



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

SEPTEMBER 4, 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.

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

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)
Faria ____, Johnson-Santos ____, Jones ____, Lewis ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)

6. **CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
 - A. **Check Register for #217703 – #217908 in the Amount of \$1,244,805.62.**
Recommendation: Approve the check register as submitted.
 - B. **Minutes for the August 7, 2019 City Council Meeting.**
Recommendation: Approve the minutes as submitted.
 - C. **Minutes for the August 21, 2019 City Council Meeting.**
Recommendation: Approve the minutes as submitted.
 - D. **Minutes for the August 27, 2019 Adjourned City Council Meeting.**
Recommendation: Approve the minutes as submitted.
 - E. **City Council Resolution No. 6125 – Approving a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Public Employees’ Union Local One/AFSCME.**
Recommendation: Approve the resolution as submitted.
 - F. **City Council Resolution No. 6126 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section E - Public Works.**
Recommendation: Approve the resolution as submitted.
7. **CALVANS PRESENTATION – By Georgina Cardenas, Executive Director.**
Recommendation: Informational item only, no action to be taken.
8. **BUXTON PRESENTATION – By Cheyenne Robinson, Account Executive & Lisa McCay, Senior Vice President.**
Recommendation: Informational item only, no action to be taken.
9. **GROUNDWATER SUSTAINABILITY PLAN (GSP) UPDATE – By Jarrett Martin, CCID General Manager.**
Recommendation: Informational item only, no action to be taken.
10. **PIONEER ROAD EXPANSION UPDATE.**
Recommendation: Receive staff report and direction from the City Council on how to proceed.
11. **DISCUSSION REGARDING PLANNING COMMISSION ATTENDANCE POLICY AND PLANNING COMMISSION MEMBER SEATS.**
Recommendation: Receive staff report and direction from the City Council on how to proceed.

12. ADVISEMENT OF PUBLIC NOTICES. (One Report)
13. CITY MANAGER REPORT.
14. REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.

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

15. CITY COUNCIL MEMBER REPORTS.
 - A. Tom Faria
 - B. Daronica Johnson-Santos
 - C. Brett Jones
 - D. Deborah Lewis
 - E. Mayor Mike Villalta
16. CLOSED SESSION.
 - A. Public Employee Annual Performance Evaluation, Pursuant to Government Code Section 54957, Title: City Manager.
17. ADJOURNMENT.
 - A. 5:00 PM, Thursday, September 5, 2019 in The Lounge at the Los Banos Community Center Located at 645 7th Street, Los Banos, California to Attend a Code Enforcement 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 29th day of August 2019

CK # 217703- # 217908

09/04/2019

\$1,244,805.62

Bank Reconciliation

Checks by Date

User: jcanchola

Printed: 08/27/2019 - 9:30AM

Cleared and Not Cleared Checks

Print Void Checks



City of
Los Banos
At the Crossroads of California

Check No	Check Date	Name	Module	Void	Amount
217704	8/16/2019	Alert-O-Lite, Inc.	AP		2,543.35
217705	8/16/2019	Ameripride Services	AP		297.74
217706	8/16/2019	Aramark Uniform Ser Inc	AP		918.56
217707	8/16/2019	AT&T	AP		15.62
217708	8/16/2019	AT&T	AP		94.25
217709	8/16/2019	Dorothy June Baker	AP		190.26
217710	8/16/2019	Bear Cat Mfg Inc	AP		425.68
217711	8/16/2019	Richard A Blak Phd	AP		800.00
217712	8/16/2019	Boot Barn	AP		137.01
217713	8/16/2019	Bruce's Tire Inc	AP		182.22
217714	8/16/2019	BSK Associates	AP		637.00
217715	8/16/2019	Bucher Municipal North America Inc.	AP		7,511.68
217716	8/16/2019	Buxton Company	AP		12,500.00
217717	8/16/2019	Todd Carter	AP		60.00
217718	8/16/2019	Central Sanitary Supply	AP		8.70
217719	8/16/2019	Central Valley Concrete Inc.	AP		328.15
217720	8/16/2019	Comcast	AP		10.56
217721	8/16/2019	Condor Earth Technologies, Inc.	AP		4,000.00
217722	8/16/2019	Copy Shipping Solutions	AP		261.60
217723	8/16/2019	CSG Consultants Inc.	AP		29,714.17
217724	8/16/2019	LN Curtis & Sons	AP		377.20
217725	8/16/2019	Double D Towing, LLC	AP		100.00
217726	8/16/2019	Mark Fachin	AP		115.00
217727	8/16/2019	Fastenal Company	AP		315.38
217728	8/16/2019	Federal Express Corporation	AP		88.68
217729	8/16/2019	Ferguson Enterprises Inc DBA Groeniger & Company	AP		6,128.94
217730	8/16/2019	Efren Fernandez	AP		60.00
217731	8/16/2019	Ford Motor Credit Company LLC	AP		1,307.85
217732	8/16/2019	Surina Gonzales	AP		60.00
217733	8/16/2019	Michael J Hill	AP		16.00
217734	8/16/2019	Holt of California	AP		322.85
217735	8/16/2019	Home Depot	AP		1,795.49
217736	8/16/2019	Ingraham Trophies	AP		591.56
217737	8/16/2019	JC's Pure Water & More	AP		70.00
217738	8/16/2019	JB Anderson Land Use Planning	AP		960.00
217739	8/16/2019	Kings View Corporation	AP		400.00
217740	8/16/2019	Los Banos Car Wash Inc	AP		170.00
217741	8/16/2019	Los Banos Medical Group A Medical Corp.	AP		100.00
217742	8/16/2019	Lucas Business Systems	AP		305.12
217743	8/16/2019	Joshua S. Lopez	AP		600.00
217744	8/16/2019	Marfab Inc	AP		220.62

217745	8/16/2019	McNamara Sports Inc	AP	189.65
217746	8/16/2019	MOO, Inc.	AP	40.38
217747	8/16/2019	McElvany, Inc.	AP	1,000.00
217748	8/16/2019	Maricela Lopez Mestas	AP	600.00
217749	8/16/2019	Eva Montiel	AP	500.00
217750	8/16/2019	The Office City	AP	204.46
217751	8/16/2019	OSE	AP	197.16
217752	8/16/2019	O'Reilly Auto Parts	AP	90.74
217753	8/16/2019	PG&E Company	AP	137,041.40
217754	8/16/2019	PG&E Company	AP	6,277.79
217755	8/16/2019	PG&E Company	AP	17.33
217756	8/16/2019	Pacheco Veterinary	AP	189.00
217757	8/16/2019	PG Tools & Equipment, LLC	AP	91.57
217758	8/16/2019	Piccirillo Celebrations LLC	AP	400.00
217759	8/16/2019	Pinnacle Healthcare Medical Group	AP	1,096.00
217760	8/16/2019	PlayPower LT Farmington, INC.	AP	9,092.45
217761	8/16/2019	Price Paige and Company Accountancy Corporation	AP	10,720.00
217762	8/16/2019	Provost and Pritchard Engineering, Inc.	AP	525.00
217763	8/16/2019	R3 Consulting Group	AP	2,981.25
217764	8/16/2019	R & S Erection Tri-County Inc.	AP	4,438.65
217765	8/16/2019	RJMS Corporation	AP	819.00
217766	8/16/2019	Susana Garcia Ramirez	AP	500.00
217767	8/16/2019	SJVAPCD	AP	42.00
217768	8/16/2019	Save Mart Supermarkets	AP	164.21
217769	8/16/2019	Michael Bartholomew	AP	298.48
217770	8/16/2019	Shred-It US JV LLC	AP	259.54
217771	8/16/2019	Michael Smiley	AP	2,246.24
217772	8/16/2019	Softchoice Corporation	AP	7,090.00
217773	8/16/2019	Sorensens True Value	AP	544.47
217774	8/16/2019	Sorensens True Value	AP	36.38
217775	8/16/2019	Talley Oil Inc.	AP	27,826.49
217776	8/16/2019	Technicon Engineering Services, Inc.	AP	1,000.00
217777	8/16/2019	Terry Equipment, Inc.	AP	247.02
217778	8/16/2019	Terminix Processing Center	AP	98.00
217779	8/16/2019	The Public Restroom Company	AP	28,093.00
217780	8/16/2019	Top Dog Police K9 Training and Consulting, LLC	AP	225.00
217781	8/16/2019	Townsend Public Affairs, Inc.	AP	5,000.00
217782	8/16/2019	Triangle Rock Products	AP	1,039.84
217783	8/16/2019	Stephanie Pereira	AP	2,532.52
217784	8/16/2019	US Bank Corp Pymt System	AP	29,183.75
217785	8/16/2019	Michelle and George Frederick	AP	19.42
217786	8/16/2019	Donna Vasquez	AP	10.46
217787	8/16/2019	Neldyn Lopez	AP	19.42
217788	8/16/2019	Kevin Flammer	AP	14.32
217789	8/16/2019	Leonardo & Le Ann Rivera	AP	4.12
217790	8/16/2019	Amy Dryden	AP	100.00
217791	8/16/2019	Lisa Miano	AP	112.38
217792	8/16/2019	Judith Vogt	AP	22.39
217793	8/16/2019	Elizabeth Amaral	AP	200.10
217794	8/16/2019	Ricardo and Yvonne Lopez	AP	15.68
217795	8/16/2019	Anastacia Martinez	AP	67.17
217796	8/16/2019	RBG Construction	AP	191.20

217797	8/16/2019	All Valley Surveying, Inc	AP	3.69
217798	8/16/2019	Adrian Vieyra-Ibarra	AP	10.49
217799	8/16/2019	Law Offices of William A Vaughn	AP	12,347.20
217800	8/16/2019	Vinyl Products MFG., Inc.	AP	1,447.11
217801	8/16/2019	Wadell Engineering Corp	AP	8,400.00
217802	8/16/2019	West Publishing Corporation	AP	342.64
217803	8/16/2019	Windecker Inc	AP	5,454.28
217804	8/16/2019	Young's Air Conditioning	AP	17,290.63
217811	8/20/2019	Aflac-Customer Service	AP	535.19
217812	8/20/2019	Los Banos Fitness &	AP	416.00
217813	8/20/2019	Los Banos Police Assn	AP	490.00
217814	8/20/2019	Los Banos Police Assn	AP	910.00
217815	8/20/2019	Los Banos Police Assn	AP	175.00
217816	8/20/2019	MassMutual	AP	1,423.09
217817	8/20/2019	MassMutual	AP	4,142.50
217818	8/20/2019	Merced County Sheriff	AP	150.00
217819	8/20/2019	Nationwide Retirement Solutions	AP	3,037.50
217820	8/20/2019	Professional Fire Fighter	AP	630.00
217821	8/20/2019	State Disbursement Unit	AP	2,088.00
217822	8/20/2019	Vantagepont Transfer Agents - 306797	AP	878.45
217823	8/20/2019	Vantagepoint Transfer Agents - 705827	AP	25.00
217824	8/20/2019	Vantagepoint Transfer Agents - 801838	AP	2,975.00
217827	8/23/2019	Allied Waste Services #917	AP	285,890.17
217828	8/23/2019	Animal Damage Management, Inc.	AP	4,040.00
217829	8/23/2019	Anthony Gomes	AP	927.84
217830	8/23/2019	Aramark Uniform Ser Inc	AP	157.11
217831	8/23/2019	AT&T Mobility	AP	40.24
217832	8/23/2019	AT&T	AP	2,236.75
217833	8/23/2019	Dorothy June Baker	AP	67.95
217834	8/23/2019	Bear Cat Mfg Inc	AP	375.00
217835	8/23/2019	Brenntag Pacific Inc	AP	736.91
217836	8/23/2019	Brinks Inc.	AP	649.16
217837	8/23/2019	Bruce's Tire Inc	AP	297.69
217838	8/23/2019	BSK Associates	AP	1,750.00
217839	8/23/2019	Central Sanitary Supply	AP	9.98
217840	8/23/2019	Coffee Break Service Inc.	AP	41.50
217841	8/23/2019	Comcast	AP	122.09
217842	8/23/2019	Copy Shipping Solutions	AP	108.75
217843	8/23/2019	David Cummins	AP	600.00
217844	8/23/2019	Custom Locksmith & Alarm Inc.	AP	160.00
217845	8/23/2019	Rick Andrew Diaz	AP	268.33
217846	8/23/2019	Fastenal Company	AP	429.30
217847	8/23/2019	Graybar Electric Company, Inc	AP	2,737.11
217848	8/23/2019	Hobbs Construction Inc.	AP	12,242.80
217849	8/23/2019	Holt of California	AP	218.38
217850	8/23/2019	Indigo/Hammond & Playle Architects, LLP	AP	384.00
217851	8/23/2019	Lawson Products, Inc.	AP	297.50
217852	8/23/2019	Los Banos Medical Group A Medical Corp.	AP	137.00
217853	8/23/2019	Marfab Inc	AP	90.32
217854	8/23/2019	McElvany Inc	AP	168,027.94
217855	8/23/2019	Merced Sun Star	AP	1,567.56
217856	8/23/2019	Merced Truck & Trailer Inc	AP	2,077.80

217857	8/23/2019	MOO, Inc.	AP	35.77
217858	8/23/2019	John Mueller	AP	270.00
217859	8/23/2019	The Office City	AP	167.53
217860	8/23/2019	OSE	AP	327.98
217861	8/23/2019	O'Reilly Auto Parts	AP	24.99
217862	8/23/2019	Owen Equipment Sales	AP	966.35
217863	8/23/2019	Pacific Landscape Supply, Inc.	AP	1,726.63
217864	8/23/2019	Pacific Water Resources	AP	3,355.78
217865	8/23/2019	Pinnacle Healthcare Medical Group	AP	85.00
217866	8/23/2019	PlaceWorks, Inc.	AP	4,216.43
217867	8/23/2019	PlaceWorks, Inc.	AP	15,035.34
217868	8/23/2019	Quality Code Publishing	AP	1,340.00
217869	8/23/2019	Alejandra Rocha	AP	600.00
217870	8/23/2019	Sherwin Williams Co	AP	538.21
217871	8/23/2019	Frank Silveria	AP	190.00
217872	8/23/2019	Soares Lumber & Fence Inc	AP	10.88
217873	8/23/2019	Sorensens True Value	AP	441.40
217874	8/23/2019	Stanislaus Business Alliance Inc.	AP	1,475.00
217875	8/23/2019	T & T Pavement Markings and Products, Inc.	AP	7,042.28
217876	8/23/2019	The Don Chapin Co., Inc.	AP	496.89
217877	8/23/2019	United Rentals (North America), Inc.	AP	4,879.62
217878	8/23/2019	Melinda Manalo	AP	7.47
217879	8/23/2019	Evelyn Clark	AP	21.35
217880	8/23/2019	David Vasquez	AP	46.28
217881	8/23/2019	Anna Le	AP	4.49
217882	8/23/2019	Meghan Padilla	AP	91.04
217883	8/23/2019	Roger & Kathleen Santos	AP	29.69
217884	8/23/2019	Jermon Wright	AP	74.51
217885	8/23/2019	BellaMia Real Estate	AP	31.35
217886	8/23/2019	Shayan Hajisharif	AP	31.35
217887	8/23/2019	Irineo and Juanita Naranjo	AP	176.12
217888	8/23/2019	Micheal Munoz	AP	173.13
217889	8/23/2019	Anthony Freitas	AP	54.26
217890	8/23/2019	Jynnette Sousa-Melo	AP	158.22
217891	8/23/2019	Richard & Angela McMann	AP	149.25
217892	8/23/2019	Verizon Wireless	AP	394.61
217893	8/23/2019	Wadell Engineering Corp	AP	35,700.00
217894	8/23/2019	Westside Water Conditioning	AP	173.50
217895	8/23/2019	CA-NV Section, AWWA	AP	80.00
217896	8/23/2019	Ford Motor Credit Company LLC	AP	3,689.59
217897	8/23/2019	Mary Lou Gilardi	AP	24.00
217898	8/23/2019	Liebert Cassidy Whitmore	AP	1,995.00
217899	8/23/2019	Merced County Auditor Controller	AP	807.50
217900	8/23/2019	Merced Community Action Agency	AP	1,217.47
217901	8/23/2019	Ranchwood Homes	AP	6,369.58
217902	8/23/2019	Ronny's Inc.	AP	39,315.15
217903	8/23/2019	Ronny's Inc.	AP	5,321.79
217904	8/23/2019	Ronny's Inc.	AP	11,492.40
217905	8/23/2019	Zachary Sawyer	AP	100.00
217906	8/23/2019	Stacy Souza Elms	AP	100.00
217907	8/23/2019	The Public Restroom Company	AP	135,743.00
217908	8/23/2019	Westamerica Bank - Cafeteria Plan	AP	49,689.82

Break in check sequence due to the following:
Check #217703 (Payroll)

Break in check sequence due to the following:
Check #217805- 217810 (Payroll)

Break in check sequence due to the following:
Check #217825 (Manual Void)

Break in check sequence due to the following:
Check #217826 (Payroll)

Total Void Check Count:	0
Total Void Check Amount:	
Total Valid Check Count:	197
Total Valid Check Amount:	1,244,805.62
Total Check Count:	197
Total Check Amount:	1,244,805.62

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 7, 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 Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: Tom Faria.

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, Public Works Director/City Engineer Fachin.

CONSIDERATION OF APPROVAL OF AGENDA: City Attorney Vaughn stated that staff is requesting that Consideration of Approval of a City Council Resolution Approving and Authorizing the City Manager to Sign an Agreement with the Merced County Office of Education for School Resource Services for the 2019-2022 School Years be added to the agenda because there is an immediate need to take action (due to classes beginning Monday, August 12, 2019) and that the need arose after the posting of the agenda (executed agreement received in the mail August 7, 2019).

Motion by Lewis, seconded by Jones to add City Council Resolution No. 6120 – Approving and Authorizing the City Manager to Sign an Agreement with the Merced County Office of Education for School Resource Services for the 2019-2022 School Years be added to the agenda because there is an immediate need to take action (due to classes beginning Monday, August 12, 2019) and that the need arose after the posting of the agenda (executed agreement received in the mail August 7, 2019). The motion carried by the affirmative action of all City Council Members present, Faria absent.

City Manager Terrazas requested that item 14 – Consideration of 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 025-023-015 be removed from the agenda and Mayor Villalta made corrections to the

agenda wording to items 8 B 1) & 2) and 8 C 1) to state as follows: 8 B 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, 8 B 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 Located at 1624 San Luis Street, More Specifically Identifies as a Portion of Assessor’s Parcel Map Number: 428-070-001 and 8 C 1) Ordinance No. 1174 – Amending Article 37, 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 Condition Use Permit.

Motion by Lewis, seconded by Jones to approve the City Council Meeting agenda with the removal of item 14 – Consideration of 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 025-023-015 be removed from the agenda and corrections to the agenda wording to items 8 B 1) & 2) and 8 C 1) to state as follows: 8 B 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, 8 B 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 Located at 1624 San Luis Street, More Specifically Identifies as a Portion of Assessor’s Parcel Map Number: 428-070-001 and 8 C 1) Ordinance No. 1174 – Amending Article 37, 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 Condition Use Permit.. The motion carried by the affirmative action of all City Council Members present, Faria absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. TOM KALJIAN, Los Banos, stated that he would like to speak under item 10 – Consideration of Participation in a Property and Business Improvement District for Downtown Los Banos and Adoption of a Resolution of Intent to Establish District. No one else came forward to speak and the public forum was closed.

PRESENTATION – PROCLAMATION RECOGNIZING NATIONAL HEALTH CENTER WEEK. Jose de La Torre, Golden Valley Health Center Manager spoke regarding the services provide, the communities they serve, and the open house they are having on August 8, 2019 inviting all to attend. Mayor Villalta presented the proclamation to Mr. de La Torre.

