



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

MARCH 19, 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. PRESENTATION – PROCLAMATION RECOGNIZING LOS BANOS ELKS LODGE 2510 VETERANS POW – MIA MEMORIAL.

6. 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.)

7. 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 #146230 – #146476 in the Amount of \$813,920.69.
Recommendation: Approve the check register as submitted.

 - B. Minutes for the Adjourned City Council Meeting of March 4, 2014.
Recommendation: Approve the minutes as submitted.

 - C. Measure P Oversight Committee Report.
Recommendation: Accept the report as submitted.

 - D. Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 12, 2014 from 5:30 a.m. – 4:00 p.m. in the Downtown Area to Close 6th Street from K Street to H Street and to close J Street between 5th and 6th Street, with the streets at 7th & K, 7th and J Street, 7th and I Street, 5th and I Street blocked off to Vehicle Traffic of and to Allow Vendors to be Set Up in the Center of Each Street.
Recommendation: Approve the street closure request as submitted.

 - E. Rejection of Claim – Tan Lam & Tieng Truong.
Recommendation: Rejection of claim with referral to claims adjustor.

 - F. City Council Resolution No. 5563 – Awarding the Bid for the Purchase of One (1) New 2014 Model Trailer Mounted Leaf Machine and Authorizing the Public Works Director/City Engineer to Issue the Purchase Order in the Amount of \$30,988.44 to Nixon-Egli Equipment Co.
Recommendation: Adopt the resolution as submitted.

8. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5564 – APPROVING A TENTATIVE AGREEMENT / MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LOS BANOS AND THE LOS BANOS POLICE OFFICERS ASSOCIATION.
Recommendation: Adopt the resolution as submitted.

9. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5565 – APPROVING A TENTATIVE AGREEMENT / MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LOS BANOS AND THE LOS BANOS POLICE SERGEANTS ASSOCIATION.

Recommendation: Adopt the resolution as submitted.

10. CENTRAL CALIFORNIA IRRIGATION DISTRICT (CCID) PRESENTATION ON WATER ISSUES RELATIVE TO THE CITY OF LOS BANOS.

Recommendation: Informational item, no action to be taken.

11. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)

- A. Public Hearing – To Receive Public Comment and Consideration of an Urgency Ordinance of the City of Los Banos Temporarily Changing the Irrigation Restriction Beginning Date for 2014 to March 20, 2014 as Established by Ordinance No. 1090.

- 1) Ordinance No. 1118 – An Uncodified Urgency Ordinance of the City Council of the City of Los Banos Amending Title 10 Chapter 2 of the Los Banos Municipal Code Regarding Scheduling of Landscape Irrigation.

Recommendation: Receive staff report, open public hearing, close the public hearing, waive the reading, and adopt the ordinance as submitted.

12. CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5566 – ADOPTING A REVISED BUDGET FOR THE 2013-2014 FISCAL YEAR AS IT PERTAINS TO REVENUES AND EXPENDITURES AND AMENDING DIVISION 4, SALARY SCHEDULE – EMPLOYEE CLASSIFICATIONS RELATING TO CHANGES TO SECTION A – ADMINISTRATION & PART TIME CLASSIFICATION.

Recommendation: Receive staff report and adopt the resolution as submitted.

13. PRESENTATION REGARDING DROUGHT AWARENESS.

Recommendation: Informational item, no action to be taken.

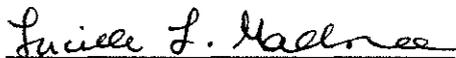
14. COUNCIL MEMBER AGENDA REQUESTS. (To see if there is a majority consensus to have staff expend time on the issue and to hear it at a future meeting.)

- A. Request from Mayor Pro Tem Lewis to Discuss an Ordinance Amendment to Allow Council Members to Appeal Planning Commission Decisions without Payment of Filing Fee.

Recommendation: Direction from the City Council on how to proceed.

15. ADVISEMENT OF PUBLIC NOTICES. (Three Reports)
16. CITY MANAGER REPORT.
17. CITY COUNCIL MEMBER REPORTS.
 - A. Scott Silveira
 - B. Elizabeth Stonegrove
 - C. Tom Faria
 - D. Deborah Lewis
 - E. Mayor Mike Villalta
18. CLOSED SESSION.
 - A. Public Employee Performance Evaluation, Pursuant to Government Code Section 54957, Title: City Manager.
19. ADJOURNMENT.

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 13th day of March 2014



City of
Los Banos
At the Crossroads of California

**PROCLAMATION RECOGNIZING
LOS BANOS ELKS LODGE 2510
VETERANS POW-MIA MEMORIAL**

WHEREAS, the Elks organization was founded in New York City on February 16, 1868 to promote and practice the four cardinal virtues of charity, justice, brotherly love and fidelity; to promote the welfare and enhance the happiness of its members; to quicken the spirit of American patriotism and cultivate good fellowship; and

WHEREAS, Los Banos Elks Lodge 2510 was instituted on March 15, 1975; and

WHEREAS, members of the Los Banos Elks Lodge decided several years ago to construct a memorial to honor the Americans who have sacrificed and endured their captivity for their allegiance to our land and ideals. Dignity, valor and faith shown by these true Americans remind us of the love and allegiance we owe our defenders and this great nation; and

WHEREAS, the long awaited production of the monument came to fruition, and the dedication ceremony for the unveiling of the memorial took place on Saturday, February 15, 2014 at the Elks Lodge.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and City Council Members of the City of Los Banos do hereby recognize and commend the Los Banos Elks Lodge 2510 for honoring our veterans and service men and women who were missing in action or became prisoners of war.

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the City of Los Banos, this 19th day of March 2014.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CK #146230- #146476 03/19/14 \$813,920.69

Bank Reconciliation

Checks By Date



City of
Los Banos
At the Crossroads of California

03/13/2014 - 9:52 AM

User: jdemelo

Cleared and Not Cleared Checks

Check No	Check Date	Name	Comment	ModuleVoid	Clear Date	Amount
146230	02/28/2014	Alhambra		AP		19.62
146231	02/28/2014	ABS Direct, Inc.		AP		5,000.00
146232	02/28/2014	Alert-O-Lite, Inc.		AP		244.76
146233	02/28/2014	Altec Industries Inc		AP		85.54
146234	02/28/2014	Ameripride Valley Uniform Serv		AP		142.08
146235	02/28/2014	Anthony Gomes Electric Service		AP		1,209.85
146236	02/28/2014	Aramark Uniform Ser Inc		AP		567.73
146237	02/28/2014	AT&T		AP		564.53
146238	02/28/2014	A Touch of Glamour		AP		15.60
146239	02/28/2014	Manco Abbott, Inc.		AP		52.00
146240	02/28/2014	Real Home Services & Solutions		AP		26.20
146241	02/28/2014	Baker Supplies & Repair		AP		63.72
146242	02/28/2014	Barton Overhead Door Inc		AP		1,200.00
146243	02/28/2014	BJ's Consumers Choice		AP		260.00
146244	02/28/2014	BlueTarp Financial, Inc.		AP		945.18
146245	02/28/2014	Bollinger		AP		300.00
146246	02/28/2014	Brinks Inc.		AP		538.59
146247	02/28/2014	BSK Analytical Laboratories		AP		1,910.00
146248	02/28/2014	California Dairies Inc		AP		202.84
146249	02/28/2014	Cal Traffic		AP		821.75
146250	02/28/2014	Steve Carrigan		AP		323.68
146251	02/28/2014	Cit Technology Fin Serv, Inc.		AP		710.36
146252	02/28/2014	Susan C. Covello		AP		80.00
146253	02/28/2014	Central Concrete		AP		96.93
146254	02/28/2014	Clark Pest Control Inc		AP		142.10
146255	02/28/2014	Comcast		AP		191.30
146256	02/28/2014	Comcast		AP		420.00
146257	02/28/2014	Cook's Communications Corp.		AP		139.08
146258	02/28/2014	CSG Consultants Inc.		AP		9,750.39
146259	02/28/2014	CSMFO		AP		75.00
146260	02/28/2014	Does Towing & Transport, Inc.		AP		225.00
146261	02/28/2014	Darrell Mello		AP		75.00
146262	02/28/2014	Dutra's		AP		388.13
146263	02/28/2014	F S Rod Inc		AP		1,774.64
146264	02/28/2014	Fastenal Company		AP		260.58
146265	02/28/2014	Ford Motor Credit Company LLC		AP		4,420.32
146266	02/28/2014	Tiffany Leanne Basuil Garcia		AP		177.00
146267	02/28/2014	Darrall Gargano		AP		412.80
146268	02/28/2014	Girl Scouts		AP		48.00
146269	02/28/2014	Grainger Parts Operations		AP		160.44
146270	02/28/2014	Violet E. Garcia		AP		450.00
146271	02/28/2014	Halo Branded Solutions Inc.		AP		272.53
146272	02/28/2014	Holt of California		AP		1,680.64
146273	02/28/2014	Home Depot		AP		4,364.20
146274	02/28/2014	Liebert Cassidy Whitmore		AP		2,000.00
146275	02/28/2014	The Lighthouse, Inc.		AP		1,510.08
146276	02/28/2014	Litigation Services & Technolo		AP		2,975.00
146277	02/28/2014	Los Banos Express Oil & Lube		AP		34.95
146278	02/28/2014	Los Banos Volunteer		AP		2,000.00
146279	02/28/2014	Los Banos Ministries		AP		200.00

Check No	Check Date	Name	Comment	Module Void	Clear Date	Amount
146280	02/28/2014	Los Banos Unified School Distr		AP		140.40
146281	02/28/2014	Los Banos Vet Clinic		AP		1,662.00
146282	02/28/2014	Los Banos Vet Clinic		AP		823.95
146283	02/28/2014	Steve Macillas		AP		105.00
146284	02/28/2014	Marfab Inc		AP		189.04
146285	02/28/2014	Merced Chevrolet Inc.		AP		251.27
146286	02/28/2014	Merced County Elections Depart		AP		18,735.22
146287	02/28/2014	Merced County Environmental He		AP		928.75
146288	02/28/2014	Merced County Regional Waste M		AP		4,101.29
146289	02/28/2014	Merced County Regional Waste M		AP		63,451.59
146290	02/28/2014	Merced County Regional Waste M		AP		2,121.11
146291	02/28/2014	Merced Sun Star		AP		26.00
146292	02/28/2014	Merced Uniform & Accessories		AP		612.81
146293	02/28/2014	Morning Star Company		AP		500.00
146294	02/28/2014	Napa Auto Parts		AP		16.03
146295	02/28/2014	Norcal Rental Group, LLC		AP		127.65
146296	02/28/2014	Gerald "Obie" O'Brien		AP		77.14
146297	02/28/2014	The Office City		AP		173.14
146298	02/28/2014	OSE		AP		504.94
146299	02/28/2014	Omega Industrial Supply Inc.		AP		820.28
146300	02/28/2014	Rocio Ortiz		AP		500.00
146301	02/28/2014	P G & E Company		AP		83,845.46
146302	02/28/2014	P G & E Company		AP		3,434.10
146303	02/28/2014	Pacheco High School Varsity Bo		AP		500.00
146304	02/28/2014	Pacheco High School Varsity Gir		AP		500.00
146305	02/28/2014	Evelyn Pereira		AP		28.03
146306	02/28/2014	PERS - Public Employees		AP		111,388.65
146307	02/28/2014	Provost and Pritchard Engineer		AP		6,091.51
146308	02/28/2014	Scott Savage		AP		712.50
146309	02/28/2014	Save Mart Supermarkets		AP		229.31
146310	02/28/2014	Seasons & Reasons, Llc		AP		3,270.00
146311	02/28/2014	Sherwin Williams Co		AP		100.37
146312	02/28/2014	Sierra Chemical Co		AP		3,263.84
146313	02/28/2014	Sign Solutions		AP		89.10
146314	02/28/2014	Silicon Constellations, Inc.		AP		4,785.66
146315	02/28/2014	Sky Blue Mobile Glass, LLC		AP		172.71
146316	02/28/2014	Snap On Tools		AP		200.99
146317	02/28/2014	Sol's Mobile Service		AP		2,601.80
146318	02/28/2014	SC Fuels		AP		2,543.91
146319	02/28/2014	Sorensens True Value		AP		623.88
146320	02/28/2014	Staples Credit Plan		AP		52.13
146321	02/28/2014	Triangle Rock Products		AP		642.60
146322	02/28/2014	Tulare Firestone		AP		1,626.20
146323	02/28/2014	U.S. Bank Equipment Finance		AP		1,373.69
146324	02/28/2014	U.S. Bank Equipment Finance		AP		564.19
146325	02/28/2014	Credit Bureau Associates		AP		25.26
146326	02/28/2014	Chandra Rodriguez		AP		71.94
146327	02/28/2014	Maria & Manuel Silveira		AP		95.71
146328	02/28/2014	Home Sweet Home Property Mana		AP		43.30
146329	02/28/2014	Xunxiang Du		AP		43.29
146330	02/28/2014	Matthew and Noelle Moitoza		AP		25.26
146331	02/28/2014	McElvany Inc		AP		76.81
146332	02/28/2014	Anita Martinez		AP		22.68
146333	02/28/2014	Ulises Perez		AP		19.03
146334	02/28/2014	Yvonne Martinez		AP		20.10
146335	02/28/2014	Law Offices of William A Vaugh		AP		9,000.00
146336	02/28/2014	Verizon Wireless		AP		1,000.11
146337	02/28/2014	Westamerica Bank - Cafeteria P		AP		52,336.45
146338	02/28/2014	Westside Water Conditioning		AP		126.00
146339	02/28/2014	Jennifer Williams		AP		897.50
146340	02/28/2014	Windecker Inc		AP		865.42
146341	02/28/2014	Young's Air Conditioning		AP		3,081.02

