



City of Los Banos

At the Crossroads of California

www.losbanos.org

Updated 11/1/2019

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

NOVEMBER 6, 2019

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

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. PRESENTATIONS.
 - A. Proclamation – Cancer Awareness.
 - B. Recognition of Entry Awards from the VFW Post 2487 and American Legion Post 166 Veterans Day Parade.

6. 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.)

7. 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 #218328 – #218868 in the Amount of \$2,634,773.16.
Recommendation: Approve the check register as submitted.

 - B. First Quarter Investment Report for Fiscal Year 2019/2020.
Recommendation: Accept the report as submitted.

 - C. Minutes for the September 18, 2019 City Council Meeting.
Recommendation: Approve the minutes as submitted.

 - D. Minutes for the October 2, 2019 City Council Meeting.
Recommendation: Approve the minutes as submitted.

 - E. City Council Resolution No. 6140 – Amending the 2019-2020 Fiscal Year Budget and Approving the Increase of Expenditures in the Amount of \$45,331.33 and Revenues in the Amount of \$43,331.33, Related to the Replacement of a Totaled Police Vehicle, to be Reimbursed by McLarens Insurance Firm and the Central San Joaquin Valley Risk Management Authority.
Recommendation: Adopt the resolution as submitted.

 - F. City Council Resolution No. 6141 – Authorizing the City Manager to Enter into Measure V Regional Project Funding Agreement for the Pacheco Boulevard (SR 152) Regional Path Project Between the City of Los Banos and Merced County Association of Governments (MCAG).
Recommendation: Adopt the resolution as submitted.

 - G. City Council Resolution No. 6142 – Authorizing the City Manager to Enter into Measure V Regional Project Funding Agreement for the Pioneer Road Widening Project Between the City of Los Banos and Merced County Association of Governments (MCAG).
Recommendation: Adopt the resolution as submitted.

 - H. City Council Resolution No. 6143 – Accepting Public Improvements for Shaunessy Village Phases 1, 2 & 3, Generally Located Within the Area Bounded by APN 083-130-042 to the North, Highway 165 (Mercey Springs

Road) and APNs 083-100-009, 083-100-008 and 083-100-007 to the West, Scripps Drive to the South, and College Greens Subdivision to the East, More Specifically Identified as APNs 083-100-005 and 083-100-006 (Developer: Stonewood Home, Inc.).

Recommendation: Adopt the resolution as submitted.

- I. City Council Resolution No. 6144 – Approving and Adopting Final Tract Map No. 2001-02 Mission Village South Phase 3C and Accompanying Subdivision Improvement Agreement, Generally Located Within the Area Bounded by Mission Village South Phase 3B to the North, Las Palmas Road to the East, Willmott Road to the South, and APN 428-280-002 to the West, More Specifically Identified as APN 428-280-010 (Applicant: Stonefield Home, Inc., a California Corporation).

Recommendation: Adopt the resolution as submitted.

- J. City Council Resolution No. 6145 – Approving and Adopting Final Tract Map No. 2016-02 East Center Phase 2A and Accompanying Subdivision Improvement Agreement, Generally Located within the Area Bounded by Center Avenue to the West, Future Easter Center Phase 3 to the South, East Center Phase 1 Subdivision to the East, More Specifically Identified as APN 431-270-005 (Developer: Pioneer Development Company, Inc.).

Recommendation: Adopt the resolution as submitted.

- K. City Council Resolution No. 6146 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos the Villages Phase VII Phase 1B Unit 1 and Accompanying Subdivision Improvement Agreement, Generally Located within the Area Bounded by Villages VII Phase 1 Unit 1 to the North, Future Villages VII Phase 1B Unit 2 to the South and East, and Merced County APN 430-060-002 to the West, More Specifically Identified as Lot D APN 430-060-032 (Applicant: Anderson Homes, a California Corporation).

Recommendation: Adopt the resolution as submitted.

- L. City Council Resolution No. 6147 – Awarding the Bid for the Purchase of One New 2019-2020 Model Cab and Chassis; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Fresno Truck Center in the Amount of \$108,884.21.

Recommendation: Adopt the resolution as submitted.

- M. City Council Resolution No. 6148 – Awarding the Bid for the Purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Fresno Truck Center in the Amount of \$141,834.37.

Recommendation: Adopt the resolution as submitted.

- N. City Council Resolution No. 6149 – Awarding the Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A;

Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$47,995.00.

Recommendation: Adopt the resolution as submitted.

- O. City Council Resolution No. 6150 – Awarding the Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$47,995.00.

Recommendation: Adopt the resolution as submitted.

- P. City Council Resolution No. 6151 – Awarding the Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$47,995.00.

Recommendation: Adopt the resolution as submitted.

- Q. City Council Resolution No. 6152 – Awarding the Bid for the Purchase of One New 2019-2020 Crack Seal Machine; Authorizes the Public Works Director/City Engineer to Issue the Purchase Order to Dispensing Technology Corporation in the Amount of \$93,481.24.

Recommendation: Adopt the resolution as submitted.

- R. City Council Resolution No. 6153 – Authorizing Award of Construction Contract to Precision Grade, Inc. in the Amount of \$52,439.00 with a 10% Contingency in the Amount of \$5,243.00 for 7th Street Ball Park Restroom.

Recommendation: Adopt the resolution as submitted.

- S. City Council Resolution No. 6154 – Authorizing Award of Construction Contract to TBS Contractors in the Amount of \$198,630.00 with a 10% Contingency in the Amount of \$19,863.00 for the “Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements” (Federal-Aid Project No. CML-5160(027)) at Various Locations in the City of Los Banos.

Recommendation: Adopt the resolution as submitted.

- T. City Council Resolution No. 6155 – Amending the 2019/2020 Fiscal Year Budget and Approving the Increase in Expenditures of Measure H Funding in the Amount of \$40,000; Related to the Purchase and Upfitting of a New Code Enforcement Vehicle.

Recommendation: Adopt the resolution as submitted.

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

A. Public Hearing – To Receive Public Comment and Consideration of an Ordinance to Amend and Restate Article 34, Chapter 3 of Title 9 of the Los Banos Municipal Code Regarding Density Bonuses and other Affordable Housing Development Incentives.

- 1) Ordinance No. 1175 – Amending and Restating Article 34 Chapter 3 of Title 9 of the Los Banos Municipal Code Regarding Density Bonuses and Other Affordable Housing Development Incentives.

(Second Reading & Adoption)

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

B. Public Hearing – To Receive Public Comment and Consideration of a Conditional Use Permit #2019-03 to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License for a Bona-Fide Public Eating Place Located at 1101 F Street; APN: 025-152-009 (Applicant: John C. Bustillos).

- 1) City Council Resolution No. 6156 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects and Approving Conditional Use Permit #2019-03 to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License at 1101 F Street, APN:025-152-009.

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

9. CONSIDERATION OF ORDINANCE NO. 1176 – AMENDING TITLE 2 CHAPTER 2 ARTICLE 2 OF THE LOS BANOS MUNICIPAL CODE TO CREATE PLANNING COMMISSION DISTRICTS; AMEND THE NUMBER OF MEMBERS AND MANNER OF APPOINTMENT; LENGTH OF TERMS; AND ABSENCES.

(Second Reading & Adoption)

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

10. NOTICE AND ANNOUNCEMENT OF VACANCIES AND APPOINTMENT OF COUNCIL MEMBERS TO SERVE ON THE SELECTION COMMITTEES FOR THE FOLLOWING COMMISSIONS/COMMITTEES:

- A. Airport Advisory Commission – Four (4) Vacancies
Two (2) Two (2) Year Terms – Expiring December 31, 2021
Two (2) Unexpired Terms – Expiring December 31, 2020
- B. Economic Development Advisory Commission – Three (3) Vacancies
One (1) Two (2) Year Terms – Expiring December 31, 2021
Two (2) Unexpired Terms – Expiring December 31, 2020
- C. Parks & Recreation Commission – Two (2) Vacancies
Two (2) Two (2) Year Terms – Expiring December 31, 2021

- D. Tree Commission – Three (3) Vacancies
Three (3) Two (2) Year Terms – Expiring December 31, 2021
- E. Measure H Committee – Two (2) Vacancies
Two (2) Two (2) Year Terms – Expiring December 31, 2021
- F. Measure P Committee – Three (3) Vacancies
Three (3) Three (3) Year Terms – Expiring December 31, 2022

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

- 11. CONSIDERATION OF APPROVAL TO ADVERTISE FOR EMERGENCY PLANNING COMMISSION VACANCY(S).

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

- 12. CONSIDERATION OF FUNDING OPTIONS FOR PIONEER ROAD WIDENING PROJECT.

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

- 13. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6157 – REQUESTING THAT \$5,000,000 OF STATE TRANSPORTATION IMPROVEMENT PROGRAM CARRYOVER REGIONAL IMPROVEMENT FUNDS REMAIN AS UNPROGRAMMED AND AVAILABLE FOR THE PIONEER ROAD WIDENING PROJECT.

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

- 14. ADVISEMENT OF PUBLIC NOTICES. (No Report.)

- 15. CITY MANAGER REPORT.

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

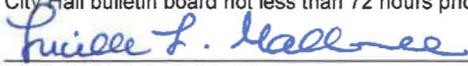
Recommendation: Informational item only, no action to be taken.

- 17. CITY COUNCIL MEMBER REPORTS.

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

18. ADJOURNMENT.

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



Lucille L. Mallonee, City Clerk

Dated this 1st day of November 2019



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

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

DATE: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Bid for the Purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System

Recommendation:

That the City Council adopts the Resolution to award of bid for the purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System to Fresno Truck Center in the amount of \$141,834.37; and authorize the Public Works Director/City Engineer to issue a purchase order to Fresno Truck Center in the amount of \$141,834.37 for the purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System.

Discussion:

The Public Works Equipment Capital Plan included the replacement of a cab and chassis with hooklift system for its fleet. Bid documents for the purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System were released on Friday, September 20, 2019. A public notice was advertised on Friday, September 20, 2019 in the Los Banos Enterprise. The bid opening occurred on Tuesday, October 22, 2019. The Public Works Department, through the office of City Clerk, received six (6) sealed bids. The following dealerships responded to the City's invitation:

Affinity Truck Center	\$174,858.96
Bonander Truck & Trailer	\$170,103.49
Fresno Truck Center	\$141,834.37
Gibbs International Trucks, Inc	\$146,377.37
Interstate Truck Center	\$149,513.96
Valley Peterbilt, Inc	\$146,699.45

After a review of the submitted bid documents, staff determined Fresno Truck Center supplied the lowest responsive and responsible bid. Therefore, staff is requesting awarding the purchase order to Fresno Truck Center for their total bid price in the amount of \$141,834.37.

Once the new cab and chassis with hooklift system is put in service, the old cab and chassis will be prepared for public auction. The engine of the 2007 model will be out of compliance with the California Air Resource Board in January 2020.

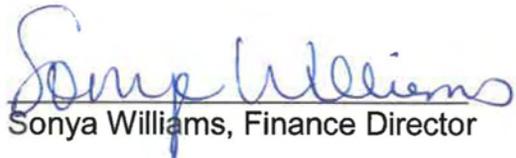
Fiscal Impact:

Funds have been allocated in the 2019-2020 Fiscal Year budget for the purchase within account 100-431-210-753.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Public Notice
Bid Opening Sheet
Fiscal Budget Sheet
Truck Sample Picture

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AWARDING THE
BID FOR THE PURCHASE OF ONE NEW
2019-2020 MODEL CAB AND CHASSIS WITH
240 HOOKLIFT SYSTEM; AUTHORIZES THE
PUBLIC WORKS DIRECTOR/CITY ENGINEER
TO ISSUE THE PURCHASE ORDER**

WHEREAS, the City of Los Banos has the responsibility to procure, manage, and maintain the City's fleet; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2019-2020 Cab and Chassis with 240 Hooklift System that were officially opened on Tuesday, October 22, 2019; and

WHEREAS, it was determined that Fresno Truck Center provided the lowest responsive and responsible bid of \$141,834.37.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$141,834.37 from Fresno Truck Center for the purchase of One New 2019-2020 Model Cab and Chassis with 240 Hooklift System; authorizes the Public Works Director/City Engineer to issue the purchase order.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

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

NOTICE IS HEREBY GIVEN that the LOS BANOS PUBLIC WORKS DEPARTMENT (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 p.m. Pacific Daylight Savings Time (PDT) on **Tuesday, October 22, 2019** for the purchase of one (1) New 2019/2020 Model Cab and Chassis with 240 Hooklift System. At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

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

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

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. PDT on **Tuesday, October 22, 2019**. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

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

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



City of
Los Banos
At the Crossroads of California

BID OPENING

**Purchase of One (1) New 2019/2020 Model Cab and Chassis
with 240 Hooklift System**

OCTOBER 22, 2019 - 2:00 PM

1. Affinity Truck Center	\$ 174,858.96
2. Bonander Truck & Trailer	\$ 170,103.49
3. Valley Peterbilt	\$ 146,699.45
4. Fresno Truck Center	\$ 141,834.37
5. Gibbs International Trucks, Inc.	\$ 146,377.37
6. Interstate Truck Center	\$ 149,513.96

Signed: Sara Blevins
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 22, 2019

William Via
William Via
Public Works Operations Manager

City of Los Banos
Streets
2019-2020

Account Number	Description	2016-2017	2017-2018	2018-2019	2019-2020
		Actual	Actual	Estimated	Adopted
100-431-210-101	Salaries	436,883	513,164	532,009	567,801
100-431-210-102	Part Time	23,747	0	0	0
100-431-210-103	Overtime	15,336	29,959	35,000	35,000
100-431-210-120	Benefits	355,313	466,817	427,674	444,758
100-431-210-121	Benefits-PERS	103,084	118,205	129,862	134,323
	Personnel Services	934,364	1,128,145	1,124,545	1,181,882
100-431-210-201	Grounds Maintenance	473	500	500	500
100-431-210-202	Fleet Repair & Maintenance	50,100	47,535	47,311	46,311
100-431-210-203	Equipment Repair & Maintena	5,649	6,053	6,000	6,000
100-431-210-204	Fleet Services	41,705	31,782	45,987	43,050
100-431-210-205	Facility Maintenance	3,363	4,615	6,000	5,000
100-431-210-208	Rental - Vehicles & Equipmen	54,783	40,810	42,305	32,300
100-431-210-210	Sidewalk Gutter Curb Mnt.	23,333	19,501	15,000	35,000
100-431-210-211	Street Repair	137,576	156,909	240,000	240,000
100-431-210-231	Professional Services	19,966	62,282	20,000	50,000
100-431-210-236	Medical Services	2,194	1,198	1,500	2,000
100-431-210-237	Recruitment	2,899	28	600	1,500
100-431-210-238	Technical Services	242	355	500	500
100-431-210-240	I.T. Services	6,661	8,747	8,010	9,785
100-431-210-250	Insurance	25,892	31,614	36,240	36,113
100-431-210-251	Memberships & Dues	449	464	500	500
100-431-210-252	Communications	2,897	2,778	3,000	3,000
100-431-210-256	Permits, Fees & Charges	486	4,323	500	500
100-431-210-257	Travel & Training	1,893	2,427	5,000	5,000
100-431-210-260	Office Supplies	1,660	2,848	7,000	5,000
100-431-210-262	Uniform Expenses	8,627	8,687	8,000	9,000
100-431-210-263	Street Light Maintenance	170,504	129,783	160,000	160,000
100-431-210-264	Electricity & Gas	6,811	7,168	7,000	7,500
100-431-210-265	Gasoline & Oil	27,861	29,263	36,763	39,336
100-431-210-267	General Materials & Supplies	55,180	56,494	56,500	85,000
100-431-210-273	Special Departmental Exp.	29,780	29,798	30,000	5,000
	Supplies & Services	680,983	685,962	784,216	827,895
100-431-210-715	Street & Road Imp-Overlay	0	0	0	50,000
100-431-210-716	Street Improvement	0	0	242,000	0
100-431-210-750	Vehicles	0	45,303	0	0
100-431-210-752	Communication Equipment	0	37	1,676	1,932
★ 100-431-210-753	Specialized Equipment	220,063	303,750	228,661	355,000
	Capital Outlay	220,063	349,091	472,337	406,932
100-431-210-821	Principal - Lease/Loans	0	13,865	14,495	15,153
100-431-210-881	Interest - Leases/Loans	0	1,829	1,200	541
	Interest - Debt Service	0	15,694	15,695	15,694
100-431-210-825	Street Charge-Out	(1,835,409)	(2,178,891)	(2,396,793)	(2,432,403)
	Charge Ins - Outs	(1,835,409)	(2,178,891)	(2,396,793)	(2,432,403)
	Total Streets	\$0	\$0	\$0	\$0

Streets (continued)

***753-SPECIALIZED EQUIPMENT:** Purchase 33000 GVWR Truck Chassis estimated at \$160,000; Crack Filling machine estimated at \$100,000; Asphalt Profiler attachment for a skid steer tractor estimated at \$50,000; Paint Striper estimated at \$35,000; 240 Hooklift system flatbed estimated at \$10,000.

DEBT SERVICES

821-PRINCIPAL LEASE/LOANS: Principal payments relating to a lease agreement with Ford Motor Company for one (1) Aerial Truck.

881-INTEREST LEASE/LOANS: Interest payments relating to a lease agreement with Ford Motor Company for one (1) Aerial Truck.

CHARGE-OUTS

825-CHARGE-OUT: Street charge-outs to RSTP, Solid Waste Refuse Vehicle Impact, and Gas Tax (includes SBI allocations).





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

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

DATE: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A

Recommendation:

That the City Council adopt the Resolution to award of bid for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A to Santos Ford in the amount of \$47,995.00; and authorize the Public Works Director/City Engineer to issue a purchase order to Santos Ford in the amount of \$47,995.00 for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A.

Discussion:

The Public Works Equipment Capital Plan includes the replacement of one medium duty utility truck for its fleet. Bid documents for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A were released on Friday, September 20, 2019. A public notice was advertised on Friday, September 20, 2019 in the Los Banos Enterprise. The bid opening occurred on Tuesday, October 22, 2019. The Public Works Department, through the office of City Clerk, received three (3) sealed bids. The following dealerships responded to the City's invitation:

Merced Chevrolet	\$52,663.96
Razzari Ford Mazda	\$49,737.50
Santos Ford	\$47,995.00

After a review of the submitted bid documents, staff determined Santos Ford supplied the lowest responsive and responsible bid. Therefore, staff is requesting awarding the purchase order to Santos Ford for their total bid price in the amount of \$47,995.00.

Once the new pickup is put in service, unit #4211, a 1998 pickup with 265,994 miles in the Public Works fleet will be prepared for public auction. Maintenance costs, local driving miles/idle time, and reliability contribute to the decision for replacement.

Fiscal Impact:

Funds have been allocated in the 2019-2020 Fiscal Year budget for the purchase within account 501-461-100-750.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Public Notice
Bid Opening Sheet
Fiscal Budget Sheet
Sample Picture

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AWARDING THE
BID FOR THE PURCHASE OF ONE NEW
2019-2020 MODEL MEDIUM DUTY UTILITY
TRUCK WITH LIFT GATE #A; AUTHORIZES
THE PUBLIC WORKS DIRECTOR/CITY
ENGINEER TO ISSUE THE PURCHASE
ORDER**

WHEREAS, the City of Los Banos has the responsibility to procure, manage, and maintain the City's fleet; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A that were officially opened on Tuesday, October 22, 2019; and

WHEREAS, it was determined that Santos Ford provided the lowest responsive and responsible bid of \$47,995.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$47,995.00 from Santos Ford for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #A; authorizes the Public Works Director/City Engineer to issue the purchase order.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

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

NOTICE IS HEREBY GIVEN that the LOS BANOS PUBLIC WORKS DEPARTMENT (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 p.m. Pacific Daylight Savings Time (PDT) on **Tuesday, October 22, 2019**, for the purchase of one (1) New 2019/2020 Model Medium Duty Utility Truck with Lift Gate (A). At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

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

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

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. PDT on **Tuesday, October 22, 2019**. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

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

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



City of
Los Banos
At the Crossroads of California

BID OPENING

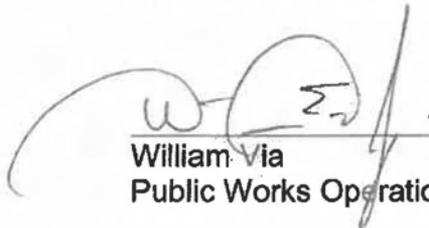
**Purchase of One (1) New 2019/2020 Model Medium Duty Utility Truck
with Lift Gate (A)**

OCTOBER 22, 2019 - 2:00 PM

1. Razzari Ford Mazda	\$ 49,737.50
2. Merced Chevrolet	\$ 52,663.96
3. Santos Ford	\$ 47,995.00

Signed: 
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 22, 2019


William Via
Public Works Operations Manager

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.





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

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

DATE: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B

Recommendation:

That the City Council adopt the Resolution to award of bid for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B to Santos Ford in the amount of \$47,995.00; and authorize the Public Works Director/City Engineer to issue a purchase order to Santos Ford in the amount of \$47,995.00 for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B.

Discussion:

The Public Works Equipment Capital Plan includes the replacement of one medium duty utility truck for its fleet. Bid documents for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B were released on Friday, September 20, 2019. A public notice was advertised on Friday, September 20, 2019 in the Los Banos Enterprise. The bid opening occurred on Tuesday, October 22, 2019. The Public Works Department, through the office of City Clerk, received three (3) sealed bids. The following dealerships responded to the City's invitation:

Merced Chevrolet	\$52,663.96
Razzari Ford Mazda	\$49,737.50
Santos Ford	\$47,995.00

After a review of the submitted bid documents, staff determined Santos Ford supplied the lowest responsive and responsible bid. Therefore, staff is requesting awarding the purchase order to Santos Ford for their total bid price in the amount of \$47,995.00.

Once the new pickup is put in service, unit #4012, a 1997 pickup with 86,932 miles in the Public Works fleet will be prepared for public auction. Maintenance costs, local driving miles/idle time, and reliability contribute to the decision for replacement.

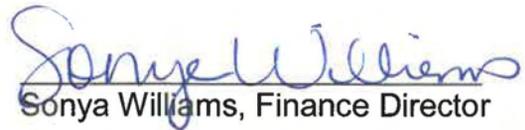
Fiscal Impact:

Funds have been allocated in the 2019-2020 Fiscal Year budget for the purchase within account 501-461-100-750.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

Public Notice

Bid Opening Sheet

Fiscal Budget Sheet

Sample Picture

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AWARDING THE
BID FOR THE PURCHASE OF ONE NEW
2019-2020 MODEL MEDIUM DUTY UTILITY
TRUCK WITH LIFT GATE #B; AUTHORIZES
THE PUBLIC WORKS DIRECTOR/CITY
ENGINEER TO ISSUE THE PURCHASE
ORDER**

WHEREAS, the City of Los Banos has the responsibility to procure, manage, and maintain the City's fleet; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B that were officially opened on Tuesday, October 22, 2019; and

WHEREAS, it was determined that Santos Ford provided the lowest responsive and responsible bid of \$47,995.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$47,995.00 from Santos Ford for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #B; authorizes the Public Works Director/City Engineer to issue the purchase order.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

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

NOTICE IS HEREBY GIVEN that the LOS BANOS PUBLIC WORKS DEPARTMENT (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 p.m. Pacific Daylight Savings Time (PDT) on Tuesday, October 22, 2019, for the purchase of one (1) New 2019/2020 Model Medium Duty Utility Truck with Lift Gate (A). At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

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

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

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. PDT on Tuesday, October 22, 2019. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

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

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



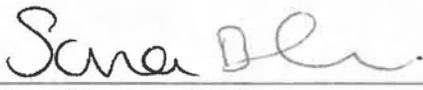
City of
Los Banos
in the Central Valley of California

BID OPENING

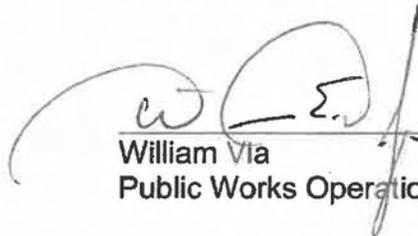
**Purchase of One (1) New 2019/2020 Model Medium Duty Utility Truck
with Lift Gate (B)**

OCTOBER 22, 2019 - 2:00 PM

1. Razzari Ford Mazda	\$ 49,737.50
2. Merced Chevrolet	\$ 52,663.96
3. Santos Ford	\$ 47,995.00

Signed: 
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 22, 2019


William Via
Public Works Operations Manager

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

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.





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

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

DATE: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Bid for the Purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C

Recommendation:

That the City Council adopt the Resolution to award of bid for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C to Santos Ford in the amount of \$47,995.00; and authorize the Public Works Director/City Engineer to issue a purchase order to Santos Ford in the amount of \$47,995.00 for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C.

Discussion:

The Public Works Equipment Capital Plan includes the replacement of one medium duty utility truck for its fleet. Bid documents for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C were released on Friday, September 20, 2019. A public notice was advertised on Friday, September 20, 2019 in the Los Banos Enterprise. The bid opening occurred on Tuesday, October 22, 2019. The Public Works Department, through the office of City Clerk, received three (3) sealed bids. The following dealerships responded to the City's invitation:

Merced Chevrolet	\$52,663.96
Razzari Ford Mazda	\$49,737.50
Santos Ford	\$47,995.00

After a review of the submitted bid documents, staff determined Santos Ford supplied the lowest responsive and responsible bid. Therefore, staff is requesting awarding the purchase order to Santos Ford for their total bid price in the amount of \$47,995.00.

Once the new pickup is put in service, unit #4009, a 1994 pickup with 104,619 miles in the Public Works fleet will be prepared for public auction. Maintenance costs, local driving miles/idle time, and reliability contribute to the decision for replacement.

Fiscal Impact:

Funds have been allocated in the 2019-2020 Fiscal Year budget for the purchase within account 502-432-100-750.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Public Notice
Bid Opening Sheet
Fiscal Budget Sheet
Sample Picture

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AWARDING THE
BID FOR THE PURCHASE OF ONE NEW
2019-2020 MODEL MEDIUM DUTY UTILITY
TRUCK WITH LIFT GATE #C; AUTHORIZES
THE PUBLIC WORKS DIRECTOR/CITY
ENGINEER TO ISSUE THE PURCHASE
ORDER**

WHEREAS, the City of Los Banos has the responsibility to procure, manage, and maintain the City's fleet; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C that were officially opened on Tuesday, October 22, 2019; and

WHEREAS, it was determined that Santos Ford provided the lowest responsive and responsible bid of \$47,995.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$47,995.00 from Santos Ford for the purchase of One New 2019-2020 Model Medium Duty Utility Truck with Lift Gate #C; authorizes the Public Works Director/City Engineer to issue the purchase order.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

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

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

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



City of
Los Banos
At the Crossroads of California

BID OPENING

**Purchase of One (1) New 2019/2020 Model Medium Duty Utility Truck
with Lift Gate (C)**

OCTOBER 22, 2019 - 2:00 PM

- | | |
|-----------------------|--------------|
| 1. Razzari Ford Mazda | \$ 49,737.50 |
| 2. Merced Chevrolet | \$ 52,663.96 |
| 3. Santos Ford | \$ 47,995.00 |

Signed: Sara Blevins
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 22, 2019

William Via
William Via
Public Works Operations Manager

City of Los Banos
Wastewater Collections
2019-2020

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

Wastewater Collections (continued)

739-MASTER PLAN IMPROVEMENTS: Design for the replacement or rehabilitation of the Orchard Terrace sewer lift station located at 100 Willmott Avenue estimated at \$35,000.

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

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

753-SPECIALIZED EQUIPMENT: Purchase of a Programmable Message Board estimated at \$20,000; Portable Air Compressor (cost shared between Collections \$12,500 and Water \$12,500); Portable Light Tower \$15,000.





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

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

DATE: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Bid for the Purchase of One New 2019-2020 Crack Seal Machine

Recommendation:

That the City Council adopts the Resolution to award of bid for the purchase of One New 2019-2020 Crack Seal Machine to Dispensing Technology Corporation in the amount of \$93,481.24; and authorize the Public Works Director/City Engineer to issue a purchase order to Dispensing Technology Corporation for the purchase of One New 2019-2020 Crack Seal Machine.

Discussion:

The Public Works Equipment Capital Plan included the replacement of a Crack Seal Machine for its fleet. Bid documents for the purchase of One New 2019-2020 Crack Seal Machine were released on Friday, September 20, 2019. A public notice was advertised on Friday, September 20, 2019 in the Los Banos Enterprise. The bid opening occurred on Tuesday, October 22, 2019. The Public Works Department, through the office of City Clerk, received two (2) sealed bids. The following dealerships responded to the City's invitation:

Crafco, Inc	\$79,240.90
Dispensing Technology Corporation	\$93,481.24

After a review of the submitted bid documents, the lowest bidder, Crafc0, Inc. did not meet all the specifications as outlined in the bid documents. Staff has determined that Dispensing Technology Corporation supplied the lowest responsive and responsible bid. Therefore, staff is requesting awarding the purchase order to Dispensing Technology Corporation for their total bid price in the amount of \$93,481.24.

This purchase is an acquisition and will provide Streets with a back-up machine and/or to have more than one crew crack sealing the streets.

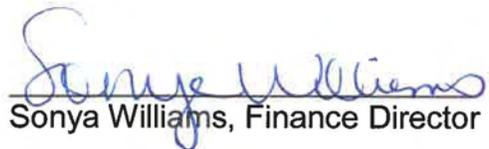
Fiscal Impact:

Funds have been allocated in the 2019-2020 Fiscal Year budget for the purchase within account 100-431-210-753.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Public Notice
Bid Opening Sheet
Fiscal Budget Sheet
Equipment Sample Picture

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AWARDING THE
BID FOR THE PURCHASE OF ONE NEW
2019-2020 CRACK SEAL MACHINE;
AUTHORIZES THE PUBLIC WORKS
DIRECTOR/CITY ENGINEER TO ISSUE THE
PURCHASE ORDER**

WHEREAS, the City of Los Banos has the responsibility to procure, manage, and maintain the City's fleet; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2019-2020 Crack Seal Machine that were officially opened on Tuesday, October 22, 2019; and

WHEREAS, it was determined that Dispensing Technology Corporation provided the lowest responsive and responsible bid of \$93,481.24.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$93,481.24 from Dispensing Technology Corporation for the purchase of One New 2019-2020 Crack Seal Machine; authorizes the Public Works Director/City Engineer to issue the purchase order.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

INVITATION FOR SEALED BIDS

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

NOTICE IS HEREBY GIVEN that the LOS BANOS PUBLIC WORKS DEPARTMENT (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 p.m. Pacific Daylight Savings Time (PDT) on **Tuesday, October 22, 2019** for the purchase of one (1) New 2019/2020 Crack Seal Machine. At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

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

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

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. PDT on **Tuesday, October 22, 2019**. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

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

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



City of
Los Banos
At the Crossroads of California

BID OPENING

Purchase of One (1) New 2019/2020 Crack Seal Machine

OCTOBER 22, 2019 - 2:00 PM

- | | |
|--------------------------------------|--------------|
| 1. Dispensing Technology Corporation | \$ 93,481.24 |
| 2. Crafcoc, Inc. | \$ 79,240.90 |

Signed: Sara Blevins
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 22, 2019

William Via
William Via
Public Works Operations Manager

City of Los Banos
Streets
2019-2020

Account Number	Description	2016-2017	2017-2018	2018-2019	2019-2020
		Actual	Actual	Estimated	Adopted
100-431-210-101	Salaries	436,883	513,164	532,009	567,801
100-431-210-102	Part Time	23,747	0	0	0
100-431-210-103	Overtime	15,336	29,959	35,000	35,000
100-431-210-120	Benefits	355,313	466,817	427,674	444,758
100-431-210-121	Benefits-PERS	103,084	118,205	129,862	134,323
	Personnel Services	934,364	1,128,145	1,124,545	1,181,882
100-431-210-201	Grounds Maintenance	473	500	500	500
100-431-210-202	Fleet Repair & Maintenance	50,100	47,535	47,311	46,311
100-431-210-203	Equipment Repair & Maintena	5,649	6,053	6,000	6,000
100-431-210-204	Fleet Services	41,705	31,782	45,987	43,050
100-431-210-205	Facility Maintenance	3,363	4,615	6,000	5,000
100-431-210-208	Rental - Vehicles & Equipmen	54,783	40,810	42,305	32,300
100-431-210-210	Sidewalk Gutter Curb Mnt.	23,333	19,501	15,000	35,000
100-431-210-211	Street Repair	137,576	156,909	240,000	240,000
100-431-210-231	Professional Services	19,966	62,282	20,000	50,000
100-431-210-236	Medical Services	2,194	1,198	1,500	2,000
100-431-210-237	Recruitment	2,899	28	600	1,500
100-431-210-238	Technical Services	242	355	500	500
100-431-210-240	I.T. Services	6,661	8,747	8,010	9,785
100-431-210-250	Insurance	25,892	31,614	36,240	36,113
100-431-210-251	Memberships & Dues	449	464	500	500
100-431-210-252	Communications	2,897	2,778	3,000	3,000
100-431-210-256	Permits, Fees & Charges	486	4,323	500	500
100-431-210-257	Travel & Training	1,893	2,427	5,000	5,000
100-431-210-260	Office Supplies	1,660	2,848	7,000	5,000
100-431-210-262	Uniform Expenses	8,627	8,687	8,000	9,000
100-431-210-263	Street Light Maintenance	170,504	129,783	160,000	160,000
100-431-210-264	Electricity & Gas	6,811	7,168	7,000	7,500
100-431-210-265	Gasoline & Oil	27,861	29,263	36,763	39,336
100-431-210-267	General Materials & Supplies	55,180	56,494	56,500	85,000
100-431-210-273	Special Departmental Exp.	29,780	29,798	30,000	5,000
	Supplies & Services	680,983	685,962	784,216	827,895
100-431-210-715	Street & Road Imp-Overlay	0	0	0	50,000
100-431-210-716	Street Improvement	0	0	242,000	0
100-431-210-750	Vehicles	0	45,303	0	0
100-431-210-752	Communication Equipment	0	37	1,676	1,932
100-431-210-753	Specialized Equipment	220,063	303,750	228,661	355,000
	Capital Outlay	220,063	349,091	472,337	406,932
100-431-210-821	Principal - Lease/Loans	0	13,865	14,495	15,153
100-431-210-881	Interest - Leases/Loans	0	1,829	1,200	541
	Interest - Debt Service	0	15,694	15,695	15,694
100-431-210-825	Street Charge-Out	(1,835,409)	(2,178,891)	(2,396,793)	(2,432,403)
	Charge Ins - Outs	(1,835,409)	(2,178,891)	(2,396,793)	(2,432,403)
	Total Streets	\$0	\$0	\$0	\$0

Streets (continued)

* **753-SPECIALIZED EQUIPMENT:** Purchase 33000 GVWR Truck Chassis estimated at \$160,000; Crack Filling machine estimated at \$100,000; Asphalt Profiler attachment for a skid steer tractor estimated at \$50,000; Paint Striper estimated at \$35,000; 240 Hooklift system flatbed estimated at \$10,000.

DEBT SERVICES

821-PRINCIPAL LEASE/LOANS: Principal payments relating to a lease agreement with Ford Motor Company for one (1) Aerial Truck.

881-INTEREST LEASE/LOANS: Interest payments relating to a lease agreement with Ford Motor Company for one (1) Aerial Truck.

CHARGE-OUTS

825-CHARGE-OUT: Street charge-outs to RSTP, Solid Waste Refuse Vehicle Impact, and Gas Tax (includes SB1 allocations).





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: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Construction Contract to Precision Grade, Inc. in the amount of \$52,439.00 with a 10% Contingency in the amount of \$5,243.00 for the 7th Street Ball Park Restroom Project

Recommendation:

That the City Council adopts the Resolution awarding the 7th Street Ball Park Restroom construction project contract to Precision Grade, Inc. and authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement in the amount of \$52,439.00. Staff is requesting a 10% contingency of \$5,243.00.

Background:

The City recently entered into a lease agreement with the County of Merced for the shared uses of the local fairground ball fields. As part of the lease agreement, the City agreed to construct and install the specific restroom facilities as described in the Amended and Restated Ground Lease. The permanent public restroom facility shall be located adjacent to the parking lot on the portion of the property used for sporting activities at the Seventh Street ball fields. Current activities are serviced by portable restrooms. The portables are rented by the City and maintained by the rental company. The lease agreement identified a pre-fabricated restroom building with adequate Americans with Disabilities Act (ADA) access.

Discussion:

Staff enlisted O'Dell Engineering to design the plans which supported the selected Family Series pre-fabricated restroom building. The construction and installation plan to

provide public restrooms which serves all of the ball fields with ADA accessibility is a three part process.

Part A – staff issued a purchase order to Public Restrooms Company (PRC) from Nevada for \$280,932 for the construction, delivery, and setup of the restroom. The construction of the building takes approximately 6 months. The delivery date has been tentatively set. The restroom setup, once delivered, takes 4 to 5 days to install. The setup includes connecting to water, sewer, and electrical utilities.

Part B – staff released an advertisement on Tuesday, September 17, 2019 for construction companies to submit sealed bid proposals for the preparation of the foundation pad, allow PRC to setup the building, construct two new ADA ramps to the parking lot, construct sidewalks that connect to the ADA ramps and to two of the four ball fields. A bid opening was held on Thursday, October 17, 2019. The Public Works Department, through the office of the City Clerk, received four (4) bids from the following contractors to build the foundation pad and sidewalks:

Precision Grade, Inc.	San Juan Bautista	\$52,439.00
Ronnys, Inc.	Los Banos	\$61,439.00
V&G Builders, Inc.	Fresno	\$91,347.61
RTC Construction Management, Inc	Merced	\$92,213.00

Staff reviewed all of the bid proposals to insure each was submitted in the proper format, correct documentation, and required signatures. Precision Grade, Inc. provided the lowest responsive and responsible bid for the work. Staff is recommending Precision Grade, Inc. be awarded the contract for the construction of the 7th Street Ball Park Restroom project. Staff is recommending a contingency of ten percent (10%). The administration of this contract, including the 10% contingency, is to be performed by the Public Works Director/City Engineer.

Part C – City staff have begun bringing the water and sewer services to within six feet of the building for PRC to connect the water and sewer. City staff will also install the electrical conduit from the transformer to within six feet of the building. PRC will connect the electrical conduit from the building to the six foot point. The City's contracted electrician will install wire from the transformer to the building service panel. After the restrooms have been installed, Precision Grade will be issued a Notice of Completion. Following the opening of the restrooms for use, City staff will schedule and install paved ADA access to the two remaining fields.

The tentative schedule, once the construction contract is awarded, is a pre-construction meeting with Precision Grade, with a Notice to Proceed on or before December 2nd. The contractor will have 30 working days to complete the work which includes a one week window for PRC to setup the building, after the foundation pad has been prepped and before the sidewalks are installed.

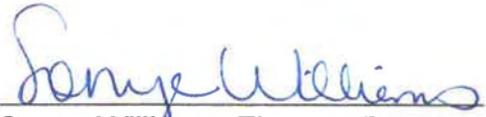
Fiscal Impact:

The Administration fund 100-410-100-720 in the 2019-2020 approved fiscal budget has allocated adequate funds to purchase to restroom from PRC, hire Precision Grade to prepare the foundation pad and construct the ADA sidewalks, hire for the electrical work, and pay for materials to install the utilities and install paved ADA access to the two remaining fields.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Bid Opening Sheet
Public Notice
Contract Agreement
Site Map
2019-2020 Fiscal Budget Sheet
Exhibit B – Family Series Public Restroom Floor Plan
Exhibit B1 – Restroom Facilities Schedule
from the Amended and Restated Ground Lease

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO PRECISION GRADE, INC. IN THE AMOUNT OF \$52,439.00 WITH A 10% CONTINGENCY IN THE AMOUNT \$5,243.00 FOR 7TH STREET BALL PARK RESTROOM

WHEREAS, the City of Los Banos Public Works Department received competitive bids on October 17, 2019 for the purpose of constructing the 7th Street Ball Park Restroom in the City of Los Banos; and

WHEREAS, the Public Works Department has determined, after receiving competitive bids, that Precision Grade, Inc. provided the lowest responsive and responsible bid in the amount of \$52,439.00; and

WHEREAS, the Public Works Department requests the City Council authorize a 10% contingency in the amount of \$5,243.00; and

WHEREAS, the Public Works Department requests the City Council authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement with Precision Grade, Inc. and authorize the Public Works Director/City Engineer to administrate the Construction Contract including the 10% contingency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept and award the construction bid of Precision Grade Inc. in the amount of \$52,439.00 with a 10% contingency in the amount of \$5,243.00, authorizes the Public Works Director/City Engineer to execute the Construction Contract Agreement, and authorizes the Public Works Director/City Engineer to administrate the Construction Contract including the 10% contingency.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

BID OPENING

Construction of 7th Street Ball Park Restroom

OCTOBER 17, 2019 - 2:00 PM

1. Precision Grade, Inc.	\$ 52,439.00
2. V&G Builders, Inc.	\$ 91,347.61
3. Ronny's, Inc.	\$ 61,439.00
4. RTC Construction Management, Inc. dba R.L. Friend Construction, Inc.	\$ 92,213.00

Signed: 
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 17, 2019


Joe Heim
Parks and Recreation Operations Manager

Advertisement for Bids

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

Notice is hereby given that separate sealed bids for the award of contract for the **Construction of 7th Street Ball Park Restroom** will be received by the City of Los Banos at the office of the City Clerk until 2:00 p.m. Pacific Daylight Savings Time, October 17, 2019 and then at said office publicly opened and read aloud.

The major work consists of the sub-grade pad preparation of a 24' x 26'6" area (by contractor) for the placement of a pre-fabricated modular restroom building (set in place by Public Restroom Company); the installation of approximately 2,803 square feet of sidewalk; and two (2) each concrete ADA ramps with truncated domes. The sub-grade pad will be prepared per the requirements provided in the Reference section of the Contract Documents.

- Contractor shall furnish all of the materials, supplies, tools, equipment, labor and other services necessary for the construction of the pad preparation, ADA ramps, and sidewalks.
- Compaction testing will be performed by Owner.
- All utilities will be installed by Owner.
- Modular restroom building will be installed by Public Restroom Company/Owner.
- Demolition of existing concrete ramps will be performed by Owner.

Prospective Bidders are required to attend a mandatory pre-bid meeting on October 1, 2019 at 10:00 a.m., sharp. The meeting will be held on-site at 401 Seventh Street (corner of Seventh and E Streets). **Bids will not be considered from Bidders who were not physically in attendance at the mandatory pre-bid meeting.**

The time of completion is 30 working days. Within the 30 working day period, a 5 day working allowance will be required between the preparation of the pad and the placement of the concrete sidewalk/walkway immediately adjacent the pad for Public Restrooms Company to set the modular building.

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

Central California Builders Exchange (www.cencalbx.com)

Builders Exchange of Stockton (www.besonline.com)

Valley Builders Exchange, Inc. (www.valleybx.com)

Dodge Data & Analytics (www.construction.com/plans/)

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

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

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

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

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

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

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

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

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

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

Agreement

THIS Agreement is dated as of the _____ day of _____ in the year 2019 by and between the **City of Los Banos, a California municipal corporation** ("Owner") and **Precision Grade, Inc., a corporation** ("Contractor").

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

1. WORK. Contractor shall complete the work indicated in Owner's Contract Documents entitled "7TH STREET BALL PARK RESTROOM".

The work is generally described as follows:

The major work consists of the sub-grade pad preparation of a 24' x 26'6" area (by contractor) for the placement of a pre-fabricated modular restroom building (set in place by Public Restroom Company); the installation of approximately 2,803 square feet of sidewalk; and two (2) each concrete ADA ramps with truncated domes. The sub-grade pad will be prepared per the requirements provided in the Reference section of the Contract Documents.

