

**CITY OF LOS BANOS  
CITY COUNCIL / REDEVELOPMENT AGENCY MEETING MINUTES  
APRIL 2, 2008**

***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.***

**CALL TO ORDER:** Mayor Jones called the City Council/Redevelopment Agency Meeting to order at the hour of 7:01 p.m.

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

**ROLL CALL – MEMBERS OF THE CITY COUNCIL / REDEVELOPMENT AGENCY PRESENT:** Anna Brooks, Tom Faria, Joe Sousa, Mike Villalta, and Tommy Jones

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Manager Rath, Fire Chief Guintini, Police Chief Gallagher, Public Works Director/City Engineer Chisam, Redevelopment Manger Post, Translator Reyna, ? Assistant City Engineer Fachin

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Brooks, seconded by Sousa to approve the agenda as submitted. The motion carried by the affirmative action of all City Council/Redevelopment Agency 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.** KEITH GRONIGNA, Los Banos Chamber of Commerce, spoke regarding the street closure request on the consent agenda, and the Annual Downtown Street Fair being held on April 12, 2008; STEPHEN HAMMOND, Los Banos, spoke regarding a community meeting regarding the homeless community being held on April 12, 2008 and requested that the an item be placed on the next City Council agenda to discuss the Rescue Missions ideas for a facility; GENE FORTE, Los Banos, stated that he is very disappointed that the Mayor has not submitted his resignation, how the Mayor's response to him at the last public forum referred to his race, concerns with not disclosing loans from Mr. Hostetler to the Fair Political Practices Commission (FPPC), wondering why the Los Banos Enterprise has not reported on the matter, how it all doesn't make sense, he stated that Mr. Faria did not give him the information regarding the undisclosed loan; NORM DONOVAN, Los Banos Planning Commissioner and reading from a prepared statement, spoke in support of the proposed Mobile Vendor ordinance and to the history of the ordinance as presented. No one else came forward to speak and the public forum was closed.

**PRESENTATION BY LOS BANOS HIGH SCHOOL ENGLISH STUDENTS REGARDING BUSINESSES THEY WOULD LIKE TO SEE IN LOS BANOS.**

Redevelopment Agency Post presented the staff report, introducing the Patty Ma, Corey Cotta, Rajanna Matthews, students in Ms. Nicoletti's English class who then presented their persuasive speeches to the City Council.

Informational item only, no action to be taken.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.**

There was Council Member discussion regarding item 7E - City Council Resolution No. 5006 – Authorizing the Public Works Director to Proceed with the Purchase of a Vermeer of California Inc. Grinder/Mulcher for \$59,538.12, how long will this type of machine last; item C overview.

Motion by Faria, seconded by Sousa to approve the consent agenda as follows: Minutes for the January 16, 2008 City Council / Redevelopment Agency Meeting; Check Register for #106701 - #106977 in the Amount of \$1,284,192.41; 2007 Los Banos Redevelopment Agency Annual Report; Los Banos Chamber of Commerce Street Closure Request – In the Downtown Area, Main Street from “K” Street to “H” Street and Closed to Through Traffic I Street, J Street and H Street from 5:00 a.m. to 5:00 p.m. on April 12, 2008 for the Annual Downtown Spring Street Faire; City Council Resolution No. 5006 – Authorizing the Public Works Director to Proceed with the Purchase of a Vermeer of California Inc. Grinder/Mulcher for \$59,538.12; City Council Resolution No. 5007 – Amending the Fiscal Year 2007-2008 Budget by Increasing the Appropriation Limit for the Supplemental Law Enforcement Services Fund (SLESF) for Expenditures for the Police Department for Personnel Overtime Costs by \$15,000. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5008 - ESTABLISHING A POLICY FOR APPOINTMENTS TO CITY COMMISSIONS AND BOARDS.** City Attorney Vaughn presented the staff report.

Motion by Faria, seconded by Sousa to adopt City Council Resolution No. 5008 – Establishing a Policy for Appointment to City Commission and Boards. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**PUBLIC WORKS CAPITAL PROJECT REPORT FOR APRIL 2008.** Public Works Director/City Engineer Chisam presented the Public Works Capital Project Report.

There was Council Member discussion regarding commending staff for the tree planting work, how great the Downtown I Street project is going along great and if it would be done by Christmas, other businesses coming forward to inquire about improvements to their store downtown, and the excellent work being done on the tree project.

Council Member Villalta inquired as to the status of the Capital Projects Review Committee he and Council Member Sousa were appointed to and how the committee will be run. Public Works Director/City Engineer Chisam stated that the first committee meeting will be held this month, with the meeting continuing on a monthly basis.

Informational item only, no action to be taken.

**RECYCLING PROGRAM UPDATE.** Public Works Director/City Engineer Chisam introduced Public Works Operational Manager Pimentel who presented the Recycling Program Update, the new Customer Solid Waste Assistance Program being administered by Salvation Army, and reminded all about Spring Clean Up Day next weekend.

