



# City of Los Banos

At the Crossroads of California

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

## AGENDA

### CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**AUGUST 21, 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.*

*Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.*

*La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.*

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

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

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)  
  
Faria \_\_\_\_, 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 #217399 – #217702 in the Amount of \$480,652.86.

*Recommendation: Approve the check register as submitted.*

- B. Minutes for the July 17, 2019 City Council Meeting.

*Recommendation: Approve the minutes as submitted.*

- C. Approval of Response Letters from the Los Banos City Council and the Los Banos Police Chief Regarding Merced County Civil Grand Jury Final Report 2018-2019 Regarding the Los Banos Police Department.

*Recommendation: Approve the letters as submitted and authorize execution.*

- D. City Council Resolution No. 6121 – Authorizing Award of Construction Contract to Sinclair General Engineering Construction, Inc. in the Amount of \$881,799 with a 20% Contingency in the Amount of \$176,360.00 for Fire Station 1 and 2 ADA (Americans with Disabilities Act) and “State Streets” Sidewalk Improvement Project.

*Recommendation: Approve the resolution as submitted.*

- E. City Council Resolution No. 6122 – Authorizing Award of Construction Contract to United Pavement Maintenance, Inc. in the Amount of \$1,116,831.35 with a 20% Contingency in the Amount of \$223,366.00 for 2019 Street Rehabilitations Project.

*Recommendation: Approve the resolution as submitted.*

- F. City Council Resolution No. 6123 – Approving and Adopting Final Tract Map No. 2018-03 Shaunessy Village Phase No. 2 and Accompanying Improvement Agreement (Stonefield Home, Inc.).

*Recommendation: Approve the resolution as submitted.*

- G. City Council Resolution No. 6124 – Approving and Adopting Final Tract Map No. 2018-03 Shaunessy Village Phase No. 3 and Accompanying Improvement Agreement (Stonefield Home, Inc.).

*Recommendation: Approve the resolution as submitted.*

7. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)

A. Public Hearing – To Receive Public Comment and Consideration of General Plan Amendment 2019-01, Zone Change #2019-01, and Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15301 (Existing Facilities) for the Child Development Center Located at 1624 San Luis Street, APN 428-070-001 .

- 1) City Council Resolution No. 6113 – Approving General Plan Amendment #2019-01 for the Child Development Center to Re-designate Approximately 1.33 Acres from Park to Professional Office Located at 1624 San Luis Street, More Specifically Identified as a Portion of Assessor’s Parcel Number: 428-070-001 and Finding that the Disposition of the Property is Consistent with the City’s General Plan.
- 2) Ordinance No. 1173 – Amending the Official Zoning Map by Rezoning Property for the Los Banos Child Development Center from Park to Professional Office (P-O) on Approximately 1.33 Acres Locate at 1624 San Luis Street, More Specifically Identified as a Portion of APN 428-070-001. **(Second Reading & Adoption)**

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

B. Public Hearing – To Receive Public Comment and Consideration of Amending Chapter 3 of Title 9 of the Los Banos Municipal Code to Allow Child Day Care Centers in all Zoning Districts, Exempt Industrial Zones, Subject to Conditional Use Permit.

- 1) Ordinance No. 1174 – Amending Article 37, Chapter 3 of Title 9 of the Los Banos Municipal Code to Relating to Child Day Care Facilities and Related Zoning Code Classifications and Definitions. **(Second Reading & Adoption)**

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

8. CONSIDERATION OF NOMINATION TO MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) MEASURE V CITIZENS OVERSIGHT COMMITTEE.

*Recommendation: Approve the nomination as submitted.*

9. ADVISEMENT OF PUBLIC NOTICES. (Two Reports)

10. CITY MANAGER REPORT.

11. REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.

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

12. CITY COUNCIL MEMBER REPORTS.

- A. Deborah Lewis
- B. Tom Faria
- C. Daronica Johnson-Santos
- D. Brett Jones
- E. Mayor Mike Villalta

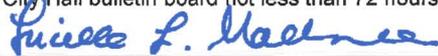
13. CLOSED SESSION.

- 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 Public Employees Union (Public Works), Local 1/AFSCME Unrepresented Miscellaneous Employees.
- B. Public Employee Annual Performance Evaluation, Pursuant to Government Code Section 54957, Title: City Manager.

14. ADJOURNMENT.

- A. 5:00 PM, Tuesday, August 27, 2019 in The Lounge at the Los Banos Community Center Located at 645 7th Street, Los Banos, California to Attend the City of Los Banos Capital Improvement Plan 2020-2024 Workshop.

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 15<sup>th</sup> day of August 2019

Bank Reconciliation  
Checks by Date



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

User: rsouto  
Printed: 2019 - 4:41PM  
Cleared and Not Cleared Checks  
Print Void Checks

Check No	Check Date Name	Module	Void	Amount
217409	8/2/2019 A & A Portables Inc	AP		458.92
217410	8/2/2019 All Weather Inc	AP		1,900.00
217411	8/2/2019 Ameripride Services	AP		147.87
217412	8/2/2019 Aramark Uniform Ser Inc	AP		1,193.55
217413	8/2/2019 AT&T Mobility	AP		137.05
217414	8/2/2019 AT&T	AP		33.47
217415	8/2/2019 AT&T	AP		94.25
217416	8/2/2019 Bear Electrical Solutions, Inc.	AP		900.00
217417	8/2/2019 Bennett Engineering Service, Inc.	AP		4,200.00
217418	8/2/2019 BJ's Consumers Choice	AP		506.00
217419	8/2/2019 Brenntag Pacific Inc	AP		8,205.97
217420	8/2/2019 Bruce's Tire Inc	AP		1,949.19
217421	8/2/2019 BSK Associates	AP		1,170.00
217422	8/2/2019 Thaddeus Bangle	AP		90.00
217423	8/2/2019 California Dairies Inc	AP		33.42
217424	8/2/2019 Civitas Advisors	AP		6,760.00
217425	8/2/2019 Coffee Break Service Inc.	AP		180.67
217426	8/2/2019 Comcast	AP		113.59
217427	8/2/2019 Comcast	AP		808.00
217428	8/2/2019 Champion Youth Recreation Programs, Inc.	AP		100.00
217429	8/2/2019 Dept of Transportation	AP		4,766.97
217430	8/2/2019 John De Coste	AP		913.78
217431	8/2/2019 Edges Electrical Group, LLC	AP		471.52
217432	8/2/2019 Education Specialty Publishing, LLC	AP		1,640.00
217433	8/2/2019 Electric Drives Inc	AP		212.50
217434	8/2/2019 Fact Automated Entrances	AP		745.41
217435	8/2/2019 Farmer Brothers Coffee	AP		58.10
217436	8/2/2019 Ferguson Enterprises Inc DBA Groeniger & Co	AP		3,574.96
217437	8/2/2019 Ferrellgas, Inc.	AP		21.73
217438	8/2/2019 FLC II	AP		244.95
217439	8/2/2019 Golden State Flow Measurement	AP		3,221.09
217440	8/2/2019 Helena Chemical Co Inc	AP		1,070.86
217441	8/2/2019 Heppner Precision Machine Shop, Inc.	AP		125.67
217442	8/2/2019 Holt of California	AP		8,399.76
217443	8/2/2019 Hobbs Construction	AP		1,000.00
217444	8/2/2019 Indigo/Hammond & Playle Architects, LLP	AP		17,407.86
217445	8/2/2019 Jerry Witt	AP		2,389.00
217446	8/2/2019 Kalmikov Enterprises, Inc	AP		1,849.42
217447	8/2/2019 Lawson Products, Inc.	AP		392.45
217448	8/2/2019 Lehigh Hanson Heidelberg Cement Group	AP		1,381.30
217449	8/2/2019 Lucas Business Systems	AP		506.15
217450	8/2/2019 Edith Lopez	AP		500.00
217451	8/2/2019 Marfab Inc	AP		669.53
217452	8/2/2019 Merced Truck & Trailer Inc	AP		252.76

217453	8/2/2019 MOO, Inc.	AP	195.38
217454	8/2/2019 Samuel Morales	AP	1,175.00
217455	8/2/2019 The Office City	AP	118.69
217456	8/2/2019 OSE	AP	69.85
217457	8/2/2019 Old Dominion Brush Company, Inc.	AP	113.53
217458	8/2/2019 O'Reilly Auto Parts	AP	777.58
217459	8/2/2019 Brenda Olono	AP	600.00
217460	8/2/2019 PB Loader Corporation	AP	513.40
217461	8/2/2019 Penguin Management Inc.	AP	1,548.00
217462	8/2/2019 Provost and Pritchard Engineering, Inc.	AP	4,816.10
217463	8/2/2019 Anastacia Perez	AP	600.00
217464	8/2/2019 Santos Ford Inc.	AP	332.02
217465	8/2/2019 Save Mart Supermarkets	AP	132.93
217466	8/2/2019 Michael Bartholomew	AP	42.94
217467	8/2/2019 Sherwin Williams Co	AP	364.21
217468	8/2/2019 SC Fuels	AP	2,556.73
217469	8/2/2019 Sorensens True Value	AP	682.09
217470	8/2/2019 Sorensens True Value	AP	92.82
217471	8/2/2019 Stantec Consulting Services, Inc.	AP	23,712.31
217472	8/2/2019 T & T Pavement Markings and Products, Inc.	AP	29,362.50
217473	8/2/2019 Triangle Rock Products	AP	650.16
217474	8/2/2019 Cloverland Property Management	AP	28.42
217475	8/2/2019 Blossom Valley Realty	AP	131.74
217476	8/2/2019 Thomas Wilder	AP	179.82
217477	8/2/2019 Esmeralda Orozco Rosales	AP	3.19
217478	8/2/2019 Mario Gonzalez	AP	7.72
217479	8/2/2019 Ma De Jesus Juarez Reyna	AP	53.87
217480	8/2/2019 Alejandrina Chrisoulis	AP	34.61
217481	8/2/2019 Oscar Borda	AP	5.45
217482	8/2/2019 Jamke	AP	31.29
217483	8/2/2019 Vi Le	AP	13.49
217484	8/2/2019 Atilana Pineda	AP	100.00
217485	8/2/2019 Rhonda Stapleton	AP	65.39
217486	8/2/2019 Jun Luo	AP	44.07
217487	8/2/2019 Saba Holding Company, LLC	AP	579.05
217488	8/2/2019 Windecker Inc	AP	3,175.46
217489	8/2/2019 Aflac-Customer Service	AP	494.24
217490	8/2/2019 In Shape Health Clubs Inc	AP	676.47
217491	8/2/2019 Liebert Cassidy Whitmore	AP	3,109.00
217492	8/2/2019 Los Banos Volunteer	AP	2,416.67
217493	8/2/2019 Los Banos Police Assn	AP	490.00
217494	8/2/2019 Los Banos Police Assn	AP	175.00
217495	8/2/2019 Los Banos Police Assn	AP	910.00
217496	8/2/2019 MassMutual	AP	1,379.04
217497	8/2/2019 MassMutual	AP	4,142.50
217498	8/2/2019 Merced County Clerk	AP	42.00
217499	8/2/2019 Merced County Sheriff	AP	150.00
217500	8/2/2019 Merced County Tax Collector	AP	78.57
217501	8/2/2019 Cale Nelson	AP	150.00
217502	8/2/2019 Gerald "Obie" O'Brien	AP	77.14
217503	8/2/2019 Nationwide Retirement Solutions	AP	3,037.50
217504	8/2/2019 Professional Fire Fighter	AP	630.00
217505	8/2/2019 Rosemarie Souto - Pettycash	AP	110.12
217506	8/2/2019 State Disbursement Unit	AP	2,088.00
217507	8/2/2019 Vantagepoint Transfer Agents - 306797	AP	853.45
217508	8/2/2019 Vantagepoint Transfer Agents - 705827	AP	25.00
217509	8/2/2019 Vantagepoint Transfer Agents - 801838	AP	3,775.00

217510	8/2/2019 Vantagepoint Transfer Agents - 801838	AP	100.00
217511	8/2/2019 Law Offices of William A Vaughn	AP	12,000.00
217512	8/2/2019 Wex Bank	AP	193.88
217513	8/9/2019 Alhambra	AP	4.00
217514	8/9/2019 A & A Portables Inc	AP	115.83
217515	8/9/2019 Accela, Inc.	AP	1,678.00
217516	8/9/2019 Aramark Uniform Ser Inc	AP	389.57
217517	8/9/2019 AT&T Mobility	AP	69.84
217518	8/9/2019 AT&T	AP	354.03
217519	8/9/2019 Dorothy June Baker	AP	97.88
217520	8/9/2019 Boot Barn	AP	146.80
217521	8/9/2019 Borelli Real Estate Service, Inc.	AP	90.00
217522	8/9/2019 Brenntag Pacific Inc	AP	2,710.31
217523	8/9/2019 Bruce's Tire Inc	AP	607.38
217524	8/9/2019 BSK Associates	AP	2,421.00
217525	8/9/2019 Caliber Bodyworks, Inc.	AP	3,033.40
217526	8/9/2019 Central Sanitary Supply	AP	263.21
217527	8/9/2019 CSFEWBC-VLSA	AP	5,950.00
217528	8/9/2019 Custom Locksmith & Alarm Inc.	AP	84.14
217529	8/9/2019 Daktronics, Inc.	AP	1,825.00
217530	8/9/2019 Dell Marketing L P	AP	3,036.87
217531	8/9/2019 Delta Wireless, Inc.	AP	1,178.34
217532	8/9/2019 Edges Electrical Group, LLC	AP	228.20
217533	8/9/2019 Employee Relations, Inc.	AP	50.00
217534	8/9/2019 Ernest Packaging Solutions	AP	426.84
217535	8/9/2019 Fastenal Company	AP	413.84
217536	8/9/2019 Fresno's Best Industrial Electric Company Inc.	AP	5,831.77
217537	8/9/2019 Four Paws Pet Hotel	AP	100.00
217538	8/9/2019 Sandra Heredia	AP	600.00
217539	8/9/2019 John Deere Financial	AP	379.30
217540	8/9/2019 David A Jones	AP	2,135.00
217541	8/9/2019 Jorgensen & Sons Inc.	AP	181.96
217542	8/9/2019 Kimball Midwest	AP	84.28
217543	8/9/2019 Kone Inc.	AP	1,247.78
217544	8/9/2019 Lawson Products, Inc.	AP	115.19
217545	8/9/2019 Los Banos Medical Group A Medical Corp.	AP	100.00
217546	8/9/2019 Lucas Business Systems	AP	863.64
217547	8/9/2019 Madera Carports, Inc.	AP	4,179.26
217548	8/9/2019 Marfab Inc	AP	1,348.43
217549	8/9/2019 Matson Alarm Co Inc	AP	181.00
217550	8/9/2019 McNamara Sports Inc	AP	883.32
217551	8/9/2019 Merced County Regional Waste Management A	AP	3,147.59
217552	8/9/2019 Merced County Regional Waste Management A	AP	104,372.56
217553	8/9/2019 Merced County Regional Waste Management A	AP	3,683.22
217554	8/9/2019 Merced Truck & Trailer Inc	AP	1,204.34
217555	8/9/2019 MOO, Inc.	AP	116.80
217556	8/9/2019 Napa Auto Parts of Los Banos	AP	125.24
217557	8/9/2019 NDN International LLC	AP	5,412.50
217558	8/9/2019 The Office City	AP	84.77
217559	8/9/2019 OSE	AP	359.84
217560	8/9/2019 O'Reilly Auto Parts	AP	737.52
217561	8/9/2019 O'Reilly Auto Parts	AP	4,067.86
217562	8/9/2019 O'Reilly Auto Parts	AP	3,545.18
217563	8/9/2019 O'Reilly Auto Parts	AP	8,890.31
217564	8/9/2019 PG&E Company	AP	31.13
217565	8/9/2019 Pinnacle Healthcare Medical Group	AP	240.00
217566	8/9/2019 Purchase Power Inc	AP	4,000.00

217567	8/9/2019	Protech Security & Electronics, Inc.	AP	174.00
217568	8/9/2019	Ronny's Inc.	AP	1,800.00
217569	8/9/2019	SJVAPCD	AP	143.00
217570	8/9/2019	San Joaquin Valley Drainage Authority	AP	1,324.88
217571	8/9/2019	Save Mart Supermarkets	AP	142.09
217572	8/9/2019	Sherwin Williams Co	AP	110.71
217573	8/9/2019	SHI International Corp	AP	15,472.25
217574	8/9/2019	Sonitrol	AP	339.00
217575	8/9/2019	Sorensens True Value	AP	459.06
217576	8/9/2019	Sorensens True Value	AP	142.30
217577	8/9/2019	Specialty Distributors, Inc.	AP	516.24
217578	8/9/2019	Sprint Solutions, Inc.	AP	170.95
217579	8/9/2019	Starbuck Construction	AP	1,000.00
217580	8/9/2019	Telcion Communications Group	AP	4,561.28
217581	8/9/2019	Tractor Supply Credit Plan	AP	2,104.02
217582	8/9/2019	Triangle Rock Products	AP	14,463.35
217583	8/9/2019	Trademark Pools & Spas	AP	491.56
217584	8/9/2019	Xiao Wu	AP	13.49
217585	8/9/2019	Juan & Maria Sandoval	AP	13.49
217586	8/9/2019	Frank Ciprian	AP	5.29
217587	8/9/2019	Carlos Lopez	AP	100.00
217588	8/9/2019	Michael Taffe	AP	11.85
217589	8/9/2019	Michael Rocha	AP	13.49
217590	8/9/2019	Martha Garcia Zarate	AP	8.57
217591	8/9/2019	Alexandra Ramirez	AP	10.21
217592	8/9/2019	Todd Investment Properties, LLC	AP	100.00
217593	8/9/2019	Christian and Maria Ortiz	AP	13.49
217594	8/9/2019	Terecita Ochoa Villanueva	AP	13.49
217595	8/9/2019	David Bryson	AP	100.00
217596	8/9/2019	Severiano Castillo	AP	13.49
217597	8/9/2019	David Alves	AP	13.49
217598	8/9/2019	Alejandro Farias	AP	0.37
217599	8/9/2019	Alba & Raul Munoz	AP	100.00
217600	8/9/2019	Miguel Molina	AP	6.93
217601	8/9/2019	Carol Brown	AP	13.49
217602	8/9/2019	Cecelia Rincon	AP	13.49
217603	8/9/2019	Nancy Perez	AP	13.49
217604	8/9/2019	Luz or Ismael Corona	AP	13.49
217605	8/9/2019	Westhill Property Mgmt	AP	13.49
217606	8/9/2019	Norma Enriquez-Banuelos	AP	12.04
217607	8/9/2019	Jose Flores	AP	11.85
217608	8/9/2019	Raymond Prieto	AP	13.49
217609	8/9/2019	Ma Del Socorro Martinez	AP	13.49
217610	8/9/2019	Arturo Chacon	AP	0.37
217611	8/9/2019	Marisela Romo Rojas	AP	0.37
217612	8/9/2019	SM Holdings LLC	AP	55.61
217613	8/9/2019	Bryan St. Marie	AP	11.85
217614	8/9/2019	Raul Ramos	AP	13.49
217615	8/9/2019	Anderson Homes	AP	78.75
217616	8/9/2019	Anderson Homes	AP	73.83
217617	8/9/2019	Sonia and Guillermo Martinez	AP	13.49
217618	8/9/2019	Elizabeth Kissel	AP	73.44
217619	8/9/2019	Laureano and Yazmin Vargas Lopez	AP	5.29
217620	8/9/2019	Tu Uyen Ngo	AP	11.85
217621	8/9/2019	Maria Hernandez-Olvera	AP	13.49
217622	8/9/2019	Grace Williams	AP	13.49
217623	8/9/2019	Raul Rios Jr.	AP	11.85

217624	8/9/2019 Julio Molina	AP	13.49
217625	8/9/2019 Warren Ecker	AP	13.49
217626	8/9/2019 Yvonne Aguilar	AP	13.49
217627	8/9/2019 Jerry & Tammy Forrest II	AP	13.49
217628	8/9/2019 Paul Sevier	AP	13.49
217629	8/9/2019 Joel Argote-Cira	AP	100.00
217630	8/9/2019 Kendra Haro	AP	100.00
217631	8/9/2019 Maria and Jose Morales	AP	13.49
217632	8/9/2019 Elizabeth Gutierrez	AP	100.00
217633	8/9/2019 Juan & Gloria Aguilar	AP	13.49
217634	8/9/2019 Gary Skidmore	AP	256.99
217635	8/9/2019 Anthony Dominguez	AP	10.21
217636	8/9/2019 Maria Gutierrez	AP	13.49
217637	8/9/2019 Blossom Valley Realty	AP	13.49
217638	8/9/2019 Tomas Cardenas	AP	13.49
217639	8/9/2019 Rebecca Aguilar	AP	13.49
217640	8/9/2019 Tina Uribes	AP	13.49
217641	8/9/2019 Antelmo Hernandez	AP	2.01
217642	8/9/2019 Jeremiah Toscano	AP	13.49
217643	8/9/2019 Darryl Williams	AP	11.85
217644	8/9/2019 Elias Sibrian	AP	13.49
217645	8/9/2019 Gabriel Ramirez	AP	2.01
217646	8/9/2019 William Gonzalez	AP	2.01
217647	8/9/2019 Brandon and Tanya Price	AP	13.49
217648	8/9/2019 Conrad Isaac	AP	13.49
217649	8/9/2019 Celia Pinca	AP	5.29
217650	8/9/2019 Ana Maria Mendez Arrechavala	AP	100.00
217651	8/9/2019 Shinji Tanaka	AP	13.49
217652	8/9/2019 Damon Gratz	AP	105.20
217653	8/9/2019 Herminia Rosales Rosas	AP	13.49
217654	8/9/2019 Rose Mary Amarante	AP	5.29
217655	8/9/2019 James & Maria Teresa Chamberlin	AP	100.00
217656	8/9/2019 Overland Court Apartments	AP	100.00
217657	8/9/2019 Maria Tapia Magana	AP	13.49
217658	8/9/2019 Wala Abushehab	AP	6.93
217659	8/9/2019 Marissa Mulcahy	AP	23.93
217660	8/9/2019 Jim & Grace Nunes	AP	331.47
217661	8/9/2019 Mayra Fernandez	AP	13.49
217662	8/9/2019 Lulumar Dimaculangan	AP	13.49
217663	8/9/2019 Jeronimo Lopez	AP	13.49
217664	8/9/2019 Jamie Irick	AP	13.49
217665	8/9/2019 Rigoberto & Antonia Gaona	AP	13.49
217666	8/9/2019 Timothy Hammer	AP	13.49
217667	8/9/2019 Christian Paradiso	AP	13.49
217668	8/9/2019 Kathryn Heffernan	AP	8.57
217669	8/9/2019 Jose Francisco Nieves-Morales	AP	8.57
217670	8/9/2019 Ma De Lourdes Hernandez Alvarez	AP	100.00
217671	8/9/2019 Pedro Zavala	AP	5.29
217672	8/9/2019 Idan Albarado	AP	13.49
217673	8/9/2019 Joni Holly Concepcion	AP	3.65
217674	8/9/2019 Stephanie Yanogacio	AP	100.00
217675	8/9/2019 Eduardo Gutierrez	AP	21.48
217676	8/9/2019 Alberto Velazquez Peralta	AP	0.37
217677	8/9/2019 Melanie Contreras	AP	13.49
217678	8/9/2019 Adrian Gomez	AP	3.65
217679	8/9/2019 Robert or Melvina Wiley	AP	164.93
217680	8/9/2019 Sandra Borges	AP	13.49

217681	8/9/2019 Blossom Valley Realty, JR Souza	AP	43.29
217682	8/9/2019 Hector de Lira	AP	143.29
217683	8/9/2019 Lupe Rivas	AP	25.39
217684	8/9/2019 Harnam Bhullar	AP	146.28
217685	8/9/2019 Lana Ribeiro	AP	43.29
217686	8/9/2019 Rhonda Borelli	AP	94.54
217687	8/9/2019 Blossom Valley Realty, JR Souza	AP	176.12
217688	8/9/2019 Hugo Carrillo-Martinez	AP	59.82
217689	8/9/2019 Westside Water Conditioning	AP	28.50
217690	8/9/2019 Windecker Inc	AP	17,780.27
217691	8/9/2019 Zee Medical Service Co	AP	84.24
217692	8/9/2019 Zumar Industries Inc. California	AP	986.61
217693	8/9/2019 Employment Development Dept	AP	826.00
217694	8/9/2019 Mary Lou Gilardi	AP	73.89
217695	8/9/2019 Liebert Cassidy Whitmore	AP	8,042.00
217696	8/9/2019 Pet Partners	AP	730.00
217697	8/9/2019 Pet Partners	AP	160.22
217698	8/9/2019 Premier Access Insurance Co.	AP	20,041.72
217699	8/9/2019 Sarah Sanchez	AP	436.85
217700	8/9/2019 Sun Life Financial	AP	6,601.96
217701	8/9/2019 Robert Wiens	AP	810.00
217702	8/9/2019 Xerox Financial Services	AP	2,464.46

Break in check sequence due to the following:  
Check #217399- 217408 (Payroll)

Total Void Check Count:	0
Total Void Check Amount:	
Total Valid Check Count:	294
Total Valid Check Amount:	480,652.86
Total Check Count:	294
Total Check Amount:	480,652.86

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
JULY 17, 2019**

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

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 7:00 p.m.

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

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Tom Faria, Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: None.

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

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

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.** RYAN HELLER, Assemblymember Gray's office, spoke regarding the services they provide and the office hours they keep in Los Banos; RHONDA LOWE, Los Banos, spoke regarding the downtown sidewalk sale this past weekend thanking Bowles Farming for donating the watermelon for the event, further spoke to the free social media workshop through UC Merced Small Business Development Center (SBDC) and how they are still doing the Los Banos Survey which is giving some really good feedback; JACQUILINE LAWRENCE, stated that she is homeless and also a missionary, spoke regarding the D Street Park and the guy there who fixes bikes for everyone in town, her medicine is melting and it costs money, people play volleyball at the D Street Park, she has installed a BBQ pit, believes the citations need to stop at the D Street Park as they are homeless, she had all her clothes stolen, she feels the homeless are being treated badly wherever they go, inquired as to when the cooling shelter will be open in Los

Banos, feels the City should bring water to the homeless during the hot weather, spoke to how she is trying to find a place to live. No one else came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Council Member Lewis stated that she would like to remove Item 6K – City Council Resolution No. 6105 – Authorizing the City Manager to Execute a Parking Lot Lease Agreement with Lodge Mountain Brow No. 82 IOOF Hall Association in the Amount of \$10,000 for the Parking Lot Located at 626 J Street, APN 025-023-016 and a portion of APN 025-023-015 for separate report and consideration of approval.

Motion by Lewis, seconded by Jones to approve the consent agenda as follows, with the removal of item 6K – City Council Resolution No. 6105 – Authorizing the City Manager to Execute a Parking Lot Lease Agreement with Lodge Mountain Brow No. 82 IOOF Hall Association in the Amount of \$10,000 for the Parking Lot Located at 626 J Street, APN 025-023-016 and a portion of APN 025-023-015: Check Register for #216726 – #217076 in the Amount of \$3,124,050.93; Minutes for the June 5, 2019 City Council Meeting; Minutes for the June 19, 2019 City Council Meeting; Measure P Oversight Committee Report; City Council Resolution No. 6099 – Authorizing the City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim Form for Fiscal Year 2018/2019 in the Amount of \$464,833 for Street and Road Improvements; City Council Resolution No. 6100 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2019/2020 in the Amount of \$91,987 for Street and Road Improvements; City Council Resolution No. 6101 – Authorizing Entering into a License Agreement Between the City of Los Banos and Central California Irrigation District (CCID) to Construct, Operate, Repair and Maintain Underground Drainage Pipeline Facilities within the Canal Farm Ditch; City Council Resolution No. 6102 – Amending Division 5, Personnel Benefits Relating to Changes to Monthly Health Coverage Allowances; City Council Resolution No. 6103 – Approving and Authorizing the City Manager to Execute an Amended and Restated Ground Lease between the City of Los Banos and the County of Merced for the Los Banos Fairgrounds; City Council Resolution No. 6104 – Approving and Authorizing the City Manager to Execute an Amended and Restated Ground Lease between the City of Los Banos and the County of Merced for the Los Banos Fairgrounds Ballfields; ~~City Council Resolution No. 6105 – Authorizing the City Manager to Execute a Parking Lot Lease Agreement with Lodge Mountain Brow No. 82 IOOF Hall Association in the Amount of \$10,000 for the Parking Lot Located at 626 J Street, APN 025-023-016 and a portion of APN 025-023-015.~~ The motion carried by the affirmative action of all Council Members present.

**CITY COUNCIL RESOLUTION NO. 6105 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PARKING LOT LEASE AGREEMENT WITH LODGE MOUNTAIN BROW NO. 82 IOOF HALL ASSOCIATION IN THE AMOUNT OF \$10,000 FOR THE PARKING LOT LOCATED AT 626 J STREET, APN 025-023-016 AND A PORTION OF APN 025-023-0156.** Council Member Lewis inquired as to how long the City has

been working on the agreement in question and expressed her belief of how the City should be putting its assets into rehabbing its own parking lot instead of entering into this contract.

There was further discussion between Council and Staff pertaining to the current condition of the City-owned parking lot and how much it would cost to resurface the area. There is a need for more available parking downtown for those who work in the area and also to accommodate future growth. It was decided it would be best to have Staff meet with IOOF to discuss the terms of the agreement further.

Motion by Lewis, seconded by Faria to have Staff meet with the IOOF to find out what the outcome will be regarding the parking lot restrictions if the Council does not decide to move forward with the contract. The motion carried by the following roll call vote: AYES: Faria, Jones, Lewis; NOES: Johnson-Santos, Villalta; ABSENT: None.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDING AND RESTATING CHAPTER 13, TITLE 11 OF THE LOS BANOS MUNICIPAL CODE RELATING TO TAXICABS; ORDINANCE NO. 1172 – AMENDING AND RESTATING CHAPTER 13, TITLE 11 OF THE LOS BANOS MUNICIPAL CODE (SECOND READING AND ADOPTION).** City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

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

There was Council Member and Staff discussion regarding being able to hold UBER and LYFT to these same standards for which City Attorney Vaughn stated not as of now.

Motion by Lewis, seconded by Johnson-Santos to waive the second reading of Ordinance No. 1172 – Amending and Restating Chapter 13, Title 11 of the Los Banos Municipal Code. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Johnson-Santos to adopt Ordinance No. 1172 – Amending and Restating Chapter 13, Title 11 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF APPROVAL OF CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 40 ALCOHOL LICENSE FOR THE ON-SALE OF BEER IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT, LA ESPERANZA FOOD CENTER LOCATED AT 937 WEST PACHECO BOULEVARD, APN 431-020-002; CITY COUNCIL RESOLUTION**

**NO. 6106 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 AND APPROVING CONDITIONAL USE PERMIT #2019-02 FOR THE USE OF A TYPE 40 ALCOHOL LICENSE FOR THE ON-SALE OF BEER IN CONJUNCTION WITH AN EATING PLACE FOR LA ESPERANZA LOCATED AT 937 WEST PACHECO BOULEVARD; MORE SPECIFICALLY IDENTIFIED AS APN 431-020-002.** Community & Economic Development Director Elms presented the staff report.

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

Motion by Faria, seconded by Jones to adopt City Council Resolution No. 6106 – Finding the Proposed Project to be Categorically Exempt From the California Environmental Quality Act Pursuant to Section 15301 and Approving Conditional Use Permit #2019-02 for the Use of a Type 40 Alcohol License for the On-sale of Beer in Conjunction with an Eating Place for La Esperanza Located at 937 West Pacheco Boulevard; More Specifically Identified as APN 431-020-002. The motion carried by the affirmative action of all Council Members present.

**DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2019 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD OCTOBER 16-18, 2019 IN LONG BEACH.** Motion by Faria, seconded by Jones to appoint Mayor Villalta as the voting delegate and Mayor Pro Tem Johnson-Santos as the alternate voting delegate. The motion carried by the affirmative action of all Council Members present.

**CONSIDERATION OF APPROVAL TO CONTINUE TO SOLICIT APPLICATIONS FOR THE MEASURE V CITIZENS OVERSIGHT COMMITTEE AND FOR THE MAYOR AND MAYOR PRO TEM TO REVIEW, INTERVIEW AND RECOMMEND APPOINTMENT TO THE CITY COUNCIL AT THE AUGUST 21, 2019 CITY COUNCIL MEETING.** Motion by Johnson-Santos, seconded by Faria to continue to solicit applications for the Measure V Citizens Oversight Committee and for the Mayor and Mayor Pro Tem to review, interview and recommend appointment to the City Council at the August 21, 2019 City Council Meeting. The motion carried by the affirmative action of all Council Members present.

**ADVISEMENT OF PUBLIC NOTICES (No Report).**

**REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR.** City Manager Terrazas stated that based upon his performance review of June 19, 2019, the Community & Economic Development Director's salary increased to \$8,642 monthly or \$103,704 annually retroactive to February 1, 2019.

**CITY MANAGER REPORT.** Los Banos Police Department's annual National Night Out Event will be held on Tuesday, August 6, 2019 at 5:00 p.m. in front of the Police Department. There will be \$1 tacos, pizza, and churros; a kid's area; a live band; a taco truck contest and more. A dog park community meeting will be held on August 13 from 6:00 p.m. to 8:00 p.m. at the Community Center in order to gather public input on the design of the park. The High Speed Rail Authority will be holding an Open House at the Community Center on August 21 from 5:00 p.m. to 8:00 p.m.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** Mayor Villalta reported that MCAG has narrowed down the choice of the land for the expansion of the landfill and will be working next on the appraisal.

**CITY COUNCIL MEMBER REPORTS.**

**DARONICA JOHNSON-SANTOS:** On July 11, the first community event by district was hosted in her district. She thanked all the Staff that showed up and participated in the event. There was great discussion and she would love to do it again.

**BRETT JONES:** No report.

**DEBORAH LEWIS:** No report.

**TOM FARIA:** There was a wonderful celebration of Lady of Mt. Carmel at the Catholic church and the DES Hall. It was a great event for families in Los Banos.

**MAYOR MICHAEL VILLALTA:** These Italian and Portuguese celebrations held in town are great events with great cooks who make delicious free food; he wishes more people would attend. The free social media workshop will be held on July 18 from 6:30 p.m. to 7:30 p.m. at the Police Annex building. For those interested in attending, please contact Rhonda Lowe at (209) 704-4384. Thanked Council Member Johnson-Santos and Staff for the community outreach event that was hosted in her district. He urged other Council Members to contact City Manager Terrazas to host one in their areas as well.

**CLOSED SESSION – 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 PUBLIC EMPLOYEES UNION (PUBLIC WORKS), LOCAL 1/AFSCME UNREPRESENTED MISCELLANEOUS EMPLOYEES.** No reportable action.

**CLOSED SESSION – PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION, PURSUANT TO GOVERNMENT CODE SECTION 54957, TITLE: CITY MANAGER.** No reportable action.

**ADJOURNMENT.** The meeting was adjourned at 8:12 p.m.

APPROVED:

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

ATTEST:

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



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

## **Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** Alex Terrazas, City Manager

**DATE:** August 21, 2019

**SUBJECT:** Response Letters Regarding Merced County Civil Grand Jury Final Report 2018-2019 Regarding Los Banos Police Department

**TYPE OF REPORT:** Consent Agenda

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### **Recommendation:**

That the City Council authorize the Police Chief and Mayor to execute the attached two letters to the Honorable Jeanne E. Schechter, Presiding Judge of the Civil Grand Jury, Superior Court of California, County of Merced, responding to the Merced County Civil Grand Jury Final Report 2018-2019 Regarding the Los Banos Police Department.

### **Discussion:**

Per California Penal Code (CPC) Section 919(b), the Merced County Civil Grand Jury conducts annual inspections of jail facilities in Merced County. On December 11, 2018 the Merced County Civil Grand Jury inspected the Los Banos Police Department and jail facilities located at 945 5<sup>th</sup> Street.

The Merced County Civil Grand Jury released its 2018-2019 Final Report on July 5, 2019 for which the Los Banos Police Department's annual inspection is included on pages 22 through 24.

The findings of the inspection (found on page 23) requiring a response include; the department does not provide overdose reversal drug applicators as standard issue equipment and that the dispatch center does not have access to Los Banos Unified School District, school site, camera systems.

The recommendations from the Merced County Civil Grand Jury were that the City of Los Banos include overdose reversal drug applicators to every officer as standard

equipment and to provide training. And, to connect existing school video surveillance to the dispatch network system.

I am pleased to report that remedies for both recommendations are currently underway.

As part of the report, the Merced County Civil Grand Jury has requested a response from the Los Banos City Council and the Los Banos Police Department pertaining to the above findings and recommendations, attached for your review and are those response letters and the Grand Jury report.

**Reviewed by:**

for   
Alex Terrazas, City Manager

**Attachments:**

Letter from the Los Banos City Council

Letter from the Los Banos Police Department

Merced County Civil Grand Jury Final Report 2018-2019



August 21, 2019

The Honorable Jeanne E. Schechter  
Presiding Judge of the Civil Grand Jury  
Superior Court of California, County of Merced  
2260 M Street  
Merced, CA 95340

Re: City Council's Response to 2018-2019 Merced County Civil Grand Jury Report

Dear Judge Schechter:

The City of Los Banos thanks the Grand Jury for its service in addressing the issues reflected in its report. The City Council has reviewed the section of the report relevant to Los Banos and, pursuant to Penal Code section 933.05(f), its response is below.

## **FINDINGS**

### *Finding F4*

*That the officers are not provided overdose reversal drug applicators as standard issue equipment.*

The City appreciates the finding. Police Department staff is currently working with a qualified vendor to acquire the necessary training and equipment to address this finding.

### *Finding F5*

*That dispatch has camera surveillance of the City at approximately twelve (12) strategic points but has no direct camera surveillance of the fifteen (15) schools in Los Banos.*

The City Council agrees with this finding. Communications between the local school district and City Information Technology (IT) Departments are ongoing. The end goal is to successfully address this finding.