- Contractor shall furnish all of the materials, supplies, tools, equipment, labor and other services necessary for the construction of the pad preparation, ADA ramps, and sidewalks.
- Compaction testing will be performed by Owner.
- All utilities will be installed by Owner.
- Modular restroom building will be installed by Public Restroom Company/Owner.
- Demolition of existing concrete ramps will be performed by Owner.

2. CONTRACT TIME. Contractor shall commence the work required by the Contract Documents within 10 calendar days after the date of the Notice to Proceed and will complete the same within the time period set forth in the bid (thirty (30) calendar days), unless the period for completion is extended otherwise by the Contract Documents.

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

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

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

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

- (A) Advertisement for Bids
- (B) Information for Bidders
- (C) Bid
- (D) Bid Bond
- (E) Agreement
- (F) Payment Bond
- (G) Performance Bond
- (H) Notice of Award
- (I) Notice to Proceed
- (J) Change Order
- (K) General Provisions
- (L) Special Provisions
- (M) Technical Specifications prepared by O'Dell Engineering, entitled "7TH STREET BALL PARK RESTROOM", dated December 14, 2018.
- (N) Drawings prepared by O'Dell Engineering, five (5) sheets, numbered Sheets CS, L1.0, L1.1, L2.0, L2.1.

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

7. MISCELLANEOUS.

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

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

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

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

E. All bids become property of the Owner. All bids, including the accepted bid and any subsequent contract become public records per the requirements of the California Government Code, Sections 6250-6270, "California Public Records Act". Proprietary material must be clearly marked as such. Pricing and service elements of the successful bid are not consider proprietary information. The Owner will treat all information submitted in a bid as available for public inspection once the Owner has selected a contractor. If you believe that you have a legally justifiable basis under the California Public Records Act

(Government Section 6250 et. seq.) for protecting the confidentiality of any information contained within your bid, you must identify any such information, together with the legal basis of your claim in your bid. In order for the Owner to assess confidentiality of any such information on your behalf, you must request, execute and submit an Owner-prepared written agreement to defend and indemnify the Owner for any liability, costs, and expenses incurred in asserting such confidentiality as part of your bid. The final determination as to whether the Owner will assert your claim of confidentiality on your behalf shall be sole discretion of the Owner.

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

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

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

Date

By: _____
Authorized Representative of Owner

Title: _____

ATTEST:

Lucille L. Mallonee
City Clerk

APPROVED AS TO FORM:

William A. Vaughn
City Attorney

Date

By: _____
Authorized Representative of Contractor

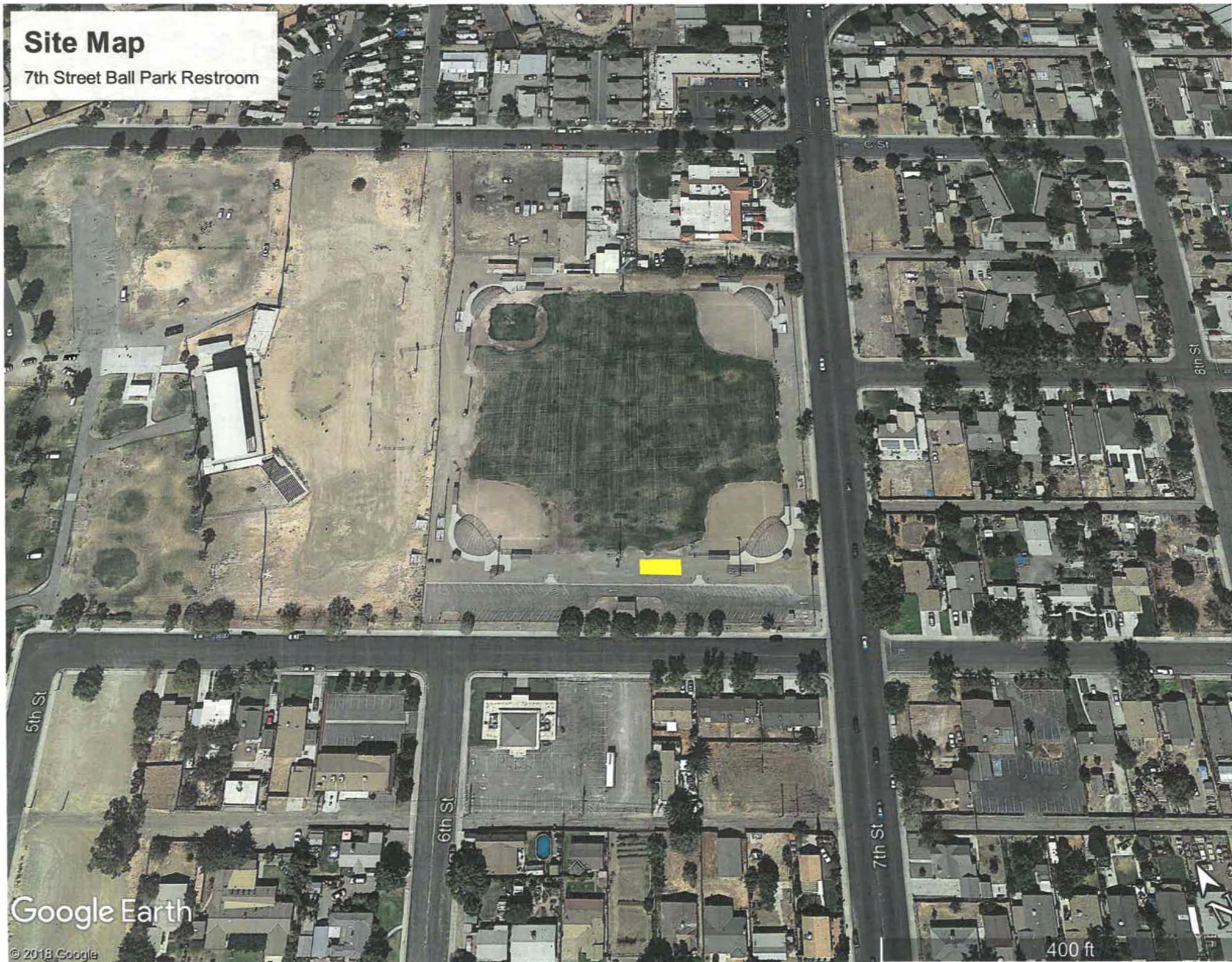
Title: _____

(Seal if Corporation)

(Attach Acknowledgement for Authorized Representative of Contractor)

Site Map

7th Street Ball Park Restroom



Google Earth

© 2018 Google

400 ft

City of Los Banos
Administration
2019-2020

Description		2016-2017 Actual	2017-2018 Actual	2018-2019 Estimated	2019-2020 Adopted
100-410-100-101	Salaries	323,093	333,415	335,687	368,712
100-410-100-103	Overtime	6	770	50	250
100-410-100-120	Benefits	327,814	330,546	303,615	313,562
100-410-100-121	Benefits-PERS	72,914	72,156	83,000	86,110
	Personnel Services	723,828	736,888	722,352	768,634
100-410-100-203	Equipment Repair & Maint	9,734	10,104	10,009	11,028
100-410-100-205	Facility Maintenance	4,138	2,344	3,900	3,900
100-410-100-231	Professional Services	164,598	159,630	171,000	165,000
100-410-100-232	Service Charges	0	23,721	29,000	30,100
100-410-100-233	Consulting Services	0	13,541	15,900	16,590
100-410-100-236	Medical Services	0	35	0	55
100-410-100-237	Recruitment	5,254	745	300	500
100-410-100-238	Technical Services	0	66,870	44,015	0
100-410-100-239	Elections	4,586	0	15,440	0
100-410-100-240	I.T. Services	23,311	31,172	30,001	34,633
100-410-100-250	Insurance	16,002	14,899	17,567	16,523
100-410-100-251	Memberships & Dues	37,853	42,102	50,319	54,530
100-410-100-252	Communications	1,164	1,302	1,825	2,750
100-410-100-253	Advertising	1,612	1,233	1,700	1,700
100-410-100-257	Travel & Training	14,803	13,674	16,000	18,190
100-410-100-259	Meetings & Events	756	5,071	5,600	5,725
100-410-100-260	Office Supplies	31,261	25,815	27,000	29,000
100-410-100-262	Uniform Expenses	0	55	30	50
100-410-100-264	Electricity & Gas	24,400	25,992	29,500	31,565
100-410-100-270	Special Programs	18,587	109	0	12,000
100-410-100-273	Special Departmental Exp.	4,485	4,247	10,283	4,825
100-410-100-274	Books & Periodicals	281	421	500	500
100-410-100-300	Cash Over/Under	(2)	109	0	0
	Supplies & Services	362,824	443,192	479,889	439,164
* 100-410-100-720	Building & Structures	0	0	34,000	450,000
100-410-100-750	Vehicles	0	0	0	102,000
100-410-100-752	Communication Equipment	5,764	175	7,888	9,091
100-410-100-770	Computer Equipment	881	0	0	0
	Capital Outlay	6,645	175	41,888	561,091

Administration

SERVICES & SUPPLIES

203-EQUIPMENT REPAIR & MAINTENANCE: Expenses related to Accela software maintenance and City Hall phone system maintenance for Telcion and Cisco.

231-PROFESSIONAL SERVICES: Expenses for independent auditors, contracted legal services, California Municipal Statistics, Employee Relations, labor law posters, admin citation hearings, NeoGov, Ted Gaebler and other miscellaneous professional services.

232-SERVICE CHARGES: Expenses for bank fees, credit card fees, credit card machine lease and Brinks services.

233-CONSULTING SERVICES: Expenses related to consultant for legislative representation services.

251-MEMBERSHIP & DUES: Expenses related to cost of memberships for CSMFO, GFOA, International Institute of Municipal Clerks (IIMC), Local Agency Formation Commission (LAFCO), League of California Cities, Liebert Cassidy Whitmore (LCW) Central Valley Consortium, City Clerk Association of California (CCAC), Grant Registry Sam, California Public Employers Labor Relations Association (CALPELRA), International Council of Shopping Centers (ICSC), CCMF and Merced County Association of Governments (MCAG).

252-COMMUNICATIONS: Covers expenses for telephone, internet and other services provided to assist in transmitting and receiving messages. Service related to social media archiving.

259-MEETINGS/EVENTS: Expenses for City related business meetings and events, Employee Appreciation Event, 2 Employee meeting events and Park Site Chats.

270-SPECIAL PROGRAMS: Funds to be used for general homeless services upon approval by City Council in the amount \$12,000.

273-SPECIAL DEPARTMENTAL EXPENSE: Budget and CAFR award applications, GASB CalPERS reports, GovInvest and Employee Longevity Awards.

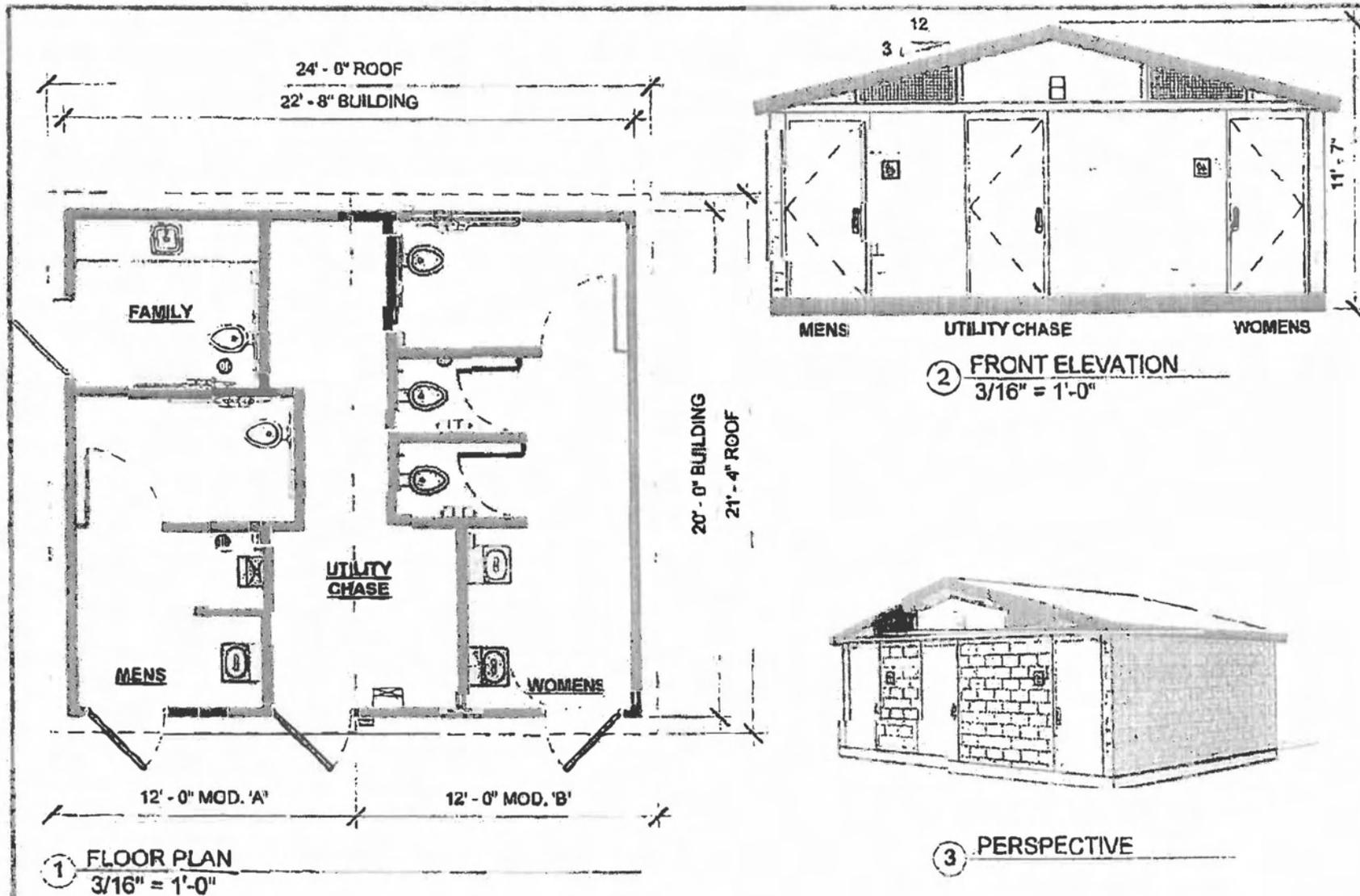
CAPITAL OUTLAY

720-BUILDING & STRUCTURES: Expenses related to project at the PAL Fields located on 7th Street. Project is to include: the purchase of restroom structure, contracted construction, electrical, materials for utilities and sidewalks, and to be ADA compliant.

750-VEHICLES: Funds assigned for the expenditures related to the purchase of three vehicles. Two of the vehicles are being purchased through a grant that has matching fund requirements. The vehicles will be utilized by all departments located in City Hall, as well as the IT Department.

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

EXHIBIT B
Restroom Facilities



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FAMILY SERIES

154-FAM

MAXIMUM PERSON AN HOUR

255 M

Ph: 888-888-2960 | Fax: 888-888-1436

-NOT FOR CONSTRUCTION - PRELIMINARY DESIGN DRAWING - ONLY - DO NOT SCALE. DIMENSIONS PRECEDE

EXHIBIT B-1

Restroom Facilities Schedule

- 1) September 28, 2018; Design Agreement executed by O'Dell and the City.
- 2) Field Survey completed by O'Dell by October 12, 2018.
- 3) October 26, 2018, rough design sketch showing actual location based on field sewer inverts and required fall.
- 4) July 18, 2019, (or the first business day after approval of the lease extension by both parties whichever is later). Note: the restroom to be ordered through Public Restrooms. There is a 180 day delivery.
- 5) September 15, 2019, design complete and can be sent out to bid.
- 6) December 4, 2019, Council awards contract for ADA path work.
- 7) December 15, 2019, Notice to proceed on path work.
- 8) January 18, 2020, approximate date of delivery of Restroom.
- 9) March 18, 2020, Estimated date of project completion. Note: This assumes that the restroom is ordered July 18, 2019. The completion date shall be extended based upon the order date, if the Agreement is not approved prior to July 18, 2019.



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: November 6, 2019

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Construction Contract to TBS Contractors in the amount of \$198,630.00 with a 10% Contingency in the amount of \$19,863.00 for the "Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements" Federal-Aid Project No. CML-5160(027)

Recommendation:

That the City Council adopts the Resolution awarding the "Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements" Federal-Aid Project No. CML-5160(027) construction project contract to TBS Contractors and authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement in the amount of \$198,630.00. Staff is requesting a 10% contingency of \$19,863.00.

Discussion:

Staff identified six specific areas where the property had previously been developed, lacked proper pedestrian access, and qualified for use of Congestion Mitigation and Air Quality (CMAQ) funds. The construction of sidewalks with this project is intended to connect existing sidewalks by infilling missing sidewalk in the right of way adjacent to existing developed property to provide proper pedestrian access. The project scope enabled the approval of CMAQ funding which improves air quality by promoting alternative modes of transportation.

The Public Works Department enlisted the services of our consultant, Gouveia Engineering, Inc., to design the project. Once the design was ready, staff released the project for advertisement on Tuesday, September 13, 2019. The bid opening was held

on Tuesday, October 15, 2019. The Public Works Department, through the office of the City Clerk, received eight (8) bids from the following contractors:

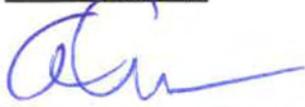
TBS Contractors	Merced	\$198,630.00
RTC Construction Management, Inc	Merced	\$223,186.00
V&G Builders, Inc.	Fresno	\$232,891.46
California Hwy Constr. Group, Inc.	Concord	\$241,684.00
Precision Grade, Inc.	San Juan Bautista	\$255,997.00
FBD Vanguard Constr., Inc.	Livermore	\$274,294.00
Ronnys Inc.	Los Banos	\$301,114.00
George Reed, Inc.	Modesto	\$353,612.00

Staff reviewed all of the bid proposals to insure each was submitted in the proper format, correct documentation, and required signatures. TBS Contractors provided the lowest responsive and responsible bid for the project. Staff is recommending TBS Contractors be awarded the contract for the construction of the "CMAQ – Construction Infill Sidewalk Improvements" Federal-Aid Project No. CML-5160(027). Staff is recommending a contingency of ten percent (10%). The administration of this contract, including the 10% contingency, is to be performed by the Public Works Director/City Engineer.

Fiscal Impact:

A CMAQ grant was awarded to the City for design, construction, and construction management in the amount not to exceed \$360,744.00. The City's obligation provides matching funds of 11.47% of the total grant amount. The construction phase of the combined Federal and City percentage amounts for this project were budgeted into CMAQ account 249-430-210-715 and approved with the 2019-2020 fiscal year budget.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO TBS CONTRACTORS IN THE AMOUNT OF \$198,630.00 WITH A 10% CONTINGENCY IN THE AMOUNT \$19,863.00 FOR "CONGESTED MITIGATION AIR QUALITY – CONSTRUCTION INFILL SIDEWALK IMPROVEMENTS" FEDERAL-AID PROJECT NO. CML-5160(027)

WHEREAS, the City of Los Banos Public Works Department received competitive bids on October 15, 2019 for the purpose of constructing the "Congestion Mitigation Air Quality – Construction Infill Sidewalk Improvements" Federal-Aid Project No. CML-5160(027) in the City of Los Banos; and

WHEREAS, the Public Works Department has determined, after receiving competitive bids, that TBS Contractors provided the lowest responsive and responsible bid in the amount of \$198,630.00; and

WHEREAS, the Public Works Department requests the City Council authorize a 10% contingency in the amount of \$19,863.00; and

WHEREAS, the Public Works Department requests the City Council authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement with TBS Contractors and authorize the Public Works Director/City Engineer to administrate the Construction Contract including the 10% contingency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept and award the construction bid of TBS Contractors in the amount of \$198,630.00 with a 10% contingency in the amount of \$19,863.00, authorizes the Public Works Director/City Engineer to execute the Construction Contract Agreement, and authorizes the Public Works Director/City Engineer to administrate the Construction Contract including the 10% contingency.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

BID OPENING

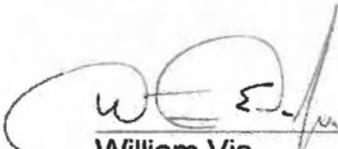
"CMAQ – Construction Infill Sidewalk Improvements"
Federal-Aid Project No. CML-5160(027)

OCTOBER 15, 2019 - 2:00 PM

1. Precision Grade, Inc.	\$ 255,997.00
2. FBD Vanguard Construction, Inc.	\$ 274,294.00
3. California Highway Construction Group, Inc.	\$ 241,684.00
4. George Reed, Inc.	\$ 353,612.00
5. V&G Builders, Inc.	\$ 232,891.46
6. RTC Construction Management, Inc. dba R.L. Friend Construction, Inc.	\$ 223,186.00
7. TBS Contractors	\$ 198,630.00
8. Ronnys, Inc.	\$ 301,114.00

Signed: 
Sara Blevins, CMC
HR Technician/Deputy City Clerk

Dated: October 15, 2019


William Via
Public Works Operations Manager

Notice to Contractors

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

Notice is hereby given that separate sealed bids for the award of contract for the **Construction of “CMAQ – CONSTRUCTION INFILL SIDEWALK IMPROVEMENTS”, FEDERAL-AID PROJECT NO. CML-5160(027)**” will be received by the City of Los Banos at the office of the City Clerk until 2:00 p.m. Pacific Daylight Savings Time, October 15, 2019 and then at said office publicly opened and read aloud.

The major work consists of constructing approximately 7,600 square feet of sidewalk, 554 linear feet of curb and gutter, 5 driveways, 4 wheelchair ramps, and miscellaneous concrete and pavement repairs at several locations in the City of Los Banos.

The time for completion shall be thirty (30) working days.

The DBE Contract goal for the project is 13%.

Approximately 88.53% of the project funding for CMAQ – CONSTRUCTION INFILL SIDEWALK IMPROVEMENTS”, FEDERAL-AID PROJECT NO. CML-5160(027) is being furnished under the Congestion Mitigation and Air Quality Improvement Program.

THIS PROJECT IS SUBJECT TO THE “BUY AMERICA” PROVISIONS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AMENDED BY THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991.

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

Central California Builders Exchange, 1244 N. Mariposa, Fresno, CA 93703 (www.cencalbx.com)

Builders Exchange of Stockton, 7500 N. West Lane, Stockton, CA 95210 (www.besonline.com)

Valley Builders Exchange, Inc., 1118 Kansas Avenue, Modesto, CA 95351 (www.valleybx.com)

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

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

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. These wages are set forth in the General Prevailing Wage Rates for this project, available from the California Department of Industrial Relations' Internet web site at <http://www.dir.ca.gov/DLSR/PWD>. Future effective general prevailing wage rates, which have been predetermined and are on file with the California Department of Industrial Relations are referenced but not printed in the general prevailing wage rates.

The Federal minimum wage rates for this project as predetermined by the United States Secretary of Labor are available at the following Internet web site at <https://beta.sam.gov/>. Addenda to modify the Federal minimum wage rates, if necessary, will be posted on the internet at www.losbanos.org.

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

section 1725.5.

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

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

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

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

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

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

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

Agreement

THIS Agreement is dated as of the _____ day of _____ in the year 2019 by and between the **City of Los Banos, a California municipal corporation** ("Owner") and TBS Contractors, A California corporation ("Contractor").

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

1. WORK. Contractor shall complete the work indicated in Owner's Contract Documents entitled "**CMAQ – CONSTRUCTION INFILL SIDEWALK IMPROVEMENTS**" **FEDERAL PROJECT NO. CML-5160(027)**

The work is generally described as follows:

- Construction of constructing approximately 7,600 square feet of sidewalk, 554 linear feet of curb and gutter, 5 driveways, 4 wheelchair ramps, and miscellaneous concrete and pavement repairs at several locations in the City of Los Banos.
- Contractor shall furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the work described herein.

2. CONTRACT TIME. Contractor shall commence the work required by the Contract Documents within 15 calendar days after the date of the Notice to Proceed and will complete the same within the time period set forth in the bid, unless the period for completion is extended otherwise by the Contract Documents.

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

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

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

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

- (A) Advertisement for Bids
- (B) Information for Bidders
- (C) Bid
- (D) Bid Bond
- (E) Agreement
- (F) Payment Bond
- (G) Performance Bond
- (H) Notice of Award
- (I) Notice to Proceed
- (J) Change Order
- (K) Required Federal-Aid Contract Language
- (L) General Provisions
- (M) Special Provisions
- (N) Technical Specifications prepared by Gouveia Engineering, Inc. entitled "CMAQ – Construct Infill Sidewalk Improvements", dated September, 2019.
- (O) Drawings prepared by Gouveia Engineering, Inc. numbered C-101 through C-112.
- (P) Addenda
 - No. 1, dated October 4, 2019
 - No. 2, dated October 9, 2019

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

7. MISCELLANEOUS.

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

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

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

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

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

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

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

G. The State general prevailing wage rates determined by the Director of Industrial Relations are hereby made a part of this Agreement. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith. When the project is subject to both State and Federal hourly minimum rates for wages and fringe benefits and when the two rates differ for similar kinds of labor, the Contractor shall not pay less than the higher rate.

H. The provisions of Form FHWA 1273 is hereby physically attached, unmodified as a part of this Agreement (Exhibit A.) This provision applies to federal-aid contracts and all work performed by subcontracts and subsequent lower-tier subcontracts and are required to be physically included in each executed Agreement.

I. The Minimum Federal Wage Rates Determination is hereby physically attached, in conformance with federal 10-day rule as a part of this contract (Exhibit B). This wage rate determination applies to federal-aid contracts and all work performed exceeding \$2,000.00 by subcontracts and subsequent lower-tier subcontracts and are required to be physically included in each executed Agreement.

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

Date

By: _____
Authorized Representative of Owner

Title: _____

ATTEST:

Lucille L. Mallonee
City Clerk

APPROVED AS TO FORM:

William A. Vaughn
City Attorney

CONTRACTOR

Licensed in accordance with an act
providing for the registration of Contractors

License No.: _____

Federal Employer Identification
Number: _____

Date

By: _____
Authorized Representative of Contractor

Title: _____

(Seal if Corporation)

(Attach Acknowledgement for Authorized Representative of Contractor)

EXHIBIT A – FEDERAL-AID CONTRACTS INSERT

UNMODIFIED FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS FEDERAL-AID
CONTRACTS

**REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS**

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages; the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.
2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

- a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.
- b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

EXHIBIT B – FOR FEDERAL-AID CONTRACTS INSERT

MINIMUM FEDERAL WAGE RATES DETERMINATIONS IN CONFORMANCE WITH FEDERAL 10-DAY
RULE AS MAY BE ISSUED BY ADDENDUM

"General Decision Number: CA20190018 07/26/2019

Superseded General Decision Number: CA20180029

State: California

Construction Types: Building, Heavy (Heavy and Dredging) and Highway

Counties: Alameda, Calaveras, Contra Costa, Fresno, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus and Tuolumne Counties in California.

BUILDING CONSTRUCTION PROJECTS; DREDGING PROJECTS (does not include hopper dredge work); HEAVY CONSTRUCTION PROJECTS (does not include water well drilling); HIGHWAY CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.60 for calendar year 2019 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.60 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2019. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/04/2019
1	02/01/2019
2	02/15/2019
3	02/22/2019
4	05/03/2019
5	07/26/2019

ASBEO016-004 01/01/2019

AREA 1: CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN JOAQUIN, SANTA CRUZ, STANISLAUS & TUOLUMNE COUNTIES

AREA 2: ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SAN MATEO & SANTA CLARA COUNTIES

Rates Fringes

Asbestos Removal
worker/hazardous material
handler (Includes
preparation, wetting,

stripping, removal,
 scrapping, vacuuming, bagging
 and disposing of all
 insulation materials from
 mechanical systems, whether
 they contain asbestos or not)

Area 1.....	\$ 28.20	9.27
Area 2.....	\$ 36.53	9.27

 ASBEO16-008 01/01/2019

AREA 1: ALAMEDA, CONTRA COSTA, MONTEREY, SAN BENITO, SAN
 FRANCISCO, SAN MATEO, SANTA CLARA, & SANTA CRUZ

AREA 2: CALAVERAS, COLUSA, FRESNO, KINGS, MADERA, MARIPOSA,
 MERCED, SAN JOAQUIN, STANISLAU, & TUOLUMNE

	Rates	Fringes
Asbestos Workers/Insulator (Includes the application of all insulating materials, Protective Coverings, Coatings, and Finishes to all types of mechanical systems)		
Area 1.....	\$ 68.11	23.32
Area 2.....	\$ 43.81	31.22

 BOILO549-001 10/01/2016

AREA 1: ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SAN MATEO & SANTA
 CLARA COUNTIES

AREA 2: REMAINING COUNTIES

	Rates	Fringes
BOILERMAKER		
Area 1.....	\$ 43.28	37.91
Area 2.....	\$ 39.68	35.71

 BRCA0001-001 08/01/2017

	Rates	Fringes
MARBLE FINISHER.....	\$ 32.60	15.31

 BRCA0003-003 08/01/2017

	Rates	Fringes
MARBLE MASON.....	\$ 44.60	26.83

 BRCA0005-005 05/01/2017

	Rates	Fringes
BRICKLAYER		
(1) Fresno, Kings, Madera, Mariposa, Merced....	\$ 38.45	21.22
(7) San Francisco, San Mateo.....	\$ 42.34	25.83
(8) Alameda, Contra Costa, San Benito, Santa Clara.....	\$ 44.16	21.71
(9) Calaveras, San Joaquin, Stanislaus, Tuolumne.....	\$ 39.66	20.76
(16) Monterey, Santa Cruz....	\$ 39.51	23.49

 BRCA0003-008 09/01/2017

	Rates	Fringes
TERRAZZO FINISHER.....	\$ 35.14	16.87
TERRAZZO WORKER/SETTER.....	\$ 44.11	26.36

BRCA0001-011 04/01/2018

AREA 1: Alameda, Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz

AREA 2: Calaveras, San Joaquin, Stanislaus, Tuolumne

AREA 3: Fresno, Kings, Madera, Mariposa, Merced

	Rates	Fringes
TILE FINISHER		
Area 1.....	\$ 28.56	15.87
Area 2.....	\$ 25.60	14.30
Area 3.....	\$ 25.88	15.17
Tile Layer		
Area 1.....	\$ 47.77	18.29
Area 2.....	\$ 42.67	16.81
Area 3.....	\$ 38.15	17.70

CARPO22-001 07/01/2018

San Francisco County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway		
Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw		
Filer.....	\$ 48.55	29.32
Journeyman Carpenter.....	\$ 48.40	29.32
Millwright.....	\$ 48.50	30.91

CARFO04-001 07/01/2018

	Rates	Fringes
Diver		
Assistant Tender, ROV		
Tender/Technician.....	\$ 47.65	32.52
Diver standby.....	\$ 52.61	32.52
Diver Tender.....	\$ 51.82	32.52
Diver wet.....	\$ 97.17	32.52
Manifold Operator (mixed gas).....	\$ 56.82	32.52
Manifold Operator (Standby).....	\$ 51.82	32.52

DEPTH PAY (Surface Diving):
 050 to 100 ft \$2.00 per foot
 101 to 150 ft \$3.00 per foot
 151 to 220 ft \$4.00 per foot

SATURATION DIVING:
 The standby rate shall apply until saturation starts. The saturation diving rate applies when divers are under pressure continuously until work task and decompression are complete. The diver rate shall be paid for all saturation hours.

DIVING IN ENCLOSURES:
 Where it is necessary for Divers to enter pipes or tunnels, or other enclosures where there is no vertical ascent, the following premium shall be paid: Distance traveled from entrance 26 feet to 100 feet: \$1.00 per foot. When it is

necessary for a diver to enter any pipe, tunnel or other enclosure less than 48" in height, the premium will be \$1.00 per foot.

WORK IN COMBINATION OF CLASSIFICATIONS:

Employees working in any combination of classifications within the diving crew (except dive supervisor) in a shift are paid in the classification with the highest rate for that shift.

CARPO014-003 07/01/2017

	Rates	Fringes
Filedriver.....	\$ 46.65	31.91

CARPO015-007 07/01/2017

AREA 1: Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara counties

AREA 2: Monterey, San Benito, Santa Cruz Counties

AREA 3: Calaveras, Fresno, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne Counties

	Rates	Fringes
Modular Furniture Installer		
Area 1		
Installer I.....	\$ 25.61	20.42
Installer II.....	\$ 22.18	20.42
Lead Installer.....	\$ 29.06	20.92
Master Installer.....	\$ 33.28	20.92
Area 2		
Installer I.....	\$ 22.96	20.42
Installer II.....	\$ 20.01	20.42
Lead Installer.....	\$ 25.93	20.92
Master Installer.....	\$ 29.56	20.92
Area 3		
Installer I.....	\$ 22.01	20.42
Installer II.....	\$ 19.24	20.42
Lead Installer.....	\$ 24.81	20.92
Master Installer.....	\$ 31.83	20.92

CARPO015-008 08/01/2018

AREA 1: Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara counties

AREA 2: Monterey, San Benito, Santa Cruz Counties

AREA 3: San Joaquin

AREA 4: Calaveras, Fresno, Kings, Madera, Mariposa, Merced, Stanislaus, Tuolumne Counties

	Rates	Fringes
Drywall Installers/Lathers:		
Area 1.....	\$ 48.40	29.76
Area 2.....	\$ 42.52	29.76
Area 3.....	\$ 41.02	29.15
Area 4.....	\$ 41.67	29.76
Drywall Stocker/Scraper		
Area 1.....	\$ 24.20	17.29
Area 2.....	\$ 21.26	17.29
Area 3.....	\$ 20.51	16.88
Area 4.....	\$ 20.84	17.29

CARPO152-001 07/01/2018

Contra Costa County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....	\$ 48.55	29.32
Journeyman Carpenter.....	\$ 48.40	29.32
Millwright.....	\$ 48.50	30.91

CARP0152-002 07/01/2018

San Joaquin County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....	\$ 42.67	29.32
Journeyman Carpenter.....	\$ 42.52	29.32
Millwright.....	\$ 45.02	30.91

CARP0152-004 07/01/2018

Calaveras, Mariposa, Merced, Stanislaus and Tuolumne Counties

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....	\$ 41.32	29.32
Journeyman Carpenter.....	\$ 41.17	29.32
Millwright.....	\$ 43.67	30.91

CARP0217-001 07/01/2018

San Mateo County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....	\$ 48.55	29.32
Journeyman Carpenter.....	\$ 48.40	29.32
Millwright.....	\$ 48.50	30.91

CARP0405-001 07/01/2018

Santa Clara County

	Rates	Fringes
Carpenters		

Bridge Builder/Highway Carpenter.....\$ 48.40	29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....\$ 48.55	29.32
Journeyman Carpenter.....\$ 48.40	29.32
Millwright.....\$ 48.50	30.91

CARP0405-002 07/01/2018

San Benito County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....\$ 48.40		29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....\$ 42.58		29.32
Journeyman Carpenter.....\$ 42.52		29.32
Millwright.....\$ 45.02		30.91

CARP0505-001 07/01/2018

Santa Cruz County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....\$ 48.40		29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....\$ 42.67		29.32
Journeyman Carpenter.....\$ 42.52		29.32
Millwright.....\$ 45.02		30.91

CARP0605-001 07/01/2018

Monterey County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....\$ 48.40		29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw Filer.....\$ 42.67		29.32
Journeyman Carpenter.....\$ 42.52		29.32
Millwright.....\$ 45.02		30.91

CARP0701-001 07/01/2018

Fresno and Madera Counties

	Rates	Fringes
Carpenters		
Bridge Builder/Highway Carpenter.....\$ 48.40		29.32
Hardwood Floorlayer, Shingler, Power Saw Operator, Steel Scaffold & Steel Shoring Erector, Saw		

Filer.....	\$ 41.32	29.32
Journeyman Carpenter.....	\$ 41.17	29.32
Millwright.....	\$ 43.67	30.91

 CARF0713-001 07/01/2018

Alameda County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway		
Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer,		
Shingler, Power Saw		
Operator, Steel Scaffold &		
Steel Shoring Erector, Saw		
Filer.....	\$ 48.55	29.32
Journeyman Carpenter.....	\$ 48.40	29.32
Millwright.....	\$ 48.50	30.91

 CARF1109-001 07/01/2018

Kings County

	Rates	Fringes
Carpenters		
Bridge Builder/Highway		
Carpenter.....	\$ 48.40	29.32
Hardwood Floorlayer,		
Shingler, Power Saw		
Operator, Steel Scaffold &		
Steel Shoring Erector, Saw		
Filer.....	\$ 41.32	29.32
Journeyman Carpenter.....	\$ 41.17	29.32
Millwright.....	\$ 43.67	30.91

 ELECO006-004 12/01/2018

SAN FRANCISCO COUNTY

	Rates	Fringes
Sound & Communications		
Installer.....	\$ 40.52	38+19.05
Technician.....	\$ 46.60	38+19.05

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

 ELECO006-007 06/01/2018

SAN FRANCISCO COUNTY

	Rates	Fringes
ELECTRICIAN.....	\$ 71.00	38+31.215

ELEC0100-002 03/01/2019

FRESNO, KINGS, AND MADERA COUNTIES

	Rates	Fringes
ELECTRICIAN.....	\$ 38.75	23.06

ELEC0100-005 12/01/2018

FRESNO, KINGS, MADERA

	Rates	Fringes
Communications System		
Installer.....	\$ 33.59	19.55
Technician.....	\$ 38.63	19.71

SCOPE OF WORK

Includes the installation testing, service and maintenance, of the following systems which utilize the transmission and/or transference of voice, sound, vision and digital for commercial, education, security and entertainment purposes for the following: TV monitoring and surveillance, background-foreground music, intercom and telephone interconnect, inventory control systems, microwave transmission, multi-media, multiplex, nurse call system, radio page, school intercom and sound, burglar alarms, and low voltage master clock systems.

A. SOUND AND VOICE TRANSMISSION/TRANSFERENCE SYSTEMS
Background foreground music, Intercom and telephone interconnect systems, Telephone systems Nurse call systems, Radio page systems, School intercom and sound systems, Burglar alarm systems, Low voltage, master clock systems, Multi-media/multiplex systems, Sound and musical entertainment systems, RF systems, Antennas and Wave Guide,

B. FIRE ALARM SYSTEMS Installation, wire pulling and testing

C. TELEVISION AND VIDEO SYSTEMS Television monitoring and surveillance systems Video security systems, Video entertainment systems, Video educational systems, Microwave transmission systems, CATV and CCTV

D. SECURITY SYSTEMS Perimeter security systems Vibration sensor systems Card access systems Access control systems, Sonar/infrared monitoring equipment

E. COMMUNICATIONS SYSTEMS THAT TRANSMIT OR RECEIVE INFORMATION AND/OR CONTROL SYSTEMS THAT ARE INTRINSIC TO THE ABOVE LISTED SYSTEMS SCADA (Supervisory Control and Data Acquisition) PCM (Pulse Code Modulation) Inventory Control Systems, Digital Data Systems Broadband and Baseband and Carriers Point of Sale Systems, VSAT Data Systems Data Communication Systems RF and Remote Control Systems, Fiber Optic Data Systems

WORK EXCLUDED Raceway systems are not covered (excluding Ladder-Rack for the purpose of the above listed systems). Chases and/or nipples (not to exceed 10 feet) may be installed on open wiring systems. Energy management systems. SCADA (Supervisory Control and Data Acquisition) when not intrinsic to the above listed systems (in the scope). Fire alarm systems when installed in raceways (including wire and cable pulling) shall be performed at the electrician wage rate, when either of the following two (2) conditions apply:

- 1. The project involves new or major remodel building trades

construction.
 2. The conductors for the fire alarm system are installed in conduit.

 * ELEC0214-001 12/24/2018

MONTEREY, SAN BENITO AND SANTA CRUZ COUNTIES

	Rates	Fringes
ELECTRICIAN		
Zone A.....	\$ 49.30	25.58
Zone B.....	\$ 54.23	25.73

Zone A: All of Santa Cruz, Monterey, and San Benito Counties within 25 air miles of Highway 1 and Dolan Road in Moss Landing, and an area extending 5 miles east and west of Highway 101 South to the San Luis Obispo County Line

Zone B: Any area outside of Zone A

 ELEC0214-003 12/01/2018

MONTEREY, SAN BENITO, AND SANTA CRUZ COUNTIES

	Rates	Fringes
Sound & Communications		
Installer.....	\$ 40.02	19.75
Technician.....	\$ 46.02	19.75

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

 ELEC0302-001 02/25/2019

CONTRA COSTA COUNTY

	Rates	Fringes
CABLE SPLICER.....	\$ 60.48	26.06
ELECTRICIAN.....	\$ 53.76	25.86

 ELEC0302-003 12/01/2018

CONTRA COSTA COUNTY

	Rates	Fringes
Sound & Communications		
Installer.....	\$ 38.42	19.70
Technician.....	\$ 44.18	19.88

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

 ELEC032-001 06/01/2018

SANTA CLARA COUNTY

	Rates	Fringes
CABLE SPLICER.....	\$ 75.35	35.491
ELECTRICIAN.....	\$ 65.52	35.196

FOOTNOTES: Work under compressed air or where gas masks are required, or work on ladders, scaffolds, stacks, "Bosun's chairs," or other structures and where the workers are not protected by permanent guard rails at a distance of 40 to 60 ft. from the ground or supporting structures: to be paid one and one-half times the straight-time rate of pay. Work on structures of 60 ft. or over (as described above): to be paid twice the straight-time rate of pay.

 ELEC032-003 12/01/2018

SANTA CLARA COUNTY

	Rates	Fringes
Sound & Communications		
Installer.....	\$ 40.02	19.75
Technician.....	\$ 46.02	19.93

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

ELEC0595-001 06/01/2018

ALAMEDA COUNTY

	Rates	Fringes
CABLE SPLICER.....	\$ 61.03	38+35.72
ELECTRICIAN.....	\$ 54.25	38+35.72

ELEC0595-002 06/01/2018

CALAVERAS AND SAN JOAQUIN COUNTIES

	Rates	Fringes
CABLE SPLICER.....	\$ 42.55	7.458+24.58
ELECTRICIAN		
(1) Tunnel work.....	\$ 38.85	7.458+24.58
(2) All other work.....	\$ 37.00	7.458+24.58

ELEC0595-006 12/01/2018

ALAMEDA COUNTY

	Rates	Fringes
Sound & Communications		
Installer.....	\$ 40.02	38+18.96
Technician.....	\$ 46.02	38+18.96

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

ELEC0595-008 12/01/2018

CALAVERAS AND SAN JOAQUIN COUNTIES

	Rates	Fringes
Communications System		
Installer.....	\$ 33.59	38+18.86
Technician.....	\$ 38.63	38+18.86

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are

installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

 * ELEC0617-001 06/01/2019

SAN MATEO COUNTY

	Rates	Fringes
ELECTRICIAN.....	\$ 63.00	37.68

 ELEC0617-003 12/01/2018

SAN MATEO COUNTY

	Rates	Fringes
Sound & Communications		
Installer.....	\$ 40.02	19.93
Technician.....	\$ 46.02	19.93

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

 * ELEC0684-001 06/01/2019

MARIPOSA, MERCED, STANISLAUS AND TUOLUMNE COUNTIES

	Rates	Fringes
ELECTRICIAN.....	\$ 40.25	38+22.83

CABLE SPLICER = 110% of Journeyman Electrician

 ELEC0684-004 12/01/2018

MARIPOSA, MERCED, STANISLAUS AND TUOLUMNE COUNTIES

	Rates	Fringes
Communications System		
Installer.....	\$ 33.59	19.56
Technician.....	\$ 38.63	19.71

SCOPE OF WORK: Including any data system whose only function is to transmit or receive information; excluding all other data systems or multiple systems which include control function or power supply; inclusion or exclusion of terminations and testings of conductors determined by their function; excluding fire alarm work when installed in raceways (including wire and cable pulling) and when performed on new or major remodel building projects or jobs for which the conductors for the fire alarm system are installed in conduit; excluding installation of raceway systems, line voltage work, industrial work, life-safety systems (all buildings having floors located more than 75' above the lowest floor level having building access); excluding energy management systems.