PRESENTATION – CERTIFICATES OF RECOGNITION OF PARTICIPATION IN THE 2019 LOS BANOS YOUTH BUSINESS EXPO FOR ELIZABETH BUENROSTRO & MASON FERREIRA. Rhonda Lowe spoke regarding the background of the Youth Business Expo and highlighted Mason Ferreira's business - the Muddy Paw Bakery. She thanked Dr. Mark Marshall, Los Banos Unified School District Superintendent, and the City of Los Banos Staff for their support with this program as well as all of the financial sponsors for the \$750 prize money. She introduced and congratulated Mason Ferreira. Mayor Villalta and Dr. Mark Marshall presented him with a certificate.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis stated that she would like to remove item 7D – City Council Resolution No. 6108 – Authorizing the Re-establishment of the Merced County Abandoned Vehicle Service Authority Plan; 7F – City Council Resolution No. 6110 – Amending the Fiscal Year 2019/2020 Budget by Increasing Revenue for Congestion Mitigation and Air Quality Improvement (CMAQ) Grant in the Amount of \$69,846.82, Increasing Expenditures for CMAQ Grant in the Amount of \$78,511.52, and Transfer Regional Surface Transportation (RSTP) to CMAQ in the Amount of \$8,664.70 for Pedestrian Sidewalk Infill Project; and 7G – City Council Resolution No. 6111 – Amending the Fiscal Year 2019/2020 Budget by Increasing Appropriations in Park Development Fund Specialized Equipment Account Number 250-454-220-753 for Expenditures in the Amount of \$34,600 to Purchase and Install Soccer Goal Backstop Netting on the South Side of Oliveira Park 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 7D – City Council Resolution No. 6108 – Authorizing the Re-establishment of the Merced County Abandoned Vehicle Service Authority Plan; 7F – City Council Resolution No. 6110 – Amending the Fiscal Year 2019/2020 Budget by Increasing Revenue for Congestion Mitigation and Air Quality Improvement (CMAQ) Grant in the Amount of \$69,846.82, Increasing Expenditures for CMAQ Grant in the Amount of \$78,511.52, and Transfer Regional Surface Transportation (RSTP) to CMAQ in the Amount of \$8,664.70 for Pedestrian Sidewalk Infill Project; and 7G – City Council Resolution No. 6111 – Amending the Fiscal Year 2019/2020 Budget by Increasing Appropriations in Park Development Fund Specialized Equipment Account Number 250-454-220-753 for Expenditures in the Amount of \$34,600 to Purchase and Install Soccer Goal Backstop Netting on the South Side of Oliveira Park: Check Register for #217077 – #217398 in the Amount of \$2,237,000.80; Fourth Quarter Investment Report for the 2018/2019 Fiscal Year; City Council Resolution No. 6107 – Approving and Adopting Final Tract Map No. 2018-03 Shaunessy Village Phase No. 1 and Accompanying Subdivision Agreement Which is Generally Located Within the Area Bounded by APN 083-130-042 to the North, College Greens to the East, Scripps Drive

to the South and Mercey Springs Road to the West (Applicant: Stonefield Home, Inc.); ~~City Council Resolution No. 6108 – Authorizing the Re-establishment of the Merced County Abandoned Vehicle Service Authority Plan; City Council Resolution No. 6109 – Authorizing the City Manager to Sign a Memorandum of Understanding with the Merced County Sheriff's Department for Inmate Transportation Services for July 1, 2019 - June 30, 2022; City Council Resolution No. 6110 – Amending the Fiscal Year 2019/2020 Budget by Increasing Revenue for Congestion Mitigation and Air Quality Improvement (CMAQ) Grant in the Amount of \$69,846.82, Increasing Expenditures for CMAQ Grant in the Amount of \$78,511.52, and Transfer Regional Surface Transportation (RSTP) to CMAQ in the Amount of \$8,664.70 for Pedestrian Sidewalk Infill Project; City Council Resolution No. 6111 – Amending the Fiscal Year 2019/2020 Budget by Increasing Appropriations in Park Development Fund Specialized Equipment Account Number 250-454-220-753 for Expenditures in the Amount of \$34,600 to Purchase and Install Soccer Goal Backstop Netting on the South Side of Oliveira Park.~~ The motion carried by the affirmative action of all Council Members present, Faria absent.

CITY COUNCIL RESOLUTION NO. 6108 – AUTHORIZING THE RE-ESTABLISHMENT OF THE MERCED COUNTY ABANDONED VEHICLE SERVICE AUTHORITY PLAN. Council Member Lewis asked for a short briefing on this item for which Police Chief Brizzee provided.

There was Council Member and Staff discussion regarding how this item pertains to vehicles both on public streets and on public property, how the money accumulated from this program gets divided amongst the community and also how money previously accrued from this program has helped fund the Police Department.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6108 – Authorizing the Re-establishment of the Merced County Abandoned Vehicle Service Authority Plan. The motion carried by the affirmative action of all City Council Members present, Faria absent.

CITY COUNCIL RESOLUTION NO. 6110 – AMENDING THE FISCAL YEAR 2019/2020 BUDGET BY INCREASING REVENUE FOR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) GRANT IN THE AMOUNT OF \$69,846.82, INCREASING EXPENDITURES FOR CMAQ GRANT IN THE AMOUNT OF \$78,511.52, AND TRANSFER REGIONAL SURFACE TRANSPORTATION (RSTP) TO CMAQ IN THE AMOUNT OF \$8,664.70 FOR PEDESTRIAN SIDEWALK INFILL PROJECT. Council Member Lewis asked for a short briefing on this item for which Public Works Director/City Engineer Fachin provided.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. City Council Resolution No. 6110 – Amending the Fiscal Year 2019/2020 Budget by Increasing Revenue for Congestion Mitigation and Air Quality Improvement (CMAQ) Grant in the Amount of \$69,846.82, Increasing Expenditures for CMAQ Grant in the Amount of \$78,511.52, and Transfer Regional Surface Transportation (RSTP) to CMAQ

in the Amount of \$8,664.70 for Pedestrian Sidewalk Infill Project. The motion carried by the affirmative action of all City Council Members present, Faria absent.

CITY COUNCIL RESOLUTION NO. 6111 – AMENDING THE FISCAL YEAR 2019/2020 BUDGET BY INCREASING APPROPRIATIONS IN PARK DEVELOPMENT FUND SPECIALIZED EQUIPMENT ACCOUNT NUMBER 250-454-220-753 FOR EXPENDITURES IN THE AMOUNT OF \$34,600 TO PURCHASE AND INSTALL SOCCER GOAL BACKSTOP NETTING ON THE SOUTH SIDE OF OLIVEIRA PARK. Council Member Lewis asked for a short briefing on this item for which Public Works Director/City Engineer Fachin provided.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6111 – Amending the Fiscal Year 2019/2020 Budget by Increasing Appropriations in Park Development Fund Specialized Equipment Account Number 250-454-220-753 for Expenditures in the Amount of \$34,600 to Purchase and Install Soccer Goal Backstop Netting on the South Side of Oliveira Park. The motion carried by the affirmative action of all City Council Members present, Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF LEVYING PROPERTIES FOR WEED ABATEMENT SERVICES PERFORMED DURING THE FISCAL YEAR 2018/2019 OR PRIOR FOR AREAS OF LAND LOCATED IN THE CITY OF LOS BANOS, MERCED COUNTY AS FOLLOWS: ASSESSOR PARCEL NUMBERS 083-310-042, 084-243-012, 431-092-013; CITY COUNCIL RESOLUTION NO. 6112 – AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEED ABATEMENT WITHIN THE CITY OF LOS BANOS.

Finance Director Williams presented the staff report.

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

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6112 – Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos. The motion carried by the affirmative action of all Council Members present, Faria absent.

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; 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, 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 LOCATED AT 1624 SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIES AS A PORTION OF ASSESSOR’S PARCEL MAP NUMBER: 428-070-001 (FIRST READING & INTRODUCTION). 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 of intent to adopt 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. The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Jones to waive the first reading of 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 Located at 1624 San Luis Street, More Specifically Identifies as a Portion of Assessor’s Parcel Map Number: 428-070-001. The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Jones to introduce 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 Located at 1624 San Luis Street, More Specifically Identifies as a Portion of Assessor’s Parcel Map Number: 428-070-001. The motion carried by the following roll call vote: AYES: Jones, Johnson-Santos, Lewis, Villalta; NOES: None; ABSENT: Faria.

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; ORDINANCE NO. 1174 – AMENDING ARTICLE 37, 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 CONDITION USE PERMIT (FIRST READING & INTRODUCTION). Community & Economic Development Director Elms presented the staff report.

There was Council Member and Staff discussion regarding restrictions placed by the Department of Alcohol Beverage Control and the Department of Social Services relating to childcare facilities being in the vicinity of bars.

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

Motion by Johnson-Santos, seconded by Jones to waive the first reading of Ordinance No. 1174 – Amending Article 37, 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 Condition Use Permit. The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Jones to adopt Ordinance No. 1174 – Amending Article 37, 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 Condition Use Permit. The motion carried by the following roll call vote: AYES: Jones, Johnson-Santos, Lewis, Villalta; NOES: None; ABSENT: Faria.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6114 – RECOGNIZING THE IMPORTANCE OF THE 2020 CENSUS AND SUPPORTING THE EFFORTS TO HELP ENSURE A COMPLETE, FAIR, AND ACCURATE COUNT OF ALL CALIFORNIANS. Community & Economic Development Director Sousa introduced Patricia Ramos-Anderson Partnership Specialist with the Federal Department of Census Bureau who presented the staff report, which included a PowerPoint presentation.

Motion by Johnson-Santos, seconded by Jones to adopt City Council Resolution No. 6114 – Recognizing the Importance of the 2020 Census and Supporting the Efforts to Help Ensure a Complete, Fair and Accurate Count of All Californians. The motion carried by the affirmative action of all Council Members present, Faria absent.

Mayor Villalta stated that he and City Attorney Vaughn excused themselves from the following item because they own property in the downtown area in question and they left their seats at the dais and exited the Council Chambers.

Mayor Pro Tem Johnson-Santos took over to chair the meeting in the Mayor's absence.

CONSIDERATION OF PARTICIPATION IN A PROPERTY AND BUSINESS IMPROVEMENT DISTRICT FOR DOWNTOWN LOS BANOS AND ADOPTION OF A RESOLUTION OF INTENT TO ESTABLISH DISTRICT; CITY COUNCIL RESOLUTION NO. 6115 – AUTHORIZING THE CITY MANAGER TO SIGN A PETITION AND ASSESSMENT BALLOT REGARDING THE CITY PROPERTIES WITHIN THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT; CITY COUNCIL RESOLUTION NO. 6116 – DECLARING ITS INTENTION TO FORM THE LOS BANOS DOWNTOWN PROPERTY AND

BUSINESS IMPROVEMENT DISTRICT. Community & Economic Development Director Sousa presented the staff report, which included a PowerPoint presentation.

There was Council Member and Staff discussion regarding how this establishment could come to light and how it depends on the ballot results of the downtown business owners. There was question as to the current status of those businesses who have received funds to complete projects and how quickly the City will see the plans for the improvements if ballots result in favor of these improvements.

Mayor Pro Tem Johnson-Santos invited the public to come forward and speak. TOM KALJIAN, Chairman of the Downtown Association, stated that if this is passed a significant change can be made in the downtown area, spoke to some of the Council's concerns regarding accountability, he thanked the City of Los Banos for all its help thus far; LESLIE VILLALTA, downtown merchant/business/property owner, stated that some property owners are doing more than others to take care of their properties, she feels that it is never going to be enough unless something different is done, this PBID is a way to do something different, it does represent \$2000 every year for us property owners, this could be the start of something great; SHARON SILVA spoke to what they have been doing as the Downtown Association and how they have had meet certain requirements in order to stay in compliance as an association, they are working hard and are committed to this city and to the downtown area, want to make downtown pretty, safe and welcoming to all, the downtown stakeholders have been working very hard to make this happen and cannot do it without the City's support; GENE LIEB, Publisher of Los Banos Enterprise, does not own property downtown but did work at the Turlock Journal when Turlock downtown was renovated into what it is now and Los Banos reminds him of that, would like to see plans that have been created in the past by the RDA, the difference between then and now is that there is no RDA funding, the money that was there was spent on the Community Center, going forward is that we have people who own property downtown and want to invest to make the downtown better, it is worth a try.

Council Member Lewis thanked those who spoke on the topic and gave a reminder of her duty to the community of making sure public funds are being spent appropriately.

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6115 – Authorizing the City Manager to Sign a Petition and Assessment Ballot Regarding the City Properties within the Los Banos Downtown Property and Business Improvement District. The motion carried by the following roll call vote: AYES: Jones, Johnson-Santos, Lewis; NOES: None; ABSTAIN: Villalta; ABSENT: Faria.

Motion by Jones, seconded by Lewis to adopt City Council Resolution No. 6116 – Declaring Its Intention to Form the Los Banos Downtown Property and Business Improvement District. The motion carried by the following roll call vote: AYES: Jones, Johnson-Santos, Lewis; NOES: None; ABSTAIN: Villalta; ABSENT: Faria.

Mayor Villalta and City Attorney Vaughn returned to their seats at the dais and Mayor Villalta returned to chairing the meeting.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6117 – ACCEPTING AND APPROVING THE NEW LOS BANOS AIRPORT SITE SELECTION & CONCEPT STUDY, NARRATIVE REPORT, A CITY OF LOS BANOS AVIATION FACILITY, DATED MAY 2019 AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID STUDY TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THEIR REVIEW. Public Works Director/City Engineer Fachin presented the staff report and introduced Bob Waddell who spoke in more detail to the study, which included a PowerPoint presentation.

Motion by Johnson-Santos, seconded by Jones to adopt City Council Resolution No. 6117 – Accepting and Approving the New Los Banos Airport Site Selection & Concept Study, Narrative Report, a City of Los Banos Aviation Facility, Dated May 2019 and Authorizing the City Manager to Submit Said Study to the Federal Aviation Administration (FAA) for their review. The motion carried by the affirmative action of all Council Members present, Faria absent.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6118 – DECLARING REAL PROPERTY SURPLUS AND AUTHORIZING SALE OF SURPLUS PROPERTY LOCATED AT 1329 FRANK STREET, DOS PALOS, APN 012-104-017. City Attorney Vaughn presented the staff report.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6118 – Declaring Real Property Surplus and Authorizing Sale of Surplus Property Located at 1329 Frank Street, Dos Palos, APN 012-104-017. The motion carried by the affirmative action of all Council Members present, Faria absent.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6119 – RECOMMENDING THAT THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) CARRYOVER THE 2020 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) UN-PROGRAMMED BALANCE ESTIMATE OF \$26.2 MILLION AND TO KEEP IT AVAILABLE FOR FUTURE FUNDING FOR THE PIONEER ROAD WIDENING PROJECT. Public Works Director/City Engineer Fachin presented the staff report.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6119 – Recommending that the Merced County Association of Governments (MCAG) Carryover the 2020 Regional Transportation Improvement Program (RTIP) Un-Programmed Balance Estimate of \$26.2 Million and to Keep it Available for Future Funding for the Pioneer Road Widening Project. The motion carried by the affirmative action of all Council Members present, Faria absent.

CONSIDERATION OF 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 025-023-01514. *Removed at the beginning of the meeting with approval of the agenda.*

CONSIDERATION OF COUNCIL MEMBER REQUEST REGARDING PLANNING COMMISSIONER MEETING ATTENDANCE [LEWIS]. Council Member Lewis stated her findings regarding Planning Commissioner absences and how meetings have been cancelled due to a lack of quorum. She would like to see the Planning Commission become a five-member body as opposed to a seven-member body because it would be easier to manager. There needs to be a prospective policy put in place regarding the number of absences allowed before a seat is considered vacant.

Direction was given to Staff to research absenteeism language and to consider downsizing the Planning Commission from a seven-member body to a five-member body. Findings are to be brought back before Council for consideration.

CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6120 – APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MERCED COUNTY OFFICE OF EDUCATION FOR SCHOOL RESOURCE SERVICES FOR THE 2019-2022 SCHOOL YEARS. *(Added at the beginning of the meeting with approval of the agenda.)*

Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6120 – Approving and Authorizing the City Manager to Sign an Agreement with the Merced County Office of Education for School Resources Services for the 2019-2022 School Years. The motion carried by the affirmative action of all Council Members present, Faria absent.

ADVISEMENT OF PUBLIC NOTICES. No report.

CITY MANAGER REPORT. City Manager Terrazas extended a huge thank you to Police Chief Brizzee and all the Police Department staff for a great National Night Out event.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. No report.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: Thanked the Police Department staff for National Night Out, it was a big success.

DEBORAH LEWIS: Stated what a great job on National Night Out by Police Chief Brizzee and his Police Department, spoke regarding the upcoming Dog Park Planning Meeting being held on August 13, 2019 at 6:00 pm at the Los Banos Community

Center, how at she met with Stephanie Gonzales with Tobacco Control and how they are especially concerned about smoking with the youth in our community and requested that the City Manager bring them back to give a presentation with information about what their program is and what they offer.

TOM FARIA: Absent

DARONICA JOHNSON-SANTOS: Stated that National Night Out event was wonderful and thanked Police Chief Brizzee and the Police Department Staff for a great event.

MAYOR MICHAEL VILLALTA: Stated that National Night Out was great, had about 2,000 people there, great job to Police Services Manager Brenda Geary for coordinating the event, people were happy, and he thanked everyone for all the work they did putting it together; he spoke about how he sits on a committee with Assemblyman Gray to figure out ways to help homeless individuals throughout Merced County.

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. Motion by Johnson-Santos, seconded by Jones, the meeting was adjourned at 11:03 PM. to 6:00 PM, Wednesday, August 14, 2019 at the Police Annex Located at 535 J Street, Los Banos, California to Conduct a Joint Study Session with the Planning Commission Regarding the Police Facility Needs Assessment.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 21, 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 7:02 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 (7:05 pm), 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, Public Works Director/City Engineer Fachin.

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

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. STEPHANIE GONZALEZ, California Health Collaborative Merced County Tobacco Control Program, and a student from Pacheco High School who is a youth member of the same organization, spoke regarding the Merced County Tobacco Control Program and the services they provide, the dangers of smoking and second hand smoke were spoken to and the ways they are educating the community on these dangers, requested that the City adopt a smoke-free policy in the public outdoors; CLAUDIA CORCHADO, Cultiva La Salud, spoke to the grant received from Sutter Hospital for a Leadership Program for the residents of Los Banos, they're at the Community Center every Thursday from 10 am – 12 pm, focused on obesity, self-health and also on educating the public on how local government works and how they can get involved; RHONDA LOWE, UC Merced Small Business Program, spoke regarding the upcoming events scheduled to help the development of small businesses. 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 6D - 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 from the consent agenda 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 6D - 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, as follows: Check Register for #217399 – #217702 in the Amount of \$480,652.86; Minutes for the July 17, 2019 City Council Meeting; 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; ~~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;~~ 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; 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.); 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.). The motion carried by the affirmative action of all Council Members present.

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. Council Member Lewis stated that how proud she is of the staff on the work they have done to bring this project forward, it’s been a much-needed improvement to the residents in the area.

Motion by Lewis, seconded by Jones to approve 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. The motion carried by the affirmative action of all Council Members present.

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; 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; 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). 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 Lewis, second by Faria to adopt 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.

Motion by Lewis, seconded by Faria to waive the second reading of 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. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Faria to adopt 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. The motion carried by the following roll call vote: AYES: Faria, Jones, Johnson-Santos, Lewis, Villalta; NOES: None; ABSENT: None.

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; 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). 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 Johnson-Santos to waive the second reading of Ordinance No. 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. The motion carried by the affirmative action of all Council Members present.

Motion by Faria, seconded by Johnson-Santos to adopt Ordinance No. 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.

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

Motion by Lewis, seconded by Johnson-Santos to nominate John Cates to MCAG Measure V Citizens Oversight Committee as the City of Los Banos representative. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that the notices involve a site plan review and a mobile food vendor. These hearings will be held at the Planning Commission meeting on Wednesday, August 28, 2019 at 7:00 p.m. in the Council Chambers.

CITY MANAGER REPORT. City Manager Terrazas spoke regarding the Fire Department's Breast Cancer Awareness T-Shirts that can now be pre-ordered until September 16.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. No report at this time.

CITY COUNCIL MEMBER REPORTS.

DEBORAH LEWIS: Council Member Lewis congratulated the Fire Department on the land dedication off of Ward Road and Gilbert Gonzalez Drive for the new fire station and asked Fire Chief Hurley to speak about the plans for a regional emergency operations center. The dedication event had a nice turn out and included the attendance of Assemblymember Adam Gray and Senator Ana Caballero. She noted that Assemblymember Adam Gray is also currently working on a bill addressing the issues of the rising number of youth smokers because of vaping popularity.

TOM FARIA: Council Member Faria apologized for his being late and congratulated the Fire Department on their new future Fire Station/Emergency Operations Center. He thanked Assemblymember Gray and Senator Ana Cabellero for their appearances and support and also to Staff for putting on the event.

DARONICA JOHNSON-SANTOS: Mayor Pro Tem Johnson-Santos congratulated the Fire Department on the dedication site for the new fire station/emergency operations center.

BRETT JONES: No report

MAYOR MICHAEL VILLALTA: Mayor Villalta said the fire station dedication event was a great event and thanked Assemblymember Gray and Senator Caballero for attending. The Fire Department is taking orders for their breast cancer awareness t-shirts for \$20 each.

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. Motion by Faria, seconded by Lewis, the meeting was adjourned at 9:36 PM to 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.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CITY OF LOS BANOS
ADJOURNED CITY COUNCIL MEETING MINUTES
AUGUST 27, 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 5:02 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Chief Brizzee.

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

STAFF MEMBERS PRESENT: City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Police Chief Brizzee, Finance Director Williams, Fire Chief Hurley, Public Works Director/City Engineer Fachin, Community & Economic Development Director Elms, Assistant Public Works Director Pimentel, Parks & Recreation Operations Manager Heim, Public Works Operations Manager Via, IT Manager Singh.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Faria, seconded by Jones to approve the agenda as submitted. 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. Mayor Villalta opened the public forum. No one came forward to speak and the public forum was closed.

CONDUCT A CITY OF LOS BANOS CAPITAL IMPROVEMENT PLAN 2020-2024 WORKSHOP. Finance Director Williams conducted the workshop, which included presentations by each City department regarding their projects.

Informational item only, no action taken.

ADJOURNMENT. The meeting was adjourned at the hour of 7:37 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: Lucy Mallonee, MMC *em*
City Clerk/Human Resources Director

DATE: September 4, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Approval of a Tentative Agreement (TA)/Memorandum of Understanding (MOU) between the City of Los Banos and the Los Banos Public Employees' Union Local One/AFSCME [Public Works Unit] (LBPEU)

Recommendation:

Adopt the Resolution approving the TA/MOU between the City of Los Banos and the LBPEU.

Discussion:

The City opened labor negotiations on May 2, 2019 and bargained in good faith with the LBPEU reaching an agreement on an *initial* multi-year MOU through June 30, 2021. Items in the MOU include:

- Salary increase of three percent (3%) on September 1, 2019 and three percent (3%) on July 1, 2020.
- Increase to the Medical Insurance/Cafeteria Plan.
- Reclassification of Sweeper Operator to Maintenance Worker I/II/III, with Heavy/Special Equipment Operator differential pay of \$100 per month for two (2) individuals that are assigned the street sweeper duties.
- Flexible promotions for the Environmental Control Specialist I/II, Maintenance Worker I/II, Utilities Maintenance Worker I/II.

- Removal of the Maintenance Worker Trainee classification.
- Increase the monthly compensation allowance from \$100 to \$150 for Certificate Pay.
- Increase Safety Shoe/Boot annual allowance from \$150 to \$190.

Fiscal Impact:

Staff will continue to further analyze the fiscal impact and prepare a budget adjustment at a later date, if needed.

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachments:

Resolution

RESOLUTION NO. __

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING A
TENTATIVE AGREEMENT / MEMORANDUM OF
UNDERSTANDING BY AND BETWEEN THE CITY
OF LOS BANOS AND THE LOS BANOS PUBLIC
EMPLOYEES' UNION LOCAL ONE/AFSCME**

WHEREAS, the City Council of the City of Los Banos has received a request to approve a Tentative Agreement / Memorandum of Understanding by and between the City of Los Banos and the Los Banos Public Employees' Union Local One/AFSCME (LBPEU); and

WHEREAS, the Memorandum of Understanding will be in effect from September 4, 2019 to June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Memorandum of Understanding by and between the City of Los Banos and the LBPEU is hereby approved as submitted as "Exhibit A" respectively.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 4th day of September 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: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**TENTATIVE AGREEMENT BETWEEN
CITY OF LOS BANOS
AND PUBLIC EMPLOYEES' UNION LOCAL ONE/AFSCME (PUBLIC WORKS UNIT)
2019-2021**

The following document contains the Tentative Agreement between the City of Los Banos (hereinafter called "City") and the Public Employees Union Local One/AFSCME (hereinafter called "Local One" or "Union") (hereinafter collectively called "the parties") on wages, hours and terms and conditions of employment. The salaries, hours, fringe benefits and working conditions set forth have been mutually agreed upon by the designated bargaining representatives of the City and the Union, and will apply to all employees covered by the Memorandum of Understanding (MOU) between the City and the Union.

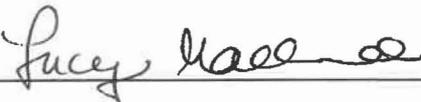
Upon ratification and adoption, this Agreement will become the new MOU between the parties.

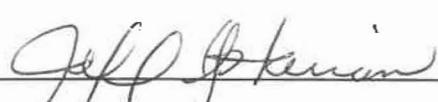
The parties agree that all Tentative Agreements are hereby incorporated. The parties withdraw any outstanding proposals not agreed to.

This Tentative Agreement is subject to ratification by Union membership and approval by the City Council of the City of Los Banos.

FOR THE CITY

FOR THE UNION





Date: 8/26/2019

Date: 8-26-19

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

September 4, 2019 to June 30, 2021

SECTION I - Preamble

This Memorandum of Understanding (hereinafter referred to as "MOU") is entered into by the City of Los Banos (hereafter referred to as "City") and the Public Employees' Union Local One/AFSCME (hereafter referred to as "Union") (hereinafter collectively referred to as the "parties") describing the parties' agreement on wages, hours and terms and conditions of employment.

The salaries, hours, fringe benefits and working conditions set forth in this MOU have been mutually agreed upon by the designated bargaining representatives of the City and the Union, and will apply to all employees in the bargaining unit represented by the Union.

The term of the MOU will be September 4, 2019 through June 30, 2021.

Employees defined for the purpose of this MOU will mean a full-time employee in one of the following job classifications:

- Custodian
- Environmental Control Specialist Trainee
- Environmental Control Specialist I/ II/ III
- Inspector I
- Maintenance Mechanic I
- Maintenance Worker I/ II/ III
- Utilities Maintenance I/ II/ III

This MOU is subject to Sections 3500-3511 of the Government Code of the State of California otherwise known as the Meyers Milias Brown (MMB) Act, the City of Los Banos Municipal Code, and Resolution No. 1719.

SECTION II - No Abrogation of Rights

The parties acknowledge that the City responsibilities and rights, and management responsibilities and rights as indicated in the City of Los Banos Personnel Rules and Regulations Resolution, and all applicable State or Municipal laws and rights of the City Council, are neither abrogated nor made subject to the meet and confer process by the adoption of this MOU.

SECTION III - Past Practices

The parties agree that this MOU supersedes any past practice covered by this Memorandum, but does not affect any other written understanding agreed to by the parties not addressed in this MOU.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

SECTION IV – Recognition, Dues Deduction and City Policies

A. Recognition

Pursuant to Section 3500-3511 of the Government Code of the State of California, the City has certified the Union as the recognized employee organization of the representing unit consisting of all full-time employees in the following job classifications:

Custodian
Environmental Control Specialist Trainee
Environmental Control Specialist I/ II/ III
Inspector I
Maintenance Mechanic I
Maintenance Worker I/ II/ III
Utilities Maintenance I/ II/ III

B. Dues Deduction

The City will deduct Union membership dues, the amount to be designated by the Union, and any other mutually agreed upon payroll deductions from the monthly pay of member employees, upon receipt of written certification by the Union that it has and will maintain an authorization, signed by individual employees described in Section V, Subsection A of this MOU, entitled "Recognition," from whose salary or wages the deduction is to be made.

The City will remit the deducted dues and other mutually agreed payroll deduction to the Union as soon as reasonably possible after the deduction so long as the Union remains the exclusive representative for the bargaining unit, and so long as the Union continues to provide written certification of employee authorization to the City.

The Union shall certify to the City in writing as soon as reasonably possible, any changes in the required payroll deduction, and any changes to employee authorization. The Union will not unreasonably request payroll deductions.

The Union agrees it will provide a copy of individual authorizations to the City should a dispute arise about the existence or terms of the authorization.

The Union agrees to hold the City harmless and indemnify the City against any and all claims, demands, suits, or other forms of liability that may arise out of, or by reason of, any action taken by the City, or any department of the City, for the purpose of complying with payroll deduction provisions. This includes, but is not limited to, the City's attorney's fees and costs.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

C. Policies

During the term of this Agreement, changes to City of Los Banos policies referred to in this MOU that affect wages, hours and terms and conditions of employment will be subject to the meet and confer process as required by law.

SECTION V – Public Employee Communication

A. New Employee Orientation

The parties acknowledge that the City provides a new employee orientation meeting ("orientation") to all new employees hired by the City. For new employees hired after the date of this Agreement who are appointed to a classification within the bargaining unit for which the Union is recognized as the exclusively recognized employee organization, the Union will be provided with at least ten (10) calendar days' advanced notice of the time, date and location of the orientation. The Union will be given up to thirty (30) minutes as part of, and at the end of, the new employee orientation meeting in a room designated by bargaining unit for one (1) representative to present Union membership information. Management representatives will excuse themselves during the Union portion of the orientation and the Union agrees in its portion of the orientation not to engage in speech that is opprobrious, flagrant, insulting, defamatory, insubordinate or fraught with malice as to cause substantial disruption of or material interference with City activities.

The Union will be represented at the orientation by a City employee who is a Union officer, who shall be provided up to thirty (30) minutes of paid release time to attend the orientation, with the approval of such leave subject to any operational needs.

B. Information Provided

The City will provide the Union a digital file via email, to the email address designated by the Union, containing the following information, to the extent it is maintained on file by the City:

- Name
- Job title
- Department
- Work location
- Work, home and personal cellular telephone numbers
- Personal email addresses on file with the City
- Home address.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

Such information will be provided within thirty (30) days of the date of hire for new hires, and on a quarterly basis for all bargaining unit employees.

Notwithstanding the foregoing, limited to the express purpose of the requirements of Government Code section 3558 only, an employee may opt out via written request to the City (with a copy to the Union) to direct the City to withhold disclosure of the employee's home address, home telephone number, personal cellular telephone number, personal email address, and birth date.

The parties agree that this Section fully complies with and exhausts the parties' obligation to negotiate pursuant to Government Code Sections 3557 and 3558.

SECTION VI – Management Rights

The Union agrees that all of the functions, rights, powers, responsibilities and authority of the City in regard to the operation of its work and business and the direction of its work force which the City has not specifically abridged, deleted, granted or modified by the express and specific written provisions of this Agreement are, and will remain, exclusively those of the City. Accordingly, the City specifically, except as otherwise limited by this Agreement, reserves the exclusive right to:

- A. Decide the scope of service to be performed, and the standards and method of service;
- B. Exercise complete control and discretion over its organization and the technology of performing its work; subject to statutory obligations;
- C. Train, direct, and assign its employees;
- D. Hire, rehire, fire, demote, suspend or otherwise discipline for just and proper cause, promote, layoff, and determine the qualifications of employees;
- E. Transfer employees from location to location;
- F. Determine work shift start and end times, and the number of hours and shifts to be worked, subject to the provisions of the Fair Labor Standards Act;
- G. Determine the content of job classifications; any change to the current job classifications or addition of new classifications will be subject to meet and confer when those changes fall within the scope of representation;
- H. Establish employee performance standards including, but not limited to, quality and quantity standards, and to require compliance therewith;
- I. Maintain the efficiency of City operations;

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

- J. Take all necessary action to carry out its mission in emergencies; and
- K. Merge, consolidate, expand or curtail or discontinue temporarily or permanently, in whole or in part, operations whenever in the sole discretion of the City, good business judgment makes such curtailment or discontinuance advisable; subject to meet and confer obligations over "effects" of the exercise of these rights in accordance with legal requirements.

SECTION VII - Pay Rates and Practices

A. Salary/ Cost of Living Adjustment

Effective the first full pay period following the City Council approval of the initial MOU between the City and Union in 2019, salary schedules for employees in the represented classes will be increased by three percent (3%) to reflect monthly salary ranges listed in Appendix A.

Effective the first full pay period following July 1, 2020, salary schedules for employees in the represented classes will be increased by three percent (3%) to reflect monthly salary ranges listed in Appendix A.

B. Flexible Promotions

Effective as soon as administratively feasible following City Council approval of an initial MOU in 2019:

- 1. Upon an incumbent employee achieving six (6) years of City service with satisfactory performance at Level 1, with one of those years at Step 6, an employee in the following job series shall flexibly promote from Level 1 to Level 2:

Environmental Control Specialist
Maintenance Worker
Utilities Maintenance

The City reserves the right to hire directly into, and to promote employees into, the Level 2 job classes for the above referenced job series before the employee has achieved six (6) years of City service with satisfactory performance at Level 1, with one of those years at Step 6.

- 2. The City will eliminate the following classifications:

Maintenance Worker Trainee
Street Sweeper I

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

3. The Street Sweeper I shall be reclassified as a Maintenance Worker I. Effective the first full pay period following City Council approval of an initial MOU in 2019, the employee assigned to perform Street Sweeper job duties shall receive a Heavy/Special Equipment Operator differential pay of one hundred dollars (\$100) per month. Differential pay shall begin and end on a pay period basis. The Public Works Operations Manager or designee shall have the sole discretion to assign the Street Sweeper assignment, which shall be limited to two (2) individuals.
4. The Public Works Director/City Engineer, with concurrence of the City Manager, may promote an employee from Level 2 to Level 3 of any of the above-referenced job series.

C. Certificate Pay for Water and Wastewater Division Employees

1. Public Works employees shall be entitled to receive the following Water Certification Premium when they have been awarded and hold the specified certificate issued by the State of California, Department of Health Services Water/Wastewater Treatment, and are routinely and consistently assigned to test local water quality for compliance with governmental health standards:
 - a. Twenty-five dollars (\$25.00) per month for Grade I, and
 - b. An additional fifty dollars (\$50.00) per month for Grade II, for a total of seventy-five dollars (\$75.00) per month.
2. Public Works employees shall be entitled to receive the following Water Certification Premium when they have been awarded and hold the specified certificate issued by the State of California, Department of Health Services Water Distribution, and are routinely and consistently assigned to test local water quality for compliance with governmental health standards:
 - a. Twenty-five dollars (\$25.00) per month for Grade II, and
 - b. An additional fifty dollars (\$50.00) per month for Grade III, for a total of seventy-five dollars (\$75.00) per month for Grade III.
3. Employees holding these certificates may be simultaneously compensated for:
 - a. Water Treatment and Water Distribution Certificates, or
 - b. Wastewater Treatment and Water Distribution Certificates.

Employees holding these certificates shall not be simultaneously compensated for Water Treatment and Wastewater Treatment certificates.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

4. Effective the first full pay period following the City Council approval of the initial MOU between the City and Union in 2019, compensation shall not exceed one hundred and fifty dollars (\$150.00) per month for any combination of certificates for Water Certification Premium.
5. In order to continue to receive this benefit, certified employees will be required to submit proof of re-certification to the Human Resources Director and Department Head as soon as it is issued.

D. Applicator Certificate Differential & License Pay for Parks & Streets Division Employees

1. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificates or license as issued by the State of California, Department of Pesticide Regulation, and are required by a government or regulatory agency to maintain such license in order to perform their job duties;
 - a. Fifty dollars (\$50.00) per month for Pesticide License (Government Agency Required License) Pay;
 - b. Twenty-five dollars (\$25.00) per month for a Qualified Applicator Certificate Differential, and
 - c. Twenty-five dollars (\$25.00) per month for each additional category endorsement, maximum three (3) categories will be allowed and/or compensated for.
2. Employees holding these certificates and/or licenses can be compensated for:
 - a. Qualified Applicator License, or
 - b. Qualified Applicator Certificate.

In no case shall the employee be compensated for both. Category compensation shall be limited to the following categories, B-Landscape Maintenance, C-Right of Way, D-Plant Agriculture, F-Aquatic, K-Health Related.

3. Effective the first full pay period following the City Council approval of the initial MOU between the City and Union in 2019, compensation shall not exceed one hundred and fifty dollars (\$150.00) per month for any combination of licenses/certificates.
4. In order to remain eligible for compensation, Certificated/Licensed employees shall be required to submit proof of certificate or license to the Human Resources Director and Department Head as soon as it is issued.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

In addition, employees shall be required to maintain their licenses and/or certificates as required by the State of California Department of Pesticide Regulation in order to be eligible for continued compensation. Proof of current valid licenses or certificates shall be submitted annually.

E. Arborist Certificate /Tree Crew Premium Pay

Certain Public Works employees shall be entitled to receive Arborist Certificate/Tree Crew Premium Pay of two hundred dollars (\$200.00) per month when they have been awarded and hold an Arborist Certificate issued by the International Society of Arboriculture and are routinely and consistently assigned to care for trees.

In order to remain eligible for compensation, Certificated/Licensed employees shall be required to submit proof of certificate or license to the Human Resources Director and department head as soon as it is issued. In addition, employees shall be required to maintain their licenses and/or certificates as required by the State of California Department of Pesticide Regulation in order to be eligible for continued compensation. Proof of current valid licenses or certificates shall be submitted annually.

F. Certification Pay

Certification pay shall begin and end on a pay period basis.

SECTION VIII – Benefits

The City will contribute toward the City sponsored benefit plans during the life of this MOU as follows:

A. Medical Insurance Benefits

The City will contract with the California Public Employees Retirement System (CalPERS) for the purpose of providing employees with medical insurance benefits.

The City's maximum monthly contribution for each eligible active employee for the purchase of medical insurance will be equal to the minimum monthly employer contribution required under the Public Employees Medical and Hospital Care Act (PEMHCA).

B. Section 125 Plan

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

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

health and welfare benefits. Benefits available through the Cafeteria Plan include, but are not limited to, medical insurance, flexible spending accounts for out-of-pocket medical expenses and dependent care, vision insurance, dental insurance and life insurance benefits. The City agrees to provide a Cafeteria Plan Allowance to all employees eligible to participate in City-sponsored health benefits under Section A of this Article. Any tax consequences resulting from City contributions to the Cafeteria Plan are the sole responsibility of the employee.

If the City's Cafeteria Plan Allowance as described below exceeds three thousand dollars (\$3,000) per month for family-level coverage, the City and Union agreed to meet and confer over the amount of the City's Cafeteria Plan Allowance.

1. For employees hired before April 1, 2010 and enrolled in City-offered CalPERS health insurance, the City will provide, on a monthly basis, for the purpose of providing minimum essential coverage to employees and dependents, a Cafeteria Plan Allowance based on the employee's level of health care coverage as provided below:
 - a. Employee Only: One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, up to nine hundred eighty four dollars (\$984) per month; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of eighty five dollars (\$85) per month.
 - b. Employee Plus One: One hundred percent (100%) of the premium for employee plus one coverage for the plan selected by the employee, up to one thousand nine hundred sixty eight dollars (\$1,968) per month; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of eighty five dollars (\$85) per month.
 - c. Employee Plus Family: One hundred percent (100%) of the premium for employee plus family coverage for the plan selected by the employee, up to two thousand five hundred fifty eight dollars (\$2,558) per month; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of eighty five dollars (\$85) per month.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

Each subsequent calendar year, the City's maximum Cafeteria Plan Allowance shall be adjusted by an up to ten percent (10%) increase from the prior year's premium for the plan selected by the employee.

2. For employees hired on or after April 1, 2010 and enrolled in City-offered CalPERS health insurance, the City will provide, on a monthly basis, for the purpose of providing minimum essential coverage to employees and dependents, a Cafeteria Plan Allowance, based on the employee's level of health care coverage as provided below:
 - a. Employee Only: One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, up to nine hundred eighty four dollars (\$984) per month; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of eighty five dollars (\$85) per month. Each subsequent calendar year, the City's maximum Cafeteria Plan Allowance shall be adjusted by an up to ten percent (10%) increase from the prior year's premium for the plan selected by the employee.
 - b. Employee Plus One: Ninety percent (90%) of the premium for employee plus one dependent coverage for the plan selected by the employee, up to one thousand seven hundred seventy one dollars (\$1,771) per month; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of eighty five dollars (\$85) per month. Each subsequent calendar year, the City's maximum Cafeteria Plan Allowance shall be adjusted by an up to ten percent (10%) increase from the prior year's premium for the plan selected by the employee.
 - c. Employee Plus Family: Eighty percent (80%) of the premium for employee plus family coverage for the plan selected by the employee, up to two thousand forty six dollars (\$2,046) per month; minus the PEMHCA minimum employer contribution for health insurance; plus the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of eighty five dollars (\$85) per month. Each subsequent calendar year, the City's maximum Cafeteria Plan Allowance shall be adjusted by an up to ten percent (10%) increase from the prior year's premium for the plan selected by the employee.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

3. Employee enrollment in dental, vision and life insurance plans offered by the City is mandatory.
4. Employees who opt out of medical plans sponsored by the City, and sign an Attestation and Release, and provide proof of Minimum Essential Coverage as defined by the ACA for the employee and members of the employee's tax family, will receive a Cafeteria Plan Allowance of four hundred eighty five dollars (\$485) per month, of which part must be used to enroll in mandatory life insurance, dental insurance and vision insurance coverage.
5. At the City's request, the City and Union shall reopen to discuss the impact of healthcare legislation, including but not limited to the issue of payment of Affordable Care Act Excise Tax ("Cadillac Tax"), the Affordable Care Act, and/ or its impacts.

C. Pension

1. Regular employees, hired before January 1, 2011 will receive a CalPERS retirement benefit based on the 2.7% @ 55 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 2.7% @ 55 Plan.
2. Regular employees, hired on or after January 1, 2011, who qualify as "classic" members as defined by the Public Employee Pension Reform Act (PEPRA), will receive a CalPERS retirement benefit based on the 2% @ 60 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 2% @ 60 Plan.
3. Qualifying employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA) will receive the 2% at age 62 retirement formula, and shall be subject to the provisions of PEPRA, including provisions governing reportable compensation.

D. Retiree Medical

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

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

The City's maximum monthly contribution for each eligible annuitant will be equal to the minimum employer contribution required under the PEMHCA. The provisions of the PEMHCA will govern medical insurance coverage for annuitants.