**RECOMMENDATIONS**

*Recommendation R1*

*That the Department include overdose reversal drug applicators to every officer as standard equipment and provide training.*

The City thanks the Grand Jury for its recommendation.

*Recommendation R2*

*That existing school video surveillance be connected to the dispatch network system.*

The City is pleased to report that in addition to ongoing discussions between the District and the Police Department to accomplish this recommendation, it is worth noting that the City is in the process of completing the installation of a pilot surveillance camera project to further increase our goal of making Los Banos the safest community in the central valley.

Sincerely,

Michael Villalta, Mayor

MV/lm



# LOS BANOS POLICE DEPARTMENT

945 5<sup>th</sup> Street Los Banos, CA 93635 • Telephone (209) 827-7070 • Fax (209) 827-7085

**Gary Brizzee**  
Chief of Police

The Honorable Jeanne E. Schechter  
Presiding Judge of the Civil Grand Jury  
Superior Court of California, County of Merced  
2260 M Street  
Merced, CA 95340

Re: The Los Banos Police Department's Response to 2018-2019 Merced County Civil Grand Jury Report

Dear Judge Schechter:

The Los Banos Police Department ("the Department") thanks the Grand Jury for its service in addressing the issues reflected in its report. I have reviewed the section of the report relevant to Los Banos and, pursuant to Penal Code section 933.05; the Department's response is below.

## FINDINGS

### *Finding F4*

*That the officers are not provided overdose reversal drug applicators as standard issue equipment.*

Los Banos Police training staff are communicating with qualified vendors adequately satisfy this finding.

### *Finding F5*

*That dispatch has camera surveillance of the City at approximately twelve (12) strategic points but has no direct camera surveillance of the fifteen (15) schools in Los Banos.*

The Department agrees with this finding and we are communicating with school district staff to successfully address this finding.

## RECOMMENDATIONS

### *Recommendation R1*

*That the Department include overdose reversal drug applicators to every officer as standard equipment and provide training.*

The Department is currently pursuing the required training to provide overdose reversal drug applicators as standard issue equipment to every officer.

**Pride in Service, Integrity in Action**

*Recommendation R2*

*That existing school video surveillance be connected to the dispatch network system.*

The Department is communicating with local school district officials to successfully address this finding.

Sincerely,

Gary Brizzee  
Chief of Police  
City of Los Banos



**MERCED COUNTY**  
**CIVIL GRAND JURY REPORT**  
**2018-2019**

## COVER ACKNOWLEDGEMENTS

### MERCED COUNTY BEHAVIORAL HEALTH AND RECOVERY SERVICE CENTER

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) expressed an interest to meet the Director and staff at the new Merced County Behavioral Health and Recovery Services (BHRS) facility located at 301 East 13th Street in Merced to learn about the services provided to the community. The MCCGJ met with the Director and members of the leadership team on February 1, 2019.

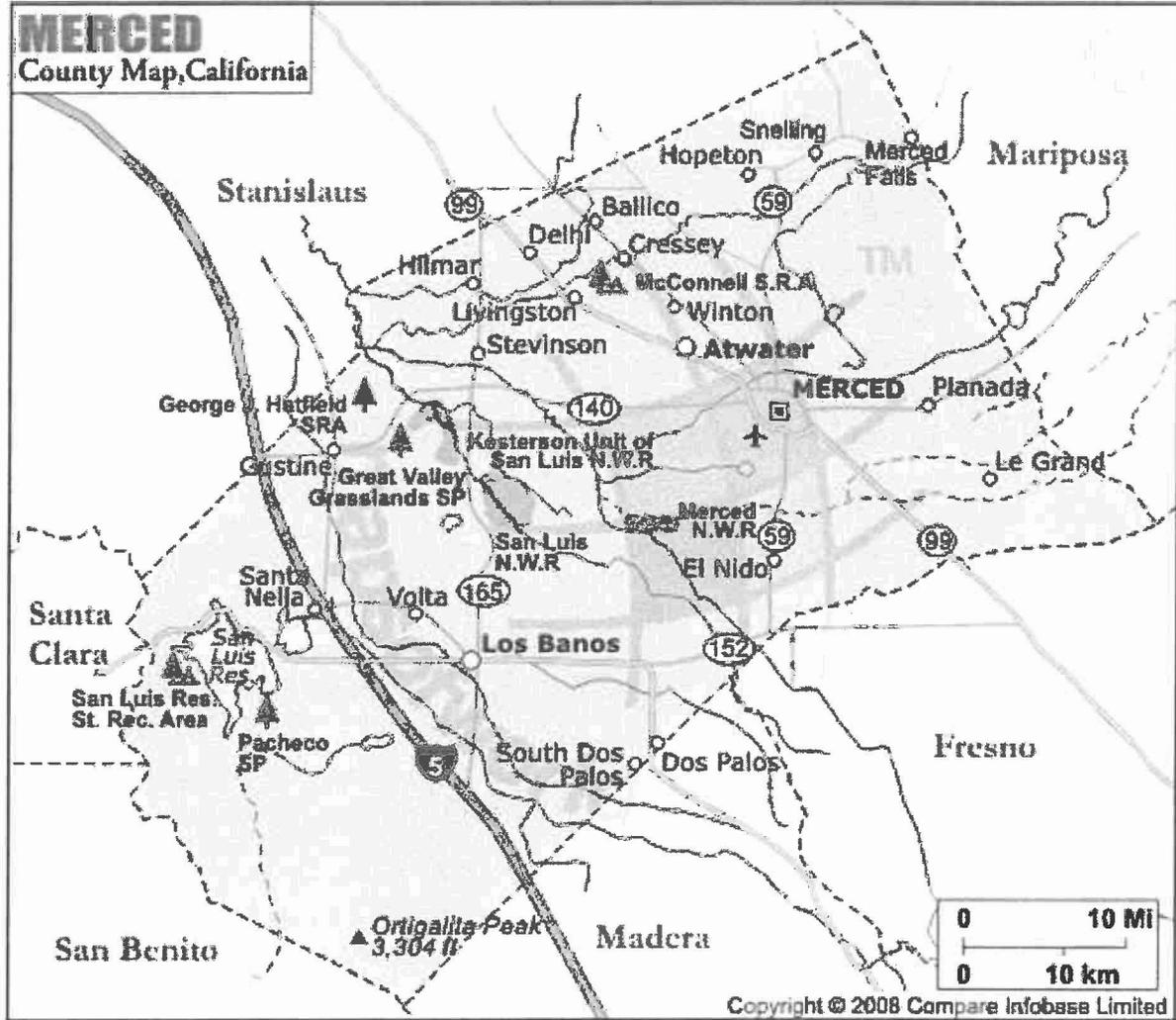
The BHRS's presentation focused on the following areas:

1. Facility costs and ongoing budget
  2. Homeless and housing services
  3. Law enforcement collaboration and crisis services
  4. Crisis service expansion
  5. Additional services - Innovative Strategist Network
1. The new facility was built with a variety of resources, none of which was funded through the Merced County General Fund. Monies were provided by the California State Mental Health Services Act, 1991 Realignment tax revenues, bond allocations, insurance proceeds, and various grants.
  2. The BHRS is proactive as a coordinating agency and provider of services to the mentally ill homeless population. There are currently five (5) housing programs available for homeless placement.
  3. The BHRS engages in meeting with the leadership and patrol staff for training, coordination of services, and risk assessment. The Community Access Recovery Services (CARS) consists of three (3) crisis programs that partner with law enforcement and health care providers to provide services to individuals in need of crisis intervention.
  4. The BHRS is proactive in its objective of expanding and providing for the needs of mentally ill people. The Crisis Services Expansion plan includes the following projects:
    - a. On-site crisis residential unit. A thirty (30) day, sixteen (16) bed intensive residential program for the severely mentally ill. referred through BHRS consumer system. Opening Spring 2019
    - b. On-site eight (8) bed Triage services, part of CARS: Opening May 2019.
    - c. New four (4) bed Children's Crisis Stabilization Unit: Opening May 2019.
  5. Additional Services - Innovative Strategist Network—effective January 2019, BHRS expanded their delivery system of services to the community by providing comprehensive holistic care and eliminating unnecessary barriers to treatment. Services are coordinated not only at the Outpatient BHRS facilities, but at settings throughout Merced County to ensure quality of life linkages for BHRS consumers. Services include,

but are not limited to, individual counseling, recovery services, care management, narcotic treatment, and withdrawal management. These services are available face to face, by phone, or through Telehealth.

The BHRS presented to the MCCGJ an overview of their programs related to the five (5) areas, pointed out above, that reflect their proactive efforts and ambitious stance in providing services to the Merced County residents at their new facilities and through outreach programs within the County.

# MAP OF MERCED COUNTY



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## CIVIL GRAND JURY

PO Box 2034

Merced, California 95344

<http://www.co.merced.ca.us/grandjury>

The Honorable Jeanne E. Schechter  
Presiding Judge of the Civil Grand Jury  
Merced County Superior Court

Dear Judge Schechter:

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) respectfully presents our final report to the Merced County Superior Court and the citizens of Merced County in accordance with California Penal Code, section 933.05.

Merced County citizens may express their concerns regarding the operation of their county and city governments by submitting complaints to the MCCGJ. All complaints received were reviewed by MCCGJ. The review process determined whether the complaint was within its jurisdiction and if the complaint met the standards for review. For various reasons, not every complaint warranted an investigation; however, every complaint submitted to the MCCGJ was given full consideration.

MCCGJ received six (6) complaints from citizens during the year. One (1) was from an anonymous source. Four (4) were determined to be outside the MCCGJ jurisdiction and no action was taken on one (1) complaint.

As required by law, the MCCGJ inspected the County's detention facilities: Merced County Sheriff's Department Main Jail Facility, John Latorraca Correctional Center, and the Los Banos Police Department Detention Facility. It should be noted that the Los Banos facility is no longer used for detention.

While not required by law, we did visit the Iris Garrett Juvenile Correction Complex and the Superior Court holding facility that houses inmates who are awaiting trial, and all city police departments within the county. The Superior Court facility is owned by the State but operated by the Merced County Sheriff's Office.

The MCCGJ considered every investigation and inspection seriously. They used their experience and collective knowledge to study policies and procedures within the governing bodies of Merced County. Each report contains findings, reasonable recommendations, and requests for responses from appropriate elected officials and departmental administrators.

The MCCGJ extends a huge “thank you” to the agency and departmental personnel within Merced County. We appreciate their cooperation and acknowledgment of the importance of the role of the Civil Grand Jury in service to the residents of Merced County. The acceptance, findings, and implementation of recommendations of the 2018-2019 MCCGJ report is now the responsibility of the elected officials and administrators of departments and agencies. The time and hard work from the members of this jury has been significant. The goal of the jurors is that these reports will lead to improvements in the operation and effectiveness of local government throughout Merced County.

The 2018-2019 MCCGJ appreciates the opportunity and privilege of contributing to Merced County’s future.

Respectfully submitted,

Joel Moses, Foreperson  
2018-2019 Merced County Civil Grand Jury

**2018 – 2019 Merced County  
Civil Grand Jury Members**

1. Brenda Jean Calbert (Secretary)
2. Mayra Ceja Del Toro
3. David Cunca\*
4. Karen Lisa Deeming
5. Alexander Duran \* (Vice Foreperson)
6. Rennise T. Ferrario
7. Ryan Foote
8. Mary Esther Gomez
9. Michael Phillip Green
10. Portia R. Green
11. Leland P. Haugen\*
12. Bryce Allen Howard\*
13. Stoney W. Jackson Jr.
14. Joe F. Martins
15. Victoria McKim
16. Edna Montes de Oca\*
17. Joel Moses (Foreperson)
18. Toby Neal Soares
19. Mai Yer Vang
20. Salvador Navarrete
21. David Rodriguez

\*Members unable to complete their term

The 2018 -2019 Civil Grand Jury members resided in the following communities in Merced County.

Atwater  
Los Banos  
Merced  
Planada  
Winton

# **MANDATED INSPECTIONS OF JAIL FACILITIES**

## **INTRODUCTION**

California Penal Code 919(b) requires the Merced County Grand Jury (MCCGJ) to inspect and inquire into the management and conditions of the jails within the County. During the year, the MCCGJ inspected the following facilities:

Merced County Sheriff's Department Main Jail

Merced County Sheriff's Department John Latorraca Correctional Facility (JLCF)

Merced County Superior Court Holding Facility

The Los Banos Police Department and Jail facility are exempt from the above list based on the discontinuation by the City of its holding facility. Arrestees from Los Banos, Dos Palos, California Highway Patrol, and Fish and Game are transferred to the Merced County Main Jail. The Grand Jury inspected all three facilities but decided not to write reports on the Merced County Sheriff's Department Main Jail and Merced County Superior Court Holding Facility.

# **JOHN LATORRACA CORRECTIONAL FACILITY**

## **SUMMARY**

The John Latorraca Correctional Facility (JLCF) is located at 2584 West Sandy Mush Road south of the City of Merced. The facility is located on approximately 100 acres adjacent to the Iris Garrett Juvenile Justice Center. The rated holding capacity of the facility is 564 inmates. Average daily population for May 2019 was 447. The facility is staffed by thirty-three (33) correctional officers, five (5) sergeants, ten (10) administrative staff comprised of sheriff systems operators, cooks, and facility assistant clerks, and two (2) day shift maintenance staff that work Monday-Friday. The facility is the main jail facility for the County and local jurisdictions. It was originally built in the 1990's as a short-term facility for weekend alternative sentences but now houses short-term and long-term inmates. Prisoners are located in separate areas depending on the crimes they committed, their current risk assessment, and their behavior. This facility is currently under the supervision of the Sheriff and Probation Departments and holds both male and female offenders.

## **BACKGROUND**

During its investigation of the JLCF, the MCCGJ received complaints concerning general maintenance of the facility, lack of water in the cells, lack of hot water in the showers, price gouging by the commissary, withholding of medications from inmates, and lack of adequate medical and dental services.

## **METHODOLOGY**

Over the course of three (3) separate investigative site visits, the MCCGJ conducted interviews with Merced County Sheriff's administrative and correctional facility staff, on site medical staff, county public works maintenance staff assigned to the facility, facility inmates, county administrative staff, and California State Board of Corrections staff. The MCCGJ reviewed documentation on maintenance, medical procedures, and commissary pricing.

## **DISCUSSION**

The facility is laid out with four (4) bunk buildings (Buildings 300, 400, 500, and 600). Building 300 has three (3) cells: one (1) medical dorm with eight (8) available bunks, and two (2) female cells with occupancy at twenty (20) per cell. Building 400 has six (6) cells with occupancy at twenty (20) per cell and contains sensitive needs cells only. Building 500 has eight (8) cells: two (2) cells with occupancy of eighteen (18) per cell, one (1) general population cell and one (1) Norteno cell; five (5) cells with occupancy of twenty-three (23) containing sensitive needs; and one (1) cell with occupancy of twenty-four (24) containing sensitive needs. Building 600 has seven (7) cells with occupancy at twenty (20) per cell; one (1) program dorm (for inmates involved in rehabilitation and education programs), four (4) general population dorms, one (1) dorm for inmates over thirty-five (35+), and one (1) worker dorm. The bunk buildings enclose a court area with grass and paved surfaces for recreational use. The facility also contains administrative buildings, classrooms, medical clinic and other support facilities.

The JLCF has been updated over the years to accommodate the growing prison population but is showing a great deal of decay not related to vandalism. Individual bunkrooms are separated by drywall which has holes and mold. Maintenance logs showed numerous problems with mold. Maintenance of the JLCF is under the responsibility of the County Public Works Department. Maintenance personnel report daily to Public Works Department before traveling to JLCF and can be assigned to any work site based on countywide needs. During the first inspection by the MCCGJ, the facility had only one maintenance person working on site for six (6) hours a day. On a second visit, it was noted that a second maintenance worker was working on site.

While touring the facility the MCCGJ inspected the water temperature and flow in selected bunkrooms. Out of two showers inspected, one shower was not functioning, and the second shower had low water flow and no hot water. The handwashing sink had no water flow. The MCCGJ was shown by staff that the water system pipes are plugged with mineral build up and restricting water flow. Staff explained that piping is being replaced only when problems become acute because of the impending remodeling project. Hot water is sometimes not available in bunkrooms because of hot water boilers breaking down. Several boilers are so old replacement parts cannot be purchased, so they must be specially fabricated for repairs. The facility maintenance records show numerous problems with water line breakage within walls and water service interruptions.

Inmates are issued one blanket each for use in the bunkrooms. Inmates with special needs may be provided an additional blanket on request. It should be noted that during the visit in November, the bunkrooms the MCCGJ inspected were at a comfortable temperature.

During the inspection, the MCCGJ investigated prices at the commissary. The commissary provides a number of items including personal hygiene items, snacks, and convenience foods. The County outsources commissary operation to an outside vendor who provides items and sets the price of individual items. The County does review and approve items sold at the commissary. Inmates can order items online, but only through specifically approved vendors. In reviewing the commissary list and prices, some seemed higher than paid at community stores, however, the prices maybe higher due to the costs of providing items to a jail facility. The MCCGJ reviewed the new contract and it requires any request for a price increase by the contractor to be substantiated with documentation from the contractor, a manufacturer, supplier, local market, or governmental agency and must be submitted in writing at least thirty (30) days prior to the effective date of the increase. It also provides that the County and contractor shall mutually agree to prices for any and all items to be provided to inmates. No price of any product may be set and/or changed without the express written approval of the County. Approval for increases will not be unreasonably withheld by the County.

The MCCGJ investigated the medical services including prescription dispensing. The MCCGJ interviewed medical staff and the onsite clinic facilities to review medical procedures and facilities. Opioid medications are not allowed in the facility, nor are they distributed to inmates even if prescribed. Alternative medications are provided.

Intake procedures require detainees to surrender any prescription drugs to the medical staff. The County's medical databases are checked and personal physicians are contacted for current

prescription information. Approximate time for verifying medications was reported to take between one (1) and three (3) days. Once verified, medication is distributed by medical personnel under the supervision of correctional officers. Under some circumstances, medications are administered in the medical clinic offices. If an inmate refuses to take their medication it is noted in the file. All distributions of medications are controlled and logged in the medical records of the clinic.

The MCCGJ inquired about dental care in the facility. The MCCGJ was informed due to availability of qualified dentists, treatment was not frequently available. Emergency cases are handled outside the facility. The County is negotiating an updated addendum to the contract with the medical provider that would increase the availability of dental services.

In November 2015 the County received a \$40 million grant to upgrade the facility from the California Board of State and Community Corrections and a contribution of \$5 million from Merced County. To date none of the funds have been used. The State is waiting to release funds pending the completion of grant conditions by the County. Currently the County is working with the State Fire Marshall, General Services Agency, Department of Finance, and others to complete the requirements for the Real Estate Due Diligence Report.

The County does have plans to implement a three-phase plan to correct problems at the current facility and to build new facilities. Unfortunately, the County has not yet secured the release of the \$40 million dollar grant approved four (4) years ago and has not determined a source of funds for Phases two (2) and three (3).

**FINDING(S)**

- F1:** That the JLCF is in an advanced state of decay.
- F2:** That the county has received a \$40 million grant in 2015 for the phase one (1) upgrading of the facility and the County has allocated \$5 million in funds to upgrade the facility.
- F3:** That no funds have been released to begin the project based on unfulfilled conditions of approval.
- F4:** That no sources have been identified for the implementation of phase 2 providing for the replacement of the Main Jail and facilities at JLCF.
- F5:** That the County has new, or modified, contracts for the commissary and medical services.

**RECOMMENDATION(S)**

- R1:** That the maintenance staff be increased to maintain facility and address issues in a timely manner.

**R2:** That the County put the highest priority on completing the grant requirements needed for release of the funding so construction can begin on Phase one (1).

**R3:** That the Board of Supervisors identify funding sources for the implementation of Phase two (2). Phase two (2) will replace jail facilities at both the JLCF and the Main Jail in downtown Merced.

### **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are requested:

- Merced County Board of Supervisors respond to F1, F2, F3, F4, R1, R2 and R3 within 90 days.
- Merced County Sheriff Vernon Warnke respond to F1, F2, F3, F4, R1, R2, and R3 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **POLICE DEPARTMENTS WITHIN MERCED COUNTY**

Only a few police departments in Merced County contain jail facilities, but the 2018-2019 Merced County Civil Grand Jury (MCCGJ) chose to visit all departments in the County with a focus on policies regarding the growing homeless population. The MCCGJ understands that our police officers are an integral part of the safety network in Merced County.

## ATWATER POLICE DEPARTMENT

The City of Atwater has a current population of approximately 31,470 according to the most recent California Department of Finance population projections for 2019. Atwater includes an incorporated area of 6.12 square miles containing residential, commercial and industrial properties. There are two (2) high schools, one (1) junior high school, one (1) Community Day School, and seven (7) elementary schools in the Merced and Atwater Unified School Districts. The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Atwater Police Department, located at 750 Bellevue Road in Atwater, on November 27, 2018, and April 29, 2019.

At the time of inspection, the Department employed a total of thirty-four (34) employees including one (1) chief, three (3) sergeants, twenty-two (22) sworn officers, two (2) detectives, two (2) community service officers (CSO) with one (1) CSO responsible for animal control, and five (5) dispatchers. Atwater Police Department also dispatches for the Atwater Fire Department. The facility has two (2) cells for holding purposes, with a capacity for six (6) detainees. The average holding time is six (6) hours before detainees are booked at the Merced County Main Jail facility.

The facility is overcrowded and in need of expansion or replacement. The Atwater Police Department and City Hall share a reception area. The server room is tightly packed with computer equipment and is not properly air conditioned. Box floor fans are used to keep the equipment cool. The evidence room is not large enough to secure the evidence and materials must be stored in multiple areas. The conference room is a shared space with City Hall. The dispatch center is outdated and needs upgrading. The Department detectives have offices in another location. The MCCGJ was told by multiple personnel that the air conditioning system is in need of replacement.

The Department has policies for addressing the needs and issues associated with mental illness and homeless persons. The policy encourages commitment to protecting the rights, dignity, and property of homeless members of their community. All officers are provided with body camera equipment for their safety and the safety of the public. The MCCGJ inquired if the Department currently supplies overdose reversal drugs for their officers to use in the field and for their own protection and they indicated that they do not.\*

\*At a followup interview it was reported that the Atwater Police Department has included the overdose reversal drug dispensers as standard equipment and provides training.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

### FINDING(S)

**F1:** That the Department has a commitment to provide for the needs of the homeless and mentally ill community in their city.

**F2:** That the facility is inadequate for the needs of the Department.

**F3:** That the officers are provided with overdose reversal drug dispensers as standard equipment.

**RECOMMENDATION(S)**

**R1:** That the Atwater City Council actively search for additional funding to relocate or rebuild a facility to adequately meet the needs of the police department.

**REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Atwater City Council respond to F2 and R1 within 90 days.
- Atwater Police Department respond to F2 and R1 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **DOS PALOS POLICE DEPARTMENT**

The City of Dos Palos has a current population of approximately 5,541 according to the most recent California Department of Finance population projections for 2019. Dos Palos includes an incorporated area of 1.32 square miles with a combination of residential, commercial and industrial development. There is one (1) high school, one (1) middle school and two (2) elementary schools in the Dos Palos Oro Loma Joint Unified School District.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the City of Dos Palos Police Department located at 1546 Golden Gate Avenue, Dos Palos on December 11, 2018. The facility was originally built in 1963 and has had several additions and remodels since then. The department shares its building with the City Council Chambers.

At the time of inspection, the Dos Palos Police Department employed a total of fifteen (15) employees including: one (1) chief, one (1) sergeant, seven (7) sworn officers, one (1) School Resource Officer (SRO), and five (5) dispatchers. The facility consisted of multiple rooms including the evidence room, office spaces, dispatch, and an exercise room. All spaces were well ordered and clean. The facility does not have any holding cells. All detainees are transported directly to the Merced County Main Jail facility. Officers wear body cameras for the protection of the community and themselves. The Dos Palos Police Department was the first in Merced County to provide overdose reversal drug dispensers as standard equipment. The equipment was obtained using monies from a grant.

Several improvements have been made including updating the dispatch station and securing the parking lot with fencing and a locked gate. The Dos Palos Police Department has recently procured an animal control pet transport bed through barter with another department. Additionally, they have been very successful in writing grants and budgeting to obtain needed equipment.

The facility is regularly inspected by the State of California, Merced Health Department, Dos Palos Fire Department and State Juvenile Justice System.

### **FINDING(S)**

- F1:** That the Dos Palos Police Department facility is continuing to improve utilizing innovative barter and grant writing to fund projects.
- F2:** That the Dos Palos Police Department is well ordered and is adequate to serve the needs of the current community.
- F3:** That the MCCGJ is impressed that the Department is the first to provide overdose reversal drug dispensers as standard issue equipment for their officers.

**RECOMMENDATION(S)**

None

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **GUSTINE POLICE DEPARTMENT**

The City of Gustine has a current population of approximately 5,884 according to the most recent California Department of Finance population projections for 2019. Gustine includes an incorporated area of 1.55 square miles containing residential, commercial and industrial properties. There are two (2) high schools, one (1) middle school, and two (2) elementary schools in the Gustine Unified School District. There is also one (1) K-8 school under the auspices of Our Lady of Miracles Catholic School.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Gustine Police Department located at 682 3rd Avenue in Gustine on April 4, 2019. The facility was built in the late 1960's and has been updated and improved to adapt to their needs. Gustine has the distinction of being the site of the first 9-1-1 system in California, installed in March 1970.

At the time of inspection, the Department employed a total of nine (9) employees including: one (1) chief, one (1) sergeant, six (6) sworn officers, and one (1) community services officer who serves as the animal control officer as well. Dispatching services for the Department are contracted with the Livingston Police Department. There are two (2) sworn officer positions open but Gustine Police Department reports having difficulty in maintaining staff levels due to more competitive salaries, better benefits and advancement opportunities offered by other departments both within and outside Merced County.

The facility consisted of multiple rooms including the evidence room, locker rooms, a booking room, and office spaces. The Department has no holding cells and sends all detainees directly to the Merced County Main Jail facility. At the time of the inspection, the facility was clean, organized, well-maintained and had adequate space for needed functions of the officers.

The MCCGJ was given a written policy for addressing the needs associated with homeless and mentally ill individuals and are committed to protecting their rights, dignity, and property. Members of the Gustine Police Department are encouraged to interact and integrate into the community during their shifts by dropping into events, businesses, and taking time to talk with youth in their city. The MCCGJ was informed that all officers are provided with body camera equipment for their safety and the safety of the public. The video footage is stored and used for possible evidence and incident review. The MCCGJ inquired if the officers were provided with overdose reversal drug dispensers as standard equipment and they responded it is not yet available to their officers.\*

\*At a followup interview it was reported that the Gustine Police Department has included the overdose reversal drug dispensers as standard equipment and provides training.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

**FINDING(S)**

- F1:** That the Department has a policy for providing assistance with homeless and mentally ill individuals.
- F2:** That the facility is well organized and adequate for the needs of the Department.
- F3:** That the officers interact positively with their community.
- F4:** That the officers are provided with overdose reversal drug dispensers as standard equipment.

**RECOMMENDATION(S)**

None

**REQUEST FOR RESPONSE(S)**

None

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **LIVINGSTON POLICE DEPARTMENT**

The City of Livingston has a current population of 14,811 according to the most recent California Department of Finance population projection for 2019. Livingston includes an incorporated area of 3.7 square miles containing residential, commercial and industrial properties. Livingston Unified School District contains one (1) middle school, three (3) elementary schools, and two (2) child development centers. Livingston High School is in the Merced Union High School District but receives services from the Livingston Police Department.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Livingston Police Department located at 1446 C Street in Livingston on March 26, 2019. The facility was built in 1998 and is suited to the needs of the Department. The facility consists of multiple, well-organized spaces that are suitable for the Department's needs.

The Livingston Police Department is the largest General Fund department in the city. At the time of inspection, the Department employed a total of 37 employees: 34 full-time and 3 part-time personnel. Full time employees include one (1) chief, two (2) lieutenants, three (3) sergeants, three (3) corporals, one (1) detective, one (1) intelligence officer, eleven (11) patrol officers, five (5) dispatchers, one (1) animal services officer, one (1) police services assistant, one (1) records assistant, one (1) evidence and special projects officer, one (1) director of professional services and one (1) executive assistant to the chief. Part-time employees include one (1) dispatcher, one (1) reserve officer, and one (1) volunteer.

The Department has no holding cells and sends all detainees directly to the Merced County Main Jail facility. The Livingston Police Department dispatch center also dispatches for Gustine Police Department. The Department does have municipal ordinances and resolutions in place to address the growing problem of homelessness in the City. In addition, the Department has an informal policy and practice of providing services to the homeless through the local churches. The Department will also provide courtesy rides to shelters in Merced. The Department currently supplies overdose reversal drugs for their officers to use in the field and for their own protection.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

### **FINDING(S)**

- F1:** That the facilities are well organized and adequate for current needs of the Department.
- F2:** That the Department does have policies in place to address issues and needs of the homeless population.
- F3:** That the Department does have overdose reversal drugs as standard issue equipment.

**RECOMMENDATION(S)**

None

**REQUEST FOR RESPONSE(S)**

None

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **LOS BANOS POLICE DEPARTMENT**

The City of Los Banos has a current population of approximately 41,898 according to the most recent California Department of Finance population projections. It is an incorporated area of 10.12 square miles with a combination of residential, commercial and industrial development and is the second largest city in Merced County and is considered the west side hub of the county. There are four (4) high schools, two (2) junior high schools and nine (9) elementary schools in Los Banos.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Los Banos Police Department and jail facilities located at 945 5th Street in Los Banos on December 11, 2018. The facility was built in 1969 and has been remodeled several times; most recently in 2013. The jury did not inspect the Department's annex facility at 444 J Street, which contains the office for the Police Activities League (PAL) and hosts public events such as Citizen's Police Academy, gift wrapping for Kops for Kids program and other community programs. The Los Banos PAL program is very successful and has provided low to no cost programs for more than 15,000 local youth since it began in 1989. Programs provided include Flag Football, Junior Giant's Baseball, Girl's Softball, Sober Graduation, and Kops for Kids. This program has two main objectives. The first objective is to foster a closer relationship between law enforcement and youth to build understanding and respect. The second objective is to reduce youth crimes, violence and substance abuse in the community through positive interaction with law enforcement.

At the time of inspection, the Los Banos Police Department employed a total of sixty-eight (68) employees including one (1) chief, forty-one (41) sworn officers, eleven (11) dispatchers, five (5) community service officers (CSO), two (2) K-9 units, four (4) detectives, one (1) sergeant, three (3) school resource officers (SRO) and approximately four (4) volunteers. The CSO officers include the animal control functions. The Department has openings for two (2) additional CSO's, one (1) code enforcement officer and two (2) dispatchers. The dispatcher responds to approximately 60,000 calls per year and work as jail staff as needed.

The jail facility now processes detainees within 24 hours. They are either cited and released with a court date or transported to Merced County Jail. All detainees from the Highway Patrol, State Fish and Game, and the City of Dos Palos are immediately transported to Merced and the county jail. Only Los Banos detainees are booked at the Los Banos facility. The current facility has seven (7) cells, including a padded cell, with a total holding capacity of twenty (20) persons. Any medical needs for detainees at the Los Banos facility are provided by outside contractors, hospital, or other necessary professionals. Food preparation is done on site and consists of simple nutritional meals that meet state and federal standards. The jail facility has a supply closet that is fully stocked with bedding, snacks, personal health items, and emergency clothing items for detainees in need.

Los Banos does not have a homeless shelter or mental health facility; however, local community organizations provide some food and clothing. Los Banos does have official policies in place regarding how to interact and help the homeless find assistance. The Department works closely with the Continuum of Care through Merced County Mental Health Department.

All officers wear body camera equipment for the safety of both the public and the officers. All video recordings are stored and used for evidence and incident review. The MCCGJ inquired if the Department currently supplies overdose reversal drugs for their officers to use in the field and for their own protection and they indicated that they do not. Dispatch currently has approximately twelve (12) cameras located in the City of Los Banos for public safety but they are not connected to the school system cameras as other County jurisdictions have done. Cameras connecting police departments to schools adds security and safety for students and the general public, allowing Police Departments to monitor immediately in the event of a school incident.

The size of the current main police station building does not meet the needs of the Department. It is small and cramped with areas being utilized for multiple purposes. The City has purchased property and has plans to break ground on the new \$25 million, 30,000 square foot facility in 2020 with anticipation of completion in 2023. The new facility will provide adequate room for the growing Department. The new location will be at 1111 G Street in Los Banos.

The facility is regularly inspected by the State of California, Merced Health Department, Los Banos Fire Department and State Juvenile Justice System.

#### **FINDING(S)**

- F1:** That the Department has plans to break ground on a new \$25 million, 30,000 square foot facility in 2020 with completion anticipated in 2023.
- F2:** That the Department has policies in place to assist homeless and mentally ill residents.
- F3:** That the Department's growing Police Activities League (PAL) program continues to work toward reducing crime, violence and substance abuse among youth through positive interaction.
- F4:** That the officers are not provided overdose reversal drug applicators as standard issue equipment.
- F5:** That dispatch has camera surveillance of the City at approximately twelve (12) strategic points but has no direct camera surveillance of the fifteen (15) schools in Los Banos.

#### **RECOMMENDATION(S)**

- R1:** That the Department include overdose reversal drug applicators to every officer as standard equipment and provide training. (F4)
- R2:** That existing school video surveillance be connected to the dispatch network system. (F5)

**REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Los Banos City Council respond to F4, F5, R1, and R2 within 90 days.
- Los Banos Police Department respond to F4, F5, R1, and R2 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## MERCED POLICE DEPARTMENT

The City of Merced has a current population of approximately 87,110 according to the most recent California Department of Finance Population Projections and serves as the county seat. It is an incorporated area of 23.23 square miles with a combination of residential, commercial, and industrial development. There are four (4) high schools, four (4) middle schools, fourteen (14) elementary schools, and one (1) preschool program in the Merced Unified and Merced Union High School District. There are adult education campuses, a community college, and a University of California campus in the area as well.

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) inspected the Merced Police Department located at 611 West 22<sup>nd</sup> Street in Merced on November 28, 2018. The facility was built in 1956 and is outdated and not up to current standards. The building on West 22<sup>nd</sup> Street houses investigations, dispatch, records, gang violence suppression unit, evidence/property, and administration. The Department utilizes a second location identified as the South Station, located at 470 West 11<sup>th</sup> Street. The MCCGJ did not inspect this location but it houses their animal control unit, parking enforcement, and volunteers.

The current police station is inadequate for the needs of the Department. Some staffing areas are not within proximity of supervising officers. Dispatch supervisors are on the second floor and the dispatch center is on the first floor. The locker rooms are not large enough to store all officers personal belongings as well as department equipment. Due to the lack of space, filing cabinets containing case files are stored in hallways. Staff indicated that some restroom stalls were not large enough to accommodate wheelchairs. The City is in the process of funding a new facility.

The Department runs an excellent Citizens Police Academy twice a year in spring and fall. This program is an eleven (11) week course that consists of one (1) three-hour session per week. The program is intended to give citizens an overview of their police department's functions and operating procedures. It exposes the participants to some of the training required of officers and develops a partnership with citizens. The Department obtains valuable feedback from the participants to make the community safer.

At the time of inspection, the Merced Police Department employed a total of 136 sworn and non-sworn employees. Sworn officers consist of one (1) Chief of Police, three (3) captains, three (3) lieutenants, twelve (12) sergeants, and 79 officers. Non-sworn personnel consist of two (2) parking control officers, two (2) analysts, eleven (11) records clerks, two (2) supervisors, fifteen (15) dispatchers, and eight (8) Community Resource Officers. They have two (2) dispatch positions open but are otherwise fully staffed. The Department has two (2) dispatch work stations that perform dispatch services for the Police Department as well as the City's Fire Department.

The facility has two (2) holding cells that are used for holding detainees for a maximum of six (6) hours prior to being sent to the John Latorraca Correctional Facility. Both youth and adult offenders are processed in the facility but they must remain separate due to a federal mandate. Officers wear body cameras. Video footage is stored and used as evidence and incident review. The MCCGJ inquired if the Department currently supplies overdose reversal drugs for their

officers to use in the field and for their own protection and they indicated that they do not. Merced Mental Health works closely with the Merced Police Department to find solutions to the needs and issues that occur in the homeless community.

The facility is regularly inspected by the State of California, Health Department, Fire Department and Juvenile Justice System.

#### **FINDING(S)**

- F1:** That the facilities are inadequate for efficiently running and managing the Department.
- F2:** That some restroom stalls are not large enough to accommodate wheelchairs.
- F3:** The MCCGJ is impressed with the great work the Department does with the Citizens Police Academy program and believes they should make it more widely publicized.

#### **RECOMMENDATION(S)**

- R1:** That the City find funding for a new building as soon as possible. (F1)
- R2:** That the main Police Department make the restrooms accessible to wheelchairs. (F2)
- R3:** That the Department publicize their Citizen's Police Academy more widely. (F3)

#### **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are requested.

- City of Merced respond to F1,F2 and R1 and R2 within ninety (90)days
- Merced Police Department respond to F3 and R3 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in Accordance with Penal Code Section 933.05.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **IRIS GARRETT JUVENILE JUSTICE COMPLEX**

The 2018-2019 Merced County Civil Grand Jury (MCCGJ) conducted a facility inspection of the Iris Garrett Juvenile Justice Complex located at 2840 West Sandy Mush Road in Merced County on December 5, 2018. This facility is a complete complex for the juvenile justice system in Merced County.

At the time of the inspection, the juvenile complex housed forty-five (45) youths (thirty-six (36) males and nine (9) females). It has a maximum bed capacity of 120. There are forty (40) individual cells and forty (40) double cells. The juvenile facility is supervised and funded solely by the Probation Department. This facility houses the Juvenile Court where all cases are adjudicated, including first-time offenders. The Juvenile Court operations include intake facilities consisting of 48-hour holding cells and long-term cells during processing. The court area includes a courtroom, a clerk's office, and conference rooms for attorneys to meet privately with their clients.

The MCCGJ inspected the medical facility and the intake areas. These areas were found to be clean and organized. The medical area provides basic medical care but youth must be transported out for major medical and dental care. The intake area, specifically the monitoring area, has been reorganized and updated with new monitors and a larger work space.

The youth appeared well-groomed, healthy, and were wearing clean clothing. Laundry is done at the John Latorraca facility located directly across the parking lot. A washer and dryer unit for special items is located in the intake area to ensure those items remain at the youth facility. The cells were clean and orderly. All meals are prepared at the John Latorraca Correctional Center; however, the juvenile meal plan has been changed to food preferred by the juvenile residents and differs from the diet at the adult facility. The food vendor (Trinity) remains the same but the price per meal increased due to the new selection of foods offered. The youth are provided with three nutritional meals per day and additional snacks which can be purchased with points earned for good behavior.

The MCCGJ also toured the classrooms. The classrooms were clean and orderly. The students were very respectful of the teachers and staff. The juvenile facility provides multiple programs for the youth. The Bear Creek Academy Youth Treatment and Long-Term Program ensure the youth are enrolled in a regular academic curriculum and programs designed to promote successful integration back into society. The academy is structured in phases and students must earn a required amount of points through participation and proficiency to successfully complete each part of the program. The schedule includes programs that have been in place for many years such as the Recovery Assistance for Teens (RAFT) to address substance abuse issues, Cognitive Behavior Therapy (CBT) to help the youth deal with their emotions, and standard school programs (math, science, English, physical education, etc.). Additional new programming has been introduced such as Moral Reconciliation Therapy (MRT) to encourage integrity, the arts program (ART) which allows for creative expression, El Joven Noble, and Peaceful Warrior which allow the young men and women to discuss issues relevant to their life experiences and hardships. El Joven Noble has a community interaction component to promote positive role models and create

outside networks for success. The goal is to break old patterns that have resulted in negative and destructive behavior and provide tools to set and reach life goals. The juvenile facility holds high school graduation ceremonies for those meeting the requirements.

The MCCGJ spoke directly with the youth in the classroom environment. MCCGJ members observed an area where they grow vegetables and herbs and were told that students made their own salsa from the garden. Additionally, the youth were in good spirits and indicated their aspirations for the future in a positive way. The relationship between the youth and probation was positive and some verbalized they wanted to go into that field themselves. The youth indicated they enjoyed the improved food quality but stated the portions were smaller; some indicated they were still hungry after meals.

A nature excursion to Yosemite National Park is another opportunity for low-risk youth who have earned the privilege. This program is conducted through Sacred Rok, a Yosemite-based nonprofit. The mission of Sacred Rok is to support youth in nature, helping youth to learn to respect nature and through that, to respect themselves. The youth learn leadership and life skills immersed in the sanctuary space and natural beauty of Yosemite. The number of excursions is based on the budget for the year. This year four (4) trips are planned including three (3) day trips and one overnight trip. One trip has already happened with another in the near future.

#### **FINDING(S)**

- F1:** That the facility, including cells and classrooms, was clean and orderly.
- F2:** That the youth appeared well nourished, well-groomed and were wearing clean clothes.
- F3:** That the Bear Creek Academy Program provides a well-rounded program that includes both academic and personal growth opportunities as well as community interaction.
- F4:** That the facility has changed the choices of their meal packages and the increase in cost has resulted in a decrease of quantity and some students report they are still hungry.

#### **RECOMMENDATION(S)**

- R1:** That the Probation Department reevaluate the portion size of the meals provided for the youth and make increases as needed. (F4)

**REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are required:

- Merced County Board of Supervisors respond to F4 and R1 within 90 days.
- Merced County Probation Department respond to F4 and R1 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **MERCED COUNTY BOARD OF SUPERVISORS COMPENSATION**

### **SUMMARY**

In November 2007, the Merced County Board of Supervisors (MCBOS) initiated Ordinance 1825, which changed the computation of their annual salaries. Instead of determining salary levels by conducting multi-county job title comparison surveys and voting on their own salary packages and increases, Ordinance 1825 specifies that the Board's salary will be a percentage of Superior Court Judges' salaries and that all future increases would be solely based on Cost of Living Adjustments provided to the Judges of the State of California outside of the Supervisor's control.

### **BACKGROUND**

Prior to the adoption of Ordinance 1825, Ordinance 1647 (adopted September 12, 2000) established the salary for the members of the MCBOS as the average of the base salary paid to county supervisors in the counties of Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus, and Tulare.

The Grand Jury received an inquiry questioning why the MCBOS' salaries are based on a percentage of Superior Court Judges compensation and no longer determined by job comparison surveys as all the other Merced County employees' salaries are computed. The original complaint asked whether there was a comparison of duties or qualifications of the MCBOS compared to Superior Court Judges.

### **METHODOLOGY**

The Grand Jury conducted interviews with Merced County Administrative staff and Merced County Human Resources personnel, collected agenda documentation and minutes of the pertinent meetings of the MCBOS, and gathered information online at [publicpay.ca.gov](http://publicpay.ca.gov), [transparentcalifornia.com](http://transparentcalifornia.com), the website for the MCBOS, and the websites for the Board of Supervisors of the seven counties listed in Ordinance 1647 (2000).

### **DISCUSSION**

The MCBOS changed the way their base salaries, benefit package, cell phone, car, and expense allowances were computed by adopting Ordinance 1825. Ordinance 1825 was first discussed on August 21, 2007. A presentation, requested by the Board, outlined four possible pay options. The public was given the opportunity to provide input and public noticing requirements were met for each of several subsequent public meetings as the MCBOS considered the four options. Ultimately, a majority of the Board voted for the option that established their pay at 54.2 percent of a Superior Court Judge's salary. This was the amount of compensation received by MCBOS at the time compared to the salary established by the State of California for Superior Court Judges. Ordinance 1825 eliminated expense allowances and added an additional \$400 per month salary for the Chairman. Ordinance 1825 states that all future increases of MCBOS salary shall track

increases adopted by the State as Cost of Living Adjustments provided to Judges to allow the MCBOS salary to remain at 54.2 percent of salary paid to California Superior Court Judges.

It is worth noting that neither Ordinance 1825 nor the accompanying staff reports attempted to compare the job duties or qualifications of the member of the MCBOS to those of Superior Court Judges. As stated above, the relationship between the two was simply a calculation of the amount of the salary that members of the MCBOS were receiving compared to the salary established at that time by the State of California for Superior Court Judges.

Salaries are set by a variety of methods throughout the State. Many other counties tie Board of Supervisors pay to that of Superior Court Judges. The rate of 54.2 percent is unique to Merced; some counties are lower but most Counties are higher. The practice of setting Board of Supervisors' pay as a percentage of salary paid to Superior Court Judges would allow adjustments to Board of Supervisors' salaries determined by an independent cost of living analysis each year.

Changes in state laws triggered by public outcry to salaries paid in the City of Bell, California, in the late 1990's, resulted in greater transparency of salaries for public officials. Now, salaries for Board Supervisors for every County in the State can be easily accessed through websites like [publicpay.ca.gov](http://publicpay.ca.gov) and [transparentcalifornia.com](http://transparentcalifornia.com). In addition, the websites for the Board of Supervisors of many counties provide easy access to salary information; however, we did not find easy access to such information on the website for MCBOS. Therefore, Merced County Civil Grand Jury (MCCGJ) recommends the County of Merced revise its website to provide easy public access to the current salaries of all county officials and employees.

Once we confirmed that the adoption of Ordinance 1825 conformed with all state mandated public notice provisions, we reviewed whether the pay for MCBOS pursuant to Ordinance 1825 is in line with the pay that would be paid if Ordinance 1647(adopted September 12, 2000) had remained in place and not replaced by Ordinance 1825. As discussed above, Ordinance 1647 established the salary for the members of the MCBOS as the average of the base salary paid to county supervisors in the counties of Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus, and Tulare. We reviewed the current average of the base salary paid to county supervisors in the counties of Fresno, Kern, Kings, Madera, San Joaquin, Stanislaus, and Tulare and concluded that Merced County MCBOS' pay is pursuant to Ordinance 1825 is actually lower (about 1.5%) than would be if Ordinance 1825 had not been adopted and Merced County still followed Ordinance 1647.

Finally, as to the concern that MCBOS existing salary adjustments pursuant to Ordinance 1825 fail to satisfy the requirement of public input and transparency, we conclude that is not the case. First, multiple public meetings were publicly noticed for the discussion, introduction, and ultimately adoption of Ordinance 1825. Second, the public was able to provide input at each of the MCBOS meetings regarding their pay. Third, pay information is readily available through several websites; however, as noted above, we did not find easy access to such information on the website for the MCBOS, and, therefore, recommend that County of Merced revise its website to provide easy public access to the current salaries of all county officials and employees.

## **FINDING(S)**

- F1:** The public was given the opportunity to provide input and public noticing requirements were met for each of several subsequent public meetings as the MCBOS considered Ordinance 1825.
- F2:** Neither Ordinance 1825 nor the accompanying staff reports attempted to compare the job duties or qualifications of the member of the MCBOS to those of Superior Court Judges. The relationship between the two was simply a calculation of the amount of the salary that members of the MCBOS were receiving at that time compared to the salary established at that time by the State of California for Superior Court Judges.
- F3:** Future salary increases pursuant to Ordinance 1825 are solely based on Cost of Living Adjustments provided to the Judges of the State of California.
- F4:** Websites of the Board of Supervisors of many counties provide easy access to salary information. However, salary information is not easily accessible from the website for the MCBOS.
- F5:** Salary information for all county employees and officials is not easily accessible from the main website for Merced County.
- F6:** MCBOS pay pursuant to Ordinance 1825 is slightly lower (about 1.5%) than it would be if Ordinance 1825 (2007) had not been adopted and Merced County still followed Ordinance 1647 (2000).
- F7:** In 2007 when Ordinance 1825 was adopted it did satisfy the requirement of public input. Specifically, multiple public meetings were publicly noticed for the discussion, introduction, and adoption of Ordinance 1825.

## **RECOMMENDATION(S)**

- R1:** Include on the MCBOS' website prominent notification of any change in pay within 10 calendar days of the effective date of that change. That notification should remain prominent. (F4, F5)
- R2:** Include on the MCBOS' website a summary of salary and benefits paid to the Merced County MCBOS. (F4, F5)
- R3:** Provide user-friendly access on the website for the Merced County MCBOS. (F4, F5)
- R4:** The home page of the main website for County of Merced should provide the current salaries and benefits of all Merced County officials and employees. (F4, F5)

## **REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code §933.05, the grand jury requests responses as follows:  
From the following individuals:

- The Merced County Board of Supervisors respond to F4, F5, R1, R2, R3, and R4 within 90 days.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

# MERCED COUNTY PUBLIC ROADS FUNDING REPORT

## SUMMARY

Merced County Public Works Department has six separate departments, including a Roads Department, that oversees the maintenance and development of 1,754 miles of roads both paved and unpaved. The Department oversees the distribution of a budget derived from federal, state and local resources. The Merced County Civil Grand Jury (MCCGJ) became aware of some possible shortfalls in the collection and irregularities in the distribution of funds derived from the Counties Road Impact Fee Contracts.

## BACKGROUND

The MCCGJ received an inquiry questioning the condition of County roads and the funds used to build and maintain County roads. The original complaint asked about the placement and maintenance of road signs and the sources, use and non-payment of funds for road maintenance throughout Merced County.

## METHODOLOGY

The MCCGJ conducted interviews with Merced County Public Works Administrative staff, collected and reviewed County Impact Fee Contracts, County budget documentation and other documents provided by the Roads Department staff and reviewed the County Roads Department portion of the County website.

## DISCUSSION

The Merced County Public Works Department oversees the development and maintenance of County roads. The Department receives and collects fees from a number of sources including State of California Gas Tax Funds and grant funds from federal, state and local agencies. Funds collected as Impact Fees are assessed in seven (7) specified geographic areas of the County to provide funding for specific projects identified in those areas. Additional funds are collected to mitigate impacts caused by specific development projects. These projects are identified through the County's entitlement and environmental review processes and made a condition of the project's approval.

During fiscal years 2012-2016 the County only received sufficient funds for maintenance, improvements, resurfacing and reconstruction of approximately ten (10) miles of County roads. With the passage of Senate Bill 1 (SB 1) the County receives funding for an additional estimated thirty (30) to thirty-five (35) miles of road. This combined with other resources will now provide funding for an estimated forty (40) to fifty (50) miles of the 1,754 (1,600 paved) miles of County roads. Funds are distributed yearly through a Capital Improvement Plan and a Pavement Management Plan that is done through the County's yearly budget approved by the Board of Supervisors.

County Road Impact Fee Contract amounts vary according to conditions contained in the contract and probable impacts to the conditions of the road(s) in question. Contracts have different due dates for the submittal of yearly traffic counts and payments of fees. Some contracts require direct development of specific road improvements. Other contract provisions include a process for adjusting fees every five (5) years based on the construction cost index as published in the Engineering News Record. Contracts also have differing terms for the payment of fees ranging from one-time payments to multiple payments to ongoing indefinite time frame payment structures.

While reviewing documents provided by County Roads Department staff purporting to show funds collected from Impact Fee Agreements, MCCGJ determined that out of the contracts selected for review, twenty (20) may be delinquent in reporting traffic counts and paying their yearly fees. Assuming documents are correct, traffic reports and payments may be behind by as much as six (6) years. Of the possible delinquent accounts, nine (9) showed no recorded fees paid. Based on staff interviews, construction cost index as published in the Engineering News Record increases have not been applied to any contracts. Based on the above information, the MCCGJ determined that the County may be owed as much as \$400,000.00. The exact amount of fees could vary widely based on the varying fees per trucks per year, continued operation of the business, the total number of contracts and the accuracy and completeness of the information provided.

According to interviews, fees collected are simply placed in the countywide road maintenance account and used for projects throughout the County and not for the mitigation of the specific designated road impacts. Additionally, it was discovered that turnover of staff resulted in no one person being accountable for keeping track of these monies and their collection and use for a period of at least six (6) years.

#### **FINDING(S)**

- F1:** That the County in the future will have an increase in funds to use for road maintenance due to the increase in state funds generated by the increase in gas taxes. The (SB 1) fees forwarded to the County, along with other resources, will provide an increase from ten (10) miles to fifty (50) miles of improvement to the 1,754 miles of County roads.
- F2:** That the County has an adopted a Capital Improvement Plan and Pavement Management Plan guiding the allocation of funds on a yearly basis as a part of the County's budget process.
- F3:** That based on the documents provided, the County may be owed as much as \$400,000.00 in Road Impact Fees.
- F4:** That any Road Impact Fees collected are being combined with overall County Road Maintenance Fees and not assigned or used for the mitigation of specific projects as required by individual contracts.

- F5:** That the County has not increased individual Road Impact Fees by the construction cost index as published in the Engineering News Record as allowed by the contracts.
- F6:** That no one person has been accountable for the tracking of road impact fees for at least six (6) years. This accounts for the lack of documentation and accurate record keeping by the County Roads Department.

**RECOMMENDATION(S)**

- R1:** That an Audit of all County Road Impact Contracts and Funds be made within six months. (F1, F2, F4, F5)
- R2:** That separate trust fund accounts be established for the tracking of the collections fees and use of fees from Road Impact Fee Contracts. (F2, F4)
- R3:** That the Roads Department establish a specific set of yearly procedures for the collection and use of Road Impact Fees along with collecting all past due fees. The procedures should be overseen by one (1) department member and the Auditor’s Office. (F1, F2, F6)
- R4:** That the Roads Department establish procedures for the expenditure of Road Impact fees in accordance with the approved Road Impact Fees Contracts on a yearly basis. (F2, F4)
- R5:** That the Road Department review all Road Impact Fees to determine if increases are warranted based on the construction cost index as published in the Engineering News Record as allowed by each contract and attempt collection for any delinquent accounts. (F5)

**REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code §933.05, the grand jury requests responses as follows:

From the following individuals:

- Merced County Public Works Director/Roads Commissioner respond to F3, F4, F5, F6, R1, R2, R3, R4, and R5 within 60 days.

From the following governing bodies:

- Merced County Board of Supervisors respond to F3, F4, F5, F6, R1, R2, R3, R4, and R5 within 90 days.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## **USE OF MERCED CITY COUNCIL CHAMBERS**

### **SUMMARY**

The Merced City Hall has spaces available for rent to the public. These include Conference Rooms, an Exhibition Hall, the Sam Pipes Room, and Council Chambers. The 2018-2019, Merced County Civil Grand Jury (MCCGJ) received a complaint that questioned whether an elected official had been given special privileges in violation of City policies regulating the use of City Hall Facilities. After investigating, the MCCGJ concluded that the use of the Council Chambers by a local non-profit group on a Saturday did not violate City policies and no special privileges were given. However, the MCCGJ did find that City staff were not following official City policies regulating the use of City Hall Facilities and that those policies are poorly managed, not well communicated, and outdated. The MCCGJ recommends the City of Merced update its policies regulating the use of City Hall Facilities and ensure City employees are well-versed on the revised policies.

### **BACKGROUND**

The 2018-2019 MCCGJ received a complaint that questioned whether an elected official was given special privileges in violation of City policies and procedures regulating the use of City Hall facilities. According to the complaint a ceremony had been held by a group in City Council Chambers on a Saturday. This event led the complainant to question whether the ceremony evidenced special privileges to an elected official.

### **METHODOLOGY**

Members of the MCCGJ spoke with City staff and solicited information regarding the public's ability to rent facilities at Merced City Hall. Members of the MCCGJ also solicited an application from City Staff to rent such facilities. Thereafter, the MCCGJ interviewed City officials to obtain additional information on City policies and procedures for the rental of facilities at City Hall. Documents provided for review included a current Application and Agreement for Use of Facilities, the Samuel C. Pipes Meeting Room Information Sheet, and Merced Administrative Policies and Procedures. Additional information was obtained from the Merced City Parks and Facilities website, which provided general information and current fliers.

### **DISCUSSION**

City staff informed members of the MCCGJ that City Hall spaces are not available to rent on weekends. They also told members of the MCCGJ that they were not aware of any related policies or procedures regarding the leasing of facilities. In addition, the "Application and Rental Agreement for Use of Facilities" lists no facility at City Hall as available for rent or reservation by a member of the public. The Samuel C. Pipes Room handout lists only the Samuel Pipes Room (no other facility) and specifically states the room is available "Monday through Friday 8:00 a.m. – 10:00 p.m." with no mention of availability on weekends.

The information provided by City staff and the available forms supported the complainant's contention that City facilities were not available to rent on weekends. During a later interview a City official presented to the MCCGJ a copy of a policy dated October 17, 1994, entitled "Administrative Policies and Procedures: Rules For Use of Civic Center, Conference Room, Meeting Rooms, Exhibition Hall, and Council Chambers" that indicated rooms are available Monday through Sunday 8 a.m. to 11 p.m. The 1994 policy also states that arrangements and approval to use the Chamber are made through a City employee and a fee is to be charged for the use unless an exception applies. The exception that would apply reads as follows: "City of Merced or groups or organizations conducting meetings or events in which an employee or official of the City is participating in their official capacity." Under that exception, "No fee or deposit required." Therefore, the weekend use of the Council Chambers without a fee by a group in which an official or employee was acting in their official capacity did not violate official City policies. No special privileges were provided beyond those adopted by City policies regulating the use of City Hall facilities.

The City official confirmed that public works department and employees are available to unlock and lock the facility after hours and on weekends. The MCCGJ found, and the City official agreed during the interview, that the 1994 policy is outdated. At the time of the interview the policy had not been updated to conform to recent changes in law that limit the amount that Cities may charge for use of City-owned facilities. Fees adopted should comply with Proposition 26, codified a California Article XIIC, section 1(e). A fee may not exceed the estimated reasonable cost of providing the service for which the fee is charged. During this interview, the City official stated that the policy was outdated and that a new Administrative Policy and Procedures will be drafted after a review of such policies adopted by other Central Valley cities. The official stated that the revised policy will be presented to the Merced City Council in spring 2019.

The revised policy was received by the MCCGJ in spring 2019. The MCCGJ was provided an updated policy entitled "RULES FOR USE OF CIVIC CENTER, CONFERENCE ROOMS, MEETING ROOMS, EXHIBITION HALL, AND COUNCIL CHAMBER effective 5/20/2019 that replaced the policy dated 10/17/94. The MCCGJ reviewed the updated policy and determined that it fails to address some of our concerns with the 1994 policy.

For example, Section 1 of the updated policy states fees "for entities other than city employees or elected officials are governed by the rates set forth in the most current City Council Resolution approving Facility Use Fees." This implies that the fees are not applicable to city employees or elected officials but does not expressly say so and does not clarify when such fees are to be waived for city employees or elected officials. Also, Section 1 states that "use of all City Hall rooms, except the Sam Pipes meeting room and Exhibition Hall, will normally be limited to meetings involving municipal business or interests and be handled by a city employee or city elected official." The policy does not clearly state whether the listed rooms may only be used for "meetings involving municipal business or interests" or whether the meetings in the listed rooms must "be handled by a city employee or city elected official."

Section 2 of the updated policy appears to make certain fees discretionary: "use of facilities on weekends and holidays and for special events by the general public will be subject to additional fees to cover staffing costs, as determined by the City Manager." In addition to adding an

element of discretion to the fees, this statement implies facilities are available on weekends and for special events by the general public, in contrast to Section 1 that stated certain rooms are only for “meetings involving municipal business or interests” and in contrast to other sections of the updated policy that state certain rooms are only available Monday through Friday.

Section 3 of the updated policy makes any City employee or elected official “involved” in a meeting “responsible for the conduct of the individuals using the room.” It is unclear how that responsibility would fall on such employees or elected officials that are simply participating in a meeting and not the organizer of such.

Lastly, language in the updated policy states that the use of some rooms is “subject to prior approval” without clarifying whose approval is required or factors to be considered in denying or approving the requested use.

### **FINDING(S)**

- F1:** That the use of the City Hall facilities by a group on a Saturday did not violate City policies and an elected official was not given special privileges.
- F2:** That City employees are unaware of the policies regarding the usage of the City Hall. Misinformation has been given to citizens.
- F3:** That the City’s *Application and Agreement for Use of Facilities* does not include the facilities available at Council Chambers.
- F4:** That the policy dated October 17, 1994, entitled “Administrative Policies and Procedures: Rules for Use of Civic Center, Conference Room, Meeting Rooms, Exhibition Hall, and Council Chambers” was outdated.
- F5:** That the policy dated May 20, 2019 fails to address some of the concerns put forth in this report as detailed above.

### **RECOMMENDATION(S)**

- R1:** That the current Administrative Policies and Procedures should be updated and presented to the City Council for approval and implementation within 90 days of this Report. Provide confirmation of the new policy adopted by Council to the Grand Jury within 120 days of this Report. (F2, F3, F4, F5)
- R2:** That the City staff responsible for disseminating information regarding usage of City Hall facilities must be properly trained with current information within 30 days of the adoption of policies by the City Council. (F2)
- R3:** That the policies and procedures related to use of City Hall facilities must be reviewed on a regular basis and updated as needed. (F4, F5)

**R4:** That an update to all materials pertaining to the rental of City facilities including but not limited to rental agreements, website, and fliers to ensure all information is consistent with policy and procedures and provide the public with accurate information. (F3, F4, F5)

**REQUEST FOR RESPONSE(S)**

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Merced City Council respond to F2, F3, F4, F5, R1, R2, R3, and R4 within 90 days.
- Merced City Manager respond to F2, F3, F4, F5, R1, R2, R3, and R4 within 60 days.

Responses are to be submitted to the Presiding Judge of the Merced County Superior Court in accordance with Penal Code Section 933.05

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

One (1) juror recused from this investigation.



**MERCED COUNTY CIVIL GRAND JURY  
CONTINUITY REPORT**

A follow up for the  
2017-2018 Report

## **MERCED COUNTY CIVIL GRAND JURY COMPLIANCE AND CONTINUITY REPORT**

Civil Grand Juries are governed by California Penal Code Section 933 (a) which requires the Jury to submit a report to the presiding judge of the Superior Court of the findings and recommendations that pertain to county government matters. Section 933 (c) requires responses from the governing body, elected county officials or department heads to the presiding judge of the Superior Court on the findings and recommendations within the required period of time. Governing bodies of public agencies are required to respond to the judge no later than 90 days after the Grand Jury submits a final report. Department heads are required to respond within 60 days of the final report.

Section 933.05 (b) requires that in the response to the Grand Jury report, elected officials or department heads must provide one of four possible responses to each recommendation:

1. The recommendation has been implemented, with a summary of the action taken.
2. The recommendation will be implemented, with a summary of the action taken.
3. Further analysis is required, with an explanation and timeframe for the response of up to six months from the release of the report.
4. The recommendations will not be implemented because it is not warranted or is not reasonable, with an explanation.

When responses have been received, it is the responsibility of the clerk of the court to forward a true copy of the report and the responses to the State Archivist, who retains the report in perpetuity. The Grand Jury Reports are available to the public by request from the State Archivist in Sacramento. The reports can also be obtained from the Merced County website.

Included in this report are the investigations conducted by the 2017-2018 Merced County Civil Grand Jury (MCCGJ). A brief summary of each report is provided, along with findings and recommendations of the MCCGJ. Verbatim responses to the reports from the government agencies or departments are also provided.

## **ELECTION PROCEDURES PREVENT FRAUD**

### **Internal Investigation 17-12-05**

The 2017-2018 Merced County Civil Grand Jury (MCCGJ) received concerns from citizens regarding voting procedures in Merced County with the potential for fraud within the election process.

#### **FINDING (S)**

- F1.** That the Voter Registrar's office is working proactively to educate first time voters to ensure they are aware of registration and voter procedures.
- F2.** That any irregularities found in the registration process are forwarded to the jurisdiction of the California Secretary of State for review.
- F3.** That there is no capability for any connection between ballot counters and outside electronic interference.
- F4.** That new mail-in ballot envelopes have additional security with a new signature window and are hoped to be used in the future.
- F5.** That cross-checking system for the three types of ballots prevents voters from voting more than once.

#### **RECOMMENDATION (S)**

- R1.** That the County Voter Registrar continue its outreach programs to local high schools, colleges and universities to educate new voters with regard to voter registration requirements and processes.
- R2.** That the County Voter Registrar and staff continue to receive training as it is available regarding electronic security for the voting process.

#### **REQUESTED RESPONSE (S)**

Pursuant to Penal Code Section 933.05, the following responses are required.

- Merced County Board of Supervisors respond to F-1, and R-1 and R-2 within 90 days.
- Merced County Registrar of Voters respond to F1-F-5, and R-1 and R-2 within 90 days.

#### **Response #1**

“The Board of Supervisors appreciates the Civil Grand Jury’s interest in the Merced County elections process and elections security. The Registrar of Voters has done a commendable job of proactively educating local youth and other first-time voters of the registration process and elections procedures. The Board is aware of the Office’s efforts to participate in high school information weeks as well as educate students at Merced College and UC Merced. The Board agrees with the Civil Grand Jury’s recommendation to continue these outreach programs and is encouraged to know that plans to continue this are already in place by the Registrar of Voters Office.

Regarding the recommendation to continue staff training for electronic security and voting process purposes, the Board agrees with the Civil Grand Jury and understands that this is already underway by the Department. The Registrar of Voters and her staff regularly participate in educational opportunities and review information from a variety of State and Federal agencies to ensure best practices and standards are implemented and used.”

(Merced County Board of Supervisors, September 18, 2018)

## **Response #2**

“I have received and reviewed the 2017-2018 Grand Jury Report. As requested therein, please accept this as my response to the report regarding election procedures.

F1. *That the Voter Registrar’s office is working proactively to educate first time voters to ensure they are aware of registration and voter procedures.*

Re: Finding F1 - I concur.

F2. *That any irregularities found in the registration process are forwarded to the jurisdiction of the California Secretary of State for review.*

Re: Finding F2 - I concur. California has a statewide voter registration data base as required by the Help America Vote Act of 2002. All new voter registrations and all changes to existing voter registrations are processed appropriately as per existing laws and rules. All notifications of changes and updates processed electronically are received in ‘near real time’ and are processed accordingly. Irregularities noted that cannot be resolved between counties may require assistance from the Secretary of State office.

F3. *That there is no capability for any connection between ballot counters and outside electronic interference.*

Re: Finding 3 - I concur. None of the tabulation equipment utilized in Merced County is ever connected to the internet nor are any of the units accessible remotely.

F4. *That new mail-in ballot envelopes have additional security with a new signature window and are hoped to be used in the future.*

Re: F4 - I concur. Merced County utilized, as a test, new vote by mail return envelopes for the 2017 UDEL election. The envelope offered additional security measures in that it included a pull tab that, once the signed envelope was sealed by the voter, concealed the voter signature. In this way, the signature could not be viewed as the envelope made its way back to the Elections office through the mail. For processing and signature verification by the Elections staff, the pull tab was removed. We are exploring the possibility of utilizing this type of envelope in future elections.

F5. *That cross-checking system for the three types of ballots prevents voters from voting more than once.*

Re: F5 - The processing procedures for Vote-By-Mail and for Provisional ballots ensure that for any given voter only one ballot is counted. Procedures adhered to at the polling locations, whereby a Provisional ballot is issued to a voter who has lost or cannot present a previously issued Vote-By-Mail ballot, also ensure that a voter will have only one ballot counted.

R1. *That the County Voter Registrar continue its outreach programs to local high schools, colleges and universities to educate new voters with regard to voter registration requirements and processes.*

Re: Recommendation R1 - The recommendation has been implemented. The Merced County Registrar of Voters office has been actively seeking, and participating in, outreach activities throughout Merced County since early 2017. The Registrar office regularly participates in High School Voter Information Weeks which are designated in April and in September of each year. Additionally, throughout the year we actively participate in numerous outreach and engagement activities with our local Community College campuses and the University. Outreach efforts include early voter registration and voter registration, student poll worker, bilingual poll worker, and Student Intern recruitment opportunities.

R2. *That the County Voter Registrar and staff continue to receive training as it is available regarding electronic security for the voting process.*

Re: Recommendation R2 - The recommendation has been implemented. For the past five years, the Merced County Registrar of Voters office has been actively seeking educational opportunities and resources regarding security for voting processes. The Merced County Registrar of Voters and staff regularly participate in educational opportunities and reviews information provided by entities including the California Association of Clerks and Election Officials, the Department of Homeland Security and the Secretary of State. Resources and information regarding security and system integrity are routinely reviewed and evaluated and are shared with the Merced County Chief Information Officer. Security measures are changed or implemented as needed.

In closing, I would like to thank the Grand Jury for their work including the acknowledgement of the measures that we take to protect the voting rights of our citizens and our proactive work in regard to education and security.”

(Office of County Assessor-Clerk-Recorder- & Registrar of Voters, August 24, 2018)

## **MANDATED INSPECTIONS OF JAIL FACILITIES**

**2017-2018**

Per California Penal Code (CPC) Section 919 (b) Merced County Civil Grand Jury (MCCGJ) conducted inspections of the jail facilities in Merced County. Inspections were conducted at the following facilities:

- Merced County Sheriff's Department Main Jail
- Merced County Sheriff's Department John Latorraca Correctional Facility
- Los Banos Police Department and Jail Facilities

### **FINDING (S)**

- F1.** That the Sheriff's Main Jail facility is outdated and is not safe for inmates or employees.
- F2.** That the modernization and expansion of the John Latorraca Correctional Facility has not been funded by the County.

### **RECOMMENDATION (S)**

- R1.** That Merced County Board of Supervisors should allocate the necessary matching funds for John Latorraca construction in the 2018-2019 fiscal year.

### **REQUEST FOR RESPONSE (S)**

Pursuant to Penal Code Section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Merced County Board of Supervisors respond to F1 to F2 and R1 within 90 days
- Merced County Sheriff's Office response to F1 to F2 and R1 within 60 days

### **RESPONSE (S)**

#### **Response #1**

"The Civil Grand Jury reported on Merced County's jail system and noted that the Main Jail facility is outdated and unsafe for employees and inmates. The report claims that the "modernization and expansion" of the John Latorraca Correctional Center (JLCC) has not been funded by the County, and recommends that the Board of Supervisors allocate matching funds for the project in the 2018-2019 fiscal year.

The Board of Supervisors agrees that the Main Jail is outdated, which is a primary reason for the reconstruction of the JLCC. The finding in the report claiming the County has not allocated funding toward the project is incorrect. The Board of Supervisors has budgeted \$4 million in County match and \$1 million in County unkind match toward Phase I of the project to augment the \$40 million of State funding through Senate Bill 863. Additionally, the Board allocated \$2 million in Fiscal Year 2017-2018 to be used toward Phase II of the project and allocated another \$2 million in Fiscal Year 2018-19. The preliminary estimate of the Phase II portion of the project is \$30 million. The Board's response to the Civil Grand Jury's recommendation that the Board allocate the matching funds echoes the response to the finding: the funding has already been budgeted.

The County is continuing to work with the State as the project moves closer to breaking ground. Planned improvements will help address security and infrastructure concerns at the JLCC while improving the capacity to house programs that reduce recidivism. The plan also includes mental health treatment facilities and assessment programs in an effort to better address inmate needs and help reduce the number of re-offenses upon release.

More specific plans to renovate the facility include remodeling the existing dormitory space to bring the structures up to current code, providing additional exercise yard space, a new 10,000 square foot programming/classroom building, a medical/mental health unit with 30 beds, new laundry and kitchen facilities, a new intake/release building and administration building with video visitations, and security upgrades and enhanced fencing for the entire site."

(Merced County Board of Supervisors, September 18, 2018)

## Response #2

### "F1 Requested Response:

To clarify, the Grand Jury Report states:

"The Grand Jury will not report specifically on the Main Jail and Latorraca facilities that were inspected, as this is not required by law. However, it is noted that expansion and modernization of the John Latorraca Correctional Facility still has not begun. **The purpose of the construction is to provide additional space for housing inmates, and ultimately closing the Sheriff's Main Jail on 22nd Street.**"

It is important to point out that the purpose of the John Latorraca Correctional Center remodel and new construction under the SB863 Grant is **unrelated** to the replacement of the Merced County Main Jail Facility, which will be a project solely funded by the County of Merced unless another source of funding is located.

The replacement project of the Main Jail Facility is currently called the "Phase II Project" and the Merced County Board of Supervisor's has approved and awarded a contract with

architectural firm CGL for the preliminary design of the Phase II building. CGL is also currently on contract for JLCC SB863 Project as the Architect, Project Managing Firm and Construction Managing Firm.

Preliminary estimates completed by CGL utilizing current construction rates and fees that the cost of the Phase II Project that will replace the Main Jail Facility will be approximately \$30,000,000.00. The replacement building will be a direct supervision, two tier facility which will have four separate housing units with 32 two person cells in each unit with a total housing capacity of 256 inmates. This building will allow for all services to be brought to the inmate, instead of moving the inmate to the services which significantly enhance inmate and staff safety.

Merced County has set aside approximately \$2.5 million out of the \$30,000,000 needed for the project. At last discussion, the CEO's office has elected to fund the project through a Public Safety Bond Measure which in all likelihood will not be balloted until the year 2020 which if approved, will most likely result in construction beginning in mid to late 2021.

With all this said, the Merced County Sheriff's Office is aware of the shortcomings of the Main Jail due to its age. It was built in the 1960's and is a linear style jail, which does not meet today's Board of State and Community Corrections (BSCC) standards for newly constructed jail facilities. Significant deferred maintenance, repair and legal costs will continue to accrue at the current Main Jail Facility until it is replaced.

## **F2 Requested Response**

That the modernization and expansion of the John Latorraca Correctional Facility has not been funded by the County.

The Merced County Sheriff's Office does not have actual control of the budget for the SB863 Remodel Project. According to the Merced County Executive Office, the matching funds for the SB863 have in fact been budgeted and currently remain in the County Budget. The CEO's office has informed the Sheriff that they will address this issue in their response to the Grand Jury Report.

## **R1 Requested Response:**

That the Merced County Board of Supervisors should allocate the necessary matching funds for the John Latorraca construction in the 2018-2019 fiscal year.

The Merced County Sheriff's Office does not have the actual control of the budget for the SB863 Remodel Project. According to the Merced County Executive Office, the matching funds for the SB863 have in fact been budgeted and currently remain in the County Budget. The CEO's office has informed the Sheriff that they will address this issue in their response to the Grand Jury Report."

(Merced County Sheriff's Office, August 28, 2018)

**LOS BANOS POLICE DEPARTMENT**

**18-24-01**

The 2017-2018 Grand Jury inspected the Los Banos Police Department and jail facilities located at 945 5th Street in Los Banos. This location houses offices, a 911 dispatch center, and jail holding facilities.

**FINDING (S)**

- F1.** That the department has a problem retaining staff due to low pay and advancement potential.
- F2.** That the current facility lacks adequate space and adequate ventilation.
- F3.** That the city is currently reviewing and negotiation for the purchase of land and construction of a new facility.

**RECOMMENDATION (S)**

- R1.** That the City of Los Banos seek funding for a more competitive employee compensation package.
- R2.** That the City of Los Banos continue its process of securing property and completing construction of a new police facility within the next three years.

**REQUEST FOR RESPONSE (S)**

Pursuant to Penal Code Section 933.05, the following responses are requested.

- Los Banos City Council respond to F1 to F3 and R1 to R2 within 90 days.
- Los Banos Police Department respond to F1 to F3 and R1 to R2 within 60 days.

**RESPONSE (S)**

**Response #1**

*“Finding F-1 That the Department has a problem retaining staff due to low pay and advancement potential.*

The City Council disagrees with this finding. The City has not seen any data indicating that the staff turnover at the Department is high when compared with other departments or employers. Nor has the City seen any data showing a pattern of employees leaving because of “low pay and advancement potential.” The City has a number of long term employees working

for the department. Approximately 62% of the department has worked for the City for five years or more.