Check No	Check Date	Name	Comment	Module Void	Clear Date	Amount
146342	02/28/2014	Young's Automotive		AP		341.90
146343	02/28/2014	Emi Zako		AP		15.00
146366	03/04/2014	Aflac-Customer Service		AP		161.32
146367	03/04/2014	Aflac-Customer Service		AP		158.15
146368	03/04/2014	Aflac-Customer Service		AP		41.26
146369	03/04/2014	Aflac-Customer Service		AP		92.34
146370	03/04/2014	Bank of America		AP		81,501.36
146371	03/04/2014	Bank of America		AP		2,423.59
146372	03/04/2014	Bank of America		AP		10,079.73
146373	03/04/2014	Hartford Life Ins Co		AP		1,249.37
146374	03/04/2014	Hartford Life Ins Co		AP		4,670.00
146375	03/04/2014	In Shape Health Clubs Inc		AP		336.00
146376	03/04/2014	Los Banos Police Assn		AP		1,950.00
146377	03/04/2014	Nationwide Retiremt Solut		AP		1,265.00
146378	03/04/2014	PERS Long Term Care		AP		88.45
146379	03/04/2014	Professional Fire Fighter		AP		630.00
146380	03/04/2014	State Disbursement Unit		AP		1,895.00
146381	03/04/2014	Vantagepont Transfer Agents -		AP		105.00
146382	03/04/2014	Vantagepoint Transfer Agents -		AP		25.00
146383	03/04/2014	Vantagepoint Transfer Agents -		AP		1,075.00
146384	03/04/2014	Westamerica Bank - Cafeteria P		AP		219,778.50
146387	03/07/2014	ABS Direct, Inc.		AP		1,262.54
146388	03/07/2014	Ameripride Valley Uniform Serv		AP		284.16
146389	03/07/2014	Anthony Gomes Electric Service		AP		527.00
146390	03/07/2014	Aramark Uniform Ser Inc		AP		81.62
146391	03/07/2014	AT&T		AP		358.63
146392	03/07/2014	AT&T		AP		628.98
146393	03/07/2014	Backflow Apparatus & Valve Co.		AP		912.28
146394	03/07/2014	Baker Supplies & Repair		AP		141.13
146395	03/07/2014	Battery Systems, Inc.		AP		284.54
146396	03/07/2014	BJ's Consumers Choice		AP		68.00
146397	03/07/2014	Board of Equalization		AP		1,167.00
146398	03/07/2014	Bonander Pontiac, Inc.		AP		2,557.70
146399	03/07/2014	Borelli Real Estate Service, I		AP		90.00
146400	03/07/2014	Bruce's Tire Inc		AP		5,535.53
146401	03/07/2014	BSK Analytical Laboratories		AP		1,110.00
146402	03/07/2014	Central Sanitary Supply		AP		100.49
146403	03/07/2014	Comcast		AP		2.13
146404	03/07/2014	City of Los Banos Escrow Accou		AP		3,699.31
146405	03/07/2014	Custom Locksmith & Alarm Inc.		AP		466.05
146406	03/07/2014	Lupe Castro		AP		350.00
146407	03/07/2014	Robert Downey		AP		140.00
146408	03/07/2014	Electrical Distributors Co.		AP		14.91
146409	03/07/2014	William Reeder		AP		562.50
146410	03/07/2014	William Reeder		AP		505.00
146411	03/07/2014	Galls Inc		AP		91.80
146412	03/07/2014	Greenwood Chevrolet		AP		209.38
146413	03/07/2014	Heppner Precision Machine		AP		47.48
146414	03/07/2014	Hi Tech Emergency Vehicle Serv		AP		11,851.45
146415	03/07/2014	Ingraham Trophies & Gifts Inc.		AP		148.10
146416	03/07/2014	Lotz Calvin		AP		127.70
146417	03/07/2014	JB Anderson Land Use Planning		AP		842.00
146418	03/07/2014	Knox Associates, Inc.		AP		811.08
146419	03/07/2014	Los Banos Express Oil & Lube		AP		34.95
146420	03/07/2014	Los Banos Enterprise		AP		58.00
146421	03/07/2014	Marfab Inc		AP		27.36
146422	03/07/2014	Matson Alarm Co Inc		AP		180.00
146423	03/07/2014	Maze & Associates		AP		430.00
146424	03/07/2014	Merced Hesston Inc		AP		139.28
146425	03/07/2014	Merced Sun Star		AP		23.00
146426	03/07/2014	Iris Cornejo Martinez		AP		500.00
146427	03/07/2014	Merced County Office of Educat		AP		500.00

Check No	Check Date	Name	Comment	Module Void	Clear Date	Amount
146428	03/07/2014	Napa Auto Parts		AP		281.29
146429	03/07/2014	Normac Inc		AP		86.51
146430	03/07/2014	Michael O'Brien		AP		75.00
146431	03/07/2014	The Office City		AP		305.79
146432	03/07/2014	OSE		AP		365.35
146433	03/07/2014	Jesus Parras		AP		6.41
146434	03/07/2014	Radio Shack Accounts Rec		AP		16.19
146435	03/07/2014	Santos Ford Lincoln Mercury, I		AP		317.40
146436	03/07/2014	Sharpening Shop		AP		58.52
146437	03/07/2014	Sherwin Williams Co		AP		80.03
146438	03/07/2014	Sign Solutions		AP		97.20
146439	03/07/2014	Sorensens True Value		AP		610.54
146440	03/07/2014	Unique Glass		AP		30.78
146441	03/07/2014	Urban Restoration Group US Inc		AP		445.70
146442	03/07/2014	Randy Crist		AP		52.73
146443	03/07/2014	Chunying Bai		AP		25.26
146444	03/07/2014	Granite Ranch Opportunities LL		AP		218.18
146445	03/07/2014	Westhill Property Mgmt		AP		40.71
146446	03/07/2014	Westhill Property Mgmt		AP		4.64
146447	03/07/2014	Westhill Property Mgmt		AP		4.64
146448	03/07/2014	Westhill Property Mgmt		AP		74.23
146449	03/07/2014	Ardis Hines		AP		69.08
146450	03/07/2014	Home Sweet Home Property Mana		AP		58.76
146451	03/07/2014	Home Sweet Home Property Mana		AP		71.65
146452	03/07/2014	Ana & Manuel Bettencourt		AP		44.46
146453	03/07/2014	Irineo and Juanita Naranjo		AP		40.72
146454	03/07/2014	Elba & Luis Sanchez		AP		43.30
146455	03/07/2014	Lourdes Moreno		AP		28.07
146456	03/07/2014	Carlos and Ana Torres		AP		32.98
146457	03/07/2014	Danny Fimbrez, Jr		AP		12.38
146458	03/07/2014	Westhill Real Estate - Dos Pal		AP		30.41
146459	03/07/2014	Tianzong Ma		AP		8.51
146460	03/07/2014	Guadalupe Hernandez		AP		43.30
146461	03/07/2014	Jason or Bobbie Browne		AP		13.94
146462	03/07/2014	Charlie Adams		AP		48.45
146463	03/07/2014	Bill Martin		AP		64.70
146464	03/07/2014	Diego Martinez		AP		9.79
146465	03/07/2014	Golden Dream Massage		AP		43.72
146466	03/07/2014	Ma Lopez Martinez		AP		32.98
146467	03/07/2014	Jessica and David Duran		AP		9.79
146468	03/07/2014	Red Carpet Real Estate Capitol		AP		27.84
146469	03/07/2014	Sloan Realty-Richard Angel		AP		32.98
146470	03/07/2014	Jesus Jimenez -Gamis		AP		3.91
146471	03/07/2014	Walmart		AP		748.50
146472	03/07/2014	Vanus Warren		AP		205.70
146473	03/07/2014	William Westbrook		AP		319.88
146474	03/07/2014	Westside Veterinary Service, I		AP		138.51
146475	03/07/2014	Westside Water Conditioning		AP		36.75
146476	03/07/2014	Young's Automotive		AP		1,963.22

Total for Valid Checks: 813,920.69

Break in Check Sequence due to the following
Check # 146344-146365, 146385-146386 (payroll checks)

Total Valid Checks: 223
Total Void Checks: 0

Total Checks: 223

CITY OF LOS BANOS
ADJOURNED CITY COUNCIL MEETING MINUTES
MARCH 4, 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 3:35 P.m.

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

STAFF MEMBERS PRESENT: City Clerk/Human Resources Director Mallonee, City Manager Carrigan, Police Chief Brizze, Fire Chief Guintini, Public Works Director/City Engineer Fachin, Finance Director Williams; Information Technology Director Spalding, Assistant Planner II, Police Commander Reyna, Policy Commander Hedden

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

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

CITY COUNCIL GOALS & OBJECTIVES WORKSHOP. City Manager Carrigan conducted the workshop.

ADJOURNMENT. The meeting was adjourned at the hour of 4:45 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: Chet Guintini, Fire Chief 
DATE: March 19, 2014
SUBJECT: Measure P Oversight Committee
TYPE OF REPORT: Consent Agenda Item

Recommendation:

It is recommended that Council accept the findings of the Measure P Oversight Committee Members

Background:

On February 13, 2014, the Measure P Oversight Committee met to review the quarterly reports for 2012-13 4th quarter; 2013-14 1st and 2nd quarters along with staffing modifications to Measure P.

Discussion:

Attached is a letter from the Committee Members agreeing that the quarterly expenditures are in accordance with the Measure P guidelines. Also, Committee Members approved the modification to Measure P staffing as submitted by staff.

Attached are the minutes from February 13, 2014 Measure P Oversight Committee Meeting.

The Measure P Committee Members continue to be very vigilant and responsible in insuring funds are spent as required by the Measure.

Reviewed by:


Financial Officer


Steve Carrigan, City Manager

Attachments:

- Letter from Measure P Oversight Committee
- Minutes from February 13, 2014 Measure P Oversight Committee Meeting
- Staff Report dated February 13, 2014

Staff report – Measure P Committee (03-19-14).doc

Measure P Oversight Committee

February 14, 2014

City of Los Banos City Council
Citizens of the City of Los Banos
520 J Street
Los Banos, CA 93635

Dear Council Members and Citizens of Los Banos,

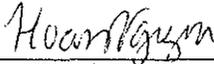
The Measure P Oversight Committee met on February 13, 2014 to discuss and review the 2012-13 4th Quarter; 2013-14 1st and 2nd Quarter Measure P Budget Reports.

The Quarterly Measure P Budget Reports were approved as submitted by all members present. The Oversight Committee reviewed and approved the proposed expenditures for staffing modifications from Measure P as submitted in staff report dated February 13, 2014 (attached).

We have also attached a summary (minutes) from the meeting for your review.

We as a committee are committed to be vigilant to ensure the citizens of Los Banos that Measure P Funds are spent correctly.

Sincerely,



Hoang (Ichabod) Nguyen

Absent

Arlene Cardoza



Tom Neeb

Absent

Diana Ingram



Mark Bodley



Rhonda Rusk



Gerald Giesel



City of
Los Banos
At the Crossroads of California

TO: Measure P Committee
FROM: Sonya Williams, Finance Director
DATE: February 13, 2014
SUBJECT: Measure P staffing modifications

Recommendation:

That the Measure P committee approve to fund an Administrative Clerk II position from the Police Measure P Fund 236. Approve funding for the current Fire Clerk II position paid from the Fire Measure P Fund 238 be reduced to a part-time position.

Discussion:

On January 29, 2014 the City Council discussed reorganizing the Code Enforcement Division. This includes transferring the division from the Fire Department to the Police Department in an effort to implement a proactive Code Enforcement Division, by including the utilization of the current Animal Control Officer.

Currently, there are two positions in Code Enforcement. These positions include a Code Enforcement Officer paid out of the General Fund and a Fire Clerk II paid partially out of the General Fund and partially from Fire Measure P Fund. In order to facilitate the transfer the Fire Clerk II position would be reclassified as an Administrative Clerk II position and fifty percent of salary and benefits would be redirected to the Police Measure P Fund.

In addition, the Fire Department will hire a part-time position, that will be funded from Measure P in place of the Fire Clerk II. The part-time position will cost approximately \$12,000 annually.

The transfer will be recommended to Council at the February 19, 2014 City Council Meeting, and if approved will be effective March 1, 2014.

Measure P Impact

Currently the Fire Measure P Fund has budgeted \$42,500 in salary and benefits for the Fire Clerk II position. The Police Measure P budget would increase by \$14,200 for the remainder of the 2013/14 Fiscal Year (March 1st through June 30th) and the Fire Measure P budget would decrease by \$8,000 to retain a part-time position.

Below is a breakdown of the Revised Ending Fund Balances for both Police and Fire.

	Beginning Fund Balance	Adopted Revenues	Adopted Expenditures	Proposed Expenditure Changes	Revised End.Fund Balance
Police	\$1,168,564	\$923,850	\$1,282,721	\$14,200	\$795,493
Fire	\$611,356	\$922,850	\$1,225,851	\$(8,000)	\$316,355

If approved the positions would continue to be included in future budgets.

Financial Update

As reflected in the Second Quarter Financial Report (Attachment A), Public Safety revenues are on track for the Fiscal Year. Both Police and Fire revenues are at thirty six percent of projections, having collected thirty three percent of revenues. With fifty percent of the year completed expenditures are in line with projections as well, Police have expensed fifty one percent of budgeted amounts, while Fire has expensed forty nine percent of budgeted amounts.

Attachments

Second Quarter Financial Report

Measure P Oversight Committee Meeting Minutes

February 13, 2014

The Measure P Oversight Committee Meeting was called to order by Fire Chief Guintini at the hour of 5:30 p.m. at Los Banos Fire Station No. 1, 333 7th Street, Los Banos, CA.

Committee Members and staff present: Hoang (Ichabod) Nguyen; Tom Neeb; Rhonda Rusk; Gerry Giesel; Mark Bodley; Chet Guintini, Fire Chief; Gary Brizzee, Police Chief; Tim Marrison, Asst. Fire Chief; Steve Carrigan, City Manager; Sonya Williams, Finance Director; Kim Tomas, Staff Accountant; Mason Hurley, Fire Captain and Mary Lou Gilardi, Administrative Assistant.

Committee Members Absent: Diana Ingram and Arlene Cardoza

Chief Guintini started off the meeting by asking if the committee would mind starting off the meeting with Item II on the Agenda as Committee Member Neeb needs to leave early for another meeting. It was the consensus of the committee to move forward with Agenda Item II.

Agenda Item II

Chief Guintini apologized for having to bring this meeting together so quickly, but there are some changes that we are trying to make within the City and there are some funding sources that need to be addressed.

Chief Brizzee explained to the committee what was going to be taking place with Code Enforcement Division. He indicated that Police Department was going to take over Code Enforcement and combine Animal Control and Code Enforcement. This move would entail the Animal Control Officer being reclassified as a Code Enforcement Officer, but still handling the Animal Control portion of it. A Sergeant would be added to give a little more oversight to the Division, and the fire clerk who works at Fire Dept under Code Enforcement would also be moved. This is all a result of the City Council's desire to see a bigger effort from Code Enforcement. Chief Brizzee indicated that the Fire Clerk II will be reclassified as an Administrative Clerk for this move. The specific request is to take the 50% of her salary out of Measure P – Police instead of Measure P – Fire. The other 50% of her salary will remain out of Code Enforcement – General Fund. In addition to this request, Fire Department is requesting funding for a part time employee out of Measure P to replace the current Fire Clerk II position to help with the work load.

Chief Brizzee was asked to explain the responsibilities of Code Enforcement. Basic responsibilities of Code Enforcement are the neighborhood quality of life issues that have to do with the Municipal Code for the City, (i.e. garbage can, signage issues,

vehicle abatement, business license issues, etc.) Code Enforcement does not enforce criminal law.

City Manager Carrigan indicated that he feels this is the best solution to address the issue of adding a second Code Enforcement Officer.

Chief Guintini added that we need the full-time position for the Fire Clerk; we just don't have the funding from the general fund to fund this position at this particular time. We will be looking to hire a part-time clerical person, and hopefully, we will be able to find funding in the future to be able to bring that position back full-time.

Ich inquired about the cost of funding that part-time position. Sonya replied that she calculated an hourly rate of \$10 - \$12/hr to hire a part time person. A part time employee can work no more than 1000 hours in a year. This is how she arrived at an annual cost of \$12,000 for part time.

Chet interjected that if we can't keep up with what we are doing in our office today, we may need to hire a second part time individual. If that were to happen, then the amount funded from Measure P Fire would go up to cover that second person.

It was explained that one officer will be promoted to a sergeant in order to oversee the Code Enforcement Division.

Ich asked if this approval that the City is looking for is just for the remainder of this fiscal year or if this will be ongoing? Sonya advised that, if approved, this would be ongoing until further notice.

It was moved by Tom Neeb, seconded by Mark Bodley to approve the request as proposed by staff. Motion carried unanimously.

At this time, Tom Neeb got up and left for his other commitment. There still was a quorum so the meeting continued.

Agenda Item 1

Chief Guintini reviewed the Quarterly Reports that were sent out to the Committee for approval. He asked if there were any questions regarding the reports.

Ich inquired about the building amount shown. It hasn't changed over the last few quarters. Kim and Sonya explained that the issue needs to be looked at. Ich stated that it's very confusing to have that dollar amount shown. Sonya advised that it would be changed before next quarterly report.

Chief Guintini advised that staff is currently working on 14-15 Budget and we'll get that in there.

It was mentioned that the Oversight Committee will be invited to attend budget workshops toward the end of May to review everything.

It was moved by Gerry Giesel, seconded by Ich Nguyen to approve the 12/13 4th Quarter Final Measure P Report; 13/14 1st and 2nd Quarter Measure P Reports as submitted by staff. Motion carried unanimously.

Agenda Item III

Committee Member Reports:

Chief Guintini indicated that Tom Neeb has requested that we do not schedule these meetings on Thursday.

Mark Bodley indicated that the 3rd and 4th Tuesdays of the month are bad for him.

Gerry Giesel suggested that these meetings be done as an off-shoot before the City Council Meetings and Planning Commission Meetings.

There was a lengthy discussion regarding the economy. The committee inquired as to when the City Manager thought we might be seeing an improvement.

Ich did mention that he is happy to see that we have high revenues and lower expenditures in the Quarterly Reports than originally expected.

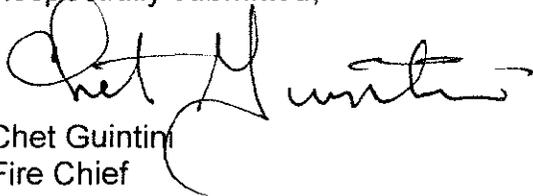
Agenda Item IV

Chief Brizzee indicated that 2013 has been the year for ongoing recruitment. The City has had the best luck with hiring and sending people to the academy. The Police Department will be sending two more employees to academy very soon. The entire organization is looking good.

Chief Guintini stated that the Fire Department is doing ok. We'll hire a part-time employee for now, and hopefully get the funding shortly to put a full-time person on board again. He added that volunteers are doing good; we'll try to keep levels where they are. We are busy with running calls; approximately 70% of our calls being medical calls. We do have funding and are putting specs together for new engine.

There being no further business, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,



Chet Guintini
Fire Chief



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: March 19, 2014

SUBJECT: Los Banos Chamber of Commerce Road Closure and Usage Request

TYPE OF REPORT: Consent Agenda

Recommendation:

Approve road closure and usage.

Background:

To accommodate the Annual Downtown Spring Street Faire, we will need your authorization for the related road closure and usage. This event will be on Saturday, April 12, 2014, with booth set up starting at approximately 5:30 a.m. and the Faire opening to the Public from 8:30 am to 4:00 pm. The request is to close 6th Street from K Street to H Street, and to close J Street between 5th and 6th Street. The streets at 7th & K, 7th & J, 7th & I, 5th & J, and 5th & I will be blocked off to vehicle traffic if the vendor count warrants it.

Additional information is attached.

Discussion:

The Downtown Spring Street Faire is an annual event and has been supported by the City in past years.

Fiscal Impact:

The fiscal impact is minimal.

Reviewed by:

Steve Carrigan, City Manager



Los Banos City Council
520 J Street
Los Banos, CA 93635

Dear Mayor, City Council & Staff
Cc: Police Chief Gary Brizee
Fire Chief Chet Guintini

The Los Banos Chamber of Commerce is requesting a street closure for our annual Downtown Spring Street Faire to be held on Saturday, April 12, 2014. Booth set up time begins at 5:30 am and the Faire opens to the Public from 8:30 am to 4:00 pm.

We are requesting the following closures in the Downtown area:

- * 6th Street from K Street to H Street
- * J Street between 5th and 6th

The booths will run down the center of 6th street per Los Banos Fire request and food vendor booths will be located in the intersections of K & 6th Streets, J & 6th Streets and I & 6th Streets. We will also have two large trailers for the Mobile Blood Bank and the Lion's club Eye Mobile. These will more than likely be place on 6th between I and H Streets.

If needed, we will also run booths down the middle of 6th St. from K to the alley just before the Post Office.

The streets at 7th & K, 7th & J, 7th & I, 5th & J and 5th & I will be blocked off to vehicle traffic if our vendor count warrants it.

Thank you for your time.

Bertha Faria
Executive Director
Los Banos Chamber of Commerce
(209) 826-2495
lbchamber@comcast.net



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: March 19, 2014

SUBJECT: Rejection of Claim

TYPE OF REPORT: Consent Agenda

Recommendation:

Reject the claim of Tan Lam and Tieng Truong and refer it to Acclamation Insurance Management Services (AIMS), the City's third party claims administrator.

Discussion:

On March 3, 2014, the City received a wrongful death claim from the Law Offices of John L. Burris on behalf of Tan Lam and Tieng Truong regarding an incident involving a Los Banos Police Officer that occurred on September 2, 2013.

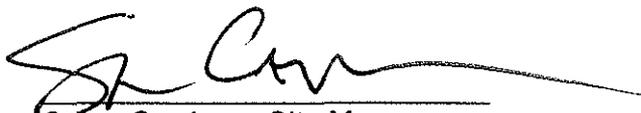
City Council Resolution No. 5203 (attached) provides the City Council with the authority to allow, deny, allow in part, settle or compromise any claim for money or damages against the City in excess of \$30,000.

For privacy reasons, staff has redacted the address of the incident in the attached claim.

Fiscal Impact:

None at this time.

Reviewed by:



Steve Carrigan, City Manager

Attachment:

Claim
Resolution No. 5203

LAW OFFICE OF JOHN L. BURRIS

7677 Oakport Street Suite 1120 Oakland, Ca. 94621 (510)839-5200 www.johnburrislaw.com

February 28, 2014

City of Los Banos
City Clerk
520 J Street
Los Banos, California 93635

RECEIVED

MAR 03 2014

CITY OF LOS BANOS

RE: Request for Endorsed Copy Verifying Administrative Claim Received – Law Offices of John L. Burris

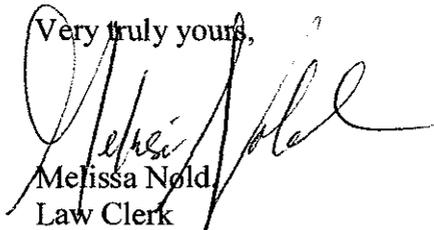
Our client: Tan Lam and Tieng Truong
Date of Incident: September 2, 2013

Dear Records Clerk,

This is to inform you that the Law Offices of John Burris represents Tan Lam, individually and as Co-Successor-in-Interest for Decedent Sonny Lam; and Tieng Truong, Co-Successor-in-Interest for Decedent Sonny Lam. Decedent Sonny Lam was shot and killed by officers from the City of Los Banos Police Department, on September 2, 2013.

We have attached a copy of a completed claim form, which includes a detailed addendum. We have sent you two copies of the form. We request that you send us back one endorsed copy verifying the time and date that our claim was received. We have enclosed a self-addressed stamped envelope for your convenience. If you have any questions please, contact us immediately.

Very truly yours,



Handwritten signature of Melissa Nold in black ink, written over the typed name.

Melissa Nold
Law Clerk

THE LAW OFFICES OF JOHN L. BURRIS

LAW OFFICE OF JOHN L. BURRIS

7677 Oakport Street Suite 1120 Oakland, Ca. 94621 (510)839-5200 www.johnburrislaw.com

Claim Form

City of Los Banos

Tan Lam and Tieng Truong	Race: Vietnamese	Date of Birth:
Address City, State, Zip [REDACTED] Los Banos, California 93635	Home Phone:	Work Phone:
Person/Supervisor Receiving Complaint:	Badge #:	Date:

Complete this portion if complainant is a minor or is being assisted or represented by counsel+

Name: First, Middle, Last The Law Office of John L. Burris	Relationship to complainant: Attorney
Address State Zip 7677 Oakport Avenue Suite 1120 Oakland Ca. 94621	Phone: (510)839-5200

Location of incident:
[REDACTED] Los Banos, California 93635

Identity of involved personnel

Badge No.	Name/Vehicle No., etc.	Sex	Race
Yet-to-be identified			
Narrative of incident: See Attachment			
Were you injured? Yes, See Attachment			
Witness names: (First, Middle, Last) «List_of_Witnesses»	Address:	Phone:	

I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge

Claimant's Signature: _____

Melissa Nold, Law Clerk,
The Law Office of John L. Burris

Date: 2/28/14

Check all Categories that Apply: <input type="checkbox"/> Force <input type="checkbox"/> Conduct <input type="checkbox"/> Untruthfulness <input type="checkbox"/> Procedure <input type="checkbox"/> Bias/Discrimination <input type="checkbox"/> Other _____	Complaint Received by: <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Walk-in	Date Received:
	Intake officer/Personnel:	

ATTACHMENT "A – WRONGFUL DEATH CLAIM"

Claimant objects to your Claim Form because it requires information which constitutes an invasion of the Claimant's privacy. Moreover, the information is not required to be provided by the Claimant under California Government Code Section 910. For example, California Government Code Section 910 does not require that the Claimants provide their home and work numbers, driver's license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons "for believing the City is liable for your damages, "or a description" of all damages which you believe you have incurred as a result of the incident." For the purposes of this document "CLAIMANT" means the individual claimant, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF JOHN BURRIS. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANT'S NAME: Tan Lam, individually and as Co-Successor-in-Interest for Sonny Law; and Tieng Truong, Co-Successor-in-Interest for Decedent Sonny Lam

CLAIMANT'S ADDRESS:

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF JOHN L. BURRIS, Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, California 94621

CLAIMANT TELEPHONE NUMBER: C/O LAW OFFICES OF JOHN L. BURRIS, ESQ. (510) 839-5200

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANT AND ALL CONTACT SHOULD BE MADE WITH HER ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: September 2, 2013, at approximately 3:00 p.m.

LOCATION OF INCIDENT: [REDACTED] Los Banos, California 93635

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM" AND "THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: [Per Government Code Section 910]. For the purposes of this claim, "AGENCY" is defined by and refers to the municipal, county, or state entity, which governs the City of Los Banos, California.

DESCRIPTION OF INCIDENT:

On September 2, 2013, at approximately 3:30 p.m., Claimant Tan Lam and his son, Decedent Sonny Lam, were at their home located at [REDACTED] Los Banos, California. Decedent Sonny Lam had a long history of mental illness and was diagnosed with paranoid schizophrenia over 10 years ago. Decedent Sonny Lam was in a weakened physical and mental state because he was not taking his medicine for high blood pressure and diabetes.

LAW OFFICE OF JOHN L. BURRIS

7677 Oakport Street Suite 1120 Oakland, Ca. 94621 (510)839-5200 www.johnburrislaw.com

Decedent Sonny Lam was acting erratically and Claimant Tan Lam went across the street to call the City of Los Banos Police Department, in order to get his son help for his mental illness. When the yet-to-be identified City of Los Banos Police Officer arrived, Tan Lam spoke to the Officer and told the Officer that Decedent Sonny Lam was mentally ill. The Officer told Tan Lam that he was only going to talk to Decedent Sonny Lam. The Officer went to Decedent Sonny Lam's bedroom and tried to get him to come out of his room. Tan Lam witnessed the interaction between the Officer and his son. In Decedent Sonny Lam's paranoid state he refused to leave his room. Tan Lam then saw the Officer tell Decedent Sonny Lam to hit him. Decedent Sonny Lam was clearly in need of medical attention for his mental illness; however, the Officer chose to provoke him, instead of seeking assistance for the Decedent's mental illness. Decedent Sonny Lam made weak attempts to hit the Officer in the stomach, after the Officer egged him on. Then, the Officer ordered Tan Lam to leave the room and he complied and started to walk down the hallway. As soon as Tan Lam began to walk away, he heard a gunshot. Tan Lam ran back to the Decedent Sonny Lam's bedroom and saw that his son was shot in the leg. The Officer ordered Tan Lam to get back and he complied out of fear. As soon as Tan Lam walked away he heard a second gunshot. Tan Lam ran back to the room and saw Decedent Sonny Lam with a gunshot wound in his torso. The Officer handcuffed Decedent Sonny Lam and continued to unnecessarily hold him at gunpoint.

Decedent Sonny Lam was transported to Merced Memorial Hospital, where he later succumbed to his gunshots wounds later that night.

DESCRIPTION OF CLAIM:

Claimant alleges that the conduct of individual employees, agents, and/or servants of AGENCY constitute State statutory violations, which might include but are not limited to wrongful death, assault, battery, false imprisonment, negligence, negligent hiring, and intentional infliction of emotional distress, and negligent infliction of emotional distress.

Claimant alleges those individual employees, agents and/or servants of AGENCY are responsible for Claimant's injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondeat superior. Respondeat superior liability includes but is not limited to, negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of the AGENCY, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for AGENCY, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimant alleges the appropriate offenses listed below.

Claimant alleges that wrongful death included but was not limited to, misconduct causing claimant to suffer fatal injuries and/or death.

LAW OFFICE OF JOHN L. BURRIS

7677 Oakport Street Suite 1120 Oakland, Ca. 94621 (510)839-5200 www.johnburrislaw.com

Claimant alleges that assault included, but was not limited to, conduct causing claimant to reasonably fear a harmful offensive touching upon claimant's person.

Claimant alleges that battery included, but was not limited to, conduct resulting in a harmful offensive touching upon claimant's person in a manner foreseeable likely to cause injury.

Claimant alleges that false imprisonment included, but was not limited to, acts or omissions causing claimant to be confined or restricted to an area without means of escape while claimant was aware of the confinement.

Claimant alleges that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing claimant at risk of serious physical injury.

Claimant alleges that negligent hiring included, but was not limited to, breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimant alleges that negligent infliction of emotional distress included, but was not limited to, the failure to use reasonable care to avoid causing emotional distress to another individual. The negligent conduct resulted in Claimants' physical injuries.

Claimant alleges that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to causing emotional distress to another individual. The intentional conduct resulted in Claimants' physical injuries.

Claimants will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimant has, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimant may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimant may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

See description of the incident, above.

DEMAND FOR PRESERVATION OF EVIDENCE:

LAW OFFICE OF JOHN L. BURRIS

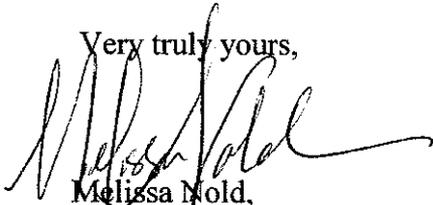
7677 Oakport Street Suite 1120 Oakland, Ca. 94621 (510)839-5200 www.johnburrislaw.com

Claimant does hereby demand that AGENCY including, but not limited to, the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

AMOUNT OF CLAIM:

This claim is in excess of \$25,000. Jurisdiction is designated as "unlimited" and jurisdiction would be in the Superior Court of the State of California.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Melissa Mold', written in a cursive style.

Melissa Mold,
Law Clerk

THE LAW OFFICES OF JOHN L. BURRIS

RESOLUTION NO. 5203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE CITY MANAGER OR THE CITY ATTORNEY TO PERFORM ALL FUNCTIONS OF THE CITY COUNCIL REQUIRED OR PERMITTED BY PART 3 OF DIVISION 3.6 OF TITLE 1 OF THE GOVERNMENT CODE AND TO ALLOW, COMPROMISE AND SETTLE ANY SUCH CLAIMS UP TO A MAXIMUM DOLLAR AMOUNT OF \$30,000

WHEREAS, Part 3 of Division 3.6 of Title 1 of the California Government Code (Sections 900 et seq.) imposes certain enumerated duties upon the City Council relating to claims for money or damages against the City; and

WHEREAS, Government Code Section 935.4 permits a City Council, by resolution, to authorize a city employee to perform the functions of a City Council as contained in the Government Code, and to allow, compromise and settle any such claims up to a maximum dollar amount of \$50,000; and

WHEREAS, the City of Los Banos belongs to a municipal risk management joint powers authority for the processing and handling of most claims filed against the City; and

WHEREAS, in the interests of expediting the settlement and denial of claims filed against the City of Los Banos, the City Council wishes to delegate its authority to compromise, settle, or deny claims to the City Manager or City Attorney in an amount not to exceed \$30,000.

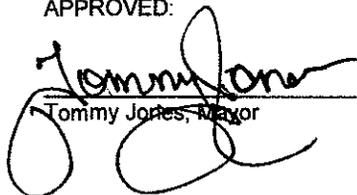
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos as follows:

1. That subject to the conditions and limitations set forth herein it hereby authorizes the City Manager or the City Attorney to perform all functions of the City Council required or permitted by Part 3 of Division 3.6 of Title 1 of the Government Code of the State of California.
2. The City's third party claims administrator is hereby authorized, with the advice and consent of the City Attorney, to allow, deny, allow in part, settle or compromise any claim for money or damages against the City of Los Banos in an amount not to exceed \$10,000.00.
3. The City Manager, is hereby authorized, with the advice and consent of the City Attorney, to allow, deny, allow in part, settle or compromise any claim for money or damages against the City of Los Banos in an amount not to exceed \$30,000.00.
4. The City Council reserves to itself the authority and power to allow, deny, allow in part, settle or compromise any claim for money or damages against the City of Los Banos in an amount in excess of \$30,000.00 and to collect, settle, compromise, release, or dismiss any claim brought in the name of the City of Los Banos regardless of the amount in controversy.

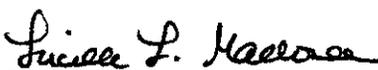
The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 20th day of January 2010, by City Council Member Villalta, who moved its adoption, which motion was duly seconded by City Council Member Sousa, and the Resolution was adopted by the following vote:

AYES: Council Members Sousa, Stone, Villalta, Mayor Jones
NOES: None
ABSENT: Council Member Faria

APPROVED:


Tommy Jones, 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: March 19, 2014

SUBJECT: Award of Bid for the purchase of One New 2014 Model Trailer Mounted Leaf Machine

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 Model Trailer Mounted Leaf Machine to Nixon-Egli Equipment Company in the amount of \$30,988.44; and
2. Authorize the Public Works Director/City Engineer to issue a purchase order to Nixon-Egli Equipment Company for the procurement of the One New 2014 Model Trailer Mounted Leaf Machine.

Background:

The Public Works Department, as part of the approved 2013/14 Fiscal Year Budget, is requesting authorization to purchase One New 2014 Model Trailer Mounted Leaf Machine. The purchase of this machine is to replace a 1988 model in the City's fleet.

Discussion:

The Public Works Department released the bid documents for the purchase of One New 2014 Model Trailer Mounted Leaf Machine on January 31, 2014. The public notice was advertised in the Los Banos Enterprise on January 31, 2014. Four manufacturers were given direct notice of the City request. The bid opening for the purchase of One New 2014 Model Trailer Mounted Leaf Machine occurred on March 4, 2014.

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

- | | |
|--|-------------|
| 1. Nixon-Egli Equipment Co. - Tracy, CA | \$30,988.44 |
| 2. Old Dominion Brush Company – Richmond, VA | \$36,433.00 |

After a detailed review of the submitted bid documents, staff determined Nixon-Egli Equipment Company supplied a responsive and responsible bid. Therefore, staff is requesting that Nixon-Egli Equipment Company be awarded the purchase order of the 2014 Model Trailer Mounted Leaf Machine for their bid in the amount of \$30,988.44. Nixon-Egli Equipment Company estimated the delivery period to be 120 days or less from the date the purchase order is issued.

Fiscal Impact:

The bid amount of \$30,988.44 is within the allocation of the approved 2013-14 fiscal budget from account #510-490-100-753.

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 MODEL TRAILER MOUNTED LEAF MACHINE 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 equipment and provide a replacement program to retire this equipment; and

WHEREAS, the City of Los Banos allocated funding in the 2013-14 approved budget for the purchase of One New 2014 Trailer Mounted Leaf Machine; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2014 Trailer Mounted Leaf Machine that were officially opened on March 4, 2014; and

WHEREAS, it was determined that Nixon-Egli Equipment Co. in Tracy, California provided the lowest responsive and responsible bid of \$30,988.44.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$30,988.44 from Nixon-Egli Equipment Co. for the purchase of One New 2014 Trailer Mounted Leaf Machine 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 19th day of March 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 March 4, 2014 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, Interim Assistant Public Works Director, 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 March 4, 2014. 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, MARCH 4, 2014 @ 2:00 PM

- | | |
|------------------------------------|--------------|
| 1. Municipal Maintenance Equipment | \$ No Bid |
| 2. Nixon-Egli Equipment Co. | \$ 30,988.44 |
| 3. Old Dominion Brush Company | \$ 36,433.00 |

Signed: Jana R. Sousa
Jana R. Sousa, CMC
Assistant City Clerk/HR Technician

Dated: March 4, 2014

Signed: Greg Pimentel
Greg Pimentel
Acting Assistant Public Works Director

City of Los Banos

Business-Type Fund 2013-2014 Adopted Budget

	2010-2011 Actual	2011-2012 Actual	2012-2013 Projected	2013-2014 Adopted
Solid Waste & Street Sweeping - Fund 510				
Waste Management - Department 490 (Continued)				
General Services - Activity 100				
720 Building & Structures	\$0	\$0	\$14,300	\$0
734 Landfill Closure	59,985	59,034	65,000	135,000
735 Master Plan	19,305	613	0	0
753 Specialized Equipmt.	9,244	0	0	47,000
770 Computer Equipment	0	0	0	1,510
Capital Outlay	\$88,534	\$59,647	\$79,300	\$183,510
820 Charge In	\$0	\$0	\$372,073	\$375,056
Charge In	\$0	\$0	\$372,073	\$375,056
Contingency -Department 495				
General Services - Activity 100				
900 Contingency	\$0	\$0	\$0	\$100,000
Contingency	\$0	\$0	\$0	\$100,000
Waste Management - Department 490				
Special Services - Activity 170				
102 Part Time	\$0	\$0	\$0	\$16,000
120 Employee Benefits	0	0	0	1,224
Personnel Services	\$0	\$0	\$0	\$17,224
267 General Materials & Supplies	\$0	\$0	\$0	\$4,000
Supplies & Services	\$0	\$0	\$0	\$4,000
Total: Solid Waste-Refuse	\$4,045,218	\$4,158,327	\$4,712,286	\$5,139,698



City of
Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Lucy Mallonee, MMC *LM*
City Clerk/Administrative Services Director

DATE: March 19, 2014

SUBJECT: Approval of a Tentative Agreement/Memorandum of Understanding (MOU) between the City of Los Banos and the Los Banos Police Officers Association (LBPOA)

TYPE OF REPORT: Agenda Item

Recommendation:

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

Discussion:

The City has bargained in good faith with the LBPOA and reached agreement on a new MOU through June 30, 2015. The changes to the MOU include:

- “Unfreeze” step increases effective January 1, 2014.
- Add a new salary Step 5 equal to 2.5% above current Step 4.
- Elimination of the 2.5% of salary contribution to the employees Cafeteria Plan that pays for employees’ vision, dental, life and health insurance.
- Clarification on the Health Rate Allowance for employees hired on or after April 1, 2010.

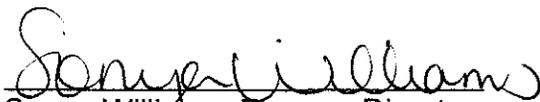
- Elimination of the “Me Too” clause dated August 16, 2011.
- Change the Compensatory Time Off (CTO) cash out date from December 20th payroll to December 5th payroll.
- Change City Policy to allow advanced funding for approved travel/training costs instead of reimbursement to employee after expenses have occurred. 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.
- Clarification on the pension rate (2% @ 50 increasing to 2.7% @ 57) for employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA).

Fiscal Impact:

The fiscal impact to the Fiscal Year 2013/2014 Budget amounts to \$20,300 for the General Fund; \$8,150 for Measure P; and \$2,200 for Community Facilities District; for a total impact of \$30,650 for all funds.

Staff will continue to further analyze the fiscal impact and prepare a budget adjustment if necessary at a later date.

Reviewed by:


Sonya Williams, Finance Director


Steve Carrigan, City Manager

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING A
TENTATIVE AGREEMENT / MEMORANDUM OF
UNDERSTANDING BY AND BETWEEN THE CITY
OF LOS BANOS AND THE LOS BANOS POLICE
OFFICERS ASSOCIATION**

WHEREAS, the City Council of the City of Los Banos has received a request to approve a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Officers Association; and

WHEREAS, the Memorandum of Understanding will be in effect from January 1, 2014 to June 30, 2015.

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

PASSED AND ADOPTED this 19th day of March 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 POLICE OFFICERS' ASSOCIATION
2014

The following document contains the Tentative Agreement between the City of Los Banos (hereinafter called "City") and the Los Banos Police Officers' Association (hereinafter called "LBPOA" or "Association") (hereinafter collectively called "the parties") on wages, hours and terms and conditions of employment. The salaries, hours, fringe benefits and working conditions set forth have been mutually agreed upon by the designated bargaining representatives of the City and the Association, and will apply to all employees 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, 2012 – June 30, 2013.

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



Steve Carrigan
Date: 3/5/14

Approved:

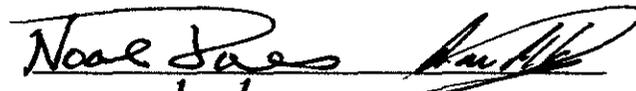
Date: _____

FOR THE ASSOCIATION



Noel Jones
Date: 3/5/14 3-5-14

Ratified:



Date: 3/5/14 3-5-14

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS POLICE OFFICERS' ASSOCIATION
2014**

TERM: The term of the agreement will be from January 1, 2014 through June 30, 2015.

ADVANCEMENTS WITHIN SALARY RANGE: Effective January 1, 2014, merit/performance increases will be "unfrozen." Employees will be eligible to receive merit/performance increases on their anniversary dates thereafter, in accordance with City policy and the MOU, and shall be limited to one increase per year (i.e., there shall be no "catch up" of merit/performance increases).

Effective January 1, 2014, a new salary step (Step 5) will be added to the salary schedule for police officers which shall be two and one-half percent (2.5%) above the current Step 4 of the salary schedule.

CAFETERIA PLAN: Effective January 1, 2014, Section VII – Benefits will be amended to eliminate the employee's 2.5% salary contribution to benefits.

Effective January 1, 2014, 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

1. For Employees Hired Before April 1, 2010: The City will provide, on a monthly basis, a Cafeteria Plan Allowance in the following amount:

- a. The employee's (and dependent, if applicable) health care premium, up to a maximum of the amount of the Blue Shield HMO premium for the employee's selected level of coverage;
- b. Minus the PEMHCA contribution specified in Section A;
- c. ~~Plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans. Plus the amount of the life insurance premium (for coverage up to \$50,000)~~
- d. ~~c. Plus the employee's (and dependents, if applicable) dental and vision plan premiums, up to a maximum of eighty-five dollars (\$73.0085.00) per month;~~
- e. ~~Minus the equivalent of 2.5% of the individual employee's salary.~~

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

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS POLICE OFFICERS' ASSOCIATION
2014**

level of health care coverage, - calculated to cover the following:

- **Employee only:** One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, up to 100% of the premium for employee only coverage in the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a maximum of eighty-five dollars (\$85.00) per month.