2. Employees hired by the City before October 1, 2002 and who, at the time of retirement, constitute an "annuitant" as defined by the PEMHCA, will receive the following:
 - a. From the date of retirement and until such time the retiree becomes eligible for Medicare, the City will contribute an amount equal to the health plan premium cost for the employee's elected health care plan up to the amount of the premium for the Blue Shield Health Maintenance Organization (HMO) or if the Blue Shield HMO is not offered in the area, rates are based on the lowest-cost available plan offered by CalPERS, less the City's minimum monthly employer contribution under PEMHCA.
 - b. Upon attaining Medicare eligibility, the City will contribute an amount equal to the health plan premium cost for the elected health care plan up to the amount of the lowest-cost, available supplemental Medicare plan offered by CalPERS for the level of coverage selected by the annuitant (single party, two party, or family), less the amount of the City's minimum monthly employer contribution under PEMHCA.
 - c. A qualifying annuitant who retires from the City will not be entitled to City retiree medical benefits, as specified above, while receiving health insurance contributions from another CalPERS agency; the annuitant will be required to choose between available insurance plans and employer contributions.
3. Employees hired by the City between October 1, 2002 and June 30, 2008 and who, at the time of retirement, constitute an "annuitant" as defined by the PEMHCA, will receive the following:
 - a. From the date of retirement and until such time that the retiree becomes eligible for Medicare, the City will contribute an amount to cover fifty percent (50%) of the Blue Shield Access HMO plan for employees with ten (10) years of service, plus an additional five percent (5%) of the cost of the Blue Shield Access HMO plan for each additional year of service beyond ten (10) years, up to one-hundred percent (100%) of the Blue Shield Access HMO plan after twenty (20) years of service, less the amount of the City's minimum monthly employer contribution under PEMHCA.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

- b. Upon attaining Medicare eligibility, for annuitants who retired from the City with ten (10) years of service with the City, the City's contribution will equal the cost of fifty percent (50%) of the lowest-cost supplemental Medicare plan offered by CalPERS, less the amount of the City's minimum monthly employer contribution under PEMHCA. For each additional year of service with the City beyond ten (10) years, the City will contribute an additional five percent (5%) of the cost of the supplemental Medicare plan offered by CalPERS for each additional year of service beyond ten (10) years, up to one-hundred percent (100%) of the supplemental Medicare plan offered by CalPERS after twenty (20) years of service, less the amount of the City's minimum monthly employer contribution under PEMHCA.
- c. A qualifying annuitant who retires from the City will not be entitled to City retiree medical benefits, as specified above, while receiving health insurance contributions from another CalPERS agency; the annuitant will be required to choose between available insurance plans and employer contributions.

E. Retiree Health Savings Plan (RHSP)

For employees hired on or after July 1, 2008, the City of Los Banos has established a program to which the City and employees participate to save, on a tax deferred basis, money to help pay the cost of healthcare once an individual retires. The Retiree Health Savings Plan (RHSP) may be used for expenses as provided under the terms of the Plan. Any tax consequences resulting from City contributions to the RHSP are the sole responsibility of the employee. Participation is mandatory for all eligible employees.

- 1. Participation is mandatory for all employees.
- 2. Starting after an employee has successfully completed his or her initial probationary period, the City will contribute fifty dollars (\$50) per month to the employee's RHSP account. Likewise, the employee will contribute fifty dollars (\$50) per month to his or her RHSP account.
- 3. During an employee's initial hire probationary period with the City, neither the employee nor the City will contribute to the employee's RHSP account. Upon successful completion of the initial hire probationary period, the City will contribute a lump sum of fifty dollars (\$50) per month for each month served in the employee's initial probationary period.
- 4. Upon cessation of employment with the City, the City will cease contributions to the individual's RHSP account.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

SECTION IX – Miscellaneous

A. Safety Shoe/Boot Allowance

Effective the first full pay period following City Council approval of an initial MOU in 2019, employees who are required by the City to wear steel toed and/or ankle supported safety shoes/boots, or to work with asphalt as a usual and regular job duty, will receive a shoe/boot allowance of One Hundred Ninety Dollars (\$190.00) as needed toward the cost of shoes/boots. The employee's supervisor will retain sole discretion as to replacement needs. Upon City purchase of new boots, employees shall return their old City-purchased boots/shoes to the supervisor.

B. Clothing

Effective as soon as administratively feasible following City Council approval of a new MOU in 2019, the Department will provide each employee with three (3) t-shirts containing the City logo, to be worn in warm weather. At the employee's request, long sleeve t-shirts shall be provided in lieu of short sleeve t-shirts.

The City's uniform services provider shall provide shirts for employees to wear on the job. As the current uniform shirts wear out, the City shall replace them with Type R, Class 3 high visibility safety apparel.

For classic CalPERS members as defined by the Public Employee Pension Reform Act (PEPRA), the City will report to CalPERS the monetary value for providing and maintaining required uniforms. The City will report the uniform costs on a semi-monthly basis. The uniform purchase and maintenance amount reported to CalPERS will be derived from the City's total annual cost for providing the employee's uniforms, not to exceed one thousand dollars (\$1,000) per fiscal year, per employee.

SECTION X - Provision of the Law

This MOU is subject to all applicable current and future Federal and State laws, State regulations, the Municipal Code of the City of Los Banos and the Constitution of the State of California.

Should any of the provisions herein contained be rendered or declared invalid by reason of the State or Federal legislation or court action, such invalidations of such part of portions hereof will not invalidate the remaining portions hereof and they will remain in full force and effect, insofar as such remaining portions are severable.

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

SECTION XI - No Strike

The Union, its members and representatives, agree that it and they will not engage in, authorize, sanction or support any strike, slowdown, stoppage of work, curtailment of production, refusal to operate designated equipment (provided such equipment is safe and sound) or to perform customary duties; and neither the Union nor any representatives thereof shall engage in job action for the purpose of effecting changes in the directives or decisions of management of the City, nor to effect a change of personnel or operations of management or of employees not covered by this Memorandum of Understanding. No lockout of employees shall be instituted by the City during the term of this MOU.

SECTION XII – Right to Representative in Investigatory Meeting

Upon an employee's request, an employee is entitled to have a Union Representative present during any investigatory interview that may result in discipline, or when the employee has a reasonable belief that discipline will result from the meeting.

SECTION XIII – Term

The term of this MOU will commence September 4, 2019 and will expire June 30, 2021, except as otherwise provided in this MOU.

SIGNATURES

FOR THE CITY OF LOS BANOS:

Date: _____

FOR PEU LOCAL ONE/AFSCME:



Date: 8-26-19

MEMORANDUM OF UNDERSTANDING
City of Los Banos and
Public Employees' Union Local One/AFSCME (Public Works Unit)

APPENDIX A – Salary Schedules

		SECTION E - PUBLIC WORKS						
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	
<i>Inspector I</i>	(1) *	4,254	4,466	4,689	4,923	5,169	5,427	
	<u>2019</u> 3%	<u>4,382</u>	<u>4,601</u>	<u>4,831</u>	<u>5,073</u>	<u>5,327</u>	<u>5,593</u>	
	<u>2020</u> 3%	<u>4,513</u>	<u>4,739</u>	<u>4,976</u>	<u>5,225</u>	<u>5,486</u>	<u>5,760</u>	
<i>Maintenance Mechanic I</i>	(1) *	2,997	3,147	3,304	3,469	3,642	3,824	
	<u>2019</u> 3%	<u>3,087</u>	<u>3,241</u>	<u>3,403</u>	<u>3,573</u>	<u>3,752</u>	<u>3,940</u>	
	<u>2020</u> 3%	<u>3,180</u>	<u>3,339</u>	<u>3,506</u>	<u>3,681</u>	<u>3,865</u>	<u>4,058</u>	
<i>Sweeper-Operator-I Custodian</i>	(2) *	2,997	3,147	3,304	3,469	3,642	3,824	
	(1) *	2,400	2,520	2,646	2,778	2,917	3,063	
	<u>2019</u> 3%	<u>2,472</u>	<u>2,596</u>	<u>2,726</u>	<u>2,862</u>	<u>3,005</u>	<u>3,155</u>	
	<u>2020</u> 3%	<u>2,546</u>	<u>2,673</u>	<u>2,807</u>	<u>2,947</u>	<u>3,094</u>	<u>3,249</u>	
<hr/> <i>Environmental Control/Utilities Maintenance</i>								
<i>Environmental Control Specialist III</i>	(13) *	3,911	4,107	4,312	4,528	4,754	4,992	
	<u>2019</u> 3%	<u>4,028</u>	<u>4,230</u>	<u>4,442</u>	<u>4,664</u>	<u>4,897</u>	<u>5,142</u>	
	<u>2020</u> 3%	<u>4,149</u>	<u>4,356</u>	<u>4,574</u>	<u>4,803</u>	<u>5,043</u>	<u>5,295</u>	
<i>Environmental Control Specialist II</i>	* *	3,430	3,601	3,781	3,970	4,169	4,377	
	<u>2019</u> 3%	<u>3,533</u>	<u>3,710</u>	<u>3,896</u>	<u>4,091</u>	<u>4,296</u>	<u>4,511</u>	
	<u>2020</u> 3%	<u>3,639</u>	<u>3,821</u>	<u>4,012</u>	<u>4,213</u>	<u>4,424</u>	<u>4,645</u>	
<i>Environmental Control Specialist I</i>	* *	3,266	3,429	3,600	3,780	3,969	4,167	
	<u>2019</u> 3%	<u>3,364</u>	<u>3,532</u>	<u>3,709</u>	<u>3,894</u>	<u>4,089</u>	<u>4,293</u>	
	<u>2020</u> 3%	<u>3,465</u>	<u>3,638</u>	<u>3,820</u>	<u>4,011</u>	<u>4,212</u>	<u>4,423</u>	
<i>Environmental Control Specialist Trainee</i>	* *	3,110	3,265	3,428	3,599	3,779	3,968	
	<u>2019</u> 3%	<u>3,203</u>	<u>3,363</u>	<u>3,531</u>	<u>3,708</u>	<u>3,893</u>	<u>4,088</u>	
	<u>2020</u> 3%	<u>3,299</u>	<u>3,464</u>	<u>3,637</u>	<u>3,819</u>	<u>4,010</u>	<u>4,211</u>	
<i>Utilities Maintenance III</i>	* *	3,677	3,861	4,054	4,257	4,470	4,694	
	<u>2019</u> 3%	<u>3,787</u>	<u>3,977</u>	<u>4,176</u>	<u>4,385</u>	<u>4,604</u>	<u>4,834</u>	
	<u>2020</u> 3%	<u>3,901</u>	<u>4,096</u>	<u>4,301</u>	<u>4,516</u>	<u>4,742</u>	<u>4,979</u>	
<i>Utilities Maintenance II</i>	* *	3,343	3,510	3,686	3,870	4,064	4,267	
	<u>2019</u> 3%	<u>3,443</u>	<u>3,615</u>	<u>3,796</u>	<u>3,986</u>	<u>4,185</u>	<u>4,394</u>	
	<u>2020</u> 3%	<u>3,546</u>	<u>3,724</u>	<u>3,910</u>	<u>4,106</u>	<u>4,311</u>	<u>4,527</u>	
<i>Utilities Maintenance I</i>	* *	2,997	3,147	3,304	3,469	3,642	3,824	
	<u>2019</u> 3%	<u>3,087</u>	<u>3,241</u>	<u>3,403</u>	<u>3,573</u>	<u>3,752</u>	<u>3,940</u>	
	<u>2020</u> 3%	<u>3,180</u>	<u>3,339</u>	<u>3,506</u>	<u>3,681</u>	<u>3,865</u>	<u>4,058</u>	
<hr/> <i>Maintenance</i>								
<i>Maintenance Worker III</i>	(23) *	3,668	3,852	4,045	4,247	4,459	4,682	
	<u>2019</u> 3%	<u>3,778</u>	<u>3,967</u>	<u>4,165</u>	<u>4,373</u>	<u>4,592</u>	<u>4,822</u>	
	<u>2020</u> 3%	<u>3,891</u>	<u>4,086</u>	<u>4,290</u>	<u>4,505</u>	<u>4,730</u>	<u>4,967</u>	
<i>Maintenance Worker II</i>	* *	3,321	3,487	3,661	3,844	4,036	4,238	
	<u>2019</u> 3%	<u>3,421</u>	<u>3,592</u>	<u>3,772</u>	<u>3,961</u>	<u>4,159</u>	<u>4,367</u>	
	<u>2020</u> 3%	<u>3,524</u>	<u>3,700</u>	<u>3,885</u>	<u>4,079</u>	<u>4,283</u>	<u>4,497</u>	
<i>Maintenance Worker I</i>	* *	2,997	3,147	3,304	3,469	3,642	3,824	
	<u>2019</u> 3%	<u>3,087</u>	<u>3,241</u>	<u>3,403</u>	<u>3,573</u>	<u>3,752</u>	<u>3,940</u>	
	<u>2020</u> 3%	<u>3,180</u>	<u>3,339</u>	<u>3,506</u>	<u>3,681</u>	<u>3,865</u>	<u>4,058</u>	
<i>Maintenance Worker Trainee</i>	* *	2,365	2,483	2,607	2,737	2,874	3,018	

* Comment: Promotions to skill levels (Trainee/I/II/III) within the Environmental Control Specialist, Utilities Maintenance Worker and Admin Clerk job classifications are made by the Public Works Director/City Engineer with concurrence of the City Manager.

* Additionally, the Public Works Director/City Engineer with concurrence of the City Manager, may temporarily or permanently reassign certain employees in accordance with the following guidelines: 1) Supervisor level positions -- Employees serving in capacity of Supervisor may be reassigned to an equivalent pay grade within any of the Supervisor level positions; and 2) Maintenance -- Employees assigned to any one of these three broad employment classifications may be reassigned to an equivalent pay grade of one of the other two classifications.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: September 4, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Update to Salary Schedule as it Pertains to Los Banos Public Employees' Union Local One/AFSCME [Public Works Unit] (LBPEU)

Recommendation:

Attached please find a resolution for your review and consideration of approval that would amend Division 4, Salary Schedule-Employee Classifications to reflect changes associated with the approval of the Los Banos Public Employees' Union Local One/AFSCME [Public Works Unit] (LBPEU) Tentative Agreement (TA)/Memorandum of Understanding (MOU).

Discussion:

With approval of the TA/MOU with the LBPEU effective September 1, 2019, the City's Salary Schedule needs to be amended to reflect the approved three percent (3%) salary increase for the following classifications: Custodian, Environmental Control Specialist Trainee/I/II/III, Inspector I, Maintenance Mechanic I, Maintenance Worker I/II/III and Utilities Maintenance I/II/III.

Fiscal Impact:

Staff will continue to further analyze the fiscal impact and prepare a budget adjustment at a later date, if needed.

Reviewed by:

Senya Williams
Senya Williams, Finance Director

Alex Terrazas
Alex Terrazas, City Manager

Attachments:

Resolution

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AMENDING DIVISION 4,
SALARY SCHEDULE – EMPLOYEE
CLASSIFICATIONS RELATING TO CHANGES TO
SECTION E – PUBLIC WORKS**

WHEREAS, the City Council of the City of Los Banos has received a request that the Division 4, Salary Schedule of the City Policy Manual be amended to reflect changes associated with the approval of the Los Banos Public Employees' Union Local One/AFSCME (LBPEU) Tentative Agreement (TA)/Memorandum of Understanding (MOU) as follows, effective September 1, 2019: Three percent (3%) salary increase for the following classifications: Custodian, Environmental Control Specialist Trainee/I/II/III, Inspector I, Maintenance Mechanic I, Maintenance Worker I/II/III and Utilities Maintenance I/II/III.

WHEREAS, said request has been reviewed and approved by the City Council of the City of Los Banos at their regular meeting of September 4, 2019.

NOW, THEREFORE, BE IT RESOLVED that Division 4, Salary Schedule of the City Policy Manual is hereby amended to reflect the changes as listed above and is hereby approved as submitted as "Exhibit A" respectively.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 4th day of September 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: Council Members

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

"EXHIBIT A"
DIVISION 4
SALARY SCHEDULE

(Approved , 2019 / Effective , 2019)

SEC. 4003 REGULAR (FULL TIME) EMPLOYEE CLASSIFICATIONS-MONTHLY SALARY

			SECTION E - PUBLIC WORKS					
			STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
<i>Inspector I</i>	(1)	*	4,254	4,466	4,689	4,923	5,169	5,427
	<u>2019</u>	<u>3%</u>	<u>4,382</u>	<u>4,601</u>	<u>4,831</u>	<u>5,073</u>	<u>5,327</u>	<u>5,593</u>
	<u>2020</u>	<u>3%</u>	<u>4,513</u>	<u>4,739</u>	<u>4,976</u>	<u>5,225</u>	<u>5,486</u>	<u>5,760</u>
<i>Maintenance Mechanic I</i>	(1)	*	2,997	3,147	3,304	3,469	3,642	3,824
	<u>2019</u>	<u>3%</u>	<u>3,087</u>	<u>3,241</u>	<u>3,403</u>	<u>3,573</u>	<u>3,752</u>	<u>3,940</u>
	<u>2020</u>	<u>3%</u>	<u>3,180</u>	<u>3,339</u>	<u>3,506</u>	<u>3,681</u>	<u>3,865</u>	<u>4,058</u>
<i>Sweeper Operator-I</i>	(2)	±	2,997	3,147	3,304	3,469	3,642	3,824
<i>Custodian</i>	(1)	*	2,400	2,520	2,646	2,778	2,917	3,063
	<u>2019</u>	<u>3%</u>	<u>2,472</u>	<u>2,596</u>	<u>2,726</u>	<u>2,862</u>	<u>3,005</u>	<u>3,155</u>
	<u>2020</u>	<u>3%</u>	<u>2,546</u>	<u>2,673</u>	<u>2,807</u>	<u>2,947</u>	<u>3,094</u>	<u>3,249</u>
<hr/> <i>Environmental Control/Utilities Maintenance</i>								
<i>Environmental Control Specialist III</i>	(13)	*	3,911	4,107	4,312	4,528	4,754	4,992
	<u>2019</u>	<u>3%</u>	<u>4,028</u>	<u>4,230</u>	<u>4,442</u>	<u>4,664</u>	<u>4,897</u>	<u>5,142</u>
	<u>2020</u>	<u>3%</u>	<u>4,149</u>	<u>4,356</u>	<u>4,574</u>	<u>4,803</u>	<u>5,043</u>	<u>5,295</u>
<i>Environmental Control Specialist II</i>	*	*	3,430	3,601	3,781	3,970	4,169	4,377
	<u>2019</u>	<u>3%</u>	<u>3,533</u>	<u>3,710</u>	<u>3,896</u>	<u>4,091</u>	<u>4,296</u>	<u>4,511</u>
	<u>2020</u>	<u>3%</u>	<u>3,639</u>	<u>3,821</u>	<u>4,012</u>	<u>4,213</u>	<u>4,424</u>	<u>4,645</u>
<i>Environmental Control Specialist I</i>	*	*	3,266	3,429	3,600	3,780	3,969	4,167
	<u>2019</u>	<u>3%</u>	<u>3,364</u>	<u>3,532</u>	<u>3,709</u>	<u>3,894</u>	<u>4,089</u>	<u>4,293</u>
	<u>2020</u>	<u>3%</u>	<u>3,465</u>	<u>3,638</u>	<u>3,820</u>	<u>4,011</u>	<u>4,212</u>	<u>4,423</u>
<i>Environmental Control Specialist Trainee</i>	*	*	3,110	3,265	3,428	3,599	3,779	3,968
	<u>2019</u>	<u>3%</u>	<u>3,203</u>	<u>3,363</u>	<u>3,531</u>	<u>3,708</u>	<u>3,893</u>	<u>4,088</u>
	<u>2020</u>	<u>3%</u>	<u>3,299</u>	<u>3,464</u>	<u>3,637</u>	<u>3,819</u>	<u>4,010</u>	<u>4,211</u>
<i>Utilities Maintenance III</i>	*	*	3,677	3,861	4,054	4,257	4,470	4,694
	<u>2019</u>	<u>3%</u>	<u>3,787</u>	<u>3,977</u>	<u>4,176</u>	<u>4,385</u>	<u>4,604</u>	<u>4,834</u>
	<u>2020</u>	<u>3%</u>	<u>3,901</u>	<u>4,096</u>	<u>4,301</u>	<u>4,516</u>	<u>4,742</u>	<u>4,979</u>
<i>Utilities Maintenance II</i>	*	*	3,343	3,510	3,686	3,870	4,064	4,267
	<u>2019</u>	<u>3%</u>	<u>3,443</u>	<u>3,615</u>	<u>3,796</u>	<u>3,986</u>	<u>4,185</u>	<u>4,394</u>
	<u>2020</u>	<u>3%</u>	<u>3,546</u>	<u>3,724</u>	<u>3,910</u>	<u>4,106</u>	<u>4,311</u>	<u>4,527</u>
<i>Utilities Maintenance I</i>	*	*	2,997	3,147	3,304	3,469	3,642	3,824
	<u>2019</u>	<u>3%</u>	<u>3,087</u>	<u>3,241</u>	<u>3,403</u>	<u>3,573</u>	<u>3,752</u>	<u>3,940</u>
	<u>2020</u>	<u>3%</u>	<u>3,180</u>	<u>3,339</u>	<u>3,506</u>	<u>3,681</u>	<u>3,865</u>	<u>4,058</u>
<hr/> <i>Maintenance</i>								
<i>Maintenance Worker III</i>	(23)	*	3,668	3,852	4,045	4,247	4,459	4,682
	<u>2019</u>	<u>3%</u>	<u>3,778</u>	<u>3,967</u>	<u>4,165</u>	<u>4,373</u>	<u>4,592</u>	<u>4,822</u>
	<u>2020</u>	<u>3%</u>	<u>3,891</u>	<u>4,086</u>	<u>4,290</u>	<u>4,505</u>	<u>4,730</u>	<u>4,967</u>
<i>Maintenance Worker II</i>	*	*	3,321	3,487	3,661	3,844	4,036	4,238
	<u>2019</u>	<u>3%</u>	<u>3,421</u>	<u>3,592</u>	<u>3,772</u>	<u>3,961</u>	<u>4,159</u>	<u>4,367</u>
	<u>2020</u>	<u>3%</u>	<u>3,524</u>	<u>3,700</u>	<u>3,885</u>	<u>4,079</u>	<u>4,283</u>	<u>4,497</u>
<i>Maintenance Worker I</i>	*	*	2,997	3,147	3,304	3,469	3,642	3,824
	<u>2019</u>	<u>3%</u>	<u>3,087</u>	<u>3,241</u>	<u>3,403</u>	<u>3,573</u>	<u>3,752</u>	<u>3,940</u>
	<u>2020</u>	<u>3%</u>	<u>3,180</u>	<u>3,339</u>	<u>3,506</u>	<u>3,681</u>	<u>3,865</u>	<u>4,058</u>
<i>Maintenance Worker Trainee</i>	±	±	2,365	2,483	2,607	2,737	2,874	3,018

* Comment: Promotions to skill levels (Trainee/I/II/III) within the Environmental Control Specialist, Utilities Maintenance Worker and Admin Clerk job classifications are made by the Public Works Director/City Engineer with concurrence of the City Manager.

* Additionally, the Public Works Director/City Engineer with concurrence of the City Manager, may temporarily or permanently reassign certain employees in accordance with the following guidelines: 1) Supervisor level positions -- Employees serving in capacity of Supervisor may be reassigned to an equivalent pay grade within any of the Supervisor level positions; and 2) Maintenance -- Employees assigned to any one of these three broad employment classifications may be reassigned to an equivalent pay grade of one of the other two classifications.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Alex Terrazas, City Manager *AT*

DATE: September 4, 2019

TYPE OF REPORT: Agenda Item

SUBJECT: CalVans Presentation

There will be a presentation by Executive Director Georgina Cardenas regarding CalVans and the services they provide.

This is an informational item only, no action to be taken.

AT/lm



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

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

DATE: September 18, 2019

TYPE OF REPORT: Agenda Item

SUBJECT: Buxton Co. Retail Recruitment Update and Presentation

Recommendation:

Informational item only; no action to be taken.

Discussion:

The City of Los Banos is currently in year three of a three year Professional Service Agreement with Buxton Co. to provide retail recruitment and relationship services. Cheyenne Robinson, Account Executive and Lisa McCay, Senior Vice President will be presenting an update regarding the City of Los Banos' retail recruitment strategy and progress.

Reviewed by:

Alex Terrazas, City Manager



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: September 4, 2019

SUBJECT: Groundwater Sustainability Plan (GSP) Update

TYPE OF REPORT: Informational Item

Background:

In 2014, legislation passed that provides a statewide framework for sustainable groundwater management in California (SB 1168, AB 1739, and SB 1319). This legislation, collectively referred to as the Sustainable Groundwater Management Act (SGMA), is intended to support local groundwater management through the oversight of local agencies. An overarching goal of SGMA is to achieve a groundwater balance in each basin or sub-basin by 2040.

Also in 2014, the Department of Water Resources (DWR) prioritized the alluvial groundwater basins and sub-basins in California for sustainability. Among others, the criteria used were: reliance on groundwater, overlying irrigated acreage, overdraft, and subsidence. DWR's findings designated the Delta-Mendota Sub-basin as High Priority. Based on the findings described above, in August 2015 the Delta-Mendota Sub-basin was also placed on DWR's Draft List of Critically Overdrafted Basins.

As such, local agencies in the Sub-basin, such as the City of Los Banos, were required to form Groundwater Sustainability Agencies (GSAs) or one multi-agency GSA by June 30, 2017. SGMA provides GSAs with the authority to:

- Conduct investigations of water rights;
- Require registration of groundwater wells;
- Require well-operators to measure and report extractions;
- Require reporting of diversions of surface water to storage;

- Regulate groundwater extractions, including limiting or prohibiting groundwater production;
- Impose fees and assessments;
- Request revisions of basin boundaries, including establishing new sub-basins; and
- Undertake enforcement actions for noncompliance.

The GSA(s) in critically Overdrafted Basins must develop Groundwater Sustainability Plans (GSPs) or one GSP by January 31, 2020. The SGMA allows the State to intervene where GSPs are found to be incomplete or inadequate. SGMA defines “sustainable groundwater management” as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results. SGMA then defines “undesirable result” as one or more of the following effects caused by groundwater conditions occurring throughout the basin:

- Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon;
- Significant and unreasonable reduction of groundwater storage;
- Significant and unreasonable seawater intrusion;
- Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies;
- Significant and unreasonable land subsidence that substantially interferes with surface land uses; and
- Depletions of interconnected surface water that has significant and unreasonable adverse impacts on beneficial uses of the surface water.

SGMA requires that GSPs include prescribed components set forth in State guidelines to achieve sustainable groundwater management to avoid the “undesirable results”. GSPs must also include long-term planning goals, measurable objectives and interim milestones in increments of five years that are designed to achieve the basin’s sustainability goal within twenty years of GSP implementation.

The City of Los Banos resides within the Delta-Mendota Sub-basin. The Delta-Mendota limits are roughly from Tracy in the north to Tranquility in the south. It is essentially bounded on west by the coastal range and the east by the San Joaquin River. The San Luis & Delta-Mendota Water Authority is taking the lead in facilitating GSA and GSP development in the basin.

At the January 18, 2017 Council Meeting, the City of Los Banos City Council adopted Resolution No. 5831 which made the City of Los Banos the exclusive Groundwater Sustainability Agency (GSA) for the portion of the proposed Delta-Mendota Subbasin with the jurisdictional boundaries of the City.

There have been twenty-three (23) Groundwater Sustainability Agencies (GSA) that have formed in the Delta-Mendota Subbasin.

Currently, these GSA's are developing six (6) Groundwater Sustainability Plans (GSP).

The GSP of the City of Los Banos GSA is a GSP collaboration of the following GSA's

- a) City of Dos Palos GSA
- b) City of Firebaugh GSA
- c) City of Gustine GSA
- d) City of Los Banos GSA
- e) City of Mendota GSA
- f) Portion of Merced County GSA
- g) Portion of Fresno County Area B GSA
- h) San Joaquin River Exchange Contractors GSA
- i) Turner Island Water District GSA

At the November 7, 2018 City Council Meeting, the City Council, acting as the City of Los Banos Groundwater Sustainability Agency (GSA), approved entering into three agreements related to the Groundwater Sustainability Plan (GSP). These agreements were the Delta-Mendota Subbasin Coordination Agreement, the Cost Sharing Agreement, and the MOU between the City of Los Banos Groundwater Sustainability Agency and the San Joaquin River Exchange Contractors Groundwater Sustainability Agency.

Discussion:

Attached to this staff report is the Draft July 12, 2019, Delta-Mendota Subbasin (5-022.07) Groundwater Sustainability Plan. The attachment is comprised of the Executive Summary and Section 9.0, City of Los Banos GSA Area.

Currently, Los Banos is relying on about 2,200 acre-feet of groundwater from the San Joaquin River Exchange Contractors (SJREC) GSA in order to maintain sustainability from the water budget standpoint. The entire GSP is required to achieve sustainability and each individual GSA is required to independently achieve sustainability.

The report recommends the following five projects to offset the City's groundwater overdraft:

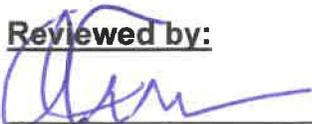
1. Storm water capture
2. Demand reduction through reduced watering
3. Surface water transfer
4. Purchasing groundwater credits
5. Participation in SJREC recharge projects

Staff will be bringing the GSP forward to the City Council at their December 4, 2019 Council Meeting for its approval. In the coming weeks, there will be a link provided on the City's website to the entire Groundwater Sustainability Plan, including the appendix.

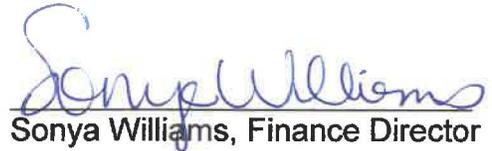
Fiscal Impact:

The City's share of the costs to develop the Groundwater Sustainability Plan (GSP) and the shared costs in coordinating the Delta-Mendota Subbasin GSP's have been budgeted for in the 2019-2020 City of Los Banos Adopted Budget. The amount that has been budgeted in 2019-2020 is \$150,000 in Water Master Plan account number 501-461-100-739. Future costs to implement the recommended projects from the Plan will need to be budgeted in future years. Future projects will be part of the final GSP which staff will be presenting in the future for City Council review and approval.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Draft Groundwater Sustainability Plan Executive Summary and Section 9.0
Budget Sheets
Los Banos GSA Map
California Critically Overdrafted Groundwater Basin Map
Power Point Presentation

DELTA-MENDOTA SUBBASIN (5-022.07)

Groundwater Sustainability Plan for:



Draft July 12, 2019

Jarrett Wade Martin
California Professional
Civil Engineer No. 82048

EXECUTIVE SUMMARY

The Executive Summary provides a brief history of the San Joaquin River Exchange Contractors Groundwater Sustainability Agency (SJREC GSA) and the San Joaquin River Exchange Contractors Water Authority (SJRECWA or Exchange Contractors) and its member entities; Central California Irrigation District (CCID), San Luis Canal Company (SLCC), Firebaugh Canal Water District (FCWD) and Columbia Canal Company (CCC). The historical groundwater conditions are described along with historic groundwater management. The SJREC have managed groundwater sustainability which will be further described in the executive summary coupled with Sustainable Management Criteria (SMC). The GSA's partnering to develop this plan include: San Joaquin River Exchange Contractors GSA, City of Newman GSA, City of Gustine GSA, City of Los Banos GSA, City of Dos Palos GSA, City of Firebaugh GSA, City of Mendota GSA, Turner Island Water District – 2 GSA, County of Madera – 3 GSA, a Portion of the Fresno County Management Area B GSA and a portion of the Merced County – Delta-Mendota GSA. This GSP used the GSP Annotated Outline prepared by DWR as the genesis for the organization of content. Section 1 – Section 2.2.2 and Section 6 covers the SJREC GSP Group in its entirety with a major focus on the SJREC GSA covering almost 90% of the plan area. Section 2.2.3 – Section 5 is specific to the SJREC GSA. Each GSA will have its own discrete section for Water Budgets, SMC and Projects and Management Actions; Section 7 – Section 16. The final Section of this plan is the Appendices which are used to provide supporting documentation. Appendix X describes the Common Chapter for each GSP in the Delta-Mendota Subbasin which provides details on how each GSP in the Delta-Mendota Subbasin has coordinated to provide an overall sustainable plan for the subbasin. The Table of Contents can be used as a guide to organization of this GSP.

ES1 INTRODUCTION

In the 1860's, John Bensley had a vision of digging the "Great Canal" from Mendota Pool north with aspirations of developing a barge traffic system from Tulare Lake to the Sacramento-San Joaquin Delta. The first 40 miles of the canal was constructed from Mendota to the confluence of the Los Banos Creek. During this time America was struggling with the post Civil War era and there was a financial panic which caused the cash flow to complete the barge traffic system to be discontinued. However, there was another man with a more practical vision for the area. By 1871, Henry Miller owned a large tract of land near the San Joaquin River and was fulling developing all of the Riparian and Appropriative water rights on the San Joaquin River. Henry Miller purchased the Great Canal and expanded the facilities another 40 miles north. The Great Canal is still in use today and is the CCID Main Canal. This was at the genesis of development of water rights in California.

Fast forward to the post World War 1 America and the Federal Government had a vision of developing water supply to the eastside of the Central Valley. The vision was to construct a dam and reservoir on the San Joaquin River and divert flows into new facilities for delivery from Madera County south to Kern County. The major concern was Henry Miller had fully developed the water rights on the San Joaquin River. Ultimately, in 1939 Henry Miller sold the high flow water rights to the federal government under the "Purchase Contract". The low flow water rights were retained by Henry Miller but through an agreement known as the "Exchange Contract", the water right would not be exercised so long as the federal government delivered a substitute water supply. This exchange allowed for the development of surface water on the eastside of the valley.

Ultimately, the Miller and Lux holdings were formed into four entities that maintained the historic water rights. The CCID was formed in 1951 and is the successor to the San Joaquin and Kings River Canal & Irrigation Company. The SLCC was formed in 1913. The CCC was formed in 1926. The Panoche Canal Company was incorporated in 1914 and was succeeded by the Firebaugh Canal Company in 1921. The Firebaugh Canal Company was succeeded by FCWD in 1988 and the district has remained the FCWD to date.

The groundwater around the City of Dos Palos, a Severely Disadvantaged Community (SDAC), was of poor quality. In 1936, the predecessor to CCID agreed to deliver surface water to the City of Dos Palos. In the late 1980's and early 1990's, CCID partnered with the local communities to jointly study and manage groundwater to ensure reliability for the communities that are completely dependent on groundwater. Those communities include: Newman (a DAC), Gustine (a DAC), Los Banos (a DAC), Firebaugh (a SDAC) and Mendota (a SDAC). The cities looked to CCID and the Exchange Contractors for a partnership to develop groundwater management strategies to promote long-term drinking water supply for these DAC's. Each City met with the SJREC to discuss a collaborative effort to implement the requirements set forth in the SGMA. Each City determined that it was their independent best interest to form their own GSA. The SJREC GSA agreed to take the lead developing a joint GSP. Historically, CCID shared the costs to develop the groundwater studies around the City. Consistent with historical practice, the SJREC GSA agreed to offset the cost for the City section in the SJREC GSP through a 50% cost share and further reduce costs to the cities by offsetting expenses with the SGWP grant received by the SJREC GSA.

The SJREC also have a great partnership with Grassland Water District (GWD) and the state and federal refuge complex in the Delta-Mendota Subbasin. Most of the water provided to the habitat in GWD and the refuges is delivered through the SJREC facilities. From 2009-2018, the SJRECWA wheeled about 200,000 acre-feet per year on average to the grassland area. The SJREC value the ecological importance of the Great Grassland Area and its significance to the Pacific Flyway for migratory waterfowl and the habitat it provides for endangered species. The Exchange Contractors are partnering with GWD on several local water resource projects to efficiently put more water to beneficial use in the area and help the United States Bureau of Reclamation (USBR) meet the water supply requirements prescribed in the Central Valley Improvement Project (CVPIA).

The SJREC have been working on water resource management projects with the four counties in the service area; Stanislaus County, Merced County, Madera County and Fresno County. This long partnership working jointly on water resource management with the Cities, Counties and refuges have afforded this SJREC GSA a great relationship to cooperate and solve regional problems. The SJREC have a proven track record of consulting with these parties and developing a strategic vision that benefits the area holistically.

The Sustainability Goal is defined as the existence and implementation of one or more GSP's that achieve sustainable groundwater management by identifying and causing the implementation of measures targeted to ensure that the applicable basin (or plan) is operated within its sustainable yield. Sustainable Yield is defined as managing groundwater that culminates in the absence of undesirable results by 2040. The SJREC GSP Group will manage the sustainability goal consistent with the Sustainable Management Criteria described in Section 3 of this plan.

ES2 BASIN SETTING

The genesis of drafting the Basin Setting for the SJREC GSP Group started in the 1990's when the San Joaquin River Exchange Contractors Water Authority (SJRECWA) worked with Kenneth D. Schmidt and Associates (KDSA) on to develop reports on groundwater conditions in and around the Exchange Contractors service area. The groundwater conditions were further studied with KDSA in collaboration with the cities within the Exchange Contractors service area. These reports are referenced in Section 6 of this plan.

The Cities (Newman, Gustine, Los Banos, Dos Palos, Firebaugh, Mendota) and Counties (Merced, Madera, Fresno) have land use planning authority and are each respectively members of this GSP. This plan, consistent with the SGMA, reaffirms the land use planning authority maintains with the appropriate City and County and is a continuation of historical collaboration to manage water resources. The monitoring and management actions proposed in this plan have mostly been in place for years with coordination of the local agencies.

The Delta-Mendota Subbasin is part of the Central Valley Basin and extends from the town of Tranquility in the south up to the near the City of Tracey in the north and covers about 750,000 acres. The subbasin has two principal aquifers throughout the majority of the area separated by an aquitard termed the Corcoran Clay. The Upper Aquifer is typically the unconfined area above the Corcoran Clay. The Lower Aquifer is the confined area below the Corcoran Clay. The depth to the Corcoran Clay in this GSP ranges from a depth of 100 feet to 450 feet below ground surface. The Corcoran Clay is deepest to the south and pinches out near the western boundary of the plan area. The definable bottom of the basin is consistent with the 1973 United States Geologic Survey report defined as an electrical conductivity of 3,000 micromhos per centimeter at 25°C to delineate the regional base of the fresh groundwater in the San Joaquin Valley. The depth below ground to the definable bottom of the basin ranges from 300 feet to 800 feet deep.

The primary beneficial users of groundwater are for agriculture and municipal water supply. Additional users of groundwater include domestic water supply, industry use and Groundwater Dependent Ecosystems (GDE). The lateral flow of groundwater in the upper aquifer generally flows to the east. In dry years there is a hydraulic divide in Stanislaus County and in Fresno County south of Dos Palos where water from the SJREC GSP Group flows to the west from the western boundary and flows east from the eastern boundary (refer to Appendix I for further details). In the lower aquifer groundwater typically flows east from the northern portion of the plan area. The southern portion of the plan area has lateral groundwater outflow from the lower aquifer to the south along the southwestern border and to the northeast from the eastern border. The lateral outflow of groundwater from the SJREC GSP area is indicative of sustainable pumping within the plan area. This is due to the significant recharge provided the SJREC GSA. The primary sources of recharge include deep percolation of irrigation water and seepage from the unlined canals/ditches in the area. Additionally, some recharge is provided by precipitation and also recharge and recovery projects.

The SJREC hold senior water rights on the San Joaquin River. In 1939, the predecessors to the Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company, collectively referred to as the San Joaquin River Exchange Contractors (SJREC), entered into an agreement with the federal government to not exercise their water rights on the San Joaquin River in exchange for a substitute water supply currently delivered via the Delta-Mendota Canal. The contract is

commonly referred to as the “Exchange Contract”. The primary water supply for this GSP is the surface water supply of the SJREC. The historic water budget for the Delta-Mendota Subbasin was defined as Water Years 2003-2012. This time period represented a near normal 10-year hydrologic cycle. The most accurate method to estimate changes in groundwater storage is to evaluate water level trends and specific yields for the upper aquifer. The SJREC GSP reviewed the results of the water budget analysis and compared to the measured changes in groundwater levels to double check the results of the computational water budget. The change in groundwater storage for the historic water budget averaged -13,000 acre-feet/year for the upper aquifer. The current water budget year was defined as Water Year 2013 and an overdraft of 37,000 acre-feet was observed. After the current water, California entered into a record drought that had devastating impacts across the state. Even after going through the worst drought on record, the water levels in the SJREC service area had fully recovered by 2019 indicating full recovery of groundwater storage in the upper aquifer. The projected water budget followed sequentially after the current year and represents Water Years 2014-2070. Actual data was used in the projected water budget for years 2014-2017. To represent a long hydrologic cycle, historic data from Water years 1965-2017 were used as a baseline for conditions. Once the baseline was established, impacts from Climate Change and population growth were used to refine the projected modeled water budget. Additionally, existing projects and projects under development were analyzed. The net result of the projected water budget shows no change in groundwater storage for the upper aquifer through the planning and implementation horizon (2070). The lower aquifer water budget has significantly fewer parameters than the upper aquifer. Primarily the water budget consists of: 1) extractions from the lower aquifer, 2) flow through the Corcoran Clay between the upper and lower aquifers, 3) lateral groundwater inflow and 4) lateral groundwater outflow. It should be noted that a confined aquifer cannot simply add these four parameters together to determine the change in storage. The most accurate method to determine the change in groundwater storage of the lower aquifer is to determine how much subsidence has occurred below the Corcoran Clay which reduces the total volume of groundwater that can be stored. Inelastic land subsidence causes a permanent reduction in groundwater storage in the lower aquifer. As described in further detail later in this plan, the SJREC GSP have very minimal groundwater extractions that are well below the established sustainable yield for the subbasin. The change in groundwater storage for the historic, current, and projected water budgets are respectively -10,000 acre-feet/year, -24,000 acre-feet, and -5,000 acre-feet/year. Land subsidence outside the Delta-Mendota subbasin is causing impacts in the Delta-Mendota Subbasin. The SJREC are working on several projects to mitigate land subsidence and further details are discussed in the plan. The key assumption in the projected water budget is that areas causing significant land subsidence outside the SJREC GSP area, will begin to ramp down their pumping from the lower aquifer to the point where subsidence has been mitigated between the 2030 and 2035 GSP updates.

Establishment of groundwater management areas for the SJRECWA was recommended by KDSA in the 1997 AB 3030 Groundwater Management Plan. That recommendation has carried through from the AB 3030 Groundwater Management Plan to the SGMA required Groundwater Sustainability Plan.

ES3 SUSTAINABLE MANAGEMENT CRITERIA

The indication of sustainable groundwater management is defined as the absence of Undesirable Results. The path to sustainability starts with good data. The SJREC started collecting groundwater data in the 1960's. With each passing decade, the SJREC sharpened their knowledge of the local groundwater conditions to the point where the area was operated under a groundwater management plan

accompanied by annual groundwater assessments reports. With a broadening understanding of the groundwater conditions, the SJREC were monitoring the data and were able to implement groundwater management that was protective of the aquifers. Experience successfully managing groundwater leads to an understanding of the sustainability goal and how to maintain sustainable management criteria to less than significant and unreasonable.

The next step in the process is to define what constitutes significant and unreasonable. With good data and an understanding of the sustainability goal for the plan, the SJREC developed minimum thresholds to meet the goals set forth. The next step was to establish measurable objectives to provide operational flexibility to the beneficial users of groundwater, accounting for annual fluctuations of hydrology. With a good understanding of the operational bookends, the SJREC expanded their historic groundwater management strategies to comply with the SGMA.

Chronic lowering of groundwater is best managed through establishing water levels that trigger a management action to mitigate the risk of water levels declining to the minimum threshold. For the SJREC GSP, a trigger water level has been suggested to limit groundwater extractions leaving the management areas when water levels have declined below the trigger level. This management was in place in the impacted areas during the drought of 2013-2016 and was successful in limiting aquifer impacts. By 2019, the water levels had fully recovered without any significant or unreasonable impacts.

The SJREC have managed and will continue to manage a reduction in groundwater storage consistent with the triggers established to keep water levels from chronically lowering. Furthermore, the SJREC recharge more surface water than they extract and have a positive impact on groundwater storage. The impacts of climate change have been included in this plan and will be monitored to maintain sustainability.

The Delta-Mendota Subbasin is unlikely to experience seawater intrusion and therefore sustainable management criteria have not been established for this sustainability indicator.

Degraded water quality is managed to mitigate the impacts of the migration of poor quality water from lands outside of this GSP. The Camp 13 area of CCID and FCWD have been actively mitigating the impacts of drainage water entering the service area. These projects principally either blend the poor quality water with surface, dispose of the drainage water to the San Joaquin River Improvement Project (SJ RIP) or through groundwater elevation control of tile drainage lines to keep the root zone from being inundated by the drainage water.

In the Delta-Mendota Subbasin, inelastic land subsidence is caused by groundwater extractions from the lower aquifer. The SJREC are pumping well below the sustainable yield of the lower aquifer established for the subbasin. The SJREC have been impacted by groundwater pumping from outside its service area.

The SJREC have not proposed to develop measurable objectives and interim milestones to address interconnected surface water and groundwater. Rather than developing a plan to mitigate a problem after the problem has presented itself, the SJREC GSP group has proposed to work with the counties to develop well construction standards to fully mitigate the potential for wells installed near the San Joaquin River to have an impact to the surface water flows.

ES4 PROJECTS AND MANAGEMENT ACTIONS

The SJREC has been actively managing groundwater conditions and independently have sustainable resource as described in Sections ES2 and ES3 above. The projects described in this plan are part of the SJRECWA Water Resources Plan. In 2012, the SJREC modeled the reliability to receive their surface water and decided that it was in their best interest, and the communities and habitat included in this GSP, to develop a water resource plan with the goal of having 50,000 acre-feet of local dispatchable storage. The goal would offset reductions in water supply during critical years under the Exchange Contract.

The Los Banos Creek Diversion Facility is a joint project with San Luis Water District (CVP contractor), Grasslands Water District (Refuge supply) and the SJREC. This project has an average annual yield of about 7,000 acre-feet and provides benefits to the Riparian corridor along the Los Banos Creek, improves wetland habitat, flood protection to the City of Los Banos, and water supply for the Riparian water users.

The Los Banos Creek Recharge and Recovery Project provides 7,000 acre-feet of water supply to the SJREC during a Critical year under the Exchange Contract. This project also benefits the riparian corridor in portions of the Los Banos Creek and provides a water quality benefit to the City of Los Banos (DAC). In 2017, the SJREC recharged a significant amount of water as part of this project. One of the City of Los Banos supply wells is located near the creek and experienced a reduction in hexavalent chromium due to the recharge of better quality water from the project. Furthermore, the domestic well users in the area reached out to the SJREC and were pleased to see the water level in their wells become shallower which reduces the cost to pump the water for their use. These projects will recharge more water than will be extracted, contributing to an improved overall water budget.

The Los Banos Creek Storage Project is another joint project with San Luis Water District, Grasslands Water District and the SJREC. This project will increase the beneficial use of the Los Banos Creek Detention Reservoir by making releases during the flood control season and provide that water to the Riparian landowners. These releases will also increase the flood protection. The project will provide 8,000 acre-feet of water supply to the SJREC during a Critical year under the Exchange Contract. In all other years, the SJREC will make the 8,000 acre-feet stored in the reservoir available to Grasslands Water District and San Luis Water District.

The Orestimba Creek Recharge and Recovery Project is a joint project with Del Puerto Water District and provides about 7,500 acre-feet of water supply to the SJREC during a Critical Year under the Exchange Contract. This project also provides a flood protection benefit to the City of Newman (DAC). These projects will recharge more water than will be extracted, contributing to an improved overall water budget.

The BB Limited and Farmers Water District Recharge Projects both have the ability to capture and recharge flood flows which will help reduce the potential flooding impact to the City of Firebaugh (SDAC) during high flow events from either the San Joaquin River or Kings River through the Fresno Slough. These projects will provide the SJREC about 8,000 acre-feet of water supply during a Critical year under the Exchange Contract. These projects will recharge more water than will be extracted, contributing to an improved overall water budget.

These projects combine to provide the SJREC will about 30,000 acre-feet of water supply during a Critical year under the Exchange Contract. This supply would have historically used groundwater to meet demand. The implementation of these projects will offset groundwater impacts during critically dry years by using stored water from these projects. The overall groundwater conditions are expected to improve as a result of these projects since some water will be left behind as a contribution to the local aquifers.

Another project the SJREC are participating in is the Red Top Area Subsidence Mitigation project. This project is helping to solve a regional problem that has impacted the SJREC due to groundwater extractions outside the SJREC service area and also outside of the Delta-Mendota Subbasin. The project includes the installation of recharge basins, facilities to capture and use flood flows and a pipeline under the San Joaquin River to deliver surface water to the Red Top area on the eastside of the river. Much of the area has recently used extractions from the lower aquifer to meet irrigation demands. This pumping has caused significant subsidence. The SJREC reached out to the landowners in the Red Top to area assess the problem and develop a vision to mitigate subsidence. The general concept is to capture flood flows and either recharge the upper aquifer or directly apply the water to meet crop demand (in-lieu recharge). The recharged water will create underground storage that can be used in later years. The subsidence reduction is achieved by abandoning wells in the lower aquifer and drilling shallower wells to use the recharged water in the upper aquifer. In 2017, almost 50,000 acre-feet was recharged directly and in-lieu of pumping groundwater. In 2018, an additional 10,000 acre-feet of surface water was put to beneficial use on the ranch. The current project is about 50% complete and the subsidence rate at Sack Dam (SLCC headworks) has reduced from 0.5'/year to 0.15'/year. Once the project is complete, the subsidence is expected to reduce to background levels.

The SJREC also have several management actions that were in place prior to the SGMA. One valuable management is the Annual Groundwater Assessment Report that reviews groundwater conditions for the SJREC management areas. Each year the report is updated to track and compare the current year conditions with historical observations. The report includes water level trends, water quality trends, well pumping volumes, and well pump tests. Kenneth D Schmidt and Associates (KDSA) prepares an analysis of the groundwater conditions for the current year and makes recommendations on specific groundwater management strategies to be implemented to maintain a healthy aquifer. Three areas have historically been impacted during drought years; Management Area A, Management Area G and the Los Banos Creek Sub-area of Management Area C. Water levels and groundwater impacts from these areas were below the established triggers in the recent drought, and it was recommended to limit extractions in these areas. As a result, the water levels fully recovered by 2019 without any significant impacts to the beneficial users of groundwater.

The SJREC allow private well owners to pump into district facilities for credit. Groundwater pumped into district facilities must meet water quality standards and have overall limits on how much groundwater can be pumped while monitoring and mitigating damage to other beneficial users. Since 2000, about 70% of the total pumping within the SJREC area has been subject to these policies and the recommendations based on the annual groundwater report. Additionally, during 2014 and 2015 about 90% of the total pumping was subject to these policies which are the years of highest stress on the local aquifers. This management has afforded the SJREC the ability to monitor and manage groundwater

conditions each year, allowing KDSA to review potential problems and provide monitoring and management strategies to mitigate the potential problem.

The SJREC have periodically updated joint groundwater condition reports with the cities adjacent to the SJREC service area. These updates allow collaboration on impacts to groundwater as the cities demand on water increases to support impacts from climate change and population growth.

The SJREC have been managing groundwater quality impacts from drainage from the San Luis Unit of the Central Valley Project. The areas primarily impacted are the Firebaugh Canal Water District (FCWD) and the Camp 13 area within the Central California Irrigation District (CCID). The SGMA requires that a GSP shall not affect the ability of another GSP to achieve sustainability. In order to mitigate the water quality impacts from lands upslope, the SJREC have an active mitigation plan for the migration of shallow saline groundwater. Such projects include 1) point source control through installation of high efficiency irrigation systems and canal lining projects, 2) groundwater management including blending some poor quality groundwater, 3) installation of tile drainage systems along with a pipeline to dispose of the drain water on a reuse area and 4) potential groundwater treatment options. This management has been vital to maintain water levels below the effective root zone. Due to this poor quality groundwater migrating through the area, the cities of Firebaugh and Mendota (both are SDAC's) have worked with the SJREC do develop urban water supply wells on the opposite side of the San Joaquin River so they can supply safe and affordable drinking water to their residents.

Most of these projects and management actions have been in place prior to the enactment of SGMA. The SJREC are committed to continue their partnership with local agencies to better manage water resources through collaborative and inclusive projects and management actions that can benefit the whole community. Groundwater recharged by the SJREC is used to offset overdraft from the GSA's partnering in this plan

ES5 PLAN IMPLEMENTATION

The development of the SJREC GSP is estimated to cost \$700,000. The SJREC GSA participated in grant funding on behalf of all of the GSA's in the SJREC GSP and have been awarded about \$335,000 in Category 2 funding and also received Category 1 funding to offset costs to the Severely Disadvantaged Communities. The SJREC have been sustainably managing groundwater for decades and will continue to implement projects and management actions that will enhance the sustainability of the local aquifers and help neighboring GSA's and GSP Groups achieve and maintain sustainability.

9.0 CITY OF LOS BANOS GSA AREA

9.1 Background for City of Los Banos

The City of Los Banos is an expanding urban area that relies entirely on groundwater. Mutual concerns of the quantity and quality of groundwater in terms of future growth, initiated conversations between CCID and the City to investigate the long-term reliability of the surrounding aquifer. In the early 1990's, CCID and the City jointly participated in a study of the groundwater conditions in and around the City, (KDSA 1991; Los Banos). Subsequent groundwater studies for the City of Los Banos have been completed in cooperation with CCID and the USBR.

Over the years, CCID has invested in helping cities monitor, understand and manage the aquifers for the communities near the district. The relationship has resulted in a common understanding of the aquifer and a partnership which is the foundation of the SJREC GSA and the City of Los Banos GSA cooperating to develop this GSP. Some potential impacts to the City include increased costs for the SWRCB to develop and implement a sustainable plan for the City and a standalone plan that isn't synchronous with the lands surrounding the City. CCID recognized the potential impacts to the City of Los Banos, a DAC, and worked with City leaders and technical staff to understand the potential opportunities and constraints of the SGMA to the City. Ultimately, the City decided to form its' own GSA with the help from the SJREC to appropriately file. The City of Los Banos welcomed the SJREC's assistance in developing the required elements in a GSP. It was mutually agreed that the SJREC will work with the City to develop the requirements in the GSP City and to include this in a discrete Section in the SJREC GSP. This was a seamless process due to the decades of cooperation of managing groundwater for the region.

The City of Los Banos, the largest City in the Delta-Mendota Subbasin, was originally a partner with the SJRECWA, GWD and SLWD on the Los Banos Creek Diversion Facility described in Section 4.1.1 of this GSP. The Los Banos Creek Recharge and Recovery Project developed jointly with the SJRECWA, GWD and SLWD, directly benefits the water quality for the City supply wells. The Hexavalent Chromium concentration dropped below the standard in one City well near the Los Banos Creek during the extended recharge in 2017. The City recognizes the value working with the local districts to jointly manage local water resources. In continuation of a great working relationship, the City has partnered with the SJREC GSA, GWD and SLWD to develop a sustainable plan for an area that extends beyond the City urban growth boundary and includes upgradient lands.

The SJREC are committed to assist this DAC to maintain sustainability through the planning and implementation horizon. The City of Los Banos GSA is a party to the Delta-Mendota Subbasin Coordination Agreement and Cost Sharing Agreement (Appendices B & C; respectively).

Section 1 of this GSP discusses the purpose of this plan, sustainability goal, agency information and the organization of this plan for all GSA's in the SJREC GSP. Section 2.1 describes the plan area for all of the GSA's in the SJREC GSP. Refer to Appendix S for a discussion on the basin setting, sustainable management criteria and projects & management actions specific to the City. Some further details are provided below.

9.2 Water Budgets for the City of Los Banos

Presented herein is the compilation of the historic, current and projected water budgets specific to the City of Los Banos GSA.

9.2.1 Historic Water Budget for the City of Los Banos

The City of Los Banos solely relies on groundwater to provide its residents drinking water. The historic water budget from 2003-2012 is consistent with the historic range selected by the entire Delta-Mendota Subbasin. Groundwater pumping during this timeframe ranged from 6,400 to 9,100 AF/year with an average pumping of 7,900 AF/year. The City sends effluent to its Waste Water Treatment Facility (WWTF). They have about 200 acres of holding ponds at the WWTF. Once treated in the holding ponds, water is used to irrigate 350 acres of pasture. There is approximately 600 AF/year evaporation from the effluent ponds. The amount of effluent used for irrigation ranged from 2,600 to 4,000 AF/year with an average of 3,400 AF/year. The consumptive use of the pasture averaged about 3.3 AF/acre for an average consumptive use of about 1,100 AF/year.

The City water use that does not result in the production of effluent was used to water lawns, parks, etc. The outside water use is the difference of pumpage and effluent and averaged about 4,000 AF/year. Typically, a 70% irrigation efficiency is applied to urban landscape watering which results in an average annual consumptive use of about 2,800 AF/year.

The total average annual consumptive use from outdoor water use and crop demand at the WWTF is 4,500 AF/year. The City of Los Banos GSA covers roughly 5,800 acres. The approximate sustainable yield for the City of Los Banos GSA is 0.40 acre-feet/acre or about 2,300 acre-feet/year.

WATER YEAR	PUMPAGE (AF)	CITY EFFLUENT (AF)	OUTDOOR USE (AF)	CONSUMPTIVE USE (AF)
2003	6,400	3,200	3,200	4,000
2004	6,900	3,500	3,500	4,200
2005	7,200	3,600	3,600	4,200
2006	7,500	3,800	3,800	4,400
2007	9,100	4,600	4,600	4,900
2008	8,900	4,500	4,500	4,900
2009	8,300	4,200	4,200	4,700
2010	7,700	3,900	3,900	4,500
2011	7,800	3,900	3,900	4,500
2012	8,900	4,500	4,500	4,900

Table 46 - City of Los Banos Historic Water Budget Data

9.2.2 Current Water Budget for the City of Los Banos

The same data and methodologies from the Historic Water Budget was used to develop the Current Water Budget.

WATER YEAR	PUMPAGE (AF)	CITY EFFLUENT (AF)	OUTDOOR USE (AF)	CONSUMPTIVE USE (AF)
2013	8,500	4,300	4,300	4,700

Table 47 - City of Los Banos Current Water Budget Data

9.2.3 Projected Water Budget for the City of Los Banos

The City of Los Banos General Plan projects 2% annual growth, which was used in this plan to determine the projected baseline demand on water. The average annual pumping from the historic water budget was used as a baseline to project the demand on water through the planning and implementation horizon. The same data and methodologies described in Section 9.2.1 were used to determine consumptive use of groundwater. Below is a table of the projected water budget. The projected consumptive use is anticipated to increase by 7,600 AF/year to a total of 12,100 AF by 2070. Section 9.3 will discuss SMC in order for the City of Los Banos to be sustainable. Section 9.4 will discuss projects and management actions to offset the increased demand.

WATER YEAR	PROJECTED PUMPAGE (AF)	PROJECTED CITY EFFLUENT (AF)	PROJECTED OUTDOOR USE (AF)	CONSUMPTIVE USE (AF)
2014	7,900	4,000	3,900	4,500
2015	6,700	3,400	3,300	3,900
2016	6,100	3,100	3,000	3,600
2017	7,800	3,900	3,900	4,500
2018	8,000	4,000	4,000	4,600
2019	8,100	4,100	4,000	4,600
2020	8,300	4,100	4,200	4,800
2021	8,400	4,200	4,200	4,800
2022	8,600	4,300	4,300	4,900
2023	8,800	4,400	4,400	5,000
2024	9,000	4,500	4,500	5,100
2025	9,100	4,600	4,500	5,100
2026	9,300	4,700	4,600	5,200
2027	9,500	4,800	4,700	5,300
2028	9,700	4,800	4,900	5,500
2029	9,900	4,900	5,000	5,600
2030	10,100	5,000	5,100	5,700
2031	10,300	5,100	5,200	5,800
2032	10,500	5,200	5,300	5,900
2033	10,700	5,400	5,300	6,000
2034	10,900	5,500	5,400	6,100
2035	11,100	5,600	5,500	6,200
2036	11,400	5,700	5,700	6,400
2037	11,600	5,800	5,800	6,500
2038	11,800	5,900	5,900	6,600
2039	12,100	6,000	6,100	6,700
2040	12,300	6,100	6,200	6,900
2041	12,500	6,300	6,200	6,900
2042	12,800	6,400	6,400	7,100
2043	13,100	6,500	6,600	7,300
2044	13,300	6,700	6,600	7,300
2045	13,600	6,800	6,800	7,500
2046	13,900	6,900	7,000	7,700
2047	14,100	7,100	7,000	7,800
2048	14,400	7,200	7,200	7,900
2049	14,700	7,300	7,400	8,100
2050	15,000	7,500	7,500	8,300
2051	15,300	7,600	7,700	8,400
2052	15,600	7,800	7,800	8,600
2053	15,900	8,000	7,900	8,700
2054	16,200	8,100	8,100	8,900
2055	16,600	8,300	8,300	9,100
2056	16,900	8,400	8,500	9,300
2057	17,200	8,600	8,600	9,400
2058	17,600	8,800	8,800	9,600
2059	17,900	9,000	8,900	9,800
2060	18,300	9,100	9,200	10,000
2061	18,600	9,300	9,300	10,100
2062	19,000	9,500	9,500	10,400
2063	19,400	9,700	9,700	10,600
2064	19,800	9,900	9,900	10,800
2065	20,200	10,100	10,100	11,000
2066	20,600	10,300	10,300	11,200
2067	21,000	10,500	10,500	11,400
2068	21,400	10,700	10,700	11,600
2069	21,800	10,900	10,900	11,800
2070	22,300	11,100	11,200	12,100

Table 48 – City of Los Banos Projected Water Budget Data

9.3 Sustainable Management Criteria for the City of Los Banos

The City of Los Banos has historically relied completely on groundwater extraction to meet water demand. Groundwater overdraft around the City has primarily been offset by recharge from the SJREC service area. As mentioned previously, the SJREC are invested in helping the City to monitor, understand and manage groundwater. The SJREC GSP Group, collectively, is currently sustainable. In order for the group to maintain sustainability, the SJREC will work with the City of Los Banos on Projects and Management actions to offset groundwater extractions by the City that is above their sustainable yield.

The historical consumptive use for the City of Los Banos was about 4,500 AF/year which equates to an average use of about 0.8 AF/acre. Currently, the City of Los Banos GSA is relying on about 2,200 acre-feet of groundwater from the SJREC GSA to keep the City GSA sustainable from a water budget standpoint. While the City of Los Banos lies in the SJREC Management Area C, different SMC is developed in order for the City to achieve collective and independent groundwater sustainability.

9.3.1 Chronic Lowering of Groundwater Levels

Water levels in the vicinity of the City are positively impacted through recharge from the SJREC, SLWD and seepage in the Los Banos Creek. Water levels in the SJREC Management Area C will be used to sustainably manage groundwater levels around the City. Sustainable groundwater management for the City is best achieved by offsetting overdraft through the implementation of projects and management actions.

9.3.2 Reduction in Groundwater Storage

Groundwater storage under the City of Los Banos is positively impacted through recharge from the SJREC, SLWD and seepage in the Los Banos Creek. Managing groundwater storage for the City will be accomplished through updated water budgets for the City. The SJREC are contributing recharge to maintain adequate groundwater storage to offset storage reductions caused by the City. Sustainable groundwater management for the City is best achieved by offsetting overdraft through the implementation of projects and management actions.

9.3.3 Seawater Intrusion

The Delta-Mendota Subbasin does not currently experience seawater intrusion and does not anticipate this occurring. The presence of an undesirable result for seawater intrusion is not likely to occur and therefore no SMC have been established for this sustainability indicator.

9.3.4 Degraded Water Quality

The main concern for the City is the contamination resulting from naturally occurring constituents including nitrate, arsenic, hexavalent chromium, selenium, total dissolved solids, sulfate, chloride, and boron. These constituents are important in terms of developing public supply wells to meet Title 22 Standards. As part of the process of installing new wells, the City does vertical trends in groundwater quality and completes the well opposite of the zones with quality concerns. One potential solution for water quality concerns and also to meet overdraft is for the City to receive a surface water transfer from the SJREC.

9.3.5 Land Subsidence

The City has one active composite well that taps both the upper and lower aquifers. Wells pumping from a confined aquifer have the potential to cause inelastic land subsidence. To date, the land subsidence in and around the City has been minimal and is indicative that the City wells have not caused any significant land subsidence. The SJREC and the City will work together to ensure that significant and unreasonable land subsidence does not occur due to City pumping. Any future increase in pumping from below the Corcoran clay will be analyzed to determine the potential to cause land subsidence and appropriate mitigation measures will be implemented. One such mitigation measure could include a reduced pumping from the lower aquifer with the increase in demand offset by restricted watering and/or transfer of surface water to the City.

9.3.6 Depletions of Interconnected Surface Water

The presence of an undesirable result for depletions of interconnected surface water is not likely to occur in the City of Los Banos and therefore no SMC have been established for this sustainability indicator.

9.4 Projects and Management Actions for the City of Los Banos

The City is actively pursuing water conservation. In order to maintain sustainability for each GSA in the SJREC GSP group, the City is committed to offsetting an increase in demand based on projected population growth, by developing certain projects. Each project will be analyzed jointly with the City and the SJREC to maximize the regional benefits. The City will develop projects to offset overdraft including; 1) storm water capture, 2) demand reduction through reduced watering, 3) surface water transfer, 4) purchasing groundwater credits, 5) participation in SJREC recharge projects.

The groundwater quality, under natural conditions, under the City has some constituents of concern discussed in Appendix S. The City currently pumps certain wells as needed to meet Title 22 water quality standards for the consumer. If the groundwater quality were to naturally degrade and/or the Title 22 standards for drinking water were to be updated with lower MCL's, the City may run the risk of exceeding allowable limits, particularly for the hexavalent chromium standard. In addition to the potential water quality concerns, with the SGMA, the City currently has a deficit water balance. To counteract both of these concerns, the City has started preliminary discussions with the SJREC on two possible projects mentioned above. One project to offset water quality concerns is to transfer surface water from the SJREC to the City in exchange for the City pumping groundwater into the CCID Main Canal.

Another project has been discussed to address both overdraft and water quality concerns for the City. The SJREC would make surface water available for transfer to the City, thereby reducing (or eliminating) the City's need to pump groundwater while providing cleaner drinking water for the DAC's residents. The City of Dos Palos has been receiving surface water from CCID for decades due to groundwater quality concerns. The SJREC would anticipate mimicking that proven model to provide a sustainable water supply for the residents of Los Banos.

The SJREC will continue to work with the City to not only meet the requirements of the SGMA but more importantly, to maximize the benefits of local water resources and providing safe and clean drinking water for this disadvantaged community.

9.5 Plan Implementation for the City of Los Banos

The cost to develop and implement the GSP specific to the City of Los Banos has been cost shared at 25% between the SJREC GSA, SLWD, GWD and the City of Los Banos GSA. Additionally, the SJREC GSA has participated in the Sustainable Groundwater Planning Grant Program (SGWP) on behalf of the SJREC GSP Group and will offset up to 50% of the plan development costs for the City of Los Banos GSA. The SJREC GSP Group has been, and will continue to sustainably manage groundwater through the planning and implementation horizon. The SJREC have annually evaluated groundwater conditions in this area for decades and have a proven track record of successfully implementing criteria to offset groundwater problems. One groundwater management success story in the Los Banos Creek area was the implementation of a representative well with a trigger level to limit groundwater transfers from the area. As a result of the annual groundwater investigations prepared by the SJREC, the problem presented itself along with a solution to mitigate the concern; resulting in the aquifer fully recovering after water levels dropped below established triggers and no long-term lowering of the aquifer was experienced. The SJREC GSP group will continue to sharpen our pencils to provide safe and reliable water. Although we are sustainable, if any issues are identified in our annual evaluations, we will work with our regional partners to promptly address the concerns. Consistent with our decades long relationship of leading the groundwater management effort with the City, the SJREC will take the lead preparing annual reports consistent with SGMA regulations.

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
	Capital Outlay	635,856	628,392	1,346,349	2,381,586
501-495-100-900	Contingency	0	0	100,000	100,000
	Contingency	0	0	100,000	100,000
	Total Water	\$3,352,355	\$3,506,690	\$4,384,711	\$5,622,228

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; 8th & 9th 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.

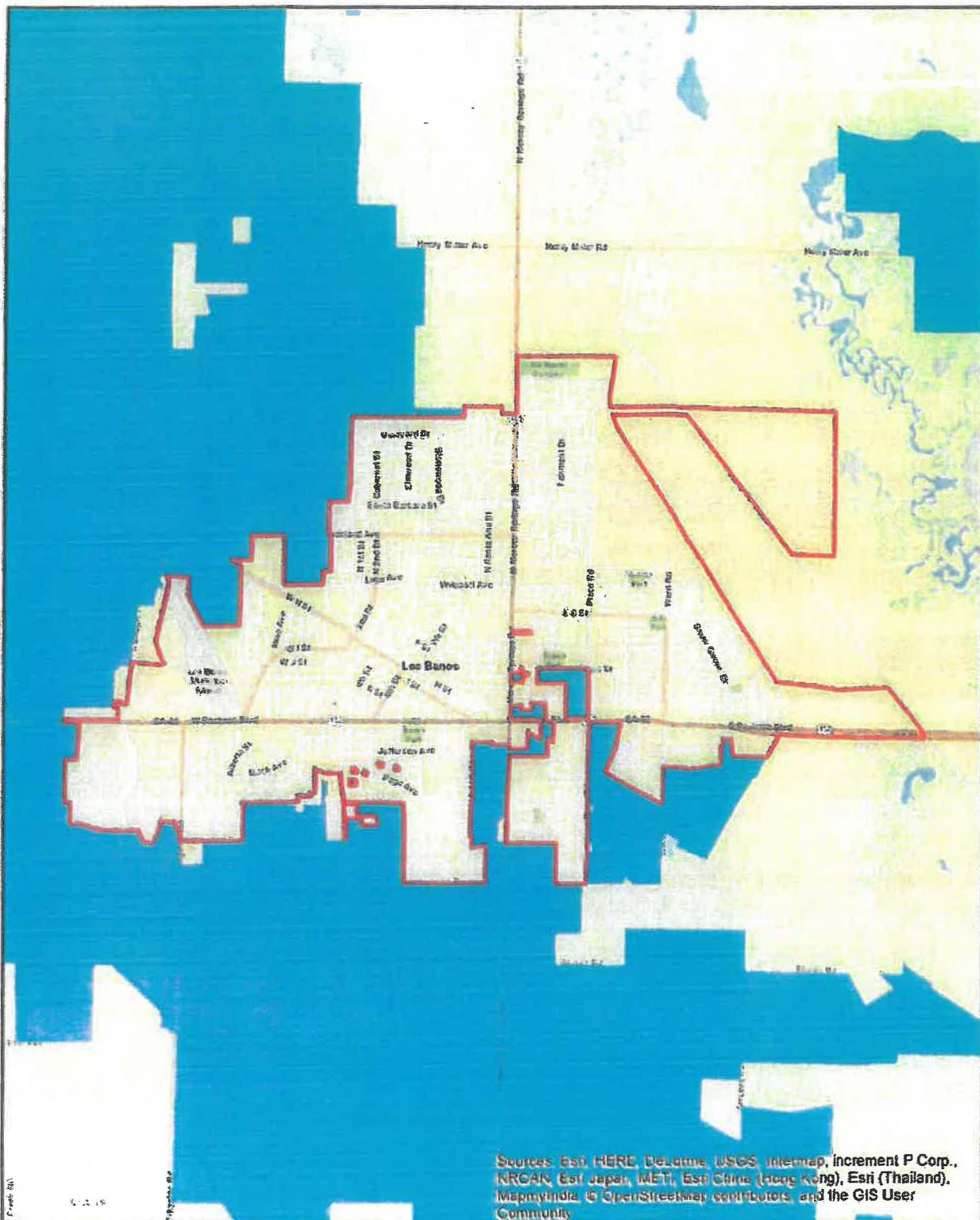
750-VEHICLES: Purchase of two (2) ¾ ton utility pickup trucks estimated at \$50,000 each. Purchase of a one ton service body pickup truck at \$132,078 (cost shared between Water \$66,039 and Collections \$66,039).

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.



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Imagery, and OpenStreetMap contributors, and the GIS User Community

© 2016 Esri
 12/15/2016

PROVOST & PRITCHARD
 An Employee Owned Company

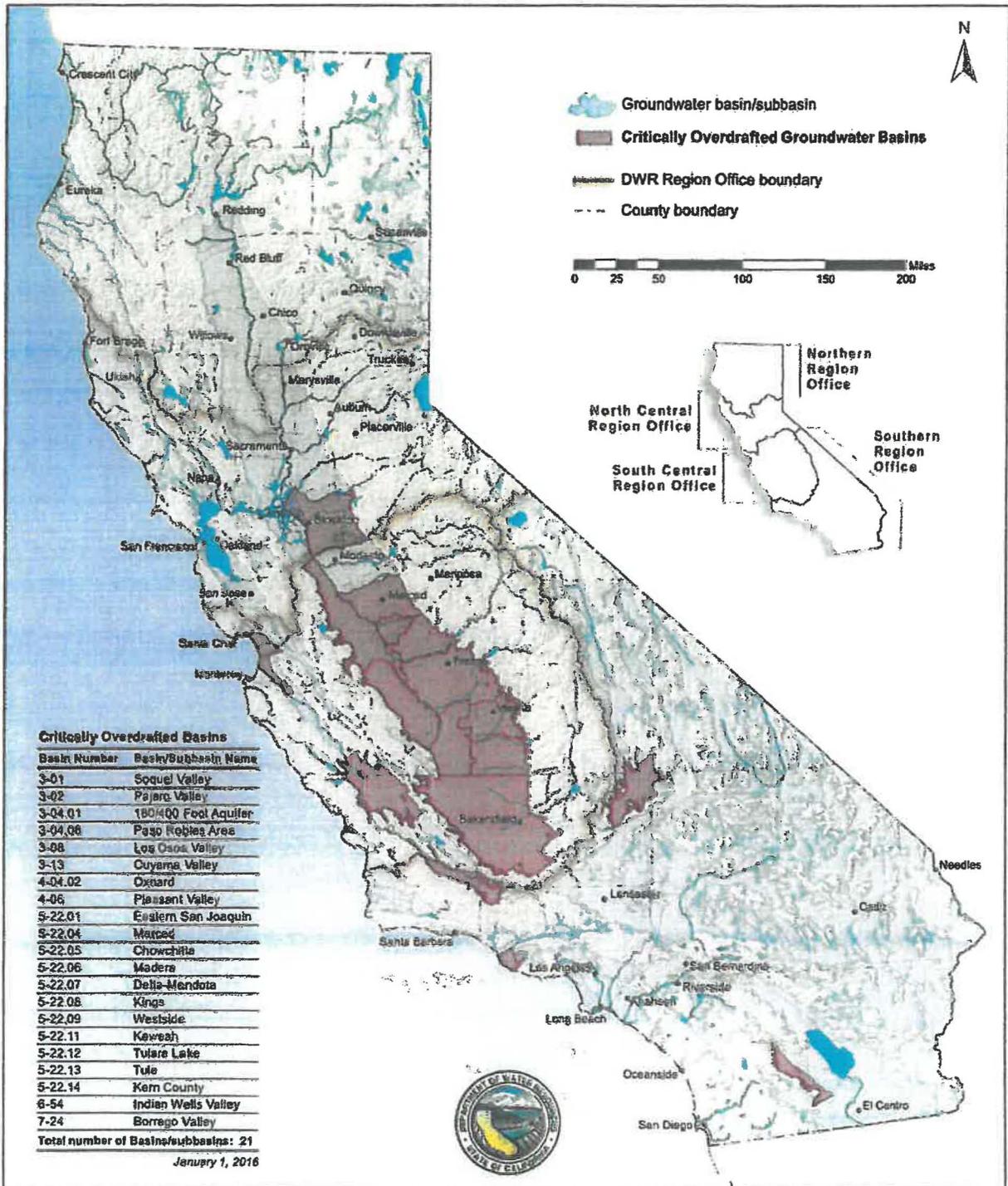
0 0.25 0.5
 Miles

Legend

- Los Banos GSA (Draft 2016-12-15)
- San Joaquin River Exchange Contractors W.A.
- GSA Boundary

City of Los Banos
 GSA Review

Critically Overdrafted Groundwater Basins – January 2016



SGMA UPDATE FOR THE CITY OF LOS BANOS GSA

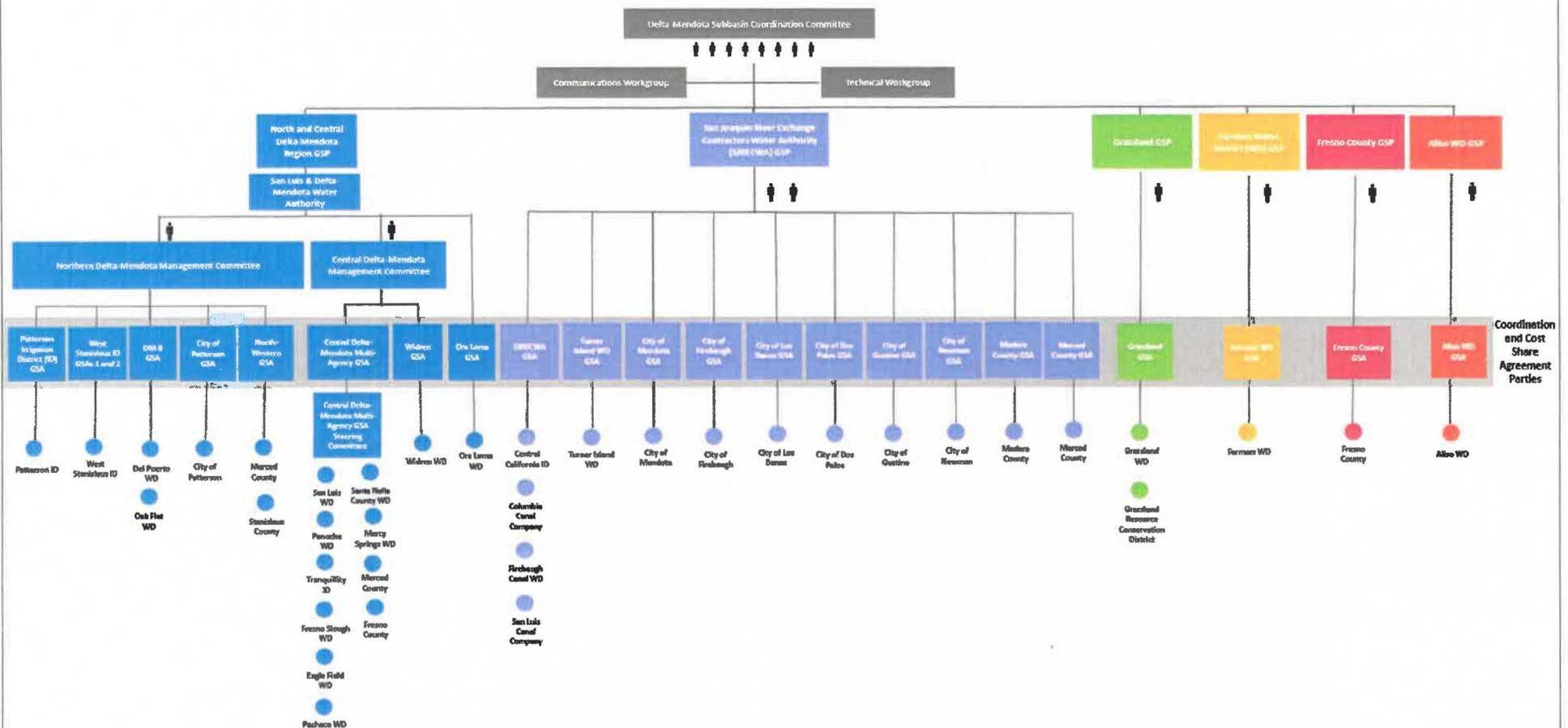
**Presented by Jarrett Martin, GM
Central California Irrigation District**

September 4, 2019

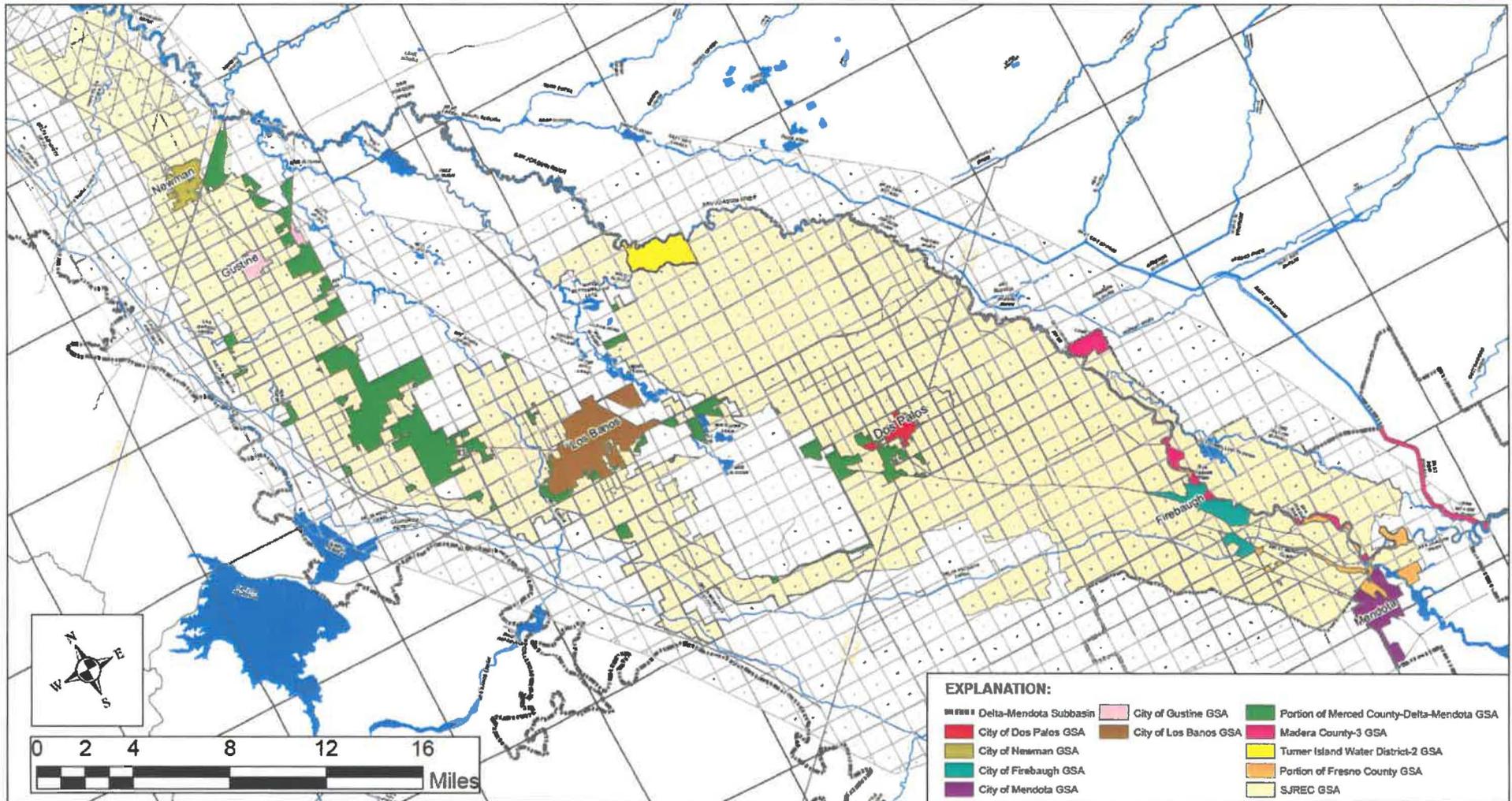


Delta-Mendota Subbasin 23 GSA's and 6 GSP's

Delta-Mendota Subbasin SGMA Governance Structure



GSA's in the SJREC GSP Group



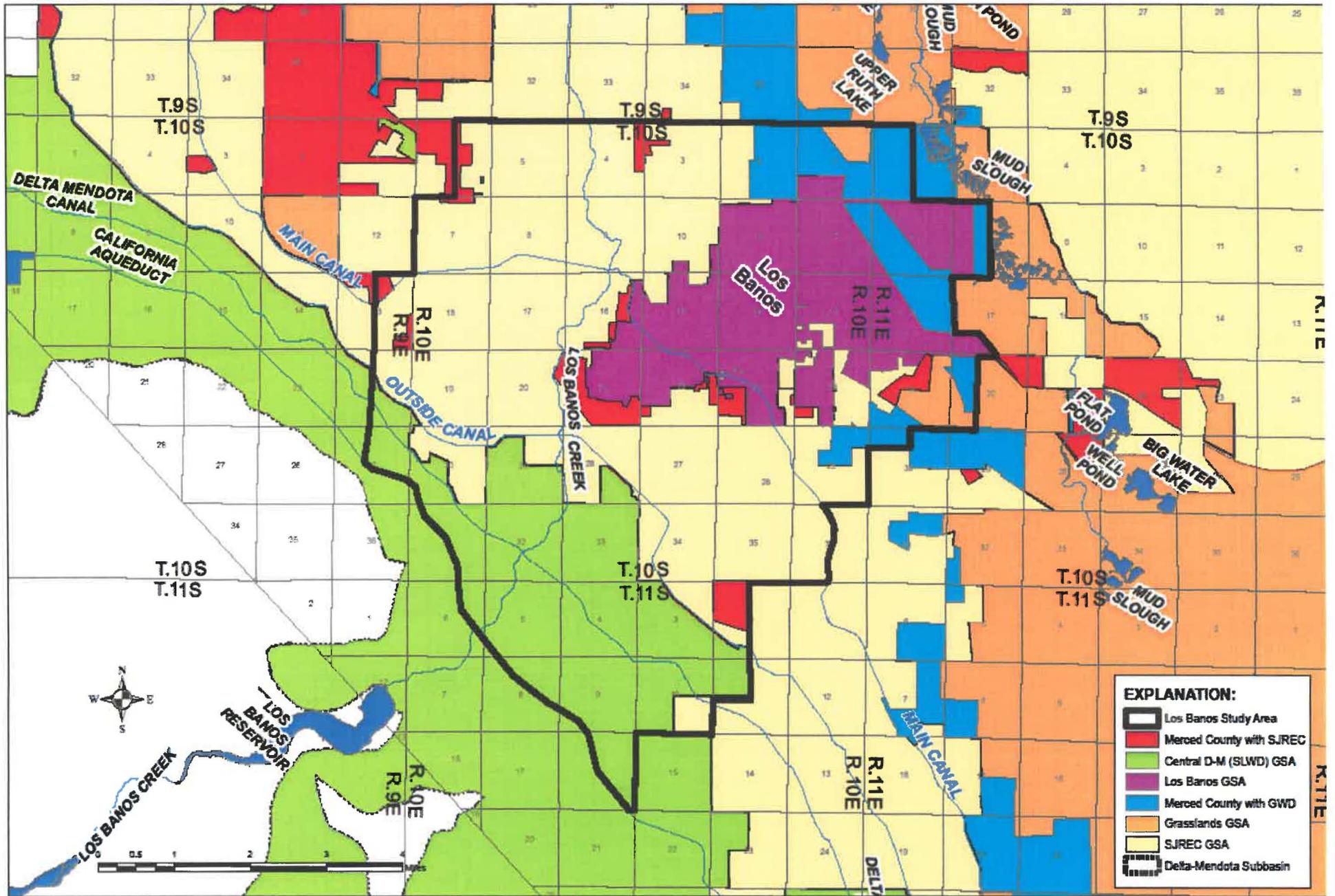


FIGURE 5 - LOCATION OF VARIOUS GSA's

Historical Cooperation

GROUNDWATER CONDITIONS IN THE VICINITY OF
THE CITY OF GUSTINE, CALIFORNIA

Prepared for:

CENTRAL CALIFORNIA IRRIGATION DISTRICT
Los Banos, California
CITY OF GUSTINE
Gustine, California

Prepared by:

KENNETH D. SCHMIDT AND ASSOCIATES
Groundwater Quality Consultants
Fresno, California

October 26, 1992

GROUNDWATER CONDITIONS IN THE
VICINITY OF THE CITY OF LOS BANOS

Prepared for:

CENTRAL CALIFORNIA IRRIGATION DISTRICT
AND CITY OF LOS BANOS
Los Banos, California

Prepared by:

KENNETH D. SCHMIDT AND ASSOCIATES
Groundwater Quality Consultants
Fresno, California

December 31, 1991

GROUNDWATER CONDITIONS IN THE VICINITY OF
THE CITY OF NEWMAN, CALIFORNIA

Prepared for:

CENTRAL CALIFORNIA IRRIGATION DISTRICT
Los Banos, California
CITY OF NEWMAN
Newman, California

Prepared by:

KENNETH D. SCHMIDT AND ASSOCIATES
Groundwater Quality Consultants
Fresno, California

October 26, 1992

Water Budgets

- **Sustainable Yield = 0.40 acre-feet/acre (756 MG/year)**
- **Current Overdraft = 2,200 acre-feet/year**
- **Projected Overdraft = offset demand**

Projects & Management Actions

- **Storm Water Capture**
- **Demand Reduction**
- **Surface Water Transfer**
- **Groundwater Credits**
- **Recharge Projects**
- **Other**

Sustainable Management Criteria

- **Water Levels**
- **Groundwater Storage**
- **Seawater Intrusion (N/A)**
- **Water Quality**
- **Land Subsidence**
- **Interconnected Surface Water**

Timelines

- **City of Los Banos Adoption Dec. 4, 2019**
- **SJREC GSP Submittal Dec 2019**
- **All GSP's due Jan. 31, 2020**

QUESTIONS?

Contact Information

Jarrett Martin, Central California Irrigation District

Telephone: (209) 826-1421

Email: jmartin@ccidwater.org





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Alex Terrazas, City Manager *AT*
DATE: September 4, 2019
TYPE OF REPORT: Non Consent Agenda
SUBJECT: Update Regarding the Pioneer Road Widening Project

Recommendation:

Provide direction to staff regarding the Pioneer Road Widening Project.

City Staff will provide an update regarding the Pioneer Road Widening Project. The update will include information regarding the Caltrans funded Specific Plan project, project timeline and project funding options. For background purposes attached to this staff report is the Measure V Regional Project Candidate Information and Evaluation form prepared by City staff.

Fiscal Impact:

None.

Attachments:

Measure V Regional Project Candidate Information and Evaluation Form



Regional Project Candidate Information and Evaluation Form

PROJECT NAME: Pioneer Road Widening

LEAD AGENCY: City of Los Banos

PROJECT DESCRIPTION (location, scope and limits):

The location is from the State Route 152/Merced College signalized intersection, south to Pioneer Road, easterly along Pioneer Road to the Pioneer Road/Ward Road intersection, then north along Ward Road to the Highway 152/Ward Road signalized intersection. The road will be a 4-lane arterial, designed per City Standards, with all required infrastructure, including a 10 foot bike/pedestrian path. The existing bridges will need to be improved and modified. Right-of-way acquisition will be required. The length of the project will be 6.5 miles.

(Please attach a map of the project location)

PROPOSED SCHEDULE AND ESTIMATED COST BY PHASE:

Phase / Component	Estimated Start	Estimated Completion	Estimated Cost
Project Study Report	Spring 2020	Spring 2022	\$150,000
Environmental Review, Project Approvals, Permits	Spring 2022	Spring 2023	\$300,000
Design (PS & E)	Spring 2023	Spring 2025	\$4,300,000
Acquire Right-of-Way	Spring 2022	Spring 2025	\$3,900,000
Construction	Spring 2025	Spring 2026	\$36,350,000
Estimated Total Cost			\$45,000,000

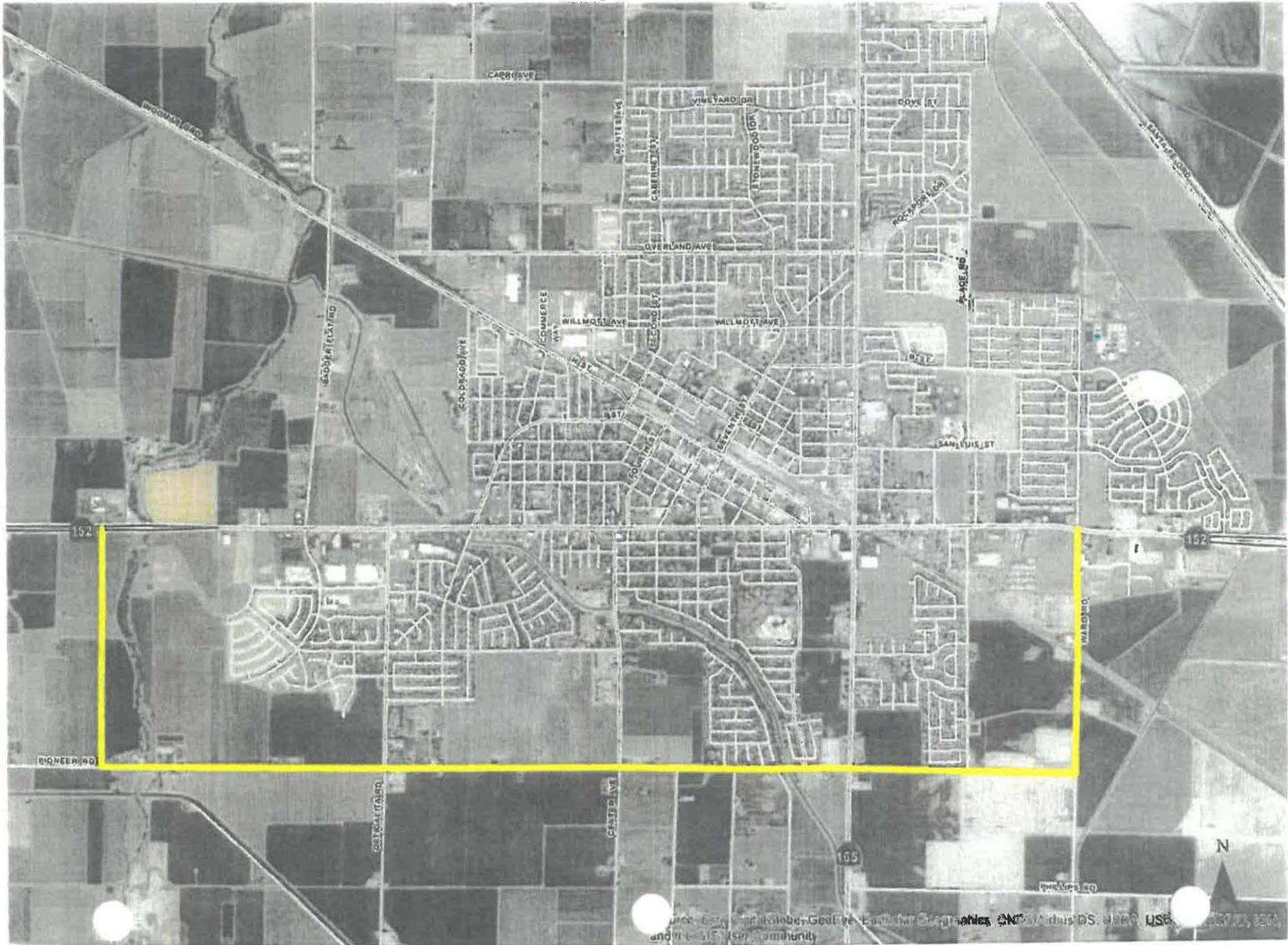


Regional Project Candidate Information and Evaluation Form

Please briefly describe how the project meets the following criteria:

<p>FUNDABILITY <i>Committed funding; Leveraging funding from multiple agencies; Competitiveness for grants.</i></p> <p>This project will leverage ATP funding with Regional Measure V funds. Additional planning and design funds will be used from the RTIF distribution. The City of Los Banos has applied for a Caltrans Planning Grant for use on this project's specific plan.</p>
<p>CONNECTIVITY <i>Complete Streets, Regional Connections</i></p> <p>The Pioneer Widening will provide connectivity around the main street corridor of State Route 152 in the City of Los Banos. It will provide an alternative route around the current congestion that exists on State Route 152 through the city.</p>
<p>REDUCE EMISSIONS <i>Reduction in Vehicle Miles Traveled; Reduction in Single-Occupant Vehicle Use</i></p> <p>By providing an alternative street for vehicles to avoid the current 14 traffic signals on State Route 152, the wait time and idling time of those vehicles will be greatly diminished, which in turn, will reduce emissions.</p>
<p>SAFETY</p> <p>Currently, State Route 152 through Los Banos, is one of the area streets which are most subject to accidents, both vehicular and bike/pedestrian related. This alternative street will relieve congestion which will reduce traffic related conflict situations.</p>
<p>READINESS <i>For Construction</i></p> <p>This project will be in the pre-planning stage within two years. Design is anticipated to be completed in the spring of 2025, with construction planned to begin in spring 2025.</p>
<p>ECONOMIC DEVELOPMENT <i>Including Goods Movement</i></p> <p>This alternative route from State Route 152 will provide a more efficient, less time delayed goods movement corridor through the City of Los Banos. Being that State Route 152 is a major east/west goods movement corridor for California, this will be a very beneficial alternative.</p>
<p>OTHER INFORMATION</p> <p>There currently are two elementary schools and one major park facility long State Route 152 through the City of Los Banos. Reducing traffic congestion and idling by providing an alternative street will improve the air quality along the State Route 152 corridor, including at the schools and park location.</p>

Pioneer Road Widening Project Location





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

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

DATE: September 4, 2019

TYPE OF REPORT: Agenda Item

SUBJECT: Planning Commission Attendance Policy and Planning Commission Member Seats

Recommendation:

Staff recommends that the City Council provide comment and direction regarding a Planning Commission attendance policy and Planning Commission Member seats.

Background:

On August 7, 2019, the Los Banos City Council directed staff to evaluate and recommend a policy concerning Planning Commission absences and to analyze the a reduction of Planning Commission Members from seven (7) members down to five (5) members.

Due to recent resignations of two (2) Commissioners, the Planning Commission currently consists of five (5) appointed members and two (2) vacant seats.

- John Cates (Chairman) – District 3
- David Dees – District 3
- Mona Giuliani – District 2
- Thomas Higby III – District 1
- Susan Toscano – District 3

District 4 does not have a representative at this time.

Pursuant to Section 2-2.204 of the Los Banos Municipal Code, each Commissioner shall serve a term of two (2) years.

Pursuant to Section 2-2.205(b) of the Los Banos Municipal Code, if a Planning Commission Member is absent without cause from three (3) successive regular meetings of the Commission, the Commission or the City Manager may request the City Council declare the position vacant. A member is not absent without cause if his or her absence is due to illness, or is unavoidable and the member gives notice to City staff before the meeting that he or she will be absent and the reason for the absence (Attachment 1).

The current Ordinance as written essentially makes most absences excusable, which leaves the Planning Commission and staff in a bind to meet quorum requirements. At least once in the last 12 months a Planning Commission meeting was cancelled due to lack of quorum.

Discussion:

The Community and Economic Development Department conducted a list serve inquiry to all other Planning Departments in the State of California to determine the following:

- What are their absence policy and/or removal of office procedure for Planning Commissioners?
- How many members are appointed to their Planning Commission?
- What are the term lengths/limits of appointments?

The results varied from city to city, but the majority of cities that responded have five (5) members with four (4) year terms and after 3 consecutive absences had an automatic resignation or a process for Planning Commissioner removal.

City staff is recommending the City Council consider the following options:

- Direct staff to amend the Los Banos Municipal Code to establish a five (5) member Planning Commission with a four (4) year term concurrent with the term of the Council Member term of the district they are in; and one (1) - two (2) year term for the member at-large appointed by the Mayor.
- Require automatic forfeiture of position on the Planning Commission if a member is absent three (3) consecutive meetings, excused or unexcused, (including special meetings and adjourned meetings) and/or a total of five (5) meetings within a six month period.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Los Banos Municipal Code Title 2 – Chapter 2

Los Banos Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)

[Title 2 ADMINISTRATION](#)
[Chapter 2 COMMISSIONS AND BOARDS](#)

Article 2. Los Banos Planning Commission**Note**

* Article 2 entitled "Planning Commission," consisting of Sections 2-2.201 through 2-2.209, codified from Ordinance No. 239, as amended by Ordinance No. 398, effective June 20, 1973, Ordinance No. 472, effective June 20, 1973, Ordinance No. 1022, effective January 15, 2005, Ordinance No. 678, effective April 3, 1981, Urgency Ordinance No. 740, effective December 4, 1985, Ordinance No. 777, effective May 22, 1988, Ordinance No. 855, effective April 17, 1992, Ordinance No. 1069, effective April 4, 2008, and Ordinance No. 1113, effective January 1, 2014.

Sec. 2-2.201 Established.

Pursuant to the provisions of Chapter 3 of Title 7 of the Government Code of the State, there is hereby established the Los Banos Planning Commission (hereinafter referred to in this article as Commission). (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 16, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.202 Powers and duties.

Except as otherwise provided in this article, the provisions of Chapter 3 of Title 7 of the Government Code of the State of California relating to the powers and duties of members of Planning Commissions, and of Planning Commissions as bodies, and the rules of procedure and other provisions in said Title 7 shall govern and control the Planning Commission of the City. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 17, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.203 Members: Appointment and qualifications.

The Commission shall consist of seven (7) members. Candidate(s) for appointment shall be recommended to the City Council by the Mayor, with input from a Council Member, selected by the City Council on a rotating basis, and the Community Development Director, who shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council. At the time of appointment to the Commission and throughout his or her term each Commissioner shall be a resident of the City of Los Banos and a registered, qualified elector of the City. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 18, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.204 Members: Terms.

Each Commissioner shall serve a term of two (2) years. Terms of office shall be staggered and not more than four (4) Commissioners shall have terms that end in the same year. A member's term of office shall expire on December 31st of the second year of his or her respective term. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 19, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.205 Members: Reappointment and vacancies.

- (a) If a Commission member ceases to reside in the City of Los Banos such Commissioner's position shall be declared vacant.
- (b) If a member of the Commission is absent without cause from three (3) successive regular meetings of the Commission, the Commission or the City Manager may request the City Council declare the position vacant. A member is not absent without cause if his or her absence is due to illness, or is unavoidable and the member gives notice to City staff before the meeting that he or she will be absent and the reason for the absence.
- (c) A member of the Commission shall not automatically be reappointed to a successive term of office. A member desiring reappointment shall be required to make formal application. If a vacancy shall occur otherwise than by the expiration of a term, the vacancy shall be filled as set forth in Section 2-2.203, for the unexpired portion of the term. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 20, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.206 Members: Removal from office.

Any appointive member of the Commission may be removed from the Commission by a majority vote of the City Council. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 22, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.207 Members: Resignations.

A member of the Commission may resign from the Commission by filing a written statement with the City Clerk stating that he or she resigns from the Commission. The resignation shall become effective at the time of filing such written statement, and such member shall thereupon cease to be a member of the Commission, and a vacancy shall exist. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 23, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.208 Compensation.

Members of the Commission shall serve without compensation. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 24, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.209 Organization.

The first meeting in January of each year shall be the organization meeting. Immediately after appointment and qualification, the Commission shall organize by electing one of its members as chairperson, who shall be charged with the orderly conduct of the Commission meetings, and one as vice-chairperson, to assume such duties in the absence of the chairperson, who both shall serve for one year. (§ 25, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.210 Meetings.

Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each calendar month at 7:00 p.m. in the City Hall Council Chambers located at 520 J Street in the City. If any regular meeting day falls on a City holiday, the meeting shall be held on the following regular City business day at 7:00 p.m. (§ 1, Ord. 1069, eff. April 4, 2008, as amended by § 26, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.211 Quorum.

Four (4) members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. (§ 27, Ord. 1113, eff. January 1, 2014)

Sec. 2-2.212 Secretary to the Commission.

The Community Development Director, or designee, shall serve as secretary to the Commission. (§ 28, Ord. 1113, eff. January 1, 2014)

[View the mobile version.](#)



City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Date: August 30, 2019

Regarding: Notice of Public Hearing

Proposal: Density Bonus Ordinance

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider and make a recommendation to the Los Banos City Council to amend Chapter 3, Title 9, Article 34 of the Los Banos Municipal Code related to Density Bonus.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, September 11, 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