FOOTNOTE: Fire alarm work when installed in raceways (including wire and cable pulling), on projects which involve new or major remodel building construction, for which the conductors for the fire alarm system are installed in the conduit, shall be performed by the inside electrician.

 ELEC1245-001 01/01/2019

	Rates	Fringes
LINE CONSTRUCTION		
(1) Lineman; Cable splicer..\$ 56.79		17.41
(2) Equipment specialist (operates crawler tractors, commercial motor vehicles, backhoes, trenchers, cranes (50 tons and below), overhead & underground distribution line equipment).....\$ 45.36		16.24
(3) Groundman.....\$ 34.68		15.86
(4) Powderman.....\$ 49.55		38+17.65

HOLIDAYS: New Year's Day, M.L. King Day, Memorial Day,
 Independence Day, Labor Day, Veterans Day, Thanksgiving Day
 and day after Thanksgiving, Christmas Day

 ELEV0008-001 01/01/2019

	Rates	Fringes
ELEVATOR MECHANIC.....\$ 67.56		34.125+a+b

FOOTNOTE:
 PAID VACATION: Employer contributes 8% of regular hourly rate as vacation pay credit for employees with more than 5 years of service, and 6% for 6 months to 5 years of service.
 PAID HOLIDAYS: New Years Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving, and Christmas Day.

 * ENG10003-001 06/24/2019

""AREA 1"" WAGE RATES ARE LISTED BELOW

""AREA 2"" RECEIVES AN ADDITIONAL \$2.00 PER HOUR ABOVE AREA 1 RATES.

SEE AREA DEFINITIONS BELOW

	Rates	Fringes
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OPERATOR: Power Equipment

(AREA 1:)		
GROUP 1.....	\$ 49.02	30.74
GROUP 2.....	\$ 47.49	30.74
GROUP 3.....	\$ 46.01	30.74
GROUP 4.....	\$ 44.63	30.74
GROUP 5.....	\$ 43.36	30.74
GROUP 6.....	\$ 42.04	30.74
GROUP 7.....	\$ 40.90	30.74
GROUP 8.....	\$ 39.76	30.74
GROUP 8-A.....	\$ 37.55	30.74
OPERATOR: Power Equipment		
(Cranes and Attachments -		
AREA 1:)		
GROUP 1		
Cranes.....	\$ 50.65	30.74
Oiler.....	\$ 36.63	30.39
Truck crane oiler.....	\$ 39.20	30.39
GROUP 2		
Cranes.....	\$ 48.14	30.74
Oiler.....	\$ 36.36	30.39
Truck crane oiler.....	\$ 38.98	30.39
GROUP 3		
Cranes.....	\$ 46.40	30.74
Hydraulic.....	\$ 38.32	30.39
Oiler.....	\$ 36.14	30.39
Truck Crane Oiler.....	\$ 38.71	30.39
GROUP 4		
Cranes.....	\$ 43.36	30.74
OPERATOR: Power Equipment		
(Piledriving - ARKA 1:)		
GROUP 1		
Lifting devices.....	\$ 45.89	30.39
Oiler.....	\$ 36.63	30.39
Truck crane oiler.....	\$ 39.20	30.39
GROUP 2		
Lifting devices.....	\$ 44.07	30.39
Oiler.....	\$ 36.36	30.39
Truck Crane Oiler.....	\$ 38.98	30.39
GROUP 3		
Lifting devices.....	\$ 42.39	30.39
Oiler.....	\$ 36.14	30.39
Truck Crane Oiler.....	\$ 38.71	30.39
GROUP 4		
Lifting devices.....	\$ 40.62	30.39
GROUP 5		
Lifting devices.....	\$ 39.32	30.39
GROUP 6		
Lifting devices.....	\$ 37.98	30.39
OPERATOR: Power Equipment		
(Steel Erection - AREA 1:)		
GROUP 1		
Cranes.....	\$ 46.30	30.39
Oiler.....	\$ 36.63	30.39
Truck Crane Oiler.....	\$ 39.20	30.39
GROUP 2		
Cranes.....	\$ 43.79	30.39
Oiler.....	\$ 36.36	30.39
Truck Crane Oiler.....	\$ 38.98	30.39
GROUP 3		
Cranes.....	\$ 42.05	30.39
Hydraulic.....	\$ 38.32	30.39
Oiler.....	\$ 36.14	30.39
Truck Crane Oiler.....	\$ 38.71	30.39
GROUP 4		
Cranes.....	\$ 39.01	30.39
GROUP 5		
Cranes.....	\$ 35.13	30.39
OPERATOR: Power Equipment		
(Tunnel and Underground Work		
- AREA 1:)		
SHAFTS, STOPES, RAISES:		
GROUP 1.....	\$ 40.77	30.39
GROUP 1-A.....	\$ 43.24	30.39
GROUP 2.....	\$ 39.51	30.39

GROUP 3.....	\$ 38.18	30.39
GROUP 4.....	\$ 37.04	30.39
GROUP 5.....	\$ 35.90	30.39
UNDERGROUND:		
GROUP 1.....	\$ 40.67	30.39
GROUP 1-A.....	\$ 43.14	30.39
GROUP 2.....	\$ 39.41	30.39
GROUP 3.....	\$ 38.08	30.39
GROUP 4.....	\$ 36.94	30.39
GROUP 5.....	\$ 35.80	30.39

FOOTNOTE: Work suspended by ropes or cables, or work on a Yo-Yo Cat: \$.60 per hour additional.

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

GROUP 1: Operator of helicopter (when used in erection work); Hydraulic excavator, 7 cu. yds. and over; Power shovels, over 7 cu. yds.

GROUP 2: Highline cableway; Hydraulic excavator, 3-1/2 cu. yds. up to 7 cu. yds.; Licensed construction work boat operator, on site; Power blade operator (finish); Power shovels, over 1 cu. yd. up to and including 7 cu. yds. m.r.c.

GROUP 3: Asphalt milling machine; Cable backhoe; Combination backhoe and loader over 3/4 cu. yds.; Continuous flight tie back machine assistant to engineer or mechanic; Crane mounted continuous flight tie back machine, tonnage to apply; Crane mounted drill attachment, tonnage to apply; Dozer, slope brd; Gradall; Hydraulic excavator, up to 3 1/2 cu. yds.; Loader 4 cu. yds. and over; Long reach excavator; Multiple engine scraper (when used as push pull); Power shovels, up to and including 1 cu. yd.; Pre-stress wire wrapping machine; Side boom cat, 572 or larger; Track loader 4 cu. yds. and over; Wheel excavator (up to and including 750 cu. yds. per hour)

GROUP 4: Asphalt plant engineer/box person; Chicago boom; Combination backhoe and loader up to and including 3/4 cu. yd.; Concrete batch plant (wet or dry); Dozer and/or push cat; Pull-type elevating loader; Grader/scraper, grade checker (GPS, mechanical or otherwise); Grooving and grinding machine; Heading shield operator; Heavy-duty drilling equipment, Hughes, LDH, Watson 3000 or similar; Heavy-duty repairperson and/or welder; Lime spreader; Loader under 4 cu. yds.; Lubrication and service engineer (mobile and grease rack); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Miller Formless M-9000 slope paver or similar; Portable crushing and screening plants; Power blade support; Roller operator, asphalt; Rubber-tired scraper, self-loading (paddle-wheels, etc.); Rubber-tired earthmoving equipment (scraper); Slip form paver (concrete); Small tractor with drag; Soil stabilizer (P & H or equal); Spider plow and spider puller; Tubex pile rig; Unlicensed construction work boat operator, on site; Timber skidder; Track loader up to 4 yds.; Tractor-drawn scraper; Tractor, compressor drill combination; Welder; Woods-Mixer (and other similar Pugmill equipment)

GROUP 5: Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete conveyor or concrete pump, truck or equipment mounted; Concrete conveyor, building site; Concrete pump or pumpcrete gun; Drilling equipment, Watson 2000, Texoma 700 or similar; Drilling and boring machinery, horizontal (not to apply to waterliners, wagon drills or jackhammers); Concrete mixer/all; Person and/or material hoist; Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burr, curb and/or curb and gutter machine, concrete or asphalt; Mine or shaft hoist; Portable

crusher; Power jumbo operator (setting slip-forms, etc., in tunnels); Screed (automatic or manual); Self-propelled compactor with dozer; Tractor with boom D6 or smaller; Trenching machine, maximum digging capacity over 5 ft. depth; Vermeer T-600B rock cutter or similar

GROUP 6: Armor-Coater (or similar); Ballast jack tamper; Boom-type backfilling machine; Assistant plant engineer; Bridge and/or gantry crane; Chemical grouting machine, truck-mounted; Chip spreading machine operator; Concrete saw (self-propelled unit on streets, highways, airports and canals); Deck engineer; Drilling equipment Texoma 600, Hughes 200 Series or similar up to and including 30 ft. m.r.c.; Drill doctor; Helicopter radio operator; Hydro-hammer or similar; Line master; Skidsteer loader, Bobcat larger than 743 series or similar (with attachments); Locomotive; Lull hi-lift or similar; Oiler, truck mounted equipment; Pavement breaker, truck-mounted, with compressor combination; Paving fabric installation and/or laying machine; Pipe bending machine (pipelines only); Pipe wrapping machine (tractor propelled and supported); Screed (except asphaltic concrete paving); Self-propelled pipeline wrapping machine; Tractor; Self-loading chipper; Concrete barrier moving machine

GROUP 7: Ballast regulator; Boom truck or dual-purpose A-frame truck, non-rotating - under 15 tons; Cary lift or similar; Combination slurry mixer and/or cleaner; Drilling equipment, 20 ft. and under m.r.c.; Firetender (hot plant); Grouting machine operator; Highline cableway signalperson; Stationary belt loader (Kolman or similar); Lift slab machine (Vagtborg and similar types); Maginnes internal full slab vibrator; Material hoist (1 drum); Mechanical trench shield; Pavement breaker with or without compressor combination; Pipe cleaning machine (tractor propelled and supported); Post driver; Roller (except asphalt); Chip Seal; Self-propelled automatically applied concrete curing machine (on streets, highways, airports and canals); Self-propelled compactor (without dozer); Signalperson; Slip-form pumps (lifting device for concrete forms); Tie spacer; Tower mobile; Trenching machine, maximum digging capacity up to and including 5 ft. depth; Truck-type loader

GROUP 8: Bit sharpener; Boiler tender; Box operator; Brakeperson; Combination mixer and compressor (shotcrete/gunite); Compressor operator; Deckhand; Fire tender; Forklift (under 20 ft.); Generator; Gunite/shotcrete equipment operator; Hydraulic monitor; Ken seal machine (or similar); Mixermobile; Oiler; Pump operator; Refrigeration plant; Reservoir-debris tug (self-propelled floating); Ross Carrier (construction site); Rotomist operator; Self-propelled tape machine; Shuttlecar; Self-propelled power sweeper operator (includes vacuum sweeper); Slusher operator; Surface heater; Switchperson; Tar pot firetender; Tugger hoist, single drum; Vacuum cooling plant; Welding machine (powered other than by electricity)

GROUP 8-A: Elevator operator; Skidsteer loader-Bobcat 743 series or smaller, and similar (without attachments); Mini excavator under 25 H.P. (backhoe-trencher); Tub grinder wood chipper

ALL CRANES AND ATTACHMENTS

GROUP 1: Clamshell and dragline over 7 cu. yds.; Crane, over 100 tons; Derrick, over 100 tons; Derrick barge pedestal-mounted, over 100 tons; Self-propelled boom-type lifting device, over 100 tons

GROUP 2: Clamshell and dragline over 1 cu. yd. up to and including 7 cu. yds.; Crane, over 45 tons up to and

including 100 tons; Derrick barge, 100 tons and under;
Self-propelled boom-type lifting device, over 45 tons;
Tower crane

GROUP 3: Clamshell and dragline up to and including 1 cu.
yd.; Cranes 45 tons and under; Self-propelled boom-type
lifting device 45 tons and under;

GROUP 4: Boom Truck or dual purpose A-frame truck,
non-rotating over 15 tons; Truck-mounted rotating
telescopic boom type lifting device, Manitex or similar
(boom truck) over 15 tons; Truck-mounted rotating
telescopic boom type lifting device, Manitex or similar
(boom truck) - under 15 tons;

PILEDRIVERS

GROUP 1: Derrick barge pedestal mounted over 100 tons;
Clamshell over 7 cu. yds.; Self-propelled boom-type lifting
device over 100 tons; Truck crane or crawler, land or barge
mounted over 100 tons

GROUP 2: Derrick barge pedestal mounted 45 tons to and
including 100 tons; Clamshell up to and including 7 cu.
yds.; Self-propelled boom-type lifting device over 45 tons;
Truck crane or crawler, land or barge mounted, over 45 tons
up to and including 100 tons; Fundex F-12 hydraulic pile rig

GROUP 3: Derrick barge pedestal mounted under 45 tons; Self-
propelled boom-type lifting device 45 tons and under;
Skid/scow piledriver, any tonnage; Truck crane or crawler,
land or barge mounted 45 tons and under

GROUP 4: Assistant operator in lieu of assistant to engineer;
Forklift, 10 tons and over; Heavy-duty repairperson/welder

GROUP 5: Deck engineer

GROUP 6: Deckhand; Fire tender

STEEL ERECTORS

GROUP 1: Crane over 100 tons; Derrick over 100 tons; Self-
propelled boom-type lifting device over 100 tons

GROUP 2: Crane over 45 tons to 100 tons; Derrick under 100
tons; Self-propelled boom-type lifting device over 45 tons
to 100 tons; Tower crane

GROUP 3: Crane, 45 tons and under; Self-propelled boom-type
lifting device, 45 tons and under

GROUP 4: Chicago boom; Forklift, 10 tons and over; Heavy-duty
repair person/welder

GROUP 5: Boom cat

TUNNEL AND UNDERGROUND WORK

GROUP 1-A: Tunnel bore machine operator, 20' diameter or more

GROUP 1: Heading shield operator; Heavy-duty repairperson;
Mucking machine (rubber tired, rail or track type); Raised
bore operator (tunnels); Tunnel mole bore operator

GROUP 2: Combination slusher and motor operator; Concrete

pump or pumpcrete gun; Power jumbo operator

GROUP 3: Drill doctor; Mine or shaft hoist

GROUP 4: Combination slurry mixer cleaner; Grouting Machine operator; Motorman

GROUP 5: Bit Sharpener; Brakeman; Combination mixer and compressor (gunite); Compressor operator; Oiler; Pump operator; Slusher operator

AREA DESCRIPTIONS:

POWER EQUIPMENT OPERATORS, CRANES AND ATTACHMENTS, TUNNEL AND UNDERGROUND (These areas do not apply to Piledrivers and Steel Erectors)

AREA 1: ALAMEDA, CALAVERAS, CONTRA COSTA, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN FRANCISCO, SAN JOAQUIN, SAN MATEO, SANTA CLARA, SANTA CRUZ, STANISLAUS, TUOLUMNE

AREA 2 -NOTED BELOW

THE REMAINING COUNTIES ARE SPLIT BETWEEN AREA 1 AND AREA 2 AS NOTED BELOW:

CALAVERAS COUNTY:

Area 1: Remainder
Area 2: Eastern Part

FRESNO COUNTY:

Area 1: Remainder
Area 2: Eastern Part

MADERA COUNTY:

Area 1: Remainder
Area 2: Eastern Part

MARIPOSA COUNTY:

Area 1: Remainder
Area 2: Eastern Part

MONTEREY COUNTY:

Area 1: Remainder
Area 2: Southwestern part

TUOLUMNE COUNTY:

Area 1: Remainder
Area 2: Eastern Part

ENG10001-008 07/01/2017

	Rates	Fringes
Dredging: (DREDGING: CLAMSHELL & DIPPER DREDGING; HYDRAULIC SUCTION DREDGING:)		
AREA 1:		
(1) Leverman.....	\$ 44.77	31.25
(2) Dredge Doter; Heavy duty repairman.....	\$ 39.81	31.25
(3) Booster Pump Operator; Deck Engineer; Deck mate; Dredge Tender; Winch Operator.....	\$ 38.69	31.25
(4) Bargeman; Deckhand; Fireman; Leveehand; Oiler..	\$ 35.39	31.25
AREA 2:		
(1) Leverman.....	\$ 46.77	31.25
(2) Dredge Doter; Heavy duty repairman.....	\$ 41.81	31.25

(3) Booster Pump
 Operator: Deck
 Engineer: Deck mate;
 Dredge Tender: Winch
 Operator.....\$ 40.69 31.25
 (4) Bargeman: Deckhand;
 Fireman: Leveehand; Oiler..\$ 37.39 31.25

AREA DESCRIPTIONS

AREA 1: ALAMEDA, BUTTE, CONTRA COSTA, KINGS, MARIN, MERCED,
 NAPA, SACRAMENTO, SAN BENITO, SAN FRANCISCO, SAN JOAQUIN,
 SAN MATEO, SANTA CLARA, SANTA CRUZ, SOLANO, STANISLAUS,
 SUTTER, YOLO, AND YUBA COUNTIES

AREA 2: MODOC COUNTY

THE REMAINING COUNTIES ARE SPLIT BETWEEN AREA 1 AND AREA 2
 AS NOTED BELOW:

ALPINE COUNTY:

Area 1: Northernmost part
 Area 2: Remainder

CALAVERAS COUNTY:

Area 1: Remainder
 Area 2: Eastern part

COLUSA COUNTY:

Area 1: Eastern part
 Area 2: Remainder

ELDORADO COUNTY:

Area 1: North Central part
 Area 2: Remainder

FRESNO COUNTY:

Area 1: Remainder
 Area 2: Eastern part

GLENN COUNTY:

Area 1: Eastern part
 Area 2: Remainder

LASSEN COUNTY:

Area 1: Western part along the Southern portion of border
 with Shasta County
 Area 2: Remainder

MADERA COUNTY:

Area 1: Except Eastern part
 Area 2: Eastern part

MARIPOSA COUNTY

Area 1: Except Eastern part
 Area 2: Eastern part

MONTEREY COUNTY

Area 1: Except Southwestern part
 Area 2: Southwestern part

NEVADA COUNTY:

Area 1: All but the Northern portion along the border of
 Sierra County
 Area 2: Remainder

PLACER COUNTY:

Area 1: All but the Central portion
 Area 2: Remainder

PLUMAS COUNTY:

Area 1: Western portion
 Area 2: Remainder

SHASTA COUNTY:

Area 1: All but the Northeastern corner
 Area 2: Remainder

SIERRA COUNTY:

Area 1: Western part
 Area 2: Remainder

SISKIYOU COUNTY:

Area 1: Central part
 Area 2: Remainder

SONOMA COUNTY:

Area 1: All but the Northwestern corner
 Area 2: Remainder

TEHAMA COUNTY:

Area 1: All but the Western border with Mendocino & Trinity
 Counties
 Area 2: Remainder

TRINITY COUNTY:

Area 1: East Central part and the Northeastern border with
 Shasta County
 Area 2: Remainder

TUOLUMNE COUNTY:

Area 1: Except Eastern part
 Area 2: Eastern part

 ENGI000-019 07/26/2017

SEE AREA DESCRIPTIONS BELOW

	Rates	Fringes
OPERATOR: Power Equipment		
(LANDSCAPE WORK ONLY)		
GROUP 1		
AREA 1.....	\$ 34.05	28.73
AREA 2.....	\$ 36.05	28.73
GROUP 2		
AREA 1.....	\$ 30.45	28.73
AREA 2.....	\$ 32.45	28.73
GROUP 3		
AREA 1.....	\$ 25.84	28.73
AREA 2.....	\$ 27.84	28.73

GROUP DESCRIPTIONS:

GROUP 1: Landscape Finish Grade Operator: All finish grade work regardless of equipment used, and all equipment with a rating more than 65 HP.

GROUP 2: Landscape Operator up to 65 HP: All equipment with a manufacturer's rating of 65 HP or less except equipment covered by Group 1 or Group 3. The following equipment shall be included except when used for finish work as long as manufacturer's rating is 65 HP or less: A-Frame and Winch Truck, Backhoe, Forklift, Hydragraphic Seeder Machine, Roller, Rubber-Tired and Track Earthmoving Equipment, Skiploader, Straw Blowers, and Trencher 31 HP up to 65 HP.

GROUP 3: Landscape Utility Operator: Small Rubber-Tired Tractor, Trencher Under 31 HP.

AREA DESCRIPTIONS:

AREA 1: ALAMEDA, BUTTE, CONTRA COSTA, KINGS, MARIN, MERCED, NAPA, SACRAMENTO, SAN BENITO, SAN FRANCISCO, SAN JOAQUIN, SAN MATEO, SANTA CLARA, SANTA CRUZ, SOLANO, STANISLAUS, SUTTER, YOLO, AND YUBA COUNTIES

AREA 2 - MODOC COUNTY

THE REMAINING COUNTIES ARE SPLIT BETWEEN AREA 1 AND AREA 2 AS NOTED BELOW:

ALPINE COUNTY:

Area 1: Northernmost part
Area 2: Remainder

CALAVERAS COUNTY:

Area 1: Except Eastern part
Area 2: Eastern part

COLUSA COUNTY:

Area 1: Eastern part
Area 2: Remainder

DEL NORTE COUNTY:

Area 1: Extreme Southwestern corner
Area 2: Remainder

ELDORADO COUNTY:

Area 1: North Central part
Area 2: Remainder

FRESNO COUNTY

Area 1: Except Eastern part
Area 2: Eastern part

GLENN COUNTY:

Area 1: Eastern part
Area 2: Remainder

HUMBOLDT COUNTY:

Area 1: Except Eastern and Southwestern parts
Area 2: Remainder

LAKE COUNTY:

Area 1: Southern part
Area 2: Remainder

LASSEN COUNTY:

Area 1: Western part along the Southern portion of border with Shasta County
Area 2: Remainder

MADERA COUNTY

Area 1: Remainder
Area 2: Eastern part

MARIPOSA COUNTY

Area 1: Remainder
Area 2: Eastern part

MENDOCINO COUNTY:

Area 1: Central and Southeastern parts
Area 2: Remainder

MONTEREY COUNTY

Area 1: Remainder
Area 2: Southwestern part

NEVADA COUNTY:

Area 1: All but the Northern portion along the border of Sierra County
Area 2: Remainder

PLACER COUNTY:

Area 1: All but the Central portion
Area 2: Remainder

PLUMAS COUNTY:

Area 1: Western portion

Area 2: Remainder

SHASTA COUNTY:

Area 1: All but the Northeastern corner

Area 2: Remainder

SIERRA COUNTY:

Area 1: Western part

Area 2: Remainder

SISKIYOU COUNTY:

Area 1: Central part

Area 2: Remainder

SONOMA COUNTY:

Area 1: All but the Northwestern corner

Area 2: Remainder

TEHAMA COUNTY:

Area 1: All but the Western border with Mendocino & Trinity Counties

Area 2: Remainder

TRINITY COUNTY:

Area 1: East Central part and the Northeast border with Shasta County

Area 2: Remainder

TULARE COUNTY:

Area 1: Remainder

Area 2: Eastern part

TUOLUMNE COUNTY:

Area 1: Remainder

Area 2: Eastern Part

IRON0377-002 01/01/2019

	Rates	Fringes
Ironworkers:		
Fence Erector.....	\$ 32.58	23.41
Ornamental, Reinforcing		
and Structural.....	\$ 39.00	32.05

PREMIUM PAY:

\$6.00 additional per hour at the following locations:

China Lake Naval Test Station, Chocolate Mountains Naval Reserve-Miland, Edwards AFB, Fort Irwin Military Station, Fort Irwin Training Center-Goldstone, San Clemente Island, San Nicholas Island, Susanville Federal Prison, 29 Palms - Marine Corps, U.S. Marine Base - Barstow, U.S. Naval Air Facility - Seale, Vandenberg AFB

\$4.00 additional per hour at the following locations:

Army Defense Language Institute - Monterey, Fallon Air Base, Naval Post Graduate School - Monterey, Yermo Marine Corps Logistics Center

\$2.00 additional per hour at the following locations:

Fort Bueneme, Fort Mugu, U.S. Coast Guard Station - Two Rock

* LAB0067-002 07/01/2019

AREA ""A"" - ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SAN MATEO AND SANTA CLARA COUNTIES

AREA "B" - CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA,
MERCED, MONTEREY, SAN BENITO, SAN JOAQUIN, STANISLAUS, AND
TUOLUMNE COUNTIES

	Rates	Fringes
Asbestos Removal Laborer		
All Counties.....	\$ 24.00	11.30
LABORER (Lead Removal)		
Area A.....	\$ 31.81	24.61
Area B.....	\$ 10.81	24.61

ASBESTOS REMOVAL-SCOPE OF WORK: Site mobilization; initial site clean-up; site preparation; removal of asbestos-containing materials from walls and ceilings; or from pipes, boilers and mechanical systems only if they are being scrapped; encapsulation, enclosure and disposal of asbestos-containing materials by hand or with equipment or machinery; scaffolding; fabrication of temporary wooden barriers; and assembly of decontamination stations.

LAB00073-002 06/25/2018

CALAVERAS AND SAN JOAQUIN COUNTIES

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURE)		
Escort Driver, Flag Person..	\$ 29.54	23.65
Traffic Control Person I....	\$ 29.84	23.65
Traffic Control Person II....	\$ 27.34	23.65

TRAFFIC CONTROL PERSON I: Layout of traffic control, crash cushions, construction area and roadside signage.

TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.

LAB00073-003 07/01/2018

SAN JOAQUIN COUNTY

	Rates	Fringes
LABORER		
Mason Tender-Brick.....	\$ 31.20	22.20

LAB00073-005 06/25/2018

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....	\$ 37.82	24.11
GROUP 2.....	\$ 37.59	24.11
GROUP 3.....	\$ 37.34	24.11
GROUP 4.....	\$ 36.89	24.11
GROUP 5.....	\$ 36.35	24.11
Shotcrete Specialist.....	\$ 38.34	24.11

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Gunite and shotcrete nozzlemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher

in tunnel; Concrete screedman; Grout pumpman and potman;
 Gunite & shotcrete gunman & potman; Headermen; High
 pressure nozzleman; Miner - tunnel, including top and
 bottom man on shaft and raise work; Nipper; Nozzleman on
 slick line; Sandblaster - potman, Robotic Shotcrete Placer,
 Segment Erector, Tunnel Muck Hauler, Steel Form raiser and
 setter; Timberman, retimberman (wood or steel or substitute
 materials therefore); Tigger (for tunnel laborer work);
 Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang -
 muckers, trackmen; Concrete crew - includes rodding and
 spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LAB00073-007 06/25/2018

CALAVERAS AND SAN JOAQUIN COUNTIES

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS)		
Construction Specialist		
Group.....	\$ 30.49	23.20
GROUP 1.....	\$ 29.79	23.20
GROUP 1-a.....	\$ 30.01	23.20
GROUP 1-c.....	\$ 29.84	23.20
GROUP 1-e.....	\$ 30.34	23.20
GROUP 1-f.....	\$ 30.37	23.20
GROUP 2.....	\$ 29.64	23.20
GROUP 3.....	\$ 29.54	23.20
GROUP 4.....	\$ 23.23	23.20
See groups 1-b and 1-d under laborer classifications.		
LABORER (GARDENERS,		
HORTICULTURAL & LANDSCAPE		
LABORERS)		
(1) New Construction.....	\$ 29.54	23.20
(2) Establishment Warranty		
Period.....	\$ 23.23	23.20
LABORER (GUNITE)		
GROUP 1.....	\$ 29.75	22.31
GROUP 2.....	\$ 29.25	22.31
GROUP 3.....	\$ 28.66	22.31
GROUP 4.....	\$ 28.54	22.31
LABORER (WRECKING)		
GROUP 1.....	\$ 29.79	23.20
GROUP 2.....	\$ 29.64	23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging
 scaffolds, belts shall receive \$0.25 per hour above the
 applicable wage rate. This shall not apply to workers
 entitled to receive the wage rate set forth in Group 1-a
 below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker;
 Chainsaw; Laser beam in connection with laborers' work;
 Cast-in- place manhole form setter; Pressure pipelayer;
 Davis trencher - JOO or similar type (and all small
 trenchers); Blaster; Diamond driller; Multiple unit drill;
 Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barko, Wacker
 and similar type tamper; Buggymobile; Caulker, bander,
 pipewrapper, conduit layer, plastic pipelayer; Certified
 hazardous waste worker including Leade Abatement;

Compactors of all types; Concrete and magnesite mixer, 1/2 yd. and under; Concrete pan work; Concrete sander; Concrete saw; Cribber and/or shoring; Cut granite curb setter; Dri-pak-it machine; Faller, logloader and bucket; Form raiser, slip forms; Green cutter; Headerboard, Hubsetter, aligner, by any method; High pressure blow pipe (1-1/2" or over, 100 lbs. pressure/over); Hydro seeder and similar type; Jackhammer operator; Jacking of pipe over 12 inches; Jackson and similar type compactor; Kettle tender, pot and worker applying asphalt, lay-kold, creosote, lime, caustic and similar type materials (applying means applying, dipping or handling of such materials); Lagging, sheeting, whaling, bracing, trenchjacking, lagging hammer; Magnesite, epoxyresin, fiberglass, mastic worker (wet or dry); No joint pipe and stripping of same, including repair of voids; Pavement breaker and spade, including tool grinder; Perma curb; Pipelayer (including grade checking in connection with pipelaying); Precast-manhole setter; Pressure pipe tester; Post hole digger, air, gas and electric; Power broom sweeper; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry) and gabions and similar type; Rotary scarifier or multiple head concrete chipping scarifier; Roto and Ditch Witch; Rototiller; Sandblaster, pot, gun, nozzle operators; Signalling and rigging; Tank cleaner; Tree climber; Turbo blaster; Vibracreed, bull float in connection with laborers' work; Vibrator; Hazardous waste worker (lead removal); Asbestos and mold removal worker

GROUP 1-a: Joy drill model TWK-2A; Gardner-Denver model DH143 and similar type drills; Track driller; Jack leg driller; Wagon driller; Mechanical drillers, all types regardless of type or method of power; Mechanical pipe layers, all types regardless of type or method of power; Blaster and powder; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above Group 1 wage rates. "Sewer cleaner" means any worker who handles or comes in contact with raw sewage in small diameter sewers. Those who work inside recently active, large diameter sewers, and all recently active sewer manholes shall receive \$5.00 per day above Group 1 wage rates.

GROUP 1-c: Burning and welding in connection with laborers' work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All employees performing work covered herein shall receive \$.25 per hour above their regular rate for all work performed on underground structures not specifically covered herein. This paragraph shall not be construed to apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shotcrete

GROUP 2: Asphalt shovelez; Cement dumper and handling dry

cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and piler; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:
 A: at demolition site for the salvage of the material.
 B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.
 C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

 GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Gunite laborer

 WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building materials)

 LAB00073-009 07/01/2018

CALAVERAS AND SAN JOAQUIN COUNTIES

	Rates	Fringes
LABORER (Plaster Tender).....	\$ 32.02	23.00

Work on a swing stage scaffold: \$1.00 per hour additional.

 LAB00261-003 06/25/2018

SAN FRANCISCO AND SAN MATEO COUNTIES

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURE)		
Escort Driver, Flag Person..\$	20.54	23.65
Traffic Control Person I...\$	30.84	23.65
Traffic Control Person II...\$	28.34	23.65
TRAFFIC CONTROL PERSON I: Layout of traffic control, crash cushions, construction area and roadside signage.		
TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.		

LAB00261-005 06/25/2018

SAN FRANCISCO AND SAN MATEO COUNTIES

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....\$	37.82	24.11
GROUP 2.....\$	37.59	24.11
GROUP 3.....\$	37.34	24.11
GROUP 4.....\$	36.89	24.11
GROUP 5.....\$	36.35	24.11
Shotcrete Specialist.....\$	38.34	24.11

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Gunite and shotcrete nozzlemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher in tunnel; Concrete screedman; Grout pumpman and potman; Gunite & shotcrete gunman & potman; Headermen; High pressure nozzleman; Miner - tunnel, including top and bottom man on shaft and raise work; Nipper; Nozzleman on slick line; Sandblaster - potman, Robotic Shotcrete Placer, Segment Erector, Tunnel Muck Hauler, Steel Form raiser and setter; Timberman, retimberman (wood or steel or substitute materials therefore); Tugger (for tunnel laborer work); Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang - muckers, trackmen; Concrete crew - includes rodding and spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LAB00261-009 06/25/2018

SAN FRANCISCO, AND SAN MATEO COUNTIES

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT LABORERS - AREA A:)		
Construction Specialist		
Group.....\$	31.49	23.20
GROUP 1.....\$	30.79	23.20
GROUP 1-a.....\$	31.01	23.20
GROUP 1-c.....\$	30.84	23.20
GROUP 1-e.....\$	31.34	23.20
GROUP 1-f.....\$	31.37	23.20
GROUP 2.....\$	30.64	23.20
GROUP 3.....\$	30.54	23.20

GROUP 4.....\$ 24.23	23.20
See groups 1-b and 1-d under laborer classifications.	
LABORER (GARDENERS, HORTICULTURAL & LANDSCAPE LABORERS - AREA A:)	
(1) New Construction.....\$ 30.54	23.20
(2) Establishment Warranty Period.....\$ 24.23	23.20
LABORER (WRECKING - AREA A:)	
GROUP 1.....\$ 30.79	23.20
GROUP 2.....\$ 30.64	23.20
Laborers: (GUNITE - AREA A:)	
GROUP 1.....\$ 30.75	22.31
GROUP 2.....\$ 30.25	22.31
GROUP 3.....\$ 29.66	22.31
GROUP 4.....\$ 29.54	22.31

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker;
Chainsaw; Laser beam in connection with laborers' work;
Cast-in-place manhole form setter; Pressure pipelayer;
Davis trencher - JCO or similar type (and all small
trenchers); Blaster; Diamond driller; Multiple unit drill;
Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barko, Wacker
and similar type tampers; Buggymobile; Caulker, bander,
pipewrapper, conduit layer, plastic pipelayer; Certified
hazardous waste worker including Lead Abatement;
Compactors of all types; Concrete and magnesite mixer, 1/2
yd. and under; Concrete pan work; Concrete sander; Concrete
saw; Cribber and/or shoring; Cut granite curb setter;
Dri-pak-it machine; Falzer, logloader and bucket; Form
raiser, slip forms; Green cutter; Headerboard, Hubsetter,
aligner, by any method; High pressure blow pipe (1-1/2" or
over, 100 lbs. pressure/over); Hydro seeder and similar
type; Jackhammer operator; Jacking of pipe over 12 inches;
Jackson and similar type compactor; Kettle tender, pot and
worker applying asphalt, lay-kold, creosote, lime, caustic
and similar type materials (applying means applying,
dipping or handling of such materials); Lagging, sheeting,
whaling, bracing, trenchjacking, lagging hammer; Magnesite,
epoxyresin, fiberglass, mastic worker (wet or dry); No
joint pipe and stripping of same, including repair of
voids; Pavement breaker and spader, including tool grinder;
Perma curb; Pipelayer (including grade checking in
connection with pipelaying); Precast-manhole setter;
Pressure pipe tester; Post hole digger, air, gas and
electric; Power broom sweeper; Power tampers of all types
(except as shown in Group 2); Ram set gun and stud gun;
Riprap stonepaver and rock-slinger, including placing of
sacked concrete and/or sand (wet or dry) and gabions and
similar type; Rotary scarifier or multiple head concrete
chipping scarifier; Roto and Ditch Witch; Rototiller;
Sandblaster, pot, gun, nozzle operators; Signalling and
rigging; Tank cleaner; Tree climber; Turbo blaster;
Vibrascreed, bull float in connection with laborers' work;
Vibrator; Hazardous waste worker (lead removal); Asbestos
and mold removal worker

GROUP 1-a: Joy drill model TWM-2A; Gardner-Denver model DH143
and similar type drills; Track driller; Jack leg driller;
Wagon driller; Mechanical drillers, all types regardless of

type or method of power; Mechanical pipe layers, all types regardless of type or method of power; Blaster and powder; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above Group 1 wage rates. "Sewer cleaner" means any worker who handles or comes in contact with raw sewage in small diameter sewers. Those who work inside recently active, large diameter sewers, and all recently active sewer manholes shall receive \$5.00 per day above Group 1 wage rates.

GROUP 1-c: Burning and welding in connection with laborers' work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All employees performing work covered herein shall receive \$.25 per hour above their regular rate for all work performed on underground structures not specifically covered herein. This paragraph shall not be construed to apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shotcrete

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and pile; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:
 A: at demolition site for the salvage of the material.
 B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.
 C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in

the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

 GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Gunite laborer

WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building materials)

LAB00261-011 05/01/2018

SAN FRANCISCO AND SAN MATEO COUNTIES:

	Rates	Fringes
MASON TENDER, BRICK.....	\$ 35.37	20.70

FOOTNOTES: Underground work such as sewers, manholes, catch basins, sewer pipes, telephone conduits, tunnels and cut trenches: \$5.00 per day additional. Work in live sewage: \$2.50 per day additional.

LAB00261-014 07/01/2017

SAN FRANCISCO AND SAN MATEO COUNTIES:

	Rates	Fringes
PLASTER TENDER.....	\$ 34.70	23.11

Work on a swing stage scaffold: \$1.00 per hour additional.

LAB00270-003 06/25/2018

AREA A: SANTA CLARA

AREA B: MONTEREY, SAN BENITO AND SANTA CRUZ COUNTIES

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURE)		
Escort Driver, Flag Person		
Area A.....	\$ 30.54	23.65
Area B.....	\$ 29.54	23.65
Traffic Control Person I		
Area A.....	\$ 30.84	23.65
Area B.....	\$ 29.84	23.65
Traffic Control Person II		
Area A.....	\$ 28.34	23.65
Area B.....	\$ 27.34	23.65

TRAFFIC CONTROL PERSON I: layout of traffic control, crash cushions, construction area and roadside signage.

TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.

LAB00270-004 06/25/2018

MONTEREY, SAN BENITO, SANTA CLARA, AND SANTA CRUZ COUNTIES

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....	\$ 37.82	24.11
GROUP 2.....	\$ 37.59	24.11
GROUP 3.....	\$ 37.34	24.11
GROUP 4.....	\$ 36.89	24.11
GROUP 5.....	\$ 36.35	24.11
Shotcrete Specialist.....	\$ 38.34	24.11

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Guniting and shotcrete nozzlemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher in tunnel; Concrete screedman; Grout pumpman and potman; Guniting & shotcrete gunman & potman; Headermen; High pressure nozzleman; Miner - tunnel, including top and bottom man on shaft and raise work; Nipper; Nozzleman on slick line; Sandblaster - potman, Robotic Shotcrete Placer, Segment Erector, Tunnel Muck Hauler, Steel Form raiser and setter; Timberman, retimberman (wood or steel or substitute materials therefore); Tugger (for tunnel laborer work); Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang - muckers, trackmen; Concrete crew - includes rodding and spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LAB00270-005 07/01/2018

MONTEREY AND SAN BENITO COUNTIES

	Rates	Fringes
LABORER		
Mason Tender-Brick.....	\$ 31.20	22.20

LAB00270-007 06/25/2018

MONTEREY, SAN BENITO, AND SANTA CRUZ, COUNTIES

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS - AREA B)		
Construction Specialist		
Group.....	\$ 30.40	23.20
GROUP 1.....	\$ 29.79	23.20
GROUP 1-a.....	\$ 30.01	23.20
GROUP 1-c.....	\$ 29.84	23.20
GROUP 1-e.....	\$ 30.34	23.20
GROUP 1-f.....	\$ 30.37	23.20
GROUP 2.....	\$ 29.64	23.20
GROUP 3.....	\$ 29.54	23.20
GROUP 4.....	\$ 23.23	23.20

See groups 1-b and 1-d under laborer classifications.

LABORER (GARDENERS, HORTICULTURAL & LANDSCAPE LABORERS - AREA B)		
(1) New Construction.....\$ 29.54		23.20
(2) Establishment Warranty Period.....\$ 23.23		23.20
LABORER (GUNITE - AREA B)		
GROUP 1.....\$ 29.75		22.31
GROUP 2.....\$ 29.25		22.31
GROUP 3.....\$ 28.66		22.31
GROUP 4.....\$ 28.54		22.31
LABORER (WRECKING - AREA B)		
GROUP 1.....\$ 29.75		23.20
GROUP 2.....\$ 29.64		23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker; Chainsaw; Laser beam in connection with laborers' work; Cast-in-place manhole form setter; Pressure pipelayer; Davis trencher - 300 or similar type (and all small trenchers); Blaster; Diamond driller; Multiple unit drill; Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barko, Wacker and similar type tampers; Buggymobile; Caulker, bander, pipewrapper, conduit layer, plastic pipelayer; Certified hazardous waste worker including Leads Abatement; Compactors of all types; Concrete and magnesite mixer, 1/2 yd. and under; Concrete pan work; Concrete sander; Concrete saw; Cribber and/or shoring; Cut granite curb setter; Dri-pak-it machine; Faller, logloader and bucker; Form raiser, slip forms; Green cutter; Headerboard, Hubsetter, aligner, by any method; High pressure blow pipe (1-1/2" or over, 100 lbs. pressure/over); Hydro seeder and similar type; Jackhammer operator; Jacking of pipe over 12 inches; Jackson and similar type compactor; Kettle tender, pot and worker applying asphalt, lay-kold, creosote, lime, caustic and similar type materials (applying means applying, dipping or handling of such materials); Lagging, sheeting, whaling, bracing, trenchjacking, lagging hammer; Magnesite, epoxyresin, fiberglass, mastic worker (wet or dry); No joint pipe and stripping of same, including repair of voids; Pavement breaker and spader, including tool grinder; Perma curb; Pipelayer (including grade checking in connection with pipelaying); Precast-manhole setter; Pressure pipe tester; Post hole digger, air, gas and electric; Power broom sweeper; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry) and gabions and similar type; Rotary scarifier or multiple head concrete chipping scarifier; Roto and Ditch Witch; Rototiller; Sandblaster, pot, gun, nozzle operators; Signalling and rigging; Tank cleaner; Tree climber; Turbo blaster; Vibrascreed, bull float in connection with laborers' work; Vibrator; Hazardous waste worker (lead removal); Asbestos and mold removal worker

GROUP 1-a: Joy drill model TW-2A; Gardner-Denver model DH143 and similar type drills; Track driller; Jack leg driller; Wagon driller; Mechanical drillers, all types regardless of type or method of power; Mechanical pipe layers, all types regardless of type or method of power; Blaster and powder;

All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above Group 1 wage rates. "Sewer cleaner" means any worker who handles or comes in contact with raw sewage in small diameter sewers. Those who work inside recently active, large diameter sewers, and all recently active sewer manholes shall receive \$5.00 per day above Group 1 wage rates.

GROUP 1-c: Burning and welding in connection with laborers' work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All employees performing work covered herein shall receive \$.25 per hour above their regular rate for all work performed on underground structures not specifically covered herein. This paragraph shall not be construed to apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shotcrete

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and piler; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:

A: at demolition site for the salvage of the material.

