



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

DECEMBER 2, 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.

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.

HOLIDAY OPEN HOUSE

6:00 PM

* * * * *

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. PRESENTATIONS – CERTIFICATES OF RECOGNITION TO VARIOUS LOCAL CHURCHES FOR THE OCTOBER 31, 2015 EVENTS.
6. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)
7. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
 - A. Check Register for #156620 – #146832 in the Amount of \$839,055.20.
Recommendation: Approve the check register as submitted.
 - B. Minutes for the October 7, 2015 City Council Meeting.
Recommendation: Approve the minutes as submitted.
 - C. Minutes for the November 4, 2015 City Council Meeting.
Recommendation: Approve the minutes as submitted.
 - D. Minutes for the November 18, 2015 City Council Meeting.
Recommendation: Approve the minutes as submitted.
 - E. Development Impact Fees Report for Fiscal Years 2011-2013 (AB 1600).
Recommendation: Accept the reports as submitted.
 - F. City Council Resolution No. 5712 – Accepting Public Improvements for Villages III Phase I at Stonecreek and Villages III Phase 2 at Stonecreek.
Recommendation: Adopt the resolution as submitted.
 - G. City Council Resolution No. 5713 – Authorizing the Use of the National Joint Powers Alliance (NJPA) Procurement Contract with Miracle Recreation Equipment Company for the Purchase and Installation of Playground Equipment for Ranchwood Park.
Recommendation: Adopt the resolution as submitted.
8. 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 Annexation #2014-01, Pre-zone #2014-02, Pre-Annexation Development Agreement, and Associated Mitigated Negative Declaration (SCH #2015061056) for Presidential Estates East Area Plan and Annexation of Approximately 106 Acres on Unincorporated Lands Lying North of Pioneer Road, West of Mercey Springs Road (SR 165) and East of Eleventh Street, APNs 026-290-001, 002, 003, 004, 005, 083-120-012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, and 028.

(Continued from October 21, 2015 City Council Meeting)

- 1) City Council Resolution No. 5704 – Approving Mitigated Negative Declaration (SCH #2015061056) and Associated Mitigation Monitoring and Reporting Program for the Presidential Estates East Area Plan and Annexation #2014-01 and Pre-Zone #2014-02.
- 2) Ordinance No. 1139 – Amending the Zoning Map to Pre-Zone Approximately 106 Acres Located North of Pioneer Road and West of Mercey Springs Road (SR 165), Merced County, California from County Single Family Residential (R-1) to Professional Office (P-O), Neighborhood Commercial (C-N), Planned Development (P-D), and Unclassified (U), to be Annexed into the City of Los Banos.
(First Reading & Introduction)
- 3) Ordinance No. 1140 – Approving a Pre-Annexation Development Agreement with Stonefield Communities, Inc. for the Project Commonly Known as the Presidential Estates East Area Plan and Annexation.
(First Reading & Introduction)
- 4) Ordinance No. 1141 – Approving a Pre-Annexation Development Agreement for the Manual M. Cardoza Property for the Project Commonly Known as the Presidential Estates East Area Plan and Annexation.
(First Reading & Introduction)
- 5) City Council Resolution No. 5705 – Requesting the Annexation and Pre-Zone of Approximately 106 Acres for the Presidential Estates East Area Plan and Annexation, Property Located North of Pioneer Road, and West of Mercey Springs Road (SR 165), Merced County, California.

Recommendation: Receive staff report, open public hearing, receive public comment, and continue to a date uncertain.

9. APPOINTMENT OF COMMISSION MEMBERS FOR THE FOLLOWING:

- A. Los Banos Airport Advisory Commission – Two (2) Vacancies, Two (2) Year Terms Expiring December 31, 2017

- B. Los Banos Planning Commission – Three (3) Vacancies, Two (2) Year Terms Expiring December 31, 2017.
- C. Los Banos Tree Commission – Three (3) Vacancies, Two (2) Year Terms Expiring December 31, 2017.

Recommendation: Appointments made by the Mayor with the consensus of the City Council.

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

- A. Request from Mayor Villalta – To See if the City Can Provide City Sponsored Grants to Community Organizations for Public Events.
(Continued from November 4, 2015 City Council Meeting)

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

- 11. CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 16, 2015 DUE TO THE HOLIDAY SEASON.

Recommendation: Cancel the meeting as stated.

- 12. ADVISEMENT OF PUBLIC NOTICES. (Four reports)

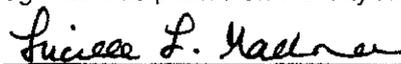
- 13. CITY MANAGER REPORT.

- 14. CITY COUNCIL MEMBER REPORTS.

- A. Scott Silveira
- B. Elizabeth Stonegrove
- C. Tom Faria
- D. Deborah Lewis
- E. Mayor Mike Villalta

- 15. 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 25th day of November 2015

CK # 156620 - 156832

12/02/2015

\$839,055.20

Bank Reconciliation

Checks by Date

User: sorozco
 Printed: 11/23/2015 - 11:02AM
 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
156620	11/13/2015	Abbott & Kindermann, LLP	AP		11,401.17
156621	11/13/2015	Advanced Chemical Transport	AP		1,919.60
156622	11/13/2015	Steve & Manuela Aldama	AP		96.24
156623	11/13/2015	American Valley Waste Oil, Inc.	AP		155.00
156624	11/13/2015	Aramark Uniform Ser Inc	AP		382.74
156625	11/13/2015	AT&T	AP		102.42
156626	11/13/2015	Auto Zone Commercial	AP		118.79
156627	11/13/2015	Battery Systems, Inc.	AP		2,238.72
156628	11/13/2015	BJ's Consumers Choice	AP		60.00
156629	11/13/2015	Board of Equalization	AP		998.00
156630	11/13/2015	BSK Associates	AP		170.00
156631	11/13/2015	Buell Recreation, LLC	AP		126.80
156632	11/13/2015	California Dairies Inc	AP		167.76
156633	11/13/2015	A & E Industrial Cleaning Equipment	AP		904.18
156634	11/13/2015	Cemex, Inc	AP		887.49
156635	11/13/2015	Manuel A Avila	AP		148.77
156636	11/13/2015	Central Valley Concrete	AP		397.44
156637	11/13/2015	Clark Pest Control Inc	AP		93.00
156638	11/13/2015	Comcast	AP		103.89
156639	11/13/2015	CSG Consultants Inc.	AP		49,312.17
156640	11/13/2015	Custom Locksmith & Alarm Inc.	AP		56.29
156641	11/13/2015	DTSC	AP		422.50
156642	11/13/2015	Edges Electrical Group, LLC	AP		44.90
156643	11/13/2015	Employee Relations, Inc.	AP		50.00
156644	11/13/2015	Employment Development Dept	AP		9,258.00
156645	11/13/2015	Farmer Brothers Coffee	AP		90.64
156646	11/13/2015	Fastenal Company	AP		11.85
156647	11/13/2015	Federal Express	AP		32.79
156648	11/13/2015	GCS Environmental Equipment Services	AP		284.20
156649	11/13/2015	Gouveia Engineering Inc.	AP		1,782.38
156650	11/13/2015	Heppner Precision Machine	AP		480.62
156651	11/13/2015	Holt of California	AP		103.54
156652	11/13/2015	InfoSend Inc.	AP		5,666.23
156653	11/13/2015	The Lighthouse, Inc.	AP		906.86
156654	11/13/2015	Los Banos Medical Group A Medical Corp.	AP		400.00
156655	11/13/2015	Lucas Business Systems	AP		1,039.45
156656	11/13/2015	Marfab Inc	AP		208.21
156657	11/13/2015	Matson Alarm Co Inc	AP		186.00
156658	11/13/2015	Napa Auto Parts	AP		918.07
156659	11/13/2015	NFPA	AP		1,409.41
156660	11/13/2015	The Office City	AP		24.59
156661	11/13/2015	OSE	AP		82.37
156662	11/13/2015	O'Reilly Auto Parts	AP		31.18
156663	11/13/2015	Owen Equipment Sales	AP		310.90

Check No	Check Date	Name	Module	Void	Amount
156664	11/13/2015	Pacific Landscape Supply, Inc.	AP		2,059.63
156665	11/13/2015	Price Paige and Company Accountancy Corporation	AP		23,435.00
156666	11/13/2015	Provost and Pritchard Engineering, Inc.	AP		2,353.30
156667	11/13/2015	Protech Security & Electronics, Inc.	AP		60.00
156668	11/13/2015	Antonia Pulone, Pulone Reporting	AP		250.00
156669	11/13/2015	Jeremy Rahn	AP		2,258.74
156670	11/13/2015	Pamela Reinbold	AP		600.00
156671	11/13/2015	Save Mart Supermarkets	AP		77.57
156672	11/13/2015	Sharpening Shop	AP		176.72
156673	11/13/2015	Sherwin Williams Co	AP		449.71
156674	11/13/2015	Frank Silveria	AP		4,918.31
156675	11/13/2015	Snap On Tools	AP		63.72
156676	11/13/2015	Sonitrol	AP		339.00
156677	11/13/2015	Sorensens True Value	AP		635.72
156678	11/13/2015	Summit Uniforms Inc	AP		4,429.39
156679	11/13/2015	SWRCB Accounting Office	AP		5,386.00
156680	11/13/2015	Deanie Machado	AP		18.15
156681	11/13/2015	Mario Alves	AP		38.54
156682	11/13/2015	Credit Bureau Associates	AP		20.00
156683	11/13/2015	Au-Yeng, Lim, Charon & Associates- 119	AP		99.14
156684	11/13/2015	Au-Yeng, Lim, Charon & Associates- 119	AP		91.33
156685	11/13/2015	Au-Yeng, Lim, Charon & Associates- 119	AP		97.87
156686	11/13/2015	Rosario Wong	AP		69.26
156687	11/13/2015	Robert Bledsoe	AP		82.70
156688	11/13/2015	Teresa Perales	AP		89.45
156689	11/13/2015	Alfredo Flores-Gutierrez	AP		62.52
156690	11/13/2015	Gloria Espino	AP		3.26
156691	11/13/2015	Ulises Sanchez	AP		16.38
156692	11/13/2015	Billy Uber	AP		59.62
156693	11/13/2015	Graystone Property Mgmt	AP		63.50
156694	11/13/2015	Yuhua Chen	AP		34.66
156695	11/13/2015	Raul Andrade	AP		13.49
156696	11/13/2015	Maria Abad-Guillen	AP		13.49
156697	11/13/2015	Los Banos Cash Homes, LLC	AP		56.73
156698	11/13/2015	Victoria and Gary Woodruff	AP		13.49
156699	11/13/2015	Anderson Homes	AP		63.17
156700	11/13/2015	Mike Soto, Jr	AP		40.09
156701	11/13/2015	Harmail Pooni	AP		74.04
156702	11/13/2015	Chenhao Dong	AP		73.06
156703	11/13/2015	Home Sweet Home Property Management	AP		38.47
156704	11/13/2015	Westside Water Conditioning	AP		20.00
156705	11/13/2015	Windecker Inc	AP		17,906.36
156706	11/13/2015	Rachel Waldron	AP		500.00
156707	11/13/2015	Rachel Waldron	AP		250.00
156708	11/13/2015	Young's Automotive	AP		386.33
156709	11/13/2015	CSMFO	AP		110.00
156710	11/13/2015	CSMFO	AP		110.00
156711	11/13/2015	CSMFO	AP		110.00
156712	11/13/2015	Ford Motor Credit Company LLC	AP		4,420.32
156713	11/13/2015	IPMA-CCC	AP		75.00
156714	11/13/2015	Richard Ortiz	AP		150.00
156715	11/13/2015	PERS - Public Employees	AP		79,903.58
156716	11/13/2015	Law Offices of William A Vaughn	AP		9,267.50
156717	11/17/2015	Douglas Heyman	AP		90.00
156718	11/17/2015	Home Depot	AP		3,392.98
156719	11/17/2015	US Bank Corp Pymt System	AP		22,213.61
156739	11/19/2015	Aflac-Customer Service	AP		95.81

Check No	Check Date	Name	Module	Void	Amount
156740	11/19/2015	Aflac-Customer Service	AP		143.95
156741	11/19/2015	Aflac-Customer Service	AP		41.26
156742	11/19/2015	Aflac-Customer Service	AP		48.36
156743	11/19/2015	Bank of America	AP		90,672.23
156744	11/19/2015	Bank of America	AP		11,907.85
156745	11/19/2015	Bank of America	AP		2,486.31
156746	11/19/2015	Los Banos Fitness &	AP		553.00
156747	11/19/2015	Los Banos Police Assn	AP		2,055.00
156748	11/19/2015	MassMutual	AP		1,342.59
156749	11/19/2015	MassMutual	AP		5,185.00
156750	11/19/2015	Merced County Sheriff	AP		286.67
156751	11/19/2015	Nationwide Retirement Solutions	AP		1,450.00
156752	11/19/2015	Professional Fire Fighter	AP		630.00
156753	11/19/2015	State Disbursement Unit	AP		1,912.50
156754	11/19/2015	Vantagepont Transfer Agents - 306797	AP		590.43
156755	11/19/2015	Vantagepoint Transfer Agents - 705827	AP		25.00
156756	11/19/2015	Vantagepoint Transfer Agents - 801838	AP		1,100.00
156757	11/19/2015	Marcelino Cortez	AP		215.00
156758	11/19/2015	Ford Motor Credit Company LLC	AP		1,307.85
156759	11/19/2015	Lucille L Mallonee	AP		642.59
156760	11/19/2015	McElvany Inc	AP		2,210.69
156761	11/19/2015	McElvany Inc	AP		10,952.04
156762	11/19/2015	Sarah Orozco	AP		2,508.66
156763	11/19/2015	Evelyn Pereira	AP		97.02
156764	11/20/2015	Accela, Inc.	AP		1,319.00
156765	11/20/2015	All American Plumbing	AP		29.00
156766	11/20/2015	Ameripride Valley Uniform Services Inc.	AP		93.09
156767	11/20/2015	Aramark Uniform Ser Inc	AP		478.32
156768	11/20/2015	Ascent Aviation Group, Inc.	AP		24,371.05
156769	11/20/2015	AT&T	AP		407.85
156770	11/20/2015	BJ's Consumers Choice	AP		70.10
156771	11/20/2015	BlueTarp Financial, Inc.	AP		121.97
156772	11/20/2015	Brinks Inc.	AP		528.13
156773	11/20/2015	Bruce's Tire Inc	AP		651.66
156774	11/20/2015	BSK Associates	AP		11,613.73
156775	11/20/2015	Ca Dept of Justice	AP		1,090.00
156776	11/20/2015	A & E Industrial Cleaning Equipment	AP		577.86
156777	11/20/2015	Central Valley Toxicology, Inc	AP		78.00
156778	11/20/2015	Central Sanitary Supply	AP		222.49
156779	11/20/2015	Comcast	AP		114.48
156780	11/20/2015	Copware Inc	AP		540.00
156781	11/20/2015	Credit Bureau Associates	AP		12.00
156782	11/20/2015	DTSC	AP		150.00
156783	11/20/2015	Edges Electrical Group, LLC	AP		139.50
156784	11/20/2015	Federal Express	AP		11.60
156785	11/20/2015	Golden State Flow	AP		8,126.79
156786	11/20/2015	Galls Inc	AP		278.61
156787	11/20/2015	Gouveia Engineering Inc.	AP		4,694.76
156788	11/20/2015	Mayra Garza	AP		500.00
156789	11/20/2015	Granite Construction Co	AP		873.11
156790	11/20/2015	Heppner Precision Machine	AP		15.34
156791	11/20/2015	Johnnie's Cleaners	AP		63.25
156792	11/20/2015	Lawson Products, Inc.	AP		56.12
156793	11/20/2015	Lehigh Hanson Heidelberg Cement Group	AP		333.29
156794	11/20/2015	Lincoln Equipment Inc	AP		165.06
156795	11/20/2015	Los Banos Medical Group A Medical Corp.	AP		400.00
156796	11/20/2015	Los Banos Vet Clinic	AP		4,299.00

Check No	Check Date	Name	Module	Void	Amount
156797	11/20/2015	Los Banos Vet Clinic	AP		1,586.45
156798	11/20/2015	Lucas Business Systems	AP		223.71
156799	11/20/2015	Marfab Inc	AP		68.52
156800	11/20/2015	Merced Chevrolet Inc.	AP		180.42
156801	11/20/2015	Merced County Regional Waste Management Authority	AP		3,143.01
156802	11/20/2015	Merced County Regional Waste Management Authority	AP		69,119.59
156803	11/20/2015	Merced County Regional Waste Management Authority	AP		5,796.69
156804	11/20/2015	Merced Uniform & Accessories	AP		2,569.20
156805	11/20/2015	Margie Lagmay	AP		250.00
156806	11/20/2015	Napa Auto Parts	AP		491.90
156807	11/20/2015	National Fire Protection Association	AP		175.00
156808	11/20/2015	NDN International LLC	AP		96.69
156809	11/20/2015	North Central Laboratories	AP		168.19
156810	11/20/2015	The Office City	AP		1,485.27
156811	11/20/2015	OSE	AP		963.49
156812	11/20/2015	O'Reilly Auto Parts	AP		7.21
156813	11/20/2015	P G & E Company	AP		7.08
156814	11/20/2015	Pacific Landscape Supply, Inc.	AP		2,059.63
156815	11/20/2015	Jeremy Rahn	AP		465.00
156816	11/20/2015	Sharpening Shop	AP		86.97
156817	11/20/2015	Sherwin Williams Co	AP		58.43
156818	11/20/2015	Sorensens True Value	AP		471.88
156819	11/20/2015	Spriggs Inc.	AP		692.83
156820	11/20/2015	Stericycle, Inc.	AP		704.43
156821	11/20/2015	Summit Uniforms Inc	AP		452.40
156822	11/20/2015	Tractor Supply Credit Plan	AP		1,758.77
156823	11/20/2015	Todd Companies	AP		913.78
156824	11/20/2015	Gloria Torres	AP		350.00
156825	11/20/2015	Karl Hammer	AP		86.51
156826	11/20/2015	John Sommerseld	AP		97.99
156827	11/20/2015	Thomas Cardoza	AP		183.97
156828	11/20/2015	Westamerica Bank - Cafeteria Plan	AP		257,610.70
156829	11/20/2015	Westside Water Conditioning	AP		17.28
156830	11/20/2015	Windecker Inc	AP		700.30
156831	11/20/2015	Young's Automotive	AP		3,610.32
156832	11/20/2015	Zee Medical Service Co	AP		300.56

Break in check sequence due to the following:
Check # 156720 - 156738 (Payroll)

Total Void Check Count:	0
Total Void Check Amount:	0
Total Valid Check Count:	194
Total Valid Check Amount:	839,055.20
Total Check Count:	194
Total Check Amount:	839,055.20

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
OCTOBER 7, 2015**

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

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

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Police Commander Hedden, City Manager Carrigan, Finance Director Williams, City Treasurer/Accountant I Brazil, Fire Chief Marrison, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that staff is requesting that item 7B - Street Closure/Usage Request from the Our Lady of Fatima Society for Annual Religious Ceremonies and Events on October 10, 2015 from 11:00 a.m. - 1:00 p.m. Exiting the Alley behind Our Lady of Fatima School turning Left on Center Avenue, Right on Madison Avenue, Left on 4th Street Left on Jefferson Avenue, Left on Center Avenue, and Back to the School Parking Lot; October 10, 2015 from 8:00 p.m. – 9:30 p.m. Exiting St. Joseph’s Church Parking Lot onto Center Avenue, East on Adams Avenue to 6th Street, South on 6th Street to Jefferson Avenue, West on Jefferson Avenue to Center Avenue and back to St Joseph’s Church; and October 11, 2015 12:00 p.m. – 2:00 p.m. Leaving St. Joseph’s Church Parking Lot onto Center Avenue, East on Adams Avenue to 6th Street, South on 6th Street to Jefferson Avenue, West on Jefferson Avenue to Center Avenue and back to St Joseph’s Church be removed from the Consent Agenda.

Motion by Lewis, seconded by Faria to approve the City Council Meeting agenda as amended, with the removal of item 7B - Street Closure/Usage Request from the Our Lady of Fatima Society for Annual Religious Ceremonies and Events on October 10, 2015 from 11:00 a.m. - 1:00 p.m. Exiting the Alley behind Our Lady of Fatima School turning Left on Center Avenue, Right on Madison Avenue, Left on 4th Street Left on Jefferson Avenue, Left on Center Avenue, and Back to the School Parking Lot; October 10, 2015 from 8:00 p.m. – 9:30 p.m. Exiting St. Joseph’s Church Parking Lot onto Center Avenue, East on Adams Avenue to 6th Street, South on 6th Street to Jefferson

Avenue, West on Jefferson Avenue to Center Avenue and back to St Joseph's Church; and October 11, 2015 12:00 p.m. – 2:00 p.m. Leaving St. Joseph's Church Parking Lot onto Center Avenue, East on Adams Avenue to 6th Street, South on 6th Street to Jefferson Avenue, West on Jefferson Avenue to Center Avenue and back to St Joseph's Church. The motion carried by the affirmative action of all City Council Members present.

PRESENTATION – PROCLAMATION RECOGNIZING THE 125TH ANNIVERSARY OF THE LOS BANOS FIRE DEPARTMENT AND VIDEO. Mayor Villalta presented the proclamation to the Fire Department employees in attendance and a short video was played regarding the history of the Los Banos Fire Department. Representatives from the Los Banos Fire Department and Fresno County Pink Heels organization came forward and was presented a check in the amount of \$2500. The representatives from Pink Heels spoke regarding the services that they provide and thanked the Los Banos Fire Department for all they do for the cause. Fire Fighter Freeman thanked the City Council and the City for all their support.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. KEN HEATON, Los Banos, spoke regarding the Harvest Fun Fest being held on October 31, 2015 and the events going on that day; BERTHA FARIA, Los Banos Chamber of Commerce, spoke regarding the Los Banos Tomato Festival held last weekend, the reason behind the festival and how it was established, how this year was the biggest ever and all the events going on that day, and she thanked Merced County Supervisor O'Banion for the County's contribution; KIRSTEN ARIAS, member of the local farming community, spoke in opposition to the proposed Farmer's Market ordinance, she stated that there is a need for a Farmers Market in Los Banos speaking in detail to her concerns; DENNIS AREIAS, Los Banos, spoke in opposition to the proposed Farmers Market ordinance and spoke in detail to his concerns; DONALDA SOUSA, Los Banos, stated that she watched the last City Council meeting and how she was concerned with comments made by Mayor Villalta and the holes in the park being a hazard, she supports Mr. Areias' Farmers Market and noted that Farmers Markets are not just one day a week, how the City Council should be trying to bring things into town not shut them down; DAVID DEEKMAN, Los Banos, stated that he is a regular customer of Will Areias' Farmers Market and how he does not see a problem with; BOB REISTER, Los Banos, asked that before final judgments are made to go back and consider what was said, what he just heard tonight upsets him and hopes that it is not true; CARYN COX, Los Banos, spoke regarding the proposed annexation being considered on tonight's agenda and her concerns, particularly the water shortage issue and how 95 lots have been approved with front and back yards, she urged the City Council to vote no on the proposed annexation and to not approve the project now but to wait, she would also suggest that a committee be formed to come up with ideas to save the City of Los

Banos money which she would like to be a member of, saving money should be our number one goal; ERIK LIMON, Republic Services Los Banos, spoke regarding illegal scavenging in garbage cans and how they are to contact the Los Banos Police Department non-emergency number if the encounter scavengers and/or call Republic Services. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Silveira, seconded by Stonegrove to approve the consent agenda as follows: ~~Check Register for #155557 – #155866 in the Amount of \$2,052,916.22; Street Closure/Usage Request from the Our Lady of Fatima Society for Annual Religious Ceremonies and Events on October 10, 2015 from 11:00 a.m. – 1:00 p.m. Exiting the Alley behind Our Lady of Fatima School turning Left on Center Avenue, Right on Madison Avenue, Left on 4th Street Left on Jefferson Avenue, Left on Center Avenue, and Back to the School Parking Lot; October 10, 2015 from 8:00 p.m. – 9:30 p.m. Exiting St. Joseph’s Church Parking Lot onto Center Avenue, East on Adams Avenue to 6th Street, South on 6th Street to Jefferson Avenue, West on Jefferson Avenue to Center Avenue and back to St Joseph’s Church; and October 11, 2015 12:00 p.m. – 2:00 p.m. Leaving St. Joseph’s Church Parking Lot onto Center Avenue, East on Adams Avenue to 6th Street, South on 6th Street to Jefferson Avenue, West on Jefferson Avenue to Center Avenue and back to St Joseph’s Church; City Council Resolution No. 5701 – Amending the Fiscal Year 2015-2016 Budget by Increasing the Appropriations in the General Fund for Engineering Revenue and Expenditures; City Council Resolution No. 5702 – Authorizing the City Manager to Execute a Professional Services Agreement for Utility Bill Printing and Mailing Services with Infosend; City Council Resolution No. 5703 – Authorizing the City Manager, or his Designee, to Sign and File for and on Behalf of the City of Los Banos, a Financial Assistance Application for a Financing Agreement from the State Water Resources Control Board for the Planning of the Mitigation Measures for the City of Los Banos’ Municipal Water System to Conform o the State of California’s Maximum Contaminant Level (MCL) for Hexavalent Chromium. The motion carried by the affirmative action of all City Council Member present.~~

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENTS TO THE CITY FIRE PREVENTION CODE ORDINANCE AS IT PERTAINS TO ALLOWING FOR AN EXEMPTION PERMIT TO BE ISSUED TO AN ELIGIBLE ORGANIZATION FOR THE PURPOSE OF SPONSORING OR CONTRIBUTING TO A 4TH OF JULY FIREWORKS DISPLAY; ORDINANCE NO. 1138 – AMENDING AMENDMENT NO. 11 TO THE CALIFORNIA FIRE CODE 2013 EDITION SET FORTH IN SECTION 4-3.07 OF THE LOS BANOS MUNICIPAL CODE (SECOND READING & ADOPTION). Fire Chief Marrison presented the staff report.

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

Motion by Faria, seconded by Silveira to waive the second reading of Ordinance No. 1138 – Amending Amendment No. 11 to the California Fire Code 2013 Edition Set Forth

in Section 4-3.07 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council Members present.

Motion by Faria, seconded by Silveira to adopt Ordinance No. 1138 – Amending Amendment No. 11 to the California Fire Code 2013 Edition Set Forth in Section 4-3.07 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Lewis, Silveira, Stonegrove, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ADOPTING A PROPOSED ORDINANCE FOR REGULATION OF FARMERS’ MARKETS LOCATED IN TITLE 9 AND CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE; ORDINANCE NO. 1135 – ADDING ARTICLE 42 CHAPTER 3 TO TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CERTIFIED FARMERS’ MARKET (FIRST READING & INTRODUCTION); CITY COUNCIL RESOLUTION NO. 5699 – ESTABLISHING PERMIT FEES FOR THE ADMINISTRATION AND ISSUANCE OF CERTIFIED FARMERS’ MARKETS (CONTINUED FROM SEPTEMBER 16, 2015 CITY COUNCIL MEETING).

Council Member Faria will be recusing himself for the discussion and action because of a conflict in that his wife is the Executive Director for the Chamber of Commerce and left the City Council Chambers at 7:47 PM.

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

City Manager Carrigan clarified that we are talking about two things: Regulating Farmers Markets and Will Areias, he stated that this all started with the Los Banos Chamber of Commerce coming to the City wanting to put on Farmers Market, which led to the creation of the proposed Farmers Market ordinance and it brought to light concerns with Will Areias Farmers Market, how he sat down with Will Areias and spoke about certain issues and he thinks this could all work out with certain standards and cooperation.

There was Council Member and staff discussion regarding the type of documentation and application will be required for which City Attorney Vaughn stated that the ordinance lists what is required and a form would be developed by the Community & Economic Development Depart, why staff came up with 2 consecutive days and not just 2 days, removing consecutive and allow any 2 days a week, for which City Attorney Vaughn explained the reason behind the distinction, the start and stop times of operation for which City Attorney Vaughn stated would be dictated by location.

Mayor Villalta called for a short recess at 8:52 PM. The meeting reconvened at 9:03 PM.

Mayor Villalta opened the public hearing. WILL AREIAS, Los Banos, spoke regarding his background, farmers market and vending history for the last two years, the services he provides and how he is the only farmers market that services the City of Los Banos,

he operates year round on Saturdays and Sundays and no one in the community has been affected by his business; BOB REISTER, Los Banos, stated that he is a customer of Will Areias' and apologized for the comments that he made earlier because they were rude in the way that he said it; DENNIS AREAIS, Los Banos, School Board Member for 18 years where they stress giving back to your community, wanted to know what type of precedent is the City Council trying to set tonight with putting Will Areias out of business, he is homegrown and works with our charter school teaching them how to plant and harvest a crop, he spoke to how he has learned that each jurisdiction can set their own regulations, the Chamber of Commerce is no longer interested in pursuing a Farmers Market because of exactly what Will Areias is being put through, if you want to kill a business do what you are doing tonight; DONALDA SOUSA, Los Banos, stated that we have so many things going on in town that are not being addressed, lawn mowing businesses without licenses, she remembers back when the Farmers Market was at Henry Miller Plaza with many vendors but now it is down to one vendor on the highway, stressing how this young man needs to be helped and for the future kids; DOUG BEYAGA, works for Will Areias, stated that regulation for seasons of operation are pretty arbitrary and not consistent with seasons, it could change every day with what is being offered, how the operation is very neat and clean and they are cordial with customers; REFUGIO LLAMAS, Los Banos, stated that the role in government is to try to create an environment for entrepreneurship, many people are willing to sacrifice to start a business, understands that we have storefront businesses that are not happy with the farmers market but he would ask the City Council to reconsider and maybe sunset or grandfather this into the standards. No one else came forward to speak.

There was additional City Council and staff discussion regarding the change to add the two days and for it to be on improved lots, how the City feels they have come up with a fair compromise – 2 days a week during the season and 1 day a week off season, moving to the east end not the center of the park, the concept "farm to fork" because people want to know where their food is coming from, where is the Chamber of Commerce they are the ones that wanted a Farmers Market and now they are out, agreement that the insurance and hold harmless agreements are needed, how we are spending an inordinate amount of time on this issue and how it looks like it is being crafted to put one person out of business, creating an ordinance that is fair, the City Manager will have discretion to deny or approve, the ordinance just sets the rules and regulations, if we approve this we are giving the city manager approval to set the parameters, and wanting clear and fair regulations for Farmers Markets.

Motion by Silveira, seconded by Stonegrove to waive the first reading of Ordinance No. 1135 – Adding Article 42 Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Certified Farmers' Market with item (d) of the ordinance being changed to two days. AYES: Lewis, Silveira, Stonegrove, Villalta; NOES: Villalta; ABSTAIN: Faria; ABSENT: None.

Motion by Silveira, seconded by Stonegrove to adopt Ordinance No. 1135 – Adding Article 42 Chapter 3 to Title 9 of the Los Banos Municipal Code Relating to Certified Farmers' Market with item (d) of the ordinance being changed to two days. The motion

carried by the following roll call vote: AYES: Lewis, Silveira, Stonegrove, Villalta; NOES: Villalta; ABSTAIN: Faria; ABSENT: None.

Council Member Faria returned to his seat at the dais (10:00 PM).

City Attorney Vaughn stated that he would not be participating in the following item because he owns property within the 300 foot radius of the project and left his seat at the dais and the Council Chambers at 10:01 PM.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF ANNEXATION #2014-01, PREZONE #2014-02, PRE-ANNEXATION DEVELOPMENT AGREEMENT, AND ASSOCIATED MITIGATE NEGATIVE DECLARATION (SCH #2015061056) FOR PRESIDENTIAL ESTATES EAST AREA PLAN AND ANNEXATION OF APPROXIMATELY 106 ACRES ON UNINCORPORATED LANDS LYING NORTH OF PIONEER ROAD, WEST OF MERCY SPRINGS ROAD (SR 1658) AND EAST OF ELEVENTH STREET, APNS 026-290-001, 002, 003, 004, 005, 083-120-012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, AND 028; CITY COUNCIL RESOLUTION NO. 5704 – APPROVING MITIGATED NEGATIVE DECLARATION (SCH #2015061056) AND MITIGATION MONITORING PLAN; ORDINANCE NO. 1139 – AMENDING THE ZONING MAP TO PRE-ZONE APPROXIMATELY 106 ACRES BOUND BY PIONEER ROAD TO THE SOUTH (UNINCORPORATED), DEVELOPED RESIDENTIAL PROPERTY TO THE WEST AND ELEVENTH STREET, DEVELOPED COMMERCIAL PROPERTY TO THE NORTH, AND MERCY SPRINGS ROAD (SR 165) TO THE EAST (FIRST READING & INTRODUCTION); ORDINANCE NO. 1140 – AUTHORIZING THE MAYOR TO EXECUTE A PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND STONEFIELD COMMUNITIES, LLC RELATIVE TO THE PRESIDENTIAL ESTATES EAST ANNEXATION (FIRST READING & INTRODUCTION); ORDINANCE NO. 1141 – AUTHORIZING THE MAYOR TO EXECUTE A PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND MANUAL M. CARDOZA LIFE ESTATE RELATIVE TO PRESIDENTIAL ESTATES EAST ANNEXATION (FIRST READING & INTRODUCTION); CITY COUNCIL RESOLUTION NO. 5705 – REQUESTING THE ANNEXATION AND PRE-ZONE OF APPROXIMATELY 106 ACRES OF PROPERTY LOCATED NORTH OF PIONEER ROAD, EAST OF ELEVENTH STREET, SOUTH OF DEVELOPED COMMERCIAL PROPERTY TO THE NORTH, AND WEST OF MERCY SPRINGS ROAD (SR 165). City Manager Carrigan presented the staff report, which included a powerpoint presentation, with Special Planning Consultant Bill Abbott and Dan Cutchi assisting.

There was Council Member and staff discussion as to preservation of farm land, if the County increased their farm land do we have a reason as to why, parks and open space, detention basins being required in almost every development throughout the city, mitigation measures on Madison Avenue and Scripps Drive with both ingress and egress, concerned about the closeness, focusing just now on the annexation not project specifics, CCID at the time of annexation they would no longer provide water to the

property site, the Cardozo's will be able to farm as long as they want, since our last general plan has there been any consideration as to if we will be able to supply water to this annexations which is based on the Water Master Plan, the most recent Los Banos annexations were more job-related projects, if the water situation gets bad can the State mandate building permits, if there will be a lift station at Pacheco and 11th, if approved when the City would see the master plan, becoming a Landscape & Lighting District, master plan and the customization of these units with each house would submit plans to the City for approval, the master plan will allow for a property owner to apply and build what they like/want, if there could there be dry landscaping, how starting the first of the year the State is mandating drought tolerant landscaping and staff will be working on an ordinance to meet the new standards, a proposed new fire station, are the uses locked in or can they be changed, and concerns with commercial businesses being proposed in the middle of these proposed custom homes.

Mayor Villalta opened the public hearing. JEFF ROBERTS, Stonefield Communities (applicant), spoke to the great experience he has had with city staff, the City Manager, Senior Planner Elms and the Cardoza family, supports and is please to see the phases for the different land owners and a real clear vision of what is ahead of you and he views it as a very valuable step and concurs with the staff recommendations, stated that the prezone is consistent with the City's Land Use Plan, the property in question has been in the City's Sphere of Influence since the 1990s and has never seen such an obvious annexation in a City; STEVE TEITJEN, Los Banos Unified School District Superintendent, spoke in support of the proposed annexation and stated that there is an existing Mitigation Agreement with the Los Banos Unified School District for this developer to pay their fair share of school fees and is excited to see Page Avenue extended as part of this development; MANUAL CARDOZA, Los Banos, appreciates everything that the staff has done as they have been honest and upfront the whole time, how we've never discussed much of this and is all new to them, things change and spoke in support of this annexation; CARYN COX, Los Banos, stated that she is concerned with the proposed annexation, we have enough parks, concerns with CCID water rights, how Mr. Roberts states that it will not be hooked up to City water until homes are built and she's not so sure, the proposed fire station needs to be addressed now, and there are no tract homes to be built in the proposed annexations. No one else came forward to speak and the public hearing was closed.

There was further Council Member and staff discussion regarding in relation to the City's General Plan and concern for medium density housing, thoughts that the amend the General Plan should be amended before we adopt this annexation, fixing the uses now, how the City is not short of residential property right now in Los Banos, reiteration that the proposed project conforms to the City's General Plan, going over the proposed projects amenities again, and some Council Members not comfortable taking a vote tonight and wanting to continue this item to get more information and clarification.

Motion by Villalta, seconded by Faria to continue this item to the October 21, 2015 City Council Meeting. The motion carried by the affirmative action of all City Council Members present, Silviera and Stonegrove voting No.

City Attorney Vaughn returned to his seat at the dais (12:02 AM).

COUNCIL MEMBER AGENDA REQUESTS. (TO SEE IF THERE IS A MAJORITY CONSENSUS TO HAVE STAFF EXPEND TIME ON THE ISSUE AND TO HEAR IT AT A FUTURE MEETING.) REQUEST FROM MAYOR VILLALTA FOR DISCUSSION AND CONSIDERATION OF PLACING A VETERANS WALL AT HENRY MILLER PLAZA.

Mayor Villalta stated that Rick Toscano and the veterans came to him with a list of fifteen war dead from the City of Los Banos and wanting to develop something into a living memorial/wall at Henry Miller Plaza, he added that he has an article that states that a fund was started in 1941 and the idea has come up again, he is asking to see if the City Council is interested in pursuing the idea, look at the plans, and then submitted to the City for approval and construction.

City Manager Carrigan stated that the City of Los Banos has a Memorial Policy that might work for this situation, but wanted to make not that the City of Los Banos does not currently own Henry Miller Plaza as it is under the old Los Banos Redevelopment Agency which is now und the authority of the DLA. He suggested that Mr. Toscano get in touch with Public Works Director/City Engineer Fachin to see if anything could be started or done.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. No report

CITY COUNCIL MEMBER REPORTS.

SCOTT SILVEIRA: No report.

ELIZABETH STONEGROVE: No report.

TOM FARIA: Congratulated Senior Planner Elms on her new baby and to enjoy your time and sent prayers to Wayne Pricolo.

DEBORAH LEWIS: Congratulated Senior Planner Elms on the arrival on her new baby boy, thanked the City of Los Banos for allowing her to attend the League of California Cities Conference last week, spoke to how the State is imposing new water regulations, a choice without choice and no money to flow for the changes, she had the opportunity to attend the Merced County Excellence in Education Award event in Merced with Miano Elementary School teacher Mr. Dealba being chosen as Teacher of the Year, how yesterday she and the Police Department staff and attended Miano Elementary School where the Police Department staff did a wonderful presentation on their Spay and Neuter Program and thanked them for allowing her to go with them, noting how Police Chief Brizzee is the "Pied Piper" and how the kids follow him around, the recent Tomato Festival was better this year than ever and hopes to see it get better and better each year.

MAYOR MICHAEL VILLALTA: Reminded all to keep Wayne Pricolo in your prayers, a very dedicated retired city employee.

ADJOURNMENT. The meeting at the hour of 12:13 AM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 4, 2015**

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

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

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, City Manager Carrigan, Finance Director Williams, City Treasurer/Accountant I Brazil, Assistant Fire Chief Hurley, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

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

PRESENTATION – PROCLAMATION RECOGNIZING VETERANS DAY. Mayor Villalta presented the proclamation to veterans Mike Hughes and Rick Toscano who were present at the Council Meeting. Mike Hughes reminded all about the Veterans breakfast and parade on November 7, 2015 and the events going on that day.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. BERTHA FARIA, Los Banos Chamber of Commerce, spoke regarding the holiday activities going on in town – Kiwanis Holiday Pie Sale, Veterans Day Breakfast, Veterans Day Parade, Los Banos Lions Club Bus to casinos, Sutter Memorial Hospital Gala Event, Chamber Ribbon Cuttings, new Chamber members, upcoming Chamber Mixers, Christmas Parade. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Silveira stated that he would like item 7B - City Council Resolution No. 5707 – Approving the Demonstration Test Agreement for Hexavalent Chromium Treatment

With North American Hoganas, Inc., and Authorizing the City Manager to Execute Said Agreement pulled from the Consent Agenda and presented separately.

Motion by Silveira, seconded by Faria to approve the consent agenda as amended: Check Register for #156083 – #156318 in the Amount of \$1,018,811.78; ~~City Council Resolution No. 5707 – Approving the Demonstration Test Agreement for Hexavalent Chromium Treatment With North American Hoganas, Inc., and Authorizing the City Manager to Execute Said Agreement;~~ City Council Resolution No. 5708 – Approving Closure of Non-essential City Offices on Thursday, December 24, 2015 and Thursday, December 31, 2015. The motion carried by the affirmative action of all City Council Member present, Lewis absent.

CITY COUNCIL RESOLUTION NO. 5707 – APPROVING THE DEMONSTRATION TEST AGREEMENT FOR HEXAVALENT CHROMIUM TREATMENT WITH NORTH AMERICAN HOGANAS, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT. Public Works Director/City Engineer Fachin presented the staff report.

Council Member Stonegrove inquired as to if the testing is successful, would the City be in a situation where we contact with this company to treat our water interpetuity for which Public Works Director/City Engineer Fachin responded yes, quite possibly, depends on the test results and the costs. Mayor Villalta stated that he keeps getting asked why didn't the citizens hear about this before and he explained the history behind the new California State Chromium 6 standards. City Manager Carrigan spoke regarding the importance of this topic and how exciting it is to have an opportunity like this and will be looking forward to the test results, thanked former Congressman Dennis Cardoza for connecting Hoganas with the City of Los Banos, how the State of California has been great to deal with and the City of Los Banos took the stance of lets figure this out instead of fighting the new State standards. Council Member Silveira inquired as to if six months in the minimum that we will do the tests, when will we get preliminary results for which Public Works Director/City Engineer Fachin responded that within a few weeks of testing we should have preliminary results, but what the State is really interested in is the economics of treating the water.

Motion by Silveira, seconded by Faria to adopt City Council Resolution No. 5707 – Approving the Demonstration Test Agreement for Hexavalent Chromium Treatment with North American Hoganas, Inc., and Authorizing the City Manager to Execute Said Agreement. The motion carried by the affirmative action of all City Council Member present, Lewis absent.

UPDATE ON LOS BANOS AIRPORT SITE SELECTION AND CONCEPT STUDY. Public Works Director/City Engineer Fachin introduced consultant Bob Widell who spoke regarding the Los Banos Airport Site Selection and Concept Study, which included a PowerPoint presentation.

There was Council Member, consultant and staff discussion regarding how big the current site is, benefits to moving the airport would be being able to put a new hospital there, the thought process behind bringing the airport project back to the forefront, the

different sites that have been identified, how we have put up wind towers for wind studies, how it's a long process and we are being very thorough as we move along, how the original plan of bringing an industrial park and an airport runway, and the size of planes that use our current airport site.

No action taken, informational item only.

COUNCIL MEMBER AGENDA REQUESTS. (TO SEE IF THERE IS A MAJORITY CONSENSUS TO HAVE STAFF EXPEND TIME ON THE ISSUE AND TO HEAR IT AT A FUTURE MEETING); REQUEST FROM MAYOR VILLALTA – TO SEE IF THE CITY CAN PROVIDE CITY SPONSORED GRANTS TO COMMUNITY ORGANIZATIONS FOR PUBLIC EVENTS.

Mayor Villalta stated that he is requesting that this item be continued to the December 2, 2015 City Council Meeting.

Council Member Faria stated that he would not be able to participate in this item and would need to recuse himself for the discussion and action because of a conflict in that his wife is the Executive Director for the Chamber of Commerce.

Motion by Villalta, seconded by Silveira, to continue this item to December 2, 2015 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Lewis absent and Faria abstain.

ADVISEMENT OF PUBLIC NOTICES (One Report). City Attorney Vaughn stated that Thursday, November 12, 2015 the Planning Commission will hold a public hearing to consider a site plan review for the remodel of the former Lowe's Home Improvement Warehouse located at 1301 W. Pacheco Boulevard from a single tenant retail building to a multi-tenant.

CITY MANAGER REPORT. City Manager Carrigan stated that on Friday, November 6, 2015 at 3:00 PM there will be a swearing in ceremony for the newly hired Police Officer, Todd Carter.

Public Works Director/City Engineer Fachin reminded all that sprinklers can be turned off now, especially when it is raining, and asked the public to cut back on the use of water as much as possible.

CITY COUNCIL MEMBER REPORTS.

TOM FARIA: Very pleased to announce the birth of his first grandchild, Andelina, reminded all about the November 15, 2015 Rigatoni Dinner Mercey Springs Elementary School is having, the November 15, 2015 high school Choir event, the upcoming Veterans Day events, and asked for a moment of silence for the recent UC Merced tragedy.

DEBORAH LEWIS: Absent

SCOTT SILVEIRA: Reminded all about the Veterans Day Parade on November 7, 2015 and encouraged all to attend and the Memorial Hospital Gaia Event being held on November 7, 2015.

ELIZABETH STONEGROVE: Thanked the staff of the Police Department and Public Works Department for their help during Graffiti Cleanup Day Friday, October 30, 2015 with various students from the community.

MAYOR MICHAEL VILLALTA: Spoke regarding the moment of silence for UC Merced and its recent tragedy, reminded all about the Hospital Gala and the Veterans Parade.

ADJOURNMENT. The meeting at the hour of 8:20 PM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
NOVEMBER 18, 2015**

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

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

Mayor Villalta welcomed Mr. Delacruz's College Prep History class from Pacheco High School who were in attendance at the meeting and also invited the public and those in attendance to the City's 19th Annual Holiday Open House being held December 2, 2015 at 6:00 PM at City Hall.

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, City Manager Carrigan, Finance Director Williams, City Treasurer/Accountant I Brazil, Assistant Fire Chief Hurley, Public Works Director/City Engineer Fachin and Information Technology Director Spalding.

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

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; 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. CASSANDRA HELMRICH, Chairperson for the 2016 Veterans Parade, wanted to thank the City for all the help they provided during the event, it was a wonderful parade and hopes that it continues; ERIK LIMON, Republic Services and resident of Los Banos, reminded all that garbage pickup will be a day behind because of the Thanksgiving Holiday next week, and he spoke to the handicapped pick up services they provide; JEFF DELACRUZ, Los Banos, thanked the city council for welcoming my class to the meeting tonight, he feels it is very important for students to understand how local government works; BERTHA FARIA, Los Banos Chamber of Commerce reminded all about the Annual Christmas Parade is on Friday, December 4, 2015 in the Downtown Area, with

the theme "Sesame Street Christmas". No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Lewis, seconded by Faria to approve the consent agenda as submitted: Minutes for the September 16, 2015 City Council Meeting; Minutes for the October 21, 2015 City Council Meeting; City Council Resolution No. 5709 – Accepting the 13th Street Water Extension as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder; City Council Resolution No. 5710 – Accepting the Henry Miller Area Storm and L Street Water Line as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder. The motion carried by the affirmative action of all City Council Member present, Silveira absent.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5711 - ACCEPTING FINAL TRACT MAP #2004-05 FOR THE VILLAGES III PHASE 1 AT STONECREEK AND VILLAGES III PHASE 2 AT STONECREEK AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT. Public Works Director/City Engineer Fachin presented the staff report.

Motion by Faria, seconded by Stonegrove to adopt City Council Resolution No. 5711 – Accepting Final Tract Map #2004-05 for the Villages III Phase I at Stonecreek and Villages III Phase 2 at Stonecreek and Accompanying Subdivision Improvement Agreement. The motion carried by the affirmative action of all City Council Member present, Silveira absent.

STORM PREPAREDNESS PRESENTATION. Public Works Director/City Engineer Fachin presented the staff report, which included a PowerPoint presentation.

City Manager Carrigan spoke to how the city plans and prepares for all different kinds of events and spoke to an event that happened last year during a storm and how they helped out Cecilia's Restaurant with a storm flood issue. Council Member Lewis thanked Public Works Director/City Engineer Fachin for a wonderful presentation, it is something that she thinks citizens need to be aware of, and noted that the State Department Insurance Commissioner has sent out a statement suggesting that homeowners purchase flood insurance because of the impending storms.

Informational item only, no action taken.

ADVISEMENT OF PUBLIC NOTICES (No Report).

CITY MANAGER REPORT. City Manager Carrigan stated that Thanksgiving is just around the corner and a free turkey and almond give away sponsored by Greg Hostetler will be happening on November 24, 2015 at 1:00 PM at the Los Banos Fairgrounds.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: No report.

SCOTT SILVEIRA: Absent

ELIZABETH STONEGROVE: Reminded all about the City's Annual Breakfast with Santa Event being held on Saturday, December 5, 2015.

TOM FARIA: Thanked Mr. Delacruz for bringing his students to the City Council Meeting tonight, reminded all about the December 4, 2015 Christmas Parade and the tree lighting ceremony at the end of the parade, noting how it will be a fun weekend with a lot going on – Breakfast with Santa, Arts Center Craft Fair, Choir performances.

MAYOR MICHAEL VILLALTA: Spoke regarding how the Veterans Parade was bigger than better than before, with hopes that it grows and grows, thanked all who made it possible, the breakfast and lunch was fantastic, reminded all about the Christmas Parade on December 4, 2015 and announced again that the Los Banos City Council will be hosting the 19th Annual Holiday Open House on December 2, 2015 at 6:00 PM.

ADJOURNMENT. The meeting at the hour of 7:34 PM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and Council Members
FROM: Finance Department *[Signature]*
DATE: December 2, 2015
SUBJECT: Development Impact Fee Report for Fiscal Years 2011-2015 (AB1600 Report)
TYPE OF REPORT: Consent Agenda

Recommendation:

Staff recommends that the City accept the Fiscal Years 2011 through 2015 Development Impact Fee Report (AB1600 Report).

Background:

This report contains information on the City of Los Banos development impact fees for Fiscal Years 2011 through 2015. This information is presented to comply with the reporting requirements contained in Government Code section 66000 et seq., also known as AB1600. Please note that this annual report is not a budget document, but rather is compiled to meet reporting requirements. It is not intended to represent a full picture of currently planned projects as it only reports revenues and expenditures for Fiscal Years 2011 through 2015.

Government Code Section 66006 requires local agencies to submit annual and five-year reports detailing the status of development impact fees. This is the administrative report for development fees for the fiscal year ending June 30, 2011 through 2015. This report includes the development related fees, the interest earned and the amounts expended in connection with those fees for the City of Los Banos and complies with Section 66006 of the California Government Code.

Discussion:

The fees collected from developers that are in the governmental funds (traffic, storm drain, fire, police, public facilities, community center and park) are collected and reported in separate governmental funds for each type of impact fee.

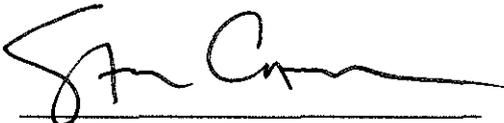
The enterprise funds for water & wastewater show the fees collected from developers in a designated account named "restricted cash". It is separated from regular cash and can only be used for capital items related to development.

The City does not earmark development impact fees for any specific project as the fees are collected, but rather the fees are applied toward a series of capital improvement projects, such as future police and fire facilities, sewer, water and storm drain improvements, park and public facilities, community center construction, traffic related projects and other capital facilities.

Fiscal Impact:

This report is informational only and has no fiscal impact. The report includes findings relating to the fund held in excess of 5 years. The City has Goodwin & Associates review governmental impact funds to provide a basis for the impact fee. The water, wastewater, storm drain, and traffic funds are established under separate master plans to determine the rate charged to the developers.

Reviewed by:



Steve Carrigan, City Manager

Attachments:

- Letter of Transmittal
- Development Impact Fee Report
- Resolution 4786
- Resolution 5119



City of
Los Banos
At the Crossroads of California

LETTER OF TRANSMITTAL

December 2, 2015

Dear Mayor and Members of the City Council:

California Government Code requires reporting of the usage of Development Impact Fees. Therefore, in accordance with the provisions of the State of California and Government Code Section 66000 et seq., I hereby submit the Annual AB 1600 Development Impact Fee Report for the City of Los Banos, CA for the fiscal years ended June 30, 2011 through June 30, 2015.

Development Impact Fees are a monetary exaction other than a tax or special assessment, which is charged by a local government agency to an applicant in connection with approval of a development project. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project. The legal requirements for implementing a development impact fee program are set forth in Government Code Section 66000 et seq., the majority of which was adopted as Assembly Bill (AB) 1600 and is commonly referred to as AB 1600 requirements.

The Development Impact Fee program has been in effect in the City of Los Banos since 2000 set forth by Ordinance 954. A comprehensive impact fee nexus study was completed and prepared on June 28, 2006 by Goodwin Consulting Group and complies with California Government Code Section 66000 et seq. This study established the basis for the imposition of the fees on new development impact. The study did the following:

1. Identified the purpose of the fees.
2. Identified the use to which the fees will be put.
3. Showed a reasonable relationship between the use of the fees and the type of development project on which the fees are imposed.
4. Demonstrated a reasonable relationship between the need for the public facilities and the type of development projects on which the fees are imposed.
5. Demonstrated a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facilities attributable to the development on which the fees are imposed.

The fees are collected at the time a building permit is issued unless a developer through a development agreement, is allowed to defer payment until a certificate of occupancy is granted. The purpose of the fees is to mitigate the impact caused by new development on public facilities. They are then used to finance the acquisition, construction, and improvement of public facilities needed as result of the impact of the new development. Separate funds have been created to account for the impact fees.

State law requires the City to prepare and make available to the public an annual report for each fund established to account for the Development Impact Fees. This report must include the beginning and ending balances as well as any changes. The report must also include the amount of fees collected, interest earned, and expenditures made during the fiscal year.

The City Council must review the annual AB1600 Report at a regularly scheduled public meeting. This report was filed with the City Clerk's office and available for public review on December 2, 2015.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sonya Williams".

Sonya Williams
Finance Director



City of
Los Banos

At the Crossroads of California

DEVELOPMENT IMPACT FEE REPORT

FISCAL YEARS 2011-2015

**CITY OF LOS BANOS
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEARS 2011-2015**

Background

This report contains information on the City of Los Banos development impact fees for Fiscal Years 2011 through 2015. This information is presented to comply with the reporting requirements contained in Government Code section 66000 et seq., also known as AB1600. Please note that this annual report is not a budget document, but rather is compiled to meet reporting requirements. It is not intended to represent a full picture of currently planned projects as it only reports revenues and expenditures for Fiscal Years 2011 through 2015. Government Code Section 66006 requires local agencies to submit annual and five-year reports detailing the status of development impact fees.

This report summarizes the following information for each of the development fee programs:

1. A brief description of the fee program.
2. Schedule of fees.
3. Beginning and ending balances of the fee program.
4. Amount of fees collected, interest earned, and transfers/loans.
5. Disbursement information (including interfund transfers/loans) and percentage of the project funded by fees.
6. A description of each interfund loan along with the date the loan will be repaid and the rate of interest.
7. The estimated date when projects will begin if sufficient revenues are available to construct the project.
8. Findings for each fee program.

The City does not earmark development impact fees for any specific project as the fees are collected, but rather the fees are applied toward a series of capital improvement projects, such as a future police and fire facilities, sewer, water, and storm drain improvements, park and public facilities, community center construction, traffic related projects, and other capital facilities.

Development Impact Fee Programs

Development Impact Fees

Type of Development	Police	Fire	Park Development	Community Center	Corporation Yard	City Hall	3% Admin Fee
Per dwelling unit:							
Very Low / Low Density	2,559.19	912.39	6,933.95	399.13	346.15	985.76	364.10
Medium Density	2,104.60	729.91	5,702.26	328.24	284.66	810.65	298.81
High Density	1,515.31	437.94	4,105.63	236.33	204.96	583.68	212.52
Per square ft:	-	-	-	-	-	-	-
Commercial	0.38	0.36	-	0.07	0.06	0.15	0.03
Office	0.57	0.36	-	0.09	0.08	0.22	0.04
Industrial	0.27	0.36	-	0.05	0.05	0.10	0.02

Police Impact Fee Fund (Fund 245) - this will provide funding for construction and improvement of the City's law enforcement facilities, including a new police sub-station, a new comprehensive radio system, and acquisition of additional new police vehicles and equipment in order to meet the needs of new development.

Fiscal Year	Beginning Balance	Impact Fees	Interest	Misc Revenue	AB1600 Expenses	Description	Ending Balance
2010-2011	1,928,190	40,611	14,687	-	261,748	Detail Below	1,721,740
2011-2012	1,721,740	39,339	15,280	7,946	200,000	Detail Below	1,584,305
2012-2013	1,584,305	17,081	6,340	25,239	297,412	Detail Below	1,335,553
2013-2014	1,335,553	11,958	9,887	-	103,233	Detail Below	1,254,165
2014-2015	1,254,165	47,472	5,756	-	15,845	Detail Below	1,291,548
Fiscal Year					AB1600 Expenses	Description	
2010-2011					13,752.26	911 Upgrade	
					5,336.43	Radio Upgrade Project	
					32,590.00	Cell #5 Padding Redo	
					210,069.79	PD Annex Building Lease Payoff	
					261,748.48		
2011-2012					200,000.00	MDC Replacement Project	
					200,000.00		
2012-2013					5,653.86	Police Department AC Unit on roof	
					6,450.39	Police Dept Sidewalk	
					9,678.57	911 Upgrade	
					9,144.68	(5) Chairs for Dispatchers	
					33,622.54	2011 Crown Victoria	
					33,622.54	2011 Crown Victoria	
					40,059.20	2011 Chevy Caprice	
					40,012.87	2011 Chevy Caprice	
					38,965.86	2011 Chevy Caprice	
					32,332.82	2011 Chevy Caprice	
					11,449.68	New Police Vehicles Equipment	
					15,066.68	MDC Project	
					21,352.59	Equipment Repair & Maint.	
					297,412.28		
2013-2014					10,671.17	Equipment Repair & Maint	
					13,963.99	MDC Project	
					60,486.70	2 Chevy Police Vehicles	
					18,110.88	New Police Vehicles Equipment	
					103,232.74		
2014-2015					9,444.18	Equipment Repair & Maint	
					1,435.00	Facility Maintenance	
					3,750.00	Vehicle	
					1,216.20	Building/Structures	
					15,845.38		

REQUIRED FINDINGS:

1. The reasonable relationship between the police capital improvement impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the police facilities improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. There have not been enough fees collected in the last five years to fund the police facility project listed on the study, therefore there have been only expenditures made for equipment and facilities needed to mitigate the impact of existing development.

Fire Facilities Improvement Impact Fee Fund (Fund 243) – this will provide funding for the construction and improvement of the fire protection facilities within the City, including any required acquisition of land to serve the needs of new development.

Fiscal Year	Beginning Balance	Impact Fees	Interest	Misc Revenues	AB1600 Expenses	Description	Ending Balance
2010-2011	1,387,092	27,367	11,932	-	53,823	Detail Below	1,372,568
2011-2012	1,372,568	25,313	11,920	-	190,035	Detail Below	1,219,766
2012-2013	1,219,766	15,134	5,319	5,770	77,664	Detail Below	1,168,325
2013-2014	1,168,325	10,238	8,612	-	53,859	Detail Below	1,133,316
2014-2015	1,133,316	47,757	5,150	-	270,281	Detail Below	915,942
Fiscal Year					AB1600 Expenses	Description	
2010-2011					6,304.50	Vehicle Maintenance	
					42,182.25	Air Compressor	
					5,336.42	Radio Upgrade Project	
					53,823.17		
2011-2012					24,740.77	Engine Foam System Upgrade	
					6,977.34	Radio Upgrade	
					21,453.58	Vehicle Maintenance	
					136,863.22	Transfer Out -Strike Team Reimb	
					190,034.91		
2012-2013					9,794.38	Vehicle Maintenance	
					36,533.23	Personal Protective Equipment	
					31,336.83	Hurst Rescue Equipment	
					77,664.44		
2013-2014					7,885.03	Vehicle Maintenance	
					45,973.50	Asst. Fire Chief's Truck	
					53,858.53		
2014-2015					9,659.22	Vehicle Maintenance	
					260,621.60	Fire Engine	
					270,280.82		

REQUIRED FINDINGS:

1. The reasonable relationship between the fire facilities improvement impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the fire facilities improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. There have not been enough fees collected in the last five years to fund the fire facility projects listed on the study, therefore there have been only expenditures made for equipment and facilities needed to mitigate the impact of existing development.

Park Development Impact Fee Fund (Fund 250) – this will provide funding for construction and improvement of parks and recreational facilities within the City, including any required acquisition of land to meet the demands generated by the new development.

Fiscal Year	Beginning Balance	Impact Fees	Land Dedication	Interest	Transfer In/Out	AB1600 Expenses	Description	Ending Balance
2010-2011	(221,801)	115,856	13,209	6,948	(300)	455	Technical Services	(86,543)
2011-2012	(86,543)	45,618	4,144	72	-	-		(36,709)
2012-2013	(36,709)	-	-	-	-	-		(36,709)
2013-2014	(36,709)	-	-	-	-	-		(36,709)
2014-2015	(36,709)	-	-	-	-	-		(36,709)

REQUIRED FINDINGS:

1. The reasonable relationship between the park development impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete park and recreational improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. The fund deficit was used on parks and recreational facilities to meet the impact generated during the height of growth in Los Banos. Subsequently, this fund's deficit was reduced by continued fees from developers of those areas that had impacted the city's parks and recreation facilities (this impact was mitigated by the fund deficit spending.)

Community Center Impact Fee Fund (Fund 244) – this will provide funding for construction, improvement and maintenance of a community center within the City, including any required acquisition of land to meet the demands generated by the new development.

Fiscal Year	Beginning Balance	Impact Fees	Interest	Misc Revenue	AB1600 Expenses	Description	Ending Balance
2010-2011	166,963	4,203	1,354	-	-		172,520
2011-2012	172,520	6,323	1,496	-	-		180,339
2012-2013	180,339	2,842	805	-	-		183,986
2013-2014	183,986	2,875	1,376	-	-		188,237
2014-2015	188,237	16,599	891	-	-		205,727

REQUIRED FINDINGS:

1. The reasonable relationship between the community center impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the community center improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. The former RDA issued Bonds and built a new community center in 2009-10. The fees collected over the last five years will be used as a capital reserve in order to replace equipment and repair the facility as needed.

Corporate Yard Impact Fee Fund (Fund 306) – this will provide funding for corporate yard facilities within the City in order to meet the demands generated by new development.

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2010-2011	118,008	3,698	975	-		122,680
2011-2012	122,680	5,473	1,130	-		129,284
2012-2013	129,284	2,459	577	-		132,320
2013-2014	132,320	2,486	992	-		135,798
2014-2015	135,798	14,385	647	-		150,830

REQUIRED FINDINGS:

1. The reasonable relationship between the corporate yard impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the corporate yard facilities improvement are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. There have not been enough fees collected in the last five years to fund the corporate yard projects listed on the study. The fees collected over the last five years will be used as a capital reserve to purchase facilities needed to mitigate the impact of existing development.

City Hall Impact Fee Fund (Fund 304) – this will provide funding for capital costs relating to municipal services performed in the existing City Hall in order to meet the demands generated by the new development.

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2010-2011	351,586	10,235	2,899	-		364,720
2011-2012	364,720	15,026	3,343	-		383,089
2012-2013	383,089	6,307	1,709	-		391,105
2013-2014	391,105	6,827	2,667	77,699	City Hall server	322,900
2014-2015	322,900	40,657	1,551	-		365,108

REQUIRED FINDINGS:

1. The reasonable relationship between the City Hall impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated in order to complete any of the City Hall improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. There have not been enough fees collected in the last five years to fund any expansion of City Hall, therefore there have been only expenditures made for equipment needed to mitigate the impact of existing development.

3% Administrative Impact Fee Fund (Fund 202) – this will provide funding for municipal services relating to the administration of the impact fee programs and the administrative demands generated by new development.

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2010-2011	128,054	3,568	817	46,986	Rate Study	85,453
2011-2012	85,453	4,508	787	175	Legal	90,573
2012-2013	90,573	1,229	398	2,036	Legal	90,164
2013-2014	90,164	2,198	653	9,765	SB update	83,251
2014-2015	83,251	14,642	376	9,015	SB update	89,254

REQUIRED FINDINGS:

1. The reasonable relationship between the 3% administrative impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the 3% administrative fees are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.

- The City has utilized the fees collected in the last five years to fund the rate studies listed on the study. Furthermore the City will continue to use the funds accumulated for the administrative requirements of existing and future development.

Traffic Impact Fee Fund (Fund 230) – this will provide funding for the construction, management, and implementation of improvements to key elements of the citywide transportation system sufficient to accommodate future traffic demands generated by new development.

Traffic Impact Fee by Detailed Uses

Use	Bldg Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Single Family Dwelling	1,800	dwelling	1.00	3,380.85	1.88
Fast Food	3,500	1,000	5.05	59,747.59	17.07
Super market	50,000	1,000	1.85	312,683.10	6.25
Office Building	60,000	1,000	1.78	361,021.56	6.02
Light Industrial	100,000	1,000	0.91	307,612.53	3.08
Heavy Industrial	200,000	1,000	0.18	121,692.40	0.61

Fiscal Year	Beginning Balance	Revenues		AB1600 Expenses	Description	Ending Balance
		Impact Fees	Interest			
2010-2011	1,420,283	107,006	15,199	19,617	Detail Below	1,522,871
2011-2012	1,522,871	321,812	18,384	15,000	Detail Below	1,848,067
2012-2013	1,848,067	283,360	8,418	1,285	Detail Below	2,138,560
2013-2014	2,138,560	125,995	17,261	181,511	Detail Below	2,100,305
2014-2015	2,100,305	233,067	10,608	304	Detail Below	2,343,676
Fiscal Year				AB1600 Expenses	Description	
2010-2011				19,617.11	Technical Services	
				19,617.11		
2011-2012				6,658.47	Preemption Device, 152/Miller	
				8,341.53	Technical Services	
				15,000.00		
2012-2013				1,285.04	Technical Services	
				1,285.04		
2013-2014				330.23	Technical Services	
				181,180.82	Ronny's/CA Gold	
				181,511.05		
2014-2015				304.28	Technical Services	
				304.28		

REQUIRED FINDINGS:

- The reasonable relationship between the traffic impact fee and the purpose for which it is charged is demonstrated in the City's general plan.
- The sources and amounts of funding anticipated to complete traffic improvements are set forth in the by ordinance No.954 dated February 2, 2000.

- The City has accumulated fees collected in the last five years to fund major traffic improvements in accordance with its general plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. Also, the fund has made expenditures for other services needed to mitigate the impact of existing development.

Public Facilities Impact Fee Fund (Fund 252) – this will provide funding for the expansion of public facilities that house City staff generated by new development.

Public Facilities Fee

Type of Dwelling	Fee
Single Family Dwelling	5.62
Multi-Family Dwelling	5.62
Commercial Use*	5.62
Industrial Use*	5.62

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2010-2011	15,246	187	130	-		15,563
2011-2012	15,563	166	133	-		15,862
2012-2013	15,862	89	71	-		16,022
2013-2014	16,022	74	119	-		16,215
2014-2015	16,215	1,060	75	-		17,350

REQUIRED FINDINGS:

- The reasonable relationship between the public facilities impact fee and the purpose for which it is charged is demonstrated in the City's general plan.
- The sources and amounts of funding anticipated to complete public facilities improvements are set forth in the by ordinance No.954 dated February 2, 2000.
- There have not been enough fees collected in the last five years to fund the expansion of public facilities therefore the funds accumulated will be used as a capital reserve to fund equipment and facilities needed to mitigate the impact of existing development.

Water Impact Fee Fund (Fund 501) – this will provide funding for the construction and implementation of improvements to key elements of the citywide water system sufficient to accommodate future water supply (plus a reserve for storage facilities or additional wells) demand generated by new development.

Water Development Fees

Connection Size	Fee
3/4" - 1"	3,127.13
1 1/2"	9,225.42
2"	19,856.59
3"	58,540.24
4"	126,085.60

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2010-2011	3,571,383	58,646	24,315	-		3,654,343
2011-2012	3,654,343	156,133	29,599	-		3,840,075
2012-2013	3,840,075	66,620	18,275	-		3,924,971
2013-2014	3,924,971	51,681	24,302	-		4,000,954
2014-2015	4,000,954	224,840	17,225	-		4,243,019

REQUIRED FINDINGS:

1. The reasonable relationship between the water impact fee and the purpose for which it is charged is demonstrated in the City's master plan.
2. The sources and amounts of funding anticipated to complete water system improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major water system improvements in accordance with its master plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. The funds accumulated will be used as a capital reserve to fund improvements needed to mitigate the impact of existing development.

Wastewater Impact Fee Fund (Fund 502) -- this will provide funding for the construction and implementation of improvements to key elements of the citywide sewer system sufficient to accommodate future sewer demand generated by new development.

Wastewater Development Fees*

Connection	Fee
Single Family Residential	5,420.00

*Set by an escalation factor independent of any other factor to maintain parity in the payment of Certificates of Participation issued by the City, set in Resolution 4083.

Fical Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2010-2011	222,366	735	1,815	243	San Luis Storm Drain	224,673
2011-2012	224,673	669	379	220,000	San Luis Storm Drain	5,721
2012-2013	5,721	379	25	-		6,125
2013-2014	6,125	295	46	-		6,466
2014-2015	6,466	4,887	34	-		11,387

REQUIRED FINDINGS:

1. The reasonable relationship between the storm drainage impact fee and the purpose for which it is charged is demonstrated in the City's master plan.
2. The sources and amounts of funding anticipated to complete storm drainage improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major storm drainage system improvements in accordance with its master plan. The fund has also made other expenditures on significant capital improvements needed to mitigate the impact of existing development.

RESOLUTION NO. 4786

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS REVISING DEVELOPMENT IMPACT FEES FOR THE PROVISION OF CAPITAL FACILITIES RELATING TO POLICE, FIRE, PARK IMPROVEMENTS, AND ESTABLISHING DEVELOPMENT IMPACT FEES FOR THE PROVISION OF CAPITAL FACILITIES RELATING TO COMMUNITY CENTER, CITY HALL, CORPORATION YARD, AND PROGRAM ADMINISTRATION

WHEREAS, the City of Los Banos General Plan includes a general description of the location, capacity, and types of capital improvements needed to serve new development in the City, and

WHEREAS, in order to protect the health, safety and welfare of the community and to ensure that adequate capital facilities are provided and maintained for the residents of the City and so that new development in the City pays its fair share of the cost of providing these facilities, levy of a capital facilities fee is necessary, and

WHEREAS, the "City of Los Banos Capital Facilities Fee Nexus Study" dated June 28, 2006, prepared by Goodwin Consulting Group, which Nexus Study has been presented to the City Council and is incorporated herein by this reference, details the relationship between the use of the proposed fees and the types of development on which the fees are imposed, the relationship between the need for the public facilities and the type of development on which the fees are imposed, and the relationship between the amount of the fees and cost of the public facilities, and

WHEREAS, the City Council finds that the fee schedule detailed in Exhibit A attached hereto is limited to those fees associated with Police, Fire, Park Improvement, Community Center, City Hall, Corporation Yard, and Administration and the planned improvements detailed in the Nexus Study are consistent with the Los Banos General Plan, and

WHEREAS, pursuant to Government Code section 66016, the data required to be made available to the public prior to the adoption of the Capital Facilities Fee by this resolution was made available for public review at least 10 days prior to the date of this meeting,

WHEREAS, pursuant to Government Code section 66018, notice of a public hearing on the levy of the Capital Facilities Fee was published in the Los Banos Enterprise for at least ten days prior to the date of this meeting, and

WHEREAS, a duly noticed public hearing before the City Council on the levy of the Capital Facilities Fee was held on October 4, 2006, at which hearing public testimony was received and duly considered, and

WHEREAS, levy of the Capital Facilities Fee is not a "project" subject to the California Environmental Quality Act because it is a funding mechanism having no physical effect on the environment

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

SECTION 1: That the City Council of the City of Los Banos finds and determines that the Comprehensive Impact Fee nexus study dated June 28, 2006 prepared by Goodwin Consulting Group (the "Study") complies with California Government Code § 66001 by establishing the basis for the imposition of the fees on new development. This finding is based on the fact that the Study

- (a) identifies the purpose of the fees,
- (b) identifies the use to which the fees will be put,
- (c) Shows a reasonable relationship between the use of the fees and the type of development project on which the fees are imposed,
- (d) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fees are imposed, and

- (e) Demonstrates a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facilities attributable to the development on which the fees are imposed

SECTION 2. That the City Council hereby determines that the fees collected pursuant to this Resolution shall be used to finance the public facilities described or identified in the Study

SECTION 3. That the City Council has considered the specific project descriptions and cost estimates identified in the Study and hereby approves such project descriptions and cost estimates and finds them reasonable as the basis for calculating and imposing certain development impact fees

SECTION 4. That the City Council finds that the projects and fee methodology identified in the Report are consistent with the City's General Plan and Capital Improvement Plan

SECTION 5. The adoption of the Study and the Development Impact Fee Schedule are statutorily and categorically exempt from the requirements of the California Environmental Quality Act ("CEQA"), because the setting of development impact fees merely establishes a funding mechanism for the provision of future projects, and as such, the Resolution is not an essential step culminating in action which may affect the environment and environmental review required under CEQA will be performed when projects funded by the development impact fees are chosen and defined (*Kaufman & Broad South Bay, Inc v Morgan Hill* (1993) 9 Cal App, 4th 464)

SECTION 6. That the City Council adopts the revisions to existing fees and establishment of new components to the capital facilities fees as set forth in the Development Impact Fee Schedule attached hereto as Exhibit A

SECTION 7. That an annual adjustment to account for construction cost escalations shall be applied to all development impact fees in the manner and at the time specified below

- A At the second meeting of the City Council during January of each calendar year, the City Manager shall report the finding on the escalation of construction costs for the prior 12 months through October of the previous year
- B The basis for this report shall be the National Average Construction Cost Index as published by the Engineering News Record or other similar construction cost indexes
- C Upon this report, the Council shall take action to allow an escalation in development impact fees to become effective the first day of March of each year

SECTION 8. That the Comprehensive Impact Fee Nexus Study dated June 28, 2006 prepared by Goodwin Consulting Group attached hereto as Exhibit A does not amend water, wastewater, traffic, public facilities, and storm drainage impact fees previously established by prior ordinances and resolutions of the City Council

SECTION 9. That the Comprehensive Impact Fee Nexus Study dated June 28, 2006 prepared by Goodwin Consulting Group, attached hereto as Exhibit A is hereby adopted

SECTION 10. That the fees specified in the attached Exhibit A shall become effective sixty (60) days following the adoption of this Resolution by the City Council

PASSED AND ADOPTED by the City Council of the City of Los Banos this 4th day of October, 2006

AYES	Council Member Brooks, Jones, McAdam, Pruitt, Mayor Amabile
NOES	None
ABSENT	None

APPROVED


Michael S. Amabile, Mayor

ATTEST

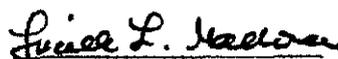

Lucille L. Mallonee, City Clerk

Exhibit A

[under separate cover]



CAPITAL FACILITIES FEE NEXUS STUDY

CITY OF LOS BANOS

JUNE 28, 2006

**555 UNIVERSITY AVE, SUITE 280 • SACRAMENTO, CA 95825
PHONE (916) 561-0890 • FAX (916) 561-0891**

CITY OF LOS BANOS
CAPITAL FACILITIES FEE NEXUS STUDY

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**CITY OF LOS BANOS
CAPITAL FACILITIES FEE NEXUS STUDY**

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**CITY OF LOS BANOS
CAPITAL FACILITIES FEE NEXUS STUDY**

EXECUTIVE SUMMARY

A. Purpose of the Study

As new development occurs within the City of Los Banos, new capital facilities will be required to meet the various demands of future development. The City has determined that these demands will necessitate additional police, fire protection, park improvement, community center, city hall, and corporation yard facilities. The new capital facilities will be funded through the City's Capital Facilities Fee (hereafter "CFF") and will be presented as individual fee components in accordance with the categories listed above. Furthermore, this CFF Nexus Study will be the basis for the City's revision of its current CFF program, which applies to all future growth within the City.

Goodwin Consulting Group, Inc. has prepared this study to revise the Los Banos Development Impact Fee Schedule, which was originally adopted January 5, 2000 by City Council Resolution No. 4083. The revised CFF is compliant with the regulations set forth in AB 1600 and ensures that a rational nexus exists between new development in the City and (i) the use and need of the proposed facilities, and (ii) the amount of the development impact fee assigned to future land uses. This CFF Nexus Study demonstrates that a rough proportionality exists between the development impact fee to be levied on each type of land use and the cost of the facilities attributable to that land use.

B. Summary of the CFF

Table ES-1 summarizes the fee components of the CFF as calculated in this report. A three percent (3.0%) fee is included to pay for administration of the CFF.

TABLE ES-1
CFF SUMMARY

Facility Type	RESIDENTIAL LAND USES			NON-RESIDENTIAL LAND USES		
	Very-Low/Low Density (per Unit)	Medium Density (per Unit)	High Density (per Unit)	Commercial (per Sq Ft)	Office (per Sq Ft)	Industrial (per Sq Ft)
Police	\$2,243.96	\$1,845.36	\$1,328.66	\$0.33	\$0.50	\$0.24
Fire	\$800.00	\$640.00	\$384.00	\$0.32	\$0.32	\$0.32
Park Improvement	\$6,079.84	\$4,999.87	\$3,599.91	N/A	N/A	N/A
Community Center	\$349.97	\$287.81	\$207.22	\$0.06	\$0.08	\$0.04
City Hall	\$864.34	\$710.80	\$511.78	\$0.13	\$0.19	\$0.09
Corporation Yard	\$303.51	\$249.60	\$179.71	\$0.05	\$0.07	\$0.04
Administration (3%)	\$319.25	\$262.00	\$186.34	\$0.03	\$0.03	\$0.02
Total	\$10,968.87	\$8,995.44	\$6,397.62	\$0.92	\$1.19	\$0.75

C. Fee Adjustments

The CFF may be adjusted in future years to reflect revised facility standards, receipt of funding from alternative sources (i.e., state or federal grants), revised costs, or changes in demographics or the land use plan. In addition to such adjustments, the fees will be inflated each year by a predetermined index. The City will determine the specific characteristics of the development at the time impact fees are assessed in order to categorize the development into the proper land use category for purposes of levying the CFF.

I. Introduction

The City of Los Banos (hereafter "City") is located in the western portion of Merced County along Highway 152. Incorporated in 1907, the Los Banos economy continues to rely heavily on the agricultural tendencies of the region. However, new enterprise and local government also contribute to the local economy, ensuring the provision of a variety of amenities for City residents.

A. Purpose of the Study

As new development continues within the City of Los Banos, new capital facilities will be required to meet the demands of future development. The City has determined that these demands will necessitate additional police, fire protection, park improvement, community center, city hall, and corporation yard facilities. The additional facilities will be funded through the City's Capital Facilities Fee (hereafter "CFF") and will be presented as individual fee components in accordance with the categories listed above. Furthermore, this CFF Nexus Study will be the basis for the City's revision of its current CFF program, which applies to all future growth within the City.

Goodwin Consulting Group, Inc. has prepared this study to revise the Los Banos Development Impact Fee Schedule, which was originally adopted January 5, 2000 by City Council Resolution No. 4083. The revised CFF is compliant with the regulations set forth in AB 1600 and ensures that a rational nexus exists between new development in the City and (i) the use and need of the proposed facilities, and (ii) the amount of the development impact fee assigned to future land uses. The revised CFF discussed in this report, subject to the fee adjustments and inflation adjustments noted in Section XI, will apply to all future development (except units subject to existing Development Agreements, as discussed in Section III of this study) that occurs within the City as well as any new development in areas that annex to the City in future years.

B. Impact Fee Nexus Requirements (AB 1600)

Assembly Bill (AB) 1600, which was enacted by the State of California in 1987, created Section 66000 et seq of the Government Code. AB 1600, also referred to as the Mitigation Fee Act, requires that all public agencies satisfy the following requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project:

- 1 Identify the purpose of the fee
- 2 Identify the use to which the fee is to be put
- 3 Determine how there is a reasonable relationship between
 - A The fee's use and the type of development project on which the fee is imposed
 - B The need for the public facility and the type of development project on which the fee is imposed
 - C The amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed

As stated above, the purpose of this study is to demonstrate that all fee components of the revised CFF comply with AB 1600. The assumptions, fee methodologies, facility standards and costs, as well as the cost allocation factors that were used to establish the nexus between the CFF and the development on which it will be levied are summarized in the subsequent sections of this report.

C. Organization of Report

The remainder of this report has been organized into the following sections:

- | | |
|------------|--|
| Section II | Provides a detailed explanation of the fee methodologies used to calculate the various individual fee components of the CFF. |
|------------|--|

Section III	Defines the demographic and land use assumptions used in the detailed calculations and in the application of the CFF
Sections IV-IX	Provides the detailed calculations for the police, fire protection, park improvement, community center, city hall, and corporation yard fees
Section X	Provides a summary of the individual fee components calculated in this report
Section XI	Addresses future fee adjustments, fee implementation, annual administrative duties, fee credits or reimbursements and other relevant items

II. Fee Methodology

When impact fees are calculated, an analysis must be presented in enough detail to demonstrate that a logical, thorough consideration was applied in the process of determining how the fees relate to the impacts from new development. As previously described, various findings must be made to ensure that there is a reasonable relationship between the fee and the development on which that impact fee will be levied. There are several generally accepted methods of determining impact fees for future development. The choice of the method used depends on the type of facility for which an impact fee is being calculated. Following is a discussion of the two methods used in this report to calculate the individual fee components of the CFF.

A. Plan-Based Fee Methodology

The plan-based fee methodology is used for facilities that must be designed based on future demand projections and/or the geographic location of anticipated growth. For example, the need for fire protection-related improvements depends specifically on the future area that will be served. An analysis of existing facilities, geographic constraints, and current levels of service must be completed in order to identify future facility needs. This information is analyzed in conjunction with a projection of the amount and location of future development in order to determine the adequacy of existing facilities and the demand for new improvements that will be required. The steps to calculate a CFF component under the plan-based fee methodology include the following:

- Step 1*** Identify existing development and estimate future demand projections as well as the geographic location of anticipated growth

- Step 2*** Determine facilities needed to serve anticipated growth and, if necessary, existing development in the City

- Step 3* Estimate the gross cost of facilities needed to serve both existing and future development
- Step 4* Subtract the gross cost of any facilities included in the facilities plan that will cure an existing deficiency in service (will serve existing development)
- Step 5* Subtract revenues available from alternative funding sources, if any, to identify a net facilities cost that will be allocated to future development
- Step 6* Select the demand variable (e.g., trips generated, acres, persons served, etc.) that will be used to allocate facility costs on a benefit rationale basis, apply demand variable rates to each of the land uses based on service demand
- Step 7* Estimate the total demand variables that will be generated by all future development land use categories by multiplying each respective land use by its assigned demand variable rate. Sum the totals from the land uses
- Step 8* Divide the net facilities cost allocated to future development by the total demand variables derived in Step 7 to calculate the cost per demand variable (e.g., cost per trip generated, cost per acre, cost per person served, etc.)
- Step 9* Multiply the cost per demand variable by the demand variable assigned to each land use category in Step 6 to determine the impact fee for that particular land use category (e.g., cost per unit, cost per square foot, etc.)

The plan-based fee methodology was used in the calculation of, or portions of the calculation of, the police, fire protection, park improvement, community center, and corporation yard fee components of the CFF

B Standard-Based Fee Methodology

The standard-based fee methodology is used when a consistent facility service level standard is to be applied to each component of new development (i.e., residential unit, non-residential square foot) regardless of future demand projections or the geographic location of anticipated growth. The standard to be used in calculating impact fees under this method may be based on an existing or a preferred standard. To the extent a preferred standard is used which is higher than the existing standard, the public agency will need to rely on other sources of funds to mitigate the deficit related to existing development created through the adoption of the higher standard. The steps to calculate a CFF component under the standard-based fee methodology include the following:

- Step 1* Define the existing facility standard expressed in terms of residents, employees, persons served, or other standard appropriate for the type of facility for which a component of the CFF is being calculated.
- Step 2* Determine a cost for each incremental facility standard identified in Step 1 based on current replacement costs, reduce the facility costs by subtracting existing fee fund revenue or alternative funding sources, if applicable.
- Step 3* Apply demand variable rates to each of the land uses based on service demand (e.g., persons per household, jobs per acre, etc.).
- Step 4* Multiply the demand variable for each type of land use identified in Step 3 by the cost for each incremental facility standard determined in Step 2 to calculate the impact fee for each of the land use categories.

The standard-based fee methodology was used in the calculation of, or portions of the calculation of, the police, park improvement, city hall, and corporation yard fee components of the CFF. Additional detail for each fee component in the CFF is included in sections IV through IX.

III. Population and Land Use Categories

A. Population

Over the last 25 years, the City has experienced significant growth and projections suggest that the strong growth will continue. The California Department of Finance's Demographic Research Unit estimates the household population of Los Banos in 2006 to be 34,048. By the year 2020, assuming a growth rate of 4.0% per year, the population is estimated to be approximately 61,300. Current and future population and employment figures are presented in Table A-2.

Of particular importance to the estimation of future residential units is the treatment of units subject to existing development agreements (hereafter "DAs"). These residential units have separate fee structures as governed by the individual DAs. However, future facility needs reflected in this study consider the impact of these units even though the units are not subject to the fees outlined in this report. Consequently, there is a mismatch between what *should* be collected and what *will* be collected, pursuant to the individual DAs. Including units subject to existing DAs in the calculation of the CFF ensures that residential units that are not subject to a DA will not subsidize costs that *should* be assigned to DA units. The difference between what will be collected from the remaining DA units and what would have been collected if the DAs did not limit fees on the units must be paid by the City from sources other than impact fee revenues.

B. Land Use Categories

The Mitigation Fee Act (§66001) requires that a reasonable relationship exist between the need for public facilities and the type of development on which the impact fee is imposed. The need for public facilities is related to the level of service demanded, which varies in proportion to the number of residents or employees, or building square footage, generated by a particular land use type. Therefore, land use categories have been defined in order to distinguish between relative impacts on facilities. All fee components of the CFF in this study have been calculated per dwelling unit for residential land use categories and per building square foot for non-residential land use categories.

The following land use categories are identified for purposes of this study

Very-Low/Low Density This category is characterized by larger “estate-style” lots for single family residential development. Typical lot sizes would range from 15,000 to 20,000 square feet. Except in extraordinary circumstances, it is not expected that lots greater than one acre in size would be developed within the City limits. Typical development in this Land Use Designation would provide one-half acre lots for approximately two units per acre. This Designation [also] includes single family development on lot sizes more typically found in urban settings. Individual lot sizes would typically range from 6,000 to 12,000 square feet in size. Under a Planned Development Zoning District, smaller lot sizes may be permitted when clustered around an open space amenity such as a park, golf course, open space, or lake. Typical single family subdivisions provide between one and seven dwelling units per gross acre (1999 General Plan p. LU-14 – LU-15)

Medium Density This designation allows typical duplex or lower density apartment complexes and other non-traditional designs such as zero lot lines, patio homes, and townhomes with lot sizes ranging from 4,500 to 7,500 square feet for single family developments. The minimum size of newly created medium density residential zones shall be one acre, unless part of a Planned Development or an infill development. Existing nonconforming lots can also be developed at 3,000 square feet of lot area for each dwelling unit. Density is typically 7-17 dwelling units per gross acre. It is intended that development be conveniently serviced by neighborhood commercial and recreational facilities and have access to major collector or arterial streets. This designation is often sought for in-fill development in existing neighborhoods (1999 General Plan p. LU-15)

High Density This designation is intended primarily for multi-family apartment and condominium development in proximity to major arterial streets, commercial and recreational facilities, and employment centers. When new lots are created by the parcel map or subdivision process, the minimum lot area is to be 7,200 square feet, and the number of units per lot is based on 1,200 square feet of area for each dwelling unit. Typical development under this land use designation is 15 units per acre (1999 General Plan p. LU-15).

Commercial Retail and service businesses including, but not limited to the following:

- 1 food stores
- 2 book stores, video rental stores
- 3 drug stores
- 4 laundry and cleaning establishments, including self-operated
- 5 barber shops and beauty parlors
- 6 repair shops for shoes, radios, TVs, domestic appliances
- 7 professional services, studios, clinics
- 8 automotive service stations, vehicle maintenance and repair
- 9 banking, insurance, and real estate services
- 10 restaurants, small bakeries, theaters, bowling alleys, social clubs
- 11 home supply stores

Office Includes, but is not limited to, buildings in which professional, clerical, or medical activities are conducted.

Industrial Includes, but is not limited to, warehouse and wholesale distribution, mini-warehouses, truck terminals, manufacturing, processing, fabricating, assembly, refining, repairing, packing, or treatment of goods, material, or produce, sheet metal and welding shops, wholesale lumber yards, contractor yards, auto wrecking yards, canneries, feed lots, stock yards.

The City will make the final determination as to which land use category a particular development will be assigned. The City is authorized to determine the land use category that corresponds most directly to the land use. Alternatively, the City can determine that no land use category adequately corresponds to the development in question and may determine applicable ad hoc impact fees.

IV. Police Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the police fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The police fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

AB 1600 Nexus Test for the Police Fee Component	
Identify the purpose of the fee	To fund police-related capital costs attributable to the impact of new development.
Identify the use of the fee	To purchase or construct the police facilities identified in Table A-3a and Table A-3b.
Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.	The use of the fee to purchase or construct the police facilities identified in Table A-3a and Table A-3b ensures that police facilities will be available to serve new residential and non-residential development within the City.
Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.	New police facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing police facilities.
Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.	The police fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.

B Demand Variable Persons Served

It is assumed that the demand for police services is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

$$\text{Employee } 40 \text{ hrs/week} \div 168 \text{ hrs in a week} \approx 0.24 \text{ residents}$$

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

Using current police staffing numbers, the existing standards for sworn officers and non-sworn personnel per 1,000 persons served are computed. Also presented in Table A-3a and Table A-3b, are the preferred standards for sworn and non-sworn personnel that the City intends to apply to future development with respect to all vehicles and equipment.

The police station sizing and cost assumptions shown in the third section of Table A-3a are derived from the "Master Plan Study, Merced County - City of Los Banos Government Center" prepared by MWM Architects, Inc. Originally released on January 5, 2000, the study conducted a space needs assessment for a county government center and police station in downtown Los Banos. Included were a detailed analysis of the police department's current facilities and an evaluation of future requirements. The study concluded that by 2010, the police department would need 47,900 gross square feet of building space to accommodate the personnel necessary to serve the City at that time.

Table A-3a presents unit costs and building square footage assumptions for each of the following line items: Police Administration/Operations Building, Detention Facility, Service Buildings, and Site Development. The unit costs for the first two line items are based on information gathered by the police department relative to the cities of Clovis and Gilroy, while the remaining unit costs are equal to those in MWM's study inflated by the Engineering News Record's Construction Cost Index.

for the period 2000-2005. Other Costs, which include A-E design fees, topographic and boundary surveys, material testing, furnishings, fixtures, and equipment, environmental study documents, City staff and consultant time, and construction management, are only inflated by ENR's CCI for 2002-2005 as MWM's study indicated that these other costs are presented in 2002 dollars. Finally, it is estimated that 2 acres would be needed for the planned police facilities. At an estimated cost of \$15 per square foot, an additional \$1.3 million for land acquisition was added to the total police station cost. In current day dollars, the facility requirements total approximately \$19.5 million.

The \$19.5 million is to be allocated between existing and future development because the future police station will serve existing and future residents and employees. Allocating the police station cost in direct proportion to total persons served results in \$3.6 million allotted to future development. With future development expected to generate 8,039 persons by 2010, the police station cost per person served equates to \$444.

Animal control facilities and costs are shown in the final section of Table A-3a. Office space, storage space, and lot size assumptions were provided by the City's police department and represent the preferred level of service for existing development in the City. The estimated cost of animal control facilities under this preferred level equates to approximately \$3.2 million. With 35,899 current persons served, the value of the animal control facilities equates to \$90 per person served.

Current police vehicles and equipment are itemized in Table A-3b. It follows that the same types of vehicles and equipment will be needed as new development occurs in the City. The cost includes marked and unmarked patrol cars, support vehicles, office equipment, and personal duty gear for both sworn and non-sworn personnel.

Table A-3b uses the preferred standard of 1.5 sworn officers per 1,000 persons served and 0.6 non-sworn personnel per 1,000 persons served to calculate a vehicle and equipment cost of \$55.45 per person served. Also presented is an additional equipment cost of \$11.96 per person served. Additional equipment consists of seven mobile data terminals and three radio tower receiver sites.

The cost per demand variable, in this case persons served, is applied to the demand variable assigned to each of the land use categories to arrive at a fee per residential unit or non-residential square foot. The range of fees for the different land use categories is discussed below.

D. Police Fee Component

The final section of Table A-3c shows the calculation of the police fee component of the CFF. The \$601.45 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The police fees are as follows:

- \$2,243.96 per unit for Very-Low/Low Density uses,
- \$1,845.36 per unit for Medium Density uses,
- \$1,328.66 per unit for High Density uses,
- \$0.33 per square foot for Commercial uses,
- \$0.50 per square foot for Office uses, and
- \$0.24 per square foot for Industrial uses

V. Fire Protection Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the fire protection fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The fire protection fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

AB 1600 Nexus Test for the Fire Protection Fee Component	
Identify the purpose of the fee	To fund fire protection-related capital costs attributable to the impact of new development.
Identify the use of the fee	To purchase or construct the fire protection facilities identified in Table A-4a.
Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.	The use of the fee to purchase or construct the fire protection facilities identified in Table A-4a ensures that fire protection facilities will be available to serve new residential and non-residential development within the City.
Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.	New fire protection facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing fire protection facilities.
Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.	The fire protection fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.

B Demand Variable. Building Square Feet

As development occurs, it is reasonable to assume that additional square footage will place an increased demand on fire protection services. In choosing building square feet as the fire protection demand variable, assumptions were made as to the average building square footage of the three residential categories. All Very-Low/Low Density units were assumed to be 2,500 square feet, all Medium Density units were assumed to be 2,000 square feet, and all High Density units were assumed to be 1,200 square feet. Furthermore, floor-to-area ratios for the three non-residential categories were required as well. Commercial, office, and industrial land uses were assumed to have floor-to-area ratios of 0.25, 0.30, and 0.30, respectively.

C Required Facilities and Estimated Costs

Based on future development projections and the geographic location of anticipated growth, the City's fire department estimated the impact on the current fire protection network. Fire protection facilities needed to serve future development were identified and quantified in dollar terms. Use of the plan-based fee methodology to calculate the fire protection fee corresponds with the nature of future development's impact on the fire protection network. Only by estimating the amount and location of future development can the appropriate improvements and related costs be identified.

The City has concluded that three new fire stations will be needed to serve future development in the project area. Although the City only has two fire stations at this time, two factors played an important role in the fire department's determination that three additional stations would be needed by 2020: 1) The City's need to replace volunteers with professional fire fighters, and 2) the likely geographic distribution of future development. All of the costs to acquire and develop the land, construct the stations, and purchase the furniture, fixtures, and equipment for the fire stations are presented in Table A-4a. Also identified are certain additional facilities that are proportionately allocated between existing and future development based on the percentage contribution of each to total persons served by 2020. The estimated cost allocated to new development, including the land, fire stations, equipment, and additional facilities is \$7.2 million.

Table A-4b shows the square footage and floor-to-area ratio assumptions used in the calculation of the fire protection fee component of the CFF. The table is divided into two sections with the first calculating the net cost allocated to future development. Since building square feet was selected as the appropriate demand variable for fire protection services, average residential square footages were applied to the various residential land uses and average floor-to-area ratios were applied to the non-residential land uses to arrive at total square footage by land use. The results were used to allocate the total fire costs of \$7.2 million.

D Fire Protection Fee Component

The final section of Table A-4b shows the calculation of the fire protection fee component of the CFF. The \$0.32 cost per building square foot is applied to each of the residential land use categories based on the square footage assumptions mentioned earlier and each of the non-residential land use categories. The fire protection fees are as follows.

- \$800.00 per unit for Very-Low/Low Density uses,
- \$640.00 per unit for Medium Density uses,
- \$384.00 per unit for High Density uses,
- \$0.32 per building square foot for Commercial uses,
- \$0.32 per building square foot for Office uses, and
- \$0.32 per building square foot for Industrial uses

VI. Park Improvement Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the park improvement fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The park improvement fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

AB 1600 Nexus Test for the Park Improvement Fee Component	
Identify the purpose of the fee	To fund park improvement-related capital costs attributable to the impact of new development.
Identify the use of the fee	To purchase or construct the park improvements necessary to serve future residential development in the City.
Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed	The use of the fee to make the necessary park improvements ensures that parks will be available to serve new residential development within the City.
Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed	New park improvements will be needed as new residential development will generate additional residents and increase the demand placed on the City's existing parks.
Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed	The park improvement fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.

B Demand Variable Residents

Residents, as opposed to persons served (where persons served includes residents and employees), was chosen as the appropriate demand variable because the City does not see considerable use of park facilities by employees of local businesses

C. Required Facilities and Estimated Costs

The park improvement fee is calculated using a combination of both fee methodologies. While the aquatic center uses the plan-based approach, the remaining park improvement costs are determined using the standard-based approach. The plan-based approach works well for facilities such as an aquatic center, where significant effort goes into determining the ultimate size and design of a facility for a given service population. Conversely, total park improvement costs can easily be calculated using an existing or preferred standard and various cost assumptions for improvements.

Table A-5 presents the current residential population, the expected residential population in 2020, and the increase in the residential population due to future development. Also shown are the General Plan park standards (in acres per 1,000 residents). The City intends on applying its General Plan park standards to all future development, resulting in total additional acres required at buildout of 136.35. Using improvement costs based on similar studies in other areas of the Central Valley, the total park improvement cost is estimated to be \$41.9 million.

Residents benefit from a wide variety of park amenities including the following: baseball, soccer, and football fields, volleyball, playground, and picnic areas, and horseshoe pits, a skate park, and a swimming pool. The existing swimming pool is a joint-use facility with the school district that the City currently operates. However, because of the school district's growing needs, the City plans on turning the facility back over to the district once construction of the new aquatic center is completed.

The new aquatic center will be built on 5 acres of City-owned park land and will cost an estimated \$4.0 million. The City has valued the land at \$1.8 million, resulting in a total cost of \$5.8 million. The comprehensive facility will include competition pools, instructional pools, a therapeutic pool, and the related support facilities such as restrooms, outdoor showers, locker rooms, and office space.

Future development will only be responsible for a proportionate share of the facility based on the percentage of new residents to total residents at buildout of the project area. Expected to contribute 44.5% of the total number of residents in 2020, future development is allocated \$2.6 million of the total cost of the aquatic center. Including the cost of the aquatic facility, the park improvement cost per resident equates to \$1,629.59.

D. Park Improvement Fee Component

The final section of Table A-5 shows the calculation of the park improvement fee component of the CFF. The \$1,629.59 cost per resident is applied to each of the residential land use categories based on average persons per household. The park improvement fees are as follows:

- \$6,079.84 per unit for Very-Low/Low Density uses,
- \$4,999.87 per unit for Medium Density uses, and
- \$3,599.91 per unit for High Density uses

VII. Community Center Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the community center fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The community center fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

AB 1600 Nexus Test for the Community Center Fee Component	
Identify the purpose of the fee	To fund community center-related capital costs attributable to the impact of new development.
Identify the use of the fee	To purchase or construct the community center facilities identified in Table A-6.
Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.	The use of the fee to purchase or construct the community center facilities identified in Table A-6 ensures that community center facilities will be available to serve new residential and non-residential development within the City.
Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.	New community center facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand on the need for community center facilities within the City.
Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.	The community center fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.

B Demand Variable. Persons Served

It is assumed that the demand for a community center is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

Employee 40 hrs/week = 168 hrs in a week \approx 0.24 residents

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

At this time, the City does not have a community center, however, a proposed 22,000 square foot facility has been sized to accommodate both existing and future development in the project area. Since the City intends on building the community center on park land acquired through the City's use of the Quimby Act, land costs have been excluded from the calculation of the community center fee. Table A-6 shows the calculation of total persons served as well as the construction cost per square foot to build the facility and purchase the furniture, fixtures, and equipment.

Based on the Planning Department's construction cost estimate of \$278 per square foot, the cost of the 22,000 square foot facility is \$6.1 million. Subtracting the current public facilities fund balance of \$4,225 results in a net cost of \$6.1 million. The net cost is allocated to existing and future development in direct proportion to the total persons served contributed at buildout of the project area. Since 44.9% of the total persons served in 2020 is attributable to future development, only \$2.7 million is allocated to future development, equating to \$93.80 per person served.

D Community Center Fee Component

The final section of Table A-6 shows the calculation of the community center fee component of the CFF. The \$93.80 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The community center fees are as follows:

- \$349.97 per unit for Very-Low/Low Density uses,
- \$287.81 per unit for Medium Density uses,
- \$207.22 per unit for High Density uses,
- \$0.06 per square foot for Commercial uses,
- \$0.08 per square foot for Office uses, and
- \$0.04 per square foot for Industrial uses

VIII. City Hall Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the city hall fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The city hall fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

AB 1600 Nexus Test for the City Hall Fee Component	
Identify the purpose of the fee	To fund city hall-related capital costs attributable to the impact of new development.
Identify the use of the fee	To purchase or construct the city hall facilities identified in Table A-7.
Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.	The use of the fee to purchase or construct the city hall facilities identified in Table A-7 ensures that city hall facilities will be available to serve new residential and non-residential development within the City.
Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.	New city hall facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing city hall facilities.
Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.	The city hall fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.

B Demand Variable Persons Served

It is assumed that the demand for municipal services housed in the City Hall is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

$$\text{Employee } 40 \text{ hrs/week} \sim 168 \text{ hrs in a week} \approx 0.24 \text{ residents}$$

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

New development will increase the demand placed on the numerous municipal services housed in the current city hall. Therefore, additional capital costs incurred as the City adjusts to meet the increased demand on its current facilities must be funded by new development. Included in the fee are the costs to acquire additional land, construct the facilities, and purchase the related furniture, fixtures, and equipment.

The city hall fee uses the standard-based fee methodology, which applies a consistent facility service level standard to each component of new development regardless of projected development. The City's current city hall, including the annex facilities, occupies 19,355 building square feet on 52,509 square feet of land. The City intends to apply the same land area and building space standards to new development.

The city hall fee is quite flexible since the fee is established without reference to the ultimate size of the necessary facilities. Since the fee is not dependent on the eventual service population, if less growth occurs, presumably fewer facilities would be required and less fee revenue would be generated. Alternatively, if more growth occurs, the additional fee revenue can be used to mitigate the additional impacts on facilities.

Table A-7 presents total persons served as well as the City's existing standards, which use current square footages as the numerator and total persons served of 35,899 as the denominator. With a current standard of 1.46 land square feet per person served and assuming land acquisition costs of \$15 per square foot, the land acquisition cost per person served equates to \$21.94. Similarly, with a current standard of 0.54 building square feet per person served and building construction costs of \$389 per square foot, the building construction cost per person served totals \$209.73. The building construction cost assumption is based on average city hall construction costs reported in other areas.

D City Hall Fee Component

The final section of Table A-7 shows the calculation of the city hall fee component of the CFF. The \$231.67 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The city hall fees are as follows:

- \$864.34 per unit for Very-Low/Low Density uses,
- \$710.80 per unit for Medium Density uses,
- \$511.78 per unit for High Density uses,
- \$0.13 per square foot for Commercial uses,
- \$0.19 per square foot for Office uses, and
- \$0.09 per square foot for Industrial uses.

IX. Corporation Yard Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the corporation yard fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The corporation yard fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

AB 1600 Nexus Test for the Corporation Yard Fee Component	
Identify the purpose of the fee	To fund corporation yard-related capital costs attributable to the impact of new development.
Identify the use of the fee	To purchase or construct the corporation yard facilities identified in Table A-8.
Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed	The use of the fee to purchase or construct the corporation yard facilities identified in Table A-8 ensures that corporation yard facilities will be available to serve new residential and non-residential development within the City.
Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed	New corporation yard facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing corporation yard facilities.
Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed	The corporation yard fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.

B Demand Variable Persons Served

It is assumed that the demand for municipal services that make use of the City's corporation yards is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

Employee 40 hrs/week - 168 hrs in a week \approx 0.24 residents

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

The City's formal corporation yard facilities include the Public Services and Public Works yards, which lie on a total of 2.5 acres. Public Safety, however, uses various parking and storage areas throughout the City. It is the City's intention to consolidate all corporation yard-related needs and build a new facility on 5.0 acres, with a total of 3,200 square feet of office space.

The planned corporation yard is expected to cost \$5 million, with \$0.6 million related to the cost of constructing the necessary office space, \$2.9 million related to the cost of constructing shop building and specialized covered space, and \$1.5 million representing the cost of land. The total cost has been allocated between existing and future development, with future development only responsible for the incremental increase to the City's corporation yard facilities.

In addition to the 2.5 acres of corporation yard facilities that the City currently operates, a combined 2,200 square feet of office space is used by fleet-related maintenance personnel. Because future development will be responsible for 1,000 square feet of office space, it has been allocated 31.3% of the \$0.6 million. Similarly, because future development generates the need for an additional 2.5 acres, it has been allocated 50.0% of the remaining cost.

New development will increase the demand placed on current corporation yard facilities. The City believes that the incremental increase in facilities from the planned corporation yard will adequately meet this increased demand. The total cost of the facility attributable to future development is \$2.4 million, or a cost per future person served of \$81.35. The remaining balance will have to be funded by existing development through means other than impact fees.

D Corporation Yard Fee Component

The final section of Table A-8 shows the calculation of the corporation yard fee component of the CFF. The \$81.35 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The corporation yard fees are as follows:

- \$303.51 per unit for Very-Low/Low Density uses,
- \$249.60 per unit for Medium Density uses,
- \$179.71 per unit for High Density uses,
- \$0.05 per square foot for Commercial uses,
- \$0.07 per square foot for Office uses, and
- \$0.04 per square foot for Industrial uses

X. Fee Component Summary

Table X-1 summarizes the fee components of the CFF as calculated in this report. A three percent (3.0%) fee is included to pay for administration of the CFF.

**TABLE X-1
CFF SUMMARY**

Facility Type	RESIDENTIAL LAND USES			NON-RESIDENTIAL LAND USES		
	Very-Low/Low Density (per Unit)	Medium Density (per Unit)	High Density (per Unit)	Commercial (per Sq. Ft.)	Office (per Sq. Ft.)	Industrial (per Sq. Ft.)
Police	\$2,243.96	\$1,845.36	\$1,328.66	\$0.33	\$0.50	\$0.24
Fire	\$800.00	\$640.00	\$384.00	\$0.32	\$0.32	\$0.32
Park Improvement	\$6,079.84	\$4,999.87	\$3,599.91	N/A	N/A	N/A
Community Center	\$349.97	\$287.81	\$207.22	\$0.06	\$0.08	\$0.04
City Hall	\$864.34	\$710.80	\$511.78	\$0.13	\$0.19	\$0.09
Corporation Yard	\$303.51	\$249.60	\$179.71	\$0.05	\$0.07	\$0.04
Administration (3%)	\$319.25	\$262.00	\$186.34	\$0.03	\$0.03	\$0.02
Total	\$10,968.87	\$8,995.44	\$6,397.62	\$0.92	\$1.19	\$0.75

XI. Ongoing Administration of the CFF Program

A. Fee Study Updates and Fee Adjustments

The CFF may be adjusted in future years to reflect revised facility standards, receipt of funding from alternative sources (i.e., state or federal grants), revised costs, or changes in demographics or the land use plan. It is recommended that the City consider a fee study update annually, or potentially more frequently if circumstances have materially been affected by events such as those listed above. If it is determined that a fee study update is not necessary, the fees will be inflated each year by a predetermined index.

The fee categories summarized in the prior section may not be applicable to specialized development projects in the City. For example, development of a cemetery, golf course, or stadium would not fall under any of the fee categories in this study. For specialized development projects, the City will review the impacts and decide on an applicable ad hoc fee.

B. Fee Implementation

According to the California Government Code, prior to levying a new fee or increasing an existing fee, an agency must hold at least one open and public meeting. At least ten days prior to this meeting, the agency must make data on infrastructure costs and funding sources available to the public. Notice of the time and place of the meeting and a general explanation of the matter are to be published in accordance with Section 6062a of the Government Code, which states that publication of notice shall occur for ten days in a newspaper regularly published once a week or more. The City may then adopt the new fees at the second reading.

C. Annual Administrative Duties

The Government Code requires the City to report every year and every fifth year certain financial information regarding the fees. The City must make available within 180 days after the last day of each fiscal year the following information from the prior fiscal year:

- 1 A brief description of the type of fee in the account or fund
- 2 The amount of the fee
- 3 The beginning and ending balance in the account or fund
- 4 The amount of the fee collected and the interest earned
- 5 An identification of each public improvement for which fees were expended and the amount of expenditures
- 6 An identification of an approximate date by which time construction on the improvement will commence if it is determined that sufficient funds exist to complete the project
- 7 A description of each interfund transfer or loan made from the account and when it will be repaid
- 8 Identification of any refunds made once it is determined that sufficient monies have been collected to fund all fee-related projects

The City must make this information available for public review and must also present it at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public.

For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the City must make the following findings with respect to any remaining funds in the fee account, regardless of whether those funds are committed or uncommitted:

- 1 Identify the purpose to which the fee is to be put
- 2 Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

- 3 Identify all sources and amounts of funding anticipated to complete financing any incomplete improvements
- 4 Designate the approximate dates on which funding in item (3) above is expected to be deposited into the fee account

As with the annual disclosure, the five-year report must be made public within 180 days after the end of the City's fiscal year and must be reviewed at the next regularly scheduled public meeting. These findings must be made by the City, otherwise, the law requires that the City refund the money on a prorated basis to the then current record owners of the development project.

D. Fee Credits or Reimbursements

The City may provide fee credits or possibly reimbursements to developers who dedicate land or construct facilities. Fee credits or reimbursements may be provided up to the cost of the improvement, as shown in an applicable improvement plan, subject to periodic inflation adjustments, or the actual cost paid by the developer, whichever is lower. For construction cost overruns, only that amount shown in the applicable improvement plan, subject to periodic inflation adjustments, should be credited or reimbursed. The City will evaluate the appropriate fee credit or reimbursement based on the value of the dedication or improvement. Credits or reimbursements may be repaid based on the priority of the capital improvements, as determined by the City. In some cases, repayment for constructed facilities that have low priority may be postponed. Fee credits and reimbursements will be determined by the City on a case-by-case basis.

E. Interfund Transfers

It is recommended that the City adopt a policy that will allow for the transfer of fee revenues between fee funds. This will provide greater funding flexibility and facilitate the timely phasing of improvements by allowing fees to be combined and used as necessary. All interfund transfers must be repaid with interest.

F. Inflation Adjustments

All fees calculated in this report are reflected in year 2006 dollars. In addition to the periodic adjustments mentioned earlier, the fees should be inflated each year by a predetermined index, such as the Engineering News Record 20-City Construction Cost Index.

G. Project Costs

Actual costs for a particular project may be more or less than the fee portion calculated for that project. However, it is expected that, on average, the amount collected will be appropriate for financing the planned projects. Fee adjustments will need to be made during periodic updates for differences based on actual costs incurred and revised cost estimates for remaining projects.

APPENDIX A

Capital Facilities Fee Program Calculations

Table A-1
Fee Summary for New Development in the City of Los Banos

Facility Type	Residential Land Uses			Non-Residential Land Uses		
	Very-Low/Low Density (per Unit)	Medium Density (per Unit)	High Density (per Unit)	Commercial (per Sq. Ft.)	Office (per Sq. Ft.)	Industrial (per Sq. Ft.)
Police	\$2,243.06	\$1,845.35	\$1,328.66	\$0.33	\$0.50	\$0.24
Fire Protection	\$800.00	\$640.00	\$384.00	\$0.32	\$0.32	\$0.32
Park/Improvement	\$6,079.84	\$4,895.87	\$3,599.91	N/A	N/A	N/A
Community Center	\$349.97	\$287.81	\$207.22	\$0.06	\$0.06	\$0.04
City Hall	\$864.34	\$710.80	\$511.78	\$0.13	\$0.19	\$0.09
Corporation Yard	\$303.51	\$245.80	\$179.71	\$0.05	\$0.07	\$0.04
Administration (3%)	\$319.25	\$262.00	\$186.34	\$0.03	\$0.03	\$0.02
Total	\$10,960.87	\$8,985.74	\$6,387.82	\$0.92	\$1.19	\$0.75

**Table A-2
Land Uses**

<i>Existing Development at 1/1/06</i>					
Residential			Units	Pop. 1/	PPH 1/
Very-Low/Low Density			5,871	21,006	3.73
Medium Density			3,373	9,925	3.07
High Density			1,471	3,116	2.21
Subtotal			10,714	34,048	-
Estimated Number of Jobs in the City				7,777	
<i>Future Development through 2020</i>					
Residential			Units	Pop. 2/	PPH
Very-Low/Low Density			4,510	18,825	3.73
Medium Density			2,591	7,950	3.07
High Density			1,130	2,496	2.21
Subtotal			8,230	27,270	-
Non-Residential	Acres	FAR	Sq. Ft.	Employees	Jobs/Acre
Commercial	62.15	0.25	676,858	1,554	25
Office	28.65	0.30	348,316	1,189	45
Industrial	266.18	0.30	3,478,594	5,590	21
Subtotal	355.00	-	4,503,768	8,343	-
<i>Total Existing & Future Development through 2020</i>					
Residential			Units	Pop. 1/	PPH
Very-Low/Low Density			10,380	37,831	3.73
Medium Density			5,964	17,875	3.07
High Density			2,600	5,611	2.21
Subtotal			18,944	61,318	-
Estimated Number of Jobs in the City				16,120	

1/ Population numbers reflect a vacancy rate of 4.08% applied to the number of existing residential units

2/ Assumes an annual growth rate of 4.00%

Sources: City of Los Banos General Plan, 5/19/99, California Department of Finance

**Table A-3a
Police Station and Animal Control Cost Calculation**

Development Assumptions	Year	2006	2010	Future
				Persons Served
Resident Population		34,048	41,424	7,377
Employee Resident Equivalent Population 1/		1,852	2,614	662
Total Persons Served		35,899	44,038	8,039

Police Staffing	Existing	Personnel Assuming A Preferred	Existing Standard	Preferred Standard
	Personnel	Staffing Standard	Personnel per 1K Persons Served	Personnel per 1K Persons Served
Sworn Officers	38	54	1.1	1.5
Non-Sworn Personnel	22	22	0.6	0.6
Total Full-time Employee Staffing	60	76	1.7	2.1

Police Station Facilities	Unit Cost	Total Units	Total Cost
Police Administration/Operations Building	\$252/SF	32,400 SF	\$8,164,800
Detention Facility	\$500/SF	12,600 SF	\$6,300,000
Service Buildings	\$105/SF	2,700 SF	\$283,500
Site Development	\$6/SF	30,000 SF	\$180,000
Lot Size	\$15/SF	2 acres	\$1,806,800
Other Costs 2/			\$3,172,000
Total Cost			\$18,607,100
Total Police Station Cost Allocated to Existing Development			\$16,938,000
Total Police Station Cost Allocated to Future Development			\$3,669,100
Future Persons Served			8,039
Police Station Facilities Cost per Person Served			\$444

Animal Control Facilities 3/	Unit Cost	Total Units	Total Cost
Office Space	\$221/SF	3,050 SF	\$674,050
Storage Space	\$105/SF	5,700 SF	\$598,500
Lot Size	\$15/SF	3 acres	\$1,960,200
Total Cost			\$3,232,750
Existing Persons Served			35,899
Animal Control Facilities Cost per Person Served			\$90

1/ 1.0 employee equals approximately 0.24 residents for purposes of the calculation

2/ Other costs include A/E design fees, topographic and boundary surveys, material testing, furniture, fixtures, and equipment, environmental study documents, City staff and consultant time, and construction management costs. Costs were inflated to 2005 dollars by the ENR CCI

3/ Building sizes represent the City's current preferred space needs, as provided by the Police Department

Sources: City of Los Banos, Los Banos Police Department, MWM Architects, Inc.

**Table A-3b
Police Vehicles and Equipment Cost Calculation**

Development Assumptions	Year	2006	2016	Future
				Persons Served
Resident Population		34,048	41,424	7,377
Employee Resident Equivalent Population 1/		1,852	2,514	662
Total Persons Served		35,899	43,938	8,039

Police Staffing	Existing Police Personnel	Personnel Assuming A Preferred Staffing Standard	Existing Standard Personnel per 1K Persons Served	Preferred Standard Personnel per 1K Persons Served
Sworn Officers	38	54	1.1	1.6
Non Sworn Personnel	22	22	0.6	0.6
Total Full Time Employee Staffing	60	76	1.7	2.1

Existing Vehicles and Equipment	Number of Units
Marked Patrol Cars (unit = # of vehicles)	26
Unmarked Patrol Cars (unit = # of vehicles)	9
Support Vehicles (unit = # of vehicles)	13
Support Trailers (unit = # of vehicles)	2
Office Equipment (unit = # of workstations)	29
Personal Duty Gear (unit = # of Sworn Officers)	38
Personal Duty Gear (unit = # of Non Sworn Personnel)	22

Existing Vehicles per Sworn Officer	Units
Marked Patrol Cars	0.68
Unmarked Patrol Cars	0.24

Existing Vehicles and Equipment per Full Time Employee	Units
Support Vehicles	0.22
Support Trailers	0.03
Office Equipment (workstations)	0.48

Calculation of Vehicles and Equipment Under the Preferred Standard	Number of Units	Estimated Cost per Unit	Total Cost
Marked Patrol Cars (unit = # of vehicles)	37	\$32,515	\$1,197,984
Unmarked Patrol Cars (unit = # of vehicles)	13	\$16,000	\$208,000
Support Vehicles (unit = # of vehicles)	16	\$16,000	\$256,000
Support Trailers (unit = # of vehicles) 2/	3	N/A	N/A
Office Equipment (unit = # of workstations)	37	\$3,500	\$129,500
Personal Duty Gear (unit = # of Sworn Officers)	54	\$4,000	\$216,000
Personal Duty Gear (unit = # of Non Sworn Personnel)	22	\$500	\$11,000
			\$1,990,600

Existing Persons Served	35,899
Vehicles and Equipment Cost per Person Served	\$55.45

Additional Equipment Requirements	Number of Units	Estimated Cost per Unit	Total Cost
Mobile Data Terminals (MDT) @ 1.0 per 0.6 Future Sworn Officers 3/	7	\$5,000	\$35,000
Radio Tower/ Receiver Sites	3	\$20,000	\$60,000
			\$95,000

Future Persons Served	8,039
Additional Equipment Cost per Person Served	\$11.66

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation

2/ The number of support trailers is unlikely to increase in the near future according to the Chief of Police

3/ Measure P will fund the purchase of MDTs for existing City vehicles and the maintenance of terminals but not the purchase of MDTs for future vehicles

Table A-3c
Police Fee

Development Assumptions	Year		Future
	2006	2010	Persons Served
Resident Population	34,048	41,424	7,377
Employee Resident Equivalent Population 1/	1,852	2,514	662
Total Persons Served	35,899	43,938	8,039

Police Station Facilities Cost per Person Served	\$443.99
Animal Control Facilities Cost per Person Served	\$90.05
Vehicles and Equipment Cost per Person Served	\$56.45
Additional Equipment Cost per Person Served	\$11.96
Police Cost per Future Person Served	\$601.45

Fee Calculation			
	Persons per Household	Cost per Future Person	Impact Fee per Unit
Residential			
Very-Low/Low Density	3.73	\$601.45	\$2,243.96
Medium Density	3.07	\$601.45	\$1,845.36
High Density	2.21	\$601.45	\$1,326.66
Non-Residential	Sq Ft per Employee	Cost per Future Employee	Impact Fee per Sq Ft
Commercial	436	\$143.20	\$0.33
Office	290	\$143.20	\$0.56
Industrial	622	\$143.20	\$0.24

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation.

Sources: City of Los Batos, Los Batos Police Department

Table A-4a
Summary of Fire Protection Costs

Fire Station Costs			
Land Costs			
Cost of Land per Sq. Ft.			\$8.50
Number of Acres Required for New Station		1	
Subtotal			\$8,500
Facility Costs			
Cost of New Station per Square Foot			\$300
Number of Square Feet Required for New Station		3,500	
Subtotal			\$1,050,000
Safety Gear			
Cost of Safety Gear and Uniform per Fire Fighter			\$3,500
Number of Fire Fighters		6	
Subtotal			\$21,000
Equipment			
One New Engine			\$340,000
Equipment for Engine			\$45,000
One Rescue Unit			\$260,000
Equipment for Rescue Unit			\$45,000
Office Equipment			\$10,000
Training and Day Room Equipment			\$4,500
Sleeping Quarters			\$8,000
Kitchen Supplies			\$5,000
Subtotal			\$715,500
Cost per Fire Station (including equipment)			\$2,158,760
Number of Fire Stations Needed to Serve Future Development		3	
Total Fire Stations Cost			\$6,470,280
Additional Facilities	Total Cost	% Attributable to New Development 1/	Cost Attributed to New Development
Computer Aided Dispatch	\$50,000	45%	\$22,451
Mobile Data Terminals	\$90,000	45%	\$40,412
Additional Apparatus Storage Building at Station One	\$65,000	45%	\$29,187
Turnout Room at Station One	\$15,000	45%	\$6,735
Radio System Improvements	\$35,000	45%	\$15,738
Training Tower Steel	\$1,305,000	45%	\$585,879
Command Vehicle	\$45,000	100%	\$45,000
Subtotal			\$745,480
Facilities Cost Summary			
Fire Stations Cost			\$6,470,280
Additional Facilities Cost			\$745,480
Net Fire Protection Cost Allocated to Future Development			\$7,215,760

1/ Equals future development's proportionate share of the cost of these facilities

Sources: City of Los Banos, Los Banos Fire Department

**Table A-4b
Fire Protection Fee**

Development Assumptions			
	Units	Average Building Square Footage	Total Building Square Footage
Residential			
Very-Low/Low Density	4 510	2 500	11 274 075
Medium Density	2 591	2 000	5,182 065
High Density	1 130	1 200	1 355 605
Subtotal	8 230	-	17 811 745
Non-Residential			
	Acres	Floor-to Area Ratio (FAR)	Total Building Square Footage
Commercial	62.2	0.25	676 858
Office	26.7	0.30	348 316
Industrial	286.2	0.30	3,478 594
Subtotal	355.0	-	4,503 768
New Building Square Footage at Buildout			22,315,513
Net Fire Protection Cost			\$7 215 760
Fire Protection Cost per Building Square Foot			\$0.32
Fee Calculation			
	Average Building Square Footage	Cost per Building Square Foot	Impact Fee per Unit
Residential			
Very-Low/Low Density	2 500	\$0.32	\$800.00
Medium Density	2 000	\$0.32	\$640.00
High Density	1 200	\$0.32	\$384.00
Non-Residential			
Commercial			\$0.32
Office			\$0.32
Industrial			\$0.32

Source: City of Los Banos

**Table A-5
Park Improvement Fee**

Development Assumptions				
	Year	2006	2020	New Future Residents
Resident Population		34,048	61,318	27,270
Facilities Assumptions				
			General Plan Standards	
			<i>(Acres per 1,000 Residents)</i>	
Park Standards				
Neighborhood Parks				1.50
Community Parks				3.50
Regional Parks				-
Total				5.00
Park Improvements				
Neighborhood Park Improvement Cost per Acre				\$300,000
Community Park Improvement Cost per Acre				\$310,000
Additional Neighborhood Park Acreage Required at Buildout (based on G.P. Standards)				40.91
Additional Community Park Acreage Required at Buildout (based on G.P. Standards)				95.45
Total Additional Park Acreage Required at Buildout (based on G.P. Standards)				136.35
Total Neighborhood Park Improvement Cost				\$12,271,816
Total Community Park Improvement Cost				\$29,589,220
Total Park Improvement Cost				\$41,859,845
Recreational Facilities				
Aquatic Center				\$5,800,000
Proportional Allocation based on Resident Population of Aquatic Center Cost				
Amount Allocated to Existing Development				\$3,220,534
Amount Allocated to Future Development				\$2,579,466
Park Improvement Cost per Future Resident				\$1,535.00
Land Acquisition Cost per Future Resident 1/				\$0
Recreational Facilities Cost per Future Resident				\$95
Total Park Improvement Cost per Future Resident				\$1,629.58
Fee Calculation				
Residential	Persons per Household	Cost per Future Person	Impact Fee per Unit	
Very-Low/Low Density	3.73	\$1,629.58	\$6,079.84	
Medium Density	3.07	\$1,629.58	\$4,999.87	
High Density	2.21	\$1,629.58	\$3,599.81	

1/ Land costs are not included as land may be dedicated or acquired with park in-lieu fees.

**Table A-6
Community Center Fee**

Development Assumptions		Year	2006	2020	New Future Residents
Resident Population			34,048	61,318	27,270
Employee Resident-Equivalent Population 1/			1,852	3,838	1,987
Total Persons Served			35,899	65,156	29,257

Facilities Assumptions		
Planned Community Center Building Space (sq ft)		22,000
Estimated Building Construction Cost per Sq Ft		\$278
Total Building Construction Cost		\$6,116,000
Gross Total Community Center Cost		\$6,116,000
Less Existing Fund Balance		(\$4,225)
Net Total Community Center Cost		\$6,111,775
Proportional Allocation, based on Total Persons Served, of Community Center Cost		
Amount Allocated to Existing Development		\$3,367,431
Amount Allocated to Future Development		\$2,744,344
Community Center Cost per Future Person Served		\$93.80

Fee Calculation				
Residential		Persons per Household	Cost per Future Person	Impact Fee per Unit
	Very-Low/Low Density	3.73	\$93.80	\$349.97
	Medium Density	3.07	\$93.80	\$287.81
	High Density	2.21	\$93.80	\$207.22
Non-Residential		Sq Ft per Employee	Cost per Future Employee	Impact Fee per Sq Ft
	Commercial	436	\$22.33	\$0.06
	Office	290	\$22.33	\$0.08
	Industrial	622	\$22.33	\$0.04

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation

Source: City of Los Banos

**Table A-7
City Hall Fee**

Development Assumptions				New Future
	Year	2006	2020	Residents
Resident Population		34,048	61,318	27,270
Employee Resident-Equivalent Population 1/		1,852	3,838	1,887
Total Persons Served		35,899	65,156	29,257

Facilities Assumptions		
Existing City Hall Land Area including Annex (sq ft)		52,509
Existing City Hall Land Area including Annex, per Person Served (sq ft)		1.45
Estimated Land Acquisition Cost per Sq. Ft.		\$15.00
Estimated Land Acquisition Cost per Person Served		\$21.94
Current City Hall Building Space, including Annex (sq ft)		19,355
Current City Hall Building Space, including Annex per Persons Served (sq ft)		0.54
Estimated Building Construction Cost, including furniture, fixtures and equipment per Sq. Ft.		\$389
Estimated Building Construction Cost per Person Served		\$209.73
City Hall Cost per Future Person Served		\$231.67

Fee Calculation			
	Persons per Household	Cost per Future Person	Impact Fee per Unit
Residential			
Very-Low/Low Density	3.73	\$231.67	\$864.34
Medium Density	3.07	\$231.67	\$710.80
High Density	2.21	\$231.67	\$511.78
	Sq. Ft. per Employee	Cost per Future Employee	Impact Fee per Sq. Ft.
Non-Residential			
Commercial	436	\$55.16	\$0.13
Office	290	\$55.16	\$0.19
Industrial	622	\$55.16	\$0.09

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation.

Source: City of Los Banos

**Table A-8
Corporation Yard Fee**

Development Assumptions			New Future Residents
Year	2006	2020	
Resident Population	34,048	61,318	27,270
Employee Resident-Equivalent Population 1/	1,852	3,838	1,987
Total Persons Served	35,899	65,156	29,257

Facilities Assumptions	
Planned Corporation Yard	
Land Area (acres)	5
Office Space (sq. ft.)	3,200
Land Area (acres) Expected to Serve the Existing Fleet	2.5
Office Space (sq. ft.) Expected to Serve the Existing Fleet	2,200
Land Area (acres) Expected to Serve Future Development	2.5
Office Space (sq. ft.) Expected to Serve Future Development	1,000
Estimated Cost of Office Space at \$200 per Sq. Ft.	\$640,000
Estimated Cost of Shop Building/Specialized Covered Space	\$2,860,000
Estimated Cost of Land Acquisition	\$1,500,000
Total Estimated Cost	\$5,000,000
Future Development's Share of the Estimated Cost of Office Space	\$200,000
Future Development's Share of the Estimated Cost of Shop Building/Specialized Covered Space	\$1,430,000
Future Development's Share of the Estimated Cost of Land Acquisition	\$750,000
Future Development's Share of the Total Estimated Cost	\$2,380,000
Planned Corporation Yard Cost per Future Person Served	\$81.35

Fee Calculation			
	Persons per Household	Cost per Future Person	Impact Fee per Unit
Residential			
Very-Low/Low Density	3.73	\$81.35	\$303.51
Medium Density	3.07	\$81.35	\$249.60
High Density	2.21	\$81.35	\$179.71
Non-Residential	Sq. Ft. per Employee	Cost per Future Employee	Impact Fee per Sq. Ft.
Commercial	436	\$19.37	\$0.05
Office	290	\$19.37	\$0.07
Industrial	622	\$19.37	\$0.04

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation.

Source: City of Los Banos

RESOLUTION NO. 5119

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS ADJUSTING THE
DEVELOPMENT IMPACT FEES BASED ON THE
NEW ENGINEERING RECORD CONSTRUCTION
COST INDEX FOR 2009**

WHEREAS, the City has adopted development impact fees by resolutions 4083, 4163, and 4786 for capital facilities related to new development; and

WHEREAS, each of the foregoing resolutions provide for an annual adjustment to account for construction cost increases; and

WHEREAS, the foregoing resolutions provide that the basis for the annual adjustments be the National Average Construction Cost Index for the prior year as published in the Engineering New Record; and

WHEREAS, the City has conducted a noticed public hearing.

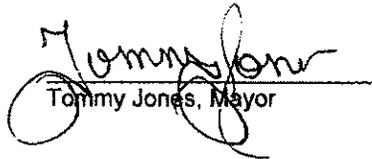
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby by the City Council of Los Banos finds that the National Average Construction Cost Index from October 2007 to October 2008 as it was published in the Engineering New Record and it has been calculated at a 7.2% increase;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Los Banos that it does hereby adjust the aforementioned development impact fees as set forth in Exhibit A-1, A-2, and A-3 attached hereto to take effect on May 4, 2009.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 4th day of March 2009, by Council Member Stone who moved its adoption, which motion was duly seconded by Council Member Sousa and the Resolution adopted by the following vote:

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

APPROVED:


Tommy Jones, Mayor

ATTEST:

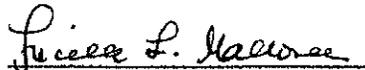

Lucille L. Mallonee, City Clerk

Exhibit A - 1

2009 Adjusted Development Impact Fees

(Resolution # 4786 adopted on 10/04/2006, effective date 12/03/2006)

Type of Development	Police	Fire	Park Development	Community Center	Corporation Yard	City Hall	3% Admin Fee
Per dwelling unit:							
Very Low / Low Density	2,559.19	912.39	6,933.95	399.13	346.15	985.76	364.10
Medium Density	2,104.60	729.91	5,702.26	328.24	284.66	810.65	298.81
High Density	1,515.31	437.94	4,105.63	236.33	204.96	583.68	212.52
Per square ft:	-	-	-	-	-	-	-
Commercial	0.38	0.36	-	0.07	0.06	0.15	0.03
Office	0.57	0.36	-	0.09	0.08	0.22	0.04
Industrial	0.27	0.36	-	0.05	0.05	0.10	0.02

2009 Water Development Fees

(Resolution 4163 adopted on 12/20/2000)

Connection Size	Fee
3/4" - 1"	3,127.13
1 1/2"	9,225.42
2"	19,856.59
3"	58,540.24
4"	126,085.60

2009 Public Facilities Fee

(Resolution # 4083 adopted 01/05/2000)

Type of Dwelling	Fee
Single Family Dwelling	5.62
Multi-Family Dwelling	5.62
Commercial Use*	5.62
Industrial Use*	5.62

* per dwelling unit @ 4.3 dwelling units per acre of use

2009 Storm Drainage Impact Fee

(Resolution # 4083 adopted 01/05/2000)

Type of Dwelling	Fee
Single Family Dwelling	22.49
Multi-Family Dwelling	22.49
Commercial Use*	22.49
Industrial Use*	22.49

* per dwelling unit @ 4.3 dwelling units per acre of use

2009 Wastewater Development Fees*

(Resolution # 4083 adopted 01/05/2000)

Connection	Fee
Single Family Residential	5,420.00

* set by an escalation factor independent of any other factor to maintain parity in the payment of Certificates of Participation issued by the City, set in Resolution 4083.

2009 Park Development Impact Fees

(Resolution # 4083 adopted 01/05/2000)

Type of Dwelling	Total Development Fee
Very Low Density	5,897.28
Low Density	5,290.43
Medium Density	4,346.03
High Density	3,130.35

Exhibit A - 3 Continued)

2009 Traffic Impact Fees

(Resolution # 4083 adopted 01/05/2000)

Traffic Impact Fee by Detailed Uses:

Use	Bldg Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Single Family Dwelling	1,800	dwelling	1.00	3,380.85	1.88
Fast Food	3,500	1,000	5.05	59,747.59	17.07
Super market	50,000	1,000	1.85	312,683.10	6.25
Office Building	60,000	1,000	1.78	361,021.56	6.02
Light Industrial	100,000	1,000	0.91	307,612.53	3.08
Heavy Industrial	200,000	1,000	0.18	121,692.40	0.61

Use	Bldg Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Industrial					
Light Industrial	100,000	1,000	0.91	307,612.53	3.08
Heavy Industrial	200,000	1,000	0.18	121,692.40	0.61
Industrial Park	200,000	1,000	0.85	574,660.46	2.87
Manufacturing	80,000	1,000	0.70	189,299.59	2.37
Warehousing	200,000	1,000	0.47	317,753.68	1.59
Mini-warehousing	80,000	1,000	0.15	40,564.61	0.51

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Residential					
Single Family	n/a	1	1.00	3,380.85	n/a
Apartment	n/a	1	0.61	2,062.25	n/a
Condominium	n/a	1	0.53	1,790.94	n/a
Mobile Home Park	n/a	1	0.55	1,859.82	n/a
Retirement Community	n/a	1	0.27	912.34	n/a

Use	Size	Unit	EDU / Unit	Fee	Fee /room
Lodging					
Hotel	120	room	0.55	223,103.88	1,859.20
Business Hotel	80	room	0.42	113,579.75	1,419.75
Motel	120	room	0.43	174,426.65	1,453.56

Use	Size	Unit	EDU / Unit	Fee	Fee
Recreational					
Golf Course	18	hole	3.47	211,138.06	11,729.89
Movie Theatre	1,400	seat	0.05	236,625.88	169.02
Racquet Club	50,000	1,000	0.82	138,592.55	2.77

Use	Size	Unit	EDU / Unit	Fee	Fee
Institutional					
Elementary School	1,000	student	0.01	33,804.30	33.80
High School	2,500	student	0.12	1,014,107.94	405.64
Church	7,500	1,000	0.46	11,662.18	1.55
Day Care Center	3,500	1,000	3.87	45,786.99	13.08
Library	15,000	1,000	4.93	249,977.79	16.67

Use	Size	Unit	EDU / Unit	Fee	Fee /bed
Medical					
Hospital	250	bed	0.90	760,582.01	3,042.33
Nursing Home	200	bed	1.50	101,411.50	507.06

2009 Traffic Impact Fees (continued)

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Office					
0 - 50,000 sq. ft.	7,500	1,000	2.51	63,635.92	8.48
50,001 - 100,000 sq. ft.	70,000	1,000	1.78	421,192.28	6.02
100,001 - 150,000 sq. ft.	130,000	1,000	1.53	672,353.72	5.17
150,001 - 200,000 sq. ft.	170,000	1,000	1.41	810,271.39	4.77
200,001 - 300,000 sq. ft.	240,000	1,000	1.29	1,046,558.49	4.36
Medical - Dental Office	7,500	1,000	2.84	72,001.60	9.60

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Retail Sales					
Building Materials					
0 - 20,000 sq. ft.	10,000	1,000	0.49	16,564.07	1.66
Over 20,001 sq. ft.	30,000	1,000	0.35	35,494.03	1.18
Specialty Center	10,000	1,000	1.44	48,677.24	4.87
Discount Store	10,000	1,000	0.86	29,071.11	2.91
Hardware Store	6,000	1,000	0.54	10,952.27	1.83
Nursery	2,500	1,000	0.46	3,886.93	1.55
Shopping Center					
less than 100,000 sq. ft.	80,000	1,000	1.10	297,471.38	3.72
100,001 - 200,000 sq. ft.	140,000	1,000	1.04	492,180.33	3.52
200,001 - 500,000 sq. ft.	300,000	1,000	1.26	1,277,775.02	4.26
500,001 - 1 million sq. ft.	750,000	1,000	1.32	3,346,554.08	4.46
Quality Restaurant	6,000	1,000	2.92	59,223.25	9.87
High Turnover Restaurant	3,500	1,000	3.11	36,795.76	10.51
Fast Food w/o drive thru	3,000	1,000	4.31	43,707.88	14.57
Fast Food with drive thru	3,000	1,000	5.05	51,211.82	17.07
New Car Sales	10,000	1,000	1.01	34,141.68	3.41
Automotive Parts Sales	5,000	1,000	1.54	26,029.04	5.21
Gasoline / Service Station	8	station	1.10	29,747.28	3,718.41
Gasoline / Serv. /Conv.	16	station	1.01	54,626.41	3,414.15
Tire Store	7,500	1,000	1.44	36,507.58	4.87
Super Market	35,000	1,000	1.85	218,878.17	6.25
Convenience Market 24 hr.	3,500	1,000	3.51	41,527.55	11.87
Convenience Market < 24 h	3,500	1,000	2.26	26,738.95	7.64
Convenience w Gas Pumps	3,500	1,000	3.96	46,851.16	13.39
Discount Club	60,000	1,000	1.37	277,865.25	4.63
Electronic Superstore	15,000	1,000	1.55	78,593.21	5.24
Pharmacy / Drug no drive th	15,000	1,000	1.33	67,438.50	4.50
Pharmacy / Drug w drive th	15,000	1,000	1.82	92,283.90	6.15
Furniture Store	10,000	1,000	0.25	8,451.43	0.85
Walk in Bank	7,500	1,000	8.09	205,103.14	27.35
Drive in Bank	7,500	1,000	9.89	250,738.31	33.43

2009 Police Impact Fees

(Resolution # 4083 adopted 01/05/2000)

Police Impact Fee by Detailed Uses:

Use	Bldg Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Single Family Dwelling	n/a	dwelling	1.00	1,145.69	n/a
Fast Food	3,500	1,000	5.05	3,424.44	0.978
Super market	50,000	1,000	1.85	17,917.81	0.358
Office Building	7,500	1,000	2.51	3,646.54	0.486
Light Industrial	100,000	1,000	0.91	17,626.82	0.176
Heavy Industrial	200,000	1,000	0.18	6,973.97	0.035

Use	Bldg Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Industrial					
Light Industrial	100,000	1,000	0.91	17,626.82	0.176
Heavy Industrial	200,000	1,000	0.18	6,973.97	0.035
Industrial Park	200,000	1,000	0.85	32,929.92	0.165
Manufacturing	80,000	1,000	0.70	10,846.83	0.136
Warehousing	200,000	1,000	0.47	18,208.81	0.091
Mini-warehousing	80,000	1,000	0.15	2,325.12	0.029

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Residential					
Single Family	n/a	1	1.00	1,145.69	n/a
Apartment	n/a	1	0.61	698.66	n/a
Condominium	n/a	1	0.53	607.29	n/a
Mobile Home Park	n/a	1	0.55	629.78	n/a
Retirement Community	n/a	1	0.27	309.27	n/a

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Lodging					
Hotel	38,016	sq. ft.	0.55	4,049.99	0.107
Business Hotel	25,344	sq. ft.	0.42	2,062.25	0.081
Motel	38,016	sq. ft.	0.43	3,167.18	0.083

Use	Size	Unit	EDU / Unit	Fee	Fee
Recreational					
Golf Course	5,000	sq. ft.	3.47	3,361.18	0.672
Movie Theatre	15,000	1,000	1.10	3,196.69	0.213
Racquet Club	50,000	1,000	0.82	7,942.54	0.159

Use	Size	Unit	EDU / Unit	Fee	Fee
Institutional					
Elementary School	1,000	student	0.01	n/a	n/a
High School	2,500	student	0.12	n/a	n/a
Church	7,500	1,000	0.46	667.73	0.089
Day Care Center	3,500	1,000	3.87	2,623.15	0.749
Library	15,000	1,000	4.93	n/a	n/a

Use	Size	Unit	EDU / Unit	Fee	Fee /bed
Medical					
Hospital	120,000	sq. ft.	0.90	20,920.51	0.174
Nursing Home	62,400	sq. ft.	0.15	1,813.42	0.029
Congregate Care	65,000	sq. ft.	0.07	881.41	0.014

2009 Police Impact Fees (continued)

Use	Size	Unit	EDU/Unit	Fee	Fee/sq. ft.
Office					
0 - 50,000 sq. ft.	5,000	1,000	2.51	2,430.55	0.486
	20,000	1,000	2.51	9,723.64	0.486
50,001 - 100,000 sq. ft.	70,000	1,000	1.78	24,135.48	0.345
100,001 - 150,000 sq. ft.	130,000	1,000	1.53	38,527.65	0.296
150,001 - 200,000 sq. ft.	170,000	1,000	1.41	46,430.83	0.273
200,001 - 300,000 sq. ft.	240,000	1,000	1.29	59,971.11	0.250
Medical - Dental Office	7,500	1,000	2.51	3,646.54	0.486

Use	Size	Unit	EDU/Unit	Fee	Fee/sq. ft.
Retail Sales					
Building Materials					
0 - 20,000 sq. ft.	10,000	1,000	0.49	948.89	0.095
Over 20,001 sq. ft.	30,000	1,000	0.35	2,034.13	0.068
Specialty Center	10,000	1,000	1.44	2,789.02	0.279
Discount Store	10,000	1,000	0.86	1,665.83	0.167
Hardware Store	6,000	1,000	0.54	626.97	0.104
Nursery	2,500	1,000	0.46	222.11	0.089
Shopping Center					
less than 100,000 sq. ft.	80,000	1,000	1.10	17,046.25	0.213
100,001 - 200,000 sq. ft.	140,000	1,000	1.04	28,203.75	0.201
200,001 - 500,000 sq. ft.	300,000	1,000	1.26	73,220.39	0.244
500,001 - 1 million sq. ft.	750,000	1,000	1.32	191,768.10	0.256
Quality Restaurant	6,000	1,000	2.92	3,393.51	0.566
High Turnover Restaurant	3,500	1,000	3.11	2,108.63	0.602
Fast Food w/o drive thru	3,000	1,000	4.31	2,505.06	0.835
Fast Food with drive thru	3,000	1,000	5.05	2,935.23	0.978
New Car Sales	10,000	1,000	1.01	1,956.82	0.196
Automotive Parts Sales	5,000	1,000	1.54	1,491.52	0.298
Gasoline / Service Station	2,500	1,000	1.10	1,215.98	0.486
Gasoline / Serv. /Conv.	2,500	1,000	1.01	2,446.02	0.978
Tire Store	7,500	1,000	1.44	2,091.77	0.279
Super Market	35,000	1,000	1.85	12,542.19	0.358
Convenience Market 24 hr.	3,500	1,000	3.51	3,424.44	0.978
Convenience Market < 24 hr.	3,500	1,000	2.26	3,424.44	0.978
Convenience w Gas Pumps	3,500	1,000	3.96	3,424.44	0.978
Discount Club	60,000	1,000	1.37	15,923.04	0.265
Electronic Superstore	15,000	1,000	1.55	4,504.05	0.300
Pharmacy / Drug no drive thru	15,000	1,000	1.33	3,864.43	0.258
Pharmacy / Drug w drive thru	15,000	1,000	1.82	5,288.47	0.353
Furniture Store	10,000	1,000	0.25	483.59	0.048
Walk in Bank	7,500	1,000	8.09	11,753.55	1.567
Drive in Bank	7,500	1,000	9.89	14,368.26	1.916

2009 Fire Impact Fees

(Resolution # 4083 adopted 01/05/2000)

Fire Impact Fee by Detailed Uses:

Use	Bldg Size	Unit	EDU/Unit	Fee	Fee/sq. ft.
Single Family Dwelling	n/a	dwelling	1.00	1,213.17	n/a
Fast Food	3,500	1,000	5.05	4,612.30	1.318
Super market	50,000	1,000	1.85	24,136.90	0.483
Office Building	7,500	1,000	2.51	4,911.72	0.655
Light Industrial	100,000	1,000	0.91	23,746.10	0.237
Heavy Industrial	200,000	1,000	0.18	9,393.28	0.047

Use	Bldg Size	Unit	EDU/Unit	Fee	Fee/sq. ft.
Industrial					
Light Industrial	100,000	1,000	0.91	23,746.10	0.237
Heavy Industrial	200,000	1,000	0.18	9,393.28	0.047
Industrial Park	200,000	1,000	0.85	44,360.15	0.222
Manufacturing	80,000	1,000	0.70	14,612.87	0.183
Warehousing	200,000	1,000	0.47	24,529.10	0.123
Mini-warehousing	80,000	1,000	0.15	3,130.63	0.039

Use	Size	Unit	EDU/Unit	Fee	Fee/sq. ft.
Residential					
Single Family	n/a	1	1.00	1,213.17	n/a
Apartment	n/a	1	0.61	739.43	n/a
Condominium	n/a	1	0.53	642.44	n/a
Mobile Home Park	n/a	1	0.55	667.73	n/a
Retirement Community	n/a	1	0.27	351.12	n/a

Use	Size	Unit	EDU/Unit	Fee	Fee/sq. ft.
Lodging					
Hotel	38,016	sq. ft.	0.55	5,455.75	0.144
Business Hotel	25,344	sq. ft.	0.42	2,777.78	0.110
Motel	38,016	sq. ft.	0.43	4,265.08	0.112

Use	Size	Unit	EDU/Unit	Fee	Fee
Recreational					
Golf Course	5,000	sq. ft.	3.47	4,527.96	0.906
Movie Theatre	15,000	1,000	1.10	4,305.85	0.287
Racquet Club	50,000	1,000	0.82	10,699.24	0.214

Use	Size	Unit	EDU/Unit	Fee	Fee
Institutional					
Elementary School	1,000	student	0.01	n/a	n/a
High School	2,500	student	0.12	n/a	n/a
Church	7,500	1,000	0.46	899.68	0.120
Day Care Center	3,500	1,000	3.87	3,534.07	1.010
Library	15,000	1,000	4.93	n/a	n/a

Use	Size	Unit	EDU/Unit	Fee	Fee/bed
Medical					
Hospital	120,000	sq. ft.	0.90	28,181.27	0.235
Nursing Home	62,400	sq. ft.	0.15	2,441.80	0.039
Congregate Care	65,000	sq. ft.	0.07	1,187.87	0.018

2009 Fire Impact Fees (continued)

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Office					
0 - 50,000 sq. ft.	5,000	1,000	2.51	3,275.41	0.655
	20,000	1,000	2.51	13,098.87	0.655
50,001 - 100,000 sq. ft.	70,000	1,000	1.78	32,513.81	0.464
100,001 - 150,000 sq. ft.	130,000	1,000	1.53	51,900.64	0.399
150,001 - 200,000 sq. ft.	170,000	1,000	1.41	62,547.87	0.368
200,001 - 300,000 sq. ft.	240,000	1,000	1.29	80,787.60	0.337
Medical - Dental Office	7,500	1,000	2.51	4,911.72	0.655

Use	Size	Unit	EDU / Unit	Fee	Fee /sq. ft.
Retail Sales					
Building Materials					
0 - 20,000 sq. ft.	10,000	1,000	0.49	1,279.24	0.128
Over 20,001 sq. ft.	30,000	1,000	0.35	2,739.83	0.091
Specialty Center	10,000	1,000	1.44	3,757.60	0.376
Discount Store	10,000	1,000	0.86	2,243.59	0.224
Hardware Store	6,000	1,000	0.54	844.86	0.141
Nursery	2,500	1,000	0.46	299.43	0.120
Shopping Center					
less than 100,000 sq. ft.	80,000	1,000	1.10	22,963.08	0.287
100,001 - 200,000 sq. ft.	140,000	1,000	1.04	37,993.46	0.271
200,001 - 500,000 sq. ft.	300,000	1,000	1.26	98,635.12	0.329
500,001 - 1 million sq. ft.	750,000	1,000	1.32	258,330.82	0.344
Quality Restaurant	6,000	1,000	2.92	4,571.53	0.762
High Turnover Restaurant	3,500	1,000	3.11	2,841.04	0.812
Fast Food w/o drive thru	3,000	1,000	4.31	3,373.82	1.125
Fast Food with drive thru	3,000	1,000	5.05	3,953.00	1.318
New Car Sales	10,000	1,000	1.01	2,635.80	0.264
Automotive Parts Sales	5,000	1,000	1.54	2,008.82	0.402
Gasoline / Service Station	2,500	1,000	1.10	1,637.71	0.655
Gasoline / Serv. /Conv.	2,500	1,000	1.01	3,293.70	1.317
Tire Store	7,500	1,000	1.44	2,818.55	0.376
Super Market	35,000	1,000	1.85	16,895.82	0.483
Convenience Market 24 hr.	3,500	1,000	3.51	4,612.30	1.318
Convenience Market < 24 hr.	3,500	1,000	2.26	4,612.30	1.318
Convenience w Gas Pumps	3,500	1,000	3.96	4,612.30	1.318
Discount Club	60,000	1,000	1.37	21,449.09	0.357
Electronic Superstore	15,000	1,000	1.55	6,067.26	0.404
Pharmacy / Drug no drive thru	15,000	1,000	1.33	5,205.53	0.347
Pharmacy / Drug w drive thru	15,000	1,000	1.82	7,122.98	0.475
Furniture Store	10,000	1,000	0.25	652.28	0.065
Walk in Bank	7,500	1,000	8.09	15,833.07	2.111
Drive in Bank	7,500	1,000	9.89	19,355.90	2.581



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: December 2, 2015

SUBJECT: Public Improvements for Villages III Phase 1 at Stonecreek and Villages III Phase 2 at Stonecreek

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution accepting the Public Improvements for Villages III Phase 1 at Stonecreek and Villages III Phase 2 at Stonecreek.

Background:

The Vesting Tentative Tract Map #2004-05 was approved April 13, 2005 by Resolution No. #2005-09. The development agreement between Anderson Homes and the City of Los Banos in 2005 was named Villages at Stonecreek IIA and III. Stonecreek IIA was recorded. Stonecreek III infrastructure was built just short of a punch list and Final Map Recording. In March 2015, the Public Works staff was contacted by the new developer, Los Banos 270 Investors LP, for Final Map Approval. The subject site is generally located south of Cardoza Road, north of Pioneer Road, between Ortigalita Road and the Los Banos Creek, on Assessor Parcel Number 430-010-039, 430-060-006, and 430-060-007. The City Council adopted a resolution approving Final Tract Map #2004-05 for the Villages III Phase 1 at Stonecreek and Villages III Phase 2 at Stonecreek, and accompanying Subdivision Improvement Agreement on November 18, 2015.

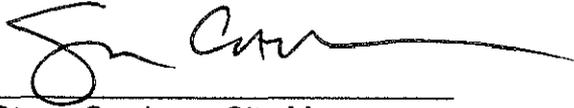
Discussion:

All public improvements with the Villages III Phase 1 at Stonecreek and Villages III Phase 2 at Stonecreek have been completed. A Notice of Completion was electronically recorded with the County Recorder on September 14, 2015. The acceptance of the Subdivision Improvement Agreement is outlined in item number seventeen (17) in the Subdivision Improvement Agreement. A Warranty and Guarantee Bond of ten (10) percent in the amount of \$217,314.00 has been retained by the City for a period of one (1) year. A Landscaping and Lighting District letter of inclusion has been executed for the parcels. A letter from the County of Merced has verified all taxes are current for the parcels.

Fiscal Impact:

None

Reviewed by:

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

Steve Carrigan, City Manager

Attachment:

Resolution

Subdivision Improvement Agreement (pg. 1 and 5)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS ACCEPTING
PUBLIC IMPROVEMENTS FOR VILLAGES III
PHASE 1 AT STONECREEK AND VILLAGES III
PHASE 2 AT STONECREEK**

WHEREAS, the public improvements have been completed for Villages III Phase 1 at Stonecreek and Villages III Phase 2 at Stonecreek; and

WHEREAS, on September 14, 2015 the Notice of Completion was electronically recorded with the County Recorder; and

WHEREAS, a Warranty and Guarantee Bond of ten percent has been retained by the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the public improvements for Villages III Phase 1 at Stonecreek and Villages III Phase 2 at Stonecreek.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 2nd day of December 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 of Los Banos

And When Recorded Mail to:

Lucille L. Mallonee, City Clerk
City of Los Banos
520 J Street
Los Banos, CA 93635

Space above this line for Recorder's use.

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2015, between LOS BANOS 270 INVESTORS LP, a California Limited Partnership, the Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY those certain Final Maps located within the corporate limits of the CITY, and known and described as "Villages III Phase 1 at Stonecreek" and "Villages III Phase 2 at Stonecreek" comprised of 172 lots on 39 acres, copies of which are on file with the City of Los Banos Public Works Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Maps in order that the same may be recorded as required by law; and,

WHEREAS, the CITY requires a condition precedent to the acceptance and approval of said Final Maps, the dedication of said easements as are delineated and shown on said Final Maps, and deems the same as necessary for public use, and requires and deems as necessary for the public use that any and all street improvements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements hereinafter specified in Paragraph One herein; and,

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned and set forth in details, within the time hereinafter mentioned, in consideration of the acceptance of the offers of dedication by the City of Los Banos; and,

WHEREAS, the City Council of the City of Los Banos has found said Final Maps by Resolution No. _____ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2004-05.

Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

15. DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.

16. Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.

17. Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the CITY "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision, which discloses all liens, or claims, which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an AGREEMENT with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.

18. It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.

19. That the DEVELOPER(S) furnish the CITY with reproducible 8 1/2" x 11" sheets of the Final Maps of this development prior to issuance of permits.

20. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2004-05 prior to acceptance of public improvements.

21. Intentionally omitted.

22. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

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

DATE: December 2, 2015

SUBJECT: Allowing the National Joint Powers Alliance (NJPA) to Procure Contract with Miracle Recreation Equipment Company for the purchase and installation of playground equipment for Ranchwood Park

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopts the Resolution authorizing the use of the National Joint Powers Alliance (NJPA) procurement contract with Miracle Recreation Equipment Company for the replacement of playground equipment of Ranchwood Park for the amount of \$64,970.24.

Background:

The City of Los Banos Public Works Department identified the need to demolish and replace the park equipment located in Ranchwood Park. The need to replace the equipment is due to age deterioration and unavailability to purchase repair parts.

Ranchwood Park is located at 515 Stonewood Drive, on the northwest corner of Driftwood Avenue and Stonewood Drive.

The National Joint Powers Alliance (NJPA) is a public agency serving as a national municipal contracting agency established under the Service Cooperative statute by Minnesota Legislative Statute with the authority to develop and offer cooperative procurement services to its membership, which includes states, cities, counties, and other government and public agencies.

The City of Los Banos is a member of the NJPA (membership #60888). Per the statute, NJPA facilitates a competitive bidding and contracting process on behalf of the needs of

itself and its members, resulting in Cooperative Purchasing. NJPA contracts are awarded by the action of the NJPA Board of Directors based on the open and competitive bidding process. As a member of the NJPA, the City of Los Banos can select contractors, selected by the NJPA, without further competitive bidding.

Miracle Recreation Equipment Company is one of the several playground contractors selected through the NJPA bidding process.

Discussion:

The Public Works Department's Parks & Recreation Division will provide the demolition and removal of the park equipment, and will oversee the project during construction phase done by Miracle Recreation Equipment Company.

O'Dell Engineering has been contracted to provide improvement plans for this project, and will also provide a safety inspection following the installation of equipment, fall material, and ADA upgrades.

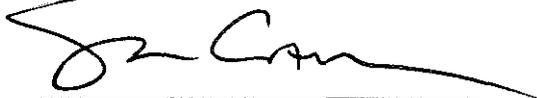
The City Attorney and Finance Director have reviewed and approved this procurement process.

Fiscal Impact:

The project is to be funded by Landscape and Lighting Assessment District #1. The expenditures were identified and approved in the 2015-2016 Fiscal Year Budget fund account 271-458-200-747.

The estimated cost for the purchase and installation of the park equipment is \$64,970.24.

Reviewed by:



Steve Carrigan, City Manager


FOR Sonya Williams, Finance Director

Attachments:

- Resolution
- Equipment Quotation
- 2015-2016 Fiscal Budget Sheet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE USE OF THE NATIONAL JOINT POWERS ALLIANCE (NJPA) PROCUREMENT CONTRACT WITH MIRACLE RECREATION EQUIPMENT COMPANY FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR RANCHWOOD PARK

WHEREAS, the National Joint Powers Alliance (NJPA) is a public agency based in Minnesota, serving as a national municipal contracting agency established and operating under Minnesota Statute §123A.21, with the authority to develop and offer cooperative procurement services to its membership, which includes states, cities, counties, and other government and public agencies; and

WHEREAS, the City of Los Banos is a member of the NJPA; and

WHEREAS, NJPA facilitates a competitive bidding and contracting process on behalf of the needs of itself and its members, and NJPA contracts are awarded by the action of the NJPA Board of Directors based on the open and competitive bidding process; and

WHEREAS, Miracle Recreation Equipment Company is one of several playground contractors whom NJPA has awarded a contract through the NJPA competitive bidding process; and

WHEREAS, the City of Los Banos has received favorable contract pricing from Miracle Recreation Equipment Company for the purchase and installation of playground equipment at Ranchwood Park.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorizes use of the National Joint Powers Alliance (NJPA) Procurement Contract with Miracle Recreation Equipment Company for the purchase and installation of playground equipment for Ranchwood Park in the amount of \$64,970.24

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 2nd day of December 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



Equipment Quotation

Sales Representative

EDWARDS & ASSOCIATES
 POST OFFICE BOX 909
 CARMEL VALLEY, CA 93924
 Phone: (831) 659-7212 Fax: (831) 659-7226

Quote Number: 51152116
 Quote Date: 04/16/2015
 Customer Number: 9363B07
 Terms of Sale: Net 30
 Customer Class: 19. NJPA
 Shipping Method: Miracle
 Freight Terms: Prepaid
 Approximate Ship Date: ASAP
 Cust PO Num:

PO Remittance (if other than Sales Representative):

Prepared CITY OF LOS BANOS
 For: 411 MADISON AVENUE
 LOS BANOS, CA 93635

paul.cardoza@losbanos.org

Location: RANCHWOOD PARK
 515 STONEWOOD DRIVE
 LOS BANOS, CA 93635

Payment Miracle Recreation Equipment Company
 Remittance: PO Box 204757, Dallas, TX 75320-4757

Payment/Accounting Contact: PAUL CARDOZA (209) 827-7034 X 13
 CARLOS GRANILLO (209) 826-2207 X 12

Shipping/Delivery Contact: PAUL CARDOZA (209) 827-7034 X 13

Quantity	Item Number	Description	Price Each	Price Total
2	7145019	TRIANGLE DECK (ATTACHES TO 3 POSTS)	\$588.00	\$1,176.00
2	7145029	SQUARE DECK (ATTACHES TO 4 POSTS)	\$841.00	\$1,682.00
1	7145049	1/2 HEX OPEN DECK (ATTACHES TO 5 POSTS)	\$1,255.00	\$1,255.00
4	71454933	5" OD X 112" POST (3' DECK)	\$187.00	\$748.00
4	71454943	5" OD X 124" POST (4' DECK)	\$203.00	\$812.00
3	7145533	5" OD X 160" POST (5'6" TO 6'6" DECKS)	\$259.00	\$777.00
2	7145543	5" OD X 178" POST (7' TO 8' DECKS)	\$289.00	\$578.00
8	7145733	5" OD X 168" POST FOR ROOF (3'6"-5' DECK)	\$254.00	\$2,032.00
3	714616	POST CLIMBER	\$79.00	\$237.00
1	7146301	RAVINE SWOOP BETWEEN DECKS	\$2,236.00	\$2,236.00
1	7146385	GROOVE II SLIDE (5' DECK)	\$1,432.00	\$1,432.00
1	714719	CLIFF CLIMBER (3' & 5' DECK)	\$672.00	\$672.00
1	7147266	MOGUL SLIDE-ONE PIECE (6'6" DECK)	\$1,816.00	\$1,816.00
1	714782	CRUNCH STATION	\$90.00	\$90.00
1	7148062	HULA CLIMBER BETWEEN DECKS W/2' RISE	\$1,321.00	\$1,321.00
1	714808	CLIMBING POLE (3', 5' OR 6'6" DECK)	\$550.00	\$550.00
1	7148153	VERTICAL LADDER CLIMBER (3' DECK)	\$550.00	\$550.00
1	714851359	SQUARE TRANSFER POINT W/OPEN HR (3' DECK)	\$1,856.00	\$1,856.00
2	7148624	ROOF FOR SQUARE DECK, PERF STEEL	\$1,745.00	\$3,490.00
1	7148635	8' HORIZONTAL/INCLINED LADDER (ONLY)	\$638.00	\$638.00
1	714900	WALL ENCLOSURE W/STEERING WHEEL	\$537.00	\$537.00
1	714908	SPIDER CLIMBER (3, 5' OR 6'6" DECK)	\$877.00	\$877.00
1	71495949	ADA STAIRS BETWEEN DECKS W/2' RISE 4' SPAN	\$2,510.00	\$2,510.00
1	7149753	CHIME PANEL	\$2,126.00	\$2,126.00

Quantity	Item Number	Description	Price Each	Price Total
1	7149823	FINGER MAZE REGULAR PANEL	\$648.00	\$648.00
1	7149939	ADA STAIRS BTWN DECKS W/1'6" RISE	\$2,239.00	\$2,239.00
1	4474	GRAVITY CUBE	\$9,131.00	\$9,131.00
1	7188524S	3 1/2" OD ARCH SWG FRAME W/4 S/P SEATS MC	\$1,984.00	\$1,984.00
			Equipment Total:	\$44,000.00
			Freight:	\$3,100.24
			Installation:	\$13,000.00
			Discount:	\$9,250.00
			Other Charge:	\$11,340.00
			SubTotal:	\$62,190.24
			Tax:	\$2,780.00
			Grand Total:	\$64,970.24

Notes:

FOR RANCHWOOD PARK - DESIGN REVISION DATED APRIL 16, 2015. THE ABOVE QUOTE INCLUDES THE COST OF EQUIPMENT, FREIGHT, INSTALLATION, DISCOUNT AND TAX.. "OTHER CHARGE" IS FOR ENGINEERED WOOD FIBER SAFETY SURFACING, DELIVERED AND INSTALLED. OTHER SITE WORK, BORDERS, RAMP IF REQUIRED BY OTHERS. PRICING IS GOOD THROUGH NOVEMBER 2015.

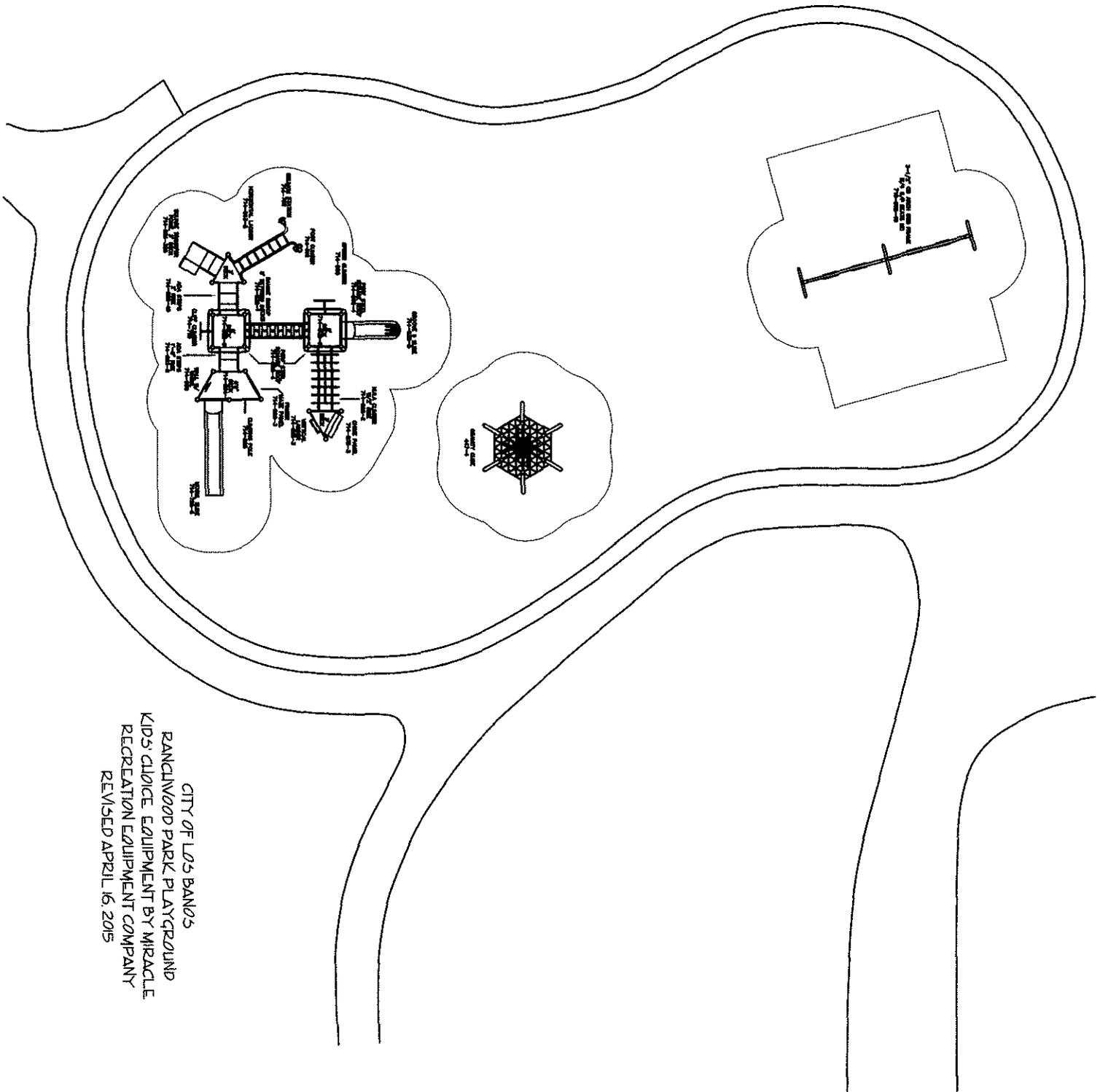
I hereby authorize Miracle Recreation Equipment Company to ship the equipment listed above for which I agree to pay the total amount specified. I will be responsible for receiving all merchandise from the Miracle truck. Payment terms are Net-30 days from invoice date with approved credit. Non-taxable customers will provide proper tax exemption certificate to Miracle Recreation. Purchase orders and payments should be made payable to the order of Miracle Recreation Equipment Company.

Accepted By

Printed Name

Date

Thank you for the opportunity to provide this quote!



CITY OF LOS BANOS
 RANQUINWOOD PARK PLAYGROUND
 KIDS CHOICE EQUIPMENT BY MIRACLE
 RECREATION EQUIPMENT COMPANY
 REVISED APRIL 16, 2015

City of Los Banos
Assessment Districts
2015-2016

Account Number	Description	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Adopted
<u>RANCHWOOD EST AD #1</u>					
271-458-200-202	Fleet Repair & Maintenance	0	0	0	2,465
271-458-200-204	Fleet Services	0	0	0	1,878
271-458-200-210	Sidewalk Maintenance	0	0	0	600
271-458-200-213	Water Sewerage & Disposal	80,932	77,264	76,890	80,734
271-458-200-220	Landscape Maintenance	19,283	16,128	12,231	10,015
271-458-200-221	Park Maintenance	198,743	208,491	238,233	43,467
271-458-200-224	Street Sign Maintenance	2,979	0	2,493	2,500
271-458-200-225	Street Tree Maintenance	0	0	0	500
271-458-200-230	Administrative Services	16,452	16,434	18,082	19,133
271-458-200-231	Professional Services	0	0	0	53,047
271-458-200-263	Street Light Maintenance	5,398	1,458	5,000	5,600
271-458-200-264	Electricity & Gas	38,256	42,637	45,835	49,043
271-458-200-265	Gasoline & Oil	0	0	0	4,199
	Supplies & Services	362,044	362,412	398,764	273,181
271-458-200-714	Storm Drain Improvements	0	0	0	8,000
271-458-200-747	Park & Playground Equipment	0	0	3,500	66,500
	Capital Outlay	0	0	3,500	74,500
271-458-200-820	Charge In	0	0	0	148,758
	Charge Ins-Outs	0	0	0	148,758
	Total Ranchwood AD #1	\$362,044	\$362,412	\$402,264	\$496,439
<u>CRESTHILLS AD #2</u>					
272-458-200-202	Fleet Repair & Maintenance	0	0	0	616
272-458-200-204	Fleet Services	0	0	0	470
272-458-200-210	Sidewalk Maintenance	0	0	0	1,000
272-458-200-213	Water Sewerage & Disposal	3,979	2,449	1,565	1,643
272-458-200-220	Landscape Maintenance	780	834	248	44
272-458-200-221	Park Maintenance	29,820	30,410	33,708	9,245
272-458-200-223	Storm Drain Maintenance	0	0	0	2,000
272-458-200-224	Street Sign Maintenance	1,170	970	500	1,000
272-458-200-225	Street Tree Maintenance	0	0	0	1,500
272-458-200-226	Fence Maintenance	0	0	0	700
272-458-200-230	Administrative Services	2,100	2,074	2,081	2,604
272-458-200-231	Professional Services	0	0	0	6,706
272-458-200-263	Street Light Maintenance	411	347	650	1,000
272-458-200-264	Electricity & Gas	7,755	8,663	7,150	7,650
272-458-200-265	Gasoline & Oil	0	0	0	741
	Supplies & Services	46,016	45,747	45,902	36,919
272-458-200-747	Park & Playground Equipment	0	0	0	20,520
	Capital Outlay	0	0	0	20,520
	Total Cresthills AD #2	\$46,016	\$45,747	\$45,902	\$57,439



City of Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and Council Members

FROM: Stacy Souza Elms, Senior Planner 

DATE: December 2, 2015

SUBJECT: Presidential Estates East Area Plan and Annexation #2014-01, Mitigated Negative Declaration (SCH#2015061056), Pre-Zone #2014-02, and Pre-Annexation Development Agreement

TYPE OF REPORT: Public Hearing

Recommendation:

Staff recommends that the City Council:

- Receive presentation of the staff report;
- Open the continued public hearing and receive public testimony; and
- Continue the public hearing to a date uncertain.

Background:

The project proposal is for the consideration of an Area Plan and Annexation of approximately 106 acres of unincorporated lands lying north of Pioneer Road, west of Mercey Springs Road (SR 165), and east of Eleventh Street. These lands currently constitute an undeveloped peninsula of land surrounded by existing urban development and the City limits of the City of Los Banos on three sides (north, east, and west). The land uses proposed are consistent with those identified in the City of Los Banos 2030 General Plan and its accompanying Draft and Final Environmental Impact Report (EIR).

The Los Banos Planning Commission held a Public Hearing on this matter on August 26, 2015 and recommended approval of Mitigated Negative Declaration (SCH #2015061056), Pre-zoning #2014-02, Annexation #2014-01, Associated Mitigation Monitoring Program for the Presidential Estates East Area Plan, and Pre-Annexation Development Agreements for Stonefield Communities, Inc. and for the Manuel M. Cardoza Life Estate to the Los Banos City Council for consideration.

The Los Banos City Council held a Public Hearing on this matter on October 7, 2015 and continued the public hearing to October 21, 2015 for further discussion.

On October 21, 2015 the Los Banos City Council opened the public hearing and upon the request of the applicant, continued the public hearing until December 2, 2015 in order to provide more information as requested.

Discussion:

In light of the City Council meeting on October 7, 2015, the applicant has met with Bill Nicholson, Executive Director of the Local Agency Formation Commission (LAFCo), to discuss the Initial Study/Mitigated Negative Declaration environmental document which was prepared for the project. It was suggested by LAFCo that staff prepare a Supplemental Environmental Impact Report (EIR) to discuss the loss of agricultural land. In an effort to provide additional analysis for the loss of prime agricultural land, staff will be preparing a supplemental EIR tiered from the adopted Los Banos 2030 General Plan EIR.

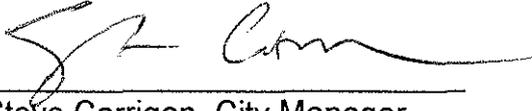
In addition, the applicant has met with the Cardoza family regarding the possibility of pre-zoning all of their property to Low Density Residential (R-1). In an effort to move the project forward, the Cardoza family has agreed to a General Plan Amendment to redesignate their land to all Low Density Residential, which was designated under the 2030 General Plan with a portion of Professional Office, Medium Density Residential, and Highway Commercial. The environmental document and Area Plan will be amended to reflect this change.

In order to provide the City Council with revisions to the environmental document and the Area Plan, staff is requesting the City Council continue the public hearing to a date uncertain. At such time that staff and the applicant are ready to bring the item back for discussion, the public hearing will be re-noticed and the item will be brought back to the Planning Commission for recommendation and then to the City Council for consideration.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the project site on September 25, 2015 for the hearing on October 7, 2015, which was continued to October 21, 2015 and December 2, 2015.

Reviewed By:

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

Steve Carrigan, City Manager

Attachments:

Public Hearing Notice – September 25, 2015



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: September 25, 2015

Regarding: Notice of Public Hearing

Proposal: Presidential Estates East Area Plan and Annexation Mitigated Negative Declaration (SCH #2015061056), Annexation #2014-01, Prezone #2014-02, and Pre-Annexation Development Agreement

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider Annexation #2014-01, Prezone #2014-02, Pre-Annexation Development Agreement, and associated Mitigated Negative Declaration (SCH #2015061056) for the Presidential Estates East Area Plan and Annexation. The project proposal is for the consideration of an Area Plan and Annexation of approximately 106 acres of unincorporated lands lying north of Pioneer Road, west of Merced Springs Road (SR 165), and east of Eleventh Street. The site is more precisely described as Assessor's Parcel Numbers: 026-290-001, 002, 003, 004, 005, 083-120-012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 027, and 028. The land uses proposed are consistent with those identified in the City of Los Banos 2030 General Plan and its accompanying Draft and Final Environmental Impact Report (EIR).

Mitigated Negative Declaration (SCH #2015061056) was revised; however, based upon comments received, no new significant impacts were identified requiring recirculation. Copies of all documents are available at the Los Banos Community and Economic Development Department located at 520 J Street, Los Banos, CA 93635.

The Los Banos Planning Commission held a public hearing on August 26, 2015 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission recommended approval of Mitigated Negative Declaration (SCH #2015061056), Annexation #2014-01, Pre-Zone #2014-02, and Pre-Annexation Development Agreement to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, October 7, 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, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should 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
Senior Planner



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: December 2, 2015

SUBJECT: City Commission Appointments

TYPE OF REPORT: Non Consent Agenda

Recommendation:

Appoint members to the following commissions:

Los Banos Airport Advisory Commission

Two (2) Vacancies, Two (2) Year Terms – Expiring December 31, 2017

Los Banos Planning Commission

Three (3) Vacancies, Two (2) Year Terms – Expiring December 31, 2017

Los Banos Tree Commission

Two (2) Vacancies, Two (2) Year Terms – Expiring December 31, 2017

Discussion:

Staff advertised the above vacancies in the Los Banos Enterprise and on the City's website. All applicants were interviewed by a committee per City policy.

Fiscal Impact:

None

Reviewed by:

Steve Carrigan, City Manager



City of
Los Banos
At the Crossroads of California

NOTICE OF VACANCIES ON CITY COMMISSIONS

Notice is hereby given that the City of Los Banos is now accepting applications from citizens 18 or older residing within the City limits of Los Banos interested in serving on a City Commission.

Los Banos Parks & Recreation Commission

Three (3) Vacancies Two (2) Two (2) Year Terms - Expiring December 31, 2017
One (1) Unexpired Term
Expiring December 31, 2016

Los Banos Planning Commission

Three (3) Vacancies: Three (3) Two (2) Year Terms - Expiring December 31, 2017

Los Banos Tree Commission

Three (3) Vacancies: Three (3) Two (2) Year Terms - Expiring December 31, 2017

Economic Development Advisory Commission

One (1) Vacancy: One (1) Two (2) Year Term - Expiring December 31, 2017

Airport Advisory Commission

Three (3) Vacancies:
Two (2) Two (2) Year Terms - Expiring December 31, 2017
One (1) One Unexpired Term - Expiring December 31, 2016

Measure P Committee

Two (2) Vacancies: Two (2) Three (3) Year Terms - Expiring December 31, 2018

The various commissions meet once or twice a month and serve as advisory bodies to the City Council and Administrative Officials on such actions as they deem necessary, proper or advisable for the proper administration of City functions. Commissioners receive no compensation for their time, although they may be requested to attend training workshops or seminars at City expense. If you are interested in volunteering to serve on any of the City Commissions and are a resident and qualified elector of the City of Los Banos, please contact the City Clerk's Office at City Hall, 520 J Street, 827-7000 ext 124 to request an application or access an application on the City's website: www.losbanos.org.

The deadline to submit an application to the City Clerk is Tuesday, November 17, 2015 before 5:00 p.m., and the appointments are tentatively scheduled for the City Council meeting of Wednesday, December 2, 2015.

MER0002036925-01



City of
Los Banos
At the Crossroads of California

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One (1) Unexpired Term – Expiring December 31, 2016

Los Banos Planning Commission

Three (3) Vacancies: Three (3) Two (2) Year Terms – Expiring December 31, 2017

Los Banos Tree Commission

Three (3) Vacancies: Three (3) Two (2) Year Terms – Expiring December 31, 2017

Economic Development Advisory Commission

One (1) Vacancy: One (1) Two (2) Year Term – Expiring December 31, 2017

Airport Advisory Commission

Three (3) Vacancies: Two (2) Two (2) Year Terms – Expiring December 31, 2017
One (1) One Unexpired Term – Expiring December 31, 2016

Measure P Committee

Two (2) Vacancies: Two (2) Three (3) Year Terms – Expiring December 31, 2018

The various commissions meet once or twice a month and serve as advisory bodies to the City Council and Administrative Officials on such actions as they deem necessary, proper or advisable for the proper administration of City functions. Commissioners receive no compensation for their time, although they may be requested to attend training workshops or seminars at City expense. If you are interested in volunteering to serve on any of the City Commissions and are a resident and qualified elector of the City of Los Banos, please contact the City Clerk's Office at City Hall, 520 J Street, 827-7000 ext 124 to request an application or access an application on the City's website: www.losbanos.org. The **deadline** to submit an application to the City Clerk is **Tuesday, November 17, 2015 before 5:00 p.m.**, and the appointments are tentatively scheduled for the City Council meeting of Wednesday, December 2, 2015.



City of
Los Banos

At the Crossroads of California

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Date: November 27, 2015

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance – Marijuana Cultivation, Processing, Delivery & Dispensaries

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider and make a recommendation to the Los Banos City Council to adopt a proposed ordinance imposing an express ban on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Los Banos.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, December 9, 2015 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 J Street.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

A handwritten signature in cursive script that reads "Sandra Benetti".

Sandra Benetti
Planning Technician



City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Date: November 27, 2015
Re: Notice of Public Hearing
Proposal: Conditional Use Permit #2015-13 & Site Plan Review #2015-07 –
Comcast Headend Facility

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit and Site Plan Review for the development of a 1,914 square foot telecommunication headend facility for Comcast located in the Professional Office zoning district at 604 Texas Avenue, more specifically described as Assessor's Parcel Number: 027-211-001.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, December 9, 2015 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 J Street.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

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THE CITY OF LOS BANOS

A handwritten signature in black ink that reads "Sandra Benetti". The signature is written in a cursive, flowing style.

Sandra Benetti
Planning Technician



City of
Los Banos

At the Crossroads of California

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Date: November 27, 2015

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2015-10 – Type 86 Alcohol License

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 use of a Type 86 Alcohol License for the instructional tasting of alcoholic beverages onsite. The requested Conditional Use Permit is for Wal-Mart Stores, Inc. located at 1575 W. Pacheco Boulevard, more specifically described as Assessor's Parcel Number: 430-010-012.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, December 9, 2015 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 J Street.

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THE CITY OF LOS BANOS

Sandra Benetti
Planning Technician



City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Date: November 27, 2015

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2015-11 – Type 40 Alcohol License

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 use of a Type 40 Alcohol License for the on-sale of beer in conjunction with the availability of snacks. The requested Conditional Use Permit is for Aqua Entertainment Center located at 923 W. Pacheco Boulevard, more specifically described as Assessor's Parcel Number: 431-020-002.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, December 9, 2015 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 J Street.

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THE CITY OF LOS BANOS

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Sandra Benetti
Planning Technician