

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
APRIL 5, 2017**

***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 7:00 p.m.

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

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria, Daronica Johnson-Santos, Deborah Lewis, Scott Silveira, Mayor Michael Villalta.

**STAFF MEMBERS PRESENT:** City Attorney Vaughn, City Clerk/HR Director Mallonee, Police Chief Brizzee, Finance Director Williams, Police Commander Hedden, Community & Economic Development Director Elms, Fire Chief Marrison, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, 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.

Mayor Villalta spoke to a recent situation in the City of Los Banos where lives were saved in a recent fire and how the Fire Chief and Police Chief are planning a celebration which will be at a later date.

**PRESENTATION – PROCLAMATION RECOGNIZING GIRL SCOUT TROOP 616.** Mayor Villalta presented the proclamation to the Girl Scout Troop members in attendance.

**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.** MATT McCALLUM, Los Banos, spoke regarding a little problem that recently occurred in their neighborhood known as Avalon which is on the east side of town, he and his wife moved to Los Banos in 2009 and fell in love with their gated community and the little canal behind their house, but around 2013 the canal started smelling horrible like feces and silage, he filed a complaint with the Environmental Protection Agency but received no results, this canal used to support frogs and lizards which helped with the insects

around his house but the canal no longer supports these animals, he has to run the air conditioner when it is 60 degrees because they need to circulate air and cannot open their windows because the smell from the canal is so bad, it usually starts at 8:30 a.m. which means someone upstream is dumping something into the canal and it reaches their area around that time and goes away after an hour or sometimes doesn't go away at all, he called 911 and they sent the Fire Department out and they told them they couldn't do anything about it, he called the Mayor and it eased up for a while so he thought maybe it was coming from the Meza Brothers, only seems to happen when the canal has water in it, he is on a fixed income and they cannot afford the extra expenses to run the air conditioner just to get some fresh air in the house, the business he believes is doing this is in the city limits, he said he would like to speak further with Tom Faria and see if he can get something on the agenda to solve this problem that the east side of Los Banos is experiencing; Mayor Villalta stated that the City Manager will consult with the Public Works Director/City Engineer and the Fire Chief and they will look into the matter and get in touch with him, it may not be the City's canal so we may not be able to fix it ourselves but can coordinate with other agencies to try and resolve the problem; BERTHA FARIA, Los Banos Chamber of Commerce, welcome to Spring in Los Banos, announced their four new members: The Los Banos Academy of Music who provides vocal and instrumental training, for information visit their Facebook page or contact Vanessa at [Lovatosacademy@gmail.com](mailto:Lovatosacademy@gmail.com), also welcomed the Los Banos Basque Club and look forward to their annual Basque Festival on May 21, 2017 at the Los Banos Fairgrounds, the Merced County Library in Los Banos is committed to lifelong learning through self education for all the residents and visitors in Merced County, they also offer a bookmobile that will be at the Spring Street Faire on April 22, 2017, Valley Sierra SBDC offers extensive resources which help you understand business challenges and help plan for the future, help is available through one-on-one sessions, seminars and workshops as well as on their website, they can be reached at 422-6416 or at [Valleysierrasbdc.com](http://Valleysierrasbdc.com), there's still time to register for the Barbecue Pros Second Annual Hometown Throwdown Barbecue Cook-off being held on Sunday, May 7, 2017 at the fairgrounds, pick up your application by April 15, 2017 at 720 I Street, looking forward to celebrating a ribbon cutting and the unveiling of a new mural at the Milliken Museum on Thursday, April 13, 2017, the unveiling will begin at 5:00 p.m. followed by a reception, the Los Banos Tiger Trap Team will hold a fundraiser in association with the Merced County Sheriff's Office on April 15, 2017 at the Los Banos Sportsmen's Club on Mercey Springs Road, "I Shot with the Sheriff" registration will begin at 8:45 a.m. and questions can be directed to Darrell Allen at (559) 479-0629, still looking forward to the Downtown Los Banos Spring Street Faire on April 22, 2017, vendors will line 6<sup>th</sup> Street beginning at 8:30 a.m., you can build your own omelet for \$8 at Westside School put on by the Rotary Club, the Street Faire will last until 3:00 p.m., don't forget to attend Anne Whitehurst's unveiling of her second mural on 6<sup>th</sup> and K Street that same day at noon, wished everyone a Happy Easter; ASHLEY WILLIAMS, Executive Director for Westside Habitat for Humanity in Merced County, introduced Jen Loa former board member and volunteer and Chair for the Women Build Committee, thanked all who attended the ReStore Chamber of Commerce mixer they had last month, attendees were able to enjoy the store and the workshop next door, spoke regarding the new home event and how the foundation has been poured for this particular home, spoke about the services they provide and how they build homes,

