



City of Los Banos

At the Crossroads of California

www.losbanos.org

Revised 1/9/14 4:49 pm

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

JANUARY 15, 2014

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)
Faria ____, Lewis ____, Silveira ____, Stonegrove ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. 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 Council; 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.)

6. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

- A. Check Register for #145218 – #145375 in the Amount of \$750,977.01.

Recommendation: Approve the check register as submitted.

- B. Minutes for the January 2, 2014 Adjourned City Council Meeting.

Recommendation: Approve the minutes as submitted.

- C. City Council Resolution No. 5543 – Approving a Tentative Agreement/Amended Memorandum of Understanding (MOU) between the City of Los Banos and the Los Banos Fire Fighters Association (LBFFA).

Recommendation: Adopt the resolution as submitted.

- D. City Council Resolution No. 5544 – Amending the Fiscal Year 2013/2014 Budget by Increasing the Appropriation Amount in the Congestion Mitigation and Air Quality (CMAQ)/Safe Routes to School (SRTS) Grant Revenue and Expenditure Funds by \$88,265.60 and Authorize the City Manager to Issue a Purchase Order to Greenwood Motors for the Procurement of Five (5) Model Polaris GEM Vehicles in the Amount of \$88,265.

Recommendation: Adopt the resolution as submitted.

- E. City Council Resolution No. 5545 – Awarding the Bid for the Purchase of One (1) New 2014/2015 Model 10-12 Yard Dump Truck to Fresno Truck Center in and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order in the Amount of \$114,736.58.

Recommendation: Adopt the resolution as submitted.

- F. City Council Resolution No. 5546 – Rejecting All Bids for One (1) New 2014 Model Trailer Mounted Leaf Machine.

Recommendation: Adopt the resolution as submitted.

- G. City Council Resolution No. 5547 – Awarding the Bid for the Purchase of One (1) New 2014/2015 Model Motor Grader to Volvo Construction Equipment and Services and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order in the Amount of \$218,309.

Recommendation: Adopt the resolution as submitted.

- H. City Council Resolution No. 5548 – Awarding the Bid for the Purchase of Two (2) New 2014/2015 Model Backhoe/Loaders to Pape Machinery and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order in the Amount of \$192,092.

Recommendation: Adopt the resolution as submitted.

- I. Request by the Kente Women’s Club to Conduct a March and Rally on Martin Luther King Jr. Day, January 20, 2014 Starting at Approximately 10:30 a.m. and Ending No Later Than 12:00 p.m. from Los Banos City Hall and end at the Arts Council.**

Recommendation: Approve the request as submitted.

7. PRESENTATION & REVIEW OF THE TEMPORARY SUSPENSION OF THE OF THE REGIONAL TRANSPORTATION IMPACT FEE (RTIF).

Recommendation: Receive staff report and direction from the City Council on how to proceed.

8. PRESENTATION REGARDING PUBLIC WORKS CAPITAL PROJECTS.

Recommendation: Informational item, no action to be taken.

9. ADVISEMENT OF PUBLIC NOTICES. (Two Reports)

10. CITY MANAGER REPORT.

11. CITY COUNCIL MEMBER REPORTS.

A. Scott Silveira

B. Elizabeth Stonegrove

C. Tom Faria

D. Deborah Lewis

E. Mayor Mike Villalta

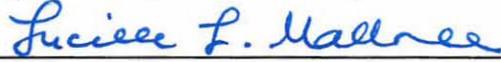
12. CLOSED SESSION.

- A. Conference with Labor Negotiators, Pursuant to Government Code Section 54957.6, Agency Designated Representatives: City Manager Carrigan, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Legal Counsel Tuffo; Employee Organizations: Los Banos Police Officers Association (LBPOA), Los Banos Police Sergeants Association (LBPSA), Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA), Los Banos Fire Fighters Association (LBFFA).

13. ADJOURNMENT.

- A. Adjourn to 8:00 a.m., Wednesday, January 29, 2014 in the Cesar Chavez Room, Martin Luther King Jr. Child Development Center, 1624 San Luis Street, Los Banos, California to Conduct City Council Goals & Objectives Workshop.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.



Lucille L. Mallonee, City Clerk

Dated this 9th day of January 2014

Bank Reconciliation

Checks By Date



City of
Los Banos

At the Crossroads of California

01/08/2014 - 9:25 AM

User: jdemelo

Cleared and Not Cleared Checks

| Check No | Check Date | Name | Comment | ModuleVoid | Clear Date | Amount |
|----------|------------|--------------------------------|---------|------------|------------|-----------|
| 145219 | 12/26/2013 | Bank of America | | AP | 12/31/2013 | 47.38 |
| 145220 | 12/26/2013 | Westamerica Bank - Cafeteria P | | AP | 12/31/2013 | 51,285.03 |
| 145221 | 12/30/2013 | Freitas Fresh Eggs | | AP | | 168.00 |
| 145222 | 12/30/2013 | Alhambra | | AP | | 217.28 |
| 145223 | 12/30/2013 | ABS Direct, Inc. | | AP | | 4,500.00 |
| 145224 | 12/30/2013 | Ameripride Valley Uniform Serv | | AP | | 142.08 |
| 145225 | 12/30/2013 | Anthony Gomes Electric Service | | AP | | 416.04 |
| 145226 | 12/30/2013 | Aramark Uniform Ser Inc | | AP | | 521.86 |
| 145227 | 12/30/2013 | AT&T | | AP | | 136.15 |
| 145228 | 12/30/2013 | Backflow Apparatus & Valve Co. | | AP | | 94.90 |
| 145229 | 12/30/2013 | Barton Overhead Door Inc | | AP | | 170.00 |
| 145230 | 12/30/2013 | BSK Analytical Laboratories | | AP | | 2,362.00 |
| 145231 | 12/30/2013 | Steve Carrigan | | AP | | 1,250.00 |
| 145232 | 12/30/2013 | Comcast | | AP | | 85.65 |
| 145233 | 12/30/2013 | Comcast | | AP | | 420.00 |
| 145234 | 12/30/2013 | County of Santa Clara | | AP | | 320.67 |
| 145235 | 12/30/2013 | City of Los Banos Utility | | AP | | 13,611.60 |
| 145236 | 12/30/2013 | Dell Marketing L P | | AP | | 3,215.08 |
| 145237 | 12/30/2013 | Double D. Towing LLC | | AP | | 60.00 |
| 145238 | 12/30/2013 | Electrical Distributors Co. | | AP | | 51.49 |
| 145239 | 12/30/2013 | Ferreligas, Inc. | | AP | | 26.59 |
| 145240 | 12/30/2013 | Stephen Frates | | AP | | 48.00 |
| 145241 | 12/30/2013 | GCS Environmental Equipment Se | | AP | | 1,728.32 |
| 145242 | 12/30/2013 | Galls Inc | | AP | | 262.04 |
| 145243 | 12/30/2013 | Edgar Godinez | | AP | | 48.00 |
| 145244 | 12/30/2013 | Goodger's Shell & Food Mart, I | | AP | | 49.53 |
| 145245 | 12/30/2013 | Douglas Heyman | | AP | | 57.22 |
| 145246 | 12/30/2013 | Holt of California | | AP | | 2,867.23 |
| 145247 | 12/30/2013 | Home Depot | | AP | | 1,446.91 |
| 145248 | 12/30/2013 | J W Professional Janitor | | AP | | 3,677.00 |
| 145249 | 12/30/2013 | Timothy R Kelly | | AP | | 460.00 |
| 145250 | 12/30/2013 | K Mart W 3764 | | AP | | 280.30 |
| 145251 | 12/30/2013 | Krazan & Associates Inc | | AP | | 4,180.75 |
| 145252 | 12/30/2013 | Liebert Cassidy Whitmore | | AP | | 3,014.50 |
| 145253 | 12/30/2013 | Royal J Lloyd | | AP | | 75.00 |
| 145254 | 12/30/2013 | Los Banos Express Oil & Lube | | AP | | 98.16 |
| 145255 | 12/30/2013 | Los Banos Volunteer | | AP | | 2,000.00 |
| 145256 | 12/30/2013 | Los Banos Ministries | | AP | | 191.75 |
| 145257 | 12/30/2013 | Los Banos Unified School Distr | | AP | | 140.40 |
| 145258 | 12/30/2013 | Steve Macillas | | AP | | 88.75 |
| 145259 | 12/30/2013 | Marfab Inc | | AP | | 95.50 |
| 145260 | 12/30/2013 | Merced County Environmental He | | AP | | 3,176.00 |
| 145261 | 12/30/2013 | Merced County Regional Waste M | | AP | | 37.00 |
| 145262 | 12/30/2013 | Merced County Weights & Measur | | AP | | 142.20 |
| 145263 | 12/30/2013 | Merced Sun Star | | AP | | 206.64 |
| 145264 | 12/30/2013 | Merced Uniform & Accessories | | AP | | 813.24 |
| 145265 | 12/30/2013 | Julie Montez | | AP | | 48.00 |
| 145266 | 12/30/2013 | Napa Auto Parts | | AP | | 33.56 |
| 145267 | 12/30/2013 | Gerald "Obie" O'Brien | | AP | | 77.14 |
| 145268 | 12/30/2013 | The Office City | | AP | | 483.61 |

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| 145269 | 12/30/2013 | Old Dominion Brush | | AP | | 2,380.36 |
| 145270 | 12/30/2013 | P G & E Company | | AP | | 5.47 |
| 145271 | 12/30/2013 | PERS - Public Employees | | AP | | 113,706.22 |
| 145272 | 12/30/2013 | Pinnacle Medical Group | | AP | | 40.00 |
| 145273 | 12/30/2013 | Radio Shack Accounts Rec | | AP | | 43.19 |
| 145274 | 12/30/2013 | Scott Savage | | AP | | 505.00 |
| 145275 | 12/30/2013 | Sherwin Williams Co | | AP | | 85.13 |
| 145276 | 12/30/2013 | Sierra Chemical Co | | AP | | 2,300.84 |
| 145277 | 12/30/2013 | Sky Blue Mobile Glass, LLC | | AP | | 132.90 |
| 145278 | 12/30/2013 | Sorensens True Value | | AP | | 879.57 |
| 145279 | 12/30/2013 | Stanislaus County Sheriff | | AP | | 159.00 |
| 145280 | 12/30/2013 | Stanislaus County Sheriff | | AP | | 159.00 |
| 145281 | 12/30/2013 | TigerDirect, Inc. | | AP | | 13,121.78 |
| 145282 | 12/30/2013 | Triangle Rock Products | | AP | | 934.20 |
| 145283 | 12/30/2013 | 3T Equipment Company Inc | | AP | | 345.33 |
| 145284 | 12/30/2013 | Tulare Firestone | | AP | | 135.53 |
| 145285 | 12/30/2013 | Patricia Mccoy | | AP | | 5.16 |
| 145286 | 12/30/2013 | Jack Ho | | AP | | 31.28 |
| 145287 | 12/30/2013 | Anthony and Amanda Barbaglia | | AP | | 30.41 |
| 145288 | 12/30/2013 | Mohammad Yassin | | AP | | 14.95 |
| 145289 | 12/30/2013 | Law Offices of William A Vaugh | | AP | | 9,000.00 |
| 145290 | 12/30/2013 | Verizon Wireless | | AP | | 865.85 |
| 145291 | 12/30/2013 | Walmart | | AP | | 412.42 |
| 145292 | 12/30/2013 | Westside Water Conditioning | | AP | | 80.85 |
| 145293 | 12/30/2013 | Jennifer Williams | | AP | | 873.50 |
| 145294 | 12/30/2013 | Windecker Inc | | AP | | 22,983.82 |
| 145295 | 12/30/2013 | Young's Air Conditioning | | AP | | 931.00 |
| 145296 | 12/30/2013 | Zoom Imaging Solutions, Inc. | | AP | | 17.09 |
| 145316 | 01/03/2014 | Aflac-Customer Service | | AP | | 161.32 |
| 145317 | 01/03/2014 | Aflac-Customer Service | | AP | | 158.15 |
| 145318 | 01/03/2014 | Aflac-Customer Service | | AP | | 41.26 |
| 145319 | 01/03/2014 | Aflac-Customer Service | | AP | | 92.34 |
| 145320 | 01/03/2014 | Bank of America | | AP | | 94,863.23 |
| 145321 | 01/03/2014 | Bank of America | | AP | | 2,528.76 |
| 145322 | 01/03/2014 | Bank of America | | AP | | 14,168.83 |
| 145323 | 01/03/2014 | City of Los Banos Escrow Accou | | AP | | 1,070.25 |
| 145324 | 01/03/2014 | Darrall Gargano | | AP | | 398.96 |
| 145325 | 01/03/2014 | Hartford Life Ins Co | | AP | | 2,388.35 |
| 145326 | 01/03/2014 | Hartford Life Ins Co | | AP | | 4,432.50 |
| 145327 | 01/03/2014 | In Shape Health Clubs Inc | | AP | | 418.00 |
| 145328 | 01/03/2014 | Los Banos Police Assn | | AP | | 2,099.00 |
| 145329 | 01/03/2014 | Nationwide Retiremt Solut | | AP | | 1,590.00 |
| 145330 | 01/03/2014 | PERS Long Term Care | | AP | | 88.45 |
| 145331 | 01/03/2014 | Professional Fire Fighter | | AP | | 630.00 |
| 145332 | 01/03/2014 | State Disbursement Unit | | AP | | 1,895.00 |
| 145333 | 01/03/2014 | Vantagepont Transfer Agents - | | AP | | 105.00 |
| 145334 | 01/03/2014 | Vantagepoint Transfer Agents - | | AP | | 25.00 |
| 145335 | 01/03/2014 | Vantagepoint Transfer Agents - | | AP | | 1,625.00 |
| 145336 | 01/03/2014 | Vanus Warren | | AP | | 430.00 |
| 145337 | 01/03/2014 | Westamerica Bank - Cafeteria P | | AP | | 2,094.57 |
| 145338 | 01/03/2014 | Westamerica Bank - Cafeteria P | | AP | | 223,269.22 |
| 145339 | 01/03/2014 | Ameripride Valley Uniform Serv | | AP | | 142.08 |
| 145340 | 01/03/2014 | Anthony Gomes Electric Service | | AP | | 300.00 |
| 145341 | 01/03/2014 | Aramark Uniform Ser Inc | | AP | | 33.34 |
| 145342 | 01/03/2014 | AT&T | | AP | | 359.68 |
| 145343 | 01/03/2014 | BSK Analytical Laboratories | | AP | | 462.00 |
| 145344 | 01/03/2014 | Cit Technology Fin Serv, Inc. | | AP | | 1,251.13 |
| 145345 | 01/03/2014 | Comcast | | AP | | 87.78 |
| 145346 | 01/03/2014 | Comcast | | AP | | 90.40 |
| 145347 | 01/03/2014 | Critical Reach Inc. | | AP | | 395.00 |
| 145348 | 01/03/2014 | Electrical Distributors Co. | | AP | | 64.42 |
| 145349 | 01/03/2014 | Ferguson Enterprises Inc DBA | | AP | | 1,505.28 |

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|----------|------------|--------------------------------|---------|------------|------------|-----------|
| 145350 | 01/03/2014 | Golden State Flow | | AP | | 4,202.15 |
| 145351 | 01/03/2014 | Seth Gentzler | | AP | | 500.00 |
| 145352 | 01/03/2014 | Hi Tech Emergency Vehicle Serv | | AP | | 3,792.36 |
| 145353 | 01/03/2014 | JB Anderson Land Use Planning | | AP | | 7,398.00 |
| 145354 | 01/03/2014 | Los Banos Lions Club | | AP | | 1,013.35 |
| 145355 | 01/03/2014 | Marfab Inc | | AP | | 20.68 |
| 145356 | 01/03/2014 | Meldens Trenchless Co, Inc. | | AP | | 800.00 |
| 145357 | 01/03/2014 | Merced County Regional Waste M | | AP | | 3,407.66 |
| 145358 | 01/03/2014 | Merced County Regional Waste M | | AP | | 60,401.59 |
| 145359 | 01/03/2014 | Merced Sun Star | | AP | | 348.79 |
| 145360 | 01/03/2014 | Miracle Recreation Equipment C | | AP | | 896.43 |
| 145361 | 01/03/2014 | Napa Auto Parts | | AP | | 127.80 |
| 145362 | 01/03/2014 | OSE | | AP | | 44.25 |
| 145363 | 01/03/2014 | Provost and Pritchard Engineer | | AP | | 3,496.00 |
| 145364 | 01/03/2014 | Radio Shack Accounts Rec | | AP | | 66.93 |
| 145365 | 01/03/2014 | Ronny's Landscaping | | AP | | 26,534.28 |
| 145366 | 01/03/2014 | Ronny's Landscaping | | AP | | 290.45 |
| 145367 | 01/03/2014 | Ronny's Landscaping | | AP | | 731.36 |
| 145368 | 01/03/2014 | Save Mart Supermarkets | | AP | | 120.01 |
| 145369 | 01/03/2014 | Sherwin Williams Co | | AP | | 174.25 |
| 145370 | 01/03/2014 | Sorensens True Value | | AP | | 395.94 |
| 145371 | 01/03/2014 | Martina Solano | | AP | | 63.00 |
| 145372 | 01/03/2014 | Thomson West Barclays | | AP | | 270.00 |
| 145373 | 01/03/2014 | Verizon Wireless | | AP | | 146.49 |
| 145374 | 01/03/2014 | Young's Air Conditioning | | AP | | 267.79 |
| 145375 | 01/03/2014 | Young's Automotive | | AP | | 1,094.75 |

Total for Valid Checks: 750,977.01

Total Valid Checks: 138
Total Void Checks: 0

Total Checks: 138

Break in Check Sequence due to the following
Check # 145218, 145297-145315 (payroll checks)

CITY OF LOS BANOS
ADJOURNED CITY COUNCIL MEETING MINUTES
JANUARY 2, 2014

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

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accountant II Brazil, City Manager Carrigan, Police Commander Reyna, Fire Chief Guintini, Finance Director Williams, Assistant Planner Elms, Public Works Director/City Engineer Fachin, Information Technology Director Spalding.

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

PUBLIC FORUM. (MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY COUNCIL; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.) Mayor Villalta opened the public forum and no one came forward to speak.

REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM. Mayor Villalta stated that he would like to recommend that Council Member Lewis become the next Mayor Pro Tem.

Motion by Villalta, seconded by Silveira to select Council Member Deborah Lewis as Mayor Pro Tem. The motion carried by the affirmative action of all Council Members present, Faria and Stonegrove absent.

PRESENTATION – PROCLAMATIONS RECOGNIZING CITY COMMISSIONERS: HEIKO STICHEL – AIRPORT ADVISORY COMMISSION; LARRY LEONARDO, SR. – AIRPORT ADVISORY COMMISSION; ALEKSEY Y. DVORKIN – ECONOMIC DEVELOPMENT ADVISORY COMMISSION; MICHAEL BONILLAS – PARKS & RECREATION COMMISSION; NIKKI TUFT – PARKS & RECREATION COMMISSION; VERN HIXSON – PLANNING COMMISSION; TRACEY ROSIN – PLANNING COMMISSION. Mayor Villalta presented proclamations to the commissioners present at the meeting: Heiko Stichel, Airport Advisory Commission and Larry Leonardo, Sr., Airport Advisory Commission, recognizing them for their years of service.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Mayor Villalta opened the public forum. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Mayor Villalta and City Manager Carrigan spoke to item 8C – City Council Resolution No. 5540 – Approving the Acceptance of a Donation in the Amount of \$15,000 for the Purchase of a Police Service Canine and Amending the Fiscal Year 2013/2014 Budget by Increasing the Appropriation Amount of Donation Revenue and Expenditure Accounts in the Amount of \$15,000, noting that it was made by someone who would like to remain anonymous and thanked them for the donation.

Motion by Lewis, seconded by Silveira to approve the consent agenda as submitted: Check Register for #144754 – #145217 in the Amount of \$1,471,142.13; Minutes for the December 4, 2013 City Council Meeting; City Council Resolution No. 5540 – Approving the Acceptance of a Donation in the Amount of \$15,000 for the Purchase of a Police Service Canine and Amending the Fiscal Year 2013/2014 Budget by Increasing the Appropriation Amount of Donation Revenue and Expenditure Accounts in the Amount of \$15,000; City Council Resolution No. 5541– Approving the Acceptance of Remote Access Network (RAN) Board Funding in the Amount of \$65,000 for Personnel Costs Associated with Los Banos Jail Community Service Officers and Amending the Fiscal Year 2013/2014 Budget by Increasing the Appropriation Amount in Revenue and Expenditures in the Amount of \$65,000; City Council Resolution No. 5542 – Authorizing the City Manager to Reject All Bids for the Purchase of the 2013/2014 Fire Command Vehicle. The motion carried by the affirmative action of all City Council Members present, Faria and Stonegrove absent.

PRESENTATION REGARDING THE CITY’S WEBSITE. City Manager Carrigan stated that the City is in the process of updating the City’s website and introduced David Cruz

and his supervisor Sean Tambagahan, with Butler Web and Design, who spoke to the website update and how they hope to be done by the end of this month, January 2014.

City Manager Carrigan noted that a link will be sent around to department heads and select employees to get their input and suggestions. He stated that the pictures and content can be switched out easily and asked the community to send pictures to possibly be included on the website.

Informational item, no action to be taken.

APPOINTMENT OF COMMISSION MEMBERS FOR THE FOLLOWING:

PARKS & RECREATION COMMISSION – TWO (2) VACANCIES. Public Works Director/City Engineer Fachin noted that one vacancy is actually the Los Banos Unified School District Board's recommendation for which staff has not yet received a nomination and hope to receive that too. He also noted that there was just a recent resignation do to work conflict schedules which creates another vacancy. Mayor Villalta asked the City Clerk to re-advertise the vacancies.

Motion by Villalta, seconded by Lewis to appoint Norberto Rodriguez to the Parks & Recreation Commission with a term expiring December 31, 2015. The motion carried by the affirmative action of all City Council Members present, Faria and Stonegrove absent.

PLANNING COMMISSION – THREE (3) VACANCIES. Motion by Villalta, seconded by Lewis to appoint John Castes, Stephen Hammond, Todd Baker to the Planning Commission with a terms expiring December 31, 2015. The motion carried by the affirmative action of all City Council Members present, Faria and Stonegrove absent.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION – TWO (2) VACANCIES. Motion by Villalta, seconded by Silveira to appoint Aleksey Y. Dvorkin and Brett Jones to the Economic Development Advisory Commission with a term expiring December 31, 2015. The motion carried by the affirmative action of all City Council Members present, Faria and Stonegrove absent.

AIRPORT ADVISORY COMMISSION – TWO (2) VACANCIES. Motion by Villalta, seconded by Silveira to appoint Larry Leonardo, Sr. to the Airport Advisory Commission with a term expiring December 31, 2015. The motion carried by the affirmative action of all City Council Members present, Faria and Stonegrove absent.

Public Works Director/City Engineer Fachin noted that there is still a vacancy on the Airport Advisory Commission and the City Clerk will re-advertise for that vacancy also.

ADVISEMENT OF PUBLIC NOTICES. (THREE REPORTS) Assistant Planner Elms reported that there will be a three (3) public hearings at the Los Banos Planning Commission Meeting on January 8, 2014: Consideration of Use Permit to allow the

operation of a Large Family Day Care facility for Sandy Gong's Child Care operated by Sandy Gong located at 1027 Cardoza Road, APN 431-161-018; Consideration of a Use Permit to allow the operation of a Large Family Day Care facility for Ohana Family Child Care operated by Aurora Sughayar located at 714 Bordeaux Court, APN 082-601-031; and Consideration of a Use Permit to allow the operation of an indoor bounce house business operated by Thomas Ruelas II located at 115 W. G Street, Suite D, APN 081-110-037.

CITY MANAGER REPORT. City Manager Carrigan reported that a Budget Priority Workshop will be held the end of January 2014 with the dates to be announced soon.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Absent

DEBORAH LEWIS: Thanked all who brought their family and children out to the Breakfast with Santa event, which was a great volunteer event; congratulated all the newly appointed to the Commissioners and thanked the Council for the appointment as Mayor Pro Tem.

SCOTT SILVEIRA: Happy New Year to all and hope you enjoyed your holidays. He is looking forward to a good year and spoke to how far the City has come since he started and looks forward to 2014.

ELIZABETH STONEGROVE: Absent

MAYOR MICHAEL VILLALTA: Spoke regarding the Breakfast with Santa event and how great it was, a job well done by City staff and volunteers. He thanked all those who volunteer in the city and thanked the commissioners for serving.

CONFERENCE WITH LEGAL COUNSEL – CLAIMANT: JOE VIEIRA. AGENCY CLAIMED AGAINST: CITY OF LOS BANOS/CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY (CSJVRMA), PURSUANT TO GOVERNMENT CODE SECTION 54956.95. No reportable action.

ADJOURNMENT. The meeting was adjourned at the hour of 7:45 p.m.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Lucy Mallonee, MMC *LM*
City Clerk/Human Resources Director

DATE: January 15, 2014

SUBJECT: Approval of a Tentative Agreement/Amended Memorandum of Understanding (MOU) between the City of Los Banos and the Los Banos Fire Fighters Association (LBFFA)

TYPE OF REPORT: Consent Agenda Item

Recommendation:

Adopt the Resolution approving the Amended MOU between the City of Los Banos and the LBFFA.

Discussion:

The City has continued to bargain in good faith with the LBFFA and reached agreement on the following amendments to the MOU which are consistent with similar policy changes implemented recently with miscellaneous/unrepresented employees in December 2013.

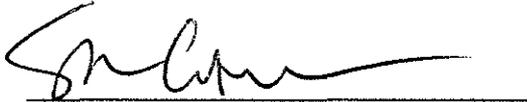
- Cafeteria Plan – Changes reflecting the 2014 CalPERS health rates and language to clarify how the rates are calculated.
- Comp Time – Change one of the cash out dates from December 20th to December 5th.

- Training Expenses: Business and Travel Expenses will revert back to allow advanced funding for approved travel/training costs instead of waiting to be reimbursed after the costs have been incurred. There is also an increase to the meal per diem amounts for Breakfast – from \$6 to \$8, Lunch – from \$10 to \$12, and Dinner – from \$18 to \$23.
- Tuition Reimbursement: Policy will allow reimbursement for not just tuition, registration and books, but to include parking fees and reasonable miscellaneous expenses.
- Proposed updates to the City Drug and Alcohol Free Workplace Policy Changes.

Fiscal Impact:

The impact of the proposed changes to the Fiscal Year 2013-2014 Budget is minimal.

Reviewed by:



Steve Carrigan, City Manager

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING A
TENTATIVE AGREEMENT / AMENDED
MEMORANDUM OF UNDERSTANDING BY AND
BETWEEN THE CITY OF LOS BANOS AND THE
LOS BANOS FIRE FIGHTERS ASSOCIATION**

WHEREAS, the City Council of the City of Los Banos has received a request to approve a Tentative Agreement/Amended Memorandum of Understanding by and between the City of Los Banos and the Los Banos Fire Fighters Association.

NOW, THEREFORE, BE IT RESOLVED that the Memorandum of Understanding by and between the City of Los Banos and the Los Banos Fire Fighters Association is hereby approved as submitted as "Exhibit A" respectively.

PASSED AND ADOPTED this 15th day of January 2014, at a regular meeting of the City Council by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS FIRE FIGHTERS' ASSOCIATION
2013-14**

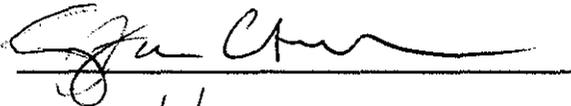
The following document contains the Tentative Agreement between the City of Los Banos (hereinafter called "City") and the Los Banos Fire Fighters' Association (hereinafter called "LBFFA" or "Association") (hereinafter collectively called "the parties") on terms and conditions of employment. The terms set forth have been mutually agreed upon by the designated bargaining representatives of the City and the Association, and will apply to all workers covered by the Memorandum of Understanding (MOU) between the City and the Association.

Upon ratification and adoption, this Agreement will amend the MOU between the parties dated July 1, 2013 – June 30, 2014.

The amended MOU shall supersede all other Memoranda of Understanding and agreements between the parties. Language in the MOU between the parties not amended by this Tentative Agreement will remain unchanged. The parties agree that any and all Tentative Agreements are hereby incorporated. Any outstanding proposals not agreed to are hereby withdrawn by the parties.

This Tentative Agreement is subject to ratification by Association membership and approval by the City Council of the City of Los Banos.

FOR THE CITY



Date: 1/7/14

FOR THE ASSOCIATION



Date: 1-7-14

Approved:

Date: _____

Ratified:

Date: _____

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS FIRE FIGHTERS' ASSOCIATION
2013-14**

CAFETERIA PLAN: Effective the first full pay period following July 1, 2013 or date of first full pay period ratification and approval, whichever is later, Section VII – Benefits will be amended as follows:

SECTION VII – Benefits: The City will contribute toward the City sponsored benefit plans during the life of this Memorandum of Understanding as follows:

B. Cafeteria Plan

2. For Employees Hired On or After April 1, 2010: The City will provide, on a monthly basis, a Cafeteria Plan Allowance listed below, based on the employee's level of health care coverage:

2013:

Employee Only: \$747.53
Employee plus One: \$1,369.55
Employee plus Family: \$1,587.26

2014:

Employee Only: \$696.76
Employee plus One: \$1,280.57
Employee plus Family: \$1,484.90

The 2013 and 2014 cafeteria plan allowance sums are calculated to cover the following:

- Employee only: 100% Blue Shield Access+ (HMO) premium, minus PEMHCA minimum employer contribution, plus \$85 towards the cost of life, dental and vision insurance.
- Employee plus one: 90% Blue Shield Access+ (HMO) premium, minus PEMHCA minimum employer contribution, plus \$85 towards the cost of life, dental and vision insurance.
- Employee plus family: 80% Blue Shield Access+ (HMO) premium, minus PEMHCA minimum employer contribution, plus \$85 towards the cost of life, dental and vision insurance.

COMP TIME: Subject to, and following, the approval of all City bargaining units to change the annual December cash out date, cash out of compensatory time will be changed as follows:

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS FIRE FIGHTERS' ASSOCIATION
2013-14**

SECTION IX – Pay Rates and Practices

F. Comp Time

Employees will be permitted to accumulate up to one hundred twenty (120) hours of compensatory time. Employees may cash out compensatory time in excess of sixteen (16) hours up to a total of eighty (80) hours maximum cash out annually to be paid on June 5th and ~~December 20th~~ December 5th. Cash out of compensatory time may will be paid by separate check upon request.

TRAINING EXPENSES: Subject to, and following, the approval of all City bargaining units to amend Division 13 of the Los Banos Personnel Rules entitled "Business and Travel Expenses," and adoption of the amended policy by City Council, employees will be provided with per diem funds for approved meals in advance of approved travel for City business, up to approved funding limits.

MEAL PER DIEM AMOUNTS: Subject to, and following, the approval of all City bargaining units to amend Division 13 of the Los Banos Personnel Rules entitled "Business and Travel Expenses," and adoption of the amended policy by City Council, the following meal allowance addressed in Section 13010 will apply:

Breakfast: ~~\$6.00~~ \$8.00
Lunch: ~~\$10.00~~ \$12.00
Dinner: ~~\$18.00~~ \$23.00

TUITION REIMBURSEMENT: Subject to, and following, the approval of all City bargaining units to amend Division 5-A of the Los Banos Personnel Rules entitled "Tuition Reimbursement," and adoption of the amended policy by City Council, Section 5002A will be amended as follows:

Employees who successfully complete an approved class or course offered by an accredited college or university may be entitled to receive reimbursement for the actual cost of tuition, registration fees, parking fees, and books and reasonable miscellaneous supplies (including calculators, but not including laptops, tablets, or other electronics) required for completion of the class or course, in accordance with the guidelines set forth in this policy.

CITY DRUG AND ALCOHOL FREE WORKPLACE POLICY: The parties have met and conferred, and are in agreement, over the updated policy (attached hereto).

**DIVISION 18
DRUG AND ALCOHOL FREE WORKPLACE POLICY**

SEC. 18001 PURPOSE AND GOAL

The City is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. The City recognizes that alcohol abuse and drug use pose a significant threat to these goals and has established a drug-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment.

- This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and the performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- The City encourages employees to voluntarily seek help with drug and alcohol problems.
- This policy is intended to comply with all applicable federal and state laws and regulations governing drug-free workplaces and drug and alcohol problems.
- As a condition of employment, the City requires that all employees adhere to a strict policy regarding the use and possession of drugs and alcohol.

SEC. 18002 POLICY STATEMENT

It is a violation of the City's drug-free workplace policy to manufacture, use, possess, distribute, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. The drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, lunch hours and whenever conducting business or representing the City, while on paid standby, on or off City property including vehicles. Any individual who conducts business for the City, is applying for a position with the City, or is conducting business on the City's property is covered by the drug-free workplace policy. The policy includes, but is not limited to City executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, interns, and applicants.

Drug and alcohol consumption on and/or off the job can adversely affect job performance and employee/public safety. The City respects the privacy of its employees and contractors unless involvement with drugs and/or alcohol off the job adversely affects job performance and employee/public safety.

Violations of this Policy may result in discipline, up to and including termination, or not being hired by the City.

Every employee shall be asked to sign a statement certifying that he/she has received a copy of this policy and understands its contents. Any questions regarding rights and obligations under this Policy will be referred to the employee's supervisor or the Administrative Services Director.

SEC. 18003 DEFINITIONS

- A. "Alcohol" shall mean the intoxicating agent in beverage alcohol, ethyl alcohol or low molecular weight alcohols, including methyl or isopropyl alcohol.
- B. "Chain of Custody" shall mean procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen at the certified laboratory.
- C. "City Equipment" shall mean all property and equipment, machinery, and vehicles owned, leased, retained or used by the City.
- D. "Collection Site" shall mean all property and equipment, machinery, and vehicles owned, leased, rented or used by the City.
- E. "Drug or Drugs" shall mean any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a valid prescription by a licensed physician.
- F. "Medical Review Officer (MRO)" shall mean a licensed physician with knowledge of drug abuse disorders as well as appropriate training to interpret and evaluate an employee's positive test results together with an employee's medical history and any other biomedical information. MRO reviews all negative and positive test results and interviews individuals who tested positive to verify the laboratory report before the employer is notified. The City shall select a MRO who is a licensed physician.
- G. "Prescription Drug" shall mean any substance that can lawfully be obtained or possessed pursuant to a valid prescription by a licensed physician.
- H. "Positive Test" shall mean to have the presence of a drug or a drug metabolite and/or alcohol in a person's system that is equal to or greater than the levels allowed by this Policy in the confirmation test as determined by appropriate testing of breath, urine, or blood specimen and which is determined by the MRO to be the result of the use of drugs and/or alcohol.
- I. "Testing Laboratory" shall mean a Substance Abuse and Mental Health Services Administration (SAMHSA) certified testing laboratory.
- J. "Substance Abuse Professional (SAP)" shall mean a license physician, social worker, psychologist, Employee Assistance Program (EAP) or certified National Association of Alcohol and Drug Abuse Counselors (NAADAC) with knowledge of and clinical experience in diagnosis and treatment of alcohol and controlled substance disorders.

SAP determines whether an employee is "Fit for Duty" following an employee's refusal to test or failed alcohol or drug test, refers employees for a return to duty test and schedules unannounced follow-up testing for a period of up to thirty-six (36) months from the date the employee tested positive.

SEC. 18004 COMPLIANCE BY EMPLOYEES

All City employees shall agree to abide by the provisions of this policy as a condition of employment. Employees are required to comply with the following:

- A. Employees may not use, be under the influence, or possess alcohol under any of the following circumstances: while on City property, while performing their duties (whether or not on City property), or at any time when use of alcohol would impair, to any extent, the employee's ability to perform his or her duties or to operate any City equipment.
- B. Employees shall not possess, use, sell, transfer, manufacture, purchase or transport any controlled substance or illegal drug or attempt to do so. Employees shall not report to work with any controlled substance or illegal drugs in their system, except for any prescription drug that has been lawfully prescribed to the employee.
- C. An employee must advise his/her supervisor of the use or influence of any prescription drug or over the counter medication prior to beginning work, when taking the medication or drug could interfere with the safe and effective performance of duties, or the operation of a City vehicle or heavy machinery. In the event that there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.
- D. Employees who are convicted of a criminal drug violation in the workplace must notify the City in writing within five (5) calendar days of the conviction. In those instances where employees, who are employed under Federal contract or grant, are convicted of criminal drug statute violations occurring in the workplace, the City shall notify the federal contracting agency within ten (10) days after receiving notice from such employees or otherwise receiving actual notice of such convictions. The City will take appropriate action within thirty (30) days of notification.
- E. Every covered employee who performs a safety sensitive function is required to submit to pre-employment, post-accident, random, reasonable suspicion, return-to-duty or follow-up drug and alcohol testing as described in this Policy. The City shall not permit any employee who refuses to submit to such tests to perform or continue to perform any safety-sensitive functions.
- F. Employees are required to submit to drug and/or alcohol testing as described in this Policy. Any employee (safety sensitive or non-safety sensitive) who refuses to comply with a request for testing, who fails to remain readily available for post-accident testing, who provides false information in connection with a test, or who

attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately. Refusal can include an inability to provide a specimen or breath alcohol sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

- G. Employees are required to report to work under conditions that will allow them to perform the duties of their position safely and effectively. Absences or tardies as a result of having been under the influence of alcohol, drugs, or controlled substances during non-work time are prohibited.

SEC. 18005 SAFETY SENSITIVE EMPLOYEES

A. Designation under Federal Law

The U.S. Department of Transportation (DOT) has published 49 Code of Federal Regulations (CFR) Part 29, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the Federal Transit Administration (FTA). The DOT adopted 49 CFR Part 40 (Revised), which outlines procedures for transportation workplace drug and alcohol testing programs. This Policy incorporates these federal requirements for employees assigned to perform safety—sensitive functions, as well as certain other provisions.

The DOT mandates urine drug testing and breathalyzer alcohol testing for employees performing safety-sensitive functions. The DOT regulations prevent the performance of safety-sensitive functions when there is a positive test result or test refusal. Safety-sensitive functions include:

- a. Maintenance personnel, who perform various repairs to revenue vehicles (including repairs, overhaul and rebuilding).
- b. Employees with a commercial driver's license who will operate a revenue service, or non-revenue service DOT funded transit vehicle (includes the operation of the Lifts or anyone who assists passengers to assure they are secured in the vehicles).
- c. Drivers operating a revenue service vehicle, including when not in revenue service.
- d. Dispatch personnel and supervisors who control the movement of any revenue service vehicle.

Federal Contractors and grantees must certify that they will provide drug-free workplaces as a pre-condition to receiving a contract or grant from any Federal agency. Failure to comply with the requirements of the Drug-Free Workplace Act may result in the following sanctions:

- a. Suspension of payments under the grant;

- b. Termination of the grant; or
- c. Debarment from any grant award from any Federal agency for a period up to five (5) years.

Such penalties may be applied to contractors/grantees who have made false certifications of compliance with the Act.

B. Designation under City Policy

For the purpose of this policy, the City has determined that the following positions are safety sensitive and subject to random testing in addition to the other testing in this policy:

1. Those required to test by State or Federal mandates (examples: commercial and transit driver license holders).
2. City Manager
3. HR Director^[c1]
4. Finance Director^[c2]
5. Assistant Planner^[c3]
6. Information Technology Director
7. Information Technology Technician
8. Public Works Director/ City Engineer
9. Assistant Public Works Director
10. Public Works Operations Manager ?^[c4]
11. Parks & Rec Operations Manager^[c5]
12. Public Works Officer Manager^[c6]
13. Utilities Supervisor
14. Water Quality Specialist
15. Fleet Maintenance Coordinator
16. Public Services Foreman
17. Public Works Inspector^[c7]
18. Recreation Program Coordinator
19. Recreation Coordinator II
20. Sweeper Operator I
21. Environmental Control Specialist III
22. Environmental Control Specialist II
23. Environmental Control Specialist I
24. Environmental Control Specialist Trainee
25. Utilities Maintenance Worker III
26. Utilities Maintenance Worker II
27. Utilities Maintenance Worker I
28. Maintenance Worker III
29. Maintenance Worker II
30. Maintenance Worker I
31. Maintenance Worker Trainee
32. Fire Chief

- 33. Assistant Fire Chief
- 34. Fire Captain
- 35. Fire Engineer
- 36. Fire Fighter
- 37. Code Enforcement Officer^[c8]
- 38. Police Chief
- 39. Police Commander
- 40. Police Services Manager
- 41. Police Sergeant
- 42. Dispatch Supervisor
- 43. Dispatcher
- 44. Animal Control Officer II
- 45. Animal Control Officer I
- 46. Community Services Officer
- 47. Public Safety Custodian
- 48. Police Officer
- 49. Police Trainee
- 50. Maintenance Worker III (part-time)
- 51. Maintenance Worker II (part-time)
- 52. Maintenance Worker I (part-time)
- 53. Public Works Department Program Supervisor (part-time)?^[c9]
- 54. Recreation Assistant (part-time) ?
- 55. Recreation Aide (part-time) ?^[c10]
- 56. Police Officer (part-time)
- 57. Fire Fighter (part-time)
- 58. Assistant Volunteer Fire Chief
- 59. Any other position that may be added by the City Manager after notice to involved employees.

SEC. 18006 INDICATIONS FOR ALCOHOL AND DRUG TESTING

A. Pre-Employment Testing

The City has a special need to require certain job applicants to take a drug and alcohol test after a conditional job offer has been given. Those applying for jobs classified by the City as safety-sensitive positions, as sworn employees, or in positions which can directly influence children; must take and pass a mandatory drug and alcohol test as soon as practical following their acceptance of an offer of employment that is conditioned upon passing a pre-employment physical and drug/alcohol test.

The City will not hire any external job applicant who refuses to submit to testing, attempts to tamper with or adulterate a test sample, or tests positive for drugs and/or alcohol or unauthorized prescription drug use. In addition, no applicant will be considered for employment for the certain positions described above, for one (1) year

from the job applicant's refusal to participate in the testing process, tampering or attempt to tamper with the testing process, or positive test result.

Testing for temporary hires will be evaluated on an individual basis by classification.

B. Pre-Employment Verification for Safety Sensitive Employees

For any position that performs safety sensitive functions, the City is required to verify previous violations of DOT drug and alcohol regulations within the last two (2) years of employment with a DOT regulated agency or employer.

The employee's supervisor, in coordination with Administrative Services Director, must obtain and review the information listed below from any DOT-regulated employer for which the employee performed safety-sensitive functions in the previous two (2) years from the date of application. The information must be obtained and reviewed prior to the first time an employee performs safety-sensitive functions. If not feasible, the information should be obtained no later than thirty (30) days after the first time an employee performs safety sensitive functions. The information obtained must include:

1. Information of the employee's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
2. Information of the employee's controlled substance test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test (including verified adulterated or substituted drug test results);
4. Other violations of DOT agency drug and alcohol testing regulations.

Applicants will be asked whether they have tested positive, or refused to test on a pre-employment drug or alcohol test while trying to obtain safety sensitive transportation work from an employer covered by a DOT agency during the past two (2) years. If an applicant admits that he or she had a positive test or refusal to test or if the City receives information from a prior employer that an employee violated any DOT drug and alcohol testing regulation, the applicant will not be eligible for a position with the City unless the applicant can demonstrate that he or she has complied with any return to duty testing requirements, as established by the DOT regulations. Job offers made by the City are contingent upon the successful completion of a drug and/or alcohol screening.

C. Testing of Employees

The City may require an employee to submit to a drug and/or alcohol screen test under the following circumstances:

1. Following a work-related accident, incident or mishap that resulted in death, or injury requiring medical treatment away from the scene of the accident, or

property damage, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor.

2. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations that the employee may be under the influence of drugs and/or alcohol.
3. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations, that the employee either possesses, uses, sells, transfers, manufactures, purchases or illegally transports alcohol, drugs and/or drug related paraphernalia or attempts to do so.
4. Follow-up testing for employees who have returned to work following a positive test and their participation in a drug and/or alcohol rehabilitation program.
5. When an on duty employee is contacted by a Police Officer who has reasonable suspicion to believe the employee is under the influence of alcohol or drugs or the employee has been involved in an on-duty vehicle-related incident and the officer suspects the employee is under the influence of drugs and/or alcohol.
6. As part of any random drug testing program administered in accordance with DOT regulations governing drug and alcohol testing of safety sensitive employees. Depending on the random selection, some safety sensitive employees may be tested more than once in a year, while others are not test at all. Testing will take place just prior to the employee performing a safety-sensitive function, while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function.

SEC. 18007 DRUG AND ALCOHOL TESTING

A. Reasonable Suspicion Testing

1. Reasonable suspicion testing will be conducted when a supervisor has a reasonable suspicion that an employee is under the influence of drugs and/or alcohol. Reasonable suspicion must be based on specific, contemporaneous, documented observations concerning the physical symptoms or behaviors of being under the influence of drugs and/or alcohol. If conditions permit, the supervisor will request the assistance of another Supervisor to observe the actions or behavior of the employee. Examples of performance indicators of probable drug and/or alcohol abuse sufficient to lead a Supervisor to suspect that an Employee is under the influence of drugs and/or alcohol, include, but are not limited to, those on the attached Reasonable Suspicion Evaluation Form (DIV-18-1), included in this division. The supervisor will allow, upon request, the employee to consult with a representative prior to the test.
2. The Reasonable Suspicion Evaluation Form and other documentation establishing reasonable suspicion shall be prepared and signed by the

witness(es) and the supervisor prior to testing. The Administrative Services Director should be notified as soon as possible.

3. Employee shall be alcohol tested within two (2) hours following the determination made by a supervisor, or otherwise the Employer shall document the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the determination, the Employer shall cease attempts to administer a test and shall document the reasons for not administering the test.
4. Employee shall be drug tested within thirty-two (32) hours following the determination made by a supervisor. If a test is not administered within thirty-two (32) hours following the determination, the Employer shall cease attempts to administer a test and shall document the reasons for not administering the test.
5. The potentially affected employee will not be allowed to proceed alone to or from the Collection Site. In addition to the safety concerns for the employee, the supervisor accompanying the employee also assures that there is no opportunity en route to the Collection Site for the employee to do or ingest anything that could affect the test result, or to acquire "clean" urine from another person.

