



# City of Los Banos

At the Crossroads of California

[www.losbanos.org](http://www.losbanos.org)

## AGENDA

### CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**APRIL 1, 2015**

*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](http://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](http://www.losbanos.org).*

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)  
Faria \_\_\_\_, Lewis \_\_\_\_, Silveira \_\_\_\_, Stonegrove \_\_\_\_, Villalta \_\_\_\_
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda

items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)

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

A. Check Register for #152343 – #152585 in the Amount of \$663,664.52.

*Recommendation: Approve the check register as submitted.*

B. Street Closure Request from the Los Banos Chamber of Commerce to Hold the Annual Downtown Spring Street Faire on Saturday, April 18, 2015 from 5:30 AM – 5:00 PM in the Downtown Area to Close 6<sup>th</sup> Street between K Street to H Street, J Street between 5<sup>th</sup> and 6<sup>th</sup> Street, with the Streets at 7<sup>th</sup> & K, 7<sup>th</sup> and J Street, 7<sup>th</sup> and I Street, 5<sup>th</sup> and J Street, and 5<sup>th</sup> Street and I Street Blocked off to Vehicle Traffic and to Allow Vendors to be Set Up in the Center of Each Street.

*Recommendation: Approve the street closure request as submitted.*

C. City Council Resolution No 5647 – Authorizing the City Manager to Execute a Hold Harmless Agreement Between the City of Los Banos and the Los Banos Oddfellows for the Purpose of Securing a Community Banner Across Sixth Street in Downtown Los Banos.

*Recommendation: Adopt the resolution as submitted.*

D. City Council Resolution No 5648 – Accepting the Grant Deed and Dedication from Stonecreek Properties for Oliveira Park Located West of Ortigalita Road and South of Cardoza Road, Assessor's Parcel Number 430-060-013.

*Recommendation: Adopt the resolution as submitted.*

E. City Council Resolution No 5649 – Accepting a Grant of Easement from California Dairies Generally Located Near Pacheco Boulevard and 13<sup>th</sup> Street, Assessor's Parcel Number 026-280-005 and 026-280-017.

*Recommendation: Adopt the resolution as submitted.*

7. 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 Amendment to the Development Agreement Relative to the Villages at Stonecreek IIA & III, Generally Located in the Southwest Quadrant of the City of Los Banos, West of Badger Flat Road, North of Pioneer Road, and South of the Wal-Mart Shopping Center.

- 1) Ordinance No. 1127 – Approving First Amendment to Development Agreement Relative to the Development known as “Villages at Stonecreek IIA and III”, Making Certain Findings Related Thereto, and Authorizing the Mayor to Execute Said Amendment on Behalf of the City.  
**(Second Reading & Adoption)**

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

- B. **Public Hearing** – To Receive Public Comment and to Discuss the Submittal of an Application in Response to the 2015 State Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA).

- 1) City Council Resolution No. 5650 – Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments thereto from the 2015 Allocation of the State CDBG Program.

*Recommendation: Receive staff report, open public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

- C. **Public Hearing** – To Receive Public Comment and to Consider General Plan Amendment #2015-01, Zone Change #2015-01, and Tentative Parcel Map #2015-01 for Habitat for Humanity Westside Merced County, Inc. for the Rezone of Three (3) Parcels Currently Zoned Low Density Residential (R-1) to Medium Density Residential (R-2) with a Remainder 3,300 Square Foot Parcel to Highway Commercial (H-C), for the Project Site Located at 537, 543 and 547 M Street, Assessor’s Parcel Numbers 026-044-012, 013 and 014.

- 1) City Council Resolution No. 5651 – Approving General Plan Amendment #2015-01 for Property Located at 537, 543 and 547 M Street, More Specifically Identified as Assessor’s Parcel Numbers 026-044-012, 013, and 014.

- 2) Ordinance No. 1128 – Amending the Official Zoning Map by Rezoning Property Located at 537, 543 and 547 M Street from Low Density Residential (R-1) to Medium Density Residential (R-2) and a Remainder 3,300 Square Foot Parcel to Highway Commercial (H-C).

**(First Reading & Introduction)**

*Recommendation: Receive staff report, open public hearing, receive public comment, motion of intent to adopt the resolution as submitted, waive the second reading, and introduce the ordinance as submitted.*

8. CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5652 – APPROVAL OF NOISE VARIANCE PERMIT #2015-01 TO ALLOW CONSTRUCTION ASSOCIATED WITH THE LOS BANOS COURTHOUSE TO COMMENCE WORK AT 5:30 AM, MONDAY THRU SATURDAY, AT THE LOCATION OF 1159 G STREET, ASSESSOR’S PARCEL NUMBER 026-161-007.

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

9. CONSIDERATION OF THE ADOPTION OF CITY COUNCIL RESOLUTION NO. 5653 – DESIGNATING THE CITY OF LOS BANOS FIRE STATIONS AS SAFE SURRENDER BABY SITES.

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

10. ADVISEMENT OF PUBLIC NOTICES. (Two Reports)

11. CITY MANAGER REPORT.

12. CITY COUNCIL MEMBER REPORTS.

A. Elizabeth Stonegrove

B. Tom Faria

C. Deborah Lewis

D. Scott Silveira

E. Mayor Mike Villalta

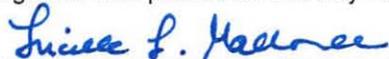
13. CLOSED SESSION.

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

B. Public Employee Performance Evaluation, Pursuant to Government Code Section 54957, Title: City Manager.

14. 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 26<sup>th</sup> day of March 2015

CK # 152343 - 152585

04/01/2015

\$663,664.52

Bank Reconciliation  
Checks by Date

User: sorozco  
Printed: 03/25/2015 - 11:06AM  
Cleared and Not Cleared Checks  
Print Void Checks



City of  
**Los Banos**  
At the Crossroads of California

Check No	Check Date	Name	Module Void	Amount
152343	3/13/2015	Dan Bronson	AP	40.00
152344	3/13/2015	Brian Elms	AP	150.00
152345	3/13/2015	Ernest Packaging Solutions	AP	2,138.17
152346	3/13/2015	William Reeder	AP	1,444.70
152347	3/13/2015	Darrall Gargano	AP	229.16
152348	3/13/2015	Mary Lou Gilardi	AP	69.63
152349	3/13/2015	Maria L. Luna	AP	20.00
152350	3/13/2015	O'Reilly Auto Parts	AP	94.95
152351	3/13/2015	O'Reilly Auto Parts	AP	94.95
152352	3/13/2015	Pacheco High School Varsity Boys Basketball	AP	500.00
152353	3/13/2015	Pacheco High School Varsity Girls Basketball	AP	500.00
152354	3/13/2015	Evelyn Pereira	AP	34.54
152355	3/13/2015	PERS - Public Employees	AP	119,656.66
152356	3/13/2015	Pinnacle Medical Group	AP	630.00
152357	3/13/2015	Gilbert Sandoval	AP	20.00
152358	3/13/2015	Brent Specht	AP	20.00
152359	3/13/2015	Law Offices of William A Vaughn	AP	8,915.00
152360	3/13/2015	Ameripride Valley Uniform Services Inc.	AP	160.86
152361	3/13/2015	Anderson Pump Company Inc	AP	600.00
152362	3/13/2015	Aramark Uniform Ser Inc	AP	28.55
152363	3/13/2015	Battery Systems, Inc.	AP	129.60
152364	3/13/2015	Chevron Usa Inc	AP	61.65
152365	3/13/2015	LN Curtis & Sons	AP	310.84
152366	3/13/2015	Dutra's	AP	220.00
152367	3/13/2015	Fastenal Company	AP	155.01
152368	3/13/2015	Ferrellgas, Inc.	AP	5.43
152369	3/13/2015	GouveiaEngineering Inc.	AP	20,770.05
152370	3/13/2015	Halo Branded Solutions Inc.	AP	692.43
152371	3/13/2015	Helena Chemical Co Inc	AP	495.18
152372	3/13/2015	Jerry Witt	AP	3,677.00
152373	3/13/2015	Johnnie's Cleaners	AP	63.25
152374	3/13/2015	Jorgensen & Co	AP	1,431.01
152375	3/13/2015	Language Line Services	AP	6.45
152376	3/13/2015	Lucas Business Systems	AP	400.46
152377	3/13/2015	Marfab Inc	AP	120.01
152378	3/13/2015	Merced Hesston Inc	AP	293.46
152379	3/13/2015	Merced Uniform & Accessories	AP	22.46
152380	3/13/2015	Napa Auto Parts	AP	416.16
152381	3/13/2015	The Office City	AP	250.39
152382	3/13/2015	O'Reilly Auto Parts	AP	255.86
152383	3/13/2015	P G & E Company	AP	9.11
152384	3/13/2015	Proforce Law Enforcement	AP	373.20
152385	3/13/2015	Protech Security & Electronics, Inc.	AP	60.00
152386	3/13/2015	Recall Secure Destruction Services Inc	AP	431.19

Check No	Check Date	Name	Module Void	Amount
152387	3/13/2015	SJVAPCD	AP	479.00
152388	3/13/2015	Safe T Lite	AP	1,396.09
152389	3/13/2015	Save Mart Supermarkets	AP	111.89
152390	3/13/2015	Sherwin Williams Co	AP	55.26
152391	3/13/2015	Sol's Mobile Service	AP	334.40
152392	3/13/2015	Sorensens True Value	AP	347.03
152393	3/13/2015	Super Products LLC	AP	1,528.02
152394	3/13/2015	Triangle Rock Products	AP	357.21
152395	3/13/2015	Tulare Firestone	AP	1,137.04
152396	3/13/2015	Home Sweet Home Property Management	AP	80.91
152397	3/13/2015	William Fritz	AP	45.43
152398	3/13/2015	Margie Terranova	AP	26.34
152399	3/13/2015	Sandra Castro Espinoza	AP	64.54
152400	3/13/2015	Richard Reyes	AP	23.61
152401	3/13/2015	Jose & Alejandra Padilla	AP	72.72
152402	3/13/2015	Michael Nordgreen	AP	27.70
152403	3/13/2015	Yue Chen	AP	42.70
152404	3/13/2015	Christopher Olague	AP	42.70
152405	3/13/2015	Winnie Ho	AP	83.63
152406	3/13/2015	Aiman Aridin	AP	9.96
152407	3/13/2015	Safeguard Properties	AP	132.73
152408	3/13/2015	Joel Sandstrom	AP	34.52
152409	3/13/2015	Home Sweet Home Property Management	AP	127.29
152410	3/13/2015	Lance Weathers	AP	85.60
152411	3/13/2015	Miguel and Martina Guzman	AP	29.06
152412	3/13/2015	Alma Guerra	AP	46.17
152413	3/13/2015	UC Construction	AP	73.52
152414	3/13/2015	Leonel Orozco	AP	26.65
152415	3/13/2015	James Gallagher	AP	303.57
152416	3/13/2015	Daljit Singh	AP	29.06
152417	3/13/2015	Olga Perez	AP	31.79
152418	3/13/2015	Salvador Martinez	AP	31.79
152419	3/13/2015	Dan Grisin	AP	31.79
152420	3/13/2015	Samantha Ruiz	AP	50.88
152421	3/13/2015	Della Rose Bettencourt	AP	72.72
152422	3/13/2015	Mario Huerta	AP	44.22
152423	3/13/2015	John & Paula Silva	AP	29.08
152424	3/13/2015	Home Sweet Home Property Management	AP	75.44
152425	3/13/2015	Home Sweet Home Property Management	AP	69.99
152426	3/13/2015	Hahns Vaughn Bruner	AP	69.44
152427	3/13/2015	Westside Truck Repair	AP	140.00
152428	3/13/2015	Westside Water Conditioning	AP	200.76
152429	3/13/2015	Western Valley Insurance	AP	38.00
152430	3/13/2015	Windecker Inc	AP	1,715.96
152431	3/13/2015	Young's Air Conditioning	AP	475.65
152454	3/20/2015	Aflac-Customer Service	AP	95.81
152455	3/20/2015	Aflac-Customer Service	AP	143.95
152456	3/20/2015	Aflac-Customer Service	AP	41.26
152457	3/20/2015	Aflac-Customer Service	AP	48.36
152458	3/20/2015	Bank of America	AP	89,637.54
152459	3/20/2015	Bank of America	AP	814.55
152460	3/20/2015	Bank of America	AP	2,386.65
152461	3/20/2015	Bank of America	AP	30.74
152462	3/20/2015	Bank of America	AP	11,046.57
152463	3/20/2015	Bank of America	AP	83.92
152464	3/20/2015	Franchise Tax Board	AP	15.00
152465	3/20/2015	Los Banos Fitness &	AP	695.00

Check No	Check Date	Name	Module	Void	Amount
152466	3/20/2015	Los Banos Police Assn	AP		2,169.00
152467	3/20/2015	MassMutual	AP		1,269.37
152468	3/20/2015	MassMutual	AP		4,942.00
152469	3/20/2015	Nationwide Retirement Solutions	AP		1,890.00
152470	3/20/2015	Professional Fire Fighter	AP		585.00
152471	3/20/2015	State Disbursement Unit	AP		2,010.00
152472	3/20/2015	Vantagepoint Transfer Agents - 705827	AP		25.00
152473	3/20/2015	Vantagepoint Transfer Agents - 801838	AP		1,000.00
152474	3/20/2015	Vantagepoint Transfer Agents - 306797	AP		455.00
152475	3/20/2015	Ameripride Valley Uniform Services Inc.	AP		160.86
152476	3/20/2015	Aramark Uniform Ser Inc	AP		743.57
152477	3/20/2015	AT&T	AP		77.31
152478	3/20/2015	Dorothy June Baker	AP		20.25
152479	3/20/2015	BJ's Consumers Choice	AP		149.00
152480	3/20/2015	Brinks Inc.	AP		550.29
152481	3/20/2015	Bruce's Tire Inc	AP		36.29
152482	3/20/2015	BSK Associates	AP		5,894.46
152483	3/20/2015	Marisol Bonilla	AP		500.00
152484	3/20/2015	Ca Dept of Justice	AP		600.00
152485	3/20/2015	Central Valley Toxicology, Inc	AP		31.00
152486	3/20/2015	CSJVRMA	AP		210,258.00
152487	3/20/2015	Coffee Break Service	AP		156.90
152488	3/20/2015	Comcast	AP		225.96
152489	3/20/2015	Cook's Communications Corp.	AP		15.00
152490	3/20/2015	CSG Consultants Inc.	AP		16,949.33
152491	3/20/2015	Employee Relations, Inc.	AP		50.00
152492	3/20/2015	Farmer Brothers Coffee	AP		129.04
152493	3/20/2015	Fastenal Company	AP		426.06
152494	3/20/2015	Flint Trading Inc.	AP		1,699.15
152495	3/20/2015	Ford Motor Credit Company LLC	AP		4,420.32
152496	3/20/2015	Fresno City College	AP		326.00
152497	3/20/2015	GCS Environmental Equipment Services	AP		505.72
152498	3/20/2015	George Allen Construction	AP		771.00
152499	3/20/2015	GouveiaEngineering Inc.	AP		7,376.25
152500	3/20/2015	Harry Bunfill	AP		7,425.00
152501	3/20/2015	Heppner Precision Machine	AP		75.37
152502	3/20/2015	IDM Worldwide	AP		304.38
152503	3/20/2015	Jerry Witt	AP		346.00
152504	3/20/2015	Kone Inc.	AP		620.28
152505	3/20/2015	Los Banos Express Oil & Lube	AP	Void	320.65
152506	3/20/2015	Los Banos Vet Clinic	AP		405.00
152507	3/20/2015	Lucas Business Systems	AP		601.06
152508	3/20/2015	Marfab Inc	AP		78.76
152509	3/20/2015	Merced County Regional Waste Management Authority	AP		2,954.14
152510	3/20/2015	Merced County Regional Waste Management Authority	AP		5,030.50
152511	3/20/2015	Merced County Regional Waste Management Authority	AP		62,513.44
152512	3/20/2015	Merced County Health Dept	AP		123.24
152513	3/20/2015	Merced Uniform & Accessories	AP		810.00
152514	3/20/2015	Merced county Office of Education	AP		500.00
152515	3/20/2015	The Office City	AP		544.87
152516	3/20/2015	OSE	AP		226.53
152517	3/20/2015	O'Reilly Auto Parts	AP		1,023.89
152518	3/20/2015	OnTrac	AP		32.31
152519	3/20/2015	P G & E Company	AP		11.20
152520	3/20/2015	PAPE Machinery Inc.	AP		356.24
152521	3/20/2015	PSG Fencing Corp.	AP		325.00
152522	3/20/2015	The Phone Connection Inc	AP		1,995.00

Check No	Check Date	Name	Module	Void	Amount
152523	3/20/2015	Premier Access Insurance Co.	AP	Void	2,896.21
152524	3/20/2015	Portfolio Recovery Associates, Inc.	AP		750.00
152525	3/20/2015	Protech Security & Electronics, Inc.	AP		180.00
152526	3/20/2015	Riggs Ambulance Service	AP		172.80
152527	3/20/2015	Safe T Lite	AP		132.30
152528	3/20/2015	Save Mart Supermarkets	AP		126.83
152529	3/20/2015	Seasons & Reasons, Llc	AP		653.44
152530	3/20/2015	Sherwin Williams Co	AP		115.51
152531	3/20/2015	Springbrook Software, Inc.	AP		1,158.00
152532	3/20/2015	Sorensens True Value	AP		794.19
152533	3/20/2015	Spriggs Inc.	AP		692.83
152534	3/20/2015	Sprint Solutions, Inc.	AP		759.81
152535	3/20/2015	Stommel, Inc.	AP		206.98
152536	3/20/2015	Stephanie Pereira	AP		24.19
152537	3/20/2015	Anderson Homes	AP		11.25
152538	3/20/2015	Larry Caruthers	AP		80.00
152539	3/20/2015	Frank Elizondo	AP		54.64
152540	3/20/2015	Brett Lee	AP		3.62
152541	3/20/2015	Miguel Masso	AP		300.00
152542	3/20/2015	Edward & Linda Scagliotti	AP		81.82
152543	3/20/2015	R. Varni	AP		24.55
152544	3/20/2015	Tim Jarrett	AP		120.00
152545	3/20/2015	David & Bernadette Pipal	AP		81.85
152546	3/20/2015	Sandra Reyes	AP		71.65
152547	3/20/2015	Gabriel Molina	AP		12.09
152548	3/20/2015	Iraj Ghazanfari	AP		87.08
152549	3/20/2015	Blanca Ibarra	AP		16.37
152550	3/20/2015	Minerva Hernandez	AP		81.85
152551	3/20/2015	Rosana Soliz	AP		46.39
152552	3/20/2015	David Witte	AP		68.19
152553	3/20/2015	Rina Renteria	AP		31.83
152554	3/20/2015	Gerald Olsway	AP		15.43
152555	3/20/2015	Crispin Ochoa	AP		1.78
152556	3/20/2015	Amanpreet Kaur	AP		45.43
152557	3/20/2015	Tim Crandall	AP		15.43
152558	3/20/2015	Shivraj Sandhu	AP		72.72
152559	3/20/2015	David Hamilton	AP		50.91
152560	3/20/2015	Parkview Edge Properties LLC	AP		42.70
152561	3/20/2015	Ignacio Rodriguez, Jr	AP		7.24
152562	3/20/2015	Home Sweet Home Property Management	AP		53.61
152563	3/20/2015	Maria Simas	AP		53.61
152564	3/20/2015	Sylvia Nicole	AP		86.36
152565	3/20/2015	Larry Zamora Jr.	AP		7.24
152566	3/20/2015	Anthony and Mary Jane Mercado	AP		4.18
152567	3/20/2015	Judy Wang	AP		53.61
152568	3/20/2015	Jessica Stankovich	AP		4.51
152569	3/20/2015	Derek Esparza	AP		4.51
152570	3/20/2015	UC Construction	AP		79.52
152571	3/20/2015	UC Construction	AP		84.11
152572	3/20/2015	Graystone Property Mgmt	AP		80.91
152573	3/20/2015	WECO Industries, LLC	AP		1,527.03
152574	3/20/2015	Westside Water Conditioning	AP		20.00
152575	3/20/2015	Windecker Inc	AP		17,555.34
152576	3/20/2015	Young's Air Conditioning	AP		425.00
152577	3/20/2015	Zee Medical Service Co	AP		216.00
152578	3/20/2015	CNOA	AP		45.00
152579	3/20/2015	Eric Espindola	AP		20.00

<b>Check No</b>	<b>Check Date</b>	<b>Name</b>	<b>Module Void</b>	<b>Amount</b>
152580	3/20/2015	Eric Espindola	AP	129.00
152581	3/20/2015	Liebert Cassidy Whitmore	AP	1,745.50
152582	3/20/2015	Ramon Mcdonald	AP	12.00
152583	3/20/2015	National Notary Assn	AP	179.00
152584	3/20/2015	Evelyn Pereira	AP	38.86
152585	3/20/2015	State Water Resources Control Board	AP	60.00

Break in check sequence due to the following:

Check #152432 - 152453 (Payroll)

Total Void Check Count:	2
Total Void Check Amount:	3,216.86
Total Valid Check Count:	219
Total Valid Check Amount:	663,664.52
Total Check Count:	221
Total Check Amount:	666,881.38



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:** April 1, 2015

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

**TYPE OF REPORT:** Consent Agenda

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**Recommendation:**

Approve road closure and usage.

**Discussion:**

The Annual Chamber of Commerce, Downtown Spring Street Faire is requesting the following roads be closed on April 18, 2015 between 5:30 a.m. and approximately 5:00 p.m.: 6<sup>th</sup> Street between K Street and H Street, J Street between 5<sup>th</sup> and 6<sup>th</sup> Street, and J Street between 6<sup>th</sup> Street and 7<sup>th</sup> Street.

Vendor booths will run down the center of 6<sup>th</sup> Street; food vendor booths will be located in the intersections of K Street and 6<sup>th</sup> Street, J Street and 6<sup>th</sup> Street, and I Street and 6<sup>th</sup> Street. The following intersections will be blocked off to vehicle traffic if vendor counts warrant it: 7<sup>th</sup> Street and K Street, 7<sup>th</sup> Street and J Street, 7<sup>th</sup> Street and I Street, 5<sup>th</sup> Street and J Street, and 5<sup>th</sup> Street and I Street.

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

**Fiscal Impact:**

The fiscal impact is minimal.

**Reviewed by:**



---

Steve Carrigan, City Manager

**Attachment:**

Chamber of Commerce Request Letter

“Working for Business – Believing in Los Banos”



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

Dear Mayor, City Council & Staff  
Cc: Police Chief Gary Brizee  
Fire Chief Tim Marrison

The Los Banos Chamber of Commerce is requesting a street closure for our annual Downtown Spring Street Faire to be held on Saturday, April 18, 2015. Booth set up time begins at 5:30 am and the Faire opens to the Public from 8:30 am to 3:00 pm.

We are requesting the following closures in the Downtown area:

- \* 6th Street from K Street to H Street (beginning at alley South of Santa Fe market)
- \* J Street between 5th and 6th
- \* J Street between 7th 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 placed on J Street between 6th and 5th.

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

932 6th Street, Los Banos CA 93635  
Bus: 209-826-2495 Fax: 209-826-9689 Email: lbchamber@comcast.net



City of  
**Los Banos**  
*At the Crossroads of California*

**Agenda Staff Report**

**TO:** Mayor Villalta and Council Members  
**FROM:** Stacy Souza Elms, Assistant Planner II   
**DATE:** April 1, 2015  
**SUBJECT:** Los Banos Oddfellows Hold Harmless Agreement  
**TYPE OF REPORT:** Consent Agenda

---

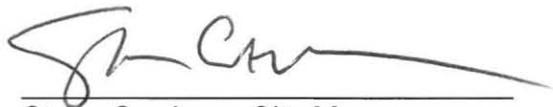
**Recommendation:**

That the City Council adopt the Resolution authorizing the City Manager to execute a Hold Harmless Agreement between the City of Los Banos and the Los Banos Oddfellows for the purpose of securing a community banner across Sixth Street in downtown Los Banos.

**Discussion:**

As a condition to granting permission to utilize the banner brackets/anchors at 938 Sixth Street, the Los Banos Oddfellows are requesting that the City execute a hold harmless agreement with the Los Banos Oddfellows.

**Reviewed by:**



Steve Carrigan, City Manager

**Attachments:**

Resolution

Hold Harmless Agreement

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE CITY MANAGER TO EXECUTE A HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF LOS BANOS AND THE LOS BANOS ODDFELLOWS FOR THE PURPOSE OF SECURING A COMMUNITY BANNER ACROSS SIXTH STREET IN DOWNTOWN LOS BANOS**

WHEREAS, the Los Banos Oddfellows has allowed the City of Los Banos to use banner brackets/anchors on its building located at 938 Sixth Street for the purpose of securing a community banner across Sixth Street in downtown Los Banos; and

WHEREAS, as a condition to granting permission to utilize the banner brackets/anchors, the Los Banos Oddfellows are requesting that the City of Los Banos execute a hold harmless agreement with the Los Banos Oddfellows.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorize the City Manager to execute a Hold Harmless Agreement between the City of Los Banos and the Los Banos Oddfellows for the purpose of securing a community banner across Sixth Street in downtown Los Banos.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1<sup>st</sup> day of April 2015, 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

## HOLD HARMLESS AGREEMENT

This Agreement is made and entered into this \_\_\_\_\_ day of April, 2015, by and between the City of Los Banos, a municipal corporation hereinafter referred to as "City," and Lodge Mountain Brow No. 82 IOOF Hall Assn., a fraternal organization, hereinafter referred to as "Los Banos Oddfellows."

### RECITALS

**WHEREAS**, the Los Banos Oddfellows has allowed the City to use banner brackets/anchors on its building located at 938 6<sup>th</sup> Street in Los Banos for the purpose of securing a community banner across 6<sup>th</sup> Street in downtown Los Banos; and

**WHEREAS**, as a condition to granting permission to utilize the banner brackets/anchors, the Los Banos Oddfellows are requesting that the City execute a hold harmless agreement with the Los Banos Oddfellows.

**NOW, THEREFORE**, the parties agree as follows:

1. City shall indemnify and hold harmless the Los Banos Oddfellows, and its officials, officers, members, and employees, from and against all claims, damages or liability, including reasonable attorneys fees and other costs incurred in defending any claims arising out of or in connection with the activities permitted by or related to the City's use of the banner brackets/anchors as described above. Such indemnity shall extend, but not be limited to, claims, damages, and liability arising from injuries or damages to persons or property. Such indemnity shall not apply to any injuries to persons or property, which result from the sole negligence of the Los Banos Oddfellows.

2. The law of the State of California will govern the interpretation and enforcement of this Agreement.

3. This Agreement contains the entire agreement and understanding between the parties and supersedes all prior written or oral representations and agreements with respect to the subject matter herein.

4. If any provision or portion of this Agreement is determined to be illegal or unenforceable in any respect, such determination will not affect the validity or enforceability of any other provisions, each of which will be deemed to be independent and severable.

5. This agreement will be effective immediately upon execution.

**IN WITNESS THEREOF**, said parties have executed this agreement on the date first hereinabove written.

[signatures begin on next page]

CITY:

**City of Los Banos,**  
a municipal corporation

By: \_\_\_\_\_  
Steve Carrigan,  
City Manager

ATTEST:

By: \_\_\_\_\_  
Lucille Mallonee,  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
William A. Vaughn,  
City Attorney

LOS BANOS ODDFELLOWS:

Lodge Mountain Brow No. 82 IOOF Hall  
Assn., a fraternal; organization

By: \_\_\_\_\_

DRAFT



City of  
**Los Banos**  
*At the Crossroads of California*

**Agenda Staff Report**

**TO:** Mayor & City Council Members

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

**DATE:** April 1, 2015

**SUBJECT:** Acceptance of Grant Deed and Dedication from Stonecreek Properties to the City of Los Banos for Assessor's Parcel Number 430-060-013

**TYPE OF REPORT:** Consent Agenda

---

**Recommendation:**

That the City Council adopt the Resolution accepting the Grant Deed and Dedication from Stonecreek Properties for Assessor's Parcel Number 430-060-013.

**Discussion:**

The Villages IV, Southbrook Phase 1A at Stonecreek is a residential subdivision that includes the 7.14 acre Oliveira Park. This Park is located in the Stonecreek Development west of Ortigalita Road and south of Cardoza Road.

Oliveira Park was constructed with the Villages IV, Southbrook Phase 1A at Stonecreek subdivision in which the Final Map was recorded on June 2, 2006.

In November of 2012, the Public Works Department was notified by Stonecreek Properties that the 7.14 acre Oliveira Park was never officially deeded to the City of Los Banos. The improvements to Oliveira Park were completed in 2006, and the Park has been maintained by the City since then. Typically, on the date of acceptance of the Subdivision Improvements, parks, basins, and combination facilities are deeded to the City. With the acceptance of the Grant Deed, this 7.14 acre Park will officially become City of Los Banos property.

**Fiscal Impact:**

The acceptance of the Grant Deed will pose no additional fiscal impact to the City of Los Banos. The City does not pay property taxes on its facilities.

Oliveira Park is currently maintained through Landscape and Lighting Assessment District #17.

**Reviewed by:**

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

Steve Carrigan  
City Manager

**Attachments:**

Resolution  
Location Map  
Grant Deed Transfer (Copy)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LOS BANOS ACCEPTING THE GRANT  
DEED AND DEDICATION FROM STONECREEK  
PROPERTIES, ASSESSOR'S PARCEL NUMBER  
430-060-013, OLIVEIRA PARK**

WHEREAS, there has been submitted to the City Council of the City of Los Banos a Grant Deed from Stonecreek Properties; and

WHEREAS, the City of Los Banos is desirous of accepting said deed for purposes of acquiring the 7.14 acre park, known as Oliveira Park, Assessor's Parcel Number 430-060-013; and

WHEREAS, said Grant Deed, as presented, has been reviewed and examined and found acceptable by the City Council of the City of Los Banos.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept said Grant Deed and Dedication of real property described as Assessor's Parcel Number 430-060-013, known as Oliveira Park.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1<sup>st</sup> day of April 2015, 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

Location Map



**RECORDING REQUESTED BY**  
FIRST AMERICAN TITLE COMPANY

**AND WHEN RECORDED MAIL TO:**

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

Space Above This Line for Recorder's Use Only

A.P.N.: 430-060-013

File No.:

## GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$\_\_\_\_\_; CITY TRANSFER TAX \$\_\_\_\_\_;  
SURVEY MONUMENT FEE **EXEMPT**

[ ] computed on the consideration or full value of property conveyed, OR  
[ ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,  
[ ] unincorporated area; [ ] City of \_\_\_\_\_, and

**"The grantee is the United States or an agency or instrumentality thereof, a State or territory, or political subdivision thereof, R & T 11922."**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Larry W. Anderson and Georgeann M. Anderson**

hereby GRANTS to **City of Los Banos, a Municipal Corporation**

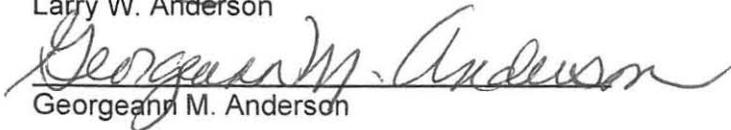
the following described property in the City of Los Banos, County of **Merced**, State of California:

**FEE TITLE for Parkland in and to the property described on EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

Dated: 3-11-15



Larry W. Anderson



Georgeann M. Anderson

Mail Tax Statements To: **SAME AS ABOVE**

STATE OF California }  
COUNTY OF San Joaquin }ss.  
}

On March 11, 2015, before me, H. Terrill, Notary Public, personally appeared Larry W Anderson and Georjeann M. Anderson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

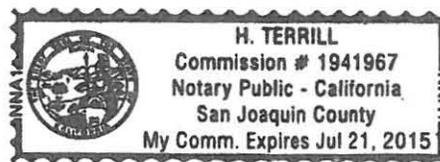
WITNESS my hand and official seal.

Signature H. Terrill

My Commission Expires: 7.21.15

Notary Name: H. Terrill

Notary Registration Number: 1941967



*This area for official notarial seal*

Notary Phone: 209 367 7600  
County of Principal Place of Business: San Joaquin

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

REAL PROPERTY IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, described as follows:

All of Parcel A, as said parcel is shown upon the parcel map recorded May 11, 2005 in Book 99 of Parcel Maps, pages 13-14, Merced County Records.



City of  
**Los Banos**  
*At the Crossroads of California*

**Agenda Staff Report**

**TO:** Mayor & City Council Members

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

**DATE:** April 1, 2015

**SUBJECT:** Acceptance of California Dairies Grant of Easement  
to the City of Los Banos for Assessor's Parcel Numbers  
026-280-005 and 026-280-017

**TYPE OF REPORT:** Consent Agenda

---

**Recommendation:**

That the City Council adopt the Resolution accepting the Grant of Easement from California Dairies for Assessor's Parcel Numbers 026-280-005 and 026-280-017.

**Discussion:**

Based upon the City's Water Distribution System Master Plan, which identified possible capacity deficiencies in the distribution system, pressure calculations of the water supply and fire flows in the Canal Farm Shopping Center/California Dairies area were performed. The necessity of a connection between the water line located behind California Dairies to a line behind Canal Farm Shopping Center in order to maintain/improve adequate supply/flow was confirmed.

With the acceptance of the Grant of Easement, construction to correct the confirmed deficiencies can commence. The Grant of Easement will allow for the City owned water line to be installed and maintained in the future.

**Fiscal Impact:**

The acceptance of the Grant of Easement will pose no additional fiscal impact to the City of Los Banos.

**Reviewed by:**

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

Steve Carrigan  
City Manager

**Attachments:**

Resolution  
Grant of Easement  
Exhibit A  
Exhibit B

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS  
BANOS ACCEPTING A GRANT OF EASEMENT FROM  
CALIFORNIA DAIRIES FOR ASSESSOR'S PARCEL NUMBERS  
026-280-005 AND 026-280-017**

WHEREAS, there has been submitted to the City Council of the City of Los Banos a Grant of Easement from California Dairies for the purpose of public utilities; and

WHEREAS, the City of Los Banos is desirous of accepting said easement for purposes of acquiring a public utility easement on Assessor's Parcel Numbers 026-280-005 and 026-280-017; and

WHEREAS, said Grant Deed, as presented, has been reviewed and examined and found acceptable by the City Council of the City of Los Banos.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept said Grant of Easement of real property described in "Exhibit A" and shown on "Exhibit B".

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1st day of April 2015, 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

**RECORDING REQUESTED BY:**

City Clerk  
City of Los Banos

**WHEN RECORDED RETURN TO:**

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

**GRANT OF EASEMENT**

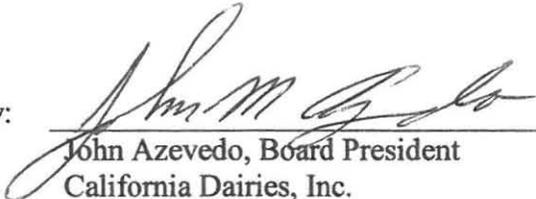
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOHN AZEVEDO and DAVID CAMP, as Authorized Signatory for CALIFORNIA DAIRIES, INC., a Corporation;

**Hereby grants a public utility easement to**

THE CITY OF LOS BANOS, a Municipal Corporation,

Over, above and below the following described real property in the City of Los Banos, Merced County, State of California as described on "Exhibit A" and "Exhibit B" attached hereto and made a part hereof.

By:   
John Azevedo, Board President  
California Dairies, Inc.

By:   
David Camp, Chief Financial Officer  
California Dairies, Inc.

Date: 2-24-15

Date: 2/5/15



*Elizabeth Greenamyre*



*Elizabeth Greenamyre*

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**WATER LINE EASEMENT**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1**

A STRIP OF LAND BEING A PORTION OF PARCEL 1 AS SHOWN ON "PARCEL MAP FOR CARDOZA" FILED APRIL 21, 1982 IN BOOK 47 OF PARCEL MAPS, PAGES 11-12, MERCED COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 20.00 FEET OF SAID PARCEL 1.

CONTAINING 9,434 SQUARE FEET OF LAND, MORE OR LESS.

**PARCEL 2**

A STRIP OF LAND BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN DEED, RECORDED SEPTEMBER 20, 1924 IN VOLUME 85 OF OFFICIAL RECORDS AT PAGE 221, MERCED COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 40.00 FEET OF THE SOUTHERLY 20.00' OF SAID PARCEL (85 OR 221).

CONTAINING 805 SQUARE FEET OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

  
CHRISTIAN CINTEAN  
PROFESSIONAL LAND SURVEYOR  
CALIFORNIA NO. 8941



01/29/2015  
DATE



SCALE: 1" = 100'

STATE RTE. 152 (PACHECO BLVD.)



13TH ST.

APN 026-280-011

(N89°12'11"E 471.63')

CALIFORNIA DAIRIES, INC  
85 OR 221  
(2014-00306 DR)  
APN 026-280-017

CALIFORNIA DAIRIES, INC  
PARCEL 1  
47 PM 11-12  
APN 026-280-005

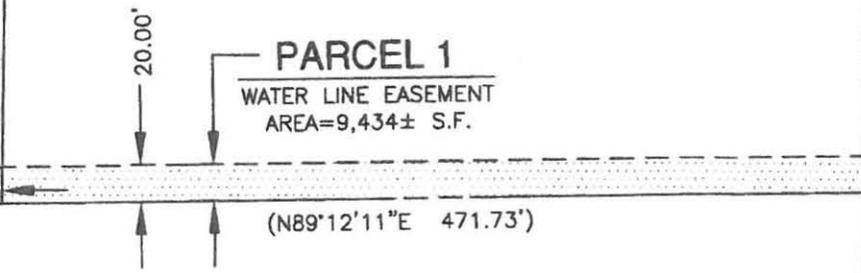
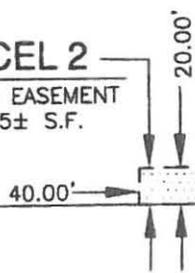
(S0°30'00"W 440.22')

APN 026-290-019

APN 026-290-020

**PARCEL 2**  
WATER LINE EASEMENT  
AREA=805± S.F.

**PARCEL 1**  
WATER LINE EASEMENT  
AREA=9,434± S.F.



(N89°12'11"E)

(N89°12'11"E 471.73')

APN 026-290-016

APN 026-290-001

**EXHIBIT "B"**



1165 Scenic Drive, Suite B  
Modesto, CA 95350  
Ph 209.571.1785/Fax 209.571.2466  
odellengineering.com

DESCRIPTION: WATER LINE EASEMENT

SCALE: 1"=100' DATE: JAN 29, 2015

JOB NO.: 27912

FILE: 27912-PLAT-WLE.DWG

1  
of  
1

**RECORDING REQUESTED BY:**

City Clerk  
City of Los Banos

**WHEN RECORDED RETURN TO:**

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

**GRANT OF EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOHN AZEVEDO and DAVID CAMP, as Authorized Signatory for CALIFORNIA DAIRIES, INC., a Corporation;

**Hereby grants a public utility easement to**

THE CITY OF LOS BANOS, a Municipal Corporation,

Over, above and below the following described real property in the City of Los Banos, Merced County, State of California as described on "Exhibit A" and "Exhibit B" attached hereto and made a part hereof.

By: *John M Azevedo*  
John Azevedo, Board President  
California Dairies, Inc.

By: *David Camp*  
David Camp, Chief Financial Officer  
California Dairies, Inc.

Date: *2-24-15*  
*John M Azevedo*

Date: *2/15/15*



*Elizabeth Greenamyre*



*Elizabeth Greenamyre*

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**WATER LINE EASEMENT**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1**

A STRIP OF LAND BEING A PORTION OF PARCEL 1 AS SHOWN ON "PARCEL MAP FOR CARDOZA" FILED APRIL 21, 1982 IN BOOK 47 OF PARCEL MAPS, PAGES 11-12, MERCED COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 20.00 FEET OF SAID PARCEL 1.

CONTAINING 9,434 SQUARE FEET OF LAND, MORE OR LESS.

**PARCEL 2**

A STRIP OF LAND BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN DEED, RECORDED SEPTEMBER 20, 1924 IN VOLUME 85 OF OFFICIAL RECORDS AT PAGE 221, MERCED COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 40.00 FEET OF THE SOUTHERLY 20.00' OF SAID PARCEL (85 OR 221).

CONTAINING 805 SQUARE FEET OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

  
CHRISTIAN CINTEAN  
PROFESSIONAL LAND SURVEYOR  
CALIFORNIA NO. 8941



01/29/2015  
DATE



SCALE: 1" = 100'

STATE RTE. 152 (PACHECO BLVD.)



13TH ST.

APN 026-280-011

(N89°12'11"E 471.63')

CALIFORNIA DAIRIES, INC  
85 OR 221  
(2014-00305 OR)  
APN 026-280-017

CALIFORNIA DAIRIES, INC  
PARCEL 1  
47 PM 11-12  
APN 026-280-005

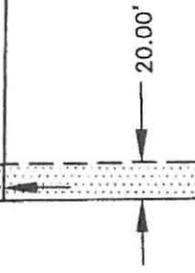
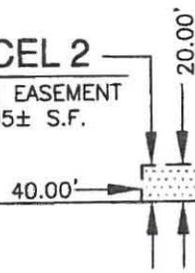
APN 026-290-019

(S0°30'48"W 440.22')

APN 026-290-020

PARCEL 2  
WATER LINE EASEMENT  
AREA=805± S.F.

PARCEL 1  
WATER LINE EASEMENT  
AREA=9,434± S.F.



(N89°12'11"E)

(N89°12'11"E 471.73')

APN 026-290-016

APN 026-290-001

EXHIBIT "B"



1165 Scenic Drive, Suite B  
Modesto, CA 95350  
Ph 209.571.1765/Fax 209.571.2466  
odellengineering.com

DESCRIPTION: WATER LINE EASEMENT			
SCALE:	1"=100'	DATE:	JAN 29, 2015
JOB NO.:	27912		
FILE:	27912-PLAT-WLE.DWG		

1  
of  
1

## CITY COUNCIL STAFF REPORT

**TO:** MAYOR AND CITY COUNCIL PERSONS

**FROM:** WILLIAM A. VAUGHN, CITY ATTORNEY

**DATE:** April 1, 2015 – Public Hearing

**SUBJECT:** FIRST AMENDMENT TO DEVELOPMENT AGREEMENT RELATIVE TO THE DEVELOPMENT KNOWN AS “VILLAGES AT STONECREEK IIA AND III”

**RECOMMENDATION:** That the City Council:

- 1) Approve the First Amendment to Development Agreement Relative to the Development Known as Villages at Stonecreek IIA and III;
- 2) Waive the second reading of Ordinance 1127;
- 3) Adopt Ordinance 1127.

**PRIOR ACTION BY CITY COUNCIL:** At the City Council meeting of March 18, 2015 the City Council received the staff report and public comment; waived the first reading and introduced Ordinance 1127 as presented.

**PROJECT DESCRIPTION:** The applicant is requesting approval of an amendment to the Development Agreement for the Villages IIA and III, extending the term of the Agreement for an additional five (5) years to July 15, 2020.

**APPLICANT AND LANDOWNER:** the applicant and owner of the property is Los Banos 270 Investors LP, a California Limited Partnership, who is the successors in interest to Larry and Georgeann Anderson.

**PROJECT LOCATION:** The location of the subject property is generally in the southwest quadrant of the City of Los Banos, west of the Stonecreek Villages I and II subdivisions, west of Badger Flat Road, north of Pioneer Road, and south of the Walmart Shopping Center within the Stonecreek Area Plan. A map of the project area is attached hereto.

**BACKGROUND:** A Development Agreement is a legally binding contract between the City and a project developer that delineates the terms and conditions of a proposed development project. A Development Agreement allows a project developer to secure vested rights, and it allows the City to secure certain benefits. Development Agreements are enabled by California Government Code Sections 6584-65869.5.

Development Agreements are commonly used for land use developments which are implemented in phases over a long period of time. Development Agreements provide assurances to both the applicant and the City that the terms of the agreement will be in force until the completion of the project, and they are legally binding on each party.

Development Agreements in theory have three defining characteristics: 1) they allow greater latitude than other methods of approval to advance local land use policies in sometimes new and creative ways; 2) they allow public agencies greater flexibility in imposing conditions and requirements on proposed projects; and 3) they afford project proponents greater assurance that once approved, their projects can be built.

Development Agreements in Los Banos have been employed as a growth management tool and as a tool to negotiate individual project conditions and requirements that might not otherwise be achievable through regular processing.

Under the California Subdivision Map Act one mapping approach to divide land involves tentative and final maps. A tentative map is generally used to create five or more lots. The tentative map itself is not recordable and survives only a limited amount of time. During that limited life, the sub-divider must satisfy the conditions imposed by the approving city and attached to the tentative map approval, or it must enter into an improvement agreement promising to satisfy the conditions. Upon satisfaction of the conditions, the submittal and approval of a final map in substantial conformance with the tentative map, and recordation of the final map, the lots are established as legal.

While it may take years to process and secure the approval of a tentative map, once approved, the tentative map itself is only good for 24 months (or 36 months in those communities that provide an additional 12 months by local ordinance). Thus, unless a final map is filed with the city within this two-year time frame or the tentative map is extended, the tentative map will expire. If the tentative map expires, the process starts all over again; a new tentative map application will have to be prepared, processed and approved.

Once a tentative map expires, it cannot be revived. Instead, a new tentative map must be applied for, processed, and approved. Such re-approval can prove costly from a time and resource perspective. Therefore, because sub-dividers are in the business of creating legal lots in as resource-efficient a manner as possible, they are uniquely interested in keeping their tentative maps alive until such time as they are able to record their final maps and realize the product of their efforts that being saleable lots.

One of the tools for extending the life of a tentative map is through a Development Agreement. A tentative map on property subject to a Development Agreement may be extended for the period of time specified in the Development Agreement. Thus affording project proponents greater assurance that once approved, their projects can be built.

**ANALYSIS:** The Development Agreement for the Villages IIA and III for (a portion of the 493.3 acre Stonecreek South Area Plan) was approved on June 15, 2005 (Ordinance No. 1032) in conjunction with the conditional approval of Vesting Tentative Tract Map 2004-05 Villages IIA and III. The original term of the Development Agreement was for ten (10) years; terminating

June 15, 2015. Any tentative map would expire one year from the expiration of the Development Agreement.

In accordance with the Stonecreek Area Plan, approved development within the 79 acres is primarily residential, but also includes a church lot. A total of 287 residential lots were created by the original tentative map. Final maps have been approved and recorded on 155 of the 287 lots (56 of which have constructed homes and 99 are currently vacant) and the remaining 132 tentative map lots are yet to be recorded as final maps.

Extending the Development Agreement would have the effect of extending the life of the tentative map (remaining 132 lots) for an additional 5 years. Without an extension the Developer would have to meet the conditions of the tentative map and record the final map or start the process all over again. Extending the tentative map recognizes that, despite signs of a potential rebound in the Los Banos housing market, approved maps in the City that are set to expire still cannot be processed because of persistent adverse economic conditions.

Continued development of the project will fulfill the objectives of the Stonecreek Area Plan, and the Development Agreement would continue to vest the 132 tentative lots with certain development rights such as density and intensity of use in continuity with the developed lots. Further extension of the Development Agreement continues conditions of approval for the project that are as just applicable to the City's best interests now as those interests were back in 2005. More importantly the extension of the Development Agreement will extend the life of the tentative lots and save staff time and expense of a duplicative process for approving a "new" tentative map for the same area. Unless the City wanted to change the development plans for the Stonecreek Area Plan there would be no reason not to extend the Development Agreement.

As a condition of supporting the extension of the Development Agreement, the applicant has agreed to amend the Agreement with language that would require the 132 lots to form or annex to a Lighting and Landscaping District and that the assessment of the individual lots will be apportioned to each parcel in proportion to the special benefit it receives. This is important language to maintain the districts financially viable.

**ENVIRONMENTAL ASSESSMENT:** In accordance with the California Environmental Quality Act (CEQA) and its Guidelines, an addendum to the Stonecreek Area Plan Environmental Impact Report (certified on February 4, 2004) was adopted by the Los Banos Planning Commission for the Villages IIA and III Project on April 13, 2005. No changes to the approved project are being proposed as part of this request.

The request to amend the approved Development Agreement has been reviewed pursuant to the California Environmental Quality Act (CEQA). Section 15061(b)(3), the "general rule" exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA. It has been determined that the activity in question, a request to extend the term of the Development Agreement for five additional years (as provided for in the current Agreement) will not have any impact on the environment and therefore is exempt from CEQA under the general rule.

**PUBLIC COMMENT:** A public hearing notice was published on March 6, 2015 in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the project site on March 6, 2015. As of the date of this staff report, no written comments have been received. At the City Council public hearing of March 18, 2015 the City Council received public comment that supported the project. The Planning Commission held a public hearing on February 11, 2015 and approved Resolution 2015-02 recommending approval.

**RECOMMENDATION:** That the City Council:

- 1) Approve the First Amendment to Development Agreement Relative to the Development Known as Villages at Stonecreek IIA and III;
- 2) Waive the second reading of Ordinance 1127;
- 3) Adopt Ordinance 1127.

**ATTACHMENTS:**

Proposed First Amendment to Development Agreement  
Planning Commission Resolution No 2015-02  
Proposed Ordinance  
Various location maps

**REVIEWED BY:**



\_\_\_\_\_  
Steve Carrigan, City Manager

RECORDING REQUESTED BY  
AND WHEN RECORDED, MAIL TO

CITY CLERK  
CITY OF LOS BANOS  
520 J Street  
Los Banos, CA 93635

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No Recording Fee

**FIRST AMENDMENT  
TO DEVELOPMENT AGREEMENT  
RELATIVE TO THE DEVELOPMENT KNOWN AS  
“VILLAGES AT STONECREEK IIA AND III”**

**APRIL \_\_, 2015**

THIS DOCUMENT, INCLUDING EXHIBITS, TOTALS \_\_\_\_\_ PAGES.  
EACH PAGE IS “BATES STAMPED” SEQUENTIALLY IN THE LOWER RIGHT HAND CORNER.

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**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT  
RELATIVE TO THE DEVELOPMENT KNOWN AS  
“VILLAGES AT STONECREEK IIA AND III”**

This First Amendment to Development Agreement (the “First Amendment”) is entered into on this \_\_\_ day of \_\_\_\_\_, 2015 (the “Effective Date”), by and among the CITY OF LOS BANOS, a municipal corporation (“City”) and LOS BANOS 270 INVESTORS LP, a California Limited Partnership, (“Developer”).

**RECITALS**

WHEREAS, pursuant to Government Code Sections 65864 *et seq.*, (the “Development Agreement Act”) on June 15, 2005, City and Developer’s predecessor in interest, Larry W. Anderson and Georgeann M. Anderson (“Anderson”), entered into the Development Agreement (the “Agreement”) for the development of certain real property consisting of approximately 79.7 acres located in the City of Los Banos, County of Merced, State of California as described in Exhibit “A” attached hereto and incorporated herein by this reference;

WHEREAS, Developer is the successor in interest to Anderson as to certain lots and parcels within the aforementioned 79.7 acres and more particularly described in Exhibit “B” attached hereto and incorporated herein by this reference;

WHEREAS, the Agreement shall expire on July 15, 2015, and, pursuant to Section 1.13 of the Agreement, the term of the Agreement may be amended by mutual consent in writing signed by the parties or their respective successors in interest in accordance with the provisions of Government Code Sections 65868 after a noticed public hearing;

WHEREAS, the parties now wish to amend the Agreement to extend the expiration date by five years;

WHEREAS, pursuant to the California Environmental Quality Act and the State CEQA Guidelines, the City Council has determined no new information is available that requires any environmental review, other than that which was done in the Final Environmental Impact Report, which was adopted by City’s City Council by Resolution No. 4479, as part of the review and approval process of the Stonecreek Area Plan;

WHEREAS, pursuant to Section 1.13 of the Agreement on February 11, 2015, the Los Banos Planning Commission held a duly-noticed public hearing and after the conclusion of that hearing, reviewed all pertinent testimony and evidence, recommended approval of the First Amendment;

WHEREAS, pursuant to Section 1.13 of the Agreement on March 18, 2015 and April 1, 2015, the Los Banos City Council held a duly-noticed public hearing and after the conclusion of that hearing, reviewed all pertinent testimony, and evidence and the Planning Commission’s recommendations.

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NOW, THEREFORE, based upon the foregoing recitals and the terms, conditions, covenants, and agreements contained herein, the parties hereto agree as follows:

Section 1. The recitals above are true and correct and incorporated herein by this reference.

Section 2. All terms, phrases and words indicated to be defined terms by capitalization in this First Amendment and that are not specifically defined in this First Amendment or the context otherwise shall have the meaning ascribed to the same term, phrase, or word in the Agreement.

Section 3. Developer hereby assumes all of the burdens and obligations of Anderson under the Agreement, and agrees to observe and fully perform all of the duties and obligations of Anderson under the Agreement, and to be subject to all terms and conditions thereof, with respect to the property described herein.

Section 4. Section 1.8 of the Agreement is hereby amended so that the term of the Agreement shall commence upon the Effective Date and shall terminate on July 15, 2020.

Section 5. Exhibit C of the Agreement is hereby amended to add the following Special Condition #3:

3. Participation in a Lighting and Landscaping District. Commencing upon the Effective Date of the First Amendment, prior to approval of any final or parcel map, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.

Section 6. The parties agree, except as specifically provided in this First Amendment, the terms of the Agreement shall remain unchanged and in full-force and effect. The Development Agreement and this First Amendment shall hereinafter be collectively referred to as the "Agreement". The Agreement integrates all of the terms and conditions of agreement between the Parties and supersedes all negotiations or previous agreements between the Parties with respect to the subject matter hereof.

Section 7. Developer shall reimburse the City for the cost of preparing and processing this First Amendment in the amount of \$3,500.00.

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Section 8. The person(s) executing this First Amendment on behalf of the parties hereto warrant (i) such party is duly-organized and existing, (ii) they are duly-authorized to execute and deliver this First Amendment on behalf of said party, (iii) by so executing this First Amendment, such party is formally bound to the provisions of this First Amendment, and (iv) the entering into of this First Amendment does not violate any provision of any other agreement to which said party is bound.

Section 9. This First Amendment shall take effect upon the date the ordinance approving this First Amendment takes effect.

(SIGNATURES APPEAR ON NEXT PAGE)

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**IN WITNESS WHEREOF**, this First Amendment was executed by the parties thereto on the dates set forth below.

**CITY OF LOS BANOS**  
a municipal corporation

By: \_\_\_\_\_  
Michael Villalta, Mayor

Dated \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

Dated \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
William A. Vaughn, City Attorney

Dated \_\_\_\_\_

**LOS BANOS 270 INVESTORS LP**  
a California Limited Partnership

By: LOS BANOS 270 VENTURES LLC  
A California Limited Liability Company  
It's General Partner

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Its: \_\_\_\_\_

**SIGNATURES MUST BE NOTARIZED**

\_\_\_\_\_

## EXHIBIT A

### LEGAL DESCRIPTION

All that portion of Section 21, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the County of Merced, State of California, according to the official plat of said land approved by the Surveyor General March 15, 1855, described as follows:

#### Parcel 1

Beginning at a point which bears North  $89^{\circ} 30' E$  1475.22' from quarter Sections 20 and 21; thence North  $89^{\circ} \text{ deg. } 30' E$ , 1868.93'; thence North  $0^{\circ} 12' E$  1388.46'; thence S  $89^{\circ} 42' W$ , 1866.91'; thence South  $0^{\circ} 12' W$  1394.91' to the point of beginning.

#### Parcel 2

Beginning at the Northeasterly corner of Parcel 3 as said Parcel is shown upon the Parcel Map recorded in Book 93 of Parcel Maps Page 47-48; thence along the northerly line of Parcel 3 and its westerly projection N  $89^{\circ} 42'05'' W$  789.72' to the true point of beginning; thence continuing along said projection N  $89^{\circ} 42'05'' W$  1678.08'; thence S  $0^{\circ} 37'53'' W$  866.88'; thence along a curve to the left with a radial bearing of N  $0^{\circ} 13'44'' E$ , a radius of 2135.00' an angle of  $52^{\circ} 03'51''$  for a length of 1940.05' to the true point of beginning.

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## EXHIBIT B

### LEGAL DESCRIPTION

Real property in the City of Los Banos, County of Merced, State of California, described as follows:

#### PARCEL A:

##### PARCEL 1:

LOTS 9, 10, 11, 26 AND 30, AS SHOWN ON THAT CERTAIN SUBDIVISION MAP OF TRACT NO. 2003-01 THE VILLAGES II AT STONECREEK SINGLE FAMILY RESIDENTIAL," FILED FOR RECORD NOVEMBER 2, 2004 IN VOLUME 64 OF OFFICIAL PLATS OF MERCED COUNTY, AT PAGES 46 THROUGH 50, INCLUSIVE; AND

##### PARCEL 2:

LOTS 43 THROUGH 50 (INCLUSIVE), 55 THROUGH 67 (INCLUSIVE), 81 THROUGH 89 (INCLUSIVE), 91 THROUGH 99 (INCLUSIVE), 123 & 124, LOTS 148 THROUGH 153 (INCLUSIVE), AS SHOWN ON THAT CERTAIN SUBDIVISION MAP OF "TRACT NO. 2004-05 THE VILLAGES IIA PHASE 1 AT STONECREEK SINGLE FAMILY RESIDENTIAL," FILED FOR RECORD MAY 23, 2006 IN VOLUME 73 OF OFFICIAL PLATS OF MERCED COUNTY, AT PAGE 46 AND AS SHOWN ON "AMENDING MAP TO TRACT 2004-05 THE VILLAGES 11A PHASE 1 AT STONECREEK SINGLE FAMILY RESIDENTIAL," FILED FOR RECORD JULY 27, 2006 IN VOLUME 74 OF OFFICIAL PLATS OF MERCED COUNTY, AT PAGE 25; AND

##### PARCEL 3:

LOTS 100 THROUGH 122 (INCLUSIVE) AND 125 THROUGH 147 (INCLUSIVE), AS SHOWN ON THAT CERTAIN SUBDIVISION MAP OF "TRACT NO. 2004-05 THE VILLAGES IIA PHASE 2 AT STONECREEK SINGLE FAMILY RESIDENTIAL," FILED FOR RECORD DECEMBER 27, 2007 IN VOLUME 78 OF OFFICIAL PLATS OF MERCED COUNTY, AT PAGE 5.

APN: 430-021-01 through 03  
430-023-12 through 16  
430-022-01 through 07  
430-024-01, 10 through 15  
430-025-05  
430-031-01, 10 through 16 and 19 through 20  
430-032-01 and 14 through 29  
430-035-01 through 02, 05 and 06  
430-036-01 and 02  
430-101-01 through 23  
430-102-01 through 23

#### PARCEL B:

THE REMAINDER PARCEL, AS SHOWN ON "TRACT NO. 2004-05 THE VILLAGES 11A PHASE 2 AT STONECREEK SINGLE FAMILY RESIDENTIAL", FILED FOR RECORD DECEMBER 27, 2007 IN VOLUME 78 OF OFFICIAL PLATS OF MERCED COUNTY, AT PAGE 5.

APN: 430-010-039 and 430-060-007 and 430-060-006

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**ORDINANCE NO. 1127**

**AN ORDINANCE OF THE CITY OF LOS BANOS (1) APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT RELATIVE TO THE DEVELOPMENT KNOWN AS “VILLAGES AT STONECREEK IIA AND III”, (2) MAKING CERTAIN FINDINGS RELATED THERETO, AND (3) AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT ON BEHALF OF THE CITY.**

WHEREAS, Article 2.5 of Chapter 4 of Division 1 of Title 7 (commencing with Section 65864) of the Government Code of the State of California (the “Development Agreement Act”) authorizes a city to enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property as provided in said Development Agreement Act; and

WHEREAS, on June 15, 2005 the City Council adopted Ordinance No. 1032 approving the Villages at Stonecreek IIA and III Development Agreement (the “Agreement”), which became effective on July 15, 2005, with an expiration date of July 15, 2015; and

WHEREAS, the applicants submitted a letter requesting an amendment to Development Agreement to extend the Term of the Development Agreement, as described in Section 1.8 of the Agreement thereof, for an additional five (5) years from the expiration; and

WHEREAS, pursuant to Section 1.13 of the Agreement, the term of the Agreement may be amended by mutual consent in writing signed by the parties or their respective successors in interest in accordance with the provisions of Government Code Sections 65868 after a noticed public hearing;

WHEREAS, the Los Banos Planning Commission (hereinafter referred to as “Planning Commission”) did hold a public hearing on February 11, 2015, notice of said public hearing having been duly given as required by law; and

WHEREAS, the Planning Commission, after due consideration of and based upon all of the evidence and reports offered at said public hearing, did adopt its Resolution No. 2015-02 recommending that the City Council adopt said First Amendment to extend the term of the Development Agreement for an additional five (5) years as requested by Owner and amending Special Condition #3 of Exhibit C to the Agreement; and

WHEREAS, the City Council did hold a public hearing March 18, 2015 and April 1, 2015, notice of said public hearing having been duly given as required by law; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

**Section 1.** The above stated recitals are true and correct.

**Section 2.** The City Council, after due consideration of and based upon all of the evidence and reports offered at said public hearing, including the recommendations of the Planning Commission, does hereby find and determine, with respect to the request for said amendment to Development Agreement, as follows:

1. That the First Amendment is consistent with the City's General Plan in that it is in conformance with the General Plan Residential land use designation and with the goals, policies and objectives as set forth in the General Plan.
2. That the First Amendment will contribute to the orderly development of property in the surrounding area in that it is in conformance with and implements Stonecreek Area Plan requirements.
3. That the First Amendment is not otherwise detrimental to the health and safety of the citizens of the City of Los Banos.
4. That the First Amendment constitutes a lawful, present exercise of the City's police power and authority under the Development Agreement Act.
5. That the First Amendment is entered into pursuant to and in compliance with the requirements of Section 65867 of the Development Agreement Act.

**Section 3.** Pursuant to the California Environmental Quality Act and the State CEQA Guidelines, the City Council has determined no new information is available that requires any environmental review, other than that which was done in the Final Environmental Impact Report, which was adopted by City's City Council by Resolution No. 4479, as part of the review and approval process of the Stonecreek Area Plan;

**Section 4.** That the First Amendment to Development Agreement relative to the development known as Villages at Stonecreek IIA and III is hereby, approved as shown in Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 5.** That the Mayor be, and is hereby, authorized to execute said First Amendment to Development Agreement relative to the development known as Villages at Stonecreek IIA and III for and on behalf of the City.

**Section 6.** 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 7.** 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 8.** 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 \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on the \_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:            Council Members  
NOES:  
ABSENT:

APPROVED:

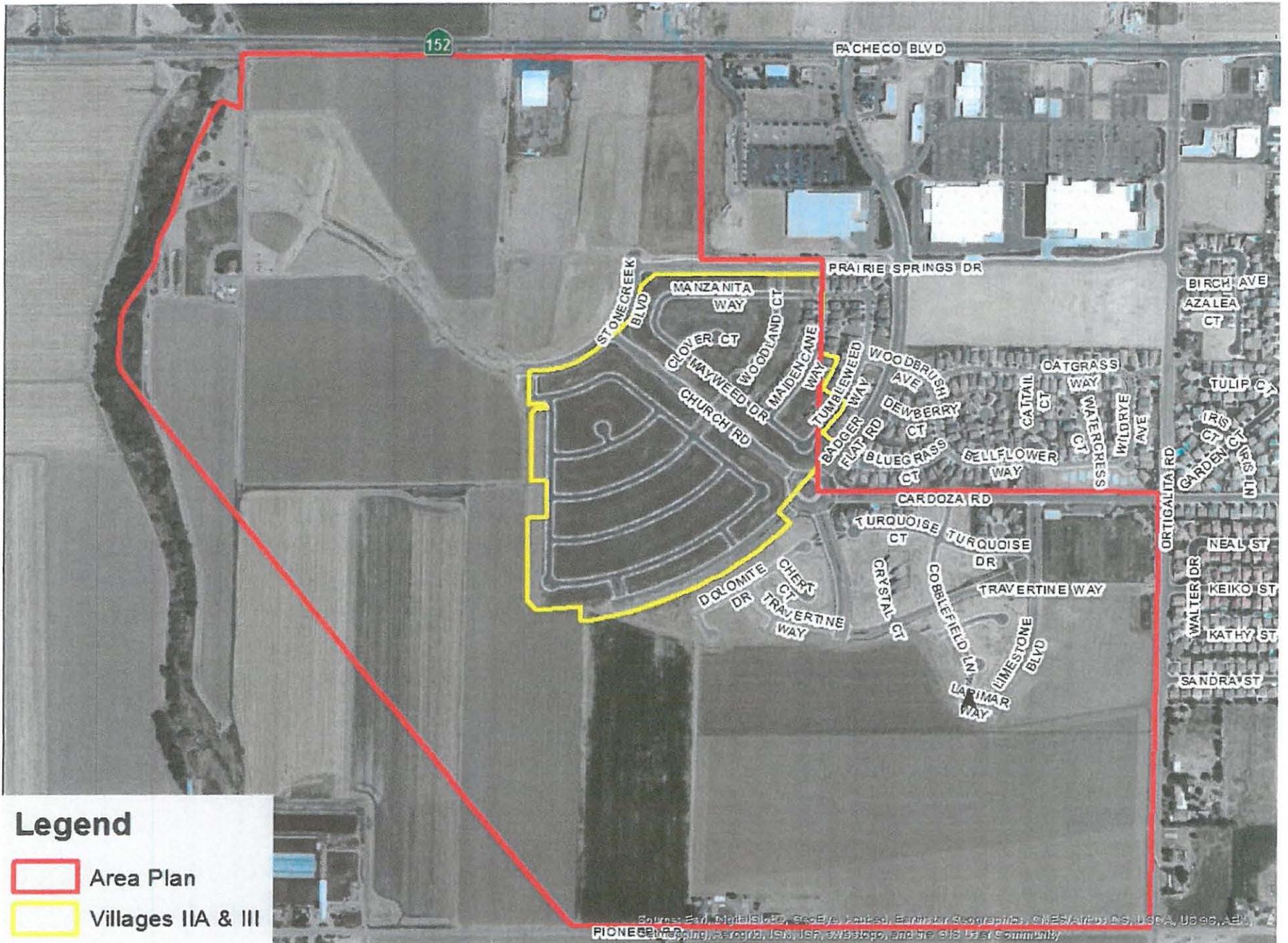
\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

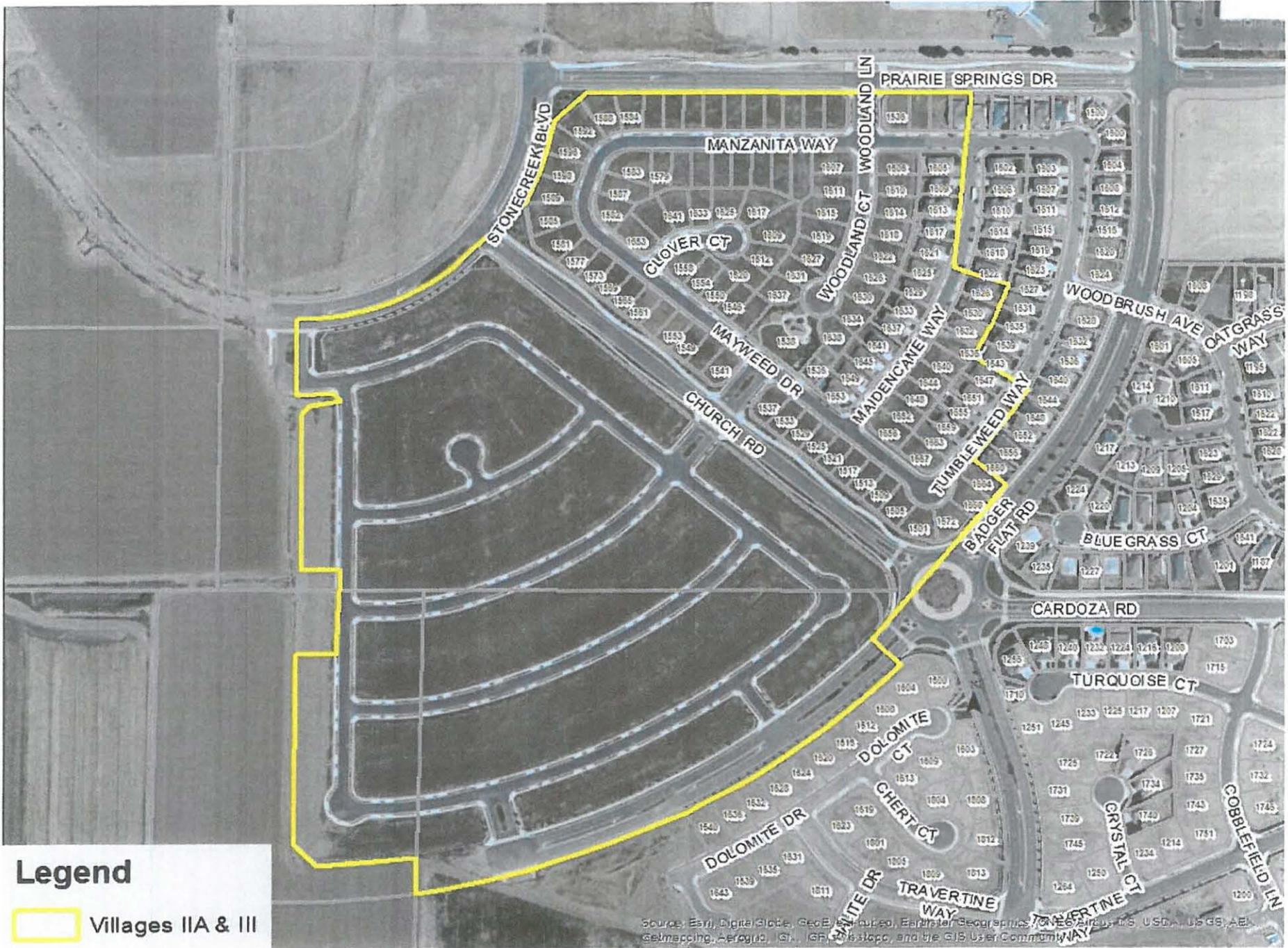
\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

**EXHIBIT A**

**[COPY OF EXECUTED FIRST AMENDMENT]**



Source: Esri, DigitalGlobe, GeoEye, Jeppia, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, ICG, Swire, and the GIS User Community



**Legend**

 Villages IIA & III

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## RESOLUTION NO 2015-02

### A RESOLUTION OF THE LOS BANOS PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF FIRST AMENDMENT TO DEVELOPMENT AGREEMENT RELATIVE TO THE DEVELOPMENT KNOWN AS "VILLAGES AT STONECREEK IIA AND III"

WHEREAS, pursuant to Government Code Sections 65864 *et seq.*, (the "Development Agreement Act") on June 15, 2005, City and Developer's successor in interest, Larry W. Anderson and Georgeann M. Anderson ("Anderson"), entered into the Development Agreement (the "Agreement") for the development of certain real property consisting of approximately 79.7 acres located in the City of Los Banos;

WHEREAS, on June 15, 2005 the City Council adopted Ordinance No. 1032 approving the Villages at Stonecreek IIA and III Development Agreement (the "Agreement"), which became effective on July 15, 2005, with an expiration date of July 15, 2015; and

WHEREAS, the successors in interest to Anderson have requested an amendment to Development Agreement to extend the Term of the Development Agreement, as described in Section 1.8 of the Agreement thereof, for an additional five (5) years from the expiration; and

WHEREAS, pursuant to Section 1.13 of the Agreement, the term of the Agreement may be amended by mutual consent in writing signed by the parties or their respective successors in interest in accordance with the provisions of Government Code Sections 65868 after a noticed public hearing; and

WHEREAS, the Los Banos Planning Commission (hereinafter referred to as "Planning Commission") did hold a public hearing on February 11, 2015, notice of said public hearing having been duly given as required by law; and

WHEREAS, the Planning Commission, after due consideration of and based upon all of the evidence and reports offered at said public hearing, does hereby find and determine, with respect to the request for said amendment to Development Agreement, as follows:

1. That the First Amendment is consistent with the City's General Plan in that it is in conformance with the General Plan Residential land use designation and with the goals, policies and objectives as set forth in the General Plan.
2. That the First Amendment will contribute to the orderly development of property in the surrounding area in that it is in conformance with and implements Stonecreek Area Plan requirements.
3. That the First Amendment is not otherwise detrimental to the health and safety of the citizens of the City of Los Banos.

4. That the First Amendment constitutes a lawful, present exercise of the City's police power and authority under the Development Agreement Act.

5. That the First Amendment is entered into pursuant to and in compliance with the requirements of Section 65867 of the Development Agreement Act.

