

**City of Los Banos
City Council
Adjourned Meeting and Regular Meeting
Minutes**

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Regular Meeting June 6, 2012 - 5:00 PM**

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Adjourned Meeting June 6, 2012 - 5:30 PM**

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 6, 2012**

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.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER RATH, CITY ATTORNEY VAUGHN, ADMINISTRATIVE SERVICES DIRECTOR MALLONEE, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA). No action taken, advisement to staff only.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Scott Silveira, Joe Sousa, Elizabeth Stone, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Administrative Services Director Mallonee, City Treasurer/Accountant II Brazil, City Manager Rath, Police Chief Brizzee, Fire Chief Guintini, Community Development Director Fitzgerald, Public Works Director/City Engineer Fachin, 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 Members present.

PRESENTATIONS – FLAG DAY PROCLAMATION. Mayor Villalta presented the proclamation to the members of the Los Banos Elks Lodge in attendance.

Mr. Norm Donovan thanked the City for the proclamation and invited the public to attend the Flag Day ceremony being held in the Council Chambers on June 13, 2012 at 6:00 p.m. and invited the City Council to the annual veterans' luncheon being held on June 14, 2012 at 11:00 a.m. at the Elks Lodge.

PRESENTATIONS – SOROPTIMIST INTERNATIONAL 50TH ANNIVERSARY PROCLAMATION. Mayor Villalta presented the proclamation to the members of the Los Banos Soroptimist in attendance.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL 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. NORM

DONOVAN, Los Banos, spoke to how he hasn't been around in several months due to having been diagnosed with cancer in August 2011, having been undergoing treatment, thanked Council Member Sousa who has been taking him to his doctor appointment, and stated that if and when Council Member Sousa leaves office he will be difficult to replace; JOHN WHALA, Los Chamber of Commerce Executive Director, spoke to the upcoming 4th of July event, the raffle tickets being sold for a chance to push the plunger to start the fireworks show, and the Los Banos Chamber of Commerce Board of Directors Installation Dinner being held on June 21, 2012 at 6:00 p.m. at Espana's; TONY DUTRA, The Paper, introduced Diana Ingram as a new addition to The Paper; DIANA INGRAM, Los Banos, spoke to how her excitement about being part of The Paper and encouraged the community to contact her; ALVON BADEL, Los Banos, spoke to the beginning stages of a community reach out block party sponsored by Greater Exodus Baptist Church to be held on July 14, 2012, spoke regarding Lemonade Day being held on August 25, 2012 for the youth in the community, and invited all to walk through his neighborhood on Illinois Avenue; DEBORAH LEWIS, Los Banos, spoke of being a Merced County Fair Board Member and spoke to the upcoming events at the fair in Merced; SANDY LEMAS, Los Banos, spoke on behalf of Habitat for Humanity regarding the Neighborhood Stabilization Program homes and thanked the City and community for their support; GENEVA BRETT, Los Banos spoke regarding the status of her lawsuit against the City and the estimated costs for both parties in this matter; BRUCE RIVERS, Los Banos, thanked Mayor Villalta and those who attended the Los Banos Live meeting that took place on Saturday, June 2, 2012. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Faria, seconded by Silveira to approve the consent agenda as follows: Check Register for #135521 – #135813 in the Amount of \$3,401,305.30; Minutes for the May 14, 2012 Adjourned City Council Meeting; Minutes for the May 16, 2012 Adjourned City Council Meeting; Minutes for the May 22, 2012 Adjourned City Council Meeting; Settlement Agreement between the City of Los Banos and Fire Chief Guintini; Request from TB & Co. to Implement a Community Survey to Solicit Input in Regards to the City Manager Recruitment; City Council Resolution No. 5400 – Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 6, 2012, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California; City Council Resolution No. 5401 – Requesting the Board of Supervisors of the County of Merced to Consolidate a General Municipal Election to be Held on November 6, 2012, with the California General Election to be Held on the Date Pursuant to Section 10403 of the Election Code; City Council Resolution No. 5402 – Authorizing

Award of Construction Contract for the 2012 Street Repairs; City Council Resolution No. 5403 – Amending the Fiscal Year 2011/2012 Budget by Increasing the Appropriation Amount in the Fleet Maintenance Service Charge Fund by \$31,000, the Fleet Maintenance Expenditures Fund by \$31,000, and the Police Department Expenditures Fund by \$11,000 to Satisfy the Fuel Needs for the Remainder of the 2011/2012 Fiscal Year; City Council Resolution No. 5404 – Approving the Memorandum of Understanding between the County of Merced and the City of Los Banos for Grant Administrator for the Operational Area Under the California State Homeland Security Grant Program (SHSGP). The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR FISCAL YEAR (FY) 2012/2013 FOR LANDSCAPING AND LIGHTING DISTRICTS 1-7 AND 9-19; CITY COUNCIL RESOLUTION NO. 5405 – CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENTS FOR ASSESSMENT DISTRICTS NO. 1-7 AND 9-19 FOR THE FY 2012/2013. Public Works Director/City Engineer Fachin presented the staff report.

Brent Kuhn, Vavrinek, Trine, Day & Company, LLC, was also present to answer questions.

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

There was Council Member and staff discussion regarding how the districts work, revenues versus expenditures, some districts having fund balances, and not being able to co-mingle districts.

Council Member Sousa noted that the fees were not set where they should have been due to politics by a prior City Council.

Mr. Kuhn spoke of what is taking place in these districts and how currently cash in other districts make up for the deficit.

Council Member Sousa spoke of maintenance being cut to a lower standard, supporting this increase, and leaving no rock unturned to help the general fund.

Council Member Faria inquired as to what else could be done if Council doesn't approve this fee increase.

Public Works Director/City Engineer Fachin spoke of this being a revenue problem and the expenditure per district being set, how maintenance will be provided, having cut in this area already, and having an outstanding maintenance contract with the contractor.

Mr. Kuhn spoke to the assessments having been set so low and that maintenance levels were set so high that to catch up is virtually impossible, for several years the assessments weren't increased, how three of the districts have huge deficits, how the

bottom line is if Council doesn't address these huge deficits then the general fund will have to do so, and this being a 5% increase on \$15 which being put into perspective is a \$0.75 increase for the whole year generating revenue in the amount of \$45,000.

Council Member Stone spoke of how this issue is seen every year, the consequences of not taking action on this item, money coming out of the general fund, no other alternative, and not being able to support anything that would take money from the general fund or public safety.

City Manager Rath spoke of the importance of understanding the capital facility districts in addition to the landscape and lighting districts, how it was the City's choice to use general fund dollars to offset the landscape and lighting districts and capital facility districts when the property tax was pouring in, and not being able to afford to take additional funds out of the general fund now.

Mayor Villalta spoke of raising utility rates two years in a row, older neighborhoods compared to newer, and the possible need to restructure fees.

Council Member Stone spoke of the amount of money being spent on the neighborhoods that don't pay into a landscape and lighting district and how voting no on this item would take money from the general fund, and how unfortunate it is having been put in this situation.

Council Member Sousa spoke of how the City cannot afford any additional impacts to the general fund, his support for approval of these increases, how it would be irresponsible not to approve this with the general fund in the condition that its in, and how he would like to see staff research the cost to implement a City wide assessment district to see if that would help.

Mayor Pro Tem Silveira spoke of how nobody likes to raise fees, how people signed up for these fees when they bought their homes, the Public Works Department and the Parks Division managing the best they can with the financial constraints they have been given, the need to keep these problems from affecting the general fund, and the possible need to readdress this issue and restructure it.

Motion by Sousa, seconded by Stone to adopt City Council Resolution No. 5405 – Confirming Diagram and Assessment and Levying Assessments for Assessment Districts No. 1-7 and 9-19 for the FY 2012/2013. The motion carried by the following roll call vote: AYES: Silveira, Sousa, Stone; NOES: Faria, Villalta.

COMMISSION MEMBER VACANCIES – CULTURE & THE ARTS COMMISSION – THREE (3) VACANCIES: ONE (1) TERM EXPIRES DECEMBER 31, 2012 AND TWO (2) TERMS EXPIRE DECEMBER 31, 2013. City Clerk/Administrative Services Director Mallonee presented the staff report.

Mayor Villalta invited a former Commissioner to come forward and speak. Diana Ingram, Los Banos, spoke regarding her resignation from the Culture & the Arts Commission, suggested to temporarily disband commissions that are no longer

effective, and spoke of being a member of the Arts Council and how they serve the community.

Motion by Sousa, seconded by Faria to bring back this item to the July 18, 2012 City Council meeting for the discussion of the continuance or discontinuance of the Culture & the Arts Commission. The motion carried by the affirmative action of all City Council Members present.

COMMISSION MEMBER VACANCIES – ECONOMIC DEVELOPMENT ADVISORY COMMITTEE – ONE (1) VACANCY, EXPIRES DECEMBER 31, 2013. Motion by Silveira, seconded by Sousa to advertise the Economic Development Advisory Committee (EDAC) vacancy on the City’s website and on Channel 96. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community Development Director Fitzgerald stated that there will be a public hearing at the Planning Commission on Wednesday, June 13, 2012 at 7:00 p.m. at City Hall in the Council Chambers to consider revising a Condition of Approval for Use Permit #2011-05 for Anthony Gomes Electrical Services.

CITY MANAGER REPORT. Spoke of vandalism that has been taking place in the landscape and lighting districts, the cost to those districts to for cleaning up the vandalism, and this being a sad situation.

Mayor Villalta asked the community to call in any suspicious activity to the Police Department.

CITY COUNCIL MEMBER REPORTS.

JOE SOUSA: Reminded all about the Flag Day ceremony on June 13, 2012 at 6:00 p.m. hosted by the Elks Lodge in the Council Chambers at City Hall, spoke to the Ms. Brett’s comments at the public forum regarding the business license fee she is fighting, this being an effort to shift blame, and general fund money being spent on this that could have been spent on public safety and parks.

ELIZABETH STONE: Reminded all about the Flag Day celebration and ceremony being held on June 13, 2012 at 6:00 p.m. at City Hall in the Council Chambers.

TOM FARIA: Reminded all about the National Day of Prayer on Thursday, June 7, 2012, prayer meetings that take place the first Thursday of every month in the Council Chambers, the Normandy invasion and D-Day, spoke of Flag Day next week and encouraged the community to attend the celebration, the loss of one of our Police volunteers Ann Ottati, and spoke to an idea of posting up a list of Police volunteers at school bus stops and trails to develop a relationship between the youth and law enforcement.

SCOTT SILVEIRA: Apologized to the Elks because he won't be able to attend the Flag Day ceremony as he will be out of town, reminded all about the raffle tickets for the push the plunger contest to start the fireworks show for the 4th of July, and Habitat for Humanity's need for volunteers this weekend.

MAYOR MICHAEL VILLALTA: Spoke of remembering Mayor Amabile speaking in the 1990s regarding people who were burning out the packing sheds, how the City has taken care of the eyesore due to the packing sheds, and the need to take care of abandoned homes by letting the City know.

ADJOURNMENT. The meeting was adjourned at the hour of 8:39 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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

CITY OF LOS BANOS
ADJOURNED CITY COUNCIL MEETING MINUTES
JUNE 6, 2012

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 Meeting to order at the hour of 5:30 p.m.

PLEDGE OF ALLEGIANCE. Police Chief Brizzee led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Scott Silveira, Joe Sousa, Elizabeth Stone, Mayor Michael Villalta; Absent: None.

STAFF MEMBERS PRESENT: City Clerk/Administrative Services Director Mallonee, City Treasurer/Accountant II Brazil, City Manager Rath, Police Chief Brizzee, Fire Chief Guintini, Community Development Director Fitzgerald, Public Works Director/City Engineer Fachin, Brent Kuhn, Vavrinek, Trine, Day & Co., LLP, Accounting & Budget Supervisor Williams and Information Technology Director Spalding.

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

2012-2013 FISCAL YEAR BUDGET WORKSHOP. No action taken, discussion item only.

ADJOURNMENT. The meeting was adjourned at the hour of 6:15 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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