

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 6, 2022**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the City Council. For detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

CALL TO ORDER: Mayor Faria called the City Council Meeting to order at the hour of 6:02 p.m.

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

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brett Jones, Kenneth Lambert, Deborah Lewis, Refugio LLamas, Mayor Manuel Thomas Faria III; **ABSENT:** None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accounting & Budget Supervisor Tomas, Community & Economic Development Director Souza Elms, Police Commander/Acting Fire Chief Reyna, Public Works Director/City Engineer Than.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by LLamas to approve the agenda as submitted. The motion carried by the affirmative action of all 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. Mayor Faria opened the public forum and asked those at the meeting if they would like to speak: JOHN GAUTHIER, owner of Little Caesar's in Los Banos, inquired as to why the City Manager was fired, how he's getting ready to open up a Crumble business and he never had a City Manager reach out to him like Josh Pinheiro did and how he was very proactive for the City, how he works in a number of states and whatever politics are going on are garbage, he is not happy with whoever made this decision, it's not fair that they don't get to know why; City Attorney Vaughn explained that the Brown Act does not allow the City Council to respond to items during public forum or enter into a discussion, they can defer items to staff for follow-up; LORI BALATTI, Los Banos, reading from a prepared letter that is on file with the City Clerk stated that he has lived in Los Banos for 52 years, she has been so distraught about the dismissal of Josh Pinheiro, she does not understand, what were you thinking, Josh had passion, he wanted to be involved and get to know the City of employees, changes were not accepted by some employees, every time I contacted Josh he responded,

making needed changes in all departments, how he was working with Los Banos Unified School District on projects, cleaned up Pacheco Park, had new scoreboards installed at Colorado Ball Park, he was meeting with local business leaders, aware of properties needing tenants, so sad we have dropped projects, he never had a chance to finish what he had started, he was not given the respect he deserved; ALLAN COTTA, Los Banos, resident of a once great City, spoke in support of the past City Manager Josh Pinheiro and how he was doing more for the City and it's voters, how three of the Council Members should be ashamed and that after you reinstate or rehire Josh you should all resign; ANN McCAULEY, Los Banos, stated that she has not seen so many department in such disarray and so short-staffed in management positions, she has heard from several city employees that Josh was working corporations who wanted to come to Los Banos and now they might not be interested, he had vision, we will never know the reasons because of the Brown Act, we cannot continue to operate as a small town working in the past and hope that people will fall into this town and do business, it's frustrating to me that we could have so many things going on and then something like this happens, should have waited 6-9 months more to see some of this stuff come to fruition; JUAN RAMIREZ, Local 4703 Union Representative, spoke in support of former City Manager Josh Pinheiro and the current state of the Fire Department, staffing shortage, staffing crisis, how they are tired, crippling, getting by as best they can, we are putting ourselves and community in danger, staffing has changed very little over the years, Fire Chief and Assistant Fire Chief vacancies, not having Battalion Chiefs, their equipment in dire shape, retention/recruitment is an issue in the Fire department, salary is not up to market, referring to a Strategic Plan and the recommendations, mismanagement and lack of leadership, we are at a point where a decision needs to be made even if that means another agency needs to come in and provide the service our city deserves; PATRICIA McCOY, Los Banos, stated that she felt the termination of Josh Pinheiro was premature, how he was stepping into a mess left by the last city manager, there was a clash in personalities, how the June 15 Closed Session should never had been handled the way it was, should have allowed for Council Members to digest the information, they were voting on pure emotions, this has and will cost Los Banos so much more, adding costs to fill the vacancy, she is extremely disappointed and embarrassed, thanked Council Member Jones and Lambert for making decision for the best interest of Los Banos and not personal interest; JESS MEDRANO, Los Banos, speaking to Mayor Faria stating that he watched a lot of people come up here and you have not been paying attention to what they are saying; BOB CLASS, Los Banos, tried to call City Hall a couple weeks ago no one answered, called back a couple times still no answer, he talked to someone today but was not allowed to leave a voicemail, how do hire someone and then fire him, you didn't do due diligence when you hired him, there is nothing transparent about this city, you need to do better or I may run for Mayor; UNNAMED PERSON, reading from a prepared letter that is on file with the City Clerk, wanted to clear up some misconceptions from the June 22, 2022 Special City Council Meeting, spoke to how she previously worked in the Finance Department and described her experience while working there, the high turnover rate in the Finance Department, the sickening and terrible behavior she experienced, how it was accepted for many years by the Human Resources staff, how City Manager Pinheiro was hired by the City Council to make changes to City Hall, disappointed does not begin how I feel, he was excelling at his job, this has been proven

by Council Member Jones and Lambert, spoke to a letter written by Susan Wilson that bashed former City Manager Pinheiro and saying terrible things that do not accurately represent his behavior, how she feels that some employees got to the members and had him fired and they need to be held accountable; CLAUDIA NUNES, Mobile Home Park, spoke to concerns with the homeless encampment near her home, stated that most of the people that lived at the mobile home park are seniors, month after month they are sick and tired about not being listened to, we have been begging you guys to please help us, we pay taxes and the homeless do not, we need help desperately, we have worked our whole life to live in a good life in retirement, how she has called 911 time after time, we deserve some answers, pleading for help and to please listen to us; SHANDRA LEWIS, Los Banos, Rancho Mobile Home Park, thanked the City Council for letting us talk, things seem better but are they better - no, she spoke regarding her concerns with the homeless encampment near her home, how her nephew had his bike stolen by cutting the cable and was returned tore up, my lawn mowers are cabled and she worries that they will be stolen also, we need help, how she recently called the Police Department because there was a fire in the homeless area and she worried about that, noted that Council Member Lewis had questions at the last meeting that didn't get answered and was hoping to hear more about that, she shared pictures that showed how the homeless are coming in and out, they don't walk around because they are lazy and want to steal things, how the fencing for homeless is tore up and not even new anymore and it hasn't even been a few months; MARION SANTOS, stated that he is the largest sales tax provider in this town, wondered why they would make such a quick decision to let the city manager go, did you talk to anyone, how it doesn't even make sense and hasn't been with the City very long, he pointed out how he supported the Mayor and now he sees him smirking, you could have talked to someone who has been in business for a long time, maybe you were right or maybe you were wrong, the next time you do this at least talk to some people, how we can't get answers and that's not right either; STEPHANIE AUSTIN, Los Banos, spoke to how she first met Josh Pinheiro as a freshman in high school, she uses Josh as an example for her students, he was a manager of Foster Freeze as a senior in high school, kept going to school, she introduced her students to Josh and they clapped, spoke to how he just bought his 3rd home to protect his parents, she wishes she could have lunch with her mother, comments about him being too young was a bit much, she was so happy to hear that Josh was the City Manager, he is a home grown person that was going to do all he could do to improve Los Banos, how he was disrespected at Home Depot, feels that the letter that was written about Josh is total defamation and slander and not written by Sharon Wilson, the letter was all hearsay, and how she came up to support her friend Josh, how he will not be manipulated, is a good person, a Christian man and wouldn't do anything wrong or unethical; CAROL ETCHEVARRY, Los Banos, spoke to how Los Banos has had its ups and downs and how she had a hard time in the past few months and how Josh came to her home to visit with her, everything Stephanie Austin said is right on, Josh was a go-getter, he respected people, he was disrespected and he was used, all these people are here to support Josh, this is not something she usually does, she feels they chose improperly to dismiss him, he accomplished more than all the last five City Managers, he was bettering our City, if you had any decency in your heart, in your brain, you would put your tail between your legs, tell him you made a mistake and he needs to come back to Los Banos, age has nothing to do with being able

to do good job; MIKE HUGHES, Los Banos, has lived here for 50 years and worked for the City for 30 years, he has seen some good Councils and this is the worst Council he has ever seen in my life, you have let petty jealousy and personalities get the best of you, how heard of an incident that happened at Home Depot and called Mayor Faria before and he has not gotten a call back yet, how he watched Josh grow up as a kid, he was a great young person and always influential in the City, he has asked the last three City Managers to deal with the trees downtown and how Josh put money in the budget to take care of the trees, how hard will it be to find another City Manager, he has a homeless situation across the street from him and how he is being told that nothing can be done about it, we need a Council that can do their job, the three that voted Josh out should resign, you are not representing the City of Los Banos, just costing us more money, you have just made the City a mess; DOUG BEGONIA, spoke in support of Josh Pinheiro and after hearing the letter read at the last Council Meeting and most of you were hearing those words on a daily basis from employees at City Hall, you caved and gave in to their wishes, Josh was doing a good job and all you did was hurt the citizens of Los Banos, when it is time to run for reelection there will be those that run against you and we will support their campaigns; DR. STEVE SOARES, reading from a prepared letter that is on file with the City Clerk, spoke in opposition of the termination of City Manager Pinheiro, the way it was handled shows how self-entered the decision was, the many things that Josh has accomplished and how Mayor Faria responded with it would have gotten done anyway, City Council Members are employees and can be fired and we will do it at the ballot box in November; DUSTIN CAROPRESO, born and raised in Los Banos, stated that he became the President of Los Banos Little League and spoke to Josh about the need for new scoreboards and he got them new scoreboards, the biggest thing I have to say is I came back to this town to raise a family here and we had a guy that came back to Los Banos to make Los Banos better and you got rid of him, the three people that voted against him, you need to write that resignation and reinstate him; JANET SILVA, spoke in support of Josh and it is definitely clear that he needs to be reinstated, we need you to make a stand and make a right one, thank you Council Member Jones and Lambert for you votes, Josh is our neighbor and we would like him reinstated as our City Manager; MARIA SALINAS. City Clerk Mallonee stated that she received the following comment by email that is on file with the City Clerk from: MARIA SALINAS, resident at Rancho Los Banos Mobile Home Park, writing regarding her concerns with the homeless encampment near her home, she thanked Police Chief Brizzee for his presentation at the last meeting and it helped her understand the whole situation better, she appreciated the comments by Council Members Lewis, LLamas, and Lambert, but her concerns are still real and very important and all their concerns are part of the minutes and video recordings which the City will not be able to say they weren't warned when something bad happens. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Jones requested that item 6D – City Council Resolution No. 6525 – Approving and Authorizing the Mayor to Sign a Professional Services Agreement for Interim Finance Director Services with BWK Consulting, LLC. be removed from the consent agenda for separate presentation and vote.

City Clerk/Human Resources Director stated that she could answer any questions that the City Council might have on Item 6D – City Council Resolution No. 6525 – Approving and Authorizing the Mayor to Sign a Professional Services Agreement for Interim Finance Director Services with BWK Consulting, LLC. Council Member Jones stated that he took issue with the inclusion of the contract to include the management of IT Services as he feels that it makes no sense to have a contract employee be responsible for a contract employee for which the City Clerk/Human Resources Director explained the reasoning behind the request. Motion by Jones, seconded by Lambert to approve City Council Resolution No. 6525 – Approving and Authorizing the Mayor to Sign a Professional Services Agreement for Interim Finance Director Services with BWK Consulting, LLC. with the removal of IT Services in his scope of business. The motion carried by the affirmative action of all Council Members present.

Motion by LLamas, seconded by Lewis to approve the consent agenda as follows: Check Register for #233327 - #233820 in the Amount of \$2,740,554.09; City Council Resolution No. 6523 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361; City Council Resolution No. 6524 – Approving and Authorizing the Mayor to Sign a Contract Amendment Between the County of Merced and the City of Los Banos to Extend Fire Stop-Gap Coverage for an Additional Two (2) Months; ~~City Council Resolution No. 6525 – Approving and Authorizing the Mayor to Sign a Professional Services Agreement for Interim Finance Director Services with BWK Consulting, LLC.~~; City Council Resolution No. 6526 – Approving and Authorizing the Mayor to Sign a Contract between Placer Labs, Inc. and the City of Los Banos for Mobile Data Analytics. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AN AMENDED GROUNDWATER SUSTAINABILITY PLAN THAT WILL GOVERN SUSTAINABLE GROUNDWATER MANAGEMENT ACTIONS WITHIN THE JURISDICTIONAL BOUNDARIES OF THIS PLAN LOCATED IN THE DELTA-MENDOTA SUBBASIN (GROUNDWATER BASIN: 5-022.07) AS ENCOMPASSED BY THE BOUNDARIES OF THE CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY; CITY COUNCIL RESOLUTION NO. 6527 – ACTING AS THE CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY (GSA) ADOPTING THE FIRST AMENDED GROUNDWATER SUSTAINABILITY PLAN FOR PORTIONS OF THE DELTA – MENDOTA SUBBASIN.

Public Works Director/City Engineer Than presented the staff report, which included a PowerPoint presentation.

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

Motion by Lambert, seconded by Jones, to adopt City Council Resolution No. 6527 – Acting as the City of Los Banos Groundwater Sustainability Agency (GSA) Adopting the First Amended Groundwater Sustainability Plan for Portions of the Delta – Mendota Subbasin. The motion carried by the affirmative action of all Council Members present.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A GENERAL PLAN AMENDMENT 2020-02, ZONE CHANGE #2020-02, AND MITIGATED NEGATIVE DECLARATION (SCH #2021090191) FOR THE DEVELOPMENT OF TWO (2) MULTI-FAMILY STRUCTURES TOTALING 18,136 SQUARE FEET WITH SIXTEEN (16) RESIDENTIAL UNITS LOCATED AT 1133 F STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS 025-152-005 (STONEFIELD HOME, INC.); CITY COUNCIL RESOLUTION NO. 6520 – APPROVING MITIGATED NEGATIVE DECLARATION (SCH#2021090191) AND MITIGATION MONITORING/REPORTING PLAN FOR F STREET MULTI-FAMILY PROJECT LOCATED AT 1133 F STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 025-152-005; CITY COUNCIL RESOLUTION NO. 6521 – APPROVING GENERAL PLAN AMENDMENT #2020-02 TO REDESIGNATE APPROXIMATELY 0.9 ACRES LOCATED AT 1133 F STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 025-152-005 FROM INDUSTRIAL TO HIGH DENSITY RESIDENTIAL; ORDINANCE NO. 1198 – AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED AT 1133 F STREET ON ASSESSOR’S PARCEL NUMBER 025-152-005 FROM GENERAL COMMERCIAL (C-1) TO HIGH DENSITY RESIDENTIAL (R-3) (SECOND READING & ADOPTION).
Community & Economic Development Director Souza Elms presented the staff report

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

Motion by Jones, seconded by Lambert, to adopt City Council Resolution No. 6520 – Approving Mitigated Negative Declaration (SCH#2021090191) and Mitigation Monitoring/Reporting Plan for F Street Multi-Family Project Located at 1133 F Street, More Specifically Identified as Assessor’s Parcel Number 025-152-005. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by LLamas, to adopt City Council Resolution No. 6521 – Approving General Plan Amendment #2020-02 to Redesignate Approximately 0.9 Acres Located at 1133 F Street, More Specifically Identified as Assessor’s Parcel Number 025-152-005 from Industrial to High Density Residential. The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Lambert to waive the second reading of Ordinance No. 1198 – Amending the Official Zoning Map by Rezoning Property Located at 1133 F Street on Assessor’s Parcel Number 025-152-005 From General Commercial (C-1) to High Density Residential (R-3). The motion carried by the affirmative action of all Council Members present.

Motion by Jones, seconded by Lambert to adopt Ordinance No. 1198 – Amending the Official Zoning Map by Rezoning Property Located at 1133 F Street on Assessor’s Parcel Number 025-152-005 From General Commercial (C-1) to High Density Residential (R-3). The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Faria; NOES: None; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES. (No Report)

CITY MANAGER REPORT. No report

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE.

Mayor Faria stated that PCE has had their bond rating improved.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: Spoke to how Mayor Faria, in his first term, took the City from being the best City in Merced County to being a joke in just one evening, before Josh came in we warned him about the swamp within city hall and the serious issues with the HR Director and Finance Director, how they purposefully excluded the HR Director from the background details of Josh, concerns with no succession planning for our employees and the very important duties they perform, there was an even bigger swamp and it was on Council, how policy isn't being followed, how Mayor Faria was testing positive for COVID-19 at the live June 22 meeting and had zero regards for anyone's safety, to how Deborah claims to be a good steward of the tax payers dollar but you spend a dollar to save a dime, and you have an opinion about everything, how Refugio always seems to brag about how much experience he has, how he is confident that we made the right decision in hiring Josh Pinheiro in the first place, and welcomed our new Interim Finance Director Brent Kuhn a real professional overseeing our City's finances.

KENNETH LAMBERT: Thanked everyone that showed up tonight, shows the support we have for our City, he has a Council Member Request: Review for a council discussion on all of City's Insurance Policies, with specific names of insurance, also providers with names of producers that received compensation and would like to know the last time we did an RFP for our insurance needs, and would like this brought to our August 3rd meeting.

DEBORAH LEWIS: Would like to thank all the public who showed up tonight, this is process of free speech and to address your elected council members, there was some incorrect statements made by people in the public that came from Mr. Jones, she would like to tell you all what was behind the decisions she had to make but due to the Brown Act she can't discuss how she came to her decisions, there is an effort by Mr. Jones to slander certain people on this Council and she does not appreciate it, she would like to see if even we disagree with each other to try to be as united as we possibly can to move forward in this City, grieves her that people have incorrect information out there, how it troubles her that things are being stated by the public that were discussed in closed session that shouldn't have gotten out to the public.

REFUGIO LLAMAS: Thanked everyone for being here tonight, how you assess and reassess, take into account comments from the public and you look at your decisions, how he believes in our republic and believes in transparency, just celebrated the Declaration of Independence and the history behind that, pains me that I cannot talk about

it the reasons behind his decisions, I hear the comments and I take them internally, thanked staff for creating the reports, how he returns all his calls and emails, appreciates everyone's comments and fellow Council Members, how we do not agree on everything but that does not mean that we are disagreeable.

MAYOR TOM FARIA: Spoke regarding the beautiful 4th of July celebration, hoped everyone enjoyed their Independence Day.

CLOSED SESSION – PUBLIC EMPLOYMENT, TITLE: INTERIM CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957. Mayor Faria stated that by a vote of 5-0, the City Council has appointed Gregory Wellman as Interim City Manager commencing July 11, 2022 subject to consideration and approval of an Interim City Manager Employment Agreement and the City Council will adjourn to Monday July 11, 2022 at 10:00 a.m. in these City Council Chambers to consider the approval of an interim city manager employment agreement.

ADJOURNMENT. Motion by LLamas, seconded by Lambert to adjourn the meeting at 9:05 a.m. The motion carried by the affirmative action of all Council Members present, Jones absent.

APPROVED:

/s/ Manuel Thomas Faria III
Manuel Thomas Faria III, Mayor

ATTEST:

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