B. Post Accident Testing

Unless the City determines that the employee's performance was not a contributing factor, any employee involved in a reportable accident may be subject to an alcohol test within two (2) hours following the accident and to a drug test within thirty-two (32) hours following the accident. Not only may the operator of the vehicle be tested, but so may any other employee whose performance may have contributed to the accident, such as the employee who maintains the vehicle or the work-site where the accident occurred.

The same testing procedures described in section above regarding documentation of any attempts to administer the test and regarding transportation to and from the Collection Site shall also be applicable to any Post-Accident testing.

An accident is considered reportable if it occurs while in a City commercial motor vehicle, on City property, or when operating a commercial motor vehicle on a public road in commerce and involves any of the following: a) while performing safety-sensitive functions with respect to the vehicle, the accident involved a fatality; or b) the issuance of a citation by law enforcement to the employee for a moving traffic violation arising from the accident, and a) bodily injury demanding immediate medical treatment away from the scene of the accident or b) vehicular damage so that the vehicle must be towed away from the scene of the accident, even after simple repairs on the scene. The operator of the vehicle must immediately report this accident to the appropriate authorities, as well as the City, so that the relevant drug/alcohol tests may be conducted.

C. Return to Duty Testing

If the City, in its sole discretion, decides to allow a safety-sensitive employee to return to work with the City following a violation of any DOT drug and alcohol testing regulation, the employee must comply with the following return to duty testing procedures before returning to work.

1. The employee shall undergo an evaluation of fitness for duty by the SAP.
2. The employee must complete Return to Duty testing, under the direction of the MRO, after the SAP states the employee is fit to return to work.
3. The employee will then submit to a return to duty test and receive a verified negative test result for drug and/or alcohol use from the MRO before being eligible to return to work by the City.

D. Follow-Up Testing

1. Following completion of any return to duty testing procedures described in Section VII.C above and in conjunction with a determination by a SAP that an employee is in need of assistance in resolving problems associated with drug and/or alcohol use the employee shall be subject to unannounced follow-up testing as directed by the SAP of at least a minimum of six (6) tests in the first year following the employee's return to duty, and thereafter as determined necessary by the SAP. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary and is supported by the City.
2. Follow-up alcohol testing may also include testing for controlled substance use as directed and determined by the SAP.
3. The time period for "follow-up" testing for drug and/or alcohol use will be determined by the SAP subject to a reasonable minimum of one (1) year, and never to exceed three (3) years.
4. Follow-up testing may be on a daily, weekly, monthly or longer basis at the discretion of the SAP.

E. Refusal to Submit to Testing

The following are definitions of refusal:

1. Not providing the City a written consent to take the test;
2. The applicant or employee does not supply enough quantity of the laboratory required sample for alcohol or drug testing without sufficient or valid medical explanation;

3. Tampering with a specimen or collection process;
4. Tardiness to reporting Collection Site after time allocated for applicant or employee to report without valid explanation;
5. Leaving the accident scene without justifiable cause before tests are conducted (testing for drugs and/or alcohol after an accident is presumed);
6. Any refusal to test will be considered a violation subject to disqualification for employment and discipline up to and including termination.

SEC. 18008 SEARCHES

For the purpose of enforcing this policy and maintaining an alcohol, drug and controlled-substance free work place, the City reserves the right to search all work areas and property to which the City maintains full or joint control with the employee, including, but not limited to, City vehicles, desks, lockers, file cabinets and bookshelves. Such searches may be conducted when the City has reasonable grounds to conclude that there has been a violation of this policy.

The employee shall be given notice prior to such a search in such a manner that the employee is provided knowledge of the intended search, but not the opportunity to remove items and materials present in the area to be searched. The employee may be present during the search, but the employee's presence is not required for the search to occur. If the employee wishes to be present during the search, the employee cannot be denied the opportunity to be present, provided however, that the City will determine the time of the search with or without the employee's concurrence.

Any search will be conducted in accordance with the Firefighters Bill of Rights (FBOR) where applicable.

SEC. 18009 MEDICATION REPORTING REQUIREMENTS

Employees shall, in the case of prescription drugs, ask the prescribing physician and/or, in the case of medication available over-the-counter, review product packaging, to determine whether the use of a prescription drug or over-the-counter medication may impair his/her ability to perform his or her normal job duties or to safely operate City equipment. Any employee taking any over-the-counter medication or prescription drug marked "do not drive," "do not operate heavy equipment" or similarly labeled, shall inform the appropriate Supervisor of the use of the medication or drug prior to reporting for duty.

In the case of prescription drugs, the supervisor shall determine whether the employee may work, full duty or light duty, based on the written opinion of the employee's medical provider that the use of the medication may impair the employee's ability to perform specific duties. The supervisor may, upon a determination that the employee is unable to safely perform his or her normal duties, or that a modified work assignment is not

available, direct the employee not to work and to return home on paid leave or industrial leave if appropriate. If the employee's personal medical provider provides a written opinion that the use of the drug or medication will not impair the employee's ability to perform his/her normal duties, the supervisor will allow the employee to perform those duties. Notices or communications required by this Section shall be confidential and disclosed only to the supervisor and any other employees specifically authorized to receive information pursuant to this Policy.

SEC. 18010 GENERAL ADMINISTRATION AND PROCEDURES

A. Administration

1. The Administrative Services Director or his or her designee is the Designated Employer Representative ("DER") and shall be responsible for overseeing implementation of this Policy and the testing procedures described herein. The Administrative Services Director will be responsible for reviewing all disciplinary actions resulting from violations of this Policy to ensure that the action proposed or taken is consistent with this Policy and the Manual.
2. The DER shall be responsible for the following:
 - a. Communications directly with the MRO and/or SAP and SAMHSA regarding any drug and/or alcohol tests;
 - b. Overseeing testing programs; and
 - c. Providing training to supervisors and employees.

B. Procedures

1. Mandatory Reporting.

Any employee who has reason to believe that another employee may be in violation of this Policy shall immediately notify his or her immediate supervisor. The supervisor should take whatever immediate action is deemed prudent to ensure the safety of the public and employees. Should the supervisor have reasonable suspicion to believe, based upon specific and documented facts and observations, that the employee may be under the influence of drugs and/or alcohol, the employee should be immediately removed from the workplace and placed upon administrative leave with pay until such time as testing results confirm or refute the presence of drugs and/or alcohol. The supervisor shall use the Reasonable Suspicion Evaluation Form (DIV-18-1), included in this division, to assist in making this determination.

2. Acknowledgement.

No drug and/or alcohol test may be administered, sample obtained, or drug and/or alcohol test be conducted on any sample in the pre-employment context

without the written acknowledgment of the applicant being tested. (See Form DIV-18-2 included in this division) Refusal of any applicant or employee to submit to testing, or attempt to adulterate or evade the testing process, will be viewed as insubordination and will subject the person to disqualification from employment or disciplinary action, up to and including, discharge. The City will pay the cost of all drug and/or alcohol tests required by this Policy.

3. Collection, Integrity and Identification.

- a. After the applicant or employee has been advised about the reason for the test by the Supervisor, the applicant or employee will be properly identified and Collection Site personnel will explain the mechanics of the collection process.
- b. Procedures for urine collection will allow for individual privacy unless there is reason to believe the individual may alter or substitute the specimen to be provided. Samples will be tested for temperature and subject to other validation procedures as appropriate.

4. Chain of Custody.

- a. Procedures for the storage and transportation of test specimens shall conform to the Mandatory Guidelines for Federal Workplace Drug Testing Programs promulgated by the Department of Health and Human Services as amended from time to time.
- b. The test laboratory shall maintain custody of the specimens.

5. Testing Methods.

All tests will be screened using an immunoassay technique and for alcohol an Evidential Breath Testing (EBT) device. All presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS) and all presumptive positive alcohol tests will be confirmed with a second EBT performed within 15–30 minutes after the first EBT test is completed. The City will test for cannabinoids (marijuana), cocaine, amphetamines, opiates, barbiturates, benzodiazepines, and phencyclidine (PCP) as well as alcohol. Tests will seek only information about the presence of drugs and/or alcohol in an individual's system and will not test for any medical condition.

6. Notification.

Any employee who tests positive will be notified by the MRO and will be given an opportunity to provide the MRO any reasons he or she may have that would explain the positive drug and/or alcohol test, other than the presence of alcohol or the illegal use of drugs. If the employee provides an explanation acceptable to the MRO that the positive drug or alcohol test result is due to factors other than the presence of drugs and/or alcohol in the test specimen, the positive test result

will be disregarded and reported to City as negative. Otherwise, the MRO will report the positive test result to the DPM or Administrative Services Director. Test results will only be disclosed to the extent expressly authorized by this Policy.

7. Split Sample Testing.

An employee who has been subjected to drug and/or alcohol screening may request a split sample test be conducted at a certified laboratory chosen by the employee. All costs associated with an employee's decision to pursue split sample testing will be the full responsibility of the employee. The employee must adhere to the following procedures to maintain strict Chain of Custody of the sample and validity of the split sample test results:

- a. To request a split sample test to be conducted, the employee must submit his or her written request on the required Chain of Custody release form provided by the City's testing laboratory to the DER.
- b. The request will be forwarded to the testing laboratory used by the City facility. They will release the split sample to the certified lab chosen by the employee provided they have received the properly executed Chain of Custody release form.
- b. c. The laboratory selected by the employee must be a certified laboratory per State regulations and authority and be able to conduct GC/MS method of testing for validation of testing results. Any method of testing performed on the split sample that is not the GC/MS method will be considered invalid.
- d. The split sample test results will not be released to the City without the employee's written consent.

SEC. 18011 CONFIDENTIALITY AND RECORDKEEPING

The City is obligated to maintain records of the administration, including violations, of this Policy for a period of five (5) years. Through the consortium pool, an annual report summarizing this information will be issued.

Any laboratory reports and test results shall not appear in an employee's general personnel folder but will be contained in a separate, confidential medical folder that will be securely kept under the control of the Administrative Services Director. The report or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur under the following situations:

- a. When the information is compelled by law or by judicial or administrative process;

- b. When the information has been placed at issue in a formal dispute between the employer and employee;
- c. When the information is to be used in administering an employee benefit plan;
- d. When the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure; or
- e. When requested by the Department of Transportation or any state or local officials with regulatory authority over the City or any of its safety-sensitive employees.

SEC. 18012 OPPORTUNITIES FOR REHABILITATION

The City is committed to providing reasonable opportunities of rehabilitation to those employees with a drug or alcohol problem in accordance with the provisions of federal and/or state law.

An employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable cause, random or post-accident testing or has not refused a drug or alcohol test or is not involved in disciplinary proceedings, may voluntarily refer her or himself to the Administrative Services Director, who will refer the individual to a Substance Abuse Professional (SAP) at the expense of the employee. The SAP will evaluate the employee and make specific recommendation regarding the appropriate treatment. When an employee voluntarily refers her or himself for treatment, the employee may be eligible for sick leave and disability benefits. Employees will be allowed to take accumulated vacation time or may be eligible for unpaid time off to participate in any rehabilitation program at the employee's expense. In addition, the City's voluntary Employee Assistance Program (EAP) is available to assist employees who seek help for alcohol or drug problems. Employees are encouraged to contact the EAP directly.

Supervisors or managers may refer an employee to the EAP for reasonable suspicion of drug abuse. Supervisors are encouraged to refer employees to the EAP for intervention. EAP services are confidential and supervisory referred employees are requested to sign a release of information for attendance purposes if sessions are scheduled during working hours. Supervisors or managers should work with Human Resources to coordinate employee referrals to the EAP.

While the City will be supportive of those who seek help voluntarily, the City will be firm in identifying and disciplining those who continue to be substance abusers and who do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs. Therefore, the City may require employees to use employee assistance programs as part of a last chance agreement, and in addition to mandatory referrals to a Substance Abuse Professional where applicable and permissible by law.

SEC. 18013 CONSEQUENCES FOR VIOLATION OF THIS POLICY

A. Discipline

237869.1 LO090-001

Any violation of this Policy may result in discipline, up to and including termination. Discipline may be imposed regardless of whether or not an employee is convicted of any crime related to any violation of this Policy.

Any violation of this Policy that may constitute criminal conduct or violation of the DOT regulations may be reported to the appropriate law enforcement agencies and/or subject the employee to civil penalties.

B. Removal from Work Site

Employees reasonably believed to be under the influence of alcohol, drugs, or controlled substances shall be immediately prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

C. Removal from Safety Sensitive Function

An employee whose alcohol test indicates an alcohol concentration level between .02 and .04 will be removed from his/her safety-sensitive position for at least twenty-four (24) hours. An employee whose alcohol test indicates an alcohol concentration level greater than .04 will be removed from his or her safety-sensitive position for a period to be determined by the Administrative Services Director.

If an employee tests positive for drugs or controlled substances, the employee may not perform safety-sensitive functions until satisfying the following requirements:

- a. The employee must be retested and receive a verified negative result; and
- b. When referred to a SAP, the employee must complete any course of rehabilitation and submit to a return-to-duty test, as developed with the assistance of the SAP. Subject to any provisions in a collective bargaining agreement providing otherwise, the City is not required to pay for this type of treatment.

D. Separation for Inability to Perform Essential Job Functions

After the City has complied with any legal obligation to reasonably accommodate an employee's protected disability, the City may separate an employee who is unable to perform the essential functions of the job in accordance with applicable legal procedures.

**DRUG AND ALCOHOL TESTING POLICY
REASONABLE SUSPICION EVALUATION FORM
(FORM DIV-18-1)**

Employee Name: _____

Observation Date and Time: _____

Location of Employee: _____

Location of Supervisor(s): _____

Others present during activities or observations: _____

Incident(s) observed which give cause for reasonable suspicion: _____

(Factors that may be considered in combination with those listed in 1 – 6 below include: takes needless risks, accident(s), disregard for others safety, unusual/distinct pattern of absenteeism/tardiness, increased high/low periods of productivity, lapses of concentration or judgment, etc.)

1. Presence of alcohol, alcohol containers, drugs, and/or drug paraphernalia (specify):

2. Appearance:

- | | | |
|---|--|---|
| <input type="checkbox"/> Flushed | <input type="checkbox"/> Inappropriate | <input type="checkbox"/> Disheveled |
| <input type="checkbox"/> Bloodshot/Glassy Eyes | <input type="checkbox"/> Tremors | <input type="checkbox"/> Smell of Alcohol |
| <input type="checkbox"/> Dilated/Constricted Pupils | <input type="checkbox"/> Inappropriate Wearing of Sunglasses | |
| <input type="checkbox"/> Dry-mouth Symptoms | <input type="checkbox"/> Runny Nose/Sores | |
| <input type="checkbox"/> Puncture Marks | <input type="checkbox"/> Profuse Sweating | |
| <input type="checkbox"/> Other: _____ | | |

3. Behavior/Speech:

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Incoherent | <input type="checkbox"/> Slurred | <input type="checkbox"/> Unconscious |
| <input type="checkbox"/> Confused | <input type="checkbox"/> Slowed | <input type="checkbox"/> Hostile/Confrontation |
| <input type="checkbox"/> Agitated | <input type="checkbox"/> Sleeping on the job | |
| <input type="checkbox"/> Other: _____ | | |

4. Awareness:

- | | | |
|---|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Confused | <input type="checkbox"/> Mood Swings | <input type="checkbox"/> Euphoric |
| <input type="checkbox"/> Lethargic | <input type="checkbox"/> Paranoid | <input type="checkbox"/> Disoriented |
| <input type="checkbox"/> Lack of Coordination | | |
| <input type="checkbox"/> Other: _____ | | |

5. Motor Skills/Balance:

- | | | |
|--|------------------------------------|---|
| <input type="checkbox"/> Unsteady | <input type="checkbox"/> Swaying | <input type="checkbox"/> Falling |
| <input type="checkbox"/> Staggering | <input type="checkbox"/> Stumbling | <input type="checkbox"/> Reaching for Support |
| <input type="checkbox"/> Arms Raised for Balance | | |
| <input type="checkbox"/> Other: _____ | | |

6. Other observed Actions or Behaviors:

Supervisor's Comments:

Supervisors Name: _____

Signature: _____ Date: _____

Witness(es) Name: _____

Signature: _____ Date: _____

**DRUG AND ALCOHOL POLICY
ACKNOWLEDGEMENT OF SUBMISSION TO DRUG AND/OR ALCOHOL TESTING BY
THE CITY OF LOS BANOS
(FORM DIV-18-2)**

I, _____ [PRINT NAME], understand and acknowledge that I have reviewed a copy of the City of Los Banos Drug and Alcohol Policy (Policy). I hereby acknowledge that I am required to submit to drug and/or alcohol testing pursuant to the Policy. I understand and acknowledge that information regarding the test results will be released to the City and that such information may be used as grounds for disciplinary action, up to and including discharge.

