

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 20, 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 6:04 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee 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, Interim City Manager Wellman, City Clerk/Human Resources Director Mallonee, City Treasurer/Accounting & Budget Supervisor Tomas, Community & Economic Development Director Souza Elms, Police Chief Brizzee, Police Commander/Acting Fire Chief Reyna, Public Works Director/City Engineer Than.

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

PRESENTATION – CERTIFICATE OF RECOGNITION – SARAH SANCHEZ, DISPATCH SUPERVISOR, CITY OF LOS BANOS EMPLOYEE OF THE MONTH FOR JUNE 2022. Mayor Faria presented the Certificate to Sarah Sanchez who attended at the meeting to accept.

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: UNNAMED PERSON, stated that she lives at the Mobile Home Park in Los Banos by the homeless encampment and spoke regarding her concerns with the homeless people that live there, how there was homeless man running around buck-naked, how she is terrified that one of those homeless people are going to molest one of those kids, not fair for the parents to not let the kids play in the yards because they are afraid of what they might see or what could happen, how they have tried everything time after time to come to City Council to get

help, just the other day a fire was started near the homeless encampment with a truckload of wood that was dropped off, people that are disabled and if their mobile homes catch fire their homes are gone, she is so frustrated because she does not know what to do any more, she is scared to be at home, that someone is going to get hurt, you all need to open your hearts to listen to us and really listen, we need help; THOMAS, neighbor at the mobile home park near the homeless encampment, spoke regarding how city workers came and spent hours cleaning up and dumping trash at the homelessness encampment, and showed pictures he had taken, and urged them to please do something about the homeless encampment park behind the mobile home park; SHANDRA LEWIS, Los Banos, stated that she received a message on Saturday from a resident regarding garbage coming through their backyard, how tenants are feeling like they are being invaded, being stolen from, trying to break into cars, spoke how they are dealing with homeless people walking through their mobile home park to get to the encampment, they do not stay within the confined area, they start fires that are horribly smelling, they burn anything, they don't follow the rules and one of these days someone is going to get hurt, and she would appreciate more follow-up on this; JACQULYN LAWRENCE, Los Banos, stated that she hasn't been to a Council Meeting in a while and spoke regarding how she has been homeless and she knows about homeless being attacked, she stayed behind the Taco Bell in a tent, because she is a missionary now she will have to forgive, she has come to the conclusion that there needs to be a homeless shelter here in Los Banos like Merced, spoke of her concern with the plastic that was given to them, the metal buildings that she has ideas about, building their own tiny houses on Ward Road and Highway 152 and how if they build it themselves they will take pride in it; KATHLEEN EULEY, spoke regarding the upcoming budget and the money that is earmarked for the Animal Control Shelter and how the money should go to housing the animals and not towards the administrative buildings, how the animals are inadequately cared for and to just really take that into consideration when making plans; JOE BARCELLOS, Los Banos, stated that he was unable to attend last week's meeting and would be remised if he did not come to speak on behalf of and in support of Josh Pinheiro, he considered him to be proactive, and caring, how they respected each other and each other's opinions, how he was changing things and sometimes you have to rattle the cages, he spoke to the Brown Act that was passed in 1983 and how he believes the people have spoken and will continue to speak; ANN McCAULEY, Los Banos resident for 25 years, stated that she was not lucky enough to know Josh Pinheiro but she thought he was quite a remarkable person, she is bothered by a prior Finance employees comments regarding the ill will with city department managers, how these managers stick together, employees see a lot more than managers recognize, concern without bylaws being followed, to have time lapse without an acting city manager is inexcusable, concerns with unfilled management positions, why is it that city does business with spouses like the City Clerk her husband, why are we hiring one family member after another, you have lost confidence in this town since Josh has been fired, this City has lost opportunity after opportunity, it's nice to have competition in our election races, how Paul LLanez was the Police Union President the first time he ran for Mayor but has recently resigned from the position, he has new ideas to advance this town, City Clerk needs to resigns and how she is working weekends as an IT Manager, City Attorney needs to resign because he didn't pay attention to the bylaws; CHRISTINE CHAVEZ, Transit Manager for the Merced County Association of

