

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 20, 2016**

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 7:01 PM.

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Interim City Manager Brizzee, Police Commander Reyna, Finance Director Williams, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Senior Planner Elms, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

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

REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM. Mayor Villalta nominated Council Member Silveira for Mayor Pro Tem for which Council Member Silveira respectfully declined and in return nominated Council Member Faria to continue as Mayor Pro Tem.

Mayor Villalta therefore removed his recommendation of nominating Council Member Silveira for Mayor Pro Tem.

Motion by Silveira, seconded by Lewis to select Council Member Faria as Mayor Pro Tem. 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. MARY ANDERSON, Los Banos, spoke regarding the Alzheimer's and Dementia Support group

that meets regularly at Los Banos at County Waffles; BERTHA FARIA, Los Banos Chamber of Commerce, welcomed everyone to 2016 and spoke to the new Executive Board Members, the busy and exciting year they have planned, and all the upcoming community events and activities; ERIK LIMON, Los Banos and Republic Services, stated how happy he is to see Mr. Brizzee at the dais now as City Manager, spoke regarding the recycling program that Republic Services provides, the education outreach they are putting in place, the grants they awarded in \$500 to Los Banos Unified School District and Starbucks; JOHN CATES, Los Banos citizen and Planning Commissioner, thanked the Mayor for his recognition of his service on the Planning Commission at the January 6, 2016 Council Meeting which he was unable to attend. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Faria to approve the consent agenda as submitted: Check Register for #157344 – #157486 in the Amount of \$974,237.03; Minutes for the January 7, 2015 Adjourned City Council Meeting; Minutes for the January 12, 2015 Special City Council Meeting; City Council Resolution No. 5719 – Approving and Accepting Parcel Map No. 2015-02, 160 West Santa Barbara Street, APN 081-180-004, Village Green Subdivision; City Council Resolution No. 5720 – Adopting a Revised Budget for the 2015/2016 Fiscal Year as it Pertains to Expenditures in the Special Revenue Fund – Fire Augmentation Professional Services Account; City Council Resolution No. 5721 – Authorizing the Release of Unclaimed Checks Pursuant to California Government Code Section 50055 to the City of Los Banos; City Council Resolution No. 5722 – Approving an Amendment to Division 5-K – Workers’ Compensation Reporting Policy of the City’s Policy & Procedures Manual. The motion carried by the affirmative action of all City Council Member present.

CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5723 – ACCEPTING THE 2014-2015 FISCAL YEAR AUDIT REPORTS CONSISTING OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), THE GOVERNMENT AUDITING STANDARDS REPORT, AND THE TRANSPORTATION DEVELOPMENT ACT PROGRAM FINANCIAL STATEMENTS. Finance Director Williams presented the staff report and in closing thanked all her staff who worked very hard during the audit and throughout the year – Kim Tomas, Martha Brazil, Rosemarie Souto and also Christy Miller with Price Page & Company the City’s independent auditing firm; and then introduced Fausto Hinojosa also with Price Paige & Company who presented the City’s Comprehensive Annual Financial Report (CAFR) in more detail, including the audit process, independent auditors report, management responsibilities and auditors responsibilities, noting that the City has received an unmodified opinion (a clean opinion), he expressed his gratitude to Finance Director Williams and Accountant II Tomas for their assistance in the audit process, noting that there was no audit adjustments, which is a credit to the staff.

Council Member Faria thanked Price Page & Company for the excellent presentation and thanked the Finance staff for the outstanding job they are doing. Mayor Villalta thanked Mr. Fausto for coming tonight and saying what you needed to say, he spoke to

the hard work done by the Finance Department, how this city is in the best financial shape, making note of the reserves and how he is looking forward to the midyear update to see if there are extra funds for additional special projects, fixing infrastructure, he thanked the staff of Los Banos for the ability to have the money when we need this money, no flaws were found. Council Member Lewis thanked Finance Director Williams and her staff for your diligent and hard work that you do, it is pleasing to hear that your audit was clean without adjustments, she also thanked staff for safeguarding our finances and walk in that direction, how you need to take it a day at a time because you never know what tomorrow will hold. Council Member Silveira congratulated the Finance staff for the great work they do, how when he first came here the audit reports were lengthy with numerous findings and now we are down to a clean audit with no findings or notes to report. Mayor Villalta made not of the pension funding that was mentioned and how positive that is for the City, this was just an okay economy and we are on stable ground.

Council Member Stonegrove echoed the sentiments of the Council and thanked Finance Director Sonya Williams, Accountant II Kim Tomas, Accountant I Rosemarie Souto and City Treasurer/Accountant I Martha Brazil for another excellent year of work.

Motion by Silveira, seconded by Stonegrove, to adopt City Council Resolution No. 5723 – Accepting the 2014-2015 Fiscal Year Audit Reports Consisting of the Comprehensive Annual Financial Report (CAFR), the Government Auditing Standards Act Report, and the Transportation Development Act Program Financial Statements. The motion carried by the affirmative action of all City Council Member present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN ORDINANCE IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY OF LOS BANOS; ORDINANCE NO. 1142 – IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY OF LOS BANOS (SECOND READING & ADOPTION). City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. Phil Jenkins, New Canaan Church, spoke to the work he does with the at risk kids throughout Merced Union High School District, what he deals with on a daily basis, and spoke in support of the passage of this ordinance. No one else came forward to speak and the public hearing was closed.

Motion by Faria, seconded by Lewis to waive the second reading of Ordinance No. 1142 – Imposing an Express Ban on Marijuana Cultivation, Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Los Banos. The motion carried by the affirmative action of all City Council Member present.

Motion by Faria, seconded by Lewis to adopt Ordinance No. 1142 – Imposing an Express Ban on Marijuana Cultivation, Marijuana Processing, Marijuana Delivery, and

Marijuana Dispensaries in the City of Los Banos. The motion carried by the following roll call vote: AYES: ; NOES: ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES (No Report). Senior Planner Elms stated that there will be three public hearings at the January 27, 2016 Planning Commission Meeting: Consider a Conditional Use Permit to allow the use of a Type 23 Alcohol License for a small beer manufacturer onsite tasting room for Paraiso Brewery located at 80 West G Street; Consider Vesting Tentative Tract Map #2015-04 for the subdivision of approximately 3 acres into 14 residential lots in the Medium Density Zoning District located at the northwest corner of Racquet Club Drive and San Luis Street; consider a Conditional Use Permit to allow the operation of a spray booth for auto restoration at Evolution Collision located at 930 G Street.

CITY MANAGER REPORT. Interim City Manager Brizzee stated that it is a great honor to sit up here with you all again and how challenging it will be, but it will also be a great time and will get some fantastic things done, he spoke regarding how the IT and Public Works Departments are working on the quality of the pictures that are seen here at Council Meeting on the TVs, and thanked Accountant I Souto, City Treasurer/Accountant I Brazil, Accountant II Tomas and Finance Director Williams for the great work on the CAFR and for the job they do every day.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Spoke regarding the upcoming Choir fundraiser next week, how there are lots of things going on for kids in town, and for all to have a great evening .

DEBORAH LEWIS: Congratulated Gary Brizzee on his appointment has the Interim City Manager for Los Banos and feels that he is capable of handling this and looks forward to working with him.

SCOTT SILVEIRA: Congratulated Gary Brizzee on his appointment and he is looking forward to moving the ball forward, like starting tonight on the next City Manager recruitment in closed session, how we don't need placeholders, decisions will have to be made, and congratulated the Finance staff on the great job they do.

ELIZABETH STONEGROVE: Welcomed Gary Brizzee back to be the Interim City Manager position and how she is looking forward to working with him.

MIKE VILLALTA: Spoke regarding how last weekend was Martin Luther King's birthday, a march was held beginning here at City Hall and it was a great event, thanking those who put it all together, he welcomed to Gary Brizzee back, thanked Finance Director Williams and her team, and thanked Council Member Silveira for mentioning about moving projects forward.

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

ADJOURNMENT. The meeting was adjourned at 8:57 PM.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

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