- **Employee plus one:** Ninety percent (90%) of the premium for employee only coverage for the plan selected by the employee, up to 100% of the premium for employee only coverage in the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a maximum of eighty-five dollars (\$85.00) per month.

- **Employee plus family:** Eighty percent (80%) of the premium for employee only coverage for the plan selected by the employee, up to 100% of the premium for employee only coverage in the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a maximum of eighty-five dollars (\$85.00) per month.

~~minus the equivalent of 2.5% of the individual employee's salary:~~

~~Employee Only: \$677.69~~

~~Employee plus One: \$1,241.44~~

~~Employee plus Family: \$1,438.75~~

ME TOO: The parties agree that the "me too" agreement providing that "In the event any City employee or bargaining unit receives a wage increase, other than that associated with a promotion or acting pay, each eligible employee represented by the Association will receive a wage increase of equal amount," dated August 16, 2011, is eliminated as of January 1, 2014.

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:

SECTION IX - Pay Rates and Practices

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS POLICE OFFICERS' ASSOCIATION
2014**

F. Comp Time

Employees will be permitted to accumulate up to ~~eighty (80)~~ 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 ~~sixty-four (64)~~ 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, 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.

PEPRA: Qualifying employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA) will receive the 2% at age 50 increasing to 2.7% at age 57 retirement formula, and shall be subject to the provisions of PEPRA, including provisions governing reportable compensation.



City of
Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Lucy Mallonee, MMC *LM*
City Clerk/Administrative Services Director

DATE: March 19, 2014

SUBJECT: Approval of a Tentative Agreement/Memorandum of Understanding (MOU) between the City of Los Banos and the Los Banos Police Sergeants Association (LBPSA)

TYPE OF REPORT: Agenda Item

Recommendation:

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

Discussion:

The City has bargained in good faith with the LBPSA and reached agreement on a new MOU through June 30, 2015. The changes to the MOU include:

- “Unfreeze” step increases effective January 1, 2014.
- Add a new salary Step 5 equal to 2.5% above current Step 4.
- Elimination of the 2.5% of salary contribution to the employees Cafeteria Plan that pays for employees’ vision, dental, life and health insurance.
- Clarification on the Health Rate Allowance for employees hired on or after April 1, 2010.

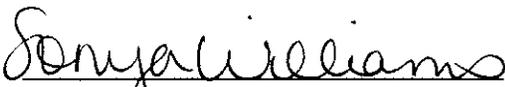
- Reform to the Call Back Policy to allow three (3) hours instead of four (4) hours of pay when employees are “called back” into work when “off duty” and one (1) hour when calling in for court appearances instead of reporting in person.
- Change the Compensatory Time Off (CTO) cash out date from December 20th payroll to December 5th payroll.
- Change City Policy to allow advanced funding for approved travel/training costs instead of reimbursement to employee after expenses have occurred. 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.
- Clarification on the pension rate (2% @ 50 increasing to 2.7% @ 57) for employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA).

Fiscal Impact:

The fiscal impact to the Fiscal Year 2013/2014 Budget amounts to \$18,950 for the General Fund.

Staff will continue to further analyze the fiscal impact and prepare a budget adjustment if necessary at a later date.

Reviewed by:


Sonya Williams, Finance Director


Steve Carrigan, City Manager

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING A
TENTATIVE AGREEMENT / MEMORANDUM OF
UNDERSTANDING BY AND BETWEEN THE CITY
OF LOS BANOS AND THE LOS BANOS POLICE
SERGEANTS ASSOCIATION**

WHEREAS, the City Council of the City of Los Banos has received a request to approve a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Police Officers Association; and

WHEREAS, the Memorandum of Understanding will be in effect from January 1, 2014 to June 30, 2015.

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

PASSED AND ADOPTED this 19th day of March 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 POLICE SERGEANTS' ASSOCIATION
2014**

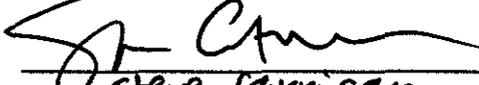
The following document contains the Tentative Agreement between the City of Los Banos (hereinafter called "City") and the Los Banos Police Sergeants' Association (hereinafter called "LBPsA" or "Association") (hereinafter collectively called "the parties") on wages, hours and terms and conditions of employment. The salaries, hours, fringe benefits and working conditions set forth have been mutually agreed upon by the designated bargaining representatives of the City and the Association, and will apply to all employees 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, 2012 – June 30, 2013.

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.

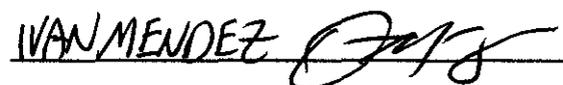
This Tentative Agreement is subject to ratification by Association membership and approval by the City Council of the City of Los Banos.

FOR THE CITY



Steve Carrigan
Date: 2/28/14

FOR THE ASSOCIATION



IVAN MENDEZ
Date: 02-28-14

Approved:

Date: _____

Ratified:



Date: 02-28-14

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS POLICE SERGEANTS' ASSOCIATION
2014**

TERM: The term of the agreement will be from January 1, 2014 through June 30, 2015.

MERIT/PERFORMANCE INCREASES: Effective January 1, 2014, merit/performance increases will be "unfrozen." Employees will be eligible to receive merit/performance increases on their anniversary dates thereafter, in accordance with City policy and the MOU, and shall be limited to one increase per year of the term of the MOU.

Effective January 1, 2014, a new salary step (Step 5) will be added to the salary schedule for police officers sergeants which shall be two and one-half percent (2.5%) above the current Step 4 of the salary schedule.

CAFETERIA PLAN: Effective January 1, 2014, Section VII – Benefits will be amended to eliminate the employee's 2.5% salary contribution to benefits.

Effective January 1, 2014, 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

1. For Employees Hired Before April 1, 2010: The City will provide, on a monthly basis, a Cafeteria Plan Allowance in the following amount:

- a. The employee's (and dependent, if applicable) health care premium, up to a maximum of the amount of the Blue Shield HMO premium for the employee's selected level of coverage;
- b. Minus the PEMHCA contribution specified in Section A;
- ~~c. Plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans. Plus the amount of the life insurance premium (for coverage up to \$50,000)~~
- ~~d.c. Plus the employee's (and dependents, if applicable) dental and vision plan premiums, up to a maximum of eighty-five dollars (\$73.0085.00) per month;~~
- ~~e. Minus the equivalent of 2.5% of the individual employee's salary.~~

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, calculated to cover the following:

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND LOS BANOS POLICE SERGEANTS' ASSOCIATION
2014**

- Employee only: One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, up to 100% of the premium for employee only coverage in the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a maximum of eighty-five dollars (\$85.00) per month.

- Employee plus one: Ninety percent (90%) of the premium for employee only coverage for the plan selected by the employee, up to 100% of the premium for employee only coverage in the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a maximum of eighty-five dollars (\$85.00) per month.

- Employee plus family: Eighty percent (80%) of the premium for employee only coverage for the plan selected by the employee, up to 100% of the premium for employee only coverage in the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a maximum of eighty-five dollars (\$85.00) per month.

~~minus the equivalent of 2.5% of the individual employee's salary:~~

~~Employee Only: \$677.69~~

~~Employee plus One: \$1,241.44~~

~~Employee plus Family: \$1,438.75~~

REDUCE MINIMUM CALL BACK PAY: Effective January 1, 2014, Section IX - Pay Rates and Practices, Subsection E will be amended as follows:

SECTION IX - Pay Rates and Practices, Subsection E:

Employees who are required to report to work during their assigned off-duty hours will be entitled to receive a minimum of three (3) ~~four (4)~~ hours Call Out Overtime Compensation even if the actual time worked is less than three (3) ~~four (4)~~ hours; except in the following instances:

1. In the event the off-duty time being worked extends into or begins immediately following the employee's assigned shift, he/she will be entitled to overtime compensation for only the actual off-duty hours worked.

**TENTATIVE AGREEMENT BETWEEN
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2014**

2. In the event the off-duty time being worked is in response to a special assignment mutually agreed upon between the employee and the City, the employee will be entitled to overtime compensation for only the actual hours worked.
3. Employees will be entitled to receive the three (3) ~~four (4)~~ hours Call Back Overtime Pay only one (1) time during any twenty-four (24) hour period. A twenty-four (24) hour period for the purpose of this benefit is 0001 hours through 2400 hours. In the event an employee is called out several times during a given twenty-four (24) hour period, he or she will only receive three (3) ~~four (4)~~ hours compensation if the total hours worked are three (3) ~~four (4)~~ or less. If the total hours worked exceeds ~~four (4)~~ three (3), the employee will be compensated for the actual hours worked.

Special Note: The expressed purpose of Call Back Pay is to compensate employees who have their normal off-duty hours disrupted due to unscheduled call backs, court appearances, and other such job demands. In the event of a disagreement over entitlement to three (3) ~~four (4)~~ hour call back pay, the stated intent of this benefit will be the guiding factor in resolving disputes.

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:

SECTION IX - Pay Rates and Practices

F. Comp Time

Employees will be permitted to accumulate up to ~~eighty (80)~~ 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 ~~sixty-four (64)~~ 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:

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AND LOS BANOS POLICE SERGEANTS' ASSOCIATION
2014**

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, 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.

PEPRA: Qualifying employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA) will receive the 2% at age 50 increasing to 2.7% at age 57 retirement formula, and shall be subject to the provisions of PEPRA, including provisions governing reportable compensation.



City of
Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Steve Carrigan, City Manager 

DATE: March 19, 2014

SUBJECT: Central California District (CCID) Presentation on Water Issues Relative to the City of Los Banos

TYPE OF REPORT: Agenda Item

Recommendation:

Informational item only, no action to be taken.

Discussion:

CCID General Manager Chris White will be speaking on water issues relative to the City of Los Banos.



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: March 19, 2014

SUBJECT: An Urgency Ordinance of the City Council of the City of Los Banos Temporarily Changing the Irrigation Restriction Beginning Date for 2014 to March 20, 2014 established by Ordinance No. 1090 as Codified in Title 10, Chapter 2 of the Los Banos Municipal Code

TYPE OF REPORT: Public Hearing

Recommendation:

That the City Council open the Public Hearing, receive public comment, waive the reading, and adopt an Urgency Ordinance temporarily changing the irrigation restriction beginning date for 2014 to March 20, 2014.

Background:

On February 3, 2010, the Los Banos City Council adopted a Water Efficient Landscape Ordinance No. 1090. Included in Ordinance No. 1090, under section 10-2.03.10, is the irrigation schedule restricting irrigation to certain days and times. Water conservation begins May 1st through September 30th, with no irrigation of lawns and landscaping between the hours of 11:00 a.m. and 7:00 p.m. on any day of the week, and watering is prohibited on Mondays.

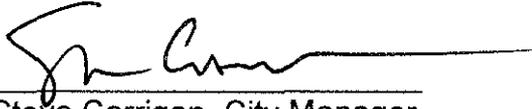
Discussion:

Due to the shortage of rain and in an effort to conserve water, per the Governor's Drought Declaration of January 17, 2014, that all Californians need to reduce their water use by 20 percent, the Public Works Department is requesting City Council adopt an Urgency Ordinance temporarily changing the irrigation restriction beginning date for 2014 to March 20, 2014. If adopted the provisions of the Urgency Ordinance shall take effect immediately upon adoption. The Urgency Ordinance changes the beginning date to March 20th only for the 2014 calendar year. The proposed Urgency Ordinance does

not amend any other sections of Ordinance No. 1090, as codified in Title 10, Chapter 2 of the Los Banos Municipal Code.

A Public Hearing notice was published in the Los Banos Enterprise on March 7, 2014.

Reviewed by:

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

Steve Carrigan, City Manager

Attachments:

Public Hearing Notice
Urgency Ordinance
Ordinance No. 1090

**CITY OF LOS BANOS
NOTICE OF PUBLIC HEARING**

TO RECEIVE PUBLIC COMMENT ON THE CONSIDERATION OF AN
URGENCY ORDINANCE OF THE CITY OF LOS BANOS TEMPORARILY
CHANGING THE IRRIGATION RESTRICTION BEGINNING DATE FOR 2014
TO MARCH 20, 2014 AS ESTABLISHED BY ORDINANCE NO.1090

Where: City Council Chambers
520 J Street
Los Banos, California

When: Wednesday, March 19, 2014
7:00 PM

Notice is hereby given that the City of Los Banos will conduct a Public Hearing to receive public comment on the consideration of an Urgency Ordinance of the City of Los Banos temporarily changing the irrigation restriction beginning date for 2014 to March 20, 2014 as established by Ordinance No. 1090 as codified in Title 10 Chapter 2 of the Los Banos Municipal Code.

The proposed Urgency Ordinance will temporarily change the irrigation restriction beginning date for 2014 to March 20, 2014. If adopted the provisions of the Urgency Ordinance shall take effect immediately upon adoption. The Urgency Ordinance changes the beginning date to March 20th only for the 2014 calendar year. The proposed Urgency Ordinance will not amend any other sections of Ordinance No. 1090, as codified in Title 10, Chapter 2 of the Los Banos Municipal Code.

The Public Hearing will be held at the regular meeting of the Los Banos City Council on Wednesday, March 19, 2014 at 7:00 p.m. in the Council Chambers at Los Banos City Hall located at 520 J Street, or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon. Questions regarding the above-referenced item may be directed to Mark Fachin, Public Works Director/City Engineer at the Public Works Department, 411 Madison Avenue or at (209) 827-7056.

All interested persons will be given an opportunity to comment on this item at the Public Hearing. In addition, written comments may be submitted to the City Council at or prior to the hearing, mailed to 411 Madison Avenue, Los Banos, CA 93635, Attention: Mark Fachin, Public Works Director/City Engineer. Please reference hearing title and date of hearing in any correspondence. If no comments are received prior to or on the above date, it will be assumed that no comment is being offered. The public is also informed that should the action by the City Council be challenged in court, court testimony may be limited to only those issues raised at the Public Hearing, or by written correspondence received at or prior to the Public Hearing, per Government Code Section 65009.

It is the intention of the City to comply with the Americans with Disabilities Act (ADA). If you require special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (209) 827-7000 at least 48 hours prior to the meeting to inform us of your particular needs.