The City Council believes that the total compensation package (i.e. salary and benefits) it offers Department employees is consistent with the comparable labor market. The City commissioned a salary compensation study four years ago, which stated that the City was slightly behind market rate in total compensation for similar entities. Since the study, the City agreed to significant raises for its police officers and sergeants who received 5% salary increases in 2015, 2016, and 2017. With each raise the City also increased the employee's share of CalPERS costs by 1%. Similarly, the City also gave 2.5% raises to Dispatchers and Community Service Officers (CSO) in 2016, plus an additional 2% increase for CSO's, and a one time-payment for CSO's and dispatchers for \$1000 in 2017.

Using the salary compensation study from four years ago as a starting point, earlier this year the City reviewed how its current compensation packages compared with analogous cities. The City determined that the raises for police officers and sergeants brought its total compensation package to a level slightly lower than the median packages offered by comparable cities.

The report draws an unreasonable comparison between Los Banos and larger (unnamed) Bay Area cities. It is not appropriate to evaluate Los Banos' compensation against municipalities that are not similar in size, need, or funding. The compensation consultant retained by the City determined that appropriate comparators are primarily Central Valley agencies with some smaller Bay Area cities, specifically Atwater, Ceres, Clovis, Gilroy, Livingston, Lodi, Los Altos, Madera, Manteca, Merced, Morgan Hill, Oakdale, Patterson, Salinas, Sanger, Tracy, Turlock, and Los Gatos.

*Finding F2 That the current facility lacks adequate space and adequate ventilation.*

The City agrees with this finding in part. The Department has outgrown its current space and is currently in the process of building a new facility. The City disagrees that the Department's current facility is not adequately ventilated. The building's ventilation is adequate and well maintained.

*Finding F3 That the City is currently reviewing and negotiation (sic) for the purchase of land and construction of a new facility.*

The City Council agrees with this finding.

## **RECOMMENDATION (S)**

*Recommendation R1 That the City of Los Banos seek funding for a more competitive employee compensation package.*

The City thanks the Grand Jury for its recommendation. Currently, the City is in the process of negotiating a new Memorandum of Understanding with its labor organizations, which will address salaries, benefits, and other conditions of employment.

*Recommendation R2 That the City of Los Banos continue its process of securing property and completing construction of a new police facility within the next three years.*

The City agrees with this recommendation and has already implemented it. The City will continue to work with the Police Department to complete construction of a new police facility as soon as possible.”

(City of Los Banos, September 5, 2018)

## **RESPONSE #2**

*“Finding F1 That the Department has a problem retaining staff due to low pay and advancement potential.*

The Department understands that the City is in the process of negotiating a new Memorandum of Understanding with its labor organizations, which will address salaries, benefits, and other conditions of employment.

*Finding F2 That the current facility lacks adequate space and adequate ventilation.*

The Department agrees with this finding in part. The Department has outgrown its current space and is currently in the process of building a new facility. The Department disagrees that its current facility is not adequately ventilated. The building’s ventilation is adequate and well maintained.

*Finding F3 That the City is currently reviewing and negotiation (sic) for the purchase of land and construction of a new facility.*

The Department agrees with this finding.

*Recommendation R1 That the City of Los Banos seek funding for a more competitive employee compensation package.*

The Department thanks the Grand Jury for its recommendation. The Department understands that the City is in the process of negotiating a new Memorandum of Understanding with its labor organizations, which will address salaries, benefits, and other conditions of employment.

*Recommendation R2 That the City of Los Banos continue its process of securing property and completing construction of a new police facility within the next three years.*

The Department agrees with this recommendation and has already implemented it. The Department will continue to work with the City to complete construction of a new police facility as soon as possible.”

(Los Banos Police Department, 2018)

## ATWATER POLICE DEPARTMENT

On January 25, 2018, the Grand Jury inspected the Atwater Police Department.

### FINDING (S)

- F1** That the current police department facilities are cramped and in need of expansion and redesign to improve safety and air circulation.

### RECOMMENDATION (S)

- R1** That the Atwater City Council actively search for funding to relocate or build the police department to provide a safe and functional facility.

### REQUEST FOR RESPONSE (S)

Pursuant to Penal Code Section 933.05, the following responses are required.

- Atwater City Council respond to F1 and R1 within 90 days
- Atwater Police Department respond to F1 and R1 within 60 days

### RESPONSE (S)

#### RESPONSE #1

“The Atwater City Council acknowledges and agrees with the Grand Jury finds that the Police Department is too small and is in need of improvements.

That being said, the City like others continue to undergo the financial distress created by the rising costs for PERS AND OPEB liabilities, as well as a soft economic/building market. Although Atwater’s General Fund budget for 2018-19 was balanced, we still maintain a General Fund deficit of \$2.5 million and General Fund debt to the City’s Sewer Fund in the amount of \$2.3 million.

The City appreciates the Grand Jury Findings and has identified the improvements as a future significant expense that needs to be identified and addressed, and will continue to look for funding to relocate or rebuild the police department to provide a safe and functional facility.

The City of Atwater currently has a Measure H sales tax for public safety that is set to expire in 2023, with expenditures already earmarked for the revenue. The City will actively seek to secure grant funding or other potential funding sources available to make the necessary improvements to the existing facility.”

(City of Atwater, Office of the City Manager, January 24, 2019)

## **RESPONSE #2**

“The current facility utilized by the Atwater Police Department has been deemed to be insufficient by the Grand Jury on several levels. The Grand Jury’s assessment is accurate, our facility is in need of upgrade or movement to another facility. The City of Atwater will seek grant funding or other funding sources to upgrade the existing facility. However, there is a general lack of funding available outside either bonding or a facility use fee options. Department reorganization may alleviate some of the lack of organization. Future FY’s funding could be used to upgrade existing portions of the facility to address the areas of concern.”

(Atwater Police Department, January 29, 2019)

## **LIVINGSTON POLICE DEPARTMENT**

On February 1, 2018, the 2017-2018 Grand Jury inspected the Livingston Police Department at 1446 C Street in Livingston.

### **FINDING (S)**

- F1** That the current police department facilities are adequate for the community.
- F2** That the parking for storing the Regional Emergency Command trailer needs to be improved to be an all-weather paved surface.

### **RECOMMENDATION (S)**

- R1** That the City of Livingston allocate funding to pave the storage lot at the rear of the department.

### **REQUEST FOR RESPONSE (S)**

Pursuant to Penal Code Section 933.05, the following responses are requested.

- City of Livingston respond to F1 to F2, and R1 within 90 days
- Livingston Police Department respond to F1 to F2, and R1 within 90 days

### **RESPONSE (S)**

#### **RESPONSE #1**

“With respect to F1, we agree the current facility is adequate for the community. In response to F2 and R1, the Livingston Police Department has allocated a funding source to pave the storage lot at the rear of the department. The required materials and work will arrive and commence prior to the end of the calendar year 2018. Thank you again for your time and energy for public safety in Merced County.”

(City of Livingston, August 30, 2018)

#### **RESPONSE #2**

“With respect to F1, we agree the current facility is adequate for the community. In response to F2 and R1, the Livingston Police Department has allocated a funding source to pave the storage lot at the rear of the department. The required materials and work will arrive and commence prior to the end of calendar year 2018. Thank you again for your time and energy for public safety in Merced County.”

(Livingston Police Department, August 29, 2018)



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:** August 21, 2019

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** Authorizing Award of Construction Contract to Sinclair General Engineering Construction, Inc. in the amount of \$881,799.00 with a 20% Contingency in the amount of \$176,360.00 for the Fire Station 1 and 2 ADA (Americans with Disabilities Act) and "State Streets" Sidewalk Improvement Project

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**Recommendation:**

That the City Council adopts the Resolution awarding the Fire Station 1 and 2 ADA and "State Streets" Sidewalk Improvements project contract to Sinclair General Engineering Construction, Inc. and authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement in the amount of \$881,799.00. Staff is requesting a 20% contingency of \$176,360.00.

**Background:**

Staff initiated infrastructure improvements for two of the projects identified in City's Capital Improvement Plan. Standards for pedestrian accessibility to public buildings were deficient at both Fire Stations 1 and 2. Safe pedestrian access was deficient in an area of Los Banos known as the "State Streets". The planned improvements for both projects are similar in nature. The two projects were combined into one construction project for bidding purposes which increased the overall quantities of the work. The higher quantities afford contractors the ability to propose lower unit prices. The strategy is to get quality work at better unit prices than if each project was bid separately.

The Public Works Department enlisted the services of one of our consultants, Gouveia Engineering, to design the project. Gouveia engineers and City staff met at each project

site to outline the project work scope. Gouveia and City staff walked each street of the “State Streets” portion of the project to identify the specific quantities of curb/gutter and sidewalk to install and/or replace. Several property owners within the project limits had made improvements in the public right-of-way (ROW). All private improvements were evaluated to determine whether the improvements met City Standards for a pedestrian sidewalk. Subsequently, all property owners were contacted with a letter in the mail informing them of the pending improvements and inviting them to a public information meeting. Additionally, staff hand delivered the same letter to each address within the project limits. The public meeting was held in the evening at the Community Center Lounge on June 18, 2019. Many of the home owners and tenants attended. Following the public meeting, staff generated a second letter for home owners and/or tenants with a space to list any fencing and/or landscaping in the ROW which would need to be set back behind the ROW for the proper installation of the pedestrian sidewalks. The second letter indicated the ROW would need to be cleared by residents before August 15, 2019 otherwise City staff would be clearing the area for the eventual sidewalk. The second letter was also hand delivered by staff who attempted on two separate days, one evening and one weekend day. Special attention was directed to properties where fencing and/or landscaping needed to be cleared.

**Discussion:**

The design was completed and staff released the project for advertisement on Friday, June 28, 2019. The bid opening was held on Thursday, August 1, 2019. The Public Works Department, through the office of the City Clerk, received seven (7) bids from the following contractors:

Sinclair General Engineering Constr., Inc.	Oakdale	\$881,799.00
Ronnys, Inc.	Los Banos	\$913,585.00
United Pavement Maintenance, Inc.	Hughson	\$936,385.00
Rolfe Construction Company	Atwater	\$987,901.00
V&G Builders, Inc.	Fresno	\$1,049,604.60
American Paving Co.	Fresno	\$1,332,412.20
FBD Vanguard Construction, Inc.	Livermore	\$2,078,127.00

Staff reviewed each of the bid proposals for completeness. Sinclair General Engineering Construction, Inc. has provided the lowest responsive and responsible bid for the project. Staff is recommending Sinclair General Engineering Construction, Inc. be awarded the contract for the construction of the Fire Station 1 and 2 ADA and “State Streets” Sidewalk Improvements. Staff is recommending a contingency of twenty percent (20%). The administration of this contract, including the 20% contingency, is to be performed by the Public Works Director/City Engineer. A percentage of this project is being funded with the Alternative Modes portion of Measure V.

**Fiscal Impact:**

Funds for this project have been programmed into the 2019-2020 fiscal year budget proportionate to the type of improvements being performed.

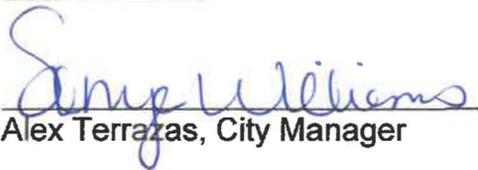
The Measure V Alternative Mode fund will be responsible for the curb/gutter, sidewalks, and ADA street corner improvements on the "State Streets" portion of the project; 72.63% of the improvements will be from Measure V account 214-430-210-730.

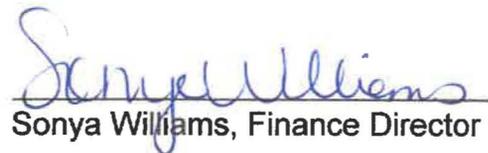
The Water fund will be responsible for the water meter and hydrant improvements on the "State Streets" portion of the project; 11.16% of the improvements will be from Water account 501-461-100-739.

The Wastewater Collections fund will be responsible for the storm drain inlet improvements on the "State Streets" portion of the project; 7.44% of the improvements will be from Collections account 502-432-100-714.

The Fire fund will be responsible for the ADA improvements on the Fire Station 1 and 2 ADA portion of the project; 8.77% of the improvements will be from Fire account 100-422-100-720.

**Reviewed by:**

for   
Alex Terrazas, City Manager

  
Sonya Williams, Finance Director

**Attachments:**

- Resolution
- Bid Opening Sheet
- Public Notice
- Contract Agreement
- Site Maps
- 2019-2020 Fiscal Budget Sheets

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO SINCLAIR GENERAL ENGINEERING CONSTRUCTION, INC. IN THE AMOUNT OF \$881,799.00 WITH A 20% CONTINGENCY IN THE AMOUNT \$176,360.00 FOR FIRE STATION 1 AND 2 ADA (AMERICANS WITH DISABILITIES ACT) AND "STATE STREETS" SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, the City of Los Banos Public Works Department received competitive bids on August 1, 2019 for the purpose of constructing the Fire Station 1 and 2 ADA (Americans with Disabilities Act) and "State Streets" Sidewalk Improvement project in the City of Los Banos; and

WHEREAS, the Public Works Department has determined, after receiving competitive bids, that Sinclair General Engineering Construction, Inc. provided the lowest responsive and responsible bid in the amount of \$881,799.00; and

WHEREAS, the Public Works Department requests the City Council authorize a 20% contingency in the amount of \$176,360.00; and

WHEREAS, the Public Works Department requests the City Council authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement with Sinclair General Engineering Construction, Inc. and authorize the Public Works Director/City Engineer to administrate the Construction Contract including the 20% contingency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept and award the construction bid of Sinclair General Engineering Construction, Inc. in the amount of \$881,799.00 with a 20% contingency in the amount of \$176,360.00, authorizes the Public Works Director/City Engineer to execute the Construction Contract Agreement, and authorizes the Public Works Director/City Engineer to administrate the Construction Contract including the 20% contingency.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of August 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:

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Lucille L. Mallonee, City Clerk



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

**BID OPENING**

**FIRE STATIONS 1 AND 2 ADA**  
**AND "STATE STREETS" SIDEWALK IMPROVEMENTS**  
**THURSDAY, AUGUST 1, 2019 @ 2:00 PM**

1.	American Paving Co.	\$ 1,332,412.20
2.	FBD Vanguard Construction, Inc.	\$ 2,078,127.00
3.	Rolfe Construction Company	\$ 987,901.00
4.	Ronnys Inc.	\$ 913,585.00
5.	Sinclair General Engineering Construction, Inc.	\$ 881,799.00
6.	United Pavement Maintenance, Inc.	\$ 936,385.00
7.	V&G Builders, Inc.	\$ 1,049,604.60

Signed: Jana R. Sousa Dated: August 1, 2019  
Jana R. Sousa, MMC  
Assistant City Clerk/Human Resources Analyst

Signed: William Via  
William Via, Public Works Operations Manager

## Advertisement for Bids

CITY OF LOS BANOS  
520 J Street  
Los Banos, California 93635

Notice is hereby given that separate sealed bids for the award of contract for the **Construction of FIRE STATIONS 1 AND 2 ADA AND "STATE STREETS" SIDEWALK IMPROVEMENTS** will be received by the City of Los Banos at the office of the City Clerk until 2:00 p.m. Pacific Daylight Savings Time (PDST), August 1, 2019 and then at said office publicly opened and read aloud.

The major work consists of constructing concrete ADA improvements at Fire Stations 1 and 2, and sidewalks and curb cut ramps at "State Streets" in the City of Los Banos.

The time for completion shall be sixty (60) working days.

The Contract Documents, in their entirety, can be viewed and/or obtained from the City of Los Banos website at [www.losbanos.org](http://www.losbanos.org) or at the following locations:

Central California Builders Exchange, 1244 N. Mariposa, Fresno, CA 93703 ([www.cencalbx.com](http://www.cencalbx.com))

Builders Exchange of Stockton, 7500 N. West Lane, Stockton, CA 95210 ([www.besonline.com](http://www.besonline.com))

Valley Builders Exchange, Inc., 1118 Kansas Avenue, Modesto, CA 95351 ([www.valleybx.com](http://www.valleybx.com))

Builders Exchange of Santa Clara County, 400 Reed Street, Santa Clara, CA 95050  
([www.bxscco.com](http://www.bxscco.com))

Dodge Data & Analytics 1-800-393-6343, ([www.construction.com/plans/](http://www.construction.com/plans/))

A payment bond prepared and executed in accordance with California Civil Code Section 3247 and a bond for faithful performance of the contract will be required of the successful bidder who is awarded the contract.

The successful bidder must comply with the latest general prevailing rate of per diem wages as determined by the Director of Industrial Relations, State of California, Department of Industrial Relations and is to be paid to the various craftsmen and laborers required to construct said improvements and is made a part of the specifications and contract for said work to which reference is hereby made for further particulars.

No contractor or subcontractor may be listed on a bid proposal or awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Contractor registration information can be found at:

<http://www.dir.ca.gov/Public-Works/PublicWorks.html>

Each bid shall be accompanied by cashier's or certified check or by a bidder's bond, made payable to the City of Los Banos and executed by a corporate surety licensed to issue surety bonds in the State of California, for an amount equal to at least ten percent (10%) of the amount of said bid and no bid shall be considered unless such cashier's or certified check or bidder's bond is enclosed therewith.

The successful bidder of this project shall have the following current and active California State Contractor's License at the time of the submission of the bid and throughout the duration of the contract: **Class A or Class C-8.**

Bidders shall refer to the Contract Document's Information for Bidders for complete instructions.

Bidders are solely responsible for the cost of preparing their bids.

The City specifically reserves the right, in its sole discretion, to reject any or all bids, to re-bid, or to waive inconsequential defects, in bidding not involving time, or quality of the work. The City may reject any and all bids and waive any minor irregularities in the bids.

## **Agreement**

THIS Agreement is dated as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2019 by and between the **City of Los Banos, a California municipal corporation** ("Owner") and **Sinclair General Engineering Construction, Inc., a corporation** ("Contractor").

Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**1. WORK.** Contractor shall complete the work indicated in Owner's Contract Documents entitled "FIRE STATION 1 AND 2 ADA AND 'STATE STREETS' SIDEWALK IMPROVEMENTS".

The work is generally described as follows:

- Construction of constructing concrete ADA improvements at Fire Stations 1 and 2, and sidewalks and curb cut ramps at "State Streets" in the City of Los Banos.
- Contractor shall furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the work described herein.

**2. CONTRACT TIME.** Contractor shall commence the work required by the Contract Documents within 10 calendar days after the date of the Notice to Proceed and will complete the same within the time period set forth in the bid (sixty (60) working days), unless the period for completion is extended otherwise by the Contract Documents.

**3. LIQUIDATED DAMAGES.** Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the work is not completed within the time specified in Paragraph 2 herein, plus any extensions thereof allowed in accordance with Paragraph 21, Time for Completion and Liquidated Damages, of the General Provisions. The parties also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by Owner if the work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner One Thousand Five Hundred Dollars (\$800.00) for each day that passes after the time specified in Paragraph 2 herein.

**4. CONTRACT PRICE.** Owner shall pay Contractor for completion of the work in accordance with the Contract Documents in current funds the amount set forth in the Bid Schedule(s). The Contractor agrees to perform all of the work described in the Contract Documents for the unit and lump sum prices set forth in the Bid Schedule(s).

**5. PAYMENT PROCEDURES.** Contractor shall submit applications for payment in accordance with Paragraph 24, Progress Estimates, of the General Provisions. Applications for payment will be processed by Owner as provided in the General Provisions.

**6. CONTRACT DOCUMENTS.** The Contract Documents which comprise the entire agreement between Owner and Contractor concerning the work consists of this Agreement and the following attachments to this Agreement:

- (A) Advertisement for Bids
- (B) Information for Bidders
- (C) Bid

- (D) Bid Bond
- (E) Agreement
- (F) Payment Bond
- (G) Performance Bond
- (H) Notice of Award
- (I) Notice to Proceed
- (J) Change Order
- (K) General Provisions
- (L) Special Provisions
- (M) Technical Specifications prepared by GOUVEIA ENGINEERING, entitled "FIRE STATION 1 AND 2 ADA AND 'STATE STREETS' SIDEWALK IMPROVEMENTS", dated June, 2019.
- (N) Drawings prepared by GOUVEIA ENGINEERING, numbered C-101 through C-127.
- (O) Addendum No. 1, dated July 26, 2019

There are no Contract Documents other than those listed in this Paragraph 6. The Contract Documents may only be amended by change order as provided in Paragraph 19, Changes in the Work, of the General Provisions.

## **7. MISCELLANEOUS.**

A. Terms used in this Agreement which are defined in Paragraph 1 of the General Provisions will have the meanings indicated in the General Provisions.

B. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

C. Owner and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

D. The Laws of the State of California shall govern this Agreement. Venue is Merced County. The provisions of this paragraph shall survive expiration or other termination of this Agreement regardless of the cause of such termination.

E. All bids become property of the Owner. All bids, including the accepted bid and any subsequent contract become public records per the requirements of the California Government Code, Sections 6250-6270, "California Public Records Act". Proprietary material must be clearly marked as such. Pricing and service elements of the successful bid are not consider proprietary information. The Owner will treat all information submitted in a bid as available for public inspection once the Owner has selected a contractor. If you believe that you have a legally justifiable basis under the California Public Records Act (Government Section 6250 et. seq.) for protecting the confidentiality of any information contained within your bid, you must identify any such information, together with the legal basis of your claim in your bid. In order for the Owner to assess confidentiality of any such information on your behalf, you must request, execute and submit an Owner-prepared written agreement to defend and indemnify the Owner for any liability, costs, and expenses

incurred in asserting such confidentiality as part of your bid. The final determination as to whether the Owner will assert your claim of confidentiality on your behalf shall be sole discretion of the Owner.

F. This Agreement shall not be interpreted in favor of any Party by virtue of said Party not having prepared this Agreement.

G. If any time period provided for in this Agreement ends on the day other than a Business Day, the time period shall be extended to the next Business Day.

IN WITNESS WHEREOF, Owner and Contractor have caused this Agreement to be executed the day and year first above written.

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Authorized Representative of Owner

Title: \_\_\_\_\_

ATTEST:

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

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Authorized Representative of Contractor

Title: \_\_\_\_\_

(Seal if Corporation)

(Attach Acknowledgement for Authorized Representative of Contractor)

# PROJECT PLANS FOR CONSTRUCTION OF Fire Stations 1 and 2 ADA and "State Streets" Sidewalk Improvements



CITY OF LOS BANOS



SCALE IN FEET



## BENCHMARK

### VERTICAL AND HORIZONTAL DATUM:

VERTICAL AND HORIZONTAL DATUM INFORMATION WAS TAKEN FROM THE NCS DATA SHEET FOR PID HS5126.  
VERTICAL DATUM: NAVD88  
ELEVATION: 120.96'  
HORIZONTAL DATUM: NAD83-2011, CALIFORNIA SPCS, ZONE 3

DESCRIPTION: STATION IS LOCATED ON THE EAST SIDE OF LOS BANOS, AT THE LOS BANOS MUNICIPAL AIRPORT, IN THE MEDIAN OF THE RUNWAY AND THE PARALLEL TAXI, NEAR THE FRONT VASI FOR RUNWAY 32. TO REACH THE JUNCTION OF STATE HIGHWAY 152 AND WEST I STREET ON THE WEST SIDE OF LOS BANOS, GO NORTHEAST ON WEST I STREET FOR 0.08 MI TO A PAVED ROAD LEFT. TURN LEFT, SOUTH-WEST, ON PAVED ROAD FOR 0.25 MI TO A LOCKED GATE ON THE RIGHT. TURN RIGHT, NORTHEAST, THROUGH GATE, PASSING TO RIGHT OF FUEL PUMPS, ACROSS APRON FOR 0.05 MI TO THE PARALLEL TAXI. TURN LEFT, NORTHWEST, ON TAXI FOR 0.05 MI TO THE STATION ON THE RIGHT. STATION MARK IS SET IN THE TOP OF A 30-CM ROUND CONCRETE POST FLUSH WITH THE GROUND ON A SLIGHT HUMP IN A BARE AREA. IT IS 142.1 FT SOUTHWEST OF THE RUNWAY CENTER, 103.3 FT NORTHEAST OF THE EDGE OF THE APRON/TAXI, 26.6 FT SOUTHWEST OF THE SOUTH CORNER OF THE CONCRETE PAD FOR THE OUTBOARD VASI, 73.8 FT NORTHWEST OF THE EXTENDED SOUTHEAST WALL OF A HANGAR AND 1.3 FT NORTHWEST OF A FIBERGLASS WITNESS POST.

## UTILITY CONTACTS

PG&E- STEVE MURPHY MAIN (209) 726-6338  
3185 M STREET CELL (209) 363-2216  
MERCED, CA 95348

AT&T- TROY BRANIFF MAIN (209) 726-7137  
1850 W WARDROBE AVE  
MERCED, CA 95341

## INDEX OF DRAWINGS

- 1 LOCATION MAP AND INDEX OF DRAWINGS
- 2 GENERAL NOTES AND LEGEND
- 3 SHEET KEY
- 4 FIRE STATION NO. 1 DEMOLITION AND IMPROVEMENT PLANS
- 5 FIRE STATION NO. 1 GRADING AND STRIPING PLANS
- 6 FIRE STATION NO. 2 STRIPING PLAN
- 7 COLORADO AVENUE IMPROVEMENTS STA: 11+50 - 15+80
- 8 COLORADO AVENUE IMPROVEMENTS STA: 15+80 - 21+00
- 9 VERMONT AVENUE IMPROVEMENTS STA: 11+50 - 15+80
- 10 VERMONT AVENUE IMPROVEMENTS STA: 15+80 - 20+00
- 11 VERMONT AVENUE IMPROVEMENTS STA: 20+00 - 24+20
- 12 PENNSYLVANIA AVENUE IMPROVEMENTS STA: 11+50 - 15+80
- 13 PENNSYLVANIA AVENUE IMPROVEMENTS STA: 15+80 - 20+00
- 14 PENNSYLVANIA AVENUE IMPROVEMENTS STA: 20+00 - 24+20
- 15 MARYLAND AVENUE IMPROVEMENTS STA: 11+50 - 15+80
- 16 MARYLAND AVENUE IMPROVEMENTS STA: 15+80 - 20+00
- 17 MARYLAND AVENUE IMPROVEMENTS STA: 20+00 - 24+20
- 18 PINE STREET IMPROVEMENTS STA: 10+50 - 12+40
- 19 PINE STREET IMPROVEMENTS STA: 13+50 - 15+10
- 20 PINE STREET IMPROVEMENTS STA: 15+80 - 17+75
- 21 PINE STREET IMPROVEMENTS STA: 18+70 - 20+60
- 22 SIDEWALK, CURB, AND GUTTER CONSTRUCTION DETAILS
- 23 RAMP AND RAILING DETAILS
- 24 DRIVENWAY, CONCRETE TRANSITION, PAVEMENT REPAIR, AND SIGN DETAILS
- 25 TRENCH BACKFILL, VALVE, THRUST BLOCK, AND FIRE HYDRANT DETAILS
- 26 MISCELLANEOUS UTILITY DETAILS
- 27 TRAFFIC CONTROL DETAILS



Know what's below.  
Call before you dig.



Plan sheets in this plan set are full size when printed on 11x17 size sheets without an exaggeration. The bar scale should be used to check plan sheet scale.

## OWNERSHIP OF DOCUMENTS

THIS DOCUMENT, AND THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF GOUVEIA ENGINEERING, INC. AND IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE, IN WHOLE OR IN PART, IS NOT PERMITTED WITHOUT WRITTEN AUTHORIZATION BY GOUVEIA ENGINEERING, INC.



GOUVEIA ENGINEERING, INC.  
CONSULTING ENGINEERS

456 Sixth Street • Gustine, California 95322  
Telephone (209) 854-3300 • Fax (209) 854-3600

City of Los Banos

Fire Stations 1 and 2 ADA and "State Streets" Sidewalk Improvements  
LOCATION MAP AND INDEX OF DRAWINGS

DESIGNED BY MBO	DATE 06/22/19	ISSUED BY M.P., H.F., DCR	DATE 08/26/19	PROJECT NO. C-101
CHECKED BY M. Gouveia	DATE 08/26/19	APPROVED BY M. Gouveia	DATE 08/26/19	SHEET 1
				OF 27 SHEETS
				PROJECT NUMBER 825.039445.05

No. 27, 2019-10-08

City of Los Banos  
RSTP Exchange  
Transportation Expenditure Plan  
Gas Tax  
2019-2020

Account Number	Description	2016-2017 Actual	2017-2018 Actual	2018-2019 Estimated	2019-2020 Adopted
<b><u>RSTP EXCHANGE</u></b>					
207-430-210-820	Charge-In	1,200,000	1,336,919	306,466	638,944
	<b>Charge Ins - Outs</b>	<b>1,200,000</b>	<b>1,336,919</b>	<b>306,466</b>	<b>638,944</b>
207-498-000-000	Transfer Out	0	0	7,000	34,377
	<b>Transfer Out</b>	<b>0</b>	<b>0</b>	<b>7,000</b>	<b>34,377</b>
	<b>Total RSTP</b>	<b>\$1,200,000</b>	<b>\$1,336,919</b>	<b>\$313,466</b>	<b>\$673,321</b>
<b><u>TRANSPORTATION EXPENDITURE PLAN</u></b>					
214-430-210-233	Consulting Services	0	0	0	81,000
	<b>Supplies &amp; Services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>81,000</b>
214-430-210-715	Street & Road Impr. Overlay	0	0	49,000	1,500,000
* 214-430-210-730	Alternative Street Impr	0	250,000	41,250	820,000
	<b>Capital Outlay</b>	<b>0</b>	<b>250,000</b>	<b>90,250</b>	<b>2,320,000</b>
	<b>Total Trans Expend Plan</b>	<b>\$0</b>	<b>\$250,000</b>	<b>\$90,250</b>	<b>\$2,401,000</b>
<b><u>GAS TAX</u></b>					
215-430-210-264	Electricity & Gas	64,455	64,789	65,000	70,000
	<b>Supplies &amp; Services</b>	<b>64,455</b>	<b>64,789</b>	<b>65,000</b>	<b>70,000</b>
215-430-220-819	Street Charge In-SB1 Projects	0	226,371	700,000	700,000
215-430-220-820	Street Charge-In	251,262	228,375	1,000,000	700,000
	<b>Charge Ins - Outs</b>	<b>251,262</b>	<b>454,746</b>	<b>1,700,000</b>	<b>1,400,000</b>
	<b>Total Gas Tax</b>	<b>\$315,718</b>	<b>\$519,535</b>	<b>\$1,765,000</b>	<b>\$1,470,000</b>

# *RSTP Exchange*

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## CHARGE IN

**820-CHARGE IN:** Support Street Services maintenance, repair and rehabilitation of local roads.

## TRANSFER OUT

**000-TRANSFER OUT:** Construction of the Pedestrian Sidewalk In-Fills estimated at \$296,743 (\$34,377 from RSTP and \$262,366 from CMAQ grant funding).

# *Transportation Expenditure Plan*

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## SERVICES & SUPPLIES

**233-CONSULTING SERVICES:** Charges for services to outside engineering firms to complete environmental, ROW, design, drawings, and project management of regional projects (Trail to the College); as well as other miscellaneous professional services, which may be required.

## CAPITAL OUTLAY

**715-STREET & ROAD OVERLAYS:** Construction of the 2019 Street Rehabilitation Work estimated at \$1,500,000 (Additional \$50,000 in RSTP).

**730-ALTERNATIVE STREET IMPROVEMENTS:** Sidewalk improvements, ADA pedestrian ramps, storm drain catch basins, fire hydrants and water meter relocations in the area of Colorado Ballpark on Maryland Avenue, Pennsylvania Avenue, Vermont Avenue, Pine Street and Colorado Avenue. Construction costs will be shared accordingly with Measure V, Water, and Wastewater Collection funds. Costs are estimated at \$1,010,000 for design and construction (Measure V-alternative \$820,000, Water 126,000, and Collections \$84,000).

# *Gas Tax*

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## CHARGE IN

**819-CHARGE IN- SB1 PROJECTS:** Funding for various SB1 street projects and work throughout the city.

**820-CHARGE IN:** Support Street Services maintenance, repair and rehabilitation of local roads.

City of Los Banos  
Water  
2019-2020

Account Number	Description	2016-2017 Actual	2017-2018 Actual	2018-2019 Estimated	2019-2020 Adopted
* 501-461-100-739	Water Master Plan Improve	387,435	319,547	918,000	1,856,000
501-461-100-740	Miscellaneous Equipment	0	0	0	50,000
501-461-100-750	Vehicles	40,061	77,908	43,357	166,039
501-461-100-752	Communication Equipment	1,133	39	1,776	2,047
501-461-100-753	Specialized Equipment	0	130,168	229,216	32,500
501-461-100-770	Computer Equipment	407	0	0	0
	<b>Capital Outlay</b>	<b>635,856</b>	<b>628,392</b>	<b>1,346,349</b>	<b>2,381,586</b>
501-495-100-900	Contingency	0	0	100,000	100,000
	<b>Contingency</b>	<b>0</b>	<b>0</b>	<b>100,000</b>	<b>100,000</b>
	<b>Total Water</b>	<b>\$3,352,355</b>	<b>\$3,506,690</b>	<b>\$4,384,711</b>	<b>\$5,622,228</b>

## *Water (continued)*

laboratory for water quality analysis, and repair parts for pumps and electric motors for the wells & chemical feed equipment. Asphalt repair following repair of underground distribution facilities.

**273-SPECIAL DEPARTMENTAL EXPENSES:** For miscellaneous safety equipment and employee longevity awards.

**274-BOOKS & PERIODICALS:** Expenditures for books, textbooks, periodicals, reference books, and workbooks. Books to include purchase of pertinent volumes of the Federal Code of Regulations, subscription to environmental compliance guide, State Water Code, and miscellaneous books.

### CAPITAL OUTLAY

**737-METERS:** Purchase of water meters for new construction service accounts estimated at \$150,000.

**738-WELLS:** Costs associated with meeting State of California Maximum Contaminant Levels (MCL) for Parts per Billion (PPB) of Chromium 6. These costs include studying cost effective solutions to treat City water and any litigation that may arise from Chromium 6 levels; total estimated cost \$125,000.

**739-WATER MASTER PLAN IMPROVEMENTS:** Groundwater Sustainability Agency estimated at \$150,000; Idaho Water Line (P10) finish construction estimated at \$180,000; 8<sup>th</sup> & 9<sup>th</sup> Water Line project construction estimated at \$450,000; and Valve Replacements (valve insertion method) estimated at \$50,000. Purchase land for new well (#16) estimated at \$900,000; Fire hydrants and water meters to be relocated and replaced with the sidewalk improvements, ADA pedestrian ramps, and storm drain catch basins in the area of Colorado Ballpark on Maryland Avenue, Pennsylvania Avenue, Vermont Avenue, Pine Street and Colorado Avenue. Construction costs will be shared accordingly with Measure V, Water, and Wastewater Collection funds. Costs are estimated at \$1,030,000 for the construction (Measure V-alternative \$820,000, Water \$126,000, and Collections \$84,000).

**740-MISCELLANEOUS EQUIPMENT:** Install new Sensus tower in the Northeast area of the City to improve communication estimated cost \$50,000.

**750-VEHICLES:** Purchase of two (2) ¾ ton utility pickup trucks estimated at \$50,000 each. Purchase of a one ton service body pickup truck at \$132,078 (cost shared between Water \$66,039 and Collections \$66,039).

**752-COMMUNICATION EQUIPMENT:** Expenses related to Telephone System Replacement.

**753-SPECIALIZED EQUIPMENT:** Purchase of Programmable Message Board estimated at \$20,000; and a Portable Air Compressor (cost shared between Water \$12,500 and Collections \$12,500).

### CONTINGENCY

**900-CONTINGENCY:** For unexpected and unforeseen costs associated with Water activities.

City of Los Banos  
Wastewater Collections  
2019-2020

Account Number	Description	2016-2017 Actual	2017-2018 Actual	2018-2019 Estimated	2019-2020 Adopted
502-432-100-101	Salaries	361,784	376,001	401,728	414,165
502-432-100-102	Part Time	2,114	0	0	0
502-432-100-103	Overtime	12,906	9,073	18,000	18,000
502-432-100-120	Benefits	237,095	266,917	291,402	326,240
502-432-100-121	Benefits-PERS	97,208	97,467	109,324	105,867
	<b>Personnel Services</b>	<b>711,106</b>	<b>749,458</b>	<b>820,454</b>	<b>864,272</b>
502-432-100-201	Grounds Maintenance	0	0	0	2,000
502-432-100-202	Fleet Repair & Maintenance	31,200	29,677	29,677	28,177
502-432-100-203	Equipment Repair & Maintenance	18,964	18,519	23,000	20,000
502-432-100-204	Fleet Services	39,211	29,881	43,237	25,331
502-432-100-205	Facility Maintenance	1,167	1,095	1,500	1,500
502-432-100-206	Property Lease	2,946	2,946	3,000	3,000
502-432-100-208	Rental - Vehicles & Equipment	24,673	24,673	22,000	17,000
502-432-100-231	Professional Services	91,305	119,269	85,000	90,000
502-432-100-236	Medical Services	1,177	1,144	1,500	1,500
502-432-100-237	Recruitment	434	362	2,000	2,000
502-432-100-238	Technical Services	3,491	2,435	3,000	3,000
502-432-100-240	I.T.Services	6,661	8,747	8,010	9,470
502-432-100-250	Insurance	17,864	18,909	21,646	21,224
502-432-100-251	Memberships & Dues	249	993	1,000	1,700
502-432-100-252	Communications	1,094	1,052	1,200	1,400
502-432-100-253	Advertising	0	0	100	200
502-432-100-256	Permits, Fees & Charges	128,592	127,021	130,000	135,000
502-432-100-257	Travel & Training	995	2,084	2,000	2,600
502-432-100-259	Community Promotion	391	0	500	500
502-432-100-260	Office Supplies	953	1,200	1,000	1,300
502-432-100-262	Uniform Expenses	1,794	2,404	3,550	5,000
502-432-100-264	Electricity & Gas	62,975	66,837	70,000	74,900
502-432-100-265	Gasoline & Oil	11,508	12,085	12,085	14,502
502-432-100-267	General Materials & Supplies	33,994	32,653	35,000	35,000
502-432-100-273	Special Departmental Exp.	0	594	1,100	1,100
	<b>Supplies &amp; Services</b>	<b>481,639</b>	<b>504,581</b>	<b>501,105</b>	<b>497,404</b>
502-432-100-710	Land Purchase	0	1,436	0	1,300,000
502-432-100-714	Storm Drain Improvement	0	0	5,500	104,000
502-432-100-739	Master Plan Improvements	2,045,841	1,528,516	249,000	35,000
502-432-100-750	Vehicles	0	0	43,357	116,039
502-432-100-752	Communication Equipment	1,133	39	1,776	2,047
502-432-100-753	Specialized Equipment	58,026	0	221,943	47,500
502-432-100-770	Computer Equipment	407	0	0	0
	<b>Capital Outlay</b>	<b>2,105,407</b>	<b>1,529,991</b>	<b>521,576</b>	<b>1,604,586</b>
	<b>Total Wastewater Collections</b>	<b>\$3,298,152</b>	<b>\$2,784,030</b>	<b>\$1,843,135</b>	<b>\$2,966,262</b>

# Wastewater Collections

## SERVICES & SUPPLIES

**201-GROUNDS MAINTENANCE:** Costs of purchasing and applying weed killer and ground sterilent around storm drain pump.

**205-FACILITY MAINTENANCE:** Maintenance of buildings, structures and enclosures within the sewer collection and storm water collection system. Payment of maintenance agreements PMA 39 and Grasslands Water District.