community, and hope in turn eliminating poverty housing, they work with donations from the community, grants, the funds that come through the Habitat ReStore, and mortgage payments that come back from the homeowners, spoke regarding the upcoming fundraisers/events that are coming up, one is Sponsor a Stud for \$25, explained how you can purchase a stud for \$25 and it will be used on one of the houses they are building and can also write on the stud a message to the family that will be living there, the fundraiser will end on May 1, 2017, and the people who purchased these studs will be invited out to the worksite to find their purchased stud to see how it's been utilized, she left some fliers behind and noted she can be reached at 509-9026, the studs can be purchased at the Habitat ReStore at 1209 6<sup>th</sup> Street or visit their website at [habitatwestside.org](http://habitatwestside.org); JENNIFER LOA, Habitat for Humanity Westside, she's the Chair for the Women Build event, this will be their 6<sup>th</sup> annual Women Build event in Los Banos, this event is where 50+ women get together to build homes or rehab houses in the past as a way of offering an environment that is a little less intimidating and a lot of fun, it's a way for women to get together and do something positive for the community, this year it will be from May 8-13, 2017 and invited all the council members out to help build and get their hands dirty, located on M Street down the street from the post office, folks can sign up to do this on the website; ERIK LIMON, Republic Services, spoke regarding the free spring cleanup event on April 8, 2017, at the Merced County Spring Fair from 7:00 a.m. – 2:00 p.m., it is sponsored by Republic Services and the City of Los Banos and is open for those who live within the city limits, spoke about which items will be accepted, Habitat for Humanity and the Salvation Army will be on site to collect reusable items, household waste will be accepted at this event, call the Merced County Regional Waste Authority at 723-4481, spoke regarding why recycling is so important, noted that if there are elderly who wish to participate but need assistance to reach out to Republic Services at 826-0231 to get some assistance; Council Member Faria inquired as to what Los Banos' diversion rate is for which Mr. Limon stated around 40%, Los Banos is doing much better than the City of Merced. 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 amended as follows: Check Register for #203741 – #204190 in the Amount of \$1,250,607.48; Minutes for the March 15, 2017 City Council Meeting; Minutes for the March 20, 2017 Adjourned City Council Meeting; City Council Resolution No. 5850 – Accepting a Grant of Easement of Public Utility Easement from ZZA Development LLC for Assessor's Parcel Number 428-121-013 Located at the Northeast Corner of San Luis Street and Miller Lane. The motion carried by the affirmative of all Council Members present.

**HOMELESSNESS PRESENTATION – By Carol Bowman, United Way of Merced County.** Mayor Villalta spoke to how a few weeks ago he, Council Member Lewis, Council Member Johnson-Santos and City Manager Terrazas attended a homeless forum in Merced, stated this presentation is just one of a series of presentations of what resources are out there to end homelessness, he introduced Carol Bowman who spoke in more detail to homelessness, which included a PowerPoint presentation.

Council Member Lewis noticed that only the cities of Merced, Los Banos and Atwater were shown, is there a reason why the other cities were not counted for which Ms. Bowman explained that she just used one sheet from the count and that all cities were counted. Council Member Lewis stated she is a supporter of the Salvation Army who deals with initial crises and that they try to offer housing for which people initially say yes, but by the time they get cleaned up and fed their answer changes, she wanted to know what the survey is for people who just don't want to come in for which Ms. Bowman stated that most people do want to get housed but for some people who have been homeless a long time it can be a hard adjustment, the key is to get these people housed, then get them some case management help to get them to stay there but it can be a traumatic experience for some, but most do want to be housed. Council Member Lewis asked how quickly case management services are offered after these people are housed for which Ms. Bowman said it is immediate, within a day they are checked on and asked what they need, how they're doing, etc, case management is immediate and ongoing until they are stabilized. Council Member Lewis wanted to be sure there are funds available to cover housing costs for those who have no income for which Ms. Bowman stated there are funds the organization gets through the State that will cover housing/security costs for ideally six months but sometimes can support up to two years but the idea is to get these people the income or help they're entitled to so they are able to pay all or some of their rent on their own.

Council Member Johnson-Santos thanked Ms. Bowman for helping the homeless, especially Veterans, and looks forward to seeing how all this will help the homeless in Los Banos.

Council Member Faria thanked Ms. Bowman for coming, said it's good to see that there are plans to help the homeless as it's much more than he has seen in a long time ever since the State used to grant mental health services as he believes most of the homeless have either mental or addiction problems, thanked and commended Pastor Hammond for all he has done for the homeless in Los Banos as well.

Mayor Villalta stated that a while ago Steve Hammond once told him if he sees someone in need to send them to him and he said he tried that but that everyone he approached never went to get help and that they were comfortable being out on the streets with their friends, we need to do whatever we need to do to help because we want to do it, he spoke about the homeless count in Los Banos and how one year the number went down because the way the count was done was changed but now the count is back up again, this year we got a lot of rain and a lot of flooding and some of the homeless encampments got broken up and some people came in to get help which he is glad they did, spoke about the fact that there's an organization that comes to town once a month to offer assistance to Veterans seeking assistance with things ranging from housing to counseling, wants to see someone from the County involved in mental health services and housing etc, he wants more people who are involved in this issue to come and speak to the Council so the City can get a coordinated effort going and understand all the services that are available for which Ms. Bowman made a suggestion that since Steve Hammond is starting a task force for this issue, it might be a good idea to get everyone gathered there so everyone is in the room and can have some

meaningful discussion and actual action being done instead of just presenting at council meetings. Mayor Villalta asked if there was a book of guidelines or something that shows what resources are available for which Ms. Bowman showed a pamphlet that serves as a directory for the various services available, says he appreciates her for coming but would really like to get some of these other agencies together to see what can be done as a whole.

Council Member Lewis spoke to the County's Mental Health Director at the event she attended and said the County is opening up a new hospital for services, she knows that most but not all of the homeless suffer from some sort of mental health issues whether it be from drugs/alcohol or genetics, but this subject means a lot to her and she really wants to get people the help that they need, seems to be more funding coming soon that will focus on mental health services.

City Manager Terrazas stated that he received notice from Mr. Hammond regarding the first task force meeting which will be later this month and how staff plans to attend those meetings and other meetings regarding this issue and that as the task force progresses, staff can report back to Council on the progress of the task force.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING A COMPREHENSIVE UPDATE ON TITLE 6, CHAPTER 1 – ANIMALS ORDINANCE OF THE LOS BANOS MUNICIPAL CODE; ORDINANCE NO. 1153 – REPEALING CHAPTER 1 OF TITLE 6 OF THE LOS BANOS MUNICIPAL CODE ENTITLED ANIMALS AND ENACTING AN ORDINANCE ENTITLED ANIMAL CONTROL, REGULATION AND PROTECTION (FIRST READING & INTRODUCTION); CITY COUNCIL RESOLUTION NO. 5851 – ESTABLISHING ANIMAL CONTROL FEES; CITY COUNCIL RESOLUTION NO. 5852 – ESTABLISHING ANIMAL CONTROL ADMINISTRATIVE FINES AND PENALTIES.**

City Attorney Vaughn presented the staff report which included a PowerPoint presentation.

Council Member Faria asked if the six (6) foot leash requirement is a State law for which City Attorney Vaughn said no. Council Member Faria explained that we have no fenced parks in town and when he takes his dog to the park he uses a 30 foot leash so the dog can run, wanted to know if a section could be added that allows for a longer leash at a park for purposes that he stated for which City Attorney Vaughn said some language could be added stating 'or a leash at a length to where the handler is still in control of the dog.' Council Member Faria encourages the neutering and spaying but doesn't want anyone to feel they are obligated to do so, he doesn't neuter his males because he likes the strength they have being unaltered, he feels that if you keep your dog under control you do not need to spay or neuter your animals.

Council Member Lewis stated that she realizes this was a two (2)-year process and wanted to thank the community for their patience in allowing the City to work on this, thanked Mrs. Logan for bringing this to the City's attention, thanked the Police Chief Brizzee and Police Commander Hedden for holding community meetings and allowing input from the community to figure out what is best for Los Banos. She feels there was

an outcry for spay and neutering which reduces the number of unwanted animals which there are large amounts of that come through the shelter, even heard that there are breeders who breed dogs for hunting and if they don't turn out the way they want them to turn out then they are brought to the shelter and disposed of there, feels some of these issues will be under control under these new codes along with an education process to help people understand why it's important to not have unaltered dogs running around and loose, wants the community to understand the City is trying to make Los Banos a livable and pleasant place to live when it comes to animals. She also likes the idea that dogs adopted from the shelter will be spayed/neutered before they are adopted out, there is a section in the ordinance she would like to bring attention to and that is the part where it discusses potentially vicious dogs at parks or females in heat but it doesn't touch bases on unaltered males, she would like to see the wording changed to just unaltered dogs in general which would cover both ends, and appreciates the effort that's been made to bring this to Council and also give the animal control officers some tools to help keep the community safe in regards to dogs and cats.

Mayor Pro Tem Silveira would like some further clarification on the leash length as well, asked where the maximum number of animals to be owned came from for which City Attorney Vaughn said that was the recommendation of the Police Department and isn't sure where they got that number from. Police Commander Hedden explained those numbers were pretty standard amongst other ordinances that were looked at in other cities, also during community meetings the group came up with this number feeling it was a reasonable and manageable number. Mayor Pro Tem Silveira asked what was involved in the registering as a caretaker to feral cats for which City Attorney Vaughn stated it would just be a simple application to fill out and then animal control would come out and check out the location and what exactly is going on at that location, he further explained that the ordinance in place right now actually prohibits the feeding of feral cats but understands that these cats need to be cared for as well so that is why they added this registry just to be sure the caretaker is not creating a nuisance. Commander Hedden added that this registry would allow animal control to know who is caring for what colony and making sure that the caretaker is actually improving the quality of life for these feral cats including spaying/neutering a certain percentage and giving vaccinations and not just throwing out food and creating a rodent problem and not creating a better quality of life for these cats. Mayor Pro Tem Silveira asked about the breeder certificates and why only one litter per years is allowed versus two for which City Attorney Vaughn said that is what the City of Turlock's ordinance stated so we just copied that number. Mayor Pro Tem Silveira brought up that some areas in town containing livestock were grandfathered in and they have certain rules that they are aware of but he wanted to make sure they wouldn't be affected by this for which City Attorney Vaughn stated no. Mayor Pro Tem Silveira asked what is considered unsuitable for neutering for which City Attorney Vaughn stated it could be age, health of the animal, or anything related to those kinds of things. Mayor Pro Tem Silveira said on the dog licensing fees he finds that the price on the unaltered dog licensing fees is kind of excessive, he feels the fees for the impounded unaltered dogs are okay but feels it's almost a punishment for these owners of unaltered dogs. City Attorney Vaughn asked Police Commander Hedden what the current licensing fee is for unaltered dogs is for which he said it is \$14. Mayor Pro Tem Silveira wanted to know why then we are

raising the price to \$100 for which Police Commander Hedden explained that this ordinance is modeled off of the City of Turlock's ordinance and how they handle it is if you have an unaltered dog and want to license it then you automatically have to have the breeder's permit or you have to spay/neuter the dog. The whole point of putting these fees into place and causing owners to make a choice of paying high fees or spaying/neutering their animals is to try to control the population of unwanted pets. Mayor Pro Tem Silveira expressed his gratitude and appreciation for all the hard work that went into this ordinance, but still feels that these fees are high and that the honest person is being punished, asked what the number of current dog licenses issued in the City of Los Banos is for which Police Commander Hedden said 207 were issued for the year of 2016. Mayor Pro Tem Silveira reiterated his concerns of these licensing fees being too high and also how these laws will be enforced since the City's code enforcement team is so small but also expressed interest on what others had to say about these issues.

City Attorney Vaughn went back to Council Member Faria's question about the leash length and said the word "minimum" was a poor choice of wording to use and that he would like the wording to be rewritten as "a length sufficient to keep the dog under the handler's control" and it would ultimately be up to the animal control officer to decide whether that is in fact occurring.

Mayor Villalta recommended that if Council Members feel these fees are too high they should speak to Police Commander Hedden to gain some further insight as to why they are recommending these amounts before they reach any conclusions on their own.

City Attorney Vaughn added that they are also considering allowing veterinarians to license dogs which would be more of an outreach than what is occurring now and feels that once things fall into place it will be easier for residents to license their dogs.

Council Member Lewis spoke about how at the outreach meetings it was discussed that the intent was not to punish people who have hunting dogs and like to breed them etc., but to control the abundance of dogs who end up in the shelter but cannot be adopted out due to behavioral issues relating to their being unaltered for which City Attorney Vaughn noted that it would in fact be cheaper to get your dog spayed/neutered rather than to pay the high licensing fees every year.

Council Member Faria echoed Mayor Pro Tem Silveira's comments in regards to the licensing fees being exorbitant and feels it would actually discourage dog owners to license their dogs, he feels it annoys responsible pet owners when they are having to pay the price for irresponsible pet owners.

Mayor Villalta opened the Public Hearing. PALMER McCOY, Los Banos, spoke how staff did a great job, he's read the entire thing and there is a lot of stuff, spoke to Council Member Faria's comments that we are going to punish responsible dog owners with these license fees and agrees with that, people think these laws will fix the issue but it won't as the spaying/neutering law has been in place in California for a long time and it hasn't fixed anything, it's a particular culture of people causing this issue and this

ordinance isn't going to make them follow the rules, he is floored that Council believes the high fees are okay, if people believe that cats don't need to be licensed because the owners won't do it then dogs shouldn't have to be licensed either, admitted his dog is not one of the 207 that are licensed in town because against all the other fees California is requiring him to pay this one slips his mind, wants the people who are not willing to do it punished when they are caught not following the rules, doesn't want to keep paying fees upon fees as a responsible pet owner; BOB RUESTER, Los Banos, he owns three dogs who are spayed/neutered but wanted to speak on behalf of responsible owners who have unaltered dogs, he too thinks the \$100 fee is excessive maybe not for breeders who sell the litters and contribute to the problem we are having, but for those responsible owners who prefer their dogs unaltered the fees should be kept at \$14 or slightly raised from there, he would like to see this issue visited annually once the initial ordinance is passed that way there isn't a lot of time and money spent trying to modernize it, would like to make it so that no more grandfathering can be done as he has a problem with people who live behind him who have many dogs and it's an ongoing issue, something should be in place for those people who surrender animals due to the quantity they have but then go out and get more recreating a problem, asked if something could be added regarding removal of animals due to noncompliance, inquired as to when this would be going into effect for which Mayor Villalta stated it would be 30 days after the adoption of the ordinance; PATRICIA McCOY, Los Banos, wanted to bring to Council's attention page 11 which talks about the future dog park, it states there's a maximum of two (2) dogs per person allowed at the dog park but the ordinance states residents may have three (3) dogs per household which means one dog would have to be left at home, would like this issue revisited, she believes all the laws that go for dogs should be put in place for cats as well, if cats are allowed to roam free then they should be licensed as well especially if they end up getting impounded, how would the shelter know whether this cat belonged to someone or not. No one else came forward to speak and the public hearing was closed.

Mayor Villalta inquired if we were to require cats to be licensed then wouldn't that affect the feral colony as well for which City Attorney Vaughn stated he's unsure of how you would license a feral cat and the Mayor agreed.

Mayor Pro Tem Silveira asked if there were any thoughts requiring animals to get microchipped for which City Attorney Vaughn stated there was thought given to it but that the idea didn't get very far. There was talk about requiring adopted pets to be microchipped before departure but that it would be another fee that people wouldn't want to pay.

Council Member Lewis spoke of how licenses can fall off or pets can get hung up on fences and break their collars causing the license to fall off, but if pets were microchipped, the microchip will always be inside of the animal. When animals get taken to the shelter, the shelter is supposed to wand the dog to check for a chip. She is in favor of having dogs microchipped as a part of the adoption process and that it only costs \$20 to chip the dog. She believes it's another safety valve to be able to find your dog if it happened to roam the city or elsewhere. City Attorney Vaughn noted that he did see some ordinances that require microchipping at the time of licensing.

Council Member Johnson-Santos spoke how Mrs. Palmer brought up a good point about the dog park issue and how only two (2) dogs per person would be allowed but maybe they had three that they owned for which City Attorney Vaughn explained that the issue was whether one person would be able to control multiple unleashed dogs at the park and it seemed as though two (2) was the magic number; Council Member Johnson-Santos would like this issue revisited and believes the amount of dogs allowed in a residence should equal the amount of dogs allowed at the dog park; City Attorney Vaughn said in reviewing other ordinances that actually already have dog parks, two (2) was the number allowed of dogs at a dog park per person.

Mayor Villalta asked the other Council Members whether they would like to accept this first reading of the ordinance or if they would like to have the ordinance reviewed by staff again and have it reintroduced at a future meeting. City Attorney Vaughn stated that Council Member Faria's issue about the leash length is an easy fix as well as the number of dogs allowed at a dog park per person, but if Council wanted more research done on cat licensing and microchipping then that would require more drafting. He further noted that he provided results from the City of Stockton's experience with cat licensing and how cat licensing is not state mandated. Mayor Villalta asked of the other city ordinances reviewed, how many required cat licensing for which City Attorney Vaughn stated there were multiple ones who required it and there were multiple ones who left it voluntary. Mayor Villalta asked what the successes were of these cities for which Police Commander Hedden stated that during his research he found that there are no cities within Merced County that required cat licensing. He explained that they did reach out to Stockton as they require cat licensing but felt it was not a prudent use of staff time to try and regulate it. He feels that once code enforcement has the right amount of manpower, he would like them to go door to door with educational pamphlets and also hopes that people will be encouraged through citations to license their dogs but noted it would be much more difficult to enforce cat licensing. During the community stakeholder meetings, a vote was taken as to whether or not cat licensing should be required and only two (2) out of the group of eight (8) voted in favor of it which is part of the reason why it was decided to remove this topic from the ordinance.

Council Member Lewis mentioned that it seems as though there are a few issues that could be fixed tonight but brought up one of her concerns once again being that the ordinance as written bans female dogs in heat from going to the dog park when one is constructed. She would like to have it so that all unaltered dogs may not go to the park. Mayor Villalta added that this particular concern could be revisited once the City actually gets a dog park. Council Member Lewis stated she had done research of her own on some cities outside of the county and their ordinances ban all unaltered dogs from the dog park because it presents a problem.

Mayor Pro Tem Silveira said he's good with moving forward with the ordinance as it is but mentioned that he is not in favor of licensing cats. He believes there is no way to enforce it and it would be a waste of taxpayer dollars. The best he could support licensing cats is if it's voluntary. The ban of unaltered dogs at the dog park is another point he is willing to support and he is ready to move forward tonight.

Mayor Villalta stated that cat licensing would open up a whole new section for feral cats because you can't require them to be licensed and have one roam free. He asked the Council how they felt about removing the cat licensing off the board completely. Council Member Faria stated he doesn't believe there is any way to enforce licensing cats that too many of them roam free to even know whether it belongs to someone or it's feral. He is good with not having to license cats as well. Council Member Johnson-Santos stated she agrees with Mayor Pro Tem Silveira that we don't have the manpower right now to enforce cat licensing so she is okay with moving forward without it but would like to see something happen with it in the future. Mayor Villalta said the issue is off the table for him as well.

Council Member Lewis noted that the purpose of having a feral cat colony is for someone to care for them since they don't technically belong to anybody. If the person caring for these cat colonies registers and spays/neuters the cats, they can't reproduce. She has problems of cats coming into her yard and doing their business and her having to clean it up because her neighbors put food out to feed these cats. Once this ordinance goes into effect, she will politely educate her neighbors on the matter. She is okay with moving forward with the matter off the table as well but would like the police department to think about maybe requiring microchipping in the future. Maybe some posters for the community to view educating them on the benefits of microchipping could help the awareness.

City Attorney Vaughn once again went over the three main concerns tonight being: leash length requirements, unaltered dogs being banned from the dog park once one is developed, and also allowing three (3) dogs at the dog park instead of two (2). He was able to change the language to accommodate these changes for tonight's decision; Mayor Villalta asked if the microchipping issue could be removed from the table for tonight for which Council Member Lewis agreed and said maybe it could be brought back again for discussion in another year.

Mayor Villalta asked if the City's Animal Control Officer, Jason Martin, has an idea of where the existing cat colonies are for which Police Commander Hedden stated that the animal control officer keeps in regular contact with people that feed these feral cats but that the registry the ordinance in question requires would be a good tool for him.

Police Chief Brizzee made a comment that he believes Council is making great progress with this ordinance and that all the points brought up by everyone who expressed concern were good points and believes there are solutions that could be reached for this issue. As far as the dog park goes, he believes that issue is very flexible at this point in time because the City currently does not have a dog park. He has had issues with trying to break up dog fights which is why they were trying to allow a reasonable amount of dogs at the dog park but understands the dilemma that was presented with only allowing two (2) as opposed to the allotted amount of three (3) in each residence. For now, he is okay with making that change and moving forward. This is a living document and it can always be brought back to Council for changes.

Council Member Lewis wondered if since we have no dog park at this time if we could leave the allowed amount of two (2) dogs per person at a dog park and it could be changed to three (3) at a later date if there are no issues for which Mayor Villalta said he agrees that there are no reason to make changes to a situation that has not occurred yet and feels it best to bring the issues regarding the dog park back to Council once the City actually gets one. Council Member Johnson-Santos stated she understands there is no dog park now but feels it would be best to get ahead of the situation and just make it to where the ordinance will allow three (3) dogs per person at the dog park instead of two (2). Council Member Lewis understands what Council Member Johnson-Santos is saying but feels for staffing purposes that it's better to start off small and see how it goes and take it from there. Mayor Villalta would like to get the dog park first.

Motion by Silveira, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1153 – Repealing Chapter 1 of Title 6 of the Los Banos Municipal Code Entitled Animals and Enacting an Ordinance Entitled Animal Control, Regulation and Protection with the changes to the leash language, no unaltered animals in dog park and three (3) animals per person allowed in the dog park. The motion carried by the affirmative action of all Council Members present.

Motion by Silveira, seconded by Johnson-Santos to introduce Ordinance No. 1153 – Repealing Chapter 1 of Title 6 of the Los Banos Municipal Code Entitled Animals and Enacting an Ordinance Entitled Animal Control, Regulation and Protection with the changes to the leash language, no unaltered animals in dog park and three (3) animals per person in dog park. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

Mayor Villalta noted that City Council Resolution No. 5851 – Establishing Animal Control Fees and City Council Resolution No. 5852 – Establishing Animal Control Fines and Penalties have been discussed but are not up for voting tonight.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE OLD LOS BANOS LANDFILL CLEAN CLOSURE PROJECT AND MITIGATED NEGATIVE DECLARATION (SCH#20170121053) LOCATED NORTH OF THE ST. FRANCIS ESTATES SUBDIVISION, EAST OF THE AG SPORTS COMPLEX AND SOUTH OF THE CITY LIMIT LINE, APN 081-020-021; CITY COUNCIL RESOLUTION NO. 5853 – ADOPTING MITIGATED NEGATIVE DECLARATION (SCH#2017021053) AND MITIGATION MONITORING/REPORTING PLAN FOR THE CLEAN CLOSURE PROJECT OLD LOS BANOS LANDFILL LOCATED NORTH OF THE ST. FRANCIS ESTATES SUBDIVISION, EAST OF THE AG SPORTS COMPLEX, AND SOUTH OF THE CITY LIMIT LINE, MORE SPECIFICALLY IDENTIFIED AS APN 081-020-021.**

Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation. She noted a comment letter was received from CalTrans District 6 (Kettleman City) saying there would be minimal impacts to the State Highway System and that the City will need to work with CalTrans to determine if an oversized/overweight permit is required.

Mayor Villalta opened the Public Hearing. No one came forward to speak and the public hearing was closed.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5853 – Adopting Mitigated Negative Declaration (SCH#2017021053) and Mitigation Monitoring/Reporting Plan for the Clean Closure Project Old Los Banos Landfill Located North of the St. Francis Estates Subdivision, East of the Ag Sports Complex, and South of the City Limit Line, More Specifically Identified as APN 081-020-021.

**CONSIDERATION OF USING AN ALTERNATIVE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AS IT PERTAINS TO THE OVERLAND COURTS SENIOR PROJECT INCLUSION INTO COMMUNITY FACILITIES DISTRICT (CFD) 2002-01 (PUBLIC SAFETY SERVICES).** Community & Economic Development Director Elms presented the staff report which included a PowerPoint presentation.

Community & Economic Development Director Elms had the developer of this project, David Slacker, come forward to speak on behalf of Overland Courts. Mr. Slacker stated that he appreciates all the support staff has offered in their contribution to affordable housing for seniors in the City. He spoke about what this community would offer its residents such as a community room and a computer training program. There will be various programs on health and financial literacy along with other various programs. They hope to have the project completed in about sixty (60) days. There will be 69 one (1) or two (2) bedroom affordable units plus an onsite manager. There have been more than 300 applications thus far and he is aware it takes a lot of partnering with the City to make something like this happen and appreciates the support. He spoke about how these types of communities don't usually generate much police activity being that it's a senior living community and further explained their screening procedures to ensure there wouldn't be a high number of problem residents. They have 144 units in Kerman and that location has required very little emergency service calls. He was willing to answer any questions Council may have.

Council Member Lewis inquired as to the conditions of approval and what has changed for the developers to come back and ask for the reduction in fees for which Mr. Slacker stated that the annual fees associated with this type of housing are normally in the couple thousand dollars a year but then found out that the fees would actually be in the neighborhood of \$24,000 for an annual fees. After much discussion he and his staff decided to seek support from Council for a reduction in fees because of the type of housing it is. Council Member Lewis asked if he was aware of these fees at the time he initially came before Council to get this project approved for which Mr. Slacker stated he was aware there would be fees but was unaware of the amount.

Mayor Pro Tem Silveira asked if Council doesn't approve this reduction, will the project go away or will it remain for which Community & Economic Development Director Elms stated that if the reduction is not approved, the CFD conditions would still need to be satisfied and it would need to come back with the full amount or some sort of remedy from direction from Council to satisfy that condition. Mayor Pro Tem Silveira directed his attention to Fire Chief Marrison since this would be directly affecting his department due to it being a senior living facility and that it would in fact cause more calls to his

department for which Fire Chief Marrison said he believes this is a fantastic project and appreciates the developer bringing this to Los Banos but feels at this time he cannot put his support behind this proposal. His reason for this is that there are very few revenue sources to staff police and fire personnel. Mayor Pro Tem Silveira stated that answers it for him. He added up the numbers of units and the cost of rent per unit and it totals out to \$39,012 a month in rent and that multiplied by twelve (12) months comes out to \$468,144 a year in rental fees. That number over a span of ten (10) years comes out to \$4.68144 million and the amount of fee reduction that is being sought comes out to \$63,775 which is 1.36% of the total income. He agrees with Fire Chief Marrison that this is a great project, but this project was subsidized in the form of tax credits which is how we got it built. Whenever you have a complex of this sort, no matter what ages reside there, it will generate more emergency calls. These officers and firefighters are supposed to be paid out of the CFDs, but if there are no CFDs then it ends up coming out of the general fund. He cannot support this proposal due to CFDs already being underfunded. He understands this is under a ten (10)-year plan but just doesn't support it at this time.

Council Member Lewis agrees with Mayor Pro Tem Silveira on his numbers, but what really bothers her is that the developer knew there were going to be CFD fees and as a business person one should have asked what the fees would be so that if there was going to be a compromise it would have been done at the time this originally came to Council. She believes for the developer to say that a senior living complex will not generate emergency calls would be stretching the truth. We are short a fire building that needs to be built in the community and the chance of seniors needing assistance due to health conditions failing is much higher which would in turn create a greater need for emergency services. She sees this reduction as being unreasonable and doesn't understand why this request was not brought up at an earlier time. This has happened before in Los Banos where projects get approved in a certain way and then later down the line the developer decides they can't afford it and ends up coming back with the issue. She really appreciates this senior complex as well, but she cannot support this either based on the fact that someone didn't ask how much the fees would be when this project was first introduced. The City cannot afford to give away this money to keep the fire and police departments going.

Mayor Villalta worries a little bit with a project of this size and how the developer knew there were going to be fees but didn't ask how much when those fees are pretty clearly laid out in the City. Everyone else has been held to a standard and he understands it's tough. It's an excellent project, but in this case the fire department is fighting for every dollar that it gets and \$63,000 may not seem like much but it is. He echoes the sentiments of two other Council Members.

Council Member Johnson-Santos says she doesn't want to discourage future projects like this because it is a great project but she doesn't like to see companies come in and say 'oops' we didn't realize. She likes this project as well, but like the others cannot support it at this time.

Council Member Faria, as the others, does like this project, but after hearing further comments, concerns and discussion has to agree with the other Council Members that this cannot be supported at this time. Maybe there is some money laying around not from the City, but some other source that could fulfill the problem. He suggested the applicant go out and try to find some other source of relief and then come back that way everybody wins. He further explained that the Council is making decisions necessary to be sure the City doesn't go backwards as it has worked very hard to progressively move forward.

Mr. Slacker approached the podium once more to address these concerns. In answer to Council Member Lewis's concerns, he stated this issue has been in discussion for over a year now and is not just something that was thought up. Most cities participate in fee waiver programs. The City of Los Banos has not donated a dollar to this project nor have the developers asked for it. They are simply asking for a reduction in a tax being this is low-income housing for low-income seniors; and because of that, they have a limited amount of revenue. He understands Fire Chief Marrison's concerns and understands all the points made. The point he is trying to make is that this project is beneficial to the community. He referenced Mayor Pro Tem Silveira's numbers and says he won't question them but wanted to bring to light the significant mortgage on the property that they're having to pay. He spoke of all the programs that they have received funding from and again noted that this is a unique type of housing, and there's a great possibility anything like it will not be coming again to the City. Once more, he asked for Council's consideration in reducing the tax and to give the developers an opportunity to show how beneficial this housing will be to the community. He thanked Council for their time.

Motion by Lewis, seconded by Silveira to deny the request to consider using an alternative rate and method of apportionment of special tax as it pertains to the Overland Courts Senior Project Inclusion into Community Facilities District (CFD) 2002-01 (Public Safety Services). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Lewis, Silveira, Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 5854 – APPOINTING DEPUTY CITY TREASURER KIMBERLY A. TOMAS AS CITY TREASURER.** City Attorney Vaughn presented the staff report.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5854 – Appointing Kimberly A. Tomas as City Treasurer. The motion carried by the affirmative action of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES (One Report).** Community & Economic Development Director Elms stated the Planning Commission will hold a public hearing on Wednesday, April 12, 2017 at 7:00 p.m. in the Council Chambers to consider Site Plan Review #2016-02 and CEQA Exemption for the remodel and expansion of an existing 2,184 square foot store by 1,680 square feet for Carniceria La Michoacana located at 820 W. Pacheco Boulevard.

**CITY MANAGER REPORT.** City Manager Terrazas reported on executive compensation, on February 8, 2017, based upon his performance review of the Human Resources Director that salary was increased to \$113,772 annually retroactive to January 1, 2017, based upon his performance review of Public Works Director/City Engineer on March 30, 2017, that salary was increased to \$175,610 annually retroactive to February 1, 2017. He wanted to recognize the Police Officers and Sergeant that are true heroes to the community that went above and beyond the call of duty without regard to their personal safety who saved two Los Banos residents, personally thanked Officer Solis and Sergeant Mendez on their work and is very appreciative for what they've done.

### **CITY COUNCIL MEMBER REPORTS.**

**SCOTT SILVEIRA:** Reminded all about the May Day Fair, discounted admission and ride tickets are available at the fair office at 403 F Street, spoke about how he had a phone and the screen went black and nothing was backed up to a different location, he stopped in Sky Cell Phones and Accessories on 535 Mercey Springs Road in the old Los Banos Lumber building and dealt with the owner, Tony (last name not known), he said he was a very nice man who offered very competitive pricing, he was very happy with the service they provided there and just wanted to recognize them.

**TOM FARIA:** Spoke about how all the school bands in town gathered last night and performed together at Pacheco High School, they performed pieces individually and then they performed the Mickey Mouse song as a group consisting of 435 students, he's looking forward to Easter and the fair.

**DARONICA JOHNSON-SANTOS:** Stated that she had a wonderful time at the Habitat for Humanity mixer and can't wait to see how all those houses come along.

**DEBORAH LEWIS:** Stated that she also attended the Habitat for Humanity mixer, one of her neighbor's husband poured the foundation on the house that did get the foundation and noted the home will be for their adopted niece, she gave her the application for the Women's Work Day event that Habitat for Humanity will be hosting, had the opportunity to attend the CCID luncheon that they have annually where they discuss the water districts update for 2017 for the water supply and rates and the State's groundwater management program, every year there's new regulations being forced on our farmers and the community, it seems almost virtually impossible to survive some of these regulations, CCID will have a 100% water allocation including the federal water with other districts only receiving 60% of the allocation despite all the rain we've had this year.

**MAYOR MICHAEL VILLALTA:** Stated that the museum mural will be unveiled on April 13, 2017 at 5:00 p.m., a second mural will be unveiled at the Street Faire at noon, it is a depiction of the first grammar school in the City of Los Banos, sponsor a stud benefitting the Habitat for Humanity for \$25, Work Day with Habitat for Humanity will be May 8 – 13, 2017, the Spring Cleanup event will be on April 8, 2017, the Rotary crab feed was recently held, Mayor Pro Tem Silveira was the auctioneer, it went very well and all the

funds go towards scholarships for high school students in Los Banos, MCAG (Merced County Association of Governments) at the March 15, 2017 meeting made a decision regarding an agreement which will be coming to Los Banos and it entails codifying and explaining Measure V and it supersedes all other agreements, so he personally asked each Council Member and members of the public to review item 21 from the March 15, 2017 meeting, all the cities need to sign this agreement and if it is not signed by a City then they will not get any Measure V funds, he wants to be sure everyone gets a clear understanding of the agreement and where all these funds will be going, once this agreement is signed because it will be in place for the next thirty (30) years.

**CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54956.8; PROPERTY LOCATED AT 1111 G STREET, LOS BANOS, CALIFORNIA, (APN 026-161-003, 026-161-008) (PORTION), APPROXIMATELY 6.04 ACRES; CITY NEGOTIATORS: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE; NEGOTIATING PARTIES: SAM WATSON; UNDER NEGOTIATION: PURCHASE PRICE AND TERMS OF SALE.** No reportable action.

**CONFERENCE WITH LEGAL COUNSEL, PURSUANT TO GOVERNMENT CODE SECTION 54956.9, POTENTIAL LITIGATION, ONE CASE.** No reportable action.

**ADJOURNMENT.** The meeting was adjourned at 11:32 PM.

APPROVED:

/s/ Michael Villalta  
Michael Villalta, Mayor

ATTEST:

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