THE CITY OF LOS BANOS
MARK FACHIN
PUBLIC WORKS DIRECTOR/CITY ENGINEER

Legal March 7, 2014

ORDINANCE NO. _____

**AN UNCODIFIED URGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF LOS BANOS
AMENDING TITLE 10 CHAPTER 2 OF THE LOS
BANOS MUNICIPAL CODE REGARDING
SCHEDULING OF LANDSCAPE IRRIGATION**

WHEREAS, the State of California is experiencing record dry conditions, with 2014 projected to become the driest year on record; and

WHEREAS, on January 17, 2014, with California facing water shortfalls in the driest year in recorded state history, Governor Edmund G. Brown Jr. proclaimed a State of Emergency to exist in the State of California due to current drought conditions and directed state officials to take all necessary actions to prepare for these drought conditions; and

WHEREAS, Governor Brown ordered State agencies, led by the Department of Water Resources, to execute a statewide water conservation campaign to make all Californians aware of the drought and encourage personal actions to reduce water usage. This campaign will be built on the existing Save Our Water campaign and will coordinate with local water agencies. This campaign will call on Californians to reduce their water usage by twenty percent; and.

WHEREAS, on February 3, 2010 the City Council adopted Ordinance No. 1090 entitled "Water Efficient Landscape Ordinance" which among other measures regulates the scheduling of outside landscape irrigation; and

WHEREAS, pursuant to the current provisions of Ordinance No. 1090 watering day restrictions for outside landscape irrigation does not commence until May 1st of each year; and

WHEREAS, a consistent and minimum reliable supply of potable water is essential to the public health, safety, and welfare of the people and community of Los Banos; and

WHEREAS, in order to meet the water needs of residents and businesses and to protect the public health, safety, and welfare of the people and community of Los Banos, the City must impose more stringent water conservation measures immediately to reduce water consumption and conserve the City's groundwater supply; and

WHEREAS, as a first step in reducing water usage by twenty percent the City Council desires to adopt an amendment to Ordinance 1090 which would immediately impose watering day restrictions for outside landscape irrigation; and

WHEREAS, California Government Code 36937 empowers cities to adopt, by four-fifths vote, an urgency ordinance which is necessary for the immediate preservation of the public peace, health or safety; and

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. Findings: The City Council hereby finds and determines that, based on all the facts described above, the staff reports and the testimony received at the public hearing on this Ordinance, the adoption of this measure is necessary to help preserve the public peace, health or safety.
3. Amendment: Subsection (b) is hereby added to Section 10-2.03.10 to read as follows:

(b) Notwithstanding the provisions of subsection (a) (2) to the contrary, for the calendar year 2014 the water irrigation restrictions set forth therein shall begin on March 20, 2014. Except as specifically modified herein by this subsection (b) all of the provisions of Section 10-2.03.10 shall remain in full force and effect.

4. 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.

5. Effective Date: Pursuant to Government Code 36937 this Urgency Ordinance shall be effective immediately and shall be in full force and effect for a period of 45 days from the date of its 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 and adopted at a regular meeting of the Los Banos City Council on the ___ day of _____ 2014 by the following vote:

AYES: Council Members:
NOES: Council Members:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

ORDINANCE NO. 1090

**AN ORDINANCE OF THE CITY OF LOS BANOS
AMENDING TITLE 10, CHAPTER 2 OF THE LOS
BANOS MUNICIPAL CODE TO "CITY OF LOS BANOS
WATER EFFICIENT LANDSCAPE ORDINANCE IN ITS
ENTIRETY**

The City Council of the City of Los Banos does hereby ordain as follows:

Section 1. The City Council of the City of Los Banos does hereby amend Title 10, Chapter 2 of the Los Banos Municipal Code in its entirety to read as follows:

CITY OF LOS BANOS WATER EFFICIENT LANDSCAPE ORDINANCE

Sections:

- 10-2.01 Title and Purpose**
- 10-2.01.01 Applicability**
- 10-2.02 Definitions**
- 10-2.03 Provisions for New Construction or Rehabilitated Landscapes**
- 10-2.03.01 Compliance with Landscape Documentation Package**
- 10-2.03.02 Penalties**
- 10-2.03.03 Elements of the Landscape Documentation Package**
- 10-2.03.04 Water Efficient Landscape Worksheet**
- 10-2.03.05 Soil Management Report**
- 10-2.03.06 Landscape Design Plan**
- 10-2.03.07 Irrigation Design Plan**
- 10-2.03.08 Grading Design Plan**
- 10-2.03.09 Certificate of Completion**
- 10-2.03.10 Irrigation Scheduling**
- 10-2.03.11 Landscape and Irrigation Maintenance Schedule**
- 10-2.03.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis**
- 10-2.03.13 Irrigation Efficiency**
- 10-2.03.14 Recycled Water**
- 10-2.03.15 Stormwater Management**
- 10-2.03.16 Public Education**
- 10-2.03.17 Environmental Review**
- 10-2.04 Provisions for Existing Landscapes**
- 10-2.04.01 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis**
- 10-2.04.02 Water Waste Prevention**
- 10-2.05 Effective Precipitation**
- 10-2.06 Reference Evapotranspiration (ET_o) Table**
- 10-2.07 Efficient Landscape Worksheet**
- 10-2.08 Certificate of Completion Package**
- 10-2.09 Fees**
- 10-2.10 Inspections**

§ 10-2.01. Title and Purpose.

(a) This chapter shall be known as the "Los Banos Water Efficient Landscape Ordinance."

(b) Purpose. The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
- (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and

- (5) that landscape design, installation, maintenance and management can and should be water efficient; and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

- (c) Consistent with these legislative findings, the purpose of this ordinance is to:
 - (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
 - (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
 - (3) establish provisions for water management practices and water waste prevention for existing landscapes;
 - (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
 - (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
 - (6) encourage the use of economic incentives that promote the efficient use of water;
 - (7) encourage cooperation between the City of Los Banos and other local agencies to implement and enforce this ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

§ 10-2.01.01 Applicability

- (a) After January 1, 2010, this ordinance shall apply to all of the following landscape projects:
 - (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
 - (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
 - (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;
 - (4) existing landscapes limited to Sections 10-2.04, 10-2.04.01 and 10-2.04.02; and
 - (5) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 10-2.03.04, 10-2.03.11, and 10-2.03.12; and existing cemeteries are limited to Sections 10-2.04, 10-2.04.01, and 10-2.04.02.
- (b) This ordinance does not apply to:
 - (1) registered local, state or federal historical sites;
 - (2) ecological restoration projects that do not require a permanent irrigation system;
 - (3) mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.02. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) "Applied Water" means the portion of water supplied by the irrigation system to the landscape.
- (b) "Automatic Irrigation Controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) "Backflow Prevention Device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) "Certificate of Completion" means the document required under Section 10-2.03.09.
- (e) "Certified Irrigation Designer" means a person certified to design irrigation systems by an

accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's Water Sense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

- (f) "Certified Landscape Irrigation Auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's Water Sense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.
- (g) "Check Valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) "Common Interest Developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) "Conversion Factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.
- (j) "Drip Irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (k) "Ecological Restoration Project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (l) "Effective Precipitation" or "Usable Rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (m) "Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (n) "Established Landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (o) "Establishment Period of the Plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
- (p) "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 10-2.03.04.
- (q) "ET Adjustment Factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.
- (r) "Evapotranspiration Rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
- (s) "Flow Rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- (t) "Hardscapes" means any durable material (pervious and non-pervious).
- (u) "Homeowner-Provided Landscaping" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
- (v) "Hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

- (w) "Infiltration Rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- (x) "Invasive Plant Species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- (y) "Irrigation Audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
- (z) "Irrigation Efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.
- (aa) "Irrigation Survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- (bb) "Irrigation Water Use Analysis" means an analysis of water use data based on meter readings and billing data.
- (cc) "Landscape Architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.
- (dd) "Landscape Area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- (ee) "Landscape Contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (ff) "Landscape Documentation Package" means the documents required under Section 10-2.03.03.
- (gg) "Landscape Project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 10-2.01.01.
- (hh) "Lateral Line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (ii) Deleted
- (jj) "Local Water Purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (kk) "Low Volume Irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (ll) "Main Line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (mm) "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 10-2.03.04. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of

the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

- (nn) "Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (oo) "Mined-Land Reclamation Projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (pp) "Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- (qq) "New Construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (rr) "Operating Pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (ss) "Overhead Sprinkler Irrigation Systems" means systems that deliver water through the air (e.g., spray heads and rotors).
- (tt) "Overspray" means the irrigation water which is delivered beyond the target area.
- (uu) "Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (vv) "Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
- (ww) "Plant Factor" or "Plant Water Use Factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".
- (xx) "Precipitation Rate" means the rate of application of water measured in inches per hour.
- (yy) "Project Applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 10-2.03.03, to request a permit, plan check, or design review from the City of Los Banos. A project applicant may be the property owner or his or her designee.
- (zz) "Rain Sensor" or "Rain Sensing Shutoff Device" means a component which automatically suspends an irrigation event when it rains.
- (aaa) "Record Drawing" or "As-Built" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
- (bbb) "Recreational Area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.
- (ccc) "Recycled Water", "Reclaimed Water", or "Treated Sewage Effluent Water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
- (ddd) "Reference Evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Section 10-2.06 and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well

watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

- (eee) "Rehabilitated Landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 10-2.01.01, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.
- (fff) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
- (ggg) "Soil Moisture Sensing Device" or "Soil Moisture Sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- (hhh) "Soil Texture" means the classification of soil based on its percentage of sand, silt, and clay.
- (iii) "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- (jjj) "Sprinkler Head" means a device which delivers water through a nozzle.
- (kkk) "Static Water Pressure" means the pipeline or municipal water supply pressure when water is not flowing.
- (lll) "Station" means an area served by one valve or by a set of valves that operate simultaneously.
- (mmm) "Swing Joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
- (nnn) "Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- (ooo) "Valve" means a device used to control the flow of water in the irrigation system.
- (ppp) "Water Conserving Plant Species" means a plant species identified as having a low plant factor.
- (qqq) "Water Feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.
- (rrr) "Watering Window" means the time of day irrigation is allowed.
- (sss) "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

§ 10-2.03. Provisions for New Construction or Rehabilitated Landscapes.

- (a) The City of Los Banos may designate another agency to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.01 Compliance with Landscape Documentation Package.

- (a) Prior to construction, the City of Los Banos shall:
- (1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 - (2) review the Landscape Documentation Package submitted by the project applicant;
 - (3) approve or deny the Landscape Documentation Package;
 - (4) issue a permit or approve the plan check or design review for the project applicant; and
 - (5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- (b) Prior to construction, the project applicant shall:
- (1) submit a Landscape Documentation Package to the City of Los Banos.
- (c) Upon approval of the Landscape Documentation Package by the City of Los Banos , the project applicant shall:
- (1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
 - (2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - (3) submit a copy of the Water Efficient Landscape Worksheet to the City of Los Banos.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.02 Penalties.

- (a) Title 1, Chapter 2, of this code established the administrative enforcement of remedies for violations of this Code and applicable State Codes. The general remedies include administrative abatement, summary abatement, civil penalties, administrative citations, recordation of notices of violation and mediation. The City of Los Banos may pursue any of these administrative remedies for violations of this chapter.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.03 Elements of the Landscape Documentation Package.

- (a) The Landscape Documentation Package shall include the following six (6) elements:
- (1) project information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
 - (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 1. Maximum Applied Water Allowance (MAWA)

2. Estimated Total Water Use (ETWU)

- (3) soil management report;
- (4) landscape design plan;
- (5) irrigation design plan; and
- (6) grading design plan.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.04 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Section 10-2.07):

- (1) a hydrozone information table (see 10-2.07, Part A) for the landscape project; and
- (2) a water budget calculation (see Section 10-2.07, Part B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Section 10-2.06. For geographic areas not covered in Section 10-2.06, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

(b) Water budget calculations shall adhere to the following requirements:

- (1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
- (3) All Special Landscape Areas shall be identified and their water use calculated as described below.
- (4) ETAF for Special Landscape Areas shall not exceed 1.0.

(c) Maximum Applied Water Allowance

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Section 10-2.06, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

- (1) Example MAWA calculation: a hypothetical landscape project in Los Banos with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Los Banos is 50.0 inches as listed in the Reference Evapotranspiration Table in Section 10-2.06.

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$\text{MAWA} = (50.0 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)]$$

$$= 1,085,000 \text{ gallons per year}$$

To convert from gallons per year to hundred-cubic-feet per year:

$$= 1,085,000/748 = 1,451 \text{ hundred-cubic-feet per year (100 cubic feet = 748 gallons)}$$

- (2) In this next hypothetical example, the landscape project in Los Banos has the same ETo value of 50.0 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be

a Special Landscape Area.

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

$$MAWA = (50.0 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 31 \times [35,000 + 600] \text{ gallons per year}$$

$$= 31 \times 35,600 \text{ gallons per year}$$

$$= 1,103,600 \text{ gallons per year or } 1,475 \text{ hundred-cubic-feet per year}$$

(d) Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right) \text{ Where:}$$

ETWU = Estimated Total Water Use per year

(gallons)

- ET_o = Reference Evapotranspiration (inches)
- PF = Plant Factor from WUCOLS (see Section 10-2.02)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor
- IE = Irrigation Efficiency (minimum 0.71)

(1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ET_o value is 50.0 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

*Plant Factor from WUCOLS

$$ETWU = (50.0)(0.62) \left(\frac{24,700}{0.71} + 0 \right)$$

= 1,078,459 gallons per year

Compare ETWU with MAWA: For this example MAWA = (50.0) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,085,000 gallons per year. The ETWU (1,078,459 gallons per year) is less than MAWA (1,085,000 gallons per year). In this example, the water budget complies with the MAWA.

(2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 50.0 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square Feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (50.0)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right)$$

$$= (31) (33,099 + 2,000)$$

$$= 1,088,069 \text{ gallons per year}$$

Compare ETWU with MAWA. For this example:
MAWA = (50.0) (0.62) [(0.7 x 50,000) + (0.3 x 2,000)]
= 31 x [35,000 + 600]
= 31 x 35,600
= 1,103,600 gallons per year

The ETWU (1,088,069 gallons per year) is less than MAWA (1,103,600 gallons per year).
For this example, the water budget complies with the MAWA.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.05 Soil Management Report.

- (a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
- (1) Submit soil samples to a laboratory for analysis and recommendations.
 - (A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - (B) The soil analysis may include:
 1. soil texture;
 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 3. pH;
 4. total soluble salts;
 5. sodium;
 6. percent organic matter; and
 7. recommendations.
 - (2) The project applicant, or his/her designee, shall comply with one of the following:
 - (A) If significant mass grading is not planned, the soil analysis report shall be submitted to the City of Los Banos as part of the Landscape Documentation Package; or
 - (B) If significant mass grading is planned, the soil analysis report shall be submitted to the City of Los Banos as part of the Certificate of Completion.
 - (3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
 - (4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City of Los Banos with Certificate of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.06 Landscape Design Plan.

- (a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
- (1) Plant Material
 - (A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:
 1. protection and preservation of native species and natural vegetation;
 2. selection of water-conserving plant and turf species;
 3. selection of plants based on disease and pest resistance;
 4. selection of trees based on approved local tree and tree shading guidelines as specified in the City of Los Banos Standards and Specifications; and

5. selection of plants from approved local and regional landscape program plant lists as specified in the City of Los Banos Standards and Specifications.
- (B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 10-2.03.07(a)(2)(D).
 - (C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:
 1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
 3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
 - (D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
 - (E) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.
 - (F) The use of invasive and/or noxious plant species is strongly discouraged.
 - (G) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
- (2) Water Features
 - (A) Recirculating water systems shall be used for water features.
 - (B) Where available, recycled water shall be used as a source for decorative water features.
 - (C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
 - (D) Pool and spa covers are highly recommended.
 - (3) Mulch and Amendments
 - (A) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
 - (B) Stabilizing mulching products shall be used on slopes.
 - (C) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
 - (D) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 10-2.03.05)
- (b) The landscape design plan, at a minimum, shall:
- (1) delineate and label each hydrozone by number, letter, or other method;
 - (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
 - (3) identify recreational areas;
 - (4) identify areas permanently and solely dedicated to edible plants;
 - (5) identify areas irrigated with recycled water;
 - (6) identify type of mulch and application depth;
 - (7) identify soil amendments, type, and quantity;
 - (8) identify type and surface area of water features;
 - (9) identify hardscapes (pervious and non-pervious);
 - (10) identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

- (A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (B) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (C) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- (11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
 - (12) contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
 - (13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

§ 10-2.03.07 Irrigation Design Plan.

(a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

- (A) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.
- (B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
- (C) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 - 1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - 2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (D) Sensors (rain, freeze, wind), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- (F) Approved backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the City of Los Banos Standards and Specifications for additional backflow prevention requirements.
- (G) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- (H) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (I) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

- (J) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (K) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 10-2.03.04 regarding the Maximum Applied Water Allowance.
- (L) It is highly recommended that the project applicant inquire with the Public Works Department about peak water operating demands (on the water supply system) and water restrictions that may impact the effectiveness of the irrigation system.
- (M) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (N) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (O) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (P) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- (Q) Check valves or anti-drain valves are required for all irrigation systems.
- (R) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
- (S) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch or City approved material. These restrictions may be modified if:
 1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 10-2.03.07(a)(1)(H). Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (T) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

- (A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
 - (B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
 - (C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
 - (D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 2. the plant factor of the higher water using plant is used for calculations.
 - (E) Individual hydrozones that mix high and low water use plants shall be permitted.
 - (F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (10-2.07 Part A). This table can also assist with The City of Los Banos irrigation audit and programming the controller.
- (b) The irrigation design plan, at a minimum, shall contain:
- (1) location and size of separate water meters for landscape;
 - (2) location, type and size of all components of the irrigation system, including

- rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) recycled water irrigation systems as specified in Section 10-2.03.14;
- (6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- (7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.08 Grading Design Plan.

- (a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.
 - (1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - (A) height of graded slopes;
 - (B) drainage patterns;
 - (C) pad elevations;
 - (D) finish grade; and
 - (E) stormwater retention improvements, if applicable.
 - (2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - (A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - (B) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (C) avoid soil compaction in landscape areas.
 - (3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.09 Certificate of Completion.

- (a) The Certificate of Completion (Section 10-2.08 for a sample certificate) shall include the following six (6) elements:
 - (1) project information sheet that contains:
 - (A) date;
 - (B) project name;
 - (C) project applicant name, telephone, and mailing address;
 - (D) project address and location; and
 - (E) property owner name, telephone, and mailing address;
 - (2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - (A) where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;
 - (3) irrigation scheduling parameters used to set the controller (see Section 10-2.03.10);
 - (4) landscape and irrigation maintenance schedule (see Section 10-2.03.11);
 - (5) irrigation audit report (see Section 10-2.03.12); and
 - (6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 10-2.03.05).

- (b) The project applicant shall:
 - (1) submit the signed Certificate of Completion to the City of Los Banos for review;
 - (2) ensure that copies of the approved Certificate of Completion are submitted to the Public Works Department and property owner or his or her designee.
- (c) The City of Los Banos shall:
 - (1) receive the signed Certificate of Completion from the project applicant;
 - (2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the City of Los Banos shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.10 Irrigation Scheduling.

- (a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
 - (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - (2) Irrigation shall be restricted to certain days and times. It shall be unlawful for any person to use City supplied water for irrigation of lawn, landscaping, et cetera, between the hours of 11:00 A.M. and 7:00 P.M. on any day of the week, beginning May 1, through September 30. Usage of water for the aforesaid purposes during allowable shall be restricted to Sundays, Wednesdays, and Fridays of each week on the even numbered side of any street; and Tuesdays, Thursdays, and Saturdays of each week on the odd numbered side of any street. Watering shall be prohibited on Mondays. "Even-numbered side of any street" shall mean that side of this street on which the house numbers end in even figures. "Odd-numbered side of any street" shall mean that side of the street on which the house numbers end in odd figures. New plantings, such as new lawns, ground coverings, or bedding plants may be watered every day providing the following conditions are met:
 - (A) New lawns, ground coverings, or bedding plants shall not include reseeding of existing lawns or replacement of existing ground cover, or bedding plants, and
 - (B) New lawns, ground coverings, or bedding plants shall be considered new for a period of one (1) year from planting date.
 - (3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
 - (4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - (A) the plant establishment period;
 - (B) the established landscape; and
 - (C) temporarily irrigated areas.
 - (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;
 - (J) shade factor setting; and
 - (K) irrigation uniformity or efficiency setting.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.11 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.

- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- (d) A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 10-2.01.01:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the City of Los Banos that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - (2) the City of Los Banos shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.13 Irrigation Efficiency.

- (a) For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.14 Recycled Water.

- (a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 10-2.03.14(b).
- (b) Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
- (c) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- (d) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.15 Stormwater Management.

- (a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.
- (b) Project applicants shall refer to the City of Los Banos Public Works Department for information on any applicable stormwater ordinances and stormwater management plans.

- (c) Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.16 Public Education.

- (a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
- (1) The City of Los Banos shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.
- (b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.
- (1) Signs shall be used to identify the model as an example of water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
- (2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.03.17 Environmental Review.

- (a) The City of Los Banos must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

§ 10-2.04 Provisions for Existing Landscapes.

- (a) The City of Los Banos may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-2.04.01 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) This section, 10-2.04.01, shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.
- (1) For all landscapes in 10-2.04.01(a) that have a water meter, the City of Los Banos shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o)(LA)(0.62)$.
- (2) For all landscapes in 10-2.04.01(a), that do not have a meter, the City of Los Banos shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

- (b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-4.02.02 Water Waste Prevention.

- (a) The City of Los Banos shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated

areas, walks, roadways, parking lots, or structures. No person shall allow water to run or waste from one's property onto a City street or right-of-way to such an extent that water shall flow in the street/gutter excessively beyond the frontage of the property occupied by such person; nor to flow excessively off the occupied property into the street/gutter; nor to continuously fall upon a public right of way or adjoining property such as to significantly contribute to gutter flow; nor to excessively flow onto or continuously upon adjoining properties or an alley.

Penalties for violation of these prohibitions are set forth Los Banos Municipal Code Title 4 Chapter 11.

- (b) Restrictions regarding overspray and runoff may be modified if:
- (1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - (2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 10-2.05 Effective Precipitation.

- (a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance: $MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 10-02.06 Reference Evapotranspiration (ET_o) Table*.

- (a) The following is the reference Evapotranspiration (ET_o) Table for the City of Los Banos:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET _o
Los Banos	1.0	1.5	3.2	4.7	6.1	7.4	8.2	7.0	5.3	3.4	1.4	0.7	50.0

* The values in this table were derived from:

- 1) California Irrigation Management Information System (CIMIS);
- 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; and
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922,
- 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426

§ 10-02.07 Water Efficient Landscape Worksheet.

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package. Please complete all sections (A and B) of the worksheet.

PART A. HYDROZONE INFORMATION TABLE

Please complete the hydrozone table(s) for each hydrozone. Use as many tables as necessary to provide the square footage of landscape area per hydrozone.

Hydrozone*	Zone or Valve	Irrigation Method**	Area (Sq.Ft.)	% of Landscape Area
Total				100%

PART B. WATER BUDGET CALCULATIONS

Part B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ET_o = Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscaped Area includes Special Landscape Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

$$MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

The project's Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ET_o) (0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

where:

- ETWU = Estimated total water use per year (gallons per year)
- ET_o = Reference Evapotranspiration (inches per year)
- PF = Plant Factor from WUCOLS (see Definitions)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor (to gallons per square foot)
- IE = Irrigation Efficiency (minimum 0.71)

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per ordinance Section 10-2.03.10.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 10-2.03.11.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per ordinance Section 10-2.03.12.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 10-2.03.05.

Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 10-2.03.05.

§ 10-2.09 Fees.

Landscape and irrigation plan review and inspection fees shall be paid to the City at Public Works Department when landscape and irrigation plans are submitted. The amount of the fee is established by City Council resolution as recommended by the Parks and Recreation Commission.

§ 10-2.10 Inspection.

Upon installation of landscaping and irrigation systems, the installer must contact the Public Works Department to request an inspection for compliance with the approved plans before a certificate of occupancy will be issued by the Public Works Department.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. 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. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. 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

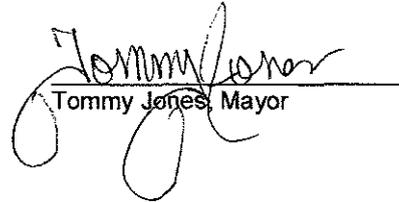
adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall 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.

Introduced by Council Member Sousa and seconded by Council Member Villalta on the 20th day of January 2010.

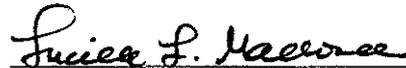
Passed on the 3rd day of February 2010 by the following vote:

AYES: Council Members Faria, Sousa, Stone, Villalta, Mayor Jones
NOES: None
ABSENT: None

APPROVED:


Tommy Jones, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & City Council Members

FROM: Sonya Williams, Finance Director

DATE: March 19, 2014

SUBJECT: Mid Year Budget Review and Approval of a Resolution to Adjust the 2013-2014 Budget

TYPE OF REPORT: Non Consent Agenda

Recommendation:

Staff recommends that the City Council adopt a resolution to revise the budget for the 2013-2014 Fiscal Year as it pertains to changes in revenues and expenditures.

Background:

A midyear financial report is prepared in order to highlight the 2013-2014 fiscal year revenues and expenditures to determine if the City is on track or if adjustments need to be made during the year. It may also be useful in preparing for the upcoming budget year. Staff reviews the current year budget to actual variances in the different Funds based on actual revenues and expenditures through January 31, 2014, including recommendations for budget modifications. It is important to note that Staff continuously researches, calculates, and refines the fiscal impacts associated with all of the adjustment previewed in this report.

Discussion:

After reviewing the City's audited financial results from the 2012-2013 fiscal year and analyzing the current fiscal year-to-date revenue and expenditure trends, staff applied their best and most prudent professional judgment to confirm the revenue and expenditure projections for the rest of the fiscal year.

General Fund

Staff analyzed the current fiscal year through January 31st, in order to include the receipt of Property Tax revenue. With fifty-eight percent (58%) of the year completed, General Fund Revenues collected are thirty-six percent (36%) of the budgeted amount. General Fund Expenditures are fifty-five percent (55%) of the budgeted amount. The following points highlight the requested mid-year changes to General Fund Budget:

1. Increase revenues for Property Tax Reimbursement to \$108,000. The final installment of the Property Tax Admin Fee reimbursement by the County will be accrued in 2013-2014 and was not included in the budget.
2. Increase revenues for Zoning & Planning by \$35,000 due to anticipated planning projects not included in the original budget
3. Decrease revenues for Mural Program Contributions by \$6,500 to reflect actual contributions for the year.
4. Decrease expenditures for Special Programs to \$1,000 to reflect actual expenditures. This line item is for the Mural Project, which will not begin development this fiscal year.
5. Increase Salaries and Benefits by \$142,337 to reclass a Fire Captain position from Measure A.

Special Revenue Funds

Revenues for the landscape and lighting districts are received with the property tax payments in January and May. Expenditures for the districts seem to be on track with the exception of District 19. In order to adequately fund District 19, there are four increases to expenditures for Council consideration:

1. Increase expenditures by \$16,000 for Water Sewerage & Disposal to include water fees for the entire year.
2. Increase expenditures by \$1,000 for Park Maintenance.
3. Increase Street Light Maintenance expenditures by \$850.00.
4. Increase Electricity & Gas expenditures by \$1,200.

Other changes to the Special Revenue Fund include reclassing a Fire Captain from Measure A to the General Fund for the entire year. This would increase the General Fund and decrease Measure A Salaries and Benefits by \$142,337.

Enterprise Funds

Staff recommends that the budgeted revenues for the Enterprise Funds be increased by \$60,500. The changes would include:

1. An increase in revenue of \$18,000 to reflect actual impact fees collected.
2. An increase in revenue of \$7,500 to reflect the collection of miscellaneous fees.
3. An increase in revenue of \$35,000 for Ag Farming Income.

Internal Services

On February 5, 2014 Council approved a budget amendment to upgrade the server room at City Hall. This amendment included the cost of replacing the server, which was originally budgeted in account 610-410-100-770, therefore Staff requests the Internal Services Computer Equipment account be reduced by \$60,000 to reflect this change.

Salary Schedule Update

Staff is requesting that the Payroll Technician position be reclassified to HR Technician to sufficiently represent the current range of job duties performed in this position. The proposed salary range is \$3,204 - \$3,894, equivalent to all other Technician positions within the City. The current position is budgeted, yet vacant.

Staff is also requesting a part time job title change of Clerk Typist I in the Public Works Department to Admin Clerk with no salary increase. This will allow multiple departments use the same recruitment list when hiring part time employees, saving recruiting costs and time.

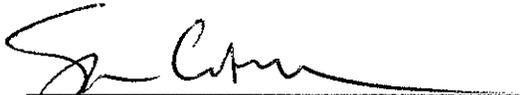
Fiscal Impact:

Attached to the resolution is a schedule showing a detail account of requested changes to the Budget for 2013-2014 Fiscal Year and the updated salary schedule reflecting changes associated with the HR Technician and Part Time Admin Clerk.

Attachments:

Resolution

Reviewed by:


Steve Carrigan, City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF LOS BANOS
ADOPTING A REVISED BUDGET FOR THE 2013-
2014 FISCAL YEAR AS IT PERTAINS TO REVENUES
AND EXPENDITURES AND AMENDING DIVISION 4,
SALARY SCHEDULE – EMPLOYEE
CLASSIFICATIONS RELATING TO CHANGES TO
SECTION A – ADMINISTRATION & PART TIME
CLASSIFICATIONS**

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2013-2014 Fiscal Year budget; and

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

WHEREAS, the City Council of the City of Los Banos has received a request that Division 4 – Salary Schedule of the City Policy Manual be amended to reflect changes associated with the reclassification of the Payroll Technician to HR Technician in the Administration Department and Part Time Clerk Typist I to Admin Clerk in the Public Works Department; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos hereby amends the 2013-2014 Fiscal Year Budget shown in Exhibit A.

BE IT FURTHER RESOLVED that within each fund in Exhibit A, the original adopted revenues and expenditures are revised; and

BE IT FURTHER RESOLVED that the amendments as identified in Division 4, Salary Schedule – Employee Classifications of the City Policy Manual are hereby amended and shall read as attached on “Exhibit B”.

The foregoing resolution was introduced at a regular meeting of the Los Banos City Council held on the 19th day of March 2014, by Council Member _____ who moved for its adoption, which motion was duly seconded by Council Member _____, and the Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Exhibit A

Mid-Year Budget Adjustments

<u>Fund</u>	<u>Description</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>	
1 General	Property Tax Reimbursement	100-000-311-017	\$ 108,000.00	\$ -	Revenue
2 General	Zoning & Planning	100-000-341-032	\$ 35,000.00	\$ -	Revenue
3 General	Mural Program Contributions	100-000-365-013	\$ -	\$ 3,500.00	Revenue
4 General	Special Programs	100-419-100-270	\$ -	\$ 9,000.00	Expenditure
5 General	Salaries	100-422-100-101	\$ 73,686.00	\$ -	Expenditure
6 General	Employee Benefits	100-422-100-120	\$ 68,651.00	\$ -	Expenditure
7 Special Revenue	Salaries	238-422-180-101	\$ -	\$ 73,686.00	Expenditure
8 Special Revenue	Employee Benefits	238-422-180-120	\$ -	\$ 68,651.00	Expenditure
9 Special Revenue	Water Sewerage & Disposal	289-458-200-213	\$ 16,000.00	\$ -	Expenditure
10 Special Revenue	Park Maintenance	289-458-200-221	\$ 1,000.00	\$ -	Expenditure
11 Special Revenue	Street Light Maintenance	289-458-200-263	\$ 850.00	\$ -	Expenditure
12 Special Revenue	Electricity & Gas	289-458-200-264	\$ 1,200.00	\$ -	Expenditure
13 Enterprise	Water Connection Fee	501-000-343-025	\$ 18,000.00	\$ -	Revenue
14 Enterprise	Misc. Revenues	501-000-390-010	\$ 7,500.00	\$ -	Revenue
16 Enterprise	Ag Farming Income	502-000-363-017	\$ 35,000.00	\$ -	Revenue
17 Internal Services	Computer Equipment	610-410-100-770	\$ -	\$ 60,000.00	Expenditure

DIVISION 4
SALARY SCHEDULE
(Approved _____, 2014)

SEC. 4003 REGULAR (FULL TIME) EMPLOYEE CLASSIFICATIONS

SECTION A - ADMINISTRATION
TOTAL POSITIONS AUTHORIZED (5)

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>START</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>
City Manager	(1)	10,937-13,671	*	*	*	*	*
Human Resources Director	(1)	6,904-8,631	*	*	*	*	*
Assistant City Clerk/HR Technician	(1)	*	3,894	4,089	4,293	4,508	4,733
Payroll <i>HR</i> Technician	(1)	*	2,994	3,144	3,301	3,466	3,639
		*	<u>3,204</u>	<u>3,364</u>	<u>3,532</u>	<u>3,709</u>	<u>3,894</u>
<hr/>							
Admin Clerk	(1) ¹						
Admin Clerk II	*	*	2,852	2,994	3,144	3,301	3,466
Admin Clerk I	*	*	2,346	2,463	2,586	2,716	2,851

* Comment: Promotions to skill levels within the Admin Clerk job classifications are made by the Human Resources Director with concurrence of the City Manager.

¹ Authorized but unfunded for fiscal year 2013/2014

SEC. 4004 PART TIME & ELECTED EMPLOYEE CLASSIFICATIONS

Public Works Department -- Hourly Salary

<u>EMPLOYEE CLASSIFICATION</u>	<u>START</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>
Maintenance Worker III	14.10	14.81	15.55	16.32	17.14
Clerk-Typist-I <i>Admin Clerk</i>	11.90	12.50	13.12	13.78	14.46
Recreation Clerk	11.67	12.25	12.87	13.51	14.18
Program Supervisor	10.80	11.34	11.91	12.50	13.13
Garage Aid	10.54	11.07	11.62	12.20	12.81
Maintenance Worker II	10.22	10.73	11.27	11.83	12.42
Recreation Assistant	8.45	8.87	9.32	9.78	10.27
Maintenance Worker I	8.41	8.83	9.27	9.74	10.22
Recreation Aide	8.00	8.40	8.82	9.26	9.72



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: March 19, 2014

SUBJECT: Presentation regarding Drought Awareness

TYPE OF REPORT: Informational Item

Recommendation:

Informational item only, no action to be taken.

Discussion:

The Public Works Department will be giving a presentation on the current drought situation and current water conservation efforts.

Reviewed by:

A handwritten signature in black ink, appearing to read "Steve Carrigan". The signature is written in a cursive style and is positioned above a horizontal line.

Steve Carrigan, City Manager

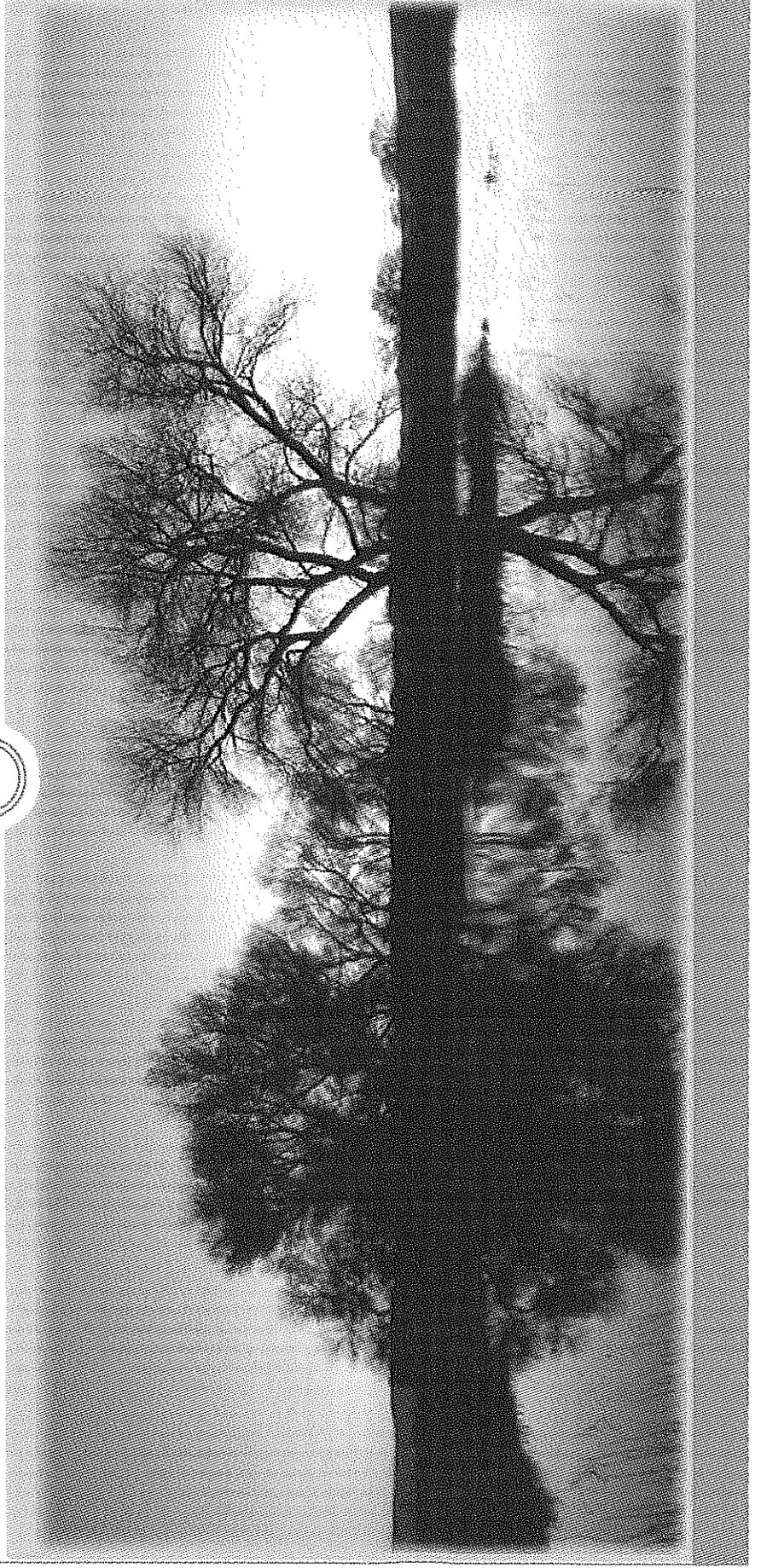
Attachment:

Power Point Presentation



City of
Los Banos
At the Crossroads of California

Ongoing Water Conservation





Drought/Water Conservation



Governor Brown
proclaimed a State of Emergency
on January 17, 2014

ONE OF THE DRIEST YEARS IN RECORDED HISTORY



State of Emergency Declaration

1. State officials to assist farmers and communities that are economically impacted by the drought
2. Ensure the State can respond if California faces drinking water shortages
3. Directed State agencies to use less water
4. Directed to hire additional firefighters
5. Expand water conservation public awareness
6. Voluntarily conserve 20% of water use



2010 Urban Water Management Plan



1. Urban Water Use Target for 2010 is 186 gpcd
2. 2010 actual use was 187 gpcd
3. Current drought is requiring 20% more conservation



City Conservation Efforts

1. Park and Green space irrigation reduction of 20%
2. Water Awareness efforts
3. City & State websites have water conservation information
4. All service connections have water meters including construction water
5. Graduated rate structure



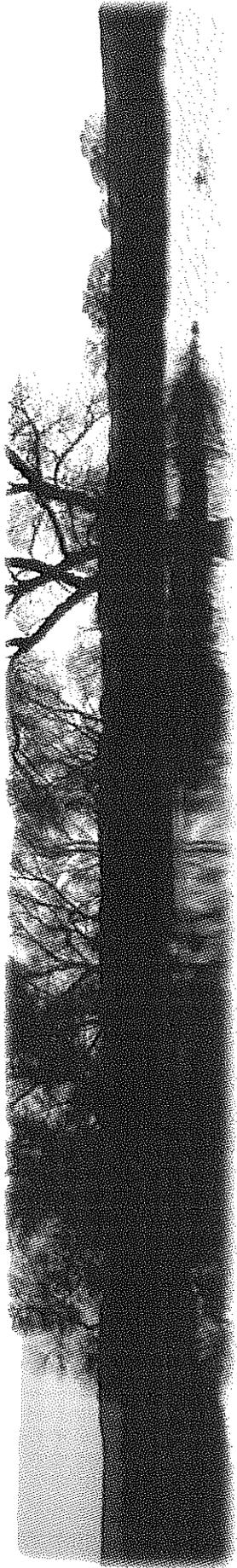
City Conservation Efforts

6. Sprinkler timer setting free of charge all year
7. Free water audits and leak detection
8. Well depth monthly monitoring
9. Water Waste warnings and citations
10. Extending residential watering schedule
11. Water Efficient Landscaping Ordinance



Water Conservation - Outdoors

1. Follow irrigation scheduled days and times with 20% less use
2. Use water-saving shutoff nozzle
3. Use broom or leaf blower to clean driveways, sidewalks and walkways
4. Plant drought-tolerant native plants
5. No watering on rainy days



Water Conservation - Indoors

1. Fix leaks and drips promptly
2. Take shorter showers, less baths
3. Turn water off while brushing teeth, shaving, etc.
4. Only wash full loads of clothes or dishes
5. Install water conservation fixtures
6. Use 20% less indoor water



Summary

1. Current City groundwater supply is healthy
2. Need 20% more water conservation to protect the groundwater aquifer
3. Working with State agencies in updating drought situation
4. State website – Save Our Water @ www.saveourh2o.org
5. City website – www.losbanos.org/city-government/departments/public-works/



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: March 14, 2014

Regarding: Notice of Public Hearing

Proposal: Use Permit #2014-05 – West Pacheco Digital Billboard

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit for the display of a digital billboard located approximately 500 feet west of Badger Flat Road and north of Pacheco Blvd., more specifically described as Assessor's Parcel Number: 430-010-040.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, March 26, 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 II 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 II



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: March 14, 2014

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance - Design and Site Development Review

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider and make a recommendation to the Los Banos City Council to adopt a proposed ordinance to establish a process by which certain types of development projects and structures shall be subject to a comprehensive discretionary review approval process before the City's Planning Commission concerning site development and architecture review. The City intends to use this process to improve the aesthetic character of the community, to preserve and enhance property values, protect adjacent properties from adverse impacts caused by development projects, to assist private and public developers to be more cognizant of public concerns for the aesthetics of projects, and to bring about a community that is livable, safe, functional and attractive. The proposed ordinance will establish the duties and responsibilities of the project review board; an architectural advisory committee; and the planning commission in evaluating development projects in the City of Los Banos.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, March 26, 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 II, at City Hall or at (209) 827-7000, Ext.133.

Persons wishing to provide oral comments on the described proposal 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. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter, at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner II



City of
Los Banos

At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: March 14, 2014

Regarding: Notice of Public Hearing

Proposal: Use Permit #2014-04 – Modify Existing Billboard

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit for the modification of an existing billboard into a digital billboard located approximately 1,200 feet west of Badger Flat Road and north of Pacheco Blvd., more specifically described as Assessor's Parcel Number: 430-010-003.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, March 26, 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 II 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 II