WHEREAS that the Planning Commission has reviewed the proposal and does hereby find no new information is available that requires any environmental review, other than that which was done in the Final Environmental Impact Report, which was adopted by City's City Council by Resolution No. 4479, as part of the review and approval process of the Stonecreek Area Plan for said modification to Development Agreement and satisfies all the requirements of California Environmental Quality Act and that no further environmental documentation need be prepared for said First Amendment to Development Agreement; and

NOW THEREFORE BE IT RESOLVED that based upon the aforesaid findings and determinations the Planning Commission does hereby recommend that the City Council approve and adopt the First Amendment as described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon compliance with each and all of the conditions set forth in the Development Agreement as amended. Should any such condition or any part thereof be declared invalid or unenforceable by the final judgment of any court of competent jurisdiction then this Resolution and any approvals herein contained shall be deemed null and void.

BE IT FURTHER RESOLVED that the applicant is responsible for paying all charges related to the processing of this discretionary case application within 15 days of the issuance of the final invoice Failure to pay all charges shall result in the revocation of the approval of this application.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 11th day of February 2015, by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

---

Tom Spada, Planning Commission Chairman

ATTEST:

---

Sandra Benetti, Planning Commission Secretary



City of  
**Los Banos**  
*At the Crossroads of California*

## Agenda Staff Report

**TO:** Mayor Villalta & Council Members

**FROM:** Stacy Souza Elms, Assistant Planner II 

**DATE:** April 1, 2015

**SUBJECT:** Community Development Block Grant

**TYPE OF REPORT:** Public Hearing

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### Recommendation:

- Open the public hearing to solicit citizen participation in the application submittal stage of Housing and Community Development's (HCD) Community Development Block Grant (CDBG) program
- Approve Resolution No. \_\_\_\_\_ authorizing submittal of the application

### Discussion:

The Department of Housing and Community Development (HCD) announced the Notice of Funding Availability (NOFA) of \$24,983,999 in Federal Community Development Block Grant (CDBG) funding allocated to the State of California from the Department of Housing and Urban Development (HUD) for funding year 2014-2015. The NOFA applies to activities that will benefit low and moderate income Californians and include: Business Assistance; Microenterprise; Housing Rehabilitation; Homeownership Assistance; Housing Acquisition Projects; Public Infrastructure Projects; Public Facility Projects; Public Service Programs; and Planning and Technical Planning Assistance Grants.

Eligible Applicants are cities with a population under 50,000 and counties with populations under 200,000. Currently there are 162 eligible jurisdictions competing for

this NOFA. Each jurisdiction is allowed to apply for up to three activities for a total of \$2 million including general administration costs of up to 12%. Allocation of funding is based on demand for each community development activity.

To be eligible for funding, every CDBG-funded activity must meet one of the three National Objectives of the Program:

1. Benefit low and moderate income persons; or
2. Prevention or elimination of slums or blight; or
3. Urgent Need, which is meeting other community development needs having a particular urgency because of existing conditions that pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs (earthquakes, etc.)

On March 2, 2015, the City of Los Banos held a public meeting at the Community Center to obtain public input on the City's housing and community development needs. A notice of public meeting was published in the Los Banos Enterprise and on the City's website on February 20, 2015. The notice was published in both English and Spanish to meet the needs of limited English speaking citizens.

The only activity being considered at this time is for Public Services in the amount of \$300,000 plus General Administration of \$22,500 to fund a Contract Code Enforcement Officer. This activity would be used for the salary and overhead cost associated with property inspections and follow-up actions directly related to the enforcement of the Municipal Code.

The services would be used in a designated low and moderate income area as determined by Census Tract Block Groups. The area the Contract Code Enforcement Officer would be focusing on is Census Tract 22.01 Block Groups one (1) thru five (5) and Census Tract 22.02 Block Group 4 as designated by the United States Census Bureau. The specific focus area will be bounded by Pacheco Blvd. to the south, Badger Flat Rd. to the west, H Street/Willmott Rd to the north, and Mercey Springs Rd. to the east. The activity will be meeting the national objective of prevention and elimination of slum or blight. The City of Los Banos does not qualify under the HUD guidelines of low-mod area; therefore, the contract Code Enforcement Officer will be focused on the specific designated area that has been determined by HUD to meet the 51% low-mod threshold.

If awarded CDBG funding, the City will prepare a Request for Proposal (RFP) to procure an outside agency for a Contract Code Enforcement Officer. The City will provide reporting to HCD on the awarded funding for three years as funds are expended and/or until the grant is closed.

**Fiscal Impact:**

No match is required to apply for funding. If awarded, the City will be receiving \$22,500 for the General Administration of the Public Service Activity (7.5 %).

**Reviewed by:**



Steve Carrigan, City Manager



Sonya Williams, Finance Director

**Attachments:**

1. Resolution
2. Public Hearing Notice – March 20, 2015



ABSENT:

APPROVED:

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Michael Villalta, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk



City of  
**Los Banos**  
*At the Crossroads of California*

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## COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: April 1, 2015  
Re: Notice of Public Hearing  
For: Submittal of State CDBG Application

NOTICE IS HEREBY GIVEN that the City of Los Banos will conduct a public hearing on Wednesday, April 1, 2015 at 7:00 p.m., in the Council Chambers at City Hall located at 520 J Street, Los Banos, California in order to discuss the submittal of an application in response to the 2015 State Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA), and to solicit citizen input.

The City of Los Banos is applying for a grant in the amount of \$300,000 and the approval to expend approximately \$55,000 in existing or anticipated Program Income under the NOFA for the following eligible activity: \$300,000 for public service.

The purpose of the public hearing is to give citizens an opportunity to make their comments known on the proposed activity/application.

If you require special accommodations to participate in the public hearing, please contact Sandra Benetti at (209) 827-7000 ext. 118.

If you are unable to attend the public hearing, you may direct written comments to the City of Los Banos Community & Economic Development Department at 520 J Street, Los Banos, California 93635, or you may telephone Sandra Benetti at (209) 827-7000 ext. 118. In addition, information is available for review at the above address between the hours of 8:00 a.m. to 5:00 p.m. on Monday-Friday.

The City of Los Banos promotes fair housing and makes all its programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

THE CITY OF LOS BANOS  
Sandra Benetti  
Planning Technician



City of  
**Los Banos**  
*At the Crossroads of California*

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## DEPARTAMENTO DE COMUNIDAD Y DESARROLLO ECONOMICO

Fecha: 01 de Abril del 2015  
Re: Aviso de Audiencia Pública  
Por: Aplicación Envío de Estado CDBG

SE HACE SABER que la ciudad de Los Banos llevara a cabo una audiencia pública el Miércoles, 01 de Abril del 2015 a las 7:00 pm, en la Cámara del Consejo en el Ayuntamiento situado en la 520 J Street, Los Banos, California para discutir la presentacion de una solicitud en respuesta a la Notificación 2015 Desarrollo Comunitario (CDBG) Disponibilidad de Fondos (NOFA), y para solicitar la opinion ciudadana.

La ciudad de Los Banos esta solicitando una subvención por un monto de \$300,000 y la aprobación para gastar aproximadamente \$55,000 existentes o previstos Ingresos del Programa bajo el NOFA para la siguiente actividad elegible: \$300,000 para el servicio público.

El propósito de la audiencia pública es dar a los ciudadanos la oportunidad de hacer sus observaciones conocidas sobre la aplicación/actividad propuesta.

Si usted es incapaz de asistir a la audiencia pública, usted puede dirigir comentarios por escrito a la ciudad de Los Banos, en 520 J Street, Los Banos, California 93635, o puede llamar a Sandra Benetti al teléfono (209) 827-7000 ext. 118.

Además, la información está disponible para revisión en la dirección antes mencionada entre las horas de 8:00 am a 5:00 pm, de Lunes a Viernes.

La ciudad de Los Banos promueve la equidad de vivienda y hace que todos sus programas disponibles para familias de bajos y moderados ingresos sin importar la edad, raza, color, religión, sexo, origen nacional, orientación sexual, estado civil o discapacidad.

LA CIUDAD DE LOS BANOS  
Sandra Benetti  
Técnica de Planificación



City of  
**Los Banos**  
*At the Crossroads of California*

## **Agenda Staff Report**

**TO:** Mayor Villalta and Council Members

**FROM:** Stacy Souza Elms, Assistant Planner II 

**DATE:** April 1, 2015

**SUBJECT:** General Plan Amendment #2015-01 and Zone Change #2015-01 –  
Habitat for Humanity

**TYPE OF REPORT:** Public Hearing

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### **Recommendation:**

Staff recommends that the City Council:

1. Open the Public Hearing and receive applicant and public comment;
2. Consider comments presented at the hearing, the information in the Staff Report, the recommendation of the Planning Commission and discuss the proposal;
3. Motion of intent to adopt a Resolution to approve the General Plan Land Use Amendment;
4. Waive the first reading and introduce the Ordinance by title to Re-zone the property; and
5. Motion to continue the public hearing to April 15, 2015.

### **Background:**

The applicant, Habitat for Humanity Westside Merced County, Inc., is requesting a General Plan Amendment to re-designate the land uses for the properties located at

537, 543, and 547 M Street 1.) from Low Density Residential to Medium Density Residential with a remainder portion to Commercial; and 2.) to Re-Zone the properties from Low Density Residential (R-1) to Medium Density Residential (R-2) and a 3,300 s.f. portion to Highway Commercial (H-C). If approved, the action will create five (5) lots from the existing three (3). The purpose of the request is to allow rehabilitation of two existing houses located at 537 and 547 M Street and to build two new houses on the two new parcels for low and moderate income families in Los Banos through the Habitat for Humanity Program.

The Planning Commission held a public hearing on March 11, 2015 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission recommended approval of the project and Tentative Parcel Map #2015-01 to subdivide three (3) existing parcels into four (4) parcels with one remainder parcel.

**Discussion:**

The project site is located at 537, 543, and 547 M Street, approximately 270 feet west of Sixth Street. The site is surrounded by single family dwelling units to the north and west, and commercial uses immediately adjacent to the east and south. There is an alley on the southern boundaries of the properties allowing access from the south.



The surrounding zoning is depicted on the map below. Note that the yellow color is Low Density Residential (R-1), red is Highway Commercial (H-C), and blue is Mixed Use (M-X).



## Environmental

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA per Article 19, Section 15315 – Minor Land Divisions and Section 15332 – In-Fill Development Projects.

## PROJECT ANALYSIS:

### Existing Setting

The existing three parcels along M Street currently have two existing dwelling units on 537 and 547 M Street. The property has a Los Banos General Plan land use designation of Low Density Residential. The most eastern parcel (547 M Street) abuts commercial property which has historically been used as an auto repair/service shop and auto dealership. The southern boundary of the properties is bounded by an alley that runs east/west between Fifth and Sixth Street.

Under the R-1 zoning district, each parcel is permitted to have at least one 2<sup>nd</sup> unit dwelling unit between 400 - 1,200 square feet. Much of the existing neighborhood on M Street currently have 2<sup>nd</sup> units (eight (8) 2<sup>nd</sup> unit dwelling units).

### **Proposed Uses and Density**

The project includes a General Plan Amendment from Low Density Residential to Medium Density Residential with a remainder Commercial portion and a re-zone from the current R-1 to R-2 with a remainder H-C portion. The General Plan Land Use Map and Zoning Map are included as attachments.

Pursuant to Section 9-3.702 the uses permitted in the Medium Density Zoning District are as follow:

- (a) Triplexes, duplexes, attached or detached single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) Employee needs housing for up to six (6) unrelated persons;
- (e) Group home;
- (f) Residential care facility for up to six (6) unrelated persons;
- (g) Special needs housing for up to six (6) unrelated persons;
- (h) Transitional and/or supportive housing for up to six (6) unrelated persons;
- (i) Accessory buildings if secondary to primary use;
- (j) Home occupations;
- (k) Small family daycare;
- (l) Emergency homeless shelters; and
- (m) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity

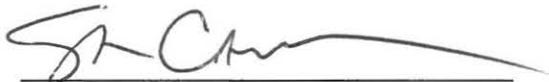
### **Compatibility with Adjacent Uses**

The proposed Medium Density Residential parcels will abut existing low density single-family homes to the west and a Commercial structure to the east. The existing neighborhood consists of old township lots which are pre-existing non-conforming to the current standards of the Zoning Code requirements. The neighborhood primarily consists of 5,000 square foot lots whereas the Municipal Code currently requires 6,000 square foot lots. In addition, the applicant is proposing to create standard Medium Density parcels for the rehab of two existing single-family residential units and two new single-family residential units, which are permitted uses in the Medium Density Zoning District. The proposed units will be single-family units and compatible to the

surrounding neighborhood and will create legal parcels where non-conforming parcels presently exist. The only difference being the size of the lots.

The proposed remainder parcel currently consists of an existing warehouse that is used in conjunction with the commercial property to the west. The proposed General Plan Amendment and Zone Change from Low Density Residential to Highway Commercial will allow a use that has been established over time and will be compatible to adjacent uses as the use will be adjacent to an existing commercial use of the warehouse has been used harmoniously in the neighborhood for decades without any adverse affects.

**Reviewed by:**

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

Steve Carrigan, City Manager

**Attachments:**

1. Ordinance
2. Resolution
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
3. General Plan Map
4. Zoning Map
5. Public Hearing Notice – March 20, 2015

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING GENERAL PLAN AMENDMENT #2015-01 FOR PROPERTY LOCATED AT 537, 543, AND 547 M STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-044-012, 013, AND 014**

WHEREAS, Habitat for Humanity Westside Merced County, Inc., as the project applicant, has requested an amendment to the General Plan Land Use Policy Map; and

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the proposal is consistent with the intent of the General Plan and the Zoning Code regulations; and

WHEREAS, the proposal is consistent with surrounding properties and the area in general; and

WHEREAS, the Los Banos Planning Commission held a public hearing on March 11, 2015 for the purpose of considering General Plan Amendment #2015-01 and Zone Change #2015-01 and at the completion of the public hearing, duly considered the evidence presented and recommended approval to the Los Banos City Council; and

WHEREAS, a public hearing was duly noticed for April 1, 2015, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on March 20, 2015 to consider and take testimony regarding General Plan Amendment #2015-01 and Zone Change #2015-01 for 537, 543, and 547 M Street; and

WHEREAS, at the April 1, 2015 City Council Meeting the Los Banos City Council, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the General Plan Amendment criteria established in Section 9-3.2314 of the Los Banos Municipal Code; and

WHEREAS, the City Council of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve a General Plan Amendment for the property located at 537, 543, and 547 M Street; more specifically identified as Assessor's Parcel Number: 026-044-012, 013, and 014, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15<sup>th</sup> day of April 2015, 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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY LOCATED AT 537, 543, AND 547 M STREET FROM LOW DENSITY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2) AND A REMAINDER 3,300 SQUARE FOOT PARCEL TO HIGHWAY COMMERCIAL (H-C)**

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

Section 1. The property described as 537, 543, AND 547 M Street, more specifically identified as Assessor's Parcel Numbers: 026-044-012, 013, and 014 is hereby rezoned as shown on said map from Low Density Residential (R-1) to Medium Density Residential (R-2) and a remainder 3,300 square foot parcel to Highway Commercial (H-C).

Section 2. The City Clerk is hereby directed to make the appropriate markings on the Official Zoning Map in conformance with this Ordinance and the provisions of the Los Banos Municipal Code.

Section 3. 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 \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ on the 1<sup>st</sup> day of April, 2015.

Passed on the \_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

# General Plan Land Use



# Zoning Map





City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: March 20, 2015

Regarding: Notice of Public Hearing

Proposal: General Plan Amendment #2015-01 and Zone Change #2015-01 –  
Habitat for Humanity Westside Merced County, Inc.

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider General Plan Amendment #2015-01, Zone Change #2015-01, and Tentative Parcel Map #2015-01 for Habitat Humanity Westside Merced County, Inc. The project proposal is for the rezone of three (3) parcels currently zoned Low Density Residential (R-1) into Medium Density Residential (R-2) with a remainder 3,300 square foot parcel to Highway Commercial (H-C). The project site is located on Assessor's Parcel Numbers: 026-044-012, 013, and 014.

The Los Banos Planning Commission held a public hearing on March 11, 2015 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission recommended approval of General Plan Amendment #2015-01 and Zone Change #2015-01 to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the City Council on Wednesday, April 1, 2015 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 the action by the City Council be challenged in court, you may be limited to only those issues raised at the public hearings or by written comment 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

## Agenda Staff Report

**TO:** Mayor Villalta and City Council Members  
**FROM:** Stacy Souza Elms, Assistant Planner II *SSE*  
**DATE:** April 1, 2015  
**SUBJECT:** Noise Variance #2015-01 – Los Banos Courthouse Project  
**TYPE OF REPORT:** Non Consent Agenda

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### Recommendation:

That the City Council adopt a Resolution approving Variance #2015-01 to allow construction noise associated with the Los Banos Courthouse Project to begin Monday through Saturday at 5:30 a.m. located at 1159 G Street.

### Background:

The applicant, Swinerton Builders, is requesting a noise variance in order to start construction activities associated with the Los Banos Courthouse during the cooler period of the morning from May 1, 2015 to November 1, 2015 and from April 1, 2016 to July 1, 2016.

The Los Banos Planning Commission considered the previously stated item at a public hearing on March 11, 2015. The Commission recommended approval of the Noise Variance to the Los Banos City Council with the following additional conditions:

1. No pile driving noise shall occur from 5:30 a.m.-7:00 a.m.
2. No rock crushing noise shall occur from 5:30 a.m.-7:00 a.m.
3. No variance shall be permitted for Sundays
4. The decibel level shall not exceed 85 dBA over a 15 minute period from 5:30 a.m. - 7:00 a.m.

5. The applicant shall pay the cost to measure the sound they are creating if requested
6. In addition to the northern boundary sound barrier, an additional sound barrier shall be provided for the eastern boundary.

**Discussion:**

The construction of the Los Banos Courthouse will consist of a two-story tilt-up building with structural steel and extensive site work such as undergrounding utilities, concrete and form work. The applicant is requesting the proposed variance in order to mitigate heat exhaustion and any risks they may be posing their employees during the summer months. In addition to requesting early work days, the applicant will also mitigate risk of heat exhaustion by providing multiple covered break areas, hydrating crews, avoiding long shifts, and avoiding working during hours of the day where temperatures are the highest. The current project schedule anticipates construction to commence in the middle of May to build an enclosed building by the middle of October. The applicant is anticipating finishing sidewalk improvements the following year from April to July 2016.

**LOCATION:**

The project site is located at 1159 G Street, more specifically identified as Assessor's Parcel Number: 026-161-007.



**EXISTING LAND USE:**

<b>Property</b>	<b>Land Use</b>	<b>Zone</b>	<b>General Plan</b>
Subject Site	Undeveloped	R-C	Mixed Use
North	Commercial/Residential	C-1/H-C	Commercial/Industrial
South	Commercial	H-C	Commercial
East	Undeveloped	H-C	Commercial
West	Undeveloped	R-C	Mixed Use

H-C = Highway Commercial

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was studied as part of the New Los Banos Courthouse for the Superior Court of California, County of Merced SCH #2011088126, which was received by the California Office of Planning and Research on August 12, 2011. Pursuant to Section 15332 of the CEQA Guidelines, the project has been deemed categorically exempt. Staff has determined that the proposed project was adequately described, examined and evaluated in the Initial Study and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects.

**ANALYSIS:**

**Noise Ordinance Requirements**

The City's Noise Ordinance establishes maximum levels for exterior noise when measured on any other property. However, the City's Noise Ordinance exempts certain activities from the maximum levels set forth in the Noise Ordinance. Specifically, LBMC Section 9-3.2706(c) exempts noise sources associated with construction (at any level) provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on any day, except Saturday or Sunday, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday. If the activities take place before and after those times they must adhere to the maximum noise levels set forth in the Noise Ordinance.

The Noise Ordinance maximum levels at 30 minutes during any one hour time period are: Residential - 55 dBA (7am – 10pm and 45 dBA 10pm - 7am) Commercial – 70 dBA at anytime.

**TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS**  
**Description Noise Levels @ 50 feet**

- Compactor (ground) 80 dBA
- Compressor (air) 80 dBA
- Concrete Mixer Truck 85 dBA
- Concrete Saw 90 dBA
- Crane 85 dBA
- Dozer 85 dBA

Drill Rig Truck 84 dBA  
Dump Truck 84 dBA  
Excavator 85 dBA  
Front End Loader 80 dBA  
Paver 85 dBA  
Tractor 84 dBA  
Welder/Torch 73 dBA

Noise from localized point sources (such as construction sites) typically decreases by about 6 dBA with each doubling of distance from source to receptor.

The existing noise environment in the project vicinity is dominated by traffic noise along adjacent streets, particularly SR 152 – Pacheco Blvd., and SR 165 – Mercy Springs Road.

In this case the applicant is requesting a variance so that the construction activities taking place between the hours of 5:30 am and 7:00 am will be exempt from the maximum noise levels of the Noise Ordinance allowing these activities to commence one and one half hours earlier. Without a variance it is anticipated that the construction activities may exceed the maximum allowed noise levels between the hours of 5:30 am and 7:00 am. No formal noise study related to the construction noise has been done.

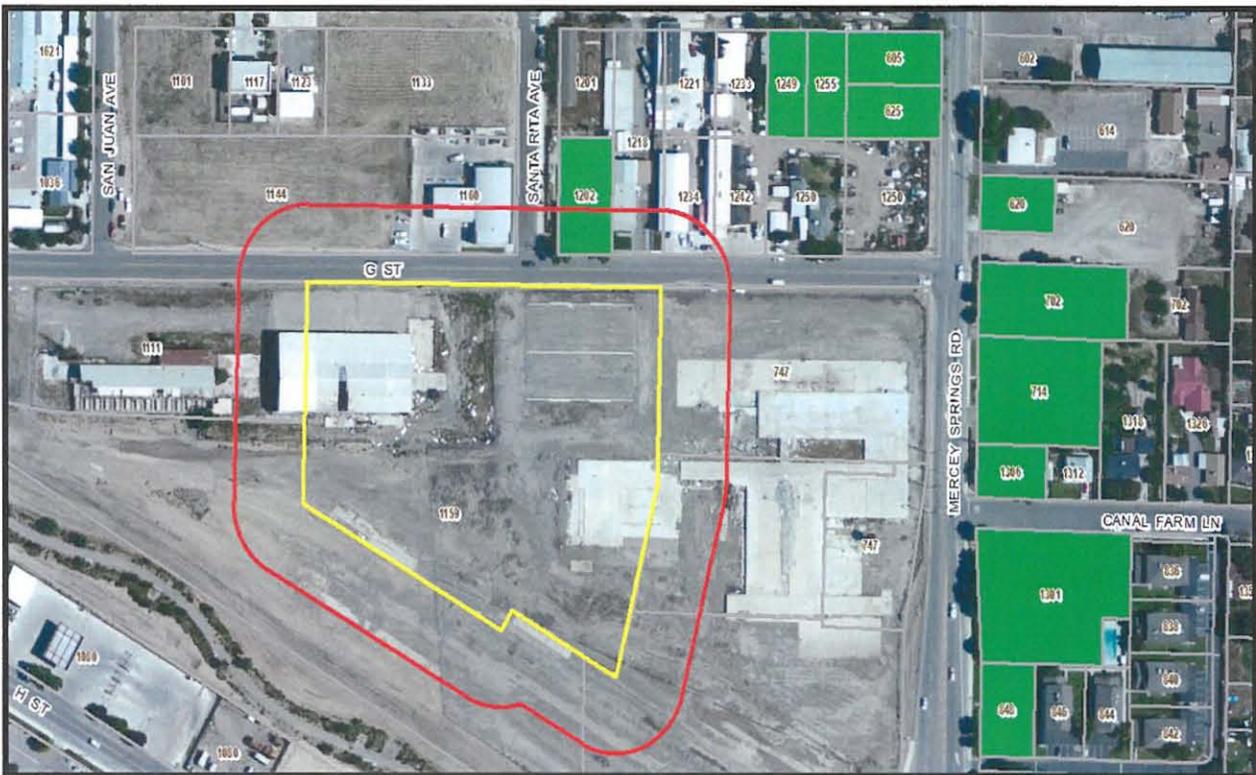
A variance from the maximum noise limits is allowed by Section 9-3.2711(a) “the owner or operator of a noise source for which it has been determined violates any of the provisions of the noise ordinance may file an application for a variance from the strict compliance with any particular provision of the noise ordinance where such variance will not result in a hazardous condition or a nuisance, and strict compliance would be unreasonable in view of all the circumstances. The owner or operator shall set forth all actions taken to comply with such provisions and the reasons why immediate compliance cannot be achieved.”

The applicant is requesting a variance in order to reduce risk of heat exhaustion for the construction crew that will be working on the Los Banos Courthouse Project during the hottest months of the year. The work that will be performed on the new Courthouse Project consists of constructing a two-story tilt up building with structural steel and extensive site work (i.e. undergrounding utilities, concrete, and formwork). The applicant will be mitigating the risk of heat exhaustion as much as possible by providing covered break areas, keeping the crews hydrated, avoiding long shift, taking multiple breaks, and avoiding the hours of the day where outdoor temperatures are at their highest.

Pursuant to Section 9-3.2711 (c) staff has evaluated the proposed noise variance using the following criteria:

- (1) Uses of property within the area affected by noise;

The uses of property within the area affected by noise consist of one dwelling unit within 100-feet of the noise source and three commercial units within the same distance. The area outlined in red on the map below is a 100-foot buffer around the project area. The parcels highlighted in green indicate any residential uses around the project area. The nearest residential dwelling is on G Street and is approximately 45-feet from the project boundary. The surround residences are approximately 248-feet



from the nearest residence on F Street and approximately 465-feet from the nearest residence on Mercey Springs Road.

(2) Factors related to initiating and completing all remedial work;

Conditions of approval have been incorporated to mitigate any affects.

(3) The age and useful life of the existing noise source;

The noise source will be temporary and only during the construction of the Los Banos Courthouse Project. The requested variance is for the time period of May 1, 2015 to November 1, 2015 and April 1, 2016 to July 1, 2016.

(4) The general public interest, welfare, and safety;

The noise variance would be temporary in duration and would not pose a serious risk to the public interest, welfare, and safety of the community. It

**would reduce the risk of construction crews being delayed due to heat exhaustion.**

(5) The existence of the noise source prior to December 4, 1987; and

**Not applicable.**

(6) The existence of the noise source prior to the existence of affected noise-sensitive receivers.

**Not applicable.**

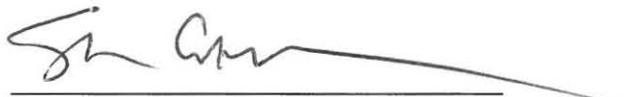
Staff has evaluated the proposal for General Plan consistency and consistency with the Los Banos Municipal Code as well as potential impacts to compatibility of the surrounding area and the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood.

Staff believes the request to be consistent with the General Plan and as conditioned is consistent with the Los Banos Municipal Code. In this particular case the noise variance is not anticipated to adversely affect the surrounding neighborhood or the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood. In fact, the variance will help reduce risk of health issues associated with construction crews working outdoors during the hours of the day where outdoor temperatures are the highest.

**PUBLIC COMMENT:**

The Los Banos Municipal Code does not require a public hearing at the City Council level. However staff published a public notice in the Los Banos Enterprise and notices were provided to adjacent property owners within 300 foot radius of the subject property on March 20, 2015. As of the date of this staff report no comments have been received.

**Reviewed by:**



Steve Carrigan, City Manager

**Attachments:**

1. Resolution
  - Exhibit A CEQA Findings
  - Exhibit B Project Findings
  - Exhibit C Conditions of Approval
2. Public Hearing Notice – March 20, 2015

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVAL OF NOISE VARIANCE PERMIT 2015-01 TO ALLOW CONSTRUCTION ASSOCIATED WITH THE LOS BANOS COURTHOUSE PROJECT TO COMMENCE WORK AT 5:30 A.M. MONDAY THRU SATURDAY AT THE LOCATION OF 1159 G STREET**

WHEREAS, the applicant has requested that the City of Los Banos consider a noise variance to allow construction noise associated with the Los Banos Courthouse Project to begin work Monday thru Saturday at 5:30 a.m. for the property located at 1159 G Street; further identified as Assessor's Parcel Number: 026-161-007; and

WHEREAS, the Los Banos Municipal Code Section 9-3.2711(a) states that any noise source for which it has been determined violates any of the provisions of the Noise Ordinance may file an application for a variance from the strict compliance with any particular provision of the Noise Ordinance where such variance will not result in a hazardous condition or a nuisance, and strict compliance would be unreasonable in view of all the circumstances; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project has been determine to be categorically exempt from the provisions of CEQA per Article 19, Section 15332 – In-fill Project; and

WHEREAS, the Los Banos Planning Commission held a public hearing on March 11, 2015 for the purpose of considering Noise Variance #2015-01 and at the completion of the public hearing, duly considered the evidence presented and recommended conditional approval of Noise Variance #2015-01 to the Los Banos City Council; and

WHEREAS, the Los Banos City Council reviewed said Noise Variance request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Los Banos Municipal Code;

BASED UPON THE EVIDENCE PRESENTED, the City Council of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve Noise Variance #2015-01 to allow construction noise associated with the Los Banos Courthouse Project to begin work at 5:30 a.m. Monday thru Saturday for the property located at 1159 G Street, further identified as Assessor's Parcel Number: 026-161-007, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1<sup>st</sup> day of April 2015, 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

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR NOISE VARIANCE #2015-01 – LOS BANOS COURTHOUSE PROJECT**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City of Los Banos as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, this project was studied as part of the New Los Banos Courthouse for the Superior Court of California, County of Merced SCH #2011088126, which was received by the California Office of Planning and Research on August 12, 2011. Pursuant to Section 15332 of the CEQA Guidelines, the project has been deemed categorically exempt. Staff has determined that the proposed project was adequately described, examined and evaluated in the Initial Study and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects.
2. Noise Variance #2015-01 was adequately noticed and circulated for public review and public comment on February 27, 2015 for consideration at a public meeting on March 11, 2015.
3. No further documentation is required as the Noise Variance was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use requirements specified within.

## EXHIBIT B

### PROJECT FINDINGS OF APPROVAL FOR NOISE VARIANCE #2015-01 – LOS BANOS COURTHOUSE PROJECT

The City of Los Banos Planning Commission hereby finds as follows:

1. The Los Banos General Plan was adopted by the City on July 15, 2009 and the project was prepared pursuant to the goals and policies of the General Plan;
2. The requested Noise Variance as conditioned will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhoods of such proposed use.
3. The requested Noise Variance as conditioned is within a commercial zoning district and the noise associated with the construction of the new courthouse will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City in that the noise source will be temporary and only during the period of construction consisting of May 1, 2015 to November 1, 2015 and April 1, 2016 to July 1, 2016.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR NOISE VARIANCE #2015-01 – LOS BANOS COURTHOUSE PROJECT

#### Planning:

1. The Noise Variance is for the property located at 1159 G Street, more specifically identified as Assessor's Parcel Number: 026-161-007. The Noise Variance will run from May 1, 2015 to November 1, 2015 and April 1, 2016 to July 1, 2016. The City Council may revoke this Noise Variance if any of the conditions or terms are violated or if the following finding is made: that continued relief from the strict application of the provisions of this article is contrary to the public interest, safety, health, and welfare.
2. The Noise Variance will permit construction activities associated with the construction of the Los Banos Courthouse Project to begin work each day at 5:30 a.m. All construction activities shall stop by 9:00 p.m. each week day and 5:00 p.m. on Saturday and Sunday in accordance with Section 9-3.2706 (c) of the Los Banos Municipal Code.
3. All equipment used shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust.
4. The contractor may be directed to install temporary or portable noise barriers around stationary construction noise sources should a specific noise impact complaint occur.
5. The developer/applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
6. The Noise Variance is specifically limited to the construction associated with the Los Banos Courthouse Project located at 1159 G Street as described in the application furnished by the applicant on file with the Community and Economic Development Department and incorporated herein by this reference.
7. The developer/applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

8. No stationary noise sources to be operated within 100 feet of the north boundary of the project property during the hours of 5:30 a.m. – 7:00 a.m.
9. To the extent possible, all stationary noise sources shall be located on the southern most boundaries of the project property.
10. To the extent possible, construction equipment shall not be operated within 100 feet of the north boundary of the project property during the hours of 5:30 a.m. – 7:00 a.m.
11. 24 hour notice to properties on G Street of any unavoidable excessive noise to occur on the construction site between the hours of 5:30 a.m. – 7:00 a.m.
12. A minimum 8-foot high temporary noise attenuation barrier shall be placed along the length of the northern and eastern edge of construction activities for the duration of construction. The noise barrier shall consist of a material that provides a Sound Transmission Class (STC) rating of at least (STC-27) and shall be approved by the Community Development Director or designee.
13. No pile driving noise shall occur from 5:30 a.m. – 7:00 a.m.
14. No rock crushing noise shall occur from 5:30 a.m. – 7:00 a.m.
15. No variance shall be permitted on Sundays.
16. The decibel level shall not exceed 85 dBA over a 15 minute period from 5:30 a.m. – 7:00 a.m.
17. The applicant shall pay the cost to measure the sound they are creating if requested.



City of  
**Los Banos**

*At the Crossroads of California*

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**COMMUNITY & ECONOMIC  
DEVELOPMENT DEPARTMENT**

Date: March 20, 2015

Regarding: Public Meeting

Proposal: Variance #2015-01 – Los Banos Courthouse

NOTICE IS HEREBY GIVEN THAT a Public Meeting will be held by the Los Banos City Council to consider a Variance for noise associated with construction of the Los Banos Courthouse Project. The request is to commence construction noise at 5:30 a.m. The project site is located at 1159 G Street, more specifically identified as Assessor's Parcel Number: 026-161-007.

The Los Banos Planning Commission held a public hearing on March 11, 2015 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission recommended approval of Noise Variance #2015-01 to the Los Banos City Council.

A PUBLIC MEETING on this matter will be held at the next scheduled meeting of the City Council on Wednesday, April 1, 2015 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.

THE CITY OF LOS BANOS

Stacy Souza Elms  
Assistant Planner II



City of  
**Los Banos**  
*At the Crossroads of California*

## **Agenda Staff Report**

**TO:** Mayor & City Council Members  
**FROM:** Tim Marrison, Fire Chief   
**DATE:** April 1, 2015  
**SUBJECT:** Designate City of Los Banos Fire Stations as Safe Surrender Baby Sites  
**TYPE OF REPORT:** Agenda Item

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### **Recommendation:**

That the City Council adopt Resolution designating the City of Los Banos Fire Stations as Safe Surrender sites.

### **Discussion:**

The Safely Surrendered Baby Law (SSB) was implemented on January 1, 2001 with the intent to prevent harm and possible death to newborns. Governor Schwarzenegger signed legislation extending the SSB Law permanently, as of January 1, 2006.

### **Statewide Statistics**

From January 1, 2001 – December 31, 2014, 685 newborns have been safely surrendered in California.

### **The Law**

The SSB law (California Health and Safety Code, Section 1255.7) provides a safe alternative for the surrender of a newborn baby in specified circumstances. Under the SSB law, a parent or person with lawful custody can safely surrender a baby confidentially, and without fear of prosecution, within seventy-two (72) hours of birth.

The SSB law requires the baby be taken to a public or private hospital, *designated fire station* or other safe surrender site, as determined by the local County Board of Supervisors. No questions will be asked and California Penal Code Section 271.5 protects surrendering individuals from prosecution for abandonment. This legislation provides immunity for accepting and caring for a child in accordance with a SSB.

Prior to September 30, 2010, only the County Board of Supervisors could designate safe-surrender sites within the County. However, the adaption of Assembly Bill (AB) 1048 amended the Health and Safety Code to allow local Fire Agencies to become designated sites with the approval of their Governing Body.

### **The Process**

At the time of surrender, a bracelet is placed on the baby for identification purposes and a matching bracelet provided to the parent or lawful guardian, in case the baby is reclaimed.

A parent or person with lawful custody has up to fourteen (14) days from the time they surrender to reclaim their baby.

A medical questionnaire must be offered, however it is a voluntary document and can be declined. The questionnaire is offered solely for the purpose of collecting medical information critical to the health and survival of the infant. All identifying information that pertains to a parent or individual who surrenders a child is strictly confidential.

Fire personnel will contact Los Banos Police Department Dispatch to request an Ambulance to transport the child to Memorial Hospital, Los Banos. After the child leaves the Fire Station, Fire personnel will contact Social Worker Renee Richardson at Memorial Hospital, Los Banos and inform her of the child transport.

If the child appears over seventy-two (72) hours old, and or neglected, receiving personnel will immediately notify Los Banos Police Department and Child Welfare Services.

### **Additional Information**

Visit – <http://www.babysafe.ca.gov/> for more information. In addition to California, all fifty (50) States have such laws in place to discourage baby abandonment.

#### **Description:**

In 2014, articles were published in the Merced Sun-Star that identified all Fire Stations in Merced County as Safe Surrender Baby sites. The adoption of this Resolution will legally enable the Los Banos Fire Department to receive surrendered infants and it will provide the personnel with the training and tools that are vital to ensure that the incident is handled appropriately.

**Fiscal Impact:**

The kits for properly administering the safe surrender of an infant are provided free of charge to the City of Los Banos Fire Department by Memorial Hospital, Los Banos and Child Welfare Services in Merced.

The Safe Surrender signs for each of the Fire Stations will be provided free of charge to the City of Los Banos Fire Department by Los Banos Public Works and Sign Solutions in Los Banos.

**Reviewed by:**

  
\_\_\_\_\_  
Sonya Williams, Finance Director

  
\_\_\_\_\_  
Steve Carrigan, City Manager



**now there's a way  
to safely surrender  
your baby**

<http://www.babysafe.ca.gov>

**What is the  
Safely Surrendered Baby  
Law?**

This law establishes a procedure for the voluntary surrender of a baby within 72 hours of birth. Under this law, parent(s) can safely surrender their baby and be protected from prosecution for child abandonment. This law makes it easier for a parent to surrender a baby who might otherwise abandon their baby in an unsafe place.

**TOLL-FREE HOTLINE**

For Safe Surrender Site locations within California:

**1-877-BABY SAF  
(1-877-222-9723)**

**The California Safely  
Surrendered Baby Law:**

- ✓ Permits the parent(s) or surrendering person to safely and confidentially surrender a baby within three days of birth.
- ✓ Provides a safe place for babies.
- ✓ Protects the parent(s) or surrendering person from prosecution for child abandonment.
- ✓ Does not require that names be given when the baby is surrendered.
- ✓ Allows the parent(s) or surrendering person at least 14 days to reclaim the baby.

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**In California, no one ever  
has to abandon a baby again.**

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State of California

Health and Human Services Agency

Department of Social Services



**CDSS**  
CALIFORNIA  
DEPARTMENT OF  
SOCIAL SERVICES

PUB 400 (3/10)



**There is an option.**

**Don't abandon  
your baby.**



**now there's a way  
to safely surrender  
your baby**

## How does it work?

A parent who is unable or unwilling to care for their baby can safely surrender the baby within three days of birth. All that is required is that the baby be given to an on-duty employee of a hospital or safe surrender site in California. A confidentially coded ID bracelet will be placed on the baby's ankle and a matching bracelet offered to the surrendering person. The bracelets help connect the parent to the baby if the parent wants the baby back.

## Can only a parent bring in the baby?

**No.** The law allows another person to safely surrender the baby if the person has permission from the parent(s).

## What is a "Safe Surrender" Site?

A hospital or other location designated by the Board of Supervisors in each county. A safe surrender site will display this logo:



## What information must be given to the people accepting the baby?

**None.** No information is required but the person surrendering the baby will be given a medical information questionnaire to complete. Completion of the questionnaire is voluntary, although the information regarding family medical history can assist in properly caring for the baby. The questionnaire may be mailed in later.

## What happens to the baby?

After receiving a confidentially coded ankle bracelet, the baby is examined and given medical treatment, if needed. The baby is then placed in a foster or pre-adoptive home.

## What happens to the parent?

Once the parent or surrendering person has safely turned over the baby, they are free to go, without any questions asked.

## What happens if a parent wants the baby back?

Under the law, a parent or surrendering person has at least 14 days to reclaim the baby. They should bring their copy of the coded bracelet back to the safe surrender site.

## Why is California doing this?

You may have heard stories about babies being left in dumpsters, public toilets or other unsafe locations. The parents abandoning their babies may have been under severe emotional or financial stress. The mothers may have hidden their pregnancies, fearful of what would happen if their families found out. Because they were afraid and felt they had nowhere to turn for help, they abandoned their baby. Abandoning a baby puts the baby in extreme danger. It is also illegal. Too often, it results in the baby's death. Because of the Safely Surrendered Baby Law, this tragedy doesn't ever have to happen in California again.

## Is there another choice?

**Yes.** Adoption is always a choice and should be considered first.

Whenever parents have decided that they are unable to care for a baby, whatever the reason, adoption is by far the best choice. Adoption protects the rights of all involved, including the baby. In fact, parents may be able to assist in selecting the adoptive parents and may be allowed to have contact with the baby after the adoption.

It's important for women to seek help while they are pregnant, not after giving birth.

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**Every baby deserves  
a healthy life.**

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## **The Safely Surrendered Baby Law**

This law establishes a procedure for the voluntary surrender of a baby within 72 hours of birth. Under this law, parent(s) can safely surrender their baby and be protected from prosecution for child abandonment. This law makes it easier for a parent to surrender a baby who might otherwise abandon their baby in an unsafe place.

**There is an option.**

**Don't abandon  
your baby.**

**1-877-BABY SAFE  
1-877-222-9723**



<http://www.babysafe.ca.gov>



RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS TO DESIGNATE THE CITY OF LOS BANOS FIRE STATIONS AS SAFE SURRENDER SITES.**

WHEREAS, on January 1, 2001, Senate Bill (SB) 1368 (Statutes 2000) took effect, enacting a law that provides for the health and safety of unwanted newborn children, also known as California's "Safely Surrendered Baby Law"; and

WHEREAS, as part of the Safely Surrendered Baby Law, Penal Code Section 271.5 allows an individual to confidentially surrender an unharmed newborn three (3) days old or younger at any hospital emergency room or other designated safe haven site without fear of criminal prosecution; and

WHEREAS, prior to September 30, 2010, only the County Board of Supervisors could designate Safe Surrender sites with the County. However, the adoption of Assembly Bill (AB) 1048 amended the Health and Safety Code to allow local fire agencies to become designated sites with the approval of their governing body; and

WHEREAS, it is in the best interest of the City of Los Banos, its residents, and others to designate the City of Los Banos Fire Stations as additional Safe Surrender sites.

NOW, THEREFORE, BE IT RESOLVED that, the City Council of the City of Los Banos hereby approves the designation of the City of Los Banos Fire Stations as additional Safe Surrender sites for the surrender of newborns seventy-two (72) hours or younger pursuant to Penal Code Section 271.5.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the \_\_\_\_ day of \_\_\_\_\_, 2015 by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk



City of  
**Los Banos**

*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

Date: March 27, 2015

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2015-04 – Laulea Family Care

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit to allow the operation of a Home Occupation Business License with employees for Herman Laulea, dba: Laulea Family Care. The subject property is located at 2349 S. Fallbrook Drive, more specifically described as Assessor's Parcel Number: 084-293-008.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, April 8, 2015 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 the action by the City Council be challenged in court, you may be limited to only those issues raised at the hearings or by written comment 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*

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**COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

Date: March 27, 2015

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance Revision – Special Events Ordinance

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 new update to the Special Events Ordinance located in Title 9, Chapter 3, Article 38 of the Los Banos Municipal Code

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, April 8, 2015 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