

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

Click here:

Special Meeting August 1, 2012 - 6:00 PM

Click here:

Regular Meeting August 1, 2012 - 7:00 PM

CITY OF LOS BANOS
SPECIAL CITY COUNCIL MEETING MINUTES
AUGUST 1, 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 Special City Council Meeting to order at the hour of 6:01 p.m.

PLEDGE OF ALLEGIANCE. Was recited.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Tom Faria, Scott Silveira, Joe Sousa, Elizabeth Stone, Michael Villalta; **ABSENT:** None

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Silveira, seconded by Faria to approve the agenda as submitted. The motion carried by the affirmative action of all City Council 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 FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. No one came forward to speak and the public forum was closed.

CLOSED SESSION – PUBLIC EMPLOYMENT – CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957. No action taken.

ADJOURNMENT. The meeting adjourned at the hour of 6:45 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 1, 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 7:00 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 Stonegrove, 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, Assistant Fire Chief Marrison, Assistant Planner Elms, Assistant Public Works Director Hutsell, Accounting & Budget Supervisor Williams, Community Development Director Fitzgerald and Information Technology Director Spalding.

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

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. DIANA INGRAM, Los Banos, spoke of how she believes that the vote on the homeless funding at the previous City Council meeting was a mistake, requested that the City Council bring back the item for reconsideration and have Merced County Association of Governments (MCAG) restate what the program does for the homeless in the community, the need to keep an active voice at MCAG, urged the City Council's reconsideration of the item, how she recently spoke with Valley Crisis Center about the care they have provided and how there is no where to place women and families locally; Council Member Faria spoke of a conversation he had with Lori Flanders from MCAG regarding how the City will not be losing our seat at the table of the ten year plan to end homelessness team and other communities will be invited to join; BONNIE ROBERTS, Director of Salvation Army Los Banos, spoke to how Salvation Army has been inundated with homeless families, spoke to the amounts that were paid out and the people that were served in June and July, and urged the City to reconsider the

homeless Continuum of Care program funding; JOE ROBERTS, Director of Salvation Army Los Banos, spoke of a previous attempt to help a homeless veteran and the tremendous need for a transitional center; NORMA BLACKWOOD, Los Banos, spoke of a documentary called "Taking the Hill" regarding war veterans and post traumatic stress disorder, how her brother is an injured Vietnam war veteran, how no soldier should ever be living on the street, her sadness that the Continuum of Care funding was turned down, and the need to put the item back on the agenda for reconsideration; DOLORES HERNANDEZ, Los Banos, spoke of how she has volunteered at Salvation Army for five years, the situations she has encountered, how they are able to help some kids but not able to help all, and the need for facilities to assist the homeless; JERRY O'BANION, Dos Palos and Merced County Supervisor District 5, thanked the pastors and Mr. and Mrs. Roberts for all their hard work, how we all realize that there is a problem with homelessness and a need to address the issue, understanding the City's financial concerns, spoke to how he has an agenda item going on the next Merced County Board of Supervisors meeting to allocate \$15,000 from his special project funds to help the Westside of Merced County to continue to participate in the homeless program with MCAG, requested that the City continue to have Council Member Stonegrove and Community Development Director Fitzgerald represent the City of Los Banos regarding the ten year plan to end homelessness program; Mayor Villalta thanked Supervisor O'Banion for his gesture and contribution, his hopes that the City Council continues to get educated on this issue, and how he would like this issue would be considered next year; Mayor Pro Tem Silveira spoke of his conversations with Lori Flanders of MCAG regarding the Continuum of Care program and how homelessness is a regional program; Council Member Stonegrove spoke of how she is glad to hear that the community is not letting this issue slip by, how the Continuum of Care is not even on the agenda tonight and people have come to the podium speaking to the importance of the funding for the program, how it's a shame that this City Council wouldn't approve the funding of \$12,000 to the Continuum of Care program, how she would like to make a Council Member Request to have this issue on the next agenda to speak of the City's role and funding option in relation to the Continuum of Care, and how she is happy to continue to serve on the board; Council Member Sousa spoke of how the budget was approved with the funding for the Continuum of Care program, thanked Supervisor O'Banion for his response to the homelessness issue, and how this doesn't dissolve the City of our responsibility on this issue; Council Member Faria spoke to the request for funding for the Continuum of Care program, how he is glad to see the County give the funding for the Westside, and glad there is someone working on getting other cities to participate; STEVE HAMMOND, Los Banos and Pastor of Bethel Community Church, spoke of how he has been working on the homeless issue in Los Banos, how every Friday he helps serve boxes of food and they do not have enough, the need is huge, how there are a lot of good people in the City of Los Banos that need help, and the need to help them any way we can. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Stonegrove to approve the consent agenda as follows: Check Register for #136587 – #136814 in the Amount of \$820,624.12; Minutes for the May 16, 2012 City Council Meeting; Acceptance of the Fourth Quarter Investment Report for the Fiscal

Year 2011/2012. The motion carried by the affirmative action of all City Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION ON THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEED ABATEMENT WITHIN THE CITY OF LOS BANOS; CITY COUNCIL RESOLUTION NO. 5418 – AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEED ABATEMENT WITHIN THE CITY OF LOS BANOS. Accounting & Budget Supervisor Williams presented the staff report.

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

Motion by Faria, seconded by Stonegrove to adopt City Council Resolution No. 5418 – Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos. The motion carried by the affirmative action of all City Council Members present.

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2012 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD SEPTEMBER 5-7, 2012 IN SAN DIEGO. City Manager Rath presented the staff report.

Motion by Stonegrove, seconded by Faria to Designate the Mayor as the voting delegate and Mayor Pro Tem as the alternate voting delegate for the 2012 League of California Cities (LCC) Annual Conference Being Held September 5-7, 2012 in San Diego. The motion carried by the affirmative action of all City Council Members present.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. No report.

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: Thanked Diana Ingram for the opportunity to have a conversation with her, how a citizen named Angie Gonzalez who contacted him, and how he looks forward to discussing certain issues with her.

JOE SOUSA: Spoke of how Green Valley Charter School will be opening up at Miano Elementary School very soon, congratulated Tisha Blackwood-Freitas and all the hard working individuals in getting that established, and wished his daughter a happy 25th birthday, and how she is blessing in their lives.

ELIZABETH STONEGROVE: Reminded all about the wine stroll on Friday, August 3, 2012, the National Night Out on August 7, 2012 at City Park at 450 Ninth Street, the movie night at the Henry Miller Plaza on August 24, 2012, and encouraged the community to continue to vote for the Buster Posey baseball field makeover.

TOM FARIA: Spoke of the local economy being partially driven by outdoor sports, how deer season starts soon, and how his daughter's birthday is the same day as the next City Council Meeting on August 15, 2012.

MAYOR MICHAEL VILLALTA: Spoke of how it will be hot tomorrow and the community center will be used as a cooling shelter until 8:00 p.m., encouraged all to go there to cool down, how the Employment Development Department office was moved to Merced and brought back to Los Banos in the same building as WorkNet due to citizen calls, the upcoming movie night being a great event, thanked Ann McCauley for baseball field makeover.

Mayor invited the public to come forward and speak to the following closed session item. No one came forward to speak.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, PURSUANT TO SUBDIVISION (A) OF SECTION 54956.9 OF THE GOVERNMENT CODE. NAME OF CASE: CITY OF LOS BANOS VS MOSS LEVY HARTZHEIM LLP ET AL, MERCED COUNTY SUPERIOR COURT CASE NO. CV001423. City Attorney Vaughn reported that the City Council voted to accept settlement agreement and full and final release of all claims in this litigation with a 5-0 vote, the terms of the agreement include Moss Levy Hartzheim LLP Et Al. paying a sum of \$750,000 to City of Los Banos, each party will be responsible for their own attorney fees and cost, no admission of liability by either party, the settlement document will be executed by the Mayor, and the City Council gave the Mayor authorization to execute the agreement.

ADJOURNMENT. The meeting was adjourned at the hour of 8:14 p.m.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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