



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

FEBRUARY 6, 2019

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.

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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.

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

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)
Faria ____, Johnson-Santos ____, 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 #214374 – #214667 in the Amount of \$1,160,392.92.

Recommendation: Approve the check register as submitted.

B. Second Quarter Investment Report for the 2018/2019 Fiscal Year.

Recommendation: Accept the report as submitted.

C. City Council Resolution No. 6043 – Approving an Amendment to Division 5 – Personnel Benefits as it Pertains to Peace Officers Standard & Training (POST) Incentive Pay for Police Department Unrepresented Sworn and Non-sworn Personnel and Division 5-K – Workers’ Compensation Reporting Policy as it Pertains to Clarifying Supervisor Responsibilities of the City’s Policy & Procedures Manual.

Recommendation: Approve the resolution as submitted.

D. City Council Resolution No. 6044 – Amending the Fiscal Year 2018-2019 Budget by Increasing Appropriations in Expenditures for Landscape and Lighting District #12 (Mission Estates) in the Amount of \$3,907.59 for Storm Drain Maintenance.

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 an Amendment of Annexation No. 11 to the City of Los Banos Community Facilities District (CFD) No. 2002-01 (Public Safety Services), Relative to the Shaunessy Village Located East of Mercey Springs Road and North of Scripps Drive; East Center Area Plan Located East of Center Avenue, North of Pioneer Road and West of Cresthills Subdivision; and Northpointe at Regency Park Located East of Westminister Way, South of San Simeone Way, and West of the San Luis Canal.

1) City Council Resolution No. 6045 – Acting in Its Capacity as the Legislative Body of CFD No. 2002-01 of the City of Los Banos (Public Safety Services), Calling an Election Regarding the Annexation of

Certain Property to CFD No. 2002-01 of the City of Los Banos (Public Safety Services) and to Levy a Special Tax therein to Finance Certain Public Safety Services for Such CFD No. 11.

Recommendation: Open the public hearing, receive public comment, and adopt the resolution as submitted.

*** * * * * RECESS TO CONDUCT ELECTION * * * * ***
(Approximately 5 minutes)

- 2) City Council Resolution No. 6046 – Acting in Its Capacity as the Legislative Body of CFD No. 2002-01 of the City of Los Banos (Public Safety Services) Declaring the Results of a Special Tax Election and Annexing Certain Territory Annexation No. 11.

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

8. CONSIDERATION OF ORDINANCE NO. 1168 – AMENDING CHAPTER 16 TITLE 3 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CONTRACTING FOR PUBLIC WORKS PROJECTS (ASSEMBLY BILL 2249).
(Second Reading & Adoption)

Recommendation: Receive the staff report, waive the second reading and adopt the ordinance.

9. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6047 – ESTABLISHING A POLICY REGARDING BY DISTRICT REPRESENTATION TO THE LOS BANOS PLANNING COMMISSION.

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

10. COMMUNITY & ECONOMIC DEVELOPMENT UPDATE.

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

11. NEW POLICE STATION UPDATE PRESENTATION.

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

12. ADVISEMENT OF PUBLIC NOTICES. (No Report)

13. CITY MANAGER REPORT.

- A. Report Pursuant to Government Code Section 54953(c)(3) Executive Compensation: Fire Chief.

14. CITY COUNCIL MEMBER REPORTS.

- A. Tom Faria

B. Daronica Johnson-Santos

C. Brett Jones

D. Deborah Lewis

E. Mayor Mike Villalta

15. CLOSED SESSION.

A. 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, Legal Counsel Tuffo; Employee Organizations: Los Banos Police Officers Association (LBPOA), Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA) and Unrepresented Miscellaneous Employees.

16. ADJOURNMENT.

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



Lucille L. Mallonee, City Clerk

Dated this 1st day of February 2019

CK # 214374 - # 214664

02/06/2019

\$1,160,392.92

Bank Reconciliation

Checks by Date



City of
Los Banos
At the Crossroads of California

User: jcanchola
Printed: 01/29/2019 - 8:10AM
Cleared and Not Cleared Checks
Print Void Checks

Check No	Check Date	Name	Module	Void	Amount
214374	1/11/2019	All Weather Inc	AP		1,900.00
214375	1/11/2019	American Society of Composers,Authors & Publishers	AP		357.00
214376	1/11/2019	Ameripride Services	AP		274.02
214377	1/11/2019	Aramark Uniform Ser Inc	AP		888.95
214378	1/11/2019	AT&T	AP		83.74
214379	1/11/2019	Richard A Blak Phd	AP		400.00
214380	1/11/2019	Bonander Auto Truck and Trailer	AP		216.50
214381	1/11/2019	Brenntag Pacific Inc	AP		4,104.53
214382	1/11/2019	BSK Associates	AP		1,075.00
214383	1/11/2019	CNA Surety	AP		290.00
214384	1/11/2019	City Clerks Association of California - CCAC	AP		185.00
214385	1/11/2019	Central Sanitary Supply	AP		128.25
214386	1/11/2019	Comcast	AP		808.00
214387	1/11/2019	Copy Shipping Solutions	AP		1,272.79
214388	1/11/2019	LN Curtis & Sons	AP		2,820.31
214389	1/11/2019	Delta Wireless, Inc.	AP		546.00
214390	1/11/2019	Fastenal Company	AP		344.32
214391	1/11/2019	Federal Express Corporation	AP		6.51
214392	1/11/2019	Golden State Flow Measurement	AP		3,878.60
214393	1/11/2019	Galls Inc	AP		339.48
214394	1/11/2019	Great West Equipment, Inc	AP		202.12
214395	1/11/2019	Hach Company	AP		102.51
214396	1/11/2019	Holt of California	AP		143.50
214397	1/11/2019	Indigo/Hammond & Playle Architects, LLP	AP		20,400.39
214398	1/11/2019	Kone Inc.	AP		696.57
214399	1/11/2019	Lehigh Hanson Heidelberg Cement Group	AP		1,303.46
214400	1/11/2019	Lucas Business Systems	AP		1,119.53
214401	1/11/2019	Marfab Inc	AP		18.00
214402	1/11/2019	McNamara Sports Inc	AP		382.57
214403	1/11/2019	Merced Chevrolet Inc.	AP		1,000.70
214404	1/11/2019	Merced Truck & Trailer Inc	AP		346.09
214405	1/11/2019	MOO, Inc.	AP		80.52
214406	1/11/2019	NDN International LLC	AP		1,282.57
214407	1/11/2019	The Office City	AP		107.57
214408	1/11/2019	OSE	AP		619.75
214409	1/11/2019	O'Reilly Auto Parts	AP		813.57
214410	1/11/2019	PG&E Company	AP		9.53
214411	1/11/2019	Pinnacle Medical Group	AP		40.00
214412	1/11/2019	Protech Security & Electronics, Inc.	AP		210.00
214413	1/11/2019	Razzari Dodge Chrysler Jeep	AP		108.25
214414	1/11/2019	SJVAPCD	AP		370.00
214415	1/11/2019	SESAC, Inc.	AP		875.00
214416	1/11/2019	Save Mart Supermarkets	AP		286.37
214417	1/11/2019	Henry Schein Inc.	AP		689.59
214418	1/11/2019	Sharpening Shop	AP		164.01
214419	1/11/2019	Shred-It US JV LLC	AP		369.15
214420	1/11/2019	Smith & Loveless Inc	AP		1,285.96
214421	1/11/2019	Snap On Tools	AP		46.28
214422	1/11/2019	Sorensens True Value	AP		477.02

214423	1/11/2019	Sorensens True Value	AP	39.45
214424	1/11/2019	Sprint Solutions, Inc.	AP	227.94
214425	1/11/2019	Technicon Engineering Services, Inc.	AP	2,658.00
214426	1/11/2019	Terry Equipment, Inc.	AP	1,102.96
214427	1/11/2019	Terminix Processing Center	AP	94.00
214428	1/11/2019	Top Dog Police K9 Training and Consulting, LLC	AP	350.00
214429	1/11/2019	Manuel D. Vaz	AP	147.11
214430	1/11/2019	Westside Water Conditioning	AP	388.00
214431	1/11/2019	Matthew Culley	AP	86.60
214432	1/11/2019	Zee Medical Service Co	AP	126.24
214433	1/11/2019	CDTFA California Dept. of Tax & Fee	AP	96.00
214434	1/11/2019	Chevron Usa Inc	AP	171.54
214435	1/11/2019	Bradley Ellien	AP	335.33
214436	1/11/2019	IPMA-CCC	AP	225.00
214437	1/11/2019	Provost and Pritchard Engineering, Inc.	AP	12,801.50
214438	1/11/2019	SWRCB Accounting Office	AP	33,952.00
214439	1/11/2019	Tap Master, Inc.	AP	19,740.00
214440	1/11/2019	Tractor Supply Credit Plan	AP	578.16
214441	1/11/2019	Law Offices of William A Vaughn	AP	22,467.40
214453	1/18/2019	Aflac-Customer Service	AP	494.24
214454	1/18/2019	Los Banos Fitness &	AP	398.00
214455	1/18/2019	Los Banos Police Assn	AP	385.00
214456	1/18/2019	Los Banos Police Assn	AP	175.00
214457	1/18/2019	Los Banos Police Assn	AP	910.00
214458	1/18/2019	MassMutual	AP	1,498.13
214459	1/18/2019	MassMutual	AP	3,817.50
214460	1/18/2019	Merced County Sheriff	AP	150.00
214461	1/18/2019	Nationwide Retirement Solutions	AP	2,727.50
214462	1/18/2019	Professional Fire Fighter	AP	630.00
214463	1/18/2019	State Disbursement Unit	AP	1,168.50
214464	1/18/2019	Vantagepont Transfer Agents - 306797	AP	794.00
214465	1/18/2019	Vantagepoint Transfer Agents - 705827	AP	25.00
214466	1/18/2019	Vantagepoint Transfer Agents - 801838	AP	2,700.00
214467	1/18/2019	A & A Portables Inc	AP	228.37
214468	1/18/2019	Abbott & Kindermann, Inc.	AP	203.29
214469	1/18/2019	Alert-O-Lite, Inc.	AP	541.25
214470	1/18/2019	Aramark Uniform Ser Inc	AP	503.33
214471	1/18/2019	AT&T Mobility	AP	26.86
214472	1/18/2019	AT&T	AP	37.55
214473	1/18/2019	AT&T	AP	824.88
214474	1/18/2019	Backflow Apparatus & Valve Co.	AP	116.70
214475	1/18/2019	Dorothy June Baker	AP	185.76
214476	1/18/2019	Timothy Baptista Sr	AP	16.00
214477	1/18/2019	BJ's Consumers Choice	AP	306.00
214478	1/18/2019	Brinks Inc.	AP	688.00
214479	1/18/2019	Bruce's Tire Inc	AP	1,558.42
214480	1/18/2019	BSK Associates	AP	575.00
214481	1/18/2019	Cal Traffic	AP	3,573.12
214482	1/18/2019	Cheryl R. Chandler	AP	428.10
214483	1/18/2019	Central Valley Concrete Inc.	AP	365.34
214484	1/18/2019	Clark Pest Control Inc	AP	93.00
214485	1/18/2019	Comcast	AP	10.56
214486	1/18/2019	CPCA	AP	145.00
214487	1/18/2019	LN Curtis & Sons	AP	90.60
214488	1/18/2019	Judy Cabrera	AP	500.00
214489	1/18/2019	Ernest Packaging Solutions	AP	231.17
214490	1/18/2019	Farmer Brothers Coffee	AP	149.47
214491	1/18/2019	Fastenal Company	AP	327.44
214492	1/18/2019	Fast Track Car Wash	AP	112.00

214493	1/18/2019	FBINAA	AP	120.00
214494	1/18/2019	Federal Express Corporation	AP	10.67
214495	1/18/2019	Gouveia Engineering Inc.	AP	20,011.45
214496	1/18/2019	Holt of California	AP	320.68
214497	1/18/2019	Home Depot	AP	3,656.66
214498	1/18/2019	Integrated Electronics	AP	90.00
214499	1/18/2019	JB Anderson Land Use Planning	AP	1,110.00
214500	1/18/2019	David A Jones	AP	2,360.00
214501	1/18/2019	Krazan & Associates	AP	937.50
214502	1/18/2019	League of California Cities	AP	391.83
214503	1/18/2019	Los Banos Enterprise	AP	74.70
214504	1/18/2019	Lucas Business Systems	AP	647.83
214505	1/18/2019	Michelle Lee	AP	1,650.00
214506	1/18/2019	Marfab Inc	AP	631.51
214507	1/18/2019	Matrix Consulting Group, Ltd.	AP	4,220.00
214508	1/18/2019	Matson Alarm Co Inc	AP	181.00
214509	1/18/2019	Merced Chevrolet Inc.	AP	17.38
214510	1/18/2019	Merced County Environmental Health	AP	355.00
214511	1/18/2019	Merced County Regional Waste Management Authority	AP	2,379.87
214512	1/18/2019	Merced County Regional Waste Management Authority	AP	2,885.14
214513	1/18/2019	Merced County Weights & Measures	AP	142.20
214514	1/18/2019	Merced Truck & Trailer Inc	AP	50.48
214515	1/18/2019	Monterey Auto Services Inc.	AP	1,214.35
214516	1/18/2019	MOO, Inc.	AP	168.85
214517	1/18/2019	Idalia Martinez	AP	600.00
214518	1/18/2019	NFPA	AP	175.00
214519	1/18/2019	Nixon-Egli Equipment Co. of Southern California	AP	643.56
214520	1/18/2019	Old Dominion Brush Company, Inc.	AP	587.84
214521	1/18/2019	O'Reilly Auto Parts	AP	917.94
214522	1/18/2019	The Phone Connection Inc	AP	266.25
214523	1/18/2019	PlaceWorks, Inc.	AP	1,662.61
214524	1/18/2019	Purchase Power Inc	AP	4,000.00
214525	1/18/2019	Protech Security & Electronics, Inc.	AP	315.00
214526	1/18/2019	Randik Paper Co	AP	311.80
214527	1/18/2019	Michael K. Sanders	AP	1,797.50
214528	1/18/2019	Sample Traps LLC	AP	450.00
214529	1/18/2019	Santos Ford Inc.	AP	209.18
214530	1/18/2019	Save Mart Supermarkets	AP	87.50
214531	1/18/2019	Sherwin Williams Co	AP	186.25
214532	1/18/2019	Frank Silveria	AP	475.00
214533	1/18/2019	Snap On Tools	AP	94.18
214534	1/18/2019	Sorensens True Value	AP	596.64
214535	1/18/2019	Graciela Sanchez	AP	150.00
214536	1/18/2019	Traffic Logix Corp.	AP	2,703.51
214537	1/18/2019	Robert Contreras	AP	33.67
214538	1/18/2019	Anthony Perez	AP	17.62
214539	1/18/2019	Paula Tine	AP	62.52
214540	1/18/2019	Home Sweet Home Property Management	AP	62.52
214541	1/18/2019	Westhill Real Estate	AP	19.26
214542	1/18/2019	Raul Escatel	AP	22.14
214543	1/18/2019	Sylvia Morrison	AP	19.26
214544	1/18/2019	Brooke Landeros	AP	2.96
214545	1/18/2019	Aldina Real Estate	AP	74.04
214546	1/18/2019	Wendy Perez	AP	11.03
214547	1/18/2019	Brandy Castillo	AP	48.10
214548	1/18/2019	Wendy Velasquez Castillo	AP	13.49
214549	1/18/2019	DVP, LP	AP	53.87
214550	1/18/2019	Rajpal & Amarjit Sangha	AP	74.04
214551	1/18/2019	Verizon Wireless	AP	0.32

214552	1/18/2019	Westside Water Conditioning	AP	30.18
214553	1/18/2019	Windecker Inc	AP	16,221.09
214554	1/18/2019	Allied Waste Services #917	AP	272,825.47
214555	1/18/2019	Sandra Benetti	AP	20.00
214556	1/18/2019	CSG Consultants Inc.	AP	14,801.02
214557	1/18/2019	McNamara Sports Inc	AP	8,468.81
214558	1/18/2019	Merced County Auditor Controller	AP	275.00
214559	1/18/2019	Merced County Regional Waste Management Authority	AP	77,184.50
214560	1/18/2019	Sarah Orozco	AP	353.56
214561	1/18/2019	Anthony Parker	AP	735.00
214562	1/18/2019	Price Paige and Company Accountancy Corporation	AP	18,500.00
214563	1/18/2019	Rolfe Construction	AP	343,748.00
214564	1/18/2019	Secretary of State	AP	40.00
214565	1/18/2019	S.K. Nelson & Company	AP	4,481.30
214566	1/18/2019	Tyler Wilson	AP	360.00
214567	1/18/2019	Willdan Financial Services	AP	6,227.00
214568	1/24/2019	Westamerica Bank - Cafeteria Plan	AP	54,152.36
214569	1/25/2019	Ameripride Services	AP	276.02
214570	1/25/2019	Animal Damage Management, Inc.	AP	1,550.00
214571	1/25/2019	Anthony Gomes	AP	1,138.28
214572	1/25/2019	Aramark Uniform Ser Inc	AP	1,015.11
214573	1/25/2019	AT&T	AP	1,206.29
214574	1/25/2019	AT&T	AP	84.25
214575	1/25/2019	BJ's Consumers Choice	AP	156.00
214576	1/25/2019	Richard A Blak Phd	AP	400.00
214577	1/25/2019	Brenntag Pacific Inc	AP	Void 4,936.20
214578	1/25/2019	Broadcast Music, Inc	AP	358.00
214579	1/25/2019	BSK Associates	AP	301.00
214580	1/25/2019	Ca Dept of Justice	AP	1,413.00
214581	1/25/2019	Central Valley Toxicology, Inc	AP	78.00
214582	1/25/2019	Clark Pest Control Inc	AP	93.00
214583	1/25/2019	Coffee Break Service Inc.	AP	197.80
214584	1/25/2019	Comcast	AP	212.16
214585	1/25/2019	Comcast	AP	808.00
214586	1/25/2019	CPS	AP	621.50
214587	1/25/2019	Docs Towing & Transport, Inc.	AP	325.00
214588	1/25/2019	Josephine Diaz	AP	600.00
214589	1/25/2019	Ernest Packaging Solutions	AP	557.28
214590	1/25/2019	Fastenal Company	AP	560.02
214591	1/25/2019	Fast Track Car Wash	AP	21.00
214592	1/25/2019	Gouveia Engineering Inc.	AP	1,065.75
214593	1/25/2019	Hach Company	AP	74.05
214594	1/25/2019	Helena Chemical Co Inc	AP	119.89
214595	1/25/2019	Henry Miller RD	AP	600.00
214596	1/25/2019	noe Hernandez	AP	500.00
214597	1/25/2019	J.J. Keller & Associates, Inc.	AP	33.61
214598	1/25/2019	Johnnie's Cleaners	AP	164.00
214599	1/25/2019	Kimball Midwest	AP	383.53
214600	1/25/2019	Kings View Corporation	AP	400.00
214601	1/25/2019	LC Action Police Supply, LTD	AP	472.97
214602	1/25/2019	Los Banos Medical Group A Medical Corp.	AP	584.00
214603	1/25/2019	Lucas Business Systems	AP	324.64
214604	1/25/2019	Marfab Inc	AP	343.97
214605	1/25/2019	McNamara Sports Inc	AP	1,720.83
214606	1/25/2019	Merced Chevrolet Inc.	AP	28.37
214607	1/25/2019	Merced County Law Enforcement Chief's Association	AP	125.00
214608	1/25/2019	MOO, Inc.	AP	79.15
214609	1/25/2019	NDN International LLC	AP	2,980.76
214610	1/25/2019	The Office City	AP	405.38

214611	1/25/2019	OSE	AP	813.68
214612	1/25/2019	Old Dominion Brush Company, Inc.	AP	237.05
214613	1/25/2019	O'Reilly Auto Parts	AP	561.21
214614	1/25/2019	Diane Osorio	AP	200.00
214615	1/25/2019	PG&E Company	AP	3,998.20
214616	1/25/2019	Pacheco Veterinary	AP	907.00
214617	1/25/2019	Provost and Pritchard Engineering, Inc.	AP	1,352.00
214618	1/25/2019	Sherwin Williams Co	AP	314.99
214619	1/25/2019	Sorensens True Value	AP	889.22
214620	1/25/2019	Sorensens True Value	AP	94.90
214621	1/25/2019	Specialty Distributors, Inc.	AP	194.40
214622	1/25/2019	Sprint Solutions, Inc.	AP	987.74
214623	1/25/2019	Stanislaus Business Alliance Inc.	AP	650.00
214624	1/25/2019	Syar Industries Inc.	AP	1,939.19
214625	1/25/2019	Telcion Communications Group	AP	1,464.62
214626	1/25/2019	Terryberry Company LLC	AP	119.10
214627	1/25/2019	Terry Equipment, Inc.	AP	94.44
214628	1/25/2019	United Textile	AP	197.65
214629	1/25/2019	Alvina Flores	AP	88.48
214630	1/25/2019	Jesus & Guillermina Mendoza	AP	1.97
214631	1/25/2019	D.R. Horton	AP	87.25
214632	1/25/2019	Mohammed Ibrahim	AP	1.97
214633	1/25/2019	D.R. Horton	AP	89.37
214634	1/25/2019	Linda Truong	AP	68.28
214635	1/25/2019	Pedro Nomberto Cerna	AP	50.97
214636	1/25/2019	Steve Lawrence	AP	33.67
214637	1/25/2019	Nichole Wright	AP	62.52
214638	1/25/2019	D.R. Horton	AP	90.08
214639	1/25/2019	Pacifica L 27	AP	16.38
214640	1/25/2019	Westhill Real Estate, Tony	AP	82.70
214641	1/25/2019	Robert Manzanedo	AP	45.21
214642	1/25/2019	Grace Zonio	AP	7.71
214643	1/25/2019	D.R. Horton	AP	81.58
214644	1/25/2019	Isabel Canas	AP	6.11
214645	1/25/2019	Home Sweet Home Property Management	AP	25.01
214646	1/25/2019	Verizon Wireless	AP	1,257.93
214647	1/25/2019	Liliana Valles	AP	600.00
214648	1/25/2019	West Publishing Corporation	AP	342.64
214649	1/25/2019	Windecker Inc	AP	10,475.18
214650	1/25/2019	Young's Air Conditioning	AP	413.00
214651	1/25/2019	Sean Bayard	AP	12.00
214652	1/25/2019	California Building Standards Commission	AP	533.70
214653	1/25/2019	Todd Carter	AP	12.00
214654	1/25/2019	Teresa Chagnon	AP	3.03
214655	1/25/2019	Chevron Usa Inc	AP	123.22
214656	1/25/2019	City of Gustine	AP	140.00
214657	1/25/2019	City of Los Banos Escrow Account	AP	1,065.14
214658	1/25/2019	Dell Marketing L P	AP	9,294.08
214659	1/25/2019	Dept of Conservation	AP	1,491.18
214660	1/25/2019	Dept of Housing & Community Development State NSP	AP	11,099.00
214661	1/25/2019	Mary Lou Gilardi	AP	261.22
214662	1/25/2019	Safeguard Business System, Inc.	AP	169.74
214663	1/25/2019	US Bank Corp Pymt System	AP	18,323.85
214664	1/25/2019	Young's Air Conditioning	AP	6,045.67

Total Void Check Count:	1
Total Void Check Amount:	4,936.20
Total Valid Check Count:	279
Total Valid Check Amount:	1,155,456.72
Total Check Count:	280
Total Check Amount:	1,160,392.92

Break in check sequence due to the following:

Check #214442 - 214452 (Payroll)



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Kim Tomas, City Treasurer/Accounting & Budget Supervisor ^(KT)
DATE: February 6, 2019
TYPE OF REPORT: Consent Agenda
SUBJECT: Second Quarter Investment Report for 2018/2019

Recommendation:

To accept the quarterly investment report as submitted.

Background:

The City of Los Banos follows its investment policy to assure that it invests all surplus inactive monies in a manner which ensures a maximum return consistent with safety on such investments while maintaining the integrity of such surplus and inactive funds. A quarterly investment report provides proof that City funds are invested in such a manner. It includes all investments except funds held by the City's trustees. Funds held by trustees include bond reserve funds, deferred compensation plans, and other post retirement benefit funds.

Fiscal Impact:

Informational only, no fiscal impact.

Reviewed by:

Alex Terrazas, City Manager

Sonya Williams, Finance Director

Attachments:

City of Los Banos Second Quarter 2018/2019 Investment Report



City of
Los Banos
At the Crossroads of California

In accordance with Government Code Section 53646 and the City of Los Banos Investment Policy, the following shall constitute the quarterly report of investments on behalf of the City of Los Banos:

**Investment Balances
As of December 31, 2018**

Type of Investment	Issuer	Maturity	Amount Invested	Annual Percentage Yield
LAIF (Local Agency Investment Fund)	State of California	Daily	\$54,092,215	2.32% effective yield
Bonds, Treasury Money Market Funds and CD's (Certificate of Deposits)	Wells Fargo Securities	Staggered 5 years	\$12,297,282	1.45% - 2.45%
Investment Balance:			\$66,389,497	

1. As of the date of this report, the majority of the City of Los Banos funds are invested in the State of California Local Agency Investment Fund (LAIF), in accordance with section 16429.1 of the Governmental Code.
2. As of the date of this report, the remainder of the City of Los Banos' funds are deposited in Corporate Bonds, and various FDIC insured Certificates of Deposits held with Wells Fargo Securities, LLC. Therefore, as provided by Governmental Code Section 53646 (e) attached are the most recent statement(s) received by the City of Los Banos.
3. The portfolio of the City of Los Banos is in compliance with the City of Los Banos' Investment Policy.
4. The investment balances are reconciled monthly to the General Ledger by the Finance Department.
5. It is expected that the City will be able to meet its projected expenditure requirements for the next six months.

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif/laif.asp
January 16, 2019

CITY OF LOS BANOS

PMIA Average Monthly Yields

CITY TREASURER
520 J STREET
LOS BANOS, CA 93635

Account Number:

Tran Type Definitions

December 2018 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	54,092,215.47
Total Withdrawal:	0.00	Ending Balance:	54,092,215.47



CALIFORNIA STATE TREASURER FIONA MA, CPA



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
12/24/18	2.31	2.20	195
12/25/18	2.31	2.21	195
12/26/18	2.31	2.21	192
12/27/18	2.32	2.21	193
12/28/18	2.32	2.21	192
12/29/18	2.32	2.21	192
12/30/18	2.32	2.21	192
12/31/18	2.32	2.21	192
01/01/19	2.32	2.32	192
01/02/19	2.32	2.32	196
01/03/19	2.33	2.33	195
01/04/19	2.34	2.33	194
01/05/19	2.34	2.33	194
01/06/19	2.34	2.33	194
01/07/19	2.34	2.33	192
01/08/19	2.34	2.33	190
01/09/19	2.34	2.33	191
01/10/19	2.34	2.34	189
01/11/19	2.34	2.34	188
01/12/19	2.34	2.34	188
01/13/19	2.34	2.34	188
01/14/19	2.35	2.34	185
01/15/19	2.36	2.34	187
01/16/19	2.36	2.34	188
01/17/19	2.36	2.34	189
01/18/19	2.37	2.34	190
01/19/19	2.37	2.35	190
01/20/19	2.37	2.35	190
01/21/19	2.37	2.35	190
01/22/19	2.37	2.35	188
01/23/19	2.37	2.35	187

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

LAIF Performance Report

Quarter Ending 12/31/18

Apportionment Rate: 2.40
 Earnings Ratio: 0.00006573663340150
 Fair Value Factor: 0.999051127
 Daily: 2.32%
 Quarter to Date: 2.21%
 Average Life: 192

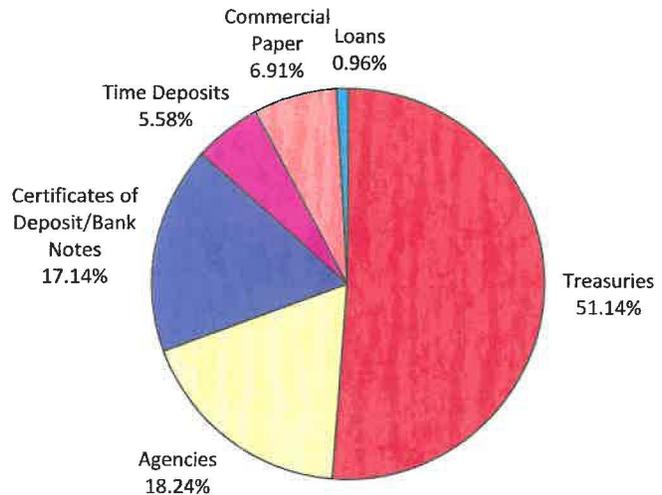
PMIA Average Monthly Effective Yields

Dec 2018 2.291
 Nov 2018 2.208
 Oct 2018 2.144

Pooled Money Investment Account Portfolio Composition

12/31/18

\$83.3 billion



Percentages may not total 100%, due to rounding.



Bank Account Statement

Wells Fargo Bank, N.A.

Statement Period
12/01/2018 - 12/31/2018

Wells Fargo Bank, N.A.
45 FREMONT ST
FLOOR 34
SAN FRANCISCO, CA 94105-2204

WILLIAMS/LEWIS
1-800-353-4331

CITY OF LOS BANOS

Account Number

Account Value Summary *USD*

This summary does not reflect the value of unpriced securities. Repurchase agreements are reflected at par value.

	Amount Last Statement Period	Amount This Statement Period	% Portfolio
Cash	\$ 0.00	\$ 0.00	0%
Money Market Mutual Funds	4,828,319.33	4,841,831.93	39%
Bonds	7,426,141.84	7,455,450.07	61%
Stocks	0.00	0.00	0%
Total Account Value	\$ 12,254,461.17	\$ 12,297,282.00	100%
Value Change Since Last Statement Period		\$ 42,820.83	
Percent Increase Since Last Statement Period		0%	
Value Last Year-End		\$ 12,159,052.35	
Percent Increase Since Last Year-End		1%	

Income Summary *USD*

	This Period	Year-To-Date
Interest	\$ 4,939.56	\$ 182,917.31
Dividends/Capital Gains	0.00	0.00
Money Market Mutual Funds Dividends	8,573.04	64,132.18
Other	0.00	0.00
Income Total	\$ 13,512.60	\$ 247,049.49

Interest Charged *USD*

Description	This Period
Debit Interest For December 2018	0.00
Total Interest Charged	\$ 0.00

Money Market Mutual Funds Summary *USD*

Description	Amount
Opening Balance	\$ 4,828,319.33
Deposits and Other Additions	4,939.56
Distributions and Other Subtractions	0.00
Dividends Reinvested	8,573.04
Change in Value	0.00
Closing Balance	\$ 4,841,831.93

Statement Ending: December 31, 2018

CITY OF LOS BANOS

Account Number:

Portfolio Holdings *Security positions held with Wells Fargo Bank N.A.*

Security ID	Description	Maturity Date	Coupon	Current Par / Original Par	Market Price*	Market Value	Original Par Pledged**	Callable
Bonds USD								
319141BE6	FIRST BK HIGHLAND PK INTEREST BEARING CERTIFICATE OF DEPOSIT	04/09/19	1.900%	245,000.000	99.8408	244,609.96		Y
06740KGG6	BARCLAYS BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	04/15/19	1.900%	190,000.000	99.8586	189,731.34		
88413QAM0	THIRD FEDERAL SAV&LOAN INTEREST BEARING CERT OF DEP	04/19/19	1.800%	245,000.000	99.8527	244,639.12		
795450SC0	SALLIE MAE BK INT BEAR CERT OF DEPOSIT	07/30/19	2.050%	245,000.000	99.6683	244,187.34		
87165HCF5	SYNCHRONY BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	08/01/19	2.050%	245,000.000	99.6934	244,248.83		
14042E6A3	CAPITAL ONE NA INTEREST BEARING CERTIFICATE OF DEPOSIT	08/26/20	2.350%	245,000.000	98.9794	242,499.53		
140420UQ1	CAPITAL ONE BANK USA INTEREST BEARING CERTIFICATE OF DEPOSIT	08/26/20	2.350%	245,000.000	99.0433	242,656.09		
687377DS7	ORRSTOWN BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	08/28/20	2.000%	245,000.000	98.4683	241,247.34		Y
20033AMF0	COMENITY CAPITAL BANK INTEREST BEARING CERT OF DEP	08/31/20	2.300%	245,000.000	98.9446	242,414.27		
40434AC72	HSBC BK USA NA INTEREST BEARING CERTIFICATE OF DEPOSIT	11/17/20	1.600%	250,000.000	99.9799	249,949.75		
05580ADQ4	BMW BANK NA INTEREST BEARING CERTIFICATE OF DEPOSIT	01/22/21	2.100%	245,000.000	98.4707	241,253.22		
38148J6M8	GOLDMAN SACHS BANK USA INTEREST BEARING CERTIFICATE OF DEPOSIT	01/27/21	2.100%	245,000.000	97.4720	238,806.40		
48125YS47	JP MORGAN CHASE BANK NA INTEREST BEARING CERTIFICATE OF DEPOSIT	04/19/21	1.550%	250,000.000	96.5589	241,397.25		Y
58733ACR8	MERCANTIL COMMERCEBANK INTEREST BEARING CERTIFICATE OF DEPOSIT	05/13/21	1.600%	250,000.000	96.7688	241,922.00		
31938QS54	FIRST BUSINESS BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	06/24/21	1.500%	250,000.000	96.1256	240,314.00		
51210SLV7	LAKESIDE BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	09/16/21	1.550%	250,000.000	95.5552	238,888.00		Y
32117HAN5	FIRST NATIONAL BK BERLIN INTEREST BEARING CERTIFICATE OF DEPOSIT	09/24/21	1.500%	250,000.000	95.5298	238,824.50		Y

CITY OF LOS BANOS

Account Number:

Portfolio Holdings (Continued) *Security positions held with Wells Fargo Bank N.A.*

Security ID	Description	Maturity Date	Coupon	Current Par / Original Par	Market Price*	Market Value	Original Par Pledged**	Callable
Bonds USD								
29266N3W5	ENERBANK USA INTEREST BEARING CERTIFICATE OF DEPOSIT	09/29/21	1.450%	250,000.000	95.4758	238,689.50		
03753XAL4	APEX BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	09/30/21	1.500%	250,000.000	95.6019	239,004.75		
81423LCA8	SECURITY FED BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	09/30/21	1.500%	250,000.000	95.5001	238,750.25		Y
96926CAE2	WILLIAM PENN BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	09/30/21	1.500%	250,000.000	95.5001	238,750.25		Y
8562846A7	STATE BANK OF INDIA INTEREST BEARING CERTIFICATE OF DEPOSIT	01/26/22	2.250%	245,000.000	97.1627	238,048.62		
2546723C0	DISCOVER BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	02/15/22	2.250%	245,000.000	97.0751	237,834.00		
13063DAD0	CALIFORNIA ST TXBL-HIGH-SPEED PASSENGER TRAI	04/01/22	2.367%	1,500,000.000	98.5390	1,478,085.00		N
02587DN38	AMERICAN EXPR CENTURION INTEREST BEARING CERTIFICATE OF DEPOSIT	04/05/22	2.450%	245,000.000	96.9398	237,502.51		
02587CEM8	AMERICAN EXPRESS BK FSB INTEREST BEARING CERTIFICATE OF DEPOSIT	05/03/22	2.350%	250,000.000	96.4785	241,196.25		
				7,625,000.000		7,455,450.07	0.00	

*See important information regarding security pricing on Page 2.

**Total amount that is pledged to or held for another party or parties. Refer to the Pledge Detail Report for more information.

Daily Account Activity

Your investment transactions during this statement period.

Transaction / Trade Date	Settlement / Effective Date	Activity	Security ID	Description	Par / Quantity	Price	Principal Amount	Income Amount	Debit / Credit Amount
12/13/18	12/13/18	Interest	58733ACR8	MERCANTIL COMMERCEBANK				328.77	328.77
12/17/18	12/17/18	Interest	51210SLV7	LAKESIDE BANK INTEREST BEARING				318.49	318.49
12/24/18	12/24/18	Interest	31938QS54	FIRST BUSINESS BANK INTEREST				1,880.14	1,880.14
12/26/18	12/26/18	Interest	32117HAN5	FIRST NATIONAL BK BERLIN				308.22	308.22
12/28/18	12/28/18	Interest	687377DS7	ORRSTOWN BANK INTEREST BEARING				402.74	402.74

CITY OF LOS BANOS

Account Number:

Daily Account Activity (Continued)

Your investment transactions during this statement period.

Transaction / Trade Date	Settlement / Effective Date	Activity	Security ID	Description	Par / Quantity	Price	Principal Amount	Income Amount	Debit / Credit Amount
Income / Payment Activity USD									
12/31/18	12/31/18	Interest	20033AMF0	COMENITY CAPITAL BANK INTEREST				478.59	478.59
12/31/18	12/31/18	Interest	96926CAE2	WILLIAM PENN BANK INTEREST				308.22	308.22
12/31/18	12/31/18	Interest	81423LCA8	SECURITY FED BANK INTEREST				308.22	308.22
12/31/18	12/31/18	Interest	29266N3W5	ENERBANK USA INTEREST BEARING				297.95	297.95
12/31/18	12/31/18	Interest	03753XAL4	APEX BANK INTEREST BEARING				308.22	308.22

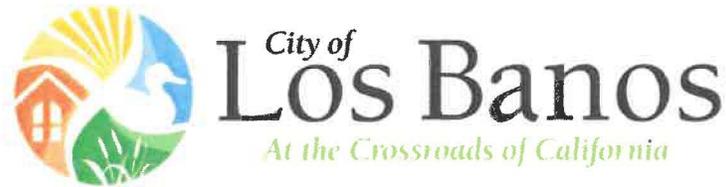
Money Market Fund Activity

WF 100% Treas S 8	Dividend earned this period	7 day* simple yield	30 day* simple yield
*As of December 31, 2018			
USD	0.55	1.890%	1.850%

Transaction Date	Activity	Shares	Price	Market Value (\$)	Dividend Amount	Share Balance
	Beginning Balance		1.0000	343.48		343.48
12/31/18	Reinvest	0.55			0.55	344.03
	Ending Balance		1.0000	344.03		344.03

WF 100% Trea Adm 3722	Dividend earned this period	7 day* simple yield	30 day* simple yield
*As of December 31, 2018			
USD	8,572.49	2.090%	2.050%

Transaction Date	Activity	Shares	Price	Market Value (\$)	Dividend Amount	Share Balance
	Beginning Balance		1.0000	4,827,975.85		4,827,975.85
12/13/18	Purchase	328.77		328.77		4,828,304.62
12/17/18	Purchase	318.49		318.49		4,828,623.11
12/24/18	Purchase	1,880.14		1,880.14		4,830,503.25
12/26/18	Purchase	308.22		308.22		4,830,811.47
12/28/18	Purchase	402.74		402.74		4,831,214.21
12/31/18	Purchase	1,701.20		1,701.20		4,832,915.41
12/31/18	Reinvest	8,572.49			8,572.49	4,841,487.90
	Ending Balance		1.0000	4,841,487.90		4,841,487.90



Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: February 6, 2019

SUBJECT: Amending Division 5 – Personnel Benefits and Division 5-K – Workers’ Compensation Reporting Policy of the City’s Policy & Procedures Manual

TYPE OF REPORT: Consent Agenda

Recommendation:

That the Council adopt a resolution amending Divisions 5 and 5-K of the City’s Policy & Procedures Manual.

Discussion:

Division 5 – Personnel Benefits is being updated to include Peace Officer Standards & Training (P.O.S.T.) incentive pay for Police Department unrepresented sworn and non-sworn personnel.

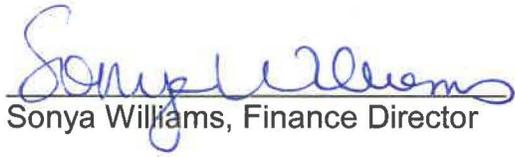
Police Department unrepresented sworn and non-sworn personnel are currently receiving P.O.S.T incentive pay; however, there is no stated policy reflecting this practice. The City is now adding its current practice into the policy manual, with the exception of the Records Supervisor Certificate, which is a new certificate incentive pay being added.

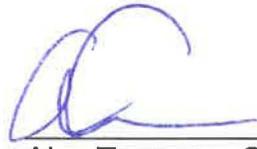
Division 5-K – Workers’ Compensation Reporting Policy is being updated to clarify Supervisor responsibilities in regards to procedures used when reporting workers’ compensation claims.

Fiscal Impact:

There is a fiscal impact of \$1,200 per year for the one employee who currently qualifies for the P.O.S.T. Records Supervisor Certificate. Ongoing costs may increase if other employees qualify for these certificates.

Reviewed by:


Sonya Williams, Finance Director



Alex Terrazas, City Manager

Attachment:

Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AN AMENDMENT TO DIVISION 5 – PERSONNEL BENEFITS AND DIVISION 5-K – WORKERS’ COMPENSATION REPORTING POLICY OF THE CITY’S POLICY & PROCEDURES MANUAL

WHEREAS, the City Council of the City of Los Banos has received a request that Division 5 – Personnel Benefits, of the City of Los Banos Policy & Procedures Manual, be amended to reflect changes associated with Peace Officer Standards & Training (P.O.S.T.) incentive pay for Police Department unrepresented sworn and non-sworn personnel; and

WHEREAS, the City Council of the City of Los Banos has received a request that Division 5-K – Workers’ Compensation Reporting Policy, of the City of Los Banos Policy & Procedures Manual, be amended to reflect changes associated with Supervisor responsibilities in regards to procedures used when reporting workers’ compensation claims; and

WHEREAS, the City Council has reviewed said request and approves the amendment to Division 5 – Personnel Benefits, of the City of Los Banos Policy & Procedures Manual and shall read as attached on "Exhibit A"; and

WHEREAS, the City Council has reviewed said request and approves the amendment to Division 5K – Workers’ Compensation Reporting Policy, of the City of Los Banos Policy & Procedures Manual and shall read as attached on "Exhibit B"; and

NOW, THEREFORE, BE IT RESOLVED THAT the foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 6th day of February 2019, 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

Updated: ~~June 20, 2018~~ February 6, 2019

**DIVISION 5
PERSONNEL BENEFITS**

SEC. 5001 INTRODUCTION

The purpose of this Division is to identify the Employee Fringe Benefits Package as established by City Council Resolution.

SEC. 5002 FRINGE BENEFITS DEFINED

As used in this Division the term "Fringe Benefits" shall be construed to mean those specified rights, privileges, and payments provided by the City to an entitled employee as supplemental compensation above their base salary.

SEC. 5003 ENTITLED EMPLOYEES DEFINED

For the purposes of this Division, the term "Entitled Employee" refers to those persons who are employed in Regular (full-time) capacity with the City of Los Banos. Part-time, Provisional, and Volunteer Employees shall not be entitled to Fringe Benefit Compensation, except when such benefits are being provided by the City in accordance with: a) the requirements of a Federal or State Law, b) a written contractual agreement approved by the City, or c) a Memorandum of Understanding (MOU) between a specific employee or employee group and the City.

SEC. 5004 ESTABLISHMENT OF FRINGE BENEFITS

The Fringe Benefit Package for entitled employees is established by City Council Resolution for each fiscal year (July 1 – June 30) of the City.

SEC. 5005 BENEFITS PROVIDED TO ALL UNREPRESENTED REGULAR EMPLOYEES

A. Medical Insurance Benefits

The City will contract with the California Public Employees Retirement System (CalPERS) for the purpose of providing employees with medical insurance benefits. The City's maximum monthly contribution for each eligible active employee for the purchase of medical insurance will be equal to the minimum monthly employer contribution required under the Public Employees' Medical and Hospital Care Act (PEMHCA).

B. Cafeteria Plan

The City will maintain a Cafeteria Plan, pursuant to Section 125 of the Internal Revenue Code, for the purpose of providing employees with access to various health

and welfare benefits. Benefits available through the Cafeteria Plan include, but are not limited to, medical, dental, vision, and life insurance benefits.

1. Employees hired before April 1, 2010, enrolled in City-offered CalPERS health insurance, and not represented by a City-recognized bargaining unit:

The City will provide on a monthly basis, for the purpose of providing minimum essential coverage to employees and dependents, a Cafeteria Plan Allowance based on the employee's level of health care coverage as provided below:

- Employee Only: Up to \$984; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.
- Employee Plus One: Up to \$1,968; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.
- Employee Plus Family: Up to \$2,558; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.

2. Employees hired on or after April 1, 2010, enrolled in City-offered CalPERS health insurance, and not represented by a City-recognized bargaining unit:

The City will provide, on a monthly basis, for the purpose of providing minimum essential coverage to employees and dependents, a Cafeteria Plan Allowance, based on the employee's level of health care calculated to cover the following:

- Employee Only: One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, up to \$984; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.
- Employee Plus One: Ninety percent (90%) of the premium for employee plus one coverage for the plan selected by the employee, up to \$1,771; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.

- Employee Plus Family: Eighty percent (80%) of the premium for employee plus family coverage for the plan selected by the employee, up to \$2,046; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.
3. Employee enrollment in the City-provided life insurance plan and City-provided dental and vision plans is mandatory.
 4. Any increase to minimum monthly employer contribution under PEMHCA will result in a corresponding decrease in the employee's Cafeteria Plan Allowance.
 5. Employees who opt out of participating in the group medical plans sponsored by the City, and who provide proof of their medical coverage in a group plan, will receive a Cafeteria Plan Allowance of \$485 per month, of which part must be used to enroll in mandatory life insurance, dental insurance and vision insurance coverage.
 6. Dental and Vision Insurance: The City will contribute to the employee's Cafeteria Plan Allowance (as indicated above in Cafeteria Plan Allowance description).
 7. Life Insurance: The City will pay the full premium cost for \$50,000 coverage in City approved Life Insurance for the entitled employee.

C. Retirement Program

1. Miscellaneous Employees: Regular employees, hired before January 1, 2011 will receive a CalPERS retirement benefit based on the 2.7% @ 55 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 2.7% @ 55 Plan.

Regular employees, hired on or after January 1, 2011, will receive a CalPERS retirement benefit based on the 2% @ 60 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 2% @ 60 Plan.

Qualifying employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA) will receive the 2% at age 62 retirement formula, and shall be subject to the provisions of PEPRA, including provisions governing reportable compensation.

2. Public Safety Employees: Regular employees, hired before January 1, 2011 will receive a CalPERS retirement benefit based on the 3% @ 50 formula as set

forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 3% @ 50 Plan.

Regular employees, hired on or after January 1, 2011, will receive a CalPERS retirement benefit based on the 3% @ 55 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 3% @ 55 Plan.

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

D. Retiree Medical

1. The City will provide access to medical insurance coverage for those employees who retire from employment with the City and who constitute "annuitants" as defined by the PEMHCA.

The City's maximum monthly contribution for each eligible annuitant will be equal to the minimum employer contribution required under the PEMHCA, referred to in Section IV(A). The provisions of the PEMHCA will govern medical insurance coverage for annuitants.

2. Employees hired before October 1, 2002 and who, at the time of retirement, constitute an "annuitant" as defined by the PEMHCA, will receive the following:
 - a. From the date of retirement and until such time the retiree becomes eligible for Medicare, the City will contribute an amount equal to the health plan premium cost for the employee's elected health care plan up to the amount of the premium for the Blue Shield Health Maintenance Organization (HMO) or if the Blue Shield HMO is not offered in the area, rates are based on the lowest available plan offered by CalPERS, less the City's minimum monthly employer contribution under PEMHCA.
 - b. Upon attaining Medicare eligibility, the City will contribute an amount equal to the health plan premium cost for the elected health care plan up to the amount of the premium for the Blue Shield Health Maintenance Organization (HMO) or if the Blue Shield HMO is not offered in the area, rates are based on the lowest available plan offered by CalPERS, supplemental Medicare plan, offered by CalPERS, less the amount of the City's minimum monthly employer contribution under PEMHCA.

- c. Employees will not be entitled to City payments, as specified above, during employment.
3. Employees hired between October 1, 2002 and June 30, 2008 and who, at the time of retirement, constitute an "annuitant" as defined by the PEMHCA, will receive the following:
 - a. From the date of retirement and until such time that the retiree becomes eligible for Medicare, the City will contribute an amount to cover fifty percent (50%) of the Blue Shield Access HMO plan for employees with ten (10) years of service, plus an additional five percent (5%) of the cost of the Blue Shield Access HMO plan for each additional year of service beyond ten (10) years, up to one-hundred percent (100%) of the Blue Shield Access HMO plan after twenty (20) years of service, less the amount of the City's minimum monthly employer contribution under PEMHCA.
 - b. Upon attaining Medicare eligibility, the City's contribution will equal the cost of fifty percent (50%) of the supplemental Medicare plan offered by CalPERS for employees with ten (10) years of service, plus an additional five percent (5%) of the cost of the supplemental Medicare plan offered by CalPERS for each additional year of service beyond ten (10) years, up to one-hundred percent (100%) of the supplemental Medicare plan offered by CalPERS after twenty (20) years of service, less the amount of the City's minimum monthly employer contribution under PEMHCA.
 - c. Employees will not be entitled to City payments, as specified above, during employment.
- E. Health Savings Plan (HSP): For Employees hired on or after July 1, 2008: The City of Los Banos has established a program to which the City and employees participate to save, on a tax deferred basis, money to help pay the cost of healthcare once an individual retires. The HSP may be used for expenses as provided under the terms of the Plan. Any tax consequences resulting from City contributions to the HSP are the sole responsibility of the employee. Participation is mandatory for all employees.
 1. Participation is mandatory for all employees.
 2. Starting after an employee has successfully completed his or her initial probationary period, the City will contribute \$50 per month to the employee's HSP account. Likewise the employee will contribute \$50 per month to his or her HSP account.
 3. During an employee's initial hire probationary period with the City, neither the employee nor the City will contribute to the employee's HSP account. Upon successful completion of the initial hire probationary period, the City will contribute a lump sum of \$50 per month for each month served in the employee's initial probationary period.

4. Upon cessation of employment with the City, the City will cease contributions to the individual's HSP account.

F. Workers' Compensation Insurance: Workers' Compensation Insurance Benefits (Workers' Compensation) are provided in accordance with the requirements of State Law.

Special Note: California Labor Code Sections 4650, for Miscellaneous Employees; and 4850, for Public Safety Employees, specifically addresses entitlement for paid time off work when disabled due to job injury.

G. Deferred Compensation: The City shall provide the opportunity for entitled employees to participate, at their own expense, in a Deferred Compensation Program.

H. Group Continuation of Health and Life Insurance: Federal Legislation (P.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act - COBRA) requires agencies with 20 or more employees to continue health care coverage for terminated employees and for widows, ex-spouses and dependents of employees for eighteen (18) to thirty-six (36) months for certain qualifying events. Such benefits are provided at the expense of the employee or entitled relative or dependent. This area is addressed more extensively in the CalPERS Group Continuation Plan.

I. Tuition Reimbursement: Subject to administrative approval, the City shall reimburse entitled employees for education-related expenses in accordance with City of Los Banos Tuition Reimbursement Policy; Division 5-A.

J. Sick Leave Benefits: Sick Leave, will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Sick Leave Benefits Policy; Division 5-B.

K. Vacation Leave Benefits: Vacation Leave will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Vacation Leave Policy; Division 5-C.

L. Holiday Leave Benefits: Holiday Leave will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Holiday Leave Policy; Division 5-E.

M. Catastrophic Leave: Catastrophic Leave Donations will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Catastrophic Leave Donation Policy; Division 5-D.

N. Education Incentive Pay: Educational Incentive Pay will be provided to all qualifying employees in accordance with the City of Los Banos Education Incentive Pay Policy for specific guidelines; Division 5-H.

- O. Bilingual Incentive Pay: Bilingual Incentive Pay will be provided to certain employees in accordance with the City of Los Banos Bilingual Incentive Pay Policy for specific guidelines; Division 5-L.
- P. Uniform Reporting: The City will report the monetary value of uniforms and uniform maintenance per California Code of Regulations Section 571 for those employees required to wear uniforms, except those CalPERS members who fall under the PEPRA. The uniform purchase and maintenance amount reported to CalPERS will be derived from the City's total calendar year cost for providing the employee's uniforms, not to exceed \$1,000.00 per fiscal year, per employee (effective retroactively to July 1, 2011).

SEC. 5006 BENEFITS PROVIDED TO ALL REGULAR EMPLOYEES: EXCEPT MANAGERS AND MIDDLE MANAGERS

- A. Compensatory Time Off: All eligible Regular Employees shall, at their choice, be permitted to accrue Compensatory Time Off (CTO) in lieu of receiving overtime pay for hours worked in excess of normal duty assignments. See City of Los Banos Compensatory Time Off Policy for specific guidelines governing this practice; Division 5-F.
- B. Overtime Compensation: All eligible Regular Employees shall be entitled to Overtime Compensation in accordance with the guidelines set forth in the City of Los Banos Overtime compensation Policy; Division 5-G.

SEC. 5007 BENEFITS PROVIDED TO POLICE DEPARTMENT EMPLOYEES ONLY

A. Lateral Transfer Incentive Pay

Effective September 18, 2002, the City Council established Lateral Transfer Incentive Pay not to exceed \$3,000.00. -The Police Chief will have authority with concurrence of the City Manager to offer the pay incentive to lateral transfer police officer applicants ~~as an incentive for employment with the Los Banos Police Department.~~ This offer may vary based on the previous experience of the applicant. -This incentive pay could also be used to pay for a police academy loan or relocation costs.

The Police Chief shall provide written notification to the Human Resources Director and City Manager when a Police Officer is to receive the Lateral Transfer Incentive Pay.

B. Peace Officer Standards^[CMM1] and Training (P.O.S.T.) Certificate Incentive Pay – Unrepresented Sworn Personnel

Employees who have been approved by the Chief of Police, and also including the Chief of Police, will be entitled to receive the following compensation when they have

Updated: ~~June 20, 2018~~ February 6, 2019

been awarded and hold the specified California Commission on Peace Officer Standards and Training Certificate as follows:

- 1) \$75 per month for a P.O.S.T. Intermediate Certificate, or
- 2) \$150 per month for a P.O.S.T. Advanced Certificate, or
- 3) \$200 per month for a P.O.S.T. Supervisory Certificate.

C. Peace Officer Standards and Training (P.O.S.T.) Certificate Incentive Pay – Unrepresented Non-Sworn Personnel

- 1) \$50 per month for a P.O.S.T. Basic Dispatch Certificate, or
- 2) \$100 per month for a P.O.S.T. Records Supervisor Certificate

SEC. 5008 BENEFITS PROVIDED FOR CERTAIN PARTICIPATING EMPLOYEES

State Disability Insurance: The City allows for participation in the State Disability Insurance (SDI) Program for those employee groups who desire such option. Payment of SDI premiums is the responsibility of participating employees. See City of Los Banos State Disability Income (SDI) Policy for specific employee groups currently involved in this program and clarification of the City's position with regard to their participation; Division 5-I.

SEC. 5009 BENEFITS PROVIDED TO CERTAIN PUBLIC WORKS EMPLOYEES

A. Certificate Pay/Water and Wastewater Division Employees

1. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificate issued by the State of California, Department of Health Services Water/Wastewater Treatment; a) \$50.00 per month for Grade II, and b) \$25.00 per month for Grade I.
2. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificate issued by the State of California, Department of Health Services Water Distribution; a) \$25.00 per month for Grade II, and b) \$50.00 per month for Grade III.
3. Employees holding these certificates may be simultaneously compensated for; a) Water Treatment and Water Distribution Certificates, or b) Wastewater Treatment and Water Distribution Certificates. Employees holding these certificates shall not be simultaneously compensated for Water Treatment and Wastewater Treatment certificates.
4. Compensation shall not exceed \$100.00 per month for any combination of certificates.
5. In order to continue to receive this benefit certified employees will be required to submit proof of re-certification to the City Manager as soon as it is issued.

B. Applicator Certificate & License Pay/Parks & Streets Division Employees

1. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificates or license as issued by the State of California, Department of Pesticide Regulation; a) \$50.00 per month for Pesticide License, b) \$25.00 per month for a Qualified Applicator Certificate, and c) \$25.00 per month for each additional category endorsement, maximum three (3) categories will be allowed and/or compensated for.
2. Employees holding these certificates and/or licenses can be compensated for a) Qualified Applicator License or b) Qualified Applicator Certificate. In no case shall the employee be compensated for both. Category compensation shall be limited to the following categories, B-Landscape Maintenance, C-Right of Way, D-Plant Agriculture, F-Aquatic, K-Health Related.
3. Compensation shall not exceed \$100.00 per month for any combination of licenses/certificates.
4. In order to remain eligible for compensation, Certificated/Licensed employees shall be required to submit proof of certificate or license to the Human Resources Director and department head as soon as it is issued. In addition employees shall be required to maintain their licenses and/or certificates as required by the State of California Department of Pesticide Regulation in order to be eligible for continued compensation. Proof of current valid licenses or certificates shall be submitted annually.

C. Arborist Certificate Pay

Certain Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold an Arborist Certificate issued by the International Society of Arboriculture; \$200.00 per month.

SEC. 5010 BENEFITS PROVIDED FOR CITY HALL EMPLOYEES

A. Notary Public Pay

1. Certain City Hall employees shall be entitled to receive the following compensation when they have been awarded and hold a Notary Public Certificate issued by the State of California, Department of Secretary of State; \$100.00 per month.
2. The number of persons will be limited to one (1) from each of the following departments at City Hall: Community Development, Finance, and two (2) from Administration.

3. Employees receiving the Notary Public Certificate Pay will be required to notarize documents when requested by the public or City staff during normal business hours.

B. Municipal Clerk Certification Pay

All City Hall employees shall be entitled to receive the following compensation when they have been awarded a Certified Municipal Clerk (CMC) or Master Municipal Clerk (MMC) Certificate and Designation from the International Institute of Municipal Clerks (IIMC); \$100.00 per month.

SEC. 5011 BENEFITS PROVIDED FOR MANAGEMENT AND MIDDLE MANAGEMENT EMPLOYEES ONLY

- A. Admin Leave for Management Employees: As designated in job description, Management employees who are not entitled to accrue compensatory time off or receive overtime pay for hours worked in excess of regular duty time, shall be entitled to ten (10) work days off, with full salary and benefits, during every fiscal year of employment in such positions.
- B. Admin Leave for Middle Management Employees: As designated in job description, Middle Management employees, who are not entitled to accrue compensatory time off or receive overtime pay for hours worked in excess of regular duty time, shall be entitled to five (5) work days off, with full salary and benefits, during every fiscal year of employment in such position. New Middle Management employee hired after the July 1st accrual date will be prorated accordingly. If Admin Leave is not taken during the Fiscal Year it was earned, it will not be carried over and the employee will lose his/her right to the unused days. Further, a Middle Management employee who leaves the City employment shall not be compensated for any unused Admin Leave to which he/she would otherwise have been entitled.
- C. Pro-ration: New Management and Middle Management employees hired after the July 1st accrual date will be prorated accordingly. If Admin Leave is not taken during the fiscal year it was earned, it will not be carried over and the employee will lose his/her right to the unused days. Further, a Management or Middle Management employee who leaves City employment shall not be compensated for any unused Admin Leave to which they would otherwise have been entitled.

SEC. 5012 BENEFITS PROVIDED FOR MAYOR AND CITY COUNCIL MEMBERS

A. Cell Phone Allowance

Updated: ~~June 20, 2018~~ February 6, 2019

The Mayor and City Council Members shall be entitled to receive a monthly cell phone allowance in the amount of \$75.00. Proof of a current cell phone contract plan is to be provided to receive cell phone allowance.

SEC. 5013 BENEFITS PROVIDED TO QUALIFYING PART-TIME EMPLOYEES

Effective July 1, 2015, if a Part-time employee is qualifying and elects health insurance coverage while employed with the City, the City shall contribute the following amounts toward the premiums for the cost of CalPERS health coverage for the employee and eligible dependents: a) 30-39 hours worked per week – 50% of the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution toward monthly health insurance premium; b) 0-29 hours worked per week – No contribution will be made toward a health insurance premium.

SEC. 5014 BENEFITS NOT COVERED IN THIS DIVISION STATEMENT

Any employee benefits not covered in this Division that are required to be offered under provision of State or Federal Law or in conformity with an existing labor agreement, shall be provided.

EXHIBIT B

Updated: ~~January 20, 2016~~ February 6, 2019

**DIVISION 5-K
WORKERS' COMPENSATION REPORTING POLICY**

SEC. 5001K PURPOSE

The purpose of this Division is to ensure compliance with reporting requirements for Workers' Compensation Claims.

SEC. 5002K EMPLOYEE RESPONSIBILITY

Employees shall report any job related injury, illness, or lost time or medical treatment due to a job related injury or illness, to their immediate supervisor at the earliest time practical after such injury, illness, lost time, or medical treatment becomes known to the employee. Failure to report in a timely manner could result in delay or loss of benefits.

SEC. 5003K SUPERVISORS RESPONSIBILITY

Immediately, or as soon as practical, after being notified of a job related illness, injury, lost time, or medical treatment due to a job related illness or injury, the employee's supervisor shall;

A. Immediately ~~direct the employee to~~ call Allied Managed Care, Inc. (AMC Connect) at (844) 691-4111 ~~and obtain a reference number during the call.~~ If ~~possible,~~ the injured employee ~~is unable to call, the Supervisor may call and report the incident on the employee's behalf. should be available during this call.~~ The Nurse will gather information over the phone and help the employee access appropriate medical treatment.

B. ~~In all cases, the "employer" section of the "Workers' Compensation Claim Form" (DWC-1) shall be completed and the "Notice of Potential Eligibility" given to the employee by the Supervisor no later than twenty-four (24) hours after the job related injury, illness, lost time, or medical treatment due to job related injury or illness becomes known to the Supervisor. Complete the "Employer" section of the "Workers' Compensation Claim Form" (DWC-1).~~

~~1. If the employee wishes to seek treatment (file a workers' compensation claim),~~ The employee must complete the "Employee" section of the DWC 1 Form. If the employee is unable to complete the "Employee" section of the form, the Supervisor may complete the section on the employee's behalf (if possible with assistance of the employee).

~~2. If the employee does not wish to seek treatment, but later decides to seek treatment (file a workers' compensation claim), the original DWC-1 Form shall be completed by the employee and returned to the Supervisor. In all cases such form shall be completed and the "Notice of Potential Eligibility" given to the employee by the Supervisor no later than twenty-four (24) hours after the~~

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Updated: ~~January 20, 2016~~ February 6, 2019

~~_____ job related injury, illness, lost time, or medical treatment due to job related injury or illness becomes known to the Supervisor.~~

- C. ~~Once the Employee and Employer Sections of the DWC-1 Form have been completed, the~~ The Supervisor shall; a) provide the employee with ~~the Employee Temporary Receipt copy of the~~ DWC-1 form even if the employee chooses not to file a workers' compensation claim and does not complete the form, and b) forward the original ~~completed~~ DWC-1 form to the Human Resources Department.
- D. In those cases where there is insufficient information to complete the "Employer" section of the form, the Supervisor or Department shall give the partially completed Employee's Temporary Receipt to the employee at the time of the reported injury and forward the original completed form to the Human Resources Department after the employer's section is completed.
- E. In those cases where the job related injury, illness, lost time, or medical treatment due to a job related illness or injury is reported by telephone or through a third party, the "Employer" portion of the DWC 1 form shall be completed as thoroughly as possible and every reasonable effort shall be made to ensure that the original form is delivered to the employee within twenty-four (24) hours after notification of the injury. A copy of the DWC 1 form should be forwarded to the Human Resources Division and should be noted when/how the form was delivered to the employee. When the required twenty-four (24) hour delivery period cannot be met, the Supervisor or Department shall complete a memo explaining the reasons why delivery could not be made (within the required time period) and submit same to the Human Resources Division.
- F. In addition to ~~completing~~ the DWC 1 Form, the Supervisor shall ~~complete and~~ forward to the Human Resources Department a completed Supervisor's Report of Injury.
- G. The Supervisor shall not complete the employee section of the DWC-1 form on the employee's behalf, unless the employee is incapacitated and unable to complete the form.

SEC. 5004K CITY RESPONSIBILITY

- A. In those cases where no claim for medical treatment or lost time from work is made by the employee filing the Workers' Compensation Claim Form, the Human Resources Department shall forward the Employee Claim Form marked "First Aid Only" to the City's Workers' Compensation Claims Administrator within five (5) calendar days of the employee reporting the injury to the employer.
- B. In those cases where medical treatment is received or time off work does occur, the Human Resources Department shall complete the State of California Employers Report of Occupational Injury or Illness and forward same (along with other appropriate forms) to the City's Workers' Compensation Claims Administrator within five (5) calendar days of the employee reporting the injury to the employer.

Updated: ~~January 20, 2016~~ February 6, 2019

SEC. 5005K CONCLUDING COMMENTS (IMPORTANT)

In order to ensure expeditious and appropriate handling of job related injuries and illnesses, it is absolutely essential that employees report all such occurrences in a timely manner. Any questions regarding this matter should be directed to the employee's Supervisor or the Human Resources Department.



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: February 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Adopting a revised budget for the Fiscal Year 2018-2019 as it pertains to expenditures for Landscaping and Lighting District #12

Recommendation:

That the City Council adopts the Resolution to amend the budget for the 2018-2019 Fiscal Year by increasing expenditures for Landscape & Lighting District #12 in the amount of \$3,907.59.

Background:

The City of Los Banos approved appropriations for the 2018-2019 Fiscal Year Budget for Landscape and Lighting Districts revenue and expenditures in June 2018.

Discussion:

The Public Works Department routinely performs readiness/preventative maintenance on its storm drainage system. At the Verona lift station, one of the storm water pumps needed a new pipe column to return the pump to service. The repairs are necessary for the lift station to ensure the station can respond efficiently during large rain events. Anderson Pump Company, in conjunction with city staff, estimated the parts and labor needed to the pump. The funds needed to complete the repairs were not included in the 2018-2019 Fiscal Year Budget. City Council previously approved Resolution #6035 on January 2, 2019 in the amount of \$8,000 to complete the needed repairs. After removal of the defective pipe column, it was determined that the pump and shaft were also defective and in need of repairs. These unforeseen, needed repairs increased the cost of repairs above the original estimate in the amount requested.

Fiscal Impact:

The impact to the Landscaping and Lighting District #12 fund is to increase appropriations to expenditures in the storm drain maintenance account 282-458-200-223 by \$3,907.59.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AMENDING THE
FISCAL YEAR 2018-2019 BUDGET BY
INCREASING APPROPRIATIONS IN
EXPENDITURES FOR LANDSCAPE AND
LIGHTING DISTRICT #12 (MISSION ESTATES)**

WHEREAS, the City Council of the City of Los Banos has been presented a proposal to increase the appropriations in 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 Landscape and Lighting District #12 (Mission Estates) budget increase includes expenditures of \$3,907.59 for Storm Drain Maintenance account 282-458-200-223; and

WHEREAS, the proposed amendment to the 2018-2019 Fiscal Year Budget for an increase in appropriations to Landscape and Lighting District expenditures in District #12 (Mission Estates) has been reviewed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos hereby approves amending the Fiscal Year 2018-2019 Budget by increasing appropriations in Landscape and Lighting District #12 (Mission Estates) Expenditures in the amount of \$3,907.59.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 6th day of February 2019, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director 

DATE: February 6, 2019

TYPE OF REPORT: Public Hearing

SUBJECT: To Receive Public Comment and Consideration of Annexation No. 11 to the City of Los Banos Community Facilities District (CFD) No. 2002-01 (Public Safety Services)

Recommendation:

Staff is recommending the City Council open the public hearing and receive public testimony and property owner protests for proposed Annexation No. 11 to the Community Facilities District No. 2002-01 (Public Safety Services) and the authorization to levy a special tax within the territory proposed to be included in the District.

1. Adopt Resolution No. _____, calling a special election to levy a special tax within the area proposed to be annexed to Community Facilities District No. 2002-01 (Public Safety Services) to the qualified electors.
2. Adopt Resolution No. _____, declaring the results of the special election held on February 6, 2019, for Annexation No. 11 to Community Facilities District No. 2002-01 (Public Safety Services).

Background:

On December 5, 2018, the City Council, by Resolution No. 6027, adopted a Resolution of Intention to annex territory to Community Facilities District No. 2002-01 (CFD) to provide funding for public safety services and to schedule the required public hearing.

Proposed Annexation No. 11 consists of the following properties:

- Shaunessy Village – Vesting Tentative Tract Map #2018-03 was approved by the Los Banos Planning Commission for the subdivision of approximately 31.9 acres into 151 low and medium density residential units. The project is located east of Mercey Springs Road and approximately 337 feet north of Scripps Drive.
- East Center Area Plan – Consists of The Villas Vesting Tentative Tract Map #2016-01 for the subdivision of approximately 58.8 acres into 231 single-family residential units; and The Hill Vesting Tentative Tract Map #2016-02 for the subdivision of approximately 24.4 acres into 138 single-family residential lots. The East Center Area Plan is located east of Center Avenue, north of Pioneer Road and west of the Cresthills Subdivision.
- Northpointe at Regency Park – Formerly known as the Villa Burano Area Plan, which consists of the subdivision of approximately 111 acres into 596 single-family residential lots. The project site is located east of Westminster Way, south of San Simeone Way, and west of the San Luis Canal.

Discussion:

The purpose of the public hearing is to hear protest of any interested person, including taxpayers, property owners and registered voters residing within the boundaries of Annexation No. 11, may appear and be heard on any matter relating to the establishment and extent of CFD No. 2002-01, the furnishing of the facilities and services, the proposed rate and method of apportionment and the manner of collection of the special taxes. Such protest may be made orally or in writing.

At the conclusion of the public hearing, the City Council will be asked to adopt a resolution calling a special election for the qualified electors of Annexation No. 11. Staff is in receipt of the waivers of the election code time requirements with respect to the holding of the election and the election is currently scheduled for February 6, 2019. As there are less than 12 registered voters within Annexation No. 11, a landowner election will be held with each landowner having one (1) vote for each acre or portion thereof, located within the annexation boundaries. The City Council will then consider a resolution declaring the results of the special election. It is anticipated that the City Clerk will certify the levying of special taxes as approved by at least two-thirds (2/3) of the votes cast at the election. The City Council can then find that the election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto, and that at least two-thirds (2/3) of the votes cast at the election are in favor of levying the special taxes. If adopted, the resolution will constitute the official declaration of the results of the election and will direct the City Clerk to record a Notice of Special Tax Lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

Fiscal Impact:

The residential projects within proposed CFD Annexation No. 11 consist of approximately 1,116 residential units. Using the current Fiscal Year 2018-2019 CFD 2002-01 tax rate of \$361.94, CFD Annexation No. 11 would generate approximately \$403,925 for public safety services annually at build-out. The Maximum Annual Special Tax Rate will be escalated no more than 4 percent annually, as determined by the Consumer Price Index. Each parcel will remain in the CFD in perpetuity or until the services financed by the CFD are no longer necessary, as determined by the City Council. The parcels within the CFD are only assessed when developed.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

1. Resolution ____ - Calling a special election for Community Facilities District No. 2002-01
Exhibit A – Official Ballot
2. Resolution ____ - Declaring special election results
Exhibit A – Official Ballot
Exhibit B – City Clerk Certificate
3. Waiver and Declaration of Consent
4. Resolution 6027 – Resolution of Intention
5. Public Hearing Notice

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES), CALLING AN ELECTION REGARDING THE ANNEXATION OF CERTAIN PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES) AND TO LEVY A SPECIAL TAX THEREIN TO FINANCE CERTAIN PUBLIC SAFETY SERVICES FOR SUCH COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 11

WHEREAS, the City Council (the "City Council") of the City of Los Banos (the "City"), acting as the legislative body of Community Facilities District No. 2002-01 of the City of Los Banos (Public Safety Services) (the "Community Facilities District"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), has adopted its Resolution No. 6027 calling for a public hearing to consider the annexation of certain territory to the Community Facilities District, as described in Resolution No. 6027 and on the map of such territory now on file in the office of the City Clerk of the City (the "City Clerk"); and

WHEREAS, pursuant to Resolution No. 6027, notice of such public hearing was published one time in the Los Banos Enterprise, at least seven (7) days before February 6, 2019, and was mailed by first class mail, postage prepaid, to the landowners within Annexation No. 11 at least 15 days prior to February 6, 2019, in accordance with the Act; and

WHEREAS, there has been filed with the City Clerk the Certificate of the Registrar of Voters certifying that there are fewer than twelve registered voters within Annexation No. 11; and

WHEREAS, at the February 6, 2019, meeting all persons desiring to be heard on all matters pertaining to the proposed annexation of Annexation No. 11 to the Community Facilities District were heard, written protests, if any, were received and a full and fair hearing was held; and

WHEREAS, at the public hearing, evidence was presented to the City Council on the matters before it, and the City Council at the conclusion of the hearing is fully advised as to all matters relating to the proposed annexation of Annexation No. 11 to the Community Facilities District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES), AS FOLLOWS:

Section 1. Each of the above recitals is true and correct and the City Council so finds and determines.

Section 2. The City Council finds and determines that all prior proceedings had and taken by the City Council with respect to the annexation of territory to CFD are valid and in conformity with requirements of the Act.

Section 3. The public hearing has been conducted and closed. The proposed annexation described in Resolution No. 6027 has not been protested by the owners of one-half (1/2) or more of the area of land presently within the Community Facilities District or the owners of one-half (1/2) or more of the area of land within the proposed Annexation No. 11 or by 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the Community Facilities District, or by any registered voters within Annexation No. 11.

Section 4. A special election is hereby called on behalf of the Community Facilities District on the proposition of annexing the Annexation No. 11 to the Community Facilities District and levying a special tax within the proposed Annexation No. 11 as set forth in the rate and method of apportionment of special tax attached as Exhibit B to Resolution No. 6027. The proposition to be presented to the qualified electors shall be substantially in the form attached hereto as Exhibit A.

Section 5. The City Council hereby determines to call a special election and to submit the proposition set forth in Exhibit A hereto to the qualified electors within the proposed Annexation No. 11. The election shall be held on February 6, 2019, subject to receipt by the City Clerk of the consent of the landowners of record in the proposed Annexation No. 11 as of the close of the February 6, 2019, public hearing to a waiver of the time limits for setting the election and a waiver of any written analysis, arguments or rebuttals as set forth in Sections 53326 and 53327 of the Government Code. The election shall be conducted on behalf of the Community Facilities District by the City Council.

Section 6. It is hereby found that there were fewer than 12 registered voters within the proposed Annexed Territory during the 90 days preceding the opening of the February 6, 2019, public hearing regarding the proposed annexation pursuant to Sections 53326 and 53339.7 of the Government Code. The distribution of the ballot for the special election, together with all supplies and instructions necessary for the use and return of the ballot, by the City Clerk to the landowners of record within the proposed Annexed Territory as of the close of the protest hearing is hereby authorized. The landowners shall have one vote each for each acre or portion thereof that he or she owns within the Annexed Territory, as provided in Sections 53326 and 53339.7 of the Government Code and may return the ballot in person or by mail to the City Clerk not

later than 7:00 p.m. on February 6, 2019 or following the closure of the election by the City Clerk, whichever occurs later. In accordance with Section 53326(d) of the Government Code, the election shall be closed and the results certified by the City Clerk as soon as all qualified electors have voted.

Section 7. The proposed Annexation No. 11 shall constitute a single election precinct for the purpose of holding the election. Except as otherwise provided in the Act and this resolution, the provisions of law regulating elections of the City Council, insofar as they may be applicable, will govern the election.

Section 8. This Resolution shall take effect from and after its date of adoption.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 6th day of February 2019, 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

OFFICIAL BALLOT

**COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF
THE CITY OF LOS BANOS
ANNEXATION AND SPECIAL TAX ELECTION**

Annexation No. 11

February 6, 2019

Shaunessy Village VTTM #2018-03

This ballot represents **32** votes

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City Council and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. 6027 be annexed into Community Facilities District No. 2002-01 of the City of Los Banos and be made subject to the levy of a special tax as provided in Resolution No. 6027 for the purposes described in Resolution No. 6027?

YES _____

NO _____

Signature of Voter:

_____ Date

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF
THE CITY OF LOS BANOS
ANNEXATION AND SPECIAL TAX ELECTION

Annexation No. 11

February 6, 2019

The Villas VTTM #2016-01 & The Hill VTTM #2016-02

This ballot represents 84 votes

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City Council and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. 6027 be annexed into Community Facilities District No. 2002-01 of the City of Los Banos and be made subject to the levy of a special tax as provided in Resolution No. 6027 for the purposes described in Resolution No. 6027?

YES _____

NO _____

Signature of Voter:

_____ Date

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF
THE CITY OF LOS BANOS
ANNEXATION AND SPECIAL TAX ELECTION

Annexation No. 11

February 6, 2019

Northpointe at Regency Park (Villa Burano Area Plan)

This ballot represents **111** votes

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City Council and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. 6027 be annexed into Community Facilities District No. 2002-01 of the City of Los Banos and be made subject to the levy of a special tax as provided in Resolution No. 6027 for the purposes described in Resolution No. 6027?

YES _____

NO _____

Signature of Voter:

_____ Date

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF LOS BANOS ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES) DECLARING THE RESULTS OF A SPECIAL TAX ELECTION AND ANNEXING CERTAIN TERRITORY ANNEXATION NO. 11

WHEREAS, the City Council of the City of Los Banos (the "City Council") called and duly held an election on February 6, 2019, in Community Facilities District No. 2002-01 of the City of Los Banos (Public Safety Services) (the "Community Facilities District") pursuant to Resolution No. 6027 for the purpose of presenting to the qualified electors within the territory proposed to be annexed to the Community Facilities District as described in Resolution No. 6027 (the "Annexation No. 11 Territory") Proposition A attached hereto as Exhibit A; and

WHEREAS, there has been presented to the City Council a Certificate of the Clerk of the City of Los Banos (the "City Clerk") As To Election Returns, a copy of which is attached hereto as Exhibit B;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOS BANOS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF THE CITY OF LOS BANOS (PUBLIC SAFETY SERVICES), AS FOLLOWS:

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

Section 2. Proposition A presented to the qualified electors of the proposed Annexation No. 11 on February 6, 2019 was approved by more than two-thirds of the votes cast at said election, and Proposition A has carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to levy on the Annexed Territory the special taxes described in Proposition A for the purposes described therein and to take the necessary steps to levy the special taxes authorized by Proposition A.

Section 3. The City Council hereby determines that the Annexed Territory is added to the Community Facilities District for all purposes and with full legal effect.

Section 4. The City Clerk is hereby directed to record in the Office of the County Recorder within fifteen days of the date hereof a notice of special tax lien with

respect to Annexation No. 11, which shall be prepared in the form required, by Streets and Highways Code Section 3114.5.

Section 5. This Resolution shall take effect from and after its date of adoption.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 6th day of February 2019, 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

OFFICIAL BALLOT

**COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF
THE CITY OF LOS BANOS
ANNEXATION AND SPECIAL TAX ELECTION**

Annexation No. 11

February 6, 2019

Shaunessy Village VTTM #2018-03

This ballot represents **32** votes

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If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City Council and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. 6027 be annexed into Community Facilities District No. 2002-01 of the City of Los Banos and be made subject to the levy of a special tax as provided in Resolution No. 6027 for the purposes described in Resolution No. 6027?

YES _____

NO _____

Signature of Voter:

_____ Date

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF
THE CITY OF LOS BANOS
ANNEXATION AND SPECIAL TAX ELECTION

Annexation No. 11

February 6, 2019

The Villas VTTM #2016-01 & The Hill VTTM #2016-02

This ballot represents 84 votes

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City Council and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. 6027 be annexed into Community Facilities District No. 2002-01 of the City of Los Banos and be made subject to the levy of a special tax as provided in Resolution No. 6027 for the purposes described in Resolution No. 6027?

YES _____

NO _____

Signature of Voter:

_____ Date

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2002-01 OF
THE CITY OF LOS BANOS
ANNEXATION AND SPECIAL TAX ELECTION

Annexation No. 11

February 6, 2019

Northpointe at Regency Park (Villa Burano Area Plan)

This ballot represents 111 votes

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City Council and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. 6027 be annexed into Community Facilities District No. 2002-01 of the City of Los Banos and be made subject to the levy of a special tax as provided in Resolution No. 6027 for the purposes described in Resolution No. 6027?

YES _____

NO _____

Signature of Voter:

_____ Date

EXHIBIT B

**CERTIFICATE OF CITY CLERK AS TO RESULTS
OF THE CANVASS OF ELECTION RETURNS
FOR COMMUNITY FACILITIES DISTRICT NO.
2002-01 OF THE CITY OF LOS BANOS (PUBLIC
SAFETY SERVICES) ANNEXATION NO. 11**

I, Lucille L. Mallonee, City Clerk of the City of Los Banos, do hereby certify that I have examined the returns of the Special Tax and Annexation Election for Annexation No. 11 to Community Facilities District No. 2002-01 of the City of Los Banos (Public Safety Services). The election was held in the City Council Chambers at 520 J Street, Los Banos, California 93635, on February 6, 2019. Ballots were delivered to the authorized representative of each qualified elector. _____ () Ballot(s) were returned.

I further certify that the results of said election and the number of votes cast for and against Proposition A are as follows:

PROPOSITION A

YES: _____

NO: _____

TOTAL: _____

Dated this 6th day of February 2019.

Lucille L. Mallonee, City Clerk
City of Los Banos

**NOTICE OF PUBLIC HEARING ON INTENTION TO
ANNEX TERRITORY TO COMMUNITY FACILITIES
DISTRICT NO. 2002-01 (PUBLIC SAFETY
SERVICES) OF THE CITY OF
LOS BANOS AND TO LEVY TAXES THEREIN**

NOTICE IS HEREBY GIVEN that the City Council of the City of Los Banos has adopted Resolution No. 6027 on December 5, 2018, declaring its intention to annex territory ("Annexation No. 11") to Community Facilities District No. 2002-01 of the City of Los Banos (the "District" or "Community Facilities District No. 2002-01") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") and to levy special taxes within Annexation No. 11. Annexation No. 11 is proposed to have the boundaries depicted on the annexation map on file with the City Clerk. Resolution No. 6027 is referred to herein as the "Resolution of Intention." Capitalized terms not otherwise defined herein have the meanings set forth in the Resolution of Intention.

In the Resolution of Intention, the City Council has declared its intention to annex the territory within Annexation No. 11 to the District to levy special taxes within Annexation No. 11 for the purpose of financing certain public safety services and related expenses, including police protection services, fire protection and suppression services, and first responders basic life support services.

The Resolution of Intention establishes the rates and method of apportionment of special tax for each assessor's parcel within proposed Annexation No. 10. The Resolution of Intention proposes a maximum annual special tax for the Base Fiscal Year 2003-04 of \$250 per Residential Unit of Single Family Residential Parcels, Multi-Family Residential Parcels, Duplex/Triplex Residential Parcels, Condominium/Townhouse Parcels, Mixed Use Parcels, Mobile Home Park Parcels and Non-Residential Use. The Maximum Annual Special Tax Rate will be escalated by a rate of not more than 4 percent annually thereafter, as determined by the Consumer Price Index. The Resolution of Intention proposes that the special taxes may be levied on property in Annexation No. 11 so long as required to pay (1) the administrative expenses of the District, (2) the costs and incidental expenses of providing the services described in the Resolution of Intention, and (3) for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year. As proposed, the special tax may be levied to pay directly for the costs of the services and incidental expenses. The foregoing is only a summary of the Resolution of Intention, which is on file with the City Clerk of the City Council. Any interested party for greater detail should refer to the full text of the Resolution of Intention.

CITY OF LOS BANOS
PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD ON FEBRUARY 6, 2019, AT THE HOUR OF 7:00 P.M., OR AS SOON THEREAFTER AS SUCH MATTER CAN BE HEARD, AT A REGULAR MEETING OF THE CITY COUNCIL TO BE HELD IN THE CITY COUNCIL CHAMBERS LOCATED AT 520 J STREET, LOS BANOS, CALIFORNIA 93635, AT WHICH TIME THE CITY COUNCIL WILL HEAR ALL EVIDENCE AND TESTIMONY BY ALL INTERESTED PERSONS, PROPERTY OWNERS, VOTERS AND TAXPAYERS FOR OR AGAINST (1) THE ANNEXATION OF THE TERRITORY WITHIN ANNEXATION NO.11 TO THE DISTRICT, (2) THE EXTENT OF ANNEXATION NO. 11, (3) THE LEVY OF A SPECIAL TAX WITHIN ANNEXATION NO. 11, (4) THE FURNISHING OF THE SPECIFIED PUBLIC SERVICES, AND (5) ANY OTHER MATTERS AS SET FORTH IN THE RESOLUTION OF INTENTION.

ALL PERSONS INTERESTED, INCLUDING PROPERTY OWNERS, TAXPAYERS AND REGISTERED VOTERS. MAY APPEAR AT THE HEARING AND PRESENT EVIDENCE AND TESTIMONY ORALLY OR IN WRITING FOR OR AGAINST ITEMS (1) THROUGH (5) ABOVE. EACH INDIVIDUAL WISHING TO SPEAK WILL BE LIMITED TO A THREE MINUTE ORAL PRESENTATION. ANY PROTEST PERTAINING TO THE REGULARITY OR SUFFICIENCY OF THE PROCEEDINGS RELATING TO THE PROPOSED ISSUES DESCRIBED IN ITEMS (1) THROUGH (5) ABOVE MUST BE IN WRITING AND SHALL CLEARLY STATE THE IRREGULARITIES OR DEFECTS TO WHICH OBJECTION IS MADE, AND SHALL BE FILED WITH THE CITY CLERK ON OR BEFORE THE TIME SET FOR THE HEARING. IF THE OWNERS OF ONE-HALF (1/2) OR MORE OF THE AREA OF LAND WITHIN ANNEXATION NO.11 AND NOT EXEMPT FROM THE SPECIAL TAX FILE WRITTEN PROTESTS AGAINST ANY OF ITEMS (1) THROUGH (5) ABOVE, AND PROTESTS ARE NOT WITHDRAWN SO AS TO REDUCE THE VALUE OF THE PROTESTS TO LESS THAN A MAJORITY, THE CITY COUNCIL SHALL ABANDON THAT PORTION OF THE PROCEEDINGS PERTAINING TO SUCH ITEM(S) AND NO FURTHER PROCEEDINGS WITH RESPECT TO SUCH ITEM (5) SHALL BE TAKEN FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE DETERMINATION BY THE CITY COUNCIL. THE CITY COUNCIL MAY MODIFY THE PROCEEDINGS IF SUCH MAJORITY PROTESTS ARE ONLY AGAINST A SPECIFIED ISSUE.

UNDER THE ACT, THE CITY COUNCIL MAY EITHER CONCLUDE THE PUBLIC HEARING ON FEBRUARY 6, 2019, OR MAY CONTINUE THE PUBLIC HEARING TO A LATER DATE SO LONG AS THE PUBLIC HEARING IS COMPLETED WITHIN 30 DAYS. IF THE CITY COUNCIL DETERMINES TO SUBMIT FOR A VOTE THE QUESTION OF LEVYING A SPECIAL TAX WITHIN ANNEXATION NO. 11, AN ELECTION WILL BE HELD WITHIN ANNEXATION NO. 11 OF COMMUNITY FACILITIES DISTRICT NO. 2002-01 TO APPROVE THE LEVY OF THE SPECIAL TAX. AT SUCH AN ELECTION, EACH LANDOWNER WITHIN ANNEXATION NO. 11 SHALL BE ENTITLED TO CAST ONE VOTE FOR EACH ACRE OR PORTION THEREOF OWNED WITHIN ANNEXATION NO. 11. FOR A PROPOSITION TO BE ADOPTED FOR ANNEXATION NO. 11. TWO-THIRDS OF THE VOTES CAST AT THE ELECTION WITHIN SUCH ANNEXATION NO. 11 MUST FAVOR PASSAGE.

PERSONS WISHING TO PROVIDE ORAL COMMENTS ON THE DESCRIBED PROPOSAL MAY DO SO AT THIS MEETING OR MAY PROVIDE WRITTEN COMMENTS ON THIS MATTER PRIOR TO THE PUBLIC MEETING. WRITTEN COMMENTS MAY BE SENT BY U.S. MAIL OR HAND DELIEVERED TO THE CITY OF LOS BANOS CITY HALL AT 520 "J" STREET, LOS BANOS, CALIFORNIA 93635. IF NO COMMENTS ARE RECEIVED PRIOR TO OR ON THE ABOVE DATE, IT WILL BE ASSUMED THAT NO COMMENTS ARE BEING OFFERED. THE PUBLIC IS ALSO INFORMED THAT SHOULD THIS MATTER, AT SOME FUTURE DATE GO TO COURT, COURT TESTIMONY IS LIMITED TO ONLY THOSE ISSUES RAISED AT THE HEARINGS PER GOVERNMENT CODE SECTION 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Community and Economic Development Director



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & City Council Members

FROM: William A. Vaughn, City Attorney

DATE: February 6, 2019

SUBJECT: Ordinance Amending Chapter 16 Title 3 of the Los Banos Municipal Code – Uniform Public Construction Cost Accounting Act Legislative Amendments (AB2249)

TYPE OF REPORT: Regular Agenda

Recommendation:

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1168

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING CHAPTER 16 OF TITLE 3 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CONTRACTING FOR PUBLIC WORKS PROJECTS.

Background:

The Governor has signed AB 2249 which impacts the Uniform Public Construction Cost Accounting Act, which is also known as the California Uniform Public Construction Cost Accounting Act (CUPCCAA). The Act provides bidding threshold alternatives to traditional bidding procedures and limits. There was a \$45,000 threshold under which no process was required, a \$175,000 informal process threshold permitting quicker contracting for contracts valued between \$45,000 and \$175,000, and contracts over the \$175,000 threshold required a formal bid. AB 2249 increases these limits as follows:

1. No process limit increased from \$45,000 to \$60,000;
2. Informal process increased from \$175,000 to \$200,000;

3. Formal bidding required for contracts above \$200,000.

Additionally, under the old law if informal bids all came in over \$175,000 the CUPCCAA agency could award a contract up to \$187,500 if the agency's estimate was considered reasonable. This limit is now increased from \$187,500 to \$212,500 if awarded to the low bidder and the agency's estimate is considered reasonable.

Discussion:

As a result of the passage of Assembly Bill 2249, the Los Banos Municipal Code needs to be amended to conform to current State law as described above. This Ordinance was introduced at the city council Meeting on January 16, 2019.

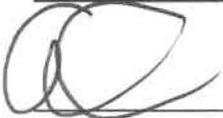
Fiscal Impact:

Approval of this item will not result in net City cost.

Conclusion:

Staff recommends that the City Council waive the second reading and adopt Ordinance 1168.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Proposed Ordinance.
Redline of Current Ordinance
Correspondence from the State Controller
AB 2249

ORDINANCE NO. 1168

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING CHAPTER 16 OF TITLE 3 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CONTRACTING FOR PUBLIC WORKS PROJECTS

WHEREAS, the City Council of the City of Los Banos finds and declares that due to changes in the Public Contracts Code of the State of California (AB 2249), Chapter 16 of Title 3 of the Los Banos Municipal Code, relating to Contracting For Public Works Projects requires updating and revision; and

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

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

Section 1. Section 3-16.030 is hereby amended to read as follows:

Sec. 3-16.030 Public projects—General bid limits.

(a) Public projects of Sixty Thousand and No/100ths (\$60,000.00) Dollars or less may be performed by the employees of the City by force account, by negotiated contract, or by purchase order.

(b) Public projects of Two Hundred Thousand and No/100ths (\$200,000.00) Dollars or less may be let to contract by the informal procedures prescribed in Section 3-16.040.

(c) Public projects of more than Two Hundred Thousand and No/100ths (\$200,000.00) Dollars shall, except as otherwise provided in this chapter, be let to contract by the formal bidding procedures prescribed in Section 3-16.050 of this chapter.

Section 2. Section 3-16.040 is hereby amended to read as follows:

Sec. 3-16.040 Public projects—Informal bidding procedures.

The following shall govern the selection of contractors when a public project which is anticipated to fall within the monetary limits on informal bids described in subsection (b) of Section 3-16.030 is to be performed:

(a) The City shall prepare a notice of the opportunity to bid which describes the project in general terms, states the time and place for the submission of bids and describes how to obtain more detailed information about the project.

(b) The City shall mail the notice to all contractors for the category of the work to be bid, as shown on the list of contractors developed and maintained by the Department of Public Works in accordance with criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission ("Commission").

(c) The City may also mail the notice to all construction trade journals specified by the Commission for the County of Merced. Additional contractors and/or construction trade journals may also be notified at the discretion of the Director of Public Works; provided, however, (1) if the City has not prepared a list of qualified contractors for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission; and (2) if the product or service is proprietary in nature such that it can be legally obtained only from a certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).

(d) All mailings of notices to contractors and construction trade journals pursuant to this section shall be completed not less than ten (10) calendar days before bids are due.

(e) The City Manager shall have the authority to award informal contracts pursuant to this section with a value of Sixty Thousand and No/100ths (\$60,000.00) Dollars or less pursuant to the findings and recommendations presented by the Director of Public Works. Such contracts shall have the prior approval of, and be executed by, the City Manager and shall be approved as to form by the City Attorney. All contracts with a value in excess of Sixty Thousand and No/100ths (\$60,000.00) Dollars to be awarded pursuant to this section shall require the approval of the City Council and shall be executed by the Mayor and approved as to form by the City Attorney. Unless the agreement provides otherwise, the City Manager may approve dollar increases to contracts that have been approved by the City Council. The extent of the City Manager's authority to approve such increases shall be in the amount of ten (10%) percent of the original contract amount, unless otherwise modified by City Council at the time of the award of the contract.

(f) If all informal bids received exceed Two Hundred Thousand and No/100ths (\$200,000.00) Dollars and the City Council determines that the cost estimate was reasonable, the City Council may award the contract to the lowest responsible bidder at up to Two Hundred Twenty Thousand and No/100ths (\$220,000.00) Dollars by resolution approved by a four-fifths vote of the City Council. Such contracts shall be executed by the Mayor and approved as to form by the City Attorney. Otherwise, such work shall be awarded to the lowest responsible bidder pursuant to the formal bid procedures prescribed in Section 3-16.050 of this chapter.

Section 3. Section 3-16.080 is hereby amended to read as follows:

Sec. 3-16.080 Public projects—Award of formal bid contracts.

All contracts for public work with a value of more than Two Hundred Thousand and No/100ths (\$200,000.00) Dollars shall require the approval of the City Council and shall be executed by the Mayor and approved as to form by the City Attorney. Unless the agreement provides otherwise, the City Manager may approve dollar increases to contracts that have been approved by the City Council. The extent of the City Manager's authority to approve such increases shall be in the amount of ten (10%) percent, or as otherwise modified by City Council at the time of the award. If a contract is awarded, it shall be awarded by the City Council to the lowest responsible bidder. The determination of the "lowest responsible bidder" shall be at the discretion of the City Council pursuant to the findings and recommendations presented by the Director of Public Works at the time of award of contract. In determining the lowest responsible bidder, the following shall be considered by the City Council, in addition to price:

(a) The ability, capacity and skill of the bidder to perform the contract or provide the services required;

(b) Whether the bidder can perform the contract or provide the services promptly, or within the time specified, without delay or interference;

(c) The sufficiency of the bidder's financial resources to perform the contract or provide the service;

(d) The ability of the bidder to provide future maintenance and services where such maintenance and service is essential;

(e) The quality and timeliness of the bidder's performance on previous contracts for the City;

(f) Litigation by the bidder on previous contracts with the City;

(g) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(h) The bidder is licensed under the Contractors' State License Law (commencing with Section 7000 of the Business and Professions Code of the State of California, as the same may be amended from time to time) to perform the work for which it submitted a bid proposal.

Section 4. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be

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

Section 6. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 7. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2019.

Passed on the ____ day of _____, 2019 by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

Chapter 16 CONTRACTING FOR PUBLIC WORKS PROJECTS

Sec. 3-16.010 Application.

The provisions of this chapter shall apply only to contracts for public projects as defined in the California Public Contract Code Section 22002. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.020 Election to be subject to the uniform construction cost accounting procedure.

The City Council of the City of Los Banos has elected to become subject to the Uniform Construction Cost Accounting Procedures set forth in Article 2 of the California Public Contract Code (commencing with Section 22010) by adoption of Resolution No. 4971. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.030 Public projects—General bid limits.

(a) Public projects of ~~Thirty~~~~Sixty~~ Thousand and No/100ths (~~\$30,000.00~~~~60,000.00~~) Dollars or less may be performed by the employees of the City by force account, by negotiated contract, or by purchase order.

(b) Public projects of ~~One~~~~Two~~ Hundred ~~Twenty-Five~~ Thousand and No/100ths (~~\$125,000.00~~~~200,000.00~~) Dollars or less may be let to contract by the informal procedures prescribed in Section 3-16.040.

(c) Public projects of more than ~~One~~~~Two~~ Hundred ~~Twenty-Five~~ Thousand and No/100ths (~~\$125,000.00~~~~200,000.00~~) Dollars shall, except as otherwise provided in this chapter, be let to contract by the formal bidding procedures prescribed in Section 3-16.050 of this chapter. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.040 Public projects—Informal bidding procedures.

The following shall govern the selection of contractors when a public project which is anticipated to fall within the monetary limits on informal bids described in subsection (b) of Section ~~3-16.050~~~~3-16.030~~ is to be performed:

(a) The City shall prepare a notice of the opportunity to bid which describes the project in general terms, states the time and place for the submission of bids and describes how to obtain more detailed information about the project.

(b) The City shall mail the notice to all contractors for the category of the work to be bid, as shown on the list of contractors developed and maintained by the Department of Public Works in accordance with criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission ("Commission").

(c) The City may also mail the notice to all construction trade journals specified by the Commission for the County of Merced. Additional contractors and/or construction trade journals may also be notified at the discretion of the Director of Public Works;

provided, however, (1) if the City has not prepared a list of qualified contractors for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission; and (2) if the product or service is proprietary in nature such that it can be legally obtained only from a certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).

(d) All mailings of notices to contractors and construction trade journals pursuant to this section shall be completed not less than ten (10) calendar days before bids are due.

(e) The City Manager shall have the authority to award informal contracts pursuant to this section with a value of ~~Thirty~~Sixty Thousand and No/100ths (~~\$30,000.00~~60,000.00) Dollars or less pursuant to the findings and recommendations presented by the Director of Public Works. Such contracts shall have the prior approval of, and be executed by, the City Manager and shall be approved as to form by the City Attorney. All contracts with a value in excess of ~~Thirty~~Sixty Thousand and No/100ths (~~\$30,000.00~~60,000.00) Dollars to be awarded pursuant to this section shall require the approval of the City Council and shall be executed by the Mayor and approved as to form by the City Attorney. Unless the agreement provides otherwise, the City Manager may approve dollar increases to contracts that have been approved by the City Council. The extent of the City Manager's authority to approve such increases shall be in the amount of ten (10%) percent of the original contract amount, unless otherwise modified by City Council at the time of the award of the contract.

(f) If all informal bids received exceed ~~One~~Two Hundred ~~Twenty-Five~~ Thousand and No/100ths (~~\$125,000.00~~200,000.00) Dollars and the City Council determines that the cost estimate was reasonable, the City Council may award the contract to the lowest responsible bidder at up to ~~One~~Two Hundred ~~Thirty-Seven~~Twenty Thousand ~~Five Hundred~~ and No/100ths (~~\$137,500.00~~220,000.00) Dollars by resolution approved by a four-fifths vote of the City Council. Such contracts shall be executed by the Mayor and approved as to form by the City Attorney. Otherwise, such work shall be awarded to the lowest responsible bidder pursuant to the formal bid procedures prescribed in Section 3-16.050 of this chapter. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.050 Public projects—Formal bid procedure.

Except as otherwise provided herein, public projects exceeding the amount specified in subsection (b) of Section 3-16.030 shall be awarded to the lowest responsible bidder pursuant to the formal bid procedure as hereinafter prescribed.

(a) The City Council shall authorize advertisement of all public projects which are anticipated to exceed the amount specified in subsection (b) of Section 3-16.030.

(b) The Director of Public Works shall prepare for advertisement a notice inviting formal bids, stating the time and place for the receiving and opening of sealed bids and distinctly describing the public project. The Director of Public Works shall publish each and every notice inviting bids in accordance with the following requirements:

(1) The notice shall be published at least fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the City; or, if there is no newspaper of general circulation which is circulated within the City, publication shall be by posting the notice in at least three (3) places within the City as have been designated by ordinance or regulation of the City as places for the posting of its notices;

(2) The notice inviting formal bids shall also be mailed to all construction trade journals specified by the Commission for the County of Merced at least thirty (30) calendar days prior to the date of opening the bids; and

(3) In addition to notice required by this section the Public Works Director may give such other notice as he or she deems proper.

(c) All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security:

(1) Cash;

(2) Cashier's check made payable to the City;

(3) A certified check made payable to the City; or

(4) A bidder's bond executed by an admitted surety insurer, made payable to the City.

(d) The security shall be in an amount equal to at least ten (10%) percent of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it. If the bidder to whom the contract is awarded shall for ten (10) days after the award fail or neglect to enter into the contract and file the required securities, the City shall deposit in its treasury the bid security if the security is in the form of cash or its equivalent.

(e) Provisions shall be included in any invitation for bid and in any contract documents for the furnishing of securities and/or the withholding of retentions earned to ensure performance under a contract in an amount and type as determined proper by the Director of Public Works. Provisions shall be included in any invitation for bid and in any contract documents for insurance coverage in an amount, type and term as may be specified by the City.

(f) The contractor shall not pay less than the general prevailing rates of wages, as determined by the Director of the Department of Industrial Relations, to all workers employed on a public project. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.070 Public projects—Rejection of formal bids.

In its discretion, the City Council may reject any and all bids presented if the Public Works Director, prior to rejecting all bids, furnishes a written notice to an apparent low bidder, informing the bidder of the City's intention to reject the bid at least two (2) business days prior to the hearing at which the City Council intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the City Council may: (a) abandon the project; (b) re-advertise for

bids in the manner prescribed by this chapter; or (c) perform the work with City employees, after passing a resolution by a four-fifths vote of the City Council declaring that the project can be performed more economically by City employees. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.080 Public projects—Award of formal bid contracts.

All contracts for public work with a value of more than ~~One~~~~Two~~ Hundred ~~Twenty-Five~~ Thousand and No/100ths (~~\$125,000.00~~~~200,000.00~~) Dollars shall require the approval of the City Council and shall be executed by the Mayor and approved as to form by the City Attorney. Unless the agreement provides otherwise, the City Manager may approve dollar increases to contracts that have been approved by the City Council. The extent of the City Manager's authority to approve such increases shall be in the amount of ten (10%) percent, or as otherwise modified by City Council at the time of the award. If a contract is awarded, it shall be awarded by the City Council to the lowest responsible bidder. The determination of the "lowest responsible bidder" shall be at the discretion of the City Council pursuant to the findings and recommendations presented by the Director of Public Works at the time of award of contract. In determining the lowest responsible bidder, the following shall be considered by the City Council, in addition to price:

- (a) The ability, capacity and skill of the bidder to perform the contract or provide the services required;
- (b) Whether the bidder can perform the contract or provide the services promptly, or within the time specified, without delay or interference;
- (c) The sufficiency of the bidder's financial resources to perform the contract or provide the service;
- (d) The ability of the bidder to provide future maintenance and services where such maintenance and service is essential;
- (e) The quality and timeliness of the bidder's performance on previous contracts for the City;
- (f) Litigation by the bidder on previous contracts with the City;
- (g) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (h) The bidder is licensed under the Contractors' State License Law (commencing with Section 7000 of the Business and Professions Code of the State of California, as the same may be amended from time to time) to perform the work for which it submitted a bid proposal. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.090 Public projects—No formal bids.

If no bids are received through the formal or informal procedure, the project may be performed by the employees of the City by force account or through a negotiated

contract without further complying with this chapter. (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.100 Public projects—Emergencies.

(a) In cases of emergency when repairs or replacements are necessary, the City Council, pursuant to a four-fifths vote, may replace or repair any public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contracts.

(b) Before the City Council takes any action pursuant to subsection (a) of this section, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(c) If the City Council orders any action specified in subsection (a) of this section, it shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated to determine, by a four-fifths vote, that there is a need to continue the action. When the City Council reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) Notwithstanding the authority of the City Council to order any action specified in subsection (a) of this section, the City Manager is authorized, in case of an emergency, to order repairs or replacements of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes. The City Manager shall report to the City Council at its next regularly scheduled meeting the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency. The City Council shall initially review the emergency action not later than seven (7) days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than fourteen (14) days after the action, and at least every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the City Manager has terminated that action prior to the City Council reviewing the emergency action and making a determination that there is no longer a need to continue the action.

(e) The work authorized under this section may be done by day labor under the direction of the Director of Public Works, by contractor, or by a combination of the two (2). (§ 1, Ord. 1067, eff. February 1, 2008)

Sec. 3-16.110 Subsequent modification of Public Contract Code.

Should any sections of the California Public Contract Code referred to in this chapter be amended, modified or replaced by the State Legislature, the sections amended,

PROPOSED AMENDMENT TO 3-16.010-3-116.110 PER CHANGES TO THE PCC

Format

Format

modified or replaced shall govern the provisions of this chapter. (§ 1, Ord. 1067, eff. February 1, 2008)

Assembly Bill No. 2249

CHAPTER 169

**An act to amend Sections 22020, 22032, and 22034 of the Public Contract Code,
relating to public contracts.**

[Approved by Governor August 20, 2018. Filed with Secretary of
State August 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2249, Cooley. Public contracts: local agencies: alternative procedure.

The Uniform Public Construction Cost Accounting Act authorizes a public agency, whose governing board has by resolution elected, to become subject to uniform construction cost accounting procedures. Existing law declares that these procedures promote statewide uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by public entities. The act defines "public agency" as a city, county, city and county, including chartered cities and chartered counties, any special district, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries, and also includes a nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency. The act authorizes public projects of \$45,000 or less to be performed by the employees of a public agency, authorizes public projects of \$175,000 or less to be let to contract by informal procedures, and requires public projects of more than \$175,000 to be let to contract by formal bidding procedures. The act permits the governing body of a public agency, in the event all bids received for the performance of that public project are in excess of \$175,000, to award the contract at \$187,500 or less to the lowest responsible bidder if it determines the cost estimate of the public agency was reasonable.

This bill would instead authorize public projects of \$60,000 or less to be performed by the employees of a public agency, authorize public projects of \$200,000 or less to be let to contract by informal procedures, and require public projects of more than \$200,000 to be let to contract by formal bidding procedures. The bill would permit the governing body of a public agency, in the event all bids received for the performance of that public project are in excess of \$200,000, to award the contract at \$212,500 or less to the lowest responsible bidder if it determines the cost estimate of the public agency was reasonable.

The act creates the California Uniform Construction Cost Accounting Commission. The commission is required to consider whether there have been material changes in public construction costs and to make recommendations to the Controller regarding adjustments in the monetary limits described above that determine which bidding procedures shall apply to public projects. The act requires any adjustment to be effective beginning with the fiscal year which commences not less than 60 days following the Controller's notification of the adjustment to all public agencies.

This bill would, instead, require the Controller to notify only the participating public agencies of the adjustment prior to the adjustment taking effect.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 22020 of the Public Contract Code is amended to read:

22020.

In accordance with procedures and standards adopted pursuant to Section 22017, every five years the commission shall consider whether there have been material changes in public construction costs and make recommendations to the Controller regarding adjustments in the monetary limits prescribed by Section 22032, but in no case shall the amount, as adjusted, be less than fifteen thousand dollars (\$15,000). The Controller shall notify all participating public agencies of the adjustment prior to the effective date. That notification shall also describe the provisions of this chapter and the benefits of using its provisions.

SEC. 2.

Section 22032 of the Public Contract Code is amended to read:

22032.

(a) Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(b) Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

SEC. 3.

Section 22034 of the Public Contract Code is amended to read:

22034.

Each public agency that elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

(a) Notice to contractors shall be provided in accordance with either paragraph (1) or (2), or both.

(1) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

(2) The public agency may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals specified in Section 22036.

(b) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(c) The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.

(d) If all bids received are in excess of two hundred thousand dollars (\$200,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at two hundred twelve thousand five hundred dollars (\$212,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.



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: February 6, 2019
TYPE OF REPORT: Agenda Item
SUBJECT: Planning Commission By-District Representation

Recommendation:

That the Los Banos City Council adopt a Resolution establishing a policy regarding by-district representation to the Los Banos Planning Commission.

Background:

On December 19, 2018, the Los Banos City Council considered and provided staff direction regarding by-district representation for Commissions and Boards. It was determined that the City would be well served by having by-district representation for the Planning Commission, as they advise the City Council on decisions that are related to land use and development.

Discussion:

The proposed resolution establishes a policy to establish representation on the Planning Commission from each of the four (4) electoral districts within the City of Los Banos. The Planning Commission consists of seven (7) members, which are appointed by the Los Banos City Council as recommended by the Mayor. Staff recommends maintaining the Planning Commission at seven (7) members, with four (4) members as district commissioners, and three (3) members at large commissioners.

At the time of appointment to the Planning Commission and throughout the member's term, each By District Commissioner will be required to reside in their designated electoral district in addition to any other requirements of the Los Banos Municipal Code. Termination of residency in their district for By District Commissioners will result in an immediate vacancy for that district seat unless a substitute residence within the district is established within 30 days of the termination of residency.

The Planning Commission members currently in office will continue to remain in office until the expiration of their full term. This policy would only be applicable for future appointments to the Planning Commission.

Reviewed by:

Alex Terrazas, City Manager

Attachments:

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOS BANOS, CALIFORNIA, ESTABLISHING A POLICY
REGARDING BY DISTRICT REPRESENTATION TO THE
LOS BANOS PLANNING COMMISSION

WHEREAS, the City Council of the City of Los Banos wishes to establish a formal written policy regarding by district representation to the Los Banos Planning Commission.

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

SECTION 1. That the Policy attached hereto as Exhibit A, and incorporated herein by this reference, as if fully set forth, entitled "Planning Commission By District Representation Policy" is approved.

SECTION 2. This resolution shall be effective immediately upon adoption.

The foregoing Resolution was introduced at a regular meeting of the City Council of the city of Los Banos held on this ____ day of _____ 2019, by Council person _____, who moved its adoption, which motion was duly seconded by Council person _____, and the Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Exhibit "A" to City Council Resolution No. _____
Policy Regarding Planning Commission By District Representation

**POLICY REGARDING PLANNING COMMISSION
BY DISTRICT REPRESENTATION**

CITY OF LOS BANOS

I. PURPOSE

The purpose of this Policy is to establish a policy for representation on the Planning Commission from each of the four (4) electoral districts within the City of Los Banos.

II. POLICY

A. Objective.

The public interest is well served by having representation on the Los Banos Planning Commission from each of the four (4) electoral districts established by Section 2-1.102 of the Los Banos Municipal Code and subsequently reapportioned as provided by State law.

B. By District and At Large Membership.

Pursuant to LBMC 2-2.203 the Los Banos Planning Commission consists of seven (7) members appointed by the Los Banos City Council as recommended by the Mayor without regard to District residency.

Commencing upon the effective date of this Policy the City Council shall appoint and the Planning Commission shall consist of four (4) members (by district commissioners) one (1) member residing from each of the four (4) electoral districts and three (3) members (at large commissioners) residing from any of the four (4) electoral districts.

At the time of appointment to the Commission and throughout his or her term each By District Commissioner shall be a resident of their designated electoral district in addition to any other qualifications set forth in the Los Banos Municipal Code. Termination of residency in their respective district by a By District Commissioner shall create an immediate vacancy for that district seat unless a substitute residence within the district is established within thirty (30) days of the termination of residency.

Notwithstanding any other provision of this Policy, the members of the Planning Commission in office at the time this Policy takes effect shall continue in office until the expiration of the full term to which he or she was appointed.



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: February 6, 2019

TYPE OF REPORT: Agenda Item

SUBJECT: Community and Economic Development Department Update

Recommendation:

This is an information item only. No action to be taken at this time.

Discussion:

The purpose of this update is to highlight various projects that the Community and Economic Development Department are working on.

General Plan Update 2040:

One of the major components of the General Plan Update is the Economic Development Strategy. The main focus of the strategy is to develop a Downtown Strategic Plan and Business Park Master Plan.

The Downtown Strategic Plan consists of an assessment of the existing and ongoing efforts to strengthen Los Banos' historic downtown. PlaceWorks has been working with the Downtown Association and will continue to gather input to develop General Plan Policies and Actions regarding downtown revitalization. The Downtown Association is actively working on a Downtown Revitalization and Beautification Plan and the City desires to dovetail directly into their existing efforts. The Downtown Association and its property owners are currently contemplating the feasibility of developing a Property-Based Improvement District (PBID). The purpose of the district would be to provide

enhanced services to the downtown district for improvements such as, but not limited to, cleaning, maintenance, security, beautification, lighting, activity, marketing, and branding. The PBID would need support from property owners in the proposed district who will pay more than 50 percent of the assessments in order to create the district. Staff anticipates providing an update to the City Council in February/March on whether there is or there is not enough property owner support for the formation of such a district.

The Business Park Master Plan is being developed at the intersection of I-5 and Highway 152. Additionally, the City's existing General Plan proposes Employment Park uses at other sites throughout the City, including at the current Los Banos Municipal Airport site. Staff has met with the Federal Aviation Administration (FAA) to discuss the future relocation of the airport. FAA policy requires the proceeds of the sale of the existing airport land to return to the Airport Enterprise Fund, which the City does not agree with. Staff will be working with special legal counsel to provide a formal response to the FAA.

The Business Park Master Plan will assess existing conditions and opportunities and constraints of Employment Park sites in order to develop concept site plans for the City's employment or business park site. The Business Park Master Plan is focusing on providing high-level concept and provides detailed level analysis for the employment park areas and the business park proposed at I-5 and Highway 152. This detailed analysis will help determine the feasibility of such development.

Housing Element Compliance:

The Housing Element of the General Plan analyzes and assesses the current and future housing needs and provides actions to facilitate housing to meet those needs at all income levels. The policies contained in the Housing Element meet the statewide housing goal of "attaining decent housing and a suitable living environment for every California family". The Housing Element identifies and analyzes housing needs and resources, and constraints to meet those needs. The City of Los Banos Housing Element consists of a policy, which committed to rezone to accommodate a shortfall carryover of adequate zoned sites from the previous cycle planning period of the Housing Element (2009-2014). The City is required to rezone this shortfall to accommodate this shortfall or risks losing Housing Element compliance, which is attached to many sources of State funding (i.e. CDBG funds, Caltrans Transportation Grants). The City is currently working with a property owner on a General Plan Amendment and Rezone approximately 5 acres to accommodate the shortfall carryover identified in the previous cycle of the Housing Element. This project will be presented to the Planning Commission for consideration in February and a recommendation will be brought forward to the City Council in March.

The City Council will also see updates of the Municipal Code be brought forward as the State continues to update State law regarding Accessory Dwelling units, Street Vending, Taxicabs, and Microenterprise Home Kitchens. These items will be brought forward for City Council consideration at a later date.

Residential Development:

During the 2018 calendar year, the City of Los Banos issued 262 single-family residential permits and finalized 310 single-family residential permits. Staff is anticipating 2019 to be a steady year of residential permit issuance as various development projects are in the pipeline. It is important to keep in mind that as new or revised projects come before the Planning Commission and City Council for consideration, the role of the legislative body is to determine consistency with the General Plan and Zoning Code. If the project is found to be consistent with the General Plan and Zoning Code, the legislative body cannot deny the project.

Attached to this staff report is a map depicting the various residential projects in the pipeline and describes their development status and the year they were approved. The areas highlighted in pink are approved projects, but have not pulled a building permit. The areas in yellow are projects that are currently under construction with active building permits. The single project highlighted in blue is a proposed annexation that is in the review process.

Retail Recruitment:

The Community and Economic Development Department staff continues to work with Buxton Co. on a marketing strategy that enables staff to understand the consumer profile of our residents and to identify specific retailers and restaurants that are looking for a market with similar household purchasing habits as our residents. Our partnership with Buxton Co. has given us the ability to actively pursue identified retailers and create a compelling case for why they should be located in our community.

Many retailers and land/building owners are represented by a broker who secures tenants and selects sites or buildings. Instead of attempting to directly recruit with the retailer, Buxton Co. has helped City staff create relationships with brokers who represent retailers or developers. In an effort to take a more proactive approach in marketing, the City continues to attend the International Council of Shopping Centers (ICSC) annual Retail Conference (RECon) to personally present pursuit packages directly to brokers and retailers and start building personal relationships. Buxton Co. has been instrumental with providing contacts and coordinating meetings with prospective brokers and retailers, which have made our RECon experience in 2017 and 2018 successful. Staff anticipates attending ICSC in Monterey in March and in Las Vegas in May to tell the story of Los Banos and explain to retailers why we are the perfect community for their next store, restaurant, or development.

Industrial Recruitment:

The City has partnered with Chabin Concepts to develop an Industrial Recruitment Plan to identify target industries for Los Banos. The focus has been to develop a marketing and outreach plan and to build strong value propositions with the available properties and their owners. Chabin Concepts is developing a marketing campaign to tell our story. We are creating 4 videos, which will be released quarterly to target industries and the internet to tell our comprehensive story. We are also using the relationships and networking opportunity from the ACE10 Tour that was held in October as testimonial for

industrial recruitment. Audrey Taylor from Chabin Concepts will be present at the City Council meeting to present the proposed marketing campaign.

Reviewed by:

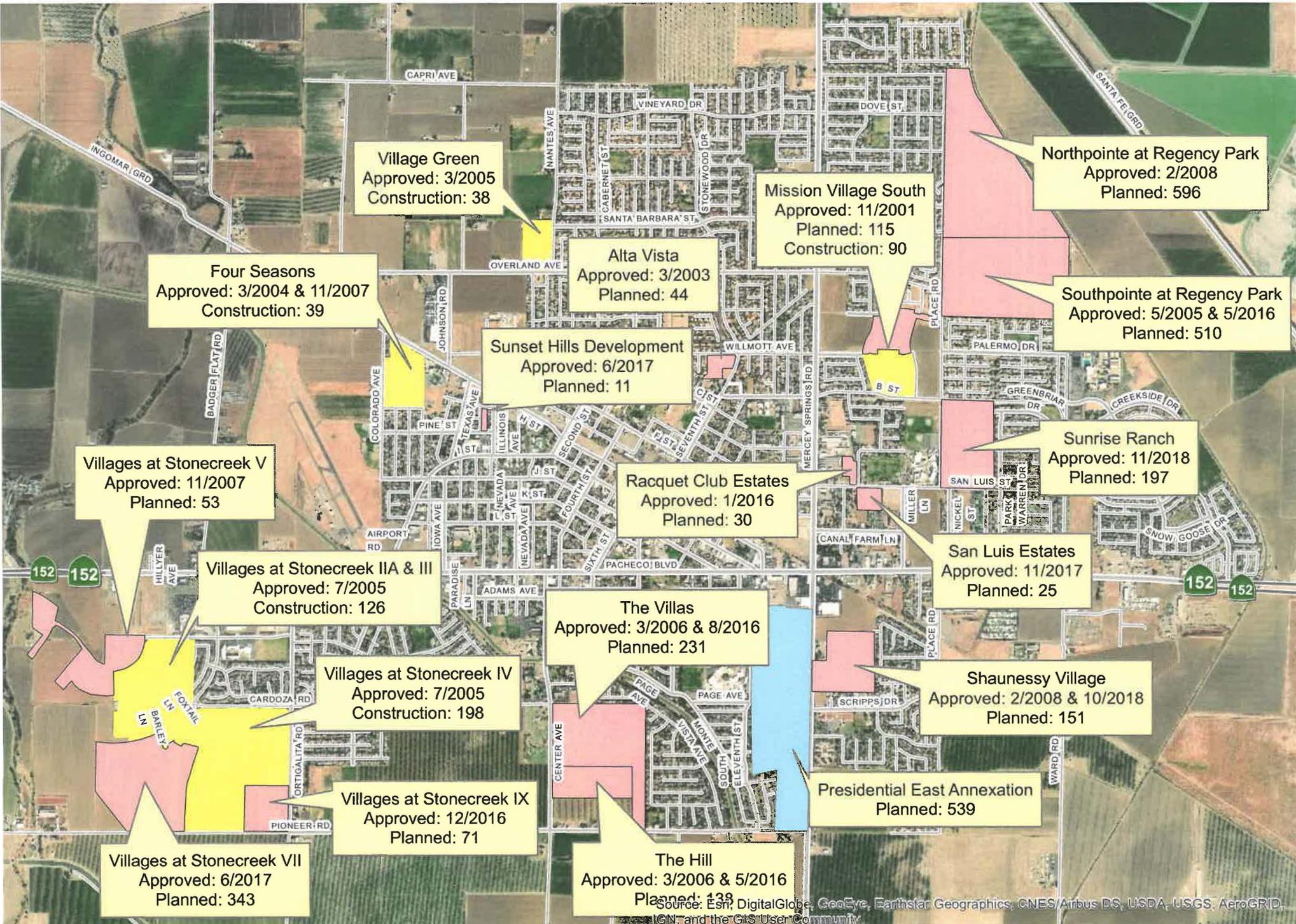


Alex Terrazas, City Manager

Attachments:

1. Residential Projects Map

CITY OF LOS BANOS RESIDENTIAL PROJECTS





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: February 6, 2019

SUBJECT: New Police Station Update Presentation

TYPE OF REPORT: Informational Item

Recommendation:

Informational item only, no action to be taken.

Discussion:

There will be a presentation regarding the status of the New Police Station, presented by Assistant Public Works Director, Greg Pimentel.

Reviewed by:

Alex Terrazas, City Manager