I further understand and acknowledge that:

1. The City will pay the cost of all drug and/or alcohol tests required or requested by the City;
2. I may request in writing a copy of the results of any such test;
3. I may request that a split sample test be sent to a certified Testing Laboratory of my choice, consistent with the procedures outlined in the City's Drug and Alcohol Policy, and that I will bear all of the costs associated with the split sample testing;
4. By signing this form, I hereby acknowledge that the split sample test results will be released to the City; and
5. I have the right to refuse to submit to such testing; however, refusal by me to submit to or cooperate at any stage of the testing shall be considered equivalent to a confirmed "positive" test for purposes of disqualification from employment and/or disciplinary action, up to and including discharge from my employment with the City.
6. I may also be required to execute forms at the Collection Site of Testing Laboratory.

With full understanding and knowledge of the foregoing, I hereby acknowledge my obligation to submit to drug and/or alcohol testing conducted by the clinics and/or Testing Laboratory selected by the City.

I have read the above acknowledgement and certify that I have signed this document with full knowledge and understanding of its contents.

Signature: _____ Date: _____



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer

Mark Fachin

DATE: January 15, 2014

SUBJECT: San Joaquin Valley Air Pollution Control District Grant Amendment

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution approving the budget amendment as follows:

- a) Increases the 2013/2014 CMAQ Grant Revenue, Fund Number 249-000-331-012, by \$88,265.60;
- b) Increases the 2013/2014 CMAQ Grant Expenditures, Fund Number 249-430-210-755, by \$88,265.60; and
- c) Authorize the City Manager to issue a purchase order to Greenwood Motors for the procurement of Five New 2014 Model Polaris GEM Vehicles.

Background:

The City enlisted Acquisition Partners of America, LLC to secure grant funding sources available to the municipalities.

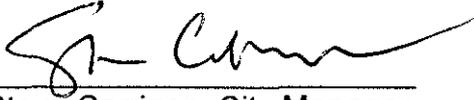
Discussion:

Acquisition Partners of America, LLC secured a grant totaling \$88,265.60 for the purchase of new alternative fuel vehicles from Greenwood Motors in Hollister, CA. The funding for the alternative fuel vehicles is sponsored 100% by the San Joaquin Valley Air Pollution Control District.

Fiscal Impact:

No fiscal impact. The alternative fuel vehicles will be purchased by the City of Los Banos. Once purchased, the City will submit for 100% reimbursement to the San Joaquin Valley Air Pollution Control District.

Reviewed by:

A handwritten signature in black ink, appearing to read "Steve Carrigan", written over a horizontal line.

Steve Carrigan, City Manager

Attachment:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE FISCAL YEAR 2013/2014 BUDGET BY INCREASING THE APPROPRIATION AMOUNT IN THE CMAQ/SRTS GRANT FUND REVENUE BY \$88,265.60, THE CMAQ/SRTS GRANT EXPENDITURES FUND BY \$88,265.60, AND AUTHORIZE THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO GREENWOOD MOTORS FOR THE PROCUREMENT OF FIVE NEW 2014 MODEL POLARIS GEM VEHICLES.

WHEREAS, there has been presented to the City Council of the City of Los Banos a proposal to increase the appropriation amount in the City Budget for the 2013/2014 Fiscal Year; and

WHEREAS, the City Council may adjust the overall appropriation levels in each fund at any time during the 2013/2014 Fiscal Year by action to amend this budget; and

WHEREAS, the proposed budget amendment increase of \$88,265.60 in the 2013/2014 CMAQ/SRTS Grant Revenue, Fund Number 249-000-331-012, has been reviewed by City Council; and

WHEREAS, the proposed budget amendment increase of \$88,265.60 in the 2013/2014 CMAQ/SRTS Grant Expenditures, Fund Number 249-430-210-755, has been reviewed by City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos to increase the appropriation amount for CMAQ/SRTS Grant Revenue, Fund Number 249-000-331-012, in the amount of \$88,265.60, and to increase the appropriation amount for CMAQ/SRTS Grant Expenditures, Fund Number 249-430-210-755, in the amount of \$88,265.60, and authorize the City Manager to issue a purchase order to Greenwood Motors for the procurement of Five New 2014 Model Polaris GEM Vehicles.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer

DATE: January 15, 2014

SUBJECT: Award of Bid for the purchase of One New 2014/15 Model 10-12 Yard Dump Truck

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution to:

1. Award of bid for the purchase of One New 2014/15 Model 10-12 Yard Dump Truck to Fresno Truck Center in the amount of \$114,736.58; and
2. Authorize the Public Works Director/City Engineer to issue a purchase order to Fresno Truck Center for the procurement of the One New 2014/15 Model 10-12 Yard Dump Truck.

Background:

The City of Los Banos secured a Congestion Mitigation and Air Quality (CMAQ) grant to subsidize 88.53% of the purchase for One New 2014/15 Model 10-12 Yard Dump Truck. The City's match for the truck purchase is 11.47% of the Total Bid amount. Fleet Services identified the City's 1991 International dump truck as the vehicle to replace under the grant guidelines. The Public Works Department submitted the funding request to authorize the purchase of One New 2014/15 Model 10-12 Yard Dump Truck as part of the approved 2013/14 Fiscal Year Budget.

Discussion:

The Public Works Department released the bid documents for the purchase of One New 2014/15 Model 10-12 Yard Dump Truck on November 22, 2013. The public notice was advertised in the Los Banos Enterprise on November 22, 2013. Twelve dealerships in the area were solicited including the local dealership Santos Ford. The bid opening for

the purchase of One New 2014/15 Model 10-12 Yard Dump Truck occurred on December 20, 2013.

The Public Works Department, through the office of the City Clerk, received one (1) bid from the following dealership:

1. Fresno Truck Center – Fresno, CA \$114,736.58

After a detailed review of the submitted bid documents, staff determined Fresno Truck Center supplied a responsive and responsible bid. Therefore, staff is requesting the award to Fresno Truck Center for their bid in the amount of \$114,736.58. Fresno Truck Center estimated the delivery period to be 180 days or less from the date the purchase order is issued.

Fiscal Impact:

The bid amount of \$114,736.58 is within the CMAQ awarded grant allocation. Once the One New 2014/15 Model 10-12 Yard Dump Truck has been received and accepted by the City from Fresno Truck Center, payment will be made from fund 249-430-210-753. Subsequently, Public Works will process a reimbursement invoice to Caltrans in the amount of \$101,576.29 (88.53%). The balance of \$13,160.29 (11.47%) has been budgeted and will be drawn from the City's transportation funds.

Reviewed by:



Steve Carrigan, City Manager

Attachments:

Resolution
Public Notice
Bid Opening Sheet
2013/14 Fiscal Budget Sheet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AWARDING THE BID FOR THE PURCHASE OF ONE NEW 2014/15 MODEL 10-12 YARD DUMP TRUCK AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Los Banos has a need to replace aged fleet vehicles and provide a replacement program to retire these vehicles; and

WHEREAS, the City of Los Banos received a Congestion Mitigation and Air Quality grant for the purchase of One New 2014/15 Model 10-12 Yard Dump Truck; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2014/15 Model 10-12 Yard Dump Truck that were officially opened on December 20, 2013; and

WHEREAS, it was determined that Fresno Truck Center in Fresno, California provided the lowest responsive and responsible bid of \$114,736.58.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$114,736.58 from Fresno Truck Center for the purchase of One New 2014/15 Model 10-12 Yard Dump Truck and authorizes the Public Works Director/City Engineer to issue the purchase order.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Invitation for Sealed Bids

CITY OF LOS BANOS
PUBLIC WORKS DEPARTMENT
411 Madison Avenue
Los Banos, CA 93635
(209) 827-7056

NOTICE IS HEREBY GIVEN that the Los Banos Public Works Department (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 P.M. Pacific Standard Time (herein called "PST") on December 20, 2013 for the purchase of One (1) New 2014/15 Model 10-12 Yard Dump Truck. At said time, sealed Bid Proposals (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

**Los Banos City Hall
520 "J" Street
Los Banos, California 93635**

Questions regarding the Bid Documents are to be directed to Greg Pimentel, Public Works Operations Manager, by writing or email at greg.pimentel@losbanos.org.

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 P.M. PST on December 20, 2013. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered unless specified. Bids received after the bid submittal deadline will be rejected and returned to the bidder unopened. No conditional Bids will be accepted.

The Bid Package forms can be obtained from the City of Los Banos website at www.losbanos.org.

The City of Los Banos reserves the right to reject any and/or all Bids received.



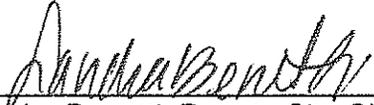
City of
Los Banos

At the Crossroads of California

BID OPENING

PURCHASE OF ONE (1) NEW
2014/15 MODEL 10-12 YARD DUMP TRUCK
FRIDAY, DECEMBER 20, 2013 @ 2:00 PM

1 Fresno Truck Center \$ 114,736.58

Signed: 
Sandra Benetti, Deputy City Clerk

Dated: December 20, 2013

Witness: 
Greg Pimentel, Interim Assistant Public Works Director

City of Los Banos

Special Revenue Funds 2013-2014 Adopted Budget

| | <u>2010-2011</u> <u>Actual</u> | <u>2011-2012</u> <u>Actual</u> | <u>2012-2013</u> <u>Projected</u> | <u>2013-2014</u> <u>Adopted</u> |
|--------------------------------------|-----------------------------------|-----------------------------------|--------------------------------------|------------------------------------|
| Traffic Impact Fee - Fund 230 | | | | |
| Road - Department 430 | | | | |
| Construction - Activity 220 | | | | |
| 238 Technical Services | \$19,617 | \$8,342 | \$1,700 | \$15,000 |
| Supplies & Services | \$19,617 | \$8,342 | \$1,700 | \$15,000 |
| 716 Road Construction / Imp. | \$0 | \$6,658 | \$166,907 | \$790,000 |
| Capital Outlay | \$0 | \$6,658 | \$166,907 | \$790,000 |
| Total: Construction | \$19,617 | \$15,000 | \$168,607 | \$805,000 |
| Total: Traffic Impact Fee | \$19,617 | \$15,000 | \$168,607 | \$805,000 |
| | | | | |
| CMAQ/SR2S Grant - Fund 249 | | | | |
| Road - Department 430 | | | | |
| Maintenance - Activity 210 | | | | |
| 715 Street Improvements | \$0 | \$0 | \$3,822 | \$301,296 |
| 743 Monitor/Detect/Test Equip | 0 | 0 | 130,800 | 132,550 |
| 753 Specialized Equipment | 0 | 0 | 0 | 769,000 |
| Capital Outlay | \$0 | \$0 | \$134,622 | \$1,202,846 |
| Total: CMAQ/SR2S Grant | \$0 | \$0 | \$134,622 | \$1,202,846 |



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Honorable Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer *Mark Fachin*
DATE: January 15, 2014
SUBJECT: Rejection of Bids for One New 2014 Model Trailer Mounted Leaf Machine
TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopt the Resolution rejecting the bids for One New 2014 Model Trailer Mounted Leaf Machine.

Background:

The 2013-14 adopted City budget included the procurement of a trailer mounted leaf removal machine to replace a 1988 trailer mounted machine in the City's inventory. Public Works initiated an Invitation for Sealed Bids to purchase One New Trailer Mounted Leaf Machine on November 15, 2013. The Invitation for Sealed Bids was publicly noticed in the Los Banos Enterprise. The submitted bids were publicly opened on December 17, 2013.

Discussion:

Public Works received four bid proposals. Bids were received from Nixon-Egli Equipment Company, ODB Company, and two separate proposals from Municipal Maintenance Equipment (MME).

The Nixon-Egli bid chose to offer a flexible suction tube instead of rigid suction chute, which our specifications required. The ODB bid failed to include the required bidder's bond. Both of the MME bids chose to offer flexible suction tubes instead of rigid suction chute, which our specifications required. One of the MME bids was for a demonstration unit. The specifications indicated a new unit.

Public Works staff recommends rejecting all bids based on the reasons provided. The specifications were clear and attainable by each of the manufacturers. Public Works intends to publish a new Invitation for Sealed Bids request upon City Council approval of the Resolution.

Fiscal Impact:

The fiscal impact of rejecting the bids would be the cost to re-advertise for the New 2014 Model Trailer Mounted Leaf Machine. The adopted funding for the capital procurement of the new leaf machine is adequate to incur the additional advertising costs.

Reviewed by:

A handwritten signature in black ink, appearing to read "Steve Carrigan", written over a horizontal line.

Steve Carrigan, City Manager

Attachments:

- Resolution
- Public Notice
- Bid Results Sheet

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS REJECTING ALL BIDS
FOR THE ONE NEW 2014 MODEL TRAILER
MOUNTED LEAF MACHINE**

WHEREAS, the City of Los Banos received bids for the One New 2014 Model Trailer Mounted Leaf Machine; and

WHEREAS, the Invitation for Sealed Bids of the One New 2014 Model Trailer Mounted Leaf Machine were officially opened on December 17, 2013; and

WHEREAS, the City of Los Banos received four bids, of which each of the bids did not meet the bid document prescribed specifications.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby reject all bids received for the One New 2014 Model Trailer Mounted Leaf Machine.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

CITY OF LOS BANOS
PUBLIC WORKS DEPARTMENT
411 Madison Avenue
Los Banos, CA 93635
(209) 827-7056

NOTICE IS HEREBY GIVEN that the Los Banos Public Works Department (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 P.M. Pacific Standard Time (herein called "PST") on December 17, 2013 for the purchase of One (1) New 2014 Model Trailer Mounted Leaf Machine. At said time, said sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

**Los Banos City Hall
520 "J" Street
Los Banos, California 93635**

Questions regarding the Bid Documents are to be directed to Greg Pimentel, Public Works Operations Manager, by writing or email at greg.pimentel@losbanos.org.

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 P.M. PST on December 17, 2013. No late Bids will be accepted. Late bids will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the bidder unopened. No conditional Bids will be accepted.

The Bid Package forms can be obtained from the City of Los Banos website at www.losbanos.org.

The City of Los Banos reserves the right to reject any and/or all Bids received.



City of
Los Banos

At the Crossroads of California

BID OPENING

PURCHASE OF ONE (1) NEW
2014 MODEL TRAILER MOUNTED LEAF MACHINE
TUESDAY, DECEMBER 17, 2013 @ 2:00 PM

| | | |
|---|---------------------------------|--------------|
| 1 | Nixon-Egli Equipment Co. | \$ 30,475.18 |
| 2 | The ODB Co. | \$ 36,433.00 |
| 3 | Municipal Maintenance Equipment | \$ 63,720.00 |
| 4 | Municipal Maintenance Equipment | \$ 58,320.00 |

Signed: _____

Sandra Benetti
Sandra Benetti, Deputy City Clerk

Dated: December 17, 2013

Witness: _____

Greg Pimentel
Greg Pimentel, Interim Assistant Public Works Director



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer *Mark Fachin*
DATE: January 15, 2014
SUBJECT: Award of Bid for the purchase of One New 2014/15 Model Motor Grader
TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution to:

1. Award of bid for the purchase of One New 2014/15 Model Motor Grader to Volvo Construction Equipment & Services in the amount of \$218,309.00; and
2. Authorize the Public Works Director/City Engineer to issue a purchase order to Volvo Construction Equipment & Services for the procurement of the One New 2014/15 Model Motor Grader.

Background:

The City of Los Banos secured a Congestion Mitigation and Air Quality (CMAQ) grant to subsidize 100.00% of the purchase for One New 2014/15 Model Motor Grader. Fleet Services identified the City's 1969 Caterpillar Motor Grader as the equipment to replace under the grant guidelines. The Public Works Department submitted the funding request to authorize the purchase of One New 2014/15 Model Motor Grader as part of the approved 2013/14 Fiscal Year Budget.

Discussion:

The Public Works Department released the bid documents for the purchase of One New 2014/15 Model Motor Grader on November 22, 2013. The public notice was advertised in the Los Banos Enterprise on November 22, 2013. Three manufacturers in central California were solicited including the local dealership Holt of California. The bid opening for the purchase of One New 2014/15 Model Motor Grader occurred on December 20, 2013.

The Public Works Department, through the office of the City Clerk, received three (3) bids from the following dealerships:

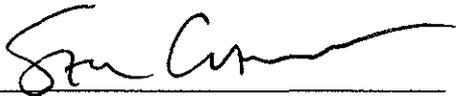
- | | |
|---|--------------|
| 1. Volvo Construction Equipment & Services – Fresno, CA | \$218,309.00 |
| 2. Holt of California – Los Banos, CA | \$238,542.18 |
| 3. Pape Machinery – French Camp, CA | \$260,009.70 |

After a detailed review of the submitted bid documents, staff determined Volvo Construction Equipment & Services supplied a responsive and responsible bid. The Holt of California bid exceeded the local preference of \$5,000.00 in a single bid. Therefore, staff is requesting that Volvo Construction Equipment & Services be awarded the purchase order of the One New 2014/15 Model Motor Grader for their bid in the amount of \$218,309.00. Volvo Construction Equipment & Services estimated the delivery period to be 120 days or less from the date the purchase order is issued.

Fiscal Impact:

The bid amount of \$218,309.00 is within the CMAQ awarded grant allocation. Once the One New 2014/15 Model Motor Grader has been received and accepted by the City from Volvo Construction Equipment & Services, payment will be made from fund 249-430-210-753. Subsequently, Public Works will process a reimbursement invoice to Caltrans in the amount of \$218,309.00 (100.00%).

Reviewed by:



Steve Carrigan, City Manager

Attachments:

Resolution
Public Notice
Bid Opening Sheet
2013/14 Fiscal Budget Sheet

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AWARDING THE BID FOR
THE PURCHASE OF ONE NEW 2014/15 MODEL
MOTOR GRADER AND AUTHORIZING THE
PUBLIC WORKS DIRECTOR/CITY ENGINEER TO
ISSUE THE PURCHASE ORDER**

WHEREAS, the City of Los Banos has a need to replace aged fleet vehicles and provide a replacement program to retire these vehicles; and

WHEREAS, the City of Los Banos received a Congestion Mitigation and Air Quality grant for the purchase of One New 2014/15 Model Motor Grader; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2014/15 Model Motor Grader that were officially opened on December 20, 2013; and

WHEREAS, it was determined that Volvo Construction Equipment and Services in Turlock, California provided the lowest responsive and responsible bid of \$218,309.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$218,309.00 from Volvo Construction Equipment and Services for the purchase of One New 2014/15 Model Motor Grader and authorizes the Public Works Director/City Engineer to issue the purchase order.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Invitation for Sealed Bids

CITY OF LOS BANOS
PUBLIC WORKS DEPARTMENT
411 Madison Avenue
Los Banos, CA 93635
(209) 827-7056

NOTICE IS HEREBY GIVEN that the Los Banos Public Works Department (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 P.M. Pacific Standard Time (herein called "PST") on December 20, 2013 for the purchase of One (1) New 2014/15 Model Motor Grader. At said time, sealed Bid Proposals (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

**Los Banos City Hall
520 "J" Street
Los Banos, California 93635**

Questions regarding the Bid Documents are to be directed to Greg Pimentel, Public Works Operations Manager, by writing or email at greg.pimentel@losbanos.org.

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 P.M. PST on December 20, 2013. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered unless specified. Bids received after the bid submittal deadline will be rejected and returned to the bidder unopened. No conditional Bids will be accepted.

The Bid Package forms can be obtained from the City of Los Banos website at www.losbanos.org.

The City of Los Banos reserves the right to reject any and/or all Bids received.



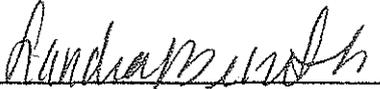
City of
Los Banos

At the Crossroads of California

BID OPENING

PURCHASE OF ONE (1) NEW
2014/15 MODEL MOTOR GRADER
FRIDAY, DECEMBER 20, 2013 @ 2:00 PM

| | | |
|---|---|---------------|
| 1 | Volvo Construction Equipment & Services | \$ 218,309.00 |
| 2 | Holt of California | \$ 238,542.18 |
| 3 | Pape Machinery | \$ 260,009.70 |

Signed: 
Sandra Benetti, Deputy City Clerk

Dated: December 20, 2013

Witness: 
Greg Pimentel, Interim Assistant Public Works Director

City of Los Banos

Special Revenue Funds 2013-2014 Adopted Budget

| | <u>2010-2011 Actual</u> | <u>2011-2012 Actual</u> | <u>2012-2013 Projected</u> | <u>2013-2014 Adopted</u> |
|--------------------------------------|-----------------------------|-----------------------------|--------------------------------|------------------------------|
| Traffic Impact Fee - Fund 230 | | | | |
| Road - Department 430 | | | | |
| Construction - Activity 220 | | | | |
| 238 Technical Services | \$19,617 | \$8,342 | \$1,700 | \$15,000 |
| Supplies & Services | \$19,617 | \$8,342 | \$1,700 | \$15,000 |
| 716 Road Construction / Imp. | \$0 | \$6,658 | \$166,907 | \$790,000 |
| Capital Outlay | \$0 | \$6,658 | \$166,907 | \$790,000 |
| Total: Construction | \$19,617 | \$15,000 | \$168,607 | \$805,000 |
| Total: Traffic Impact Fee | \$19,617 | \$15,000 | \$168,607 | \$805,000 |

CMAQ/SR2S Grant - Fund 249

Road - Department 430
Maintenance - Activity 210

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|-------------------------------|------------|------------|------------------|--------------------|
| 715 Street Improvements | \$0 | \$0 | \$3,822 | \$301,296 |
| 743 Monitor/Detect/Test Equip | 0 | 0 | 130,800 | 132,550 |
| 753 Specialized Equipment | 0 | 0 | 0 | 769,000 |
| Capital Outlay | \$0 | \$0 | \$134,622 | \$1,202,846 |
| Total: CMAQ/SR2S Grant | \$0 | \$0 | \$134,622 | \$1,202,846 |



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer *Mark Fachin*

DATE: January 15, 2014

SUBJECT: Award of Bid for the purchase of Two New 2014/15 Model Backhoe/Loaders

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution to:

1. Award of bid for the purchase of Two New 2014/15 Model Backhoe/Loaders to Pape Machinery in the amount of \$192,092.00; and
2. Authorize the Public Works Director/City Engineer to issue a purchase order to Pape Machinery for the procurement of the Two New 2014/15 Model Backhoe/Loaders.

Background:

The City of Los Banos secured a Congestion Mitigation and Air Quality (CMAQ) grant to subsidize 88.53% of the purchase for Two New 2014/15 Model Backhoe/Loaders. The City's match for the backhoe/loaders purchase is 11.47% of the Total Bid amount. Fleet Services identified two of the City's oldest backhoe/loaders as the equipment to replace under the grant guidelines. The Public Works Department submitted the funding request to authorize the purchase of Two New 2014/15 Model Backhoe/Loaders as part of the approved 2013/14 Fiscal Year Budget.

Discussion:

The Public Works Department released the bid documents for the purchase of Two New 2014/15 Model Backhoe/Loaders on November 22, 2013. The public notice was advertised in the Los Banos Enterprise on November 22, 2013. Three manufacturers in central California were solicited including the local dealership Holt of California. The bid

opening for the purchase of Two New 2014/15 Model Backhoe/Loaders occurred on December 20, 2013.

The Public Works Department, through the office of the City Clerk, received two (2) bids from the following dealerships:

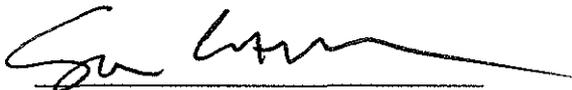
- | | |
|---------------------------------------|--------------|
| 1. Pape Machinery – French Camp, CA | \$192,092.00 |
| 2. Holt of California – Los Banos, CA | \$200,485.34 |

After a detailed review of the submitted bid documents, staff determined Pape Machinery supplied a responsive and responsible bid. The Holt of California bid exceeded the local preference of \$5,000.00 in a single bid. Therefore, staff is requesting that Pape Machinery be awarded the purchase order of the Two New 2014/15 Model Backhoe/Loaders for their bid in the amount of \$192,092.00. Pape Machinery estimated the delivery period to be 150 days or less from the date the purchase order is issued.

Fiscal Impact:

The bid amount of \$192,092.00 is within the CMAQ awarded grant allocation. Once the Two New 2014/15 Model Backhoe/Loaders have been received and accepted by the City from Pape Machinery, payment will be made from fund 249-430-210-753. Subsequently, Public Works will process a reimbursement invoice to Caltrans in the amount of \$170,059.05 (88.53%). The balance of \$22,032.95 (11.47%) has been budgeted and will be drawn from the City's Water fund.

Reviewed by:



Steve Carrigan, City Manager

Attachments:

Resolution
Public Notice
Bid Opening Sheet
2013/14 Fiscal Budget Sheet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AWARDING THE BID FOR THE PURCHASE OF TWO NEW 2014/15 MODEL BACKHOE/LOADERS AND AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Los Banos has a need to replace aged fleet vehicles and provide a replacement program to retire these vehicles; and

WHEREAS, the City of Los Banos received a Congestion Mitigation and Air Quality grant for the purchase of Two New 2014/15 Model Backhoe/Loaders; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of Two New 2014/15 Model Backhoe/Loaders that were officially opened on December 20, 2013; and

WHEREAS, it was determined that Pape Machinery in French Camp, California provided the lowest responsive and responsible bid of \$192,092.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$192,092.00 from Pape Machinery for the purchase of Two New 2014/15 Model Backhoe/Loaders and authorizes the Public Works Director/City Engineer to issue the purchase order.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2014, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Invitation for Sealed Bids

CITY OF LOS BANOS
PUBLIC WORKS DEPARTMENT
411 Madison Avenue
Los Banos, CA 93635
(209) 827-7056

NOTICE IS HEREBY GIVEN that the Los Banos Public Works Department (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 P.M. Pacific Standard Time (herein called "PST") on December 20, 2013 for the purchase of Two (2) New 2014/15 Model Backhoe/Loaders. At said time, sealed Bid Proposals (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

**Los Banos City Hall
520 "J" Street
Los Banos, California 93635**

Questions regarding the Bid Documents are to be directed to Greg Pimentel, Public Works Operations Manager, by writing or email at greg.pimentel@losbanos.org.

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 P.M. PST on December 20, 2013. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered unless specified. Bids received after the bid submittal deadline will be rejected and returned to the bidder unopened. No conditional Bids will be accepted.

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The City of Los Banos reserves the right to reject any and/or all Bids received.



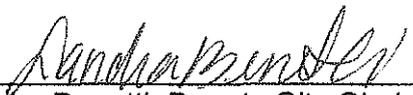
City of
Los Banos

At the Crossroads of California

BID OPENING

PURCHASE OF TWO (2) NEW
2014/15 MODEL BACKHOE/LOADERS
FRIDAY, DECEMBER 20, 2013 @ 2:00 PM

| | | |
|---|--------------------|---------------|
| 1 | Pape Machinery | \$ 192,092.00 |
| 2 | Holt of California | \$ 200,485.34 |

Signed: 
Sandra Benetti, Deputy City Clerk

Dated: December 20, 2013

Witness: 
Greg Pimentel, Interim Assistant Public Works Director

City of Los Banos

Special Revenue Funds 2013-2014 Adopted Budget

| | <u>2010-2011 Actual</u> | <u>2011-2012 Actual</u> | <u>2012-2013 Projected</u> | <u>2013-2014 Adopted</u> |
|--------------------------------------|-----------------------------|-----------------------------|--------------------------------|------------------------------|
| Traffic Impact Fee - Fund 230 | | | | |
| Road - Department 430 | | | | |
| Construction - Activity 220 | | | | |
| 238 Technical Services | \$19,617 | \$8,342 | \$1,700 | \$15,000 |
| <u>Supplies & Services</u> | <u>\$19,617</u> | <u>\$8,342</u> | <u>\$1,700</u> | <u>\$15,000</u> |
| 716 Road Construction / Imp. | \$0 | \$6,658 | \$166,907 | \$790,000 |
| <u>Capital Outlay</u> | <u>\$0</u> | <u>\$6,658</u> | <u>\$166,907</u> | <u>\$790,000</u> |
| Total: Construction | <u>\$19,617</u> | <u>\$15,000</u> | <u>\$168,607</u> | <u>\$805,000</u> |
| Total: Traffic Impact Fee | <u>\$19,617</u> | <u>\$15,000</u> | <u>\$168,607</u> | <u>\$805,000</u> |
| | | | | |
| CMAQ/SR2S Grant - Fund 249 | | | | |
| Road - Department 43D | | | | |
| Maintenance - Activity 210 | | | | |
| 715 Street Improvements | \$0 | \$0 | \$3,822 | \$301,296 |
| 743 Monitor/Detect/Test Equip | 0 | 0 | 130,800 | 132,550 |
| 753 Specialized Equipment | 0 | 0 | 0 | 769,000 |
| <u>Capital Outlay</u> | <u>\$0</u> | <u>\$0</u> | <u>\$134,622</u> | <u>\$1,202,846</u> |
| Total: CMAQ/SR2S Grant | <u>\$0</u> | <u>\$0</u> | <u>\$134,622</u> | <u>\$1,202,846</u> |



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members
FROM:  Gary Brizzee, Chief of Police
DATE: January 15, 2014
SUBJECT: Kente' Women's Club March and Rally Road Usage Request
TYPE OF REPORT: Consent Agenda

Recommendation:

Approve event co-sponsorship and road usage.

Background:

To accommodate the Annual Kente' Women's Club March and Rally on Martin Luther King Day, the City has been asked to co-sponsor a march from Los Banos City Hall to the Ted Falasco Arts Center. This event will be held on Monday, January 20, 2014, starting at approximately 10:00 a.m. and ending no later than 12:00 p.m. The route has not been finalized but will take one of two paths from City Hall to its destination using either 5th or 6th Street. Police Department staff will be on site to assist.

The co-sponsorship request is unique to this event and is requested by the Kente' Women's Club to meet City insurance needs for parades.

This is an annual event that the City has co-sponsored for approximately seven (7) years. We continue to work with this group to seek other co-sponsors.

Fiscal Impact:

The fiscal impact is minimal using on duty patrol staff and VITAL volunteers.

Reviewed by:



Steve Carrigan, City Manager

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CITY OF LOS BANOS

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KENTE' WOMEN'S CLUB
"WOMEN MAKING A DIFFERENCE"

December 30th, 2013

Police Chief Gary Brizzee
City of Los Banos
Los Banos, CA. 93635

REQUEST: Police escort for MLK March and Rally on Martin Luther King Jr. Day, Monday January 20th, 2014.

Dear Chief Brizzee,

This letter is our formal request for police escort service to accompany the March and Rally planned for Monday, January 20th, 2014 starting at approximately 10:30 am. The march will originate from Los Banos City Hall no later than 11:00 am to "destination undetermined at this time". The same route as previous years! The march should not take more than 45 minutes.

We appreciate the courtesy of your department's assistance and participation in conjunction with this historical event. If you should have any questions, please contact **Vondell McKenzie, cell: 209-761-1834 or office: 209-826-2866**

Sincerely,

Jettie Marshall,

President -The Kente' Women's Club

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CITY OF LOS BANOS

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KENTE' WOMEN'S CLUB
"WOMEN MAKING A DIFFERENCE"

December 30th, 2013

*Mayor, Mike Villalta
and Council Members
City of Los Banos - City Hall
520 'J' Street
Los Banos, CA 93635*

Dear Honorable Mayor and Council Members,

The Kente' Women's Club of Los Banos have planned a commemorative March and Rally in honor of Dr. Martin Luther King Jr., to be held on Monday, January 20th, 2014.

We respectfully ask if you would please consider the City of Los Banos as co-sponsor of this event. In so asking, we also inquire if participants in the walk could be extended under the city's insurance.

*We look forward to this celebration and the City's participation. Thank you in advance. If you should have any questions, **please contact;***

Vondell McKenzie, cell: 209-761-1834 or office: 209-286-2866

Sincerely,

Jettie Marshall,

President -The Kente' Women's Club



City of
Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer

A handwritten signature in black ink that reads "Mark Fachin".

DATE: January 15, 2014

SUBJECT: Council Direction to Staff in regards to the City of Los Banos Temporarily Suspending the Collection of Regional Transportation Impact Fees (RTIF) established by Ordinance No. 1031 as Amended and Codified in Title 3, Chapter 18 of the Los Banos Municipal Code

TYPE OF REPORT: Non Consent

Recommendation:

That the City Council receives the staff report and provides staff with direction. That direction could be one of the following:

1. Take no action which will result in, after Ordinance No. 1107 expires on March 22, 2014, the RTIF fee program being reinstated per Ordinance No. 1031 as amended and codified in Title 3, Chapter 18 of the Los Banos Municipal Code.
2. Request that staff present to Council an Ordinance that would continue the temporary suspension of the collection of Regional Transportation Impact Fees (RTIF) for a time period as outlined in the Ordinance and for designated land use categories. This Ordinance, if adopted, would go into effect 30 days after its final passage and adoption.
3. Provide further direction to staff.
4. Request additional information to staff.

Background:

The main purpose of a regional transportation impact fee is to help plan for and mitigate transportation impacts of future growth on the regional transportation system. Local

traffic impact fees are used to fund local improvements to mitigate cumulative impacts to local roadways caused by development. In theory, regional transportation impact fees build multi-jurisdictional transportation projects that benefit two or more communities.

Before a new transportation impact fee can be established, the California Mitigation Fee Act (AB 1600) requires cities or counties prepare “nexus” calculations, based on project cost estimates, land use projections, traffic modeling, and appropriate trip generation rates to make sure that the impact fee will primarily benefit new development. Based on the project and program nexus, such fees can either fund all, but sometimes only a proportionate share of the project needed to accommodate the new development. Fees cannot pay for more than the project costs, should not overlap (but can complement) existing impact fees and must provide credit for developers who actually construct all or a portion of the project for which that the fee is paid. Such fees can only be used for capital projects and not be used for operations and maintenance. Impact fees are required to have a 5-year capital improvement plan indicating the purpose and use of the fee. Therefore, impact fee programs can be used very effectively on project development activities (i.e. preliminary engineering, environmental studies or other early project phases such as acquisition of right-of-way and/or commitment as a local match for other funding to fund construction activities). Although some of the smaller projects can be entirely funded with traffic impact fees (if the project is entirely needed because of a new development area), regional transportation impact fees are best coordinated in a funding package with a variety of other local, regional, state and/or federal funds.

One of the main advantages of establishing the program is that most state and federal transportation programs are very competitive, and require at least 20% of the funding mix to come from local funding sources. Therefore, the RTIF would help make Merced County agencies’ applications more successful, particularly for securing our share of larger statewide interregional transportation funds and federal funds.

Background of Merced County RTIF:

On July 19, 2001, the MCAG Governing Board unanimously adopted the 2001 Regional Transportation Plan (RTP). The RTP documented the region’s population, housing, and economic growth and the need for transportation projects to ensure safety, relieve congestion, and maintenance for Merced County’s regional transportation system. In addition to listing and prioritizing the region’s transportation projects and programs, the plan’s Financial Element documented that the existing financial resources to fund these projects were inadequate. The RTP called for pursuing two new sources of funding, a local ½ cent sales tax dedicated solely to transportation projects and a regional transportation impact fee to mitigate future development impacts on the regional road system.

During the fall/winter of 2001-02, an amendment to the MCAG Joint Powers Agreement was submitted and approved by each city council and board of supervisors authorizing MCAG to administer a regional transportation impact fee program adopted by ordinance, resolution, or other appropriate action by each member agency.

This unanimous action by each member amended the MCAG JPA to allow MCAG to receive the fees from a *locally* adopted transportation fee program and implement transportation projects. Further, as a local program, it meant that a jurisdiction retains the individual authority to implement, change, and/or terminate the program.

Thereafter, a regional road network was defined, growth impacts modeled, and projects were identified that would mitigate resultant traffic congestion.

In July 2004, the MCAG Governing Board adopted the 2004 Regional Transportation Plan with a Financial Element that assumed funding resources would be available from Regional Transportation Impact Fee program. The 2004 Regional Transportation Impact Fee Study includes a project financial plan listing the multiple sources of funds that will be used to pay for the identified projects, a uniform mitigation fee, and the "fair-share" fee contributions from vehicle trips beginning or ending in each respective jurisdiction. At the January 20, 2005 MCAG Governing Board meeting, the RTIF Study was accepted and the RTIF Model Ordinance and RTIF Implementation Agreement were transmitted to the City of Los Banos for consideration and action.

On April 29, 2005 the Los Banos City Council considered the RTIF Implementation Agreement and the Model RTIF Ordinance and unanimously approved both.

Approval of the RTIF Implementation Agreement. The RTIF Implementation Agreement amended the MCAG Joint Powers Agreement to permit MCAG to deliver the transportation projects identified in the program. Approval of the RTIF Implementation Agreement does not commit the City to adopt the fee program.

Adoption of the RTIF Ordinance. This action enacted the regional transportation impact fee. To implement the regional transportation impact fee and start to collect the fee, five member jurisdictions needed to adopt the program by ordinance or resolution including the Merced County Board of Supervisors and a majority of the cities with a majority of the population.

Effective August 1, 2005, the cities of Atwater, Dos Palos, Los Banos, Merced, and the County of Merced began collecting RTIF fees through their local permitting process. The City of Gustine began collecting the fee effective August 22, 2005. The City of Livingston has not adopted an ordinance or resolution to implement the RTIF program fee collection.

In August of 2008, the City Council adopted a Resolution approving the implementation of the updated RTIF study. On April 15, 2009, the City Council adopted Ordinance No. 1086 that established new non-residential RTIF fees, per the approved updated RTIF study.

The Fee Program

The current RTIF fees that were adopted per Ordinance No. 1086 are:

The amount of the fee assessed to a particular project is dependent upon the land use category of the specific project based upon the *Trip Generation Rate* published by the Institute of Transportation Engineers (ITE) as follows:

- “*Residential/Single Family*” = Single-family detached homes on individual lots.
- “*Residential/Multiple Family*” = Two- and multiple-family dwelling units, including apartments, condominiums, and mobile homes in mobile home parks.
- “*Retail Commercial, General*” = Retail uses, including but not limited to, discount stores, nurseries, automobile sales and service, supermarkets, drugstores, stores selling electronics, toys, apparel, etc., video rentals, and other similar uses.
- “*Commercial/High Turnover*” = Sit-down and fast food restaurants with or without drive-up windows, drinking establishments, convenience markets, gas stations, quick lubes, and banks (walk-in and drive-through).
- “*Commercial/Low Turnover*” = Specialty retail or strip centers, factory outlets, tire stores, home improvement stores, furniture stores, and other similar uses.
- “*Commercial/Greater Than 50,000 Square Feet*” = Shopping centers and commercial uses defined above with more than 50,000 square feet of floor area.
- “*Office/Commercial*” = Professional offices, business parks, business or administrative offices, insurance/financial/real estate services, research & development, medical or dental services, government offices, and similar uses.
- “*Industrial/Agricultural Processing*” = Light and heavy industrial uses, including but not limited to: manufacturing, assembly, bottling, printing, cabinet/machine shop, wholesale business, warehouses, corporation yards, moving/storage services, utilities, lumberyards, canneries, and agricultural food processing.

Adoption of Ordinance No. 1105

The Los Banos City Council, on February 1, 2012, adopted Ordinance No. 1105 which temporarily suspended the collection of Regional Transportation Impact Fees (RTIF) for a period of twelve months from the effective date of the Ordinance for the following land use categories:

Retail commercial, general
Retail commercial, high turnover
Retail commercial, low turnover
Retail commercial, over 50,000 sq. ft.
Office commercial
Industrial/Ag processing

Ordinance No. 1105 expired on March 2, 2013.

Adoption of Ordinance No. 1107

The Los Banos City Council, on February 20, 2013, adopted Ordinance No. 1107 which extended the temporary suspension of the collection of Regional Transportation Impact Fees (RTIF) for a period of twelve months from the effective date of the Ordinance for the following land use categories:

Retail commercial, general
Retail commercial, high turnover
Retail commercial, low turnover
Retail commercial, over 50,000 sq. ft.
Office commercial
Industrial/Ag processing

Discussion:

Ordinance No. 1107, which temporarily suspended the collection of RTIF fees for twelve months in six land use categories will expire on March 22, 2014. Staff is seeking Council direction on the future status of the RTIF program.

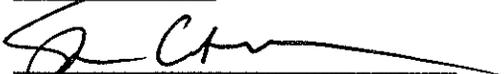
Some of the alternatives would be:

- 1) Take no action and the RTIF program will revert to its format before Ordinance No. 1105 and Ordinance No. 1107 were adopted, with no fee suspension, after March 22, 2014.
- 2) Have staff present to Council a new Ordinance stating a RTIF fee suspension time period and the land use categories that will be suspended. This Ordinance, if adopted, would go into effect 30 days after the Council adopts it.
- 3) Provide further direction to staff.
- 4) Request additional information to staff.

Fiscal Impact:

Since the development impact fees pay for planned infrastructure, the result of this fee suspension would be a decrease in the amount of planned regional transportation infrastructure that can be funded by the Regional Transportation Impact Fee (RTIF) program. The magnitude of the impact to the RTIF would largely be dependent on the pace of development during the fee suspension period.

Reviewed by:



Steve Carrigan, City Manager

Attachment:

Ordinance No. 1107

ORDINANCE NO. 1107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS EXTENDING THE TEMPORARY SUSPENSION OF THE COLLECTION OF REGIONAL TRANSPORTATION IMPACT FEES ESTABLISHED BY ORDINANCE NO. 1031 AS AMENDED AND CODIFIED IN TITLE 3 CHAPTER 18 OF THE LOS BANOS MUNICIPAL CODE

WHEREAS, Development Impact Fees are levied on new development to cover the cost of infrastructure or facilities necessitated by that development pursuant to the Mitigation Fee Act; and

WHEREAS, on May 4, 2005, the Los Banos City Council adopted Ordinance No. 1031 establishing a Regional Transportation Impact Fee – RTIF; and

WHEREAS, since the adoption of Ordinance No. 1031 the City of Los Banos and the rest of Merced County have experienced an economic recession that has impacted new development in the City of Los Banos; and

WHEREAS, on February 1, 2012, the Los Banos City Council adopted Ordinance No. 1105 temporarily suspending the collection of fees charged pursuant to Title 3 Chapter 18 of the Los Banos Municipal Code (Regional Transportation Impact Fee – RTIF) for specified land use categories for a period of twelve months from the effective date of the Ordinance:

WHEREAS, Ordinance No. 1105 will expire on March 2, 2013; and

WHEREAS, the City Council believes that the temporary suspension has had a positive impact on the resumption of new development in the City of Los Banos; and

WHEREAS, the City Council believes that a resumption of development is vital to the continuing well being of the community and to the community's recovery from the recession; and

WHEREAS, the City Council believes that an extension of the temporary suspension of the Regional Transportation Impact Fee for the specified land use categories will have a positive impact on the community and new development; and

WHEREAS, the Ordinance is exempt from the provisions of CEQA, in that it is not a project under CEQA pursuant to subdivision (b) (4) of section 15378 of CEQA Guidelines, Title 14 of the California Code of Regulations.

NOW THEREFORE, the City Council of the City of Los Banos does hereby ordain as follows:

1. Recitals: The above stated recitals are true and correct.
2. Temporary Suspension of Regional Transportation Impact Fee: The collection of fees charged pursuant to Title 3 Chapter 18 of the Los Banos Municipal Code (Regional Transportation Impact Fee – RTIF) for the following land use categories is temporarily suspended for a period of twelve months from the effective date of this Ordinance:

Retail commercial, general
Retail commercial, high turnover
Retail commercial, low turnover
Retail commercial, over 50,000 sq. ft.
Office commercial
Industrial/Ag processing

3. Relationship to Prior Ordinances: This Ordinance does not repeal Ordinance No. 1031 as amended by Ordinance No. 1073 and Ordinance No. 1086, amend the rates set forth by said prior Ordinances, alter any finding by said prior Ordinances, or otherwise affect the operation of said prior Ordinances except as specifically set forth herein.
4. Effect: No provision of this Ordinance shall entitle any person who has already paid Regional Transportation Impact Fees to receive a refund, credit or reimbursement of such payment.
5. Expiration: As of twelve months from the effective date of this Ordinance, this Ordinance is repealed without further action by the City Council, unless the City Council repeals or amends this Ordinance prior to that date.
6. CEQA: The City Council finds that the Ordinance is exempt from the provisions of CEQA, in that it is not a project under CEQA pursuant to subdivision (b) (4) of section 15378 of CEQA Guidelines, Title 14 of the California Code of Regulations, because this Ordinance only relates to a governmental funding mechanism, or fiscal activities, which do not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment.
7. Severability: If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof.
8. Effective Date: This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

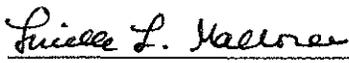
THE FOREGOING ORDINANCE was introduced at a regular meeting of the Los Banos City Council on the 6th day of February 2013 and was adopted at a regular meeting of the Los Banos City Council on the 20th day of February 2013 by the following vote:

AYES: Council Members Faria, Lewis, Silveira, Mayor Villalta
 NOES: Council Members Stonegrove
 ABSENT: None

APPROVED:


 Michael Villalta, Mayor

ATTEST:


 Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer

DATE: January 15, 2014

SUBJECT: Presentation regarding Public Works Capital Projects

TYPE OF REPORT: Informational Item

Recommendation:

Informational item only, no action to be taken.

Discussion:

There will be a presentation regarding the Public Works Capital Projects.

Attached is a copy of the power point.