B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.

C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Gunite laborer

WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building materials)

LAB00270-010 06/25/2018

SANTA CLARA COUNTY

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS - AREA A:)		
Construction Specialist		
Group.....	\$ 31.49	23.20
GROUP 1.....	\$ 30.79	23.20
GROUP 1-a.....	\$ 31.01	23.20
GROUP 1-c.....	\$ 30.84	23.20
GROUP 1-e.....	\$ 31.34	23.20
GROUP 1-f.....	\$ 30.37	23.20
GROUP 2.....	\$ 30.64	23.20
GROUP 3.....	\$ 30.54	23.20
GROUP 4.....	\$ 24.23	23.20

See groups 1-b and 1-d under laborer classifications.

LABORER (GARDENERS,

HORTICULTURAL & LANDSCAPE

LABORERS - AREA A:)

(1) New Construction.....	\$ 30.54	23.20
(2) Establishment Warranty		
Period.....	\$ 24.23	23.20

LABORER (GUNITE - AREA A:)

GROUP 1.....	\$ 30.75	22.31
GROUP 2.....	\$ 30.25	22.31
GROUP 3.....	\$ 29.66	22.31
GROUP 4.....	\$ 29.54	22.31

LABORER (WRECKING - AREA A:)

GROUP 1.....	\$ 30.79	23.20
GROUP 2.....	\$ 30.64	23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker;
Chainsaw; Laser beam in connection with laborers' work;
Cast-in-place manhole form setter; Pressure pipelayer;
Davis trencher - 300 or similar type (and all small

trenchers); Blaster; Diamond driller; Multiple unit drill;
Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barko, Wacker and similar type tampers; Buggymobile; Caulker, bander, pipewrapper, conduit layer, plastic pipelayer; Certified hazardous waste worker including Leade Abatement;
Compactors of all types; Concrete and magnesite mixer, 1/2 yd. and under; Concrete pan work; Concrete sander; Concrete saw; Cribber and/or shoring; Cut granite curb setter; Dri-pak-it machine; Faller, logloader and buckler; Form raiser, slip forms; Green cutter; Headerboard, Hubsetter, aligner, by any method; High pressure blow pipe (1-1/2" or over, 100 lbs. pressure/over); Hydro seeder and similar type; Jackhammer operator; Jacking of pipe over 12 inches; Jackson and similar type compactor; Kettle tender, pot and worker applying asphalt, lay-kold, creosote, lime, caustic and similar type materials (applying means applying, dipping or handling of such materials); Laggings, sheeting, whaling, bracing, trenchjacking, lagging hammer; Magnesite, epoxyresin, fiberglass, mastic worker (wet or dry); No joint pipe and stripping of same, including repair of voids; Pavement breaker and spader, including tool grinder; Perma curb; Pipelayer (including grade checking in connection with pipelaying); Precast-manhole setter; Pressure pipe tester; Post hole digger, air, gas and electric; Power broom sweeper; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry) and gabions and similar type; Rotary scarifier or multiple head concrete chipping scarifier; Roto and Ditch Witch; Rototiller; Sandblaster, pot, gun, nozzle operators; Signalling and rigging; Tank cleaner; Tree climber; Turbo blaster; Vibrascreed, bull float in connection with laborers' work; Vibrator; Hazardous waste worker (lead removal); Asbestos and mold removal worker

GROUP 1-a: Joy drill model TWM-2A; Gardner-Denver model DH143 and similar type drills; Track driller; Jack leg driller; Wagon driller; Mechanical drillers, all types regardless of type or method of power; Mechanical pipe layers, all types regardless of type or method of power; Blaster and powder; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above Group 1 wage rates. "Sewer cleaner" means any worker who handles or comes in contact with raw sewage in small diameter sewers. Those who work inside recently active, large diameter sewers, and all recently active sewer manholes shall receive \$5.00 per day above Group 1 wage rates.

GROUP 1-c: Burning and welding in connection with laborers' work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All employees performing work covered herein shall receive \$.25 per hour above their regular rate for all work performed on underground structures not specifically covered herein. This paragraph shall not be construed to apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and

every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shot crete

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and piler; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:
A: at demolition site for the salvage of the material.
B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.
C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Gunite laborer

WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building materials)

LAB00270-011 07/01/2017

MONTEREY, SAN BENITO, SANTA CRUZ, SANTA CLARA COUNTIES

	Rates	Fringes
LABORER (Plaster Tender).....	\$ 14.70	21.22

Work on a swing stage scaffold: \$1.00 per hour additional.

LAB00294-001 07/01/2018

FRESNO, KINGS AND MADERA COUNTIES

	Rates	Fringes
LABORER (Brick)		
Mason Tender-Brick.....	\$ 31.20	22.20

LAB00294-002 06/25/2018

FRESNO, KINGS, AND MADERA COUNTIES

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURE)		
Escort Driver, Flag Person..	\$ 29.54	23.65
Traffic Control Person I....	\$ 29.84	23.65
Traffic Control Person II...\$	27.34	23.65

TRAFFIC CONTROL PERSON I: Layout of traffic control, crash cushions, construction area and roadside signage.

TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.

LAB00294-005 06/25/2018

FRESNO, KINGS, AND MADERA COUNTIES

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....	\$ 37.82	24.11
GROUP 2.....	\$ 37.59	24.11
GROUP 3.....	\$ 37.34	24.11
GROUP 4.....	\$ 36.89	24.11
GROUP 5.....	\$ 36.35	24.11
Shotcrete Specialist.....	\$ 38.34	24.11

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Gunite and shotcrete nozzlemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher in tunnel; Concrete screedman; Grout pumpman and potman; Gunite & shotcrete gunman & potman; Headermen; High pressure nozzleman; Minez - tunnel, including top and bottom man on shaft and raise work; Nipper; Nozzleman on slick line; Sandblaster - potman, Robotic Shotcrete Placer, Segment Erector, Tunnel Muck Hauler, Steel Form raiser and setter; Timberman, retimberman (wood or steel or substitute materials therefore); Tugger (for tunnel laborer work); Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang - muckers, trackmen; Concrete crew - includes rodding and spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LAB00294-008 06/25/2018

FRESNO, KINGS, AND MADERA COUNTIES

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS - AREA B:)		
Construction Specialist		
Group.....	\$ 30.49	23.20
GROUP 1.....	\$ 29.79	23.20
GROUP 1-a.....	\$ 30.01	23.20
GROUP 1-c.....	\$ 29.84	23.20
GROUP 1-e.....	\$ 30.34	23.20
GROUP 1-f.....	\$ 30.37	23.20
GROUP 2.....	\$ 29.64	23.20
GROUP 3.....	\$ 29.54	23.20
GROUP 4.....	\$ 23.23	23.20
See groups 1-b and 1-d under laborer classifications.		
LABORER (GARDENERS,		
HORTICULTURAL & LANDSCAPE		
LABORERS - AREA B:)		
(1) New Construction.....	\$ 29.54	23.20
(2) Establishment Warranty		
Period.....	\$ 23.23	23.20
LABORER (GUNITE - AREA B:)		
GROUP 1.....	\$ 29.75	22.31
GROUP 2.....	\$ 29.25	22.31
GROUP 3.....	\$ 28.66	22.31
GROUP 4.....	\$ 28.54	22.31
LABORER (WRECKING - AREA B:)		
GROUP 1.....	\$ 29.79	23.20
GROUP 2.....	\$ 29.64	23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker; Chainsaw; Laser beam in connection with laborers' work; Cast-in-place manhole form setter; Pressure pipelayer; Davis trencher - 300 or similar type (and all small trenchers); Blaster; Diamond drill; Multiple unit drill; Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barko, Wacker and similar type tampers; Buggymobile; Caulker, bander, pipewrapper, conduit layer, plastic pipelayer; Certified hazardous waste worker including Leade Abatement; Compactors of all types; Concrete and magnesite mixer, 1/2 yd. and under; Concrete pan work; Concrete sand; Concrete saw; Cribber and/or shoring; Cut granite curb setter; Dri-pak-it machine; Faller, logloader and bucket; Form raiser, slip forms; Green cutter; Headerboard, Hubsetter, aligner, by any method; High pressure blow pipe (1-1/2" or over, 100 lbs. pressure/over); Hydro seeder and similar type; Jackhammer operator; Jacking of pipe over 12 inches; Jackson and similar type compactor; Kettle tender, pot and worker applying asphalt, lay-kold, creosote, lime, caustic and similar type materials (applying means applying, dipping or handling of such materials); Lagging, sheeting, whaling, bracing, trenchjacking, lagging hammer; Magnesite, epoxyresin, fiberglass, mastic worker (wet or dry); No joint pipe and stripping of same, including repair of voids; Pavement breaker and spader, including tool grinder; Pezma curb; Pipelayer (including grade checking in connection with pipelaying); Precast-manhole setter;

Pressure pipe tester; Post hole digger, air, gas and electric; Power broom sweeper; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry) and gabions and similar type; Rotary scarifier or multiple head concrete chipping scarifier; Roto and Ditch Witch; Rototiller; Sandblaster, pot, gun, nozzle operators; Signalling and rigging; Tank cleaner; Tree climber; Turbo blaster; Vibrascreed, bull float in connection with laborers' work; Vibrator; Hazardous waste worker (lead removal); Asbestos and mold removal worker

GROUP 1-a: Joy drill model TMM-2A; Gardner-Denver model DE143 and similar type drills; Track driller; Jack leg driller; Wagon driller; Mechanical drillers, all types regardless of type or method of power; Mechanical pipe layers, all types regardless of type or method of power; Blaster and powder; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above Group 1 wage rates. "Sewer cleaner" means any worker who handles or comes in contact with raw sewage in small diameter sewers. Those who work inside recently active, large diameter sewers, and all recently active sewer manholes shall receive \$5.00 per day above Group 1 wage rates.

GROUP 1-c: Burning and welding in connection with laborers' work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All employees performing work covered herein shall receive \$.25 per hour above their regular rate for all work performed on underground structures not specifically covered herein. This paragraph shall not be construed to apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shotcrete

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and piler; Pavement marker (button setter); Maintenance, repair

track and road beds; Streetcar and railroad construction
 track laborer; Temporary air and water lines, Victaulic or
 similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building
 including but not limited to: street cleaner; cleaning and
 washing windows; brick cleaner (jobsite only); material
 cleaner (jobsite only). The classification "material
 cleaner" is to be utilized under the following conditions:
 A: at demolition site for the salvage of the material.
 B: at the conclusion of a job where the material is to be
 salvaged and stocked to be reused on another job.
 C: for the cleaning of salvage material at the jobsite or
 temporary jobsite yard.

The material cleaner classification should not be used in
 the performance of "form stripping, cleaning and oiling
 and moving to the next point of erection".

 GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Gunite laborer

 WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash,
 windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building
 materials)

 LAB00294-010 07/01/2018

CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, SAN
 JOAQUIN, STANISLAUS & TUOLUMNE

	Rates	Fringes
Plasterer tender.....	\$ 32.02	23.00

Work on a swing stage scaffold: \$1.00 per hour additional.

 LAB00294-011 07/01/2017

FRESNO, KINGS, AND MADERA COUNTIES

	Rates	Fringes
LABORER (Plaster Tender).....	\$ 31.02	22.52

Work on a swing stage scaffold: \$1.00 per hour additional.

 LAB00104-002 06/25/2018

ALAMEDA COUNTY

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURE)		
Escort Driver, Flag Person..	\$ 30.54	23.65
Traffic Control Person I....	\$ 30.84	23.65

Traffic Control Person II...\$ 28.34 23.65

TRAFFIC CONTROL PERSON I: Layout of traffic control, crash cushions, construction area and roadside signage.

TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.

LAB0304-003 06/26/2017

ALAMEDA COUNTY

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....	\$ 36.60	24.83
GROUP 2.....	\$ 36.37	24.83
GROUP 3.....	\$ 36.12	24.83
GROUP 4.....	\$ 35.67	24.83
GROUP 5.....	\$ 35.13	24.83
Shotcrete Specialist.....	\$ 37.12	24.83

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Gunite and shotcrete nozzlemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher in tunnel; Concrete screedman; Grout pumpman and potman; Gunite & shotcrete gunman & potman; Headermen; High pressure nozzleman; Miner - tunnel, including top and bottom man on shaft and raise work; Wipper; Nozzleman on slick line; Sandblaster - potman, Robotic Shotcrete Placer, Segment Erector, Tunnel Muck Hauler, Steel Form raiser and setter; Timberman, retimberman (wood or steel or substitute materials therefore); Tugger (for tunnel laborer work); Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang - muckers, trackmen; Concrete crew - includes rodding and spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LAB0304-004 06/25/2018

ALAMEDA COUNTY

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS - AREA A:)		
Construction Specialist		
Group.....	\$ 31.49	23.20
GROUP 1.....	\$ 30.79	23.20
GROUP 1-a.....	\$ 31.01	23.20
GROUP 1-c.....	\$ 30.84	23.20
GROUP 1-e.....	\$ 31.34	23.20
GROUP 1-f.....	\$ 30.37	23.20
GROUP 2.....	\$ 30.64	23.20
GROUP 3.....	\$ 30.54	23.20
GROUP 4.....	\$ 24.23	23.20

See groups 1-b and 1-d under laborer classifications.

LABORER (GARDENERS,
HORTICULTURAL & LANDSCAPE

LABORERS - AREA A:)		
(1) New Construction.....	\$ 30.54	23.20

(2) Establishment Warranty		
Period.....	\$ 24.23	23.20
LABORER (GUNITE - AREA A:)		
GROUP 1.....	\$ 30.75	22.31
GROUP 2.....	\$ 30.25	22.31
GROUP 3.....	\$ 29.66	22.31
GROUP 4.....	\$ 29.54	22.31
LABORER (WRECKING - AREA A:)		
GROUP 1.....	\$ 30.79	23.20
GROUP 2.....	\$ 30.64	23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and rake;
Chainsaw; Laser beam in connection with laborers' work;
Cast-in-place manhole form setter; Pressure pipelayer;
Davis trencher - 300 or similar type (and all small
trenchers); Blaster; Diamond driller; Multiple unit drill;
Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Bazko, Wacker
and similar type tampers; Buggymobile; Caulker, bander,
pipewrapper, conduit layer, plastic pipelayer; Certified
hazardous waste worker including Lead Abatement;
Compactors of all types; Concrete and magnesite mixer, 1/2
yd. and under; Concrete pan work; Concrete sander; Concrete
saw; Cribber and/or shoring; Cut granite curb setter;
Dri-pak-it machine; Faller, logloader and buckler; Form
raiser, slip forms; Green cutter; Headerboard, Hubsetter,
aligner, by any method; High pressure blow pipe (1-1/2" or
over, 100 lbs. pressure/over); Hydro seeder and similar
type; Jackhammer operator; Jacking of pipe over 12 inches;
Jackson and similar type compactor; Kettle tender, pot and
worker applying asphalt, lay-kold, creosote, lime, caustic
and similar type materials (applying means applying,
dipping or handling of such materials); Lagging, sheeting,
whaling, bracing, trenchjacking, lagging hammer; Magnesite,
epoxyresin, fiberglass, mastic worker (wet or dry); No
joint pipe and stripping of same, including repair of
voids; Pavement breaker and spader, including tool grinder;
Perma curb; Pipelayer (including grade checking in
connection with pipelaying); Precast-manhole setter;
Pressure pipe tester; Post hole digger, air, gas and
electric; Power broom sweeper; Power tampers of all types
(except as shown in Group 2); Ram set gun and stud gun;
Riprap stonepaver and rock-slinger, including placing of
sacked concrete and/or sand (wet or dry) and gabions and
similar type; Rotary scarifier or multiple head concrete
chipping scarifier; Roto and Ditch Witch; Rototiller;
Sandblaster, pot, gun, nozzle operators; Signalling and
rigging; Tank cleaner; Tree climber; Turbo blaster;
Vibrascreed, bull float in connection with laborers' work;
Vibrator; Hazardous waste worker (lead removal); Asbestos
and mold removal worker

GROUP 1-a: Joy drill model TWM-2A; Gardner-Denver model DH143
and similar type drills; Track driller; Jack leg driller;
Wagon driller; Mechanical drillers, all types regardless of
type or method of power; Mechanical pipe layers, all types
regardless of type or method of power; Blaster and powder;
All work of loading, placing and blasting of all powder and
explosives of whatever type regardless of method used for
such loading and placing; High scalers (including drilling
of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above Group 1 wage rates. "Sewer cleaner" means any worker who handles or comes in contact with raw sewage in small diameter sewers. Those who work inside recently active, large diameter sewers, and all recently active sewer manholes shall receive \$5.00 per day above Group 1 wage rates.

GROUP 1-c: Burning and welding in connection with laborers' work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All employees performing work covered herein shall receive \$.25 per hour above their regular rate for all work performed on underground structures not specifically covered herein. This paragraph shall not be construed to apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shotcrete

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and piler; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:
 A: at demolition site for the salvage of the material.
 B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.
 C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Gunite laborer

 WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building materials)

 LAB00304-005 05/01/2018

ALAMEDA COUNTY

	Rates	Fringes
Brick Tender.....	\$ 35.37	20.70

FOOTNOTES: Work on jobs where heat-protective clothing is required: \$2.00 per hour additional. Work at grinders: \$.25 per hour additional. Manhole work: \$2.00 per day additional.

 LAB00304-008 07/01/2017

ALAMEDA AND CONTRA COSTA COUNTIES:

	Rates	Fringes
Plasterer tender.....	\$ 34.70	23.11

Work on a swing stage scaffold: \$1.00 per hour additional.

 LAB00324-002 06/25/2018

CONTRA COSTA COUNTY

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURE)		
Escort Driver, Flag Person..	\$ 30.54	23.65
Traffic Control Person I....	\$ 30.84	23.65
Traffic Control Person II....	\$ 28.34	23.65

TRAFFIC CONTROL PERSON I: Layout of traffic control, crash cushions, construction area and roadside signage.

TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.

 LAB00324-006 06/25/2018

CONTRA COSTA COUNTY

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....	\$ 37.82	24.11
GROUP 2.....	\$ 37.59	24.11
GROUP 3.....	\$ 37.34	24.11
GROUP 4.....	\$ 36.89	24.11

GROUP 5.....\$ 36.35	24.11
Shotcrete Specialist.....\$ 38.34	24.11

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Gunite and shotcrete nozzlelemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher in tunnel; Concrete screedman; Grout pumpman and potman; Gunite & shotcrete gunman & potman; Headermen; High pressure nozzleman; Miner - tunnel, including top and bottom man on shaft and raise work; Ripper; Nozzleman on slick line; Sandblaster - potman, Robotic Shotcrete Placer, Segment Erector, Tunnel Muck Hauler, Steel Form raiser and setter; Timberman, retimberman (wood or steel or substitute materials therefore); Tugger (for tunnel laborer work); Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang - muckers, trackmen; Concrete crew - includes rodding and spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LAB00024-012 06/25/2018

CONTRA COSTA COUNTY

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS - AREA A:)		
Construction Specialist		
Group.....\$ 31.49		23.20
GROUP 1.....\$ 30.79		23.20
GROUP 1-a.....\$ 31.01		23.20
GROUP 1-c.....\$ 30.84		23.20
GROUP 1-e.....\$ 31.34		23.20
GROUP 1-f.....\$ 30.37		23.20
GROUP 1-g.....\$ 30.99		23.20
GROUP 2.....\$ 30.64		23.20
GROUP 3.....\$ 30.54		23.20
GROUP 4.....\$ 24.23		23.20
See groups 1-b and 1-d under laborer classifications.		
LABORER (GARDENERS,		
HORTICULTURAL & LANDSCAPE		
LABORERS - AREA A:)		
(1) New Construction.....\$ 30.54		23.20
(2) Establishment Warranty		
Period.....\$ 24.23		23.20
LABORER (GUNITE - AREA A:)		
GROUP 1.....\$ 30.75		22.31
GROUP 2.....\$ 30.25		22.31
GROUP 3.....\$ 29.66		22.31
GROUP 4.....\$ 29.54		22.31
LABORER (WRECKING - AREA A:)		
GROUP 1.....\$ 30.79		23.20
GROUP 2.....\$ 30.64		23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker;
 Chainsaw; Laser beam in connection with laborers' work;
 Cast-in-place manhole form setter; Pressure pipelayer;
 Davis trencher - 300 or similar type (and all small
 trenchers); Blaster; Diamond driller; Multiple unit drill;
 Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barko, Wacker
 and similar type tampers; Buggymobile; Caulker, bander,
 pipewrapper, conduit layer, plastic pipelayer; Certified
 hazardous waste worker including Lead Abatement;
 Compactors of all types; Concrete and magnesite mixer, 1/2
 yd. and under; Concrete pan work; Concrete sander; Concrete
 saw; Cribber and/or shoring; Cut granite curb setter;
 Dri-pak-it machine; Faller, logloader and bucket; Form
 raiser, slip forms; Green cutter; Headerboard, Hubsetter,
 aligner, by any method; High pressure blow pipe (1-1/2" or
 over, 100 lbs. pressure/over); Hydro seeder and similar
 type; Jackhammer operator; Jacking of pipe over 12 inches;
 Jackson and similar type compactor; Kettle tender, pot and
 worker applying asphalt, lay-kold, creosote, lime, caustic
 and similar type materials (applying means applying,
 dipping or handling of such materials); Lagging, sheeting,
 whaling, bracing, trenchjacking, lagging hammer; Magnesite,
 epoxyresin, fiberglass, mastic worker (wet or dry); No
 joint pipe and stripping of same, including repair of
 voids; Pavement breaker and spader, including tool grinder;
 Perma curb; Pipelayer (including grade checking in
 connection with pipelaying); Precast-manhole setter;
 Pressure pipe tester; Post hole digger, air, gas and
 electric; Power broom sweeper; Power tampers of all types
 (except as shown in Group 2); Ram set gun and stud gun;
 Riprap stonepaver and rock-slinger, including placing of
 sacked concrete and/or sand (wet or dry) and gabions and
 similar type; Rotary scarifier or multiple head concrete
 chipping scarifier; Roto and Ditch Witch; Rototiller;
 Sandblaster, pot, gun, nozzle operators; Signalling and
 rigging; Tank cleaner; Tree climber; Turbo blaster;
 Vibrascreeed, bull float in connection with laborers' work;
 Vibrator; Hazardous waste worker (lead removal); Asbestos
 and mold removal worker

GROUP 1-a: Joy drill model TWM-2A; Gardner-Denver model DH143
 and similar type drills; Track driller; Jack leg driller;
 Wagon driller; Mechanical drillers, all types regardless of
 type or method of power; Mechanical pipe layers, all types
 regardless of type or method of power; Blaster and powder;
 All work of loading, placing and blasting of all powder and
 explosives of whatever type regardless of method used for
 such loading and placing; High scalers (including drilling
 of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above
 Group 1 wage rates. "Sewer cleaner" means any worker who
 handles or comes in contact with raw sewage in small
 diameter sewers. Those who work inside recently active,
 large diameter sewers, and all recently active sewer
 manholes shall receive \$5.00 per day above Group 1 wage
 rates.

GROUP 1-c: Burning and welding in connection with laborers'
 work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All
 employees performing work covered herein shall receive \$
 .25 per hour above their regular rate for all work
 performed on underground structures not specifically
 covered herein. This paragraph shall not be construed to
 apply to work below ground level in open cut. It shall
 apply to cut and cover work of subway construction after
 the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shot crete

GROUP 1-g, CONTRA COSTA COUNTY: Pipelayer (including grade checking in connection with pipelaying); Caulker; Bender; Pipewrappere; Conduit layer; Plastic pipe layer; Pressure pipe tester; No joint pipe and stripping of same, including repair of voids; Precast manhole setters, cast in place manhole form setters

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and pile; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:
A: at demolition site for the salvage of the material.
B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.
C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Guniting laborer

WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building materials)

GROUP 1-g, CONTRA COSTA COUNTY: Pipelayer (including grade checking in connection with pipelaying); Caulker; Bander; Pipewrapper; Conduit layer; Plastic pipe layer; Pressure pipe tester; No joint pipe and stripping of same, including repair of voids; Precast manhole setters, cast in place manhole form setters

LAB0024-014 05/01/2018

CONTRA COSTA COUNTY:

	Rates	Fringes
Brick Tender.....	\$ 35.37	20.70

FOOTNOTES: Work on jobs where heat-protective clothing is required: \$2.00 per hour additional. Work at grinders: \$.25 per hour additional. Manhole work: \$2.00 per day additional.

LAB0024-018 07/01/2018

ALAMEDA AND CONTRA COSTA COUNTIES:

	Rates	Fringes
Plasterer tender.....	\$ 37.14	22.32

Work on a swing stage scaffold: \$1.00 per hour additional.

LAB0110-002 06/25/2018

MARIPOSA, MERCED, STANISLAUS, AND TUOLUMNE COUNTIES

	Rates	Fringes
LABORER (TRAFFIC CONTROL/LANE CLOSURES)		
Escort Driver, Flag Person..	\$ 29.54	23.65
Traffic Control Person I....	\$ 29.84	23.65
Traffic Control Person II...	\$ 27.34	23.65

TRAFFIC CONTROL PERSON I: Layout of traffic control, crash cushions, construction area and roadside signage.

TRAFFIC CONTROL PERSON II: Installation and removal of temporary/permanent signs, markers, delineators and crash cushions.

LAB0110-003 06/26/2017

MARIPOSA, MERCED, STANISLAUS, AND TUOLUMNE COUNTIES

	Rates	Fringes
Tunnel and Shaft Laborers:		
GROUP 1.....	\$ 36.60	24.83
GROUP 2.....	\$ 36.37	24.83
GROUP 3.....	\$ 36.12	24.83
GROUP 4.....	\$ 35.67	24.83
GROUP 5.....	\$ 35.13	24.83
Shotcrete Specialist.....	\$ 37.12	24.83

TUNNEL AND SHAFT CLASSIFICATIONS

GROUP 1: Diamond driller; Groundmen; Gunite and shotcrete nozzlemen

GROUP 2: Rodmen; Shaft work & raise (below actual or excavated ground level)

GROUP 3: Bit grinder; Blaster, driller, powdermen, heading; Cherry pickermen - where car is lifted; Concrete finisher in tunnel; Concrete screedman; Grout pumpman and potman; Gunite & shotcrete gunman & potman; Headermen; High pressure nozzleman; Miner - tunnel, including top and bottom man on shaft and raise work; Ripper; Nozzleman on slick line; Sandblaster - potman, Robotic Shotcrete Placer, Segment Erector, Tunnel Muck Hauler, Steel Form raiser and setter; Timberman, retimberman (wood or steel or substitute materials therefore); Tugger (for tunnel laborer work); Cable tender; Chuck tender; Powderman - primer house

GROUP 4: Vibrator operator, pavement breaker; Bull gang - muckers, trackmen; Concrete crew - includes rodding and spreading, Dumpmen (any method)

GROUP 5: Grout crew; Reboundman; Swamper/ Brakeman

LABO1130-005 07/01/2018

MARIPOSA, MERCED, STANISLAUS AND TUOLUMNE COUNTIES

	Rates	Fringes
LABORER		
Mason Tender-Brick.....	\$ 31.20	22.20

LABO1130-007 06/25/2018

MARIPOSA, MERCED, STANISLAUS, AND TUOLUMNE , COUNTIES

	Rates	Fringes
LABORER (CONSTRUCTION CRAFT		
LABORERS - AREA B:)		
Construction Specialist		
Group.....	\$ 30.49	23.20
GROUP 1.....	\$ 29.79	23.20
GROUP 1-a.....	\$ 30.01	23.20
GROUP 1-c.....	\$ 29.84	23.20
GROUP 1-e.....	\$ 30.34	23.20
GROUP 1-f.....	\$ 29.37	23.20
GROUP 2.....	\$ 29.64	23.20
GROUP 3.....	\$ 29.54	23.20
GROUP 4.....	\$ 23.23	23.20

See groups 1-b and 1-d under laborer classifications.

LABORER (GARDENERS,
HORTICULTURAL & LANDSCAPE

LABORERS - AREA B:)		
(1) New Construction.....	\$ 29.54	23.20
(2) Establishment Warranty		
Period.....	\$ 23.23	23.20

LABORER (GUNITE - AREA B:)		
GROUP 1.....	\$ 29.75	22.31
GROUP 2.....	\$ 29.25	22.31
GROUP 3.....	\$ 28.66	22.31
GROUP 4.....	\$ 28.54	22.31

LABORER (WRECKING - AREA B:)		
GROUP 1.....	\$ 29.79	23.20
GROUP 2.....	\$ 29.64	23.20

FOOTNOTES:

Laborers working off or with or from bos'n chairs, swinging scaffolds, belts shall receive \$0.25 per hour above the applicable wage rate. This shall not apply to workers entitled to receive the wage rate set forth in Group 1-a below.

LABORER CLASSIFICATIONS

CONSTRUCTION SPECIALIST GROUP: Asphalt ironer and raker;
Chainsaw; Laser beam in connection with laborers' work;
Cast-in-place manhole form setter; Pressure pipelayer;
Davis trencher - 300 or similar type (and all small
trenchers); Blaster; Diamond driller; Multiple unit drill;
Hydraulic drill

GROUP 1: Asphalt spreader boxes (all types); Barke, Wacker
and similar type tampers; Buggymobile; Caulker, bander,
pipewrapper, conduit layer, plastic pipelayer; Certified
hazardous waste worker including Lead Abatement;
Compactors of all types; Concrete and magnesite mixer, 1/2
yd. and under; Concrete pan work; Concrete sander; Concrete
saw; Cribber and/or shoring; Cut granite curb setter;
Dri-pak-it machine; Faller, logloader and buckler; Form
raiser, slip forms; Green cutter; Headerboard, Hubsetter,
aligner, by any method; High pressure blow pipe (1-1/2" or
over, 100 lbs. pressure/over); Hydro seeder and similar
type; Jackhammer operator; Jacking of pipe over 12 inches;
Jackson and similar type compactor; Kettle tender, pot and
worker applying asphalt, lay-kold, creosote, lime, caustic
and similar type materials (applying means applying,
dipping or handling of such materials); Lagging, sheeting,
whaling, bracing, trenchjacking, lagging hammer; Magnesite,
epoxyresin, fiberglass, mastic worker (wet or dry); No
joint pipe and stripping of same, including repair of
voids; Pavement breaker and spader, including tool grinder;
Perma curb; Pipelayer (including grade checking in
connection with pipelaying); Precast-manhole setter;
Pressure pipe tester; Post hole digger, air, gas and
electric; Power broom sweeper; Power tampers of all types
(except as shown in Group 2); Ram set gun and stud gun;
Riprap stonepaver and rock-slinger, including placing of
sacked concrete and/or sand (wet or dry) and gabions and
similar type; Rotary scarifier or multiple head concrete
chipping scarifier; Roto and Ditch Witch; Rototiller;
Sandblaster, pot, gun, nozzle operators; Signalling and
rigging; Tank cleaner; Tree climber; Turbo blaster;
Vibrascreed, bull float in connection with laborers' work;
Vibrator; Hazardous waste worker (lead removal); Asbestos
and mold removal worker

GROUP 1-a: Joy drill model TWM-2A; Gardner-Denver model DH143
and similar type drills; Track driller; Jack leg driller;
Wagon driller; Mechanical drillers, all types regardless of
type or method of power; Mechanical pipe layers, all types
regardless of type or method of power; Blaster and powder;
All work of loading, placing and blasting of all powder and
explosives of whatever type regardless of method used for
such loading and placing; High scalers (including drilling
of same); Tree topper; Bit grinder

GROUP 1-b: Sewer cleaners shall receive \$4.00 per day above
Group 1 wage rates. "Sewer cleaner" means any worker who
handles or comes in contact with raw sewage in small
diameter sewers. Those who work inside recently active,
large diameter sewers, and all recently active sewer
manholes shall receive \$5.00 per day above Group 1 wage
rates.

GROUP 1-c: Buzning and welding in connection with laborers'
work; Synthetic thermoplastics and similar type welding

GROUP 1-d: Maintenance and repair track and road beds. All
employees performing work covered herein shall receive \$
.25 per hour above their regular rate for all work
performed on underground structures not specifically
covered herein. This paragraph shall not be construed to

apply to work below ground level in open cut. It shall apply to cut and cover work of subway construction after the temporary cover has been placed.

GROUP 1-e: Work on and/or in bell hole footings and shafts thereof, and work on and in deep footings. (A deep footing is a hole 15 feet or more in depth.) In the event the depth of the footing is unknown at the commencement of excavation, and the final depth exceeds 15 feet, the deep footing wage rate would apply to all employees for each and every day worked on or in the excavation of the footing from the date of inception.

GROUP 1-f: Wire winding machine in connection with guniting or shotcrete

GROUP 2: Asphalt shoveler; Cement dumper and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chute; Concrete chipping and grinding; Concrete laborer (wet or dry); Driller tender, chuck tender, nipper; Guinea chaser (stake), grout crew; High pressure nozzle, adductor; Hydraulic monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh chipper and similar type brush shredders; Sloper; Single foot, hand-held, pneumatic tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1-f; Jacking of pipe - under 12 inches

GROUP 3: Construction laborers, including bridge and general laborer; Dump, load spotter; Flag person; Fire watcher; Fence erector; Guardrail erector; Gardener, horticultural and landscape laborer; Jetting; Limber, brush loader and piler; Pavement marker (button setter); Maintenance, repair track and road beds; Streetcar and railroad construction track laborer; Temporary air and water lines, Victaulic or similar; Tool room attendant (jobsite only)

GROUP 4: Final clean-up work of debris, grounds and building including but not limited to: street cleaner; cleaning and washing windows; brick cleaner (jobsite only); material cleaner (jobsite only). The classification "material cleaner" is to be utilized under the following conditions:
 A: at demolition site for the salvage of the material.
 B: at the conclusion of a job where the material is to be salvaged and stocked to be reused on another job.
 C: for the cleaning of salvage material at the jobsite or temporary jobsite yard.

The material cleaner classification should not be used in the performance of "form stripping, cleaning and oiling and moving to the next point of erection".

GUNITE LABORER CLASSIFICATIONS

GROUP 1: Structural Nozzleman

GROUP 2: Nozzleman, Gunman, Potman, Groundman

GROUP 3: Reboundman

GROUP 4: Guniting laborer

WRECKING WORK LABORER CLASSIFICATIONS

GROUP 1: Skilled wrecker (removing and salvaging of sash, windows and materials)

GROUP 2: Semi-skilled wrecker (salvaging of other building

materials)

LAB0110-008 07/01/2018

CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, SAN JOAQUIN, STANISLAUS & TUOLUMNE

	Rates	Fringes
Plasterer tender.....	\$ 32.02	23.00

Work on a swing stage scaffold: \$1.00 per hour additional.

LAB0110-009 07/01/2018

MARIPOSA, MERCED, STANISLAUS, AND TUOLUMNE COUNTIES

	Rates	Fringes
LABORER (Plaster Tender).....	\$ 32.02	23.00

Work on a swing stage scaffold: \$1.00 per hour additional.

PAIN0016-001 01/01/2019

ALAMEDA, CONTRA COSTA, MONTEREY, SAN BENITO, SAN MATEO, SANTA CLARA, AND SANTA CRUZ COUNTIES

	Rates	Fringes
Painters:.....	\$ 42.67	24.00

PREMIUMS:

EXOTIC MATERIALS - \$0.75 additional per hour.

SPRAY WORK: - \$0.50 additional per hour.

INDUSTRIAL PAINTING - \$0.25 additional per hour

[Work on industrial buildings used for the manufacture and processing of goods for sale or service; steel construction (bridges), stacks, towers, tanks, and similar structures]

HIGH WORK:

over 50 feet - \$2.00 per hour additional

100 to 180 feet - \$4.00 per hour additional

Over 180 feet - \$6.00 per hour additional

PAIN0016-003 01/01/2018

AREA 1: ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SAN MATEO & SANTA CLARA COUNTIES

AREA 2: CALAVERAS, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN JOAQUIN, SANTA CRUZ, STANISLAUS & TUOLUMNE COUNTIES

	Rates	Fringes
Drywall Finisher/Taper		
AREA 1.....	\$ 45.16	26.74
AREA 2.....	\$ 41.00	25.34

PAIN0016-012 01/01/2019

ALAMEDA, CONTRA COSTA, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN FRANCISCO, SAN MATEO, SANTA CLARA AND SANTA CRUZ COUNTIES

	Rates	Fringes
SOFT FLOOR LAYER.....	\$ 48.60	27.43

 PAIN0016-015 01/01/2019

CALAVERAS, MARIPOSA, MERCED, SAN JOAQUIN, STANISLAUS & TUOLUMNE
 COUNTIES

	Rates	Fringes
PAINTER		
Brush.....	\$ 33.68	20.24

FOOTNOTES:
 SPRAY/SANDBLAST: \$0.50 additional per hour.
 EXOTIC MATERIALS: \$1.00 additional per hour.
 HIGH TIME: Over 50 ft above ground or water level \$2.00
 additional per hour. 100 to 180 ft above ground or water
 level \$4.00 additional per hour. Over 180 ft above ground
 or water level \$6.00 additional per hour.

 PAIN0016-022 01/01/2019

SAN FRANCISCO COUNTY

	Rates	Fringes
PAINTER.....	\$ 46.29	24.00

 PAIN0169-001 01/01/2018

FRESNO, KINGS, MADERA, MARIPOSA AND MERCED COUNTIES:

	Rates	Fringes
GLAZIER.....	\$ 35.00	26.26

 PAIN0169-005 01/01/2019

ALAMEDA CONTRA COSTA, MONTEREY, SAN BENITO, SAN FRANCISCO, SAN
 MATEO, SANTA CLARA & SANTA CRUZ COUNTIES

	Rates	Fringes
GLAZIER.....	\$ 50.03	28.19

 PAIN0294-004 01/01/2019

FRESNO, KINGS AND MADERA COUNTIES

	Rates	Fringes
PAINTER		
Brush, Roller.....	\$ 30.53	19.11
Drywall Finisher/Taper.....	\$ 34.87	23.68

FOOTNOTE:
 Spray Painters & Paperhangers receive \$1.00 additional per
 hour. Painters doing Drywall Patching receive \$1.25
 additional per hour. Lead Abaters & Sandblasters receive
 \$1.50 additional per hour. High Time - over 30 feet (does
 not include work from a lift) \$0.75 per hour additional.

 PAIN0294-005 01/01/2018

FRESNO, KINGS & MADERA

	Rates	Fringes
SOFT FLOOR LAYER.....	\$ 31.49	20.48

 PAIN0767-001 01/01/2019

CALAVERAS, SAN JOAQUIN, STANISLAUS AND TUOLUMNE COUNTIES:

	Rates	Fringes
GLACIER.....	\$ 38.47	28.40

PAID HOLIDAYS: New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

Employee required to wear a body harness shall receive \$1.50 per hour above the basic hourly rate at any elevation.

 PAIN1176-001 01/01/2017

HIGHWAY IMPROVEMENT

	Rates	Fringes
Parking Lot Striping/Highway Marking:		
GROUP 1.....	\$ 34.41	16.31
GROUP 2.....	\$ 29.25	16.31
GROUP 3.....	\$ 29.59	16.31

CLASSIFICATIONS

GROUP 1: Striper: Layout and application of painted traffic stripes and marking; hot thermo plastic; tape, traffic stripes and markings

GROUP 2: Gamecourt & Playground Installer

GROUP 3: Protective Coating, Pavement Sealing

 PAIN1237-003 10/01/2018

CALAVERAS; SAN JOAQUIN COUNTIES; STANISLAUS AND TUOLUMNE COUNTIES:

	Rates	Fringes
SOFT FLOOR LAYER.....	\$ 36.81	21.51

 PLAS006-002 07/01/2017

ALAMEDA, CONTRA COSTA, SAN MATEO AND SAN FRANCISCO COUNTIES:

	Rates	Fringes
PLASTERER.....	\$ 40.51	27.13

 PLAS0300-001 07/01/2018

	Rates	Fringes
PLASTERER		
AREA 188: Fresno.....	\$ 32.70	31.68
AREA 224: San Benito, Santa Clara, Santa Cruz.....	\$ 32.88	31.68
AREA 295: Calaveras & San Joaquin Counties.....	\$ 32.70	31.68
AREA 337: Monterey County..	\$ 32.88	31.68
AREA 429: Mariposa, Merced, Stanislaus, Tuolumne Counties.....	\$ 32.70	31.68

 PLAS0300-005 07/01/2017

Rates Fringes

CEMENT MASON/CONCRETE FINISHER...\$ 33.49 23.67

 PLUM0038-001 07/01/2018

SAN FRANCISCO COUNTY

	Rates	Fringes
PLUMBER (Plumber, Steamfitter, Refrigeration Fitter).....	\$ 72.00	41.94

 PLUM0038-005 07/01/2018

SAN FRANCISCO COUNTY

	Rates	Fringes
Landscape/Irrigation Fitter (Underground/Utility Fitter).....	\$ 61.20	30.17

 PLUM0062-001 01/01/2019

MONTEREY AND SANTA CRUZ COUNTIES

	Rates	Fringes
PLUMBER & STEAMFITTER.....	\$ 43.05	33.44

 PLUM0159-001 07/01/2018

CONTRA COSTA COUNTY

	Rates	Fringes
Plumber and steamfitter		
(1) Refrigeration.....	\$ 59.42	35.94
(2) All other work.....	\$ 55.92	34.44

 PLUM0246-001 01/01/2019

FRESNO, KINGS & MADERA COUNTIES

	Rates	Fringes
PLUMBER & STEAMFITTER.....	\$ 40.15	32.64

 PLUM0246-004 01/01/2017

FRESNO, MERCED & SAN JOAQUIN COUNTIES

	Rates	Fringes
PLUMBER (PIPE TRADESMAN).....	\$ 13.00	10.74

PIPE TRADESMAN SCOPE OF WORK:
 Installation of corrugated metal piping for drainage, as well as installation of corrugated metal piping for culverts in connection with storm sewers and drains; Grouting, dry packing and diaphraging of joints, holes or chases including paving over joints, in piping; Temporary piping for dirt work for building site preparation; Operating jack hammers, pavement breakers, chipping guns, concrete saws and spades to cut holes, chases and channels for piping systems; Digging, grading, backfilling and ground preparation for all types of pipe to all points of the jobsite; Ground preparation including ground leveling, layout and planting of shrubbery, trees and ground cover, including watering, mowing, edging, pruning and fertilizing, the breaking of concrete, digging, backfilling and tamping for the preparation and completion of all work in connection with lawn sprinkler and landscaping; Loading, unloading and distributing materials at jobsite; Putting away materials

in storage bins in jobsite secure storage area; Demolition of piping and fixtures for remodeling and additions; Setting up and tearing down work benches, ladders and job shacks; Clean-up and sweeping of jobsite; Pipe wrapping and waterproofing where tar or similar material is applied for protection of buried piping; Flagman

 PLUM042-001 07/01/2018

ALAMEDA & CONTRA COSTA COUNTIES

	Rates	Fringes
PIPEFITTER		
CONTRA COSTA COUNTY.....	\$ 58.68	42.40
PLUMBER, PIPEFITTER, STEAMFITTER		
ALAMEDA COUNTY.....	\$ 58.68	42.40

 PLUM055-004 07/01/2018

ALAMEDA, CALAVERAS, CONTRA COSTA, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN JOAQUIN, SAN MATEO, SANTA CLARA, SANTA CRUZ, STANISLAUS, AND TUOLUMNE COUNTIES:

	Rates	Fringes
Underground Utility Worker		
/Landscape Fitter.....	\$ 27.10	16.30

 PLUM093-001 07/01/2018

SAN BENITO AND SANTA CLARA COUNTIES

	Rates	Fringes
PLUMBER/PIPEFITTER.....	\$ 62.66	41.53

 PLUM042-001 01/01/2019

CALAVERAS, MARIPOSA, MERCED, SAN JOAQUIN, STANISLAUS & TUOLUMNE COUNTIES

	Rates	Fringes
PLUMBER & STEAMFITTER.....	\$ 42.25	30.64

 PLUM047-001 07/01/2018

SAN MATEO COUNTY

	Rates	Fringes
Plumber/Pipefitter/Steamfitter...	\$ 65.11	35.25

 ROOF0027-002 01/01/2019

FRESNO, KINGS, AND MADERA COUNTIES

	Rates	Fringes
ROOFER.....	\$ 28.21	14.21

FOOTNOTE: Work with pitch, pitch base or pitch impregnated products or any material containing coal tar pitch, on any building old or new, where both asphalt and pitches are used in the application of a built-up roof or tear off: \$2.00 per hour additional.

 ROOF0040-002 09/21/2018

SAN FRANCISCO & SAN MATEO COUNTIES:

	Rates	Fringes
ROOFER.....	\$ 39.88	18.72

ROOFO081-001 08/01/2018		

ALAMEDA AND CONTRA COSTA COUNTIES:

	Rates	Fringes
Roofer.....	\$ 39.40	17.58

ROOFO081-004 08/01/2018		

CALAVERAS, MARIPOSA, MERCED, SAN JOAQUIN, STANISLAUS AND TUOLUMNE COUNTIES:

	Rates	Fringes
ROOFER.....	\$ 39.40	17.58

ROOFO095-002 08/30/2018		

MONTEREY, SAN BENITO, SANTA CLARA, AND SANTA CRUZ COUNTIES:

	Rates	Fringes
ROOFER		
Journeyman.....	\$ 42.59	18.89
Kettle person (2 kettles);		
Bitumastic, Enameler, Coal		
Tar, Pitch and Mastic		
worker.....	\$ 44.59	18.89

SFCA0483-001 01/01/2019		

ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SAN MATEO AND SANTA CLARA COUNTIES:

	Rates	Fringes
SPRINKLER FITTER (FIRE).....	\$ 63.52	31.17

SFCA0669-011 04/01/2018		

CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, MONTEREY, SAN BENITO, SAN JOAQUIN, SANTA CRUZ, STANISLAUS AND TUOLUMNE COUNTIES:

	Rates	Fringes
SPRINKLER FITTER.....	\$ 38.85	21.87

SHEEC104-001 07/02/2018		

AREA 1: ALAMEDA, CONTRA COSTA, SAN FRANCISCO, SAN MATEO, SANTA CLARA

AREA 2: MONTEREY & SAN BENITO

AREA 3: SANTA CRUZ

	Rates	Fringes
SHEET METAL WORKER		
AREA 1:		
Mechanical Contracts		

under \$200,000.....	\$ 51.87	37.91
All Other Work.....	\$ 59.11	38.51
AREA 2.....	\$ 48.90	32.70
AREA 3.....	\$ 51.21	30.26

SHEEO104-003 07/01/2018

CALAVERAS AND SAN JOAQUIN COUNTIES:

	Rates	Fringes
SHEET METAL WORKER.....	\$ 40.34	32.80

SHEEO104-005 07/01/2018

MARIPOSA, MERCED, STANISLAUS AND TUOLUMNE COUNTIES:

	Rates	Fringes
SHEET METAL WORKER (Excluding metal deck and siding).....	\$ 38.40	35.69

SHEEO104-007 07/01/2018

FRESNO, KINGS, AND MADERA COUNTIES:

	Rates	Fringes
SHEET METAL WORKER.....	\$ 38.49	35.65

SHEEO104-015 07/01/2017

ALAMEDA, CONTRA COSTA, MONTEREY, SAN BENITO, SAN FRANCISCO, SAN MATEO, SANTA CLARA AND SANTA CRUZ COUNTIES:

	Rates	Fringes
SHEET METAL WORKER (Metal Decking and Siding only).....	\$ 37.53	32.10

SHEEO104-018 07/01/2018

CALAVERAS, FRESNO, KINGS, MADERA, MARIPOSA, MERCED, SAN JOAQUIN, STANISLAUS AND TUOLUMNE COUNTIES:

	Rates	Fringes
Sheet metal worker (Metal decking and siding only).....	\$ 39.93	32.70

TEAM0094-001 07/01/2018

	Rates	Fringes
Truck drivers:		
GROUP 1.....	\$ 31.68	27.86
GROUP 2.....	\$ 31.98	27.86
GROUP 3.....	\$ 32.28	27.86
GROUP 4.....	\$ 32.63	27.86
GROUP 5.....	\$ 32.98	27.86

FOOTNOTES:

Articulated dump truck; Bulk cement spreader (with or without auger); Dumpcrete truck; Skid truck (debris box); Dry pre-batch concrete mix trucks; Dumpster or similar type; Slurry truck: Use dump truck yardage rate.
Heater planer; Asphalt burner; Scarifier burner; Industrial lift truck (mechanical tailgate); Utility and clean-up truck: Use appropriate rate for the power unit or the equipment utilized.

TRUCK DRIVER CLASSIFICATIONS

GROUP 1: Dump trucks, under 6 yds.; Single unit flat rack (2-axle unit); Nipper truck (when flat rack truck is used appropriate flat rack shall apply); Concrete pump truck (when flat rack truck is used appropriate flat rack shall apply); Concrete pump machine; Fork lift and lift jitneys; Fuel and/or grease truck driver or fuel person; Snow buggy; Steam cleaning; Bus or personhaul driver; Escort or pilot car driver; Pickup truck; Teamster oiler/greaser and/or serviceperson; Hook tender (including loading and unloading); Team driver; Tool room attendant (refineries)

GROUP 2: Dump trucks, 6 yds. and under 8 yds.; Transit mixers, through 10 yds.; Water trucks, under 7,000 gals.; Jetting trucks, under 7,000 gals.; Single-unit flat rack (3-axle unit); Highbed heavy duty transport; Scissor truck; Rubber-tired muck car (not self-loaded); Rubber-tired truck jumbo; Winch truck and "A" frame drivers; Combination winch truck with hoist; Road oil truck or bootperson; Buggymobile; Ross, Hyster and similar straddle carriers; Small rubber-tired tractor

GROUP 3: Dump trucks, 8 yds. and including 24 yds.; Transit mixers, over 10 yds.; Water trucks, 7,000 gals. and over; Jetting trucks, 7,000 gals. and over; Vacuum trucks under 7500 gals. Trucks towing tilt bed or flat bed pull trailers; Lowbed heavy duty transport; Heavy duty transport tiller person; Self-propelled street sweeper with self-contained refuse bin; Boom truck - hydro-lift or Swedish type extension or retracting crane; P.B. or similar type self-loading truck; Fire repairperson; Combination bootperson and road oiler; Dry distribution truck (A bootperson when employed on such equipment, shall receive the rate specified for the classification of road oil trucks or bootperson); Ammonia nitrate distributor, driver and mixer; Snow Go and/or plow

GROUP 4: Dump trucks, over 25 yds. and under 65 yds.; Water pulls - DW 10's, 20's, 21's and other similar equipment when pulling Aqua/pak or water tank trailers; Helicopter pilots (when transporting men and materials); Lowbed Heavy Duty Transport up to including 7 axles; DW10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other miscellaneous trailers; Vacuum Trucks 7500 gals and over and truck repairman

GROUP 5: Dump trucks, 65 yds. and over; Holland hauler; Low bed Heavy Duty Transport over 7 axles

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information

on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than "SU" or "UAVG" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 06/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 06/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of

each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

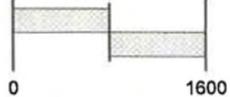
Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION"



SCALE IN FEET



DWN BY: DGR
DATE: 04/14/19

City of Los Banos CML-5160(027) - Project Location Map

Attachment E

City of Los Banos
 Local Transportation Fund
 Regional Traffic Impact Fee
 Traffic Impact Fee
 CMAQ Grant
 2019-2020

Account Number	Description	2016-2017 Actual	2017-2018 Actual	2018-2019 Estimated	2019-2020 Adopted
<u>LOCAL TRANSPORTATION FUND</u>					
220-430-210-231	Professional Services	0	47,983	0	0
	Supplies & Services	0	47,983	0	0
220-430-210-715	Street & Road Impr. Overlay	0	0	365,000	0
	Capital Outlay	0	0	365,000	0
	Total Local Transportation Fund	\$0	\$47,983	\$365,000	\$0
<u>REGIONAL TRANSPORTATION IMPACT FEE</u>					
229-430-100-238	Technical Services	0	0	20,000	210,000
	Supplies & Services	0	0	20,000	210,000
	Total RTIF	\$0	\$0	\$20,000	\$210,000
<u>TRAFFIC IMPACT FEE</u>					
230-430-220-231	Professional Services	0	13,842	53,460	210,000
	Supplies & Services	0	13,842	53,460	210,000
230-430-220-716	Street/Road Improvement	0	0	0	500,000
	Capital Outlay	0	0	0	500,000
	Total Traffic Impact	\$0	\$13,842	\$53,460	\$710,000
<u>CMAQ GRANT</u>					
249-430-210-231	Professional Services	0	0	64,000	0
	Supplies & Services	0	0	64,000	0
249-430-210-715	Street Improvements	0	0	0	296,743
	Capital Outlay	0	0	0	296,743
	Total CMAQ Grant	\$0	\$0	\$64,000	\$296,743

Regional Traffic Impact Fee

SERVICES & SUPPLIES

238-TECHNICAL SERVICES: Charges for services to outside engineering firms to complete traffic related projects (Pioneer Road Specific Plans), traffic studies, and other traffic related issues. Service may include design, drawings, and project management; as well as other miscellaneous professional services, which may be require

Traffic Impact Fee

SERVICES & SUPPLIES

231-PROFESSIONAL SERVICES: Charges for services to outside engineering firms to complete traffic related projects (State Route 152 Specific Plans), development impact studies, traffic studies, traffic master plans, and other traffic related issues. Service may include design, drawings, and project management; as well as other miscellaneous professional services, which may be required.

CAPITAL OUTLAY

716-STREET/ROAD IMPROVEMENTS: Reimbursement to school district for public improvements to the streets adjacent to the new school near the intersection of Place Road and East B Street.

CMAQ Grant

SERVICES & SUPPLIES

715-STREET/ROAD IMPROVEMENTS: Construction of the Pedestrian Sidewalk In-Fills estimated at \$296,743 (\$34,377 from RSTP and \$262,366 from CMAQ grant funding).



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and Council Members
FROM: Gary Brizzee, Chief of Police *Brizzee*
DATE: November 6, 2019
SUBJECT: Budget Amendment, Code Enforcement Vehicle Purchase
TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council approve the increase in expenditures from Measure H funding in the amount of \$40,000, for the purchase of a Code Enforcement vehicle and related upfitting equipment.

Discussion:

The 2019/2020, Police Department fiscal year budget included the addition of a Code Enforcement Officer (CEO) from Measure H funding. With the additional staff member, the Police Department requires a vehicle to equip this CEO to accomplish their day to day duties. Approximate costs for the new vehicle include:

Vehicle:	\$30,000
Vehicle Equipment Up-Fit:	\$ 8,000
Vehicle Graphics:	\$ 400

The corresponding account numbers are as follows:

Expenditures:

Vehicles:	100-429-290-750	\$40,000
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Revenues:

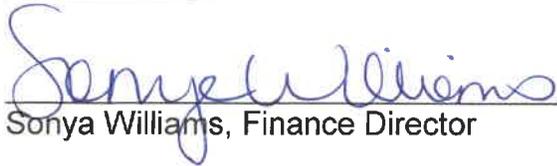
Measure H revenue:	100-390-000-010
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Fiscal Impact:

Increase expenditures for the FY 2019/2020 budget in the amount of \$40,000.

The additional expenditures include mobile computer and related emergency lighting equipment and supplies.

Reviewed by:


Sonya Williams, Finance Director



Alex Terrazas, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE 2019/2020 FISCAL YEAR BUDGET AND APPROVING THE INCREASE IN EXPENDITURES OF MEASURE H FUNDING, IN THE AMOUNT OF \$40,000; RELATED TO THE PURCHASE AND UPFITTING OF A NEW CODE ENFORCEMENT VEHICLE

WHEREAS, the residents of Los Banos approved the passage of a half-cent sales tax known as Measure H; in part for the purpose of improving the City's response to Code Enforcement related issues; and

WHEREAS, the fiscal year 2019/2020 budget included an increase in Code Enforcement staffing to include an additional Code Enforcement Officer; and

WHEREAS, the additional staff member requires the Police Department to purchase a vehicle to aid the new position in their day to day operational efforts; and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the FY 2019/2020 by action to amend this budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve an increase to the appropriation limit for expenditures in the amount of \$40,000 to the Police Department's Measure H funding. The budget account number is follows:

Expenditures:

Vehicles:	100-429-290-750	\$40,000
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Revenues:

Measure H revenue:	100-000-313-011
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The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 6th day of November 2019, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director SE
William A. Vaughn, City Attorney

DATE: November 6, 2019

TYPE OF REPORT: Public Hearing

SUBJECT: Density Bonus and other Affordable Housing Development Incentives Ordinance

Recommendation:

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1175 by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING AND RESTATING ARTICLE 34 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER AFFORDABLE HOUSING DEVELOPMENT INCENTIVES

Background:

Pursuant to Government Code Section 65915(a)(1), all local governments are required to adopt local ordinances that are consistent with State law. The City of Los Banos last amended its local Density Bonus ordinance in 2010; since that time a series of legislative updates *have* been adopted at the state level concerning affordable housing and in particular density bonus'.

Therefore, the City's current ordinance is in need of updating to ensure that it is in full compliance with state law.

The following provides a brief summary of each piece of adopted legislation followed by the recommended revisions to the City's density bonus ordinance. The full text of the proposed ordinance revisions are provided within Attachment 1. Staff has also included the full text of Government Code Sections 65915 and 65915.7 as Attachments 2 and 3 respectively, and the summary sheet for each adopted bill as Attachment 4.

The Los Banos Planning Commission held a public hearing on September 11, 2019 for the purpose of considering the above mentioned Ordinance. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended adoption of the ordinance specified above.

On October 2, 2019, the Los Banos City Council opened the public hearing, closed the public hearing, waived the first reading, and introduced Ordinance No. 1175 by title.

Discussion:

Assembly Bill 2222, effective January 1, 2015

In September, 2014, Assembly Bill (AB) 2222 was signed into law to amend *several* aspects of the state density bonus law. Prior to the bill, affordable units provided to qualify for density bonuses were subject to affordable income restrictions for a period of 30 years; AB 2222 extended the affordability term to 55 years.

Additionally, AB 2222 introduced an affordable-unit replacement requirement in an effort to help address the potential displacement of existing tenants. The bill requires that projects using a density bonus replace rental units that *have* been occupied by very low or low-income households within the *five-year* period preceding the development application.

Applicants could elect to either:

- provide replacement units of equivalent or greater number to units that are occupied by lower income households or subject to a rent or price control; or
- ensure that units are affordable to *very low-*, or low-income households.

The replacement provisions contained in AB 2222 were substantially expanded and clarified in the January, 2017 amendments adopted through AB 2556

Proposed Ordinance Amendments:

Section 9-3.3404(d) has been added to reflect the new required term of 55 years. Section 9-3.3403(b) has been added to clarify eligibility requirements for proposed housing developments involving property containing existing affordable housing units.

Assembly Bill 744, effective January 1, 2016

Assembly Bill 744 was adopted in 2015. The bill required that local governments, upon request from an applicant developing a rental housing project that is density bonus eligible, grant further reductions in parking requirements depending on the project's proximity to transit. The provisions of AB 744 expand the parking reduction options available to developers that were provided in the state density bonus law.

Jurisdictions may however require higher parking ratios for housing near transit if the City has completed a parking study within the last seven years that supports the need for more parking.

Proposed Ordinance Amendments:

Sections 9-3.3412 of the proposed Ordinance has been revised to reflect the parking allowances outlined in AB 744. Also, the definition of "Major Transit Stop" (as defined in Public Resources Code Section 21064.3) has been added to Section 9-3.3402 of the proposed Ordinance.

Assembly Bill 1934, effective January 1, 2017

AB 1934 expanded the state law to provide incentives for commercial developers to contribute to affordable housing through creation of Government Code Section 65915.7.

The bill provided a bonus for commercial developers that enter an agreement with a housing developer to provide affordable units in a joint mixed-use project, or as two separate but related projects. Commercial developers must define how they are contributing to the affordable housing development; three options are recognized by the state law.

- The commercial developer may directly build the units.
- The commercial developer may donate a portion of the development site, or property located elsewhere, to the housing developer to build affordable housing.
- The commercial developer may make a cash payment to the housing developer to offset the construction cost for affordable housing.

To qualify for the density bonus, the proposed affordable units must contain a prescribed number of low- or very-low income units: at least 30% of the total units proposed shall be for low-income households, or at least 15% shall be for very low-

income households. If the affordable units are to be constructed off-site (separate) from the non-residential development, the units must be located on a site that is:

- within the local jurisdiction;
 - near public amenities, including schools and employment centers;
- and
- located within one-half mile of a major transit stop.

The provisions of AB 1934 do not prevent an affordable housing developer from utilizing the density bonus, concession or incentives, waivers or reductions that are available through the state law. Furthermore, the amendments did not reduce or waive affordable housing impact fees that may apply to commercial projects in the jurisdiction. The provisions of AB 1934 are subject to a sunset clause of January 1, 2022.

Proposed Ordinance Amendments:

Definitions for "Commercial Development Bonus", was added to reflect the provisions outlining partnered housing in Government Code Section 65915.7. Section 9-3.3415 provides the requirements for a commercial developer to participate in the commercial development bonus mandated by Government Code Section 65915.7.

Assembly Bill 2442, effective January 1, 2017

Assembly Bill 2442 amends Section 65915(b) to include additional categories of specialized housing that would qualify a project for a density bonus. If at least 10% of the proposed units in a project are designated for very-low income households for a period of 55 years, and are targeted to the following specialized housing types, they may qualify for a density bonus:

- transitional foster youth as defined in Education Code Section 66025.9
- disabled veterans as defined in Government Code Section 18541
- homeless persons as defined in 42 U.S.C. Sec. 11301 et seq.

The density bonus for these projects is 20% of the provided specialized housing units.

Proposed Ordinance Amendments:

Definitions for "Transitional Foster Youth", "Disabled Veteran", and "Homeless Persons" were added to Section 9-3.3402. The required reservation requirement was outlined in Section 9-3.3404, and the amount of density bonus granted for qualifying projects has been added to Section 9-3.3403.

Assembly Bill 2501, effective January 1, 2017

AB 2501 streamlines density bonus application processing in recognition of the financial implications for developers caused by permitting delays. Streamlining changes are described in Government Code Section 65915(a)(3); these changes require that local jurisdictions:

- Adopt procedures and timelines for processing density bonus applications.
- Provide a list of all information required to be submitted with the density bonus application for the density bonus application to be deemed complete.
- Issue completeness determinations on applications within 30 days in compliance with Government Code Section 65943.

AB 2501 includes several additional clarifications and procedural amendments to aid in the application and enforcement of the state law.

- Local governments are prohibited from conditioning the submission, review, or approval of a density bonus application on additional reports or studies that are not described in the state law. Cities can however require "reasonable documentation" to establish eligibility for incentives or concessions, waivers or reductions, or reduced parking ratios.
- The burden of proof for denying a requested concession or incentive is placed more directly on local jurisdictions, with clarifying language on determining whether a concession or incentive results in cost reductions in support of affordable housing development. The bill amends Section 65915(d)(1)(A), the first finding of fact to deny a requested concession or incentive. Local jurisdictions must grant the requested concession or incentive unless it "does not result in identifiable and actual cost reductions," to provide for affordable housing. The revised language clarifies that jurisdiction shall determine whether a concession or incentive is financially sufficient.

Proposed Ordinance Amendments:

Section 9-3.3413 has been updated to include specific application requirements related to a requested density bonus, incentive, waiver, parking reduction, or commercial development bonus. Section 9-3.3410(c) has been revised to reflect the required finding associated with identifiable and actual cost reductions.

Assembly Bill 2556, effective January 1, 2017

As described above, AB 2222 amended the state law in 2014 to preserve existing affordable housing units by prohibiting an applicant from receiving a density

bonus, incentive, concession, waiver or reduction, if a development removed units that at any time in the five-year period preceding the application were occupied by lower-income households or subject to a form of rent control. AB 2222 is reflected in the Government Code Section 65915(c), and includes the stipulation that projects may overcome this restriction by replacing affordable units with units of equivalent affordability, size and/or type. AB 2222 failed to clarify how replacement unit requirements should be determined if resident income levels were not verifiable.

AB 2556 (2017) provides clarifying language to satisfy the replacement unit requirements in the State Law, including:

- Projects shall provide at least an equal number of replacement units of equivalent size and affordability. Equivalent size means providing at least the same total number of bedrooms.

- For currently-occupied units that would be removed, if the income level of the household is not known, it shall be presumed that the building is occupied by the same proportion of lower income renter households to all renter households as is the case for the jurisdiction as a whole.

- For buildings vacated or demolished within five (5) years of the development application, if the income level of the last occupants in previously existing units is not known it shall be presumed that very low- and low-income households occupied the units in the same proportion of very low- and low-income renter households to all renter households in the jurisdiction.

Proposed Ordinance Amendments:

The definition of "Equivalent Size" has been included in Section 9-3.3402. The proposed application submittal requirements for projects seeking a density bonus, outlined in Section 9-3.3413, includes the requirement to submit a description and tenant income information of all occupied or .previously occupied dwelling units at the proposed project site for the five-year period preceding submittal of the density bonus application.

Senate Bill 1227, effective January 1, 2019

SB 1227 allows developers to request a 35% density bonus for development with at least 20% of units reserved for lower income students in a dedicated student housing project.

Proposed Ordinance Amendments:

Reservation requirements, consistent with the requirements outlined in Government Code Section 65915, have been included in Section 9-3.3403 for student housing projects. The amount of density bonus for student housing projects meeting the required reservation requirements has been included in Section 9-3.3405.

Assembly Bill 2753, effective January 1, 2019

AB 2753 Requires cities to provide an applicant with a determination as to the amount of density bonus and any parking ratios requested by the applicant for which the development is eligible and whether the applicant has provided adequate information to make a determination as to any incentives, concessions, or waivers or reductions to development standards requested by the applicant.

Proposed Ordinance Amendments:

The application requirements for density bonus requests outlined in Section 9-3.3413, requires the applicant to provide the relevant information for the City to make a determination on their request on a particular provision afforded under the density bonus provisions.

Assembly Bill 2797, effective January 1, 2019

AB 2979 requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976.

Proposed Ordinance Amendments:

Not applicable to the City.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Ordinance
2. Resource Materials
3. Public Hearing Notice

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING AND RESTATING ARTICLE 34 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER AFFORDABLE HOUSING DEVELOPMENT INCENTIVES

WHEREAS, California Government Code Title 7, Division 1, Chapter 4.3 requires cities to provide density bonuses and other incentives for qualifying affordable housing projects. California Government Code Section 65915(a)(1) requires cities to adopt an ordinance that specifies how compliance will be implemented; and

WHEREAS, Los Banos Municipal Code Article 34 provides process and criteria for considering density bonus requests; and

WHEREAS; the California legislature has amended the state density bonus law numerous times since the adoption of the City's density's bonus Article. Future amendments are expected; and

WHEREAS, the City Council wishes to update its density bonus ordinance to comply with the provisions of state law; and

WHEREAS, the Los Banos 2030 General Plan, and 2014-2023 Housing Element updates included policies and programs to support and create affordable housing, a diverse range of housing types; and

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

WHEREAS, the Planning Commission held a public hearing on September 11, 2019 and recommended approval of the proposed Ordinance with findings of General Plan consistency, and

WHEREAS, the City Council conducted a duly noticed public hearing on the on October 2, 2019 and October 16, 2019 at which time all individuals desiring to comment on the proposed amendments were heard; and

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

Section 1: Article 34 of Chapter 3 of Title 9 of the Los Banos Municipal Code shall be amended and restated in its entirety to read as follows:

**TITLE 9 PLANNING AND ZONING
CHAPTER 3 ZONING
ARTICLE 34 DENSITY BONUSES AND
OTHER AFFORDABLE HOUSING INCENTIVES**

Sec. 9-3.3401 Purpose and intent.

This Article is intended to provide density bonuses and incentives or concessions for the production of housing that is affordable to the types of households and qualifying residents identified in this Article in accordance with Sections 65915 through 65918 of the California Government Code, as amended or superseded. In enacting these provisions, it is the intent of the City of Los Banos to facilitate the development of affordable housing and to implement the requirements of Government Code Section 65915 et. seq. and the goals, objectives, and policies of the Housing Element of the City's General Plan. Where regulations are not specifically addressed in this Article or where there are conflicts between these provisions and the provisions of California Government Code sections 65915 through 65918, the provisions of California Government Code, as they may be amended over time, shall apply.

Sec. 9-3.3402 Definitions.

For the purpose of this Article, the following meanings and definitions shall apply:

(a) "Affordable rent" has the definition and meaning set forth in California Health and Safety Code section 50053.

(b) "Affordable housing cost" has the definition and meaning set forth in California Health and Safety Code Section 50052.5.

(c) "Child care facility" means a facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers as defined by California Government Code Section 65915(h).

(d) "Commercial development bonus" means a modification of development standards mutually agreed upon by the City and a commercial developer that is provided to a commercial development eligible for such a bonus pursuant to Section 9-3.3414.

(e) "Concession" or "Incentive" has the definition and meaning set forth in California Government Code Section 65915(k) and means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code section 65915(c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the City, that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code section 65915(c).

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the City or the waiver of fees or dedication requirements.

(f) "Common interest development" has the definition and meaning set forth in California Civil Code Section 1351.

(g) "Density bonus," means a density increase over the otherwise maximum allowable gross residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the City.

(h) "Density bonus housing agreement" means a legally binding agreement between a developer and the City to ensure that the requirements of this Article are satisfied. The agreement, among other things, shall establish: the number of target units, their size, location, terms and conditions of affordability, and production schedule.

(i) "Density bonus units" means those residential units granted pursuant to the provisions of this Article, which exceed the otherwise maximum residential density of the underlying land use designation and zoning district for the development site.

(j) "Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio as defined by California Government Code Section 65915(o).

(k) "Disabled veteran" has the definition and meaning set forth in California Government Code Section 18541.

(l) "Equivalent Size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced as defined by California Government Code Section 65915(c)(3)(D).

(m) "Homeless person" has the definition and meaning set forth in 42 U.S.C. Section 11301 et.seq.

(n) "Housing cost" means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.

(o) "Housing development" means any construction projects consisting of five (5) or more residential units, including single-family, multi-family, and mobile homes for sale or rent, pursuant to this Article.

(p) "Lower income households" has the definition and meaning set and meaning forth in Section 50079.5 of the California Health and Safety Code.

(q) "Major transit stop" has the definition set forth in California Public Resources Code Section 21155.

(r) "Maximum residential density" means the maximum number of residential units permitted by the City's General Plan Land Use Element and Zoning Ordinance at the time of application, excluding the provisions of this Article. If the housing development is within a planned development overlay zone, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zone.

(s) "Moderate income households" has the definition and meaning set forth in Section 50093 of the California Health and Safety Code.

(t) "Non-restricted unit" means all units within a housing development excluding the target units.

(u) "Qualifying resident" means senior citizens or other persons eligible to reside in senior citizen housing.

(v) "Senior citizen housing development" has the definition and meaning set forth in California Civil Code Section 51.3.

(w) "Specific Adverse Impact", as defined in the California Government Code Section 65589.5(d)(2), means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact on public health or safety.

(x) "Target unit" means a dwelling unit within a housing development which will be reserved for sale or rent, and is made available at an affordable rent or affordable ownership cost, to very low, lower, or moderate income households, or is a unit in a senior citizen housing development, or is intended to serve transitional foster youth, disabled veterans, or homeless persons, and which qualifies the housing development for a density bonus and incentives pursuant to Section 9-3.3403 or qualifies a commercial development for a commercial development bonus pursuant to Section 9-3.3413.

(y) "Transitional foster youth" has the definition and meaning set forth in California Education Code Section 66025.9.

(z) "Very low income households" has the definition and meaning set forth in Section 50105 of the California Health and Safety Code.

Sec. 9-3.3403 Eligibility for density bonus, incentives, or concessions.

(a) The City shall grant a density bonus, in the amount specified in Section 9-3405, to an applicant who proposes a housing development consisting of five (5) or more residential units and meeting at least one (1) of the following criteria:

(1) At least ten percent (10%) of the total units of the housing development as target units affordable to lower income households, as defined in California Health and Safety Code Section 50079.5; or

(2) At least five percent (5%) of the total units of the housing development as target units affordable to very low income households, as defined in California Health and Safety Code Section 50105; or

(3) The project is a senior citizen housing development as defined in California Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with California Civil Code Sections 798.76 and 799.5; or

(4) At least ten percent (10%) of the total dwelling units in a common interest development are for persons and families of moderate income, as defined in California Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase; or

(5) At least ten percent (10%) of the total number of proposed units of housing for transitional foster youth, as defined in Section 66025.9 of the California Education Code, disabled veterans, as defined in Section 18541 of the California Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act; or

(6) At least twenty percent (20%) of the total number of proposed units for lower income students in a student housing development that meets the requirements, as defined by California Government Code Section 65915.

(b) An applicant is not eligible for a density bonus, or any other incentives or concessions under this Article, for a proposed housing development involving a property containing existing affordable housing, unless:

(1) The proposed housing development replacement units of equivalent size for the existing affordable housing units; and

(2) Either:

(A) The proposed housing development, inclusive of the replacement units at the percentages set forth in this Section; or

(B) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

Section 9-3.3404 Requirements; Continued Affordability.

In addition to any other applicable requirements set forth in this Article the following requirements shall apply to all developments receiving a density bonus pursuant to this Article.

(a) A target unit shall be restricted and affordable to the designated income group qualifying the development for a density bonus pursuant to Section 9-3.3403.

(b) The affordable units must be proportional to the overall project in terms of unit mix, floor plan, square footage, and exterior design. For the purposes of this Section, the project's income restricted units would be considered proportional to square footage if they are at least eighty percent (80%) of the average square footage of all market rate units in the development with the same bedroom count. Further, the range of affordable units must be reasonably dispersed throughout the development.

(c) Target units shall be constructed concurrently with market-rate units or pursuant to a schedule included in the density bonus housing agreement. No temporary or permanent certificate of occupancy for any new market-rate unit in a housing development or for commercial space in a commercial development shall be issued until permanent certificates of occupancy have been issued for the required target units unless explicitly permitted by the density bonus housing agreement or partnered housing agreement. If a development project is to be phased, the target units shall be phased in the same proportion as the market rate units, or as set forth in a schedule included in the density bonus housing agreement or partnered housing agreement.

(d) The time period of availability to the intended population shall be for at least fifty five (55) years. A longer period of availability may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(e) The maximum allowable rents shall be determined by a formula designated by the State Department of Housing and Community Development based on the area median income. This formula is indicated in Section 65915(c) of the California Government Code.

(f) Owner occupied units shall be available at affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code.

(g) For sale affordable units may be subject to an equity sharing agreement, in the event that public subsidies are involved in the construction and/or purchase of said units.

(h) The owner of the affordable units for which a density bonus was granted must provide to the City a yearly accounting of the total units occupied, the total units vacant, the total units occupied by lower or very low income households, the total number of units occupied by Senior Citizens and the total units required to be set aside under all applicable affordability covenants.

Section 9-3.3405 Calculation of density bonus.

(a) A housing development that complies with the eligibility requirements in Section 9-3.3403 shall be entitled to a density bonus as follows, unless a lesser percentage is proposed by the applicant:

(1) Bonus for units for lower income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9-3.3403(a)(1) (ten percent (10%) of units for lower income households) shall be entitled to a density bonus calculated as follows:

**BONUS FOR LOWER INCOME
HOUSEHOLDS**

Percentage Lower Income Units Proposed	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) Bonus for units for very low income households. A housing development that is eligible for a bonus in compliance with the criteria in Section 9-3.3403(a)(2) (five percent (5%) of units for very low-income households) shall be entitled to a density bonus calculated as follows:

**BONUS FOR VERY LOW INCOME
HOUSEHOLDS**

Percentage Very Low Income Units Proposed	Percentage Density Bonus
5	20
6	22.5

BONUS FOR VERY LOW INCOME

HOUSEHOLDS

Percentage Very Low Income Units Proposed	Percentage Density Bonus
7	25
8	27.5
9	30
10	32.5
11	35

(3) Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9-3.3403(a)(3) (senior citizen development or mobile home park) shall be entitled to a density bonus of twenty percent (20%).

(4) Bonus for moderate-income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9-3.3403(a)(4) (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

BONUS FOR MODERATE INCOME

HOUSEHOLDS

Percentage Moderate Income Units Proposed	Percentage Density Bonus
10	5
11	6
12	7
13	8

**BONUS FOR MODERATE INCOME
HOUSEHOLDS**

Percentage Moderate Income Units Proposed	Percentage Density Bonus
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28

**BONUS FOR MODERATE INCOME
HOUSEHOLDS**

Percentage Moderate Income Units Proposed	Percentage Density Bonus
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) Bonus for transitional foster youth, disabled veterans, or homeless persons development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9-3.3403(a)(5) (transitional foster youth, disabled veterans, or homeless persons) shall be entitled to a density bonus of twenty percent (20%).

(6) Bonus for lower income students in a student housing development. A housing development that is eligible for a bonus in compliance with the criteria in Section 9-3.3403(a)(6) (lower income students in student housing) shall be entitled to a density bonus of thirty-five percent (35%).

(b) All density calculations resulting in fractional units shall be rounded up to the next whole number, unless otherwise indicated.

(c) The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

(d) An applicant may elect to accept a lesser percentage of density bonus.

(e) The calculations herein are in accordance with Government Code Section 65915 and are subject to any subsequent amendments or revisions thereto.

(f) Each housing development is entitled to only one density bonus mandated by this Section. If a housing development qualifies for a density bonus under more than one income category or additionally as senior housing or as housing intended to serve

transitional foster youth, disabled veterans, or homeless persons, the applicant shall select the category under which the density bonus is granted. Density bonuses from more than one category may not be combined.

Sec. 9-3.3406 Additional density bonus for land donation.

(a) When an applicant for a tentative subdivision map, parcel map, or other residential zoning entitlement development donates land to the City for the purpose of constructing affordable housing, the applicant shall be entitled to a fifteen (15%) percent increase above the maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development as follows:

BONUS FOR LAND DONATION

Percentage Very Low-Income Units Proposed	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28

BONUS FOR LAND DONATION

Percentage Very Low-Income Units Proposed	Percentage Density Bonus
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(b) The increase in density set forth in this Section for land donation shall be in addition to any increase in density mandated by Section 9-3.3403 up to a maximum combined mandated density increase of thirty-five (35%) percent, if an applicant seeks both density increases.

(c) Nothing in this Section shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

(d) An applicant shall be eligible for the increased density bonus described in this Section if all of the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.

(3) The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units and required amenities, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and

infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

(4) No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by California Government Code Section 65583.2(i) if the design is not reviewed by the City prior to the time of transfer.

(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9-3.3404, which shall be recorded on the property at the time of dedication.

(6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

Sec. 9-3.3407 Additional density bonus and incentives for developments with childcare facilities.

(a) When an applicant proposes to construct a housing development that conforms to the density bonus requirements of Section 9-3403, and includes a child care facility other than a large or small family day care home that will be located on the premises of, as part of, or adjacent to the project, the development shall be eligible for the following additional bonus and incentives.

(b) City shall grant to eligible housing developments either of the following:

(1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;
or

(2) An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(c) The City shall require, as a condition of approving the housing development that the following occur:

(1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.

(2) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower income households, or families of moderate income pursuant to the density bonus requirements of Section 9-3.3403.

(d) Notwithstanding the above requirements, the City shall not be required to provide a density bonus or concession for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

Sec. 9-3408 Condominium conversions.

(a) The City shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a condominium conversion agrees to provide thirty-three percent (33%) of the total units of the proposed condominium project as target units affordable to lower or moderate income households, or to provide fifteen percent (15%) of the total units in the condominium conversion project as target units affordable to lower income households, and to provide any replacement affordable units required by Section 9-3.3403. All such target units shall remain affordable for the period specified in Section 9-3.3404.

(b) For purposes of this Section, a "density bonus" means an increase in units of twenty-five percent (25%) over the number of apartments to be provided within the existing structure or structures proposed for conversion. "Other incentives of equivalent financial value" shall not be construed to require the City to provide a cash transfer payment or other monetary compensation of any type but may include, at the City's discretion, modification of requirements that the City might otherwise apply as conditions of approval.

(c) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided pursuant to this Article or California Government Code Section 65915.

(d) Nothing in this section shall be construed to require the City to approve a condominium conversion.

Sec. 9-3.3409. City discretion

(a) Nothing in this Article shall be construed to prohibit the City from granting a density bonus greater than what is described in this Article for a development that

meets the requirements of this Article, or from granting a proportionately lower density bonus than what is required by this Article for developments that do not meet the requirements of this Article.

(b) Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the developer and the City form such an agreement, the resulting linked developments shall be considered a single housing development for purposes of this Article. Under these circumstances, the developer shall be subject to the same requirements of this Article for the target units to be provided on the alternative site.

Sec. 9-3.3410 Incentives and concessions.

(a) An applicant for a density bonus in compliance with this Article may submit to the City a proposal for the specific incentives or concessions listed in subsection (c) of this Section that the applicant requests in compliance with this Section, and may request a meeting with the Community and Economic Director or his or her designee. The applicant may file a request either before filing an application for City approval of a proposed project or concurrently with an application for project approval.

(b) The applicant shall receive the following number of incentives or concessions:

(1) One incentive or concession. One incentive or concession for a project that includes at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

(2) Two (2) incentives or concessions. Two (2) incentives or concessions for a project that includes at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

(3) Three (3) incentives or concessions. Three (3) incentives or concessions for a project that includes at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

(c) The City shall grant an incentive or concession request that complies with this Section unless the City makes either of the following findings in writing, based upon substantial evidence:

(1) The concession or incentive does not result in identifiable and actual cost reductions, consistent with Government Code 65915(k), to provide for affordable

housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code 65915(c) and this Article.

(2) The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(3) The concession or incentive would be contrary to state or federal law.

(d) This Section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the City, or the waiver of fees or dedication requirements.

(e) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

Sec. 9-3.3411 Waiver or reductions of development standards.

(a) An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of 9-3.3403 at the densities or with the concessions or incentives permitted under this Article, and may request a meeting with the City.

(b) Nothing in this Section shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(c) Nothing in this Section shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(d) A proposal for the waiver or reduction of development standards pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to this Article.

Sec.9-3.3412 Parking adjustment/modification in density bonus projects.

(a) Upon the request of the applicant, the City will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 9-3.3403 that exceeds the following ratios:

- (1) Zero to one bedrooms: one onsite parking space.
- (2) Two to three bedrooms: two onsite parking spaces.
- (3) Four and more bedrooms: two and one-half parking spaces.

(b) The applicant may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed .5 onsite parking spaces per bedroom, for a development meeting the criteria of Section 9-3.3403, that is located within .5 miles of a major transit stop, and has unobstructed access to the major transit stop.

(c) The applicant may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed .5 onsite parking spaces per unit for a development that consists solely of rental units (exclusive of a manager's unit) with an affordable housing cost to lower income households, and is either:

(1) Located within .5 miles of a major transit stop, and has unobstructed access to the major transit stop; or

(2) A for rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the California Civil Code, and has either paratransit service, or unobstructed access to a fixed bus route service that is within .5 miles and operates at least eight times per day.

(d) The applicant may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed .3 onsite parking spaces per unit, for a development that consists solely of rental units (exclusive of a manager's unit) with an affordable housing cost to lower income households, and is a special needs housing development, and has either paratransit service, or unobstructed access to a fixed bus route service that is within .5 miles and operates at least eight (8) times per day.

(e) If the total number of parking spaces required for a development is other than a whole number, the number will be rounded up to the next whole number. For purposes of this Section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

(f) This section applies to a development that meets the requirements of Section 9-3.3403, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section, subject to Section 9-3.3410.

(g) Notwithstanding sub sections (b) (c) and (d) , if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven (7) years, then the City may impose a higher vehicular parking ratio, not to exceed the ratio described in subsection (a), based upon substantial evidence found in the parking study that includes an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low and very low income individuals, including seniors and special needs individuals. The City will pay the costs of any new study. The City may make findings, based on a parking study completed in conformity with this Section, supporting the need for the higher parking ratio.

Sec. 9-3.3413 Application and review.

(a) An application for a density bonus, incentive, concession, waiver, modification, modified parking standard, or commercial development bonus pursuant to this Article shall be submitted with the first application for approval of a housing development or commercial development and processed concurrently with all other applications required for the housing development or commercial development. An applicant shall be informed whether the application is complete consistent with Government Code Section 65943.

(b) The application shall be submitted on a form prescribed by the City including all applicable fees for processing the application, and shall include at least the following information:

(1) Site plan drawn to scale showing total number of units, number and location of target units, and number and location of proposed density bonus units.

(2) Summary table showing the maximum number of units permitted by the zoning and general plan excluding any density bonus units, proposed target units by income level, proposed bonus percentage, number of bonus units proposed, and total number of dwelling units proposed on the site.

(3) Tenure (rental versus for-sale) of target units and proposals for ensuring affordability.

(4) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If any dwelling units on the site are currently rented, the income and household size, if known, of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size, if known, of residents occupying dwelling units when the site contained the maximum number of dwelling units.

(5) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.

(6) Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.

(7) For all incentives and concessions except mixed-use development, to establish eligibility for the requested incentives and concessions, the application shall include evidence that the requested incentives and concessions result in identifiable and actual cost reductions, including the actual cost reduction achieved through the incentive, and evidence that the cost reduction allows the applicant to provide affordable rents or affordable ownership costs.

(8) If a mixed-use building or project is proposed as an incentive, the applicant shall provide evidence that nonresidential land uses will reduce the cost of the residential project, and that the nonresidential land uses are compatible with the residential project and the existing or planned surrounding development.

(9) For waivers or modifications of development standards, the application shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the housing development with the density bonus and incentives requested.

(10) If a parking reduction is requested, a table showing parking required by the zoning ordinance and proposed parking. If a parking reduction provided by Section 9-3.3412(b) (c) or (d) is requested, evidence that the project is eligible for the requested parking reduction.

(11) If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 9-3.3406(d) can be made.

(12) If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement, the proposed commercial development bonus, and evidence that each of the standards included in Section 9-3.3413(a) through (d) has been met.

(13) If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in Section 9-3.3407(c) can be made.

(14) If a density bonus or incentive is requested for a condominium conversion, the application shall provide evidence that all of the requirements found in Section 9-3.3408 can be met.

(c) In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.

(d) The review process for a density bonus project shall be the same as that required for associated discretionary permits. Discretionary actions on density bonus projects shall be subject to the same appeal process applied to associated discretionary permits.

(e) The application and approval of a density bonus and any associated incentives or concessions shall not require a separate permit or approval process from that otherwise required for the same project without a density bonus request.

(f) The granting of a density bonus shall not, in and of itself, require a general plan amendment, local coastal plan amendment, zone change, or other discretionary action, including the otherwise required conditional use permit necessary to exceed the base density of a given General Plan Land Use designation category or zoning district.

Sec. 9-3.3414 Density bonus housing agreement required.

(a) Applicants requesting a density bonus shall enter into a density bonus housing agreement with the City in a form approved by the City Attorney.

(b) Following execution of the agreement by all parties, the completed density bonus housing agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of target units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The density bonus housing agreement shall be binding to all future owners and successors in interest.

Section 9-3.3415 Commercial development density bonus.

(a) When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City will grant the commercial developer a development bonus as described in this Section.

(b) The commercial developer must enter into an agreement for partnered housing between a commercial developer and a housing developer that is approved by the City, and identifies how the commercial developer will contribute affordable housing within the City. The commercial developer must partner with a housing developer partner that provides no less than either thirty percent (30%) of the total units for low-income households or fifteen percent (15%) of the total units for very low income households.

(c) The commercial developer may contribute affordable housing by directly building the affordable housing units, donating property to the affordable housing developer as a site for affordable housing, making a cash payment to the affordable housing developer for use towards the cost of constructing the affordable housing project.

(d) Housing must be constructed on the site of the commercial development or on a site that meets all of the following:

(1) Within the boundaries of the City;

(2) Within close proximity to public amenities, including schools and employment centers; and

(3) Within one-half mile of a major transit stop.

(e) The development bonus granted to the commercial developer means incentives, mutually agreed upon by the developer and the City, including any of the following:

(1) Up to a twenty percent (20%) increase in maximum allowable intensity in the General Plan.

(2) Up to a twenty percent (20%) increase in maximum allowable floor area ratio.

(3) Up to a twenty percent (20%) increase in maximum height requirements.

(4) Up to a twenty percent (20%) reduction in minimum parking requirements.

(5) Use of a limited-use/limited-application elevator for upper floor accessibility.

(6) An exception to a zoning ordinance or other land use regulation.

(f) If construction of the affordable units do not commence within the timelines specified by the agreement for partnered housing, then the City may withhold certificates of occupancy for the commercial development until the construction of the affordable housing units are complete.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 5. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

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

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

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Guide to the California Density Bonus Law

BY JON GOETZ AND TOM SAKAI

REVISED JANUARY 2019



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Table of Contents

INTRODUCTION AND OVERVIEW.....	2
HOW THE DENSITY BONUS WORKS.....	3
DENSITY BONUS CHART.....	4
HOW THE DENSITY BONUS CAN HELP IN A FRIENDLY JURISDICTION.....	9
HOW THE DENSITY BONUS CAN HELP IN A HOSTILE JURISDICTION.....	10
CEQA ISSUES IN DENSITY BONUS PROJECTS.....	11
USING THE DENSITY BONUS TO SATISFY INCLUSIONARY HOUSING REQUIREMENTS.....	11
DENSITY BONUS AND REPLACEMENT HOUSING.....	11
DENSITY BONUS IN THE COASTAL ZONE.....	11
DENSITY BONUS - A FLEXIBLE TOOL.....	12
DENSITY BONUS STATUTES.....	13

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Introduction and Overview

Savvy housing developers are taking advantage of California's Density Bonus Law, a mechanism which allows them to obtain more favorable local development requirements in exchange for offering to build or donate land for affordable or senior units. The Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with powerful tools to encourage the development of affordable and senior housing, including up to a 35% increase in project densities, depending on the amount of affordable housing provided. The Density Bonus Law is about more than the density bonus itself, however. It is actually a larger package of incentives intended to help make the development of affordable and senior housing economically feasible. Other tools include reduced parking requirements, and incentives and concessions such as reduced setback and minimum square footage requirements. Often these other tools are even more helpful to project economics than the density bonus itself, particularly the special parking benefits. Sometimes these incentives are sufficient to make the project pencil out, but for other projects financial assistance is necessary to make the project feasible.

In determining whether a development project would benefit from becoming a density bonus project, developers also need to be aware that:

- The Density Bonus is a state mandate. A developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. As with any state mandate, some local governments will resist complying with the state requirement. But many local governments favor the density bonus as a helpful tool to cut through their own land use requirements and local political issues.
- Use of a density bonus may be particularly helpful in those jurisdictions that impose inclusionary housing requirements for new developments.
- Special development bonuses are available for developers of commercial projects who partner with affordable housing developers to provide onsite or offsite affordable housing. Special bonuses are also available for condominium conversion projects and projects that include child care facilities.
- The Legislature has recently added density bonuses for housing developments for foster youth, disabled veterans, homeless persons and college students.

How the Density Bonus Works

PROJECTS ENTITLED TO A DENSITY BONUS

Cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of the housing units are restricted to very low income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low income level.
- At least 20% of the housing units are for low income college students in housing dedicated for full-time students at accredited colleges.
- The project donates at least one acre of land to the city or county for very low income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).
- The project is a mobilehome park age-restricted to senior citizens (no affordable units required).

DENSITY BONUS AMOUNT

The amount of the density bonus is set on a sliding scale, based upon the percentage of affordable units at each income level, as shown in the chart on the following page.



DENSITY BONUS CHART*

AFFORDABLE UNIT PERCENTAGE**	VERY LOW INCOME DENSITY BONUS	LOW INCOME DENSITY BONUS	MODERATE INCOME DENSITY BONUS	LAND DONATION DENSITY BONUS	SENIOR***	FOSTER YOUTH/ DISABLED VETS/ HOMELESS	COLLEGE STUDENTS
5%	20%	-	-	-	20%	-	-
6%	22.5%	-	-	-	20%	-	-
7%	25%	-	-	-	20%	-	-
8%	27.5%	-	-	-	20%	-	-
9%	30%	-	-	-	20%	-	-
10%	32.5%	20%	5%	15%	20%	20%	-
11%	35%	21.5%	6%	16%	20%	20%	-
12%	35%	23%	7%	17%	20%	20%	-
13%	35%	24.5%	8%	18%	20%	20%	-
14%	35%	26%	9%	19%	20%	20%	-
15%	35%	27.5%	10%	20%	20%	20%	-
16%	35%	27.5%	11%	21%	20%	20%	-
17%	35%	30.5%	12%	22%	20%	20%	-
18%	35%	32%	13%	23%	20%	20%	-
19%	35%	33.5%	14%	24%	20%	20%	-
20%	35%	35%	15%	25%	20%	20%	35%
21%	35%	35%	16%	26%	20%	20%	35%
22%	35%	35%	17%	27%	20%	20%	35%
23%	35%	35%	18%	28%	20%	20%	35%
24%	35%	35%	19%	29%	20%	20%	35%
25%	35%	35%	20%	30%	20%	20%	35%
26%	35%	35%	21%	31%	20%	20%	35%
27%	35%	35%	22%	32%	20%	20%	35%
28%	35%	35%	23%	33%	20%	20%	35%
29%	35%	35%	24%	34%	20%	20%	35%
30%	35%	35%	25%	35%	20%	20%	35%
31%	35%	35%	26%	35%	20%	20%	35%
32%	35%	35%	27%	35%	20%	20%	35%
33%	35%	35%	28%	35%	20%	20%	35%
34%	35%	35%	29%	35%	20%	20%	35%
35%	35%	35%	30%	35%	20%	20%	35%
36%	35%	35%	31%	35%	20%	20%	35%
37%	35%	35%	32%	35%	20%	20%	35%
38%	35%	35%	33%	35%	20%	20%	35%
39%	35%	35%	34%	35%	20%	20%	35%
40%	35%	35%	35%	35%	20%	20%	35%

*All density bonus calculations resulting in fractions are rounded up to the next whole number.

**Affordable unit percentage is calculated excluding units added by a density bonus.

***No affordable units are required for senior units.

REQUIRED INCENTIVES AND CONCESSIONS

In addition to the density bonus, the city or county is also required to provide one or more "incentives" or "concessions" to each project which qualifies for a density bonus (except that market rate senior citizen projects with no affordable units, and land donated for very low income housing, do not appear to be entitled to incentives or concessions). A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or
- Approval of mixed use zoning; or
- Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

The number of required incentives or concessions is based on the percentage of affordable units in the project:

NO. OF INCENTIVES/ CONCESSIONS	VERY LOW INCOME PERCENTAGE	LOWER INCOME PERCENTAGE	MODERATE INCOME PERCENTAGE
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

The city or county is required to grant the concession or incentive proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. The Density Bonus Law restricts the types of information and reports that a developer may be required to provide to the local jurisdiction in order to obtain the requested incentive or concession. The local jurisdiction has the burden of proof in the event it declines to grant a requested incentive or concession. Financial incentives, fee waivers and reductions in dedication requirements may be, but are not required to be, provided by the city or county. The developer may be entitled to the incentives and concessions even without a request for a density bonus.

OTHER FORMS OF ASSISTANCE

A development qualifying for a density bonus also receives two additional forms of assistance which have important benefits for a housing project:

- **Waiver or Reduction of Development Standards.** If any other city or county development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The city or county is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. The city or county is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. The waiver or reduction of a development standard does not count as an incentive or concession, and there is no limit on the number of development standard waivers that may be requested or granted. Development standards which have been waived or reduced utilizing this section include setback, lot coverage and open space requirements, and should apply to building height limits as well. This ability to force the locality to modify its normal development standards is sometimes the most compelling reason for the developer to structure a project to qualify for the density bonus.

- **Maximum Parking Requirements.** Upon the developer's request, the city or county may not require more than the following parking ratios for a density bonus project (inclusive of handicapped and guest parking):

Studio	1 space
1 Bedroom	1 space
2 Bedroom	2 spaces
3 Bedroom	2 spaces
4 Bedroom	2.5 spaces

- **Special Parking Requirements.** Lower parking ratios apply to specified projects (although local jurisdictions can require higher parking ratios if supported by a specified parking study):

Rental/sale projects with at least 11% very low income or 20% lower income units, within 1/2 mile of accessible major transit stop	0.5 spaces per bedroom
Rental projects 100% affordable to lower income, within 1/2 mile of accessible major transit stop	0.5 spaces per unit
Rental senior projects 100% affordable to lower income, with paratransit service or within 1/2-half mile of accessible bus route (operating at least eight times per day)	0.5 spaces per unit
Rental special needs projects 100% affordable to lower income households, with paratransit service or within 1/2-half mile of accessible bus route (operating at least eight times per day)	0.3 spaces per unit

Onsite spaces may be provided through tandem or uncovered parking, but not onstreet parking. Requesting these parking standards does not count as an incentive or concession, but the developer may request further parking standard reductions as an incentive or concession. This is one of the most important benefits of the density bonus statute. In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units. In higher density developments requiring the use of structured parking, the construction cost of structured parking is very expensive, costing upwards of \$20,000 per parking space. While this provision of the density bonus statute can be used to reduce excessive parking requirements, care must be taken not to impact the project's marketability by reducing parking to minimum requirements which lead to parking shortages.



AFFORDABLE HOUSING RESTRICTIONS

- **Rental Units.** Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for those units. As of January 1, 2015, the income and rent restrictions must remain in place for a 55 year term for very low or lower income units (formerly only a 30 year term was required). Rents must be restricted as follows:
 - For very low income units, rents may not exceed 30% x 50% of the area median income for a household size suitable for the unit.

- For lower income units, rents may not exceed 30% x 60% of the area median income for a household size suitable for the unit.
- Area median income is determined annually by regulation of the California Department of Housing and Community Development, based upon median income regulations adopted by the U.S. Department of Housing and Urban Development.
- Rents must include a reasonable utility allowance.
- Household size appropriate to the unit means 1 for a studio unit, 2 for a one bedroom unit, 3 for a two bedroom unit, 4 for a three bedroom unit, etc.

In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units.

- **For Sale Units.** Affordable for sale units must be sold to the initial buyer at an affordable housing cost. Housing related costs include mortgage loan payments, mortgage insurance payments, property taxes and assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, maintenance costs, and space rent.
 - For very low income units, housing costs may not exceed 30% x 50% of the area median income for a household size suitable for the unit.
 - For lower income units, housing costs may not exceed 30% x 70% of the area median income for a household size suitable for the unit.
 - For moderate income units, housing costs may not exceed 35% x 110% of the area median income for a household size suitable for the unit.
 - Buyers must enter into an equity sharing agreement with the city or county, unless the equity sharing requirements conflict with the requirements of another public funding source or law. The equity sharing agreement does not restrict the resale price, but requires the original owner to pay the city or county a portion of any appreciation received on resale.
 - The city/county percentage of appreciation is the purchase price discount received by the original buyer, plus any down payment assistance provided by the city/county. (For example, if the original sales price is \$200,000, and the original fair market value is \$250,000, and there is no city/county down payment assistance, the city/county subsidy is \$50,000, and the city/county's share of appreciation is 20%).
 - The seller is permitted to retain its original down payment, the value of any improvements made to the home, and the remaining share of the appreciation.
 - The income and affordability requirements are not binding on resale purchasers (but if other public funding sources or programs are used, the requirements may apply to resales for a fixed number of years).



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LOCAL GOVERNMENT PROCESSING OF DENSITY BONUS APPLICATIONS

Under new legislation effective in 2019, local governments are now required to notify developers what information must be submitted for a complete density bonus application. Once a development application is determined to be complete, the local government must notify the developer the level of density bonus and parking ratio the development is eligible to receive. If the developer requests incentives, concessions, waivers or reductions of development standards, the local jurisdiction is required to notify the developer if it has submitted sufficient information necessary for the local government to make a determination on those issues.

HOW THE DENSITY BONUS WORKS FOR SENIOR PROJECTS

As shown in the Density Bonus Chart on page 4, a senior citizen housing development of at least 35 units meeting the requirements of Section 51.3 or 51.12 of the Civil Code qualifies for a 20% density bonus. This is a very desirable option for senior housing developments. In jurisdictions where the local ordinances do not reduce the parking requirements for senior housing developments, the reduced parking requirements alone may justify applying for a density bonus.

HOW THE DENSITY BONUS WORKS FOR STUDENT HOUSING PROJECTS

New legislation taking effect in 2019 requires cities and counties to grant a 35% density bonus for housing developments that will include at least 20% of the units for low income college students. The housing must be used exclusively for full-time students at accredited colleges, and must be subject to an operating agreement or master lease with one or more colleges. Unlike the maximum income requirements for other forms of affordable housing, resident income levels are determined through the student's eligibility for the state's Cal Grant financial aid program. Affordable rent levels are also specially tailored for a student population, with maximum rents established per bed for individual residents, rather than for the entire apartment unit. Homeless students receive priority for affordable units.

HOW THE DENSITY BONUS WORKS FOR COMMERCIAL PROJECTS

The Density Bonus Law requires that cities and counties provide a "development bonus" to commercial developers who partner with affordable housing developers for the construction of affordable housing on the commercial project site, or offsite within the jurisdiction located near schools, employment and a major transit stop. The commercial developer may participate through the donation of land or funds for the affordable housing, or direct construction of the housing units. The partnership between the commercial developer and the affordable developer can occur through a newly formed legal entity such as a corporation, LLC or partnership, or can take the shape of a contractual agreement between the parties. To be eligible for the development bonus, at least 30% of the housing units must be restricted to lower income residents or 15% of the housing units must be restricted to very low income residents. Unlike the primary Density Bonus Law, there is no fixed amount of increased density awarded to the developer. Instead, the development bonus can be any mutually agreeable incentive, including up to a 20% increase in development intensity, floor area ratio, or height limits, up to a 20% reduction in parking requirements, use of a limited use elevator, or an exception to a zoning ordinance or land use requirement. Commercial developers who need extra leverage to obtain more favorable development standards for their project may want to consider providing affordable housing in order to take advantage of the benefits of the development bonus.

HOW THE DENSITY BONUS WORKS FOR CONDOMINIUM CONVERSION PROJECTS

The density bonus statute provides for a density bonus of up to 25% for condominium conversion projects providing at least 33% for the total units to low or moderate income households or 15% of the units to lower income households. Many condominium conversion projects are not designed in a manner that allows them to take advantage of the opportunity to construct additional units, but some projects may find this helpful.

HOW THE DENSITY BONUS WORKS FOR CHILD CARE

Housing projects that provide child care are eligible for a separate density bonus equal to the size of the child care facility. The child care facility must remain in operation for at least the length of the affordability covenants. A percentage of the child care spaces must also be made available to low and moderate income families. A separate statute permits cities and counties to grant density bonuses to commercial and industrial projects of at least 50,000 square feet, when the developer sets aside at least 2,000 square feet in the building and 3,000 square feet of outside space for a child care facility.

HOW TO OBTAIN A DENSITY BONUS THROUGH LAND DONATION

Many market rate housing developers are uncomfortable with building and marketing affordable units themselves, whether due to their lack of experience with the affordable housing process or because of their desire to concentrate on their core market rate homes. Other developers may have sites that are underutilized in terms of project density. The Density Bonus Law contains a special sliding scale bonus for land donation which allows those developers to turn over the actual development of the affordable units to local agencies or experienced low income developers. The density bonus is available for the donation of at least an acre of fully entitled land, with all needed public facilities and infrastructure, and large enough for the construction of a high density very low income project containing 10% of the total homes in the development. The parcel must be located within the boundary of the proposed development or, subject to the approval of the jurisdiction, within one-fourth mile of the boundary of the proposed development. The more units that can be built on the donated land, the larger the density bonus. Because of the parcel size requirements, this option is only practical for larger developments. The land donation density bonus can be combined with the regular density bonus provided for the development of affordable units, up to a maximum 35% density bonus. A master planned community developer needs to carefully evaluate the land donation option as opposed to engaging an affordable housing developer to fulfill the project's affordable housing obligations. In many cases the master developer will prefer to control the affordable component of the project through a direct agreement with the affordable housing developer, rather than allowing the local government to control the project.

FLOOR AREA RATIO BONUSES

Under new legislation effective in 2019, a local jurisdiction is permitted to grant a floor area ratio bonus rather than a traditional density bonus to certain high density affordable housing projects adjacent to public transit. Eligible projects are also entitled to special parking ratios of one-tenth of a parking space per affordable unit and one-half space per market rate unit. To be eligible for the floor area ratio bonus, the project must restrict at least 20 percent of the units to very low income tenants, must be located within a transit priority area or near a major transit stop, and must be in compliance with local height limits.

How the Density Bonus Can Help in a Friendly Jurisdiction

While the Density Bonus Law is often used by developers to obtain more housing than the local jurisdiction would ordinarily permit, it can also be a helpful land use tool in jurisdictions which favor the proposed project and want to provide support. Planners in many cities and counties may be disposed by personal ideology or local policy to encourage the construction of higher density housing and mixed use developments near transit stops and downtown areas, but are hampered by existing general plan standards and zoning from approving these sorts of projects. Elected officials often support these projects too, but may find it politically difficult to oppose neighborhood and environmental groups over the necessary general plan amendments, zoning changes and CEQA approvals.

The density bonus can provide a useful mechanism for increasing allowable density without requiring local officials to approve general plan amendments and zoning changes. A project that satisfies the requirements of the Density Bonus Law often can obtain the necessary land use approvals through the

award of the density bonus units and requested concessions and incentives, without having to amend the underlying land use requirements. Friendly local officials may encourage the use of the density bonus to “force” the jurisdiction to approve a desired project.

How the Density Bonus Law Can Help in a Hostile Jurisdiction

It is important to know that the density bonus is a state law requirement which is mandatory on cities and counties, even charter cities which are free from many other state requirements. A developer who meets the law’s requirements for affordable or senior units is entitled to the density bonus and other assistance as of right, regardless of the locality’s desires (subject to limited health and safety exceptions). The density bonus statute can be used to achieve reductions in development standards or the granting of concessions or incentives from jurisdictions that otherwise would not be inclined to grant those items. Examples might include a reduction in parking standards if those standards are deemed excessive by the developer, or other reductions in development standards if needed to achieve the total density permitted by the density bonus.

Developers who nonetheless encounter hostility from local jurisdictions are provided several tools to ensure that a required density bonus is actually granted. Developers are entitled to an informal meeting with a local jurisdiction which fails to modify a requested development standard. If a developer successfully sues the locality to enforce the density bonus requirements, it is entitled to an award of its attorneys’ fees. The obligation to pay a developer’s attorneys’ fees is a powerful incentive for local jurisdictions to voluntarily comply with the state law density bonus requirements, even when the jurisdiction is not in favor of its effects on the project.



CEQA Issues in Density Bonus Projects

Although there is no specific density bonus exemption from the California Environmental Quality Act, many density bonus projects are likely candidates for urban infill and affordable housing exemptions from CEQA. One commonly invoked exemption is the Class 32 urban infill exemption found in CEQA Guidelines Section 15332. That exemption is available if the project is consistent with applicable general plan designation and zoning, the site is five acres or less and surrounded by urban uses, is not habitat for endangered, rare or threatened species, does not have any significant effects relating to traffic, noise, air quality or water quality, and is adequately served by utilities and public services. Other exemptions are available for high density housing projects near major transit stops (CEQA Guidelines Section 15195) and affordable housing projects of up to 100 units (CEQA Guidelines Section 15194).

A 2011 case, *Wollmer v. City of Berkeley*, clarified the use of the CEQA infill exemption for density bonus projects. In that case, an opponent of a Berkeley density bonus project challenged the City's use of the urban infill exemption on the grounds that the City's modifications and waivers of development standards, as required under the Density Bonus Law, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the Density Bonus Law did not disqualify the project from claiming the exemption.

Not all density bonus projects will qualify for one of these CEQA exemptions, however. Sometimes the additional density provided to non-exempt projects may bring the project out of the coverage of an existing CEQA approval for a general plan, specific plan or other larger project. For instance, if a previously approved environmental impact report analyzed a 100 unit project as the largest allowed under existing zoning, but the developer is able to qualify for 120 units with a density bonus, the existing EIR may not cover the larger project. The larger density bonus project may require additional CEQA analysis for approval.

Using the Density Bonus to Satisfy Inclusionary Housing Requirements

Many of California's cities and counties have adopted inclusionary housing ordinances, which typically require that a specified percentage of units in a new housing development be restricted as affordable units. The inclusionary requirements significantly reduce income from rental units and sales prices of for-sale homes. In today's tight housing market, compliance with local inclusionary requirements may make many projects economically infeasible. The density bonus provides one method for developers to improve the economics of their project while still complying with the inclusionary A 2013 case, *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, held that inclusionary units qualify housing requirements as affordable units for purposes of the Density Bonus Law. The case confirmed that the density bonus is a financial tool available to help developers achieve city and county inclusionary housing requirements.

Density Bonus and Replacement Housing

Developers obtaining a density bonus are required to replace existing units which were previously occupied by very low or lower income households or subject to rent control, when those units have been demolished or vacated prior to the density bonus application. The housing development must also meet the applicable affordable housing standards, including the replacement units. As a result of uncertainty about how to apply these standards when the income levels of prior residents is unknown. The Density Bonus Law establishes a rebuttable presumption for the income level of the replacement unit when the income level of the actual prior resident is unknown.

Density Bonus in the Coastal Zone

When affordable housing is proposed in the coastal zone, the Density Bonus Law's focus on encouraging the development of affordable housing could clash with the California Coastal Act's focus on environmental protection. Legislation effective in 2019 now requires the density bonus to be administered in the Coastal

Zone in a manner that is consistent and harmonized with the California Coastal Act. This legislation overturns a 2016 appellate court ruling, *Kalnel Gardens, LLC v. City of Los Angeles*, which found that a proposed housing project that violates the Coastal Act as a result of a density bonus could be denied on that basis. The court in *Kalnel Gardens* held that the Density Bonus Law is subordinate to the Coastal Act, but the new language attempts to strike a balance between the state goals of promoting housing and protecting the coast.

Density Bonus – A Flexible Tool

The Density Bonus Law can be a powerful tool for different types of development projects, whether they are traditional affordable housing projects, predominantly market rate housing developments, or senior projects. Obtaining greater density can help the developer of any project bring costs and financing sources into line by putting more homes on the land, reducing the per unit land costs. Use of the favorable parking requirements can reduce the amount of costly land needed for parking. The incentives and concessions to be provided by the local government can provide a helpful way to modify development requirements which may stand in the way of a successful project. Of course there is a price to pay for these benefits—the affordable units needed to earn the density bonus. Developers need to make a cost-benefit determination whether the cost of compliance is worth the benefits. But the Density Bonus Law is unquestionably a useful option for housing developers trying to make financial sense of projects in today's economy.

Density Bonus Statutes
Government Code Sections 65915 – 65918.
Effective as of January 1, 2019

65915. (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943.

(D) (i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of

development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(I) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city or county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(II) The applicable 20-percent units will be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subclause (I), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this subclause.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(IV) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata

share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), or (F) of paragraph (1).

(3) For the purposes of this section, "total units," "total dwelling units," or "total rental beds" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market

value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be

rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall

be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons

and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the

plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE LOW-INCOME UNITS	PERCENTAGE DENSITY BONUS
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE VERY LOW-INCOME UNITS	PERCENTAGE DENSITY BONUS
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

PERCENTAGE MODERATE-INCOME UNITS	PERCENTAGE DENSITY BONUS
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20

26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government before the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

PERCENTAGE VERY LOW-INCOME	PERCENTAGE DENSITY BONUS
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30

the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means

a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(j) "Housing development," as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and

Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land

use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3) upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low-income or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces

per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in

fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

65915.5.

(a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal

to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

(g) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, as defined in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, and either of the following applies:

(1) The proposed condominium project, inclusive of the units replaced pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, contains affordable units at the percentages set forth in subdivision (a).

(2) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(h) Subdivision (g) does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

65915.7.

(a) When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subdivision (c) to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, county, or city and county shall grant to the commercial developer a development bonus as prescribed in subdivision (b). Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

(1) Within the boundaries of the local government.

(2) In close proximity to public amenities including schools and employment centers.

(3) Located within one-half mile of a major transit stop,

as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(b) The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the jurisdiction, that may include, but are not limited to, any of the following:

(1) Up to a 20-percent increase in maximum allowable intensity in the General Plan.

(2) Up to a 20-percent increase in maximum allowable floor area ratio.

(3) Up to a 20-percent increase in maximum height requirements.

(4) Up to a 20-percent reduction in minimum parking requirements.

(5) Use of a limited-use/limited-application elevator for upper floor accessibility.

(6) An exception to a zoning ordinance or other land use regulation.

(c) For the purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the city, county, or city and county.

(d) For the purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

(1) The commercial developer may directly build the units.

(2) The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.

(3) The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

(e) For the purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915 shall apply.

(f) Nothing in this section shall preclude any additional allowances or incentives offered to developers by local governments pursuant to law or regulation.

(g) If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement

described in subdivision (c), the local government may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

(h) In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

(i) Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under Section 65915.

(j) A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.

(k) A city or county shall submit to the Department of Housing and Community Development, as part of the annual report required by Section 65400, information describing a commercial development bonus approved pursuant to this section, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the local jurisdiction, and the number of affordable units constructed as part of the agreements.

(l) For purposes of this section, "partner" shall mean formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.

(m) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

65916.

Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917.

In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.2.

(a) As used in this section, the following terms shall have the following meanings:

(1) "Eligible housing development" means a development that satisfies all of the following criteria:

(A) The development is a multifamily housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded pursuant to this chapter.

(B) The development is located within one of the following:

(i) An urban infill site that is within a transit priority area.

(ii) One-half mile of a major transit stop.

(C) The site of the development is zoned to allow residential use or mixed-use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low density residential use or for exclusive nonresidential use.

(D) The applicant and the development satisfy the replacement requirements specified in subdivision (c) of Section 65915.

(E) The development includes at least 20 percent of the units, excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter, with an affordable housing cost or affordable rent to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, as determined pursuant to Section 50093 of the Health and Safety Code, and subject to an affordability restriction for a minimum of 55 years.

(F) The development complies with the height requirements applicable to the underlying zone. A development shall not be eligible to use a floor area ratio bonus or other incentives or concessions provided pur-

suant to this chapter to relieve the development from a maximum height limitation.

(2) "Floor area ratio" means the ratio of gross building area of the eligible housing development, excluding structured parking areas, proposed for the project divided by the net lot area. For purposes of this paragraph, "gross building area" means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

(3) "Floor area ratio bonus" means an allowance for an eligible housing development to utilize a floor area ratio over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city or county, calculated pursuant to paragraph (2) of subdivision (b).

(4) "Major transit stop" has the same meaning as defined in Section 21155 of the Public Resources Code.

(5) "Transit priority area" has the same meaning as defined in Section 21099 of the Public Resources Code.

(b) (1) A city council, including a charter city council or the board of supervisors of a city and county, or county board of supervisors may establish a procedure by ordinance to grant a developer of an eligible housing development, upon the request of the developer, a floor area ratio bonus, calculated as provided in paragraph (2), in lieu of a density bonus awarded on the basis of dwelling units per acre.

(2) In calculating the floor area ratio bonus pursuant to this section, the allowable gross residential floor area in square feet shall be the product of all of the following amounts:

(A) The allowable residential base density in dwelling units per acre.

(B) The site area in square feet, divided by 43,560.

(C) 2,250.

(c) The city council or county board of supervisors shall not impose any parking requirement on an eligible housing development in excess of 0.1 parking spaces per unit that is affordable to persons and families with a household income equal to or less than 120 percent of the area median income and 0.5 parking spaces per unit that is offered at market rate.

(d) A city or county that adopts a floor area ratio bonus ordinance pursuant to this section shall allow an applicant seeking to develop an eligible residential development to calculate impact fees based on square feet, instead of on a per unit basis.

(e) In the case of an eligible housing development that is zoned for mixed-use purposes, any floor area ratio requirement under a zoning ordinance or land use element of the general plan of the city or county applicable to the nonresidential portion of the eligible housing development shall continue to apply notwithstanding the award of a floor area ratio bonus in accordance with this section.

(f) An applicant for a floor area ratio bonus pursuant to this section may also submit to the city, county, or city and county a proposal for specific incentives or concessions pursuant to subdivision (d) of Section 65915.

(g) (1) This section shall not be interpreted to do either of the following:

(A) Supersede or preempt any other section within this chapter.

(B) Prohibit a city, county, or city and county from providing a floor area ratio bonus under terms that are different from those set forth in this section.

(2) The adoption of an ordinance pursuant to this section shall not be interpreted to relieve a city, county, or city and county from complying with Section 65915.

65917.5.

(a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures. For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable

zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the

project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918.

The provisions of this chapter shall apply to charter cities.



City of Los Banos

At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 20, 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 City Council to consider an Ordinance to amend and restate Article 34, Chapter 3 of Title 9 of the Los Banos Municipal Code regarding Density Bonuses and other affordable housing development incentives.

The Los Banos Planning Commission held a public hearing on September 11, 2019 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended adoption of the ordinance specified above.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, October 2, 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) 827-2433.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing per Government Code Section 65009.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms
Community and Economic Development Director



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director

DATE: November 6, 2019

TYPE OF REPORT: Public Hearing

SUBJECT: Consideration of a Conditional Use Permit #2019-03 to allow for the sale of alcohol under a Type 41 on-sale beer and wine license for a bona-fide public eating place located at 1101 F Street; APN: 025-152-009

Recommendation:

That the City Council adopt a Resolution finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15332 and approve Conditional Use Permit #2019-03 to allow for the sale of alcohol under a Type 41 on-sale beer and wine license located at 1101 F Street; more specifically identified as Assessor's Parcel Number: 025-152-009.

Background:

On August 28, 2019, the Los Banos Planning Commission approved Site Plan Review #2019-03 for the development of a 5,156 square foot commercial structure. The structure will serve as a smog shop and specialty eatery area. The applicant, Juan C. Bustillos, has requested a Conditional Use Permit to allow the sale of beer and wine for on-site consumption contingent upon a Type 41 alcohol license in conjunction with a bona fide public eating place (casual restaurant) to be located at 1101 F Street.

On October 9, 2019, the Los Banos Planning Commission held a public hearing to review a request for a Conditional Use Permit for the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with an eating establishment. At the public hearing, the Planning Commission considered the application, including the staff

report, presentation by staff, and public comment. As the recommending body, the Planning Commission recommended approval of Conditional Use Permit #2019-03 to the Los Banos City Council.

The proposed restaurant/ eating establishment will conduct business seven (7) days a week, Monday through Friday from 9:00 a.m. until 9:00 p.m. and will be open on Saturday and Sunday from 10:00 a.m. until 9:00 p.m. The on-site beer and wine consumption will cease when the restaurant closes at 9:00 p.m.

The property is located within the General Commercial Zoning District. The intended eating establishment/ restaurant use, is an allowed use and is consistent with the Los Banos Municipal Code Title 9, Chapter 3, Article 12 General Commercial Zoning District (C-1) and the 2030 Los Banos General Plan.

LOCATION AND ACCESS:

The project site is located at 1101 F Street, Assessor's Parcel Number: 025-152-009. The project site is located within the General Commercial Zoning District (C-1) and consists of various commercial uses. The project site will be able to be accessed from F Street and San Juan Avenue.



area's function and character, problems of crime and loitering, and traffic problems and capacity;

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 P.M. and 7:00 A.M.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations:

1. The primary use will be a casual family eating establishment/ restaurant (dine-in).
2. The surrounding area, adjacent uses, and function are primarily Commercial uses. A restaurant providing for the on-sale and serving of beer and wine in this location is consistent with the commercial uses of the General Commercial Zoning District.
3. Staff is unaware of any significant problems related to crime and loitering, in the surrounding area which would be exacerbated by the on-sale of beer and wine at this location.
4. The approval of the on-sale of beer and wine will not contribute to the undue proliferation of alcohol sales in the area where that use would be undesirable taking into account the characteristics of the area. The entitlement will include conditions of approval which will regulate the operational characteristics of allowing the serving of beer and wine and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.
5. The proposed use is not located within the immediate vicinity to any churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.
6. The project is located on F Street which is occupied by commercial and residential uses. Conditions of approval will regulate loitering and operational characteristics to insure that the proposal will not interfere with the movement of people along the public right-of-way.
7. There are residential units located to the north of the project site. The applicant will serve beer and wine for on-site consumption Monday through Friday from 9:00 a.m. until 9:00 p.m. and will open on Saturday and Sunday from 10:00 a.m. until 9:00 p.m., when the restaurant closes. It is not anticipated that the proposed

use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

All sales and consumption of alcohol will be conducted inside the premises and in conjunction with the serving of food. In addition, the project will be subject to conditions which will mitigate any adverse effects on the surrounding neighborhood and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. The restaurant will also be subject to the Los Banos Municipal Code Noise Ordinance.

Alcoholic Beverage Control

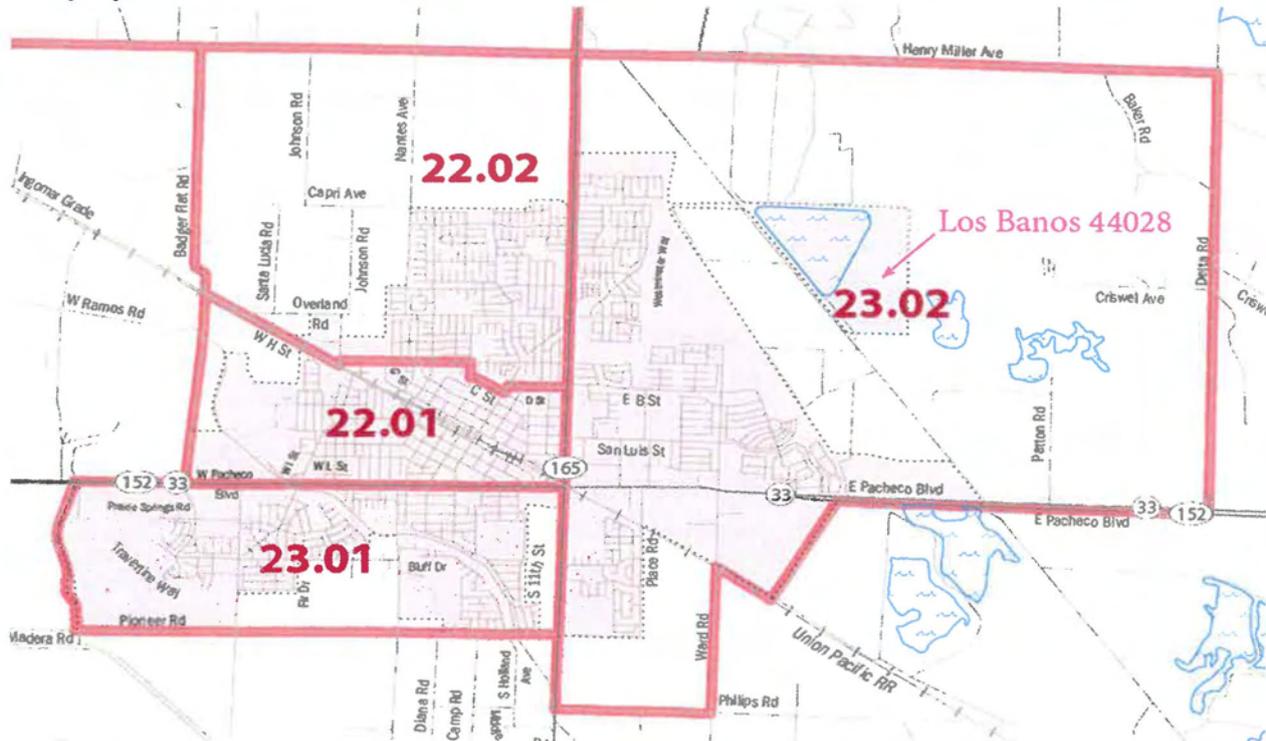
The California Department of Alcoholic Beverage Control (ABC) is the issuing authority for a Type 41 alcohol license. ABC has the authority pursuant to Section 23801 of the California Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license
- f) The personal conduct of the licensee

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

Census Tract

The project site is located in census tract 22.01.



As of the date of this report, there are eleven (11) on-sale licenses currently active in this specific census tract. The nearest active on-sale alcohol license to the project site within the same census tract is The Quail Wine Bistro located a block away south west of the project site, approximately 780 feet away. Approval of this on-sale license would make the twelfth (12) on-sale license.

License Type	Business Name	Address
41	Jesus' Mexican Restaurant	631 H St., Ste A
41	Me N Ed's Pizzeria	846 W. Pacheco Blvd.
41	Cecilia's Market & Deli	455 H St.
41	The 6 th Street Diner	925 Sixth St.
41	Tacos El Grullense Jal	1024 E. Pacheco Blvd.
47	M & M Restaurant	400 Pacheco Blvd.
41	Little Diamond's Pizza	933 Sixth St., Ste B
41	La Pupusa Loca y Antojitos Mexicanos Restaurant	651 I St.
41	Quail Wine Bistro	936 Ninth St.
47	Wool Growers Restaurant and Tavern	609 H St.
41	Delicia's Las Palmas Taquería y Mariscos	502 Pacheco Blvd.

Type 41 license = On-sale Beer and Wine for Bona Fide Public Eating Place

Type 47 license = On-sale General Alcohol for Bona Fide Public Eating Place

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on Friday, October 25, 2019. As of the date of this staff report, no comments have been received.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Resolution
 - Exhibit A: CEQA Findings
 - Exhibit B: Project Findings
 - Exhibit C:
2. Floor Plan
3. Site Photos
4. Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS AND APPROVING CONDITIONAL USE PERMIT #2019-03 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT 1101 F STREET, APN: 025-152-009.

WHEREAS, the applicant, Juan C. Bustillos, has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with a bona-fide public eating place to be located at 1101 F Street, more specifically identified as Assessor's Parcel Number: 025-152-009; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2019-03 for Juan C. Bustillos was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15332, In-Fill Development Projects as the project site has not been developed; and

WHEREAS, the Los Banos Planning Commission held a public hearing on October 9, 2019, for the purpose of considering Conditional Use Permit #2019-03 and at the completion of the public hearing, duly considered the evidence presented and recommended approval of Conditional Use Permit #2019-03 to the Los Banos City Council; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on Friday, October 25, 2019, and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and California Government Code Section 65091; and

WHEREAS, the Los Banos City Council has held a duly noticed public hearing on Wednesday, November 6, 2019, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in conformance with the Conditional Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby affirm the determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects and approves Conditional Use Permit #2019-03 to allow a Type 41 alcohol license for the on-sale of beer and wine in conjunction with a bona-fide public eating place, located at 1101 F Street, APN: 025-152-009, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2019-03 – JUAN C. BUSTILLOS

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2019-03 was evaluated and determined to be categorically exempt per Article 19, Section 15332, In-Fill Development Projects as the request for the on-sale of beer and wine involves the permitting and licensing of a proposed commercial structure to be located at 1101 F Street, APN 025-152-009.
2. Conditional Use Permit #2019-03 was adequately noticed on Friday, October 25, 2019, for consideration at a public meeting on Wednesday, November 6, 2019.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL FOR CONDITIONAL USE PERMIT #2019-03 –JUAN C. BUSTILLOS

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

1. General Findings:

- a. The project is consistent with the City of Los Banos General Plan.

The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R & D, wholesale and warehouse distribution, agricultural sales and services, and similar activities including those with outdoor facilities. The Industrial land use designation also accommodates warehousing and distribution, with support commercial services and ancillary office space. No large-scale retail uses are allowed to minimize land use conflicts and provide support for commercial areas.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

ECONOMIC DEVELOPMENT POLICY ED-G-7:

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well-being.

LAND USE POLICY LU-G-10:

Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

Evidence/Analysis: Juan C. Bustillos will have the ability to provide a wider range of service for customers and allows the restaurant to compete with similar type businesses. The proposed use would create a commercial use that is compatible with and complementary of existing commercial uses and existing residential uses adjacent to the project site. In addition, the project would also be consistent with the General Plan land use policies as set forth above.

- b. The zoning designation for the project site is General Commercial (C-1). The purpose of the General Commercial Zoning District is to provide a district for the sale of goods and services which meet the needs of a broad trade area.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9, Chapter 3, Article 12, General Commercial Zoning District, as the use will be consistent with the surrounding area, adjacent uses, and function are primarily commercial in nature. A restaurant providing for the on-sale and serving of beer and wine is permitted in this zone.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use.

Evidence/Analysis: The on-sale of beer and wine will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the store is located. The project contains conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

3. That the proposed use is compatible with the adjacent uses, properties, and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Evidence/Analysis: The proposed use will be conducted within a proposed commercial structure to be located at 1101 F Street. The project site is zoned General Commercial, which includes uses that serve alcohol. It is not anticipated that the proposed use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

2. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: The primary use in conjunction with the serving of beer and wine will be a restaurant. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently eleven (11). The project site will

function primarily as commercial in nature, and is entirely consistent with a restaurant and the on-sale and serving of beer and wine. The proposed on-sale of beer and wine is complimentary to the proposed restaurant use that is compatible with and complimentary of existing commercial uses in the area. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering. Staff is unaware of any significant problems in the area related to crime and loitering, which would be negatively affected by the on-sale of beer and wine at this location.

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: Conditions of Approval have been incorporated into the project which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity. The project is not located within the immediate proximity of any sensitive uses.

3. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: Alcohol will not be allowed to be consumed beyond the premises of the restaurant at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Signage will also be provided on the property and building which prohibit loitering. It is not anticipated that the on-sale of beer and wine at this location will adversely affect any important pedestrian right of ways.

4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: There are multi-family residential units located to the north of the project site. The applicant will serve beer and wine for on-site consumption Monday through Friday from 9:00 a.m. until 9:00 p.m. and will open on Saturday and Sunday from 10:00 a.m. until 9:00 p.m., when the restaurant closes. It is not anticipated that the proposed use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol.

Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2019-03 – JUAN C. BUSTILLOS

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. Conditional Use Permit 2019-03 is for Juan C. Bustillos, for a proposed restaurant to be located at 1101 F Street, Assessor's Parcel Number: 025-152-009 and the requested use shall automatically and without notice expire after one (1) year from date of approval by the Los Banos City Council unless commenced. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or significant change to the primary use and the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application. The Conditional Use Permit shall automatically and without notice expire one year after discontinuance of the primary use and/or the uses approved under the Conditional Use Permit.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 41 "on-sale of beer and wine for a bona-fide public eating place" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the California Department of Alcoholic Beverage Control to the City of Los Banos Community and Economic Development Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the exterior of the premises free of litter and trash at all times including the parking lot areas in front of the premises. No storage of equipment, supplies, or merchandise of any kind shall be allowed in the front or rear exterior of the building. All deliveries shall be made from the rear of the building.
7. The Planning Commission reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse effects in the neighborhood resulting from the use of alcohol on the premises.

8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including parking lot areas (front and rear), shall be sufficiently illuminated, to the satisfaction of the Police Chief, during all hours of darkness when the premises are open for business in a manner so that persons accessing those areas at night are identifiable by law enforcement personnel.
10. The premises shall be operated primarily as a restaurant/ eating establishment as described in the application prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Conditional Use Permit. The applicant shall notify the Community and Economic Development Department of any substantial or significant changes in use or operation of the premises from the Operational Statement. The onsite consumption and sale of beer and wine shall be ancillary to the primary use as a restaurant/ eating establishment.
11. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
12. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code continue to be valid upon change of ownership of the site or structure which was the subject of the Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met. The applicant shall immediately notify the Community and Economic Development Department of any changes in ownership.
13. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
 - a. Conditions of approval have not been fulfilled;
 - b. A significant change or intensification of the approved use;
 - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the

neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

14. Consumption of alcohol shall only be allowed on the premises of the restaurant. If the applicant would like to pursue outside patio consumption of alcohol, where permissible, shall only be permitted with a barrier between the public right-of-way and restaurant patrons to be approved by the Community and Economic Development Director.
15. No loud amplification of music or voice shall be allowed outside.
16. The applicant/operator shall have monitoring cameras in the exterior and interior of the restaurant at all times to the satisfaction and approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.
17. The premises shall be operated in accordance with the Los Banos Municipal Code Noise Ordinance.
18. The applicant shall acknowledge and execute receipt of a copy of the foregoing Conditions of Approval.
19. The applicant/operator shall provide signs prohibiting loitering on the property and/or building subject to the approval of the Community and Economic Development Director.
20. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**









City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: October 25, 2019

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2019-03 – Type 41 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332 In-Fill Development Projects to allow the use of a Type 41 Alcohol License for the on-sale of beer and wine in conjunction with a bona-fide eating establishment. The requested Conditional Use Permit is for a proposed restaurant to be located at 1101 F Street, more specifically identified as Assessor's Parcel Number 025-152-009.

The Los Banos Planning Commission held a public hearing on October 9, 2019, for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended approval of Conditional Use Permit #2019-03 to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council meeting on Wednesday, November 6, 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 & Economic Development Director, at City Hall or at (209) 827-2433.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms
Community & Economic Development Director



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director
William A. Vaughn, City Attorney

DATE: November 6, 2019

SUBJECT: Amendment Planning Commission Ordinance

TYPE OF REPORT: Regular Agenda

Recommendation:

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1176 by title.

**AN ORDINANCE OF THE CITY OF LOS BANOS AMENDING TITLE 2
CHAPTER 2 ARTICLE 2 OF THE LOS BANOS MUNICIPAL CODE TO
CREATE PLANNING COMMISSION DISTRICTS; AMEND THE
NUMBER OF MEMBERS AND MANNER OF APPOINTMENT; LENGTH
OF TERMS; AND ABSENCES**

Background:

At the City Council meeting on September 4, 2019, the City Council asked staff to bring back an ordinances that would (a) decrease the number of Planning Commissioners from seven (7) to five (5), and change the method of selection of Planning Commissioners to one (1) member from each electoral district of the City and one (1) at-large member, and strengthen the current process concerning commissioner absences.

On October 2, 2019, the City Council waived the first reading and introduced Ordinance No. 1176 by title.

Discussion:

Discussion:

The Planning Commission currently consists of seven members (7) members, appointed by the Mayor and confirmed by a majority vote of the entire City Council. The proposed ordinance (Attachment 1) decreases the Planning Commission to five (5) members and provides that there will be one Planning Commissioner for each electoral district of the City and one at-large member. Currently the City Council has a policy to have at least one member from all four (4) electoral districts. (Attachment 2).

Selection of district commissioners. Pursuant to the proposed ordinance, the Council Member for each electoral district with the Mayor and the Community and Economic Development Director will form an ad hoc committee to interview the applicants for nomination and confirmation to the entire City Council. All appointments will be subject to approval of a majority vote of the entire City Council

Selection of at large commissioner. Pursuant to the proposed ordinance, the Mayor with the mayor Pro Tem and the Community and Economic Development Director will form an ad hoc committee to interview the applicants for nomination and confirmation to the entire City Council. All appointments will be subject to approval of a majority vote of the entire City Council

Terms. Pursuant to the proposed ordinance, the terms of Planning Commissioners will expire shortly after the terms of their appointing Council Members or the Mayor (December 31st. such that, following each election, the newly elected Council Members and Mayor may nominate the Planning Commissioner for their districts and the at-large seat. This would make the at-large seat a two year term while the other seats would be for four years.

Current Planning Commissioners, district of residence, and term is set forth below:

NAME	TERM ENDING	DISTRICT
John Cates	12/31/2019	3
Thomas Higby	12/31/2019	1
David Dees	12/31/2020	3
Mona Guilliani	12/31/2020	2
Susie Toscano	12/31/2020	3

Current election cycle for the Mayor and city council districts is set forth below:

ELECTION 2020

Mayor Villalta	12/31/2020	At Large
Ms. Johnson-Santos	12/31/2020	1
Ms. Lewis	12/31/2020	4

ELECTION 2022

Mayor Villalta	12/31/2022	At Large
Mr. Jones	12/31/2022	3
Mr. Faria	12/31/2022	2

In order to implement the proposed Ordinance without displacing a current commissioner and to match the terms of the at large commissioner with the term of mayor and the terms of the district commissioners with the terms of the respective district council persons the proposed Ordinance provides as follows:

The term of a planning commission member holding office on the effective date of this Ordinance shall expire on December 31st of the second year of his or her respective term. For the current terms expiring on December 31, 2019 shall be extended for one (1) year to expire on December 31, 2020. Commencing January 1, 2021 Planning Commission Districts 1 and 4 seats shall be filled by a resident from the respective District for a four (4) year term; Planning Commission Districts 2 and 3 seats shall be filled by a resident from the respective District for a two (2) year term; and the at large seat shall be filled by a resident of the City for a two (2) year term. Commencing January 1, 2023 the planning commission seats shall be filled in accordance with this Ordinance.

Absences. The proposed Ordinance provides that three consecutive absences or four absences within a 12 month period will be deemed an automatic resignation resulting in a vacancy.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

- 1) Proposed Ordinance
- 2) Current Ordinance

ORDINANCE NO. 1176

**AN ORDINANCE OF THE CITY OF LOS BANOS AMENDING TITLE 2
CHAPTER 2 ARTICLE 2 OF THE LOS BANOS MUNICIPAL CODE TO
CREATE PLANNING COMMISSION DISTRICTS; AMEND THE
NUMBER OF MEMBERS AND MANNER OF APPOINTMENT; LENGTH
OF TERMS; AND ABSENCES**

The City Council of the City of Los Banos does ordain as follows:

Section 1. Section 2-2.203 of the Code is amended to read as follows:

**Sec. 2-2.203. Members: Creation of Planning Commission districts;
Appointment and qualifications.**

(a) The boundaries of the Planning Commission districts shall be congruent with the boundaries of the electoral districts of the City Council as identified in Section 2-1.102. The Planning Commission districts shall use the same numerical designations as the electoral districts of the City Council.

(b) The Planning Commission shall consist of five (5) commissioners, four (4) of whom shall be appointed from each of the four (4) Planning Commission districts and one (1) who shall be appointed at large. All Commissioners shall be voting members of the Planning Commission. No Commissioner shall be a member of the City Council.

(c) The Mayor, with the approval of the City Council, shall appoint the at-large Planning Commissioner as follows:

(1) The at-large Planning Commissioner position shall be advertised, seeking volunteers willing and desiring to be appointed to the Planning Commission. Any person seeking to be so appointed must complete and submit the City volunteer application, together with any other information requested by the Mayor. All such applications shall be provided to the City Council for review.

(2) The Mayor, the Mayor Pro Tem, and the Community and Economic Development Director shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for nomination by the Mayor to the City Council.

(3) The Mayor shall, at a regularly scheduled City Council meeting, nominate, from among such applicants, the person whom the Mayor desires to appoint to the Planning Commission.

(4) If the nomination by the Mayor is approved by a majority vote of the City Council, the Mayor may then proceed to appoint the person to the Planning Commission.

(5) If the nomination by the Mayor is not approved by a majority vote of the City Council, the Mayor shall nominate a different candidate until someone is approved by majority vote of the City Council.

(d) The Mayor, with the approval of the City Council, shall appoint each of the district Planning Commissioners as follows:

(1) The district Planning Commissioner position shall be advertised, seeking volunteers willing and desiring to be appointed to the Planning Commission. Any person seeking to be so appointed must complete and submit the City volunteer application, together with any other information requested by the Mayor. All such applications shall be provided to the City Council for review.

(2) The Mayor, the City Councilmember from the corresponding district, and the Community and Economic Development Director shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for nomination by the Mayor to the City Council.

(3) The Mayor shall, at a regularly scheduled City Council meeting, nominate, from among such applicants, the person whom the Mayor desires to appoint to the Planning Commission.

(4) If the nomination by the Mayor is approved by a majority vote of the City Council, the Mayor may then proceed to appoint the person to the Planning Commission.

(5) If the nomination by the Mayor is not approved by a majority vote of the City Council, the Mayor shall nominate a different candidate until someone is approved by majority vote of the City Council.

Section 2. Section 2-2.204 of the Code is amended to read as follows:

Sec. 2-2.204 Members: Terms.

(a) Each district Planning Commissioner shall serve a term of four (4) years. Terms of office shall be the same as the term of office for the corresponding district Council Member. The district Planning Commissioner's term of office shall expire on December 31st of the fourth year of his or her respective term.

(b) The at-large Planning Commissioner shall serve a term of two (2) years. The term of office shall be the same as the term of office for the Mayor. The at-large Planning Commissioner's term of office shall expire on December 31st of the second year of his or her term.

(c) Notwithstanding the foregoing, all Planning Commissioners will hold office until their successors are qualified and take office.

(d) All vacancies will be filled in accordance with Section 2-2.203 to fill the unexpired term of the vacated seat.

Section 3. Section 2-2.205 of the Code is amended to read as follows:

Sec. 2-2.205 Members: Qualifications: Absences; Reappointment and vacancies.

(a) All commissioners shall be a registered, qualified elector of the City.

(b) Except for the at-large member, each member of the planning commission must be a resident of the electoral district from which the member is nominated at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the district from which the member was appointed, for any reason other than a change in district boundary lines required following the decennial census, that member's appointment will automatically terminate. The at-large member must be a resident of the city. If the at-large member ceases to be a resident of the city, that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.

(c) If a member of the Commission is absent from three (3) successive meetings, including regular, special and or adjourned of the Commission, or four (4) regular meetings of the Commission during a twelve (12) month period shall be deemed an automatic resignation from the commission and such Commissioner's position shall be declared vacant. The secretary of the planning commission shall immediately inform the city council of any such resignation.

(d) 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.

Section 4. Section 2-2.206 of the Code is amended to read as follows:

Sec. 2-2.206 Members: Removal from office.

Commissioners serve at the pleasure of the City Council and may be removed prior to the expiration of their term by a vote of a majority of the members of the City Council.

Section 5. Section 2-2.211 of the Code is amended to read as follows:

Sec. 2-2.211 Quorum.

Three (3) members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

Section 6. Current Planning Commission Members. The term of a planning commission member holding office on the effective date of this Ordinance shall expire on December 31st of the second year of his or her respective term. For the current terms expiring on December 31, 2019 shall be extended for one (1) year to expire on December 31, 2020. Commencing January 1, 2021 Planning Commission Districts 1 and 4 seats shall be filled by a resident from the respective District for a four (4) year term; Planning Commission Districts 2 and 3 seats shall be filled by a resident from the respective District for a two (2) year term; and the at large seat shall be filled by a resident of the City for a two (2) year term. Commencing January 1, 2023 the planning commission seats shall be filled in accordance with this Ordinance.

Section 7. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 9. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 10. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption,

the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

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

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

AYES: Council Members

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CURRENT COMMISSIONERS

NAME	TERM ENDING	DISTRICT
JOHN CATES	12/31/2019	3
THOMAS HIGBY	12/31/2019	1
DAVID DEES	12/31/2020	3
MONA GUILIANI	12/31/2020	2
SUSIE TOSCANO	12/31/2020	3

ELECTIONS 2020

MAYOR VILLALTA	12/31/2020	AT LARGE
MS. JOHNSON-SANTOS	12/31/2020	1
MS. LEWIS	12/31/2020	4

ELECTIONS 2022

MAYOR VILLALTA	12/31/2022	AT LARGE
MR. JONES	12/31/2022	3
MR. FARIA	12/31/2022	2

***Possible scenario: Mr. Cates' and Mr. Higby's seats are extended one year to 12/31/20. In 2020 District 1 and 4 are filled with a 4 year term; District 2 and 3 are filled with a 2 year term; at large seat filled with a 2 year term.

Then in 2022 District 2 and 3 are filled with a 4 year term; at large seat filled with a 2 year term.

Los Banos Municipal Code

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[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)

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City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: November 6, 2019

SUBJECT: Announcement of City Commission Vacancies and Appointment of Council Members to Serve on the Selection Committees

TYPE OF REPORT: Informational Item

Recommendation:

Appoint Council Members to serve with the Mayor on selection committees.

Discussion:

The City Clerk must report to the City Council current and upcoming vacancies on City Commissions; those vacancies will be advertised in the Los Banos Enterprise and on the City's website. The deadline to submit an application to serve on a City Commission is Monday, December 30, 2019.

Fiscal Impact:

Two (2) newspaper advertisements (November 5th and December 13th) at a total cost of approximately \$350.00 funded by various affected departments.

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachment:

Notice of Vacancy



City of
Los Banos
At the Crossroads of California

NOTICE OF VACANCIES ON CITY COMMISSIONS

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

Airport Advisory Commission – Four (4) Vacancies

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

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

Economic Development Advisory Commission – Three (3) Vacancies

One (1) Two (2) Year Terms – Expiring December 31, 2021

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

Los Banos Parks & Recreation Commission – Two (2) Vacancies

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

Los Banos Tree Commission – Three (3) Vacancies

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

Measure H Citizens' Oversight Committee – Two (2) Vacancies

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

Measure P Committee – Three (3) Vacancies

Three (3) Three (3) Year Terms – Expiring December 31, 2022

The various commissions meet once or twice a month and serve as advisory bodies to the City Council and Administrative Officials on such actions as they deem necessary, proper or advisable for the proper administration of City functions. Commissioners receive no compensation for their time, although they may be requested to attend training workshops or seminars at City expense. If you are interested in volunteering to serve on any of the City Commissions and are a resident and qualified elector of the City of Los Banos, please contact the City Clerk's Office at City Hall, 520 J Street, 827-7000 ext 2424 to request an application or access an application on the City's website: www.losbanos.org. The **deadline** to submit an application to the City Clerk is **Monday, December 30, 2019 before 5:00 p.m.**, and the appointments are tentatively scheduled for the City Council meeting of Wednesday, January 15, 2020.



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: November 6, 2019

TYPE OF REPORT: Agenda Item

SUBJECT: Planning Commission Vacancy

Recommendation:

That the City Council provide staff with direction to dispense advertising for the Planning Commission vacancy and accept nominations to fill the position(s) on an interim basis to expire on December 31, 2019.

Discussion:

Due to recent emergency vacancies on the Planning Commission, staff is requesting to dispense the typical advertising process to fill the current vacancies at the next City Council meeting on November 20, 2019. Interested applicants would complete a Commission Application and applications would be evaluated and brought forward to the City Council for consideration on November 20, 2019.

Staff will be looking for persons in the community with past experience on the Planning Commission and/or Planning experience and would be willing to serve on an interim capacity. The interim position would expire on December 31, 2019.

Reviewed by:

Alex Terrazas, City Manager



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Alex Terrazas, City Manager *AT*
DATE: November 6, 2019
TYPE OF REPORT: Agenda Item
SUBJECT: Pioneer Road Widening Project – Funding Options

Recommendation:

Provide direction to staff regarding the identification of funding sources for the construction phase of the Pioneer Road Widening Project.

Background:

The Pioneer Road Widening Project has been recognized as a Westside Regional Project in the Measure V Implementation Plan. Recognizing the importance of this project to the City and the County, City staff has taken on the role of project lead. The Merced County Association of Governments (MCAG) Governing Board has also approved the allocation of \$8.6 million to this project for design and right-of-way acquisition. Additionally, the State of California Department of Transportation (Caltrans) has provided approximately \$220,000 in planning grant funding to develop a specific plan for this project. City Staff is also in the process of identifying an outside engineering firm to prepare a Project Study Report (PSR) which is an important part of the project development process. A PSR is required to be completed to be eligible for some sources of State funding. A contract engineering firm tasked with preparing the PSR will be identified by the end of November. The PSR is scheduled to be initiated in early 2020. The City Council will also be considering approval of a funding agreement with MCAG at the November 6th Council meeting in order to begin receiving Measure V funds for the design and right-of-way acquisition part of the project.

The construction phase of the project is not funded at this time and is estimated to be approximately \$36.4 million. MCAG staff has on a preliminary basis prepared a list of potential funding sources (Attachment 1) for the project.

Discussion:

As indicated above the construction phase of Pioneer Widening Project has not been funded at this time. A list of funding options has been identified by MCAG staff that could provide a source of construction funding. This list of potential funding sources is included as part of Attachment 1. Several of these funding sources are allocated through a competitive process and therefore may not be viable sources of funding. The funding sources are described in detail in Attachment 1 and include:

- Regional Transportation Improvement Program/State Transportation Improvement Program Funds (RTIP/STIP)
- Measure V Regional – West – Bonding
- Local Partnership Program (LPP) Formula
- Highway Infrastructure Program (HIP)
- Congestion Management and Air Quality (CMAQ)
- Measure V Local
- SB 1 Competitive Local Partnership Program Funds
- SB 1 Trade Corridor Program Funds
- Interregional Transportation Improvement Program Funds
- Federal discretionary grant programs such as Better Utilizing Investments to Leverage Development (BUILD) grants and Infrastructure for Rebuilding America (INFRA)

City staff has been in contact with County staff regarding the potential use of County Measure V funds for the project. City staff will be meeting with County staff to provide a project overview and discuss the possibility of obtaining County Measure V funds for this project.

Staff is requesting direction from the City Council regarding the list of funding options. The Council may wish to direct staff to work with MCAG staff to continue to identify funding options and further explore the funding options already identified. Staff would also recommend that the City Council direct staff to work with Caltrans and other State, County and Federal officials on potential funding opportunities.

Attachments:

1. MCAG Governing Board Staff report Pioneer Road Widening Project – Funding Options
2. Measure V Regional Project Candidate Information Form
3. Measure V Westside Regional Funding Scenario



PH: 209.723.3153
FAX: 209.723.0322
www.mcagov.org
369 W. 18th Street
Merced, CA 95340

ITEM 25

MEMORANDUM

DATE: October 18, 2019
TO: MCAG Governing Board
FROM: Matt Fell, Transportation Planning Manager
RE: Pioneer Road Widening Project – Funding Options

SUMMARY

This memo gives an overview of potential funding sources for construction of the Pioneer Road Measure V project, including sources under MCAG’s discretion.

PAST ACTIONS TAKEN

September 19, 2019: Governing Board provided direction for the draft 2020 RTIP.

BACKGROUND

The Pioneer Road Widening project in Los Banos is programmed in the Measure V Implementation Plan, with \$8.65 million of West Side Regional Projects funding for phases up to and including design and right-of-way. However, construction is not funded, and is estimated by Los Banos to cost \$36.4 million.

In September, the Governing Board directed staff to prepare a Draft 2020 Regional Transportation Improvement Program (RTIP) including establishment of the Pioneer Road project as the priority for current and future RTIP/STIP programming to include a funding development plan. Staff released the draft RTIP on October 17 for public review and comment and a public hearing on the draft will be held at the Board meeting on October 24. The draft RTIP includes this language:

Pioneer Road Widening Project

MCAG is establishing the Pioneer Road Widening project in Los Banos as the priority for all subsequent RTIP programming, including all capacity in the next (2022) cycle. \$8.65 million of Measure V Regional funds are currently committed to the project, through design and right-of-way. A \$36.4 million shortfall exists for construction. A funding plan is being developed for this shortfall, including \$5.4 million or more of RTIP. Other sources could include \$4 million of more of additional Measure V Regional, up to \$7 million of funds controlled by MCAG (HIP, LPP, CMAQ), and \$20 million or more of other funding such as bonding future Measure V Regional and/or state or federal discretionary sources.

Following are more details on these other funding sources including key considerations such as when various funds might be available.

FUNDING SOURCES – MCAG

A summary of potential funding options under MCAG's discretion follows:

RTIP/STIP

The 2020 STIP Fund Estimate prepared by the state identifies \$5.43 million as the expected new share available to MCAG in the next (2022) STIP cycle. These funds will be available in 2025. Additional funds or advances may or may not be available. The next Fund Estimate will be published by August 2021, and the next RTIP will be submitted in the fall of 2021.

Measure V Regional – West – “20% set-aside”

The West Side Regional Projects Committee (RPC) recommends projects for funding, which are approved by the Governing Board. As noted above, currently \$8.65 of this funding is programmed to this project. The Committee also has recommended a “20% set aside for future leveraging opportunities”. The 20% has amounted to about \$500,000 per year and over \$1 million has been set aside so far. By 2025, an estimated \$4 million of revenue could be generated in this set-aside.

Measure V Regional – West – Bonding

The RPC and Board could also consider bonding future West Side revenue. Given the \$2.5 million per year revenue estimate and 18 years (2029/30 through 2046/47) of unprogrammed revenue remaining, \$18 million or more is a rough estimate of the bonding capacity available in 2025 if half of the future West Side revenues are borrowed against. Note that the actual issue of a bond for construction would not be possible for some time given the project schedule.

Local Partnership Program (LPP) Formula

Half of the LPP program is competitive (see below) and half is distributed by formula to “self-help” counties. These funds have very broad eligibility, for example including transit, road capacity, road maintenance, and bicycle and pedestrian. The Governing Board decides how they are spent. So far MCAG has received about \$600,000 per year. LPP requires a 50% match, for example from measure funds. Over \$3 million could be available by 2025, in six fiscal years – 2019/20 through 2024/25. Currently funds cannot be held more than 3 years before being programmed, and funds are not available in advance.

Highway Infrastructure Program (HIP)

HIP is a federal funding source created by Congress in the 2018 and 2019 Appropriations Acts. About \$1.6 million is available for programming now, at MCAG's discretion. The funds must be obligated by September 2021 and expended by 2026. HIP can be used for preconstruction, construction, rehabilitation and preservation of a street/road classified higher than local or minor collector, on the federal-aid system.

Congestion Mitigation and Air Quality (CMAQ)

CMAQ is also a federal source. The purpose of these funds is to improve air quality and reduce congestion. MCAG receives about \$3.5 million per year and typically issues a call for projects every two years. Projects funded by CMAQ have included pedestrian and bicycle facilities, roundabouts, traffic flow improvements, and ridesharing and vanpooling promotion. It is possible that the Pioneer Road project could have CMAQ-eligible components that have an air quality benefit. More will be known as the project scope and benefits are refined and analyzed.

FUNDING SOURCES – OTHER AGENCIES

Potential funding sources controlled by agencies other than MCAG include:

- Measure V Local (Los Banos) – decided by the City of Los Banos.
- SB 1 – Local Partnership Program (LPP) Competitive – decided by California Transportation Commission (CTC) through an application process.
 - Guidelines and info at [CTC's LPP web page](#)
 - Up to \$100 million per year is available, in “self-help” counties such as MCAG.
 - Requires a 50% match. Typically much of this comes from the area’s self-help measure.
- SB 1 – Trade Corridor Program (TCEP) – decided by CTC through an application process.
 - Guidelines and info at [CTC's TCEP web page](#)
 - More than \$300 million per year is available, with calls for projects about every two years.
 - Must be projects that support state and national goods movement, typically on corridors with high volume of freight movement.
- Interregional Transportation Improvement Program (ITIP) – proposed by Caltrans and decided by CTC.
 - Priority is eleven corridors, including 152 west of I-5, but not east of I-5
- Federal discretionary programs such as BUILD and/or INFRA
 - Typically from \$500 million to over a billion has been available in each of the last several years for these programs.
 - Both are highly competitive.
 - Typical awards have been under \$10 million and have been to projects with very high non-federal match.

If you have any questions regarding this staff report, please contact Matt Fell at 723.3153 x 128 or matt.fell@mcagov.org.

REQUESTED ACTION

For information only.

APPENDIX D –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

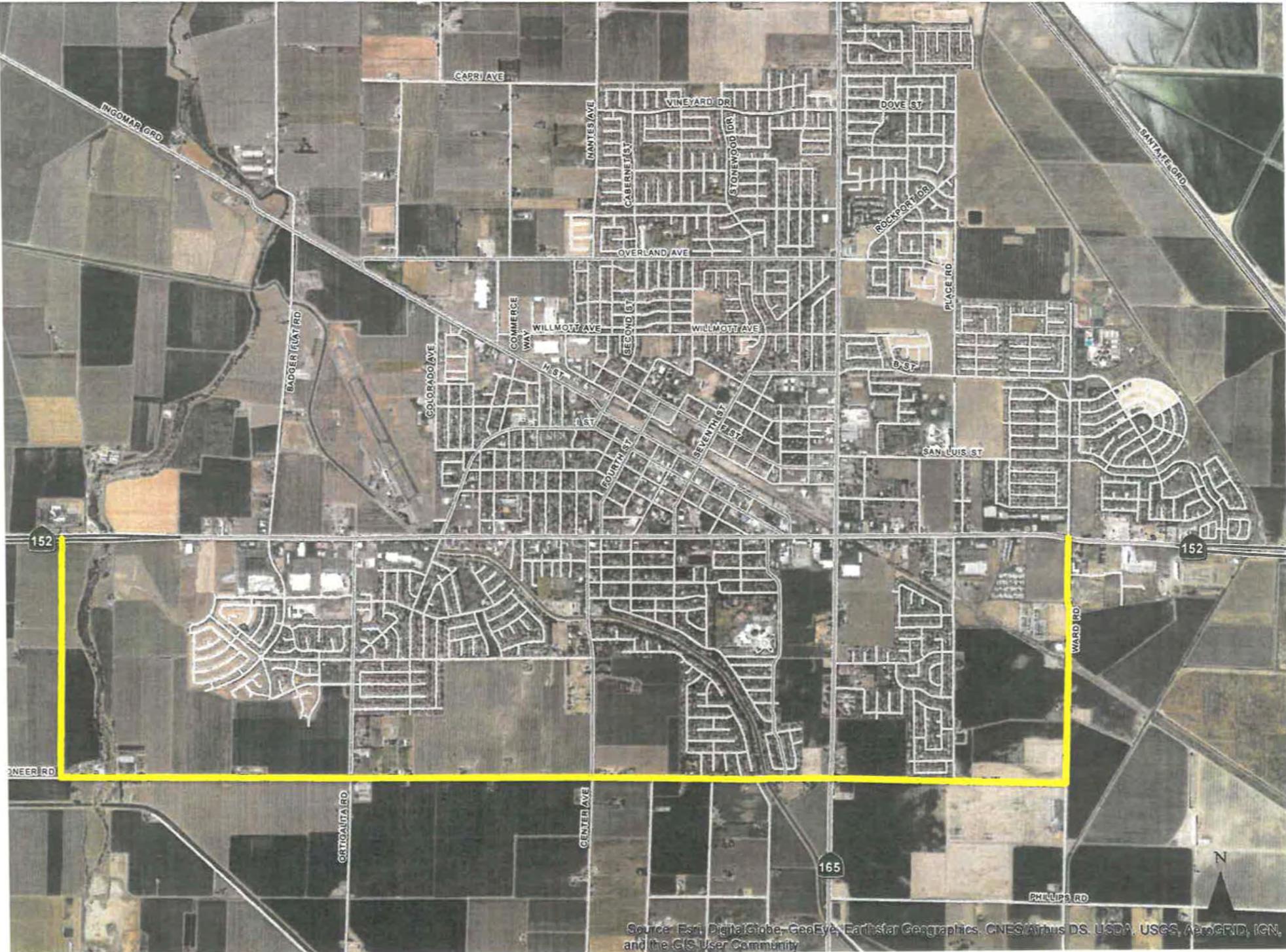


Regional Project Candidate Information and Evaluation Form

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



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

APPENDIX E –APPROVED MEASURE V WEST SIDE REGIONAL FUNDING SCHEDULE

Measure V West Side RPC Recommendation, May 14, 2019

All amounts in millions of dollars (x \$1,000,000)

Prior approved project amounts are shaded in yellow. May 14, 2019 recommendations are shaded in green.

Fiscal Years:	17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29
Projected Revenue (unescalated):	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55	\$2.55
Set-aside %	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
Set-aside amount	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51	\$ 0.51
Set-aside expenditures (use 0's)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Set-aside running balance	\$ 0.51	\$ 1.02	\$ 1.53	\$ 2.04	\$ 2.55	\$ 3.06	\$ 3.57	\$ 4.08	\$ 4.59	\$ 5.10	\$ 5.61	\$ 6.12
Project revenue %	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Project revenue	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04	\$ 2.04
Projects funded	\$ -	\$ 4.08	\$ 0.74	\$ 0.30	\$ 0.30	\$ 5.27	\$ 3.15	\$ 3.53	\$ 1.79	\$ 1.60	\$ -	\$ 5.03
Project funds running balance	\$2.04	\$0.00	\$1.30	\$3.05	\$4.79	\$1.55	\$0.44	(\$1.04)	(\$0.79)	(\$0.35)	\$1.69	(\$1.30)

Projects and Schedule of Funding by FY		18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29
Dos Palos	Center Avenue North Area	\$ 0.200	\$ 0.586									
Dos Palos	Blossom Street East Area	\$ 0.400							\$ 1.588			
Gustine	Hwy. 33/140 Signalization	-				\$ 0.050	\$ 0.350		\$ 0.200	\$ 1.600		
Los Banos	Pacheco Blvd Path	\$ 0.600		\$ 0.298		\$ 1.323						
Los Banos	Pioneer Road Widening	-	\$ 0.150		\$ 0.300	\$ 3.900	\$ 2.800	\$ 1.500				
County	Henry Miller Ave., Phase 2	\$ 2.426										\$ 5.025
County	Ingomar Grade Reconstruction	-					\$ 2.025					
Gustine	33/140 Roundabout	\$ 0.310										
Gustine	Eastside Storm Drainage	\$ 0.069										
Gustine	Airport Security	\$ 0.075										
Project Funding Totals By FY:		\$ 4.080	\$ 0.736	\$ 0.298	\$ 0.300	\$ 5.273	\$ 3.150	\$ 3.525	\$ 1.788	\$ 1.600	\$ -	\$ 5.025



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Alex Terrazas, City Manager *AT*
DATE: November 6, 2019
TYPE OF REPORT: Agenda Item
SUBJECT: Draft Regional Transportation Improvement Program

Recommendation:

That the City Council adopts the Resolution requesting that \$5,000,000 of State Transportation Improvement Program carryover Regional Improvement Funds remain as unprogrammed and available for the Pioneer Road Widening project.

Background:

The Merced County Association of Governments (MCAG) is in the process of developing the Regional Transportation Improvement Program (RTIP). A copy of the draft RTIP and MCAG staff report for their recent Governing Board meeting is included as Attachment 1.

The RTIP is being developed as part of the State Transportation Improvement Program (STIP) process. The STIP is a five year transportation budget adopted by the California Transportation Commission every two years. All transportation planning regions in the state, including MCAG, has a share of STIP funds and may propose projects for funding in their RTIP. According to the Draft STIP prepared by MCAG staff there is currently \$26,289,000 of unprogrammed, carryover funding available. The Draft STIP proposes to program this entire amount to AME Phase 1B and an additional "Target Share" of \$3,382,000 to AME Phase 1B. The total amount of STIP funding proposed to be programmed for AME Phase 1B is \$29,670,000. Because the Pioneer project does not have a completed Project Study Report (PSR) the Draft STIP does not propose any funding for this project. The Draft STIP does identify the Pioneer Road widening project as the priority for future STIP funding.

Once the Draft STIP is finalized it will be submitted to the California Transportation Commission (CTC) for their consideration. Final funding decisions for STIP funds are made by the CTC in March 2020.

Discussion:

As the City Council is aware the construction phase of Pioneer Widening Project has not been funded at this time. Funding for design and right-of-way acquisition in the amount of \$8.6 million of Measure V Regional funding has been approved for the project. As outlined in the proposed funding options developed by MCAG staff construction funding for the Pioneer project will need to come from a variety of sources including STIP funding. While the Draft STIP does identify Pioneer as a priority it recommends that all of the available STIP funding, \$29,670,000, be programmed to AME Phase 1B.

It is staff's recommendation that \$5,000,000 of carryover STIP funding remain unprogrammed by MCAG and available for the Pioneer project in a future STIP cycle. It is important to note that leaving the funds unprogrammed does not ensure that the funds will be awarded for the Pioneer project by the CTC. It does however maintain a source of funds that can be accessed in a future STIP cycle.

If the staff recommendation is approved Staff will forward the attached resolution to MCAG staff and request a meeting to discuss the request. MCAG Governing Board adoption of the STIP is scheduled for November 21, 2019. An item will be agendaized for the City Council's consideration for the City Council meeting being held on November 20th. At that time City staff will provide an update to the City Council and seek further direction. The City Council will also have the opportunity to provide direction to the Mayor regarding the STIP.

Attachments:

1. MCAG Governing Board Staff report Public Hearing – Draft Regional Transportation Improvement Program (RTIP)
2. Resolution requesting that \$5,000,000 of State Transportation Improvement Program carryover Regional Improvement Funds remain as unprogrammed and available for the Pioneer Road Widening project.

ATTACHMENT 1



PH: 209.723.3153
FAX: 209.723.0322
www.mcagov.org
369 W. 18th Street
Merced, CA 95340

ITEM 19

MEMORANDUM

DATE: October 18, 2019

TO: MCAG Governing Board

FROM: Matt Fell, Transportation Planning Manager

RE: Public Hearing – Draft Regional Transportation Improvement Program (RTIP)

SUMMARY

Staff has prepared and released the Draft 2020 Regional Transportation Improvement Program (RTIP). The draft includes programming planning funds and construction of AME Phase 1B and policy establishing the Pioneer Road Widening Project as the priority for future RTIP/STIP programming.

PAST ACTIONS TAKEN

November 16, 2017: Governing Board adopted the 2018 RTIP.
September 19, 2019: Governing Board provided direction for the draft 2020 RTIP.

BACKGROUND

The State Transportation Improvement Program (STIP) is a five-year transportation budget adopted by the CTC every two years. Every region, including MCAG, has a share of STIP funds and may propose projects for funding in their RTIP, which is then approved or rejected by the CTC. The 2020 RTIP is due to the CTC by December 15, 2019.

The Draft RTIP was released for review and comment on October 17. It is attached, and available on the MCAG website at <http://www.mcagov.org/151>

A publicly noticed public hearing will be held at the Governing Board meeting on October 24 at 3 pm (see attached notice). Comments are due by November 18.

SCHEDULE

Draft Fund Estimate from CTC	June 2019
Concept report on MCAG agendas	July
CTC adopts Fund Estimate	August 14-15
MCAG Governing Board workshop	August 29
MCAG Governing Board direction for Draft RTIP	September 19
Release Draft RTIP document	October 17
Public Hearing	October 24

Board Adoption
RTIPs due to CTC
Caltrans submits final ITIP to CTC
CTC STIP hearing (North)
CTC staff publishes recommendations
CTC adopts 2020 STIP

November 21
By December 15, 2019
By December 15, 2019
January 30, 2020
February 28, 2020
March 25-26, 2020

If you have any questions regarding this staff report, please contact Matt Fell at 723.3153 x 128 or matt.fell@mcagov.org.

REQUESTED ACTION

Conduct a public hearing on the Draft 2020 Regional Transportation Improvement Program.

ATTACHMENTS

Public Notice
Draft 2020 Regional Transportation Improvement Program

**PUBLIC NOTICE
OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING ON THE
MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG)
DRAFT 2020 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP)**

NOTICE IS HEREBY GIVEN that a public review and comment period will commence on October 17, 2019, and conclude on November 18, 2019, to provide an opportunity for comments on the Merced County Association of Governments (MCAG) Draft 2020 Regional Transportation Improvement Program (2020 RTIP). A public hearing will also be held at the MCAG Board meeting on October 24, 2019, at 3:00 p.m., at the Merced County Administration Building, Board of Supervisors Council Chambers on the 3rd floor, at 2222 M Street, Merced, California, to receive public comments on the Draft 2020 RTIP.

Individuals with disabilities may call MCAG (with 3-working-day advance notice) to request auxiliary aids necessary to participate in the public hearing. Translation services are available (with 3-working-day advance notice) to participants speaking any language with available professional translation services.

Every two years, the California Transportation Commission (CTC) adopts a new Fund Estimate, which includes anticipated Federal and State revenues for the next five years. The adopted Fund Estimate identifies the Merced Region's Regional Improvement Program (RIP) share, which could be used to finance regional transportation projects. MCAG would prepare and adopt this project financing proposal in the Regional Transportation Improvement Program (RTIP) document, which would then be submitted to the CTC for programming and funding consideration in the Statewide Transportation Improvement Program (STIP).

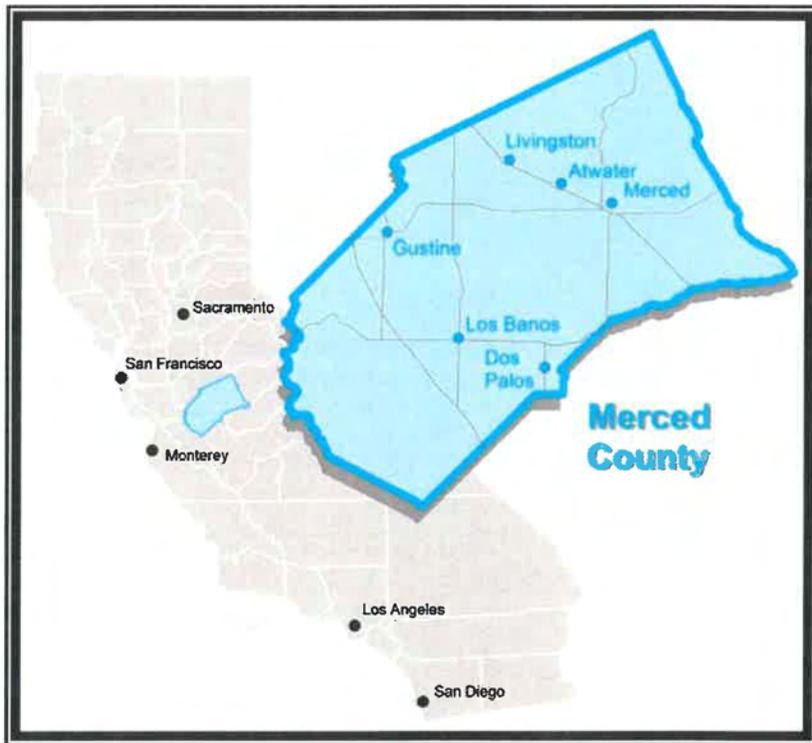
The draft document is available for review at the MCAG office, located at 369 West 18th St., Merced CA 95340, and on the MCAG website at <http://www.mcagov.org/>. Public comments are welcomed at the public hearing, or may be submitted in writing by 5 p.m. on November 18, 2019, to MCAG staff at the address below. After considering the comments, the document will be considered for adoption, by resolution, by the MCAG Board at a regularly scheduled meeting to be held on November 21, 2019. The adopted document will then be submitted to California Transportation Commission for programming consideration.

Contact staffperson:

Ty Phimmasone, Planner
369 W. 18th Street
ty.phimmasone@mcagov.org

2020
Regional Transportation
Improvement Program

DRAFT – October 2019



Prepared by



369 West 18th Street
Merced, CA 95340
209-723-3153
www.mcagov.org

2020 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (2020 RTIP)

Table of Contents

	<u>Page Number</u>
A. <u>Overview and Schedule</u>	
Section 1. Executive Summary.....	1
Section 2. General Information.....	2
Section 3. Background of Regional Transportation Improvement Program....	3
Section 4. Completion of Prior RTIP Projects.....	4
Section 5. RTIP Outreach and Participation.....	6
B. <u>2020 STIP Regional Funding Request</u>	
Section 6. 2020 STIP Regional Share and Request for Programming.....	8
Section 7. Outside Funding Sources included in RTIP.....	9
Section 8. Interregional Improvement Program Funding	13
Section 9. Projects Planned Within the Corridor.....	13
C. <u>Relationship of RTIP to RTP/SCS and Benefits of RTIP</u>	
Section 10. Regional Level Performance Evaluation.....	14
Section 11. Regional and Statewide Benefits of RTIP.....	15
D. <u>Performance and Effectiveness of RTIP</u>	
Section 12. Evaluation of the Cost Effectiveness of the RTIP.....	18
Section 13. Project Specific Evaluation.....	19
E. <u>Detailed Project Information</u>	
Section 14. Overview of Projects Programmed with Regional Funding.....	20
F. <u>Appendices</u>	
Section 15. Projects Programming Request (PPR) Form	
Section 16. Board Resolution or Board Documentation of RTIP Approval	
Section 17. Public Notice	
Section 18. Benefit-Cost Analysis Technical Memorandum for Atwater-Merced Expressway Phase 1B	

A. OVERVIEW AND SCHEDULE

Section 1. Executive Summary

The Merced County Association of Governments (MCAG) is the regional transportation planning agency (RTPA) and metropolitan planning organization (MPO) for the Merced County Region. Biannually, MCAG, on behalf of its member jurisdictions, proposes the next Regional Transportation Improvement Program (RTIP) that programs Merced County Regional Improvement Program (RIP) fund shares to transportation projects that benefit the Merced County Region. In the 2020 RTIP, the period covers state fiscal years (FY) 2020/21 through 2024/25.

	Year 1	Year 2	Year 3	Year 4	Year 5
2020 STIP	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25

The projects considered in the 2020 RTIP are consistent with the adopted MCAG 2018 Regional Transportation Plan (RTP), a comprehensive 25-year plan for the region’s transportation systems. The RTP includes a prioritized list of highest-priority, regionally-significant projects.

Fund Estimate

The California Transportation Commission’s (CTC) adopted the 2018 State Transportation Improvement Program (STIP) Fund Estimate (FE) on August 14, 2019. From the 2020 STIP FE, Merced Region’s Target Share is \$30,370,000. This Target Share includes the \$26,289,000 of unprogrammed, carryover County Share (RIP) balance.

PPM

Included in the 2020 STIP FE are regional monies for Planning, Programming, and Monitoring (PPM). The amount available to our Merced Region, for the period FY 2020/21 through FY 2024/25, is \$699,000. Of this amount, the prior 2018 STIP programmed \$495,000 in FY 2020/21, which will be carried over to the 2020 STIP. MCAG proposes to program \$64,000 in FY 2023/24 and \$140,000 in FY 2024/25.

Atwater-Merced Expressway (AME) Phase 1B

MCAG proposes to program the Target Share balance of \$29,670,000 in FY 2024/25 supplement the construction cost of the Atwater-Merced Expressway (AME) Phase 1B, which will be a two-lane expressway from Green Sands Avenue (northern terminus of AME Phase 1A) to Santa Fe Drive.

Pioneer Road Widening Project

The MCAG Governing Board is establishing the Pioneer Road Widening project in Los Banos as the priority for all subsequent RTIP/STIP programming, including all RTIP/STIP capacity that is available in the next (2022) cycle. Currently, regional and local funds are programmed to get the project through design and right-of-way acquisition.

Section 2. General Information

The following are the contacts and links for MCAG’s 2020 RTIP.

- **Regional Agency Name** Merced County Association of Governments (MCAG)
- **Agency website links for Regional Transportation Improvement Program (RTIP) and Regional Transportation Plan (RTP).**

Regional Agency Website Link: <http://www.mcagov.org>

RTIP Document Link: <http://www.mcagov.org/151/>

RTP link: <https://www.mcagov.org/307/2018-RTP>

- **Executive Director Contact Information**

Name Stacie Dabbs
 Title Executive Director
 Email Stacie.Dabbs@mcagov.org
 Telephone (209) 723-3153

- **RTIP Staff Contact Information**

Name	Ty Phimmasone	Title	Transportation Planner
Address	369 West 18 th Street		
City/State	Merced, California		
Zip Code	95340		
Email	ty.phimmasone@mcagov.org		
Telephone	(209) 723-3153, ext. 123	Fax	(209) 723-0322

- **California Transportation Commission (CTC) Staff Contact Information**

Name	Teresa Favila	Title	Associate Deputy Director
Address	1120 N Street		
City/State	Sacramento, CA		
Zip Code	95814		
Email	teresa.favila@catc.ca.gov		
Telephone	916-653-2064	Fax	916-653-2064

Section 3. Background of Regional Transportation Improvement Program (RTIP)

A. What is the Regional Transportation Improvement Program?

The Regional Transportation Improvement Program (RTIP) is a program of highway, local road, transit and active transportation projects that a region plans to fund with State and Federal revenue programmed by the California Transportation Commission in the State Transportation Improvement Program (STIP). The RTIP is developed biennially by the regions and is due to the Commission by December 15 of every odd numbered year. The program of projects in the RTIP is a subset of projects in the Regional Transportation Plan (RTP), a federally mandated master transportation plan which guides a region's transportation investments over a 20 to 25 year period. The RTP is based on all reasonably anticipated funding, including federal, state, and local sources. Updated every 4 to 5 years, the RTP is developed through an extensive public participation process in the region and reflects the unique mobility, sustainability, and air quality needs of each region.

B. Regional Agency's Historical and Current Approach to developing the RTIP

2020 RTIP Proposal

MCAG proposes the programming of \$29,670,000 RIP in FY 2024/25 supplement the construction cost of the Atwater-Merced Expressway, Phase 1B.

The \$495,000 PPM in FY 2020/21 will be carried over to the 2020 STIP. MCAG proposes the additional programming of \$64,000 PPM in FY 2023/24 and \$140,000 PPM in FY 2024/25.

2018 RTIP Proposal

In the RTIP proposal, Caltrans had proposed the programming of \$34,500,000 IIP in FY 2021/22 for construction of the State Route 99 Livingston Widening Northbound Project. Partnering with Caltrans, MCAG had proposed the programming of \$5,500,000 RIP in the same fiscal year, which would supplement the construction cost. The CTC has since programmed SB1 Trade Corridor Enhancement Program and State Route 99 Bond Savings to advance construction of the Livingston Widening Northbound Project. The project goes to construction in Fall 2019.

MCAG also proposed to program our Planning, Programming, and Monitoring (PPM), in the amount of \$495,000, in FY 2020/21.

2016 RTIP Proposal

Due to the lack of programming capacity, MCAG did not propose any programming.

2014 RTIP Proposal

MCAG had requested the "maximum RIP advance" in order to program the \$47,047,000 RIP funds in FY 2018/19 for the construction of the Los Banos Bypass, Segment 1. MCAG had also assumed the Caltrans Interregional Improvement Program (IIP) funding contribution of \$2,520,000 in FY 2018/19 to help pay for this construction. The proposal was rejected by the CTC, and the unprogrammed RIP was carried over to the 2020 STIP FE.

Section 4. Completion of Prior RTIP Projects (Required per Section 68)

The following RTIP project has been completed.

Project Name	Description	Summary of Improvements/Benefits
Atwater-Merced Expressway, Phase 1A	Construct new interchange to replace nonstandard on- and off-ramps.	Improve safety by replacing nonstandard ramps.

Atwater-Merced Expressway, Phase 1A

The prior configuration included nonstandard left-side, southbound off- and on-ramps (from and onto a fast-moving, passing lane) and an unsafe northbound off-ramp. Vehicles on the southbound off-ramp would have to cross the path of vehicles getting on the southbound on-ramp to access local circulation. This previous configuration experienced higher-than-state average collision rates and had unacceptable and degrading levels of performance.

Closing the previous off- and on-ramps eliminated the southbound weaving to avoid traffic entering onto the left lane from the southbound on-ramp, which reduced the possibility of collisions. Closing the northbound on- and off-ramps eliminated safety issues with the potential conflict point at Broadway Avenue.

Phase 1A of the Atwater-Merced Expressway (AME) included building a new interchange, closing the previous off- and on-ramps, and constructing connections and improvements to local circulation. The project also added 1.7 miles of six-lane freeway.



State Route 99 Livingston Widening Northbound

The project consists of the construction of one freeway lane within the median in the northbound direction between 0.8 mile south of the Hammatt Avenue Overcrossing and the Merced/Stanislaus county line. The additional lane will be needed to accommodate traffic growth, which is anticipated to exceed existing capacity. The additional capacity will reduce congestion and the potential for accidents associated with congested traffic areas

The programming for construction of this project was approved in the 2018 STIP. Construction is funded by the SB1 Trade Corridor Enhancement Program, State Route 99 Bond Savings, and the STIP. The allocation for construction, in the amount of \$43,080,000, was approved by the CTC in March 2019. The project will begin construction in the Fall 2019 and is expected to be completed and open to traffic in the Fall 2021.



Section 5. RTIP Outreach and Participation

A. RTIP Development and Approval Schedule

Action	Date
CTC adopts Fund Estimate and Guidelines	August 14, 2019
Caltrans identifies State Highway Needs	September 15, 2019
Caltrans submits draft ITIP	October 1, 2019
CTC ITIP Hearing, North	October 8, 2019
CTC ITIP Hearing, South	October 15, 2019
MCAG Board adopts 2020 RTIP	November 21, 2019
Regions submit RTIP to CTC	December 15, 2019
Caltrans submits ITIP to CTC	December 15, 2019
CTC STIP Hearing Date – North Hearing	January 30, 2020
CTC STIP Hearing Date – South Hearing	February 6, 2020
CTC publishes staff recommendations	February 28, 2020
CTC Adopts 2020 STIP	March 25-26, 2020

B. Public Participation/Project Selection Process

The projects considered in the 2020 RTIP are consistent with the adopted MCAG 2018 Regional Transportation Plan (RTP), a comprehensive 25-year plan for the region’s transportation systems. The RTP includes a prioritized list of highest-priority, regionally-significant projects.

To kick off the development process, staff prepares the 2020 RTIP concept for presentation to the MCAG committees and board. The RTIP concept addresses the background, process, draft fund estimate (expected County Share / region’s programming capacity), schedule, and possible projects (status, costs, and prior actions). The RTIP concept provides the following information:

- What is the RTIP?
- What is the RTIP Fund Estimate?
- What are the prerequisite STIP requirements for programming?
- What are the possible projects, and their outlooks?
- What funding opportunities exist, such as partnering with Caltrans?
- What is the schedule for developing (and for submitting) the RTIP?
- What is the schedule for the State Transportation Improvement Program (STIP)?
- Given available funding and circumstances, what is the staff recommendation for the RTIP programming proposal?

A RTIP development flowchart is included with the concept to visually depict the overview process for better understanding.

A RTIP Workshop was conducted on August 29th to consider and discuss programming options.

Prior to the MCAG Board’s action, the Citizens Advisory Committee (CAC) and the Technical Review Board (TRB) review the Draft 2020 RTIP proposal and make their recommendation.

Once programming direction is given by the MCAG Board, staff prepares the draft RTIP document, which gets released for a 30-day public review and comment period. A public hearing is scheduled to receive public comments. In preparing the Final 2020 RTIP, staff reviews comments and addresses them as appropriate.

The Final 2020 RTIP is again brought before the CAC and the TRB. In November, the MCAG board approves the Final 2020 RTIP.

C. Consultation with Caltrans District (Required per Section 17)

Caltrans District: 10

On a quarterly basis, Caltrans goes over the status of STIP projects and current news during the SB45 meetings. For the region's significant transportation projects, Caltrans is either the lead agency or provides oversight. Also, during these SB45 conferences, MCAG and Caltrans discuss funding opportunities and collaborations.

For every STIP cycle, MCAG and Caltrans discuss in more detail the funding plans for implementing the region's priority projects. As part of this, Caltrans discusses the highway improvement needs that will be included in the Interregional Transportation Improvement Program (ITIP) and proposes those that could be jointly funded with IIP and RIP.

Per the 2020 ITIP, Caltrans expects the 2018 STIP programming of IIP funds in FY 2021/22 for the construction of State Route 99 Livingston Widening Southbound Project to be carried over into the 2020 STIP.

B. 2020 STIP Regional Funding Request

Section 6. 2020 STIP Regional Share and Request for Programming

A. 2020 Regional Fund Share Per 2020 STIP Fund Estimate

On August 14 2019, the CTC adopted the 2020 STIP Guidelines and Fund Estimates. New programming capacities for our Merced Region have been identified.

2020 STIP					
Year 1	Year 2	Year 3	Year 4	Year 5	
FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	
				\$3,382,000	"Target" RIP Share Balance
				\$26,289,000	RIP Carryover from 2018 STIP
\$495,000			\$64,000	\$140,000	PPM (\$699,000)

Included in the STIP FE are regional monies for Planning, Programming, and Monitoring (PPM). The amount available to our Merced Region, for the period FY 2020/21 through FY 2024/25, is \$699,000.

B. Summary of Requested Programming

MCAG proposes the programming of the "Target" balance of \$29,670,000 RIP in FY 2024/25 for the construction of the Atwater-Merced Expressway, Phase 1B.

MCAG also proposes to program our Planning, Programming, and Monitoring (PPM): \$495,000 in FY 2020/21 being carried over into 2020 STIP; \$64,000 in FY 2023/24; and \$140,000 in FY 2024/25.

Project Name and Location	Project Description	Requested RIP Amount
Atwater-Merced Expressway Phase 1B, Merced Region (between Cities of Atwater and Merced)	Two-lane expressway from Green Sands Ave to Santa Fe Drive with one structure over BNSF Railroad and Santa Fe Drive and three Merced Irrigation District facilities	FY 2024/25: \$29,670,000
PPM, Merced Region	Planning, Programming, and Monitoring (PPM)	FY 2020/21: \$495,000 FY 2023/24: \$64,000 FY 2024/25: \$140,000

Section 7. Overview of other funding included with delivery of Regional Improvement Program (RIP) projects.

Project Development

To ready the Atwater-Merced Expressway (AME) Phase 1B project for construction, the Merced Region is investing local resources. The County of Merced is using \$2,780,000 of its local funds to update/recertify CEQA (which was previously certified by MCAG in March 2009), obtain NEPA Clearance, and further design. MCAG has programmed \$10,980,000 regional Measure V (regional sales tax measure) monies for project development and construction. Merced County is also injecting their local share of Measure V monies for right-of-way and construction.

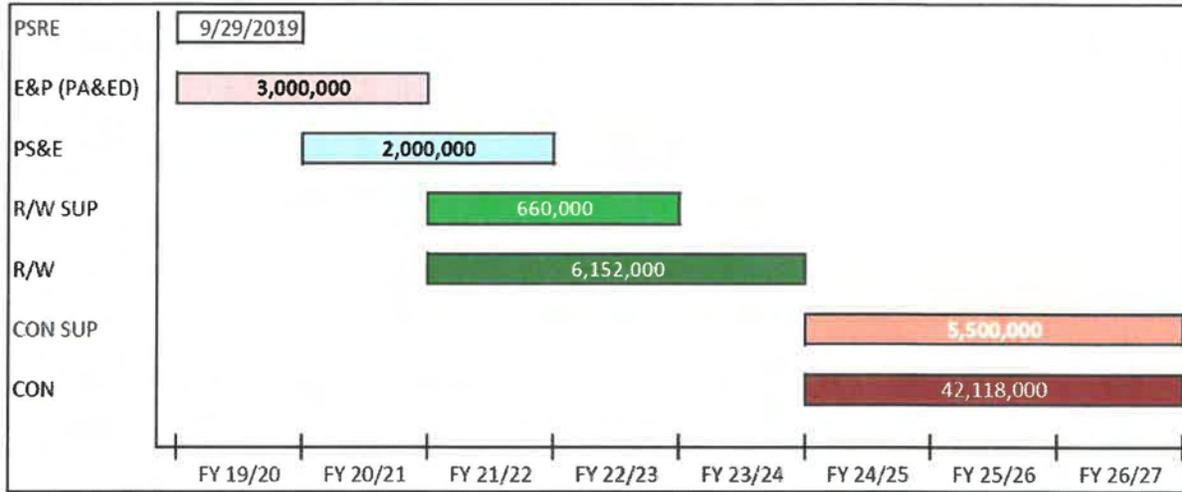
The following depicts the project funding (revenues) and delivery (expenditures) plans. Project development is funded with local funds, consisting of Regional Transportation Impact Fee (RTIF) and Measure V (sales tax) monies, to get it ready for construction.

Revenues

Fund Source	19-20	20-21	21-22	22-23	23-24	24-25	Total
RTIF	2,780						2,780
Regional Measure V		2,220	360	3,770		4,630	10,980
County Measure V			2,500	2,500	2,500	2,500	10,000
BNSF						1,000	1,000
CPUC: Section 190*						5,000	5,000
RIP (Merced Region)						29,670	29,670

*If the County fails to secure the Section 190 funds, they will supplement CON with additional County Measure V and continue to explore additional funding opportunities such as TCEP.

Implementation Schedule



Expenditures

Component	19-20	20-21	21-22	22-23	23-24	24-25	Total
E&P (PA&ED)	2,780	220					3,000
PS&E		2,000					2,000
R/W SUP			360	300			660
R/W			2,500	3,652			6,152
CON SUP						5,500	5,500
CON						42,118	42,118

Regional Transportation Impact Fee (RTIF)

The Regional Transportation Impact Fee (RTIF) program collects one-time fees from new development to mitigate their impact on the regional road network. Merced County is investing \$2,780,000 RTIF for recertifying CEQA and work on obtaining NEPA. This money is also used to pay for additional design work.

Measure V (MCAG: Regional)

Measure V, which is administered by MCAG, is Merced County's 30-year 1/2 cent transportation sales tax that was passed by voters in November 2016. The sales tax, which went into effect April 1, 2017, was projected to generate an estimated \$15 million annually and \$450 million over the life of the measure. The funds are divided into the following categories: Regional (east and west side shares), Local (at discretion of the jurisdictions), Transit, and Administration. The following is the adopted 2019 Measure V Regional Implementation Plan, which programs \$10,980,000 million of Measure V Regional monies to the AME Phase 1B project.

Measure V East Side RPC Recommendation, June 26, 2019										
All amounts in millions of dollars (x \$1,000,000)										
Prior approved project amounts are shaded in yellow. June 26, 2019 recommendations are shaded in green.										
	Fiscal Years:		17-18	18-19	19-20	20-21	21-22	22-23	23-24	24-25
Projected Revenue (East) (unescalated):			4.05	4.05	4.05	4.05	4.05	4.05	4.05	4.05
(A) Major Projects - percent (%)			20%	20%	75%	75%	75%	75%	75%	75%
(A) Major Projects - revenue			0.81	0.81	3.04	3.04	3.04	3.04	3.04	3.04
(A) programmed amounts			0.00	0.00	0.00	6.21	5.18	3.77	4.05	0.58
(A) Major Projects - balance			0.81	1.62	4.66	1.49	(0.66)	(1.39)	(2.40)	0.05
(B) Smaller Projects - percent (%)			80%	80%	25%	25%	25%	25%	25%	25%
(B) Smaller Projects - revenue			3.24	3.24	1.01	1.01	1.01	1.01	1.01	1.01
(B) programmed amounts			0.00	6.48	2.66	0.00	0.00	0.00	0.00	1.90
(B) Smaller Projects - balance			3.24	0.00	(1.65)	(0.64)	0.38	1.39	2.40	1.52
East Side Regional Projects - overall balance					3.01	0.85	(0.28)	0.00	0.00	1.57
Projects and Schedule of Funding by FY										
			18-19	19-20	20-21	21-22	22-23	23-24	24-25	
(A) Major Projects and Leveraging:										
County	AME, phase 1B		0.00		2.58		3.77	4.05	0.58	
Merced	59 Widening, phase 1		0.76			5.18				
Merced	59 Black Rascal Bridge		0.46		3.63					
	(A) Subtotals By FY:			0.00	6.21	5.18	3.77	4.05	0.58	
(B) Smaller Projects:										
Atwater	Winton Way, phase 2		1.00	1.66						
Livingston	Hammatt & Campbell			1.00						
Livingston	Transit Center									1.90
	(B) Subtotals By FY:			2.66	0.00	0.00	0.00	0.00	1.90	
Livingston	99 Winton Parkway On-Ramp		0.84							
County	Bradbury Rd		0.95							
County	Sandy Mush, phase 1		2.47							
	(ALL) Totals By FY:		6.48	2.66	6.21	5.18	3.77	4.05	2.48	

Measure V (Local: Merced County)

With their Measure V Local Share, Merced County has committed \$10,000,000. Of this amount, \$2,682,000 will be used for right-of-way capital. The \$7,318,000 is set aside for construction.

Burlington Northern Santa Fe (BNSF) Railroad

23 CFR § 646.210 specifies that where a Federal-aid grade separation project will eliminate one or more existing grade crossings that currently have active warning devices, the railroad funding share shall be 5% of the project costs for preliminary engineering, right-of-way, and construction.

BNSF will make the 5% statutorily stipulated contribution to this project. The statutorily stipulated funding commitment and details of how it will be provided will be specified in a Construction & Maintenance (C&M) agreement that is currently being negotiated between Merced County and BNSF. These agreements are expected to be finalized in 2020.

Railway-Highway Crossings (Section 190) Program

The State's Section 190 Grade Separation Program, administered by the California Public Utilities Commission (CPUC) and Caltrans, provides state funding for grade separations between

roadways and railroad tracks. An annual \$15 million in funds is prioritized by the CPUC. Certain technical requirements must be met to claim the funds, including completed environmental documents, completed construction plans, full project funding, and execution of construction and maintenance agreements.

Merced County is sponsoring a Fall 2019 CPUC Section 190 application for the project, with a funding request of \$5 million for construction. The County is prepared to provide this amount from their Measure V Local Share if this proves unsuccessful.

Construction

Proposed 2020 RTIP	Total RTIP	Other Funding						Total Project Cost
		ITIP	RSTP/ CMAQ	Fund Source 1	Fund Source 2	Fund Source 3	Fund Source 4	
Construction of Atwater-Merced Expressway Phase 1B, from Green Sands Ave to Santa Fe Drive	\$29.67 M	-	-	\$4.63 M Measure V Regional	\$7.32 M Measure V County	\$1.0 M BNSF	\$5.0 M Section 190	\$47.62M
Totals	\$29.67 M	-	-	\$4.63 M	\$7.32 M	\$1.0 M	\$5.0 M	\$47.62 M

MCAG proposes the programming of the Target balance of \$29,670,000 RIP for construction.

Measure V (Regional) and Measure V (Merced County) provide \$11,948,000 for construction.

The California Public Utilities Commission (CPUC) and the BNSF Railroad will be contributing \$6,000,000 to construction and will benefit from the removal of the existing, unsafe at-grade railroad crossing at Avenue Two and Santa Fe Drive. If Merced County fails to secure the Section 190 funds, they will supplement construction funding with additional Measure V (Merced County) funds and continue to explore additional funding opportunities such as TCEP, BUILD and INFRA.

Section 8. Interregional Improvement Program (ITIP) Funding

The purpose of the Interregional Transportation Improvement Program (ITIP) is to improve interregional mobility for people and goods in the State of California. As an interregional program the ITIP is focused on increasing the throughput for highway and rail corridors of strategic importance outside the urbanized areas of the state. A sound transportation network between and connecting urbanized areas ports and borders is vital to the state's economic vitality. The ITIP is prepared in accordance with Government Code Section 14526, Streets and Highways Code Section 164 and the STIP Guidelines. The ITIP is a five-year program managed by Caltrans and funded with 25% of new STIP revenues in each cycle. Developed in cooperation with regional transportation planning agencies to ensure an integrated transportation program, the ITIP promotes the goal of improving interregional mobility and connectivity across California.

There is no ITIP funding being proposed in the 2020 RTIP.

Section 9. Projects Planned Within the Corridor (Required per Section 20)

The proposed construction of the Atwater-Merced Expressway Phase 1B will not impact any projects, because there are no STIP projects planned or underway within the corridor.

C. Relationship of RTIP to RTP/SCS/APS and Benefits of RTIP

Section 10. Regional Level Performance Evaluation (per Section 19A of the guidelines)

The 2020 RTIP furthers the goals of MCAG's adopted 2018 RTP and Sustainable Communities Strategy (SCS). There goals include:

- Provide a safe and efficient regional road system that accommodates current and future demand.
- Provide for goods movement by improving the freight network, strengthening the rural communities' ability to access national and international trade markets, and supporting regional economic development.
- Support economic and community vitality by fostering job creation and business attraction, retention, and expansion.
- Achieve reduction in traffic fatalities and severe injuries on public roads.
- Achieve reduction in congestion.
- Prioritize infill and growth in existing communities.
- Develop and support financing strategies that provide for a continuous implementation of the RTP projects and strategies.
- Reduce project delivery delays by making efficient use of available transportation funding.

Currently, the primary direct access to Castle Commerce Center from SR-99 is off at the Atwater-Merced Expressway (AME) Phase 1A and then either on Gurr Road or on Buhach Road. Gurr Road is a rural local roadway that has a sharp turning radius as it merges with Avenue Two and has a dangerous, at-grade intersection with Santa Fe Drive next to the railroad tracks. Buhach Road is an urban local roadway that passes next to the City of Atwater's high school and along residential developments. As the Mid-California International Trade District (MCITD) - Castle grows and develops, there needs to be an alternative direct route that would prevent congestion and significant freight emissions, eliminate/minimize school, residential and intersection safety conflicts, and could handle the traffic load associated with more freight movement. Building the AME Phase 1B expressway connection to Castle will allow for more substantial truck movement and make it more attractive to manufacturing sectors.

Without the need to develop on new farmlands, the MCITD - Castle provides ample "infill" space and opportunities for small and big businesses to develop and expand. This economic growth will foster jobs and community vitality.

Project development is funded with local funds, Regional Transportation Impact Fee and Measure V (sales tax) monies, to get it ready for construction.

As required per Section 19A of the adopted 2020 STIP Guidelines, the RTIP must include an evaluation of overall (RTP level) performance using the region's existing monitored data as a baseline.

Table B1: Evaluation - Regional Level Performance Indicators and Measures

MCAG 2018 RTP/SCS	Scenario 1 Business as Usual	Scenario 2 Preferred Scenario
Goal: Performance Measure		
Goal: Mobility & Accessibility		
VMT growth by scenario (2015-2035)	1,384,858	1,235,883
Average trip length - vehicle trips	14.86	14.62
Average trip length - commuter vehicle trips	18.64	18.29
Drive alone daily mode share percentage (peak period)	36.8%	36.5%
Drive alone daily mode share percentage (daily)	36.1%	35.9%
Transit mode share	1.4%	1.5%
Ped/bike daily mode share percentage	9.3%	9.0%
Goal: Environmental Quality		
CO2 emission per household of new development (tons/year)	8.2	7.1
Goal: Sustainable Development Pattern		
Total acres of new development	8,498	9,372
Acres of farmland converted	8,498	5,800
Goal: Reliability & Congestion		
Congested vehicle miles of travel	2,661,402	2,521,825
Congested lane miles	216	215
Vehicle hours of delay	96,069	68,314

Source: Appendix L: <https://www.mcaqov.org/307/2018-RTP>

Section 11. Regional and Statewide Benefits of RTIP

Atwater-Merced Expressway (AME), Phase 1B:

The project would provide direct freight connection from SR-99 to the 2,000-acre Mid-California International Trade District (MCITD) - Castle.

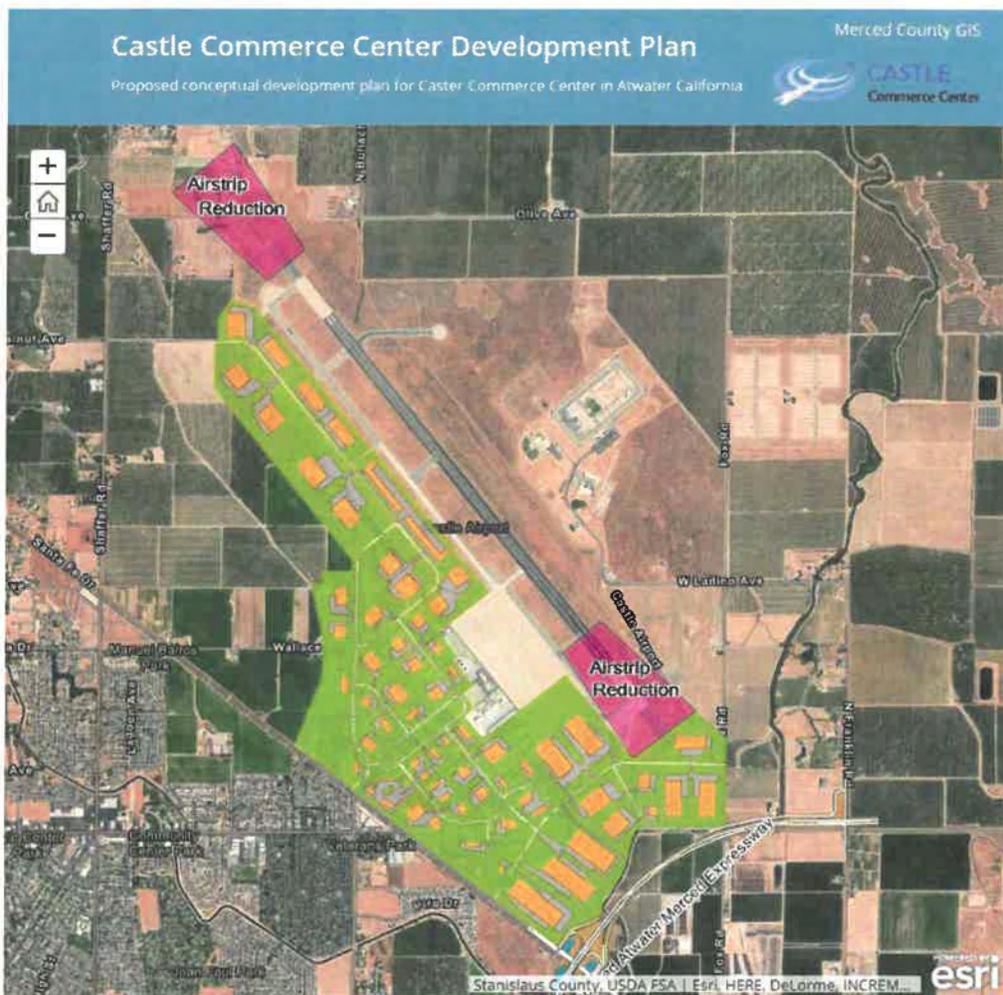
The MCITD – Castle was formerly a U.S. Air Force Strategic Air Command Base with a large runway, aprons, and taxiways. The MCITD – Castle can service aircraft weighing up to one million pounds with enough fuel to fly non-stop to Asia. Recently, the airport was utilized by the U.S. Forest Service as a centralized, reloading and refueling site for DC-10 Air Tankers.

The MCITD – Castle has a dedicated spur to the Burlington Northern Santa Fe (BNSF) Railroad mainline, which has access to the deep-water seaports in Los Angeles (Los Angeles and Long Beach) and Oakland.

With its hangers, warehouses, industrial buildings, and distribution facilities, the U.S. Department of Commerce had designated Castle as part of Foreign-Trade Zone, No. 226. The MCITD – Castle also holds a partnership with the Port of Los Angeles.

As a West Coast inland port with multimodal connectivity, the site is ideal for big-box distribution investment supporting regional and national e-commerce operations, and regional and super-regional supply chains. With good highway connection, direct rail and seaport access, and an on-site tower-controlled airport, the site is ideal for flexible logistics support and for high-velocity supply chains.

With an offering of existing buildings and a range of greenfield sites for new development, the MCITD – Castle is expected to be a major manufacturing hub, which is ideally positioned to serve a range of technology-oriented manufacturing sectors. When fully implemented, the region will be more competitive in attracting employers and high-wage jobs that will spur economic development and enhance quality of life. With the manufacturing growth, the MCITD – Castle will employ many workers, including graduates from the nearby U.C. Merced, and will be a boon for the regional and statewide economy.



Jobs-Housing Balance

The ongoing trend of commuters migrating to the Valley for more-affordable housing while continuing to work in other markets has historically led to a jobs-housing imbalance in Merced County. A jobs-housing balance is typically achieved when the housing options match the job opportunities within an area with a resulting ratio of 1.

As of 2018, Merced County had approximately 82,810 jobs and 84,033 households, resulting in a jobs-housing ratio of 0.99 jobs per household. By 2042, Merced County is expected to increase by approximately 107,000 persons and 34,000 households (a 40% increase). With

increases in the number of households, it is likely that Merced County will experience a worsening jobs-housing balance.

The region must go beyond attempting to simply improve commute travel times and develop policies to encourage, attract, and retain quality, higher-wage jobs through land use and fiscal decisions that develop Merced County as a desirable location for employers and employees. Strategies to attract a mix of high-tech and industrial manufacturing jobs will rely on providing the needed transportation infrastructure. The construction of AME Phase 1B aligns with the jobs-housing-balance strategy.

Super Commuting

As shown below, the super commuting (workers driving more than 90 minutes to get to work) population share is increasing in Merced County. The project’s indirect benefit is the effect of local employment opportunities on reducing Vehicle Miles Traveled (VMT) and Greenhouse Gas emissions.

County	Total workforce (2017)	Share of super commuters (2009)	Share of super commuters (2017) *	Percent Change
San Joaquin County	275,088	8%	9%	1.3%
San Benito County	25,687	6%	8%	2.5%
Contra Costa County	487,571	4%	8%	3.6%
Merced County	91,928	6%	8%	2.1%
Mariposa County	6,162	14%	8%	-6.7%
Stanislaus County	202,969	7%	8%	0.7%
Amador County	12,023	6%	8%	1.4%
Riverside County	904,629	6%	7%	0.8%
Lake County	19,080	6%	7%	0.9%
Calaveras County	14,958	10%	7%	-3.0%

Source: US Census via Apartment List - Get the data

Atwater-Merced Expressway (AME), Phase 2: At some future date.

The AME, subsequent future Phase 2, will connect SR-99 to SR-59 and U.C. Merced. U.C. Merced expects a campus build-out of 15,000 students in the year 2030. Bellevue Road is a two-lane east-west facility extending from Fox Road to its eastern terminus at Lake Road and is one of the two access roads to the U.C. Merced Campus. This facility currently carries approximately 8,500 vehicles per day, west of Lake Road. Many of these trips are generated by students, faculty, and staff travelling from the surrounding communities.

D. Performance and Effectiveness of RTIP

Section 12. Evaluation of Cost Effectiveness of RTIP (Required per Section 19)

The cost-effectiveness of the RTIP on a regional level is based upon the following performance metrics (previously identified in section 10). The proposed 2020 RTIP investment will help maximize mobility and accessibility, improve safety, and support economic vitality.

Since the project will help promote workplace growth on developed MCITD-Castle lands nearby urbanized housing regions, average trip lengths will not be significantly increased. The jobs-housing balance was previously discussed. As the workplace is in closer proximity and substantial employment growth is expected, carpooling/vanpooling, transit service, and pedestrian/bike usage are foreseen to be planned and developed. Shorter trips and more usage of alternative modes will result in limiting CO₂ emissions.

By way of infilling, the project's promotion of growth on already-developed MCITD-Castle lands will result in the conversion of farmlands for the manufacturing usages.

The no-build scenario means auto and freight traffic congestion on the urbanized Buhach Road that passes the City of Atwater's high school, and congestion and safety issues on Gurr Road that has a sharp radius turn and a dangerous intersection with Santa Fe Drive and railroad tracks. The expressway project proposes an alternative alignment that includes a grade separation and tie-in to a major east-west thoroughfare. Benefits to safety and congestion will be realized.

Table B2: Evaluation - Cost-Effectiveness Indicators and Measures
MCAG 2018 RTP/SCS

Goal: Performance Measure	Scenario 1 Business as Usual	Scenario 2 Preferred Scenario
Goal: Mobility & Accessibility		
VMT growth by scenario (2015-2035)	1,384,858	1,235,883
Average trip length - vehicle trips	14.86	14.62
Average trip length - commuter vehicle trips	18.64	18.29
Drive alone daily mode share percentage (peak period)	36.8%	36.5%
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CO2 emission per household of new development (tons/year)	8.2	7.1
Goal: Sustainable Development Pattern		
Total acres of new development	8,498	9,372
Acres of farmland converted	8,498	5,800
Goal: Reliability & Congestion		
Congested vehicle miles of travel	2,661,402	2,521,825
Congested lane miles	216	215
Vehicle hours of delay	96,069	68,314

Source: Appendix L: <https://www.mcaqov.org/307/2018-RTP>

Section 13. Project Specific Evaluation (Required per Section 19)

A project level benefit evaluation shall be submitted for projects for which construction is proposed if the total amount of STIP for right-of-way and/or construction is \$15 million or greater, or if the total project cost is \$50 million or greater.

The following depicts the results from the Caltrans Benefit-Cost Analysis (RTIP Appendix: Section 18), which was performed for the Atwater-Merced Expressway Phase 1B Project. To summarize these results for the 20-year analysis period:

- The benefit/cost ratio is 1.52, which represents a positive economic value;
- The project provides \$66.2 million in total benefits;
- The net benefits amount to \$22.6 million (total benefits minus total costs);
- The rate of return on investment is 7.2%;
- The payback period for construction cost is 11 years;
- The annual reduction of person-hours of travel time due to the project is 223,242 hours;
- The annual reduction emission for CO₂ is 1,008 tons; and
- The emission cost savings translate to an economic value of \$800,000.

Exhibit 11 – Benefit-Cost Analysis Results	
20-year Analysis Period	4% Discount Rate
Costs	
Capital Cost	\$41.4
Net Maintenance/Operating Costs	\$2.2
Total Costs	\$43.6
Benefits	
Passenger Benefits	
Travel Time Savings	\$30.2
Vehicle Operating Cost Savings	\$8.9
Accident Cost Savings	\$19.6
Emission Cost Savings	\$0.5
Sub-Total	\$59.2
Freight Benefits	
Travel Time Savings	\$4.2
Vehicle Operating Cost Savings	\$1.1
Accident Cost Savings	\$1.5
Emission Cost Savings	\$0.3
Sub-Total	\$7.0
Total Benefits	\$66.2
Outcome	
Net Benefits	\$22.6
Benefit-Cost Ratio	1.52:1
Rate of Return on Investment	7.2%
Payback Period	11 years
<i>Source: AECOM analysis</i>	

E. Detailed Project Information

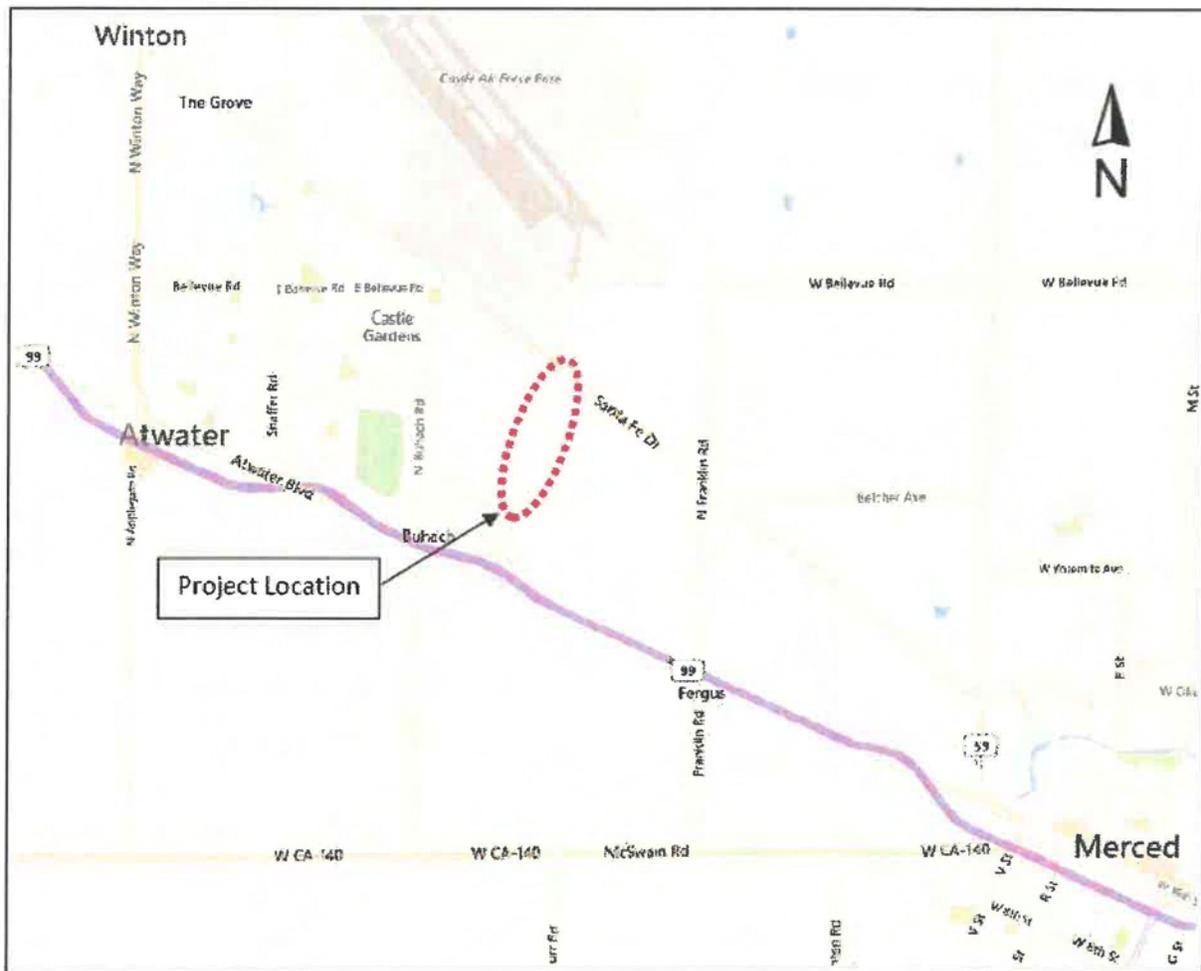
Section 14. Overview of projects programmed with RIP funding

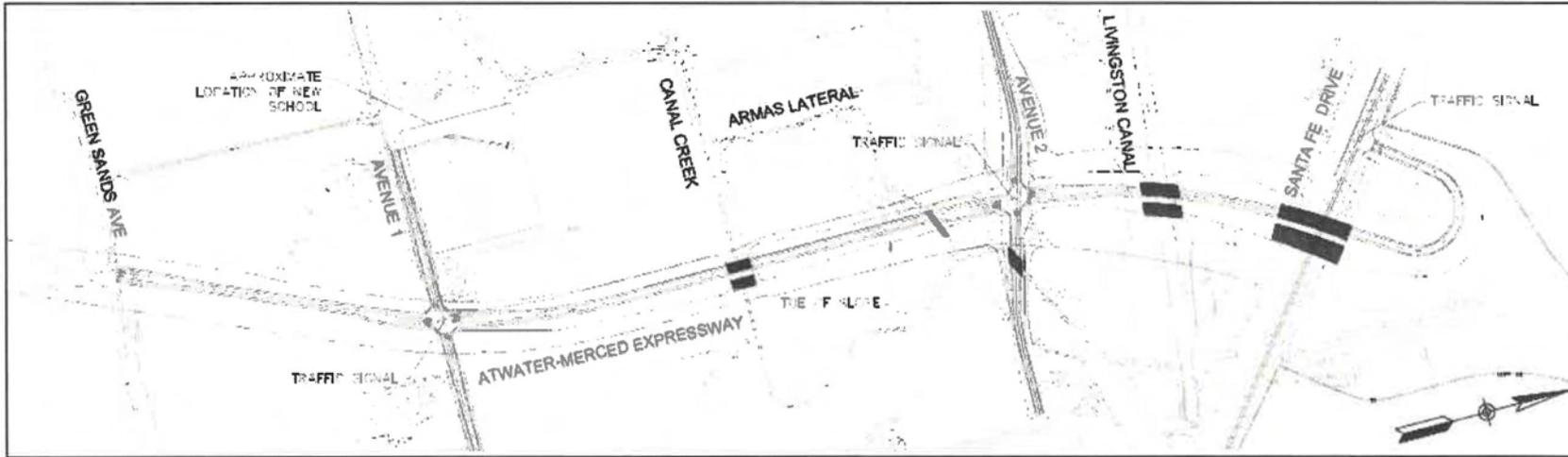
Atwater-Merced Expressway (AME), Phase 1B:

The project consists of the construction of a two-lane expressway from Green Sands Avenue (northern terminus of AME Phase 1A) to Santa Fe Drive. The project includes two at-grade intersections, an overcrossing of Burlington Northern Santa Fe (BNSF) railroad tracks and Santa Fe Drive with a ramp connector to Santa Fe Drive, and bridge structures over waterways.

With the overcrossing, the project will eliminate the unsafe, at-grade crossing at Avenue Two and Santa Fe Drive.

The project will provide direct SR-99 connection to the Mid-California International Trade District - Castle.





Atwater-Merced Expressway Phase 1B

F. Appendices

Section 15. Projects Programming Request Forms

Section 16. Board Resolution or Board Documentation of approval of 2020 RTIP

Section 17. Public Notice

Section 18. Benefit-Cost Analysis Technical Memorandum for Atwater-Merced Expressway Phase 1B

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS REQUESTING THAT \$5,000,000 OF STATE TRANSPORTATION IMPROVEMENT PROGRAM CARRYOVER REGIONAL IMPROVEMENT FUNDS REMAIN AS UNPROGRAMMED AND AVAILABLE FOR THE PIONEER ROAD WIDENING PROJECT

WHEREAS; the City of Los Banos General Plan identifies Pioneer Road as a future four lane arterial to improve connectivity, transportation circulation and bicycle and pedestrian facilities; and

WHEREAS, the Pioneer Road Widening Project has been allocated \$8,600,000 of Regional Measure V Funds for design and right-of-way acquisition; and

WHEREAS, the Pioneer Road Widening Project has received a Caltrans Planning Grant in the amount of \$220,000 to develop a Specific Plan for the project; and

WHEREAS, the City of Los Banos has entered into a funding agreement with the Merced County Association of Governments in order to receive and expend Measure V funds for the design and right-of-way acquisition for the project; and

WHEREAS, the Pioneer Road Widening Project has a construction funding need of approximately \$36,400,000; and

WHEREAS, the ability to access State Transportation Improvement Program Funds would greatly improve the viability of the Pioneer Road Widening Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby request that \$5,000,000 of State Transportation Improvement Program Carryover Regional Improvement Funds remain as unprogrammed and available for the Pioneer Road Widening Project.

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

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk