

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
MAY 18, 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 p.m.

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, Assistant City Clerk/HR Technician Sousa, Interim City Manager Brizzee, 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 Stonegrove, seconded by Lewis to approve the City Council Meeting agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

PROCLAMATION RECOGNIZING NATIONAL DAY OF PRAYER. Mayor Villalta presented the proclamation to Pastor Hammond of Bethel Community Church and Pastor Cannon of Truck Stop Ministries.

PROCLAMATION RECOGNIZING SUTTER HEALTH FOR BEING NAMED AMONG THE TOP U.S. HEALTH SYSTEMS. Mayor Villalta presented the proclamation to Doug Archer, Administrator at Memorial Hospital Los Banos, and Kristie Marion, Chief Nurse Executive, at Memorial Hospital Los Banos.

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. Donalda Sousa, Los Banos, stated she spoke during the public forum during a Council Meeting at the end of March regarding a home in her neighborhood with overgrown weeds in the front yard, she made contact with the property manager at Century 21 who was very nice, shortly after that conversation an older gentlemen and a woman came to the property to

take care of the weeds but they left fairly quickly and did not remove any weeds, she believes the weeds were too difficult to handle for the two people that were sent out to the home, City Code Enforcement is doing a wonderful job trying to help with this situation however, the owner lives in Seattle and could care less about the house, she's not here to criticize the City but would like some help with the issue, spoke about landscape and lighting districts and how other Cities are handling them, how not all homeowners in Los Banos are paying for these services and she believes everyone should pay for the services being provided by the City.

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 #159164 – #159426 in the Amount of \$879,049.76; Minutes for the City Council Meeting of May 4, 2016; City Council Resolution No. 5745 – Adopting a Revised Budget for the 2015-2016 Fiscal Year as it Pertains to Expenditures in the Building Department Technical Services in the Amount of \$250,000; City Council Resolution No. 5746 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Merced County Office of Education (MCOE) for School Resource Services for the 2016-2017 School Year. The motion carried by the affirmative action of all City Council Members present.

PRESENTATION BY MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) ON THE PROPOSED 2016 ½ CENT SALES TAX MEASURE – EXPENDITURE PLAN; CITY COUNCIL RESOLUTION NO. 5747 – APPROVING THE TRANSPORTATION EXPENDITURE PLAN FOR MERCED COUNTY FOR PLACEMENT AS A BALLOT MEASURE IN NOVEMBER 2016. Interim City Manager Brizzee introduced Marjie Kirn of Merced County Association of Governments (MCAG) who presented the report.

Mayor Villalta asked if anyone would like to speak on the item.

ELLEN HASNESS, Gustine City Council Member, stated she was a member of the Transportation Expenditure Plan Committee that democratically set up the language and the funding categories for the initiative being considered tonight, the committee consisted of representatives from each of the Cities, the County of Merced, MCAG, and a number of community stakeholders, wants the audience to be aware of the impact the decision on the ½ cent sales tax measure will have on not only Los Banos but the entire Westside and Merced County as a whole, believes the initiative should be placed on the ballot and if passed would be huge, The Mayor's of Los Banos, Dos Palos, and Gustine fought hard to make sure the language in this initiative served the Westside in a fair manner, the committee gathered together in Los Banos several times, the local funds will provide each town the flexibility to decide how their money will be spent, we wanted more local money control, by having regional projects no matter the area we are placing Merced County in a position to be attractive for businesses and positioning us in a self-help category, we are currently funding other towns with our tax money because the

competition to get that money back in our area is so fierce, most State and Federal grants require a match and we are continually losing those grants, we need to keep our eye on the big picture which is the goal of becoming a self-help County, this initiative has been tried many times and we are running out of time and are behind our fellow counties, she's sad that the Los Banos Mayor is not championing the big picture of this initiative and how it will affect not only Los Banos, but Gustine and Dos Palos, the Westside and the County as a whole, the language is not perfect but it was voted by the committee several times and there are sufficient protections in place, this plan was represented democratically and it would be a shame to end up with nothing; MICHAEL MCGLYNN, Dos Palos City Council Member, was also a part of the committee that drafted this proposal, believes the Westside caucus was extremely successful and exceeded all expectations, I want you to look at what is truly being considered tonight, it's not a pass the measure vote, it's to give the people you represent a voice and to allow them to look at the facts and make their own decision, very proud to say the Dos Palos City Council voted 5-0 to allow the voters to make their own decision, give the people you represent a voice and don't deny them; KATHY BALLARD, Los Banos, in listening to everything she's heard regarding this issue she is reminded of something she fought against for years which is the Regional Transportation Impact Fee (RTIF), we put so much into that and didn't receive anything out of it and that makes a person very nervous, saw what was put into the proposal with MCAG that wasn't allowed that was set up to protect Los Banos that were not put in, understands it's a sales tax, the majority would not come from the citizens here, it's the people who come through our town, we're getting high up there in the amount of sales tax that we have, hears people mention it all the time especially the ones that travel, uncomfortable putting money into a pool that we sometimes don't get to swim in; PAT NAGY, Gustine City Council Member, was on the Transportation Expenditure Committee from the start, the members from Los Banos, Dos Palos, and Gustine banded together and were successful in increasing the Westside share, the first time we were to vote on ratifying the plan Mayor Villalta was absent from the meeting and the plan was ultimately sent on to MCAG, Mayor Villalta requested another meeting and we did that because he had some valid points, there were two items Mayor Villalta wanted that were not included one of which was that he wanted the Westside area to be able to vote the regional money back to the Cities if there wasn't a regional project, I believe we should come up with regional projects, the other problem Mayor Villalta had was with the verbiage in that he wanted the final authority with the projects to rest with the board and not with MCAG, he had a problem with the word shall, spoke about how the City Council would not give the authority to its Planning Commission that it couldn't override, you wouldn't do it because it's against the law, MCAG cannot delegate its final authority and can only send it back for further consideration, Mayor Villalta seems intent on derailing this plan, how Mayor Villalta attended the Livingston City Council meeting to publicly oppose the plan even though it hadn't been sent to MCAG yet, this proposal was reached in a democratic fashion by a committee, Mayor Villalta stated that Los Banos would pass its own tax and generate \$2.4 million a year in sales tax, to generate that much Los Banos would have to have \$480 million in sales tax, the last report from the Franchise Tax Board shows Los Banos in the first quarter generating about \$73 million which equates to \$292 million a year and is way short of the Mayor's \$2.4 million claim, Mayor Villalta

has an “I’m taking my ball and going home attitude”, this tax does more than raise money for the County, it gives us a self-help status, our roads need this tax, our constituents’ deserve better roads and that’s who were here to support; JERRY OBANION, Merced County District 5 Supervisor, was not on the Transportation Expenditure Plan Committee but closely followed their work, has to commend the Mayor of Los Banos for the work he put into this and for being insistent and getting agreements to increase the Westside share, let’s give the people of Merced County the opportunity to either approve or vote down this initiative, certainly hopes that we would give the citizens an opportunity to vote to improve their roadways, this would give the opportunity to get federal and state dollars by being able to match those funds, let the citizens decide if their willing to tax themselves an additional ½ cent throughout this entire County to benefit all of us.

Council Member Silveira spoke about how he’s not a big tax person and doesn’t like to be over taxed like anyone else, but feels the fairest tax is a sales tax because it’s based on your spending habits, it’s my job as your elected official to try and come up with the best possible solution to problems, at our most recent goals and objectives workshop our Public Works Director noted to us that the funding from gas tax money is decreasing and the cost to maintain our local streets is increasing, we’ve been pretty religious on keeping up with the street overlays in our City, but with the dollars decreasing it is getting difficult, this makes us a self-help County, the reality is that we are Merced County and we have one State Assembly Member that represents all of Merced County and a portion of Stanislaus County, our State Senator represents four or five counties, we don’t have the political juice to leverage funds, I don’t think it’s fair but that’s the reality, as your elected official I am tasked with trying to find the best possible solution, I’ve been to a few of the meetings where this plan was voted on and I too agree with a lot of the concerns, when he first read the draft plan the language stated it could be amended once a year and how he believes it is important to state that in the body of the Resolution so the voters know there is nothing being hidden, the committee brought it back and listened to some of the concerns, he is not one that was in favor of if there were more regional projects that the money would go back to the local projects because regional project money is a savings account and this is a 30 year tax, if in year 15 there is a regional project and we’ve moved that money then we have no money in our savings account for regional projects, for all of these reasons he believes that this is a fair deal, the Westside money can only be spent on the Westside and there are five people that would have to agree, I don’t buy into the conspiracy that everyone is out to get us, we don’t live in a bubble, we are part of Merced County and we have to work with all of our elected officials in the County, how government is not set up in a way that he could run it like he runs his dairy business, not going to deny the constituents the right to vote on the matter.

