

**CITY OF LOS BANOS
CITY COUNCIL SPECIAL MEETING MINUTES
NOVEMBER 27, 2006**

***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 Jones called the meeting to order at the hour of 8:02 a.m.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brooks, Jones, McAdam, Pruitt, Mayor Amabile; Absent: None

STAFF PRESENT: City Manager Rath, City Clerk/Human Resources Director Mallonee, City Treasurer/Chief Financial Officer Wall, City Attorney Vaughn, Deputy City Clerk Sousa

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

CONSIDERATION OF CERTIFICATION OF VOTE OF MUNICIPAL ELECTION, NOVEMBER 7, 2006; RESOLUTION NO. 4803 – CERTIFYING THE CANVASSING OF VOTES IN THE NOVEMBER 2006 GENERAL MUNICIPAL ELECTION. City Clerk Mallonee read the election results as follows for Mayor: Tommy Jones – 1,712 votes, Caryn Cox – 512 votes, Roger Pruitt – 1,489 votes, Susanne Paratore – 362 votes, Keith D. Snow – 141 votes, Write-In Candidate Joe Sousa – 1,096 votes; for Councilmember: Gerry Giesel – 1,188 votes, Stephen Hammond – 947 votes, Brad Benton – 423 votes, Mike McAdam – 1,608 votes, Randy Newell – 281 votes, Deborah Lewis – 1,017 votes, Tom Faria – 1,711 votes, Michael Villalta – 1,982 votes and the Write-In – 23 votes; for City Clerk: Lucy Mallonee – 3,675 votes, David Anderson – 1,381 votes, Write-In – 10 votes; for Treasurer: Melinda J. Wall – 4,412 votes, Write-In – 84 votes.

Motion by Brooks, seconded by Pruitt to approve Resolution No. 4803 – Certifying the Canvassing of Votes in the November 2006 General Municipal Election. The motion carried by the affirmative action of all Council Members present.

ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS; MAYOR TOMMY JONES, COUNCIL MEMBER TOM FARIA, COUNCIL MEMBER MIKE VILLALTA, CITY CLERK LUCY MALLONEE, CITY TREASURER MELINDA WALL. City Clerk Mallonee administered the Oaths of Office to Mayor Tommy Jones, Council Members Tom Faria and Mike Villalta and City Treasurer Melinda Wall. Deputy City Clerk Sousa administered the Oath of Office to City Clerk Mallonee.

At this time, Michael Amabile, Mike McAdam and Roger Pruitt stepped down from their seats at the dais and Mayor Jones, Council Member Tom Faria and Council Member Mike Villalta took their seats at the dais.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brooks, Faria, Villalta, Mayor Jones; Absent: None

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. MICHAEL AMABILE, Los Banos, stated that he would like to speak to item 9, Consideration of Filling Vacant Council Position by Appointment or Call for Special Election; PASQUEL MANDIVI, Los Banos, spoke regarding reorganization of City departments, Joe Sousa, and the reason he comes before the City Council holding the picture of Martin Luther King Jr. and wanting city streets named after historical people. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF FILLING VACANT COUNCIL POSITION BY APPOINTMENT OR CALL FOR SPECIAL ELECTION. Mayor Jones briefly introduced the item and what they need to decide at today's meeting.

There was Council Member discussion regarding the public wanting to see us develop a method of appointment instead of going to a special election, continuing this meeting to a later date this week or taking care of it right now, the thirty (30) day clock starts clicking now and the need to start the discussion right here and now.

Mayor Jones invited anyone in the audience to come up and make public comments. MICHAEL AMABILE, Los Banos, spoke regarding the past two City Council appointments and how the City Council reached the appointment process, noting that the last two appointments were not made right after an election. He spoke in opposition of an ordinance that lays out how an appointment process and spoke as to how important it is for Los Banos to have a strong voice from Los Banos on the MCAG Board to retain support of the Los Banos Highway Bypass project.

There was additional Council Member discussion regarding an appointment being better than an election, not just because of the cost factor but because of the 4-6 month wait until that could happen, using the method that was used the last time for an appointment was made, putting a policy in place for future appointments.

Motion by Faria to take applications for the next ten (10) days and at the next meeting make a decision on who that person would be. The motion died for lack of a second.

There was additional Council Member discussion regarding creating an ordinance for situations just after an election and 6 months later, hearing hearing criticism on the last appointments and suggesting a screening committee to go through the applicants and make recommendations of the top candidates to the City Council basically a two step process, reserving judgment on the ordinance, choosing the top four candidates and then the Council would vote, the decision is the Council's to make, take applications from those that are interested in being appointed, each council person appointing two individuals to the committee and they would do the screening and recommend to the council, a committee would be good but take too long.

City Attorney Vaughn stated that he would have to take a look to see if a committee would be subject to the Brown Act and that you could move forward today on a consensus or you could call another meeting to further discuss or take action.

There was more Council Member discussion regarding the Council being chosen to sit in these seats to make the hard decision, and to do what we've done in the past and look at setting up a policy for the future.

Motion by Brooks, seconded by Faria to go to an appointment process to fill the Council Member vacancy not a special election, start accepting applications for those who are interested in being appointed until 5:00 p.m. on December 11, 2006, and then consider appointment at the December 20, 2006 regular City Council Meeting after giving the candidates a chance to address the City Council. The motion carried by the following vote: YES: Brooks, Faria, Jones; NOES; Villalta; ABSENT: None.

Council Member Faria thanked the people for voting him in and spoke regarding working on the schools, crime rate, and representing the people.

Council Member Villalta thanked the voting public for placing him in this seat and he will do his very best to better Los Banos and feel free to contact him by phone or email.

Council Member Brooks stated how excited she is to work with all of the newly elected Council Members, noting that they were all past teachers of hers. She stated what an honor is has been to work with Michael Amabile, Mike McAdam, and Roger Pruitt.

Mayor Jones thanked the past City Council for everything that they did for the City. He thanked God for everything, Margaret Sliger for being his guardian angel, and his wife and for all those who voted no matter who you voted for. He stated that we are the greatest democracy in the world, Los Banos is one of the greatest towns, and the City Council will make it greater and better.

ADJOURNMENT. The meeting adjourned at the hour of 8:54 a.m.

APPROVED:

Tommy Jones, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk