



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 5, 2018

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 Desehabilidad (ADA) de 1990.

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

* * * * *

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

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)
Faria ____, Johnson-Santos ____, Lewis ____, Silveira ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. CONSIDERATION OF CERTIFICATION OF VOTE OF MUNICIPAL ELECTION, NOVEMBER 6, 2018.

- A. City Council Resolution No. 6024 – Certifying Results of the Merced County General Election Held in the City of Los Banos on November 6, 2018 as it Pertains to the Election of the Mayor, City Council Members for Districts 2 and 3, City Clerk and City Treasurer.

Recommendation: Adopt the resolution as submitted.

- B. City Council Resolution No. 6025 – Certifying Results of the Merced County General Election Held in the City of Los Banos on November 6, 2018 as it Pertains to Measure H, Los Banos Essential City Services Measure.

Recommendation: Adopt the resolution as submitted.

6. ADMINISTRATION OF OATH OF OFFICE TO ELECTED OFFICIALS.

- A. Mayor Michael Villalta, Council Members Tom Faria – District 2 and Brett Jones – District 3, City Treasurer Kim Tomas.

7. ROLL CALL: (City Council Members)

Faria ____, Johnson-Santos ____, Jones ____, Lewis ____, Villalta ____

8. PRESENTATIONS.

- A. City Council Resolution No. 6026 – A Resolution of Commendation to Scott Silveira.

Recommendation: Adopt the resolution as submitted.

- B. Proclamation Recognizing the Retirement of Jerry O'Banion.

9. REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM.

Recommendation: Selection made by the consensus of the City Council.

10. 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.)

11. 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 #213349 – #213779 in the Amount of \$1,510,718.44.

Recommendation: Approve the check register as submitted.

- B. Resolution No. 6027 – Approving a Boundary Map and Declaring its Intention to Annex Property to the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) and to Levy a Special Tax Therein to Finance Certain Public Safety Services for Such Community Facilities District (Shawnessy Village, a Subdivision of Approximately 31.9 Acres Located East of Mercey Springs Road and North of Scripps Drive).

Recommendation: Approve the resolution as submitted.

- C. Resolution No. 6028 – Rejecting the Bids for One New 2018-2019 Model Brush Chipper.

Recommendation: Approve the resolution as submitted.

12. 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 Disclose the Final Funding Amounts and Accomplishments of 2015 Community Development Block Grant (CDBG) Agreement 10567.

Recommendation: Receive the staff report, open the public hearing, receive public comment, close the public hearing. No action to be taken.

- B. Public Hearing – To Receive Public Comment and Consideration of Adopting an Ordinance to Amend and Reorganize Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking and Amend and Reorganize Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational Vehicles.

- 1) Ordinance No. 1165 – Amending and Reorganizing Article 20 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Off-street Parking; Amending and Reorganizing Article 32 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Recreational Vehicles.

(Second Reading & Adoption)

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

- C. Public Hearing – To Receive Public Comment and Consideration of General Plan Amendment 2018-01, Zone Change #2018-01, and Negative Declaration (SCH #2018101013) for the Development of a New Police Department Facility Located at 1111 G Street; More Specifically Identified as Assessor's Parcel Numbers: 026-161-003 and Portion of 026-161-008.

- 1) Resolution No. 6029 – Approving Negative Declaration (SCH#2018101013) for the Los Banos Police Station Facility Located at

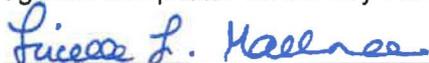
1111 G Street, More Specifically Identified as Assessor's Parcel Numbers: 026-161-003 and Portion of 026-161-008.

- 2) Resolution No. 6030 – Approving General Plan Amendment #2018-01 for the Los Banos Police Station Facility to Re-designate Properties from Mixed Use to Civic/Institutional Located at 1111 G Street, More Specifically Identified as Assessor's Parcel Numbers: 026-161-003 and Portion of 026-161-008 and Finding That the Acquisition of the Property is Consistent with the City's General Plan.
- 3) Ordinance No. 1167 – Amending the Official Zoning Map by Rezoning Property for the Los Banos Police Station Facility from Rail Corridor (R-C) to Public Facility (P-F) on Approximately 3.6 Acres Located at 1111 G Street, More Specifically Identified as Assessor's Parcel Numbers: 026-161-003 and Portion of 026-161-008. **(First Reading & Introduction)**

Recommendation: Receive the staff report, open the public hearing, receive public comment, waive the first reading and introduce the ordinance, and motion of intent to adopt the resolutions.

13. ADVISEMENT OF PUBLIC NOTICES. (5 Reports)
14. CITY MANAGER REPORT.
15. CITY COUNCIL MEMBER REPORTS.
 - A. Tom Faria
 - B. Daronica Johnson-Santos
 - C. Brett Jones
 - D. Deborah Lewis
 - E. Mayor Mike Villalta
16. 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 30th day of November 2018



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: December 5, 2018

SUBJECT: Certifying the Canvassing of Votes in the November 6, 2018 General Municipal Election Regarding the Election of the Mayor, City Council Members, City Clerk and City Treasurer

TYPE OF REPORT: Agenda Item

Recommendation:

Adopt the resolution as submitted.

Discussion:

Attached please find a resolution for your review and consideration certifying the canvassing of votes in the General Municipal Election held in the City of Los Banos on November 6, 2018 pertaining to the election of the offices of Mayor, City Council Members for Districts 2 and 3, City Clerk and City Treasurer.

Reviewed by:

A handwritten signature in blue ink, appearing to be 'AT', is written over a horizontal line.

Alex Terrazas, City Manager

Attachment:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS CERTIFYING RESULTS OF THE MERCED COUNTY GENERAL ELECTION HELD IN THE CITY OF LOS BANOS ON NOVEMBER 6, 2018 AS IT PERTAINS TO THE ELECTION OF THE MAYOR, CITY COUNCIL MEMBERS FOR DISTRICTS 2 AND 3, CITY CLERK AND CITY TREASURER

WHEREAS, a General Municipal Election was held and conducted in the City of Los Banos, California, on Tuesday, November 6, 2018 as required by law; and

WHEREAS, said results of canvass of said General Municipal Election were presented to the City Council of the City of Los Banos pertaining to the election of the offices of Mayor, City Council Members for District 2 and 3, City Clerk and City Treasurer as attached in Exhibit A; and

WHEREAS, the Notice of Election was given in time, form and manner as provided by law; that candidates were nominated to fill the vacancies as provided by law; that voting precincts were properly established, and that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the laws of the State of California relating to general law cities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby certify said results of said General Municipal Election held in the City of Los Banos on Tuesday, November 6, 2018 pertaining to the election of the offices of Mayor, City Council Members for District 2 and 3, City Clerk and City Treasurer as attached in Exhibit A; and

BE IT FURTHER RESOLVED that the City Council does declare and determine that:

Michael Villalta was elected as Mayor for the full term of two (2) years;

Manual T. (Tom) Faria was elected as Council Member for District 2 for the full term of four (4) years;

Brett Jones was elected as Council Member for District 3 for the full term of four (4) years;

Lucille Mallonee was elected as City Clerk for the full term of four (4) years;

Kimberly Tomas was elected as City Treasurer for the full term of four (4) years.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of December 2018, by Council Member __ who moved its adoption, which motion was duly seconded by Council Member __, and the Resolution adopted by the following vote:

AYES: Council Members

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

OFFICIAL CANVASS

GOVERNATORIAL GENERAL ELECTION
 COUNTY OF MERCED
 NOVEMBER 6, 2018

CERTIFIED FINAL RESULTS

PRINTED 12/03/18, 09:01 AM

PAGE 134

	R V		T P	MAYOR, CITY OF LOS BANOS			
	E O		U E				
	G T		R R	M V			
	I E	B C	N C	I I			
	S R	A A	O E	K L	N G F		
	T S	L S	U N	E L	I O I	O V	U V
	E	L T	T T	A	L M L	V O	N O
	R	O	A	L	S E H	E T	D T
	E	T	G	T	O S O	R E	E E
20 PRECINCTS	D	S	E	A	N	S	R S
COUNTY TOTAL	14238	8611	60.48	5566	2329	1	681
VOTING PRECINCTS	14238	8611	60.48	5566	2329	1	681
CONGRESSIONAL 16	14238	8611	60.48	5566	2329	1	681
STATE SENATE 12	14238	8611	60.48	5566	2329	1	681
STATE ASSEMBLY 21	14238	8611	60.48	5566	2329	1	681
BD OF EQUALIZATION 1	14238	8611	60.48	5566	2329	1	681
SUPERVISORIAL 5	14238	8611	60.48	5566	2329	1	681
SUPERVISORIAL TOTAL	14238	8611	60.48	5566	2329	1	681
CITY OF LOS BANOS	14238	8611	60.48	5566	2329	1	681
CITY TOTAL	14238	8611	60.48	5566	2329	1	681

20 PRECINCTS			R V	B C	T P	MAYOR, CITY OF LOS BANOS			
			E O		U E	M V			
			G T		R R	I I			
			I E	A A	N C	K L	N G F		
			S R	L S	O E	E L	I O I	O V	U V
			T S	L T	U N	A	L M L	V O	N O
			E	O	T T	L	S E H	E T	D T
			R	T	A	T	O S O	R E	E E
			E	S	G	A	N	S	R S
			D	S	E	A	N	S	R S
0107	05107	LOS BANOS #	764	469	61.39	294	124	0	49
0108	05108	LOS BANOS #	976	568	58.20	352	162	0	51
0109	05109	LOS BANOS #	825	531	64.36	373	123	0	33
0110	05110	LOS BANOS #	780	577	73.97	385	141	0	50
0111	05111	LOS BANOS #	949	505	53.21	349	127	0	28
0112	05112	LOS BANOS #	474	295	62.24	182	87	0	25
0113	05113	LOS BANOS #	1000	633	63.30	415	167	0	51
0114	05114	LOS BANOS #	525	445	84.76	325	79	0	39
0115	05115	LOS BANOS #	1099	704	64.06	449	207	0	45
0116	05116	LOS BANOS #	1004	587	58.47	373	167	1	43
0117	05117	LOS BANOS #	1130	663	58.67	424	189	0	49
0118	05118	LOS BANOS #	1434	773	53.91	478	215	0	74
0119	05119	LOS BANOS #	848	551	64.98	357	158	0	33
0120	05120	LOS BANOS #	788	453	57.49	283	117	0	51
0121	05121	LOS BANOS #	589	291	49.41	176	95	0	18
0122	05122	LOS BANOS #	370	176	47.57	121	44	0	11
0123	05123	LOS BANOS #	285	161	56.49	93	53	0	13
0254	95254	LOS BANOS #	184	100	54.35	66	29	0	5
0255	95255	LOS BANOS #	170	96	56.47	53	35	0	8
0256	95256	LOS BANOS #	44	33	75.00	18	10	0	5
GRAND TOTALS			14238	8611	60.48	5566	2329	1	681

PRINTED 12/03/18, 09:01 AM

PAGE 136

	R E G I S T E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T T A G I O	COUNCILMEMBER DISTRICT 2, CITY OF LOS BANOS			
				R M L E L F A T F O M D A M R I A		O V V O E T R E S	U V N O D T E E R S
5 PRECINCTS							
COUNTY TOTAL	3609	2161	59.88	767	1210	0	181
VOTING PRECINCTS	3609	2161	59.88	767	1210	0	181
CONGRESSIONAL 16	3609	2161	59.88	767	1210	0	181
STATE SENATE 12	3609	2161	59.88	767	1210	0	181
STATE ASSEMBLY 21	3609	2161	59.88	767	1210	0	181
BD OF EQUALIZATION 1	3609	2161	59.88	767	1210	0	181
SUPERVISORIAL 5	3609	2161	59.88	767	1210	0	181
SUPERVISORIAL TOTAL	3609	2161	59.88	767	1210	0	181
CITY OF LOS BANOS	3609	2161	59.88	767	1210	0	181
CITY TOTAL	3609	2161	59.88	767	1210	0	181

PRINTED 12/03/18, 09:01 AM

PAGE 137

			R V		T P	COUNCILMEMBER DISTRICT 2, CITY OF LOS BANOS			
			E O		U E				
			G T		R R				
			I E	B C	N C	R M L			
			S R	A A	O E	E . L			
			T S	L S	U N	F A	T F	O V	U V
			E	L T	T T	U M	O A	V O	N O
			R	O	A	G A	M R	E T	D T
			E	T	G	I S	I	R E	E E
			D	S	E	O	A	S	R S
5 PRECINCTS									
0115	05115	LOS BANOS #	1099	704	64.06	243	395	0	65
0118	05118	LOS BANOS #	1434	773	53.91	291	405	0	75
0119	05119	LOS BANOS #	848	551	64.98	203	316	0	32
0254	95254	LOS BANOS #	184	100	54.35	21	74	0	5
0256	95256	LOS BANOS #	44	33	75.00	9	20	0	4
GRAND TOTALS			3609	2161	59.88	767	1210	0	181

PRINTED 12/03/18, 09:01 AM

PAGE 138

	R V E O G T I E S R T S E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T T A G E	COUNCILMEMBER DISTRICT 3, CITY OF LOS BANOS			
				B J R O E N T E T S	J C O A H T N E S	O V V O E T R E S	U V N O D T E E R S
6 PRECINCTS							
COUNTY TOTAL	3662	2387	65.18	1220	945	1	218
VOTING PRECINCTS	3662	2387	65.18	1220	945	1	218
CONGRESSIONAL 16	3662	2387	65.18	1220	945	1	218
STATE SENATE 12	3662	2387	65.18	1220	945	1	218
STATE ASSEMBLY 21	3662	2387	65.18	1220	945	1	218
BD OF EQUALIZATION 1	3662	2387	65.18	1220	945	1	218
SUPERVISORIAL 5	3662	2387	65.18	1220	945	1	218
SUPERVISORIAL TOTAL	3662	2387	65.18	1220	945	1	218
CITY OF LOS BANOS	3662	2387	65.18	1220	945	1	218
CITY TOTAL	3662	2387	65.18	1220	945	1	218

PRINTED 12/03/18, 09:01 AM

PAGE 139

			R V		T P	COUNCILMEMBER DISTRICT 3, CITY OF LOS BANOS			
			E O		U E				
			G T		R R				
			I E	B C	N C				
			S R	A A	O E				
			T S	L S	U N	B J	J C	O V	U V
			E	L T	T T	R O	O A	V O	N O
			R	O	A	E N	H T	E T	D T
			E	T	G	T E	N E	R E	E E
			D	S	E	T S	S	S	R S
6 PRECINCTS									
0107	05107	LOS BANOS #	764	469	61.39	250	160	1	58
0110	05110	LOS BANOS #	780	577	73.97	281	262	0	33
0111	05111	LOS BANOS #	949	505	53.21	259	190	0	55
0112	05112	LOS BANOS #	474	295	62.24	144	122	0	29
0114	05114	LOS BANOS #	525	445	84.76	239	177	0	28
0255	95255	LOS BANOS #	170	96	56.47	47	34	0	15
GRAND TOTALS			3662	2387	65.18	1220	945	1	218

	R E G I S T E R E D	V O T E R S L I S T E D	B C A A L S L T O T A L S	T P U E R R N C O E U N T Y T O T A L	CITY CLERK, CITY OF LOS BANOS			CITY TREASURER, CITY OF LOS BANOS		
					L M U A C L Y L O N E E	O V V O E T R E S	U V N O D T E E R S	K T I O M M A S	O V V O E T R E S	U V N O D T E E R S
20 PRECINCTS										
COUNTY TOTAL	14238	8611	60.48	6533	3	2018	6375	0	2186	
VOTING PRECINCTS	14238	8611	60.48	6533	3	2018	6375	0	2186	
CONGRESSIONAL 16	14238	8611	60.48	6533	3	2018	6375	0	2186	
STATE SENATE 12	14238	8611	60.48	6533	3	2018	6375	0	2186	
STATE ASSEMBLY 21	14238	8611	60.48	6533	3	2018	6375	0	2186	
BD OF EQUALIZATION 1	14238	8611	60.48	6533	3	2018	6375	0	2186	
SUPERVISORIAL 5	14238	8611	60.48	6533	3	2018	6375	0	2186	
SUPERVISORIAL TOTAL	14238	8611	60.48	6533	3	2018	6375	0	2186	
CITY OF LOS BANOS	14238	8611	60.48	6533	3	2018	6375	0	2186	
CITY TOTAL	14238	8611	60.48	6533	3	2018	6375	0	2186	

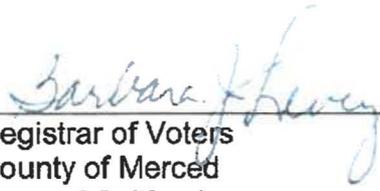
				R V		T P	CITY CLERK, CITY OF LOS BANOS			CITY TREASURER, CITY OF LOS BANOS				
				E O		U E								
				G T		R R	L M							
				I E	B C	N C	U A							
				S R	A A	O E	C L							
				T S	L S	U N	Y L	O V	U V		K T	O V	U V	
				E	L T	T T	O	V O	N O		I O	V O	N O	
				R	O	A	N	E T	D T		M M	E T	D T	
				E	T	G	E	R E	E E		A	R E	E E	
				D	S	E	E	S	R S		S	S	R S	
20 PRECINCTS														
0107	05107	LOS BANOS #		764	469	61.39	339	0	126		343	0	123	
0108	05108	LOS BANOS #		976	568	58.20	413	0	152		403	0	161	
0109	05109	LOS BANOS #		825	531	64.36	403	0	124		394	0	132	
0110	05110	LOS BANOS #		780	577	73.97	450	1	123		435	0	140	
0111	05111	LOS BANOS #		949	505	53.21	395	0	106		392	0	110	
0112	05112	LOS BANOS #		474	295	62.24	218	0	73		207	0	84	
0113	05113	LOS BANOS #		1000	633	63.30	469	0	159		456	0	172	
0114	05114	LOS BANOS #		525	445	84.76	331	0	113		315	0	129	
0115	05115	LOS BANOS #		1099	704	64.06	550	0	150		538	0	164	
0116	05116	LOS BANOS #		1004	587	58.47	439	1	141		431	0	152	
0117	05117	LOS BANOS #		1130	663	58.67	495	1	162		488	0	171	
0118	05118	LOS BANOS #		1434	773	53.91	602	0	166		589	0	179	
0119	05119	LOS BANOS #		848	551	64.98	423	0	125		414	0	135	
0120	05120	LOS BANOS #		788	453	57.49	352	0	99		331	0	119	
0121	05121	LOS BANOS #		589	291	49.41	216	0	73		214	0	75	
0122	05122	LOS BANOS #		370	176	47.57	131	0	45		126	0	50	
0123	05123	LOS BANOS #		285	161	56.49	119	0	40		116	0	44	
0254	95254	LOS BANOS #		184	100	54.35	90	0	10		86	0	14	
0255	95255	LOS BANOS #		170	96	56.47	73	0	23		73	0	23	
0256	95256	LOS BANOS #		44	33	75.00	25	0	8		24	0	9	
GRAND TOTALS				14238	8611	60.48	6533	3	2018		6375	0	2186	

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE NOVEMBER 6, 2018,
GUBERNATORIAL GENERAL ELECTION**

STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

I, **Barbara J. Levey**, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the **Gubernatorial General Election** held in said County on **November 6, 2018**, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this **2nd** day of **December 2018** at the **County of Merced**.



Registrar of Voters
County of Merced
State of California



**HELP AMERICA VOTE ACT OF 2002
CERTIFICATION OF ELECTIONS OFFICIAL**

STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. §15483),

I, **Barbara J. Levey**, Registrar of Voters for the **County of Merced**, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the **6th day of November 2018**, in the **County of Merced**, State of California, and all elections consolidated therewith.

I hereby set my hand and official seal this **2nd day of December 2018** at the **County of Merced**.



Registrar of Voters
County of Merced
State of California





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 5, 2018

SUBJECT: Statement of Votes of Merced County General Election of November 6, 2018 Regarding Measure H, Los Banos Essential City Services Measure

TYPE OF REPORT: Agenda Item

Recommendation:

Adopt the resolution as submitted.

Discussion:

Attached please find a resolution for your review and consideration for accepting the results of the Merced County General Election held in the City of Los Banos on November 6, 2018 pertaining to Measure H – Establishing a ½ cent Per Dollar Transactions and Use Tax (Sales Tax) for a Period of Fifteen (15) Years. The Registrar of Voters certified the election results on December 2, 2018 as follows: Yes: 5542; No: 2774.

Reviewed by:

Alex Terrazas, City Manager

Attachments:

Resolution
Resolution No. 5981
Ordinance No. 1166

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF LOS BANOS
CERTIFYING RESULTS OF THE MERCED COUNTY
GENERAL ELECTION HELD IN THE CITY OF LOS
BANOS ON NOVEMBER 6, 2018 AS IT PERTAINS TO
MEASURE H, LOS BANOS ESSENTIAL CITY
SERVICES MEASURE**

WHEREAS, a General Election was held in the City of Los Banos on Tuesday, the 6th day of November, 2018 for the purpose of a measure seeking voter approval to establish a retail transactions and use tax (Sales Tax) at the rate of ½% (1/2 cent per dollar); and

WHEREAS, the County Clerk of the County of Merced conducted General Election as permitted by Section 2203 of the California Elections Code and City of Los Banos Resolution Nos. 5981; and

WHEREAS, said results of canvass of the said General Election were presented to the City Council of the City of Los Banos by the Merced County Registrar of Voters, said results being attached hereto and incorporated herein as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby accept said results of General Election held in the City of Los Banos on Tuesday, November 6, 2018 as it pertains to Measure H, Los Banos Essential City Services Measure.

BE IT FURTHER RESOLVED That as a result of the election, a majority of the voters voting on Measure H, Los Banos Essential City Services Measure did vote in favor of it, and that the measure was passed, and Ordinance No. 1166 attached hereto shall be deemed adopted and ratified.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of December 2018, by Council Member __ who moved its adoption, which motion was duly seconded by Council Member __, and the Resolution adopted by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

OFFICIAL CANVASS

GUBERNATORIAL GENERAL ELECTION
 COUNTY OF MERCED
 NOVEMBER 6, 2018

CERTIFIED FINAL RESULTS

PRINTED 12/03/18, 09:01 AM

PAGE 209

20 PRECINCTS	R	V	T	MEASURE H - MAJORITY VOTE REQUIRED CITY OF LOS BANOS			
	E	B	P	Y	N	O	U
	O	C	U	e	o	V	V
	G	A	E	s	(NON)	O	N
	T	A	R	(NON)	(NON)	V	O
	I	A	R			O	V
	E	A	R			V	O
	S	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R			O	V
	R	A	R			O	V
	T	A	R			O	V
	S	A	R			O	V
	E	A	R				

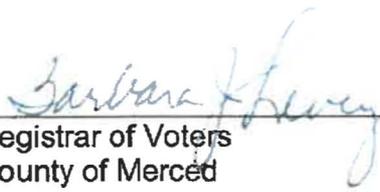
20 PRECINCTS			R V	B C	T P	MEASURE H - MAJORITY VOTE REQUIRED CITY OF LOS BANOS			
			E O	A A	U E			O V	U V
			G T	L S	R R			V O	N O
			I E	L T	N C			E T	D T
			S R	O	O E			R E	E E
			T S	T S	U N			S	R S
			E	S	T T	Y	N		
			R		A	e	o		
			E		G	s	(NON)		
			D		E	(NON)	(NON)		
0107	05107	LOS BANOS #	764	469	61.39	285	159	0	24
0108	05108	LOS BANOS #	976	568	58.20	345	199	0	21
0109	05109	LOS BANOS #	825	531	64.36	314	197	0	20
0110	05110	LOS BANOS #	780	577	73.97	372	197	0	10
0111	05111	LOS BANOS #	949	505	53.21	328	159	0	17
0112	05112	LOS BANOS #	474	295	62.24	189	101	0	7
0113	05113	LOS BANOS #	1000	633	63.30	419	193	0	17
0114	05114	LOS BANOS #	525	445	84.76	241	195	0	6
0115	05115	LOS BANOS #	1099	704	64.06	481	207	0	15
0116	05116	LOS BANOS #	1004	587	58.47	404	163	0	19
0117	05117	LOS BANOS #	1130	663	58.67	457	193	0	14
0118	05118	LOS BANOS #	1434	773	53.91	536	193	0	42
0119	05119	LOS BANOS #	848	551	64.98	320	208	0	23
0120	05120	LOS BANOS #	788	453	57.49	303	133	1	15
0121	05121	LOS BANOS #	589	291	49.41	177	109	0	6
0122	05122	LOS BANOS #	370	176	47.57	121	50	0	4
0123	05123	LOS BANOS #	285	161	56.49	101	53	0	5
0254	95254	LOS BANOS #	184	100	54.35	63	33	0	3
0255	95255	LOS BANOS #	170	96	56.47	60	27	0	9
0256	95256	LOS BANOS #	44	33	75.00	26	5	0	2
GRAND TOTALS			14238	8611	60.48	5542	2774	1	279

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE NOVEMBER 6, 2018,
GUBERNATORIAL GENERAL ELECTION**

STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

I, **Barbara J. Levey**, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the **Gubernatorial General Election** held in said County on **November 6, 2018**, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this **2nd** day of **December 2018** at the **County of Merced**.



Registrar of Voters
County of Merced
State of California



**HELP AMERICA VOTE ACT OF 2002
CERTIFICATION OF ELECTIONS OFFICIAL**

STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. §15483),

I, **Barbara J. Levey**, Registrar of Voters for the **County of Merced**, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the **6th day of November 2018**, in the **County of Merced**, State of California, and all elections consolidated therewith.

I hereby set my hand and official seal this **2nd day of December 2018** at the **County of Merced**.



Registrar of Voters
County of Merced
State of California



RESOLUTION NO. 5981

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, CALIFORNIA, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN ITS JURISDICTION ON NOVEMBER 6, 2018 FOR THE PURPOSE OF SUBMITTING TO VOTERS A GENERAL TAX MEASURE, TO ESTABLISH A RETAIL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF 1/2% (1/2 CENT PER DOLLAR); REQUESTING THE MERCED COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE CONDUCTED ON THE SAME DATE AND TO PERMIT THE ELECTIONS DEPARTMENT TO PROVIDE ELECTION SERVICES; AND SETTING RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID MEASURE

WHEREAS, Los Banos' location, housing affordability, and small-town way of life places the City of Los Banos in one of the fastest growing areas in California and the City's core services must keep up with that growth; and

WHEREAS, combatting gangs and drugs and maintaining our 911 police/fire response systems are critical to keeping residents safe and preserving their quality of life; and

WHEREAS, voter-approved funding will help to address City service needs that Los Banos residents have indicated are important to them, including: answering 911 calls and maintaining police/fire response times, repairing local streets and roads, maintaining clean drinking water, preventing theft and auto-related crimes, keeping taxpayer dollars local, preventing residential property crimes, burglary or robbery, maintaining or expanding anti-gang or youth violence prevention programs, and maintaining or expanding neighborhood police patrols; and

WHEREAS, voter-approved funding will provide funds for Los Banos that by law cannot be taken by the State; and

WHEREAS, the proposed measure provides local control over local funds for local needs; and

WHEREAS, the proposed measure requires accountability provisions such as independent citizen oversight, mandatory financial audits, and annual updates to the community so that the public knows exactly how the funds are being spent; and

WHEREAS, the City Council of the City of Los Banos is authorized to levy a Transactions and Use Tax ("Sales Tax") for general purposes pursuant to California Revenue and Taxation Code section 7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII C, Section 2 of the California Constitution ("Proposition 218"); and

WHEREAS, the Sales Tax is a general tax, the revenue of which is to be placed in the City's general fund and used to pay for important general City services; and

WHEREAS, pursuant to Section 9222 of the California Elections Code, the City Council has authority to place propositions on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters a measure establishing a Sales Tax for a period of fifteen (15) years unless extended by voters] at a rate of 1/2% (1/2 cent per dollar) on the sale and/or use of all tangible personal property sold at retail in the City; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be approved by a majority vote of the voters; and

WHEREAS, pursuant to Proposition 218, any general tax measure submitted to the voters must be consolidated with a regularly scheduled election for members of the City Council, unless the City Council places it on a special election, by a unanimous vote, and upon finding that there exists an emergency requiring an election to be conducted earlier than the next regularly scheduled election at which City Council members are to be elected; and

WHEREAS, the next regularly scheduled General Municipal Election for the election of members of the City Council will be held on Tuesday, November 6, 2018; and

WHEREAS, the City Council also desires to consolidate the election for the ballot measure described herein with the Statewide General Election to be held on November 6, 2018; and

WHEREAS, pursuant to California Elections Code, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the Measure described herein; and

WHEREAS, the specific terms relating to the Sales Tax are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit "A" (the "Ordinance") and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Banos does hereby declare, determine, and order as follows:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Measure. Pursuant to California Revenue and Taxation Code Section 7285.9, California Elections Code Section 9222, and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, by a 2/3 supermajority vote, hereby calls and orders to be held in the City of Los Banos on Tuesday, November 6, 2018, a General Municipal Election for the purpose of submitting the ballot measure ordinance attached hereto as Exhibit "A" and incorporated herein by this reference to the qualified voters of the City, the "Measure", with said election to be held and consolidated with the Statewide General Election on Tuesday, November 6, 2018.

SECTION 3. Ballot Question. The City Council hereby orders submitted to the qualified voters on the ballot for the election to be held at the General Municipal Election to be consolidated with the Statewide General Election on Tuesday, November 6, 2018, the following ballot question:

Los Banos Essential City Services Measure. To maintain fiscal stability; neighborhood police patrols; police/firefighter recruitment/retention; rapid emergency/medical response times; anti-gang/youth violence prevention programs; pothole/road repairs; answer 911 calls; prevent theft, property, burglary, robbery, auto-related crimes; essential City services; shall the measure be adopted approving an ordinance establishing a half-cent sales tax, raising approximately \$2,500,000 annually for 15 years, with citizens' oversight, independent audits, and all funds spent locally?	YES	(+)
	NO	(+)

SECTION 4. The Ordinance. The complete text of the Ordinance to be approved by the voters is attached hereto as Exhibit "A". The City Council approves the form and content of the Ordinance and approves submitting the Ordinance to the voters at the Tuesday, November 6, 2018, election.

SECTION 5. Election Procedures.

A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 6, 2018, and to hold and conduct the consolidated election in the manner prescribed in Elections Code Section 10418 and the Board of Supervisors of Merced County is hereby requested to consent to the consolidation of this election with the Statewide General Election on the same date.

B. The ballots to be used at the election shall be in the form and content as required by law.

C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Merced County is hereby requested to consent to having the Merced County Registrar of Voters render such election services to the City of Los Banos as may be requested by the City Clerk of said City, the County of Merced will be reimbursed in full for such services as are performed.

D. The consolidated election shall be held and conducted, elections officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, and all other proceedings incidental to and connected with the elections shall be regulated and done by the Merced County Registrar of Voters in accordance with the provisions of law regulating a regularly scheduled consolidated election. The Merced County Board of Supervisors is hereby requested to issue to all officers of the County charged with duties pertaining to the November 6, 2018, election instructions to take any and all steps necessary for the holding of a consolidated election pursuant to California Elections Code sections 10400-10418.

E. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City of Los Banos that are consolidated with any other election.

G. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 5. Impartial Analysis. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure in accordance with section 9280 of the Elections Code showing the effect of the measure on existing law and the operation of the measure.

SECTION 6. Primary Arguments. Arguments in favor of or against the ballot measure and rebuttal arguments may be submitted in accordance with sections 9282-9285 of the Elections Code of the State of California. The provisions of said sections 9282-9285 are hereby adopted and shall apply to this election. The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be Wednesday, August 15, 2018, at 5:00 p.m.

SECTION 7. Rebuttals. The City Council adopts the provisions of subdivision (a) of Section 9285 of the Elections Code to permit rebuttal arguments, if arguments have been filed in favor of and against the measure which is being submitted to the voters of the City at this election. Rebuttal arguments shall be filed not later than 5:00 p.m. on August 24, 2018.

SECTION 8. Full Text of Measure. The full text of the Ballot Measure/Ordinance shall be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the full text of the ordinance contained in Exhibit "A", at no cost, upon request made to the City Clerk 520 J Street, Los Banos California, (209) 827-7000, or on the City of Los Banos website at www.losbanos.org.

SECTION 9. Delivery of Resolution to Merced County. The City Clerk shall certify to the passage and adoption of this Resolution. The City Council directs the City Clerk to deliver certified copies of this Resolution, including the Ballot Ordinance attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Merced County and to the Registrar of Voters of Merced County.

SECTION 10. Notice. The City Clerk is hereby directed to cause notice of the measure to be published once in the *Los Banos Enterprise*, the official newspaper of the City, in accordance with section 12111 of Elections Code and section 6061 and the Government Code of the State of California.

SECTION 11. Additional Costs. The City of Los Banos recognizes that additional costs will be incurred by Merced County by reason of the requested consolidation and agrees to reimburse Merced County for such costs.

SECTION 12. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the City of Los Banos meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 13. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

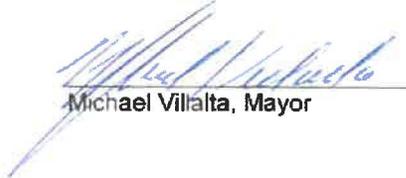
SECTION 14. Corrections. The City Clerk and the City Attorney are authorized to make any typographical, clerical, non-substantive corrections or additions to this Resolution as may be deemed necessary by the Merced County Registrar of Voters.

SECTION 15. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

ADOPTED The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 18th day of July 2018, by Council Member Faria who moved its adoption, which motion was duly seconded by Council Member Lewis and the Resolution adopted by the following vote:

AYES: Council Members Faria, Johnson-Santos, Lewis, Silveira,
Mayor Villalta
NOES: None
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk

EXHIBIT "A"

ORDINANCE NO. ____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF LOS BANOS, CALIFORNIA ADDING CHAPTER 12.2 TO TITLE 3 OF THE LOS BANOS MUNICIPAL CODE TO ESTABLISH A 1/2% (1/2 CENT PER DOLLAR) TRANSACTIONS AND USE TAX (SALES TAX) FOR A PERIOD OF FIFTEEN YEARS

THE PEOPLE OF THE CITY OF LOS BANOS DO HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 12.2 is hereby added to Title 3 of the Los Banos Municipal Code ("Finance") and shall read as follows:

"3-12.2.01. Title. This chapter shall be known as the Los Banos Essential City Services Measure. The City of Los Banos hereinafter shall be called "City." This chapter shall be applicable in the incorporated territory of the City.

3-12.2.02. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date of this chapter, the effective date being as set forth below.

3-12.2.03. Purpose. This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Cal. Revenue and Taxation Code and § 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax chapter which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3-12.2.04. Contract with State. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3-12.2.05. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half percent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3-12.2.06. Place of Sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3-12.2.07. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of one-half percent (1/2%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3-12.2.08. Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Cal. Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3-12.2.09. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.

4. In §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Cal. Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in § 6203 of the Cal. Revenue and Taxation Code and in the definition of that phrase in § 6203.

3-12.2.10. Permit Not Required. If a seller's permit has been issued to a retailer under § 6067 of the Cal. Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3-12.2.11. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection (B)(2), delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subsections (B)(3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in §§ 6366 and 6366.1 of the Cal. Revenue and Taxation Code.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subsections (C)(3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subsection (C)(7) of this section, a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Cal. Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3-12.2.12. Citizens' Oversight and Accountability. In order to provide for citizens' oversight, transparency and accountability in connection with expenditures of tax revenues generated under the terms of this chapter, the City shall do the following:

A. **Citizens' Oversight Committee.** Prior to the operative date, the City Council shall (a) adopt a resolution establishing the composition of a committee of no more than five (5) residents of the City to review, make recommendations, and annually report on the revenue and expenditure of the funds from the tax adopted by this ordinance, (b) define the scope of the committee's responsibilities, and (c) appoint at least a quorum of the members of the committee. City employees, consultants, or vendors are expressly precluded from serving as members of the

committee. The committee's reports shall be presented to the City Council and made available to the public.

B. Annual Audit. By no later than December 31 of each year, the City shall cause an independent auditor to complete a Los Banos Essential City Services Measure Report.” Such report shall review whether the tax revenues collected pursuant to this ordinance are collected, managed and expended in accordance with the requirements of this chapter.

C. Accounting. All revenue generated by the tax (“Los Banos Essential City Services Measure Revenues”) shall be accounted in the General Fund as a separate line item entitled “Los Banos Essential City Services Measure Revenues.” Measure revenues and expenditures will be tracked and accounted for by City Finance Department staff in accordance with Generally Accepted Accounting Principles (GAAP), and presented annually in a report to the Citizens’ Oversight Committee.

3-12.2.13. Amendments of the Revenue and Taxation Code All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Cal. Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3-12.2.14. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3-12.2.15. Amendments by City Council. The following amendments to this Ordinance must be approved by the voters of the City: increasing the tax rate; revising the methodology for calculating the tax, such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of law); or terminating the tax. The City Council may otherwise amend this Ordinance without submitting the amendment to the voters for approval in any manner which does not constitute a tax “increase” as that term is defined in Government Code section 53750(h).

3-12.2.16. Use of Proceeds. The proceeds from the tax imposed by this Ordinance shall be for unrestricted general revenue purposes of the City and shall be received into the general fund of the City. Nothing in this Ordinance shall constitute the tax imposed under this Ordinance as a special tax, or bind the City to use the proceeds for any specific purpose or function; the City Council shall retain discretion to expend the proceeds of the tax for any lawful purpose of the City.

3-12.2.17. Termination Date. The authority to levy the tax imposed by this chapter shall automatically expire on fifteen (15) years from the effective date of this chapter, without further

action by the City Council or the voters of the City. After said date, the tax imposed by this chapter can only be continued or reestablished by a majority vote of Los Banos voters pursuant to California Proposition 218.”

Section 2: If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3: Pursuant to California Revenue and Taxation Code Section 7285.9, this ordinance was approved for placement on the ballot by at least a two-third (2/3) supermajority of all members of the City Council on July 18, 2018.

Section 4: Once the City Council certifies passage of this ordinance by the voters, the City Clerk shall publish the same as required by applicable law, and forward a copy of the adopted ordinance to the Board of Equalization.

Section 5: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 6: Pursuant to Elections Code Section 9217, this ordinance shall be deemed adopted and become effective only if approved by a majority of the eligible voters of the City of Los Banos voting thereon, at an election to be held on November 6, 2018, and shall take effect ten (10) days after the City Council has certified the results of that election by resolution.

Section 7: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the City of Los Banos voting on the 6th day of November, 2018.

By: _____
MICHAEL VILLALTA, Mayor

ATTEST:

LUCILLE MALONNEE, City Clerk

ORDINANCE NO. 1166

AN ORDINANCE OF THE PEOPLE OF THE CITY OF LOS BANOS, CALIFORNIA ADDING CHAPTER 12.2 TO TITLE 3 OF THE LOS BANOS MUNICIPAL CODE TO ESTABLISH A 1/2% (1/2 CENT PER DOLLAR) TRANSACTIONS AND USE TAX (SALES TAX) FOR A PERIOD OF FIFTEEN YEARS

THE PEOPLE OF THE CITY OF LOS BANOS DO HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 12.2 is hereby added to Title 3 of the Los Banos Municipal Code ("Finance") and shall read as follows:

3-12.2.01. Title. This chapter shall be known as the Los Banos Essential City Services Measure. The City of Los Banos hereinafter shall be called "City." This chapter shall be applicable in the incorporated territory of the City.

3-12.2.02. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date of this chapter, the effective date being as set forth below.

3-12.2.03. Purpose. This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Cal. Revenue and Taxation Code and § 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax chapter which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative

procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3-12.2.04. Contract with State. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3-12.2.05. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half percent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3-12.2.06. Place of Sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3-12.2.07. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of one-half percent (1/2%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3-12.2.08. Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Cal. Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3-12.2.09. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.

4. In §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Cal. Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in § 6203 of the Cal. Revenue and Taxation Code and in the definition of that phrase in § 6203.

3-12.2.10. Permit Not Required. If a seller's permit has been issued to a retailer under § 6067 of the Cal. Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3-12.2.11. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection (B)(2), delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subsections (B)(3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in §§ 6366 and 6366.1 of the Cal. Revenue and Taxation Code.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subsections (C)(3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subsection (C)(7) of this section, a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Cal. Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or

retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3-12.2.12. Citizens' Oversight and Accountability. In order to provide for citizens' oversight, transparency and accountability in connection with expenditures of tax revenues generated under the terms of this chapter, the City shall do the following:

A. Citizens' Oversight Committee. Prior to the operative date, the City Council shall (a) adopt a resolution establishing the composition of a committee of no more than five (5) residents of the City to review, make recommendations, and annually report on the revenue and expenditure of the funds from the tax adopted by this ordinance, (b) define the scope of the committee's responsibilities, and (c) appoint at least a quorum of the members of the committee. City employees, consultants, or vendors are expressly precluded from serving as members of the committee. The committee's reports shall be presented to the City Council and made available to the public.

B. Annual Audit. By no later than December 31 of each year, the City shall cause an independent auditor to complete a Los Banos Essential City Services Measure Report." Such report shall review whether the tax revenues collected pursuant to this ordinance are collected, managed and expended in accordance with the requirements of this chapter.

C. Accounting. All revenue generated by the tax ("Los Banos Essential City Services Measure Revenues") shall be accounted in the General Fund as a separate line item entitled "Los Banos Essential City Services Measure Revenues." Measure revenues and expenditures will be tracked and accounted for by City Finance Department staff in accordance with Generally Accepted Accounting Principles (GAAP), and presented annually in a report to the Citizens' Oversight Committee.

3-12.2.13. Amendments of the Revenue and Taxation Code All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Cal. Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3-12.2.14. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3-12.2.15. Amendments by City Council. The following amendments to this Ordinance must be approved by the voters of the City: increasing the tax rate; revising the methodology for calculating the tax, such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of law); or terminating the tax. The City Council may otherwise amend this Ordinance without submitting the amendment to the voters for approval in any manner which does not constitute a tax "increase" as that term is defined in Government Code section 53750(h).

3-12.2.16. Use of Proceeds. The proceeds from the tax imposed by this Ordinance shall be for unrestricted general revenue purposes of the City and shall be received into the general fund of the City. Nothing in this Ordinance shall constitute the tax imposed under this Ordinance as a special tax, or bind the City to use the proceeds for any specific purpose or function; the City Council shall retain discretion to expend the proceeds of the tax for any lawful purpose of the City.

3-12.2.17. Termination Date. The authority to levy the tax imposed by this chapter shall automatically expire on fifteen (15) years from the effective date of this chapter, without further action by the City Council or the voters of the City. After said date, the tax imposed by this chapter can only be continued or reestablished by a majority vote of Los Banos voters pursuant to California Proposition 218."

Section 2: If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3: Pursuant to California Revenue and Taxation Code Section 7285.9, this ordinance was approved for placement on the ballot by at least a two-third (2/3) supermajority of all members of the City Council on July 18, 2018.

Section 4: Once the City Council certifies passage of this ordinance by the voters, the City Clerk shall publish the same as required by applicable law, and forward a copy of the adopted ordinance to the Board of Equalization.

Section 5: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 6: Pursuant to Elections Code Section 9217, this ordinance shall be deemed adopted and become effective only if approved by a majority of the eligible

voters of the City of Los Banos voting thereon, at an election to be held on November 6, 2018, and shall take effect ten (10) days after the City Council has certified the results of that election by resolution.

Section 7: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the City of Los Banos voting on the 6th day of November, 2018.

By: _____
MICHAEL VILLALTA, Mayor

ATTEST:

LUCILLE MALLONEE, City Clerk



City of
Los Banos
At the Crossroads of California

RESOLUTION NO. _____

**A RESOLUTION OF COMMENDATION TO
SCOTT SILVEIRA**

WHEREAS, SCOTT SILVEIRA was elected as Council Member of Los Banos on November 4, 2010; and

WHEREAS, SCOTT SILVEIRA has faithfully served the City of Los Banos and its City Council for 8 years as Council Member; and

WHEREAS, by his devotion to his duties SCOTT SILVEIRA has greatly contributed to the governmental process of the City of Los Banos; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it hereby expresses its sincere gratitude and appreciation to SCOTT SILVEIRA for his service to the City of Los Banos in his capacity of Council Member.

BE IT FURTHER RESOLVED that an embossed copy of this resolution be presented to SCOTT SILVEIRA.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Los Banos held on the 5th day of December 2018 by the following affirmative vote:

APPROVED:

Michael Villalta, Mayor

Tom Faria, Council Member

Deborah Lewis, Council Member

Daronica Johnson-Santos, Council Member

Brett Jones, Council Member

ATTEST:

Lucille L. Mallonee, City Clerk

Alex Terrazas, City Manager

CK # 213349 - # 213779

12/05/2018

\$1,510,718.44

Bank Reconciliation

Checks by Date

User: rsouto
 Printed: 11/27/2018 - 1:41PM
 Cleared and Not Cleared Checks
 Print Void Checks



City of
Los Banos
At the Crossroads of California

Check No	Check Date	Name	Module	Void	Clear Date	Amount
213351	10/31/2018	Benjamin Cortopassi	AP			31.39
213354	11/1/2018	Benjamin Cortopassi	AP			76.00
213364	11/2/2018	American Planning Association, CA Chapter	AP			389.00
213365	11/2/2018	Henry A Anderson Jr	AP			137.01
213366	11/2/2018	Animal Damage Management, Inc.	AP			225.00
213367	11/2/2018	Aramark Uniform Ser Inc	AP			519.31
213368	11/2/2018	BlueTarp Financial, Inc.	AP			69.99
213369	11/2/2018	BSK Associates	AP			2,765.00
213370	11/2/2018	Cal Traffic	AP			800.89
213371	11/2/2018	Challenger Teamwear	AP			45.25
213372	11/2/2018	Manuel A Avila	AP			142.62
213373	11/2/2018	Clark Pest Control Inc	AP			93.00
213374	11/2/2018	Comcast	AP			112.45
213375	11/2/2018	Copware Inc	AP			840.00
213376	11/2/2018	Copy Shipping Solutions	AP			120.32
213377	11/2/2018	CPS	AP			976.50
213378	11/2/2018	City of Los Banos Utility	AP			32,137.19
213379	11/2/2018	Dept of Housing & Community Development State NSP	AP			13,437.00
213380	11/2/2018	Dept of Transportation	AP			7,723.33
213381	11/2/2018	Fast Track Car Wash	AP			266.00
213382	11/2/2018	Jerry Witt	AP			2,389.00
213383	11/2/2018	Key Seal Products, Inc.	AP			97.09
213384	11/2/2018	Lawson Products, Inc.	AP			107.21
213385	11/2/2018	Lucas Business Systems	AP			2,901.63
213386	11/2/2018	Los Banos Unified School District	AP			600.00
213387	11/2/2018	Marfab Inc	AP			1,012.92
213388	11/2/2018	Matson Alarm Co Inc	AP			181.00
213389	11/2/2018	Merced County Sheriff	AP			50.00
213390	11/2/2018	Merced Truck & Trailer Inc	AP			145.78
213391	11/2/2018	MOO, Inc.	AP			97.30
213392	11/2/2018	Napa Auto Parts of Los Banos	AP			17.80
213393	11/2/2018	OSE	AP			231.59
213394	11/2/2018	O'Reilly Auto Parts	AP			362.72
213395	11/2/2018	PG&E Company	AP			135,881.63
213396	11/2/2018	PG&E Company	AP			5,213.13
213397	11/2/2018	PSG Fencing Corp.	AP			945.00
213398	11/2/2018	PV Business Solutions, Inc.	AP			298.50
213399	11/2/2018	Jazmin Pastrana	AP			600.00
213400	11/2/2018	Jeremy Rahn	AP			739.86
213401	11/2/2018	Rick's Auto Body	AP			1,013.75
213402	11/2/2018	Meliza Ramirez	AP			350.00
213403	11/2/2018	Santos Ford Inc.	AP			1,273.12

213404	11/2/2018 SoCal Sealcoat Solutions. LLC	AP	9,766.04
213405	11/2/2018 Sorensens True Value	AP	326.09
213406	11/2/2018 Stantec Consulting Services, Inc.	AP	22,188.27
213407	11/2/2018 USA Blue Book	AP	1,213.84
213408	11/2/2018 Westside Water Conditioning	AP	20.00
213409	11/2/2018 Windecker Inc	AP	2,627.98
213410	11/2/2018 Matthew Culley	AP	879.82
213411	11/2/2018 Aflac-Customer Service	AP	494.24
213412	11/2/2018 Bruce's Tire Inc	AP	7,821.60
213413	11/2/2018 In Shape Health Clubs Inc	AP	749.22
213414	11/2/2018 Los Banos Police Assn	AP	350.00
213415	11/2/2018 Los Banos Police Assn	AP	175.00
213416	11/2/2018 Los Banos Police Assn	AP	1,539.00
213417	11/2/2018 MassMutual	AP	1,400.72
213418	11/2/2018 MassMutual	AP	4,067.50
213419	11/2/2018 Merced County Sheriff	AP	150.00
213420	11/2/2018 Nationwide Retirement Solutions	AP	2,877.50
213421	11/2/2018 Professional Fire Fighter	AP	630.00
213422	11/2/2018 State Disbursement Unit	AP	1,168.50
213423	11/2/2018 Tupua Construction	AP	8,326.34
213424	11/2/2018 Vantagepont Transfer Agents - 306797	AP	969.00
213425	11/2/2018 Vantagepoint Transfer Agents - 705827	AP	25.00
213426	11/2/2018 Vantagepoint Transfer Agents - 801838	AP	3,700.00
213434	11/9/2018 Alhambra	AP	65.11
213435	11/9/2018 Accela, Inc.	AP	1,566.00
213436	11/9/2018 Alert-O-Lite, Inc.	AP	681.91
213437	11/9/2018 All American Plumbing	AP	29.00
213438	11/9/2018 Ameripride Services	AP	229.49
213439	11/9/2018 Aramark Uniform Ser Inc	AP	536.10
213440	11/9/2018 AT&T	AP	54.32
213441	11/9/2018 Dorothy June Baker	AP	75.28
213442	11/9/2018 BJ's Consumers Choice	AP	234.00
213443	11/9/2018 Borelli Real Estate Service, Inc.	AP	270.00
213444	11/9/2018 Brenntag Pacific Inc	AP	4,147.05
213445	11/9/2018 BSK Associates	AP	8,625.00
213446	11/9/2018 Ca Dept of Justice	AP	676.50
213447	11/9/2018 California Municipal Statistics, Inc.	AP	450.00
213448	11/9/2018 Central Valley Toxicology, Inc	AP	225.00
213449	11/9/2018 Chabin Concepts, Inc.	AP	5,643.75
213450	11/9/2018 Manuel A Avila	AP	298.23
213451	11/9/2018 Copy Shipping Solutions	AP	10.98
213452	11/9/2018 CPS	AP	614.75
213453	11/9/2018 CSMFO	AP	330.00
213454	11/9/2018 Edges Electrical Group, LLC	AP	366.20
213455	11/9/2018 Employee Relations, Inc.	AP	50.00
213456	11/9/2018 Farmer Brothers Coffee	AP	113.14
213457	11/9/2018 Fastenal Company	AP	232.37
213458	11/9/2018 Federal Express Corporation	AP	10.84
213459	11/9/2018 Ferguson Enterprises Inc DBA Groeniger & Company	AP	6,094.55
213460	11/9/2018 Floyd Johnston Construction Co., Inc.	AP	19,897.07
213461	11/9/2018 Golden State Flow Measurement	AP	3,896.94
213462	11/9/2018 Gouveia Engineering Inc.	AP	13,153.12
213463	11/9/2018 Great West Equipment, Inc	AP	421.57
213464	11/9/2018 Hoffman Electronic Systems	AP	125.00
213465	11/9/2018 JC's Pure Water & More	AP	25.00
213466	11/9/2018 Kings View Corporation	AP	400.00
213467	11/9/2018 Lexipol LLC	AP	5,897.00

213468	11/9/2018 Los Banos Medical Group A Medical Corp.	AP	100.00
213469	11/9/2018 Lucas Business Systems	AP	756.32
213470	11/9/2018 Marfab Inc	AP	317.26
213471	11/9/2018 McElvany Inc	AP	10,254.25
213472	11/9/2018 MC Industries Inc.	AP	1,171.91
213473	11/9/2018 Merced Truck & Trailer Inc	AP	582.18
213474	11/9/2018 Monterey Auto Services Inc.	AP	382.25
213475	11/9/2018 MOO, Inc.	AP	250.28
213476	11/9/2018 Morning Star Company	AP	250.00
213477	11/9/2018 N & S Tractor Inc	AP	14,068.38
213478	11/9/2018 Napa Auto Parts of Los Banos	AP	53.90
213479	11/9/2018 NDN International LLC	AP	1,111.05
213480	11/9/2018 The Office City	AP	33.58
213481	11/9/2018 OSE	AP	476.87
213482	11/9/2018 O'Reilly Auto Parts	AP	586.95
213483	11/9/2018 PG&E Company	AP	9.86
213484	11/9/2018 The Phone Connection Inc	AP	2,913.63
213485	11/9/2018 Provost and Pritchard Engineering, Inc.	AP	9,804.50
213486	11/9/2018 Jeremy Rahn	AP	1,350.00
213487	11/9/2018 Restoration Inc.	AP	350.00
213488	11/9/2018 Yanet Reyes	AP	400.00
213489	11/9/2018 Santos Ford Inc.	AP	181.58
213490	11/9/2018 Save Mart Supermarkets	AP	209.43
213491	11/9/2018 Sharpening Shop	AP	194.15
213492	11/9/2018 Shred-It US JV LLC	AP	244.68
213493	11/9/2018 Robert & Susan Hansen	AP	119.08
213494	11/9/2018 Sorensens True Value	AP	302.49
213495	11/9/2018 Sorensens True Value	AP	16.47
213496	11/9/2018 Sprint Solutions, Inc.	AP	227.94
213497	11/9/2018 Stantec	AP	600.00
213498	11/9/2018 T & T Pavement Markings and Products, Inc.	AP	1,841.85
213499	11/9/2018 Technicon Engineering Services, Inc.	AP	3,040.00
213500	11/9/2018 Terminix Processing Center	AP	94.00
213501	11/9/2018 The Lew Edwards Group	AP	10,645.00
213502	11/9/2018 Top Dog Police K9 Training and Consulting, LLC	AP	350.00
213503	11/9/2018 Tractor Supply Credit Plan	AP	284.85
213504	11/9/2018 Home Sweet Home Property Management	AP	45.20
213505	11/9/2018 Edson Fontoura	AP	30.79
213506	11/9/2018 D.R. Horton	AP	66.71
213507	11/9/2018 Troy Burton	AP	10.60
213508	11/9/2018 Mohammed Ibrahim	AP	45.21
213509	11/9/2018 D.R. Horton	AP	65.29
213510	11/9/2018 Frederick Duke	AP	65.39
213511	11/9/2018 Irineo and Juanita Naranjo	AP	19.26
213512	11/9/2018 Martha Meza	AP	7.38
213513	11/9/2018 Westhill Real Estate, Tony	AP	53.87
213514	11/9/2018 Howard Tello	AP	21.63
213515	11/9/2018 Linda Liu	AP	45.21
213516	11/9/2018 The James P. Silva 2013 Trust	AP	33.18
213517	11/9/2018 Brittany Herrera	AP	13.49
213518	11/9/2018 Everardo Mejia Panduro	AP	13.49
213519	11/9/2018 Joseph Pena	AP	68.28
213520	11/9/2018 Roy Zarate, Sr.	AP	47.15
213521	11/9/2018 Blake Ketcher	AP	7.78
213522	11/9/2018 Sergio Ochoa	AP	27.91
213523	11/9/2018 Verizon Wireless	AP	0.76
213524	11/9/2018 Windecker Inc	AP	16,338.73

213525	11/9/2018 Zee Medical Service Co	AP		386.16
213526	11/9/2018 Chevron Usa Inc	AP		339.66
213527	11/9/2018 City of Los Banos/Cash	AP	Void	772.73
213528	11/9/2018 Employment Development Dept	AP		1,580.00
213529	11/9/2018 Fernando Garcia	AP		350.00
213530	11/9/2018 Premier Access Insurance Co.	AP		18,513.82
213531	11/9/2018 Sun Life Financial	AP		6,628.52
213532	11/9/2018 Xerox Financial Services	AP		2,453.13
213533	11/16/2018 City of Los Banos Escrow Account	AP		772.73
213534	11/16/2018 Ford Motor Credit Company LLC	AP		4,420.32
213535	11/16/2018 Ford Motor Credit Company LLC	AP		1,307.85
213536	11/16/2018 Fernando Garcia	AP		642.50
213537	11/16/2018 Mary Lou Gilardi	AP		13.47
213538	11/16/2018 Los Banos Designated Local Authority	AP		30,100.00
213539	11/16/2018 Merced County Recorders	AP		20.00
213540	11/16/2018 Ronny's Inc.	AP		39,315.15
213541	11/16/2018 Ronny's Inc.	AP		4,420.00
213542	11/16/2018 Ronny's Inc.	AP		11,827.39
213543	11/16/2018 TargetSolutions Learning LLC	AP		1,520.00
213544	11/16/2018 Law Offices of William A Vaughn	AP		7,717.50
213545	11/16/2018 A & A Portables Inc	AP		741.76
213546	11/16/2018 Henry A Anderson Jr	AP		372.35
213547	11/16/2018 Anderson Pump Company Inc	AP		550.00
213548	11/16/2018 Aramark Uniform Ser Inc	AP		443.21
213549	11/16/2018 AT&T	AP		731.54
213550	11/16/2018 Bank of New York Mellon	AP		2,098.80
213551	11/16/2018 BJ's Consumers Choice	AP		134.00
213552	11/16/2018 Brenntag Pacific Inc	AP		2,883.78
213553	11/16/2018 Brinks Inc.	AP		691.74
213554	11/16/2018 BSK Associates	AP		1,232.00
213555	11/16/2018 Ca Dept of Justice	AP		1,332.00
213556	11/16/2018 Central Valley Toxicology, Inc	AP		78.00
213557	11/16/2018 Centro Business Forms Inc.	AP		243.61
213558	11/16/2018 Central Sanitary Supply	AP		202.07
213559	11/16/2018 Clark Pest Control Inc	AP		93.00
213560	11/16/2018 Comcast	AP		10.56
213561	11/16/2018 CSG Consultants Inc.	AP		26,741.04
213562	11/16/2018 LN Curtis & Sons	AP		12,237.66
213563	11/16/2018 Edges Electrical Group, LLC	AP		481.06
213564	11/16/2018 E.S. Inc dba Energy Systems	AP		513.48
213565	11/16/2018 Fastenal Company	AP		97.33
213566	11/16/2018 Federal Express Corporation	AP		49.61
213567	11/16/2018 Ferrellgas, Inc.	AP		285.12
213568	11/16/2018 Frasier Irrigation, Inc.	AP		12.28
213569	11/16/2018 Fresno Police Department R.T.C.	AP		400.00
213570	11/16/2018 Galls Inc	AP		125.18
213571	11/16/2018 Government Revenue Solutions Holdings I, LLC	AP		755.57
213572	11/16/2018 GSE Construction Co., Inc.	AP		305,601.70
213573	11/16/2018 Hach Company	AP		76.10
213574	11/16/2018 Holt of California	AP		1,554.58
213575	11/16/2018 IIMC	AP		320.00
213576	11/16/2018 IDM Worldwide	AP		345.70
213577	11/16/2018 Ingraham Trophies	AP		651.28
213578	11/16/2018 Johnnie's Cleaners	AP		211.50
213579	11/16/2018 David A Jones	AP		2,075.00
213580	11/16/2018 Liquivision Technology	AP		4,825.00
213581	11/16/2018 Los Banos Medical Group A Medical Corp.	AP		680.00

213582	11/16/2018 Marfab Inc	AP	197.36
213583	11/16/2018 Matrix Consulting Group, Ltd.	AP	4,960.00
213584	11/16/2018 Merced Sun Star	AP	467.21
213585	11/16/2018 MOO, Inc.	AP	44.85
213586	11/16/2018 MSI Fuel Management, Inc.	AP	16,440.94
213587	11/16/2018 NDN International LLC	AP	238.13
213588	11/16/2018 The Office City	AP	732.50
213589	11/16/2018 OSE	AP	404.99
213590	11/16/2018 O'Reilly Auto Parts	AP	607.60
213591	11/16/2018 Pitney Bowes Inc	AP	122.37
213592	11/16/2018 Price Paige and Company Accountancy Corporation	AP	12,805.00
213593	11/16/2018 Protech Security & Electronics, Inc.	AP	174.00
213594	11/16/2018 Jeremy Rahn	AP	384.76
213595	11/16/2018 San Joaquin River Exchange Contractors Groundwater	AP	29.25
213596	11/16/2018 Save Mart Supermarkets	AP	279.65
213597	11/16/2018 Sharpening Shop	AP	389.59
213598	11/16/2018 Sherwin Williams Co	AP	295.36
213599	11/16/2018 Sonitrol	AP	339.00
213600	11/16/2018 Sorensens True Value	AP	356.93
213601	11/16/2018 Sorensens True Value	AP	85.60
213602	11/16/2018 Stanley Access Technologies LLC	AP	570.38
213603	11/16/2018 SWRCB Accounting Office	AP	1,400.00
213604	11/16/2018 Edna Saucillo	AP	350.00
213605	11/16/2018 Jaclyn Solorio	AP	600.00
213606	11/16/2018 Terryberry Company LLC	AP	226.32
213607	11/16/2018 Michael Nguyen	AP	91.34
213608	11/16/2018 Amanda Villeda	AP	173.02
213609	11/16/2018 La Flamme Living Trust	AP	3,236.37
213610	11/16/2018 Maryanne Vincent	AP	70.00
213611	11/16/2018 Palmer and Patricia McCoy	AP	13.49
213612	11/16/2018 Jorge Hernandez Guzman	AP	13.49
213613	11/16/2018 Robert & Irene Michaud	AP	13.49
213614	11/16/2018 Sr. Jonathan & Alice Pigg	AP	70.00
213615	11/16/2018 Beatriz Gonzalez	AP	13.49
213616	11/16/2018 DLP Real Estate, Inc.	AP	13.49
213617	11/16/2018 Luis & Benita Hernandez	AP	100.00
213618	11/16/2018 Julie and Mark Carreiro	AP	72.16
213619	11/16/2018 Antonio Veloso Jr.	AP	13.49
213620	11/16/2018 Carolina Avila	AP	13.49
213621	11/16/2018 Joseph Rebelo, Jr.	AP	100.00
213622	11/16/2018 Alicia Garcia	AP	13.49
213623	11/16/2018 Carlos Gonzalez	AP	100.00
213624	11/16/2018 Raul Gomez	AP	11.52
213625	11/16/2018 Javier Zambrano	AP	13.49
213626	11/16/2018 David Jammer	AP	13.49
213627	11/16/2018 Russell & Deborah Parman	AP	34.74
213628	11/16/2018 DLP Real Estate, Inc.	AP	10.21
213629	11/16/2018 Kathy or Tony Valdez, Jr	AP	13.49
213630	11/16/2018 Ramona Espinoza Ramirez	AP	100.00
213631	11/16/2018 Benito Villa	AP	13.49
213632	11/16/2018 Sylvia Pettit	AP	100.00
213633	11/16/2018 Manuel Velasquez	AP	51.48
213634	11/16/2018 Jose Rodriguez	AP	13.49
213635	11/16/2018 Stephen Or Jennifer Bascue	AP	13.49
213636	11/16/2018 Steffanie Garcia	AP	13.49
213637	11/16/2018 Linda Trejo	AP	13.49
213638	11/16/2018 Brenda Ornelas	AP	13.49

213639	11/16/2018	Rocio Acosta-Gonzalez	AP	100.00
213640	11/16/2018	Sean Wheeler	AP	100.00
213641	11/16/2018	Lucia Torres	AP	13.49
213642	11/16/2018	Robert Avila	AP	13.49
213643	11/16/2018	Samuel and Angela Jacquez	AP	100.00
213644	11/16/2018	Joyce Barci	AP	11.03
213645	11/16/2018	Heide Loristo	AP	13.49
213646	11/16/2018	Gregg E. and Luanne L. Wilson Trustees	AP	100.00
213647	11/16/2018	Rosie Cintora	AP	100.00
213648	11/16/2018	Zoomy's- Los Banos	AP	100.00
213649	11/16/2018	Darrell Moskowitz	AP	13.49
213650	11/16/2018	Josephine Donato	AP	13.49
213651	11/16/2018	Lisa Nakamoto	AP	100.00
213652	11/16/2018	Arturo & Magdalena Reyes	AP	13.49
213653	11/16/2018	Manuel Cubillos	AP	100.00
213654	11/16/2018	Nicholas Shumaker	AP	13.49
213655	11/16/2018	Sharon Lewis	AP	100.00
213656	11/16/2018	Jesus Hernandez	AP	100.00
213657	11/16/2018	Julie Martinez	AP	100.00
213658	11/16/2018	Bertha Rueda	AP	13.49
213659	11/16/2018	Vu Ta	AP	100.00
213660	11/16/2018	Isabel and Fabian Berrelleza	AP	13.49
213661	11/16/2018	Alberto Arreguin Lopez	AP	100.00
213662	11/16/2018	Antonio Ramos	AP	13.49
213663	11/16/2018	Gerardo Ramirez	AP	13.49
213664	11/16/2018	Susan Caballes	AP	13.49
213665	11/16/2018	Floyd Downer	AP	13.49
213666	11/16/2018	Thomas & Shayne Barker	AP	100.00
213667	11/16/2018	Alexander Castro	AP	13.49
213668	11/16/2018	Javier Cabrera Alvarado	AP	12.67
213669	11/16/2018	David Moranda	AP	100.00
213670	11/16/2018	Alvaro Vargas	AP	13.49
213671	11/16/2018	Rocio Otoy Segura	AP	13.49
213672	11/16/2018	Jose Jimenez	AP	13.49
213673	11/16/2018	Home Sweet Home Property Management	AP	100.00
213674	11/16/2018	Rigaberto Sanchez	AP	100.00
213675	11/16/2018	Godfrey and Kathleen Zaunbrecher	AP	13.49
213676	11/16/2018	Israel Ayala	AP	13.49
213677	11/16/2018	Terrisa Maxwell	AP	13.49
213678	11/16/2018	Jose Caldera	AP	13.49
213679	11/16/2018	Silvia Arce	AP	13.49
213680	11/16/2018	Sherry Laughman	AP	16.63
213681	11/16/2018	Jose Luis Rodriguez	AP	13.49
213682	11/16/2018	Westside Water Conditioning	AP	135.00
213683	11/16/2018	Willdan Financial Services	AP	2,655.00
213684	11/16/2018	Windecker Inc	AP	7,630.01
213685	11/16/2018	Matthew Culley	AP	162.38
213686	11/16/2018	Young's Air Conditioning	AP	1,623.00
213694	11/20/2018	Aflac-Customer Service	AP	494.24
213695	11/20/2018	Los Banos Fitness &	AP	398.00
213696	11/20/2018	Los Banos Police Assn	AP	350.00
213697	11/20/2018	Los Banos Police Assn	AP	175.00
213698	11/20/2018	Los Banos Police Assn	AP	1,539.00
213699	11/20/2018	MassMutual	AP	1,429.40
213700	11/20/2018	MassMutual	AP	4,067.50
213701	11/20/2018	Merced County Sheriff	AP	150.00
213702	11/20/2018	Nationwide Retirement Solutions	AP	2,877.50

213703	11/20/2018 Professional Fire Fighter	AP	630.00
213704	11/20/2018 State Disbursement Unit	AP	1,168.50
213705	11/20/2018 Vantagepont Transfer Agents - 306797	AP	944.00
213706	11/20/2018 Vantagepoint Transfer Agents - 705827	AP	25.00
213707	11/20/2018 Vantagepoint Transfer Agents - 801838	AP	3,375.00
213708	11/21/2018 Todd Carter	AP	60.00
213709	11/21/2018 Elizabeth Deeming	AP	168.00
213710	11/21/2018 Ford Motor Credit Company LLC	AP	3,689.59
213711	11/21/2018 Jason Hedden	AP	1,053.00
213712	11/21/2018 Los Banos High School	AP	360.00
213713	11/21/2018 Merced County Clerk	AP	2,330.75
213714	11/21/2018 Omar Mondragon	AP	36.00
213715	11/21/2018 Omar Mondragon	AP	60.00
213716	11/21/2018 Pacheco High School	AP	594.00
213717	11/21/2018 Miriam Rivas	AP	36.00
213718	11/21/2018 Ronny's Inc.	AP	8,950.00
213719	11/21/2018 Juan Soriano	AP	168.00
213720	11/21/2018 US Bank Corp Pymt System	AP	14,950.21
213721	11/21/2018 Westamerica Bank - Cafeteria Plan	AP	52,787.86
213722	11/21/2018 Allied Waste Services #917	AP	273,015.15
213723	11/21/2018 Animal Damage Management, Inc.	AP	1,550.00
213724	11/21/2018 Aramark Uniform Ser Inc	AP	886.78
213725	11/21/2018 AT&T	AP	960.27
213726	11/21/2018 Brenntag Pacific Inc	AP	4,107.23
213727	11/21/2018 BSK Associates	AP	1,823.00
213728	11/21/2018 Buxton Company	AP	12,500.00
213729	11/21/2018 A & E Industrial Cleaning Equipment	AP	153.26
213730	11/21/2018 Comcast	AP	212.16
213731	11/21/2018 Kayla Cathers	AP	600.00
213732	11/21/2018 Farmer Brothers Coffee	AP	121.64
213733	11/21/2018 Fastenal Company	AP	6.66
213734	11/21/2018 Fast Track Car Wash	AP	388.50
213735	11/21/2018 Alma Fabian	AP	350.00
213736	11/21/2018 Heppner Precision Machine Shop, Inc.	AP	51.00
213737	11/21/2018 Holt of California	AP	146.37
213738	11/21/2018 Home Depot	AP	1,756.84
213739	11/21/2018 Evi Hernandez	AP	250.00
213740	11/21/2018 JB Anderson Land Use Planning	AP	3,396.00
213741	11/21/2018 Lawson Products, Inc.	AP	148.32
213742	11/21/2018 Los Banos Downtown Assoc.	AP	2,500.00
213743	11/21/2018 Los Banos Medical Group A Medical Corp.	AP	526.00
213744	11/21/2018 Lucas Business Systems	AP	87.46
213745	11/21/2018 Marfab Inc	AP	85.87
213746	11/21/2018 Merced Chevrolet Inc.	AP	34.59
213747	11/21/2018 Merced Truck & Trailer Inc	AP	281.27
213748	11/21/2018 Miracle Playsystems, Inc.	AP	65,907.45
213749	11/21/2018 MOO, Inc.	AP	418.21
213750	11/21/2018 Patricia Mariscal	AP	500.00
213751	11/21/2018 Mosaic New Beginning Ministries	AP	350.00
213752	11/21/2018 Napa Auto Parts of Los Banos	AP	61.18
213753	11/21/2018 The Office City	AP	413.21
213754	11/21/2018 O'Reilly Auto Parts	AP	323.56
213755	11/21/2018 PlaceWorks, Inc.	AP	8,352.54
213756	11/21/2018 Jeremy Rahn	AP	1,161.62
213757	11/21/2018 Rick's Auto Body	AP	240.10
213758	11/21/2018 Sharpening Shop	AP	73.10
213759	11/21/2018 Sherwin Williams Co	AP	67.82

213760	11/21/2018 Sorensens True Value	AP	405.59
213761	11/21/2018 Specialty Distributors, Inc.	AP	166.54
213762	11/21/2018 SWRCB Accounting Office	AP	14,230.00
213763	11/21/2018 T & T Pavement Markings and Products, Inc.	AP	395.48
213764	11/21/2018 The Charles Machine Works, Inc.	AP	135.16
213765	11/21/2018 Triangle Rock Products	AP	964.18
213766	11/21/2018 Blossom Valley Realty, JR Souza	AP	48.07
213767	11/21/2018 Maria and Jose Guzman	AP	2.37
213768	11/21/2018 Alaska Gilroy Inc.	AP	4.83
213769	11/21/2018 Blossom Valley Realty	AP	10.60
213770	11/21/2018 Richard Windsor	AP	25.01
213771	11/21/2018 Everyday Smog	AP	8.87
213772	11/21/2018 Marina and Ronnie Garcia	AP	27.91
213773	11/21/2018 Craig Lamoglia	AP	30.79
213774	11/21/2018 Home Sweet Home Property Management	AP	94.23
213775	11/21/2018 Ruperto Alvarez	AP	50.97
213776	11/21/2018 Merced OKR, LLC	AP	2.37
213777	11/21/2018 Alex Tirado	AP	50.97
213778	11/21/2018 Verizon Wireless	AP	347.82
213779	11/21/2018 Victoria Venegas	AP	600.00

Break in check sequence due to the following:

Check #213349 - #213350 (Payroll)

Check #213352 - #213353 (Payroll)

Check #213355 - #213363 (Payroll)

Check #213427 - #213433 (Payroll)

Check #213687 - #213693 (Payroll)

Total Void	1
Total Void	772.73
Total Valid	403
Total Valid	1,510,718.44
Total Check	404
Total Check	1,511,491.17



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director *SSE*

DATE: December 5, 2018

TYPE OF REPORT: Consent Agenda

SUBJECT: Resolution of Intention to form Annexation No. 11 for Community Facilities District 2002-01 (Public Safety Services) and to authorize the levy of a special tax therein

Recommendation:

Staff is recommending the City Council adopt a resolution declaring its intention to annex territory to Community Facilities District (CFD) 2002-01 (Public Safety Services) for Annexation No. 11 and to authorize the levy of a special tax to pay for public safety services.

Background:

New residential and non-residential developments in the City of Los Banos do not provide sufficient revenues for public safety services. The City formed CFD 2002-01 (Public Safety Services) to address this shortfall, and to fund a portion of the additional costs associated with providing public safety services in various areas throughout the City.

The City of Los Banos is in receipt of a request for annexation of the following territories to Community Facilities District No. 11:

- Shaunessy Village – Vesting Tentative Tract Map #2018-03 was approved by the Los Banos Planning Commission for the subdivision of approximately 31.9 acres

into 151 low and medium density residential units. The project is located east of Mercey Springs Road and approximately 337 feet north of Scripps Drive.

- East Center Area Plan – Consists of The Villas Vesting Tentative Tract Map #2016-01 for the subdivision of approximately 58.8 acres into 231 single-family residential units; and The Hill Vesting Tentative Tract Map #2016-02 for the subdivision of approximately 24.4 acres into 138 single-family residential lots. The East Center Area Plan is located east of Center Avenue, north of Pioneer Road and west of the Cresthills Subdivision.
- Northpointe at Regency Park – Formerly known as the Villa Burano Area Plan, which consists of the subdivision of approximately 111 acres into 596 single-family residential lots. The project site is located east of Westminster Way, south of San Simeone Way, and west of the San Luis Canal.

Each above referenced project is subject to a Condition of Approval which requires the developer to form or annex the subject property to a CFD for the purpose of funding public safety.

Greg Hostetler is the owner/president of one hundred (100%) percent of the land proposed to be included within CFD 2002-01 and has submitted petitions for each project requesting that annexation of territory be formed. Government Code Section 53320 requires that within ninety (90) days after receiving a petition, the legislative body adopt a Resolution of Intention (ROI). The ROI is the first step in establishing a CFD Annexation.

At least thirty (30) days, and not more than sixty (60) days, following the date of the Council action on the ROI, the City Council will hold a public hearing and consider a Resolution of Formation of the CFD.

Discussion:

In order to commence the annexation process, the City Council must adopt a Resolution of Intention. This resolution sets forth terms and conditions of annexing territory into the CFD and includes the rate and apportionment of the special tax to be levied. The Resolution of Intention also establishes a date for a public hearing on the annexation action and for elections among the authorized electors. Since there are less than twelve (12) registered voters in the territory proposed to be annexed, the election will be a landowner vote.

Directly prior to the Public Hearing, the property owner will return a Waiver to the City, waiving certain timing and noticing requirements related to election code, which will enable the City to expedite the annexation process by conducting the special election immediately after the January 16, 2019 public hearing.

The special tax that is currently being assessed on properties within the CFD was established in base fiscal year 2002-2003 at \$250 for each residential and non-residential unit, and is subject to an annual escalator for all subsequent fiscal years. A description of the authorized services to be provided by CFD 2002-01 is provided as Exhibit C. A proposed boundary map for CFD 2002-01 is attached as Exhibit A.

Fiscal Impact:

Based on the current Fiscal Year 2018-2019 rate of \$361.94 the proposed territories of CFD No. 11 would generate approximately \$403,925 for public safety services. The Maximum Annual Special Tax Rate will be escalated no more than 4 percent annually, as determined by the Consumer Price Index. The parcels will remain in the CFD in perpetuity or until the services financed by the CFD are no longer necessary, as determined by the City Council. The parcels within the CFD are only assessed when developed.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

1. Resolution of Intention
 - Exhibit A – Boundary Map
 - Exhibit B – Rate and Method of Apportionment
 - Exhibit C – Authorized Services
2. Property Owner Petitions

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING A BOUNDARY MAP AND DECLARING ITS INTENTION TO ANNEX PROPERTY TO THE CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT NO. 2002-01 (PUBLIC SAFETY SERVICES) AND TO LEVY A SPECIAL TAX THEREIN TO FINANCE CERTAIN PUBLIC SAFETY SERVICES FOR SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Council of the City of Los Banos (the "City") has established Community Facilities District No. 2002-01 in various areas of the City and levies a special tax therein to finance certain public safety services in and for such community facilities district under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"); and

WHEREAS, the City Council has determined that the establishment of such community facilities district is consistent with and follows the local goals and policies concerning the use of the Act that have been adopted by the City Council and are now in effect; and

WHEREAS, the City Council is desirous of annexing additional property to the community facilities district at the request of the property owners within the territory proposed to be annexed into the Community Facilities District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOS BANOS AS FOLLOWS:

Section 1. The above recitals are true and correct, and the City Council so finds and determines.

Section 2. It is the intention of the City Council to annex property under and pursuant to the terms and provisions of the Act to the "City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) (the "Community Facilities District"), with the boundaries of the Community Facilities District and territory proposed for inclusion in the Community Facilities District Annexation No. 11 being more particularly described and shown on that certain map entitled "Proposed Boundaries of Amended Annexation Map No. 11" of the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services), City of Los Banos, County of Merced,

State of California” (the “Boundary Map”), now on file in the office of the City Clerk of the City, a copy of which map is marked Exhibit A and is attached hereto and incorporated herein and made a part hereof. The City Council hereby approves the Boundary Map, and the City Clerk is hereby authorized to file a copy of the Boundary Map with the County Recorder of Merced County within fifteen (15) days of the adoption of this resolution in accordance with the provisions of Section 3111 of the Streets and Highways Code of the State of California.

Section 3. It is the intention of the City Council to finance the Public Safety Services hereinafter described under and pursuant to the Act in and for Annexation No. 11 to the Community Facilities District, which public safety services constitute the provisions of police protection services, fire protection and suppression services, and first responders basic life support services (the “Services”), all as more particularly set forth in Exhibit C, hereto attached and incorporated herein and made a part hereof.

Section 4. It is the intention of the City Council that, except where funds are otherwise available, a special tax sufficient to pay for financing the Services, which special tax shall be secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 11 to the Community Facilities District, will be annually levied by the City Council within the boundaries of Annexation No. 11 to the Community Facilities District, and for particulars as to the rate and method of apportionment and the manner of collection of such special tax reference is made to Exhibit B, attached hereto and incorporated herein and made a part hereof, which sets forth the rate and method of apportionment and the manner of collection of such special tax in sufficient detail to allow each landowner or resident within Annexation No. 11 to the Community Facilities District to estimate the maximum amount that such person will have to pay for financing the Services. In no circumstances shall the special tax levied against any parcel used for private residential purposes (as defined in the Act) be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than 10 percent. The City Council hereby determines the Rate and Method of Apportionment of Special Tax set forth in Exhibit B as applied to the territory within Annexation No. 11 is reasonable. The special tax is apportioned to each parcel within Annexation No. 11 on the basis of the demand for the Services resulting from the development of the territory within Annexation No. 11. As required by Section 53325.3 of the Act, the special tax is not on or based upon the value or ownership of real property.

Section 5. It is the intention of the City Council, pursuant to Section 53317.3 of the Government Code of the State of California, to continue to levy the special tax on property (that is not otherwise exempt from the special tax) that is acquired by the public entity through a negotiated transaction, or by gift or devise, notwithstanding Section 53340 of said code and the same shall be enforceable against the public entity that acquired the property; and it is the further intention of the City Council, pursuant to Section 53317.5 of the Government Code of the State of California; to treat the obligation to pay the special tax levied against property that is acquired by a public entity through eminent domain proceedings as if it were a special annual assessment,

pursuant to Section 1265.250 of the Code of Civil Procedure of the State of California; and it is the further intention of the City Council, pursuant to Section 53340.1 of the Government Code of the State of California, to levy a special tax on the leasehold or possessor's interest in property owned by a public agency (which property is otherwise exempt from the special tax), which leasehold or possessor's interests are granted by the public agency to a nonexempt person or entity, to be payable by the owner of the leasehold or possessor's interest in such property.

Section 6. Notice is given that Wednesday, January 16, 2019, at the hour of 7:00 PM at the regular meeting place of the City Council, City Council Chambers, City Hall, 520 J Street, Los Banos, California 93635, is hereby fixed by the City Council as the time and place for a public hearing to be held by the City Council to consider the annexation of the territory within Annexation No. 11 to the Community Facilities District, the proposed rate and method of apportionment and the manner of collection of such special tax to finance the Services in and for Annexation No. 11 to the Community Facilities District and all other matters as set forth in this resolution. At such public hearing, any person interested, including all taxpayers, property owners and registered voters with the Community Facilities District, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the annexation of the territory to the Community Facilities District and the levy of such special tax, or the extent of the Community Facilities District, or the financing of any of the Services proposed therefore, or on any other matters set forth herein, will be heard and considered. Any protests to the foregoing may be made orally or in writing by any interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the City Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protest shall be filed with the City Clerk of the City at or before the time fixed for such public hearing and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. At the conclusion of such public hearing, the City Council may abandon the proposed annexation to the Community Facilities District or may, after passing upon all protests, determine to proceed with the annexation of the territory within Annexation No. 11 to the Community Facilities District; provided, that if the owners of one-half (1/2) or more of the territory proposed to be included in the Community Facilities District that is not exempt from the special tax file written protest against the annexation to the Community Facilities District, and such protests are not withdrawn so as to reduce the value of the protests to less than such a majority, no further proceedings to annex the territory within Annexation No. 11 to the Community Facilities District or to levy such special tax shall be taken for a period of one (1) year from the date of such decision, except that if the majority protests of the landowners are only against providing a specified type or types of any of the Services proposed for the Community Facilities District, those Services shall be eliminated from this resolution. Such public hearing may be continued from time to time, but shall be completed within thirty (30) days, except that if the City Council finds that the complexity of the proposed annexation to the Community Facilities District or the need for public participation required additional

time, such public hearing may be continued from time to time for a period not to exceed six (6) months. The City Council may at such public hearing modify this resolution by eliminating any of such Services, or by changing the method and apportionment of such special tax so as to reduce the maximum special tax for all or a portion of the owners of property within the Community Facilities District or by removing any territory from Annexation No. 11 to the Community Facilities District except that if the City Council proposes to modify this resolution in a way that will increase the probable special tax to be paid by the owner of a lot or parcel of land in Annexation No. 11 to the Community Facilities District, the City Council shall direct that a report be prepared that includes a brief analysis of the impact of the proposed modifications on the probable special tax to be paid by the owners of lots or parcels of land in Annexation No. 11 to the Community Facilities District, and the City Council shall receive and consider such report before approving any such modifications or any resolution annexing to the Community Facilities District which includes such modifications. If the City Council determines at the conclusion of such public hearing to proceed with the annexation of the territory within Annexation No. 11 to the Community Facilities District, the proposed voting procedures shall be by landowners voting in accordance with the Act, as there are no registered voters in the Community Facilities District, with each landowner having one vote for each acre or portion of an acre of land owned by him or her in the proposed Annexation No. 11 to the Community Facilities District.

Section 7. The Community Development Department of the City is hereby directed and ordered to study or cause to be studied, the Annexation No. 11 to the Community Facilities District and, at or before the time of such public hearing, to cause to be prepared and filed with the City Council a report which shall contain a brief description of the Services by type which in his/her opinion will be required to adequately meet the needs of Annexation No. 11 to the Community Facilities District, together with an estimate of the cost for financing the Services and an estimate of the incidental expenses related thereto, and which such report shall further contain any other material that is related to the Services or Annexation No. 11 to the Community Facilities District, including the estimated annual costs of providing the Services and the fair and reasonable costs of the incidental expenses to be paid or repaid for the Community Facilities District. Such report shall, upon its presentation, be submitted to the City Council for review, and shall be made a part of the record of the public hearing on this resolution of intention to annex territory to the Community Facilities District.

Section 8. The City Clerk of the City shall give notice of the time and place of such public hearing in the following manner:

(a) A Notice of Public Hearing in the form required by the Act shall be published in the Los Banos Enterprise, a newspaper of general circulation published in the area of Annexation No. 11 to the Community Facilities District, which such publication shall be made pursuant to Section 6061 of the Government Code of the State of California and shall be completed at least seven (7) days prior to the date set for such public hearing; and

(b) A Notice of Public Hearing in the form required by the Act shall be mailed, first class postage prepaid, to each property owner within the boundaries of Annexation No. 11, which such mailing to such property owners shall be made to such property owners at their addresses as shown on the records of the Merced County Treasurer-Tax Collector, and which such mailing shall be completed at least fifteen (15) days prior to the date set for such public hearing.

PASSED AND ADOPTED by the City Council of the City of Los Banos this 5th day of December 2018, by the following vote:

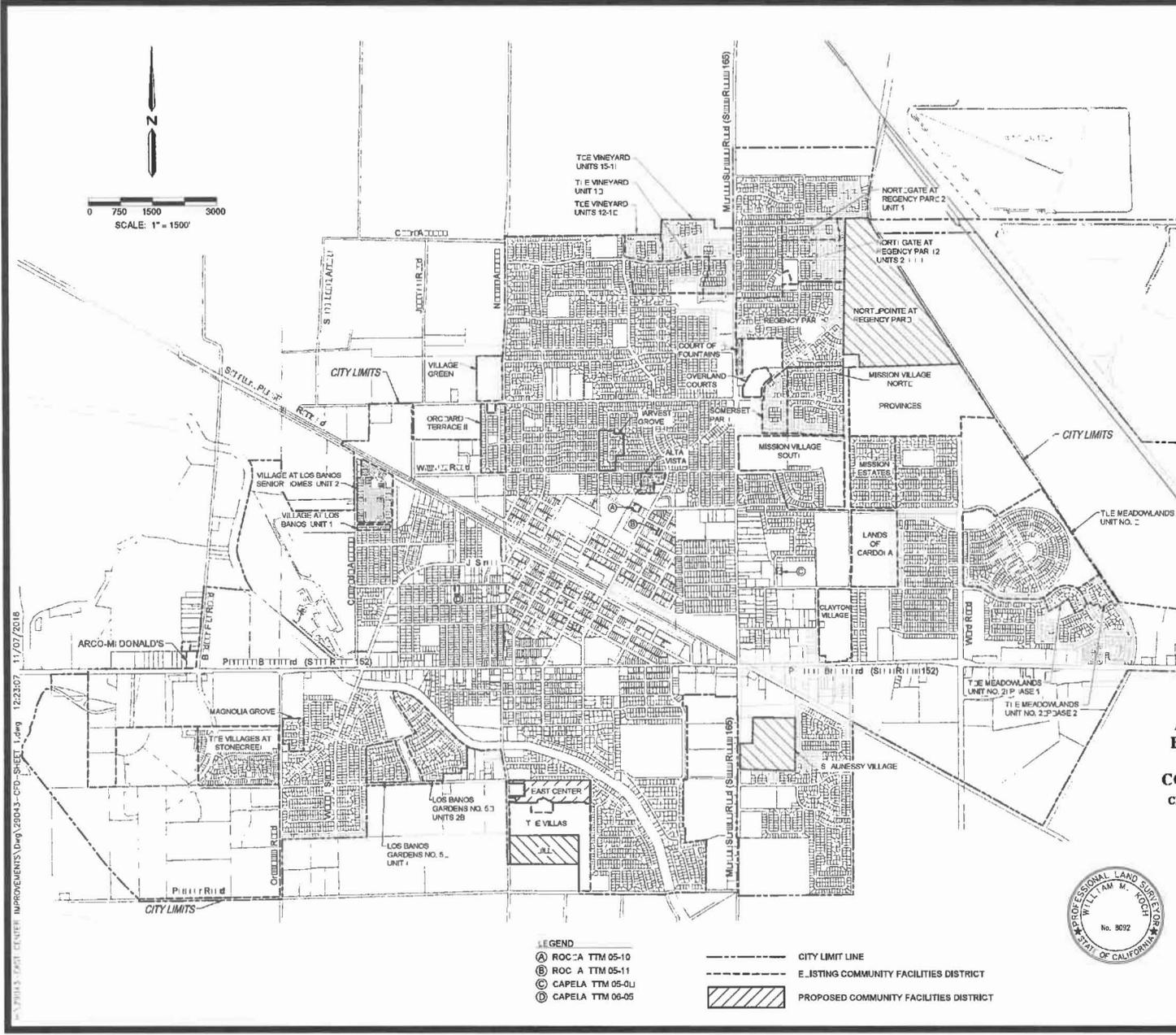
AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



CITY CLERK'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LOS BANOS, THIS ____ DAY OF _____, 20__.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED AMENDED BOUNDARIES OF ANNEXATION MAP NO. 11 OF COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LOS BANOS AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF _____, 20__, BY ITS RESOLUTION NO. _____.

LUCILLE L. MALLONEE
CITY CLERK, CITY OF LOS BANOS

COUNTY RECORDER'S STATEMENT:

FILED THIS ____ DAY OF _____, 20__ AT ____ O'CLOCK ____ M IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGES ____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF MERCED, STATE OF CALIFORNIA.

INSTRUMENT NO. _____ FEE \$ _____ PAID

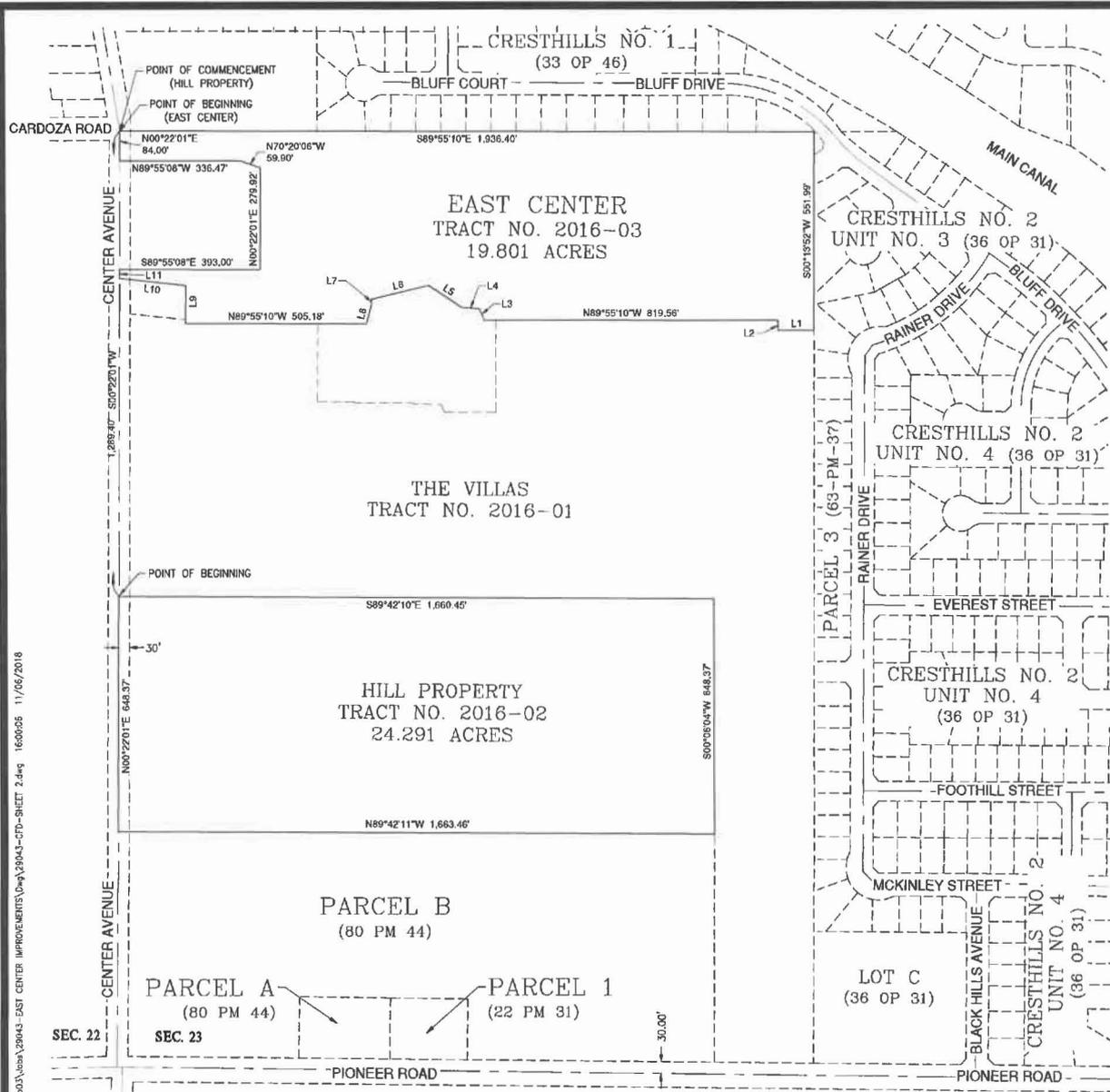
BARBARA J. LEVEY BY: _____ ASSISTANT/DEPUTY RECORDER
COUNTY RECORDER OF MERCED COUNTY, CALIFORNIA

PROPOSED BOUNDARIES OF AMENDED ANNEXATION MAP NO. 11 OF CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT NO. 2002-01 (PUBLIC SAFETY SERVICES) COUNTY OF MERCED, STATE OF CALIFORNIA
CITY OF LOS BANOS COUNTY OF MERCED STATE OF CALIFORNIA



1165 Scenic Drive, Suite A
Modesto, CA 95350
odellengineering.com

- LEGEND**
- (A) ROC A TTM 05-10
 - (B) ROC A TTM 05-11
 - (C) CAPELA TTM 05-01
 - (D) CAPELA TTM 06-05
 - CITY LIMIT LINE
 - EXISTING COMMUNITY FACILITIES DISTRICT
 - ▨ PROPOSED COMMUNITY FACILITIES DISTRICT



LEGEND

- ADJACENT PROPERTY LOT LINE
- PROPOSED AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2002-01
- STREET CENTER LINE
- OFFICIAL PLATS
- PARCEL MAP

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N89°46'28"W	100.00'
L2	N0°14'06"E	27.73'
L3	N22°28'55"W	33.85'
L4	N85°18'59"W	50.00'
L5	N56°58'59"W	110.00'
L6	S76°48'27"W	162.75'
L7	S6°21'01"W	20.00'
L8	S14°25'54"W	49.36'
L9	N0°22'01"E	104.63'
L10	N83°37'53"W	186.00'
L11	N0°24'02"E	25.00'

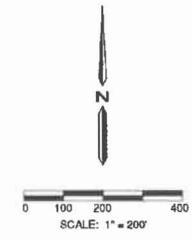
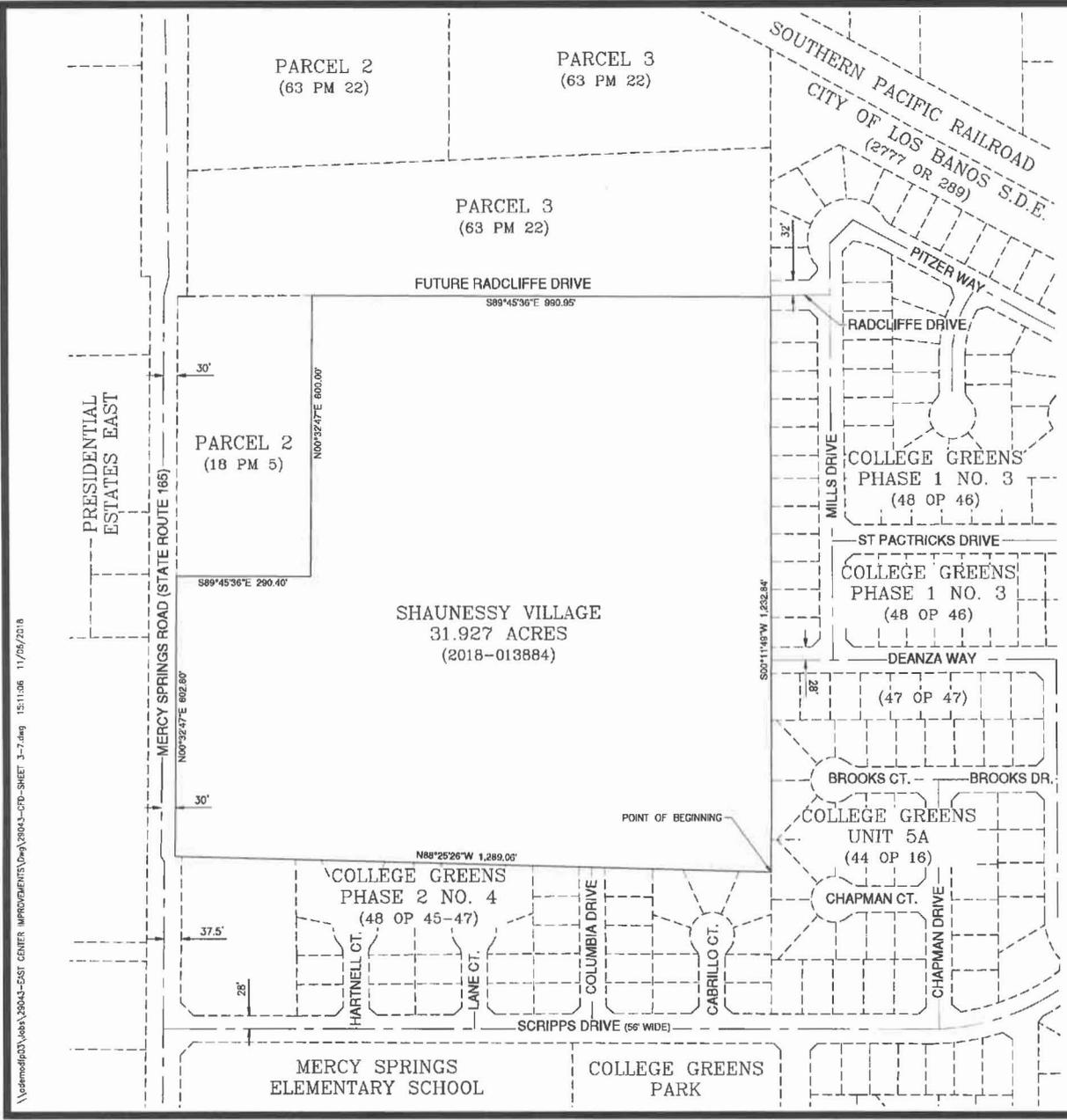


EXHIBIT B
PROPOSED BOUNDARIES OF AMENDED ANNEXATION MAP NO. 11 OF CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT NO. 2002-01 (PUBLIC SAFETY SERVICES) COUNTY OF MERCED, STATE OF CALIFORNIA
 CITY OF LOS BANOS COUNTY OF MERCED STATE OF CALIFORNIA



O'DELL ENGINEERING
 1165 Scenic Drive, Suite A
 Modesto, CA 95350
 Ph 209.571.1765 odellengineering.com

I:\edemr\p03\uba\29043 - EAST CENTER IMPROVEMENTS.dwg\29043-CFD-SHEET 2.dwg 160005 11/06/2018



LEGEND

---	ADJACENT PROPERTY LOT LINE
---	PROPOSED AMENDED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2002-01
---	STREET CENTER LINE
OP	OFFICIAL PLATS
PM	PARCEL MAP

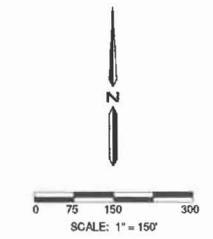


EXHIBIT B
PROPOSED BOUNDARIES OF AMENDED ANNEXATION MAP NO. 11 OF CITY OF LOS BANOS COMMUNITY FACILITIES DISTRICT NO. 2002-01 (PUBLIC SAFETY SERVICES) COUNTY OF MERCED, STATE OF CALIFORNIA
 CITY OF LOS BANOS COUNTY OF MERCED STATE OF CALIFORNIA



O'DELL
ENGINEERING
 1165 Scenic Drive, Suite A
 Modesto, CA 95350
 Ph 209.571.1765 odelengineering.com

\\cedmed\p03\w003_2804-EST CENTER IMPROVEMENTS.Dwg\2804-CPD-SHEET 3-7.dwg 15:11:06 11/05/2018

EXHIBIT B

City of Los Banos
County of Merced, California
Community Facilities District No. 2002-01
(Public Safety Services)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

1. Basis of Special Tax Levy

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (the "Act") applicable to the land in the Community Facilities District No. 2002-01 (Public Safety Services) (the "CFD") of the City of Los Banos (the "City") shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

2. Definitions

"**Act**" means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

"**Administrative Expenses**" means the actual or estimated costs incurred by the City to form the CFD and to determine, levy, and collect the Special Taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel; the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"**Annual Costs**" means for each Fiscal Year, the total of 1) Authorized Services 2) Administrative Expenses; and 3) any amounts needed to cure actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

"**Assessor**" means the Assessor of the County of Merced.

"**Assessor's Parcel Number**" means the Parcel and Parcel number as recorded by the County Assessor on the equalized tax roll.

"**Authorized Services**" mean those services, as listed in the resolution forming the CFD.

"Base Fiscal Year" means the Fiscal Year beginning July 1, 2002 and ending June 30, 2003.

"CFD" means the Community Facilities District No. 2002-01 (Public Safety Services) of the City of Los Banos, Merced County, California.

"City" means the City of Los Banos in Merced County, California.

"Condominium/Townhouse Parcel" means a Parcel created by a subdivision map that creates condominium or townhouse units. Each Condominium/Townhouse Parcel is assigned one Residential Unit.

"Council" means the City Council of the City of Los Banos acting for the CFD under the Act.

"County" means the County of Merced, California.

"Developed Property" means all Assessor's Parcels for which building permit were issued on or before June 30 of the prior fiscal year, provided that such Assessor's Parcels were created on or before June 30 of the prior fiscal year, as determined reasonably by the City.

Once classified as Developed, no Parcel shall be removed from the Developed classification unless the special use permit/building permit expires, is revoked, or is otherwise terminated. A Developed Parcel that is acquired by a public agency then becomes a Public Parcel and is classified as Tax-Exempt if it is deemed that the Parcel is no longer used for residential purposes.

"Duplex/Tri-plex Residential Parcel" means a Parcel with an issued building permit for a duplex or a tri-plex residential use. The number of Residential Units assigned to a Duplex/Tri-plex Residential Parcel is determined at building permit issuance.

"Fiscal Year" means the period commencing July 1 of any year and ending the following June 30.

"Maximum Annual Special Tax" means the greatest amount of Special Tax that can be levied against a Parcel calculated by multiplying the Maximum Annual Special Tax Rate times the units assigned to a Parcel.

"Maximum Annual Special Tax Rate" means the amount shown in **Attachment 1** for a Fiscal Year that is used in calculating the Maximum Annual Special Tax for a Parcel based on its land use classification.

"Mixed Use Parcel" means a Parcel with a building permit for a mix of uses, which includes residential uses. The number of Residential Units assigned to a Mixed Use Parcel is determined at building permit issuance for the original structure, or by subsequent building permits issued for further tenant improvements.

"Mobile Home Park Parcel" means a Parcel with a land use designation for a mobile home park. The number of Residential Units assigned to the Mobile Home Park Parcel is determined by the number of spaces available for the placement of mobile homes.

"Multi-Family Residential Parcel" means a Parcel with a building permit for multi-family residential use. The number of Residential Units assigned to a Multi-Family Residential Parcel is determined at building permit issuance.

"Non-Residential Use Parcels" means Parcels designated for commercial, industrial, office, or other non-residential uses.

"Parcel" means any Assessor's parcel in the CFD based on the equalized tax rolls of the County as of March 1 of each Fiscal Year.

"Parcel Number" means the Assessor's Parcel Number for any Parcel based on the equalized tax rolls of the County as of March 1 of each Fiscal Year.

"Public Parcel" means any Parcel, in its entirety, that is publicly owned - that is normally exempt from the levy of general *ad valorem* property taxes under California law, including public streets, schools, parks, and public drainage ways; public landscaping, wetlands, greenbelts, and public open space. These parcels are exempt from the levy of Special Taxes. Any such Parcel shall be a Tax-Exempt Parcel.

"Residential Unit" means the number of taxable residential dwelling units assigned to a Parcel based on its Developed Parcel tax category assignment.

"Single Family Residential Parcel" means a single family residential lot created by the recordation of a final subdivision map, which has a building permit issued for a single family residential dwelling. A Single Family Residential Parcel is assigned one Residential Unit.

"Special Tax(es)" mean(s) any tax levy under the Act in the CFD.

"Tax Collection Schedule" means the document prepared by the City for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

"Tax Escalation Factor" means an annual percentage increase in the Maximum Annual Special Tax based upon the Consumer Price Index (CPI) (prior calendar year annual average, San Francisco, all Urban Consumers (CPI-U) Index), not to exceed 4 percent.

"Taxable Parcel" means any Parcel that is not a Tax-Exempt Parcel.

"Tax-Exempt Parcel" means a Parcel not subject to the Special Tax. Tax-Exempt Parcels are (i) Public Parcels including developed parcels acquired by a public agency (subject to the limitations set forth in **Section 5**, below), or (ii) Undeveloped Parcels. Privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, are exempt from the levy of Special Taxes as determined by the City.

"Undeveloped Parcel" means all Assessor's Parcels of taxable property which are not developed property.

3. Determination of Parcels Subject to Special Tax

By not later than August 1 of each Fiscal Year, the City Finance Director shall prepare a list of the Parcels subject to the Special Tax using the records of the County Assessor as of March 1 of each year, and the City's own records as of May 31 of each year. The City shall identify the Taxable Parcels from a list of all Parcels within the CFD using the procedure described below.

- 1) Exclude all Tax-Exempt Parcels.
- 2) The remaining Parcels are subject to the Special Tax according to the formula detailed below.

It shall be the burden of the taxpayer to timely correct any errors in the determination of the Parcels subject to the Special Tax and their Special Tax assignments.

4. Duration of the Special Tax

Parcels in the CFD will remain subject to the Special Tax in perpetuity or until the services financed by the Special Tax are no longer necessary, as determined by the Council.

If the Special Tax ceases to be levied, the City shall direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special

Tax shall additionally identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

5. Assignment of Maximum Annual Special Tax

By August 1 of each Fiscal Year, using the Definitions from **Section 2** and the Maximum Annual Special Tax Rates from **Attachment 1**, the Finance Director shall assign the Maximum Annual Special Taxes to Parcels as follows:

- A. **Developed Parcels:** Parcels shall be assigned a Maximum Annual Special Tax using the following steps.
 1. **Single Family Residential Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Single Family Residential Parcels by the number of Residential Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.
 2. **Duplex/Tri-plex Residential Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Duplex/Tri-plex Residential Parcels by the number of Residential Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.
 3. **Multi-Family Residential Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Multi-Family Residential Parcels by the number of Residential Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.
 4. **Condominium/Townhouse Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Condominium/Townhouse Parcels by the number of Residential Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.
 5. **Mixed Use Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Mixed Use Parcels by the number of Residential Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.

6. **Mobile Home Park Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Mobile Home Park Parcels by the number of Residential Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.
 7. **Non-Residential Use Parcels.** The Maximum Annual Special Tax is calculated by multiplying the Maximum Annual Special Tax Rate in **Attachment 1** for Non-Residential Use Parcels by the number of Units assigned to the Parcel. This Maximum Annual Special Tax Rate is increased by the Tax Escalation Factor in each Fiscal Year after the Base Fiscal Year.
- B. **Annexation Parcels:** The City will require the periodic annexation of Parcels to the CFD. When Parcels are annexed to the CFD, the City will first determine if they are Taxable or Tax-Exempt, using the Definitions in **Section 2**. The City then shall assign a Maximum Annual Special Tax to Taxable Parcels using the Definitions in **Section 2** and the steps in **Section 5.A**.
 - C. **Conversion of a Tax-Exempt Parcel to a Taxable Parcel:** If a Public Parcel is not needed for public use and is converted to private residential use, it shall become subject to the Special Tax. A Maximum Annual Special Tax will be assigned using the Definitions in **Section 2** and the steps in **Section 5.A**.
 - D. **Taxable Parcels Acquired by a Public Agency:** A Taxable Parcel that is acquired by a public agency after the CFD is formed will be re-classified as Tax-Exempt provided it is determined by the City in the exercise of its sole discretion, that it is no longer used for residential purposes.

6. Calculating Annual Special Taxes

The City shall compute the Annual Costs and determine the Maximum Annual Special Tax for each Parcel based on the assignment of the Special Tax in **Section 5**. The City will then determine the tax levy for each Parcel using the following process:

- A. Compute the Annual Cost for the Fiscal Year using the Definition in **Section 2**.
- B. Calculate the Special Tax for each Taxable Parcel by levying the Special Tax on Developed Parcels to just equal the Annual Costs, or to 100 percent of their Maximum Annual Special Tax, as appropriate.

- C. Levy on each Taxable Parcel the amount of Special Tax calculated above.
- D. Prepare the Tax Collection Schedule listing the Special Tax levy for each Taxable Parcel and send it to the County Auditor-Controller requesting that it be placed on the general, secured property tax roll for that Fiscal Year. The Tax Collection Schedule shall not be sent later than the date required by the County Auditor-Controller for such inclusion.

The City shall make every effort to correctly calculate the Special Tax for each Parcel. It shall be the burden of the taxpayer to timely prove any alleged errors in the determination of the Parcels subject to the Special Tax and their Special Tax assignments.

7. Records Maintained for the CFD

As development takes place within the CFD, the City will maintain a file containing records of the following information for each Parcel:

- The current Parcel Number;
- Parcels with building permits; and
- Number of units per parcel.

The file containing the information listed above will be available for public inspection.

8. Appeals

Any taxpayer who feels that the amount of the Special Tax assigned to his or her Parcel(s) is in error or that an error has been made in the determination that his or her Parcel(s) is subject to the Special Tax, may file a written notice with the City's Finance Director (the "Director") contesting the levy of the Special Tax. Any such notice must be filed during the Fiscal Year in which the given Special Tax levy occurs; and failure to do so constitutes a bar to any such claim. The Director, or designee, shall promptly review the application, and if necessary, meet with the applicant. If the findings of the Director verify that the Special Tax should be modified or changed, a recommendation to that effect shall be made to the Council, and as appropriate, the Special Tax levy shall be corrected and, if applicable in such case, a credit for next year's Special Tax levy shall be granted. If the Director denies the application, the taxpayer may file an appeal of that determination with the Council within fourteen (14) days of the mailing of notification of denial; and failure to do so constitutes a bar to such an appeal. The Council shall hear the appeal under such procedures, as the Council shall

establish. The determination of the Council on the appeal shall be final for all purposes. The filing of a written notice contesting the levy of the Special Tax or an appeal shall not relieve the taxpayer of the obligation to pay the Special Tax when due.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to any of the terms or provisions of this Rate and Method of Apportionment.

9. Manner of Collection

The Special Tax will be collected in the same manner and at the same time as *ad valorem* property taxes; provided; however, the City or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary to meet its financial obligation.

ATTACHMENT 1
City of Los Banos
Merced County
Community Facilities District No. 2002-01 (Public Safety Services)
Maximum Annual Special Tax Rates – Base Fiscal Year ¹

Tax Category	Maximum Annual Special Tax Rate²
Developed Parcels³	<i>per Unit</i>
Single Family Residential Parcels	\$250
Multi-Family Residential Parcels	\$250
Duplex/Tri-plex Residential Parcels	\$250
Condominium/Townhouse Parcels	\$250
Mixed Use Parcels	\$250
Mobile Home Park Parcels	\$250
Non-Residential Use Parcels	\$250
Undeveloped Parcels⁴	<i>Tax Exempt</i>
Public Parcels	<i>Tax Exempt</i>

¹ The Base Fiscal Year for the CFD is Fiscal Year 2002-2003. The Maximum Annual Special Tax Rate will be escalated by a rate of not more than 4 percent annually thereafter, as determined by the Consumer Price Index.

² The Maximum Annual Special Tax Rate is applied to the Units assigned to each taxable Parcel. Condominium/Townhouse Residential Parcels and Single Family Residential Parcels are assumed to have one unit. Multi-Family Residential Parcels, Mixed Use Parcels, Mobile Home Park Parcels, and Non-Residential Parcels may have more than one Unit Assigned to a Parcel. The number of Units assigned to these Parcels will be determined by the initial building permit, or subsequent building permits for tenant improvements.

³ Developed Parcels are Residential, Mixed Use or Non-Residential Use Parcels with a building permit.

⁴ Undeveloped parcels are Parcels that are not classified as a Developed Parcel.

EXHIBIT C

City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services)

LIST OF AUTHORIZED SERVICES

Services to be funded by the collection of Special Taxes in the City of Los Banos Community Facilities District No. 2002-01 (Public Safety Services) are listed below. Authorized costs to provide the services listed below include, but are not limited to, compensation of employees and contractors, supplies, materials, equipment, lease or rental fees for equipment or building space, contracts, or any other costs associated with the provision of authorized services.

PUBLIC SAFETY

Authorized costs include all costs associated with the provision of:

- Police Protection Services
- Fire Protection and Suppression Services
- First Responders Basic Life Support Services

ADMINISTRATIVE EXPENSES

City costs associated with the setting, levy, and collection of the Special Taxes are authorized services under the CFD. The special tax levy may be used to fund, but is not limited to, the actual or estimated costs incurred by the City to form the CFD and to determine, levy, and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel; the costs of collecting installments of the Special Taxes upon the general tax rolls; preparation of required reports; and any other costs required to administer the CFD as determined by the City.

**PETITION TO THE CITY COUNCIL OF THE CITY OF LOS
BANOS REQUESTING INSTITUTION OF PROCEEDINGS FOR
THE ANNEXATION OF TERRITORY TO COMMUNITY
FACILITIES DISTRICT NO. 11 (PUBLIC SAFETY SERVICES)**

1. The undersigned (the "Owner") is the owner of the land depicted in Exhibit A hereto, which portion is described in Exhibit B hereto (the "Property").
2. The owner requests that the City Council of the City of Los Banos (the "Council") institute proceedings to annex the Property to the City of Los Banos Community Facilities District No. 11 (Public Safety Services) (referred to herein as the "District") pursuant to Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, Title 5, of the Government Code of the State of California, commonly known as the "Mello-Roos Community Facilities Act of 1982".
3. The Owner requests that the Council call an election to annex the Property to the District and authorize the levy of the existing special taxes within the District on the Property.
4. The Owner further requests that the Council, as legislative body of the District, annually levy special taxes on the property within the District to pay for the provision of police protection services, fire protection and suppression services, and first responders basic life support services.

Address where landowner(s) would like to receive
Ballots:
923 E. Pacheco Blvd., Suite C
Los Banos, CA 93635

Assessor Parcel Number(s)
083-100-005 & 083-100-006

Total Acreage: 31.9

Biltmore Financial LLC

By: _____

(Signature and Date)

11-2-18

Greg Hostetter, President
(Print Name and Title)

**PETITION TO THE CITY COUNCIL OF THE CITY OF LOS
BANOS REQUESTING INSTITUTION OF PROCEEDINGS FOR
THE ANNEXATION OF TERRITORY TO COMMUNITY
FACILITIES DISTRICT NO. 11 (PUBLIC SAFETY SERVICES)**

1. The undersigned (the "Owner") is the owner of the land depicted in Exhibit A hereto, which portion is described in Exhibit B hereto (the "Property").
2. The owner requests that the City Council of the City of Los Banos (the "Council") institute proceedings to annex the Property to the City of Los Banos Community Facilities District No. 11 (Public Safety Services) (referred to herein as the "District") pursuant to Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, Title 5, of the Government Code of the State of California, commonly known as the "Mello-Roos Community Facilities Act of 1982".
3. The Owner requests that the Council call an election to annex the Property to the District and authorize the levy of the existing special taxes within the District on the Property.
4. The Owner further requests that the Council, as legislative body of the District, annually levy special taxes on the property within the District to pay for the provision of police protection services, fire protection and suppression services, and first responders basic life support services.

Address where landowner(s) would like to receive
Ballots:
923 E. Pacheco Blvd., Suite C
Los Banos, CA 93635

Assessor Parcel Number(s)
431-270-004, 431-270-005,
431-270-010

Total Acreage: 83.35

Pioneer Development Company Inc.

By: _____


(Signature and Date)

11-2-18

Greg Hostetler, President
(Print Name and Title)

**PETITION TO THE CITY COUNCIL OF THE CITY OF LOS
BANOS REQUESTING INSTITUTION OF PROCEEDINGS FOR
THE ANNEXATION OF TERRITORY TO COMMUNITY
FACILITIES DISTRICT NO. 11 (PUBLIC SAFETY SERVICES)**

1. The undersigned (the "Owner") is the owner of the land depicted in Exhibit A hereto, which portion is described in Exhibit B hereto (the "Property").
2. The owner requests that the City Council of the City of Los Banos (the "Council") institute proceedings to annex the Property to the City of Los Banos Community Facilities District No. 11 (Public Safety Services) (referred to herein as the "District") pursuant to Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, Title 5, of the Government Code of the State of California, commonly known as the "Mello-Roos Community Facilities Act of 1982".
3. The Owner requests that the Council call an election to annex the Property to the District and authorize the levy of the existing special taxes within the District on the Property.
4. The Owner further requests that the Council, as legislative body of the District, annually levy special taxes on the property within the District to pay for the provision of police protection services, fire protection and suppression services, and first responders basic life support services.

Address where landowner(s) would like to receive
Ballots:
923 E. Pacheco Blvd., Suite C
Los Banos, CA 93635

Assessor Parcel Number(s)
424-010-002, 424-010-005,
424-010-006

Total Acreage: 115.29

A & H Investments

By: _____


(Signature and Date)

11-2-18

Greg Hostetler, President
(Print Name and Title)



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 5, 2018

TYPE OF REPORT: Consent Agenda

SUBJECT: Rejection of Bids for One New 2018-2019 Model Brush Chipper

Recommendation:

That the City Council adopts the Resolution rejecting the bids for purchase of One New 2018-2019 Model Brush Chipper.

Background:

The 2018-2019 adopted City budget included the purchase of a trailer mounted brush chipping machine to replace the machine taken out of service for age, safety, and serviceability in the City's inventory. Public Works initiated an Invitation for Sealed Bids to purchase a new Brush Chipper on September 21, 2018. The Invitation for Sealed Bids was publicly noticed in the Los Banos Enterprise. The submitted bids were publicly opened on October 23, 2018.

Discussion:

Public Works received two bid proposals. The apparent low bid from RDO Equipment, Co. was an incomplete non-conforming bid. Several significant items were not included and the bid amount of \$66,625.23 exceeded the budgeted amount of \$65,000.00. The second bidder, Cal-Line Equipment, Inc. proposed bid amount of \$74,881.94 exceeded the budget amount of \$65,000.00. Staff is recommending Council to reject all bids.

Fiscal Impact:

The cost of advertising the Invitation for Sealed Bids for One New 2018-2019 Model Brush Chipper.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Public Notice
Bid Results Sheet

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS REJECTING THE BID FOR
ONE NEW 2018-2019 MODEL BRUSH CHIPPER**

WHEREAS, the City of Los Banos received two sealed bids for the purchase of One New 2018-2019 Model Brush Chipper; and

WHEREAS, the Sealed Bids for the purchase of One New 2018-2019 Model Brush Chipper were officially opened on October 23, 2018; and

WHEREAS, bid number one of the bids did not conform to the specifications and exceeded the budgeted funding amount; bid number two exceeded the budgeted funding amount; and

WHEREAS, the City Council has the right to reject any or all bid proposals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby reject the bids received for the purchase of One New 2018-2019 Model Brush Chipper.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of December 2018, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

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

NOTICE IS HEREBY GIVEN that the LOS BANOS PUBLIC WORKS DEPARTMENT (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 p.m. Pacific Daylight Savings Time (PDT) on **Tuesday, October 23, 2018** for the purchase of one (1) New 2018/2019 Model Brush Chipper. At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

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

Questions regarding the Bid Documents are to be directed to Dan Bronson, Public Works Fleet Coordinator, by email at dan.bronson@losbanos.org.

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. PDT on **Tuesday, October 23, 2018**. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

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

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



City of
Los Banos

Itala Constante y Equilibrada

BID OPENING

**Purchase of One (1) New 2018/2019 Model
Brush Chipper**

2:00 PM

- | | |
|-----------------------------|--------------|
| 1. RDO Equipment, Co. | \$ 66,625.23 |
| 2. Cal-Line Equipment, Inc. | \$ 74,881.94 |

Signed:

Sara Blevins, CMC
Admin Clerk I/Deputy City Clerk

Dated: October 23, 2018

William Vja
Public Works Operations Manager



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director 

DATE: December 5, 2018

TYPE OF REPORT: Public Hearing

SUBJECT: Final Funding and Accomplishments Disclosure for Community Development Block Grant Funded Activities 15-CDBG-10567

Recommendation:

That the City Council receive a report summarizing the accomplishments performed under Community Development Block Grant (CDBG) Agreement 15-CDBG-10567 and provide input regarding final funding amounts and accomplishments of the funding received under the contract.

Background:

The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program authorizes the use of funds to assist low and moderate income families or aid in the prevention or elimination of slums or blight. The program is administered by the State Department of Housing and Community Development (HCD). To be eligible for funding, every CDBG-funded activity must meet one of the three National Objectives of the Program:

1. Benefit low and moderate income persons; or
2. Prevention or elimination of slums or blight; or

3. Urgent Need, which is meeting other community development needs having a particular urgency because of existing conditions that pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs (earthquakes, etc.)

In September 2015, the City of Los Banos received 2015 CDBG funding in the amount of \$322,500. The grant was utilized in a designated low and moderate income area, which was Census Tract 22.01 Block Groups 1 thru 5 and Census Tract 22.02 Block Group 4 as designated by the United States Census Bureau. The specific focus area was bound by Pacheco Blvd. to the south, Badger Flat Rd. to the west, H Street/Willmott Ave. to the north, and Mercey Springs Rd. to the east. The activity met the national objective of prevention and elimination of slum or blight.

Discussion:

HCD requires jurisdictions to submit reports for each active grant and each revolving loan account funded by Program Income of CDBG funded loans. A Semi-Annual Program Income Report and an Annual Performance Report are required each year. This Closeout Report summarizes all grant activities and requires a public hearing prior to submittal to HCD.

The primary purpose of the Closeout Report is to provide information to the State and the public to officially close out the grant and provide a summary of the grants accomplishments. Grant 15-CDBG-10567 has been active since Fiscal Year 2016-2017. Additionally, funds were available in Program Income in the amount of \$52,713 which was required to be spent prior to requesting reimbursement from CDBG. The City expended \$300,000 under a Professional Service Agreement with CSG Consultants, Inc. to provide Code Enforcement Services. The City received reimbursement in the amount of \$22,500 for General Administration of the grant. The total grant award was \$322,500 and all funds have been expended to date.

Due to this grant funding, the City of Los Banos was able to nearly double its Code Enforcement efforts for the life of the grant funding which stands as a great accomplishment in the City's ongoing Code Enforcement efforts.

Our CDBG CE grant funded staffing assisted in over 1,250 Code Enforcement violation investigations. Of those, approximately 1,200 were closed; meaning the violation(s) was identified and abated to the satisfaction of our Code Enforcement staff. Those closures include simple violations such as overgrown weeds in a front yard, to the extreme of a home found in substantial disrepair, with numerous violations that negatively affected an entire neighborhood. Abandoned vehicles pose a fairly significant issue to many of our neighborhoods and with the assistance of our CDBG grant funding we were able to successfully process approximately 370 abandoned vehicles.

Lastly, in our efforts to promote 'voluntary compliance' our CDBG grant funded staff were vital in our day-to-day educational efforts. From general nuisance abatement issues to assisting with the creation and distribution of informational documents that educated residents on placement of commercial and residential waste receptacles and other code violations; the City of Los Banos was able to increase its efforts due to this CDBG grant funding opportunity.

PUBLIC NOTIFICATION

The public hearing notice was published in the Los Banos Enterprise on Friday, November 23, 2018. As of the date of this staff report no written comments have been received.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Closeout Certification Form
2. Project Status/Completion Report
3. Public Hearing Notice



Closeout Certification Form

Robert Jones
California Department of Housing and Community Development
Division of Financial Assistance
Community Development Block Grant Program
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833

RE: **CLOSEOUT CERTIFICATION** of CDBG Grant No. 15-CDBG-10567

It is hereby certified that all activities undertaken by the Grantee with funds provided under the above grant agreement have, to the best of my knowledge, been carried out in accordance with the grant agreement; that proper provision has been made by the Grantee for the payment of all costs and claims; that the State of California is under no obligation to make further payment to the Grantee under the grant agreement; and that every statement and amounts set forth in the **attached** final CDBG Financial and Accomplishment Report is, to the best of my knowledge, true and correct.

Any property acquired in whole or in part with CDBG funds or CDBG Program Income shall be accounted for in accordance with the provisions of Section 7118 and 7104 of the State CDBG regulations pertaining to property management and program income. Please list any property acquired in whole or in part with grant funds or program income expended for the grant or, if applicable, state "none" acquired. Please see Chapter 19, Property Management, in the Grants Management Manual for more detailed instructions.

Note: Future disposition of this property shall be carried out in accordance with Section 7118 of the State CDBG Regulations. Please see CFR 24 Sec. 570.505 Use of real property for instructions.

1.	4.
2.	5.
3.	6.

The Grantee shall continue to comply with the State CDBG program income reporting requirements.

All costs incurred subsequent to the most recent annual audit period will be audited at the time the Grantee's next annual audit is conducted in accordance with OMB Circular A-133. The Grantee will resolve any audit findings relating to both the program and financial aspects of the grant. In the event there are any costs which are disallowed by this audit or any subsequent audits which cover CDBG expenditures, and which are sustained by the Department of Housing and Community Development, the amount of such costs shall be returned to HCD.

Date:	Typed Name and Title of Authorized Grantee Representative: Name: Stacy Souza Elms Title: Community and Economic Development Director	Signature of Authorized Grantee Representative:
--------------	---	--

Jurisdiction Name: **City of Los Banos** Contract # **15-CDBG-10567**

STATE OF CALIFORNIA - CDBG PROGRAM
Project Status and/or Completion Report

Status

Final

National Objective LMA - Low/Mod area benefit
Activity Matrix Code 15 - Code Enforcement

Part A DIRECT BENEFIT DATA BY PERSONS (LMA & URG) ONLY REQUIRED

If the National Objective beneficiaries are either LMA or URG, accomplishment data must be reported by persons served in a fiscal year. There are 4 fiscal years available to allow for service years that do not align with fiscal years. Information must match what was reported in each fiscal year Annual Report the public service was operated, for a maximum of 3 service years.

Program Year	# of People or Households	Accomplishment Narrative
Final	6935	The City of Los Banos has been extremely fortunate to have been selected for, and participated in a HUD/ CDBG grant funding program, for Code Enforcement services in Los Banos. As a small community we pride ourselves on ensuring our
		Our CDBG CE grant funded staffing assisted in over 1,250 code enforcement violation investigations. Of those, approximately 1,200 were closed; meaning the violation(s) was identified and abated to the satisfaction of our Code
		Lastly, in our efforts to promote 'voluntary compliance' our CDBG grant funded staff were vital in our day-to-day educational efforts. From general nuisance abatement issues to assisting with the creation and distribution of informational

Total Persons Assisted:	6935	How many veterans?	
		How many disabled?	

Number of Persons

With new or continuing Access to a Service or Benefit		}	NOT REQUIRED
With Improved Access to a Service or Benefit			
Received a Service or Benefit that is No Longer Substandard			
Jobs Placements		}	NOT REQUIRED
Homeless Persons Given Overnight Shelter			
Beds Created in Overnight Shelter or Other Emergency Housing		}	NOT REQUIRED
First-Time Homebuyers			
Of the Number of First-Time Homebuyers, Number Receiving Housing Counseling			
Down payment Assistance/Closing Costs		}	NOT REQUIRED
Receiving short-term rental assistance (not more than three months)			
That were previously homeless			
Number that were chronically homeless			

Jurisdiction Name:

City of Los Banos

Contract #

15-CDBG-10567

STATE OF CALIFORNIA - CDBG PROGRAM

Project Status and/or Completion Report

Status

Final

Part B

DIRECT BENEFIT DATA BY PERSONS - LMC & LMH ONLY

NOT REQUIRED

If the National Objective beneficiaries are either LMC or LMH, accomplishment data must be reported by persons served in a fiscal year. There are 4 fiscal years available to allow for service years that do not align with fiscal years.

Information must match what was reported in each fiscal year Annual Report the public service was operated, for a maximum of 3 service years.

Program Year	# of People or Households	Accomplishment Narrative

DIRECT BENEFIT DATA BY PERSON

Race / Ethnicity	FY 1		FY 2		FY 3		FY 4		All Years	
	Total	Hisp /Latino	Total	Hisp /Latino	Total	Hisp /Latino	Total	Hisp /Latino	Total	Hisp /Latino
White (11)										
Black/African American (12)										
Asian (13)										
American Indian / Alaskan Native (14)										
Native Hawaiian / Other Pacific Isl. (15)										
Am. Indian / Alaskan Native & White (16)										
Asian & White (17)										
Black/African Am. & White (18)										
Am. Indian/Alaskan & Blk/African (19)										
Other Multi-Racial (20)										
INCOME LEVELS	FY1	FY2	FY 3	FY 4	All Years					
Extremely Low (<30%)										
Low (31-50%)										
Moderate (51-80%)										
Non-Low/ Moderate (+80%)										
Female head of household										
Veteran										
Single / Non Elderly										
Elderly										
Related/Single Parent										
Related/Two Parent										
Other										
Participans disabled										

Jurisdiction Name:

City of Los Banos

Contract #

15-CDBG-10567

STATE OF CALIFORNIA - CDBG PROGRAM
Project Status and/or Completion Report

Status

Final

PERSONS ASSISTED	FY 1	FY 2	FY 3	FY 4	All Years
With new or continuing access to a service or benefit					
With improved access to a service or benefit					
Received a service or benefit that is no longer substandard					
Homeless Persons Given Overnight Shelter					
Beds Created in Overnight Shelter or Other Emergency Housing					
Jobs Placements					
First-Time Homebuyers					
Of the Number of First-Time Homebuyers, Number Receiving Housing Counseling					
Down payment Assistance/Closing Costs					
Receiving short-term rental assistance (not more than three months)					
That were previously homeless					
Number that were chronically homeless					



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 16, 2018

Re: Notice of Public Hearing

For: Final Funding and Accomplishments Disclosure 15-CDBG-10567

NOTICE IS HEREBY GIVEN that the City of Los Banos will conduct a public hearing to disclose the final funding amounts and accomplishments of 2015 Community Development Block Grant (CDBG) agreement 10567.

The City of Los Banos received a grant in the amount of \$322,500 for the following activity: public services. Program Income on hand was expended prior to expending the awarded grant funds.

The purpose of the public hearing is to notify the citizens of the public service activities accomplished from the grant funding and to discuss the final funding amounts.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, December 5, 2018, 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, Community and Economic Development Director, at City Hall or at (209) 827-7000 ext. 2433.

Additional information may be obtained from the 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.

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

THE CITY OF LOS BANOS

Stacy Souza Elms
Community & Economic Development Director



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director *SSE*

DATE: December 5, 2018

TYPE OF REPORT: Public Hearing

SUBJECT: Driveway/Hardscape Lot Coverage Limitations; and Vehicle Parking on Private Property in the Residential Zoning Districts (R-1 and R-2)

Recommendation:

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1165 to amend and reorganize Article 20, Chapter 3 of Title 9 of the Los Banos Municipal Code relating to Off-Street Parking; amending and reorganizing Article 32, Chapter 3 of Title 9 of the Los Banos Municipal Code relating to recreational vehicles.

Background:

On February 21, 2018, the Los Banos City Council directed staff to review the Los Banos Municipal Code as it relates to driveway/hardscape lot coverage limitations and the vehicle parking on residential properties including backyards and report to the City Council. On March 21, 2018 staff made a presentation to the city council on the above subject.

At the meeting of March 21, 2018 the City Council directed staff to move forward with an ordinance amendment to address a number of concerns:

- 1) The excessive number of vehicles parking on single family residential properties;

- 2) Vehicles parked on non-hardscape surfaces such as front yard lawns and landscaping;
- 3) Property owners using sidewalks, the public right of way, and handicap curb returns and landings as a driveway approach to access back and side yards for vehicle parking and storage;
- 4) Property owner's hardscaping substantial percentages of front yards for vehicle parking.

On November 7, 2018, the Los Banos City Council waived the first reading and introduced Ordinance No. 1165 by title.

