March 2, 2011 City Council / Redevelopment Agency Meeting; City Council Resolution No. 5313 – Authorizing the Public Works Director/City Engineer to Sign Program Supplemental Agreement and Related Documents for the Safe Routes to School Grant; City Council Resolution No. 5314 – Approving a Memorandum of Understanding (MOU) By and Between the City of Los Banos and the Los Banos Fire Fighters Association (LBFFA); City Council Resolution No. 5315 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section C – Planning; City Council Resolution No. 5316 – Approving the Purchase of a Home Located at 2121 Park Crest Drive with Neighborhood Stabilization Program (NSP) Funding. The motion carried by the affirmative action of all City Council / Redevelopment Agency Members present, Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF MINOR REVISIONS TO THE RECENTLY ADOPTED ZONING ORDINANCE UPDATE FOR THE CITY OF LOS BANOS; ORDINANCE NO. 1097 – ADOPTING MINOR REVISIONS TO THE RECENTLY ADOPTED COMPREHENSIVE ZONING ORDINANCE UPDATE AMENDING TITLE 9, CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE. (SECOND READING & ADOPTION)** Planning Director Fitzgerald presented the staff report.

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

Motion by Stone, seconded by Silveira to waive the second reading of Ordinance No. 1097 – Adopting Minor Revisions to the Recently Adopted Comprehensive Zoning

Ordinance Update Amending Title 9, Chapter 3 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council / Redevelopment Agency Members present, Faria absent.

Motion by Stone, seconded by Silveira to adopt Ordinance No. 1097 – Adopting Minor Revisions to the Recently Adopted Comprehensive Zoning Ordinance Update Amending Title 9, Chapter 3 of the Los Banos Municipal Code by the following roll call vote: AYES: Silveira, Sousa, Stone, Villalta; NOES: None; ABSENT: Faria.

**PLACE ROAD AND SAN LUIS STREET STORM DRAIN AND DETENTION BASIN UPDATE.** Public Works Director/City Engineer Fachin presented the staff report.

Council Member Sousa suggested that staff find a way to have the general fund get reimbursed some way through area of benefits, would like to help offset the impact on the general fund, and with some form of revenue to support areas like this.

Council Member Silveira inquired as to what the time line of the project was and Mr. Fachin stated that it is a 60 day project.

Informational item only, no action taken.

**COUNCIL MEMBER AGENDA REQUESTS. (TO SEE IF THERE IS A MAJORITY CONSENSUS TO HAVE STAFF EXPEND TIME ON THE ISSUE AND TO HEAR IT AT A FUTURE MEETING.)**

**REQUEST FROM COUNCIL MEMBER SOUSA TO HAVE THE CITY COUNCIL PRESENT PROCLAMATIONS TO THE FOLLOWING INDIVIDUALS: NORM DONOVAN, ERASMO VIVEROS, AND MARIO GONZALES FOR THEIR SERVICE AND PARTICIPATION IN THEIR RESPECTIVE COMMISSIONS.** Council Member Sousa stated that he placed this item on the agenda because he feels that an injustice was done in not presenting them a proclamation in recognition of their service. He has not heard a good reason why they were excluded and feels personal feelings are involved. He would like to this Council honor these people, as one individual has served many many years on many commissions, they all served and they served honorably and some of them continue to serve out community.

Council Member Stone stated here feelings about this item and can't see any reason why these three individuals should not be given their proclamation.

Mayor Villalta considers this a personnel action and will not belabor these issue in public and would be willing to meet with Council Member Sousa and the individuals any time, he has his reasons and will not out his reasons in public, he doesn't feel the Council Member request process was set up for this purpose and spoke to the proclamation process/

Council Member Silveira stated that he understands these to be Mayoral Proclamations and it is his prerogative to give or not give out these proclamations. He would entertain the idea of setting up another type of proclamation that the City Council gives out.

Motion by Sousa, seconded by Stone to have the City Council honor the above stated individuals by presenting a proclamation to them at a future Council meeting to honor them. The motion failed by the following roll call vote: AYES: Sousa, Stone; NOES: Silveira, Villalta; ABSENT: Faria.

**REDEVELOPMENT AGENCY UPDATE.** No report

**ADVISEMENT OF PUBLIC NOTICES (No Report).**

**CITY MANAGER / EXECUTIVE DIRECTOR REPORT.** No report

**CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.**

**JOE SOUSA:** Thanked the staff at the Child Development Center who invited us to a meet and greet with their children, would like to see the Council consider a proclamation policy for handing out proclamations and a discussion on the Regional Transportation Impact Fee (RTIF) and the Los Banos Bypass project as to who supports and who doesn't, with a discussion as to where the RTIF is at, what has been collected and what has been spent, and to understand the recent actions taken with a project in Atwater; Mayor Villalta stated that staff is bringing that back to us at a future date and a decision is going to be made tomorrow at a MCAG meeting regarding RTIF projects and how the City Manager and City Attorney is preparing recommendations for him to present. City Manager Rath stated that he is not preparing recommendations as he just found out today from the Executive Director of MCAG of the issues.

**ELIZABETH STONE:** Spoke regarding the Annual Hobbs run being held at Dinosaur Point on May 1, 2011 to honor the memory of a wonderful man, and Los Banos High School History students will be putting on the Annual Wax Museum event on May 20, 2011.

**TOM FARIA:** Absent.

**SCOTT SILVEIRA:** Congratulated all the volunteers tonight on their achievements and thanked them for their service, spoke regarding the CASA event he recently attended, the event at College Greens Park regarding the future courthouse site and their voices were heard loud and clear, and reminded all about the upcoming Merced County spring fair April 27 - May 1, 2011 with advanced ticket purchase available now.

**MAYOR MICHAEL VILLALTA:** Spoke regarding the May Day Fair, Downtown Street fair being a huge success and asked John Whala to speak regarding the event, which he did stating that all the merchants were ecstatic that the booths were set up in the middle of the street instead of blocking their store fronts. Mayor Villalta stated that last

night there was a huge turn out for the court house and site selection committee neighborhood meeting which was a very good and civil meeting and the committee took back some good ideas.

**ADJOURNMENT.** The meeting was adjourned at the hour of 8:06 p.m. to 4:30 p.m., Tuesday, May 3, 2011 to Participate in a Community Bus Tour with City Council / Redevelopment Agency & Planning Commission, Beginning at City Hall, 520 J Street, Los Banos, California.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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