**206-PROPERTY LEASE:** Expenditures for leasing buildings, facilities, and maintenance yards to support the Wastewater Collection services to the City.

**231-PROFESSIONAL SERVICES:** Charges for services to outside engineering firms to complete wastewater collection related projects including: MS4 estimated at \$50,000; City Improvement Standards estimated at \$30,000; services may include design, drawings, and project management; as well as other miscellaneous professional services, which may be required.

**238-TECHNICAL SERVICES:** Services of electricians and other technical services related to lift station maintenance and repair.

**251-MEMBERSHIP & DUES:** Wastewater Collection Certificate renewals; annual dues to the CVCWA (Central Valley Clean Water Association).

**256-PERMIT FEES & CHARGES:** Expenses associated with the collection of storm water and wastewater. Costs related directly to CCID, SJVAPCD, SWRCB, and CVCWA; Grasslands maintenance agreement and MS4 permit.

**259-COMMUNITY PROMOTION:** Public education and promotion expenditures in support of storm water and wastewater collection, health, and safety. Expenses include mailing of reports, elementary school programs, promotional literature, and other promotional items.

**273-SPECIAL DEPARTMENTAL EXPENSES:** For miscellaneous safety equipment and employee longevity awards.

## CAPITAL OUTLAY

**710-LAND PURCHASE:** Nantes Storm Basin land purchase estimated at \$1,300,000 (1/2 restricted funds).

**714-STORM DRAIN IMPROVEMENTS:** Rehabilitate West I Street storm lift station \$20,000. Storm drain catch basins to be upgraded with the sidewalk improvements, ADA pedestrian ramps, fire hydrants and water meter relocations in the area of US States Streets: Pine Street, Maryland Avenue, Vermont Avenue, Pennsylvania Avenue, and Colorado Avenue between West J Street and Watt Avenue. Construction costs will be shared accordingly with Measure V, Water, and Wastewater Collection funds. Costs are estimated at \$1,030,000 for construction (Measure V-alternative \$820,000, Water 126,000, and Collections \$84,000).

City of Los Banos  
Fire  
2019-2020

Account Number	Description	2016-2017	2017-2018	2018-2019	2019-2020
		Actual	Actual	Estimated	Adopted
100-422-100-101	Salaries	578,071	569,764	604,248	643,125
100-422-100-102	Part Time	16,089	12,774	25,767	4,000
100-422-100-103	Overtime	48,871	86,805	97,000	30,000
100-422-100-120	Benefits	332,700	346,372	392,000	407,654
100-422-100-121	Benefits-PERS	202,305	224,610	193,659	225,309
	<b>Personnel Services</b>	<b>1,178,036</b>	<b>1,240,325</b>	<b>1,312,674</b>	<b>1,310,088</b>
100-422-100-201	Grounds Maintenance	988	796	1,200	3,800
100-422-100-202	Fleet Repair & Maintenance	11,039	10,192	12,000	65,000
100-422-100-203	Equipment Repair & Maintenance	17,071	15,761	17,000	17,000
100-422-100-204	Fleet Services	0	0	0	29,844
100-422-100-205	Facility Maintenance	14,883	13,793	15,000	17,000
100-422-100-216	Vehicle Repair & Maintenance	29,439	55,513	70,000	0
100-422-100-231	Professional Services	12,035	24,866	45,000	20,000
100-422-100-236	Medical Services	5,500	5,243	4,000	4,000
100-422-100-237	Recruitment	0	456	0	500
100-422-100-238	Technical Services	10,984	6,559	15,000	15,000
100-422-100-240	I.T. Services	47,671	63,225	50,937	57,475
100-422-100-250	Insurance	55,422	57,700	63,027	62,198
100-422-100-252	Communications	7,464	7,387	7,850	8,850
100-422-100-257	Travel & Training	4,857	5,821	9,500	11,100
100-422-100-259	Community Promotion	1,494	1,500	2,000	3,000
100-422-100-260	Office Supplies	4,994	4,968	5,000	5,000
100-422-100-262	Uniform Expenses	5,657	5,850	4,800	5,000
100-422-100-264	Electricity & Gas	33,229	33,782	35,000	38,500
100-422-100-265	Gasoline & Oil	19,670	26,699	28,000	28,000
100-422-100-267	General Materials & Supplies	2,489	2,971	3,000	3,000
100-422-100-270	Special Programs	29,000	29,000	29,000	29,000
100-422-100-273	Special Departmental Exp.	17,465	17,698	20,000	20,000
100-422-100-274	Special Activities	9,978	9,502	11,000	12,000
100-422-100-275	Bad Debt Expense	4,977	7,920	0	0
	<b>Supplies &amp; Services</b>	<b>346,305</b>	<b>407,201</b>	<b>448,314</b>	<b>455,267</b>
100-422-100-720	Building & Structures	15,112	0	30,000	99,000
100-422-100-750	Vehicles	53,625	0	0	0
100-422-100-752	Communication Equipment	3,846	276	12,415	14,308
100-422-100-753	Specialized Equipment	20,506	22,063	23,000	25,000
100-422-100-770	Computer Equipment	816	0	0	0
	<b>Capital Outlay</b>	<b>93,906</b>	<b>22,338</b>	<b>65,415</b>	<b>138,308</b>
100-422-100-881	Interest - Leases/Loans	3,256	2,942	2,609	2,257
	<b>Interest - Debt Service</b>	<b>3,256</b>	<b>2,942</b>	<b>2,609</b>	<b>2,257</b>
	<b>Total Fire</b>	<b>\$1,621,503</b>	<b>\$1,672,806</b>	<b>\$1,829,012</b>	<b>\$1,905,920</b>

## *Fire (continued)*

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### CAPITAL OUTLAY

**720-BUILDING & STRUCTURES:** Install new ADA compliant parking and front door access to both stations. Electronic access and security hardware on all exterior man doors will be installed at both fire stations for Phase 2 of the Station Security Project.

**752-COMMUNICATION EQUIPMENT:** Expenses related to Telephone System Replacement.

**753-SPECIALIZED EQUIPMENT:** Funding for the purchase of turnouts and equipment for career and volunteer firefighters.

### DEBT SERVICE

**881-INTEREST-LEASES/LOANS:** Interest payment on City Hall/Fire Station COP refinanced as an inter-fund loan from the Water Fund.



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:** August 21, 2019

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** Authorizing Award of Construction Contract to United Pavement Maintenance, Inc. in the amount of \$1,116,831.35 with a 20% Contingency in the amount of \$223,366.00 for the 2019 Street Rehabilitations Project

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**Recommendation:**

That the City Council adopts the Resolution awarding the 2019 Street Rehabilitations project contract to United Pavement Maintenance, Inc. and authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement in the amount of \$1,116,831.35. Staff is requesting a 20% contingency of \$223,336.00.

**Background:**

The Street Services staff of the Public Works Department maintains a computer software program for its pavement management system. Recently, the City participated with Merced County and the other local jurisdictions of MCAG in hiring a consultant to perform a computerized laser study (Study) which analyzed the pavement conditions for each jurisdiction in Merced County. The results of the Study produced a present day Pavement Condition Index (PCI) of every street in the County. Every street in Los Banos was analyzed. PCI is a compiling of distress factors which gives a street a numerical rating from 0 to 100. A brand new street with a properly designed structural section could potentially receive a PCI rating of 100. The factors which inevitably create distresses to lower the PCI are age of the street, load, weather, and reopening the street to add or repair underground utilities. The ability to perform maintenance treatment activities is the other factor of a street PCI. The Study results were downloaded into the City's pavement management system software. A review of the

data currently maintained by the staff in Street Services and the results of the Study confirmed the streets presently programmed into the City's Capital Improvement Plan for pavement rehabilitation work. The PCI of each street creates an overall PCI for the City's Street Infrastructure. Measure V is enabling the City to accelerate street rehabilitation activities. An infrastructure with adequate rehabilitation funding can maximize the life cycle of a street which helps maintain an acceptable overall PCI of the City's infrastructure. The higher the PCI the better the ride quality the community will experience.

**Discussion:**

The City's Capital Improvement Plan includes the rehabilitation of several segments of arterial streets identified in its pavement management system. The 2019 Street Rehabilitations are the first phase of streets identified on the rehabilitation schedule.

**2019 Street Rehabilitations**

- Overland Avenue from North Street to Santa Ana Street
- San Luis Street from Place Road to Ward Road
- East B Street from Seventh Street to Mercey Springs Road
- Center Avenue from Cardoza Road to CCID main canal (south of Madison Ave)
- Cardoza Road from Center Avenue to West I Street

Staff enlisted the services of one of our consultant, Gouveia Engineering, to design the project. The staff of Gouveia's and Public Works walked each street on the list outlining the intentional treatments for each street. Once the design was ready, staff released the project for advertisement on Friday, June 28, 2019. The bid opening was held on Thursday, August 1, 2019. The Public Works Department, through the office of the City Clerk, received seven (7) bids from the following contractors:

United Pavement Maintenance, Inc.	Hughson	\$1,116,831.35
AJ Excavation, Inc.	Fresno	\$1,218,908.10
Tom Mayo Construction, Inc.	Stockton	\$1,219,272.40
Avison Construction, Inc.	Madera	\$1,346,602.00
Granite Construction Company	Fresno	\$1,398,625.15
American Paving Co.	Fresno	\$1,530,047.10
George Reed, Inc.	Modesto	\$1,649,619.00

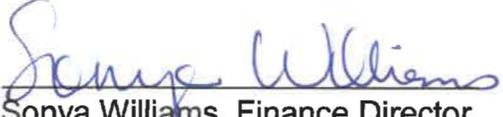
Staff reviewed each of the bid proposals for completeness. United Pavement Maintenance, Inc. has provided the lowest responsive and responsible bid for the project. Staff is recommending United Pavement Maintenance, Inc. be awarded the contract for the construction of the 2019 Street Rehabilitations. Staff is recommending a contingency of twenty percent (20%). The administration of this contract, including the 20% contingency, is to be performed by the Public Works Director/City Engineer.

**Fiscal Impact:**

Funds for this project have been programmed from the Measure V account 214-430-210-715 in the 2019-2020 fiscal year budget.

**Reviewed by:**

*for*   
Alex Terrazas, City Manager

  
Sonya Williams, Finance Director

**Attachments:**

Resolution

Bid Opening Sheet

Public Notice

Contract Agreement

Site Maps

2019-2020 Fiscal Budget Sheet

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO UNITED PAVEMENT MAINTENANCE, INC. IN THE AMOUNT OF \$1,116,831.35 WITH A 20% CONTINGENCY IN THE AMOUNT \$223,366.00 FOR 2019 STREET REHABILITATIONS PROJECT**

WHEREAS, the City of Los Banos Public Works Department received competitive bids on August 1, 2019 for the purpose of constructing the 2019 Street Rehabilitations project in the City of Los Banos; and

WHEREAS, the Public Works Department has determined, after receiving competitive bids, that United Pavement Maintenance, Inc. provided the lowest responsive and responsible bid in the amount of \$1,116,831.35; and

WHEREAS, the Public Works Department requests the City Council authorize a 20% contingency in the amount of \$223,366.00; and

WHEREAS, the Public Works Department requests the City Council authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement with United Pavement Maintenance, Inc. and authorize the Public Works Director/City Engineer to administrate the Construction Contract including the 20% contingency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept and award the construction bid of United Pavement Maintenance, Inc. in the amount of \$1,116,831.35 with a 20% contingency in the amount of \$223,366.00, authorizes the Public Works Director/City Engineer to execute the Construction Contract Agreement, and authorizes the Public Works Director/City Engineer to administrate the Construction Contract including the 20% contingency.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of August 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:

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Lucille L. Mallonee, City Clerk



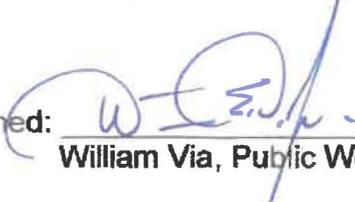
City of  
**Los Banos**  
At the Crossroads of California

**BID OPENING**

**2019 STREET REHABILITATIONS  
THURSDAY, AUGUST 1, 2019 @ 2:00 PM**

1.	Tom Mayo Construction, Inc.	\$ 1,219,272.40
2.	Granite Construction Company	\$ 1,398,625.15
3.	Avison Construction Inc.	\$ 1,346,602.00
4.	AJ Excavation, Inc.	\$ 1,218,908.10
5.	United Pavement Maintenance, Inc.	\$ 1,096,455.30
6.	American Paving Co.	\$ 1,530,047.10
7.	George Reed, Inc.	\$ 1,649,619.00

Signed:  Dated: August 1, 2019  
Jana R. Sousa, MMC  
Assistant City Clerk/Human Resources Analyst

Signed:  \_\_\_\_\_  
William Via, Public Works Operations Manager

## Advertisement for Bids

CITY OF LOS BANOS  
520 J Street  
Los Banos, California 93635

Notice is hereby given that separate sealed bids for the award of contract for the **Construction of 2019 STREET REHABILITATIONS** will be received by the City of Los Banos at the office of the City Clerk until 2:00 p.m. Pacific Daylight Savings Time (PDST), August 1, 2019 and then at said office publicly opened and read aloud.

The major work consists of the pavement rehabilitation of several streets in the City of Los Banos using asphalt concrete overlays, and reconstruction by pulverization and repaving. The work also includes the construction of curb cut ramps, application of pavement striping and markings, and other miscellaneous appurtenant work.

The time for completion shall be sixty (60) working days.

The Contract Documents, in their entirety, can be viewed and/or obtained from the City of Los Banos website at [www.losbanos.org](http://www.losbanos.org) or at the following locations:

Central California Builders Exchange, 1244 N. Mariposa, Fresno, CA 93703 ([www.cencalbx.com](http://www.cencalbx.com))

Builders Exchange of Stockton, 7500 N. West Lane, Stockton, CA 95210 ([www.besonline.com](http://www.besonline.com))

Valley Builders Exchange, Inc., 1118 Kansas Avenue, Modesto, CA 95351 ([www.valleybx.com](http://www.valleybx.com))

Builders Exchange of Santa Clara County, 400 Reed Street, Santa Clara, CA 95050  
([www.bxscco.com](http://www.bxscco.com))

Dodge Data & Analytics 1-800-393-6343, ([www.construction.com/plans/](http://www.construction.com/plans/))

A payment bond prepared and executed in accordance with California Civil Code Section 3247 and a bond for faithful performance of the contract will be required of the successful bidder who is awarded the contract.

The successful bidder must comply with the latest general prevailing rate of per diem wages as determined by the Director of Industrial Relations, State of California, Department of Industrial Relations and is to be paid to the various craftsmen and laborers required to construct said improvements and is made a part of the specifications and contract for said work to which reference is hereby made for further particulars.

No contractor or subcontractor may be listed on a bid proposal or awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Contractor registration information can be found at:

<http://www.dir.ca.gov/Public-Works/PublicWorks.html>

Each bid shall be accompanied by cashier's or certified check or by a bidder's bond, made payable to the City of Los Banos and executed by a corporate surety licensed to issue surety bonds in the State of California, for an amount equal to at least ten percent (10%) of the amount of said bid and no bid shall be considered unless such cashier's or certified check or bidder's bond is enclosed therewith.

The successful bidder of this project shall have the following current and active California State Contractor's License at the time of the submission of the bid and throughout the duration of the contract: **Class A or Class C-12.**

Bidders shall refer to the Contract Document's Information for Bidders for complete instructions.

Bidders are solely responsible for the cost of preparing their bids.

The City specifically reserves the right, in its sole discretion, to reject any or all bids, to re-bid, or to waive inconsequential defects, in bidding not involving time, or quality of the work. The City may reject any and all bids and waive any minor irregularities in the bids.

## Agreement

THIS Agreement is dated as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2019 by and between the **City of Los Banos, a California municipal corporation** ("Owner") and **United Pavement Maintenance, Inc., a corporation** ("Contractor").

Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**1. WORK.** Contractor shall complete the work indicated in Owner's Contract Documents entitled "2019 STREET REHABILITATIONS".

The work is generally described as follows:

- Construction of pavement rehabilitation of several streets in the City of Los Banos using asphalt concrete overlays, and reconstruction by pulverization and repaving. The work also includes the construction of curb cut ramps, application of pavement striping and markings, and other miscellaneous appurtenant work.
- Contractor shall furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the work described herein.

**2. CONTRACT TIME.** Contractor shall commence the work required by the Contract Documents within 10 calendar days after the date of the Notice to Proceed and will complete the same within the time period set forth in the bid (sixty (60) working days), unless the period for completion is extended otherwise by the Contract Documents.

**3. LIQUIDATED DAMAGES.** Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the work is not completed within the time specified in Paragraph 2 herein, plus any extensions thereof allowed in accordance with Paragraph 21, Time for Completion and Liquidated Damages, of the General Provisions. The parties also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by Owner if the work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner One Thousand Five Hundred Dollars (\$800.00) for each day that passes after the time specified in Paragraph 2 herein.

**4. CONTRACT PRICE.** Owner shall pay Contractor for completion of the work in accordance with the Contract Documents in current funds the amount set forth in the Bid Schedule(s). The Contractor agrees to perform all of the work described in the Contract Documents for the unit and lump sum prices set forth in the Bid Schedule(s).

**5. PAYMENT PROCEDURES.** Contractor shall submit applications for payment in accordance with Paragraph 24, Progress Estimates, of the General Provisions. Applications for payment will be processed by Owner as provided in the General Provisions.

**6. CONTRACT DOCUMENTS.** The Contract Documents which comprise the entire agreement between Owner and Contractor concerning the work consists of this Agreement and the following attachments to this Agreement:

- (A) Advertisement for Bids
- (B) Information for Bidders

- (C) Bid
- (D) Bid Bond
- (E) Agreement
- (F) Payment Bond
- (G) Performance Bond
- (H) Notice of Award
- (I) Notice to Proceed
- (J) Change Order
- (K) General Provisions
- (L) Special Provisions
- (M) Technical Specifications prepared by GOUVEIA ENGINEERING, entitled "2019 STREET REHABILITATIONS", dated June, 2019.
- (N) Drawings prepared by GOUVEIA ENGINEERING, numbered C-101 through C-119.
- (O) Addendum No. 1, dated July 26, 2019

There are no Contract Documents other than those listed in this Paragraph 6. The Contract Documents may only be amended by change order as provided in Paragraph 19, Changes in the Work, of the General Provisions.

## **7. MISCELLANEOUS.**

A. Terms used in this Agreement which are defined in Paragraph 1 of the General Provisions will have the meanings indicated in the General Provisions.

B. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

C. Owner and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

D. The Laws of the State of California shall govern this Agreement. Venue is Merced County. The provisions of this paragraph shall survive expiration or other termination of this Agreement regardless of the cause of such termination.

E. All bids become property of the Owner. All bids, including the accepted bid and any subsequent contract become public records per the requirements of the California Government Code, Sections 6250-6270, "California Public Records Act". Proprietary material must be clearly marked as such. Pricing and service elements of the successful bid are not consider proprietary information. The Owner will treat all information submitted in a bid as available for public inspection once the Owner has selected a contractor. If you believe that you have a legally justifiable basis under the California Public Records Act (Government Section 6250 et. seq.) for protecting the confidentiality of any information contained within your bid, you must identify any such information, together with the legal basis of your claim in your bid. In order for the Owner to assess confidentiality of any such information on your behalf, you must request, execute and submit an Owner-prepared written agreement to defend and indemnify the Owner for any liability, costs, and expenses

incurred in asserting such confidentiality as part of your bid. The final determination as to whether the Owner will assert your claim of confidentiality on your behalf shall be sole discretion of the Owner.

F. This Agreement shall not be interpreted in favor of any Party by virtue of said Party not having prepared this Agreement.

G. If any time period provided for in this Agreement ends on the day other than a Business Day, the time period shall be extended to the next Business Day.

IN WITNESS WHEREOF, Owner and Contractor have caused this Agreement to be executed the day and year first above written.

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Authorized Representative of Owner

Title: \_\_\_\_\_

ATTEST:

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

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Authorized Representative of Contractor

Title: \_\_\_\_\_

(Seal if Corporation)

(Attach Acknowledgement for Authorized Representative of Contractor)

**◆ BENCHMARK**

**VERTICAL AND HORIZONTAL DATUM:**

VERTICAL AND HORIZONTAL DATUM INFORMATION WAS TAKEN FROM THE NGS DATA SHEET FOR FID HSS126.  
 VERTICAL DATUM: NAVD83  
 ELEVATION: 120.06'  
 HORIZONTAL DATUM: NAD83-2011, CALIFORNIA SPCS, ZONE 3

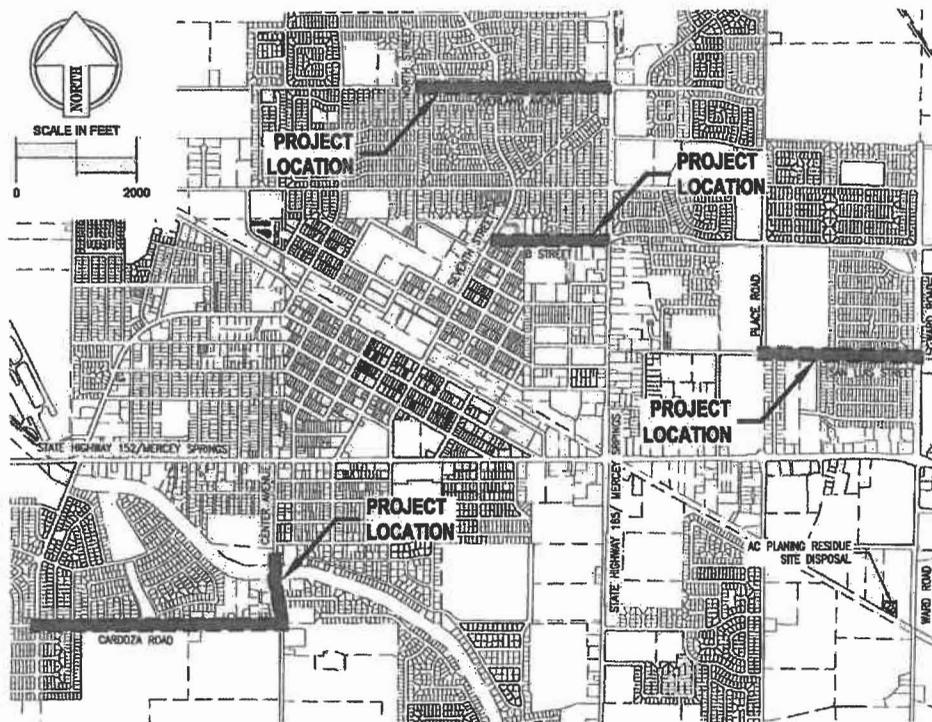
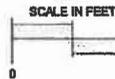
DESCRIPTION: STATION IS LOCATED ON THE EAST SIDE OF LOS BANOS, AT THE LOS BANOS MUNICIPAL AIRPORT, IN THE MEDIAN OF THE RUNWAY AND THE PARALLEL TAXI, NEAR THE FRONT VASI FOR RUNWAY 32. TO REACH THE JUNCTION OF STATE HIGHWAY 152 AND WEST I STREET ON THE WEST SIDE OF LOS BANOS, GO NORTHEAST ON WEST I STREET FOR 0.08 MI TO A PAVED ROAD LEFT, TURN LEFT, SOUTHWEST, ON PAVED ROAD FOR 0.25 MI TO A LOCKED GATE ON THE RIGHT, TURN RIGHT, NORTHEAST, THROUGH GATE, PASSING TO RIGHT OF FUEL PUMPS, ACROSS APRON FOR 0.05 MI TO THE PARALLEL TAXI, TURN LEFT, NORTHEAST, ON TAXI FOR 0.08 MI TO THE STATION ON THE RIGHT. STATION MARK IS SET IN THE TOP OF A 30-CM ROUND CONCRETE POST FLUSH WITH THE GROUND ON A SLIGHT HUMP IN A BARE AREA. IT IS 142.1 FT SOUTHWEST OF THE RUNWAY CENTER, 103.3 FT NORTHEAST OF THE EDGE OF THE APRON/TAXI, 28.6 FT SOUTHWEST OF THE SOUTH CORNER OF THE CONCRETE PAD FOR THE OUTBOARD VASI, 73.8 FT NORTHWEST OF THE EXTENDED SOUTHEAST WALL OF A HANGAR AND 1.3 FT NORTHWEST OF A FIBERGLASS WITNESS POST.

**UTILITY CONTACTS**

PG&E- STEVE MURPHY MAIN (209) 726-6338  
 3185 N STREET CELL (209) 363-2218  
 MERCED, CA 95348

AT&T- TROY BRANIFF MAIN (209) 726-7137  
 1860 W WARDROBE AVE  
 MERCED, CA 95341

**PROJECT PLANS FOR CONSTRUCTION OF  
 2019 STREET REHABILITATION  
 CITY OF LOS BANOS**



**INDEX OF DRAWINGS**

#	SHEET TITLE
1	LOCATION MAP AND INDEX OF DRAWINGS
2	GENERAL NOTES AND ABBREVIATIONS
3	CARDOZA ROAD IMPROVEMENTS
4	CENTER AVENUE AND SAN LUIS STREET IMPROVEMENTS
5	EAST B STREET AND OVERLAND AVENUE IMPROVEMENTS
6	B STREET AND SEVENTH STREET INTERSECTION IMPROVEMENTS
7	B STREET AND ABBY CIRCLE INTERSECTION IMPROVEMENTS
8	B STREET AND SANTA RITA STREET INTERSECTION IMPROVEMENTS
9	B STREET AND SANTA ROSA STREET INTERSECTION IMPROVEMENTS
10	OVERLAND AVENUE AND SANTA ANA STREET INTERSECTION IMPROVEMENTS
11	STRIPING PLAN CARDOZA ROAD STATION: 16+50 TO 33+50
12	STRIPING PLAN CARDOZA ROAD STATION: 33+50 TO 51+50
13	STRIPING PLAN CENTER AVENUE STATION: 0+00 TO 17+50
14	STRIPING PLAN SAN LUIS STREET STATION: 10+00 TO 35+50
15	STRIPING PLAN EAST B STREET STATION: 10+00 TO 28+00
16	STRIPING PLAN OVERLAND AVENUE STATION: 0+50 TO 33+50
17	STREET IMPROVEMENTS AND UTILITY ADJUSTMENT DETAILS
18	SIDEWALK, RAMP, CURB, AND GUTTER CONSTRUCTION DETAILS
19	TRAFFIC CONTROL DETAILS



Plan sheets in this plan set are full size when printed on 11x17 size sheets without an exaggeration. The bar scale should be used to check plan sheet scale.

NO.	DATE	DESCRIPTION	BY

**OWNERSHIP OF DOCUMENTS**  
 THIS DOCUMENT, AND THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF GOUVEIA ENGINEERING, INC., AND IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE, IN WHOLE OR IN PART, IS NOT PERMITTED WITHOUT WRITTEN AUTHORIZATION BY GOUVEIA ENGINEERING, INC.

**GOUVEIA ENGINEERING, INC.**  
 CONSULTING ENGINEERS  
 456 5th Street • Gustine, California 95322  
 Telephone (209) 854-3300 • Fax (209) 854-3600

**CITY OF LOS BANOS**  
**2019 STREET REHABILITATIONS**  
**LOCATION MAP AND INDEX OF DRAWINGS**

DESIGNED BY R. OROZCO	DATE 06/07/19	ISSUED BY R. OROZCO	DATE 06/07/19	PROJECT NO. C-101
APPROVED BY M. GOUVEIA	DATE 06/27/19	DATE 06/27/19	SHEET NO. 1	OF 19 SHEETS
			PROJECT NUMBER 846.00	

City of Los Banos  
RSTP Exchange  
Transportation Expenditure Plan  
Gas Tax  
2019-2020

Account Number	Description	2016-2017 Actual	2017-2018 Actual	2018-2019 Estimated	2019-2020 Adopted
<b><u>RSTP EXCHANGE</u></b>					
207-430-210-820	Charge-In	1,200,000	1,336,919	306,466	638,944
	<b>Charge Ins - Outs</b>	<b>1,200,000</b>	<b>1,336,919</b>	<b>306,466</b>	<b>638,944</b>
207-498-000-000	Transfer Out	0	0	7,000	34,377
	<b>Transfer Out</b>	<b>0</b>	<b>0</b>	<b>7,000</b>	<b>34,377</b>
	<b>Total RSTP</b>	<b>\$1,200,000</b>	<b>\$1,336,919</b>	<b>\$313,466</b>	<b>\$673,321</b>
<b><u>TRANSPORTATION EXPENDITURE PLAN</u></b>					
214-430-210-233	Consulting Services	0	0	0	81,000
	<b>Supplies &amp; Services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>81,000</b>
* 214-430-210-715	Street & Road Impr. Overlay	0	0	49,000	1,500,000
214-430-210-730	Alternative Street Impr	0	250,000	41,250	820,000
	<b>Capital Outlay</b>	<b>0</b>	<b>250,000</b>	<b>90,250</b>	<b>2,320,000</b>
	<b>Total Trans Expend Plan</b>	<b>\$0</b>	<b>\$250,000</b>	<b>\$90,250</b>	<b>\$2,401,000</b>
<b><u>GAS TAX</u></b>					
215-430-210-264	Electricity & Gas	64,455	64,789	65,000	70,000
	<b>Supplies &amp; Services</b>	<b>64,455</b>	<b>64,789</b>	<b>65,000</b>	<b>70,000</b>
215-430-220-819	Street Charge In-SB1 Projects	0	226,371	700,000	700,000
215-430-220-820	Street Charge-In	251,262	228,375	1,000,000	700,000
	<b>Charge Ins - Outs</b>	<b>251,262</b>	<b>454,746</b>	<b>1,700,000</b>	<b>1,400,000</b>
	<b>Total Gas Tax</b>	<b>\$315,718</b>	<b>\$519,535</b>	<b>\$1,765,000</b>	<b>\$1,470,000</b>

# *RSTP Exchange*

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## CHARGE IN

**820-CHARGE IN:** Support Street Services maintenance, repair and rehabilitation of local roads.

## TRANSFER OUT

**000-TRANSFER OUT:** Construction of the Pedestrian Sidewalk In-Fills estimated at \$296,743 (\$34,377 from RSTP and \$262,366 from CMAQ grant funding).

# *Transportation Expenditure Plan*

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## SERVICES & SUPPLIES

**233-CONSULTING SERVICES:** Charges for services to outside engineering firms to complete environmental, ROW, design, drawings, and project management of regional projects (Trail to the College); as well as other miscellaneous professional services, which may be required.

## CAPITAL OUTLAY

\* **715-STREET & ROAD OVERLAYS:** Construction of the 2019 Street Rehabilitation Work estimated at \$1,500,000 (Additional \$50,000 in RSTP). \*

**730-ALTERNATIVE STREET IMPROVEMENTS:** Sidewalk improvements, ADA pedestrian ramps, storm drain catch basins, fire hydrants and water meter relocations in the area of Colorado Ballpark on Maryland Avenue, Pennsylvania Avenue, Vermont Avenue, Pine Street and Colorado Avenue. Construction costs will be shared accordingly with Measure V, Water, and Wastewater Collection funds. Costs are estimated at \$1,010,000 for design and construction (Measure V-alternative \$820,000, Water 126,000, and Collections \$84,000).

# *Gas Tax*

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## CHARGE IN

**819-CHARGE IN- SB1 PROJECTS:** Funding for various SB1 street projects and work throughout the city.

**820-CHARGE IN:** Support Street Services maintenance, repair and rehabilitation of local roads.



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:** August 21, 2019

**TYPE OF REPORT:** Consent Item

**SUBJECT:** Final Tract Map No. 2018-03 Shaunessy Village Phase No. 2

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**Recommendation:**

That the City Council adopts the Resolution approving Final Tract Map No. 2018-01, Shaunessy Village Phase No. 2, and accompanying Subdivision Improvement Agreement.

**Background:**

The Tentative Tract Map No. 2018-03 was approved by the City of Los Banos Planning Commission on October 24, 2018 by Resolution No. 2018-29. In November 2018, the Public Works staff was contacted by the developer, Stonewood Home, Inc., for Final Map approval. In May of 2018, The Public Works staff was notified the Subdivision's Final Map would be split into three phases. The subject map for this report is Phase 2 of 3.

**Discussion:**

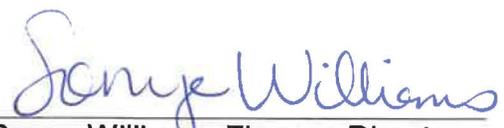
The subject site is generally located within the area bounded by APN 083-130-042 to the north, College Greens to the east, future Shaunessy Village Phase 1 to the south, and State Highway 165 (Mercey Springs Road) to the west, more specifically identified as APNs 083-100-005 and 083-100-006. The applicant is Stonefield Home, Inc. The map consists of 51 single family lots on 9.52± acres. This Final Tract Map is in substantial compliance with Tentative Subdivision Map No. 2018-03.

**Fiscal Impact:**

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

**Reviewed by:**

for   
Alex Terrazas, City Manager

  
Sonya Williams, Finance Director

**Attachments:**

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AND ADOPTING FINAL TRACT MAP NO. 2018-03 SHAUNESSY VILLAGE PHASE NO. 2 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2018-03 Shaunessy Village Phase No. 2 and accompanying Subdivision Improvement Agreement; and,

WHEREAS, the single-family residential subdivision consists of 51 lots 9.52± acres; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2018-03 Shaunessy Village Phase No. 2 and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2018-03.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees have been paid.
4. All bonds have been paid to Merced County.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21<sup>st</sup> day of August, 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

**LEGAL DESCRIPTION**

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

BEING A PORTION OF DESIGNATED REMAINDER, BOOK 81, OF OFFICIAL PLATS, PAGES 28-34, M.C.R. SITUATE IN THE NEW 1/4 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA.

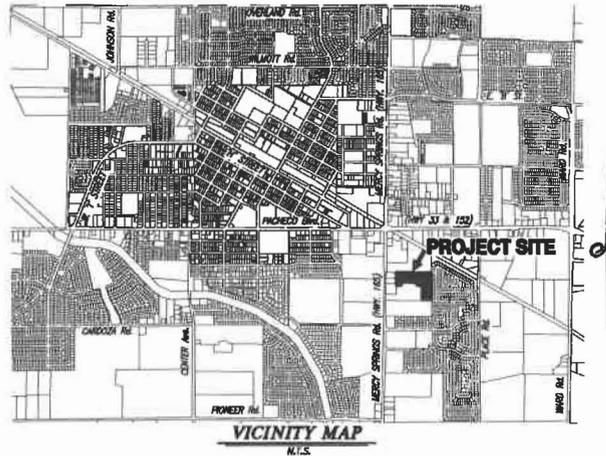
APN: 083-100-006-000 (portion)

TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

**PHASE No. 2**  
 BEING A PORTION OF DESIGNATED REMAINDER, BOOK -- OF  
 OFFICIAL PLATS, PAGES --, M.C.R. SITUATE IN THE NW 1/4  
 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
 MOUNT DIABLO MERIDIAN,  
 CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA  
 JULY 2019

**NORTHSTAR ENGINEERING GROUP, INC.**

620 12th Street, Modesto, CA 95354  
 (209) 524-3525



**OWNER'S STATEMENT:**

WE THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP, AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP. WE HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC USE THE REAL PROPERTY DESCRIBED BELOW AS EASEMENTS FOR PUBLIC PURPOSES: ALL STREETS AND RIGHTS-OF-WAY; ALL EASEMENTS FOR ANY AND ALL PUBLIC USES, UNDER, ON, OR OVER SAID STREETS AND RIGHTS-OF-WAY; ALL EASEMENTS FOR ALL PUBLIC SERVICE FACILITIES, INCLUDING BUT NOT LIMITED TO WRES, CONDUITS (CABLE TV, STORM SEWER, GAS, ELECTRIC, WATER MAINS, ON ALL LANDS LYING BETWEEN THE FRONT LINES AND/OR SIDE LINES OF LOTS AND DASHED LINES DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENTS), ALL AS SHOWN ON THIS FINAL MAP. ALL EASEMENTS TO BE KEPT CLEAR OF BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT UTILITY COMPANY STRUCTURES AND LAWFUL FENCES.