Discussion:

The proposed draft ordinance provides as follows:

1. Definitions of paved driveway, paved driveway extension, and improved parking area. The purpose of these definitions is to set forth a clear and precise understanding of permissible parking areas on a residential property. This is necessary to address the properties which are using all or a significant portion of their front yard as a parking area.
2. A simple over the counter approval process for property owners to (Zoning Clearance Certificate) confirm that their improvements, comply with the zoning code.
3. The requirement of an encroachment permit if the property owner is utilizing access other than an existing driveway approach or curb cut. This is necessary to address the problem of property owners utilizing sidewalks and landscape strips for accessing parking areas typically a back yard or side yard. This practice raises public safety concerns and concerns regarding damage to sidewalks and landscape strips.
4. Prohibits parking on unpaved surfaces as defined. This is consistent with the current regulations.
5. Allows the use of existing graveled driveways as a non-conforming use, subject to restrictions.
6. Sets forth that parking can only occur on a paved driveway, paved driveway extension, or improved parking area as defined. This is necessary to address the properties which are using all or a significant portion of their front yard as a parking area paved or unpaved. It does not require that a property owner must remove an existing paved area it simply defines on what part of that paved area that is permissible for parking. For instance if a property owner has paved their entire front yard, they will only be able to park a vehicle on that portion that is defined as a permissible parking area.

7. Limits permissible front yard parking to a maximum 50% of the front yard.
8. Allows parking in side yards that meet one of the definitions of a permissible parking area as defined.
9. Allows parking in back yards that meet one of the definitions of a permissible parking area as defined.
10. Limits the number of vehicles that are allowed to be parked in a back yard to three. Limits the height of a vehicle parked in a permissible parking area to twelve feet (12') six inches (6"). This is consistent with the current height limitations for recreational vehicle parking on private property.
11. Maintains the current regulation of five (5') foot side yard and rear yard setback.
12. Allows the Community and Economic Development Director the discretion to approve minor adjustments to the regulations.
13. Provides an appeal process.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Proposed Ordinance
Public Hearing Notice – October 5, 2018

ORDINANCE NO. 1165

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING AND REORGANIZING ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF STREET PARKING; AMENDING AND REORGANIZING ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES

WHEREAS, the City Council of the City of Los Banos finds and declares that Title 9 of the Los Banos Municipal Code, relating to off street parking and parking of recreational vehicles requires updating and revision; and

WHEREAS, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission held a public hearing on September 18, 2018 and recommended approval of the Zoning Ordinance amendment with findings of General Plan consistency, and

WHEREAS, the City Council conducted a duly noticed public hearing on the recommended changes to the Zoning Code pertaining to off street parking and parking of recreational vehicles on October 17, 2018, November 7, 2018, and December __, 2018 at which time all individuals desiring to comment on the proposed amendments were heard; and

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

Section 1. **“Part 1. General Provisions”** is hereby added to Article 20 of Title 9 Chapter 3 incorporating Sections 9-3.2001 through 9-3.2012.

Section 2. Section 9-3.2013 is hereby added to Article 20 of Title 9 Chapter 3 Part 1 to read as follows:

Sec. 9-3.2013. Parking or Storage of Vehicles Prohibited on Unpaved Surfaces.

Subject to the provisions of Section 9-3.2017(b) no vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of

transportation, whether or not motorized or operational, shall be parked or stored upon any lawn, landscaped, or other unpaved surface in any zoning district within the City.

Section 3. **“Part 2. On-Site Parking and Storage of Vehicles, in the R-1 and R-2 Residential Zoning Districts”** is hereby added to Article 20 of Title 9 Chapter 3 to read as follows:

**Part 2. On-Site Parking and Storage of Vehicles,
in the R-1 and R-2 Residential Zoning Districts**

Sec. 9-3.2014. Purpose and Applicability.

The purpose of this Article is to establish standards to regulate on-site parking and storage of vehicles, in the R-1 and R-2 residential zoning districts within the City, to ensure that the on-site parking and storage of vehicles: (i) does not create public safety or public nuisance issues; (ii) does not create an adverse aesthetic from street rights-of-way or adjacent/neighborhood properties; and (iii) does not create an adverse impact to adjacent parcels or the surrounding neighborhood.

Sec. 9-3.2015. Definitions.

(a) For the purposes of this Article, “paved driveway” shall mean a surface area improved by means of application of concrete, cement, asphalt, blacktop, bricks, interlocking pavers, or other all-weather impermeable material which provides direct access to a garage or carport from a public street or private street, with a City-approved driveway approach or curb cut for access.

(b) For the purposes of this Article, “paved driveway extension” shall mean that area of the front yard adjacent to the public right-of-way, and between the paved driveway and its nearest side property line, that is improved for use in a manner substantially similar to the paved driveway.

(c) For the purposes of this Article, “improved parking area” shall mean a surface area improved by means of application of concrete, cement, asphalt, blacktop, bricks, interlocking pavers, or other all-weather impermeable material accessed from a public or private street, with a City-approved driveway approach or curb cut for access.

Sec. 9-3.2016. Zoning Clearance Certificate and Encroachment Permits.

(a) All paved driveways, paved driveway extensions, and or improved parking areas in the R-1 and R-2 residential zoning districts within the City require a zoning clearance certificate issued by the Community and Economic Development Director verifying that the improvement complies with the requirements of this Article and/or other applicable provisions of the Los Banos Municipal Codes whether or not a building permit is required.

(b) Paved driveways, paved driveway extensions, and or improved parking areas in the R-1 and R-2 residential zoning districts approved as part of a discretionary approval such as a site plan, conditional use permit, or variance shall not require a zoning clearance certificate.

(c) Access other than from a City-approved driveway approach or curb cut shall require an encroachment permit issued by the Public Works Director. The Director may grant relief from the requirements of this subsection in order to address practical hardships that would result from the application of this subsection, subject to reasonable conditions. In evaluating the hardship and imposing reasonable conditions the Director shall consider the degree and nature of the hardship as against the stated purpose of this Article.

(d) Use of a handicap sidewalk curb ramp or return or landing for required driveway approach and access is strictly prohibited.

Sec. 9-3.2017. Parking or Storage of Vehicles Prohibited on Unpaved Surfaces in the R-1 and R-2 Residential Zoning Districts.

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any utility trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored upon any lawn, landscaped, or other unpaved surface in the R-1 and R-2 Residential Zoning Districts.

(b) Parking on a graveled driveway in existence on January 1, 2019 that otherwise meets the requirements of this Article shall be permitted as a non-conforming use. Non-conforming driveways may continue to be utilized as long as they are maintained in good operational condition as determined by the Chief Building Official and do not create a hazard or a public nuisance, except as follows:

(1) If a residential property is redeveloped, and the costs exceed more than 50 percent of the value of the property, the parking and paving requirements must be brought up to current development requirements and shall no longer be considered a non-conforming condition.

(2) If the use of a residential property is changed to a non-residential use, the parking and paving standards for the new use must comply with current paving and parking requirements specified for the new use.

(c) Existing non-conforming gravel driveways shall be maintained with compressed gravel or compacted crushed stone within a distinct border and shall be maintained with a minimum surface to base depth of four inches (4”).

Sec. 9-3.2018. On-Site Vehicle Parking and Vehicle Storage - Front Yard – Lot Coverage.

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any utility trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential front yard except on a paved driveway or paved driveway extension or improved parking area specifically and properly designed for the purpose of parking vehicles as defined in Sec. 9-3.2015.

(b) No more than fifty percent (50%) of the residential front yard may be improved with a paved driveway, paved driveway extension, and or improved parking area or any combination thereof.

(c) No more than fifty percent (50%) of the residential front yard may be used for on-site vehicle parking.

(d) No vehicle, in excess of twelve feet (12') six inches (6") in height including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any utility trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential front yard.

(e) No semi truck or tractor or semi truck or tractor trailer shall be parked or stored in a residential front yard.

(f) Recreation vehicles and utility trailers are subject to the regulations set forth in Part 3 of this Article in addition to the provisions of this Part 2.

Sec. 9-3.2019. On-Site Vehicle Parking and Vehicle Storage – Side Yard

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential side yard except on a paved driveway or paved driveway extension or improved parking area specifically and properly designed for the purpose of parking vehicles as defined in Sec. 9-3.2015.

(b) No vehicle, in excess of twelve feet (12') six inches (6") in height including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential side yard.

(c) No semi truck or tractor or semi truck or tractor trailer shall be parked or stored in a residential side yard.

(d) Recreation vehicles and utility trailers are subject to the regulations set forth in Part 3 of this Article in addition to the provisions of this Part 2.

Sec. 9-3.2020. On-Site Vehicle Parking and Vehicle Storage – Back Yard

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential back yard except on a paved driveway or paved driveway extension or improved parking area specifically and properly designed for the purpose of parking vehicles as defined in Sec. 9-3.2015.

(b) No vehicle, in excess of twelve feet (12') six inches (6") in height including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential back yard.

(c) No semi truck or tractor or semi truck or tractor trailer shall be parked or stored in a residential back yard.

(d) No more than three (3) vehicles, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential back yard with the following limitations:

(1) No more than one (1) vehicle parked or stored in a residential back yard may exceed the height of the fence line to a maximum of twelve feet (12') six inches (6").

(2) Except as set forth above in subsection (1) vehicles parked or stored in a residential back yard shall not exceed the height of the fence line.

(e) Recreation vehicles and utility trailers are subject to the regulations set forth in Part 3 of this Article in addition to the provisions of this Part 2.

Section 4. Section 9-3.3207 is hereby repealed in its entirety.

Section 5. Article 32 of Title 9 Chapter 3 is hereby retitled as "**Part 3. Regulating the Use, Storage, and Parking of Recreational Vehicles, Recreational Trailers, and Utility Trailers**" and added to Article 20 of Title 9 Chapter 3 incorporating Sections 9-3.3201 through 9-3.3206 which shall be renumbered as Sections 9-3.2021 through 9-3.2026 respectively.

Section 6. Existing Section 9-3.3204 (New Section 9-2024) is hereby amended to read as follows:

Sec. 9-3.2024. Storage and parking.

(a) It is unlawful for any person to store or park heavy equipment on any lot or piece or parcel of land within an area zoned for residential purposes unless it is wholly enclosed within a structure.

(b) It is unlawful for any person to store or park a recreational vehicle, utility trailer or camper shell not securely fastened to a vehicle, upon any lot or piece or parcel of land within an area zoned for residential purposes, including multiple-family areas in the City, except:

(1) In a licensed trailer park or licensed public storage facility;

(2) Within the side or rear yard of the lot, provided that the recreational vehicle or utility trailer be located no closer than three (3') feet to any exit from a building used for human habitation, that its wheels are properly blocked or locked, that it does not encroach on a public right-of-way, and that it is not stored or parked in a clear vision zone of a corner lot, that it is no closer than five (5') feet to any abutting side yard or five (5') feet to any abutting rear yard, and provided further that it is screened from adjacent lots by a solid nontransparent fence six (6') feet in height, unless a waiver is granted by the Planning Director; or

(3) Within the front yard of the lot, provided that the recreational vehicle or utility trailer is located entirely within a paved driveway, paved driveway extension, or an improved parking area, that its wheels are properly blocked or locked, that it does not encroach on a public right-of-way, that it is no closer than five (5') feet to any abutting side or front yard, and that it is not parked or stored in a clear vision zone on a corner lot. Additional improved parking areas may be provided in the front yard of a residential lot for the purpose of storing recreational vehicles, provided further that the paved area including the driveway does not exceed fifty (50%) percent of the front yard area. The provisions of this subsection allowing the storage or parking of recreational vehicles and utility trailers within the front yard shall be limited to one such vehicle.

Section 7. **“Part 4. “Minor Adjustments, Appeals, and Enforcement”** is hereby added to Article 20 of Title 9 Chapter 3 to read as follows:

**“Part 4. Minor Adjustments,
Appeals, and Enforcement**

Sec. 9-3.2027. Minor Adjustments.

(a) The Director may grant minor adjustments to provide for minor exceptions from the site standards established by this Article in order to address practical hardships that would result from the strict application of site standards or to accommodate a superior design that is also compatible with the neighborhood. In evaluating the hardship the Director shall consider the degree and nature of the hardship as against the stated purpose of the Article.

(b) Minor adjustments shall be limited to the following exceptions from site standards:

(1) Lot Coverage: Up to a 15% increase of the allowable front yard lot coverage.

(2) Height: Up to fifteen feet (15') in height.

(3) Number of Vehicles: Up to a maximum of two (2) additional motorcycles, small watercraft or other similar equipment stored in a residential back yard.

(c) When the Director approves a minor adjustment, property owners existing at the time, located within three hundred feet (300') shall be notified of the decision in compliance with Section 9-3.2323 of this title (Administrative Permit) and Chapter 3 Part 4 of this title (Use Permits). The notice shall identify the proposed adjustment and the available appeal process. The decision shall not take effect until the appeal period ends in compliance with Section 9-3.2330 of this title (Appeals).

Sec. 9-3.2028. Appeal. The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this Chapter.

Sec. 9-3.2029. Enforcement.

(a) It is unlawful and a public nuisance to intentionally violate any of the provisions of this Article. Violation of this Article may be charged as either an infraction or a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

(b) In addition to any other remedy or penalty set forth in this Article or this Code, administrative penalties may be imposed pursuant to applicable provisions of Chapter 11 Title 4 of this Code against any responsible party, in violation of any of the provisions of this Article. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 11 Title 4 of this Code.

(c) Remedies under this Article are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

Section 8. Chapter 5.1 of Title 4 is hereby repealed in its entirety.

Section 9. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this

Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 10. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 11. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 12. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2018.

Passed on the ____ day of _____, 2018 by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: October 5, 2018

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance – Residential Off Street Parking and Paved Surfaces

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider adopting an ordinance to amend and reorganize Article 20, Chapter 3 of Title 9 of the Los Banos Municipal Code relating to off-street parking and amend and reorganize Article 32, Chapter 3 of Title 9 of the Los Banos Municipal Code relating to recreational vehicles. The proposed ordinance is exempt from the California Environmental Quality Act (CEQA), in that the action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the adoption of the ordinance would have a significant effect on the environment. *CEQA Guidelines Section 15061(b)(3)*.

The Los Banos Planning Commission held a public hearing on September 12, 2018 and September 26, 2018 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended adoption of an ordinance specified above.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, October 17, 2018 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, Community and Economic Development Director, at City Hall or at (209) 827-7000, Ext.133.

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 per Government Code Section 65009.

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

Stacy Souza Elms



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director 

DATE: December 5, 2018

TYPE OF REPORT: Public Hearing

SUBJECT: Los Banos Police Station Facility Negative Declaration (SCH #2018101013), General Plan Amendment #2018-01 and Zone Change #2018-01

Recommendation:

That the City Council take the following actions:

1. Open the Public Hearing and receive applicant and public comment;
2. Consider comments presented at the hearing, the information in the Staff Report, the recommendation of the Planning Commission and discuss the proposal;
3. Provide a motion of intent to adopt a Resolution to approve Negative Declaration (SCH #2018101013) for the Los Banos Police Station Facility located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008;
4. Provide a motion of intent to adopt a Resolution to approve General Plan Amendment #2018-01 to amend the General Plan (Land Use Map) from Mixed Use to Civic/Institutional on approximately 3.6 acres located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008 and in accordance with Government Code 65402

determine that the acquisition of the property by the City of Los Banos is consistent with the City's General Plan;

5. Waive the first reading and introduce the Ordinance by title to Re-zone the property from Rail Corridor (R-C) to Public Facility (P-F) on approximately 3.6 acres located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008; and
6. Motion to continue the public hearing to December 19, 2018.

Background:

The City of Los Banos Police Department currently consists of two buildings and accessory buildings located in downtown Los Banos. The main Police Station buildings is located at the corner of J Street and Fifth Street and was rehabbed for the Police Department in 1969. The Police Annex is located on J Street across from City Hall and was acquired by the Police Department in 1999. Together the two main buildings provide approximately 28,600 square feet of office area. The Police Department is staffed with 41 police officers and 26 non-sworn staff; the Police Department also has a robust group of citizen volunteers. The Police Department serves over 40,000 residents in an area of approximately 10 square miles. The Police Department maintains a Type-1 jail facility that can house twenty inmates. Other services provided by the Police Department include communications, code enforcement, animal control, community outreach, and participation in the Police Athletic League. The Police Department has outgrown the existing facilities and desires to consolidate operations adjacent to the new County Courthouse.

The Los Banos Planning Commission held a public hearing on November 14, 2018, for the purpose of considering Negative Declaration (SCH #2018101013), General Plan Amendment #2018-0, Zone Change #2018-01, and that the acquisition of the property by the City of Los Banos was consistent with the City's General Plan for the Los Banos Police Station Facility. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval to the Los Banos City Council

Discussion:

The Police Department proposes to consolidate operations within a new 35,000 square-foot building. Development would include offices, new jail cells, parking, and would house animal control and logistical facilities such as communications. Primary access would be from G Street. A Site Plan has not yet been prepared. The City of Los Banos is currently undergoing a Needs Assessment to identify both physical and operational issues of space quality, layout and detail.

The City of Los Banos is requesting a General Plan Amendment and Zone Change to re-designate approximately 3.6 acres west of the new County Courthouse to facilitate

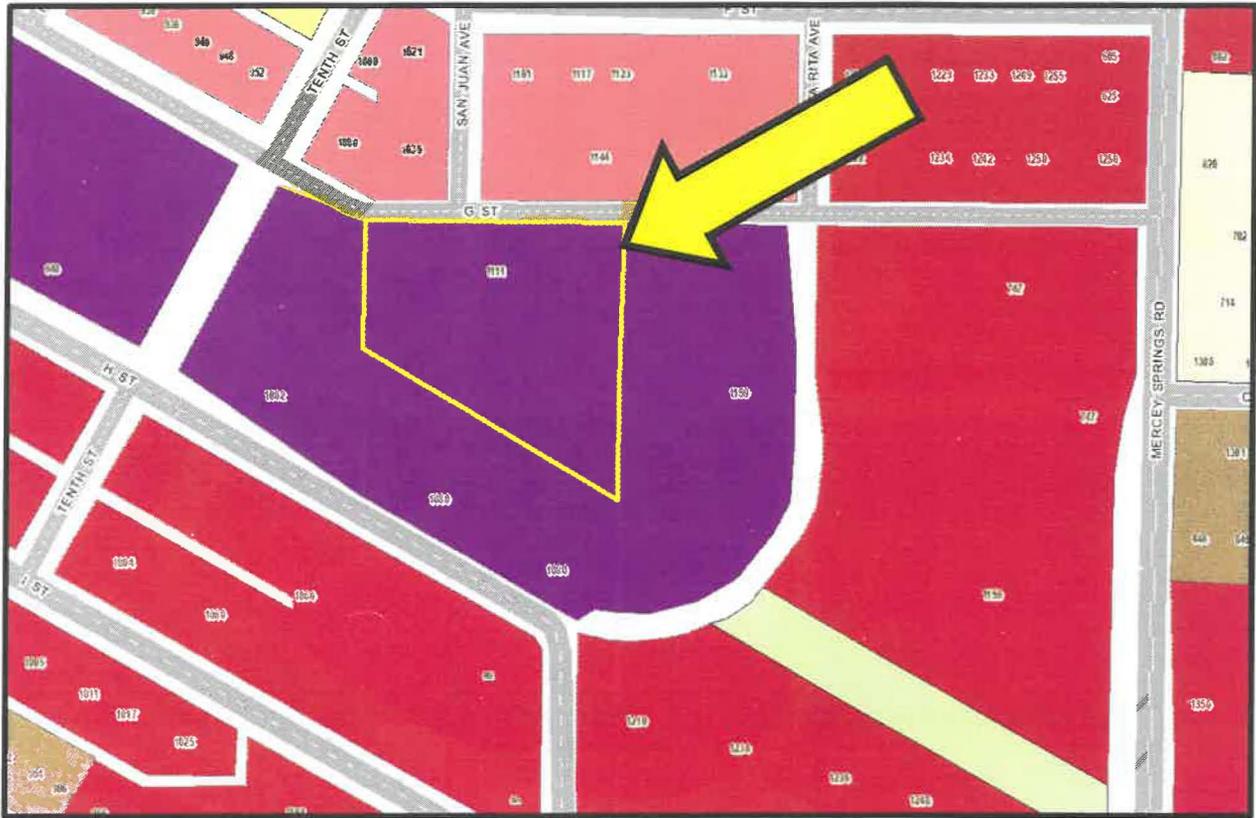
the development of a new Police Station Facility. The project site was formerly developed with a warehouse; the concrete footings from that warehouse remain. The site is adjacent to the Los Banos Rail Trail, formerly the Union Pacific Railroad (UPRR) Company right-of-way corridor.

Project Location

The project site is located at 1111 G Street, immediately west of the new County Courthouse and north of the Rail Trail.



Additionally, the surrounding zoning is depicted on the map below. Note that the purple color is Rail Corridor (R-C), red is Highway Commercial (H-C), and pink is General Commercial (C-1).



Environmental

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an initial study was prepared by EMC Planning Group to identify and assess potential environmental impacts of the General Plan Amendment and Zone Change. The initial study did not identify potentially significant effects on the environment. On the basis of the whole record, there is no substantial evidence the project will have a significant effect on the environment. The following reasons support these findings:

- The proposal is a logical component of the existing land use of this area.
- The proposed project is consistent with the adopted goals and policies of the General Plan of the City of Los Banos.
- City staff independently reviewed the initial study, and the Negative Declaration reflects the independent judgement of the City of Los Banos.
- The proposed project will not have any significant impacts on the environment.

- The Los Banos Community and Economic Development Department is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

Staff prepared a Notice of Intent for a Negative Declaration which was posted at the Merced County Clerk's Office and the Office of Planning and Research (OPR) for circulation and review on October 5, 2018 to November 5, 2018. Two comment letters were received. The first letter was from the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the comments were analyzed and determined to not change the conclusion of the level of significance determined in the Initial Study. The second letter was from the Chevron Environmental Management Company (CEMC) to provide information about the potential encounter of asbestos-containing materials during subsurface construction activities in the vicinity of the former pipeline location. Both of these letters are attached to this staff report for reference.

PROJECT ANALYSIS:

Existing Setting

The project site consists of two (2) parcels totaling approximately 3.6 acres. The project site was formerly developed with a warehouse and the concrete footings from the warehouse remain. The Site is adjacent to the Los Banos Rail Trail. The project site has a Los Banos General Plan land use designation of Mixed Use.

The project site was included in the Rail Corridor Regulating Code, which was designed to guide redevelopment of the Corridor with a multipurpose trail, a public plaza, park space, and a mix of residential, commercial, and civic uses. To date, the properties immediately adjacent to the project site, with exception of the Courthouse, have not been redeveloped and the land is vacant.

Proposed Uses and Density

The project includes a General Plan Amendment from Mixed Use to Civic/Institutional and a re-zone from Rail Corridor (R-C) zoning to Public Facility (P-F). The existing General Plan Land Use and Zoning Maps are included as attachments.

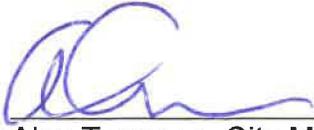
Compatibility with Adjacent Uses

The proposed Civic/Institutional General Plan land use designation and Public Facility zoning designation are compatible with the surrounding uses which consist of the new County Courthouse to the east and the Los Banos Public Works Corporation Yard to the northwest. The intent of the re-designation and relocation of the Police Station is to develop a public safety campus adjacent to complimentary uses such as the Courthouse.

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 November 23, 2018. As of the date of this report no written comments have been received.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Resolution approving Negative Declaration (SCH #2018101013)
Exhibit A: CEQA Findings
2. Initial Study/Negative Declaration (SCH#2018101013)
3. Comment Letters – SJVAPCD & CEMC
4. Response to Comment Letters
5. Resolution to approve General Plan Amendment #2018-01
Exhibit A: CEQA Findings
Exhibit B: Findings for Approval
6. Ordinance to Re-Zone
7. Current General Plan Lan Use Map
8. Current Zoning Map
9. Public Hearing Notice – November 23, 2018

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING NEGATIVE DECLARATION (SCH#2018101013) FOR THE LOS BANOS POLICE STATION FACILITY LOCATED AT 1111 G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 026-161-003 AND PORTION OF 026-161-008

WHEREAS, the City of Los Banos is requesting a General Plan Amendment and Zone Change to re-designate approximately 3.6 acres from Mixed Use and Rail Corridor (R-C) to Civic/Institutional and Public Facility (P-F) to facilitate the development of a new Police Station Facility located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008; and

WHEREAS, an Initial Study and Negative Declaration were prepared for the project in accordance with CEQA Guidelines Section 15070; and

WHEREAS, a Notice of Intent to adopt a Negative Declaration for Los Banos Police Station project was submitted to the State Clearing House and posted at the Merced County Clerk's Office for a 30 day public review period commencing on October 5, 2018, and ending on November 5, 2018; and

WHEREAS, a Notice of Intent was published in the Los Banos Enterprise on October 5, 2018; and

WHEREAS, the Los Banos Planning Commission held a public hearing on November 14, 2018, for the purpose of considering the Project and at the completion of the public hearing, duly considered the evidence presented and recommended approval to the Los Banos City Council; and

WHEREAS, the City Council of the City of Los Banos scheduled and duly noticed a public hearing in accordance with California Government Code Section 65091 by advertisement and notices by mail to property owners within a 300 foot radius of the project boundaries on November 23, 2018, to consider and take testimony regarding these matters on December 5, 2018; and

WHEREAS, at the December 5, 2018, City Council Meeting the Los Banos City Council, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the criteria established in the Los Banos Municipal Code; and

WHEREAS, the Los Banos City Council has reviewed and considered the Initial Study and Negative Declaration (SCH#2018101013) for the Los Banos Police Station incorporated herein by reference and finds that there is no substantial evidence the project will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby make the appropriate findings set forth in Exhibit A (CEQA Findings), attached hereto and incorporated herein by this reference and approves Negative Declaration (SCH#2018101013) attached hereto and incorporated herein by reference, for the Los Banos Police Station project located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19th day of December 2018, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR THE LOS BANOS POLICE STATION FACILITY

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

The City of Los Banos City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Los Banos Police Station project was evaluated in an Initial Study which determined that the project would not involve any significant environmental effects and a Negative Declaration (SCH#2018101013) was prepared.
2. The Negative Declaration was adequately noticed and circulated for public review and one (1) public comment on the proposed Negative Declaration was received from the San Joaquin Valley Air Pollution Control District. The City distributed the Notice of Intent with copies of the Negative Declaration, and posted the Notice of Intent at the Merced County Clerk's office on October 5, 2018, to November 5, 2018.
3. On the basis of the whole record, including the Negative Declaration and public comment, the Planning Commission finds that there is no substantial evidence that the Project may have a significant effect on the environment. The following reasons support these findings:
 - a. The proposal is a logical component of the existing land use of this area.
 - b. The propose project is consistent with the adopted goals and policies of the General Plan of the City of Los Banos.
 - c. City staff independently reviewed the initial study, and the Negative Declaration reflects the independent judgement of the City of Los Banos.
 - d. The proposed project will not have any significant impacts on the environment.
 - e. The Los Banos Community and Economic Development Department is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.
4. The Negative Declaration was prepared in compliance with CEQA and on the basis of the whole record, there is no substantial evidence of significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Initial Study/ Negative Declaration.

5. Prior to considering the proposed Project, the City Council considered the Negative Declaration for the Los Banos Police Station Facility.

Proposed Negative Declaration and Initial Study
Los Banos Police Station

October 3, 2018



Prepared by
EMC Planning Group



City of
Los Banos
At the Crossroads of California

NOTICE OF INTENT

**to adopt a Negative Declaration for the
Los Banos Police Station**

NOTICE IS HEREBY GIVEN THAT the City of Los Banos as Lead Agency has prepared a proposed Negative Declaration for the Project identified below. A copy of this document, which includes an initial study, is available for review at City Hall, 520 "J" Street, Los Banos and Los Banos Branch of the Merced County Public Library, 1312 7th Street, Los Banos. You may also obtain a copy of the document by contacting the Los Banos Community and Economic Development Department at (209) 827-7000 ext 118. Because of time limits mandated by State law, your response must be sent at the earliest possible date but no later than thirty (30) days from the October 5, 2018 posting date of this notice.

Please submit your response to Stacy Souza Elms, Los Banos Community and Economic Development Department, 520 J Street, Los Banos, CA 93635 by November 5, 2018 at 5:00 pm.

Project Title: Loss Banos Police Station

Project Sponsor: City of Los Banos Police Department

Project Location: The project site is located at 1111 G Street in Los Banos, California and is immediately west of the new County Courthouse.

Project Description: The Police Department proposes to consolidate operations within a new 35,000 square-foot building at 1111 G Street in Los Banos. The site is about 3.6 acres, and was formerly developed with a warehouse; the concrete footings from that warehouse remain. The site is adjacent to the Los Banos Rail Trail, formerly the Union Pacific Railroad (UPRR) Company Right-of-Way Corridor. Development would include offices, new jail cells, parking, and would house animal control and logistical facilities such as communications.

Stacy Souza Elms, Director

DATED:
PUBLISHED: October 5, 2018

PROPOSED NEGATIVE DECLARATION

LOS BANOS POLICE STATION

PREPARED FOR

City of Los Banos

Stacy Souza Elms, Director

520 J Street

Los Banos, CA 93635

Tel 209.827.7000

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP, MUP

James@emcplanning.com

www.emcplanning.com

October 3, 2018

This document was produced on recycled paper.





City of
Los Banos
At the Crossroads of California

**PROPOSED
NEGATIVE DECLARATION**

Los Banos Police Station

**In compliance with the
California Environmental Quality Act (CEQA)**

Lead Agency:	City of Los Banos
Project Proponent:	City of Los Banos Police Department
Project Location:	The project site is located at 1111 G Street in the City of Los Banos, Merced County.
Project Description:	The Police Department proposes to consolidate operations within a new 35,000 square-foot building located at 1111 G Street, Los Banos. Development would include offices, new jail cells, parking, and would house animal control and logistical facilities such as communications.
Public Review Period:	Begins – October 5, 2018 Ends – November 5, 2018

Address Where Stacy Souza Elms, Director
Written Comments Community & Economic Development Department
May be Sent: City of Los Banos
520 J. Street, Los Banos, CA 93635
(209) 827-7000 (phone)
(209) 827-7006 (fax)

Proposed Finding: An initial study of this project was undertaken and prepared for the purpose of ascertaining whether this project might have a significant effect on the environment. A copy of this study is attached. The initial study did not identify potentially significant effects on the environment. On the basis of the whole record, there is no substantial evidence the project will have a significant effect on the environment. The following reasons will support these findings:

- The proposal is a logical component of the existing land use of this area.
- The proposed project is consistent with the adopted goals and policies of the General Plan of the City of Los Banos.
- City staff independently reviewed the initial study, and this Negative Declaration reflects the independent judgment of the City of Los Banos.
- The proposed project will not have any significant impacts on the environment.
- The Los Banos Community and Economic Development Department is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

INITIAL STUDY

LOS BANOS POLICE STATION

PREPARED FOR

City of Los Banos

Stacy Souza Elms, Director

520 J Street

Los Banos, CA 93635

Tel 209.827.7000

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP, MUP

James@emcplanning.com

www.emcplanning.com

October 3, 2018

This document was produced on recycled paper.



TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	7
C.	DETERMINATION	8
D.	EVALUATION OF ENVIRONMENTAL IMPACTS.....	9
	1. Aesthetics	11
	2. Agriculture and Forest Resources	13
	3. Air Quality	15
	4. Biological Resources	19
	5. Cultural Resources.....	21
	6. Geology and Soils	22
	7. Greenhouse Gas Emissions	25
	8. Hazards and Hazardous Materials	27
	9. Hydrology and Water Quality	30
	10. Land Use and Planning.....	34
	11. Mineral Resources	35
	12. Noise	36
	13. Population and Housing.....	39
	14. Public Services.....	40
	15. Recreation	41
	16. Transportation/Traffic.....	42
	17. Tribal Cultural Resources	44
	18. Utilities and Services Systems.....	45
	19. Mandatory Findings of Significance	48
E.	SOURCES.....	49

Appendices

Appendix A CalEEMod Results

Appendix B Traffic Impact Assessment

Figures

Figure 1	Location Map	3
Figure 2	Aerial Photograph.....	5

Tables

Table 1	Unmitigated Construction Criteria Pollutant Emissions	17
Table 2	Unmitigated Operational Criteria Pollutant Emissions	17
Table 3	Summary of Unmitigated GHG Emissions Attributable to the Project	26

A. BACKGROUND

Project Title	Los Banos Police Station
Lead Agency Contact Person and Phone Number	City of Los Banos Community Development Department Stacy Souza Elms, Director 209-827-7000
Date Prepared	October 3, 2018
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Rachel Hawkins, J.D., Associate Planner Tanya Kalaskar, MS, Assistant Planner Sally Rideout, EMPA, Principal Planner Richard James, MUP, AICP, Principal Teri Wissler Adam, Senior Principal
Project Location	1111 G Street, Los Banos CA
Project Sponsor Name and Address	City of Los Banos Police Department 520 J Street Los Banos , CA 93635
General Plan Designation	Mixed Use
Zoning	Railroad Corridor

Setting

The City of Los Banos Police Department currently consists of two buildings located in downtown Los Banos. The main Police Department building at the corner of J Street and 5th Street was built in 1969 and the Police Department annex on J Street across from City Hall was built in 1999. Together the two buildings provide 28,600 square feet of office area. Total site area is about 1.25 acres. Police vehicles that are not in use are parked behind the main police department building. The Police Department is staffed with 40 police officers and 26 non-sworn staff; the Police Department also has a robust group of citizen volunteers. The Police Department serves about 40,000 residents in an area of about 10 square miles. Six patrol teams cover three shifts. The Police Department responded to 35,500 calls for service in 2017, including 19,000 emergency calls. The Police Department maintains a Type-1 jail facility that can house twenty inmates. Other services provided by the Police Department include communications, code enforcement, animal control, community outreach, and

participation in the Police Athletic League. The city's population has grown from about 26,000 in 2000, to about 36,000 in 2010 to its current level of about 40,000 residents. The Police Department has outgrown the existing facilities and desires to consolidate operations adjacent to the new County Courthouse.

Project Location

The project site for the new Police Department is located at 1111 G Street, immediately west of the new County Courthouse. The site is about 3.6 acres, and was formerly developed with a warehouse; the concrete footings from that warehouse remain. The site is adjacent to the Los Banos Rail Trail, formerly the Union Pacific Railroad (UPRR) Company Right-of-Way Corridor. [Figure 1, Location Map](#) shows the general location of the project site in relation to the city limits of Los Banos. [Figure 2, Aerial Photograph](#), shows the approximate boundaries of the project site on an aerial photograph.

Description of Project

The Police Department proposes to consolidate operations within a new 35,000 square-foot building with 41 sworn employees and 29 non-sworn employees. Development would include offices, new jail cells, parking, and would house animal control and logistical facilities such as communications. Access would be from G Street. A site plan has not yet been prepared.

The facilities currently housing Police Department operations will be reused, although no use has been identified at this time.

Methodology

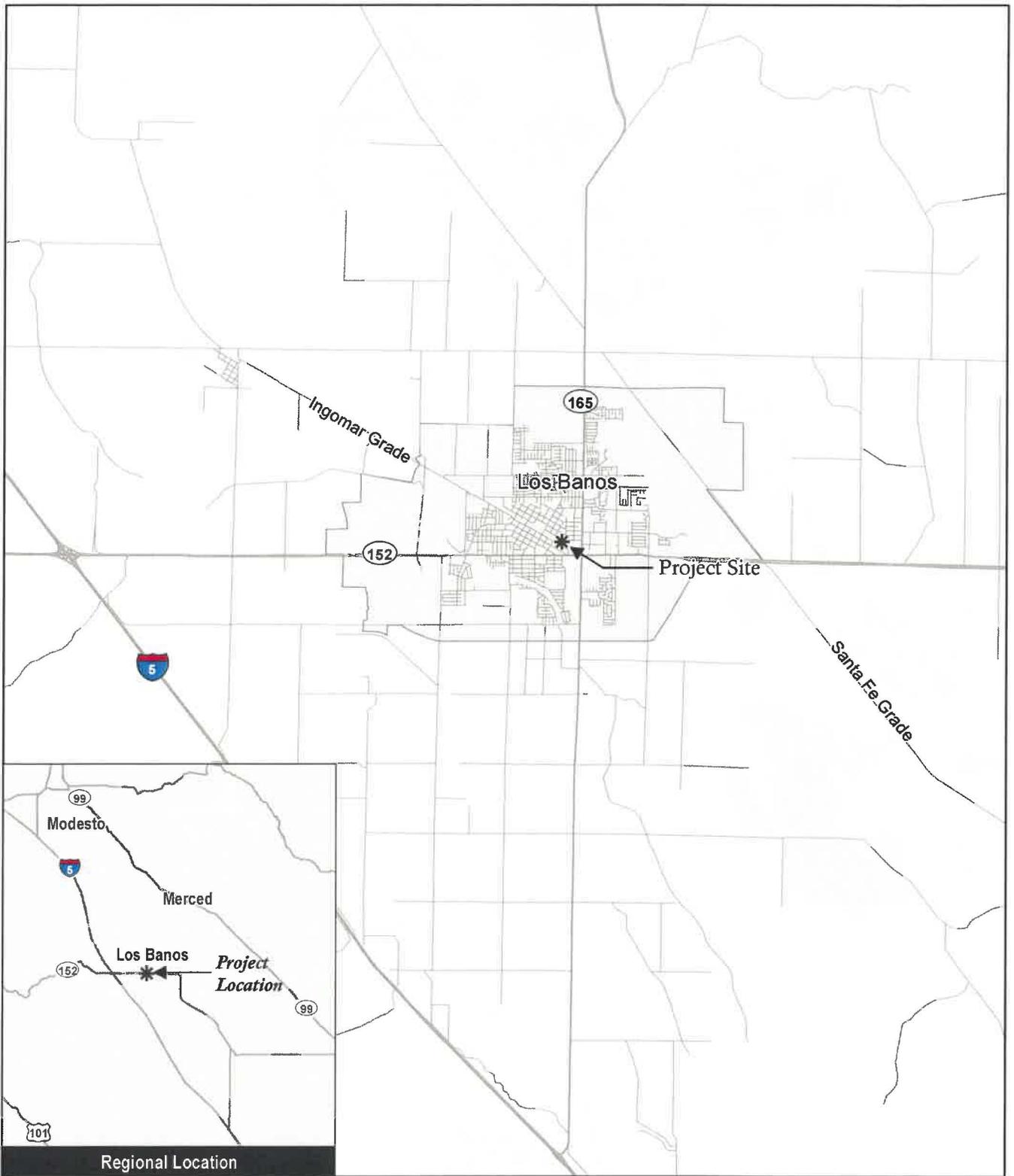
The project would likely qualify for a Class 32 Infill Exemption from further review under CEQA. The project appears to meet all Class 32 requirements and not be subject to any exceptions to this exemption. However, in order to provide additional opportunities for public comment, this initial study was prepared, and the City of Los Banos intends to prepare and circulated a negative declaration for public review and comment.

Other Public Agencies Whose Approval is Required

None.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

None have requested consultation.



Source: ESRI 2018

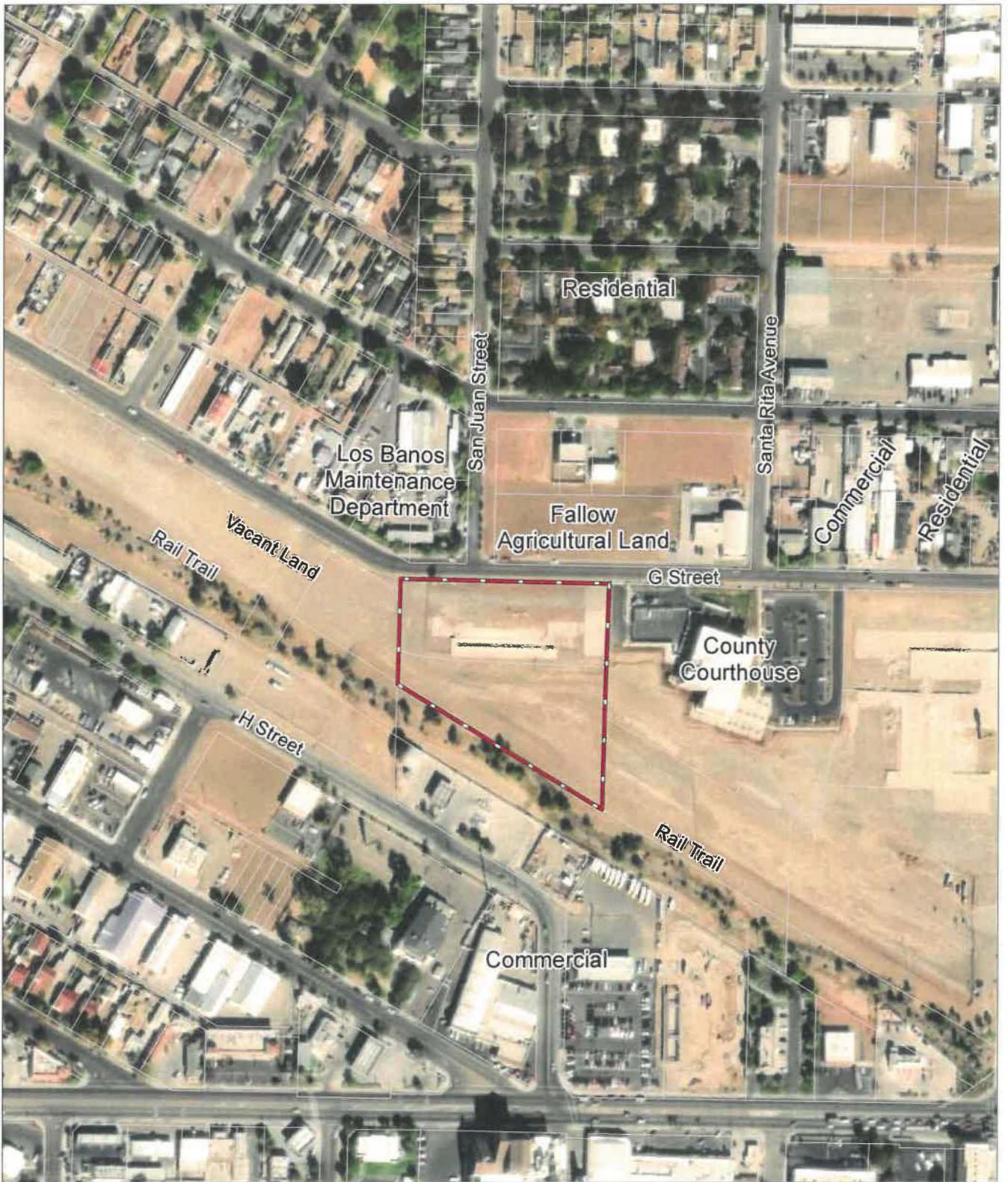


Figure 1
Location Map



Los Banos Police Station Initial Study

This side intentionally left blank.



Source: ESRI 2018, City of Los Banos 2015

Figure 2

Aerial Photograph

Los Banos Police Station Initial Study



This side intentionally left blank.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

C. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Stacy Souza Elms,
Community & Economic Development Director

Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” —For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. “Supporting Information Sources” — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1, 2, 5, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 2, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 5, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 2, 5, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. **Scenic Vistas.** Scenic vistas in Los Banos include views of peripheral agricultural lands, grasslands, and wetlands as seen from public viewing areas. The project site was previously developed, is located within an infill area, and is surrounded by urban development such that development would not obstruct views from public viewing areas of agricultural lands, grasslands, or wetlands.
- b. **State Scenic Highway.** No scenic highways exist within or near Los Banos.
- c. **Visual Character.** The *City of Los Banos 2030 General Plan Environmental Impact Report* (general plan EIR) determined that visual degradation could occur due to implementation of the general plan due to redevelopment or new development proposed on vacant sites within Los Banos. However, the general plan EIR determined that the *City of Los Banos 2030 General Plan* (general plan) policies and programs would minimize negative aesthetic impacts. Policy LU-I-22 would require that the scale, operation, location, and other characteristics of community facilities enhance the character and quality of neighborhoods so that there would not be long term visual impacts. In addition to general plan policies, the project development would be required to adhere to the detailed *Los Banos Rail Trail Corridor Regulating*

Code. Because the site is vacant, devoid of landscaping, and contains old concrete footings, development of the new police station on the site could actually enhance the visual character of the site.

Additionally, the general plan EIR identified short term visual impacts resulting from development include blockage or disrupting of views by construction equipment and scaffolding, removal of vegetation, temporary route changes for transportation improvements, exposed excavation, and construction staging areas.

Short term impacts are less than significant because they are temporary in nature and tend to only affect a localized area at any one time. In addition, there are policies in the general plan that would ensure that construction-related adverse impacts on visual resources are minimized.

- d. **Light and Glare.** The project would include lighting for the parking lot and police vehicle storage area. While the proposed project would contribute some new light or glare to the immediate vicinity, the project consists of redevelopment of an infill location surrounded by other development. The project's contribution to the light and glare in the area would therefore be insignificant.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1, 2, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Convert Important Farmland.** According to the California Department of Conservation's Merced County 2016 Important Farmland Map, the project site is identified as Urban and Built-Up Land and does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the proposed project would not result in the conversion of important farmland.

- b-e. **Conflict with Williamson, Zoning, or Agricultural or Forestry Production.** There are no Williamson Act conservation easements on the project site and the project site is not zoned for agricultural, forestland, or timberland uses. Therefore, the proposed project would not result in the conversion, loss of, or conflict with any agricultural or forestry timberland production or forest land uses.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (22,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (18,22,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (22,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations? (5, 18, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people? (18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. **Conflict with Air Quality Plan.** Los Banos is located in the San Joaquin Valley Air Basin (“air basin”), which is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (“air district”). The air district is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulation within the air basin. The air basin is in “severe” nonattainment for the state 1-hour ozone standards and in nonattainment for the state 8-hour ozone, PM₁₀, and PM_{2.5} standards. The air basin is in “extreme” nonattainment for the federal 8-hour ozone standards and in nonattainment for the federal PM_{2.5} standards. The air district has attainment plans in place for nonattainment criteria pollutants that identify strategies to bring regional emissions into compliance with federal and state air quality standards.

In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants designated as nonattainment in the area, the air district has established significance thresholds associated with development projects for emissions of reactive organic gases (ROG), nitrogen oxide (NO_x), and particulate matter (PM₁₀ and PM_{2.5}). Therefore, projects with emissions below the thresholds of significance criteria would be deemed to not conflict with or obstruct implementation of the air district's air quality plan.

The proposed project does not exceed the thresholds of significance criteria (see "b" below) and therefore, would not conflict with or obstruct implementation of applicable air quality plans.

- b. **Violate Air Quality Standards.** As discussed in "a" above, the air basin is in nonattainment for the state 1-hour ozone, 8-hour ozone, PM₁₀, and PM_{2.5} standards and for the federal 8-hour ozone and PM_{2.5} standards.

Additionally, the air district has adopted regulations establishing control over air pollutant emissions associated with land development and related activities.

Applicable air district rules and regulations include:

- Air District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the air district no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees.
- Air District Regulation VIII (Fugitive PM₁₀ Prohibitions) requires the project proponent to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan, if applicable prior to commencing any earthmoving activities as described in District Rule 8021 – Construction Demolition, Excavation, Extraction, and Other Earthmoving Activities.

Table 2 of the air district's *Guidance for Assessing and Mitigating Air Quality Impacts* establishes thresholds for criteria pollutants for determining whether a project would have a significant air quality impact. The proposed project would generate criteria air pollutants during construction and operation.

Construction Emissions. Construction emissions associated with the proposed project include mobile source exhaust emissions, emissions generated during the application of asphalt paving material and architectural coatings, as well as emissions of fugitive dust associated with earthmoving equipment. The proposed project's

construction emissions were estimated using California Emissions Estimator Model (CalEEMod) and reviewed against the air district thresholds. The results are summarized in [Table 1, Unmitigated Construction Criteria Pollutant Emissions](#). Detailed emissions modeling results are presented in [Appendix A](#).

Table 1 Unmitigated Construction Criteria Pollutant Emissions

Emissions	ROG	NO_x	PM₁₀	PM_{2.5}	CO
Project	0.51	1.99	0.15	0.11	1.66
Air District Thresholds	10	10	15	15	100

SOURCE: EMC Planning Group 2018, San Joaquin Valley Air Pollution Control District 2015

As shown in Table 1 above, the proposed project would not exceed the applicable air district thresholds during project construction.

Operational Emissions. The development of the proposed project would result in operational emissions, including smog-forming and particulate emissions. The proposed project’s operational emissions were estimated using California Emissions Estimator Model (CalEEMod) and reviewed against the air district thresholds. The results are summarized in [Table 2, Unmitigated Operational Criteria Pollutant Emissions](#). Detailed emissions modeling results are presented in [Appendix A](#).

Table 2 Unmitigated Operational Criteria Pollutant Emissions

Emissions	ROG	NO_x	PM₁₀	PM_{2.5}	CO
Project	0.20	0.37	0.07	0.02	0.31
Air District Thresholds	10	10	15	15	100

SOURCE: EMC Planning Group 2018, San Joaquin Valley Air Pollution Control District 2015

As shown in Table 2 above, the proposed project would not exceed the applicable air district thresholds during operation.

From Tables 1 and 2, the proposed project would generate criteria air pollutants that could contribute to the violation of air quality standards. However, criteria air pollutant emissions associated with construction and operation of the proposed project would not exceed the air district thresholds, resulting in a less than significant impact on violation of air quality standards.

- c. **Cumulative Increase of Criteria Pollutant.** The air district’s application of thresholds of significance for criteria pollutants is relevant to the determination of whether a project’s individual emissions would have a cumulatively significant impact on air quality. Pursuant to the air district’s guidance, if project specific emissions would be

less than the thresholds of significance for criteria pollutants, the project would not be expected to result in a cumulatively considerable net increase of any criteria pollutant for which the air district is in non-attainment.

The proposed project does not exceed the air district's thresholds for criteria air pollutants (see "b" above). Therefore, the proposed project would result in a less-than-significant cumulatively considerable impacts.

- d. **Sensitive Receptors.** According to the air district's CEQA guidelines, a sensitive receptor is generally defined as a place where human populations, especially children, seniors, and sick persons are located. These typically include residences, hospitals, and schools.

Operation of the proposed project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent sensitive receptors. The project site is located approximately 550 feet from the homes to the north and approximately 1,000 feet from the homes to the west. Emissions generated during construction activities are short term because they would be limited to the periods of site development and construction. Project construction would be subject to air district rules related to control of construction emissions, including the various rules comprising Regulation VIII. The application of these rules to the project would further limit the potential air quality effects of the project. Therefore, emissions during construction would result in a less-than-significant impact on sensitive receptors.

- e. **Odors.** The proposed police station is not anticipated to produce any objectionable odors during its operation. Construction activities associated with the proposed project, such as paving and painting, may temporarily generate objectionable odors. Since odor-generating construction activities would be temporary, this impact is anticipated to be less than significant.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-d. **Special Status Species and Habitat, Sensitive Natural Communities, Wetlands and Waterways, Wildlife Movement.** The project site is identified by the general plan as “Urban” on Figure 5-3 Special Status Species and Habitat, based on the California Natural Diversity Database. The project site was previously developed and consists of dirt and concrete footings from a warehouse that was demolished. The property is devoid of sensitive habitat and the project would not have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. There is no riparian habitat, federally protected wetlands, or other sensitive natural community within the project site vicinity and the project would not interfere with wildlife movement.

- e. **Local Policies/Ordinances.** The city’s tree ordinance regulates street tree easements, trees within the public right-of-way, and trees granted the Heritage tree status. Trees are given heritage status based on history, girth, height, species or unique quality. The few trees that are on the project site appear to be young non-native ornamental trees that would unlikely qualify as heritage trees. Therefore, removal of any of the trees in the developed portion of the project site, if any, would not result in impacts. The proposed project will not conflict with the city’s general plan policies or local ordinances protecting biological resources.

- f. **Habitat Conservation Plans.** No adopted Habitat Conservation Plan includes the project area. Therefore, the proposed project will not conflict with any adopted habitat conservation plan.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of dedicated cemeteries? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. **Historic Resources.** According to the general plan, the project site does not contain any designated historical resources and is not within the vicinity of any historical resources. The project site is vacant and thus no demolition of structures would occur. There are existing concrete footings from a warehouse that was previously demolished that will be removed. Even if the prior building had been historic at the time of its demolition, the foundations would not be considered historic because the building has been altered to the extent that it could no longer retain any historic value. The proposed project would have no effect on historic resources.
- b-d. **Archaeological and Paleontological Resources and Human Remains.** According to the general plan, archival research indicates that most prehistoric settlement in the area was focused along Los Banos Creek, and therefore, this is the area in which archaeological resources are expected to occur. The project site is not located within the Los Banos Creek Archaeological District. There remains the possibility for unknown significant archaeological resources, paleontological resources, or human remains to be discovered on the project site during ground disturbing activities such as grading, trenching, or staging areas. A substantial adverse change to these resources would be a significant impact. General plan policy POSR-G-12 would require that in the event of a discovery, appropriate avoidance or protection measures are implemented, or where preservation is infeasible or unnecessary, such resources are appropriately documented. This would ensure that impacts would be less than significant.

6. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Strong seismic ground shaking? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial risks to life or property? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **(1) Fault Rupture.** Los Banos is not located within a delineated Alquist-Priolo Earthquake Fault Zone. Although a larger earthquake is likely to occur in the region, no surface rupture is likely because there are no active or potentially active faults traversing Los Banos.
- (2) Seismic Ground Shaking.** Strong seismic ground shaking is expected at the site during a large seismic event. However construction is required to comply with current seismic development standards in the building code, which would minimize the potential for severe damage and loss of life.
- (3) Liquefaction.** No specific liquefaction hazard areas have been identified in Los Banos. However, there is still the potential for liquefaction on the project site. Compliance with general plan policies and seismic development requirements in the building code would minimize the potential for impacts.
- (4) Landslide.** Los Banos is relatively flat and slope failure and earthquake induced landslides are considered a very low risk. The project site is entirely level. Therefore, there is no risk of landslides at the project site.
- b. **Erosion.** According to general plan Figure 3.6-2, Erosion Hazards, the project site is located in a very high erosion hazard area. Implementation of the following proposed general plan policies would help to reduce this impact to a level that is less than significant:
- S-I-6 Control erosion of graded areas with revegetation or other acceptable methods. Plant materials for revegetation should not be limited to hydro seeding and mulching with annual grasses. Trees add structure to the soil and take up moisture while adding color and diversity. Other acceptable methods to reduce erosion from grading may include construction techniques that utilize site preparation best management practices that provide erosion and sediment control to prevent construction-related contaminants from leaving development sites and polluting local waterways.
- Implementation of general plan policies would minimize on-site erosion risks to a less-than-significant level.
- c, d. **Unstable or Expansive Soils.** Soils with moderate to high shrink-swell potential do exist within the Los Banos area. Expansive soils require particular engineering design, site preparation, and construction practices in order to prevent structure damage from soil movement associated with moisture level changes. When these

practices are employed on a project by project basis the potential for structural damage is minimal. The following general plan policies minimize the potential for impacts:

S-I-1 Review proposed development sites at the earliest stage of the planning process to locate any potential geologic or seismic hazard.

S-I-2 Facilitate greater safety provisions for important or critical-use structures (such as hospitals, schools, fire, police, and public assembly facilities; substations and utilities) through input during site selection and a comprehensive geotechnical investigation.

S-I-4 Require utilities be designed to withstand probable seismic forces to be encountered in Los Banos.

S-I-5 Require preparation of a soils report as part of the development review and/or building permit process.

Implementation of general plan policies would reduce potential to a level that is less than significant.

- e. **Septic Tanks.** The proposed project would connect to the city's wastewater collection and treatment system. There is no impact associated with septic tanks or alternative wastewater disposal systems.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (18,23,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **GHG Emissions.** AB 32, the California Global Warming Solutions Act of 2006, was amended by SB 32, which was signed in September 2016. SB 32 requires that the California Air Resources Board reach the goal that statewide greenhouse gas (GHG) emissions are reduced to 40 percent below the 1990 level by the end of the year 2030. The California Air Resources Board, along with other state agencies, is also in the process of preparing an updated Climate Change Scoping Plan.

The proposed project is located within the San Joaquin Valley Air Pollution Control District (“air district”). Although the air district adopted a guidance document in 2009 for assessing and reducing greenhouse gas emissions impacts from development projects, the results of a California Supreme court case in 2015 on a project in southern California suggests another approach would be more adequate. In light of the recent court case, guidance provided by the Bay Area Air Quality Management District (BAAQMD) is used as reference. According to BAAQMD’s 2017 CEQA guidelines, the threshold of significance for land use development projects is annual operational emissions less than 1,100 metric tons (MT) of CO_{2e} per year. If annual emissions of operational-related GHGs exceed 1,100 MT of CO_{2e} per year, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change. BAAQMD does have an adopted threshold of significance for construction-related GHG emissions.

The proposed project would result in greenhouse gas emissions during its construction and operational phases. Construction emissions would be generated by equipment used during the site preparation and building construction processes.

Operational emissions would be generated primarily by vehicle trips of police officers and public accessing the site, and indirectly by use of electricity, natural gas, and water, the generation of wastewater, and disposal of solid waste.

The proposed project’s GHG emissions were estimated using California Emissions Estimator Model (CalEEMod). The total unmitigated annual GHG emissions that would be attributable to the proposed project consist of the sum of amortized construction emissions and unmitigated operational emissions. The results are summarized in [Table 3, Summary of Unmitigated GHG Emissions Attributable to the Project](#). Detailed emissions modeling results are presented in [Appendix A](#).

Table 3 Summary of Unmitigated GHG Emissions Attributable to the Project

Amortized Construction	Annual Operations	Annual Project Emissions
8.85	220.01	228.86

SOURCE: EMC Planning Group 2018

NOTES:

1. Results may vary due to rounding.
2. MT of CO₂e per year.

As shown in Table 3, the proposed project is not expected to exceed the threshold of 1,100 MT of CO₂e per year. The proposed police station would not be expected to make a substantial contribution of GHG emissions and therefore, the impact would be less than significant.

- b. **Conflict with Applicable Plan.** Neither the city nor the air district has adopted a qualified climate action plan. The City of Los Banos enforces the provisions of the Green Building Standards Code and Title 24, Energy Code. The proposed project would be required to meet requirements of the Green Building Standards Code and the Title 24, Energy Code. Therefore, the project would not conflict with implementation of an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Transport, Use, or Disposal of Hazardous Materials.** Development of the site may involve the use and transport of hazardous materials during project construction. These materials may include fuels, oils, mechanical fluids, and other chemicals typically used during construction. Transportation, storage, use and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. All construction activities on sites larger than one acre are subject to the National Pollutant Discharge Elimination System (NPDES) permit process that requires the preparation of a storm water pollution prevention plan (SWPPP), which would be reviewed and approved by the Regional Water Quality Control Board.

A police station would not routinely transport, use, or dispose of hazardous materials during operations, with the exception of common residential-grade hazardous materials such as household cleaners, paint, etc. Enforcement of hazardous material regulations and rapid response by local agencies would ensure the project's household hazardous materials transportation, use, and disposal impacts and ensure that the risk of potential hazard to the public and the environment are less than significant.

- b. **Release of Hazardous Materials.** Soil samples were collected by Brusca Associates, Inc. on August 31, 2015 and by Ardent Environmental Group, Inc. on March 14, 2017. A report of Results of Additional Soil Sampling was published on May 2, 2018 by Ardent Environmental Group, Inc. that includes the findings of the 2015 report. Initial sampling indicated that the site had surface arsenic concentrations up to 54 mg/kg. Additional sampling reported similar surface concentrations and concentrations at two-foot depth less than 7 mg/kg of arsenic. Soluble Threshold Limit Concentration (STLC) testing was conducted on samples from the only location found to have total arsenic concentrations over 50 mg/kg. The STLC result was below the regulatory arsenic STLC of 5 milligrams per liter (mg/L) indicating that the arsenic would not be considered soluble above regulatory limits. An Arsenic Affected Soil Remediation Work Plan (work plan) dated May 18, 2018 was prepared by Provost & Pritchard Consulting to be implemented during excavation and offsite disposal of soils with elevated (above site specific background) arsenic concentrations. Previous investigations have been performed at the site, which characterized soil conditions and revealed areas of elevated arsenic concentrations. The elevated concentrations were documented in the surface soils, likely originating from historic railroad use of arsenic-based herbicides. Provost & Pritchard submitted a work plan dated October 18, 2017 for the Los Banos Rail Trail which is adjacent to the site. In that work plan, a cleanup goal of 28.2 milligrams per kilogram (mg/kg) of

arsenic was selected and approved by the Regional Water Quality Control Board. Statistical comparison indicated that there is not a statistically significant difference between the datasets of the Rail Trail and 1111 G Street sites. This data supports the use of the 28.2 mg/kg value for G Street cleanup goal. The affected soil will be excavated and removed from the site and disposed at an off-site landfill permitted to accept such soil. The work plan specifies procedures for removing the soils with arsenic concentrations that exceed the site-specific cleanup goal of 28.2 mg/kg including dust control and storm water Best Management Practices to ensure that impacts will be less than significant.

- c. **Hazardous Emissions, Materials, Substances, or Waste within One-Quarter Mile of a School.** The closest school to the project site is Los Banos Elementary school, which is approximately 2,195 feet (0.42 miles) from the site. This school is not within a quarter mile of the project site; therefore, there would be not be significant hazardous emissions, materials, substances, or waste impacts within one-quarter mile of a school.
- d. **Hazardous Site.** According to Envirostor there are no cleanup sites within 1,000 feet of the project site. However, Geotracker identified six cleanup sites within 1,000 feet of the project site. All sites have undergone cleanup and are closed cases aside from one site identified as cleaning ongoing where arsenic was identified in the soil. These impacts are discussed in section b above.
- e, f. **Airport Land Use Plan.** The project site is 1.7 miles from the Los Banos Municipal Airport. According to the Merced County Airport Land Use Compatibility Plan Compatibility Factors Map for Los Banos Municipal Airport, the project site is located outside of the Airport Influence Area. Therefore, air traffic does not pose a safety hazard for those who would be working on site, and the proposed project does not present a hazard to aircraft operations.
- g. **Emergency Response Plan.** The site is adequate for the operation of general police operations and would not directly interfere with emergency response. The proposed project would assist in the city's emergency response by providing a location from which emergency response could be efficiently managed.
- h. **Wildland Fire.** The general plan does not identify wildlands within or around Los Banos and wildfire is not identified as a concern. The project site is not adjacent to, or intermixed with, wildlands and there is no risk associated with wildland fires.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements? (1, 2, 14, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (1, 2, 16, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in <i>substantial erosion or siltation on- or off-site?</i> (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in <i>flooding on- or off-site?</i> (1, 2, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (1, 2, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Be subject to inundation by seiche, tsunami, or mudflow? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Water Quality Standards.** In general, water quality is regulated by the State Water Resources Control Board through the National Pollutant Discharge Elimination System (NPDES) program. The goal of the program is to control and reduce pollutants entering water bodies from point and non-point discharges for both long-term project activities and construction activities. Los Banos lies within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB), which has adopted the Water Quality Control Plan for the San Joaquin River Region (Basin Plan) to implement plans, policies, and provisions for water quality management. The RWQCB issues and enforces NPDES permits for discharges to water bodies.

The State NPDES General Construction Permit requires development and implementation of a storm water pollution prevention plan (SWPPP) that uses storm water “Best Management Practices” to control runoff, erosion and sedimentation from the site both during and after construction. The SWPPP has two major objectives: (1) to help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and (2) to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges. In addition, according to the storm water management plan, the project applicant would be required to submit a grading and construction runoff plan that identifies best management practices to reduce the amount of construction runoff and pollution entering the storm drainage system. Because the future development of the project site must go through the NPDES permit process for construction and comply with the Regional Water Quality Control Board’s Post-Construction Stormwater Management Requirements, any impacts would be less than significant. The proposed project would not violate any water quality standards or otherwise substantially degrade water quality during construction or during project operation.

Waste Discharge Requirements. The Los Banos Public Works Department evaluates the adequacy of wastewater collection and treatment in areas where development is anticipated to occur, and require construction of backbone infrastructure consistent with the Wastewater Master Plan and Storm Drain Master Plan. Individual projects are responsible for construction of all collection lines for wastewater, storm drainage, and sewerage. The proposed project would result in minimal wastewater discharge volumes, and existing municipal wastewater infrastructure is anticipated to be adequate to transport and treat waste.

- b. **Groundwater.** Los Banos extracts its groundwater from the Delta-Mendota Subbasin, a geographical depression with an estimated total storage capacity of 30,400,000 acre feet to a depth of 300 feet, and 81,800,000 acre feet to the base of fresh groundwater. The Delta-Mendota Subbasin water levels have remained relatively stable over the years, and actually rose from 1970 to 1995 by 2.2 feet. After flood control measures were put in place in the mid-1960s, groundwater became the primary source of the city's water supply, particularly for drinking water. According to the *2015 Urban Water Management Plan*, in 2015, the annual gross water use was 6,657 acre-feet. According to the general plan, during peak months the water usage is still well below capacity. The City of Los Banos formed a Groundwater Sustainability Agency (GSA) and is developing a Groundwater Sustainability Plan with other local entities. However, the city works closely with the other local water suppliers to monitor and manage groundwater within the area. The city and the Department of Water Resources monitor water levels in the area wells monthly. During the 2011-2015 droughts, groundwater levels have remained stable. Wells are known to be 150 to 300 feet in depth. The city did not report a drop in the water table from 2010 to 2015. Implementation of the project would result in a nominal increase in water use that would not result in significant lowering of the groundwater table. There would be no impacts.
- c. **Erosion/Siltation.** Urban development is generally accompanied by decreases in natural ground cover and an increase in impervious surfaces (such as paved areas and buildings). Increasing the area of imperious surface reduces the amount of rain that can be absorbed by the land and increases storm water runoff. Development may also cause erosion, such as when ground is cleared for construction, resulting in the siltation of creeks and reduction of their capacity to accommodate storm water flows. Implementation of general plan policy S-1-6 would minimize on-site erosion risks by requiring implementation of acceptable methods to reduce erosion associated with grading and construction such as site preparation best management practices that provide erosion and sediment control to prevent construction-related contaminants from leaving development sites and polluting local waterways. Implementation of general plan policies will ensure impacts are less than significant.

- d, e. **Flooding/Storm Water.** The project site was previously substantially developed and therefore, redevelopment of the site would not substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site. The project site is not in a flood zone, and the general plan and Storm Water Master plan found that existing storm drainage infrastructure in the area of the project site is generally adequate to serve existing development. The storm drain master plan outlines improvements to accommodate future growth including development of the project site. Flooding and storm drainage impacts would be less than significant.
- f. **Water Quality.** The proposed project would not otherwise degrade water quality. Refer to section a.
- g, h. **Flood Hazard.** According to the general plan, flood zone mapping by the Federal Emergency Management Agency (FEMA) indicates Los Banos is located outside of the 100 and 500-year floodplains. The relatively flat topography, low incidence of rain and availability of various drainage management facilities make sudden floods by rain unlikely. There is no housing proposed as a part of the project.
- i. **Dam Failure.** The City of Los Banos is within the inundation area for a catastrophic dam failure of the San Luis Reservoir and Los Banos Creek Detention area. According to the general plan the State Department of Water Resources has deemed all of the dams in Merced County to be safe and the possibility of dam failure remote. In addition, the city maintains emergency plans and an early warning system.
- j. **Seiche/Tsunami/Mudflow.** The project site is located more than 56 miles from the coast and is not located adjacent to a lake or reservoir; therefore, Los Banos is not at risk of flooding due to a tsunami or seiche. The project site is not located in a landslide hazard area where mudflows could occur.

10. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Divide Established Community.** The project site is within an urban core area. The County Courthouse is located to the east, vacant land to the west, the rail trail and commercial uses to the south, and fallow agricultural land to the north. The project would not divide an established community.
- b. **Land Use Conflicts.** The general plan designation for the project site is mixed use and the zoning designation is rail corridor (R-C). The mixed-use designation is intended for mixed-use development, located downtown, allowing for a mixture of commercial, office, institutional, public/semi-public, and residential uses. The rail corridor zoning designation allows for public/civic buildings. A police station is a public/civic use and would be consistent with the general plan and zoning designations. The proposed project would not conflict with the current land use designation for the project site or those nearby, and would not conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- c. **Conservation Plans.** There are no habitat conservation plans or natural community conservation plans adopted for the project area. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

11. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a, b. **Mineral Resources.** According to the general plan, the Department of Conservation Mines and Geology did not identify significant mineral resources located within Los Banos.

12. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

a, c, d. **Construction Noise.** The proposed project would generate noise during construction that would result in a short-term increase in ambient noise levels. The project site is not adjacent to land uses that are sensitive to noise. Construction related noise is intermittent in nature and would not generate continuous noise levels above the Municipal Code standards if project construction occurs beyond the hours of 7:00 AM and 9:00 PM Mondays through Fridays, and 8:00 AM and 5:00 PM on Saturdays and Sundays. Construction activities must comply with noise requirements for exterior and interior noise levels outlined in the Municipal Code and general plan. Therefore, construction noise impacts would be less than significant.

Operational Noise. The project site is adjacent to G Street to the north, the open space rail trail to the south and west, and the County Courthouse to the east. Beyond the uses immediately adjacent to the site, the project area is generally commercial in nature with residential pre-existing uses more than 350 feet away. The proposed project would not produce significant temporary or continuous operational noise that would significantly raise existing ambient noise levels. Although police vehicles may occasionally leave the project site with sirens on, in most cases the vehicle are already on the beat when calls are initiated. The proposed project does not include point sources of high intensity noise or sources that are unique or excessive relative to types of surrounding commercial uses. The project site is not within proximity to any noise sensitive uses and compliance with the general plan Noise Element policies and programs and with standards contained in the Municipal Code would ensure that on-site operations do not generate noise with an intensity that exceeds city standards at the noise sensitive land uses. Therefore, operational noise impacts would be less than significant.

Traffic Noise. Increases in traffic generation as a result of construction and operation of the proposed project would result in slightly elevated noise levels along local roadways. The general plan EIR includes evaluation of transportation noise impacts from buildout of the general plan, including development of the project site with mixed uses. General plan policy N-I-2 requires a noise study and mitigation measures for all projects that have noise exposure greater than “normally acceptable” levels. The general plan identifies the project sites as being within the 55 dBA for traffic noise. For a mixed use land use designation, this is considered a normally acceptable noise level. There would be less than significant impacts related to traffic noise.

- b. **Vibration.** Standard construction methods are anticipated, and these methods do not involve significant vibration-causing activities. Vibration levels generated during project construction activities may at times be perceptible at neighboring land uses, but vibration levels would not be excessive causing cosmetic or structural damage to buildings. Therefore, the proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- e, f. **Public Air Strip Noise Exposure.** The project site is 1.7 miles from the publicly owned Los Banos Municipal Airport. The airport is open 24 hours a day and receives mainly small twin engine passenger aircrafts and private jets. A police station is not a noise sensitive use and according to the Merced County Airport Land Use Compatibility Plan/Los Banos Municipal Airport Plan Compatibility Factors Map for Los Banos Municipal Airport, the project site is located outside of the Airport Influence Area. Therefore, the proposed project would not expose people working in the project area to excessive noise levels associated with airport operations.

Private Airstrip Noise Exposure. The project site is not located within the vicinity of a private airstrip; therefore, the proposed project would not expose people working in the project area to excessive noise levels associated with private airstrip operations.

13. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1, 2, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Population Growth.** The proposed project is the construction of a new police station and will not result in direct population growth. The proposed project is located in an infill site and does not require the extension of roads or other infrastructure. Therefore, there would be no impacts related to construction of infrastructure as a result of population growth.
- b, c. **Displacement of Housing or People.** With the exception of remaining concrete footings left from a warehouse previously on the site, the project site is undeveloped. There is no housing on the site and development of the project would not displace people or housing and would not necessitate the construction of replacement housing elsewhere. Therefore, there would be no impacts related to the construction of replacement housing.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Police protection? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Parks? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other public facilities? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Fire Protection Services.** The project is development of a new police station to allow for the existing employees to a move to a new larger location. There will be a nominal increase in demand for fire protection services associated with the project. The existing fire stations at 1160 I Street and 1150 West I Street would be adequate to serve the proposed project. Construction of new fire facilities to accommodate the project would not be required and there would be no associated impacts.
- b. **Police Protection Services.** The proposed project is the construction of a new, larger police station in order to better serve the growing population and consequent increased demand of police services in Los Banos. The impacts of such development are analyzed in this initial study.
- c-e. **Schools, Parks and Other Public Facilities.** The proposed project is not population generating and would not individually or cumulatively result in the need for the construction of other new public facilities. Therefore, there would be no impacts associated with construction of new parks or other public facilities.

15. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a, b. **Recreational Facilities.** The proposed project is not population generating and would not result in an increase in the use of neighborhood or regional parks such that substantial physical deterioration of the facility would occur or that construction or expansion of new facilities would be required. Consequently, no significant change in the demand for use of recreation facilities is expected and there would be no associated environmental impacts.

16. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a, b. **Conflict with Applicable Plan/LOS.** According to the *Traffic Impact Assessment: Los Banos Police Department Project, Los Banos, California*, prepared by KD Anderson & Associated Inc. (September 13, 2018), which is included as [Appendix B](#) of this initial study, a new police station will increase traffic in the immediate vicinity of the project

site. In general the routes used to reach the new station during peak traffic periods will reflect the distribution of residences throughout the community, and given the project's location in east-central Los Banos it is likely that trips will be oriented to both the east and west on G Street. As a result, the volume of traffic added to local intersections is unlikely to result in appreciable increases in delay, and the city's minimum Level of Service standards are likely to be maintained. Therefore, impacts would be less than significant.

c. **Air Traffic Pattern.** The proposed project would not result in a change in air traffic patterns. Therefore, the proposed project would not result in a safety risk associated with air traffic.

d, e. **Design Hazard/Emergency Access** In order to ensure that the proposed project does not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) the proposed project will adhere to city roadway design standards and guidelines when designing pedestrian facilities, roadway widths, turn radii and intersections where the project driveway(s) intersect with existing roadways.

f. **Conflict with Plans or Programs Related to Transit, Bicycle, Pedestrian Facilities.** The project site is located in an urban infill area and furthers the general plan's policies of compact development and locating complimentary land uses close to each other. Development will include frontage improvements including sidewalks to provide for pedestrian connectivity. This encourages cycling and walking and creates a beneficial impact on circulation. The general plan found that implementation of the general plan, including development of the project site would have a beneficial impact on circulation. According to the general plan EIR, given the projected increase in transit demand, more routes will need to be added to the current five that traverse Los Banos. Existing routes will need more frequent service or larger capacity busses.

While the City of Los Banos ultimately does not control service providers' decisions regarding route planning or service frequency, the general plan contains policies which ensure that the city will work closely with Merced County on transit planning to reduce any growth impacts to public transit to a less than significant level. Development of the project site was anticipated in the general plan and therefore would not result in any impacts not already addressed.

17. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. **Tribal Cultural Resources.** No California Native American Tribes have requested consultation with the City of Los Banos regarding development projects in Los Banos.

18. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 2, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 2, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1, 2, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1, 2, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (1, 2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste? (1, 2, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. **Wastewater Treatment Requirements.** Los Banos Wastewater Treatment Plant adheres to wastewater standards set forth by Central Valley Regional Water Quality Control Board (RWQCB). Current discharge standards to regulate the system's treatment process require monitoring effluent pH, total dissolved solids, heavy metals, and biological oxygen. The proposed project will connect to the municipal sewer so is not subject to RWQCB Waste Discharge Requirements. The proposed

project would not affect the city's ability to continue to operate the treatment plant in compliance with those requirements. Therefore, there would be no impacts related to exceedance of wastewater treatment requirements.

- b, e. **Wastewater Treatment Facilities.** The City of Los Banos collects, treats, and disposes of wastewater originating from the residential, commercial, institutional, and industrial dischargers within the service area. The city owns, maintains, and operates all wastewater facilities within the service area. The collection system includes sanitary sewer lines and 13 lift stations. In addition to the collection system, the City of Los Banos also operates a wastewater treatment plant located northeast of the city. The general plan EIR determined that the general plan includes policies to ensure that an upgraded treatment plant would effectively accommodate the growth anticipated by the general plan. The project site is within the urban core area well-served by existing utility infrastructure and would be consistent with the general plan designation.

According to the *City of Los Banos Wastewater Collection System Master Plan* (March 2010) civic/institutional uses create 925 gallons per day/acre of wastewater. At 3.6 acres, the project is anticipated to create 3,330 gallons per day of wastewater. The capacity of the wastewater system at the time of the Master Plan for Wastewater Collection Systems update was 6.1 million gallons per day with a daily flow of 3.55 million gallons per day. The wastewater system would have sufficient capacity to accommodate an additional 3,330 gallons per day and there would, therefore, be no impacts.

Water Treatment Facilities. The city relies entirely on groundwater and according to the general plan (page 8-6), the quality of water pumped is adequate and does not require treatment.

- c. **Adequate Storm Drainage Facilities.** Construction of storm drainage infrastructure generally involves excavation, placement of storm drainage conveyance mains or subsurface vaults, installation of LID facilities/features, and backfilling excavations with engineered fill. The construction process does not involve unique equipment or processes that would result in significant environmental impacts that are not addressed as part of the overall project impact analyses included in other sections of this initial study.
- d. **Sufficient Water Supply.** Per the *City of Los Banos Water Distribution System Master Plan* (March 2010), the average daily demand for Civic/Institutional use is 2,500 gallons per day per acre. At 3.6 acres, the project would create demand for 9,000 gallons per day. At the time of the water distribution master plan update, average

demand was 7,558,000 gallons per day or 8,467 acre feet per year. The Los Banos Public Works Department currently derives all of its water from groundwater from the Delta-Mendota Sub-basin. The Sub-basin is connected to one of the deepest water basins in California and is not adjudicated. Therefore, there are no limitations placed on pumpage volumes. The Delta-Mendota Sub-basin water levels have remained relatively stable and actually rose during the 1970 to 2000 period. In addition, it is also not anticipated that a single or multiple dry year period will reduce the availability of water to Los Banos up to a period of 4 years. There would be no environmental impacts..

- f. **Solid Waste.** Los Banos' solid waste disposal is managed by the Merced County Association of Governments and the majority of its waste is taken to Billy Wright Landfill. According to the CalRecycle SWIS Facility Detail, the landfill has a capacity 11,370,000 cubic yards, and an expected life span to the year 2054. The County is studying the future needs of solid waste services including expansion of the Billy Wright Landfill versus a transfer station or closing the Billy Wright facility and relocating all waste services to the Highway 59 Landfill, located east of Los Banos. In 2016, Merced County had a disposal rate of 5.0 pounds per day per resident and 17.1 pounds per day per employee. With a total of 70 employees the police stations is expected to create 1,197 pounds per day of solid waste which is less than 0.5 cubic yards per day. With over 11 million cubic yards of capacity, the landfill could accommodate the project. The general plan supports working with the County to ensure adequate landfill space is available to meet future demands. The proposed project can be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs.

- g. **Solid Waste Requirements.** In accordance with AB 939 cities and counties must achieve diversion rates of 50 percent through source reduction, recycling, and composting activities. Disposal rates are used as a factor to determine a jurisdiction's compliance with the intent of AB 939. Merced County has a goal of less than 10.7 pounds per day disposal rate per resident and 38.8 pounds per day per employee. In 2016, Merced County met this goal with 5.0 pounds per day per resident and 17.1 pounds per day per employee. The general plan includes policies to improve solid waste diversion rates to ensure compliance with federal, state, and local statutes and regulations. The project would be subject to these policies. Therefore, the proposed project would comply with applicable federal, state, and local statutes and regulations related to solid waste.

19. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. As described in the Biological Resources section, the project site does not contain habitat for special-status plant or animal species. Therefore, the proposed project would not affect sensitive biological resources, either individually or cumulatively. As described in the Cultural Resources section, the proposed project site is not known to contain important cultural, tribal cultural resources, or human remains. In the event of accidental discovery of unknown resources, general plan policies require specific measures to protect the resources.
- b. As discussed throughout this initial study, the proposed project does not have the potential to result in have impacts that are individually limited, but cumulatively considerable.
- c. As discussed throughout this initial study, the proposed would not result in substantial adverse effects on human beings, either directly or indirectly.

E. SOURCES

1. **City of Los Banos 2030 General Plan. September 2007.**
2. **City of Los Banos 2030 General Plan Final Environmental Impact Report. December 2007.**
3. **City of Los Banos. Municipal Code. May 2018.**
4. Caltrans. List of Eligible and Officially Designated State Scenic Highways. <http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>. 2017.
5. Google Maps. <https://www.google.com/maps>. Accessed August 1, 2018.
6. California Department of Conservation. Merced County Important Farmland Map 2016. February 2018. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/mer16_so.pdf
7. California Department of Conservation. Merced County Williamson Act FY 2013/2014. 2013. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Merced_s_13_14_WA.pdf
8. **Ninyo & Moore. Limited Phase II Environmental Site Assessment Proposed New Los Banos Courthouse Gateway Development Site. January 30, 2012.**
9. **Provost & Prichard Consulting Group. Arsenic Affected Soil Remediation Work Plan. May 18, 2018.**
10. Department of Toxic Substances Control. Envirostor. <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=1111+G.+Street+Los+Banos>
11. State Water Resources Control Board. GeoTracker. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1111+G.+St+Los+Banos>
12. Merced County Airport Land Use Plan. June 21, 2012. http://web2.co.merced.ca.us/pdfs/planning/aluc/alucp_july2012/chap_6_los_banos_background.pdf
13. **City of Los Banos. Master Plan for Storm Drainage System. September 2008.**
14. **City of Los Banos. Master Plan for Wastewater Collection System. March 2010.**
15. **City of Los Banos. Master Plan for Water Distribution System. March 2010.**
16. **City of Los Banos. Urban Water Management Plan 2015 Update. May 2016.**

17. **City of Los Banos. Rail Trail Regulating Code. February 2012.**
18. **Williams & Paddon. Conceptual Site Plan-Gateway Center AOC Los Banos. 2018.**
19. **KD Anderson & Associates, Inc. Traffic Impact Assessment: Los Banos Police Department Project, Los Banos California. September 24, 2018.**
20. CalRecycle. SWIS Facility Detail: Billy Wright Disposal Site (24-AA-0002).
<https://www2.calrecycle.ca.gov/SWFacilities/Directory/24-AA-0002/Detail/>.
Accessed September 11, 2018.
21. CalRecycle. Jurisdiction Diversion/Disposal Rate Summary.
<https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006>. Accessed September 11, 2018.
22. San Joaquin Valley Air Pollution Control District. March 19, 2015. *Guidance for Assessing and Mitigating Air Quality Impacts*.
http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf
23. EMC Planning Group. August 30, 2018. *Los Banos Police Station – Air Quality (AQ) and Greenhouse Gas (GHG) Emissions Assessment*. Monterey, CA.
24. Bay Area Air Quality Management District. May 2017. *California Environmental Quality Act Air Quality Guidelines*. http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en
25. Personal communication with Stacy Souza Elms, Director of Community & Economic Development Department. October 2, 2018.

All documents indicated in bold are available for review at the **City of Los Banos, 520 J Street, Los Banos, CA 93635, 209-827-7000** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

APPENDIX A

CALEEMOD RESULTS



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940
Tel 831-649-1799 Fax 831-649-8399 www.emcplanning.com

To: Richard James, Project Manager
From: Tanya Kalaskar, Assistant Planner
Cc: File
Date: August 30, 2018

Re: Los Banos Police Station – Air Quality (AQ) and Greenhouse Gas (GHG)
Emissions Assessment

Project Description

The City of Los Banos Police Department currently operates out of two buildings on a 1.25-acre site located in downtown Los Banos. The main Police Department building is located at the corner of J Street and 5th Street and a Police Department annex is located on J Street across from City Hall. The combined floor area of the two buildings is 28,600 square feet. The proposed project is the construction of a new 35,000-square-foot police station in a new location that would consolidate operations. The 3.6-acre project site is located at 1111 G Street, immediately west of the new Merced County courthouse. The project site was formerly developed with a warehouse but only the concrete footings from that use remain.

The project site is located within the San Joaquin Valley Air Basin, which is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (air district).

Scope of Assessment

This assessment provides an estimate of the proposed project's criteria air pollutant and greenhouse gas (GHG) emissions using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 software, a modeling platform recommended by the California Air Resources Board (CARB) and accepted by the air district. Model results are attached to this memorandum. For modeling purposes, data inputs to the model take into account the type and size of

MEMORANDUM

proposed uses utilizing CalEEMod default land uses based on the size metrics provided by the City of Los Banos and trip generation information provided by the project traffic consultant (KD Andersons & Associates 2018).

Emissions Model

The CalEEMod software utilizes emissions models USEPA AP-42 emission factors, CARB vehicle emission models studies and studies commissioned by other California agencies such as the California Energy Commission and CalRecycle. The CalEEMod platform allows calculations of both construction and operational criteria pollutant and GHG emissions from land use projects. The model also calculates indirect emissions from processes “downstream” of the proposed project such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. CalEEMod also calculates a one-time only change in the carbon sequestration potential of the site that would result from changes in land use such as converting vegetation to built or paved surfaces, and is also capable of calculating estimated changes to the carbon sequestration potential that would result from planting new trees.

Project Emissions Sources

The size and type of proposed sources of criteria air pollutant and GHG emissions on the project site and their respective CalEEMod land use default modeling categories are presented in [Table 1, Project Characteristics](#).

Table 1 Project Characteristics

Project Components	CalEEMod Land Use¹	Proposed
Police Station	Government Office Building	35,000 square feet
Parking	Parking Lot	85 spaces

SOURCE: City of Los Banos 2018, EMC Planning Group 2018, William + Paddon 2011

NOTE:

1. CalEEMod default land use subtype. Descriptions of the model default land use categories and subtypes are found in the User's Guide for CalEEMod Version 2016.3.2 available online at: <http://www.aqmd.gov/caleemod/user's-guide>

Methodology

Unless otherwise noted, model inputs are based upon the information provided by the City staff regarding the proposed activities. The proposed project is located on a site that was

formerly developed as a warehouse and would not result in the conversion of vegetation to urban uses. Project-specific data related to proposed tree replacement plantings that would be part of the future development of the site is not available in detail sufficient to model estimates of changes in carbon sequestration potential from planting new trees. Therefore an analysis of changes in the carbon sequestration potential of the site is not included in this assessment.

Construction and operational criteria pollutant and GHG emissions estimates are derived for the proposed project based on the project characteristics information presented in Table 1. The model estimates unmitigated construction and operational emissions that would be generated by the proposed project.

Assumptions

Unless otherwise noted, data inputs for the project model are based on the following primary assumptions:

1. The assumed operational date for the proposed project is 2021.
2. Parking information is based on the conceptual site plan in the *Gateway Center AOC Los Banos California Site Studies*.
3. Construction emissions and operational mobile- and area-source emissions generated by the proposed project were estimated using the following CalEEMod default land use subtypes:
 - a. Emissions generated by the proposed police station are assumed to be similar to emissions that would be generated by the CalEEMod default land use subtype "Government Office Building", which is defined as an individual building containing either the entire function or simply one agency of a city, county, state, federal, or other governmental unit. The model default trip generation rate for government office building use has been modified based on information provided by the traffic consultant (KD Anderson & Associates 2018);
 - b. Emissions generated by the proposed parking lot are assumed to be similar to the emissions that would be generated by the CalEEMod default land use subtype "Parking Lot", which is defined as a single surface parking lot typically covered with asphalt.
4. The model's default CO₂ intensity factor of 641 pounds/megawatt hour is adjusted to 290 pounds/megawatt hour to reflect Pacific Gas & Electric energy intensity projections

for 2020, which is the horizon year for the provider's energy intensity factor projections. The intensity factor has been falling, in significant part due to the increasing percentage of Pacific Gas & Electric's energy portfolio obtained from renewable energy. Emissions intensity data is from Pacific Gas & Electric's *Greenhouse Gas Factors: Guidance for PG&E Customers*, dated November 2015.

Model Baseline

The baseline for criteria air pollutant emissions that affect air quality are already quantified in air quality management plans. CalEEMod default values for baseline conditions assume new development on a vacant site.

Operational Emissions Data Inputs

Unmitigated operational emissions were modeled for the proposed uses identified in Table 1. The model default trip generation rate for the proposed government office building use was adjusted based on information provided by the traffic consultant (KD Anderson & Associates 2018). Other than the information identified above, model defaults were used for operational emissions estimates.

Construction Emissions Data Inputs

The CalEEMod program models construction emissions associated with land use development projects and allows for the input of project-specific construction information including phasing and equipment information, if known. CalEEMod default construction parameters allow estimates of short term construction emissions based upon empirical data collected and analyzed by the California Air Resources Board.

Information regarding type of construction equipment by phase for the proposed project was not yet available in detail sufficient to provide data inputs to the model; therefore, the model defaults were utilized for construction equipment, based on the project size and land use data presented in Table 1. For reporting purposes GHG construction emissions are amortized over a 30-year time period to yield an annual emissions volume. The modeling results for unmitigated construction emissions volumes are attached to this memorandum.

Results

Criteria air pollutant construction and operational emissions results are reported in tons per year. GHG construction and operational emissions model results are reported on in metric tons of carbon dioxide equivalent (MT CO_{2e}). Detailed model results for annual criteria pollutant and GHG emissions are included as an attachment to this assessment.

Criteria Pollutant Emissions

Unmitigated construction criteria pollutant emissions for the proposed project conditions are presented in [Table 2, Unmitigated Construction Criteria Pollutant Emissions](#). Unmitigated operational criteria air pollutant emissions for the proposed project conditions are presented in [Table 3, Unmitigated Operational Criteria Pollutant Emissions](#).

Table 2 Unmitigated Construction Criteria Pollutant Emissions^{1,2}

Reactive Organic Gases (ROG)	Nitrogen Oxides (NO _x)	Particulate Matter (PM ₁₀)	Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)
0.51	1.99	0.15	0.11	1.66

SOURCE: CalEEMod Annual Emissions Results, EMC Planning Group 2018

NOTES:

1. Results may vary due to rounding.
2. Tons per year

Table 3 Unmitigated Operational Criteria Pollutant Emissions^{1,2}

Reactive Organic Gases (ROG)	Nitrogen Oxides (NO _x)	Particulate Matter (PM ₁₀)	Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)
0.20	0.37	0.07	0.02	0.31

SOURCE: CalEEMod Annual Emissions Results, EMC Planning Group 2018

NOTES:

1. Results may vary due to rounding.
2. Tons per year

GHG Emissions

Construction Emissions

Construction activity would generate an estimated 265.50 MT CO₂e of unmitigated GHG emissions. When averaged over thirty-years the annual amortized emissions equal 8.85 MT CO₂e per year.

Operational Emissions

Unmitigated operational GHG emissions for the proposed project are presented in [Table 4, Annual Operational GHG Emissions](#).

Table 4 Annual Operational GHG Emissions ^{1,2}

Emissions Sources	Bio CO ₂	NBio CO ₂	CH ₄	N ₂ O	CO ₂ e
Area	0.00	<0.01	<0.01	0.00	<0.01
Energy	0.00	67.93	<0.01	<0.01	68.45
Mobile	0.00	118.49	0.01	0.00	118.75
Waste	6.61	0.00	0.39	0.00	16.37
Water	2.21	6.91	0.23	<0.01	16.44
Total	8.82	193.33	0.63	<0.01	220.01

Source: CalEEMod Annual Emissions Results, EMC Planning Group 2018

Note:

1. Results may vary due to rounding.
2. MT per year.

The estimated total GHG emissions that would be attributable to the proposed project consist of the sum of amortized construction emissions and the unmitigated operational emissions. The annual GHG emissions attributable to the proposed project are presented in [Table 5, Summary of Unmitigated GHG Emissions Attributable to the Project](#).

Table 5 Summary of Unmitigated GHG Emissions Attributable to the Project ^{1,2}

Amortized Construction	Annual Operations	Annual Project Emissions
8.85	220.01	228.86

SOURCE: CalEEMod Annual Results, EMC Planning Group 2018

NOTES:

1. Results may vary due to rounding.
 2. MT per year.
-

As illustrated by Table 5, the unmitigated GHG emissions volume attributable to the proposed project would be 228.86 MT CO₂e per year.

Sources

1. Trinity Consultants. California Emissions Estimator (CalEEMod) Version 2016.3.2. November 2017. Available online at: <http://www.aqmd.gov/caleemod/home>
2. Trinity Consultants. CalEEMod User's Guide (Version 2016.3.2). November 2017. Available online at: <http://www.aqmd.gov/caleemod/user's-guide>
3. San Joaquin Valley Air Pollution Control District. March 19, 2015. Guidance for Assessing and Mitigating Air Quality Impacts. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf
4. Anderson, Ken, KD Anderson & Associates. Email communication with consultant, 27 August 2018.
5. Pacific Gas & Electric. Greenhouse Gas Factors: Guidance for PG&E Customers. November 2015. Accessed online August 1, 2018 at: https://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf

Los Banos Police Station - San Joaquin Valley Unified APCD Air District, Annual

Los Banos Police Station
San Joaquin Valley Unified APCD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Government Office Building	35.00	1000sqft	0.80	35,000.00	0
Parking Lot	85.00	Space	0.76	34,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.7	Precipitation Freq (Days)	45
Climate Zone	3			Operational Year	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - PG&E CO2 Intensity Factor for 2020

Land Use -

Vehicle Trips - trip generation rate from traffic consultant

Energy Use -

Construction Off-road Equipment Mitigation -

Water Mitigation - Compliance with MWELO

Table Name	Column Name	Default Value	New Value
------------	-------------	---------------	-----------

tblProjectCharacteristics	CO2IntensityFactor	641.35	290
tblVehicleTrips	WD_TR	68.93	4.23

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2019	0.1027	0.8134	0.6205	1.1300e-003	0.0252	0.0435	0.0687	0.0106	0.0415	0.0521	0.0000	97.2598	97.2598	0.0185	0.0000	97.7212
2020	0.4087	1.1768	1.0411	1.9800e-003	0.0197	0.0588	0.0785	5.3500e-003	0.0567	0.0621	0.0000	167.0945	167.0945	0.0274	0.0000	167.7793
Maximum	0.4087	1.1768	1.0411	1.9800e-003	0.0252	0.0588	0.0785	0.0106	0.0567	0.0621	0.0000	167.0945	167.0945	0.0274	0.0000	167.7793

Total

265.5

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.1640	1.0000e-005	1.1100e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	2.1400e-003	2.1400e-003	1.0000e-005	0.0000	2.2900e-003
Energy	2.4600e-003	0.0224	0.0188	1.3000e-004	1.7000e-003	1.7000e-003	1.7000e-003	1.7000e-003	1.7000e-003	1.7000e-003	0.0000	67.9274	67.9274	4.8200e-003	1.3500e-003	68.4497
Mobile	0.0332	0.3492	0.2860	1.2700e-003	0.0692	1.1500e-003	0.0703	0.0186	1.0800e-003	0.0197	0.0000	118.4853	118.4853	0.0105	0.0000	118.7466
Waste						0.0000	0.0000		0.0000	0.0000	6.6074	0.0000	6.6074	0.3905	0.0000	16.3694
Water						0.0000	0.0000		0.0000	0.0000	2.2059	6.9110	9.1169	0.2273	5.4900e-003	16.4352
Total	0.1997	0.3716	0.3059	1.4000e-003	0.0692	2.8500e-003	0.0720	0.0186	2.7800e-003	0.0214	8.8133	193.3269	202.1392	0.6330	6.8400e-003	220.0032

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0332	0.3492	0.2860	1.2700e-003	0.0692	1.1500e-003	0.0703	0.0186	1.0800e-003	0.0197	0.0000	118.4853	118.4853	0.0105	0.0000	118.7466
Unmitigated	0.0332	0.3492	0.2860	1.2700e-003	0.0692	1.1500e-003	0.0703	0.0186	1.0800e-003	0.0197	0.0000	118.4853	118.4853	0.0105	0.0000	118.7466

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Government Office Building	148.05	0.00	0.00	181,349	181,349
Parking Lot	0.00	0.00	0.00		
Total	148.05	0.00	0.00	181,349	181,349

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Government Office Building	9.50	7.30	7.30	33.00	62.00	5.00	50	34	16
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Government Office Building	0.506092	0.032602	0.169295	0.124521	0.019914	0.005374	0.021664	0.110051	0.001797	0.001623	0.005307	0.000969	0.000792
Parking Lot	0.506092	0.032602	0.169295	0.124521	0.019914	0.005374	0.021664	0.110051	0.001797	0.001623	0.005307	0.000969	0.000792

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
--	-----	-----	----	-----	---------------	--------------	------------	----------------	---------------	-------------	----------	-----------	-----------	-----	-----	------

Category	tons/yr								MT/yr						
Electricity Mitigated					0.0000	0.0000		0.0000	0.0000	0.0000	43.5535	43.5535	4.3600e-003	9.0000e-004	43.9309
Electricity Unmitigated					0.0000	0.0000		0.0000	0.0000	0.0000	43.5535	43.5535	4.3600e-003	9.0000e-004	43.9309
NaturalGas Mitigated	2.4600e-003	0.0224	0.0188	1.3000e-004	1.7000e-003	1.7000e-003		1.7000e-003	1.7000e-003	0.0000	24.3739	24.3739	4.7000e-004	4.5000e-004	24.5188
NaturalGas Unmitigated	2.4600e-003	0.0224	0.0188	1.3000e-004	1.7000e-003	1.7000e-003		1.7000e-003	1.7000e-003	0.0000	24.3739	24.3739	4.7000e-004	4.5000e-004	24.5188

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Government Office Building	456750	2.4600e-003	0.0224	0.0188	1.3000e-004		1.7000e-003	1.7000e-003		1.7000e-003	1.7000e-003	0.0000	24.3739	24.3739	4.7000e-004	4.5000e-004	24.5188
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		2.4600e-003	0.0224	0.0188	1.3000e-004		1.7000e-003	1.7000e-003		1.7000e-003	1.7000e-003	0.0000	24.3739	24.3739	4.7000e-004	4.5000e-004	24.5188

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Government Office Building	319200	41.9881	4.2000e-003	8.7000e-004	42.3520
Parking Lot	11900	1.5654	1.6000e-004	3.0000e-005	1.5789
Total		43.5535	4.3600e-003	9.0000e-004	43.9309

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.1640	1.0000e-005	1.1100e-003	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.1400e-003	2.1400e-003	1.0000e-005	0.0000	2.2900e-003
Unmitigated	0.1640	1.0000e-005	1.1100e-003	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.1400e-003	2.1400e-003	1.0000e-005	0.0000	2.2900e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0250					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1389					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.0000e-004	1.0000e-005	1.1100e-003	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.1400e-003	2.1400e-003	1.0000e-005	0.0000	2.2900e-003
Total	0.1640	1.0000e-005	1.1100e-003	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.1400e-003	2.1400e-003	1.0000e-005	0.0000	2.2900e-003

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	9.1169	0.2273	5.4900e-003	16.4352
Unmitigated	9.1169	0.2273	5.4900e-003	16.4352

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e

Land Use	Mgal	MT/yr			
Government Office Building	6.95309 / 4.26157	9.1169	0.2273	5.4900e-003	16.4352
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		9.1169	0.2273	5.4900e-003	16.4352

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	6.6074	0.3905	0.0000	16.3694
Unmitigated	6.6074	0.3905	0.0000	16.3694

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Government Office Building	32.55	6.6074	0.3905	0.0000	16.3694
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Total		6.6074	0.3905	0.0000	16.3694

APPENDIX B

TRAFFIC IMPACT ASSESSMENT

September 24, 2018

Ms. Shoshana Wangerin, Assistant Planner
EMC PLANNING GROUP INC.
301 Lighthouse Avenue, Suite C
Monterey, California 93940

**RE: TRAFFIC IMPACT ASSESSMENT: LOS BANOS POLICE DEPARTMENT
PROJECT, LOS BANOS, CALIFORNIA**

Dear Ms. Wangerin:

Thank you for contacting our firm regarding the **Los Banos Police Department project** in Los Banos. The project includes construction of a new police station for the City of Los Banos on a site located at 1111 G Street and includes consolidation of their two existing facilities elsewhere in the City into a single 35,000 square foot building.

Overview. The proposed project will serve as the base for approximately 40 sworn officers and 26 non-sworn staff. Those personnel will serve the City on a 24/7 basis, and project trips generated will be spread throughout the day. As a result, the amount of traffic occurring during traditional peak commute hours is likely to be limited, and initial consultation with affected agencies (i.e., Caltrans District 10) has indicated that unless access to a state highway is proposed a comprehensive traffic impact analysis is not needed.

Approach to Assessment

Our approach to this assessment makes use of current traffic volume information to generally describe current traffic conditions in the area of the site. We have identified project daily and peak hour trip generation and suggested the routes that will be used by project trips. We have reviewed this traffic contribution to qualitatively suggest whether this additional traffic is likely to create a significant traffic impact.

Background Conditions

The Police Station site lies on the south side of G Street west of the new Courthouse building in the area between 7th Street and Mercey Springs Road (SR 165).

Mercey Springs Road (SR 165). SR 165 is an Arterial road providing north/south circulation to the eastern portion of Los Banos. The highway also provides regional access to the north to SR 99 and the City of Turlock and to the south to an interchange on Interstate 5. Currently Mercey Springs Road is a two-lane road in the vicinity of the project south of the existing commercial area along Pacheco Boulevard. The road is ultimately planned to be a five-lane facility and

construction to this standard has been completed near the SR 152 intersection and in those locations to the north where recent development has occurred. The most recent Caltrans traffic counts reveal that SR 165 carries an Annual Average Daily Traffic (AADT) volume of 12,000 vehicles per day in the commercial area immediately south of Pacheco Blvd and 16,000 AADT immediately north of Pacheco Blvd. The volumes range from 12,000 to 14,700 ADT north from the commercial district through the study area. Trucks comprise 8% of the daily traffic on SR 165.

7th Street. 7th Street extends from Madison Avenue in the south to Willmott Road in the north, although only the portion north of SR 152 is designated an arterial street. 7th Street crosses the railroad corridor. The width of pavement on 7th Street varies, and in the area of the G Street intersection 7th Street has two travel lanes, center turn lane, bike lanes and on-street parking. Current daily traffic volumes on 7th Street were reported to be 11,300 ADT north of H Street.

G Street. G Street is a portion of the City's downtown grid system that runs east-west along the north side of the rail corridor trail in two segments from an intersection on Willmott Avenue to F Street and from an intersection on 7th Street to its terminus on Mercey Springs Road. In the area of the project G Street is a two-lane street with on-street parking. No current traffic volume counts are available for the road. The City's General Plan Circulation Element¹ indicates that G Street carried 2,450 ADT from Santa Rita Road to SR 165 in 2006 and that at General Plan Buildout the volume would be 3,200 ADT. The traffic study completed in 2005 for the Rail Corridor EIR² indicated that the road carried 2,080 ADT and suggested that the road could eventually carry as much as 11,400 ADT at General Plan Build Out.

Two intersections control access to the new Police Station site.

The **7th Street / G Street intersection** is a "tee" controlled by a stop sign on the G Street approach. Southbound 7th Street has a separate left turn lane. A signalized pedestrian crossing serving the rail corridor trail exists on 7th Street about 200 feet from the G Street intersection. No information is available regarding the peak hour operation of the intersection, but based on the likely daily traffic volume on both streets it is reasonable to conclude that the Level of Service at this location meets the City's minimum LOS D standard and that traffic signal warrants are not satisfied.

The **Mercey Springs Road (SR 165) / G Street intersection** is a "tee" controlled by a stop sign on the G Street approach. A continuous Two-Way Left-Turn (TWLT) lane is available on Mercey Springs Road. While the operation of this intersection has not been assessed quantitatively, other traffic studies have indicated that conditions at other un-signalized locations to the north (i.e., San Luis Street) and south (i.e., Canal Farm Road) are problematic, and traffic signal warrants are met at the San Luis Street intersection. Based on the daily traffic volumes on G Street and on SR 165, as well as the presence of the TWLT lane it is unlikely that current

¹ City of Los Banos 2030 General Plan Update, Los Banos (7/15/2009)

² Traffic Impact Assessment for the City of Los Banos Rail Corridor Redevelopment Project, KDA (9/29/2005)

KDA

conditions at this intersection exceed the City's minimum LOS D standard, and peak hour traffic signal warrants are unlikely to be met.

City of Los Banos General Plan Circulation Element, Transportation Master Plan and Traffic Impact Fee Program

Various documents provide guidance as the City's long term plans for this area of the community.

The General Plan Land Use / Circulation Element Plan indicates that Santa Rita Avenue was to be extended southerly across G Street through the Rail Corridor to H Street. This route was eliminated with construction of the new Courthouse.

The City's Transportation Master Plan³ suggests the level of improvements needed to address long term growth in Los Banos assuming regional improvements are made (i.e., SR 152 Los Banos Bypass). The Master Plan addresses the Mercey Springs Road / San Luis Street intersection (traffic signal) but does not include improvements to the Mercey Springs Road / G Street intersection. The City collects impact fees for designated improvements from new development, but public projects, such as the police station, would not pay impact fees.

Trip Generation

Approach to Trip Generation Estimate. The amount of additional traffic associated with the project can be expressed in terms of the number of vehicle "trips" caused by travel to and from the site over the course of the day. Each "trip" represents movement from a trip origin to destination and each round trip creates two trips ends. The number of trips associated with new developments is typically estimated based on observation of similar uses operating elsewhere and interpolation of those observations to the new facility. Nationally published information is available for many types of land uses, and the Institute of Transportation Engineers (ITE) publication *Trip Generation Manual, 10th Edition* is the most commonly accepted source. However, there is no information available that is specific to new police stations, and the characteristics of the most similar land use categories (i.e., fire / rescue stations, prisons, government office building) are not the same.

Lacking published data we estimated trip generation based on the probable travel associated with typical activities at a police station. Travel would be generated by:

- employees commuting to and from work
- patrols dispatched to and from the site
- travel by other sworn personnel
- travel by the public to and from the station

³ City of Los Banos Traffic Model and Transportation Master Plan, Prism Engineering, (5/5/2010)

KDA

Employee Commute Travel. The number of daily trips caused by employee travel has been estimated, and the share of that travel occurring during typical peak commute hours has been estimated from a summary of employee / shifts schedules provided by the City of Los Banos. A total of 35 employees work at the station each day. Their commute information is tallied in a summary in the appendix and is noted in Table 1.

Patrols. Each patrol vehicle has been assumed to come and go twice over the course of a day.

Other Travel. Other sworn personnel will travel throughout the community over the course of the day. We assumed one inbound and one outbound trip end for each person.

Trips Made by Members of the General Public. Members of the public will have business at the station from time to time. We assumed on average a transaction each hour.

Total Estimate. Based on these assumptions the new station is likely to generate 148 daily trips, with 38 trips in the a.m. peak hour and 36 trips in the p.m. peak hour.

Activity	Classification	Quantity	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Commute	Sworn	20	40	8	4	12	0	12	12
	Non-sworn	15	30	10	2	12	0	10	10
	<i>Subtotal</i>	<i>35</i>	<i>70</i>	<i>18</i>	<i>6</i>	<i>24</i>	<i>0</i>	<i>22</i>	<i>22</i>
Patrol	Sworn	12	24	4	4	8	4	4	8
Other Travel	Sworn	8	16	1	1	2	1	1	2
Business at Station	Public	24	48	2	2	4	2	2	4
Total			148	25	13	38	7	29	36

Impact Assessment

Traffic Operations Impacts. As suggested by the trip generation estimate, the new police station will create limited trip generation, and the overall volume of traffic in the immediate area of the new station will increase slightly. In general the routes used to reach the new station during peak traffic periods will reflect the distribution of residences throughout the community, and given the project's location in east-central Los Banos it is likely that trips will be oriented to both the east and west on G Street. As a result the volume of traffic added to local intersections is unlikely to result in appreciable increases in delay, and the City's minimum Level of Service standards are likely to be maintained. Thus, the project's impact under this metric are not significant.

KDA

Ms. Shoshana Wangerin, Assistant Planner
EMC PLANNING GROUP INC.
September 24, 2018
Page 5

Frontage Improvement. New development in Los Banos contributes its fair share to the cost of city-wide improvements and mitigates its cumulative impact by paying adopted traffic impact fees and by constructing frontage improvements to their ultimate standard. The Police Station project would contribute by installing applicable frontage improvements as determined by the City of Los Banos, including applicable sidewalks and pavement. With these improvements the project's cumulative impact is not significant.

Thank you again for considering our firm for this assignment. Please feel free to contact us at (916) 660-1555 if you have any questions or need more information.

Sincerely yours,

KD Anderson & Associates, Inc.

A handwritten signature in black ink, appearing to read 'K. Anderson', with a long horizontal flourish extending to the right.

Kenneth D. Anderson, P.E.
President



OCT 29 2018

RECEIVED

NOV 01 2018

CITY OF LOS BANOS

Stacy Souza Elms
City of Los Banos
Community & Economic Development Department
520 J. Street
Los Banos, CA 93635

**Project: Initial Study / Negative Declaration (IS/ND)
Los Banos Police Station Project**

District CEQA Reference No: 20181089

Dear Ms. Elms:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study / Negative Declaration (IS/ND) for the Los Banos Police Station Project. Per the IS/ND, the project consists of the construction and operation of a 35,000 square feet police department which would include offices, new jail cells, parking, animal control and logistical facilities such as communications (Project). The Project is located at 1111 G Street, in Los Banos, CA. The District offers the following comments:

1. On Page 17, *Table 1: Unmitigated Construction Criteria Pollutant Emissions* and *Table 2: Unmitigated Operational Criteria Pollutant Emissions* summarize the Project's unmitigated construction and unmitigated operational criteria pollutant emissions for ROG, NOx, PM10, PM2.5, and CO and compares it against the District's significance thresholds. The District would like to clarify that in addition to the significance thresholds listed in the tables, the District has also established a significance threshold for SOx which is 27 tons per year. Although SOx emissions were not shown in the tables, the emissions analysis in *Appendix A: California Emissions Estimator Model (CalEEMod) Results* shows that emissions for SOx is below the District's significance threshold resulting in a less than significant impact.
2. The following comments are regarding the emissions analysis in *Appendix A: California Emissions Estimator Model (CalEEMod) Results*:

Samir Sheikh

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way

Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue

Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region

34946 Flyover Court

Bakersfield, CA 93308-9725

Tel: 661-392-5500 FAX: 661-392-5585

- The IS/ND states that this Project would be operating 24 hours per day, 7 days per week providing services to the City. The CalEEMod emission analysis used 148 trips per day. However, this trip rate was applied for weekday trips only. No Saturday or Sunday trips were included in the emissions analysis. Therefore, the District recommends clarification for this discrepancy, which may necessitate the emissions analysis to be revised to include trips for Saturday and Sunday.
- The calculated trip rate of 148 trips per day includes worker trips and visitor trips. There may be other potential trips, such as trips associated with deliveries for example, that should be identified and included in the emission analysis.

Although it is expected that the above may not change the conclusion on the level of significance impact, the District recommends that the City provide clarification to the points above.

3. On Page 17, the IS/ND states that the criteria air pollutant emissions associated with construction and operation for the proposed Project would not exceed the District's significance thresholds resulting in a less than significant impact on violation of air quality standards.

The District would like to clarify that determination of whether project emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's property boundaries, the project would be considered not to violate any air quality standards or contribute substantially to an existing or projected air quality violation.

The need to perform an air quality dispersion modeling analysis (also known as an ambient air quality analysis) for any project depends on the level of emissions associated with the proposed Project. The impact may be significant when on-site emissions increases from construction activities or operational activities exceed the 100 pound per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures.

Therefore, the District recommends that the Project's daily criteria pollutant emissions be quantified and compared against the 100 pounds per day screening level. Should any criteria pollutant emission exceed the 100 pounds per day screening level, the District further recommends that an ambient air quality analysis be performed.

If an ambient air quality analysis is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website www.valleyair.org/ceqa.

4. The Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should contact the District's Small Business Assistance (SBA) Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
5. The proposed Project would receive a discretionary approval, and would equal or exceed 10,000 square feet of government space. Therefore, the District concludes that the proposed Project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

6. The Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
7. The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink, appearing to read "Brian Clements", is written over the typed name. The signature is stylized and includes a long horizontal flourish extending to the right.

Brian Clements
Program Manager

AM: sy



Michael Oliphant, Sr
Portfolio Manager

**Chevron Environmental
Management Company**
Specialty Environmental Management
6001 Bollinger Canyon Road, C-2176
San Ramon, CA 94583
Tel 925-842-9922
Fax 925-842-4968
mike.oliphant@chevron.com

November 15, 2018

Stakeholder Communication – City of Los Banos

Ms. Stacy Souza Elms
Director
City of Los Banos Community & Economic Development Department
520 J Street
Los Banos, California 93635

Subject: Comments on the Negative Declaration for the Los Banos Police Station
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Souza Elms:

On behalf of Chevron Environmental Management Company (CEMC), Leidos, Inc. (Leidos; CEMC contract consultant) recently became aware of the proposed Negative Declaration for the Los Banos Police Station Project. The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in the City of Los Banos, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of this former pipeline location within the existing former pipeline right of way (ROW).

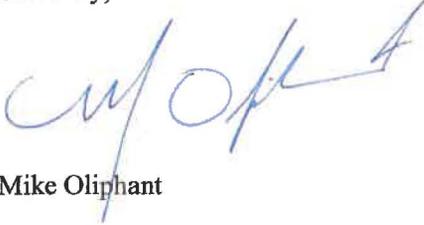
A portion of the former Tidewater Associated Oil Company (TAOC) pipeline existed in the vicinity of the proposed planning area. This formerly active pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the TAOC ceased in the 1970s, at which point the pipeline was taken out of commission. The degree and method of decommissioning varied: in some instances the pipeline was removed, while in others it remains in place. Because this pipeline has been decommissioned, with the majority of pipeline having been removed, it is not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former TAOC ROW with respect to the proposed project area. The location of the pipeline shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignment is generally +/- 50 feet. The TAOC pipeline was installed at depths of up to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former TAOC pipeline. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from this former pipeline is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of this former pipeline ROW may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipeline and pipeline-related ACM during the course of their work.

Ms. Stacy Souza Elms – City of Los Banos
November 15, 2018
Page 2 of 2

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Tan Hoang (tan.t.hoang@leidos.com) at (916) 979-3742.

Sincerely,

A handwritten signature in blue ink, appearing to read "MO/klg", written over a faint, illegible background.

Mike Oliphant

MO/klg

Enclosure:

Figure 1. Historical Pipeline Right of Way – 1111 G Street

cc: Mr. Mike Hurd – Leidos
475 14th Street, Suite 610, Oakland, California 94612



FILE: \\CHIPP\TR\MANAGEMENT\STATE\X\POTENTIAL PROJECTS\MERCED\B POLICE STATION\COUNTY ADMIN\PROJECTS\FIGURE 1P\SEP FIG1_1111-G-ST_2018_11.MXD

Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another.



Project Site

Historical Tidewater Associated Oil Company (TAOC) Pipeline

HISTORICAL PIPELINE RIGHT OF WAY

1111 G STREET
Los Banos, California

DATE: 11/13/2018 ANALYST: HOANGTA

FIGURE:



1

CALIFORNIA LOCATION MAP



Planning for Success

November 12, 2018

Stacy Souza Elms
City of Los Banos
Community and Economic Development Department
52 J Street
Los Banos, CA 93635

**Re: Los Banos Police Station Initial Study / Negative Declaration
Response to Public Comments**

Dear Stacy:

The City of Los Banos received comments from the San Joaquin Valley Air Pollution Control District (c/o Arnaud Marjollet, Director of Permit Services, dated October 29, 2018) on the above-referenced negative declaration during the public review period from October 5, 2018 to November 5, 2018. The comment letter is attached. Following are our responses to the air district's numbered comments:

1. We concur with the air district's conclusion that SO_x emissions would be below the significance threshold. The proposed project would generate 0.003 tons per year of SO_x during construction and 0.002 tons per year of SO_x during operation. The proposed project would not exceed the air district's threshold of 27 tons per year for SO_x.
2. The CalEEMod emissions analysis was revised to include Saturday and Sunday trips. The revised results are presented in [Table 1, Unmitigated GHG Emissions Attributable to the Project \(MT of CO₂e per year\)](#) below.

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

As shown in Table 2, criteria pollutant emissions generated during construction and operation of the proposed project do not exceed the 100 pounds per day screening level, and therefore, ambient air quality dispersion analysis is not required.

4. Comment noted. The City should contact the air district's Small Business Assistance Office prior to construction.
5. Comment noted. The City should contact the air district regarding compliance with air district Rule 9510 (Indirect Source Review).
6. Comment noted.
7. Comment noted. The project proponent is the City of Los Banos.

Please let me know if you have any questions.

Sincerely,



Richard James, AICP
Principal

enc: Comment Letter

- The IS/ND states that this Project would be operating 24 hours per day, 7 days per week providing services to the City. The CalEEMod emission analysis used 148 trips per day. However, this trip rate was applied for weekday trips only. No Saturday or Sunday trips were included in the emissions analysis. Therefore, the District recommends clarification for this discrepancy, which may necessitate the emissions analysis to be revised to include trips for Saturday and Sunday.
- The calculated trip rate of 148 trips per day includes worker trips and visitor trips. There may be other potential trips, such as trips associated with deliveries for example, that should be identified and included in the emission analysis.

Although it is expected that the above may not change the conclusion on the level of significance impact, the District recommends that the City provide clarification to the points above.

3. On Page 17, the IS/ND states that the criteria air pollutant emissions associated with construction and operation for the proposed Project would not exceed the District's significance thresholds resulting in a less than significant impact on violation of air quality standards.

The District would like to clarify that determination of whether project emissions would violate any ambient air quality standards is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's property boundaries, the project would be considered not to violate any air quality standards or contribute substantially to an existing or projected air quality violation.

The need to perform an air quality dispersion modeling analysis (also known as an ambient air quality analysis) for any project depends on the level of emissions associated with the proposed Project. The impact may be significant when on-site emissions increases from construction activities or operational activities exceed the 100 pound per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures.

Therefore, the District recommends that the Project's daily criteria pollutant emissions be quantified and compared against the 100 pounds per day screening level. Should any criteria pollutant emission exceed the 100 pounds per day screening level, the District further recommends that an ambient air quality analysis be performed.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink, appearing to read 'Brian Clements', is written over the typed name and title.

Brian Clements
Program Manager

AM: sy

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING GENERAL PLAN AMENDMENT #2018-01 FOR THE LOS BANOS POLICE STATION FACILITY TO REDESIGNATE PROPERTIES FROM MIXED USE TO CIVIC/INSTITUTIONAL LOCATED AT 1111 G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 026-161-003 AND PORTION OF 026-161-008 AND FINDING THAT THE ACQUISITION OF THE PROPERTY IS CONSISTENT WITH THE CITY'S GENERAL PLAN

WHEREAS, the City of Los Banos has requested an amendment to the General Plan Land Use Map and Zoning Map to facilitate the development of approximately 3.6 acres into a Police Station Facility located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008; and

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

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

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, General Plan Amendment #2018-01 for the Los Banos Police Station Facility project was adequately evaluated in an Initial Study/Negative Declaration (SCH #2018101013); and

WHEREAS, the Los Banos Planning Commission held a public hearing on November 14, 2018, for the purpose of considering General Plan Amendment #2018-01 and at the completion of the public hearing, duly considered the evidence presented and recommended approval to the Los Banos City Council; and

WHEREAS, a public hearing was duly noticed for the Los Banos City Council meeting of December 5, 2018, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on November 23, 2018, to consider and take

testimony regarding General Plan Amendment #2018-01; and

WHEREAS, at the December 5, 2018, City Council Meetings the Los Banos City Council, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the General Plan Amendment criteria established in Section 9-3.1605 of the Los Banos Municipal Code; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve General Plan Amendment #2018-01 to re-designate properties from Mixed Use to Civic/Institutional located at 1111 G Street, more specifically identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008 to be effective and conditioned upon the City of Los Banos acquiring title to the property.

AND BE IT FURTHER RESOLVED, that the City Council of the City of Los Banos hereby determines that the acquisition of the property by the City is consistent with the City's General Plan.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19th day of December 2018, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR GENERAL PLAN AMENDMENT #2018-01 FOR THE LOS BANOS POLICE STATION FACILITY

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

The City of Los Banos City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Los Banos Police Station project was evaluated in an Initial Study which determined that the project would not involve any significant environmental effects and a Negative Declaration (SCH#2018101013) was prepared.
2. The Negative Declaration was adequately noticed and circulated for public review and one (1) public comment on the proposed Negative Declaration was received from the San Joaquin Valley Air Pollution Control District. The City distributed the Notice of Intent with copies of the Negative Declaration, and posted the Notice of Intent at the Merced County Clerk's office on October 5, 2018, to November 5, 2018.
3. On the basis of the whole record, including the Negative Declaration and public comment, the Planning Commission finds that there is no substantial evidence that the Project may have a significant effect on the environment. The following reasons support these findings:
 - a. The proposal is a logical component of the existing land use of this area.
 - b. The propose project is consistent with the adopted goals and policies of the General Plan of the City of Los Banos.
 - c. City staff independently reviewed the initial study, and the Negative Declaration reflects the independent judgement of the City of Los Banos.
 - d. The proposed project will not have any significant impacts on the environment.
 - e. The Los Banos Community and Economic Development Department is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.
4. The Negative Declaration was prepared in compliance with CEQA and on the basis of the whole record, there is no substantial evidence of significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Initial Study/ Negative Declaration.

5. Prior to considering the proposed Project, the City Council considered the Negative Declaration for the Los Banos Police Station Facility.

EXHIBIT B

FINDINGS FOR APPROVAL FOR GENERAL PLAN AMENDMENT #2018-01 FOR THE LOS BANOS POLICE STATION FACILITY

The City of Los Banos City Council hereby finds as follows:

1. The Los Banos General Plan was adopted by the City on July 15, 2009, and the Project was prepared in accordance with it;
2. The General Plan Amendment and Zone Change will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City;

EVIDENCE: The Civic/Institutional and Public Facility (P-F) land use: (1) are consistent with adjacent uses such as the new County Courthouse in the vicinity of the project site; and (2) will improve efficiency of the Los Banos Police Department which has outgrown the existing facilities and will consolidate their operations adjacent to the new County Courthouse.

3. The use is compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City and will not result in detrimental effects to neighboring properties or to City services;

EVIDENCE: The project will enhance the surrounding area, because: (1) it will develop contiguous property surrounded by urban development, (2) it will improve aesthetics of the neighborhood with development which meets the City's Community Design Guidelines; and (3) it was analyzed in an Initial Study/Negative Declaration that determined that there is no substantial evidence the project will have a significant effect on the environment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY FOR THE LOS BANOS POLICE STATION FACILITY FROM RAIL CORRIDOR (R-C) TO PUBLIC FACILITY (P-F) ON APPROXIMATELY 3.6 ACRES LOCATED AT 1111 G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 026-161-003 AND PORTION OF 026-161-008

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

Section 1. The properties identified as Assessor's Parcel Numbers: 026-161-003 and portion of 026-161-008 is hereby rezoned as shown on said map from Rail Corridor (R-C) to Public Facility (P-F).

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

Section 3. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption or upon the City acquiring title to the property, whichever occurs first. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____

Passed on the ____ day of December 2018 by the following vote:

AYES:
NOES:
ABSENT:

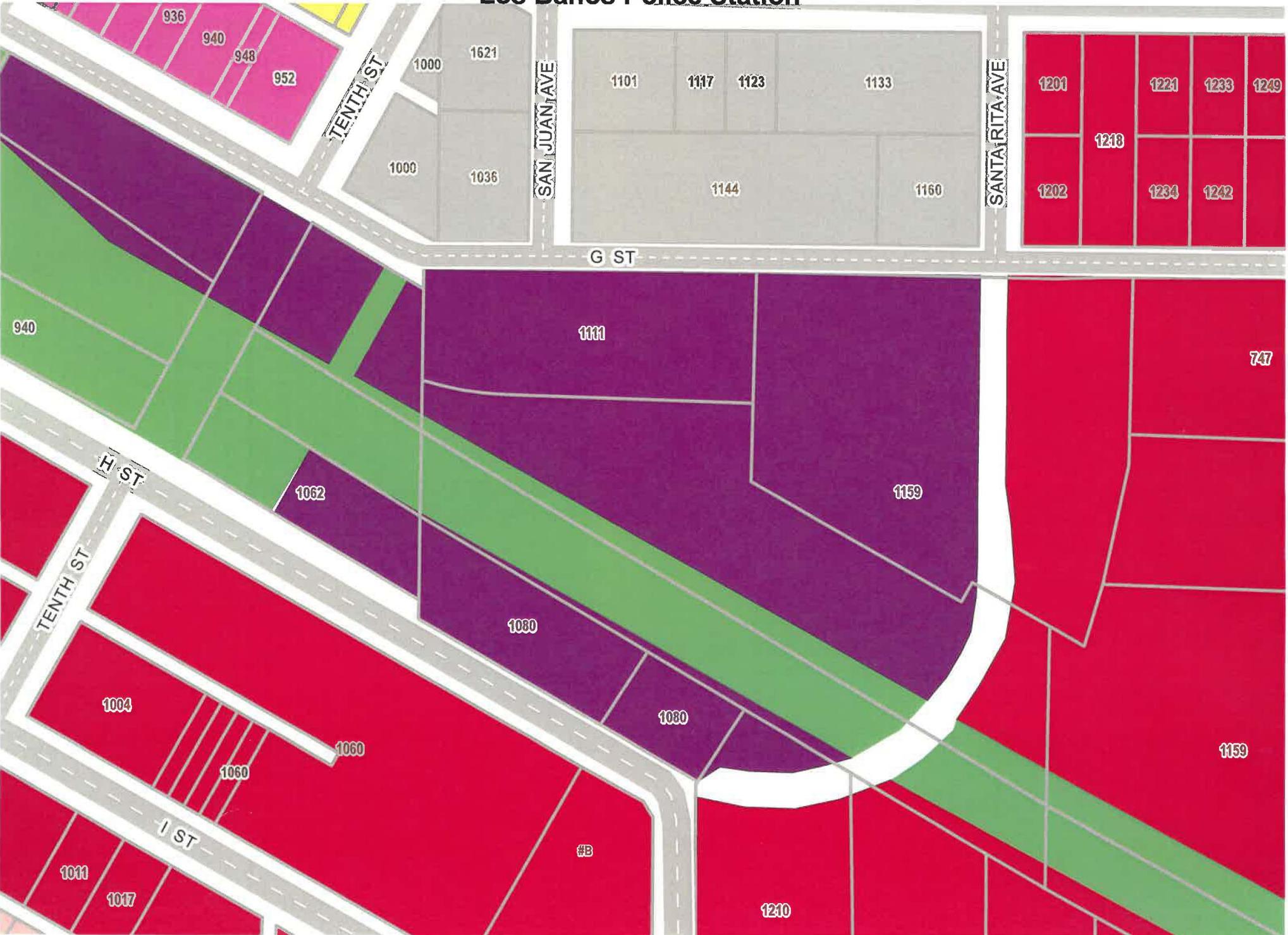
APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

General Plan Map Los Banos Police Station



Zoning Map Los Banos Police Station





City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 23, 2018

Regarding: Notice of Public Hearing

Proposal: General Plan Amendment #2018-01, Zone Change #2018-01, and
Negative Declaration (SCH#2018101013) – Los Banos Police Facility

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a General Plan Amendment 2018-01, Zone Change #2018-01, and Negative Declaration (SCH #2018101013) for the development of a new Police Department Facility. The purpose of the General Plan Amendment is to amend current Mixed-Use General Plan land use designation to proposed Civic/Institutional land use designation and Zone Change from Rail Corridor Zoning District to Public Facilities Zoning District. The project site is located at 1111 G Street; more specifically identified as Assessor's Parcel Numbers: 026-161-003.

The Los Banos Planning Commission held a public hearing on November 14, 2018, for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval 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, December 5, 2018, 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, Community and Economic Development Director at City Hall or at (209) 827-7000, Ext. 133/2433.

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 Project 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

Stacy Souza Elms
Community and Economic Development Director



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Site Plan Review #2018-04- Sunset Hills Development

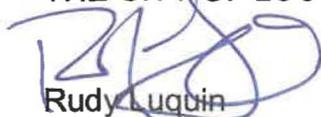
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) for Site Plan Review #2018-04 for the development of four (4) residential structures within the Medium Density Residential Zoning District. The proposed project consists of four (4) residential structures totaling 12,197 square feet located at 649 and 661 E Street; more specifically identified as Assessor's Parcel Numbers: 025-063-018 and 025-063-019.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 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 Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

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 Project 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 the 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


Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Site Plan Review #2018-05- Sunset Hills Development

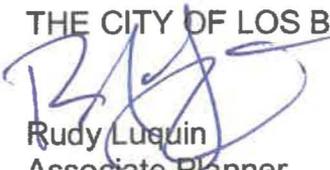
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) for Site Plan Review #2018-05 for the development of a mixed-use structure within the Mixed-Use Zoning District. The proposed project consists of two (2) residential units in the second floor and office space in the first floor totaling 3,192 square feet located at 652 K Street; more specifically identified as Assessor's Parcel Numbers: 026-053-020.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 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 Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

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 Project 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 the 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


Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 30, 2018
Re: Notice of Public Hearing
Proposal: Site Plan Review #2018-06- Western Dental

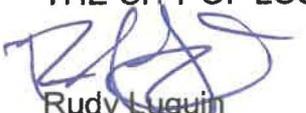
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Site Plan Review #2018-06 for the development of a commercial structure within the Highway Commercial Zoning District. The proposed project consists of one (1) 4,200 square foot commercial structure located at 1153 W. Pacheco Blvd; more specifically identified as Assessor's Parcel Numbers: 431-141-021.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 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 Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

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 Project 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 the 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


Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-15- Hostetler Outdoor, LLC

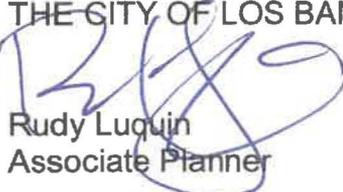
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15311 (Accessory Structures) and Conditional Use Permit #2018-15 to allow for the use of five (5) billboards within the Highway Commercial Zoning District. The proposed project site is located at 3400 E. Pacheco Blvd; more specifically identified as Assessor's Parcel Numbers: 084-010-077.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 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 Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

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 Project 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 the 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


Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Date: November 30, 2018
Re: Notice of Public Hearing
For: Discussion of Possible State CDBG Application

NOTICE IS HEREBY GIVEN that the City of Los Banos will conduct a public hearing on Thursday, December 13, 2018 at 6:00 p.m., in the Community Center Lounge located at 645 Seventh Street, Los Banos, California in order to discuss possible application for funding under the next fiscal year's (July 1 to June 30) State Community Development Block Grant (CDBG) Program and to solicit citizen input on possible activities to be included in the application.

The Community Development and Economic Development Allocations of the State CDBG program will publish a combined Notice of Funding Availability (NOFA) each program year. Eligible cities and counties may submit applications for CDBG funds under the NOFA for a maximum per application request of \$3,000,000. It is estimated that the funding of the State 2018 CDBG program allocation is approximately \$29,600,000 in total. The Economic Development "Over-the-Counter" (OTC) Allocation requires a separate application with a maximum limit of \$3,000,000. The NOFA also includes the Native American and Colonia's Allocations. The Native American Allocation is only for areas with high concentrations of low-income Native American residents, who are not part of a federally recognized Native American Indian tribe or Rancheria. The Colonia's funding is only for designated communities within 150 miles of the Mexican-American border.

ELIGIBLE ACTIVITIES UNDER THE ALLOCATIONS IN THE NOFA CONSIST OF:
ECONOMIC DEVELOPMENT ENTERPRISE FUND ACTIVITIES FOR BUSINESS ASSISTANCE AND MICROENTERPRISE (MAXIMUM \$500,000 TOTAL); HOUSING PROGRAM ACTIVITIES FOR HOMEOWNERSHIP ASSISTANCE AND HOUSING REHAB PROGRAMS (MAXIMUM \$1,000,000 TOTAL); MULTI-FAMILY (MFH) ACTIVITIES FOR MFH RENTAL REHAB (MAXIMUM \$3,000,000 TOTAL); PUBLIC SERVICE ACTIVITIES (MAXIMUM \$500,000 TOTAL); PUBLIC IMPROVEMENTS ACTIVITIES (MAXIMUM \$3,000,000 TOTAL); PUBLIC FACILITIES ACTIVITIES

(MAXIMUM \$3,000,000 TOTAL); AND PLANNING & TECHNICAL ASSISTANCE ACTIVITIES (MAXIMUM \$100,000 TOTAL).

ELIGIBLE ACTIVITIES PAID FOR WITH STATE CDBG FUNDS MUST MEET ONE OR MORE OF THE THREE NATIONAL OBJECTIVES LISTED IN CDBG FEDERAL STATUTES AS FOLLOWS: BENEFIT TO LOW- AND MODERATE-INCOME PERSONS ; PREVENTION OR ELIMINATION OF SLUMS OR BLIGHT ; OR MEETING URGENT COMMUNITY DEVELOPMENT NEED.

The City of Los Banos anticipates submitting an application under the NOFA published during the next program year. The City does not have or anticipate receiving any CDBG Program Income. Any Program Income received would need to be expended prior to expending awarded grant funds.

The purpose of this public hearing is to give citizens an opportunity to make their comments known regarding what types of eligible activities the City of Los Banos should apply for under the State CDBG program. A separate public hearing will be held to discuss and approve the application prior to submittal to the State.

If you require special accommodations to participate in the public hearing, please contact Sandra Benetti at (209) 827-7000 ext. 2431.

If you are unable to attend the public hearing, you may direct written comments to the City of Los Banos Community & Economic Development Department, at 520 J Street, Los Banos, California 93635 or by email at sandra.benetti@losbanos.org.

In addition, information is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on Monday-Friday.

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

THE CITY OF LOS BANOS

A handwritten signature in black ink, appearing to read "Stacy Souza Elms". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Stacy Souza Elms
Community & Economic Development Director