Reviewed by:

Steve Carrigan, City Manager

Attachment:

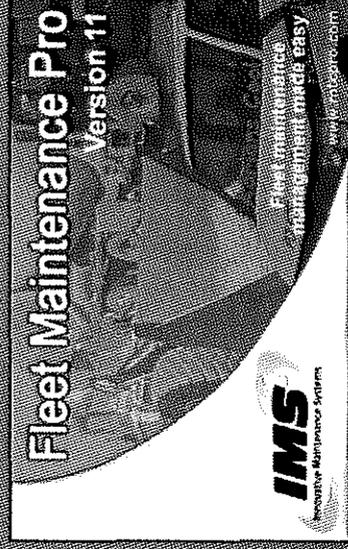
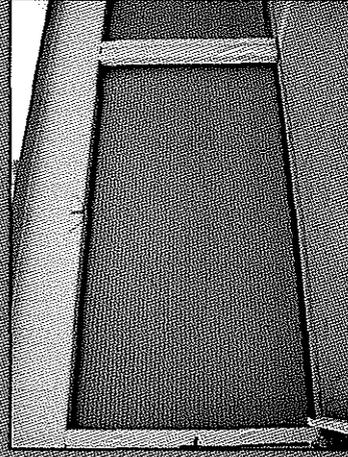
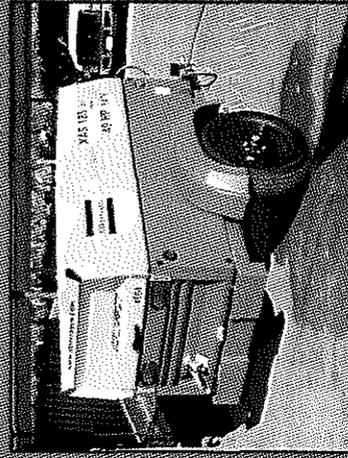
Power Point Presentation

**Public Works
Infrastructure
Capital
Improvements**

Equipment Improvements

Received and in Service:

- Two Utility Trucks
- Rotary Mower
- Portable Air Compressor
- Steel Rollup Door
- Fleet Software Program



Equipment Improvements

Ordered:

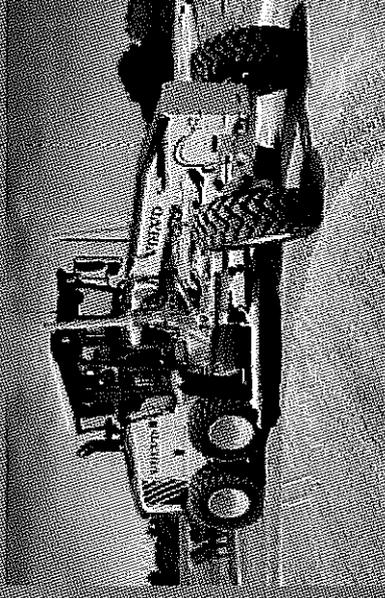
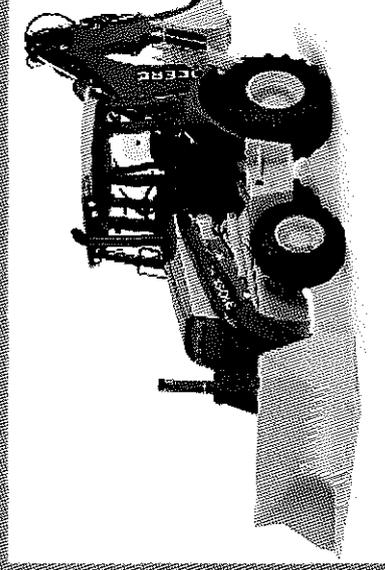
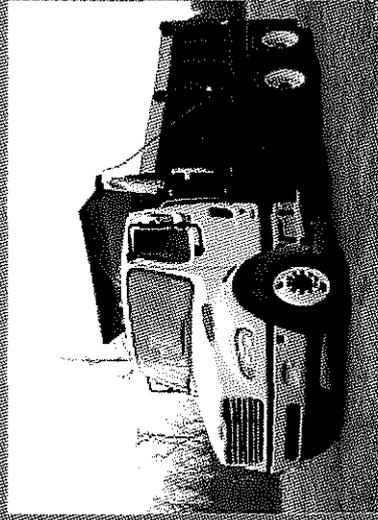
- Combination Sewer Truck



Equipment Improvements

Pending Award:

- Dump Truck (CMAQ grant with 11.47% matching funds)
- Two Backhoes (CMAQ grant with 11.47% matching funds)
- Motor Grader (CMAQ grant 100% reimbursable)



Equipment Improvements

Pending Budget Amendment:

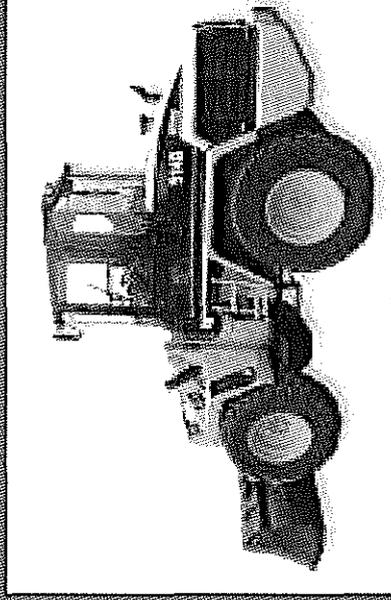
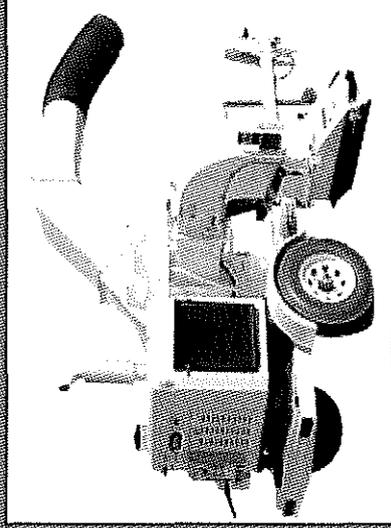
- Five Electric Vehicles – SJVAPCD Grant
(San Joaquin Valley Air Pollution Control District)



Equipment Improvements

Re-Bid:

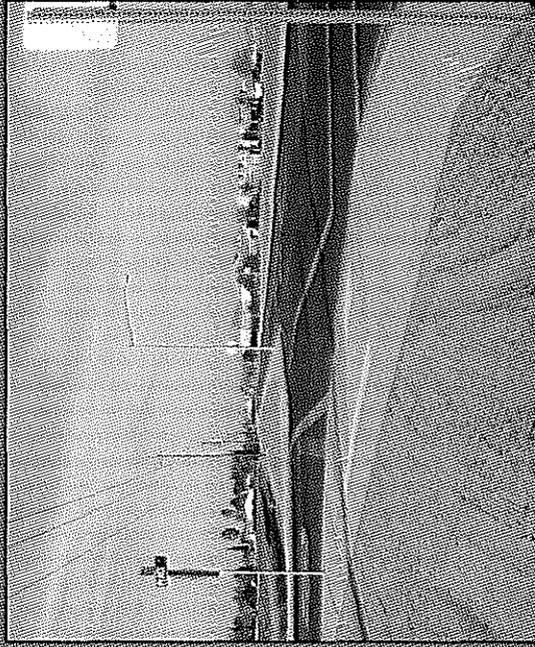
- Trailer Mounted Leaf Machine
- Front End Loader (CMAQ grant 100% reimbursable)



Infrastructure Improvements

Completed Projects:

- B Street Sidewalks (CMAQ grant 11.47 % Matching Funds)
- Radar Speed Signs (SRTS grant 100% reimbursable)

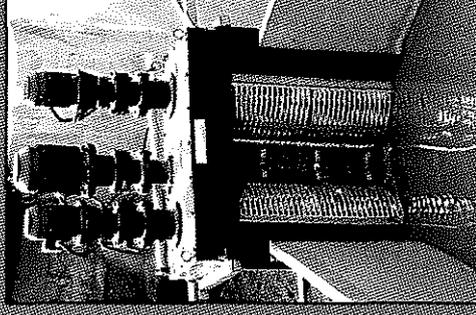


Infrastructure Improvements

Waste Water Treatment Plant

Completed Projects:

- Replace Channel Monster



Future Projects:

- Recirculation Pump
- Ground Water Study
- Improve Irrigation Well



Infrastructure Improvements

Solid Waste

Old Landfill Closure

Clean Closure Date → January 16, 2018



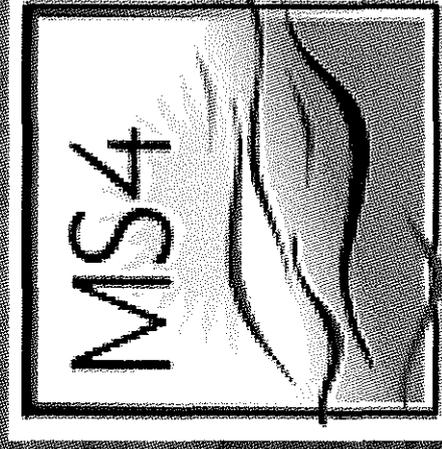
Infrastructure Improvements

Collections

Municipal Separate Storm Sewer System

5 year permit with annual Best Management Practices (BMP)

Average reporting costs above current level is \$45,000 / year



Infrastructure Improvements

Collections Projects in Pre-Design Phase

- J St – East of Linda Vista
- Place Rd – South of Hwy 152
- Pacheco Blvd – Nickel St to Place Rd
- Jo Lyn Lift Station – Canal Farm Lane
- L St – Delaware St to Idaho St

Infrastructure Improvements

Water

- Paint Water Tank on Ward Road



Infrastructure Improvements

New Drinking Water Regulation for Chromium 6

- August 22, 2013 – California Department of Public Health (CDPH) proposed a new Chromium 6 regulation of 10 parts per billion (ppb)
- Current CDPH standard – total Chromium level of 50 ppb
- City wells average 20-40 ppb
- By April/June the new standard is scheduled to be adopted

Infrastructure Improvements

New Drinking Water Regulation for Chromium 6

Timeline

- Aug. 22, 2013 – CDPH proposes 10 ppb regulation
- Sept. 12, 2013 – Provost & Pritchard hired as consultant
- Oct. 3, 2013 – Meeting with Assemblyman Adam Gray
and staff to discuss impact of standard
- Oct. 24, 2013 – Evaluation report completed

Infrastructure Improvements

New Drinking Water Regulation for Chromium 6

Timeline Continued

Oct. 31, 2013 – Meeting with Assemblyman Adam Gray and staff to review evaluation report

Dec. 5, 2013 – Meeting with Adam Gray's staff, California Department of Public Health, California Regional Water Quality Control Board, and consultant

Jan. 13, 2014 – Meeting with California Department of Public Health District Engineer and staff to review possible action plans

Infrastructure Improvements

New Drinking Water Regulation for Chromium 6

Future Action Items

Pilot testing of City's wells to determine best treatment options

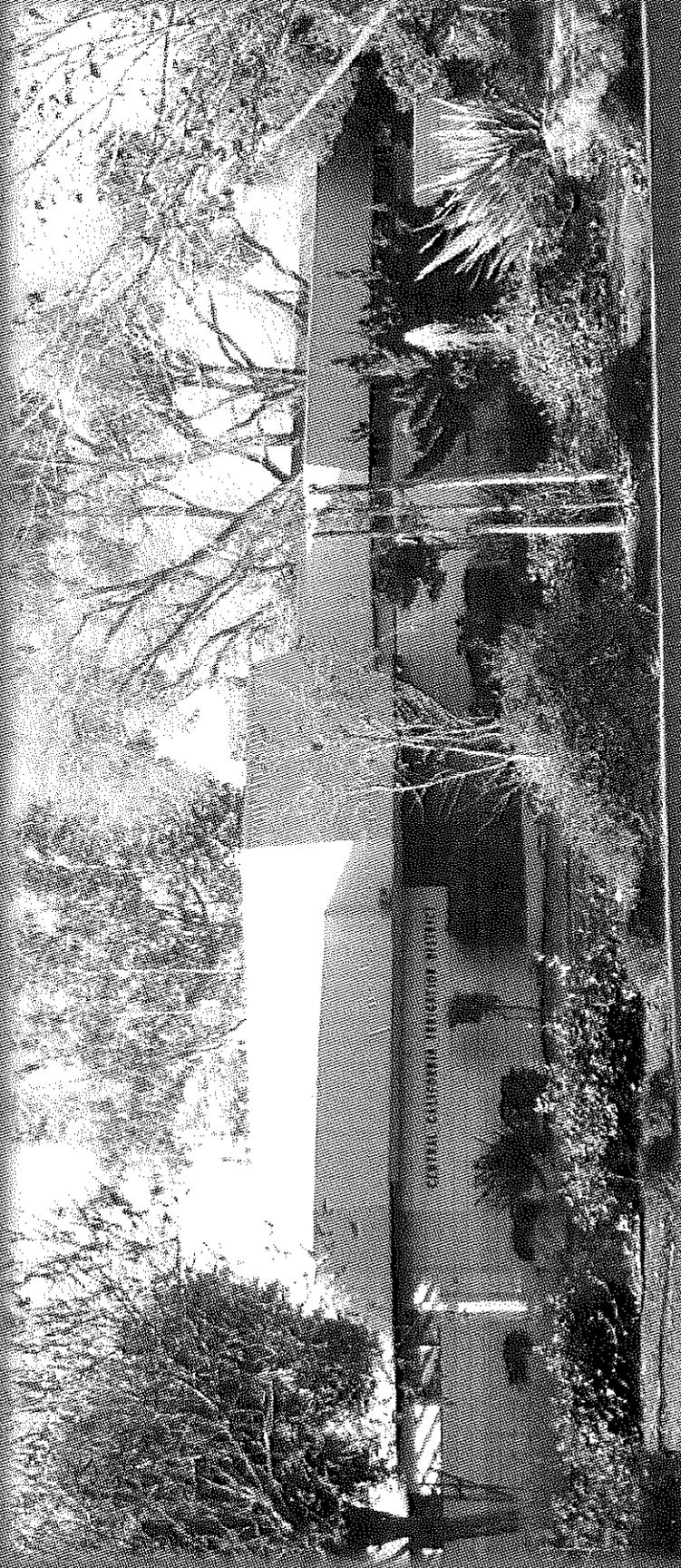
Research future surface water source and plant

Make operational and capital improvement recommendations to address impact of regulation

Infrastructure Improvements

Cost Sharing Projects -with City & Local Agencies

Groundwater Recharge Project



Infrastructure Improvements

Cost Sharing Projects -with City & Local Agencies

Grasslands Improvements



Infrastructure Improvements

Water Projects in Pre-Design Phase

- L St – West I St to 4th St
- M St – Maryland Ave to Iowa Ave
- Santa Rita St – G St to Romero St
- New Well 16

Infrastructure Improvements

Future Airport Work

- Asphalt rehabilitation of runway & taxiway
- Fiscal year 2015-2016
- Cost estimate 1.65 million



Summary





City of
Los Banos

At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: January 10, 2014

Regarding: Notice of Public Hearing

Proposal: Use Permit #2014-01 – Home Occupation Business License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Use Permit to allow the operation of a Home Occupation Business License with employees for Felipe Heredia, dba: Heredia Artificial Insemination Services. The subject property is located at 2501 S. Fallbrook Drive, more specifically described as Assessor's Parcel Number: 084-315-001.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 22, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner



City of Los Banos

At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: January 10, 2014

Regarding: Notice of Public Hearing

Proposal: Use Permit #2014-02 – McDonalds Signage

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Use Permit for an increase in maximum display area for one free standing sign for McDonalds. The requested Use Permit is located at 1550 W. Pacheco Blvd., more specifically described as Assessor's Parcel Number: 081-140-039.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, January 22, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

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THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner