

CITY OF LOS BANOS
SPECIAL CITY COUNCIL MEETING MINUTES
JUNE 23, 2015

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.

Immediately before the meeting was called to order Council Member Silveira was selected to serve as Presiding Officer.

CALL TO ORDER: Council Member Silveira called the City Council Meeting to order at the hour of 4:14 P.M.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Commander Reyna.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Deborah Lewis, Scott Silveira, Elizabeth Stonegrove; Absent: Council Member Tom Faria, Mayor Michael Villalta.

STAFF MEMBERS PRESENT: City Clerk/Human Resources Director Mallonee, City Manager Carrigan, Police Commander Reyna, Finance Director Williams, Information Technology Director Spalding, Special Legal Counsel Vollebregt.

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

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

CONSIDERATION OF REQUEST FOR INDEMNIFICATION FOR PUNITIVE DAMAGES AWARD BY MR. TOMMY JONES (EUGENE FORTE V. TOMMY JONES, 1:11—CV-0718 AWI-BAM). Jake Vollebregt, Special Legal Counsel, stated that the matter before them is to decide whether to approve Tommy Jones' request that the City indemnify the punitive damages award against him in the *Eugene Forte v. Tommy Jones*. He made note that to avoid any allegations of bias or bad faith, Mayor Villalta and Mayor Pro Tem Faria, who were present as sitting Council Members on May 7,

2008, have recused themselves from this matter. Mr. Vollebregt presented the staff report which included a video recording of the public forum at the May 7, 2008 City Council Meeting. He also included an added item into the record – a legal document of “Memorandum of Costs After Judgment, Acknowledgement of Credit, and Declaration of Accrued Interest” dated June 3, 2015 signed by Eugene Forte.

Attorney Ben Ratliff spoke regarding Tommy Jones’ request for the payment of punitive damages. Tommy Jones also spoke regarding his reasons for the request for payment of punitive damages. (They were allowed 15 minutes to speak)

Gene Forte spoke regarding the incident and why he feels Tommy Jones should pay the punitive damages. (He was allowed 15 minutes to speak)

There was Council Member and staff discussion regarding this matter, which included asking questions of Ben Ratliff, Tommy Jones and Gene Forte.

Council Member Silveira opened the public hearing. No one came forward to speak to and the public hearing was closed.

The City Council asked to see the video again and deliberated on the matter. Mr. Vollebregt noted that because this decision involves a resolution and the payment of money, the resolution requires three (3) supporting votes in order to pass.

Motion by Stonegrove, seconded by Silveira to approve the request for indemnification for punitive damages award by Mr. Tommy Jones. The motion failed by the following roll call vote: AYES: Silveira, Stonegrove; NOES: Lewis; ABSENT: Faria, Villalta.

ADJOURNMENT. The meeting was adjourned at the hour of 6:06 P.M.

APPROVED:

/s/ Scott Silveira
Scott Silveira, Council Member

ATTEST:

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