There was Council Member and staff discussion regarding the recycling transition moving along smoothly, the tonnage of recyclable materials being diverted from the landfill, being pleased with how the garbage company is handling the new waste to insure that the recyclables are not contaminated, the solid waste assistance voucher available three times a year and is not a yearly coupon, and how seniors will still be able to get backyard service.

Informational item only, no action to be taken.

**CONSIDERATION OF SELECTION OF A NEGOTIATOR(S) FOR NEGOTIATION OF CITY MANAGER ANNUAL COMPENSATION.** Motion by Sousa to appoint Council Member Faria and Mayor Jones to the negotiating team to negotiate the City Manager's salary. Council Member Faria declined because of a lack of experience.

Council Member Brooks stated that since she and Council Member Villalta were on the last evaluation committee she would like to nominate Council Member Sousa and Mayor Jones.

Motion by Brooks, seconded by Faria to appoint Council Member Sousa and Mayor Jones to the negotiating team to negotiate the City Manager's salary. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**REDEVELOPMENT AGENCY UPDATE.** Redevelopment Manager Post spoke regarding how she and Council Member Brooks will be visiting San Francisco for a site visit to attract new businesses to Los Banos, the upcoming opening of Niccolanos Restaurant, that the Environment Impact Report (EIR) for the Enterprise Zone is available for public review, and how the Ward Street Apartments are on schedule and should be ready to open in 8-9 months

**ADVISEMENT OF PUBLIC NOTICES (ONE REPORT)** Public Works Director/City Engineer Chisam reported that a Public Hearing will be held at the Planning Commission Meeting on April 9, 2008 at 7:00 p.m. to consider a Site Plan Review to

develop a 4,956 square foot commercial office building. The project is located at 245 H Street, more specifically described as APN 025-162-003.

**CITY MANAGER/EXECUTIVE DIRECTOR REPORT.** City Manager Rath complimented IT Manager Spalding and his staff on their efforts to get City Hall's phone system working again after it failed last week and apologized to the citizens for any inconvenience they experienced because of the phones being down.

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

**MIKE VILLALTA:** Thanked Merced County for writing a grant for the prescription drug program where they offer free prescription drug coupons, spoke regarding property tax re-assessments letters going out in July from the Merced County Assessors office, the upcoming Rotary Dinner on April 4, 2008, the Rotary Pancake Breakfast on April 12, 2008, the idea of rotating pastors for the invocation at City Council Meeting, the upcoming Home Foreclosure Workshops being held on April 19 & May 3, 2008, Spring Clean Up Day on April 12, 2008, and the solid waste assistance coupons being offered through the Salvation Army.

**ANNA BROOKS:** Spoke regarding the City County Congress she recently attended in the City of Livingston and the Earth Day Celebration on April 19, 2008 at Henry Miller Plaza.

**TOMMY JONES:** Spoke regarding the Foreclosure Workshops being held on April 19 & May 3, 2008, thanked the Girl Scouts for being invited to their bake sale, the Dustin Hobbs Memorial Run held on March 30, 2008, thanked the participants who marched in the Cesar Chavez March, and the upcoming Town Hall Meeting on May 17, 2008 being held at Bethel Pentecostal Church at 5:30 p.m. with another to be held in July 2008.

**TOM FARIA:** Spoke regarding the City County Congress held in the City of Livingston, apologized for not being at the Cesar Chavez event; how ourlosbanos.com joked on their website on April Fools Day about the Henry Miller statue being relocated, the Knights of Columbus Linqica Dinner, the Los Banos High School Choir Concert being held on April 23, 2008, Earth Day on April 19, 2008, Shout Arts will be having their graduation on April 19, 2008, last week we lost Bill Marchese a respected citizen of Los Banos, and how he too likes the idea of rotating pastors for the invocation of City Council Meeting.

**JOE SOUSA:** Spoke regarding the Elks Lodge Pork Loin Dinner on April 21, 2008, the First Earth Day Event being held at the Henry Miller Plaza this year, and thanked staff for the addition of trees to the rail trail.

**CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957. TITLE: CITY MANAGER.**

Mayor Jones reported that the evaluation of the City Manager has concluded and a copy of the evaluation document will be placed in the City Manager's personnel file.

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATOR(S) – PURSUANT TO GOVERNMENT CODE SECTION 54957.6; AGENCY DESIGNATED REPRESENTATIVE: TO BE ANNOUNCED; UNREPRESENTED EMPLOYEE: CITY MANAGER.** No action taken, advisement only.

**ADJOURNMENT.** Motion by , seconded by , to adjourn the City Council Meeting to 3:30 p.m., Monday, April 7, 2008 to Attend a Geographical Information System (GIS) Webinar Presented by Digital Maps Products, in the Council Chambers, 520 J Street, Los Banos, California. The motion carried by the affirmative action of all City Council/Redevelopment Agency Members present.

**MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.**

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

APPROVED:

/s/ Tommy Jones  
Tommy Jones, Mayor

ATTEST:

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