



# City of Los Banos

At the Crossroads of California

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

**Corrected 12/14/2018 @ 8:55 am**

## AGENDA

### CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**DECEMBER 19, 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 Deshabilidad (ADA) de 1990.*

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

\* \* \* \* \*

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

### **HOLIDAY OPEN HOUSE**

**6:00 PM**

\* \* \* \* \*

1. CALL TO ORDER.

**7:00 PM**

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL: (City Council Members)

Faria \_\_\_\_, Johnson-Santos \_\_\_\_, Jones \_\_\_\_, Lewis \_\_\_\_, Villalta \_\_\_\_

4. CONSIDERATION OF APPROVAL OF AGENDA.

5. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)
  
6. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
  - A. Check Register for #213780 – #213974 in the Amount of \$948,867.19.  
*Recommendation: Approve the check register as submitted.*
  - B. Development Impact Fee Report for Fiscal Years 2014-2018 (AB 1600).  
*Recommendation: Accept the report as submitted.*
  - C. Minutes for the November 7, 2018 City Council Meeting.  
*Recommendation: Approve the minutes as submitted.*
  - D. City Council Resolution No. 6031 – Adopting a Revised Budget for the 2018-2019 Fiscal Year as it Pertains to Increasing Expenditures in the General Fund – Fire Department Building & Structures Account in the Amount of \$12,000.  
*Recommendation: Approve the resolution as submitted.*
  - E. City Council Resolution No. 6032 – Approving and Adopting Final Tract Map No. 2016-01 East Center Phase 1 and Accompanying Subdivision Improvement Agreement.  
*Recommendation: Approve the resolution as submitted.*
  
7. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)
  - A. Public Hearing – To Receive Public Comment and Consideration of 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) City Council 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.

- 2) 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. **(Second Reading & Adoption)**

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

8. CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6033 – ESTABLISHING THE MEASURE “H” CITIZENS’ OVERSIGHT COMMITTEE AND ADOPTING OPERATIONAL BYLAWS.

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

9. ANNOUNCEMENT TO ADVERTISE FOR MEASURE H CITIZENS’ OVERSIGHT COMMITTEE MEMBERS – FIVE (5) VACANCIES.

*Recommendation: Informational item only, no action to be taken.*

10. APPOINTMENT OF COUNCIL MEMBER(S) TO SERVE WITH THE MAYOR ON THE SELECTION COMMITTEE FOR THE FOLLOWING:

- A. Airport Advisory Commission – Three (3) Vacancies
- B. Economic Development Advisory Committee – Three (3) Vacancies
- C. Parks & Recreation Commission – Three (3) Vacancies
- D. Planning Commission – ~~Three (3)~~ **Five (5)** Vacancies
- E. Tree Commission – ~~Three (3)~~ **Two (2)** Vacancies
- F. Measure H Citizens’ Oversight Committee – Five (5) Vacancies

*Recommendation: Appoint Council Member(s) to serve with the Mayor on the Selection Committee(s) for each.*

11. DISCUSSION REGARDING COMMISSIONS AND BOARDS BY-DISTRICT REPRESENTATION.

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

12. ADVISEMENT OF PUBLIC NOTICES. (No Report)

13. CITY MANAGER REPORT.
14. CITY COUNCIL MEMBER REPORTS.
  - A. Daronica Johnson-Santos
  - B. Brett Jones
  - C. Deborah Lewis
  - D. Tom Faria
  - E. Mayor Mike Villalta
15. ADJOURNMENT.

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



Lucille L. Mallonee, City Clerk

Dated this 14<sup>th</sup> day of December 2018

CK # 213780 - # 213974

12/19/2018

\$948,867.19

# Bank Reconciliation

## Checks by Date

User: rsouto  
 Printed: 12/10/2018 - 1:33PM  
 Cleared and Not Cleared Checks  
 Print Void Checks



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

Check No	Check	Name	Module	Void	Clear Date	Amount
213781	11/28/2018	Food 4 Less	AP			1,163.16
213782	11/30/2018	BJ's Consumers Choice	AP			195.00
213783	11/30/2018	Cartegraph Systems, Inc.	AP			3,602.45
213784	11/30/2018	Chevron Usa Inc	AP			76.00
213785	11/30/2018	CPRS	AP			60.00
213786	11/30/2018	Bradley Ellien	AP			348.00
213787	11/30/2018	Liebert Cassidy Whitmore	AP			7,517.44
213788	11/30/2018	Merced County Auditor Controller	AP			282.50
213789	11/30/2018	Zachary Sawyer	AP			699.66
213790	11/30/2018	Jana Sousa	AP			97.00
213791	11/30/2018	Jana Sousa	AP			89.00
213792	11/30/2018	A.J. Excavation, Inc.	AP			364,307.71
213793	11/30/2018	Ameripride Services	AP			155.78
213794	11/30/2018	Anthony Gomes	AP			116.21
213795	11/30/2018	Aramark Uniform Ser Inc	AP			400.25
213796	11/30/2018	AT&T	AP			1,020.45
213797	11/30/2018	AT&T	AP			75.00
213798	11/30/2018	Auc Pro	AP			100.00
213799	11/30/2018	Richard A Blak Phd	AP			400.00
213800	11/30/2018	BlueTarp Financial, Inc.	AP			419.98
213801	11/30/2018	BMC Software, Inc.	AP			574.09
213802	11/30/2018	Bruce's Tire Inc	AP			3,305.30
213803	11/30/2018	CACEO - CA Assoc of Code Enforcement	AP			95.00
213804	11/30/2018	CDTFA California Dept. of Tax & Fee	AP			470.00
213805	11/30/2018	Central Sanitary Supply	AP			90.93
213806	11/30/2018	Coffee Break Service Inc.	AP			171.00
213807	11/30/2018	Comcast	AP			234.47
213808	11/30/2018	Comcast	AP			808.00
213809	11/30/2018	City of Los Banos Utility	AP			34,773.61
213810	11/30/2018	Docs Towing & Transport, Inc.	AP			172.00
213811	11/30/2018	Downstream Aviation LP	AP			1,425.00
213812	11/30/2018	The ABY MFG Group. Inc.	AP			73.81
213813	11/30/2018	Farmer Brothers Coffee	AP			97.26
213814	11/30/2018	Fastenal Company	AP			979.89
213815	11/30/2018	Fast Track Car Wash	AP			31.50
213816	11/30/2018	Ernest Frontella	AP			600.00
213817	11/30/2018	Golden State Flow Measurement	AP			387.86
213818	11/30/2018	Galls Inc	AP			125.18
213819	11/30/2018	Renee Elizabeth Garcia	AP			36.50
213820	11/30/2018	Holt of California	AP			605.60
213821	11/30/2018	InfoSend Inc.	AP			10,062.19
213822	11/30/2018	Jim Crawford Construction Co. Inc.	AP			714.52
213823	11/30/2018	Steve Macillas	AP			157.50

213824	11/30/2018	Madera Uniform & Accessories, LLC	AP	784.81
213825	11/30/2018	Marfab Inc	AP	41.36
213826	11/30/2018	Matson Alarm Co Inc	AP	181.00
213827	11/30/2018	Merced Chevrolet Inc.	AP	758.60
213828	11/30/2018	Merced County Assessor	AP	500.00
213829	11/30/2018	Merced County Regional Waste Managem	AP	3,867.89
213830	11/30/2018	Merced County Regional Waste Managem	AP	75,643.47
213831	11/30/2018	Merced County Regional Waste Managem	AP	4,136.22
213832	11/30/2018	MOO, Inc.	AP	123.77
213833	11/30/2018	Adriana Martinez	AP	350.00
213834	11/30/2018	NFPA	AP	1,456.50
213835	11/30/2018	NDN International LLC	AP	3,059.11
213836	11/30/2018	The Office City	AP	80.13
213837	11/30/2018	OSE	AP	497.10
213838	11/30/2018	O'Reilly Auto Parts	AP	437.78
213839	11/30/2018	PG&E Company	AP	109,641.92
213840	11/30/2018	PG&E Company	AP	4,711.20
213841	11/30/2018	Pinnacle Medical Group	AP	1,396.00
213842	11/30/2018	Provost and Pritchard Engineering, Inc.	AP	2,833.40
213843	11/30/2018	Pro Clean Supply	AP	165.10
213844	11/30/2018	Ronny's Inc.	AP	9,581.00
213845	11/30/2018	Yanet Reyes	AP	200.00
213846	11/30/2018	Lourdes Acosta Sanchez	AP	759.42
213847	11/30/2018	Scott Savage	AP	360.00
213848	11/30/2018	Save Mart Supermarkets	AP	281.42
213849	11/30/2018	Sharpening Shop	AP	351.95
213850	11/30/2018	Sherwin Williams Co	AP	67.82
213851	11/30/2018	Sorensens True Value	AP	577.51
213852	11/30/2018	Sorensens True Value	AP	80.85
213853	11/30/2018	Sprint Solutions, Inc.	AP	987.74
213854	11/30/2018	Terryberry Company LLC	AP	600.34
213855	11/30/2018	Terminix Processing Center	AP	94.00
213856	11/30/2018	Unique Glass	AP	362.87
213857	11/30/2018	Valley Critter Care , Inc.	AP	465.70
213858	11/30/2018	Verizon Wireless	AP	896.50
213859	11/30/2018	Walmart	AP	142.45
213860	11/30/2018	West Publishing Corporation	AP	265.00
213861	11/30/2018	Jennifer Williams	AP	1,057.50
213862	11/30/2018	Windecker Inc	AP	4,511.41
213863	11/30/2018	Matthew Culley	AP	811.88
213864	11/30/2018	Young's Air Conditioning	AP	1,830.00
213890	12/4/2018	Aflac-Customer Service	AP	494.24
213891	12/4/2018	In Shape Health Clubs Inc	AP	693.22
213892	12/4/2018	Los Banos Volunteer	AP	2,416.67
213893	12/4/2018	Los Banos Police Assn	AP	350.00
213894	12/4/2018	Los Banos Police Assn	AP	175.00
213895	12/4/2018	Los Banos Police Assn	AP	1,539.00
213896	12/4/2018	MassMutual	AP	1,429.40
213897	12/4/2018	MassMutual	AP	3,817.50
213898	12/4/2018	Merced County Sheriff	AP	150.00
213899	12/4/2018	Gerald "Obie" O'Brien	AP	77.14
213900	12/4/2018	Nationwide Retirement Solutions	AP	2,827.50
213901	12/4/2018	Professional Fire Fighter	AP	630.00
213902	12/4/2018	State Disbursement Unit	AP	1,168.50
213903	12/4/2018	Vantagepont Transfer Agents - 306797	AP	794.00
213904	12/4/2018	Vantagepoint Transfer Agents - 705827	AP	25.00
213905	12/4/2018	Vantagepoint Transfer Agents - 801838	AP	3,650.00

213906	12/4/2018	Law Offices of William A Vaughn	AP	12,000.00
213907	12/4/2018	Xerox Financial Services	AP	2,453.13
213908	12/7/2018	Alhambra	AP	189.95
213909	12/7/2018	Abbott & Kindermann, Inc.	AP	81.32
213910	12/7/2018	Anthony Gomes	AP	650.18
213911	12/7/2018	Aramark Uniform Ser Inc	AP	48.32
213912	12/7/2018	A,J. Excavation, Inc.	AP	1,000.00
213913	12/7/2018	BJ's Consumers Choice	AP	81.00
213914	12/7/2018	BSK Associates	AP	6,346.51
213915	12/7/2018	Violet Barba	AP	600.00
213916	12/7/2018	Chabin Concepts, Inc.	AP	877.50
213917	12/7/2018	Electric Drives Inc	AP	194.13
213918	12/7/2018	Ernest Packaging Solutions	AP	811.67
213919	12/7/2018	Fastenal Company	AP	51.72
213920	12/7/2018	Frasier Irrigation, Inc.	AP	75.37
213921	12/7/2018	Fresno City College	AP	120.00
213922	12/7/2018	GCS Environmental Equipment Services	AP	1,265.04
213923	12/7/2018	Gouveia Engineering Inc.	AP	45,706.98
213924	12/7/2018	Hach Company	AP	817.85
213925	12/7/2018	Holt of California	AP	972.52
213926	12/7/2018	IDM Worldwide	AP	345.70
213927	12/7/2018	Indigo/Hammond & Playle Architects, LLI	AP	13,500.00
213928	12/7/2018	Los Banos Car Wash Inc	AP	13.00
213929	12/7/2018	Los Banos Downtown Assoc.	AP	2,500.00
213930	12/7/2018	Los Banos Medical Group A Medical Corp	AP	100.00
213931	12/7/2018	Lucas Business Systems	AP	364.83
213932	12/7/2018	Marfab Inc	AP	705.82
213933	12/7/2018	Merced Truck & Trailer Inc	AP	1,061.90
213934	12/7/2018	MOO, Inc.	AP	271.42
213935	12/7/2018	Napa Auto Parts of Los Banos	AP	437.93
213936	12/7/2018	O'Dell Engineering	AP	15,439.75
213937	12/7/2018	OSE	AP	371.19
213938	12/7/2018	O'Reilly Auto Parts	AP	663.25
213939	12/7/2018	Pinnacle Medical Group	AP	120.00
213940	12/7/2018	Razzari Dodge Chrysler Jeep	AP	108.25
213941	12/7/2018	Save Mart Supermarkets	AP	58.39
213942	12/7/2018	Sorensens True Value	AP	409.35
213943	12/7/2018	Specialty Distributors, Inc.	AP	341.78
213944	12/7/2018	Sprint Solutions, Inc.	AP	227.94
213945	12/7/2018	Stantec Consulting Services, Inc.	AP	13,977.11
213946	12/7/2018	SWRCB Accounting Office	AP	27,192.00
213947	12/7/2018	Nazhat P. Sharma	AP	82.00
213948	12/7/2018	Tesco Controls, Inc.	AP	4,290.00
213949	12/7/2018	Traffic Logix Corp.	AP	13,951.24
213950	12/7/2018	Anderson Homes	AP	23.71
213951	12/7/2018	Judy Dunfield	AP	116.03
213952	12/7/2018	James & Gloria Mc Entire	AP	97.99
213953	12/7/2018	Westhill Real Estate	AP	86.51
213954	12/7/2018	Westhill Property Mgmt	AP	54.79
213955	12/7/2018	Westhill Property Mgmt	AP	25.96
213956	12/7/2018	Westhill Real Estate	AP	63.75
213957	12/7/2018	Home Sweet Home Property Management	AP	86.51
213958	12/7/2018	John or Susanne Schlickeiser	AP	85.58
213959	12/7/2018	Pacific Credit Services	AP	304.95
213960	12/7/2018	Aldina Real Estate Property Management	AP	50.97
213961	12/7/2018	Aldina Real Estate Property Management	AP	50.97
213962	12/7/2018	Aldina Real Estate Property Management	AP	30.79

213963	12/7/2018 Monique and Lonnie Finley	AP	86.51
213964	12/7/2018 Lorena Cazarez	AP	86.51
213965	12/7/2018 George Smith	AP	93.07
213966	12/7/2018 John McPherson	AP	100.00
213967	12/7/2018 Robert Bledsoe	AP	40.38
213968	12/7/2018 Windecker Inc	AP	14,826.39
213969	12/7/2018 AT&T	AP	924.41
213970	12/7/2018 Premier Access Insurance Co.	AP	19,384.31
213971	12/7/2018 Ronny's Inc.	AP	39,315.15
213972	12/7/2018 Ronny's Inc.	AP	609.92
213973	12/7/2018 Ronny's Inc.	AP	2,529.48
213974	12/7/2018 Sun Life Financial	AP	6,611.82

Break in check sequence due to the following:

Check #213780 (Payroll)

Check #213780 - #213974 (Payroll)

Total Void	0
Total Void	0.00
Total Valid	169
Total Valid	948,867.19
Total Check	169
Total Check	948,867.19



City of  
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*At the Crossroads of California*

## **Agenda Staff Report**

**TO:** Mayor and Council Members

**FROM:** Kim Tomas, City Treasurer/Accounting & Budget Supervisor 

**DATE:** December 19, 2018

**SUBJECT:** Development Impact Fee Report for Fiscal Years 2014-2018 (AB1600 Report)

**TYPE OF REPORT:** Consent Agenda

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**Recommendation:**

Staff recommends that the City accept the Development Impact Fee Report (AB1600 Report) for Fiscal Years 2014 through 2018.

**Background:**

This report contains information regarding the City of Los Banos development impact fees for Fiscal Years 2014 through 2018. This information is presented to comply with the reporting requirements contained in Government Code section 66000 et seq., also known as AB1600. Please note that this annual report is not a budget document, but rather is compiled to meet reporting requirements only. It is not intended to represent a full picture of currently planned projects as it only reports revenues and expenditures for the fiscal years referenced above.

Government Code Section 66006 requires local agencies to submit annual and five-year reports detailing the status of development impact fees. This is the administrative report for development fees for the fiscal year ending June 30, 2014 through 2018. This report includes the development related fees, the interest earned, and the amounts expended in connection with those fees for the City of Los Banos and complies with Section 66006 of the California Government Code.

**Discussion:**

The fees collected from developers that are in the governmental funds (traffic, storm drain, fire, police, public facilities, community center and park) are

collected and reported in separate governmental funds for each type of impact fee.

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

The City does not earmark development impact fees for any specific project as the fees are collected, but rather the fees are applied toward a series of capital improvement projects. Such projects include but are not limited to:

1. Future Police and Fire facilities
2. Wastewater, Water and Storm Drain improvements
3. Park and Public facilities
4. Community Center construction and improvements
5. Traffic related projects
6. Other capital facilities

The City is currently undergoing a development impact fee study with David Taussig & Associates, Inc. and will bring to Council results and recommendations from that fee study to a future City Council meeting.

**Fiscal Impact:**

This report is informational only and has no fiscal impact. The report includes findings relating to the fund held in excess of 5 years. In the past, the City used Goodwin & Associates to review governmental impact funds to provide a basis for the impact fee. The water, wastewater, storm drain, and traffic funds are established under separate master plans to determine the rate charged to the developers. The development impact fee study currently being conducted by David Taussig & Associates Inc. will provide an update to these fees in the near future.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

Letter of Transmittal  
Development Impact Fee Report  
Resolution 4786  
Resolution 5119



City of  
**Los Banos**  
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LETTER OF TRANSMITTAL

December 19, 2018

Dear Mayor and Members of the City Council:

California Government Code requires reporting of the usage of Development Impact Fees. Therefore, in accordance with the provisions of the State of California and Government Code Section 66000 et seq., I hereby submit the Annual AB 1600 Development Impact Fee Report for the City of Los Banos, CA for the fiscal years ended June 30, 2014 through June 30, 2018.

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

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

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

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

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

The City Council must review the annual AB1600 Report at a regularly scheduled public meeting. This report was filed with the City Clerk's office and available for public review on December 19, 2018.

Respectfully Submitted,

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

Kim Tomas  
City Treasurer/Accounting & Budget Supervisor



City of  
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## DEVELOPMENT IMPACT FEE REPORT

FISCAL YEARS 2014-2018

**CITY OF LOS BANOS  
DEVELOPMENT IMPACT FEE REPORT  
FISCAL YEARS 2014-2018**

**Background**

This report contains information on the City of Los Banos development impact fees for Fiscal Years 2014 through 2018. This information is presented to comply with the reporting requirements contained in Government Code section 66000 et seq., also known as AB1600. Please note that this annual report is not a budget document, but rather is compiled to meet reporting requirements. It is not intended to represent a full picture of currently planned projects as it only reports revenues and expenditures for Fiscal Years 2014 through 2018. Government Code Section 66006 requires local agencies to submit annual and five-year reports detailing the status of development impact fees.

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

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

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

**Development Impact Fee Programs**

Development Impact Fees

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

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

Fiscal Year	Beginning Balance	Impact Fees	Interest	Misc Revenue	AB1600 Expenses	Description	Ending Balance
2013-2014	1,335,553	11,958	9,887	-	103,233	Detail Below	1,254,165
2014-2015	1,254,165	47,472	5,756	-	15,845	Detail Below	1,291,548
2015-2016	1,291,548	261,648	10,780	-	2,713	Detail Below	1,561,263
2016-2017	1,561,263	580,625	8,651		29,018	Detail Below	2,121,521
2017-2018	2,121,521	746,036	18,971	2,574	4,028	Detail Below	2,885,074
<b>Fiscal Year</b>					<b>AB1600 Expenses</b>	<b>Description</b>	
<b>2013-2014</b>					10,671.17	Equipment Restoration	
					13,963.99	MDC Project	
					60,486.70	2 Chevy Police Vehicles	
					18,110.88	New Police Vehicles Equipment	
					<b>103,232.74</b>		
<b>2014-2015</b>					9,444.18	Equipment Restoration	
					1,435.00	Facility Improvement	
					3,750.00	Vehicle	
					1,216.20	Building/Structures	
					<b>15,845.38</b>		
<b>2015-2016</b>					2,713.00	Building/Structures	
					<b>2,713.00</b>		
<b>2016-2017</b>					9,672.89	Equipment Restoration	
					19,345.12	Fuel Tank	
					<b>9,672.89</b>		
<b>2017-2018</b>					4,028.22	Equipment Restoration	
					<b>4,028.22</b>		

**REQUIRED FINDINGS:**

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

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

Fiscal Year	Balance	Fees	Interest	Revenues	Expenses	Description	Balance
2013-2014	1,168,325	10,238	8,612	-	53,859	Detail Below	1,133,316
2014-2015	1,133,316	47,757	5,150	-	270,281	Detail Below	915,942
2015-2016	915,942	125,940	5,338	-	344,939	Detail Below	702,281
2016-2017	702,281	227,403	3,842	-	9,719	Detail Below	923,807
2017-2018	923,807	283,032	8,112		9,448	Detail Below	1,205,503
<b>Fiscal Year</b>					<b>AB1600 Expenses</b>	<b>Description</b>	
<b>2013-2014</b>					7,885.03	Vehicle Restoration	
					45,973.50	Asst. Fire Chief's Truck	
					<b>53,858.53</b>		
<b>2014-2015</b>					9,659.22	Vehicle Restoration	
					260,621.60	Fire Engine	
					<b>270,280.82</b>		
<b>2015-2016</b>					10,052.60	Vehicle Restoration	
					286,657.80	Fire Engine	
					43,091.67	Building & Structures	
					5,136.92	Misc Equipment for Fire Engine	
					<b>344,938.99</b>		
<b>2016-2017</b>					9,719.00	Vehicle Restoration	
					<b>9,719.00</b>		
<b>2017-2018</b>					9,448.00	Vehicle Restoration	
					<b>9,448.00</b>		

**REQUIRED FINDINGS:**

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

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

Fiscal Year	Beginning Balance	Impact Fees	Land Dedication	Interest	Transfer In/Out	AB1600 Expenses	Description	Ending Balance
2013-2014	(36,709)	-	-	-	-	-		(36,709)
2014-2015	(36,709)	-	-	-	-	-		(36,709)
2015-2016	(36,709)	447,420	33,670	2,472	-	-		446,853
2016-2017	446,853	703,431	67,562	3,692	-	7,735	Soccer Field	1,213,803
2017-2018	1,213,803	1,382,593	106,967	13,478	-	298,632	Soccer Field	2,418,209

**REQUIRED FINDINGS:**

1. The reasonable relationship between the Park Development impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete park and recreational improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. The fund deficit was used on parks and recreational facilities to meet the impact generated during the height of growth in Los Banos. Subsequently, this fund's deficit was reduced by continued fees from developers of those areas that had impacted the City's parks and recreation facilities (this impact was mitigated by the fund deficit spending.) A renovation of the soccer fields at Oliveira Park utilized funds as they became available in fiscal years 2016-17 and 2017-18.

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

<b>Fiscal Year</b>	<b>Beginning Balance</b>	<b>Impact Fees</b>	<b>Interest</b>	<b>Misc Revenue</b>	<b>AB1600 Expenses</b>	<b>Description</b>	<b>Ending Balance</b>
2013-2014	183,986	2,875	1,376	-	-		188,237
2014-2015	188,237	16,599	891	-	-		205,727
2015-2016	205,727	58,718	1,785	-	12,496	Siding Comm Center	253,734
2016-2017	253,734	125,411	1,513	-	-		380,658
2017-2018	380,658	116,941	3,661	-	-		501,260

**REQUIRED FINDINGS:**

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

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

<b>Fiscal Year</b>	<b>Beginning Balance</b>	<b>Impact Fees</b>	<b>Interest</b>	<b>AB1600 Expenses</b>	<b>Description</b>	<b>Ending Balance</b>
2013-2014	132,320	2,486	992	-		135,798
2014-2015	135,798	14,385	647	-		150,830
2015-2016	150,830	50,897	1,369	-		203,096
2016-2017	203,096	106,638	1,228	-		310,962
2017-2018	310,962	99,266	2,737	-		412,965

**REQUIRED FINDINGS:**

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

- There have not been enough fees collected in the last five years to fund the corporate yard projects listed on the study. The fees collected over the last five years will be used as a capital reserve to purchase facilities needed to mitigate the impact of existing development.

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

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2013-2014	391,105	6,827	2,667	77,699	City Hall server room upgrade	322,900
2014-2015	322,900	40,657	1,551	-		365,108
2015-2016	365,108	143,351	3,421	-		511,880
2016-2017	511,880	302,945	3,179	23,510	City Hall Expansion	794,494
2017-2018	794,494	282,174	6,203	265,202	City Hall Expansion	817,669

**REQUIRED FINDINGS:**

- The reasonable relationship between the City Hall impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- The sources and amounts of funding anticipated in order to complete any of the City Hall improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- Fees collected in the last five years have been utilized to fund a minor expansion of City Hall started in fiscal year 2016-17 and completed in 2017-18. Remaining funds will continue to be used as capital reserve for future City Hall projects as needed to mitigate the impact of existing development.

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

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2013-2014	90,164	2,198	653	9,765	SB update	83,251
2014-2015	83,251	14,642	376	9,015	SB update	89,254
2015-2016	89,254	51,046	885	5,000	CalOps Software	136,185
2016-2017	136,185	110,688	930	-		247,803
2017-2018	247,803	103,719	2,110	42,660	Impact Fee Study	310,972

**REQUIRED FINDINGS:**

- The reasonable relationship between the 3% administrative impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- The sources and amounts of funding anticipated to complete the 3% administrative fees are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- The City has utilized the fees collected in the last five years to fund rate studies and software updates. Furthermore the City will continue to use the funds accumulated for the administrative requirements of existing and future development including staff time spent on impact fee related projects.

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

**Traffic Impact Fee by Detailed Uses**

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

Fiscal Year	Beginning Balance	Revenues		AB1600 Expenses	Description	Ending Balance
		Impact Fees	Interest			
2013-2014	2,138,560	125,995	17,261	181,511	Detail Below	2,100,305
2014-2015	2,100,305	233,067	10,608	304	Detail Below	2,343,676
2015-2016	2,343,676	803,655	21,430	-		3,168,761
2016-2017	3,168,761	999,179	17,276	-		4,185,216
2017-2018	4,185,216	1,019,541	35,757	13,842	Detail Below	5,226,672
<b>Fiscal Year</b>				<b>AB1600 Expenses</b>	<b>Description</b>	
<b>2013-2014</b>				330.23	Technical Services	
				181,180.82	Ronny's/CA Gold	
				<b>181,511.05</b>		
<b>2014-2015</b>				304.28	Technical Services	
				<b>304.28</b>		
<b>2017-2018</b>				13,841.83	Professional Services	
				<b>13,841.83</b>		

**REQUIRED FINDINGS:**

1. The reasonable relationship between the Traffic impact fee and the purpose for which it is charged is demonstrated in the City's General Plan.
2. The sources and amounts of funding anticipated to complete traffic improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major traffic improvements in accordance with its General Plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. Future projects utilizing the reserves include several intersection improvements at the following locations: 1) Walmart Shopping Center 2) B Street & Place Rd. 3) San Luis and Mercey Springs 4) Mercey Springs and Vineyard 5) Stonewood and Overland.

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

Public Facilities Fee		Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
Single Dwelling	5.62	2013-2014	16,022	74	119	-		16,215
Multi-Family Dwelling	5.62	2014-2015	16,215	1,060	75	-		17,350
Commercial Use*	5.62	2015-2016	17,350	597	130	-		18,077
Industrial Use*	5.62	2015-2017	18,077	1465	87	-		19,629
		2017-2018	19,629	1716	154	-		21,499

**REQUIRED FINDINGS:**

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

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

Water Development Fees		Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
3/4" - 1"	3,127.13	2013-2014	3,924,971	51,681	24,302	-		4,000,954
1 1/2"	9,225.42	2014-2015	4,000,954	224,840	17,225	-		4,243,019
2"	19,856.59	2015-2016	4,243,019	937,341	27,957	-		5,208,317
3"	58,540.24	2016-2017	5,208,317	1,000,327	26,205	-		6,234,849
4"	126,085.60	2017-2018	6,234,849	954,714	41,331	-		7,230,894

**REQUIRED FINDINGS:**

1. The reasonable relationship between the Water impact fee and the purpose for which it is charged is demonstrated in the City’s Master Plan.
2. The sources and amounts of funding anticipated to complete water system improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major water system improvements in accordance with its Master Plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. Future projects that will utilize the reserves are capital improvements to Wells 16, 17, and 18 and a five million gallon water tank.



**Storm Drainage Impact Fee Fund (Fund 232)** – this will provide funding for the construction, expansion, reconstruction, and implementation of improvements to key elements of the citywide storm drainage system sufficient to accommodate future demands generated by new development.

**Storm Drainage Impact Fee**

Type of Dwelling	Fee
Single Family Dwelling	22.49
Multi-Family Dwelling	22.49
Commercial Use*	22.49
Industrial Use*	22.49
* per dwelling unit @ 4.3 dwelling units per acre of use	

Fiscal Year	Beginning Balance	Impact Fees	Interest	AB1600 Expenses	Description	Ending Balance
2013-2014	6,125	295	46	-		6,466
2014-2015	6,466	4,887	34	-		11,387
2015-2016	11,387	9,028	130	-		20,545
2016-2017	20,545	17,468	143	-		38,156
2017-2018	38,156	6,869	312	-		45,337

**REQUIRED FINDINGS:**

1. The reasonable relationship between the Storm Drainage impact fee and the purpose for which it is charged is demonstrated in the City’s Master Plan.
2. The sources and amounts of funding anticipated to complete storm drainage improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major storm drainage system improvements in accordance with its Master Plan. The funds accumulated will be used as a capital reserve to fund improvements needed to mitigate the impact of existing development on city storm drains.

**RESOLUTION NO. 4786**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

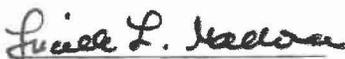
PASSED AND ADOPTED by the City Council of the City of Los Banos this 4<sup>th</sup> day of October, 2006

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

APPROVED

  
Michael S. Amabile, Mayor

ATTEST

  
Lucille L. Mallonee, City Clerk

**Exhibit A**

[under separate cover]



**CAPITAL FACILITIES FEE NEXUS STUDY**

**CITY OF LOS BANOS**

**JUNE 28, 2006**

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

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

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

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**Appendix A Capital Facilities Fee Program Calculations**

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

**Table A-2 Land Uses**

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

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

**Table A-3c Police Fee**

**Table A-4a Summary of Fire Protection Costs**

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

**Table A-5 Park Improvement Fee**

**Table A-6 Community Center Fee**

**Table A-7 City Hall Fee**

**Table A-8 Corporation Yard Fee**

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

**EXECUTIVE SUMMARY**

**A. Purpose of the Study**

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

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

**B. Summary of the CFF**

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

**TABLE ES-1  
CFF SUMMARY**

Facility Type	<u>RESIDENTIAL LAND USES</u>			<u>NON-RESIDENTIAL LAND USES</u>		
	Very-Low/Low Density (per Unit)	Medium Density (per Unit)	High Density (per Unit)	Commercial (per Sq Ft)	Office (per Sq Ft)	Industrial (per Sq Ft)
Police	\$2,243.96	\$1,845.36	\$1,328.66	\$0.33	\$0.50	\$0.24
Fire	\$800.00	\$640.00	\$384.00	\$0.32	\$0.32	\$0.32
Park Improvement	\$6,079.84	\$4,999.87	\$3,599.91	N/A	N/A	N/A
Community Center	\$349.97	\$287.81	\$207.22	\$0.06	\$0.08	\$0.04
City Hall	\$864.34	\$710.80	\$511.78	\$0.13	\$0.19	\$0.09
Corporation Yard	\$303.51	\$249.60	\$179.71	\$0.05	\$0.07	\$0.04
Administration (3%)	\$319.25	\$262.00	\$186.34	\$0.03	\$0.03	\$0.02
<b>Total</b>	<b>\$10,960.87</b>	<b>\$8,995.44</b>	<b>\$6,397.62</b>	<b>\$0.92</b>	<b>\$1.19</b>	<b>\$0.75</b>

**C. Fee Adjustments**

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

## *I. Introduction*

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

### **A Purpose of the Study**

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

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

## **B. Impact Fee Nexus Requirements (AB 1600)**

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

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

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

## **C. Organization of Report**

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

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

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

## *II. Fee Methodology*

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

### **A. Plan-Based Fee Methodology**

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

- Step 1*                      Identify existing development and estimate future demand projections as well as the geographic location of anticipated growth
  
- Step 2*                      Determine facilities needed to serve anticipated growth and, if necessary, existing development in the City

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

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

## B Standard-Based Fee Methodology

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

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

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

### *III. Population and Land Use Categories*

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#### **A. Population**

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

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

#### **B. Land Use Categories**

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

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

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

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

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

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

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

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

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

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

#### IV. Police Fee Component

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

##### A. Nexus Test

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

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

### **B Demand Variable Persons Served**

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

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

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

### **C Required Facilities and Estimated Costs**

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

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

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

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

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

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

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

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

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

#### **D. Police Fee Component**

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

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

*V. Fire Protection Fee Component*

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

**A. Nexus Test**

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

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

### **B Demand Variable. Building Square Feet**

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

### **C Required Facilities and Estimated Costs**

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

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

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

#### **D Fire Protection Fee Component**

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

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

## VI. Park Improvement Fee Component

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

### A. Nexus Test

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

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

## **B Demand Variable Residents**

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

## **C. Required Facilities and Estimated Costs**

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

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

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

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

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

#### **D. Park Improvement Fee Component**

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

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

**VII. Community Center Fee Component**

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

**A. Nexus Test**

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

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

### **B Demand Variable. Persons Served**

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

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

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

### **C Required Facilities and Estimated Costs**

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

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

#### D Community Center Fee Component

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

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

**VIII. City Hall Fee Component**

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

**A. Nexus Test**

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

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

## **B Demand Variable Persons Served**

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

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

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

## **C Required Facilities and Estimated Costs**

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

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

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

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

#### **D City Hall Fee Component**

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

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

**IX. Corporation Yard Fee Component**

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

**A. Nexus Test**

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

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

## **B Demand Variable Persons Served**

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

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

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

## **C Required Facilities and Estimated Costs**

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

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

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

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

#### **D Corporation Yard Fee Component**

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

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

**X. Fee Component Summary**

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

**TABLE X-1  
CFF SUMMARY**

Facility Type	RESIDENTIAL LAND USES			NON-RESIDENTIAL LAND USES		
	Very-Low/Low Density (per Unit)	Medium Density (per Unit)	High Density (per Unit)	Commercial (per Sq. Ft.)	Office (per Sq. Ft.)	Industrial (per Sq. Ft.)
Police	\$2,243.96	\$1,845.36	\$1,328.66	\$0.33	\$0.50	\$0.24
Fire	\$800.00	\$640.00	\$384.00	\$0.32	\$0.32	\$0.32
Park Improvement	\$6,079.84	\$4,999.87	\$3,599.91	N/A	N/A	N/A
Community Center	\$349.97	\$287.81	\$207.22	\$0.06	\$0.08	\$0.04
City Hall	\$864.34	\$710.80	\$511.78	\$0.13	\$0.19	\$0.09
Corporation Yard	\$303.51	\$249.60	\$179.71	\$0.05	\$0.07	\$0.04
Administration (3%)	\$319.25	\$262.00	\$186.34	\$0.03	\$0.03	\$0.02
<b>Total</b>	<b>\$10,960.87</b>	<b>\$8,995.44</b>	<b>\$6,397.62</b>	<b>\$0.92</b>	<b>\$1.19</b>	<b>\$0.75</b>

## *XI. Ongoing Administration of the CFF Program*

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### **A. Fee Study Updates and Fee Adjustments**

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

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

### **B. Fee Implementation**

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

### C. Annual Administrative Duties

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

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

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

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

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

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

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

#### **D. Fee Credits or Reimbursements**

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

#### **E. Interfund Transfers**

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

#### **F. Inflation Adjustments**

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

#### **G. Project Costs**

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

# ***APPENDIX A***

## ***Capital Facilities Fee Program Calculations***

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

Facility Type	Residential Land Uses			Non-Residential Land Uses		
	Very-Low/Low Density (per Unit)	Medium Density (per Unit)	High Density (per Unit)	Commercial (per Sq Ft)	Office (per Sq Ft)	Industrial (per Sq Ft)
Police	\$2,243.86	\$1,845.96	\$1,328.66	\$0.33	\$0.50	\$0.24
Fire Protection	\$500.00	\$640.00	\$384.00	\$0.82	-\$0.32	\$0.32
Park/Improvement	\$6,078.64	\$4,898.87	\$3,599.94	N/A	N/A	N/A
Community Center	\$349.97	\$287.81	\$207.22	\$0.06	\$0.08	\$0.04
City Hall	\$864.34	\$710.80	\$513.78	\$0.13	\$0.19	\$0.09
Corporation Yard	\$303.51	\$249.80	\$179.71	\$0.05	\$0.07	\$0.04
Administration (15%)	\$319.25	\$262.00	\$186.34	\$0.03	\$0.03	\$0.02
<b>Total</b>	<b>\$10,960.67</b>	<b>\$8,985.34</b>	<b>\$6,387.62</b>	<b>\$0.92</b>	<b>\$1.19</b>	<b>\$0.76</b>

**Table A-2  
Land Uses**

<i>Existing Development at 1/1/06</i>					
<b>Residential</b>		<b>Units</b>	<b>Pop. 1/</b>	<b>PPH 1/</b>	
Very-Low/Low Density		5,871	21,006	3.73	
Medium Density		3,373	9,925	3.07	
High Density		1,471	3,116	2.21	
Subtotal		10,714	34,048	--	
Estimated Number of Jobs in the City			7,777		
<i>Future Development through 2020</i>					
<b>Residential</b>		<b>Units</b>	<b>Pop. 2/</b>	<b>PPH</b>	
Very-Low/Low Density		4,510	16,825	3.73	
Medium Density		2,691	7,950	3.07	
High Density		1,130	2,496	2.21	
Subtotal		8,230	27,270	--	
<b>Non-Residential</b>	<b>Acres</b>	<b>FAR</b>	<b>Sq. Ft.</b>	<b>Employees</b>	<b>Jobs/Acre</b>
Commercial	62.15	0.25	676,858	1,554	25
Office	26.65	0.30	348,316	1,199	45
Industrial	286.19	0.30	3,476,594	5,590	21
Subtotal	355.00	--	4,503,768	8,343	--
<i>Total Existing &amp; Future Development through 2020</i>					
<b>Residential</b>		<b>Units</b>	<b>Pop. 1/</b>	<b>PPH</b>	
Very-Low/Low Density		10,380	37,831	3.73	
Medium Density		5,964	17,875	3.07	
High Density		2,600	5,611	2.21	
Subtotal		18,944	61,318	--	
Estimated Number of Jobs in the City			16,120		

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

2/ Assumes an annual growth rate of 4.00%

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

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

<u>Development Assumptions</u>		Year	2006	2010	Future Persons Served
Resident Population			34,046	41,424	7,377
Employee Resident Equivalent Population 1/			1,852	2,514	662
<b>Total Persons Served</b>			<b>35,899</b>	<b>43,938</b>	<b>8,039</b>

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

<u>Police Station Facilities</u>	Unit Cost	Total Units	Total Cost
Police Administration/Operations Building	\$262/SF	32,400 SF	\$8,564,800
Detention Facility	\$500/SF	12,600 SF	\$6,300,000
Service Buildings	\$105/SF	2,700 SF	\$283,500
Site Development	\$6/SF	30,000 SF	\$180,000
Lot Size	\$15/SF	2 acres	\$1,306,600
Other Costs 2/			\$3,172,000
<b>Total Cost</b>			<b>\$19,607,100</b>
Total Police Station Cost Allocated to Existing Development			\$15,638,000
Total Police Station Cost Allocated to Future Development			\$3,969,100
Future Persons Served			8,039
Police Station Facilities Cost per Person Served			\$444

<u>Animal Control Facilities 3/</u>	Unit Cost	Total Units	Total Cost
Office Space	\$221/SF	3,050 SF	\$674,050
Storage Space	\$105/SF	5,700 SF	\$598,500
Lot Size	\$15/SF	3 acres	\$1,980,200
<b>Total Cost</b>			<b>\$3,252,750</b>
Existing Persons Served			35,899
Animal Control Facilities Cost per Person Served			\$90

- 1/ 1.0 employee equals approximately 0.24 residents for purposes of the calculation.
- 2/ Other costs include A/E design fees, topographic and boundary surveys, material testing, furniture, fixtures, and equipment, environmental study documents, City staff and consultant time, and construction management costs. Costs were inflated to 2005 dollars by the ENR CCI.
- 3/ Building sizes represent the City's current preferred space needs, as provided by the Police Department.

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

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

Development Assumptions	Year	2006	2010	Future
Resident Population		34 046	41 424	7 377
Employee Resident Equivalent Population 1/		1 852	2 514	662
<b>Total Persons Served</b>		<b>35 898</b>	<b>43 938</b>	<b>8 039</b>

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

Existing Vehicles and Equipment	Number of Units
Marked Patrol Cars (unit = # of vehicles)	26
Unmarked Patrol Cars (unit = # of vehicles)	8
Support Vehicles (unit = # of vehicles)	13
Support Trailers (unit = # of vehicles)	2
Office Equipment (unit = # of workstations)	29
Personal Duty Gear (unit = # of Sworn Officers)	38
Personal Duty Gear (unit = # of Non Sworn Personnel)	22

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

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

Calculation of Vehicles and Equipment Under the Preferred Standard	Number of Units	Estimated Cost per Unit	Total Cost
Marked Patrol Cars (unit = # of vehicles)	37	\$32 515	\$1 197 984
Unmarked Patrol Cars (unit = # of vehicles)	13	\$15 000	\$191 306
Support Vehicles (unit = # of vehicles)	16	\$15 000	\$246 509
Support Trailers (unit = # of vehicles) 2/	3	N/A	N/A
Office Equipment (unit = # of workstations)	37	\$3 500	\$128 311
Personal Duty Gear (unit = # of Sworn Officers)	54	\$4 000	\$215 388
Personal Duty Gear (unit = # of Non Sworn Personnel)	22	\$500	\$11 000
			<b>\$1 990 506</b>

Existing Persons Served	\$35 898
<b>Vehicles and Equipment Cost per Person Served</b>	<b>\$55.45</b>

Additional Equipment Requirements	Number of Units	Estimated Cost per Unit	Total Cost
Mobile Data Terminals (MDT) @ 1.0 per 0.6 Future Sworn Officers 3/	7	\$5 000	\$36 174
Radio Tower Receiver Sites	3	\$20 000	\$60 000
			<b>\$96 174</b>
Future Persons Served			\$8 039
<b>Additional Equipment Cost per Person Served</b>			<b>\$11.86</b>

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

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

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

**Table A-3c**  
**Police Fee**

<b>Development Assumptions</b>	<b>Year</b>	<b>2006</b>	<b>2010</b>	<b>Future Persons Served</b>
Resident Population		34 048	41 424	7 377
Employee Resident Equivalent Population 1/		1 852	2 514	652
<b>Total Persons Served</b>		<b>35 899</b>	<b>43 938</b>	<b>8 029</b>

Police Station Facilities Cost per Person Served	\$443.99
Animal Control Facilities Cost per Person Served	\$80.05
Vehicles and Equipment Cost per Person Served	\$56.46
Additional Equipment Cost per Person Served	\$11.86
<b>Police Cost per Future Person Served</b>	<b>\$601.45</b>

<b>Fee Calculation</b>			
	<b>Persons per Household</b>	<b>Cost per Future Person</b>	<b>Impact Fee per Unit</b>
<b>Residential</b>			
Very-Low/Low Density	3.73	\$601.45	\$2,243.86
Medium Density	3.07	\$601.45	\$1,845.36
High Density	2.21	\$601.45	\$1,328.66
<b>Non-Residential</b>			
	<b>Sq Ft per Employee</b>	<b>Cost per Future Employee</b>	<b>Impact Fee per Sq Ft</b>
Commercial	436	\$143.20	\$6.33
Office	290	\$143.20	\$0.60
Industrial	622	\$143.20	\$0.24

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

Sources: City of Los Banos; Los Banos Police Department

**Table A-4a**  
**Summary of Fire Protection Costs**

<b>Fire Station Costs</b>			
<b>Land Costs</b>			
Cost of Land per Sq. Ft.			\$8 50
Number of Acres Required for New Station		1	
Subtotal			\$370 280
<b>Facility Costs</b>			
Cost of New Station per Square Foot			\$300
Number of Square Feet Required for New Station		3 500	
Subtotal			\$1 050 000
<b>Safety Gear</b>			
Cost of Safety Gear and Uniform per Fire Fighter			\$3 500
Number of Fire Fighters		6	
Subtotal			\$21 000
<b>Equipment</b>			
One New Engine			\$340 000
Equipment for Engine			\$45 000
One Rescue Unit			\$260 000
Equipment for Rescue Unit			\$45 000
Office Equipment			\$10 000
Training and Day Room Equipment			\$4 600
Sleeping Quarters			\$6 000
Kitchen Supplies			\$5 000
Subtotal			\$715 600
Cost per Fire Station (including equipment)			\$2 156 760
Number of Fire Stations Needed to Serve Future Development		3	
Total Fire Stations Cost			\$6,470 280
<b>Additional Facilities</b>	<b>Total Cost</b>	<b>% Attributable to New Development 1/</b>	<b>Cost Attributed to New Development</b>
Computer Aided Dispatch	\$50 000	45%	\$22 451
Mobile Data Terminals	\$80 000	45%	\$40 412
Additional Apparatus Storage Building at Station One	\$65 000	45%	\$29 187
Turnout Room at Station One	\$15 000	45%	\$6 735
Radio System Improvements	\$35 000	45%	\$15 716
Training Tower Steel	\$1 305 000	45%	\$585 878
Command Vehicle	\$45 000	100%	\$45 000
Subtotal			\$745,480
<b>Facilities Cost Summary</b>			
Fire Stations Cost			\$6 470 280
Additional Facilities Cost			\$745 480
Net Fire Protection Cost Allocated to Future Development			\$7,215,760

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

Sources: City of Los Banos, Los Banos Fire Department

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

<b>Development Assumptions</b>			
<b>Residential</b>			
	<u>Units</u>	<u>Average Building Square Footage</u>	<u>Total Building Square Footage</u>
Very-Low/Low Density	4 510	2 500	11 274 075
Medium Density	2 591	2 000	5 182 065
High Density	1 130	1 200	1 355 605
<b>Subtotal</b>	<b>8 230</b>	<b>-</b>	<b>17 811 745</b>
<b>Non-Residential</b>			
	<u>Acres</u>	<u>Floor-to Area Ratio (FAR)</u>	<u>Total Building Square Footage</u>
Commercial	62.2	0.25	676 656
Office	26.7	0.30	348 316
Industrial	266.2	0.30	3 478 694
<b>Subtotal</b>	<b>355.0</b>	<b>-</b>	<b>4,503 760</b>
<b>New Building Square Footage at Buildout</b>			<b>22,315,513</b>
<b>Net Fire Protection Cost</b>			<b>\$7 215 760</b>
<b>Fire Protection Cost per Building Square Foot</b>			<b>\$0.32</b>
<b>Fee Calculation</b>			
<b>Residential</b>			
	<u>Average Building Square Footage</u>	<u>Cost per Building Square Foot</u>	<u>Impact Fee per Unit</u>
Very-Low/Low Density	2 500	\$0.32	\$800.00
Medium Density	2 000	\$0.32	\$640.00
High Density	1 200	\$0.32	\$384.00
<b>Non-Residential</b>			
Commercial			\$0.32
Office			\$0.32
Industrial			\$0.32

Source: City of Los Banos

**Table A-5  
Park Improvement Fee**

<b>Development Assumptions</b>				
	Year	2006	2020	New Future Residents
Resident Population		34 048	61 318	27 270
<b>Facilities Assumptions</b>				
				<b>General Plan Standards</b> (Acres per 1 000 Residents)
<b>Park Standards</b>				
Neighborhood Parks				1.50
Community Parks				3.50
Regional Parks				—
<b>Total</b>				<b>5.00</b>
<b>Park Improvements</b>				
Neighborhood Park Improvement Cost per Acre				\$300 000
Community Park Improvement Cost per Acre				\$310 000
Additional Neighborhood Park Acreage Required at Buildout (based on G.P. Standards)				40.91
Additional Community Park Acreage Required at Buildout (based on G.P. Standards)				95.45
<b>Total Additional Park Acreage Required at Buildout (based on G.P. Standards)</b>				<b>136.35</b>
Total Neighborhood Park Improvement Cost				\$12 271 616
Total Community Park Improvement Cost				\$29 588 228
<b>Total Park Improvement Cost</b>				<b>\$41 859 845</b>
<b>Recreational Facilities</b>				
Aquatic Center				\$5 800 000
Proportional Allocation based on Resident Population of Aquatic Center Cost				
Amount Allocated to Existing Development				\$3 220 534
Amount Allocated to Future Development				\$2 579 466
Park Improvement Cost per Future Resident				\$1 535 00
Land Acquisition Cost per Future Resident 1/				\$0
Recreational Facilities Cost per Future Resident				\$95
<b>Total Park Improvement Cost per Future Resident</b>				<b>\$1,629 59</b>
<b>Fee Calculation</b>				
		Persons per Household	Cost per Future Person	Impact Fee per Unit
<b>Residential</b>				
Very-Low/Low Density		3.73	\$1 629 59	\$6,079 84
Medium Density		3.07	\$1 629 59	\$4,999 87
High Density		2.21	\$1 629 59	\$3,589 81

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

**Table A-6  
Community Center Fee**

<u>Development Assumptions</u>		Year	2005	2020	New Future Residents
Resident Population			34,048	61,318	27,270
Employee Resident-Equivalent Population 1/			1,852	3,838	1,987
<b>Total Persons Served</b>			<b>35,899</b>	<b>65,156</b>	<b>29,257</b>

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

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

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

Source: City of Los Banos

**Table A-7  
City Hall Fee**

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

<b>Facilities Assumptions</b>		
Existing City Hall Land Area including Annex (sq ft)		52,509
Existing City Hall Land Area including Annex, per Person Served (sq ft)		1.46
Estimated Land Acquisition Cost per Sq Ft		\$15.00
Estimated Land Acquisition Cost per Person Served		\$21.94
Current City Hall Building Space, including Annex (sq ft)		19,355
Current City Hall Building Space, including Annex per Persons Served (sq ft)		0.54
Estimated Building Construction Cost, including furniture, fixtures and equipment per Sq Ft		\$389
Estimated Building Construction Cost per Person Served		\$209.73
<b>City Hall Cost per Future Person Served</b>		<b>\$231.67</b>

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

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

Source: City of Los Banos

**Table A-8  
Corporation Yard Fee**

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

<u>Facilities Assumptions</u>		
<b>Planned Corporation Yard</b>		
Land Area (acres)		5
Office Space (sq ft)		3,200
Land Area (acres) Expected to Serve the Existing Fleet		2.5
Office Space (sq ft) Expected to Serve the Existing Fleet		2,200
Land Area (acres) Expected to Serve Future Development		2.5
Office Space (sq ft) Expected to Serve Future Development		1,000
Estimated Cost of Office Space at \$200 per Sq Ft		\$840,000
Estimated Cost of Shop Building/Specialized Covered Space		\$2,860,000
Estimated Cost of Land Acquisition		\$1,500,000
<b>Total Estimated Cost</b>		<b>\$5,000,000</b>
Future Development's Share of the Estimated Cost of Office Space		\$200,000
Future Development's Share of the Estimated Cost of Shop Building/Specialized Covered Space		\$1,430,000
Future Development's Share of the Estimated Cost of Land Acquisition		\$750,000
<b>Future Development's Share of the Total Estimated Cost</b>		<b>\$2,380,000</b>
<b>Planned Corporation Yard Cost per Future Person Served</b>		<b>\$81.35</b>

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

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

Source: City of Los Banos

**RESOLUTION NO. 5119**

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

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

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

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

WHEREAS, the City has conducted a noticed public hearing.

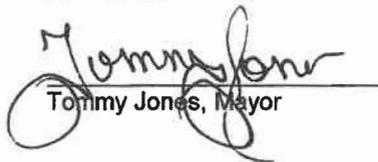
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby by the City Council of Los Banos finds that the National Average Construction Cost Index from October 2007 to October 2008 as it was published in the Engineering New Record and it has been calculated at a 7.2% increase;

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

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

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

APPROVED:

  
Tommy Jones, Mayor

ATTEST

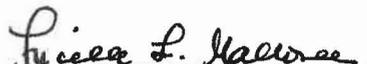
  
Lucille L. Mallonee, City Clerk

Exhibit A - 1

2009 Adjusted Development Impact Fees

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

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

Exhibit A - 2

**2009 Water Development Fees**

(Resolution 4163 adopted on 12/20/2000)

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

Exhibit A - 3

**2009 Public Facilities Fee**

(Resolution # 4083 adopted 01/05/2000)

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

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

**2009 Storm Drainage Impact Fee**

(Resolution # 4083 adopted 01/05/2000)

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

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

**2009 Wastewater Development Fees\***

(Resolution # 4083 adopted 01/05/2000)

Connection	Fee
Single Family Residential	5,420.00

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

**2009 Park Development Impact Fees**

(Resolution # 4083 adopted 01/05/2000)

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

Exhibit A - 3 Continued)

**2009 Traffic Impact Fees**

(Resolution # 4083 adopted 01/05/2000)

Traffic Impact Fee by Detailed Uses:

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

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

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

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

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

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

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

**Exhibit A - 3 Continued)**

**2009 Traffic Impact Fees (continued)**

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

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

**Exhibit A - 3 Continued)**

**2009 Police Impact Fees**

(Resolution # 4083 adopted 01/05/2000)

**Police Impact Fee by Detailed Uses:**

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

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

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

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

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

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

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

**Exhibit A - 3 Continued)**

**2009 Police Impact Fees (continued)**

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

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

**Exhibit A - 3 Continued)**

**2009 Fire Impact Fees**

(Resolution # 4083 adopted 01/05/2000)

Fire Impact Fee by Detailed Uses:

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

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

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

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

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

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

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

Exhibit A - 3 Continued)

**2009 Fire Impact Fees (continued)**

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

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

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
NOVEMBER 7, 2018**

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

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 7:02 p.m.

**PLEDGE OF ALLEGIANCE:** Mike Hughes and Allan Cotta led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria, Daronica Johnson-Santos, Deborah Lewis, Mayor Michael Villalta; Absent: Scott Silveira.

**STAFF MEMBERS PRESENT:** City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Fire Chief Hurley, Finance Director Williams, Community & Economic Development Director Elms, City Treasurer/Accounting & Budget Supervisor Tomas, Public Works Director/City Engineer Fachin.

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

**PRESENTATION – RECOGNITION OF ENTRY AWARDS FROM THE VFW POST 2487 AND AMERICAN LEGION POST 166 VETERANS DAY PARADE.** Mayor Villalta asked members of the VFW and American Legion present to come forward; Mike Hughes introduced veteran Patricia McCoy who did a great job on the veterans parade and spoke regarding parade, thanked the City and the Los Banos Police Department, City staff and all who participated.

Mayor Villalta read the Veteran's Day Proclamation and presented it to the veterans in attendance.

VFW Commander Hughes & Patricia McCoy presented the parade winners: Henry Miller Elementary, Los Banos Junior High School, and Pacheco High School. Representatives from each school came forward to accept their awards. Mayor Villalta thanked all the schools, teachers and administrators for all they do.

**PRESENTATION – RECOGNITION OF ACE 10 PARTICIPANTS.** Mayor Villalta presented the certificates to the ACE 10 participants: Los Banos High School Marching Band, Los Banos High School Future Farmers of America, Los Banos High School Transition into Adulthood Program, Pacheco High School Culinary Arts Program, Cotton

Tree Ranch, E.J. Gallo, The Country Duck, Hostetler Ranches, Bowles Farming Company, Gilardi Farms, Kagome Inc USA, Morning Star, Paradise Kitchen, Jess Smith & Sons, Merced College, Sandra Benetti, Jelen de Melo, and Brenda Geary. Community & Economic Development Director Elms explained what ACE 10 event on October 24, 2018 at the Los Banos Community Center was all about. Mayor Villalta explained how Los Banos was able to get ACE 10 to stop and visit Los Banos and thanked all for their help and presentations

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.**

Mayor Villalta opened the public forum. MAJOR JENNIFER CORTEZ, Salvation Army, stated that it is time to ring the bells and explained the services they provide and programs they offer, challenged all to raise money for those in need, reminding all that all the money raised in Los Banos stays in Los Banos, invited and encouraged all to come out and ring the bell; JACQUELINE LAWRENCE stated that she has been in Los Banos for many years and is currently homeless, she's been through some very hard times and is now living on the streets, inquired as to what the City is going to do about the situation, spoke regarding her plans for property to build tiny houses for homeless and ideas for helping people; ELAINE CORY, Los Banos, spoke regarding the Downtown Revitalization Project and how she doesn't agree with some of the things City staff has done, she doesn't feel the City should be taking sides and be upfront with information, how she feels most of the money is going to administrative fees with no money for improvements downtown; NELSON GOMES FILHO spoke regarding the last election, election procedures, 8 years ago he wrote two letters to the City and received no answers, spoke of how a good mayor should be a leader.

Mayor Villalta called for a 5 minute recess.

ALDINA MACIEL, Real Estate Broker, spoke regarding the Golden Ticket Fundraiser; FATIMA LIMA, Realtor in Los Banos, ALSO spoke regarding Golden Ticket Fundraiser; PENNY GLICK, Los Banos, owner of Country Duck, spoke regarding Small Business Saturday, encouraged all to come check out Christmas Evening Downtown on November 30, 2018 from 5:00-8:00 PM, spoke about the holiday raffle with proceeds to be shared with the Los Banos Downtown Association and Cops for Kids, how she is the Teddy Bear House at 698 Plum Court during the holidays and welcomed everyone to come by, thanked the City, Ms. Elms and everyone who has helped with the Downtown Revitalization Program, would like to see it revamped and see more people come to downtown, noting how Tom Kaljian is redoing his building. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Johnson-Santos, seconded by Faria to approve the consent agenda as follows: Check Register for #213032 – #213348 in the Amount of \$1,628,470.72; First Quarter Investment Report for

Fiscal Year 2018-2019; Minutes for the October 17, 2018 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Silveira absent.

**BOYS & GIRL CLUB PRESENTATION – STEERING COMMITTEE MEMBER, CHUCK ERRECA.** Public Works Director/City Engineer Fachin introduced Mr. Erreca who presented staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the sources of income, which can be local, regional or national, how much it would cost to run the program a year, upcoming fundraiser, the number of participants during the summer program was about 36 on average, how Mayor Villalta was a part of the organizing committee, it was nice to see the kids having a good time, how the Boys & Girls Club is a needed asset, but the cost to run the program is very high.

Michael Kuric, representative with the Boys & Girls Club, spoke in more detail, noting that they are very optimistic about the program in Los Banos but in order for the program to be successful and proceed we have to meet the financial reserve requirements.

Informational item only, no action to be taken.

**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; 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 (CONTINUED FROM OCTOBER 17, 2018 MEETING) (FIRST READING & INTRODUCTION).** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding wanting to stay with the original 5 feet set back, for the safety of our public safety staff we need as much feet as possible, 3 feet not being enough, and the fence height requirements of 6-7 feet.

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

Motion by Lewis, seconded by Faria to waive the first reading of 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 with the correction to Section 9-3.2024 to change 5 feet to 3 feet on the side yard requirement. The motion carried by the affirmative action of all Council Members present, Johnson-Santos voting No and Silveira absent.

Motion by Lewis, seconded by Faria to introduce 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 with the correction to Section 9-3.2024 to change 5 feet to 3 feet on the side yard requirement. The motion carried by the following roll call vote: AYES: Faria, Lewis, Villalta; NOES: Johnson-Santos; ABSENT: Silveira.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15322, IN-FILL DEVELOPMENT PROJECTS AND CONDITIONAL USE PERMIT #2018-10 FOR AN ABC TYPE 20 OFF SALE BEER AND WINE LICENSE FOR A PROPOSED CONVENIENCE STORE WITHIN THE PROPOSED SHOPPING CENTER, LOCATED AT THE SOUTH EAST CORNER OF MERCY SPRINGS ROAD AND OVERLAND AVENUE, APN 424-120-017; CITY COUNCIL RESOLUTION NO. 6020 – APPROVING CONDITIONAL USE PERMIT #2018-10 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 20 OFF-SALE BEER AND WINE LICENSE FOR 7-11 LOCATED AT THE SOUTH EAST CORNER OF MERCY SPRINGS ROAD AND OVERLAND AVENUE, APN 424-120-017.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding the Police Chief approving the camera system.

Mayor Villalta opened the public hearing. JIM HALFETY, representing the applicant, spoke to the growth that is taking place in Los Banos and how it's an honor to be able to do this in this project in the community. No one else came forward to speak and the public hearing was closed.

Motion by Lewis, seconded by Faria, to adopt City Council Resolution No. 6020 – Approving Conditional Use Permit #2018-10 to Allow for the Sale of Alcohol Under a Type 20 Off-Sale Beer and Wine License for 7-11 Located at the South East Corner of Mercy Springs Road and Overland Avenue, APN 424-120-017. The motion carried by the affirmative action of all Council Members present, Silveira absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A REVISION TO CONDITIONAL USE PERMIT #2016-01 TO ALLOW THE EXPANSION OF THE USE OF A TYPE 23 ALCOHOL LICENSE FOR A SMALL BEER MANUFACTURER ONSITE TASTING ROOM TO THE EXPANDED FLOOR AREA OF THE BUILDING, PARAISO BREWERY, LOCATED AT 80 WEST G STREET, SUITE C AND D, APNS 081-190-008 AND 081-190-009; CITY COUNCIL RESOLUTION NO. 6021 – APPROVING A REVISION OF CONDITIONAL USE PERMIT #2016-01 TO ALLOW FOR AN EXPANSION OF THE SALE OF ALCOHOL UNDER A TYPE 23 SMALL BEER MANUFACTURER FOR PARAISO BREWERY LOCATED AT 80 WEST G STREET, APN 081-190-008 AND 081-190-009.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. HECTOR GARIBAY, stated that they added a small kitchen to the brewery and this would help us regain the seating. No one came forward to speak and the public hearing was closed.

Motion by Johnson-Santos seconded by Faria, to adopt City Council Resolution No. 6021 – Approving a Revision of Conditional Use Permit #2016-01 to Allow for an Expansion of the Sale of Alcohol Under a Type 23 Small Beer Manufacturer for Paraiso Brewery Located at 80 West G Street, APN 081-190-008 and 081-190-009. The motion carried by the affirmative action of all Council Members present, Silveira absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT, ROUND TABLE PIZZA, LOCATED AT 1462 MERCY SPRINGS ROAD, APN 083-130-038; CITY COUNCIL RESOLUTION NO. 6022 – APPROVING A CONDITIONAL USE PERMIT #2018-12 FOR THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE FOR ROUND TABLE PIZZA LOCATED 1462 MERCY SPRINGS ROAD, APN 083-130-038.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding the easement from Pacheco Boulevard going into the parking lot.

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

Motion by Faria seconded by Johnson, to adopt City Council Resolution No. 6022 – Approving a Conditional Use Permit #2018-12 for the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place for Round Table Pizza Located 1462 Mercey Springs Road, APN 083-130-038. The motion carried by the affirmative action of all Council Members present, Silveira absent.

**CONSIDERATION OF ENTERING INTO AGREEMENTS RELATED TO GROUND WATER SUSTAINABILITY; CITY COUNCIL RESOLUTION NO. 6023 – ACTING AS THE CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY (GSA), AUTHORIZING THE CITY MANAGER TO ENTER INTO: (A) DELTA-MENDOTA SUBBASIN COORDINATION AMONG THE GROUNDWATER SUSTAINABILITY AGENCIES (GSA’S) WITHIN THE DELTA-MENDOTA SUBBASIN; (B) THE COST SHARING AGREEMENT AMONG THE GSA’S OF THE DELTA-MENDOTA SUBBASIN; AND (C) THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS BANOS GSA AND THE SAN JOAQUIN RIVER EXCHANGE CONTRACTORS GSA.** Public Works Director/City Engineer Fachin presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding recently the federal government has talked about releasing additional water and if that happen that will be taken into account, how the bump to the 3 day watering has not outreached our mandates.

Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 6023 – Acting as the City of Los Banos Groundwater Sustainability Agency (GSA), Authorizing the City Manager to Enter into: (A) Delta-Mendota Subbasin Coordination Among the Groundwater Sustainability Agencies (GSA's) within the Delta-Mendota Subbasin; (B) the Cost Sharing Agreement Among the GSA's of the Delta-Mendota Subbasin; and (C) the Memorandum of Understanding between the City of Los Banos GSA and the San Joaquin River Exchange Contractors GSA. The motion carried by the affirmative action of all Council Members present, Silveira absent.

**CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, NOVEMBER 21, 2018 DUE TO THE THANKSGIVING HOLIDAYS.**

Motion by Lewis, seconded by Johnson-Santos to cancel the November 21, 2018 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Silveira absent.

**ADVISEMENT OF PUBLIC NOTICES (Three Reports).** Community & Economic Development Director Elms stated that three public hearings will be held at the Planning Commission Meeting on Wednesday, November 14, 2018 at 7:00 p.m. in the Council Chambers regarding a General Plan Amendment, Zone Change and Negative Deflation for the development of a new Police Department Facility at 1111 G Street; regarding a Categorical exemption from the California Environmental Quality Act regarding Cottage Food Operation for Stephanie Kusayanagi-Dees at 780 Amelia Court Ninth Street; regarding Mitigated Negative Declaration and Vesting Tentative Tract Map for Sunrise Ranch on the north of San Luis Street, south of B Street, East of Los Banos Junior High School.

Villalta spoke to the homes being built currently were approved not by this City Council but by past City Council's before he was a Council Member.

**CITY MANAGER REPORT.** No report.

**CITY COUNCIL MEMBER REPORTS.**

**DEBORAH LEWIS:** Mayor Pro Tem Lewis congratulated the newly elected members of the City Council and re-elected members of the City Council, how she is looking forward to working with whoever, congratulations on the passage of Measure H noting that the citizens have faith in the City that we will spend the money as promised; she had the privilege to host the San Jose State University Choir a few years ago and will again be hosting them again on December 9, 2018 at 7:00 pm at New Beginnings Church with Mr. Faria's ensemble choir will singing with them.

**SCOTT SILVEIRA:** absent

**TOM FARIA:** Council Member Faria stated that the concert went very very well last year and the addition of the choir will be nice, congrats to Measure H and it will be nice to bring those public safety numbers up, congratulations to all that ran in the election, elections are all about conversations, Mayor Villalta and I look to be re-elected, my opponent Mr. Llamas called me and congratulated me, looks like Mr. Jones will win the other Council Member seat, the discussion tonight was a great lesson we gave you tonight, nice to see the students, spoke regarding the upcoming Makers Market at the Arts Council, Santa Claus Parade on December 7, 2018 High School Concert on December 12, 2018 and Creekside Junior High School on December 19, 2018, there are lots of fun things for Los Banos residents to do, the Veterans Day Parade awards were nice, wished all a great night.

**DARONICA JOHNSON-SANTOS:** Council Member Johnson-Santos thanked all the veterans for the parade, it was very nice to see and be in it, congratulations Mike Villalta and Tom Faria on their re-election, great job on Measure H it is definitely going to help.

**MAYOR MICHAEL VILLALTA:** Mayor Villalta stated that the Veterans Parade was a really nice and successful event, the Downtown Christmas Parade is on December 7, 2018 and encouraged all to come down, how elections are always interesting, we are a perfect example of people coming together and we are going to continue with that, if the election numbers hold up Mr. Jones will be sitting in the seat, congratulations to Council Member Faria and thanked Mr. Llamas for running, some good discussion and hopefully we can continue to move forward on the issues of the present City Council, how Measure H passed and recognized the work put in by the City Manager, Police Chief and Fire Chief for all that they did to get it passed, the task is now how to proceed and make sure we are an open book and spend the money on what we said we'd spend it on, encouraged people to apply to be on Measure H Oversight Committee; spoke regarding the Downtown Revitalization Program, noting that it is called a PBID and how it works, how the economy improves when you have a nice downtown to go to, some people are not for that, how he is for improving the downtown, suggested that people go to Turlock and look at what they did with their PBID money and how cute it looks; how Police Chief Brizzee is looking into see if he can help the lady who spoke during the public forum, and how nice the choir event is nice.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OF SUBDIVISION (D) OF SECTION 54956.9 OF THE GOVERNMENT CODE: 90-DAY NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT FROM CALIFORNIA RIVER WATCH, DATED SEPTEMBER 3, 2018.** No reportable action.

**CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, POLICE CHIEF BRIZZEE, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA) AND LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA).** No reportable action.

**ADJOURNMENT.** The meeting was adjourned at 10:45 p.m.

APPROVED:

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

ATTEST:

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



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

## **Agenda Staff Report**

**TO:** Mayor Villalta & City Council Members

**FROM:** Sonya Williams, Finance Director

**DATE:** December 19, 2018

**SUBJECT:** Budget Amendment

**TYPE OF REPORT:** Consent Agenda

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### **Recommendation:**

Staff recommends that the City Council adopt a resolution to revise the budget for the 2018-2019 Fiscal Year as it pertains to changes in expenditures.

### **Background:**

The City Council may amend the budget by resolution, adjusting the overall appropriation levels in each fund at any time during the fiscal year if funds are available. Increased appropriations are likely to be recommended to either solve a current year problem, or address a critical service need. It is important to note that Staff continuously researches, calculates, and refines the fiscal impacts associated with the current year's budget.

### **Discussion:**

The requested increase to the budget includes an increase to Fire Department expenditures for \$12,000 for Building and Structures. The Fire Department is requesting to improve the security to the fire station; this would include installing a keyless entry system for three doors and keyless entry installation for the Seventh Street security gate at Station 1. The Fire Chief solicited three informal bids; from the three they selected Foster Brothers Security System to complete the project.

Additionally staff is requesting to decrease Building Department expenditures by \$12,000 for Professional Services. The funds were originally budgeted for an outside firm to scan construction plans into electronic files; this project will now be done in house, allowing the funding to be redirected.

**Fiscal Impact:**

The fiscal impact to the General Fund is cost neutral, staff is requesting to decrease Building Department expenditures and increase Fire Department expenditures.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

Resolution

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

**A RESOLUTION OF THE CITY OF LOS BANOS ADOPTING A REVISED BUDGET FOR THE 2018-2019 FISCAL YEAR AS IT PERTAINS TO EXPENDITURES**

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2018-2019 Fiscal Year budget; and

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

WHEREAS, the proposed budget increase is \$12,000 to expenditures in the General Fund – Fire Department – Building and Structures account (100-422-100-720); and

WHEREAS, the proposed budget decrease is \$12,000 to expenditures in the General Fund – Building Department – Professional Services account (100-424-100-231); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos hereby amends the 2018-2019 Fiscal Year Budget to include an increase of \$12,000 in expenditures to account 100-422-100-720 and a decrease of \$12,000 in expenditures to account 100-424-100-231.

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

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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



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 19, 2018

**TYPE OF REPORT:** Consent Item

**SUBJECT:** Final Tract Map No. 2016-01 East Center Phase 1

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**Recommendation:**

That the City Council adopts the Resolution approving Final Tract Map No. 2016-01 East Center Phase 1, and accompanying Subdivision Improvement Agreement.

**Background:**

The Tentative Tract Map No. 2016-01 was approved by the City of Los Banos Community Development Department on August 10, 2016 by Resolution No. 2016-40. In March 2018, the Public Works staff was contacted by the developer, Pioneer Development Company, Inc., for Final Map approval.

**Discussion:**

The subject site is generally located within the area bounded by Center Ave to the west, Pioneer Road to the south, Diablo Street and Pike Street to the east, more specifically identified as APNs. 431-270-004 and 431-270-010. The applicant is Pioneer Development Company, Inc. The map consists of 99 single family lots on 26.784± acres. This Final Tract Map is in substantial compliance with Tentative Subdivision Map No. 2016-01.

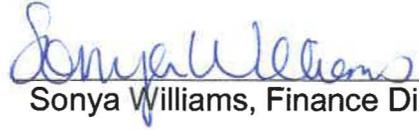
**Fiscal Impact:**

Financial security as required by the Subdivision Improvement Agreement, the Subdivision Map Act and Los Banos Municipal Code has been deposited with the City. All required processing, development, plan check and inspection fees have been paid. All bonds have been paid to Merced County.

**Reviewed by:**



Alex Terrazas, City Manager



Sonya Williams, Finance Director

**Attachments:**

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

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

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LOS BANOS APPROVING AND  
ADOPTING FINAL TRACT MAP NO. 2016-01  
EAST CENTER PHASE 1 AND ACCOMPANYING  
SUBDIVISION IMPROVEMENT AGREEMENT**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2016-01 East Center Phase 1 and accompanying Subdivision Improvement Agreement; and,

WHEREAS, the single-family residential subdivision consists of 99 lots on 26.784± acres; and

WHEREAS, the Public Works Director/City Engineer has approved the Final Map, the plan check and inspection fees have been paid in full, the City has received all necessary bonds and financial security, and said Final Tract Map has been submitted to the City Council of the City of Los Banos for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2016-01 East Center Phase 1 and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2016-01.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees have been paid.
4. All bonds have been paid to Merced County.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19<sup>th</sup> 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"  
Legal Description

**For APN/Parcel ID: 431-270-004 and 431-270-010**

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

**TRACT A:**

**PARCEL 1:**

PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 89 DEGREES 46' EAST 1666.5 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION, SAID POINT BEING ON THE SOUTH LINE OF SAID SECTION AND ON THE CENTER LINE OF THE EAST AND WEST COUNTY ROAD; THENCE NORTH 1 DEGREE 02' WEST 1325.25 FEET TO A 2" BY 2" STAKE, THENCE NORTH 89 DEGREES 28' EAST 280.4 FEET; THENCE SOUTH 0 DEGREES 50' EAST 1326.7 FEET, ALONG A FENCE TO THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 89 DEGREES 46' WEST 276.00 FEET ALONG THE SOUTH LINE OF SAID SECTION, AND THE CENTER LINE OF THE COUNTY ROAD, TO THE POINT OF BEGINNING.

**PARCEL 2:**

PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SOUTHWEST QUARTER THAT IS NORTH 0 DEGREES 43' WEST 1317.50 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE NORTH 0 DEGREES 43' WEST ALONG THE WEST LINE OF SAID SECTION, 1287.50 FEET TO THE QUARTER CORNER BETWEEN SECTIONS 22 AND 23, SAID TOWNSHIP AND RANGE; THENCE NORTH 88 DEGREES 56' EAST 1666.50 FEET; THENCE SOUTH 1 DEGREE 02' EAST 1295.25 FEET; AND THENCE NORTH 89 DEGREES 28' WEST 1666.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23 TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B & M., ACCORDING TO THAT CERTAIN RECORD OF SURVEY FILED IN THE OFFICE OF THE COUNTY RECORDER OF MERCED COUNTY, CALIFORNIA, IN BOOK 6 OF SURVEYS, PAGE 24 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER SECTION CORNER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., THENCE ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 23 NORTH 89 DEGREES 00' 30" EAST 1936.12 FEET; THENCE ALONG THE EAST LINE AND ALONG A FENCE LINE SOUTH 0 DEGREES 51' 30" EAST 359.99 FEET TO A POINT; THENCE SOUTH 89 DEGREES 00' 30" WEST 1936.75 FEET TO A POINT ON THE CENTER LINE OF CENTER AVENUE, A 60 FOOT COUNTY ROAD; THENCE ALONG THE WEST LINE OF SAID SECTION 23, NORTH 0 DEGREES 43' WEST 360.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS SOUTH 0 DEGREES 43' EAST 409.00 FEET FROM THE WEST QUARTER SECTION CORNER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, THENCE ALONG THE WEST LINE OF SAID SECTION 23 AND THE CENTER LINE OF CENTER AVENUE, A 60 FOOT COUNTY ROAD, SOUTH 0 DEGREES 43' EAST 94.00 FEET; THENCE ALONG A FENCE SOUTH 84 DEGREES 43' EAST 186.00 FEET, NORTH 0 DEGREES 43' WEST 94.00 FEET AND NORTH 84 DEGREES 43' WEST 186.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS SOUTHERLY 395.00 FEET MORE OR LESS AND SOUTHEASTERLY 680.00 FEET MORE OR LESS FROM THE WEST QUARTER SECTION CORNER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST; THENCE NORTHERLY 20.0 FEET MORE OR LESS, NORTHEASTERLY 160.00 FEET MORE OR LESS, SOUTHEASTERLY 110.00 FEET MORE OR LESS, EASTERLY 50.00 FEET MORE OR LESS, SOUTHEASTERLY 90.00 FEET MORE OR LESS, SOUTHERLY 110.00 FEET MORE OR LESS, SOUTHWESTERLY 115.00 FEET MORE OR LESS, NORTHWESTERLY 75.00 FEET MORE OR LESS AND NORTHWESTERLY 240.00 FEET MORE OR LESS TO A POINT OF BEGINNING, ALSO SHOWN ON RECORD OF SURVEY IN BOOK 8 OF SURVEYS, PAGE 13, MERCED COUNTY RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOEL A. WHITEHURST AND CECILIA T. WHITEHURST BY INSTRUMENT RECORDED MARCH 3, 1972 IN VOLUME 1881, PAGE 577, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA, THAT IS N. 88°59'49" E. 30 FEET FROM THE WEST LINE OF SAID SECTION 23; THENCE CONTINUING ALONG SAID SOUTH LINE N. 88°59'49" E. 1907.23 FEET TO THE SOUTHEAST CORNER OF SAID WHITEHURST PARCEL OF LAND; THENCE ALONG THE EAST LINE OF STEINER DEVELOPMENT INC. PARCEL OF LAND S. 0°50'55" E. 192.00 FEET; THENCE S. 89°09'05" W. 100.0 FEET; THENCE N. 0°50'55" W. 27.73 FEET; THENCE S. 88°59'49" W. 819.42 FEET TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO TED E. MEZA AND JOYCE E. MEZA BY INSTRUMENT RECORDED FEBRUARY 14, 1994 IN VOLUME 3204, PAGE 75, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA; THENCE ALONG SAID MEZA PARCEL OF LAND THE FOLLOWING BEARINGS AND DISTANCES:

N. 23° 44' 00" W. 33.88 FEET; N. 86° 24' 00" W. 50 FEET; N. 58° 04' 00" W. 110.0 FEET; S. 75° 43' 26" W. 162.75 FEET AND S. 5° 16' 00" W. 20.00 FEET; THENCE S. 13° 20' 53" W. 49.36 FEET; THENCE S. 88° 59' 49" W. 505.18 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE EAST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO TED E. MEZA ET UX, BY INSTRUMENT RECORDED APRIL 28, 1994 IN VOLUME 3229, PAGE 954, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA; THENCE N. 0° 43' 00" W. 104.63 FEET TO THE NORTHEAST CORNER OF SAID MEZA PARCEL OF LAND; THENCE ALONG THE NORTH LINE OF SAID MEZA PARCEL OF LAND N. 84° 43' 00" W. 155.83 FEET TO A POINT THAT IS 30.00 FEET EAST OF THE WEST LINE OF SAID SECTION 23; THENCE N. 0° 43' 00" W. 52.31 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: BEGINNING AT A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOEL A. WHITEHURST AND CECILIA T. WHITEHURST BY INSTRUMENT RECORDED

DECEMBER 1, 1995 IN VOLUME 3417, PAGES 164 & 165, OFFICIAL RECORDS OF MERCED COUNTY, SAID POINT OF BEGINNING IS S. 88° 59' 49" W. 787.48 FEET, S. 0° 50' 55" E. 27.73 FEET AND S. 89° 09' 05" W. 100 FEET FROM THE SOUTHEAST CORNER OF SAID WHITEHURST PARCEL; THENCE S. 00° 43' 00" E. 254.55 FEET; THENCE S. 89° 13' 12" W. 141.25 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT FROM WHICH A RADIAL LINE BEARS N. 53° 23' 07" E. 51.00 FEET TO THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY 23.64 FEET ALONG SAID CURVE BEING CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 51.00 FEET AND A CENTRAL ANGLE OF 26° 33' 36" TO A POINT OF NON-TANGENCY; THENCE S. 89° 13' 12" W. 77.00 FEET; THENCE N. 00° 43' 00" 3.00 FEET; THENCE S. 89° 13' 12" W. 166.00 FEET; THENCE N. 00° 43' 00" W. 3.00 FEET; THENCE S. 89° 13' 12" W. 103.00 FEET; THENCE N. 00° 43' 00" W. 215.00 FEET TO A POINT ON THE SOUTH LINE OF SAID WHITEHURST PARCEL; THENCE N. 88° 59' 49" E. ALONG SAID SOUTH LINE A DISTANCE OF 136.32 FEET TO AN ANGLE POINT IN SAID SOUTH LINE; THENCE N. 13° 20' 53" E. 49.36 FEET TO A POINT ON THAT CERTAIN PARCEL OF LAND CONVEYED TO TED E. MEZA ET UX, BY INSTRUMENT RECORDED APRIL 28, 1994 IN VOLUME 3229, PAGE 954, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA; THENCE ALONG THE SOUTHERLY AND EASTERLY LINE OF SAID MEZA PARCEL THE FOLLOWING FIVE (5) COURSES:

1. S. 59° 19' 00" E. 240.00 FEET
2. S. 03° 24' 00" E. 75.00 FEET
3. N. 87° 46' 00" E. 115.00 FEET
4. N. 06° 56' 00" E. 110 FEET AND
5. N. 23° 44' 00" W. 56.12 FEET TO A POINT COMMON WITH SAID WHITEHURSE PARCEL; THENCE N. 88° 59' 49" E. ALONG THE SOUTH LINE OF SAID WHITEHURST PARCEL; A DISTANCE OF 31.94 FEET TO THE POINT OF BEGINNING.

**PARCEL 3:**

BEGINNING AT A 2" BY 2" STAKE THAT IS NORTH 89 DEGREES 46' EAST 1666.50 FEET AND NORTH 1 DEGREE 02' WEST 1325.25 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE NORTH 1 DEGREE 02' WEST 1296.25 FEET TO THE EAST AND WEST HALF SECTION LINE THROUGH SAID SECTION; THENCE NORTH 88 DEGREES 56' EAST 284.8 FEET ALONG THE ABOVE MENTIONED EAST AND WEST HALF SECTION LINE; THENCE SOUTH 0 DEGREES 50' EAST 1298.5 FEET ALONG A FENCE; THENCE SOUTH 89 DEGREES 28' WEST 280.4 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23 TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., ACCORDING TO THAT CERTAIN RECORD OF SURVEY FILED IN THE OFFICE OF THE COUNTY RECORDER OF MERCED COUNTY, CALIFORNIA, IN BOOK 6 OF SURVEYS, PAGE 24, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER SECTION CORNER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B. & M., THENCE ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 23 NORTH 89 DEGREES 00' 30" EAST 1936.12 FEET; THENCE ALONG THE EAST LINE AND ALONG A FENCE LINE SOUTH 0 DEGREES 51' 30" EAST 359.99 FEET TO A POINT; THENCE SOUTH 89 DEGREES 00' 30" WEST 1936.75 FEET TO A POINT ON THE CENTER LINE OF CENTER AVENUE, A 60 FOOT COUNTY ROAD; THENCE ALONG THE WEST LINE OF SAID SECTION 23, NORTH 0 DEGREES 43' WEST 360.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOEL A. WHITEHURST AND CECILIA T. WHITEHURST BY INSTRUMENT RECORDED MARCH 3, 1972 IN VOLUME 1881, PAGE 577, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA, THAT IS N. 88°59' 49" E. 30.00 FEET FROM THE WEST LINE OF SAID SECTION 23; THENCE CONTINUING ALONG SAID SOUTH LINE N. 88° 59' 49" E. 1907.23 FEET TO THE SOUTHEAST CORNER OF SAID WHITEHURST PARCEL OF LAND; THENCE ALONG THE EAST LINE OF STEINER DEVELOPMENT INC. PARCEL OF LAND S. 0° 50' 55" E. 192.00 FEET; THENCE S. 89° 09' 05" W. 100 FEET; THENCE N. 0° 50' 55" W. 27.73 FEET; THENCE S. 88° 59' 49" W. 819.42 FEET TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO TED E. MEZA AND JOYCE E. MEZA BY INSTRUMENT RECORDED FEBRUARY 14, 1994 IN VOLUME 3204, PAGE 75, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA; THENCE ALONG SAID MEZA PARCEL OF LAND THE FOLLOWING BEARINGS AND DISTANCES: N. 23° 44' 00" W. 33.88 FEET; N. 86° 24' 00" W. 50.00 FEET; N. 58° 04' 00" W. 110.00 FEET; S. 75° 43' 26" W. 162.75 FEET AND S. 5° 16' 00" W. 20.00 FEET; THENCE S. 13° 20' 53" W. 49.36 FEET; THENCE 88° 59' 49" W. 505.18 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE EAST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO TED E. MEZA ET UX, BY INSTRUMENT RECORDED APRIL 28, 1994 IN VOLUME 3229, PAGE 954, OFFICIAL RECORDS OF MERCED COUNTY, CALIFORNIA; THENCE N. 0° 43' 00" W. 104.63 FEET TO THE NORTHEAST CORNER OF SAID MEZA PARCEL OF LAND; THENCE ALONG THE NORTH LINE OF SAID MEZA PARCEL OF LAND N. 84° 43' 00" W. 155.83 FEET TO A POINT THAT IS 30.00 FEET EAST OF THE WEST LINE OF SAID SECTION 23; THENCE N. 0° 43' 00" W. 52.31 FEET TO THE POINT OF BEGINNING.

APN: 431-270-004

**TRACT B:**

PARCEL 2 OF PARCEL MAP ENTITLED, "PARCEL MAP FOR WHITEHURST" FILED ON DEC. 30, 2013 IN VOL. 113 OF PARCEL MAPS, PAGES 12 AND 13, MERCED COUNTY RECORDS, AND BEING A SUBDIVISION OF THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B & M.

APN: 431-270-010

EXHIBIT "B"

OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP.

WE ALSO HEREBY OFFER AS AN IRREVOCABLE DEDICATION TO THE CITY OF LAS BANOS IN FEE FOR PUBLIC USE THE FOLLOWING LOTS AND STREET RIGHTS-OF-WAY AS SHOWN ON THIS FINAL MAP:

LOT B, LOT D, LOT E AND LOT K; EAST HALF OF CENTER STREET AND NORTH HALF OF PIONEER ROAD WITHIN THE BOUNDARY OF THIS FINAL MAP, GUS VILLALTA DRIVE (SOUTH OF DIABLO STREET), AMABILE DRIVE AND DIABLO STREET

WE ALSO HEREBY OFFER AS AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS AS AN EASEMENT FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENT (P.U.E.), LOT F AND THE 1 FOOT WIDE WALL EASEMENT (W.E.) AS SHOWN ON THIS FINAL MAP.

WE ALSO RELINQUISH TO THE CITY OF LOS BANOS ALL ACCESS RIGHTS OF LOT 43 TO AND FROM DIABLO STREET SHOWN THUS // // // // AS SHOWN ON THIS FINAL MAP.

OWNER: PIONEER DEVELOPMENT COMPANY, INC., A CALIFORNIA CORPORATION

BY: \_\_\_\_\_ DATE \_\_\_\_\_

NAME: \_\_\_\_\_ (PRINT NAME)

ITS: \_\_\_\_\_ (TITLE)

NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ (NAME OF SIGNER(S))

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND, \_\_\_\_\_, NOTARY PUBLIC

PRINT NAME: \_\_\_\_\_ COMMISSION NUMBER: \_\_\_\_\_ COMMISSION EXPIRES: \_\_\_\_\_ (DO NOT STAMP) PRINCIPAL OFFICE LOCATION (COUNTY): \_\_\_\_\_

NOTARY STATEMENT (TRUSTEE)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ (NAME OF SIGNER(S))

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND, \_\_\_\_\_, NOTARY PUBLIC

PRINT NAME: \_\_\_\_\_ COMMISSION NUMBER: \_\_\_\_\_ COMMISSION EXPIRES: \_\_\_\_\_ (DO NOT STAMP) PRINCIPAL OFFICE LOCATION (COUNTY): \_\_\_\_\_

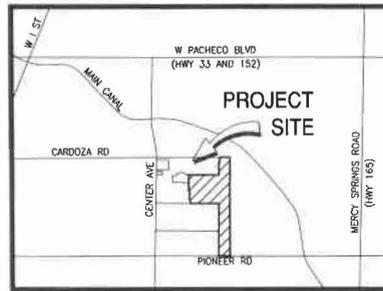
TRACT NO: 2016-01 EAST CENTER, PHASE 1

BEING A RESUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

JULY 2018



1165 Scenic Drive, Suite A Modesto, CA 95350 Ph 209.571.1765 odellengineering.com



VICINITY MAP

N.T.S.

PLANNING COMMISSION STATEMENT

I, STACY SOUZA ELMS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR FOR THE CITY OF LOS BANOS, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2016-01, EAST CENTER, PHASE 1", AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE VESTING TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 1ST DAY OF MAY, 2017, AND THAT THIS FINAL MAP OF "TRACT NO: 2016-01, EAST CENTER, PHASE 1", COMPLIES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

BY: STACY SOUZA ELMS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR CITY OF LOS BANOS

TRUSTEE STATEMENT

WE, FIDELITY NATIONAL TITLE COMPANY, AS TRUSTEE UNDER THE CERTAIN DEED OF TRUST RECORDED FEBRUARY 7, 2018, AS DOCUMENT NO. 2018-003778 AND 2018-003779, OFFICIAL RECORDS OF MERCED COUNTY, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP, "TRACT NO: 2016-01, EAST CENTER, PHASE 1", AND JOINS IN ALL DEDICATIONS THEREON.

TRUSTEE: FIDELITY NATIONAL TITLE COMPANY

BY: \_\_\_\_\_ DATE \_\_\_\_\_

NAME: \_\_\_\_\_ (PRINT NAME)

ITS: \_\_\_\_\_ (TITLE)

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF HOSTETLER RANCHES LLC, IN NOVEMBER OF 2017. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT ALL THE MONUMENTS SHOWN HEREON WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED BEFORE JUNE 30TH, 2019. AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

DYLAN CRAWFORD, P.L.S. 7788



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2016-01, EAST CENTER, PHASE 1" AND STATE THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

BY: MARK FACHIN, R.C.E. 34614 CITY ENGINEER

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND IT COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT I AM SATISFIED THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: RYAN J. SCHIESS, PLS 8388 REVIEWING CITY SURVEYOR

CITY CLERK'S STATEMENT

I, LUCILLE L. MALLONEE, CITY OF LOS BANOS, STATE OF CALIFORNIA. DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, THE ACCOMPANYING FINAL MAP OF "TRACT NO: 2016-01, EAST CENTER, PHASE 1", WAS APPROVED AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE, THE OFFER OF DEDICATION IN EASEMENT OF ALL PUBLIC UTILITY EASEMENTS (P.U.E.), LOT F AND THE 1 FOOT WALL EASEMENTS (W.E.), ALL AS SHOWN ON THIS FINAL MAP, ACCEPTED THE OFFER OF DEDICATION IN FEE OF LOT B, LOT D, LOT E AND LOT K, GUS VILLALTA DRIVE (SOUTH OF DIABLO STREET), AMABILE DRIVE AND DIABLO STREET, EAST HALF OF CENTER STREET AND NORTH HALF OF PIONEER ROAD WITHIN THE BOUNDARY OF THIS FINAL MAP, AS SHOWN ON THIS FINAL MAP, AND ACCEPTED THE RELINQUISHMENT OF ACCESS RIGHTS OF LOT 43 TO AND FROM DIABLO STREET SHOWN ON THIS FINAL MAP. SAID ACCEPTANCE IS SUBJECT TO IMPROVEMENTS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

BY: LUCILLE L. MALLONEE, CITY CLERK CITY OF LOS BANOS

RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, AT \_\_\_\_\_ O'CLOCK, \_\_\_\_\_ M. IN VOL \_\_\_\_\_ OFFICIAL PLATS, AT PAGES \_\_\_\_\_, AT THE REQUEST OF DYLAN CRAWFORD, FEE \$ \_\_\_\_\_

BARBARA LEVEY, RECORDER MERCED COUNTY, CALIFORNIA

BY: \_\_\_\_\_ ASSISTANT/DEPUTY RECORDER

LINE #	DIRECTION	LENGTH	REF
L1	N83°37'59"W	186.00'	(R-1)(R-2)
L2	N0°22'01"E	94.00'	(R-1)(R-2)
L3	N83°37'59"W	186.00'	(R-1)(R-2)
L4	N0°22'01"E	25.00'	
L5	N89°55'08"W	393.00'	(R-2)
L6	N0°22'01"E	279.92'	(R-2)
L7	N70°20'06"W	59.90'	(R-2)
L8	N89°55'08"W	336.47'	(R-2)
L9	N0°22'01"E	84.00'	

W. 1/4 CORNER, SECTION 23  
FD 3/4" IP PER (R-1)&(R-2) IN  
MONUMENT WELL, NO TAG

FD 3/4" IP, W TAG  
LS 8964" PER (R-2)

## TRACT NO: 2016-01 EAST CENTER, PHASE 1

BEING A RESUBDIVISION OF A PORTION OF THE SOUTHWEST  
QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10  
EAST, MOUNT DIABLO BASE AND MERIDIAN  
CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

JULY 2018



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### RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213

THE PROPERTY DESCRIBED ON THE HEREON SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BY NOT LIMITED TO, PLOWING, SPRAYING AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT PLAN (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

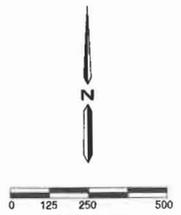
### REFERENCED RECORD DOCUMENTS

MERCED COUNTY RECORDS

- (R-1) VOLUME 44 OF SURVEYS, PAGES 3-4, M.C.R.
- (R-2) VOLUME 113 OF PARCEL MAPS, PAGES 12-13, M.C.R.
- (R-3) VOLUME 28 OF SURVEYS, PAGES 9-12, M.C.R.
- (R-4) VOLUME 35 OF OFFICIAL PLATS, PAGES 44-48, M.C.R.

### LEGEND

- RESOLVED BOUNDARY LINE
- CENTERLINE
- RESTRICTED ACCESS
- CITY LIMITS LINE



GPS STATION 1024  
FD 2" DISK, RCE 15310  
PER (R-3)

GRID COORDINATES (R-3)  
N = 1,838,047.846  
E = 6,453,911.666

(BASIS OF BEARINGS)  
7149.96'(GRID) [7149.97'(M)(R-1) 7149.93'(R-2)(GROUND)]

GPS STATION 1025  
FD 2" DISK, RCE 15310 PER (R-3)

GRID COORDINATES (R-3)  
N = 1,838,089.872  
E = 6,461,061.499

### BASIS OF BEARINGS

N89°39'48"E BEING THE BEARING OF THE LINE BETWEEN MERCED COUNTY GPS/GIS 1024 AND MERCED COUNTY GPS/GIS 1025 (R-3). BEARINGS AND DISTANCES ARE BASED UPON CALIFORNIA COORDINATE SYSTEM ZONE III NAD 83.

### SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. CENTRAL CALIFORNIA IRRIGATION DISTRICT, CANALS AND DITCHES - BOOK P OF DEEDS, PAGE 280, MCR.
2. ESTATE OF FRANK JACINTO MELLO, RIGHT OF INGRESS AND EGRESS, BOOK 1669, PAGE 642 OF OFFICIAL RECORDS, MCR.
3. TED E. AND JOYCE E. MEZA, DRIVEWAY, INGRESS AND EGRESS, BOOK 3204, PAGE 75, OF OFFICIAL RECORDS, MCR.

### NOTES

1. THIS SUBDIVISION CONTAINS A TOTAL OF 82.876 ACRES, MORE OR LESS.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY DISTANCES SHOWN BY 0.999999004 TO GET GRID DISTANCES (AVERAGE COMBINED FACTOR FOR GPS MONUMENTS 1024 AND 1025 PER R-3).
3. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
4. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

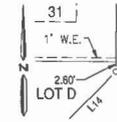
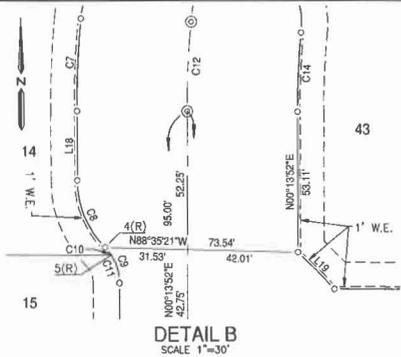


**MONUMENT NOTES**

- SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR UNPAVED AREAS OR 1.17" BRASS DISK STAMPED "PLS 7788" FOR CONCRETE AREAS
- ◎ SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" IN MONUMENT WELL
- T SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR ALL FRONT AND REAR LOT CORNERS.
- SET 5.00' WITNESS CORNER, UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO LAMOGLIA STREET/ENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788".
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- FOUND 3/4" IRON PIPE TAGGED "PLS 7788" PER (R-1), UNLESS OTHERWISE NOTED
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  - (R-3) VOLUME 28 OF SURVEYS, PAGES 9-12, M.C.R.
  - (R-4) VOLUME 35 OF OFFICIAL PLATS, PAGES 44-48, M.C.R.
  - (R-5) VOLUME 36 OF OFFICIAL PLATS, PAGES 27-31, M.C.R.



**ABBREVIATIONS**

FD	FOUND	M.C.R.	MERCED COUNTY RECORDS
IP	IRON PIPE-DIAMETER NOTED	R-#	REFERENCED RECORD DOCUMENT
(M)	MEASURED DISTANCE	(R)	RADIAL BEARING
M	FINAL MAP	RS	RECORD OF SURVEY
N.A.P.	NOT A PART	S.F.	SEARCHED, FOUND NOTHING
OP	OFFICIAL PLATS	SP	SQUARE FEET
PM	PARCEL MAP	W.C.	WITNESS CORNER
P.U.E.	PUBLIC UTILITY EASEMENT	W.E.	1 FOOT WIDE WALL EASEMENT

**LOT NOTES**

1. LOT A: PARK AND STORM DRAIN BASIN (HOME OWNERS ASSOCIATION)
2. LOT B: ADDITION TO EXISTING PARK TO THE EAST (PUBLIC)
3. LOT C: EXISTING INGRESS & EGRESS EASEMENT (PRIVATE)
4. LOT D & E: LANDSCAPE (PUBLIC)
5. LOT F: PRIVATE STREETS (HOME OWNERS ASSOCIATION)
6. LOT G & H: FUTURE DEVELOPMENT
7. LOT J: PRIVATE LOT FOR GATE WHEN OPENED (HOME OWNERS ASSOCIATION)
8. LOT K: PUMP FACILITY (PUBLIC)

**TRACT NO: 2016-01**  
**EAST CENTER, PHASE 1**

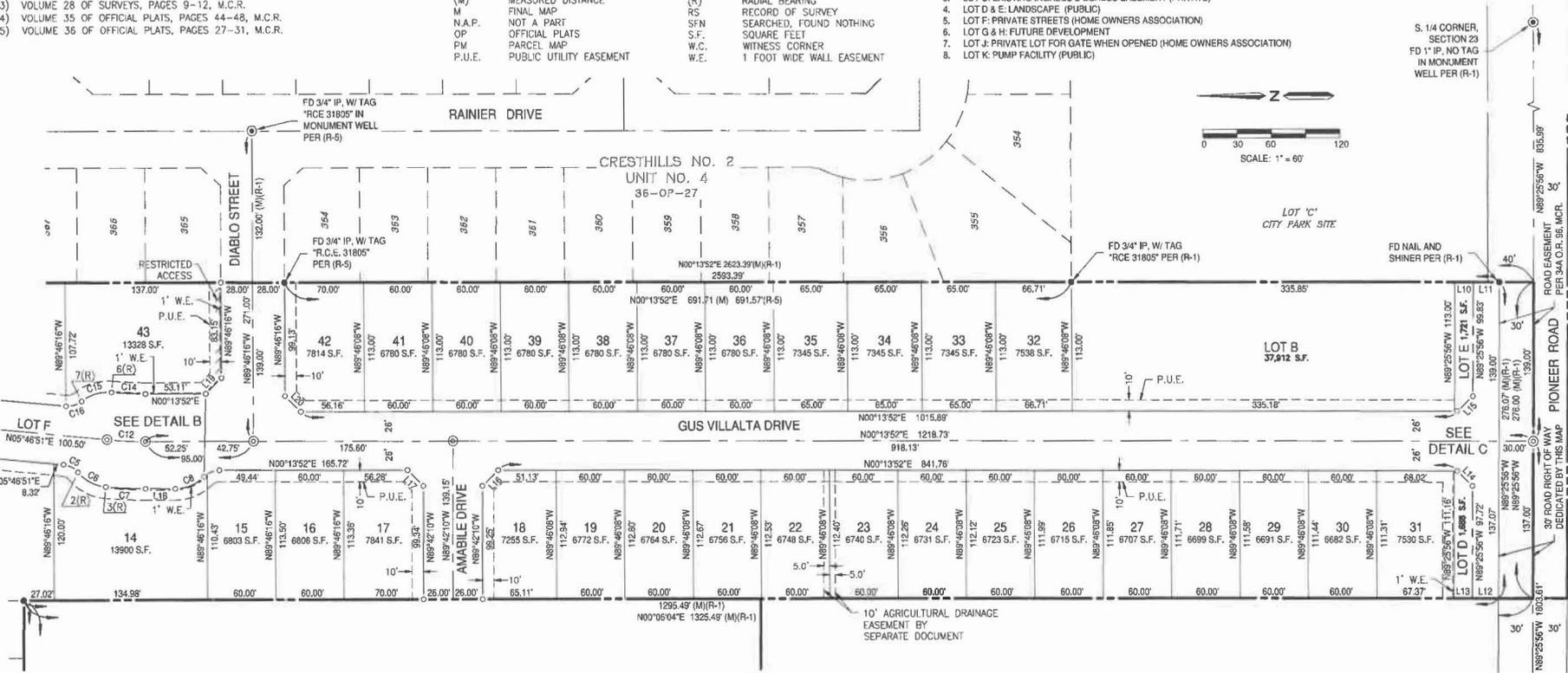
BEING A RESUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

JULY 2018

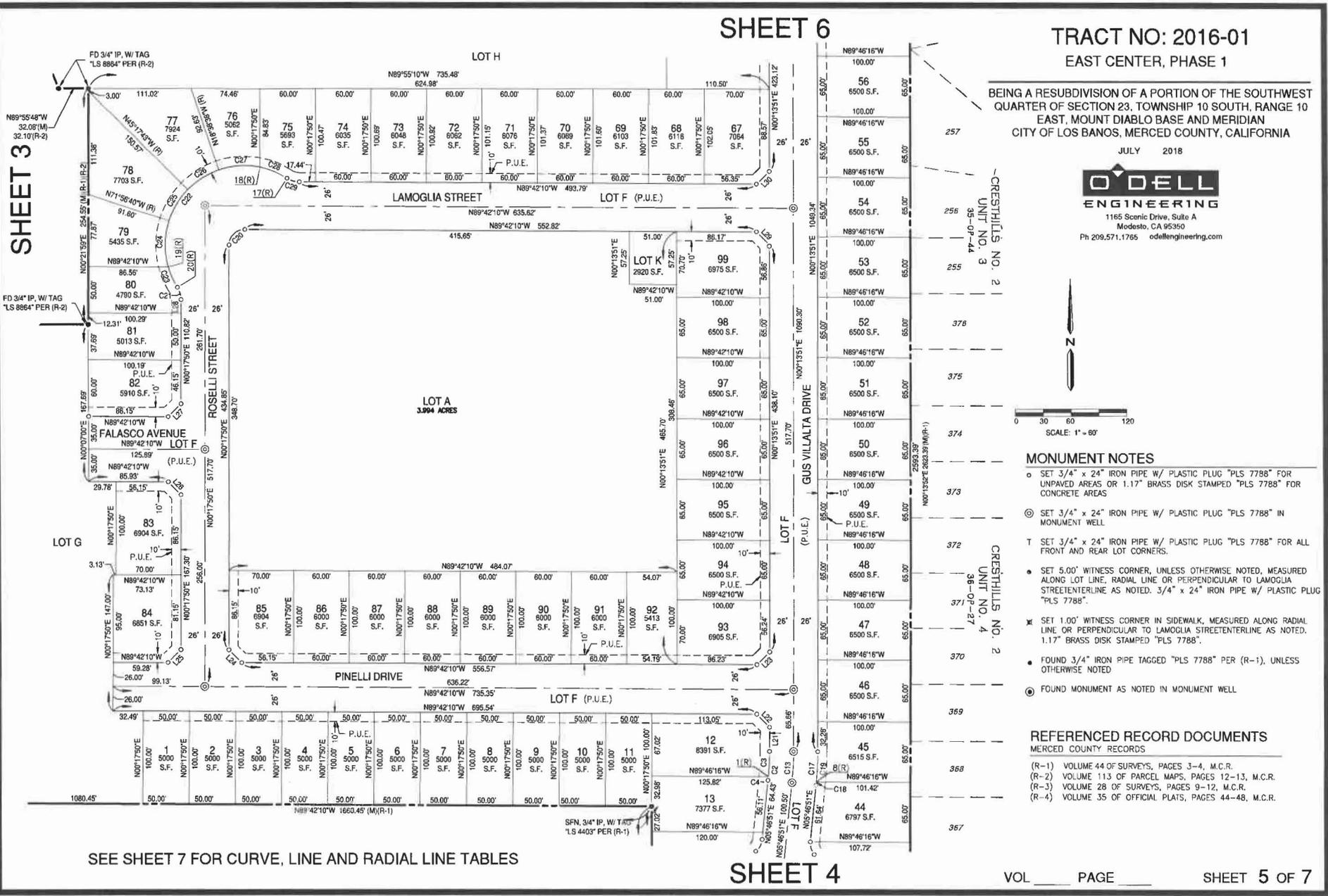
**O'DELL**  
**ENGINEERING**

1165 Scenic Drive, Suite A  
Modesto, CA 95350  
Ph 209.571.1765 odellengineering.com

**SHEET 5**



SEE SHEET 7 FOR CURVE, LINE AND RADIAL LINE TABLES



SHEET 3

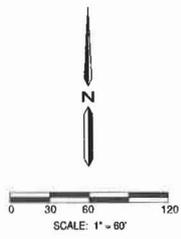
SHEET 6

TRACT NO: 2016-01  
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JULY 2018

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SHEET 4

VOL \_\_\_\_\_ PAGE \_\_\_\_\_ SHEET 5 OF 7

**TRACT NO: 2016-01**  
**EAST CENTER, PHASE 1**

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JULY 2018



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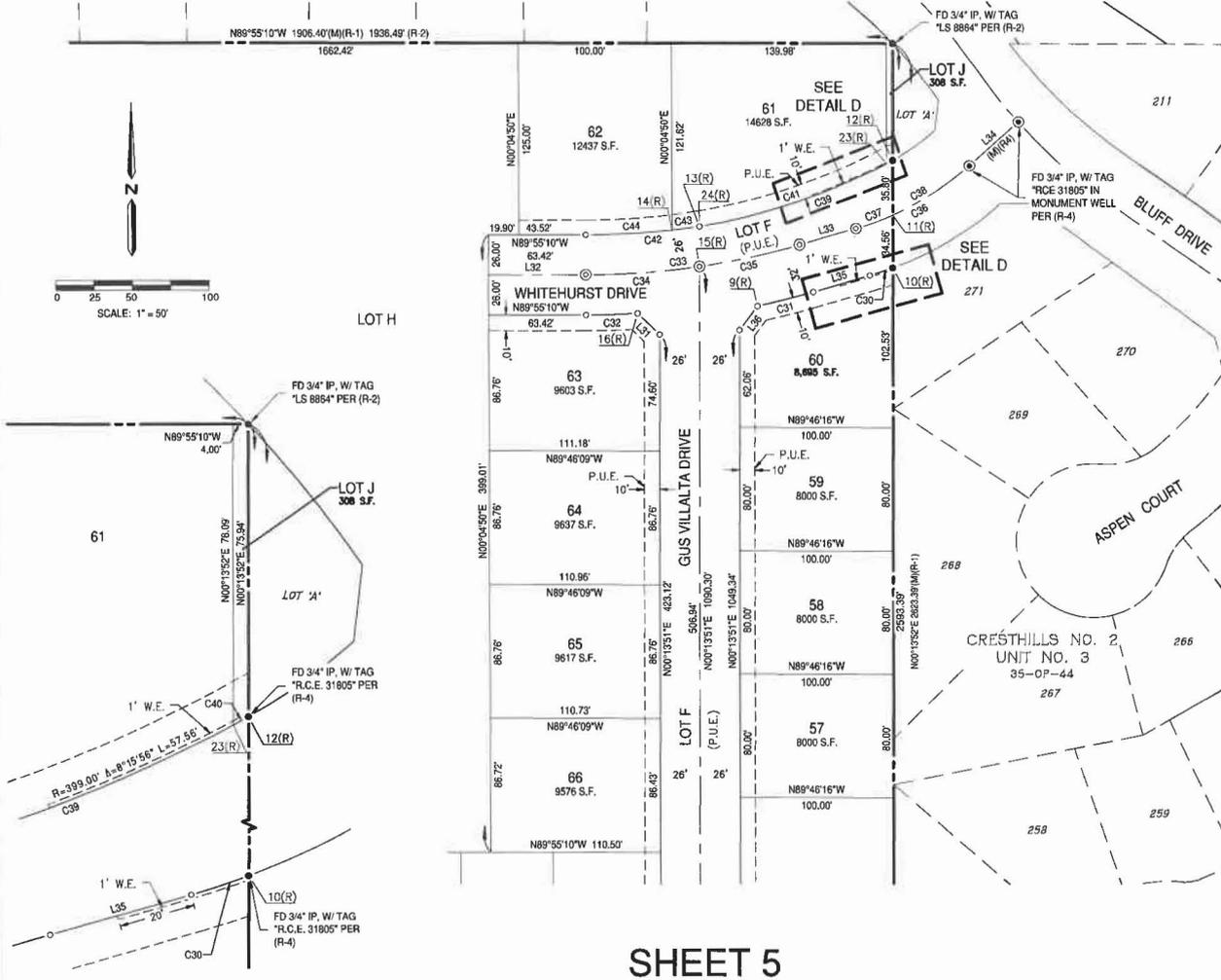
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**ABBREVIATIONS**

FD	FOUND
IP	IRON PIPE-DIAMETER NOTED
(M)	MEASURED DISTANCE
M	FINAL MAP
N.A.P.	NOT A PART
OP	OFFICIAL PLATS
PM	PARCEL MAP
P.U.E.	PUBLIC UTILITY EASEMENT
M.C.R.	MERCED COUNTY RECORDS
R-#	REFERENCED RECORD DOCUMENT
(R)	RADIAL BEARING
RS	RECORD OF SURVEY
SPN	SEARCHED, FOUND NOTHING
S.F.	SQUARE FEET
W.C.	WITNESS CORNER
W.E.	1 FOOT WIDE WALL EASEMENT



**SHEET 5**

SEE SHEET 7 FOR CURVE, LINE AND RADIAL LINE TABLES

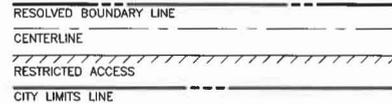
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**LOT NOTES**

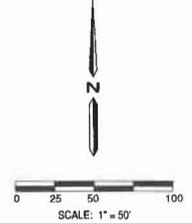
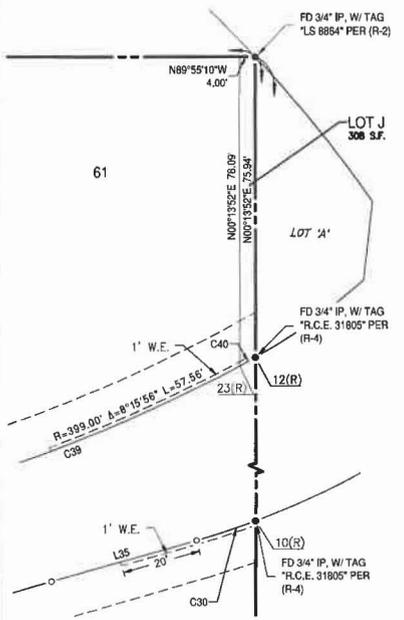
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**LEGEND**



**DETAIL D**

SCALE 1"=20'



TRACT NO: 2016-01  
EAST CENTER, PHASE 1

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QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 10  
EAST, MOUNT DIABLO BASE AND MERIDIAN  
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JULY 2018



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LINE #	DIRECTION	LENGTH
L1	N83°37'59"W	186.00'
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L3	N83°37'59"W	186.00'
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L10	N0°13'52"E	16.00'
L11	N0°13'52"E	23.00'
L12	N0°06'04"E	23.00'
L13	N0°06'04"E	16.00'
L14	N45°23'06"E	18.89'
L15	N44°36'01"W	18.68'
L16	N44°42'10"W	19.58'
L17	N45°17'50"E	19.59'
L18	N0°13'52"E	26.22'
L19	N44°42'10"W	19.61'
L20	N45°17'50"E	19.59'

LINE #	DIRECTION	LENGTH
L21	N0°13'51"E	25.84'
L22	N44°42'10"W	19.59'
L23	N45°17'50"E	19.46'
L24	N44°42'10"W	19.59'
L25	N45°17'50"E	19.59'
L26	N44°42'10"W	19.59'
L27	N45°17'50"E	19.59'
L28	N0°17'50"E	14.67'
L29	N44°42'10"W	19.58'
L30	N45°17'50"E	19.45'
L31	N46°35'07"W	19.71'
L32	N89°55'10"W	63.42'
L33	N73°54'23"E	38.31'
L34	N48°26'32"E	44.19'
L35	N73°54'23"E	38.31'
L36	N37°38'02"E	19.42'

LINE #	DIRECTION
1(R)	S84°57'25"E
2(R)	S39°23'43"E
3(R)	N84°39'14"W
4(R)	S45°23'31"W
5(R)	N56°27'34"E
6(R)	N84°12'27"W
7(R)	S50°56'30"W
8(R)	S84°46'37"E
9(R)	S12°03'02"E
10(R)	S20°12'27"E
11(R)	S23°51'54"E
12(R)	S28°25'50"E

LINE #	DIRECTION
13(R)	N6°55'05"W
14(R)	N6°45'44"W
15(R)	S8°26'19"E
16(R)	S3°35'02"E
17(R)	N32°25'36"E
18(R)	N11°20'24"E
19(R)	S74°17'55"W
20(R)	S59°10'03"W
21(R)	N81°01'36"E
22(R)	N54°28'08"E
23(R)	N27°46'47"W
24(R)	N9°14'41"W

R=474'

R=400'

CURVE #	RADIUS	DELTA	LENGTH
C1	51.00'	26°33'00"	23.64'
C2	324.00'	5°33'00"	31.38'
C3	324.00'	4°48'43"	27.21'
C4	324.00'	0°44'16"	4.17'
C5	19.00'	44°49'26"	14.86'
C6	36.00'	49°15'31"	28.44'
C7	392.00'	5°06'54"	35.00'
C8	36.00'	44°50'20"	28.17'
C9	19.00'	44°50'20"	14.87'
C10	19.00'	11°04'02"	3.67'
C11	19.00'	33°46'18"	11.20'
C12	350.00'	5°32'59"	33.90'
C13	350.00'	5°33'00"	33.90'
C14	308.00'	5°33'41"	29.90'
C15	36.00'	44°51'02"	28.18'

CURVE #	RADIUS	DELTA	LENGTH
C16	19.00'	44°50'20"	14.87'
C17	376.00'	5°33'00"	36.42'
C18	376.00'	0°33'28"	3.66'
C19	376.00'	4°59'32"	32.76'
C20	17.00'	90°00'00"	26.70'
C21	25.00'	32°07'47"	14.02'
C22	86.00'	154°15'33"	231.54'
C23	86.00'	16°07'52"	24.21'
C24	86.00'	33°45'25"	50.67'
C25	86.00'	26°38'57"	40.00'
C26	86.00'	26°39'05"	40.00'
C27	86.00'	29°59'02"	45.01'
C28	86.00'	21°05'13"	31.65'
C29	25.00'	32°07'47"	14.02'
C30	221.20'	4°06'50"	15.88'

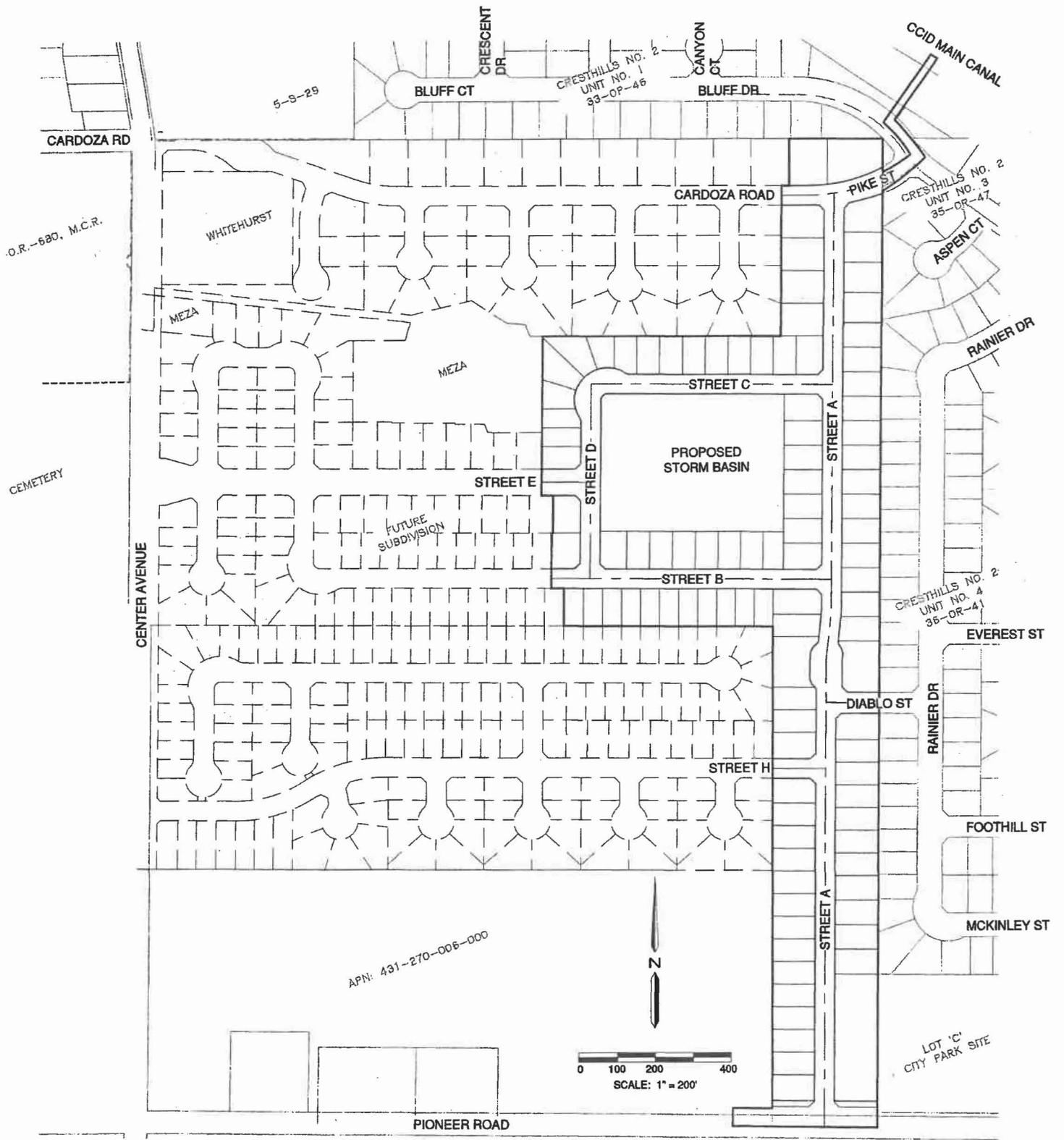
CURVE #	RADIUS	DELTA	LENGTH
C31	532.00'	4°02'35"	37.54'
C32	526.00'	3°39'52"	33.64'
C33	500.00'	16°10'28"	141.15'
C34	500.00'	8°31'09"	74.34'
C35	500.00'	7°38'18"	66.80'
C36	189.20'	25°52'05"	85.42'
C37	189.20'	7°46'16"	25.65'
C38	189.20'	16°05'48"	59.76'
C39	400.00'	19°11'09"	133.94'
C40	400.00'	0°39'03"	4.54'
C41	400.00'	18°32'05"	129.40'
C42	474.00'	8°59'55"	74.44'
C43	474.00'	2°09'21"	17.84'
C44	474.00'	6°50'34"	56.61'

17°39'35" 58.32' (R-4)

# EAST CENTER - PHASE 1

## SUBDIVISION IMPROVEMENT PLANS

### LOS BANOS, CALIFORNIA



Recording Requested By:

City of Los Banos

And When Recorded Mail to:

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

Space above this line for Recorder's use.

### **SUBDIVISION IMPROVEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between PIONEER DEVELOPMENT COMPANY, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No 2016-01, East Center, Phase 1, comprised of 99 lots, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

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

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

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. \_\_\_\_\_ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2016-01.

NOW, THEREFORE, in consideration of the acceptance of the offers of dedication of easements, and facilities as shown and delineated on said Final Map, and the approval of said Final Map for filing and recording as provided and required by law, it is mutually agreed and understood by and between DEVELOPER(S) and CITY as follows:

#### **SUBDIVISION AGREEMENT**

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as

designated by the Public Works Director/City Engineer of the CITY, but no later than the 30th day of December 2020, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

**IMPROVEMENTS:**

1. SITE PREPARATION	\$	60,000.00
2. WATER	\$	184,840.00
3. SANITARY SEWER	\$	113,966.00
4. STORM DRAINAGE	\$	336,753.00
5. CONCRETE	\$	281,570.00
6. PAVING	\$	257,139.00
7. ELECTROLIERS	\$	37,500.00
8. MISCELLANEOUS	\$	<u>7,900.00</u>
TOTAL	\$	1,299,668.00

2. The DEVELOPER(S) has not completed the following portion of improvements:

STORM DRAINAGE	\$	67,644.00
CONCRETE	\$	184,761.00
PAVING	\$	238,263.00
ELECTROLIERS	\$	37,500.00
MISCELLANEOUS	\$	7,900.00
REMAINING TOTAL	\$	<u>536,068.00</u>

3. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$536,068.00** and Labor and Materials at 50%, **\$268,034.00** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$129,966.80**. In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

4. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid.

**ENGINEERING AND INSPECTION**

5% of Approved Engineer's estimate of \$1,299,668	\$	64,983.40	
Less: Deposit for Plan Check (Rec#01070224)	\$	(21,838.11)	
Less: Payment (Rec#01256249)	\$	(43,145.29)	
SUB-TOTAL			\$ 0.00

**FINAL MAP REVIEW**

Charges for	\$	2,712.42	
Less: Deposit for Map Review (Rec#01168645)	\$	(1,000.00)	
Less: Payment (Rec#01264965)	\$	(1,712.42)	
SUB-TOTAL			\$ 0.00
<b>TOTAL</b>	<b>\$</b>		<b>0.00</b>

5. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$1,299,668.00** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
6. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map 2016-01. All public improvements and utilities must be installed prior to occupancy of units.
7. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
8. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
9. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
10. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the

preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.

11. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

12. The Improvement Plans may be modified upon approval by the CITY at no cost to the CITY.

13. The CITY shall not be liable to the DEVELOPER(S) or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this AGREEMENT, or any part thereof.

14. The DEVELOPER(S) hereby release and agree to indemnify and hold the CITY harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said subdivision and upon the premises adjacent thereto pursuant to this AGREEMENT, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the DEVELOPER(S), the DEVELOPER(S) agents, employees, and subcontractors, while engaged in the performance of said work.

15. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within

said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

**16.** It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 4 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

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

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

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

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

**21.** That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.

22. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map 2016-01 prior to acceptance of public improvements or final of any housing units.

23. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.

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

25. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

26. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map 2016-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

27. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

28. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

**IN WITNESS WHEREOF**, the parties have executed these presents or caused the same to be executed by the officers thereunto duly authorized on the date and year in this AGREEMENT first above written.

Pioneer Development Company, Inc.,  
A California Corporation

\_\_\_\_\_  
Greg Hostetler  
President

PARTIES OF THE FIRST PART

CITY OF LOS BANOS  
A Municipal Corporation

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Michael Villalta  
Mayor

PARTIES OF THE SECOND PART

ATTEST:

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Lucille L. Mallonee  
City Clerk  
City of Los Banos

**Signatures need to be notarized.  
Attach a Notary Acknowledgement.**

## EXHIBIT "A"



## OPINION OF PROBABLE COST

Project name: East Center - Phase 1, 99 Residential Lots

LOS BANOS, CA

Project progress stage: DESIGN

11/17/2017

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
<b>A. SITE PREPARATION</b>				
1 SITE CLEARING	LS	1	\$5,000.00	\$5,000.00
2 SITE GRADING	CY	25,000	\$2.00	\$50,000.00
3 EROSION CONTROL	LS	1	\$5,000.00	\$5,000.00
SUB-TOTAL				\$60,000.00
<b>B. WATER</b>				
1 8" WATER	LF	2,418	\$16.00	\$38,688.00
2 10" WATER	LF	2,631	\$20.00	\$52,620.00
3 12" WATER	LF	331	\$22.00	\$7,282.00
4 8" WATER VALVE	EA	7	\$1,000.00	\$7,000.00
5 10" WATER VALVE	EA	9	\$1,000.00	\$9,000.00
6 12" WATER VALVE	EA	2	\$1,500.00	\$3,000.00
7 HYDRANT, BURY & GATE VALVE	EA	19	\$2,000.00	\$38,000.00
8 CONNECT TO EX. WATER	EA	3	\$1,500.00	\$4,500.00
9 HOUSE SERVICE INCLUDING METER BOX	EA	99	\$250.00	\$24,750.00
SUB-TOTAL				\$184,840.00
<b>C. SANITARY SEWER</b>				
1 6" SEWER MAIN	LF	874	\$14.00	\$12,236.00
2 10" SEWER MAIN	LF	2,053	\$16.00	\$32,848.00
3 12" SEWER MAIN	LF	1,674	\$18.00	\$30,132.00
4 STD. SEWER MANHOLE	EA	16	\$2,000.00	\$32,000.00
5 4" STD. LATERAL	EA	99	\$250.00	\$24,750.00
6 CONNECT TO EX. SEWER	EA	1	\$2,000.00	\$2,000.00
SUB-TOTAL				\$133,966.00
<b>D. STORM DRAINAGE</b>				
1 12" STORM DRAIN	LF	348	\$18.00	\$6,264.00
2 15" STORM DRAIN	LF	551	\$21.00	\$11,571.00
3 18" STORM DRAIN	LF	367	\$24.00	\$8,808.00
4 24" STORM DRAIN	LF	1,743	\$30.00	\$52,290.00
5 30" STORM DRAIN	LF	2,028	\$35.00	\$70,980.00
6 12" STORM DRAIN FORCE MAIN	LF	1,258	\$30.00	\$37,740.00
7 STD. MANHOLE	EA	24	\$2,000.00	\$48,000.00
8 CATCH BASIN	EA	18	\$1,450.00	\$26,100.00
9 PUMP STATION	EA	1	\$75,000.00	\$75,000.00
SUB-TOTAL				\$336,753.00

**E. CONCRETE**

1	6" VERTICAL CURB & GUTTER (INCL. RETURNS & DRIVEWAYS)	LF	10,300	\$10.00	\$103,000.00
2	ROLLED CURB & GUTTER	LF	245	\$14.00	\$3,430.00
3	SIDEWALK (INCL. RAMPS, RETURNS & DRIVEWAYS)	SF	54,780	\$3.00	\$164,340.00
4	WHEEL CHAIR RAMP (LABOR ONLY)	EA	18	\$600.00	\$10,800.00

SUB-TOTAL \$281,570.00

**F. PAVING**

1	3" A.C. OVER 13" A.B. (PIONEER)	SF	12,910	\$3.00	\$38,730.00
2	2.5" A.C. OVER 10.5" A.B.	SF	117,540	\$1.85	\$217,449.00
3	SAWCUT	LF	960	\$1.00	\$960.00

SUB-TOTAL \$257,139.00

**G. ELECTROLIERS**

1	ELECTROLIERS	EA	15	\$2,500.00	\$37,500.00
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SUB-TOTAL \$37,500.00

**H. MISCELLANEOUS**

1	R-1 STOP SIGN AND STREET NAME SIGN W/ LEGEND	EA	8	\$350.00	\$2,800.00
2	STRIPING	LS	1	\$1,500.00	\$1,500.00
3	MONUMENT WELLS	EA	12	\$300.00	\$3,600.00

SUB-TOTAL \$7,900.00

**Construction Total \$1,299,668.00**

**Notes:**

1. This estimate does not include surveying, engineering, landscaping, street trees, joint trench, or irrigation.
2. This estimate does not include cost for removal and/or replacement of existing utility poles and the utilities associated with the utility poles.
3. This estimate does not include cost for irrigation ditch removal, relocation, or pipe lining.
4. Estimate grading cost can vary due to shrinkage, stripping, site consolidation and other variable factors associated with earthwork.
5. Items not included as part of this estimate:
 

A. Good Neighbor Fencing	J. Easement acquisitions
B. Permits	K. Retaining Walls
C. Utility Fees	L. Landscape Design Improvements
D. City Fees, bond fees	M. Street Trees
E. Engineering/design fees	N. Tree Removal
F. Soils engineering cost	O. Mail Boxes
G. Power Pole Relocation	P. Existing Irrigation Facility Demolition
H. Construction Surveying	
I. Landscaping Fees	
6. This estimate is not intended for bidding purposes.

EXHIBIT "B"

EXHIBIT C

**CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-01 –  
THE VILLAS**

General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2016-01 and approved Final Development Plan #2016-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2016-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property. A maintenance easement shall be provided as required by the Public Works Director.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with the City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform to the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community and Economic Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any

permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community and Economic Development Department:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

30. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than

eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Department.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-

way of designated access roads;

- c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
  - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
  - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
  - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.
44. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.

Air Quality:

45. All residences shall exceed Title 24 energy requirements. As many energy conserving features as possible shall be included in the design and construction of new buildings. Examples include, but are not limited to, increased wall and ceiling installation, energy efficient lighting, high efficiency appliances, and solar assisted water heating.

46. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
47. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
48. Natural gas line and electrical outlets shall be included in the backyard or patio areas of residences to encourage the use of gas and/or electric barbecues.
49. Electrical outlets shall be installed around the exterior of residences to encourage use of electrical landscape maintenance equipment.
50. Only low emitting, EPA approved fireplace inserts and/or wood stoves or natural gas fireplaces shall be installed. No open hearth fireplaces shall be allowed.
51. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

Access and Circulation:

52. Prior to occupancy of the first residence within the gated community, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.
53. Center Avenue shall be constructed with a double turn lane along the length of the cemetery and the Whitehurst Funeral Chapel, or equivalent design, as approved by the City Engineer.
54. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
55. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.

56. The developer shall construct at least a half-section of any adjacent street on which the project borders, regardless of whether project access is taken from that street. The half-section shall be constructed in accordance with City standards, or as otherwise approved in the Vesting Tentative Tract Map, including, but not limited to curb, gutter, sidewalk, one-half of the planned travel lanes, median, decorative masonry wall, and landscaping.
57. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
58. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
59. Prior to approval of Final Improvement Plans, street sections for all streets shall be approved by the City Engineer.
60. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
61. Prior to approval of the Final Improvement Plan(s), all curb return radii less than 40 feet shall be reviewed for adequacy for turning movements of moving vans, fire apparatus, and other large vehicles, and adjusted accordingly.
62. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
63. Traffic calming measures throughout the project area shall be provided by the developer and approved by the Public Works Director.
64. All streets within private property shall be privately owned and maintained.

Landscape and Lighting District:

65. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative

the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

Utilities:

66. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.
67. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
68. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
69. Easements shall be provided across public property for the purpose of providing access for maintenance of public infrastructure.
70. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
71. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
72. All street lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.
73. All street lights within private property shall be privately owned and maintained.

Water:

74. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
75. Approved backflow devices shall be installed as required.
76. Domestic water services shall not be placed in driveways.
77. Final Improvement Plans shall indicate the locations of water line elbows and manholes.
78. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.
79. All water lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Sewer:

80. The existing Bluff Drive Sewer Pump Station capacity shall be upgraded to 1,900 gpm as identified in the Area Plan.
81. The existing force main in Page Avenue may need upgrades as determined by the Public Works Director as identified in the Area Plan.
82. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
83. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.
84. Final Improvement Plans shall indicate the locations of sewer line elbows and manholes.
85. All sewer lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Storm Drainage:

86. The development shall provide storm drainage to the new basin, and then discharge directly to CCID Canal, as described in the Storm Drain

Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.

87. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
88. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
89. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
90. All development shall comply with the Phase II storm water regulations.
91. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
92. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
93. The storm drainage basin shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes).
94. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
95. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.
96. All storm drain lines within the private property or common lots shall be privately owned and maintained.

Public Safety:

97. Prior to recordation of a Final Map, the developer shall form or annex the subject property to a Community Facilities District created for the purposes of funding public safety, as authorized by Government Code

Section 53313(a) and (b). The form, terms and conditions, and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.

98. On-street parking shall be prohibited in locations where a minimum 20-foot travel lane will not be maintained.
99. Emergency access to private property/ common areas shall be assured.
100. Gates at private streets shall be equipped with SOS Sire control System, Click to Enter controls, and Knox Box entry system approved by the Fire Chief. Manual operation or alternate access shall be provided for use in the event of a power outage.
101. The developer shall enter into an agreement with the City to assure that the developer or successor shall perform water system maintenance and maintain the required fire flow.
102. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
103. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
104. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
105. Each residence shall have 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
106. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
107. Street names shall be approved by the Fire Department.
108. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
109. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

Landscaping:

110. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
111. The developer shall comply with the adopted street tree ordinance.
112. Masonry walls shall be landscaped with vines to discourage graffiti.
113. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
114. A park dedication and improvement fee shall be paid with each building permit. Upon completion of public park improvements and dedication, the developer may be subject to reimbursement of park improvement fees for the expansion of Cresthills Park.
115. The developer shall include the following utilities in the parks: electrical, sewer, connections, storm drainage, and water service.
116. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
117. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

Notice: This approval may contain fees, dedications, reservations or other exactions as defined by the Mitigation Fee Act (Government code sections 66000 et seq.) This notice triggers the 90 day protest period as provided for by the Mitigation Fee Act.



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 *JSE*

**DATE:** December 19, 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

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**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. Adopt Resolution No. 6030 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;
4. Waive the second reading and adopt Ordinance No. 1167 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

**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.

On December 5, 2018, the Los Banos City Council held a public hearing and adopted Resolution No. 6029 approving Negative Declaration (SCH#2018101013) for the Los Banos Police Station Facility, provided a motion of intent to adopt Resolution 6030 for the General Plan Amendment, waived the first reading of Ordinance No. 1167 by title, and motioned to continue the public hearing to December 19, 2018.

**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

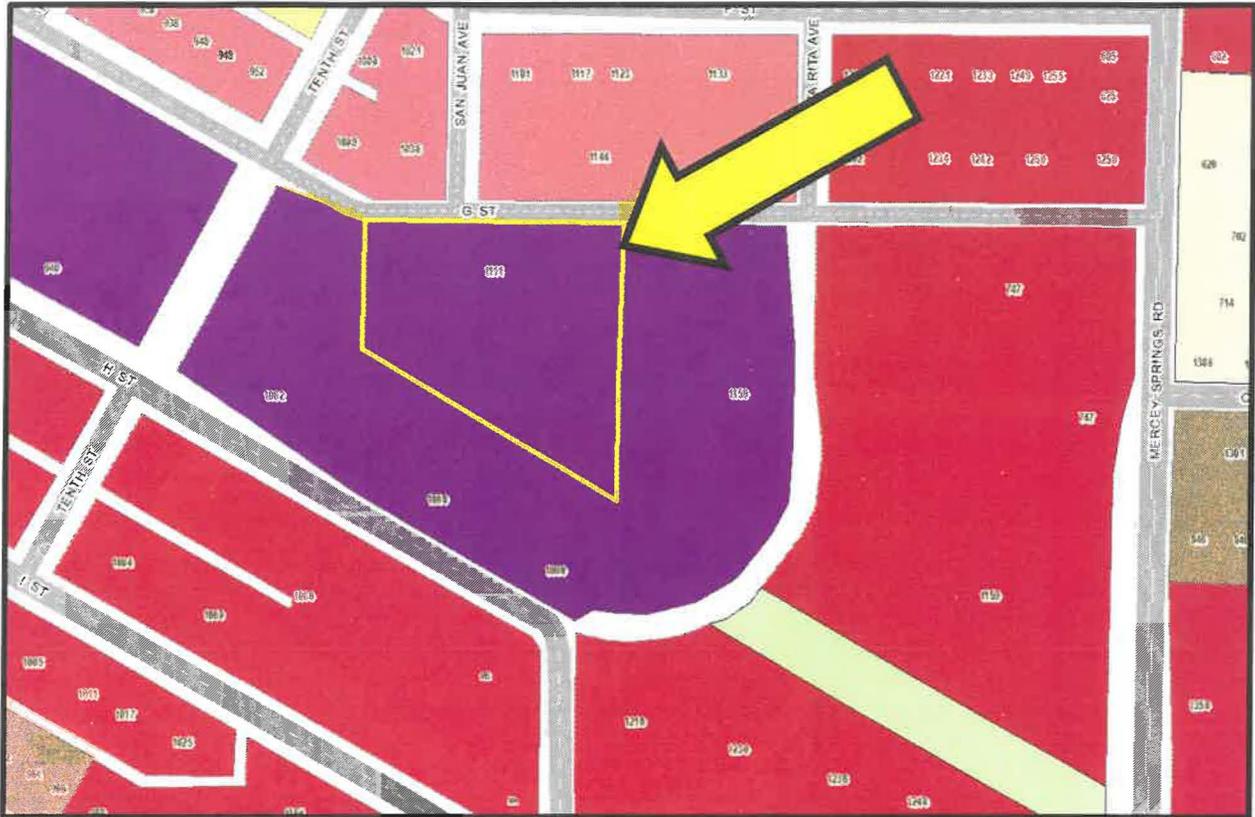
site is adjacent to the Los Banos Rail Trail, formerly the Union Pacific Railroad (UPRR) Company right-of-way corridor.

### 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:**



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Alex Terrazas, City Manager

**Attachments:**

1. Resolution to approve General Plan Amendment #2018-01  
Exhibit A: CEQA Findings  
Exhibit B: Findings for Approval
2. Ordinance to Re-Zone
3. Current General Plan Lan Use Map
4. Current Zoning Map
5. Public Hearing Notice – November 23, 2018

**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 19<sup>th</sup> 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 last. 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:

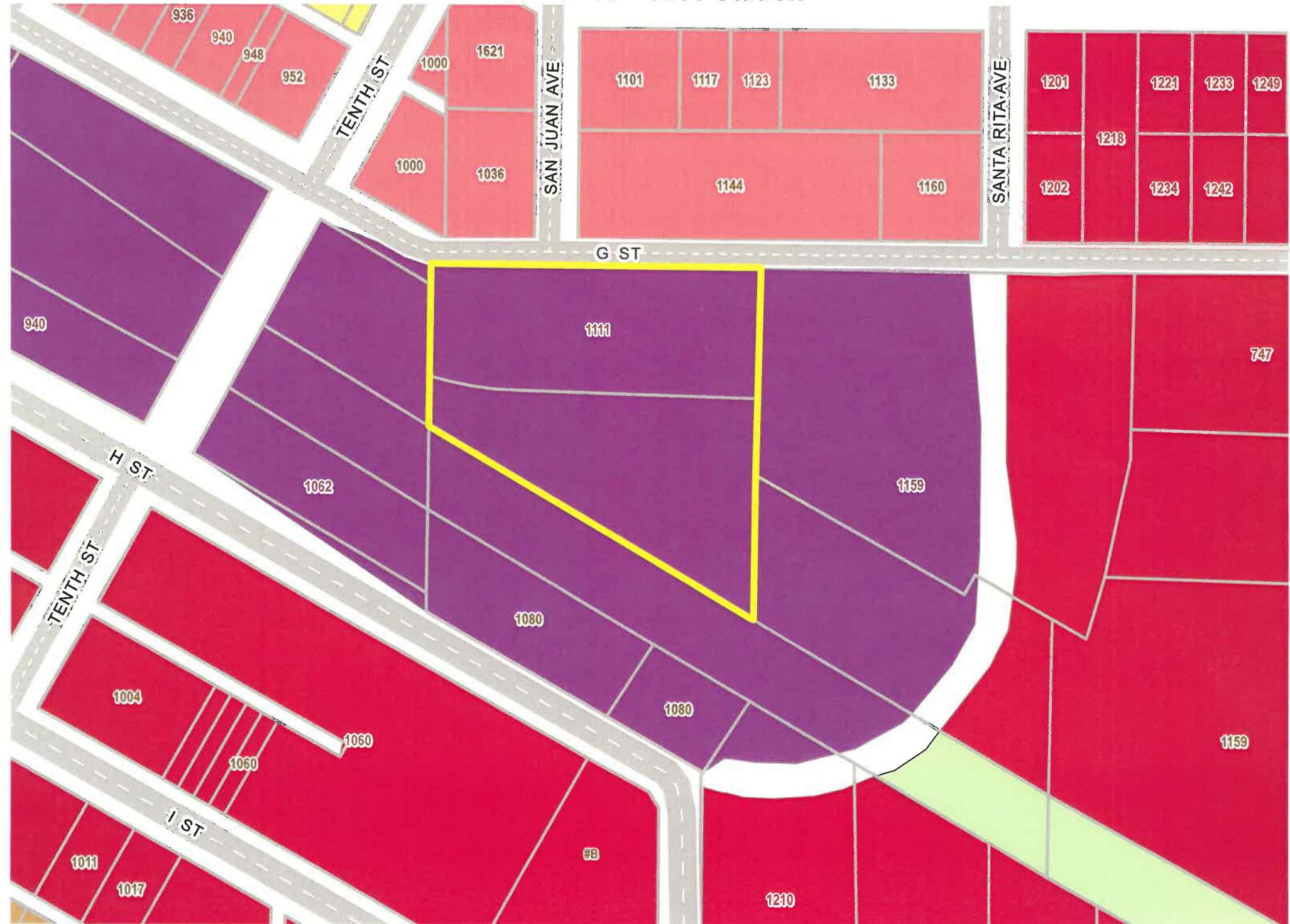
APPROVED:

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

ATTEST:

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

# Zoning Map Los Banos Police Station







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

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**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*

**Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** William A. Vaughn, City Attorney

**DATE:** December 19, 2018

**SUBJECT:** Resolution \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ESTABLISHING THE MEASURE "H" CITIZENS' OVERSIGHT COMMITTEE AND ADOPTING OPERATIONAL BYLAWS

**TYPE OF REPORT:** Non Consent Agenda

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**Recommendation:**

Adopt Resolution \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ESTABLISHING THE MEASURE "H" CITIZENS' OVERSIGHT COMMITTEE AND ADOPTING OPERATIONAL BYLAWS

**Background:**

On November 6, 2018, Los Banos voters enacted the Los Banos Essential City Services 1/2 Cent Sales Tax ("Measure H"). Measure H required the City Council to establish a citizens' oversight committee.

Measure H is codified in Chapter 12.2 of Title 3 of the Los Banos Municipal Code commencing with Section 3-12.2.01 (the "Ordinance"); Section 3-12.2.12 of the Ordinance contains a fiscal accountability provision that requires the City Council to create a citizens' oversight committee to review, make recommendations, and annually report on the revenue and expenditure of the funds from the tax adopted by the Ordinance in order to provide for citizens' oversight, transparency and accountability in connection with expenditures of tax revenues generated under the terms of the Ordinance.

## Discussion:

The proposed resolution establishes the Measure H Citizens' Oversight Committee and establishes bylaws that govern the purpose, appointment, membership requirements, duties and procedures for the Measure H Citizens' Oversight Committee.

The proposed Bylaws provide generally as follows:

- The Committee shall consist of five (5) members who are residents of Los Banos; registered voters; over 18 years of age;
- City employees (which includes city council members), consultants, or vendors are precluded from serving on the Committee. Members of the Committee shall not be prohibited from serving on other City commissions or committees.
- The City Council will appoint members based on an application and interview process.
- Each committee member shall complete ethics training as mandated by State Assembly Bill 1234. Members of the Committee shall not be, or have, any conflict of interest in the matters which they review.
- Terms of the members will be staggered so that the terms of three members end in even-numbered years while the terms of the other two members end in odd-numbered years. With the exception of the initial appointments each member will serve a term of two (2) years.
- Members will not be compensated for service on the Committee.
- The Committee is required to meet at least twice a year.
- All meetings shall be noticed and open to the public in accordance with the *Ralph M. Brown Act*.
- The specific duties of the Committee are as follows:
  1. To review, comment and make recommendations for the use of Measure H funds to the City Council each year prior to adoption of the annual budget/Measure H annual expenditure plan. Recommendations and comments of the Committee will be presented by the Finance Director during the budget workshop. City Council will consider the recommendations and comments of the Committee prior to budget adoption.
  2. Review the annual Performance Report and report Committee findings to the City Council at a public meeting. Finance Staff will present to the Committee an Annual Performance Report, the report will include the status

of revenues received and the use of expenditures for the most recently completed fiscal year. The Committee will be tasked with reviewing the annual report and reporting its finding to the City Council at a public meeting. All reports will be made available to the public on the City's website.

- The City Manager will designate/appoint City staff person(s) to serve as staff liaison(s) to the Committee. The liaison(s) will provide technical and administrative assistance to the Committee. The liaison(s) will be responsible for providing relevant information and receive and record all exhibits, documents, or other material presented to the Committee.
- The Committee's role shall expire and shall wind up its and terminate its work, publish its final report and disband as soon as possible after Measure H expires after fifteen (15) years.

**Fiscal Impact:**

None.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

Proposed resolution  
Ordinance No. 1166

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ESTABLISHING THE MEASURE "H" CITIZENS' OVERSIGHT COMMITTEE AND ADOPTING OPERATIONAL BYLAWS**

WHEREAS, The Los Banos City Council ("City Council") submitted to the voters of the City of Los Banos ("City") the Los Banos Essential City Services 1/2 Cent Sales Tax ("Measure H") for the election that was held on November 6, 2018;

WHEREAS, The election was conducted under the provisions of Part 1.6 (commencing with Section 7251) and Section 7285.91 of Part 7.1 in Division 2 of the California Revenue and Taxation Code;

WHEREAS, The voters of the City approved the Los Banos Essential City Services 1/2 Cent Sales Tax Ordinance as Measure H on the election ballot;

WHEREAS, Measure H is codified in Chapter 12.2 of Title 3 of the Los Banos Municipal Code commencing with Section 3-12.2.01 (the "Ordinance");

WHEREAS, Section 3-12.2.12 of the Ordinance contains a fiscal accountability provision that requires the City Council to create a citizens' oversight committee to review, make recommendations, and annually report on the revenue and expenditure of the funds from the tax adopted by the Ordinance in order to provide for citizens' oversight, transparency and accountability in connection with expenditures of tax revenues generated under the terms of the Ordinance; and

WHEREAS, The City Council desires to establish the bylaws that set forth the purpose, appointment and membership requirements, duties and procedures for the citizens' oversight committee.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council hereby establishes the Measure H Citizens' Oversight Committee (the "Committee").

2. The City Council adopts the Measure H Citizens' Oversight Committee Bylaws, attached as Exhibit "A," which is incorporated herein by reference, to establish the guidelines that govern the purpose, appointment, membership requirements, duties and procedures for the Measure H Citizens' Oversight Committee.

3. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

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 City Council

Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded by City Council Member \_\_\_\_\_, and the Resolution was adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

**CITY OF LOS BANOS  
MEASURE H CITIZENS' OVERSIGHT COMMITTEE BYLAWS**

On November 6, 2018, Los Banos voters enacted the Los Banos Essential City Services 1/2 Cent Sales Tax ("Measure H"). Measure H required the City Council to establish a citizens' oversight committee. The intent of these bylaws is not to expand nor restrict the Committee's responsibilities under Measure H but instead these bylaws are intended to implement the intended purpose of the citizens' oversight committee. The purposes of the Committee are set forth in Measure H, and these Bylaws are specifically made subject to the applicable provisions of Measure H as to the duties and responsibilities of the Committee.

**A. Committee Purpose.**

The purpose of the Committee is to review, make recommendations, and annually report on the revenue and expenditure of the funds from the ½ cent sales tax adopted by Measure H in order to provide for citizens' oversight, transparency and accountability in connection with expenditures of the tax revenues generated by Measure H.

The Committee shall confine itself specifically to its responsibilities under Measure H. Revenues from other sources shall fall outside the scope of the Committee's responsibilities.

**B. Composition and Qualifications.**

The Committee shall consist of five (5) members appointed by the City Council.

To be eligible to serve on the Committee, members must be:

1. at least 18 years of age and a registered voter; and
2. a resident of the City of Los Banos.

City employees, consultants, or vendors are expressly precluded from serving as members of the Committee.

Members of the Committee shall not be prohibited from serving on other City commissions or committees.

Each committee member shall complete ethics training as mandated by State Assembly Bill 1234. Members of the Committee shall not be, or have, any conflict of interest in the matters which they review.

**C. Appointment Process.**

The City Council will appoint members based on an application and interview process.

#### **D. Term of Membership.**

Terms of the members will be staggered so that the terms of three (3) members end in even-numbered years while the terms of the other two (2) members end in odd-numbered years. With the exception of the initial appointments each member will serve a term of two (2) years. At the Committee's first meeting after adoption of the original by-laws members will draw lots to select three (3) members to serve for an initial two (2) year term and the remaining members for an initial one (1) year term so that the terms of all members do not expire at the same time.

Terms shall expire on December 31<sup>st</sup> or until a successor is appointed whichever occurs last. Members whose terms have expired may continue to serve on the Committee until their successor has been appointed.

#### **E. Compensation.**

Members will not be compensated for service on the Committee.

#### **F. Removal; Vacancy.**

The City Council may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse. Upon a member's removal, his or her seat shall be declared vacant. The City Council shall fill any vacancies on the Committee. Vacancies shall be filled for the remaining unexpired term in the same manner as the original appointment.

#### **G. Authority of Members.**

Committee members shall not have the authority to direct City staff.

Individual members of the Committee retain the right to address the City Council, either on behalf of the Committee or as an individual.

The Committee and its members shall have the right to request and receive copies of reports and records relating to Measure H which have been prepared for the City Council and which have become public records.

#### **H. Meetings of the Committee.**

The Committee is required to meet at least twice a year.

All meetings shall be held within the City of Los Banos.

All meetings shall be noticed and open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted

according to Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century.

A majority of the five (5) Committee members shall constitute a quorum for the transaction of any business. The Committee shall not discuss items or subjects unless they are on the agenda for the meeting.

The City Council shall appoint the initial chair and vice-chair of the Committee. Thereafter the Committee shall annually elect the chair and vice chair from among its members. The vice-chair shall act as chair only when the chair is absent.

#### **I. Duties of the Committee.**

The specific duties of the Committee are as follows:

1. To review, comment and make recommendations for the use of Measure H funds to the City Council each year prior to adoption of the annual budget/Measure H annual expenditure plan. Recommendations and comments of the Committee will be presented by the Finance Director during the budget workshop. City Council will consider the recommendations and comments of the Committee prior to budget adoption.
2. Review the annual Performance Report and report Committee findings to the City Council at a public meeting. Finance Staff will present to the Committee an Annual Performance Report, the report will include the status of revenues received and the use of expenditures for the most recently completed fiscal year. The Committee will be tasked with reviewing the annual report and reporting its finding to the City Council at a public meeting. All reports will be made available to the public on the City's website.

#### **J. City Staff Assistance.**

The City Manager will designate/appoint City staff person(s) to serve as staff liaison(s) to the Committee. The liaison(s) will be responsible for providing relevant information and receive and record all exhibits, documents, or other material presented to the Committee.

The liaison(s) will provide technical and administrative assistance to the Committee as follows:

1. Preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the City Council;

2. Provision of a meeting room, including any necessary audio/visual equipment;
3. Preparation and copies of any documentary meeting materials, such as agendas and reports;
4. Retention of all Committee records;
5. Providing public access to Committee records on an Internet website maintained by the City, and
6. Printing and mailing of any required reports.

City staff when necessary shall attend all Committee meetings in order to report on the status of projects and the expenditures of Measure H revenue.

#### **K. Amendment of Bylaws.**

Any amendment to these Bylaws shall require approval by a majority vote of the City Council.

#### **L. Expiration.**

The Committee's role shall expire and shall wind up its and terminate its work, publish its final report and disband as soon as possible after Measure H expires after fifteen (15) years.

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.

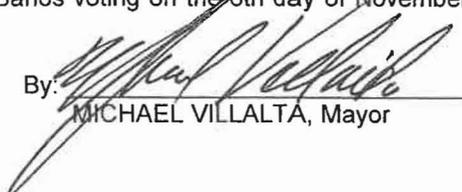
**Section 5:** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent

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.

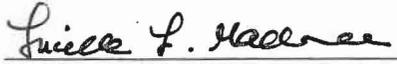
**Section 6:** Pursuant to Elections Code Section 9217, this ordinance shall be deemed adopted and become effective only if approved by a majority of the eligible voters of the City of Los Banos voting thereon, at an election to be held on November 6, 2018, and shall take effect ten (10) days after the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

## Agenda Staff Report

**TO:** Mayor & City Council Members

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

**DATE:** December 19, 2018

**SUBJECT:** Announcement to Advertise for Measure H Citizens' Oversight Committee Members

**TYPE OF REPORT:** Agenda

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### Recommendation:

Informational item only.

### Discussion:

With the creation of the Measure H Citizens' Oversight Committee the City will advertise the five (5) vacancies in the Los Banos Enterprise and on the City's website. The deadline to submit an application to serve on the committee is Wednesday, January 30, 2019.

Attached is a copy of the City's *Application for Commission / Committee Appointment* with the addition of the Measure H Citizens' Oversight Committee. The City Council will appoint members based on the application and interview process like other City Commissions.

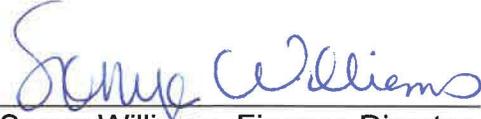
### Fiscal Impact:

Two (2) newspaper advertisements (December 28, 2018 and January 11, 2019) at a total cost of approximately \$350.00.

**Reviewed by:**



Alex Terrazas, City Manager

  
Sonya Williams, Finance Director

**Attachments:**

Application for Commission / Committee Appointment  
Resolution No. 5008 – Policy for Appointments to City Commissions and Boards



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

**APPLICATION FOR COMMISSION / COMMITTEE APPOINTMENT**

Name \_\_\_\_\_

Address \_\_\_\_\_ Telephone # \_\_\_\_\_

Optional: E-mail address \_\_\_\_\_ Cell # \_\_\_\_\_

Please indicate the Commission/Committee for which you wish to apply (circle one):

- Planning Commission      Parks & Recreation Commission      Airport Commission
- Tree Commission      Economic Development Advisory Commission (EDAC)
- Measure P Committee      Measure H Citizens' Oversight Committee

How long have you resided in the City of Los Banos? \_\_\_\_\_ Are you a registered voter? \_\_\_\_\_

Would you be available for meetings in the daytime? \_\_\_\_\_ evenings? \_\_\_\_\_ both? \_\_\_\_\_

Why are you interested in serving on this commission/committee? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List education, training or special knowledge which might be relevant to this appointment. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please indicate any further information that will be of value regarding your appointment. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_ Date \_\_\_\_\_  
(Please print)

Signature \_\_\_\_\_

**Please submit application to:  
Los Banos City Clerk's Office  
520 J Street, Los Banos CA 93635  
(209) 827-7000 ext. 2424**

**RESOLUTION NO. 5008**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LOS BANOS ESTABLISHING A POLICY  
FOR APPOINTMENTS TO CITY COMMISSIONS  
AND BOARDS**

WHEREAS, the City Council adopted Ordinance No 1069 amending Title 2, Chapter 2 of the Los Banos Municipal Code relating to appointments to City Commissions and Boards, and

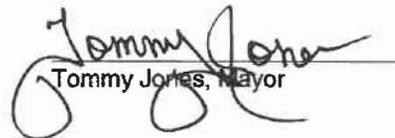
WHEREAS, the City Council desires to adopt a policy for appointments to City Commissions and Boards

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve the attached policy entitled "Policy and Procedures for Appointments to City Commissions And Boards" as set forth in forth in Exhibit A attached hereto and incorporated herein by this reference

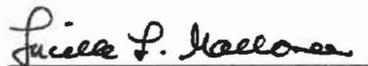
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 2<sup>nd</sup> day of April 2008, by Council Member Faria, who moved its adoption, which motion was duly seconded by Council Member Sousa, and the Resolution is hereby adopted by the following vote

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

APPROVED

  
Tommy Jones, Mayor

ATTEST

  
Lucille L. Mallonee, City Clerk

“EXHIBIT A”

**POLICY AND PROCEDURES FOR APPOINTMENTS TO  
CITY COMMISSIONS AND BOARDS**

**PURPOSE** To establish a more formal and inclusive selection process for the recruitment and appointment of the best qualified candidates for Commissioners to City Commissions and Boards that allows for all community members the opportunity to become involved in local government by serving on City Commissions and Boards

1 **Local Appointment List** The City Clerk shall maintain and provide the Local Appointment List as required by Government Code

a On or before December 31 of each year, the City Clerk shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the City Council. This list shall be known as the Local Appointments List. The list shall contain the following information:

(i) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

(ii) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

b The Local Appointments List shall be made available to members of the public for a reasonable fee which shall not exceed actual cost. The City Clerk shall forward a copy of the list to the Merced County Public Library Los Banos Branch.

2 **Notice of Vacancy** At a regular City Council Meeting the City Clerk will report to the City Council approximately sixty days prior to the date of expiration of a term of office of a commissioner or board member. At a regular City Council Meeting the City Clerk will also report to the City Council any board or commission unscheduled vacancy for reasons other than the expiration of the term of office.

3 **Advertisement** The City Clerk will post notice of the vacancies and application deadlines at the City Clerk's Office, the Merced County Public Library, the City website, and a newspaper of general circulation within the City. For unscheduled vacancies, the City Clerk will post notice of the vacancy not earlier than twenty days before or not later than twenty days after the vacancy occurs.

4 **Applications**

a A standard application form together with supplemental questions will be provided by the City Clerk to persons interested in appointment to a vacant office.

b Incumbent commissioners and board members seeking reappointment, as well as new applicants, will complete the application forms and return them to the City Clerk by the designated deadline in order to be considered for appointment. However, a board member or commissioner who has been appointed to fill an unexpired term within the previous twelve months will not be required to complete and file a new application.

c Applicants are expected to have attended at least one meeting of the board or commission for which they are seeking appointment.

d Applications will only be accepted for specific vacancies. Persons who have applied for previous vacancies will be kept on an interest list for a period of two years by the City Clerk and be mailed notices of pending vacancies during that period.

e In the event there are not two or more applicants than vacancies the application filing deadline may be extended by the City Clerk.

5 Interview Committee. The Mayor and a selected Council Member and appropriate Department Head will review applications and interview applicants.

a The Committee will interview all of the applicants, including incumbents, who have submitted applications by the designated deadline. The Committee may conduct interviews by telephone. A candidate who is unable to be interviewed will be dropped from consideration.

6 Appointments

a With the input of the other Interview Committee members, the Mayor shall recommend a candidate for appointment to the full City Council. Appointments are made at regular or special meetings of the City Council.

b If the City Council is unable to reach the necessary number of appointments for whatever reason, the City Council may then proceed to seek additional applicants and continue the appointment process.



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 19, 2018

**SUBJECT:** Appointment of Council Members to Serve on the City Commission Selection Committee

**TYPE OF REPORT:** Agenda

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### **Recommendation:**

Appoint a City Council Member to serve with the Mayor on a Selection Committee to assist in filling vacancies on the following City Commissions:

1. Airport Commission
2. Economic Development Advisory Commission
3. Parks & Recreation Commission
4. Planning Commission
5. Tree Commission
6. Measure H Citizens' Oversight Committee

### **Discussion:**

The City Clerk must report current and upcoming vacancies on City Commissions; those vacancies are advertised in the Los Banos Enterprise and on the City's website. The deadline to submit an application to serve on a City Commission was Friday, November 30, 2018.

In order to fill City Commission vacancies, pursuant to the Los Banos Municipal Code, an ad hoc committee is formed by selecting City Council Members, on a rotating basis,

to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council.

**Fiscal Impact:**

None.

**Reviewed by:**

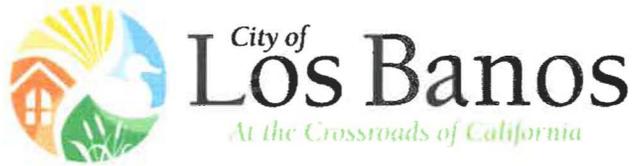
A handwritten signature in blue ink, appearing to be 'AT', is written above a horizontal line.

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Alex Terrazas, City Manager

**Attachments:**

Notice of Vacancies



## NOTICE OF VACANCIES ON CITY COMMISSIONS

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

### Airport Advisory Commission – Three (3) Vacancies

Three (3) Two (2) Year Terms – Expiring December 31, 2020

### Economic Development Advisory Commission – Three (3) Vacancies

Three (3) Two (2) Year Terms – Expiring December 31, 2020

### Los Banos Parks & Recreation Commission – Three (3) Vacancies

Three (3) Two (2) Year Terms – Expiring December 31, 2020

### Los Banos Planning Commission – Five (5) Vacancies

One (1) Unexpired Term – Expiring December 31, 2019

Four (4) Two (2) Year Terms – Expiring December 31, 2020

### Los Banos Tree Commission – Two (2) Vacancies

Two (2) Two (2) Year Terms – Expiring December 31, 2020

### Measure P Committee – Two (2) Vacancies

Two (2) Three (3) Year Terms – Expiring December 31, 2021

The various commissions meet once or twice a month and serve as advisory bodies to the City Council and Administrative Officials on such actions as they deem necessary, proper or advisable for the proper administration of City functions. Commissioners receive no compensation for their time, although they may be requested to attend training workshops or seminars at City expense. If you are interested in volunteering to serve on any of the City Commissions and are a resident and qualified elector of the City of Los Banos, please contact the City Clerk's Office at City Hall, 520 J Street, 827-7000 ext 124 to request an application or access an application on the City's website: [www.losbanos.org](http://www.losbanos.org). The **deadline** to submit an application to the City Clerk is **Friday, November 30, 2018 before 5:00 p.m.**, and the appointments are tentatively scheduled for the City Council meeting of Wednesday, January 2, 2019.



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 19, 2018

**TYPE OF REPORT:** Agenda Item

**SUBJECT:** Commissions and Boards District Representation

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**Recommendation:**

Staff recommends that the City Council provide comment and direction regarding district representation for Commissions and Boards.

**Background:**

In November of 2014, the citizens of Los Banos voted to adopt a by-district method of election for City Council Members. The voters established four (4) electoral districts for the election of City Council Members and election of the Mayor at-large. The measure adopted by the voters is codified in Title 2, Chapter 1, Article 1 of the Los Banos Municipal Code. A map for the four (4) districts is attached.

“By-district” means one (1) member of the City Council shall be elected from each district by the voters of that district. The Council Member elected to represent a district must reside in that district.

The first by-district election was held in November of 2016 for Districts 1 (Johnson-Santos) and 4 (Lewis). The second by-district election was held in November of 2018 for Districts 2 (Faria) and 3 (Jones).

Pursuant to Government Code Section 40605, the Mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute. Los Banos City Council Resolution No. 5008 established a policy for appointments to City Commission and Boards and is attached to this Staff Report for reference.

The City currently has the following five (5) Commissions and Boards:

- Los Banos Parks and Recreation Commission (5 members)
- Los Banos Planning Commission (7 members)
- Los Banos Tree Commission (5 members)
- Economic Development Advisory Commission (7 members)
- Los Banos Airport Advisory Commission (5 members)

The members of the foregoing Commissions and Boards are selected at-large and not by-district.

**Discussion:**

Due to the change from at large elections to by-district, staff is seeking comments and direction as to whether the City Council would like to consider district representation for appointments for some or all of the City Commissions and Boards.

City staff is proposing the City Council consider providing direction on one of the following options:

- Direct staff to create an Ordinance that implements district representation for Commissions that consists of at least one (1) Commission Member from each district and no more than two (2) Commission Members from any single district.
- Direct staff to create an Ordinance that appoints one (1) Commission Member from each of the four (4) districts with remaining Commission Members appointed at-large and not representing any particular district.
- Direct staff to create an Ordinance that implements district representation for the Planning Commission only, as they advise the City Council on decisions involving land use development and land use that is geographically based.
- Direct staff not to change the Ordinance.

**Pros to District Representation:**

1. Promotes geographic representation of Commissions
2. Addresses the needs of underserved neighborhoods
3. Represents viewpoints of diverse community residents

**Cons to District Representation:**

1. Limits the pool of eligible applicants for appointment

**Conclusion:**

Staff is seeking direction from the City Council regarding district representation for Commissions and Boards. If directed to pursue changes, staff would bring the item back for City Council consideration in February. In the meantime, the City Council would continue to follow the current policy which establishes a commission selection committee to interview potential Commission Members.

In the interim, as the City Council will be considering appointments for Commission and Boards for terms that expire on December 31<sup>st</sup>, staff recommends the City Council consider striving for a goal to appoint Commission Members representative of each district.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

1. Resolution 5008
2. Los Banos City Council Election District Map

**RESOLUTION NO. 5008**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LOS BANOS ESTABLISHING A POLICY  
FOR APPOINTMENTS TO CITY COMMISSIONS  
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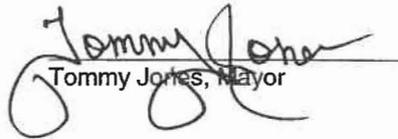
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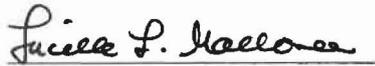
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 2<sup>nd</sup> day of April 2008, by Council Member Faria, who moved its adoption, which motion was duly seconded by Council Member Sousa, and the Resolution is hereby adopted by the following vote

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

APPROVED

  
Tommy Jones, Mayor

ATTEST

  
Lucille L. Mallonee, City Clerk

"EXHIBIT A"

**POLICY AND PROCEDURES FOR APPOINTMENTS TO  
CITY COMMISSIONS AND BOARDS**

PURPOSE To establish a more formal and inclusive selection process for the recruitment and appointment of the best qualified candidates for Commissioners to City Commissions and Boards that allows for all community members the opportunity to become involved in local government by serving on City Commissions and Boards

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# City of Los Banos District Boundary Map