Governments, spoke regarding the 5-Year planning document that outlines the plans for their different programs in Merced County, i.e. the Bus and transit needs, updates to Routes 4 and 7, how they are accepting public comment and working on updates to the commuter routes to Merced, free fares for general passengers throughout Merced County July, August and September and hopes everyone takes advantage of that, and how YARTS is in full swing; LEVI FISTORI, reading from a prepared letter that is on file with the City Clerk spoke regarding the Los Banos Animal Shelter, how she has been volunteering there and her concerns and views on how it is run, there is a severe lack of medical care for the animals, there is a budget of \$1,000 per year for medical expenses at the Animal Shelter which is not near enough, how she has spent her own funds to help the Animal Shelter, how injured cats are not being properly taken care of, her recommendation is that this needs to be addressed immediately and they have so much to do, change from an open intake to a closed intake or allocate funds for a trained veterinarian; KATHY BALLARD, Los Banos, stated that item #9 – Consideration of Selection of an Executive Search Firm to Assist the City Council the Recruitment of a New City Manager and there is not an open forum and she has a question regarding that item, speaking to when we first went through the recruitment last year and how if someone didn't make it a full year than they would go ahead and post it again and wonders why we are not going back to that firm to help us hire a new City Manager; NANCY CLINE, reading from a prepared letter that is on file with the City Clerk spoke regarding the Los Banos Animal Shelter and how she has spoken before regarding her concerns, spoke regarding her experience with animal shelters, how she has been coming to the animal shelter for over a year to help out, concerns with the shelter days and hours of operation and why there was a recent change, how there are only 2 staff members out there and when they don't get to take a lunch they go home early, issues with staffing and if they go out on calls there is no one out there at the shelter, shelter operations need to be beneficial to the public, how shelter needs repairs in a big way, the shelter website has not been updated since 2018, spoke about vouchers regarding spay and neuter, and thanked the City Council for the time to talk; ELAINE COREY, stated that she is disappointed, she is ashamed that you would allow personalities to clash and allow the firing of Josh, you knew he had no government experience and then you turned on him, he had ideas of his own and he was too aggressive and moved way to fast for you, you really need to pay more attention, none of it was thought out; MIKE HUGHES, I just got one little tiny question to ask why you, the Mayor, are not running the timer correctly, you don't interrupt them until their 5 minute time is up. Mayor Faria asked the City Clerk if she had received any comments to be read into the record. City Clerk Mallonee stated that she received the following comments that is on file with the City Clerk: KASEY MILLER, Park Operator at Rancho Los Banos Mobile Home Park, wrote regarding her concerns with the homeless encampment behind the mobile home park and the disgusting things they have been having to deal with and the continuous problems they are dealing with, pleading with the City Council to do something about the situation and how she is holding the city responsible for any further issues we have with the homeless; SUSAN CASTILLO, wrote in support of Josh Pinheiro, how he is a mature, very well educated and a man of integrity, principles and morals, former employees work experience giving clarity to the situation, how Josh Pinheiro was disrespected, slandered and wrongfully terminated, how he was there for her and her family when her son was shot, he cares about the City and how he

needs to be brought back; KAREN CARTER, wrote in support of Josh Pinheiro and how he has excelled in academics, employment and an entrepreneur, how he was disrespected and wrongfully terminated, the toxic behavior/attitude of office staff who were intimidated by Josh Pinheiro, how he was always looking for ways to improve our City and was making progress, certain council members need to resign, how City Hall needs a facelift in operation and attitude, how Josh is a man of integrity and you need to bring Josh Pinheiro back and replace the 3; ALYSSA GRIJALVA, wrote regarding how she resigned from the Finance Department earlier this year, how the Council Chambers were flooded with residents as well as City employees who were and continue to be in support of City Manager Pinheiro, rumors circulating through the community that are false, how the decision was spontaneous and emotion, how the Human Resources Director/elected City Clerk and the Assistant City Clerk/Huma Resources Analyst are the issue, referring to a letter from Sharon Wilson and information contained in that letter, firing City Manager Pinheiro and hiring an Interim City Manager is a slap in the face and wrong; Council Member Jones asked that the City Clerk read an email dated July 6, 2022 that was not received in time to read at the last Council Meeting: STAN WILSON wrote in support of Josh Pinheiro and the deserved scrutiny and public outcry in his defense, how he knows a few city employees and has learned there are a few toxic administrators at City Hall, how Josh Pinheiro was looking into some serious complaints and how they need to resign or be disciplined, the revolving door of new employees and urged the newspapers to dig much much deeper. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested that item 7F – City Council Resolution No. 6530 – Awarding Contract(s) for Publication of Legal Notices/Legal Advertisements for Fiscal Year Ending June 30, 2023 and Authorizing and Directing the Interim City Manager to Execute Agreement(s) 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 7F – City Council Resolution No. 6530 – Awarding Contract(s) for Publication of Legal Notices/Legal Advertisements for Fiscal Year Ending June 30, 2023 and Authorizing and Directing the Interim City Manager to Execute Agreement(s). There was Council Member and staff discussion regarding concerns regarding the submittal by Merced Sun Star and online publication not being available at not cost but when that is not the case, legal publications are not viewable for all to see unless they pay for a subscription, and to make that question more clear when the RFP goes out next time, how one newspaper allows free access to online (Westside Express) and one does not (Merced Sun Star). City Attorney Vaughn explained the legal publishing requirements, adjudicated newspapers, number of subscriptions, print and online publications, being free to view is not the question, it was if there was an additional cost to post online in addition to print costs, and explained why staff is requesting more than one newspaper be awarded an agreement because of timing issues with the daily and monthly circulations for the submitted newspaper especially when it comes to public hearing notices. Mr. Gene Lieb explained the paywall process when being able to read the newspaper online and noted that The Westside Express does not have a paywall.

Motion by Lewis, seconded by LLamas to approve City Council Resolution No. 6530 – Awarding Contract(s) for Publication of Legal Notices/Legal Advertisements for Fiscal Year Ending June 30, 2023 and Authorizing and Directing the Interim City Manager to Execute Agreement(s). The motion carried by the affirmative action of all Council Members present.

Motion by Lambert, seconded by Lewis to approve the consent agenda as follows: Check Register for #233821 - #234089 in the Amount of \$1,271,360.02; Minutes for the June 15, 2022 City Council Meeting; Minutes for the June 22, 2022 Special City Council Meeting; Minutes for the June 28, 2022 Special City Council Meeting; City Council Resolution No. 6529 – 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. 6530 – Awarding Contract(s) for Publication of Legal Notices/Legal Advertisements for Fiscal Year Ending June 30, 2023 and Authorizing and Directing the Interim City Manager to Execute Agreement(s);~~ City Council Resolution No. 6531 – Authorizing the Interim City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim for Fiscal Year 2021-2022. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6532 – APPROVAL OF NOISE VARIANCE PERMIT 2022-01 TO ALLOW CONSTRUCTION ASSOCIATED WITH THE LOS BANOS POLICE STATION PROJECT TO COMMENCE WORK PRIOR TO 7:00 A.M. MONDAY THRU SUNDAY AT THE LOCATION OF 1111 G STREET. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the Public Hearing held at the Planning Commission on July 15, 2022 and if there any outreach to the surrounding area.

Motion by Jones, seconded by LLamas, to adopt City Council Resolution No. 6532 – Approval of Noise Variance Permit 2022-01 to Allow Construction Associated with the Los Banos Police Station Project to Commence Work Prior to 7:00 A.M. Monday thru Sunday at the Location of 1111 G Street. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF SELECTION OF AN EXECUTIVE SEARCH FIRM TO ASSIST THE CITY COUNCIL IN THE RECRUITMENT OF A NEW CITY MANAGER. Human Resource Director Mallonee presented the staff report.

There was Council Member and staff discussion regarding why an RFP was sent to Bob Murray & Associates, to bring all three forward to a regularly scheduled meeting to interviewed, moving forward with just one that fit the criteria and gave us a list of successful recruitments – Koff & Associates, not sure that interviewing all three would serve any purpose, in interest of public disclosure and public participation there is support to bring forward the three firms to be interviewed. Mayor Faria stated that if the City Council had hired one of Bob Murray & Associates recommended candidates they would have provided search services for one year at no cost.

Motion by Jones, seconded by Lambert to bring all three firms to be interviewed at a future Regular City Council Meeting. The motion carried by the affirmative action of all Council Members present, Lewis voting no.

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2022 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE & EXPO BEING HELD SEPTEMBER 7-9, 2022 IN LONG BEACH, CALIFORNIA. Motion by Lambert, seconded by Jones to designate Mayor Pro Tem Lambert as the Voting Delegate and Council Member Brett Jones and the Alternate Voting Delegate. The motion carried by the affirmative action of all Council Members present.

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 7, 2022 DUE TO COUNCIL MEMBERS ATTENDING THE LEAGUE OF CALIFORNIA CITIES CONFERENCE IN LONG BEACH, CALIFORNIA, SEPTEMBER 7-9, 2022. Motion by Jones, seconded by LLamas to cancel the September 7, 2022 City Council Meeting due to Council Members attending the League of California Cities Conference in Long Beach, California. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES. (No Report)

CITY MANAGER REPORT. Interim City Manager Wellman stated that the first order of business would be to thank those on the dais for their welcome and support, it has been a quick week and a half, has had a chance to meet with the department heads, an opportunity to work closely with Police Chief and to actually tour the site of the new Police Facility, the Fire Department is in good shape with Police Commander Reyna as our acting Fire Chief, Planning Director and Public Works Director are outstanding, a meeting he had with CCID which was very good regarding the general plan, he's had a chance to review the budget and signed a transmittal letter that was very well written and spoke about how good the budget was and very detailed, the City is in reasonably good shape and conservative in its approach and will position the City to responsibly grow and move ahead, he is concerned about the number of vacant positions especially in Police and Fire and the need to pay very close attention to expenditures.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE. Mayor Faria referred to Ms. Chavez from MCAG speaking earlier tonight regarding and update on Merced County Transit, July 21, 2022 is the next MCAG meeting, reminded all that there is a vacancy on the Measure V Citizen Oversight Committee and encouraged all to apply, the next PCE Meeting is scheduled for July 28, 2022.

CITY COUNCIL MEMBER REPORTS.

KENNETH LAMBERT: Thank you for everyone for coming out again, he addressed some of the comments from the trailer park and wanted to assure them that our Police

Chief and Police Department are doing everything they can every day, your comments are not going unheard.

DEBORAH LEWIS: Spoke regarding the Animal Shelter and how \$1 million has been set aside to do some upgrades and after hearing the testimony it is clear that we have an issue and a problem, concerns with hiring a consultant to figure out our needs at the Animal Shelter because we have done that, closed intake vs. open intake, how the closed intake approach might be best especially with other sick animals, would like to see the funds geared to upgrading the shelter where we are right now for the animals and request that staff give us an update on how we can accommodate the animals, would like to see education in our school systems so that we can begin to educating our children to take home to their parents the important of spay and neutering, spoke regarding what the San Martin Animal Shelter provides, concerns we have been listening to about the homeless encampment for many months now and if she were in that situation she would probably be here every week too, how we have tried to cleaned it output them at the currently location because we own the property, we have people who have health issues and burning illegal fires is a concern, not all homeless want to be sheltered, the real problem is there are people who are mentally ill on the streets, just because you build a shelter they will not all come to it, we need to figure out a place to move this homeless encampment, not sure where we can move them and the Mobile Home Park residents do not need to be terrorized anymore, and would like to find out if we can have a report to find out how close we are to hiring a Fire Chief.

REFUGIO LLAMAS: Stated that homelessness is a terrible situation and how these folks were not included in this decision from the very beginning, we need to find another location but we have limitations and are mandated by the State, sounds like there is a lot of help and knowledge out there when it comes to the Animal Shelter, he would welcome a report and/or provide information to staff for help and ideas for improvement and solutions to address issues, welcomed aboard Mr. Wellman and thanked him for coming out of retirement to help us out and how he appreciate his emails bringing us up to date, how it gives us a clear picture, and he looks forward to learning and serving with you.

BRETT JONES: Made note of how our former City Manager Josh Pinheiro was part of making the budget happen after hearing from the Interim City Manager Wellman how please he was to see how in order the budget was.

MAYOR TOM FARIA: Stated that the homeless situation is not falling on deaf ears and we are working on it, there are so many challenges how the City is limited on what they can do, and reminded everyone to go online and apply for the Measure V Citizens Oversight Committee.

CLOSED SESSION – PUBLIC EMPLOYEE RELEASE (CALPERS INDUSTRIAL DISABILITY RETIREMENT) PURSUANT TO GOVERNMENT CODE SECTION 54957. Motion by Lewis, seconded by LLamas to adopt City Council Resolution No. 6533 – Concerning the Industrial Disability Retirement of Fire Engineer Joshua Houtekamer. The motion carried by the affirmative action of all Council Members present.

ADJOURNMENT. Motion by Lambert, seconded by LLamas to adjourn the meeting at 8:27 p.m. The motion carried by the affirmative action of all Council Members present.

APPROVED:

/s/ Kenneth Lambert
Kenneth Lambert, Mayor Pro Tem

ATTEST:

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