Council Member Stonegrove stated the term self-help was a term she learned about almost immediately when she first was elected almost eight years ago, how she learned quickly that being a self-help agency allows for more opportunity for funding, remembers talking to people and doing research and hearing that Los Banos would not be able to get the help needed or even a consideration because we are not self-help,

we have a good opportunity now to become a self-help agency and to leverage those monies that we wouldn't have been considered for before or even thought about, thanked the Transportation Expenditure Plan Committee and the Westside caucus for fighting so hard to ensure that we would be given our fair share of monies, we've had many debates in this room about the RTIF and how monies are spent, I know there were revisions made to the plan and I thank everyone for their efforts and for being here tonight, realizes that the plan is not perfect but Los Banos is one piece of this puzzle and is not an island, when we come together on issues like this we have better opportunities to bring more money here for our constituents, we do have a lot of deficiencies in our roads both regionally and locally, the money that we could save to do regional projects would really be a great service to the community here and regionally, one of the most important things that I've heard is that we owe it to our community members to let them make decisions, we were elected by our constituents to make decisions and we rarely have the opportunity to give the choice to them, this is going to impact every person that lives in our region, there has been a lot of time, effort, and money invested in this and believes we owe it to the citizens to see if they would like to see this measure passed.

Mayor Pro Tem Faria stated he hasn't done this much research on a project in a long long time, unless you've been involved heavily in a tax analysis the average person thinks sales tax is the fairest tax there is, the fact of it is that sales tax is one of the most unfair taxes ever designed and every Political Science or Taxation Major in the room knows it's not and that it's one of the most regressive taxes there is, it hits the poor harder than anybody else, the poor have to spend more of their income than the rich do so a larger percentage of their income goes out in sales tax, sales tax is not fair at all, it's one of the most unfair taxes ever designed, the reason we use it is that it's easy to collect, it's convenient and it's relatively painless, if you're going to impose a sales tax on your citizens then you'd better be ready to justify it because the poor and the working citizens are going to be the ones paying the bill, If you make \$500,000 a year you're probably living off of \$100,000 and putting \$400,000 in the bank which means you're not paying sales tax on \$400,000, If you're making \$30,000 a year you're probably spending it all and most of it on sales tax so you're spending a much larger percent on sales tax, the big problem he finds with this is the Westside committee, he loves his friends on the Westside, he has relatives in Gustine, people in Dos Palos brought his cousins over from the Azores, if it weren't for the Furtados we wouldn't have our cousins here in the United States, highly respects the people on the committee but the problem with the committee is that it has five votes, those five votes are one per City being Los Banos, Dos Palos, Gustine, one supervisor who actually represents a larger area and then our supervisor, representational government is extremely important and is the foundation of our Constitution of the United States, the issue of regional population versus representational population nearly split the Constitutional Convention in 1790 and we would not have had a Constitution, the House of Representatives is representation based on population and it is the only body that can initiate a tax, in the spirit of the Constitution, if you look at that Westside Committee with all due respect, Gustine has about 5,000 people, Dos Palos has about 5,000 people, Los Banos has nearly 40,000 people and our Mayor has an equal vote with those two on a tax issue, to

me that is in direct confrontation of the Constitution of the United States, Los Banos is unique in the County as most of the population is not attached to the County as they spend two-thirds of their time out of town commuting, the commuters spend a ton of money locally such as gasoline, new cars every two to three years, car parts, they don't use any roads east of Los Banos except to go to Jury Duty which is going to end when we get a courthouse, the problem with this measure in his opinion is that it is the product of a committee and he can't agree or approve of the representational structure and it's ability to vote for projects, cannot support a tax on his citizens without the tangible guarantee of a return on all of it's sales tax, hopefully we can come up with a plan that will work, Atwater voted 3-2 which is only 60% of the Council to put it on the ballot but not to support it, to get a two-thirds vote is difficult, we did it with Measure P, - K-A because our citizens know that our police force took a huge hit because of the general fund, they voted to save the public safety of our town, a two-thirds vote is like fishing for sturgeon with a giant grass shrimp out there, if you want the sturgeon you have to make sure that nothing shakes away that bait and nothing scares away the fish, the fact that you have opposition to this at all already puts it in jeopardy and that's another problem.

Council Member Lewis stated there's been a lot said tonight, in her humble opinion she thinks most Counties such as San Francisco and Los Angeles areas their COGs (Councils of Government) suck the life out of most of the money that's put out there for most public entities to receive, they receive the majority portions of any money for any projects that need to be done in their regional areas, MCAG has been around for quite some time and in the early 2000s when money was plentiful in our County there was a lot of money sent to MCAG because we did have a regional project on the books which was the Bypass, at this time the State of California has deleted the Los Banos Bypass project until 2025 so right now Los Banos does not have a regional project, during the time we were I would assume considered a self-help County back in the early 2000's and until our City no longer gave money to MCAG we put in almost 1.7 million dollars into the project fund by virtue of new business that started up and new building that was going on, each and every year the Executive Director of MCAG came to our City Council meetings and told us how this money was going to be spent and promised that the Los Banos Bypass was the number one project, she could never figure out how the Bypass was number one when no monies were put into the project other than some environmental studies, it's been stated that Los Banos is not an island and no we aren't but in my opinion we've been treated like that way by the funds that we've given to MCAG with nothing materializing for our benefit, back in 2014 she attended a trip to Washington D.C. and a good majority of this Council have been to Washington D.C. with OneVoice to speak with officials regarding shovel ready projects, in 2014 the meetings when she attended at OneVoice it was indicated that there was not going to be a request for the Los Banos Bypass Project so that was off the agenda, and so she spoke to the City Manager and stated she didn't feel Los Banos should attend those trips anymore and spend the citizen's tax dollars if we weren't going to benefit, they weren't going to speak to our federal officials about the Bypass, the Bypass Project has been spoken about since probably 1964 and that is a very long time, how she used to live in Morgan Hill and there had been talk of a Bypass from blood alley which was

basically from Morgan Hill to Gilroy and at some point the State found the money to complete Highway 101 to make the area much safer to travel, where I have some real concern is with the regional funds being wound up in a general pot for regional funds and where that leaves Los Banos, our regional project has been deleted by the State of California, doesn't have an issue with being a self-help County, but does have an issue with fairness, has some real strong concerns about whether the Westside and in particular Los Banos is going to be treated fairly, we had these promises for a lot of years and to this date we don't have a project on the books, she's sure that MCAG will say the project is still on their books although it doesn't matter if the State has taken the project off their books, the fact that One Voice decided back in 2014 that it wasn't a priority to speak to our federal officials about funds to help move forward on the Bypass disturbed her.

Mayor Villalta gave a presentation using the overhead projector during which he spoke about how a lot of his comments are predicated on what he's learned as a Council Member and as the Mayor for the last 10 years, a few years ago he attended a League of California Cities Conference in San Diego and he attended a session regarding the use of combined money where he asked to speak about Cities that were members of a COG and were contributing money, at the time it was the RTIF that was being discussed and Los Banos contributed \$1.7 million and he basically said that our cupboard was bare with regards to our money, the money at that time had been transferred to Atwater-Merced Expressway and then later to Campus Parkway in the form of a Tiger Grant over the past few years that hadn't been successful, one individual came up to him after the session and told him that he was spot on and how his community put in 30 million dollars into a COG went to get the money back and it had been spent, the man told him the buyer should beware and said that anytime there is co-joined money you have to make sure that it's going to benefit not only your community but the area you represent, he took that comment to heart, he then showed poll results stating it was a good poll but there was only a combined 71% that may vote yes on this, the question was brought up tonight about the sales tax and how his numbers were off so he asked the City's Finance Director to gather some numbers for him and he then showed those numbers on the overhead projector, gave an example of how if you were buying a home and found out the night before escrow closes that it's not the home for you then would you go through with the purchase or say you couldn't do this to your family, how the citizens of Los Banos are his family and he can't do this to them, originally the language stated that MCAG will ratify the recommendations of the Eastside and Westside projects committee, how he asked legal counsel for a definition of the word ratify and it was "you will approve", MCAG came up with different language stating that they have the authority to approve the projects which is conflicting language, he can't punt to the voters to support a plan that removes money from Los Banos without a guaranteed benefit to the City and remember that this is a 30 year plan, MCAG has been very nice, but as the former Director told him "it's not your money anymore, it's our money" and it's our opportunity to spend it as we see fit, with the two supervisors and one City the funds can be moved to the Eastside alone and I want the funds to stay on the Westside, the plan we're being asked to approve tonight has no regional projects listed, the City of Atwater voted 3-2 to put this on the ballot but in no

uncertain terms did they support it, he's proud to say that Atwater asked a lot of the same questions that he did, if you do not fully understand the language in the plan then do not vote and subject the voters to this plan, I can't punt this to the voters, we are the parents and been elected to watch out for the citizens of Los Banos, make sure you clearly understand what you're voting for, part of my problem is that the final decision makers will not be the Westside committee, I'm not talking about a conspiracy theory I'm just saying that things change, wants to know what projects are going to be done just like the public would want to know, it was stated in the survey that it wasn't a good idea to put all the projects in the plan we're being asked to look out tonight, believes that's because the people wouldn't vote for it depending upon the projects included, hopes the voters whichever way this goes are going to be made aware that 10 percent will go to the Eastside, in looking over every piece of evidence I cannot guarantee the citizens of Los Banos that they will get a return on their funds, surely not going to worry about this for 30 years.

Council Member Stonegrove stated that based on the comments from Council we can see the way the vote is going to go tonight and thinks that is unfortunate, there are certain things about this process tonight in particular that really bothered her and it is not the first time that this has happened, we receive our staff reports a week in advance, we have information tonight from MCAG on this particular issue, asked that going forward with respect to your colleagues if additional information is going to be presented that we be made aware of what it is going to be, doesn't understand the math that Mayor Villalta presented, my understanding of the local share of the project is that 7.5 million is half of the 15 million projection and the way it is divided up is by population and road miles and that's where those numbers come from.

Mayor Villalta stated he based the math on what is being presented that 50% of the money will go back to local projects, it's kind of a play on words, if you look at it we're giving up is \$450,000 for what would be truly 50%, he's not opposed the Tax Expenditure Plan he's opposed to the sales tax, thinks there has to be a fair way, this is far from perfect, is not convinced that we are going to get our money back and there are not sufficient protections in place, regardless of whether you agree or disagree with his math and that's why he asked the City to provide the numbers because he knew it was going to come up tonight and he wanted to make sure that he was speaking from a point of authority, nothing is new with what I've been saying, I've been talking about these same things and MCAG does not have a track record of returning what's been given, I cannot go down that same path again without assurances, any good attorney will tell you that you need the language that was reflected in the notes, the language for will ratify was not approved by the committee, the MCAG Attorney came up with that and the steering committee has not seen that language, that language does not give us sufficient protections, the voting structure of MCAG needs to be changed, there are five supervisors and six mayors and there will never be an equitable distribution of power with that makeup, east and west have to have the same power and we don't, 420 million dollars has been secured by MCAG for Eastside projects, Los Banos didn't get a dime of that other than 10 million dollars which was wasted on the Bypass and now the

environmental and engineering is out of date, we spent 10.4 million dollars with nothing to show for it, there has to be some accountability here.

Council Member Stonegrove again stated that recognizing the way the vote is going to go she really thinks the allegations made against MCAG tonight are unfair and this is not the first time I have heard allegations that MCAG is somehow dishonest or deceiving, I want the members of this community to know that is not what I believe and I don't subscribe to that conspiracy theory either, I hope that people watch this and that the newspaper will write a story about this and I hope the basis of that story is that this Council has decided to deny the people of this community the right to decide for themselves if they want to improve their roads and the roads in their region, heard some comments tonight that may have been misunderstood such as this County being a self-help community in the past and it was not and never was, to bring up things that have happened in the past and were related to the RTIF has no bearing on this project, there are a ton of guarantees in this plan and thank you to the committee for insuring that those guarantees are in there and to make sure that we get our fair share of the money to spend locally, the claim about the regional projects and the Bypass being taken off the list is a debate for another time and place, there are a lot of regional projects that we can come up with, there's not going to be a limitation on regional projects that we can have, let's find a way to spend the money that we could potentially have, I am a Political Science Major and I'm not going to argue with Mayor Pro Tem Faria's analysis about sales tax as she has her own opinions about which taxes are fair and unfair, it's frustrating to be here and this is her eighth year, to hear "I would support this, but" "this is what I want to see", and then we get it and maybe even more than what we thought and then we're going to find a little word or sentence to knit pick and throw our hands up and say we're not going to be a team player, that's not how government works to her, believes that we're really doing a disservice to our citizens if we don't give them an opportunity at the ballot box in November to vote on this.

Council Member Silveira spoke about how we talk out of both sides of our mouth, we talk about how certain taxes are unfair but then we support a sales tax for public safety, we support something when it works in our favor but then in another instance it doesn't work, I agree with Council Member Stonegrove and we don't always agree on everything, I don't think I'm punting anything by giving the voters a say on this, at the end of the day the voters are the ones that have to make a decision, if roads are truly important to the citizens then give them the option to vote on it, he believes that if it is not a regional project that is closely touching the City of Los Banos then we'd never be in favor of voting for it, how he couldn't get a majority of support from his colleagues to even poll our citizens to see if they want to support a Bypass, either we want it or we don't want it but when I ask to get support I'm told we don't want to spend money on it, we waste a lot of time on this Bypass, I'm just done with it.

Mayor Pro Tem Faria stated he supported sales tax for public safety because he knew every dime of that would come back to us and if that were not the case he would not have supported a sales tax, we cut 25% of the general fund and crime rose 38% because the gangs knew that our army was depleted, it's a war out there when it comes

to public safety and Los Banos is ground zero for drugs and gangs, we better make sure we do what we can to fight it because he won't stand for it, the Bypass to him is the holy grail, how it generates a lot of time and money and never seems to show up, always said that he supports the Bypass in proper form, where you stand in politics depends on where you sit, everything I do governmentally goes back to the founders, the foresight they had, MCAGs Charter comes up every 10 years and it has not changed in 15 years, pleads guilty to ignorance because he didn't know enough about City and County government when he got elected, there was on the table a vote to change the charter in 2007 to change the representation to six Cities and one County, the vote came down in order to change to the seven vote structure, Atwater voted yes Livingston voted yes, Gustine voted yes, Dos Palos voted yes, Merced County voted no, Merced City voted no, the City Manager voted no without telling the Council in Los Banos and that makes me even happier that I voted no confidence on him years ago, he should have informed us that it was going on and how important it was, the issue came back in May of 2007 and continued to June of 2007 where the original structure of the eleven votes was kept into place, I apologize to the citizens of Los Banos for not knowing this, he doesn't want to be blindsided again, MCAG is filled with eleven well meaning people to represent his or her jurisdiction and nobody else, it's time for us to re-examine the representation on the COG, believes the reason this tax issue has become so convoluted and so complex is because MCAGs voting structure is outdated, explained the voting structure of Fresno, Stanislaus, San Joaquin, Madera, and Kern Counties, when the Charter comes up next year it would be good to re-examine so that it better serves the County population wise and structure wise, Los Banos is out on the Westside and we have a Bay Area population, one of the most momentous things to happen in our region happened 10 years ago and was the U.C. Merced, it's only 40 miles away, universities are money magnets and they're one of the most prestigious systems available and it's right here in our backyard, I guarantee you there's going to be a whole lot of money pumping in that direction, Los Banos has changed drastically in population, has nothing personal against MCAG but believes the plan has weaknesses and one being the representation of structure.

Motion by Stonegrove, seconded by Silveira to adopt Resolution No. 5747 – Approving the Transportation Expenditure Plan for Merced County for Placement as a Ballot Measure in November 2016. AYES: Silveira, Stonegrove; NOES; Faria, Lewis, Villalta. Motion failed.

ADVISEMENT OF PUBLIC NOTICES (Four Reports). Senior Planner Elms reported that the Planning Commission will hold a public hearing on Wednesday, May 25, 2016 at City Hall to consider a recommendation to the City Council for a proposed General Plan Amendment that would update the Housing Element of the Los Banos General Plan pursuant to State law; to consider a Conditional Use Permit to allow St. John's Lutheran Church to operate a parochial school for children ages 3-5 years old, the subject property is located at 250 West Adams Street, more specifically described as Assessor's Parcel Number: 027-161-047; to consider a Conditional Use Permit to allow the operation of a paint spray booth for automotive repair and restoration to be operated by Arnold and Tanya Jorge (d.b.a. AJ's Customs), the subject property is located at 557

F Street, more specifically described as Assessor's Parcel Number: 025-072-004; to consider Site Plan Review #2016-03 for a new dental office for Doctors Ronald and Jeffrey Carter, the project site is located within the Highway Commercial zoning district on the northwest corner of South Sixth Street and Washington Avenue at 1317 South Sixth Street, more specifically described at Assessor's Parcel Number: 026-063-014.

CITY MANAGER REPORT. Nothing to report.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Spoke about how the school year will soon end, all kinds of events coming up, award ceremonies, graduation; thanked everyone for coming tonight, this is where is all happens; have a wonderful time, Father's Day is next, take care.

DEBORAH LEWIS: Attended Relay for Life this weekend and presented a proclamation, how she saw faces at the event two years ago that she didn't see this time, a lot of people have contributed to the event as well as herself, this is a disease that we are still trying to eradicate; Habitat for Humanity celebrated National Women Build Week and had their groundbreaking event on May 6th and 7th, this is a wonderful event, Habitat will be building several houses this year from the ground up; attended the Merced County Peace Officers Memorial Ceremony today, her heart goes out to Police Officers throughout not only Merced County but the State of California and the United States who put their lives on the line for us every day; would like to see a letter sent out in the City's water bill in English and Spanish regarding the newly passed Ordinance for garage sale registrations, we owe it to our community to inform the them on what has been done to regulate garage sales, please add this request to the next agenda to see if there is interest in doing this.

SCOTT SILVEIRA: Nothing to report.

ELIZABETH STONEGROVE: Nothing to report.

MAYOR MICHAEL VILLALTA: Thanked Council Member Lewis for representing him at the Relay for Life event, the Soroptimist event, and the Peace Officer event; please support our Police Officers, every day they put their lives on the line and are the most well trained individuals, the Fire Department has medical training; if you're going to fly someplace get to the airport early as TSA is having some problems with screening.

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

CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: INTERIM CITY MANAGER BRIZZEE, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, CONSULTANT GARY PETERSON WITH

RALPH ANDERSEN & ASSOCIATES; UNREPRESENTED EMPLOYEE: CITY MANAGER. No action taken.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: INTERIM CITY MANAGER BRIZZEE, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA) AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. Direction was provided to staff on how to proceed.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: INTERIM CITY MANAGER. No action taken.

ADJOURNMENT. The meeting was adjourned at 10:21 PM to Tuesday, May 31, 2016 at 5:00 PM Attend a 2016/2017 Fiscal Year Budget Workshop Being Held in the Council Chambers, 520 J Street, Los Banos, California.

APPROVED:

/s/ Michael Villalta
Michael Villalta, Mayor

ATTEST:

/s/ Jana R. Sousa
Jana R. Sousa, Assistant City Clerk