OWNER: STONEFIELD HOME, INC., a California Corporation

\_\_\_\_\_  
 DATE \_\_\_\_\_  
 PRINT NAME & TITLE \_\_\_\_\_  
 \_\_\_\_\_  
 DATE \_\_\_\_\_  
 PRINT NAME & TITLE \_\_\_\_\_

**SURVEYOR'S STATEMENT:**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MERRIAD FARZPOUR, ON APRIL 20, 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT ALL THE MONUMENTS SHOWN HEREON WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR AFTER RECORDING THIS MAP, AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

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

REN GROENWOOD, PLS 6946



**CITY ENGINEER'S STATEMENT:**

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT No. 2018-03 "SHAUNESSY VILLAGE PHASE 2" AND STATE THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

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

BY: \_\_\_\_\_  
 MARK FACHIN, R.C.E. 34614  
 LICENSE EXPIRATION DATE: 9/30/2019

**CITY SURVEYOR'S STATEMENT:**

I HEREBY STATE THAT AT THE REQUEST OF THE CITY ENGINEER FOR THE CITY OF LOS BANOS, I HAVE EXAMINED THIS FINAL MAP AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT AND COMPLES WITH APPLICABLE PROVISIONS OF THE SUBDIVISION MAP ACT.

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

BY: \_\_\_\_\_  
 RYAN J. SCHISSL, P.L.S. 83368  
 REVIEWING CITY SURVEYOR

**CITY CLERK'S STATEMENT:**

I, LUCILLE L. MALLONEE, CITY CLERK OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THE ACCOMPANYING FINAL MAP OF TRACT No. 2018-03 "SHAUNESSY VILLAGE PHASE 2", WAS APPROVED, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE, SUBJECT TO SATISFACTORY COMPLETION OF ALL IMPROVEMENTS THE OFFER OF DEDICATION OF ALL STREETS AND RIGHTS-OF-WAY AND ALL EASEMENTS FOR ALL PUBLIC SERVICE FACILITIES DESIGNATED AS "P.U.E.", ALL AS SHOWN ON THIS FINAL MAP.

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

LUCILLE L. MALLONEE, CITY CLERK  
 CITY OF LOS BANOS

**RECORDER'S STATEMENT:**

No. \_\_\_\_\_  
 FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MERCED, STATE OF CALIFORNIA AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ IN VOLUME \_\_\_\_\_ OF OFFICIAL PLATS, AT PAGES \_\_\_\_\_, MERCED COUNTY RECORDS. FILED AT THE REQUEST OF NORTHSTAR ENGINEERING GROUP, INC.

FEES: \$ \_\_\_\_\_

BY: \_\_\_\_\_  
 BARBARA J. LEVEY  
 COUNTY RECORDER OF  
 MERCED COUNTY, CALIFORNIA

**NOTARY'S ACKNOWLEDGEMENT:**

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

STATE OF CALIFORNIA }  
 COUNTY OF \_\_\_\_\_ } S.S.  
 ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_

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

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

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE \_\_\_\_\_

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
 COMMISSION NO. \_\_\_\_\_  
 COMMISSION EXPIRATION DATE: \_\_\_\_\_

**RIGHT TO FARM STATEMENT:**

PER MERCED COUNTY ORDINANCE No. 121.3:

THE PROPERTY DESCRIBED ON THE HEREON SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, PLOWING, SPRAYING, AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE AND ODOR. THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

**PLANNING COMMISSION STATEMENT:**

I, STACY SOUZA ELMS, DIRECTOR FOR THE CITY OF LOS BANOS COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT No. 2018-03, "SHAUNESSY VILLAGE PHASE 2", AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 24th DAY OF OCTOBER, 2018, AND THAT THIS FINAL MAP OF TRACT No. 2018-03, "SHAUNESSY VILLAGE PHASE 2", COMPLES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

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

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

Exhibit B

TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

PHASE No. 2  
 BEING A PORTION OF DESIGNATED REMAINDER, BOOK -- OF  
 OFFICIAL PLATS, PAGES --, M.C.R. SITUATE IN THE NW 1/4  
 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
 MOUNT DIABLO MERIDIAN,  
 CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA  
 JULY 2019

**NORTHSTAR ENGINEERING GROUP, INC.**  
 620 12th Street, Modesto, CA 95354  
 (209) 524-3525

**OMITTED SIGNATURES:**

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

MILLER & LUX INCORPORATED, A CORPORATION;

(A) RIGHTS OF WAY FOR ALL PRESENTLY EXISTING ROADS, HIGHWAYS, TELEPHONE, TELEGRAPH AND ELECTRIC POWER AND PIPELINES, SEWERS, DRAINAGE DITCHES, CANALS AND OTHER DRAINAGE WORKS, LEVEES, BORROW PITS, BY-PASSES, FLOOD WATER CHANNELS AND OTHER RECLAMATION WORKS AND IRRIGATION CANALS, LATERALS, DITCHES AND OTHER IRRIGATION WORKS, AND THE EASEMENT TO MAINTAIN, OPERATE AND REPAIR THE SAME.

(B) THE EASEMENT TO ENTER AND CONSTRUCT, MAINTAIN, OPERATE AND REPAIR ADDITIONAL ROAD, DITCHES, CANALS, LATERALS, AND OTHER IRRIGATION WORKS, ELECTRIC POWER LINES AND DRAINAGE DITCHES OVER AND ACROSS ANY OF SAID LANDS ALONG LINE OF LOCATION SUBSTANTIALLY COINCIDENT WITH THE BOUNDARIES OF SAID LOTS, THE PARTY OF THE FIRST PART AGREES TO PAY SAID PARTY OF THE SECOND PART FOR THE LAND SO TAKEN BY IT HEREINAFTER FOR SUCH PURPOSES AT THE TIME OF SUCH TAKING A SUM EQUAL TO THE AMOUNT PAID BY THE PARTY OF THE SECOND PART TO THE PARTY OF THE FIRST PART FOR THE LAND SO TAKEN, BUT NO COMPENSATION NEED BE MADE FOR ANY DITCH LESS THAN SIX FEET IN WIDTH.

(C) THE RIGHT OF INGRESS TO AND EGRESS FROM THE LAND HEREIN DESCRIBED FOR SAID PURPOSES, AND THE RIGHT TO TAKE AND USE WITH THE MINIMUM OF DAMAGE TO THE SAID LANDS SUCH EARTH AND MATERIALS AS MAY BE ACTUALLY NECESSARY TO CONSTRUCT, MAINTAIN AND REPAIR THAT PORTION OF SAID WORKS, IF ANY, SITUATE OR TO BE SO SITUATE ON SAID PREMISES.

(D) ALL WATER, RIGHTS AND REPAIR RIGHTS, IF ANY, APPURTENANT TO SAID LAND EXCEPT AS OTHERWISE EXPRESSLY HEREIN PROVIDED, RECORDED DECEMBER 28, 1927 AS INSTR. No. 8505, BOOK 203 OFFICIAL RECORDS, PAGE 8.



**SHEET INDEX**  
 SCALE: 1" = 200'

**SUBDIVISION SUMMARY**

TOTAL AREA SUBDIVIDED: 9.52 ACRES,  
51 RESIDENTIAL LOTS.

LINE	BEARING	LENGTH
L1	S. 88°59'14" E	26.00'
L2	S. 88°58'14" E	26.00'

**BASIS OF BEARINGS:**

A COURSE OF NORTH 84°34'44" EAST BETWEEN CITY OF LOS BANOS GPS MONUMENTS No. 1025 AND No. 1026, AS CALCULATED FROM COORDINATES SHOWN IN VOLUME 28 OF SURVEYS, AT PAGE 9, M.C.R., WAS USED AS A BASIS FOR ALL BEARINGS SHOWN ON THIS MAP. ALL BEARINGS SHOWN ARE GRID; ALL DISTANCES SHOWN ARE GROUND. TO CONVERT GROUND DISTANCES TO GRID DISTANCES MULTIPLY GROUND DISTANCE BY 0.999999283. (AVERAGE OF COMBINED SCALE FACTORS)

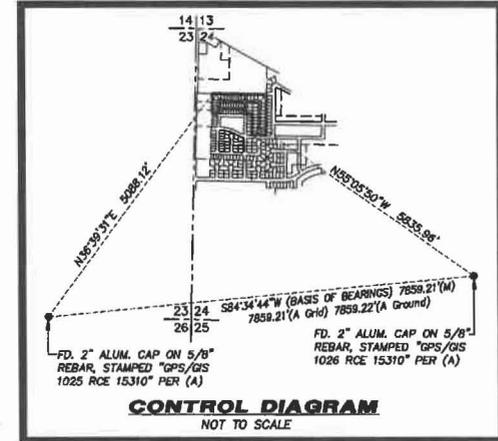
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**LEGEND:**

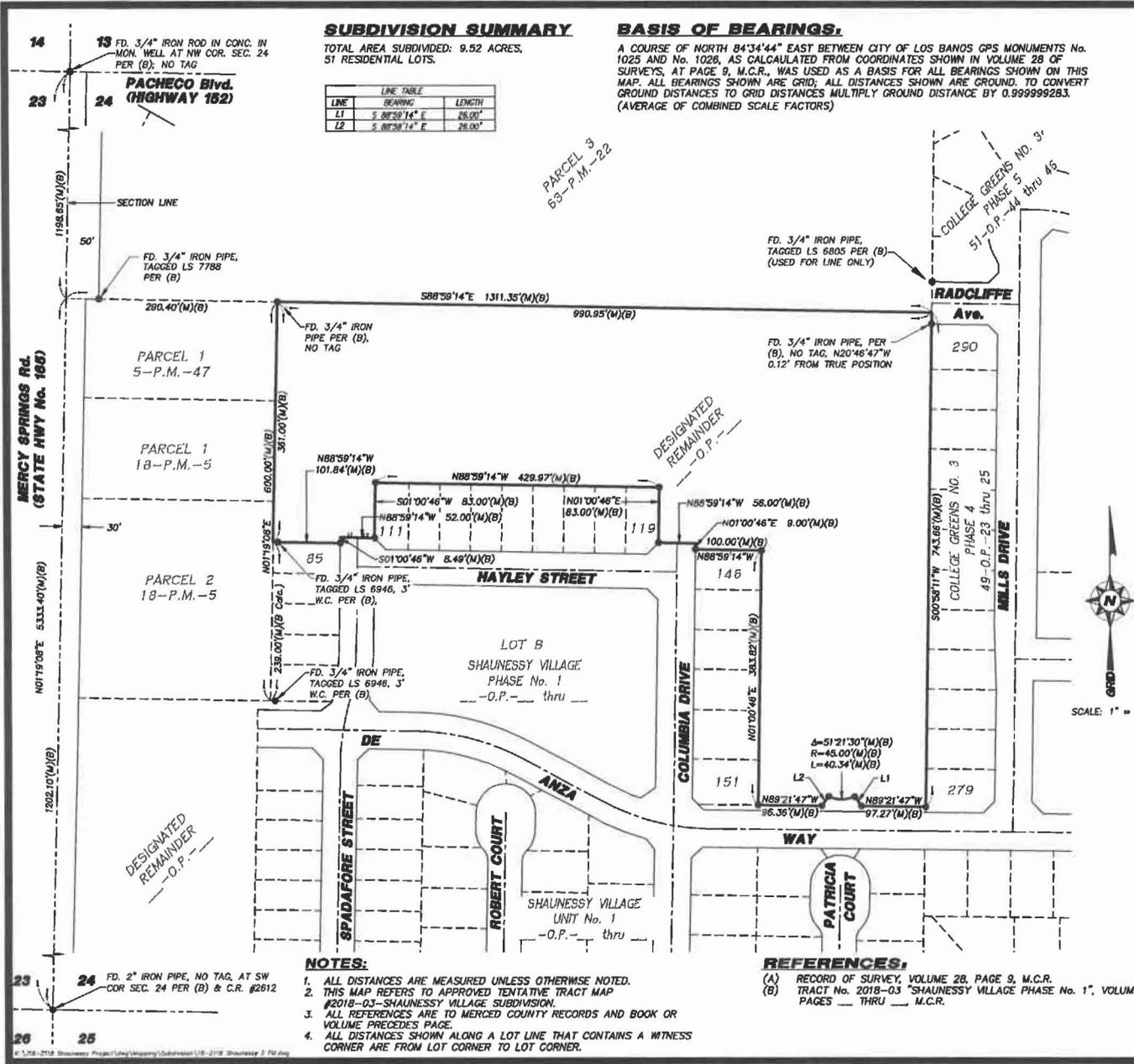
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- SET 3/4" IRON PIPE, TAGGED LS 6946 IN MONUMENT WELL, U.O.N.
- FOUND 3/4" IRON PIPE, TAGGED LS 6946 PER REFERENCE (B), U.O.N.
- ◇ SET 3/4" x 30" IRON PIPE, TAGGED LS 6946 AS 3' WITNESS CORNER TO LOT CORNER, U.O.N.
- ◇ SET 3/4" IRON PIPE, TAGGED LS 6946 AT ALL REAR & FRONT LOT CORNERS, U.O.N.
- FD FOUND
- SFN SEARCHED, FOUND NOTHING
- (A) SEE REFERENCES THIS SHEET
- (M) MEASURED
- M.C.R. MERCED COUNTY RECORDS
- O.R. OFFICIAL RECORDS
- DOC DOCUMENT
- U.O.N. UNLESS OTHERWISE NOTED
- P.M.- PARCEL MAP, VOLUME & PAGE(S)
- O.P.- OFFICIAL PLATS, VOLUME & PAGES
- (R) RADIAL
- P.U.E. PUBLIC UTILITY EASEMENT
- (RAD) RADIAL BEARING
- (CALC.) CALCULATED FROM RECORD
- C.R. CORNER RECORD
- PROJECT BOUNDARY
- CENTERLINE
- SECTION LINE
- EXISTING LOT LINE
- EASEMENT LINE

**NOTES:**

1. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
2. THIS MAP REFERS TO APPROVED TENTATIVE TRACT MAP #2018-03-SHAUNESSY VILLAGE SUBDIVISION.
3. ALL REFERENCES ARE TO MERCED COUNTY RECORDS AND BOOK OR VOLUME PRECEDES PAGE.
4. ALL DISTANCES SHOWN ALONG A LOT LINE THAT CONTAINS A WITNESS CORNER ARE FROM LOT CORNER TO LOT CORNER.

**REFERENCES:**

- (A) RECORD OF SURVEY, VOLUME 28, PAGE 9, M.C.R.
- (B) TRACT No. 2018-03 "SHAUNESSY VILLAGE PHASE No. 1", VOLUME -- PAGES -- THRU -- M.C.R.



TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

PHASE No. 2  
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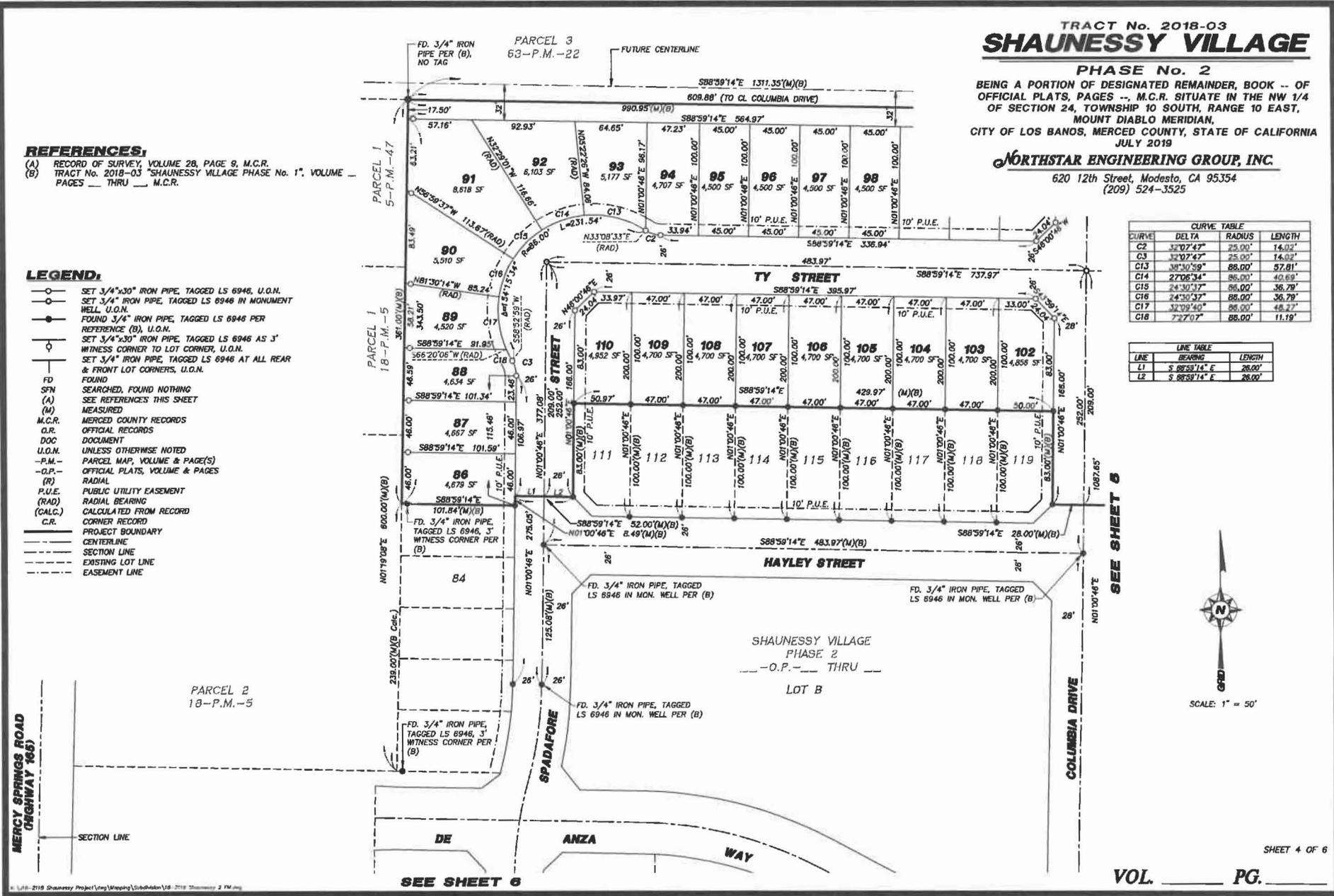
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- PROJECT BOUNDARY
- CENTERLINE
- SECTION LINE
- EXISTING LOT LINE
- EASEMENT LINE

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C2	32°07'47"	25.00'	14.02'
C3	32°07'47"	25.00'	14.02'
C13	30°30'59"	88.00'	57.81'
C14	27°06'34"	88.00'	40.89'
C15	24°30'17"	88.00'	36.79'
C16	24°30'37"	88.00'	36.79'
C17	32°09'40"	88.00'	48.27'
C18	7°27'07"	88.00'	11.19'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 88°59'14" E	28.00'
L2	S 88°59'14" E	28.00'



MERCY SPRINGS ROAD  
 (HIGHWAY 166)

PARCEL 2  
 18-P.M.-5

SEE SHEET 6

SEE SHEET 5



TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

**PHASE No. 2**

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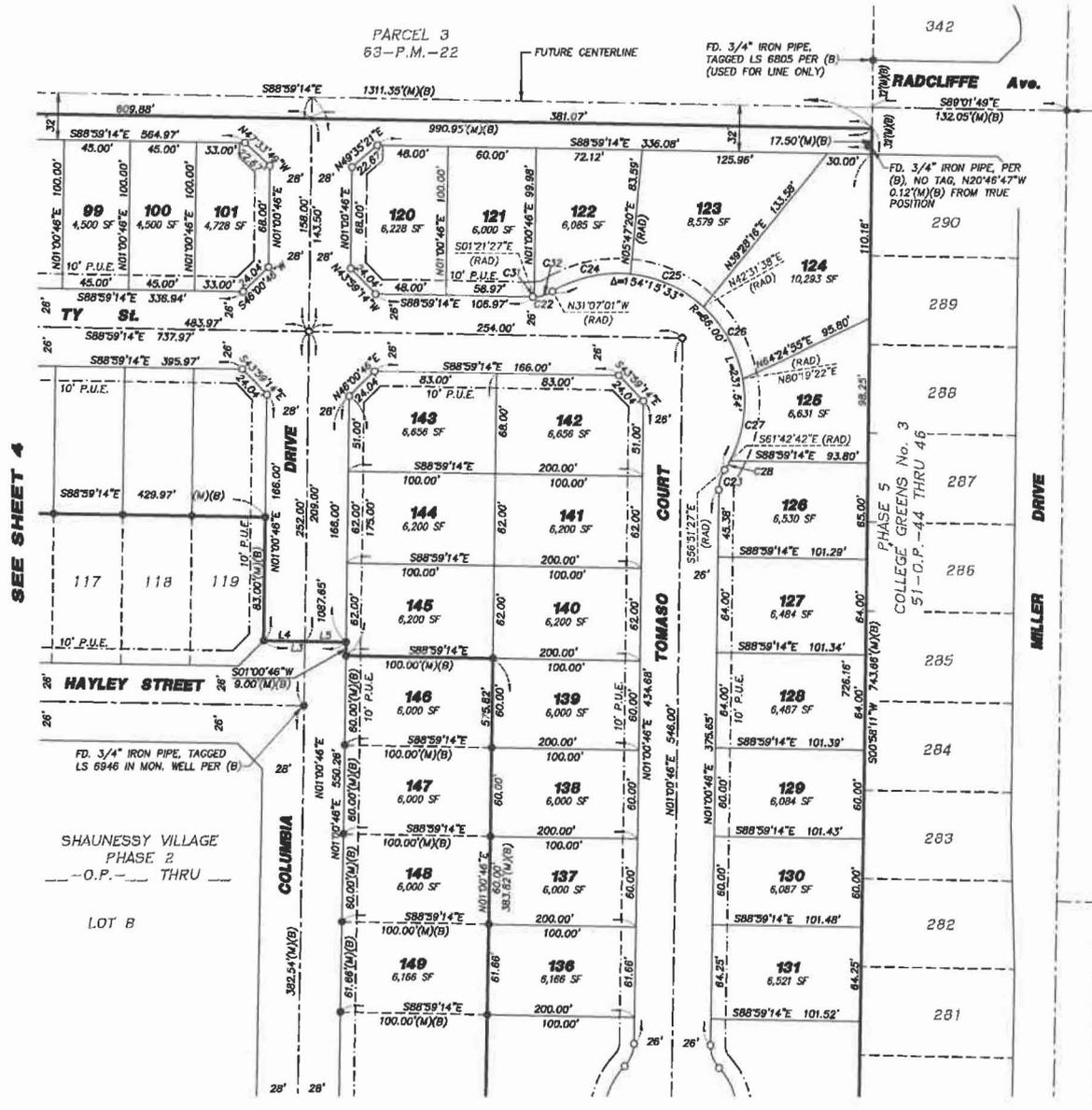
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- SECTION LINE
- EXISTING LOT LINE
- EASEMENT LINE



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C22	32°07'47"	25.00'	14.02'
C23	32°07'47"	25.00'	14.02'
C24	36°34'11"	86.00'	35.39'
C25	36°44'18"	86.00'	55.14'
C26	37°47'43"	86.00'	56.73'
C27	37°27'57"	86.00'	56.99'
C28	4°51'14"	86.00'	7.29'
C31	2°22'13"	25.00'	1.03'
C32	28°45'34"	25.00'	12.99'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 88°59'14" E	56.00' (M)(B)
L4	S 65°59'14" E	28.00' (M)(B)
L5	S 88°59'14" E	28.00' (M)(B)



SEE SHEET 4

SEE SHEET 6

VOL. \_\_\_\_ PG. \_\_\_\_



# Shaunessy Village

SaveMart

Phase 2

Phase 3

Phase 1

Mills Dr

Humboldt Ct

Pitzer Way

St Patricks Dr

St Patrick's Dr

De Anza Way

Brooks Ct

Brooks Dr

Boalt Dr

Davis Ct

Harnett Ct

Lane Ct

Columbia Dr

Cabrillo Ct

Chapman Ct

Abot Ct

Sogswell Cir

Davis Dr

165

Google Earth

© 2018 Google

College Green Park

1000 ft



Recording Requested By:

City of Los Banos

And When Recorded Mail to:

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

Space above this line for Recorder's use.

## **SUBDIVISION IMPROVEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between STONEFIELD HOME, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No 2018-03 Shaunessy Village Phase No. 2, comprised of 51 residential lots on 9.52± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

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

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

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. \_\_\_\_\_ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2018-03.

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

**SUBDIVISION AGREEMENT**

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 30th day of December 2021, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

**IMPROVEMENTS:**

1. SANITARY SEWER	\$	49,215.82
2. STORM	\$	31,366.02
3. WATER	\$	61,872.29
4. STREETS	\$	240,739.49
5. ELECTROLIERS	\$	26,600.00
6. STRIPING AND SIGNAGE	\$	<u>3,321.67</u>
TOTAL	\$	413,115.28

The Developer has not completed the following portion of improvements:

STREETS	\$ 118,825.45
ELECTROLIERS	\$ 26,600.00
STRIPING AND SIGNAGE	\$ <u>3,321.67</u>
<b>REMAINING TOTAL</b>	<b>\$ 148,747.12</b>

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$148,747.12** and Labor and Materials at 50%, **\$74,373.56** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$41,311.53**. In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

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

**FINAL MAP REVIEW**

Charges for	\$	TBD
Less: Deposit for Map Review (Rec#01329424)	\$	(1,000.00)
<b>TOTAL</b>	<b>\$</b>	<b>0.00</b>

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$413,115.28** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.

5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map 2018-03. All public improvements and utilities must be installed prior to occupancy of units.

6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.

7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas

and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.

8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.

9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.

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

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

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

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

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in

Paragraph 4 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

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

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

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

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

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

21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map 2018-03 prior to acceptance of public improvements or final of any housing units.
22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.
23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.
24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.
25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map 2018-03, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.
26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.
27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

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

STONEFIELD HOME, INC.  
A California Corporation

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

PARTIES OF THE FIRST PART

CITY OF LOS BANOS  
A Municipal Corporation

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

PARTIES OF THE SECOND PART

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk  
City of Los Banos

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



Shaunessy Village  
Engineer's Estimate of Probable Cost  
Phase 2 In-Tract Improvements

ITEM	DESCRIPTION	QUANTITY	UNIT COST	COST
<b>A. SANITARY SEWER</b>				
1.	6" PVC - Sanitary Sewer	1,462	\$14.00 LF	\$20,465.82
2.	48" - Sanitary Sewer Manhole	8	\$2,000.00 EA	\$16,000.00
3.	Lateral Service Connection	51	\$250.00 EA	\$12,750.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$49,215.82</b>
<b>B. STORM</b>				
1.	18" PVC - Storm Drainage	218	\$24.00 LF	\$5,224.00
2.	12" PVC - Storm Drainage	222	\$18.00 LF	\$3,992.02
3.	48" - Storm Drainage Manhole	6	\$2,000.00 EA	\$12,000.00
4.	Curb Inlet - City Standard	7	\$1,450.00 EA	\$10,150.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$31,366.02</b>
<b>C. WATER SYSTEM</b>				
1.	8" PVC - Water	1,893	\$16.00 LF	\$30,288.96
2.	8" Gate Valve	5	\$1,000.00 EA	\$5,000.00
3.	Hydrant Bury, Valve, and Tee	6	\$2,000.00 EA	\$12,000.00
4.	House Service (Meter Not Included)	51	\$250.00 EA	\$12,750.00
5.	Stub and Plug Proposed Water Line	1	\$1,833.33 EA	\$1,833.33
<b>SUB-TOTAL ==&gt;</b>				<b>\$61,872.29</b>
<b>D. STREETS</b>				
1.	6" Vertical Curb and Gutter	3,655	\$10.00 LF	\$36,548.30
2.	4" PCC Concrete Walk (Includes Ramps and Returns)	16,091	\$3.00 SF	\$48,273.78
3.	ADA Ramp (Labor and Truncated Domes Only)	8	\$600.00 EA	\$4,800.00
4.	6" PCC Concrete Driveway	9,056	\$3.00 SF	\$27,167.55
5.	2.5" AC over 4" AB over 5.5" ASB Pavement	26,817	\$1.85 SF	\$49,611.89
6.	2.5" AC over 4" AB over 7.5" ASB Pavement	20,477	\$2.00 SF	\$40,954.84
7.	3.0" AC over 4" AB over 10.5" ASB Pavement	13,645	\$2.30 SF	\$31,384.32
8.	Headerboard	86	\$5.80 LF	\$498.80
9.	Street Monuments	5	\$300.00 EA	\$1,500.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$240,739.49</b>
<b>E. STREET LIGHTS</b>				
1.	100 Watt LED Electrolier	3	\$3,800.00 EA	\$11,400.00

Engineer's Estimate of Probable Cost  
Phase 2 In-Tract Improvements

ITEM	DESCRIPTION	QUANTITY	UNIT COST	COST
2.	150 Watt LED Electrolier	4	\$3,800.00 EA	\$15,200.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$26,600.00</b>
<b>F. STRIPING AND SIGNAGE</b>				
1.	Stop Bar Legend	5	\$350.00 EA	\$1,750.00
2.	Fire Hydrant Markers	6	\$5.00 EA	\$30.00
3.	Street Name Sign	5	\$308.33 EA	\$1,541.67
<b>SUB-TOTAL ==&gt;</b>				<b>\$3,321.67</b>
<b>CONSTRUCTION TOTAL ==&gt;</b>				<b>\$413,115.28</b>

## Exhibit B

Revised 10/24/18

### **CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2018-03– SHAUNESSY VILLAGE SUBDIVISION**

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. Prior to the recordation of a Final Map the Developer shall form or annex the Subject Property to a Community Facilities District created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.
3. Prior to approval of any Final Map, the Developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.
4. Prior to recordation of a Final Map, certification shall be obtained by the Local Agency Formation Commission (LAFCO) that the property has been detached from the Central California Irrigation District (CCID) at the sole expense of the developer/property owner.

5. The project shall be subject to and the Developer shall pay development impact fees enacted by the City, including scheduled or periodic increases as provided for in the adopting ordinance or resolutions in effect at the time of the Developer's request for the issuance of a building permit and/or as included in the Subdivision Improvement Agreement.
6. Approval and life of the Vesting Tentative Tract Map shall be as set forth in the Los Banos Municipal Code.
7. All development shall be consistent with the Vesting Tentative Tract Map #2018-03 reflecting any amendments added during approval.
8. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
9. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
10. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
11. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
12. A Final Map Guarantee shall be prepared and provided to the County Recorder.
13. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
14. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
15. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
16. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of

the first building permit and the architecture shall be consistent with the Design Review approval of the Planning Commission.

17. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
18. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director/City Engineer.
19. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
20. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
21. The project is subject to the appropriate Development Impact Fees as established by the City.
22. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property.
23. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
24. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
25. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.

26. Building permits will be issued in accordance with City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
27. If parking for model homes is to be provided in a temporary parking lot, such lot shall be approved by the Community and Economic Development Director as a commercial lot conforming with Los Banos Municipal Code Section 9-3.2009, and shall be removed within 60 days of the end of sales, if not intended to serve a permanent use.
28. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform with the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
29. An engineering soils report shall be prepared for all projects in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and approval of the Los Banos City Engineer.
30. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community Development Department.
31. Improvement Plans and Grading Plans shall delineate the location and design of all required walls and fences including retaining walls.
32. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
33. Undeveloped portions of the subdivision shall be controlled of weeds and free of debris and litter.
34. Prior to issuance of building permits for development on the project site, if the project site has remained fallow and reverted to grassland vegetation, the following measures shall be required, subject to the review and approval of the City of Los Banos Community Development Department:
  - a. A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of construction according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 1995).

- b. If pre-construction surveys undertaken during the breeding season (February through July) locate active nest burrows within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) must remain off-limits to construction until the breeding season is over. The CDFG recommends setbacks from occupied nest burrows of 100 meters where construction will result in the loss of foraging habitat.
  - c. During the non-breeding season (August through January), resident owls may be relocated to alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game. Passive relocation is the preferred method of relocation. This plan must provide for the owls relocation to nearby lands possessing available nesting and foraging habitat.
35. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Division:

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

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

*“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The*

*landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”*

36. Prior to issuance of a building permit, dust control requirements consistent with SJVAPCD District Rule VIII shall be included in all construction contract specifications to reduce significant levels of construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative cover.
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
  - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
  - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
37. Prior to issuance of building permits, developers shall include the following requirements in all construction bids and documents including contracts (and

implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:

- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
- b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
- c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.

38. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.

#### Pre-Construction and Construction

39. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Department.

40. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.

41. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.

42. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.

43. Prior to issuance of grading permits, the grading plans shall include the following language:

*"Large bulldozers, loaded trucks, or heavy equipment which causes significant ground vibration will not operate closer than 50 feet to an*

*occupied residence without notifying the resident 48 hours in advance of construction work.”*

44. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
45. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
46. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
47. Building permits shall be issued in accordance with the Los Banos Municipal Code and Standards and Specifications that identifies the improvements required in order for a building permit to be issued.
48. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos, County of Merced, Caltrans, or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
49. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
50. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
  - c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and

soil protection when construction activity is shut down during the winter periods;

- f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
- g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
- h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.

51. Silt fencing shall be installed in accordance with American Society for Testing and Materials Standard D6462.

52. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.

53. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.

54. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site, and pets shall not be allowed on the construction site.

#### Air Quality:

55. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.

56. Gas fired appliances shall be low NO<sub>x</sub> emitting appliances complying with California NO<sub>x</sub> Emission Rule #1121.

57. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

#### Access and Circulation:

58. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF).

59. Half-street sections will not be permitted in the construction of VTTM #2018-03.
60. The developer shall submit public improvement plans to include curb, gutter, sidewalk, street lights, decorative masonry wall, underground utilities and a landscape plan for public areas.
61. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. If the developer proposes to begin improvements in the southeastern portion of the project first, two points of access are required at all times to serve that phase of development. Improvements to arterials and collector streets shall be completed prior to occupancy of any use directly adjacent to the proposed arterial or collector streets. Improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
62. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
63. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City and/or Caltrans standards.
64. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
65. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
66. The developer shall design and install traffic calming measures throughout the project area as approved by the City Engineer.
67. Traffic calming measures may include, but are not limited to, raised intersections, speed cushions, stop signs, varied cross sections, and roundabouts.

Utilities:

68. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with

the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.

69. Existing utility easements shall be preserved. If existing utilities and/or easements are relocated for the benefit of a developer, that developer shall be fully responsible for the relocation including all expenses.
70. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
71. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties and signatures from the Irrigation District or other public agencies for relocated facilities.
72. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
73. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.

Water:

74. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
75. Approved backflow devices shall be installed as required.
76. Domestic water services shall not be placed in driveways.

Sewer:

77. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
78. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the Public Works Director/City Engineer.

Storm Drainage:

79. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
80. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity or other alternative storm water discharge, metering, and conveyance system..
81. All development shall comply with the Phase II storm water regulations and the City's MS4 Storm Water Permit.
82. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
83. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.

Public Safety:

84. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
85. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
86. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
87. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
88. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
89. Fire hydrants (or other methods approved by the Fire Chief) shall be in place and functioning prior to approval of the first residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.
90. No combustible materials shall be on-site prior to the approval of the Fire Department.

91. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided for each phase, to the satisfaction of the Fire Chief.
92. Street names shall be approved by the Fire Department.
93. Paved surface streets shall be a minimum of 32-foot curb-to-curb.
94. Minimum water lines shall be 8-inch.
95. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
96. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

#### Public Works

97. All improvements shall conform to the latest addition of the Los Banos Municipal Code and the Standards and Specifications.
98. All existing groundwater wells within the map boundary shall be abandoned to Merced County standards. The City will require copies of the well destruction permits.
99. Streetlights are to be installed per City Standards. They shall be "Cobra" style with LED lights. The streetlights shall meet the illumination standards in the City Street Light standards.
100. Streets shall be designed per the City's Improvement Standards and Specifications. The following Traffic Index's shall be used: cul-de-sac, 4.0; local streets, 5.0.
101. Prior to recordation of the Final Map, a Subdivision Improvement Agreement shall be signed between the Developer and the City. The Agreement shall outline fees, performance dates, bonding and insurance requirements, and other pertinent requirements of the project.
102. An Improvement Plan, reviewed and approved for conformance by the Public Works Director/City Engineer, shall be designed and approved before the Final Map is recorded.
103. Prior to the approval of the Improvement Plans, the street sections for all streets shall be approved by the Public Works Director/City Engineer.

104. Curb returns shall be done per City of Los Banos Standards and Specifications.
105. The Vesting Tentative Map shall remove City Engineer's Certificate.
106. Traffic calming measures shall be incorporated at all four (4) main intersections including Colombia Drive and De Anza Way.
107. Traffic calming measure shall include but not be limited to speed cushions as approved by the City. These traffic calming measures shall be part of the signage and striping plan.
108. The Vesting Tentative Tract Map shall show the retention basin's outlet and pump station or other alternative storm water discharge, metering, and conveyance system.
- ~~109. The applicant shall provide stubs for future utility connections for the following APNs; 083-100-007, 083-100-008 and 083-100-009.~~
110. Developer shall pay half cost of full street improvements of Radcliff Drive per City Standards prior to recording of first Final Map. Developer shall dedicate the Right-of-way for Radcliff Drive prior to recording of first Final Map.

Landscaping:

111. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the Public Works Director/City Engineer and Community and Economic Development Director.
112. Draught tolerant planting may replace front yard turf as approved by the Community and Economic Development Department and Public Works Department.
113. The developer shall comply with the adopted street tree ordinance.
114. Masonry walls shall be landscaped with vines to discourage graffiti.
115. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
116. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize

water use and spillage onto paved areas.

117. Landscape plans shall emphasize deciduous shade tree plantings to the south and west of buildings.
118. Landscaping along streets shall utilize all drought tolerant plantings. Irrigation systems shall be designed and operated to minimize water use and spillage onto paved areas. The applicant shall submit an irrigation conservation plan for the approval of the Public Works Director/City Engineer. The irrigation conservation plan shall indicate the amount of water applied in each zone, frequency of irrigation, method of matching irrigation to soil moisture conditions, and for drought-tolerant plantings, an irrigation reduction or phase out plan when plantings are well-established.
119. Landscape plans shall be designed in accordance with Title 9, Chapter 6, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

#### Architecture

120. All development shall conform to the City's applicable design guidelines and standards.
121. The interface between the street and houses shall be designed to alleviate the monotony of straight building lines along the street frontage, and facilitation of a "pedestrian friendly" streetscape that encourages community interaction. Possible approaches include, but are not limited to: varying the size of individual dwellings, staggering the front yard setbacks, varying exterior building materials and colors, articulating building facades, including enhanced fenestration and trim, trellis work, or large porches on front elevations, setting garages back from the living areas, and/or utilizing extensive landscaping.
122. Development of the project is subject to approval by the Design Review Committee prior to issuance of any building permits.

#### Fencing:

123. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.
124. The developer shall install a decorative masonry wall along the entire **western** property line.

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



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

## **Agenda Staff Report**

**TO:** Mayor & City Council Members

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

**DATE:** August 21, 2019

**TYPE OF REPORT:** Consent Item

**SUBJECT:** Final Tract Map No. 2018-03 Shaunessy Village Phase No. 3

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**Recommendation:**

That the City Council adopts the Resolution approving Final Tract Map No. 2018-01, Shaunessy Village Phase No. 3, and accompanying Subdivision Improvement Agreement.

**Background:**

The Tentative Tract Map No. 2018-03 was approved by the City of Los Banos Planning Commission on October 24, 2018 by Resolution No. 2018-29. In November 2018, the Public Works staff was contacted by the developer, Stonewood Home, Inc., for Final Map approval. In May of 2018, The Public Works staff was notified the Subdivision's Final Map would be split into three phases. The subject map for this report is Phase 3 of 3.

**Discussion:**

The subject site is generally located within the area bounded by 083-100-007 to the north, future Shaunessy Village Phase 1 to the east, 370 feet north of Scripps Drive to the south, and State Highway 165 (Mercey Springs Road) to the west, more specifically identified as APN 083-100-006. The applicant is Stonefield Home, Inc. The map consists of 21 single family lots and 1 landscaped lot on 3.86± acres. This Final Tract Map is in substantial compliance with Tentative Subdivision Map No. 2018-03.

**Fiscal Impact:**

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

**Reviewed by:**

for   
Alex Terrazas, City Manager

  
Sonya Williams, Finance Director

**Attachments:**

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AND ADOPTING FINAL TRACT MAP NO. 2018-03 SHAUNESSY VILLAGE PHASE NO. 3 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2018-03 Shaunessy Village Phase No. 3 and accompanying Subdivision Improvement Agreement; and,

WHEREAS, the single-family residential subdivision consists of 21 lots and 1 landscape lot on 3.86± acres; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2018-03 Shaunessy Village Phase No. 3 and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2018-03.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees have been paid.
4. All bonds have been paid to Merced County.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21<sup>st</sup> day of August, 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

**LEGAL DESCRIPTION**

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

BEING A PORTION OF DESIGNATED REMAINDER, BOOK 81, OF OFFICIAL PLATS, PAGES 28-34, M.C.R. SITUATE IN THE NEW 1/4 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA.

APN: 083-100-005-000 and 083-100-006-000

## Exhibit B

**Revised 10/24/18**

### **CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2018-03– SHAUNESSY VILLAGE SUBDIVISION**

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. Prior to the recordation of a Final Map the Developer shall form or annex the Subject Property to a Community Facilities District created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.
3. Prior to approval of any Final Map, the Developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.
4. Prior to recordation of a Final Map, certification shall be obtained by the Local Agency Formation Commission (LAFCO) that the property has been detached from the Central California Irrigation District (CCID) at the sole expense of the developer/property owner.

5. The project shall be subject to and the Developer shall pay development impact fees enacted by the City, including scheduled or periodic increases as provided for in the adopting ordinance or resolutions in effect at the time of the Developer's request for the issuance of a building permit and/or as included in the Subdivision Improvement Agreement.
6. Approval and life of the Vesting Tentative Tract Map shall be as set forth in the Los Banos Municipal Code.
7. All development shall be consistent with the Vesting Tentative Tract Map #2018-03 reflecting any amendments added during approval.
8. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
9. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
10. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
11. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
12. A Final Map Guarantee shall be prepared and provided to the County Recorder.
13. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
14. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
15. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
16. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of

the first building permit and the architecture shall be consistent with the Design Review approval of the Planning Commission.

17. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
18. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director/City Engineer.
19. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
20. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
21. The project is subject to the appropriate Development Impact Fees as established by the City.
22. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property.
23. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
24. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
25. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.

26. Building permits will be issued in accordance with City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
27. If parking for model homes is to be provided in a temporary parking lot, such lot shall be approved by the Community and Economic Development Director as a commercial lot conforming with Los Banos Municipal Code Section 9-3.2009, and shall be removed within 60 days of the end of sales, if not intended to serve a permanent use.
28. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform with the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
29. An engineering soils report shall be prepared for all projects in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and approval of the Los Banos City Engineer.
30. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community Development Department.
31. Improvement Plans and Grading Plans shall delineate the location and design of all required walls and fences including retaining walls.
32. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
33. Undeveloped portions of the subdivision shall be controlled of weeds and free of debris and litter.
34. Prior to issuance of building permits for development on the project site, if the project site has remained fallow and reverted to grassland vegetation, the following measures shall be required, subject to the review and approval of the City of Los Banos Community Development Department:
  - a. A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of construction according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 1995).

- b. If pre-construction surveys undertaken during the breeding season (February through July) locate active nest burrows within or near construction zones, these nests, and an appropriate buffer around them (as determined by a qualified biologist) must remain off-limits to construction until the breeding season is over. The CDFG recommends setbacks from occupied nest burrows of 100 meters where construction will result in the loss of foraging habitat.
  - c. During the non-breeding season (August through January), resident owls may be relocated to alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game. Passive relocation is the preferred method of relocation. This plan must provide for the owls relocation to nearby lands possessing available nesting and foraging habitat.
35. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Division:

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

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

*“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The*

*landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”*

36. Prior to issuance of a building permit, dust control requirements consistent with SJVAPCD District Rule VIII shall be included in all construction contract specifications to reduce significant levels of construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative cover.
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
  - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
  - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
37. Prior to issuance of building permits, developers shall include the following requirements in all construction bids and documents including contracts (and

implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:

- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
- b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
- c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.

38. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.

#### Pre-Construction and Construction

39. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Department.

40. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.

41. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.

42. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.

43. Prior to issuance of grading permits, the grading plans shall include the following language:

*“Large bulldozers, loaded trucks, or heavy equipment which causes significant ground vibration will not operate closer than 50 feet to an*

*occupied residence without notifying the resident 48 hours in advance of construction work.”*

44. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
45. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
46. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
47. Building permits shall be issued in accordance with the Los Banos Municipal Code and Standards and Specifications that identifies the improvements required in order for a building permit to be issued.
48. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos, County of Merced, Caltrans, or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
49. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
50. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
  - c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and

soil protection when construction activity is shut down during the winter periods;

- f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
- g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
- h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.

51. Silt fencing shall be installed in accordance with American Society for Testing and Materials Standard D6462.

52. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.

53. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.

54. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site, and pets shall not be allowed on the construction site.

#### Air Quality:

55. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.

56. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.

57. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

#### Access and Circulation:

58. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF).

59. Half-street sections will not be permitted in the construction of VTTM #2018-03.
60. The developer shall submit public improvement plans to include curb, gutter, sidewalk, street lights, decorative masonry wall, underground utilities and a landscape plan for public areas.
61. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. **If the developer proposes to begin improvements in the southeastern portion of the project first, two points of access are required at all times to serve that phase of development.** Improvements to arterials and collector streets shall be completed prior to occupancy of any use directly adjacent to the proposed arterial or collector streets. Improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
62. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
63. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City and/or Caltrans standards.
64. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
65. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
66. The developer shall design and install traffic calming measures **throughout the project area** as approved by the City Engineer.
67. Traffic calming measures may include, but are not limited to, raised intersections, speed cushions, stop signs, varied cross sections, and roundabouts.

Utilities:

68. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with

the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.

69. Existing utility easements shall be preserved. If existing utilities and/or easements are relocated for the benefit of a developer, that developer shall be fully responsible for the relocation including all expenses.
70. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
71. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties and signatures from the Irrigation District or other public agencies for relocated facilities.
72. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
73. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.

Water:

74. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
75. Approved backflow devices shall be installed as required.
76. Domestic water services shall not be placed in driveways.

Sewer:

77. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
78. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the Public Works Director/City Engineer.

Storm Drainage:

79. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
80. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity or other alternative storm water discharge, metering, and conveyance system..
81. All development shall comply with the Phase II storm water regulations and the City's MS4 Storm Water Permit.
82. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
83. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.

**Public Safety:**

84. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
85. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
86. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
87. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
88. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
89. Fire hydrants (or other methods approved by the Fire Chief) shall be in place and functioning prior to approval of the first residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.
90. No combustible materials shall be on-site prior to the approval of the Fire Department.

91. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided for each phase, to the satisfaction of the Fire Chief.
92. Street names shall be approved by the Fire Department.
93. Paved surface streets shall be a minimum of 32-feet curb-to-curb.
94. Minimum water lines shall be 8-inch.
95. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
96. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

#### Public Works

97. All improvements shall conform to the latest addition of the Los Banos Municipal Code and the Standards and Specifications.
98. All existing groundwater wells within the map boundary shall be abandoned to Merced County standards. The City will require copies of the well destruction permits.
99. Streetlights are to be installed per City Standards. They shall be "Cobra" style with LED lights. The streetlights shall meet the illumination standards in the City Street Light standards.
100. Streets shall be designed per the City's Improvement Standards and Specifications. The following Traffic Index's shall be used: cul-de-sac, 4.0; local streets, 5.0.
101. Prior to recordation of the Final Map, a Subdivision Improvement Agreement shall be signed between the Developer and the City. The Agreement shall outline fees, performance dates, bonding and insurance requirements, and other pertinent requirements of the project.
102. An Improvement Plan, reviewed and approved for conformance by the Public Works Director/City Engineer, shall be designed and approved before the Final Map is recorded.
103. Prior to the approval of the Improvement Plans, the street sections for all streets shall be approved by the Public Works Director/City Engineer.

104. Curb returns shall be done per City of Los Banos Standards and Specifications.
105. The Vesting Tentative Map shall remove City Engineer's Certificate.
106. Traffic calming measures shall be incorporated at all four (4) main intersections including Colombia Drive and De Anza Way.
107. Traffic calming measure shall include but not be limited to speed cushions as approved by the City. These traffic calming measures shall be part of the signage and striping plan.
108. The Vesting Tentative Tract Map shall show the retention basin's outlet and pump station or other alternative storm water discharge, metering, and conveyance system.
- ~~109. The applicant shall provide stubs for future utility connections for the following APNs; 083-100-007, 083-100-008 and 083-100-009.~~
110. Developer shall pay half cost of full street improvements of Radcliff Drive per City Standards prior to recording of first Final Map. Developer shall dedicate the Right-of-way for Radcliff Drive prior to recording of first Final Map.

Landscaping:

111. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the Public Works Director/City Engineer and Community and Economic Development Director.
112. Draught tolerant planting may replace front yard turf as approved by the Community and Economic Development Department and Public Works Department.
113. The developer shall comply with the adopted street tree ordinance.
114. Masonry walls shall be landscaped with vines to discourage graffiti.
115. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
116. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize

water use and spillage onto paved areas.

117. Landscape plans shall emphasize deciduous shade tree plantings to the south and west of buildings.
118. Landscaping along streets shall utilize all drought tolerant plantings. Irrigation systems shall be designed and operated to minimize water use and spillage onto paved areas. The applicant shall submit an irrigation conservation plan for the approval of the Public Works Director/City Engineer. The irrigation conservation plan shall indicate the amount of water applied in each zone, frequency of irrigation, method of matching irrigation to soil moisture conditions, and for drought-tolerant plantings, an irrigation reduction or phase out plan when plantings are well-established.
119. Landscape plans shall be designed in accordance with Title 9, Chapter 6, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

#### Architecture

120. All development shall conform to the City's applicable design guidelines and standards.
121. The interface between the street and houses shall be designed to alleviate the monotony of straight building lines along the street frontage, and facilitation of a "pedestrian friendly" streetscape that encourages community interaction. Possible approaches include, but are not limited to: varying the size of individual dwellings, staggering the front yard setbacks, varying exterior building materials and colors, articulating building facades, including enhanced fenestration and trim, trellis work, or large porches on front elevations, setting garages back from the living areas, and/or utilizing extensive landscaping.
122. Development of the project is subject to approval by the Design Review Committee prior to issuance of any building permits.

#### Fencing:

123. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.
124. The developer shall install a decorative masonry wall along the entire western property line.

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

# Shaunessy Village

SaveMart

Phase 2

Phase 3

Phase 1

Google Earth

© 2018 Google

165

College Green Park

1000 ft



Recording Requested By:

City of Los Banos

And When Recorded Mail to:

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

Space above this line for Recorder's use.

## **SUBDIVISION IMPROVEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between STONEFIELD HOME, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No 2018-03 Shaunessy Village Phase No. 3, comprised of 21 residential lots and 1 landscape lot on 3.86± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

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

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned

and set forth in details, within the time hereinafter mentioned, in consideration of the acceptance of the offers of dedication by the CITY; and,

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. \_\_\_\_\_ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2018-03.

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

**SUBDIVISION AGREEMENT**

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 30th day of December 2021, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

**IMPROVEMENTS:**

1. SANITARY SEWER	\$	22,680.97
2. STORM	\$	14,645.60
3. WATER	\$	30,166.96
4. STREETS	\$	107,825.05
5. ELECTROLIERS	\$	15,200.00
6. STRIPING AND SIGNAGE	\$	<u>1,542.18</u>
TOTAL	\$	192,060.75

The Developer has not completed the following portion of improvements:

STREETS	\$	51,933.24
ELECTROLIERS	\$	15,200.00
STRIPING AND SIGNAGE	\$	<u>1,542.18</u>
<b>REMAINING TOTAL</b>	<b>\$</b>	<b>68,675.42</b>

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$68,675.42** and Labor and Materials at 50%, **\$34,337.71** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$19,206.07**. In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

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

**FINAL MAP REVIEW**

Charges for	\$	TBD
Less: Deposit for Map Review (Rec#01329425)	\$	(1,000.00)
<b>TOTAL</b>	<b>\$</b>	<b>0.00</b>

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$413,115.28** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.

5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map 2018-03. All public improvements and utilities must be installed prior to occupancy of units.

6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.

7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas

and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.

8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.

9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.

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

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

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

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

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in

Paragraph 4 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

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

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

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

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

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

21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map 2018-03 prior to acceptance of public improvements or final of any housing units.
22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.
23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.
24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.
25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map 2018-03, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.
26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.
27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

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

STONEFIELD HOME, INC.  
A California Corporation

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

PARTIES OF THE FIRST PART

CITY OF LOS BANOS  
A Municipal Corporation

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

PARTIES OF THE SECOND PART

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk  
City of Los Banos

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



Shaunessy Village  
Engineer's Estimate of Probable Cost  
Phase 3 In-Tract Improvements

ITEM	DESCRIPTION	QUANTITY	UNIT COST	COST
<b>A. SANITARY SEWER</b>				
1.	10" PVC - Sanitary Sewer	118	\$16.00 LF	\$1,888.00
2.	6" PVC - Sanitary Sewer	539	\$14.00 LF	\$7,542.97
3.	48" - Sanitary Sewer Manhole	4	\$2,000.00 EA	\$8,000.00
4.	Lateral Service Connection	21	\$250.00 EA	\$5,250.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$22,680.97</b>
<b>B. STORM</b>				
1.	15" PVC - Storm Drainage	129	\$21.00 LF	\$2,704.80
2.	12" PVC - Storm Drainage	119	\$18.00 LF	\$2,140.79
3.	48" - Storm Drainage Manhole	2	\$2,000.00 EA	\$4,000.00
4.	Curb Inlet - City Standard	4	\$1,450.00 EA	\$5,800.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$14,645.60</b>
<b>C. WATER SYSTEM</b>				
1.	8" PVC - Water	745	\$16.00 LF	\$11,916.96
2.	8" Gate Valve	5	\$1,000.00 EA	\$5,000.00
3.	Hydrant Bury, Valve, and Tee	4	\$2,000.00 EA	\$8,000.00
4.	House Service (Meter Not Included)	21	\$250.00 EA	\$5,250.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$30,166.96</b>
<b>D. STREETS</b>				
1.	8" Median Curb	183	\$18.60 LF	\$3,404.92
2.	6" Vertical Curb and Gutter	1,510	\$10.00 LF	\$15,095.00
3.	4" PCC Concrete Walk (Includes Ramps and Returns)	6,585	\$3.00 SF	\$19,753.89
4.	ADA Ramp (Labor and Truncated Domes Only)	3	\$600.00 EA	\$1,800.00
5.	6" PCC Concrete Driveway	3,639	\$3.00 SF	\$10,916.30
6.	2.5" AC over 4" AB over 7.5" ASB Pavement	16,731	\$2.00 SF	\$33,461.32
7.	3.0" AC over 4" AB over 10.5" ASB Pavement	9,673	\$2.30 SF	\$22,248.43
8.	Headerboard	94	\$5.80 LF	\$545.20
9.	Street Monuments	2	\$300.00 EA	\$600.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$107,825.05</b>
<b>E. STREET LIGHTS</b>				
1.	100 Watt LED Electrolier	1	\$3,800.00 EA	\$3,800.00

Engineer's Estimate of Probable Cost  
Phase 3 In-Tract Improvements

ITEM	DESCRIPTION	QUANTITY	UNIT COST	COST
2.	150 Watt LED Electrolier	3	\$3,800.00 EA	\$11,400.00
<b>SUB-TOTAL ==&gt;</b>				<b>\$15,200.00</b>

**F. STRIPING AND SIGNAGE**

1.	Stop Bar Legend	1	\$350.00 EA	\$350.00
2.	Fire Hydrant Markers	4	\$5.00 EA	\$20.00
3.	Street Name Sign	3	\$308.33 EA	\$925.00
4.	Crosswalk	124	\$2.00 LF	\$247.18
<b>SUB-TOTAL ==&gt;</b>				<b>\$1,542.18</b>

---

**CONSTRUCTION TOTAL ==> \$192,060.76**

**OWNER'S STATEMENT:**

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP. WE HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC USE THE REAL PROPERTY DESCRIBED BELOW AS EASEMENTS FOR PUBLIC PURPOSES: ALL STREETS AND RIGHTS-OF-WAY; ALL EASEMENTS FOR ANY AND ALL PUBLIC USES, UNDER, ON, OR OVER SAID STREETS AND RIGHTS-OF-WAY; ALL EASEMENTS FOR ALL PUBLIC SERVICE FACILITIES, INCLUDING BUT NOT LIMITED TO WIRING, CONDUITS, CABLE TV, STORM SEWER, GAS, ELECTRIC, WATER MAINS, ON ALL LANDS LYING BETWEEN THE FRONT LINES AND/OR SIDE LINES OF LOTS AND DASHED LINES DESIGNATED AS "P.U.C." (PUBLIC UTILITY EASEMENTS); AND RELINQUISH TO THE CITY OF LOS BANOS ALL ACCESS RIGHTS OF LOTS 1 THROUGH 10 TO AND FROM MERCY SPRINGS ROAD (STATE HIGHWAY No. 163), ALL AS SHOWN ON THIS FINAL MAP. ALL EASEMENTS TO BE KEPT CLEAR OF BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT UTILITY COMPANY STRUCTURES AND LAWFUL FENCES.

OWNER: STONEFIELD HOME, INC., a California Corporation

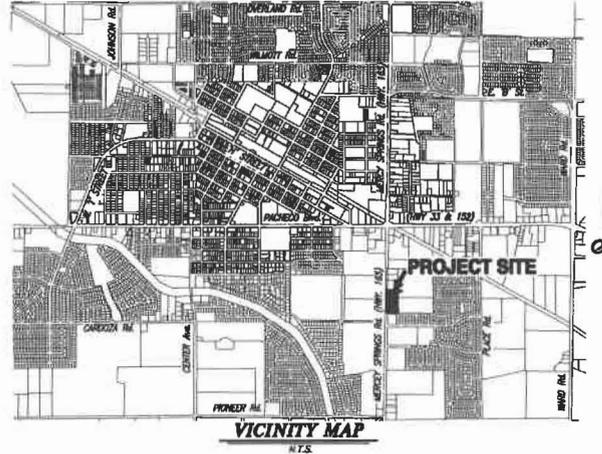
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TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

PHASE No. 3  
BEING A PORTION OF DESIGNATED REMAINDER, BOOK -- OF  
OFFICIAL PLATS, PAGES --, M.C.R. SITUATE IN THE NW 1/4  
OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
MOUNT DIABLO MERIDIAN,  
CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA  
JULY 2019

**NORTHSTAR ENGINEERING GROUP, INC.**

620 12th Street, Modesto, CA 95354  
(209) 524-3525



**NOTARY'S ACKNOWLEDGEMENT:**

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

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } S.S.  
ON \_\_\_\_\_, BEFORE ME,

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

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

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE \_\_\_\_\_

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
COMMISSION NO.: \_\_\_\_\_  
COMMISSION EXPIRATION DATE: \_\_\_\_\_

**RIGHT TO FARM STATEMENT:**

PER MERCED COUNTY ORDINANCE No. 1213:

THE PROPERTY DESCRIBED ON THE HEREIN SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, PLOWING, SPRAYING, AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE AND ODOR. THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (NIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

**PLANNING COMMISSION STATEMENT:**

I, STACY SOUZA ELIAS, DIRECTOR FOR THE CITY OF LOS BANOS COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT No. 2018-03, "SHAUNESSY VILLAGE PHASE 3", AND THAT THE SUBMISSION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 24th DAY OF OCTOBER, 2018, AND THAT THIS FINAL MAP OF TRACT No. 2018-03, "SHAUNESSY VILLAGE", COMPLETES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

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

\_\_\_\_\_  
STACY SOUZA ELIAS  
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR  
CITY OF LOS BANOS

**SURVEYOR'S STATEMENT:**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBMISSION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MEREDITH FARRINGTON, ON APRIL 20, 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT ALL THE MONUMENTS SHOWN HEREON WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN THOSE POSITIONS NOW OR BEFORE ONE YEAR AFTER RECORDING THIS MAP, AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

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

RIEN GROENEWOLD, PLS 6946



**CITY ENGINEER'S STATEMENT:**

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT No. 2018-03 "SHAUNESSY VILLAGE PHASE 3", AND STATE THAT THE SUBMISSION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALLEGATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBMISSION MAP ACT, AS AMENDED, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

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

BY: \_\_\_\_\_  
MARK FACHM, R.C.E. 34814  
LICENSE EXPIRATION DATE: 9/30/2019

**CITY SURVEYOR'S STATEMENT:**

I HEREBY STATE THAT AT THE REQUEST OF THE CITY ENGINEER FOR THE CITY OF LOS BANOS, I HAVE EXAMINED THIS FINAL MAP AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT AND COMPLIES WITH APPLICABLE PROVISIONS OF THE SUBMISSION MAP ACT.

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

BY: \_\_\_\_\_  
RYAN J. SCHLESS, P.L.S. 8366  
REVIEWING CITY SURVEYOR

**CITY CLERK'S STATEMENT:**

I, LUCILLE L. MALLONEE, CITY CLERK OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THE ACCOMPANYING FINAL MAP OF TRACT No. 2018-03 "SHAUNESSY VILLAGE PHASE 3" WAS APPROVED, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE, SUBJECT TO SATISFACTORY COMPLETION OF ALL IMPROVEMENTS THE OFFER OF DEDICATION OF ALL STREETS AND RIGHTS-OF-WAY AND ALL EASEMENTS FOR ALL PUBLIC SERVICE FACILITIES DESIGNATED AS "P.U.C.", AND ACCEPTED ON BEHALF OF THE CITY THE RELINQUISHMENT TO THE CITY OF LOS BANOS ALL ACCESS RIGHTS OF LOTS 1 THROUGH 10 TO AND FROM MERCY SPRINGS ROAD (STATE HIGHWAY No. 163), ALL AS SHOWN ON THIS FINAL MAP.

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

LUCILLE L. MALLONEE, CITY CLERK  
CITY OF LOS BANOS

**RECORDER'S STATEMENT:**

No. \_\_\_\_\_  
FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MERCED, STATE OF CALIFORNIA AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ IN VOLUME \_\_\_\_\_ OF OFFICIAL PLATS, AT PAGES \_\_\_\_\_, MERCED COUNTY RECORDS, FILED AT THE REQUEST OF NORTHSTAR ENGINEERING GROUP, INC.

FEES: \$ \_\_\_\_\_

BY: \_\_\_\_\_  
BARBARA J. LEVEY  
COUNTY RECORDER OF  
MERCED COUNTY, CALIFORNIA

Exhibit B

TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

PHASE No. 3  
 BEING A PORTION OF DESIGNATED REMAINDER, BOOK -- OF  
 OFFICIAL PLATS, PAGES --, M.C.R. SITUATE IN THE NW 1/4  
 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
 MOUNT DIABLO MERIDIAN,  
 CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA  
 JULY 2019

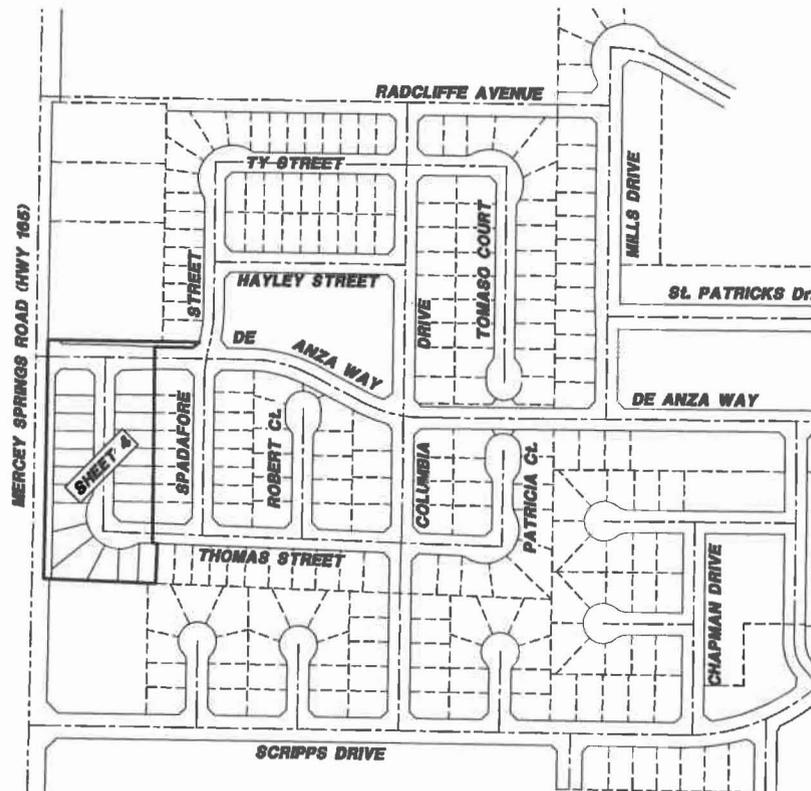
**NORTHSTAR ENGINEERING GROUP, INC.**

620 12th Street, Modesto, CA 95354  
 (209) 524-3525

**OMITTED SIGNATURES,**

PURSUANT TO SECTION 66438 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

- MILLER & LUX INCORPORATED, A CORPORATION;
- (A) RIGHTS OF WAY FOR ALL PRESENTLY EXISTING ROADS, HIGHWAYS, TELEPHONE, TELEGRAPH AND ELECTRIC POWER AND PIPELINES, SEWERS, DRAINAGE DITCHES, CANALS AND OTHER DRAINAGE WORKS, LEVEES, BORROW PITS, BY-PASSES, FLOOD WATER CHANNELS AND OTHER RECLAMATION WORKS AND IRRIGATION CANALS, LATERALS, DITCHES AND OTHER IRRIGATION WORKS, AND THE EASEMENT TO MAINTAIN, OPERATE AND REPAIR THE SAME;
- (B) THE EASEMENT TO ENTER AND CONSTRUCT, MAINTAIN, OPERATE AND REPAIR ADDITIONAL ROAD, DITCHES, CANALS, LATERALS, AND OTHER IRRIGATION WORKS, ELECTRIC POWER LINES AND DRAINAGE DITCHES OVER AND ACROSS ANY OF SAID LANDS ALONG LINE OF LOCATION SUBSTANTIALLY COINCIDENT WITH THE BOUNDARIES OF SAID LOTS. THE PARTY OF THE FIRST PART AGREES TO PAY SAID PARTY OF THE SECOND PART FOR THE LAND SO TAKEN BY IT HEREAFTER FOR SUCH PURPOSES AT THE TIME OF SUCH TAKING A SUM EQUAL TO THE AMOUNT PAID BY THE PARTY OF THE SECOND PART TO THE PARTY OF THE FIRST PART FOR THE LAND SO TAKEN, BUT NO COMPENSATION NEED BE MADE FOR ANY DITCH LESS THAN SIX FEET IN WIDTH;
- (C) THE RIGHT OF INGRESS TO AND EGRESS FROM THE LAND HEREIN DESCRIBED FOR SAID PURPOSES, AND THE RIGHT TO TAKE AND USE WITH THE MINIMUM OF DAMAGE TO THE SAID LANDS SUCH EARTH AND MATERIALS AS MAY BE ACTUALLY NECESSARY TO CONSTRUCT, MAINTAIN AND REPAIR THAT PORTION OF SAID WORKS, IF ANY, SITUATE OR TO BE SO SITUATE ON SAID PREMISES;
- (D) ALL WATER, RIGHTS AND RIPARIAN RIGHTS, IF ANY, APPURTENANT TO SAID LAND EXCEPT AS OTHERWISE EXPRESSLY HEREIN PROVIDED. RECORDED DECEMBER 28, 1927 AS INSTR. No. 8505, BOOK 203 OFFICIAL RECORDS, PAGE 9.
- SAN JOAQUIN AND KINGS RIVER CANAL AND IRRIGATION COMPANY; RIGHT OF WAY FOR DITCHES AND CANAL; RECORDED NOVEMBER 21, 1876, BOOK P OF DEEDS, PAGE 280, OFFICIAL RECORDS.
- MILLER & LUX INCORPORATED, A CORPORATION; RIGHTS OF WAY FOR ALL EXISTING ROADS, TELEPHONE, TELEGRAPH AND ELECTRIC POWER AND PIPE LINES, SEWERS, DRAINAGE DITCHES, CANALS, AND OTHER RECLAMATION AND IRRIGATION WORKS, AND THE EASEMENT TO MAINTAIN, OPERATE AND REPAIR THE SAME TOGETHER WITH INGRESS-EGRESS; RECORDED NOVEMBER 20, 1931, BOOK 348 OFFICIAL RECORDS, PAGE 363 & IN BOOK 349 OFFICIAL RECORDS, PAGE 217.



**SHEET INDEX**  
 SCALE: 1" = 200'



TRACT No. 2018-03  
**SHAUNESSY VILLAGE**

PHASE No. 3  
 BEING A PORTION OF DESIGNATED REMAINDER, BOOK -- OF  
 OFFICIAL PLATS, PAGES --, M.C.R. SITUATE IN THE NW 1/4  
 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
 MOUNT DIABLO MERIDIAN,  
 CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA  
 JULY 2019

**NORTHSTAR ENGINEERING GROUP, INC.**  
 620 12th Street, Modesto, CA 95354  
 (209) 524-3525

**REFERENCES:**

- (A) RECORD OF SURVEY, VOLUME 28, PAGE 9, M.C.R.
- (B) TRACT No. 2018-03 'SHAUNESSY VILLAGE, PHASE No. 1',  
 VOLUME -- OFFICIAL PLATS, PAGES -- THRU -- M.C.R.

**LEGEND:**

- SET 3/4"x30" IRON PIPE, TAGGED LS 6946, U.O.N.
- SET 3/4" IRON PIPE, TAGGED LS 6946 IN MONUMENT  
 WELL, U.O.N.
- FOUND 3/4" IRON PIPE, TAGGED LS 6946 PER  
 REFERENCE (B), U.O.N.
- SET 3/4"x30" IRON PIPE, TAGGED LS 6948 AS 3'  
 WITNESS CORNER TO LOT CORNER, U.O.N.
- SET 3/4" IRON PIPE, TAGGED LS 6946 AT ALL REAR  
 & FRONT LOT CORNERS, U.O.N.
- FOUND
- SEARCHED, FOUND NOTHING
- (A) SEE REFERENCES THIS SHEET
- (M) MEASURED
- M.C.R. MERCED COUNTY RECORDS
- O.R. OFFICIAL RECORDS
- DOC. DOCUMENT
- U.O.N. UNLESS OTHERWISE NOTED
- P.M.- PARCEL MAP, VOLUME & PAGE(S)
- O.P.- OFFICIAL PLATS, VOLUME & PAGES
- (R) RADIAL
- P.U.E. PUBLIC UTILITY EASEMENT
- (RAD) RADIAL BEARING
- (CALC.) CALCULATED FROM RECORD
- C.R. CORNER RECORD
- PROJECT BOUNDARY
- CENTERLINE
- SECTION LINE
- EXISTING LOT LINE
- EASEMENT LINE



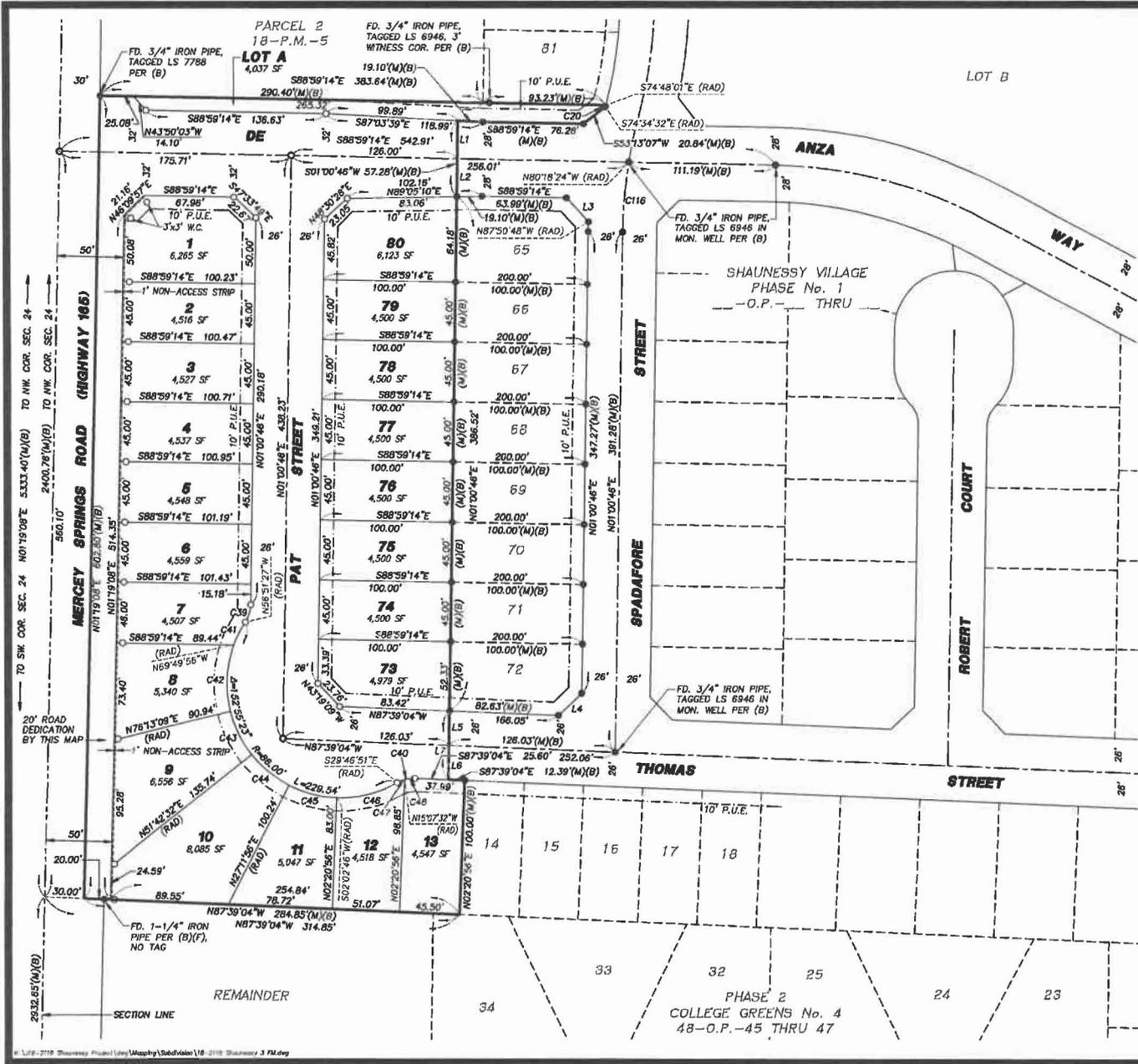
SCALE: 1" = 50'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 01°00'48" W	28.64'
L2	S 01°00'48" W	28.64'
L3	S 43°28'01" W	24.38'
L4	S 48°40'51" W	24.32'
L5	S 01°00'48" W	26.01'
L6	S 01°00'48" W	26.00'
L7	S 01°00'48" W	52.01'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C20	073°29"	324.00'	1.27'
C39	32°07'47"	25.00'	14.02'
C40	32°07'47"	25.00'	14.02'
C41	12°58'29"	88.00'	19.47'
C42	33°58'59"	88.00'	50.96'
C43	24°30'37"	86.00'	36.79'
C44	24°30'37"	86.00'	36.79'
C45	23°09'09"	86.00'	37.75'
C46	11°48'17"	86.00'	47.77'
C47	14°39'18"	25.00'	6.39'
C48	17°28'28"	25.00'	7.62'
C51	1°08'26"	376.00'	7.49'
C116	8°40'30"	350.00'	53.03'

SHEET 4 OF 4

VOL. \_\_\_\_\_ PG. \_\_\_\_\_



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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:** August 21, 2019

**TYPE OF REPORT:** Public Hearing

**SUBJECT:** General Plan Amendment #2019-01 and Zone Change #2019-01 for the Child Development Center

---

**Recommendation:**

That the City Council takes the following actions:

1. Open the Public Hearing and receive applicant and public comment;
2. Consider comments presented at the hearing, the information in the Staff Report, the recommendation of the Planning Commission and discuss the proposal;
3. Adopt Resolution No. 6113 to approve a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15301, existing facilities and approve General Plan Amendment #2019-01 to amend the General Plan (Land Use Map) from Park to Professional Office on approximately 1.33 acres located at 1624 San Luis Street, more specifically identified as a portion of Assessor's Parcel Number: 428-070-001 and in accordance with Government Code 65402 determine that the disposition of the property by the City of Los Banos is consistent with the City's General Plan;
4. Waive the second reading and adopt Ordinance No. 1173 by title to Re-zone the property from Park to Professional Office (P-O) on approximately 1.33 acres

located at 1624 San Luis Street, more specifically identified as a portion of Assessor's Parcel Number: 428-070-001.

**Background:**

In 2005 the City of Los Banos developed a portion of Talbot Park with the construction of a 12,785 square foot building for the purpose of providing a location for a Child Development Center at 1624 San Luis Street. The Merced County Community Action Agency (MCCAA) has occupied the premises and has provided much needed programs to eligible children and families of Los Banos.

MCCAA has expressed a desire to purchase the Child Development Center Facility from the City of Los Banos in order to continue operating their program at 1624 San Luis Street.

The Los Banos Planning Commission held a public hearing on July 10, 2019, for the purpose of considering General Plan Amendment #2019-01 and Zone Change #2019-01, and that the disposition of the property by the City of Los Banos was consistent with the City's General Plan for the Child Development Center. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval to the Los Banos City Council.

On August 7, 2019, the Los Banos City Council took the following action: provided a motion of intent to adopt Resolution 6113, waived the first reading and introduced Ordinance No. 1173 by title, and continued the public hearing to August 21, 2019.

**Discussion:**

The City of Los Banos is requesting a General Plan Amendment and Zone Change to re-designate approximately 1.33 acres immediately surrounding the premises of the Child Development Center Facility for the continued operation of a Child Day Care Facility. The project site is currently designated and zoned Park, and requires a re-designation and zone change to accommodate a Child Day Care Facility. The City of Los Banos is proposing to redesignate a portion of Talbot Park, which consists of 1.33 acres to Professional Office and leave the remaining acreage of approximately 9.4 acres as Park Land Use.

## Project Location

The project site is located at 1624 San Luis Street, within the center of Talbot Park and immediately west of Los Banos Junior High School.



Additionally, the surrounding zoning is depicted on the map below. Note that the green color is Park, brown is High Density Residential (R-3), tan is Medium Density Residential (R-2), and yellow is Low Density Residential (R-1).



**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an Initial Study was prepared to identify and assess potential environmental impacts as a result of this project. Through the Initial Study, staff determined that the project would not result in any significant adverse effects and the project can be categorically exempt pursuant to Section 15301, Existing Facility. The project involves no expansion of the existing use of a Child Development Center.

**PROJECT ANALYSIS:**

**Existing Setting**

The project site consists of approximately 1.33 acres consisting of a child development center facility, outdoor play area, and associated parking lot. The Site is immediately adjacent to Los Banos Junior High School. The project site has a Los Banos General Plan land use designation of Park and a Zoning Map designation of Park. The Child Development Center Facility is currently operated by MCCA with a State funded preschool program serving the residents of Los Banos. The preschool side offers a play-based program with developmentally appropriate educational activities for young children. The program includes activities in music, movement, art, language development, computer activities, physical development, science, math, and social skills.

The properties immediately adjacent to the project site, with exception of the Los Banos Junior High, currently consist of residential development or are planned for future residential development.

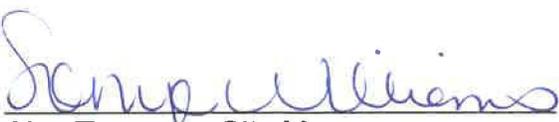
**Proposed Uses and Density**

The project includes a General Plan Amendment from Park to Professional Office and a re-zone from Park zoning to Professional Office (P-O). The existing General Plan Land Use and Zoning Maps are included as attachments.

**Compatibility with Adjacent Uses**

The proposed Professional Office (P-O) land use designation is compatible with the surrounding uses which consist of the Los Banos Junior High School, future Assisted Living Care Facility and residential uses. The intent of the re-designation is to create a compatible use for the Child Development Center within the Zoning Code to facilitate its existing use as a child day care facility/preschool program.

**Reviewed by:**

for   
Alex Terrazas, City Manager

**Attachments:**

1. Resolution approving General Plan Amendment #2019-01  
Exhibit A: CEQA Findings  
Exhibit B: Project Findings
2. Ordinance to adopt Re-Zone #2019-01
3. Current General Plan Land Use Map
4. Current Zoning Map
5. Public Hearing Notice

RESOLUTION NO. 6113

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING GENERAL PLAN AMENDMENT #2019-01 FOR THE CHILD DEVELOPMENT CENTER TO REDISGNATE APPROXIMATELY 1.33 ACRES FROM PARK TO PROFESSIONAL OFFICE LOCATED AT 1624 SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS A PORTION OF ASSESSOR'S PARCEL NUMBER: 428-070-001 AND FINDING THAT THE DISPOSITION OF THE PROPERTY IS CONSISTENT WITH THE CITY'S GENERAL PLAN**

WHEREAS, the City of Los Banos has requested an amendment to the General Plan Land Use Map and Zoning Map to facilitate the existing use of the child development center of approximately 1.33 acres located at 1624 San Luis Street, more specifically identified as a portion of Assessor's Parcel Numbers: 428-070-001; and

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

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

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, General Plan Amendment #2019-01 and Zone Change #2019-01 for the Child Development Center Facility was adequately evaluated and determined to be categorically exempt pursuant to Section 15301, Existing Facility; and

WHEREAS, the Los Banos Planning Commission held a public hearing on July 10, 2019, for the purpose of considering General Plan Amendment #2019-01 and at the completion of the public hearing, duly considered the evidence presented and recommended approval to the Los Banos City Council; and

WHEREAS, a public hearing was duly noticed for the Los Banos City Council meeting of July 26, 2019, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners

within 300 feet of the project boundaries on July 26, 2019, to consider and take testimony regarding General Plan Amendment #2019-01; and

WHEREAS, at the August 7, 2019, City Council Meetings the Los Banos City Council, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the General Plan Amendment criteria established in Section 9-3.1605 of the Los Banos Municipal Code; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve General Plan Amendment #2019-01 to re-designate approximately 1.33 acres from Park to Professional Office located at 1624 San Luis Street, more specifically identified as a portion of Assessor's Parcel Number: 428-040-001.

AND BE IT FURTHER RESOLVED, that the City Council of the City of Los Banos hereby determines that the disposition of the property by the City is consistent with the City's General Plan

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21<sup>st</sup> day of August 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

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR GENERAL PLAN AMENDMENT #2019-01 AND ZONE CHANGE #2019-01 FOR THE CHILD DEVELOPMENT CENTER FACILITY**

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Los Banos Police Station project was evaluated in an Initial Study which determined the project would not involve any significant environmental impacts and was found to be categorically exempt from the provisions of CEQA pursuant to Article 19, Class 15, Section 15301- Existing Facility. The project involves no expansion of the existing use of a Child Development Center.
2. General Plan Amendment #2019-01 and Zone Change #2019-01 were circulated for public review and comment on July 26, 2019 for consideration at a public meeting on August 7, 2019 in which no comments were received.
3. No further environmental documentation is required as the General Plan Amendment and Zone Change were contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the City Council considered the Categorical Exemption for the Child Development Center Facility.

## EXHIBIT B

### FINDINGS FOR APPROVAL FOR GENERAL PLAN AMENDMENT #2019-01 AND ZONE CHANGE #2019-01 FOR THE CHILD DEVELOPMENT CENTER FACILITY

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

1. The Los Banos General Plan was adopted by the City on July 15, 2009, and the Project was prepared in accordance with it;
2. The General Plan Amendment and Zone Change will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City;

EVIDENCE: The Professional Office (P-O) land use: (1) facilitates the permitted use of a child day care facility; and (2) it is compatible with the adjacent use of the Los Banos Junior High School and Los Banos Memory Care Facility.

3. The use is compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City and will not result in detrimental effects to neighboring properties or to City services;

EVIDENCE: The existing facility enhances the surrounding area, because: (1) it promotes child care facilities for the community consistent with General Plan Implementing Action LU-I-17, and (2) it was analyzed in an Initial Study and determined that there is no evidence the project will have a significant effect on the environment as it is an existing facility.

ORDINANCE NO. 1173

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE OFFICIAL ZONING MAP BY REZONING PROPERTY FOR THE LOS BANOS CHILD DEVELOPMENT CENTER FROM PARK TO PROFESSIONAL OFFICE (P-O) ON APPROXIMATELY 1.33 ACRES LOCATED AT 1624 SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS A PORTION OF ASSESSOR'S PARCEL NUMBER: 428-070-001**

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

Section 1. The property identified as a portion of Assessor's Parcel Number: 428-070-001 is hereby rezoned as shown on said map from Park to Professional Office (P-O).

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

Section 3. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption or upon the City acquiring title to the property, whichever occurs last. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_

Passed on the \_\_\_\_ day of August 2019 by the following vote:

AYES:  
NOES:  
ABSENT:

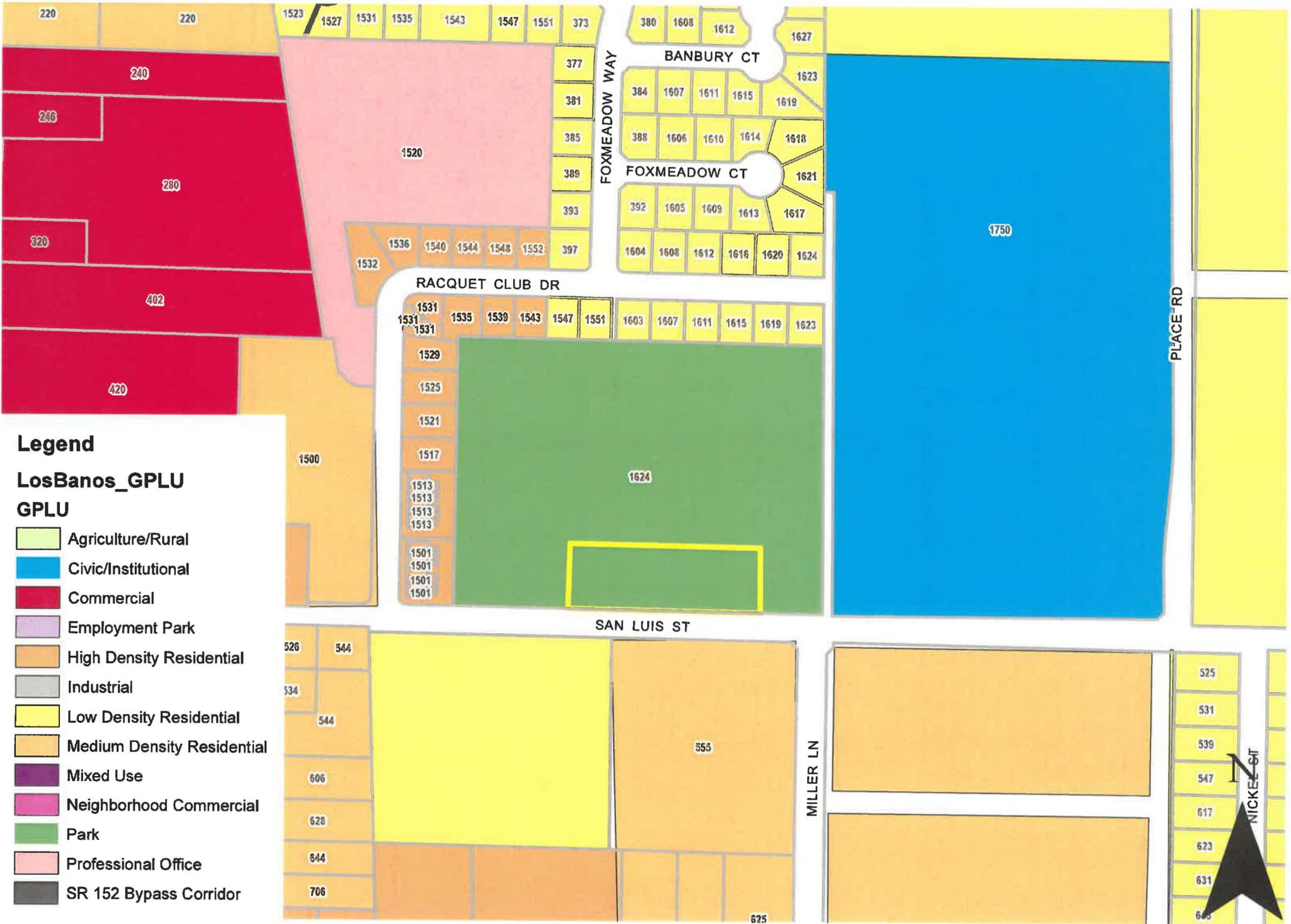
APPROVED:

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

ATTEST:

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

# Existing General Plan Land Use Map



## Legend

Los Banos\_GPLU  
GPLU

- Agriculture/Rural
- Civic/Institutional
- Commercial
- Employment Park
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Neighborhood Commercial
- Park
- Professional Office
- SR 152 Bypass Corridor







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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: July 26, 2019

Regarding: Notice of Public Hearing

Proposal: General Plan Amendment #2019-01 and Zone Change #2019-01- Child Development Center

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider General Plan Amendment 2019-01, Zone Change #2019-01, and Categorical Exemption from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) for the Child Development Center. The proposed project consists of a General Plan Amendment to redesignate current Park General Plan land use designation to Professional Office land use designation and Zone Change from Park Zoning District to Professional Office (P-O) Zoning District. The project site is located at 1624 San Luis Street; more specifically identified as a portion of Assessor's Parcel Number: 428-070-001.

The Los Banos Planning Commission held a public hearing on July 10, 2019, for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval of General Plan Amendment #2019-01 and Zone Change #2019-01 to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 7, 2019, at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director at City Hall or at (209) 827-7000, Ext. 2433.

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

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

THE CITY OF LOS BANOS

Stacy Souza Elms  
Community and Economic Development Director



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

**Agenda Staff Report**

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

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

**DATE:** August 21, 2019

**TYPE OF REPORT:** Public Hearing

**SUBJECT:** Child Care Facilities Ordinance

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**Recommendation:**

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1174 to amend Article 37, Chapter 3, of Title 9, of the Los Banos Municipal Code relating to Child Day Care Facilities and related Zoning Code classifications and definitions.

**Background:**

California Child Day Care Facilities Act – Cal. Health & Safety Code, Div. 2, Chaps. 3.4-3.6, §§ 1596.70 – 1597.621 is the governing state law and preempts local ordinances that conflict with its provisions.

The City's current zoning ordinance (Article 37 of Title 9 Chapter 3) concerning Child Day Care Facilities only specifically addresses Large Family Day Care Homes. The purpose of this Ordinance is to set forth development standards for Child Day Care Facilities which includes 1) small family daycare homes; 2) large family daycare homes; and 3) day care centers. Child Day Care Facilities are heavily regulated by the California Department of Social Services which is authorized to assume licensing responsibilities for Child Care Facilities in California.

**What is a Child Care Facility?** “Child day care facility” means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.

Under state law small family day care homes and large family daycare homes are considered a residential use and are allowed in all residential districts within the City. Under the current zoning code child day care centers are only allowed in the Professional Office district subject to obtaining a conditional use permit.

On July 10, 2019, the Los Banos Planning Commission held a public hearing for the purpose of considering the proposed Child Care Facilities Ordinance. At completion of the public hearing, the Planning Commission considered all evidence presented and recommended approval of the proposed Ordinance to the Los Banos City Council.

On August 7, 2019, the Los Banos City Council waived the first reading and introduced Ordinance No. 1174 by title.

**Discussion:**

Key provisions of the proposed Ordinance.

1) Incorporates the state law definitions as follows:

“Child day care facility” means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.

“Day care center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, and includes child care centers licensed pursuant to Section 1596.951 of the Health and Safety Code.

“Family day care home” means a home that is licensed by the State of California that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

“Large family day care home” means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Chapter 3.4. The use of large family day care homes shall be considered a residential use of property for all residential zones.

“Small family day care home” means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Chapter 3.4. The use of small family day care homes shall be considered a residential use of property for all residential zones.

2) Follows state law by clearly providing that small family day care homes are a use by right in all residential zoning districts.

3) Follows state law governing the regulation of large family day care homes as an allowed use in all residential zoning districts, subject to an administrative permit. The current ordinance requires a public hearing and CUP issued by the Planning Commission. The proposed ordinance would streamline that process by allowing for an administrative permit (over the counter) unless a public hearing is requested by an interested party.

4) Establishes development standards for child day care centers, subject to a CUP issued by the Planning Commission. The current ordinance is silent on the development standards for a child day care center.

5) Allows day care centers in all zoning districts within the City except for Industrial zoning districts.

**ENVIRONMENTAL REVIEW:**

The proposed ordinance does 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 the proposed ordinance 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 15061 (b)(3) and is not subject to environmental review.

**Reviewed by:**

for   
Alex Terrazas, City Manager

**Attachments:**

1. Ordinance
2. Public Hearing Notice

ORDINANCE NO. 1174

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING ARTICLE 37 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO CHILD DAY CARE FACILITIES AND RELATED ZONING CODE CLASSIFICATIONS AND DEFINITIONS**

WHEREAS, the State legislature has found and declared that:

- A. Child daycare facilities can contribute positively to a child's emotional, cognitive, and educational development;
- B. It is the intent of this state to provide a comprehensive, quality system for licensing child daycare facilities to ensure a quality childcare environment;
- C. Good quality childcare services are an essential service for working parents;
- D. California has a tremendous shortage of regulated childcare, and only a small fraction of families who need childcare have it. Parents should be able to support their families without having to sacrifice their child's well-being;
- E. Good, affordable childcare gives children a strong start and creates opportunities for families and communities; and

WHEREAS, the City of Los Banos seeks to ensure that the City's zoning laws are consistent with the goals, policies and standards set forth in the City's General Plan, and state law as it relates to the regulation and approval of child care facilities within the City; and

WHEREAS, the City of Los Banos has adopted a general plan which includes a land use text; and

WHEREAS, the City of Los Banos had adopted Title 19 of the Municipal Code which is the official zoning text; and

WHEREAS, California Government Code Section 65850, et seq., authorizes the City Council to amend the zoning ordinance; and

WHEREAS, the City of Los Banos recognizes the need to provide appropriate locations and regulations for the establishment and operation of family day care homes and child care centers; and

WHEREAS, the proposed change is consistent with the policies of the General Plan of the City of Los Banos; and

WHEREAS, the Los Banos 2030 General Plan includes policies and programs to promote development of child care facilities in all districts except industrial within the City; and

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

WHEREAS, the Planning Commission held a public hearing on July 17, 2019 and recommended approval of the proposed Ordinance with findings of General Plan consistency, and

WHEREAS, the City Council conducted a duly noticed public hearing on the on August 7, 2019 and August 21, 2019 at which time all individuals desiring to comment on the proposed amendments were heard; and

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

Section 1: Section 9-3.201 is amended to delete the following definitions:

“Large family daycare home” means a home which regularly provides family day care, protection, and supervision of seven (7) to fourteen (14) children, including children under the age of ten (10) years who reside in the provider’s own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, also subject to the requirements of the State of California Department of Social Services.

“Small family day care home” means a home which regularly provides family day care, protection, and supervision of six (6) or fewer children, including children under the age of ten (10) years who reside in the provider’s own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, as regulated by the State of California Department of Social Services.

Section 2: Section 9-3.201 is amended to add the following definitions to read as follows:

“Child day care facility” means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less

than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.

“Day care center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, and includes child care centers licensed pursuant to Section 1596.951 of the Health and Safety Code.

“Family day care home” means a home that is licensed by the State of California that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

“Large family day care home” means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Chapter 3.4. The use of large family day care homes shall be considered a residential use of property for all residential zones.

“Small family day care home” means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Chapter 3.4. The use of small family day care homes shall be considered a residential use of property for all residential zones.

Section 3. Article 37 of Title 9 Chapter 3 is amended and restated in its entirety to read as follows:

### **Article 37. Child Day Care Facilities**

#### **Sec. 9-3.3701 Purpose and Intent.**

The State of California has enacted laws and regulations with the intent to provide for the care of children in an appropriate environment. The purpose of this Article is to implement said laws and regulations and to establish standards for child day care facilities as defined in Section 9-3.201.

#### **Sec. 9-3.3702 Small Family Daycare Home.**

(a) Small family day care homes as defined in Section 9-3.201 shall be a permitted use in all residential zones, provided said uses are housed within structures which comply with the development standards required of all structures within the zoning district. Notwithstanding any other provisions of this chapter, and pursuant to Section 1597.45 of the Health and Safety Code, small family day care homes which are properly licensed pursuant to the provision of the Child Day Care Act shall be considered a residential use of property and shall be allowed as a matter of right in all residential zones. Small family day care homes shall also be allowed as a matter of

right in single family dwelling units in non-residential zones, so long as they are a legal non-conforming use.

(b) Proper state licensing shall be obtained prior to operation of a small family day care home.

**Sec. 9-3.3703 Large Family Daycare Home.**

(a) Subject to the procedures and restrictions of this Section, Large family day care homes shall be a permitted use, in all residential zones, provided said uses are housed within structures which comply with the development standards required of all structures within the zoning district.

(b) Operation of a large family day care home shall be subject to the review and approval of a large family day care administrative permit issued by the Community and Economic Development Director ("Director"), or designee in accordance with the following:

(i) Not less than ten (10) days prior to the decision by the Director, the City shall mail notices of the proposed use to all property owners as shown on the last equalized assessment rolls within a 300-foot radius of the property boundaries of the proposed large family day care home site.

(ii) A decision on the Permit shall be made by the Director, without a formal hearing, unless one is requested by either the applicant or other affected persons. For the purpose of this Article, an affected person shall mean a person who owns or who lives within a 300-foot radius of the proposed facility. If so requested, the hearing shall be scheduled for the next available Planning Commission meeting and the Planning Commission shall hear the request. Unless otherwise appealed, the decision of the Director of Community Development shall be final.

(b) Proper state licensing shall be obtained prior to operation of a large family day care home.

(c) In accordance with the purpose of this Article, all large family day care homes shall comply with the development standards for the zoning district in which they are located, including but not limited to the following:

(1) The use shall be incidental to the residential use of the property.

(2) The site shall not be located within one thousand two hundred (1,200) feet of another such facility on the same street as measured from the exterior boundaries of the property.

(3) An area shall be provided for the temporary parking of at least two (2) motor vehicles for the safe loading and unloading of children. In most cases, the driveway in front of a two (2) car garage will satisfy this requirement.

(4) The applicant shall demonstrate that there is little or no potential for significant traffic problems as related to the request or that the resulting traffic generated will insure maintenance of traffic safety levels within the vicinity of the residence.

(5) A usable rear yard play area of at least one thousand two hundred (1,200) square feet shall be provided on the site in which the outdoor play activity shall not be allowed in the front or exterior side yard areas of the home.

(6) The play areas shall be designed and located to reduce the impact of noise on surrounding properties, however reasonable requirements to alleviate noise may be required.

(7) The use shall comply with all other requirements and regulations of the State of California Department of Social Services.

(d) The applicant shall be required to:

(1) Comply with the applicable provisions of the Uniform Building Code, as adopted by the City of Los Banos.

(2) Comply with any standards promulgated by the State Fire Marshall and the City of Los Banos Fire Department relating to the subject of fire and life safety in large family day care homes, and the applicable provisions of the Uniform Fire Code.

(3) Be licensed or deemed exempt from licensing by the State of California as a large family day care home.

(4) Operator(s) reside at the residence. Additional care givers, required under State of California Health and Safety Code, need not live in the home.

(5) No signs advertising the use of the property as a family day care home shall be permitted.

(6) Comply with any conditions imposed by the Director or Planning Commission, deemed necessary to satisfy the requirements of this Article.

### **Sec. 9-3.3704 Day Care Centers.**

(a) Operation of a child care center as defined in Section 9-3.201 shall be permitted in all zoning districts subject to the review and approval of a conditional use permit, in accordance with the following:

(b) In accordance with the purpose of this Article, all day care centers shall comply with the development standards for the zoning district in which they are located, including but not limited to the following:

(1) Play area shall be enclosed with a solid minimum fence height of six (6) feet. Wall and/or fencing shall be block wall, wrought iron, or wood fencing.

(2) Play areas shall be located at a minimum of ten (10) feet from any public right-of-way.

(3) One (1) off-street parking stall shall be provided for every four (4) children, and one (1) for every employee on the largest shift.

(4) Loading and unloading area for children shall be provided to accommodate no less than two (2) vehicles, and shall be located within proximity to the main entrance and shall not interfere with traffic and circulation of the area and on-site.

(5) Site design shall minimize to the degree possible, excessive noise impacts to adjoining properties.

(c) In addition to the development standards set forth in subsection (b) the following development standards shall apply in all residential zones:

(1) No outdoor play equipment shall be located in required front or street-side yards.

(2) Outdoor play areas shall be enclosed with a solid, six-foot high fence along property lines abutting residential uses.

(3) No structural or decorative alterations are permitted that change the residential appearance of the building exterior.

(4) Nighttime security lighting shall not be directed at neighboring properties and the light source shall be shielded from view off-site.

(5) Days and hours of operation shall be limited to weekdays, between the 6:30 a.m. and 7:30 p.m.

(6) No signage shall be permitted for day care centers in residential districts,

(7) The site shall not be located within one thousand two hundred (1,200) feet of another child care facility on the same street as measured from the exterior boundaries of the property.

(d) The applicant shall be required to:

(1) Comply with the applicable provisions of the Uniform Building Code, as adopted by the City of Los Banos.

(2) Comply with any standards promulgated by the State Fire Marshall and the City of Los Banos Fire Department relating to the subject of fire and life safety in child care centers, and the applicable provisions of the Uniform Fire Code.

(3) Operator/applicant shall be licensed or deemed exempt from licensing by the State of California as a child care center.

(4) Comply with any conditions imposed by the Planning Commission, deemed necessary to satisfy the requirements of this Article.

(e) Proper state licensing shall be obtained prior to operation of a child care center.

Section 4. Section 9-3.603(h) is amended to read as follows:

(h) Large family day care homes and day care centers.

Section 5. Section 9-3.703(g) is amended to read as follows:

(g) Large family day care homes and day care centers.

Section 6. Section 9-3.803(g) is amended to read as follows:

(g) Large family day care homes and day care centers.

Section 7. Section 9-3.903(c) is added to read as follows:

(c) Large family day care homes in a single family residence and day care centers.

Section 8. Section 9-3.1003(c) is amended to read as follows:

(c) Large family day care homes in a single family residence and day care centers.

Section 9. Section 9-3.1103(l) is amended to read as follows:

(l) Large family day care homes in a single family residence and day care centers.

Section 10. Section 9-3.1203(p) is added to read as follows:

(p) Large family day care homes in a single family residence and day care centers.

Section 11. Section 9-3.1303(d) is amended to read as follows:

(d) Large family day care homes in a single family residence and day care centers.

Section 12. Section 9-3.1603(c) is amended to read as follows:

(c) Day care centers.

Section 13. 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 14. 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 15. 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 16. 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

ATTEST:

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



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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: July 26, 2019, 2019

Regarding: Notice of Public Hearing

Proposal: Child Day Care Center Ordinance

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider amending Chapter 3 of Title 9 of the Los Banos Municipal Code to allow Child Day Care Centers in all Zoning Districts, exempt Industrial Zones, subject to a Conditional Use Permit.

The Los Banos Planning Commission held a public hearing on July 10, 2019, for the purpose of considering the above mentioned Ordinance. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 7, 2019 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director, at City Hall or at (209) 827-7000, Ext.133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing per Government Code Section 65009.

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

THE CITY OF LOS BANOS

Stacy Souza Elms  
Community and Economic Development Director



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members  
**FROM:** Alex Terrazas, City Manager. *AT*  
**DATE:** August 21, 2019  
**SUBJECT:** Measure V Citizens Oversight Committee Nomination  
**TYPE OF REPORT:** Agenda Item

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**Recommendation:**

That the City Council nominate John Cates as a candidate for the Measure V Citizens Oversight Committee.

**Discussion:**

At the June 19, 2019 City Council Meeting authorization was given to advertise and solicit applications for the Measure V Oversight Committee vacancy due to the resignation of Committee Member Paul Parreira. Mayor Villalta and Mayor Pro Tem Johnson-Santos were appointed to sit on the committee to review, interview and recommend appointment to the City Council at the July 17, 2019 City Council Meeting. The deadline to submit applications was Tuesday, July 9, 2019 and we received zero (0) applications.

On July 17, 2019 staff was authorized to again run advertisements in the Los Banos Enterprise, post on the City's website and social media to continue to solicit applications for the Measure V Citizens Oversight Committee; and for the Mayor and Mayor Pro Tem to review, interview and recommend appointment to the City Council at the August 21, 2019 City Council Meeting. The City ran an advertisement in the Los Banos Enterprise, posted on the City's website and social media to solicit applications and only one (1) was received from John Cates.

Measure V – Merced County’s transportation sales tax - was passed by voters in November 2016. Beginning April 1, 2017, the ½ cent sales tax will be collected throughout Merced County for the next 30 years. It is estimated that the measure program will generate \$15 million in new revenue annually for a total of \$450 million through the life of the measure. As the Local Transportation Authority for Merced County, MCAG will administer the Measure V program.

The Measure V Transportation Expenditure Plan (Plan) requires MCAG to organize and staff a Citizens Oversight Committee. The purpose of the committee is to ensure that the measure program is implemented as outlined in the Plan. The committee will review financial and performance audits, reports from member agencies, annual receipts and other documents necessary to assess the program’s consistency with the Plan.

Additional information can be found on their Measure V Oversight Committee website:  
<https://www.measurev-mcag.com/citizens-oversight.html>

**ATTACHMENTS:**

Measure V Citizens Oversight Committee Application  
List of Measure V Citizens Oversight Committee Members

**MEASURE V CITIZENS OVERSIGHT COMMITTEE**

**Application for Appointment to Represent City of Los Banos**

RECEIVED

Name: *John Cates*

AUG 09 2019

Home Address: *822 Coastal Ct. Los Banos, CA. 93635*

CITY OF LOS BANOS

Mailing Address (if different):

*N.A.*

Phone: *(home) 209-826-2071 (work) 408-221-2806 (mobile) 209-769-0605*

- A. Are you a U.S. citizen of 18 years of age or older who resides in Merced County? *Yes*
- B. Are you a public employee at any state, county or local city agency, or an elected official at any level of government? *No*
- C. Please respond to the following (attach a separate document if needed):

1. Commission/Committee Experience: What is your previous experience on a public agency commission or committee? Please also note if you are currently a member of any commissions or committees.

*I am currently the ethnic representative of the Measure V oversight committee.*

*I have been on the Los Banos Planning Commission for the past six years; I have been elected chairman for the last 2 terms.*

*I was recently appointed to the Los Banos Measure H citizens oversight committee.*

2. Statement of Qualifications: Provide a brief statement indicating why you are interested in serving on the Citizens Oversight Committee.

*I have a strong belief that all funding measures should maintain citizen oversight. My interest is to ensure the City of Los Banos measure V funding is used appropriately and that MCAG as the governing body is managing this measure and its funding as the legislation permits.*

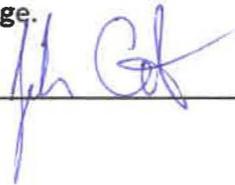
3. Relevant Work or Volunteer Experience: Please list your current employer and relevant volunteer experience including organization, address, position and dates.

- *Hewlett Packard Incorporated. Palo Alto, CA*
  - *Employed 1980 to present*
  
- *Los Banos Chamber of Commerce - 932 6th St, Los Banos, CA 93635*
  - *Board of Directors November 2009 to present.*
  - *President 2019*
  
- *Los Banos Police Dept.- 945 5th St, Los Banos, CA 93635*
  - *Volunteer (VITAL)*
    - *2015 to present*
  
- *Los Banos Measure H Citizens Oversight Committee*
  - *Co-chair May 2019 to present*

4. Bio or Resume: Please attach your biography or resume.

Certification: I certify that the above and attached information is true and complete to the best of my knowledge.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

8/2/19

## **JOHN CATES**

**822 Coastal Ct.**

**Los Banos, CA 93635**

**H: 209-826-2071 | C: 209-769-0605 | johncates@sbcglobal.net**

### **CAREER OVERVIEW**

Experienced professional with over 30 years in the technology industry with a depth of experience in; business management, customer service operations and delivery, warehousing, finance, information technology, e-commerce, and contracts management.

These roles have afforded a unique combination of technical expertise, managerial experience, business leadership, and employee development. Seasoned in operations management, client relationship management, data analytics, process analysis/improvement and quality. Well qualified in data gathering and reporting. Extremely comfortable with public speaking, including confidently speaking to audiences at all levels within an organization or externally.

### **CORE STRENGTHS**

- Dedicated and focused
- Results-oriented
- Report generation, analysis and reporting
- Operations management
- Financial records and processing
- Client-focused contract management
- Excel in process management (negotiation/review/drafting and development)
- Contract auditing
- Proficiency in team member training and development
- Support/contract management
- Change management
- Quick learner
- Computer proficient
- Microsoft Office
- File/records maintenance

### **Practical Experience**

- Documentation creation and maintenance
  - Formulated, wrote and edited documents keeping team informed of business standards, policies and procedures.
- Process and program improvement
  - Created new departmental procedures manual.
  - Assessed organizational training needs and co-developed new-hire training class curriculum: successfully training 150 plus new hires from across the U.S. over a 1.5 year period.

- Leadership/mentorship
  - Team lead of Northern California/Hawaii district. Including management of customer escalations, team performance metrics and coaching, and ensuring day-to-day operations were executed flawlessly.
  - Interviewed, selected and developed new team members.
  - Considered a subject matter expert for the Northern California/Hawaii district.
  - Ensured team members were meeting all required training expectations.
  - Encouraged team members to develop their skills and provided guidance for growth within the organization.
- Operational Management
  - Identified, recommended and prioritized team member requirements to business leaders and department managers for improved effectiveness and efficiency.
- Cross-Geography collaboration
 

Spearheaded a collaboration team consisting of peers across the U.S. to assist in organizing and documenting a splintered set of operational processes in to one common playbook. This playbook improved effectiveness and efficiencies within each district with common U.S. wide strategy for execution.
- Process Improvement
 

Participated in a team which successfully drove change within a supporting department in Costa Rica. Thus improving the overall experience of the team members as well as our customers.
- Customer Service
 

Handled customers effectively by identifying needs, quickly gaining trust, approaching complex situations and resolving problems to maximize efficiency. Every interaction was approached with the focus of customer retention and growth.
- Administration
 

Administrated contracts, programs and processes successfully in various roles, enhancing the effectiveness and success of the business and our customers.
- Reporting
 

Analyzed, extracted, developed and presented reports to internal teams and external customers. In each case identifying trends, highlighting success, and providing plans for areas requiring improvement all to the delight of the audience.
- Process Improvement
  - Analyzed existing processes and created new and improved departmental procedures manual.
  - Assessed organizational training needs and implemented a training matrix. Thus providing a roadmap for employees on the team allowing them the ability to grow organically into promotional positions within the organization.

## **EDUCATION BACKGROUND**

Bachelor of Science: Information Systems Management (e-Commerce minor)  
 University of San Francisco - San Francisco, CA, USA

 **MCAG:  
MEASURE V**

Current Citizens Oversight Committee

David Dees, Chair	Bike/Pedestrian or Transit
Joshua Lepper	Building Industry
Dennis Brazil	Agriculture Industry
John Cates	Ethnic Community Group
Vinton Thengvall	Major Private Sector Employer
Demetrios Tatum	Audit, Finance or Budget Professional
Jean Okuye	Environmental Advocacy Group
Jim Cunningham, Vice Chair	County of Merced
Ron Daugherty	City of Atwater
Lynne Payne	City of Dos Palos
(Vacant)	City of Gustine
Katherine Schell Rodriguez	City of Livingston
<del>Paul Parreira</del> (vacant)	City of Los Banos
Karla Seijas	City of Merced



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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: August 16, 2019

Re: Notice of Public Hearing

Proposal: Site Plan Review #2019-03- Jose Tellez

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Site Plan Review #2019-03 for the development of one (1) commercial structure totaling 5,156 square feet with site improvements within the General Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332 In-Fill Development Projects. The proposed project site is located at 1101 F Street; more specifically identified as Assessor's Parcel Number: 025-152-009.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, August 28, 2019 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-2432.

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

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

THE CITY OF LOS BANOS

Rudy Luquin  
Associate Planner



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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: August 16, 2019

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2019-06 – Kenneth Lambert (dba Biggins Texas BBQ)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2019-06 to allow the operation of a mobile food vending vehicle on private property for Kenneth Lambert dba Biggins Texas BBQ. The subject property is located within the Public Facilities Zoning District at 520 West I Street, more specifically identified as Assessor's Parcel Number: 027-032-007.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 28, 2019 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

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

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THE CITY OF LOS BANOS

Rudy Luquin  
Associate Planner