



City of
Los Banos
At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

JUNE 17, 2020 – 4:00 PM

**Temporary Public Comment Email Established for the City of Los Banos
City Council Meeting of June 17, 2020 – emails must be received by 4:00 PM:**

The City has established a temporary email address citizens can use to email public comments on any agenda item, limited to 250 words or less. Any public comments received by June 17, 2020 prior to 4:00 PM will be read aloud during the appropriate time and agenda item.

The email address is cityclerk@losbanos.org

Public comment during Public Hearings will be taken in real time via email.

Once the Public Hearing is opened, the City Council will pause the meeting in order to receive emails directed at the Public Hearing (up to 250 words) and will read comments into the record after resuming the meeting, as time permits.

Please indicate that comments are for a particular Public Hearing by putting "Public Hearing" in the subject line of the email and the title of the Public Hearing.

The Council Chambers are closed to the public, those interested in viewing the City Council meeting can do so on the City of Los Banos' Website at:

<https://www.youtube.com/watch?v=sc3NQ8A8iuE&feature=youtu.be>

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.

4:00 PM

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL: (City Council Members)

Faria ____, Johnson-Santos ____, Jones ____, Lewis ____, Villalta ____

4. CONSIDERATION OF APPROVAL OF AGENDA.

5. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers may submit their comments by submitting a written statement, limited to 250 words or less, by dropping it off in the Utility Payment Box at City Hall, 520 J Street, by mail or emailing cityclerk@losbanos.org. Comments received will be read into the record during the City Council Meeting.)

6. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

A. Check Register for #222430 – #222570 in the Amount of \$542,823.13.

Recommendation: Approve the check register as submitted.

B. Minutes for the June 3, 2020 City Council Meeting.

Recommendation: Approve the minutes as submitted.

C. Minutes for the June 4, 2020 Adjourned City Council Meeting.

Recommendation: Approve the minutes as submitted.

D. Minutes for the June 9, 2020 Adjourned City Council Meeting.

Recommendation: Approve the minutes as submitted.

E. City Council Resolution No. 6226 – Authorizing the City Manager to Sign an Agreement with the Los Banos Unified School District for School Resource Officer Services for the 2020-2023 School Years.

Recommendation: Adopt the resolution as submitted.

F. City Council Resolution No. 6227 – Accepting Grant Deed for Parcel Dedications of Lot A as Shown on that Certain Map Entitled “Shaunessy Village Phase No. 3”, and Lots C, D, and E as Shown on that Certain Map Entitled “Shaunessy Village Phase No. 1”.

Recommendation: Adopt the resolution as submitted.

- G. City Council Resolution No. 6228 – Amending the Fiscal Year 2019-2020 Budget by Increasing Revenues in the Amount of \$56,211 and Expenditures in the Amount of \$22,000 for the Supplemental Law Enforcement Services Fund (SLESF).

Recommendation: Adopt the resolution as submitted.

- H. City Council Resolution No. 6229 – Authorizing Application For, and Receipt of, Local Government Planning Support Grant Program Funds.

Recommendation: Adopt the resolution as submitted.

7. COVID-19 STATUS UPDATE.

- A. City Council Resolution No. 6223 – Ratifying, In Part, Amending, In Part, and Rescinding In Part, that Certain Executive Order 2020-01, Order of the City Manager of the City of Los Banos in His Capacity as Director of Emergency Services, Date of Order: April 14, 2020.

Recommendation: Receive staff report and adopt the resolution.

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 the Appropriation Limitation for the 2020-2021 Fiscal Year (FY).

- 1) City Council Resolution No. 6230 – Setting the Tax Related Appropriation Limit in Compliance with Proposition 4 and Proposition 111 for the 2020-2021 Fiscal Year.

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

- B. Public Hearing – To Receive Public Comment and Consideration of the 2020-2021 Fiscal Year (FY) Budget.

- 1) City Council Resolution No. 6231 – Adopting the 2020-2021 FY Budget, Including Employee Salary Schedule (Division 4) of the Los Banos Policy & Procedures Manual and the Capital Improvement Plan Summary.

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

9. CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6232 – ALLOWING TEMPORARY OUTDOOR DINING IN PRIVATE PARKING LOTS AND THE USE OF CITY RIGHT-OF-WAY TO EXPAND RESTAURANT SEATING CAPACITY.

Recommendation: Receive staff report and adopt the resolution.

10. ILLEGAL FIREWORKS PRESENTATION.

Recommendation: Informational item only, no action to be taken

11. ADVISEMENT OF PUBLIC NOTICES. (One report)

12. CITY MANAGER REPORT.

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

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

14. CITY COUNCIL MEMBER REPORTS.

A. Daronica Johnson-Santos

B. Brett Jones

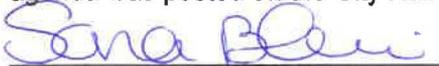
C. Deborah Lewis

D. Tom Faria

E. Mayor Mike Villalta

15. ADJOURNMENT.

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



Sara Blevins, Deputy City Clerk

Dated this 11th day of June 2020

CK # 222430 - # 222570

06/17/2020

\$ 542,823.13

Bank Reconciliation
Checks by Date



City of
Los Banos
At the Crossroads of California

User: jcanchola
Printed: 06/09/2020 - 10:15AM
Cleared and Not Cleared Checks
Print Void Checks

Check No	Check Date	Name	Module	Void	Amount
222430	5/29/2020	Aramark Uniform Ser Inc	AP		129.50
222431	5/29/2020	AT&T	AP		33.47
222432	5/29/2020	Bruce's Tire Inc	AP		2,685.04
222433	5/29/2020	BSK Associates	AP		2,528.00
222434	5/29/2020	Cen-Cal Air	AP		1,127.15
222435	5/29/2020	Donlee Pump Company	AP		710.08
222436	5/29/2020	Abel J. Gomes	AP		400.00
222437	5/29/2020	Gouveia Engineering Inc.	AP		12,602.08
222438	5/29/2020	Grainger Parts Operations	AP		1,098.43
222439	5/29/2020	Helena Chemical Co Inc	AP		607.92
222440	5/29/2020	Holt of California	AP		4,742.76
222441	5/29/2020	Charles A. Edler	AP		1,106.00
222442	5/29/2020	Kalmikov Enterprises, Inc	AP		43.09
222443	5/29/2020	Lucas Business Systems	AP		3.22
222444	5/29/2020	Marfab Inc	AP		26.56
222445	5/29/2020	Barney Meza	AP		160.00
222446	5/29/2020	The Office City	AP		64.33
222447	5/29/2020	OSE	AP		43.26
222448	5/29/2020	O'Reilly Auto Parts	AP		523.03
222449	5/29/2020	The Phone Connection Inc	AP		244.74
222450	5/29/2020	PlaceWorks, Inc.	AP		6,346.95
222451	5/29/2020	Santos Ford Inc.	AP		738.12
222452	5/29/2020	Save Mart Supermarkets	AP		60.76
222453	5/29/2020	Henry Schein Inc.	AP		215.44
222454	5/29/2020	Michael Bartholomew	AP		1,908.52
222455	5/29/2020	Sorensens True Valuc	AP		529.34
222456	5/29/2020	Stephanie Pereira	AP		10.73
222457	5/29/2020	Ana Gutierrez	AP		92.56
222458	5/29/2020	Mario Garibay	AP		137.33
222459	5/29/2020	Rosario Lizzbeth Ruiz	AP		32.23
222460	5/29/2020	Home Sweet Home Property Management	AP		134.34
222461	5/29/2020	Javier Cuevas-Romero	AP		41.81
222462	5/29/2020	D.R. Horton	AP		183.14
222463	5/29/2020	D.R. Horton	AP		178.74
222464	5/29/2020	Aldina Real Estate, Inc.	AP		161.20
222465	5/29/2020	D.R. Horton	AP		178.74
222466	5/29/2020	Daniel Davila	AP		58.22
222467	5/29/2020	Ted & Evangie Pierce	AP		152.24
222468	5/29/2020	John Kim	AP		152.24
222469	5/29/2020	Blossom Valley Realty, JR Souza	AP		128.37
222470	5/29/2020	Chenhao Dong	AP		125.39
222471	5/29/2020	Marina Andrade	AP		531.35
222472	5/29/2020	Westside Water Conditioning	AP		173.50
222473	5/29/2020	Windecker Inc	AP		1,948.69

222474	5/29/2020	LN Curtis & Sons	AP	68,463.56
222475	5/29/2020	City of Los Banos Utility	AP	26,408.72
222476	5/29/2020	Liebert Cassidy Whitmore	AP	1,688.00
222477	5/29/2020	Merced County Auditor Controller	AP	272.50
222478	5/29/2020	PG&E Company	AP	4,421.02
222479	5/29/2020	Telcion Communications Group	AP	4,171.34
222480	5/29/2020	The Don Chapin Co., Inc.	AP	337.32
222481	5/29/2020	Los Banos Volunteer	AP	2,416.63
222482	5/29/2020	Gerald "Obie" O'Brien	AP	77.14
222483	5/29/2020	Law Offices of William A Vaughn	AP	12,600.00
222492	6/5/2020	Alfredo Alvarez	AP	1,533.98
222493	6/5/2020	Animal Damage Management, Inc.	AP	4,040.00
222494	6/5/2020	Aramark Uniform Ser Inc	AP	626.62
222495	6/5/2020	Dorothy June Baker	AP	33.28
222496	6/5/2020	Borelli Real Estate Service, Inc.	AP	90.00
222497	6/5/2020	Bruce's Tire Inc	AP	3,251.53
222498	6/5/2020	BSK Associates	AP	1,163.00
222499	6/5/2020	Buxton Company	AP	12,500.00
222500	6/5/2020	California Rural Water Assoc.	AP	1,367.00
222501	6/5/2020	CCID	AP	28,251.94
222502	6/5/2020	Clark Pest Control Inc	AP	93.00
222503	6/5/2020	Comcast	AP	113.59
222504	6/5/2020	Lamar A. Cummings	AP	360.00
222505	6/5/2020	Brian Daguerra	AP	4,895.00
222506	6/5/2020	Dispensing Technology Corporation	AP	6,059.94
222507	6/5/2020	Dept of Motor Vehicles	AP	10.00
222508	6/5/2020	Farmer Brothers Coffee	AP	155.84
222509	6/5/2020	Fastenal Company	AP	52.84
222510	6/5/2020	Federal Express Corporation	AP	41.40
222511	6/5/2020	Ferguson Enterprises Inc DBA Groeniger & Company	AP	206.26
222512	6/5/2020	Frasier Irrigation a Div. of Landmark Irrigation	AP	668.80
222513	6/5/2020	Grainger Parts Operations	AP	140.55
222514	6/5/2020	Helena Chemical Co Inc	AP	667.18
222515	6/5/2020	Heppner Precision Machine Shop, Inc.	AP	70.30
222516	6/5/2020	JB Anderson Land Use Planning	AP	5,815.00
222517	6/5/2020	Jorgensen & Sons Inc.	AP	300.00
222518	6/5/2020	Kimball Midwest	AP	243.88
222519	6/5/2020	Lincoln Equipment Inc	AP	182.74
222520	6/5/2020	Lucas Business Systems	AP	1,544.88
222521	6/5/2020	Marfab Inc	AP	731.81
222522	6/5/2020	Matson Alarm Co Inc	AP	181.00
222523	6/5/2020	Merced Chevrolet Inc.	AP	413.00
222524	6/5/2020	Merced County Dept Of Agriculture	AP	204.00
222525	6/5/2020	Merced Truck & Trailer Inc	AP	80.80
222526	6/5/2020	Mitchell Repair Information Company, LLC	AP	1,728.00
222527	6/5/2020	MOO, Inc.	AP	85.68
222528	6/5/2020	Napa Auto Parts of Los Banos	AP	72.09
222529	6/5/2020	The Office City	AP	438.33
222530	6/5/2020	OSE	AP	280.98
222531	6/5/2020	Old Dominion Brush Company, Inc.	AP	596.27
222532	6/5/2020	O'Reilly Auto Parts	AP	2,075.26
222533	6/5/2020	PG&E Company	AP	122,970.90
222534	6/5/2020	The Phone Connection Inc	AP	124.86
222535	6/5/2020	Precision Civil Engineering, Inc	AP	1,750.00

222536	6/5/2020	Provost and Pritchard Engineering, Inc.	AP	6,276.82
222537	6/5/2020	Protech Security & Electronics, Inc.	AP	447.00
222538	6/5/2020	Quad Knopf, Inc.	AP	12,401.40
222539	6/5/2020	Santos Ford Inc.	AP	942.61
222540	6/5/2020	Michael Bartholomew	AP	1,209.11
222541	6/5/2020	Sherwin Williams Co	AP	302.55
222542	6/5/2020	Sorensens True Value	AP	346.90
222543	6/5/2020	Sprint Solutions, Inc.	AP	189.95
222544	6/5/2020	Taylor Backhoe Service, Inc.	AP	10,823.01
222545	6/5/2020	The Don Chapin Co., Inc.	AP	2,264.57
222546	6/5/2020	Top Dog Police K9 Training and Consulting, LLC	AP	112.50
222547	6/5/2020	Westside Water Conditioning	AP	40.41
222548	6/5/2020	Zee Medical Service Co	AP	150.31
222549	6/5/2020	CWEA	AP	281.00
222550	6/5/2020	Rachelle Ciuffo	AP	513.93
222551	6/5/2020	Mary Lou Gilardi	AP	61.65
222552	6/5/2020	Premier Access Insurance Co.	AP	20,267.77
222553	6/5/2020	Ronny's Inc.	AP	39,819.86
222554	6/5/2020	Ronny's Inc.	AP	32,505.79
222555	6/5/2020	Ronny's Inc.	AP	13,033.29
222556	6/5/2020	Ronny's Inc.	AP	2,760.00
222557	6/5/2020	Sun Life Financial	AP	7,005.30
222558	6/5/2020	West Publishing Corporation	AP	338.65
222559	6/5/2020	Aflac-Customer Service	AP	422.41
222560	6/5/2020	Los Banos Police Assn	AP	175.00
222561	6/5/2020	Los Banos Police Assn	AP	420.00
222562	6/5/2020	Los Banos Police Assn	AP	805.00
222563	6/5/2020	MassMutual	AP	1,297.09
222564	6/5/2020	MassMutual	AP	3,727.50
222565	6/5/2020	Nationwide Retirement Solutions	AP	3,457.50
222566	6/5/2020	Professional Fire Fighter	AP	720.00
222567	6/5/2020	Public Employees Union, Local One	AP	1,013.43
222568	6/5/2020	State Disbursement Unit	AP	2,190.00
222569	6/5/2020	Vantagepoint Transfer Agents - 306797	AP	884.45
222570	6/5/2020	Vantagepoint Transfer Agents - 801838	AP	5,450.00

Break in check sequence due to the following:
Check #222484 - #222491 (Payroll)

Total Void Check Count:	0
Total Void Check Amount:	
Total Valid Check Count:	133
Total Valid Check Amount:	542,823.13
Total Check Count:	133
Total Check Amount:	542,823.13

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JUNE 3, 2020**

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

***SPECIAL NOTE:** This meeting was held by teleconference due to the COVID-19 Pandemic.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 4:01 p.m.

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

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Fire Chief Hurley, Community & Economic Development Director Elms, Public Works Director/City Engineer.

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

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Mayor Villalta asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated she has received many comments by email regarding Agenda Item 7 – COVID-19 Status Update. No other comments were received or read into the record and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Jones requested that item 6D – City Council Resolution No. 6219 – Authorizing Entering into a Fourth Amendment to Landscape Maintenance Contract Between the City of Los Banos and Ronnys Inc. which will extend the term through September 30, 2021 and adding Landscape and Irrigation Services Associated with the Newly Developed Landscape Areas in Districts 14 and 17 be removed from the Consent Agenda for separate consideration and approval. Motion by Jones, seconded by Lewis to approve the

consent agenda as follows: Check Register for #222244 – #222429 in the Amount of \$877,256.98; Minutes for the May 20, 2020 City Council Meeting; City Council Resolution No. 6218 – Authorizing the City Manager to Execute the Cares Act Airport Grants Agreement as the Sponsor’s Authorized Representative; ~~City Council Resolution No. 6219 – Authorizing Entering into a Fourth Amendment to Landscape Maintenance Contract Between the City of Los Banos and Ronnys Inc. which will extend the term through September 30, 2021 and adding Landscape and Irrigation Services Associated with the Newly Developed Landscape Areas in Districts 14 and 17;~~ City Council Resolution No. 6220 – Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2020, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California: Mayor “At-Large” for a Full Term of Two (2) Years, a Council Member for District 1 for a Full Term of Four (4) years, and a Council Member for District 4 for a Full Term of Four (4) years; City Council Resolution No. 6221 – Requesting the Board of Supervisors of the County of Merced to Consolidate a General Municipal Election to be Held on Tuesday, November 3, 2020, with the California Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Election Code. The motion carried by the affirmative action of all Council Members present.

CITY COUNCIL RESOLUTION NO. 6219 – AUTHORIZING ENTERING INTO A FOURTH AMENDMENT TO LANDSCAPE MAINTENANCE CONTRACT BETWEEN THE CITY OF LOS BANOS AND RONNYS INC. WHICH WILL EXTEND THE TERM THROUGH SEPTEMBER 30, 2021 AND ADDING LANDSCAPE AND IRRIGATION SERVICES ASSOCIATED WITH THE NEWLY DEVELOPED LANDSCAPE AREAS IN DISTRICTS 14 AND 17.

Council Member Jones requested that Public Works Director/City Engineer Fachin provide information about this contract and the amendments so that the public may better understand the history for which Public Works Director/City Engineer Fachin complied. Concerns about this contract continuing to be extended instead of going out to bid was brought to light for which Public Works Director/City Engineer Fachin spoke to the poor bidding results received for this contract in the past and that the City would not be saving money using a different contractor. The current company used for these services provides quality work at a price that is affordable to the City.

Motion by Jones, seconded by Lewis to approve City Council Resolution No. 6219 - Authorizing Entering into a Fourth Amendment to Landscape Maintenance Contract Between the City of Los Banos and Ronnys Inc. which will extend the term through September 30, 2021 and adding Landscape and Irrigation Services Associated with the Newly Developed Landscape Areas in Districts 14 and 17. The motion carried by the affirmative action of all Council Members present.

COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6222 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19); CITY COUNCIL RESOLUTION NO. 6223 – RATIFYING, IN PART, AMENDING, IN PART, AND RESCINDING IN PART, THAT CERTAIN EXECUTIVE ORDER 2020-01, ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES, DATE OF ORDER: APRIL 14, 2020. City

Clerk Mallonee read the many public comments received by email into the record. JARROD BRAZIL wrote in opposition to the facemask requirement; CELESTE SILVA wrote in opposition to the facemask requirement; TRICIA CAMPOS wrote in support of the facemask requirement; PATRICIA ACEVEZ wrote in support of opening businesses, especially CrossFit ValleyView; MARK VIERRA wrote in opposition to the COVID-19 ordinance requirements; JENNIFER CORREIA & GRACIANO RUBIO wrote in support of opening up businesses; LISA SOUZA wrote in support of opening businesses, especially CrossFit ValleyView; LAURA RASEY wrote in support of opening businesses, especially CrossFit ValleyView; DR. PHILLIP YU wrote in support of requiring facemasks; PATRICK GALLICHIO wrote in opposition to the facemask requirement; IRENE CHAVEZ wrote in support of opening businesses, especially CrossFit ValleyView; PAULA TINE wrote in support of opening businesses, especially CrossFit ValleyView; GENEVA BRETT wrote in opposition to the COVID-19 ordinance requirements; MARY GOIN wrote in opposition to the facemask requirement; STEPHEN HAMMOND wrote in opposition to the facemask requirement; WILL YORK wrote in opposition to the facemask requirement; DR. SALVADOR SANDOVAL wrote in support of the facemask requirement; ROSE GARCIA wrote in opposition to the facemask requirement; JOSEPH GARCIA wrote in opposition to the facemask requirement.

City Manager Terrazas presented the staff report, which included a PowerPoint presentation.

The public was reminded that the City of Los Banos is following orders directed by State of California which are further ordered by Merced County. The City does not have the authority to make decisions higher than what the County orders. Individual cities may create stricter rules, but those rules must be in alliance with the County's. Los Banos Executive Order 2020-01 is still currently in place which imposes stricter rules such as face covering requirements for covered businesses for both employees and customers.

Motion by Faria, seconded by Johnson-Santos to approve City Council Resolution No. 6222 – Continuing the Declaration of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The motion carried by the affirmative action of all Council Members present.

Motion by Faria, seconded by Villalta to rescind the requirement of one person per shopping cart. The motion carried by the affirmative action of all Council Members present.

Motion by Villalta, seconded by Jones to rescind the requirement of 5 persons per 1,000 square feet. The motion carried by the affirmative action of all Council Members present, Johnson-Santos and Lewis voting NO.

Motion by Villalta, seconded by Johnson-Santos to require the use of face coverings in order to enter City Hall. The motion carried by the affirmative action of all Council Members present, Jones voting NO.

Motion by Villalta, seconded by Faria to require face coverings in the Council Chambers. The motion carried by the affirmative action of all Council Members present, Jones voting NO.

Motion by Villalta, seconded by Faria to require all businesses and organizations authorized to remain open or which are allowed to reopen pursuant to the May 8, 2020 County Order and beyond that are open to the public require employees and customers to wear face coverings. Allowing for exemptions from the face covering requirements under the ADA or for children under the age of 2 years. The motion carried by the affirmative action of all Council Members present, Johnson-Santos and Jones voting NO.

Motion by Villalta, seconded by Faria to require a self-certification to the completion of the detailed risk assessment and implementation of a site-specific protection plan as required pursuant to the May 8, 2020 County Order to be posted on the premises. The motion carried by the affirmative action of all Council Members present.

City Attorney Vaughn stated that staff will bring back a resolution with the language as stated above for consideration and approval at the June 17, 2020 City Council Meeting.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6225 – APPROVING TO STUDY COMMUNITY CHOICE AGGREGATION (CCA) AND PARTNERSHIP WITH PENINSULA CLEAN ENERGY (PCE) AND AUTHORIZE THE CITY MANAGER TO SIGN AND SUBMIT PG&E DATA FORMS TO CONDUCT A TECHNICAL STUDY/LOAD ANALYSIS. Community & Economic Development Director Elms presented the staff report, introducing Shawn Marshall who spoke in more detail which included a PowerPoint presentation. In addition, Jan Pepper, CEO of Peninsula Clean Energy was dialed in by phone and spoke in more detail.

There was Council Member and staff discussion with Ms. Marshall regarding discounts and programs for low income residents, seniors, and other groups of qualified individuals. Other cities in the area are currently looking at this energy option as well but there are currently no contracts in place. City Manager Terrazas noted that this would be a good investment and the contingency fund could be looked into if Council and staff deem this program important at this time.

Motion by Jones, seconded by Faria to adopt City Council Resolution No. 6225 – Approving to Study Community choice Aggregation (CCA) and Partnership with Peninsula Clean Energy (PCE) and Authorize the City Manager to Sign and Submit PG&E Data Forms to Conduct a Technical Study/Load Analysis.

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 1185 – AMENDING CHAPTER 8 OF TITLE 11 OF THE LOS BANOS MUNICIPAL CODE REGULATING SHOPPING CARTS (SECOND READING & ADOPTION). Community & Economic Development Director Elms presented the staff report.

Motion by Lewis, seconded by Johnson-Santos to waive the second reading of Ordinance No. Ordinance No. 1185 – Amending Chapter 8 of Title 11 of the Los Banos

Municipal Code Regulating Shopping Carts. The motion carried by the affirmative action of all Council Members present.

Motion by Lewis, seconded by Johnson-Santos to adopt Ordinance No. 1185 – Amending Chapter 8 of Title 11 of the Los Banos Municipal Code Regulating Shopping Carts. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT FOR THE 2020-2021 FISCAL YEAR FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19. CITY COUNCIL RESOLUTION NO. 6224 – CONFIRMING DIAGRAM, ASSESSMENT AND LEVYING ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1-7 AND 9-19 FOR THE 2020-2021 FISCAL YEAR. Public Works Director/City Engineer presented the staff report.

There was Council Member and staff discussion regarding some of the costs outlined in the assessments and clarification of what those costs cover.

Mayor Villalta opened the public hearing. A short recess was taken to receive public comment by email.

After the five-minute recess, City Clerk Mallonee stated that no comments had been received by email and the public hearing was closed.

Motion by Johnson-Santos, seconded by Faria to adopt City Council Resolution No. City Council Resolution No. 6224 – City Council Resolution No. 6224 – Confirming Diagram, Assessment and Levying Assessments for Landscaping and Lighting District Nos. 1-7 and 9-19 for the 2020-2021 Fiscal Year. The motion carried by the affirmative action of all Council Members present.

CONSIDERATION OF NOMINATION TO MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) MEASURE V CITIZENS OVERSIGHT COMMITTEE. Motion by Jones, seconded by Villalta to nominate John Cates as a candidate for the Measure V Citizens Oversight Committee. The motion carried by the affirmative action of all Council Members present.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there one item to be considered at the next Planning Commission meeting on Wednesday, June 10, 2020, a tentative parcel map, site plan review and conditional use permit for a gas station convenience store with an attached carwash with the allowance of the off-sale of beer and wine through a Type 20 ABC license located at 2027 E. Pacheco Boulevard, APN 083-140-031.

CITY MANAGER REPORT. City Manager Terrazas stated that the City was successful in obtaining a \$160,000 grant to fund the preparation of the Tree Master Plan. It is great news and comes with the great leadership of Joe Heim, Parks and Recreation Operations Manager.

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

Mayor Villalta stated that they will be bringing forward what MCAG would like to do with the acreage to expand the City's refuse site to accommodate the westside of the County. The next meeting regarding the Pioneer Widening Project will be held virtually on June 23rd and Mayor Villalta wanted to assure all that a follow up in-person meeting is in the works to accommodate all to be able to attend in a safe manner.

BRETT JONES: Council Member Jones is there a way we can have a minister at a future meeting for which City Clerk Mallonee stated that they would need to sign up in order to attend.

TOM FARIA: Council Member Faria wished all to stay well and stay safe.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos thanked Chief Brizzee and all his support staff for the successful and peaceful event held yesterday.

DEBORAH LEWIS: No report.

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that he attended the peaceful Justice March yesterday and spoke to how proud he was with the whole group and event. Today he attended the Peace Gathering at Pacheco Park with about 40 students and adults present. He thanked Elizabeth Stonegrove and Illa Nelson for coordinating the event. Further, he spoke regarding COVID-19 and the research he has done and information he has discovered.

ADJOURNMENT. The meeting was adjourned at 8:04 PM to 4:00 PM, Thursday, June 4, 2020 in the Council Chambers, 520 J Street, Los Banos, California to Attend a 2020/2021 Fiscal Year Budget Workshop and Adjourn to 4:00 PM, Tuesday, June 9, 2020 in the Council Chambers, 520 J Street, Los Banos, California to Hold an Appeal Hearing Regarding the Decision to Not Grant a Waiver of Transient Occupancy Tax Collected.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CITY OF LOS BANOS
ADJOURNED CITY COUNCIL MEETING MINUTES
JUNE 4, 2020

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

SPECIAL NOTE: *This meeting was also held by teleconference due to the COVID-19 Pandemic.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 4:00 p.m.

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

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

STAFF MEMBERS PRESENT: City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Police Chief Brizzee, Finance Director Williams, Public Works Director/City Engineer Fachin; *Participating by teleconference:* Fire Chief Hurley, Community & Economic Development Director Elms

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

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Mayor Villalta opened the public forum. No one came forward to speak and the public forum was closed. City Clerk Mallonee stated that no public comment was received by email.

2020-2021 FISCAL YEAR BUDGET WORKSHOP. Finance Director Williams conducted the workshop, which included a PowerPoint presentation.

Informational item only, comments and direction given to staff, no action taken.

ADJOURNMENT. Motion by Villalta, seconded by Faria the meeting was adjourned at 6:22 PM to 4:00 PM, Tuesday, June 9, 2020 in the Council Chambers, 520 J Street, Los Banos, California to Hold an Appeal Hearing Regarding the Decision to Not Grant a

Waiver of Transient Occupancy Tax Collected. The motion carried by the affirmative action of all City Council Members present.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CITY OF LOS BANOS
ADJOURNED CITY COUNCIL MEETING MINUTES
JUNE 9, 2020

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

SPECIAL NOTE: *This meeting was also held by teleconference due to the COVID-19 Pandemic.*

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 4:03 p.m.

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

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

STAFF MEMBERS PRESENT: City Clerk/Human Resources Director Mallonee, City Manager Terrazas, City Attorney Vaughn, Police Chief Brizzee, Finance Director Williams.

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

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Mayor Villalta opened the public forum. No one came forward to speak and the public forum was closed. City Clerk Mallonee stated that no public comment was received by email.

CONSIDERATION OF AN APPEAL HEARING REGARDING THE DECISION TO NOT GRANT A WAIVER OF TRANSIENT OCCUPANCY TAX (TOT) COLLECTED. Finance Director Williams presented the staff report.

Council Member Lewis inquired as to if any other cities have refunded TOT tax for which Finance Director Williams stated that she hasn't found a city that has waived the TOT but some cities have deferred payment to a later date without penalties. Mayor Villalta inquired as to if any of the Los Banos hotel/motels have incurred any penalties for which Finance Director stated no.

Doris Lovett, representing Best Western, explained the waiver request, how they have had to lay off employees, cut employee hours, limit breakfast hours for customers . . . she spoke to the May 5, 2020 letter and requesting a 3% discount, spoke regarding the hotels extra expenses, i.e. masks, sanitizer, she would like to cut the percentage of TOT paid to the City or pay monthly or quarterly and be able to pay with a credit card . . .

Sanjay Patel, La Quinta Inn & Suites, explained their initial request of the 3% discount on the TOT, how they have incurred additional costs, explained how credit card payments by customers cost them more money, request that we look at past hotel payments and come up with idea and ways to help the hotel/motels, maybe even find some grants.

Mayor Villalta inquired as to the City of Los Banos' credit card processing rates for which Finance Director Williams stated that they are charged 4.9% - 9.5% for each transaction and that TOT is a pass through payment that the City sends to the State and explained how a 3% reduction would affect the City negatively about \$12,000 and if we allowed hotels/motels to use credit cards to make TOT payments it would affect the City negatively about \$51,000. City Manager Terrazas stated that the City is in the process of applying for Federal CDBG funds that could provide assistance for property/business owners in the future, the City is waiting for the NOFA and there is no timeline yet.

Motion by Faria, seconded by Johnson-Santos to accept the staff report and any other documents presented by either party into the record. The motion carried by the affirmative action of all Council Members present.

Mayor Villalta asked if there was any public comment for which City Clerk Mallonee stated that there were none.

Council Member Johnson-Santos inquired as to if the hotels/motels have looked into funding or programs to help them. Mr. Sanjay stated that some have and some have not, and some have received funding. Council Member Faria inquired as to if the hotels/motels listed all the hotels in the City for which Finance Director Williams stated yes. Council Member Jones stated that if we waive the TOT what prevents other business from coming forward to request a waiver for sales tax for which Finance Director Williams stated that any business could request a waiver but there is nothing in the Los Banos Municipal Code that allows for a hearing process like this. Council Member Jones inquired as to if there is any other tax like the TOT that we collect for which Finance Director Williams stated no. Council Member Johnson-Santos inquired as to what other cities have done for which Finance Director Williams stated that a few have deferred payment but not waived the fees.

City Attorney Vaughn asked for those on the "phone" to identify themselves and speak if they had anything to add: Bill Patel, Best Western, stated he was on the line and had nothing to add. Anil Raj, Los Banos Motel, stated he was on the line and had nothing to add.

Council Member Lewis stated that she is concerned with taxes being returned back to the business because she feels that it should go back to the customer who paid it; she also noted that the City also has employees that we have to pay and any added cost would adversely affect the City. Council Member Johnson-Santos stated that we are in unprecedented times, but at the same time the City is hurting as well. Council Member Faria stated that the TOT was collected to be paid to the City and is okay with a deferral but not okay with a wavier/refund.

Motion by Lewis, seconded by Jones to DENY the appeal and affirm the decision of the Tax Administrator/City Manager. The motion carried by the affirmative action of all Council Members present, Johnson-Santos voting No.

ADJOURNMENT. The meeting was adjourned at 4:47 PM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Waiver of Transient Occupancy Tax Collected. The motion carried by the affirmative action of all City Council Members present.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Jason Hedden, Police Commander

DATE: June 17, 2020

SUBJECT: School Resource Officer (SRO) Agreement with the Los Banos Unified School District (LBUSD)

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council approve and authorize the signing of an Agreement between the City of Los Banos and the Los Banos Unified School District for School Resource Officer services.

Discussion:

The Los Banos Unified School District has partnered with the Police Department for a number of years to provide School Resource Officers (SRO's) in our local schools.

The current Agreement expires on June 30, 2020; and the City and LBUSD wish to extend the existing Agreement another three (3) years. The proposed agreement would continue to provide two (2) SRO's to LBUSD, through an 80/20, funding formula, through the end of the school year, in 2023.

This Agreement has been reviewed and approved by the City Attorney.

Fiscal Impact:

The 2020-2021 LBUUSD SRO Agreement funding allocation breakdown is as follows:

The Districts share of salary and benefits for two (2) SRO's will be approximately: \$259,328.00.

The City's share of salary and benefits will be approximately: \$64,832.00

The City will provide the District with a calculation of their share of the total compensation for the ensuing school year on or before July 1, 2021 and July 1, 2022.

Reviewed by:



Sonya Williams, Finance Director



Alex Terrazas, City Manager

Attachments:

2020-2023 LBUUSD MOU

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF LOS BANOS
AUTHORIZING THE CITY MANAGER TO SIGN AN
AGREEMENT WITH THE LOS BANOS UNIFIED
SCHOOL DISTRICT FOR SCHOOL RESOURCE
OFFICER SERVICES FOR THE 2020-2023
SCHOOL YEARS**

WHEREAS, the Los Banos Unified School District provides schooling for youth within the geographic boundaries of the City of Los Banos; and

WHEREAS, the Los Banos Police Department has, for a number of years, provided two School Resource Officers (SROs) through an Agreement whereby the District reimburses the City for 80% of the Officers salary and benefits; and

WHEREAS, this agreement allows for the continued placement of two police officers to serve the District and its various school sites.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos authorizes the City Manager to enter into an agreement with Los Banos Unified School District regarding a School Resource Officer Agreement for the 2020-2023 school years.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of June 2020, by;

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

AGREEMENT
BETWEEN CITY OF LOS BANOS
AND LOS BANOS UNIFIED SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER PROGRAM
July 1, 2020- June 30, 2023

THIS AGREEMENT entered into this 1st day of July 2020, by and between the City of Los Banos (hereinafter referred to as “City”) and the Los Banos Unified School District (hereinafter referred to as “DISTRICT”) and terminates on June 30, 2023.

WHEREAS, DISTRICT and the City desire to set forth in this Agreement (“Agreement”) the specific terms and conditions of the services to be performed and provided by the School Resource Officers (“SRO”) at Los Banos Unified School District Schools (hereinafter referred to as “School”).

NOW THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

- 1.0 Goals and Objectives – It is understood and agreed that the DISTRICT and the City officials share the following goals and objectives with regard to the School Resource Officer Program:
 - 1.1 To foster educational programs and activities that will increase students’ and parents’ knowledge of and respect for the law and the function of law enforcement agencies;
 - 1.2 To encourage the SRO to attend extra-curricular activities held at school, such as parent meetings, athletic events and concerts, Back to School Night, Open House, and Graduation;
 - 1.3 To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sales and/or distribution of controlled substances, and riots;
 - 1.4 To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school;
 - 1.5 To cooperate with law enforcements officials in their investigations of criminal offenses which occur off campus.
- 2.0 Employment and Assignment of SRO
 - 2.1 The City agrees to make two SROs available during the term of this Agreement. The SROs shall be an employee of the City and be subject to the administration, supervision and control of the City except as such administration, supervision and control is subject to the terms and conditions of this Agreement.

- 2.2 The City agrees to provide and to pay the SRO's salary and employment benefits in accordance with the applicable salary schedules and employment practices of the City, including but not necessarily limited to: sick leave, annual leave, retirement compensation, disability salary continuation, workers compensation, unemployment compensation, life insurance, dental insurance, and medical/hospitalization insurance. The SRO shall be subject to all other personnel policies and practices of the City except as such policies or practices may have to be modified to comply with the terms and conditions of this Agreement.
- 2.3 The DISTRICT agrees to reimburse the City for eighty percent (80%) of the SRO's salary, including benefits, calculated at \$259,328.00 ($\$324,160.00 \times .80$) for the 2020-2021 school year.
- 2.4 The DISTRICT agrees to reimburse the City in two payments as follows: \$129,664.00 payable on or before December 1, 2020 and \$129,664.00 on or before May 1, 2021. On or before July 1, 2021 and July 1, 2022, the City shall provide DISTRICT with the calculation of DISTRICT's share of the total compensation for the ensuing school year. (Based on 80% of the SRO's salary, including benefits for the ensuing school year.)
- 2.5 The DISTRICT may request the City to provide additional services by an Officer during evening or weekend events such as School Board Meetings and Football Games or other DISTRICT-sponsored events. DISTRICT shall pay City all costs that City incurs (including total compensation) in providing additional services as requested by the District, with the understanding that City is generally required to pay Officers at the officers fully burdened hourly pay rate \$90.67-\$96.24. DISTRICT shall pay for supplemental services within thirty (30) days of receipt of an invoice from City.
- 2.6 The City, in its sole discretion, shall have the power and authority to hire, transfer, discharge, and discipline the SRO; however, a School representative will participate in the selection of the SRO to be placed on the School Campus. The assigned SRO will be supervised by the Chief of Police or his/her designated subordinate.
- 2.7 In the event an SRO is absent from work, the SRO shall notify both his/her supervisor and the principal of the School to which the SRO is assigned.
- 2.8 While on site additional administrative duties will be assigned by the Chief of Police or his/her designated subordinate and completed by the SRO in support of the Los Banos Police Department.
- 2.9 The City agrees to provide statutory workers' compensation coverage, if and as required according to California Labor Code, including Employers' Liability limits of \$1,000,000.00 per accident.

3.0 Duty Hours

- 3.1 The officer in charge of the SRO program shall set specific SRO duty hours at the assigned School by mutual agreement, at the direction of the principal of the School, and the SRO Supervisor. The SRO will work 40 hours per week (full-time) in and around the School during the standard school term.
- 3.2 The SRO is not required to be on campus on non-school days with the exception of staff in service days related to Section 7.3.
- 3.3 In the event of a disaster or unusual occurrence, the SRO may be temporarily removed from the program to supplement police requirements. In the event of such occurrence, the DISTRICT's share of cost shall be suspended for the number of hours lost to the program unless another officer is provided.
- 3.4 The SRO will not be replaced nor will the DISTRICT share of cost be reduced during times when the SRO is off work due to vacation, CTO or sick leave. During times when the SRO is off work due to a non-SRO related job injury, the City shall arrange for a replacement SRO or the DISTRICT share of cost shall be suspended until the SRO resumes full duty on the School campus. Non-SRO related job injury is defined as an injury occurring when the SRO is not engaged in an activity outside of the scope of his/her duties as an SRO.
- 3.5 Planned time off, such as vacations and CTO shall be coordinated with the School Principal and his/her designee and the Chief of Police or his/her designee.

4.0 Basic Qualifications of SRO

To be a SRO, an officer must first meet all of the following basic qualifications:

- 4.1 Shall be a full time Police Officer with two years of law enforcement experience;
- 4.2 Shall possess sufficient knowledge of the applicable Federal and State Laws and Regulations;
- 4.3 Shall be capable of conducting in depth criminal investigations;
- 4.4 Shall possess an even temperament and set a good example for students; and
- 4.5 Shall possess communication skills, which would enable the officer to function effectively within the School environment.

5.0 Duties of SRO

- 5.1 The SRO shall coordinate all of his/her activities with the principal and staff members concerned and will seek permission, advice and guidance prior to enacting any program within the School;

- 5.2 The SRO shall develop expertise in presenting various subjects to the students, staff, parents and community. Frequency of workshops shall be at least once per quarter. Such subjects shall include, but are not limited to: a basic understanding of the law, the role of the police officer and law related areas, careers in public safety, the impact of felony convictions on future employment, etc. The SRO will collaborate with the School Principal to determine the most beneficial subjects and the target audience for each workshop;
- 5.3 The principal shall encourage the SRO to have individual and small group discussions with students, based upon material presented in class, to further establish rapport with students;
- 5.4 When requested by the principal, the SRO shall attend parent/staff/administrative meetings to solicit support and understanding of the program;
- 5.5 The SRO shall be available for conferences with students, parents and faculty members in order to assist them with problems of a law enforcement or crime prevention nature;
- 5.6 The SRO shall become familiar with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc.;
- 5.7 The SRO shall assist the principal in developing plans and strategies to prevent and/or minimize dangerous situations that may result in student arrest;
- 5.8 Should it become necessary to conduct formal police interviews with students, the SRO shall adhere to DISTRICT Policy 5145.11, police department policy and legal requirements for conducting such interviews, attached hereto and incorporated herein by this reference;
- 5.9 The SRO shall take law enforcement action as required. As soon as practicable, the SRO shall make the principal or his/her designee aware of such action. The SRO shall take appropriate law enforcement actions against intruders and unwanted guests who may appear at the School and related School functions, to the extent that the SRO may do so under the authority of law;
- 5.10 The SRO shall give assistance to other law enforcement personnel in matters regarding his/her School assignment, whenever necessary;
- 5.11 The SRO shall, whenever possible, participate in and attend School functions;
- 5.12 The SRO shall maintain detailed and accurate records of the operation of the SRO program. These records shall include, but are not limited to, statistical findings from his or her School. These records will be submitted to the supervisor of the SRO;

5.13 The SRO shall not act as a School disciplinarian, as disciplining students is a School responsibility. However, if the principal believes an incident is a violation of the law, the principal may contact the SRO, and the SRO shall then determine whether law enforcement action is appropriate.

6.0 Chain of Command

6.1 As an employee of the City, the SRO shall follow the chain of command as set forth in the City Policies and Procedures Manual;

6.2 In the performance of their duties, the SRO shall coordinate and communicate with the principal or the principal's designee(s) of the assigned School as set forth in this Agreement.

7.0 Training

7.1 The SRO shall receive training in the SRO Program. Training sessions will be conducted to provide SROs with appropriate in-service training, such as updates in the law, in-service firearm training and law enforcement school-related training. Additionally, the SRO shall continue to participate in all other types of training, meetings, etc., when deemed appropriate by the Chief of Police;

7.2 The DISTRICT also may provide training in Board of Education Policies, regulations and procedures;

7.3 When requested by the principal, the SRO will attend professional development provided by the School when the training of the SRO is necessary to effectively implement a school program.

8.0 Supplies and Equipment

8.1 The City agrees to provide the standard issue firearm and rounds of ammunition for the SRO;

8.2 The City agrees to provide the SRO with the required duty uniform and duty gear;

8.3 The DISTRICT agrees to provide an office, desk, desk chair, computer and the usual and customary office supplies to the SRO.

9.0 Access to Education Records

9.1 School officials shall allow the SRO to inspect and copy any public records maintained by the School including student directory information, classroom assignments and discipline files. However, the SRO may only inspect or copy confidential student education records as allowed by law;

9.2 If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, School officials may

disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety, the need of the information to meet the emergency situation, and the extent to which time is of the essence;

- 9.3 If confidential student record information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

10.0 Performance Evaluation

- 10.1 It is mutually agreed that the DISTRICT and the School shall evaluate annually the SRO Program and the performance of the SRO. It is further understood that the DISTRICT and the School's evaluation of each officer is advisory only and that the City retains the final authority to evaluate the performance of the SRO.

11.0 Term of Agreement

- 11.1 The term of agreement is three years, commencing on July 1, 2020, ending on June 30, 2023, unless sooner terminated in accordance with this Agreement.

12.0 Notices

- 12.1 All notices, requests, demands or other communications under this Agreement shall be in writing. Notice shall be sufficiently given for all purposes as follows:
- A. Personal Delivery. When personally delivered to the recipient, notice is effective upon delivery.
 - B. First Class Mail. When mailed first class to the last address of the recipient known to the party giving notice, notice is effective three mail delivery days after deposit in a United States Postal Service office of mailbox.
 - C. Certified Mail. When mailed certified mail, return receipt requested, notice is effective upon receipt if delivery is confirmed by a return receipt.
 - D. Overnight Delivery. When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, notice is effective on deliver, if delivery is confirmed by the delivery service.
 - E. Facsimile Transmission. When sent by fax to the last fax number of the recipient known to the party giving notice, notice is effective upon receipt, provided that: a.) a duplicate copy of the notice is promptly given by first class mail or certified mail or by overnight delivery, or b.) the receiving party delivers a written confirmation of receipt. Any notice given by fax shall be deemed received on the next business day if received after 5:00 P.M. or on a non-business day.

Any correctly addressed notice that is refused, unclaimed or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that the notice was refused, unclaimed or deemed undeliverable by the postal authorities, messengers or overnight delivery service.

Mailing and contact information for notice to the parties to this Agreement at the time of endorsement of this Agreement is as follows:

Los Banos Unified School District

1717 S. 11th Street
Los Banos, CA 93635
Fax (209) 826-6810

Mark Marshall, Ed.D
Superintendent of Schools
(209) 826-3801

Amer Iqbal
Assistant Superintendent of
Administrative Services
(209) 826-3801

City of Los Banos

520 J Street
Los Banos, CA 93635
Fax (209) 827-7006

Alex Terrazas
City Manager
(209) 827-7000

Gary Brizzee
Chief of Police
(209) 827-7070

Any party may change its address or fax number by giving the other party notice of the change in any manner permitted by this Agreement.

13.0 Termination

13.1 This Agreement, notwithstanding anything to the contrary herein, may be terminated by either party at any time without cause or legal excuse by providing the other party with thirty (30) calendar days written notice of such termination. If the Agreement is terminated during the term, reimbursement pursuant to Section 2.4 and 2.5 shall be prorated through the effective date of the termination and shall be paid within thirty (30) days of the effective date of termination.

13.2 Except as set forth in Section 13.1, upon effective date of termination, DISTRICT shall have no further liability to the City, and the City shall have no further liability to the DISTRICT.

14.0 Disposition of Work Upon Termination

14.1 In the event of termination, all finished or unfinished documents and other materials, if any, at the option of DISTRICT and to the extent permitted by law, shall become the property of DISTRICT.

15.0 Modification of Agreement

15.1 Notwithstanding any of the provisions of this Agreement, the parties may agree to amend the Agreement. No alteration of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto. No oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

16.0 Insurance and Indemnification

16.1 Insurance. Each party shall maintain general liability insurance in an amount not less than two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. Each party's general liability policies shall be endorsed using Insurance Services Office form CG 20 10 or its equivalent to provide that the other party and its officers, officials, employees, and agents shall be additional insureds under such policies.

16.2 Indemnity – Educational SRO.

a. DISTRICT shall indemnify, defend, and hold harmless the City, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and expenses of litigation (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and cost) of every nature arising out of or in connection with the assigned SRO's performance of work or his or her failure to comply with any of its obligations contained in the Agreement, except such loss or damage which was caused by the active negligence by the City, or the gross or willful misconduct of the assigned SRO.

b. The City shall indemnify, defend, and hold harmless the DISTRICT, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and expenses of litigation (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and cost) of every nature arising out of the active negligence by the City or the gross or willful misconduct of the assigned officer during the performance of work hereunder.

c. If the DISTRICT rejects a tender of defense by the City and/or the assigned SRO under this Agreement, and it is later determined that the City and/or the SRO breached no duty of care and/or was immune from liability, DISTRICT shall reimburse the City and/or SRO for any and all litigation expenses (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and cost). A duty of care or immunity determination may be made by a jury or a court, including a declaratory relief determination by a court after the City and/or SRO settles a liability claim, with or without participation by the DISTRICT.

d. The Parties acknowledge that it is not the intent of the Agreement to create a duty of care by the City or the assigned SRO that they would not owe in the absence of the Agreement. The Agreement does not create an affirmative duty of care (including, without limitation, a duty to protect, a duty to deter and/or a duty to

intervene) by the City or the assigned SRO and the absence of the assigned SRO and/or the patrol vehicle is not a material breach of this Agreement. The Parties further acknowledge that by entering into this Agreement neither the City nor its assigned officer intends to waive any immunities to which they would be entitled in the absence of the Agreement.

16.3 Indemnity – General Services (Additional Services)

a. The DISTRICT shall indemnify, defend, and hold harmless the City, its officers, officials, employees, and volunteers (hereafter collectively City Personnel) from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and expenses of litigation (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and cost) of every nature arising out of or in connection with the any services provided by the City or any City Personnel or their performance of work or any failure to comply with any of the City's duties contained in the Agreement, except such loss or damage which was caused by the active negligence by City Personnel, or the gross or willful misconduct of City Personnel.

b. The City shall indemnify, defend, and hold harmless the DISTRICT, its officers, officials, employees, and volunteers from and against any and all liability, claims, damage, cost, expenses, awards, fines, judgments, and expenses of litigation (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and cost) of every nature arising out of the active negligence by City Personnel or the gross or willful misconduct of City Personnel during the providing of services or performance of work hereunder.

c. If the DISTRICT rejects a tender of defense by the City or City Personnel under this Agreement, and it is later determined that the City and City Personnel breached no duty of care and/or were immune from liability, the DISTRICT shall reimburse the City and/or City Personnel for any and all litigation expenses (including, without limitation, costs, attorney fees, expert witness fees and prevailing party fees and cost). A duty of care or immunity determination may be made by a jury or a court, including a declaratory relief determination by a court after the City and/or City Personnel settles a liability claim, with or without participation by the District.

d. The Parties acknowledge that it is not the intent of the Agreement to create a duty of care by the City or City Personnel that they would not owe in the absence of the Agreement. The Agreement does not create an affirmative duty of care (including, without limitation, a duty to protect, a duty to deter and/or a duty to intervene) by the City or City Personnel and the absence of City Personnel is not a material breach of this Agreement. The Parties further acknowledge that by entering into this Agreement neither the City nor City Personnel intend to waive any immunities to which they would be entitled in the absence of the Agreement.

17.0 Integration of Prior Terms and Conditions

- 17.1 This Agreement, including all recitals, and Exhibits, constitutes the entire agreement of the Parties. This Agreement may be amended or modified only by the mutual written agreement of the Parties. This Agreement is invalid unless approved by the legislative body of each Party, although it may be executed by an authorized agent of each Party. An authorized agent of the City shall be a person specifically authorized by the legislative body of the City to execute this Agreement, at the level of City Manager or City Attorney or equivalent.
- 18.0 Applicable Law; Venue
- 18.1 Any dispute concerning any question of fact or law arising under this Agreement or any litigation or arbitration arising out of this Agreement, shall be tried in Merced County, unless the parties agree otherwise or are otherwise required by law.
- 19.0 Confidentiality
- 19.1 This Agreement shall comply with all applicable Federal, State, and County laws relating to the confidentiality of information. DISTRICT and City shall not publish, use or permit or cause to be published, disclosed, or use confidential information pertaining to minor, without express written permission from the minor's parent or legal guardian, except as permitted by law.
- 20.0 Nondiscrimination in Employment, Services, Benefits and Facilities
- 20.1 DISTRICT and City shall comply with all applicable Federal, State and local anti-discrimination laws, regulations, and ordinances. Neither party shall unlawfully discriminate, harass, or allow harassment against any employee, applicant for employment, employee or agent of the other, or recipient of services contemplated to be provided or actually provided under this Agreement because of race, ancestry, marital status, color, religious creed, political belief, national origin, ethnic group identification, sex sexual orientation, age (over 40), medical condition (including HIV and AIDS), or physical or mental disability. Both parties shall ensure that evaluation and treatment of their employees and applicants for employment, and recipients of services, are free from such discrimination and harassment.
- Both parties represent that they are in compliance with and agree to continue to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.), the Fair Employment and Housing Act (Government Code §12900 et seq.), and regulations and guidelines issued pursuant thereto.
- 22.0 Agency Relationship
- 22.1 This Agreement is not intended to and shall not; create the relationship of principal-agent, master-servant, or employer-employee between the City and DISTRICT.
- 23.0 Severability

23.1 If a court of competent jurisdiction holds any provisions of this Agreement to be illegal, unenforceable or invalid, in whole or in part, for any reason, the validity and enforceability of the remaining provisions, or portion of them will not be affected.

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

MERCED COUNTY OFFICE OF EDUCATION

By: _____
Mark Marshall, Ed.D, Superintendent of Schools

Date

CITY OF LOS BANOS
a municipal corporation

By: _____
Alex Terrazas, City Manager

Date

ATTEST:

By: _____
Lucille L. Mallonee, City Clerk

Date

APPROVED AS TO FORM:

By: _____
William A. Vaughn, City Attorney

Date



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: June 17, 2020

TYPE OF REPORT: Consent Item

SUBJECT: Accepting Grant Deed for Parcel Dedication of Lot A as shown on that certain map entitled, "Shaunessy Village, Phase No. 3" and Lots C, D, and E as shown on that certain map entitled "Shaunessy Village Phase No. 1".

Recommendation:

That the City Council of the City of Los Banos adopts the Resolution accepting a Grant Deed for Parcel Dedication of Lot A as shown on that certain map entitled "Shaunessy Village Phase No. 3" and of Lots C, D, and E as shown on that certain map entitled "Shaunessy Village Phase No. 1".

Background:

The Tentative Tract Map No. 2018-03 was approved by the City of Los Banos Planning Commission on October 24, 2018 by Resolution No. 2018-29. In November 2018, the Public Works staff was contacted by the developer, Stonewood Home, Inc., for Final Map approval. In May of 2018, The Public Works staff was notified the Subdivision's Final Map would be split into three phases. The City Council of Los Banos approved Phase 1 of 3 on August 7, 2019 and Phase 3 of 3 on August 21, 2019

Discussion:

At the time that the final maps for "Shaunessy Village Phase No. 3" and "Shaunessy Village Phase No. 1" were recorded, Lots A, C, D, and E were created as lots for City landscaping purposes. These lots were created, but not included in the language for the City to accept them in fee title on the map. In order to correct this map omission of dedication this separate Grant Deed will need to be approved by the City Council and recorded by the County of Merced.

Fiscal Impact:

There is no further fiscal impact since these areas have already been added to the Landscape Maintenance Contract by an Agreement Addendum.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

Grant Deed Transfer (Copy)

Legal Descriptions – Exhibits A

Plats – Exhibits B

Preliminary Change of Ownership Report

Transfer Tax Affidavit

Site Maps

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ACCEPTING GRANT DEED FOR PARCEL DEDICATIONS OF LOT A AS SHOWN ON THAT CERTAIN MAP ENTITLED "SHAUNESSY VILLAGE PHASE NO. 3", AND LOTS C, D, AND E AS SHOWN ON THAT CERTAIN MAP ENTITLED "SHAUNESSY VILLAGE PHASE NO. 1".

WHEREAS, "Shaunessy Village Phase No. 3" map was recorded on the 16th day of September, 2019 and said map created Lot A; and

WHEREAS, "Shaunessy Village Phase No. 1" map was recorded on the 9th day of August, 2019 and said map created Lots C, D, and E; and

WHEREAS, the acceptance by the City of Los Banos of Lots A, C, D, and E did not occur in the legal statements on the two said maps; and

WHEREAS, a Grant Deed of parcel dedication will need to be recorded to transfer Lots A, C, D, and E to the City of Los Banos; and

WHEREAS, the Grant Deed, as presented, has been reviewed and examined by the City Council of the City of Los Banos; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the Grant Deed for Parcel Dedications of Lot A as shown on that certain map entitled "Shaunessy Village Phase No. 3" and Lots C, D, and E as shown on that certain map entitled "Shaunessy Village Phase No. 1" and authorizing the City Manager to execute the associated documents.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of June, 2020, 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

RECORDING REQUESTED BY:
CITY OF LOS BANOS

**When Recorded Mail Document
and Tax Statement To:**
CITY OF LOS BANOS
520 J STREET
LOS BANOS, CA 93635

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: FFOM-3011901473

The document is executed or recorded by the state or any county, municipality, or other political subdivision of the state (GC 27388.1 (a) (2) (D)).

Property Address:
Lot A - Shaunessy Village Unit No. 3
Lots C, D and E Shaunessy Village Unit 1
Los Banos, CA 93635

APN/Parcel ID(s): 083-650-084 = Lot A
083-650-023 = Lot C
083-640-021 = Lot D
083-650-041 = Lot E

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
The grantee is the United States or an agency or instrumentality thereof, a state or territory, or political subdivision thereof, R & T 11922.
- The documentary transfer tax is \$ none and is computed on:
 the full value of the interest or property conveyed.
 the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in the City of Los Banos.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Stonefield Home, Inc. a California Corporation

hereby **GRANT(S)** to

City of Los Banos

the following described real property in the City of Los Banos, County of Merced, State of California:

FEE TITLE to the real property described more particularly on

EXHIBIT "A" and EXHIBIT "B" sheets 1, 2 and 3 attached hereto and made a part hereof

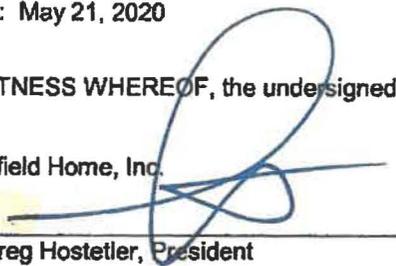
MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

Dated: May 21, 2020

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Stonefield Home, Inc.

BY: 
Greg Hostetler, President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Merced

On May 26, 2020 before me, Regina A. Robles, Notary Public,
(here insert name and title of the officer)

personally appeared GREG HOSTETLER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

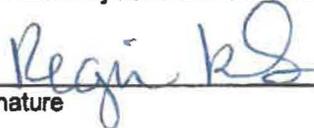

Signature



EXHIBIT "A"
LEGAL DESCRIPTION

ALL that certain real property, being a portion of the northwest quarter of Section 24, Township 10 South, Range 10 East, Mount Diablo Meridian, City of Los Banos, County of Merced, State of California, being more particular described as follows:

Lot A, as shown on that certain map titled "Shaunessy Village Phase No. 3", filed for record on this 16th day of September, 2019, in Volume 81 of Official Plats, at Pages 49-52, Merced County Records;

Lot C, as shown on that certain map titled "Shaunessy Village Phase No. 1", filed for record on this 9th day of August, 2019, in Volume 81 of Official Plats, at Pages 28-34, Merced County Records;

Lot D, as shown on that certain map titled "Shaunessy Village Phase No. 1", filed for record on this 9th day of August, 2019, in Volume 81 of Official Plats, at Pages 28-34, Merced County Records;

Lot E, as shown on that certain map titled "Shaunessy Village Phase No. 1", filed for record on this 9th day of August, 2019, in Volume 81 of Official Plats, at Pages 28-34, Merced County Records;

SUBJECT TO all easements and/or rights-of-way of record.

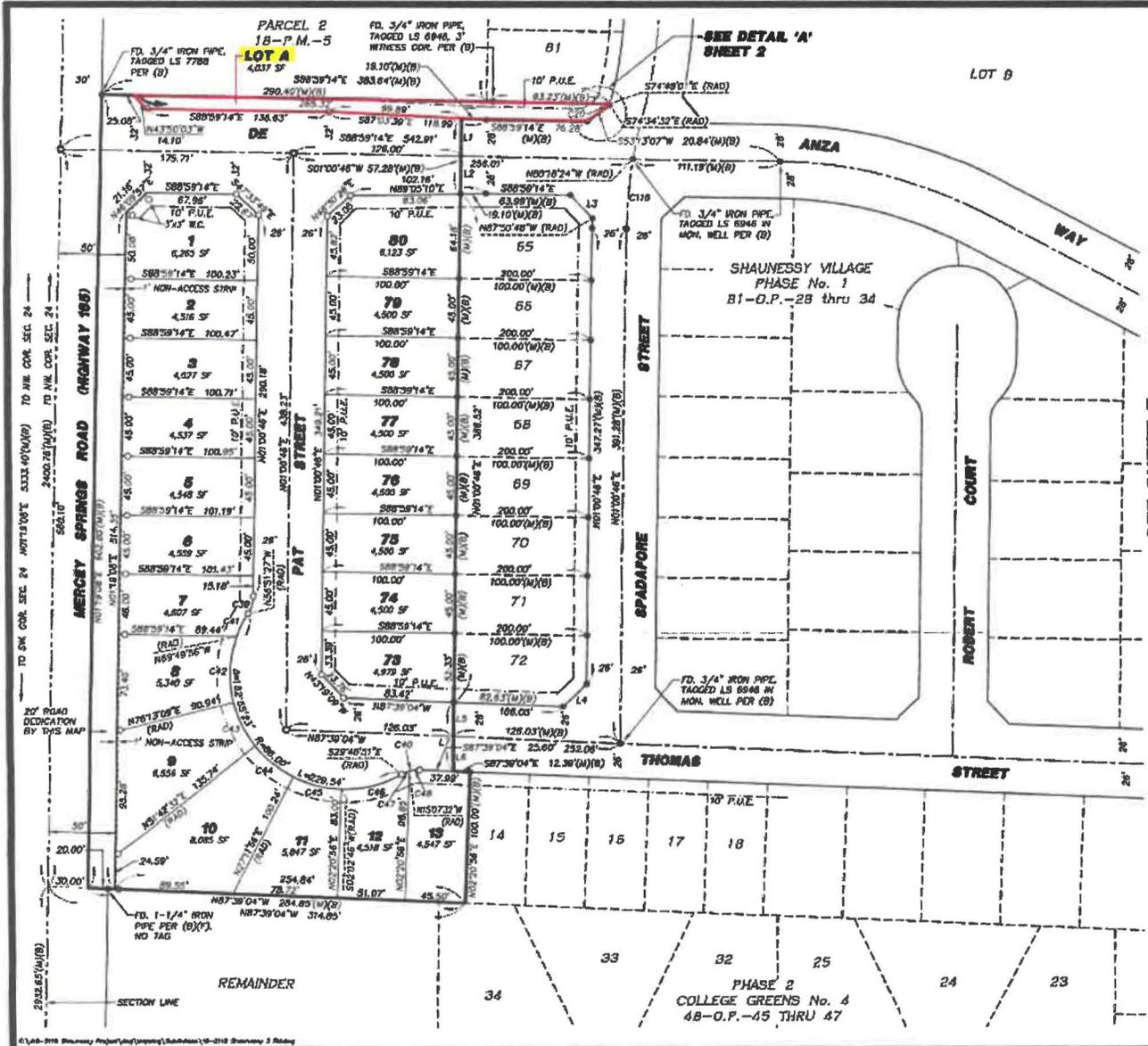
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.


Rien Groenewoud, P.L.S. 6946



6/9/2020

Site Map: Shaunessy Village Phase No. 3 Lot A



TRACT No. 2018-03 SHAUNESSY VILLAGE

PHASE No. 3
BEING A PORTION OF DESIGNATED REMAINDER, VOLUME 81
OF OFFICIAL PLATS, PAGES 28-34, M.C.R. SITUATE IN THE
NW 1/4 OF SECTION 24, TOWNSHIP 10 SOUTH, RANGE 10
EAST, MOUNT Diablo MERIDIAN,
CITY OF LOS BANOS, MERCED COUNTY, STATE OF CALIFORNIA
JULY 2019

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

REFERENCES:
(A) RECORD OF SURVEY, VOLUME 28, PAGE 9, M.C.R.
(B) TRACT No. 2018-03 "SHAUNESSY VILLAGE, PHASE No. 1",
VOLUME 81 OFFICIAL PLATS, PAGES 28 THRU 34, M.C.R.

- LEGEND:**
- SET 3/4"x30" IRON PIPE, TAGGED LS 6946, U.G.M.
 - SET 3/4" IRON PIPE, TAGGED LS 6946 IN MONUMENT WELL, U.G.M.
 - FOUND 3/4" IRON PIPE, TAGGED LS 6946 PER REFERENCE (B), U.G.M.
 - SET 3/4"x30" IRON PIPE, TAGGED LS 6946 AS 3" WITNESS CORNER TO LOT CORNER, U.G.M.
 - SET 3/4" IRON PIPE, TAGGED LS 6946 AT ALL REAR & FRONT LOT CORNERS, U.G.M.
 - FD FOUND
 - SFH SEARCHED, FOUND NOTHING
 - (A) SEE REFERENCES THIS SHEET
 - (M) MEASURED
 - M.C.R. MERCED COUNTY RECORDS
 - O.A. OFFICIAL RECORDS
 - DOC DOCUMENT
 - U.G.M. UNLESS OTHERWISE NOTED
 - P.M. PARCEL MAP, VOLUME & PAGE(S)
 - O.P. OFFICIAL PLATS, VOLUME & PAGES
 - (P) RADIAL
 - P.U.E. PUBLIC UTILITY EASEMENT
 - (RAD) RADIAL BEARING
 - (CALC.) CALCULATED FROM RECORD
 - C.R. CORNER RECORD
 - PROJECT BOUNDARY
 - COVERLINE
 - SECTION LINE
 - EXISTING LOT LINE
 - EASEMENT LINE



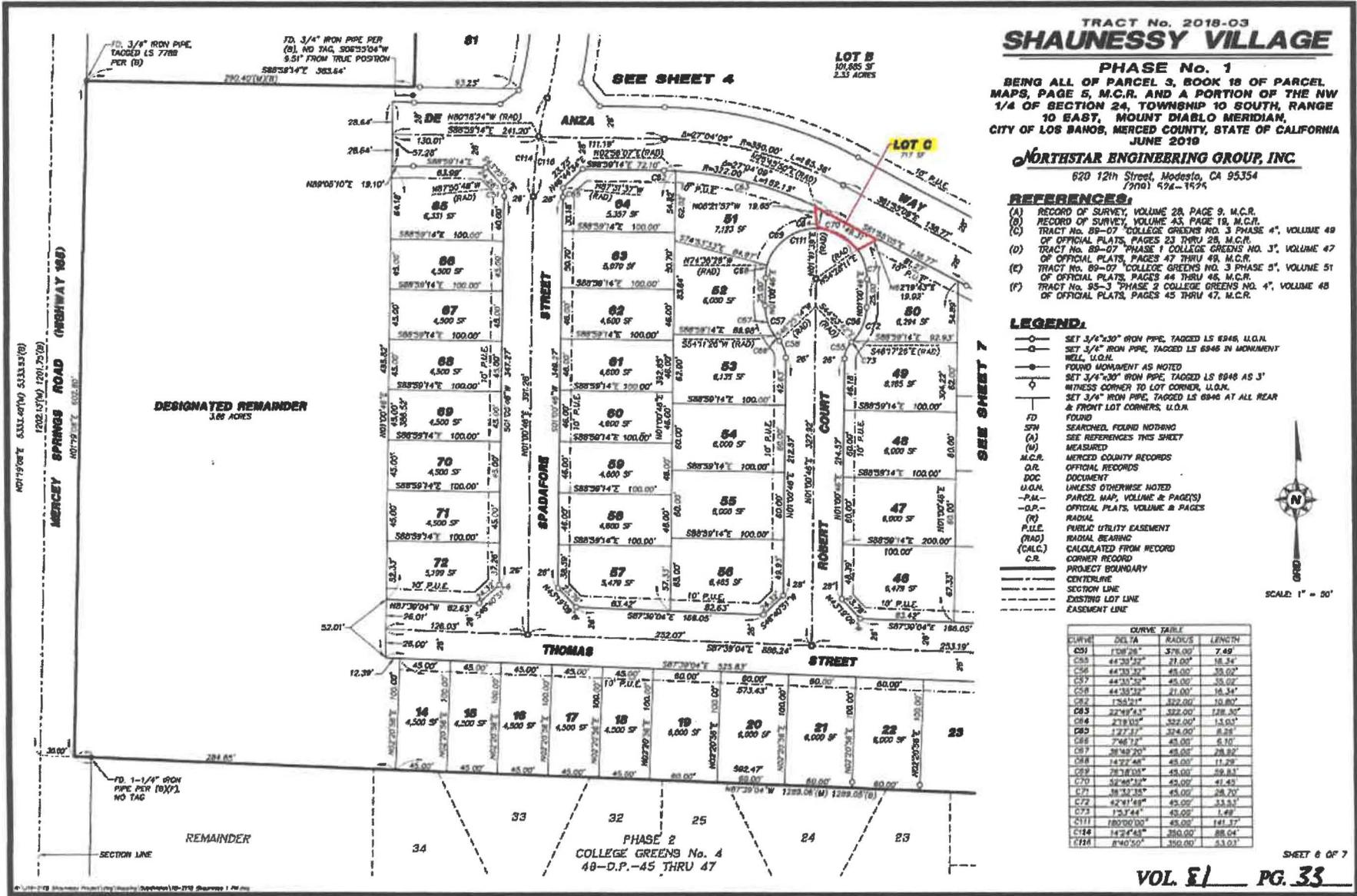
SCALE: 1" = 80'

LINE	BEARING	LENGTH	(M)(B)
L1	S 01°00'46" W	28.84'	(M)(B)
L2	S 01°00'46" W	28.84'	(M)(B)
L3	S 47°28'31" E	24.28'	(M)(B)
L4	S 48°43'31" W	24.32'	(M)(B)
L5	S 01°00'46" W	28.84'	(M)(B)
L6	S 01°00'46" W	28.84'	(M)(B)
L7	S 01°00'46" W	52.01'	(M)(B)

CURVE	DELTA	RADIUS	LENGTH	(M)(B)
C20	03°22"	324.00'	1.27'	(M)(B)
C39	32°07'47"	25.00'	14.02'	(M)(B)
C40	32°07'47"	25.00'	14.02'	(M)(B)
C41	12°38'25"	88.00'	18.47'	(M)(B)
C42	13°58'59"	88.00'	50.96'	(M)(B)
C43	24°30'37"	88.00'	36.79'	(M)(B)
C44	24°30'37"	88.00'	36.79'	(M)(B)
C45	25°18'08"	88.00'	37.29'	(M)(B)
C46	31°52'47"	88.00'	42.27'	(M)(B)
C47	14°38'19"	25.00'	8.39'	(M)(B)
C48	17°28'38"	25.00'	7.62'	(M)(B)
C51	138°26"	378.00'	7.48'	(M)(B)
C116	8°40'50"	350.00'	63.03'	(M)(B)

SHEET 4 OF 4

**Site Map:
Shaunessy Village Phase No. 3
Lot C**





City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: June 17, 2020

SUBJECT: Budget Amendment – Supplemental Law Enforcement Services Fund (SLESF) Revenue and Expenditures

TYPE OF REPORT: Consent Agenda

Recommendation:

Staff recommends that the City Council adopt a resolution to revise the budget for the 2019-2020 Fiscal Year (FY) as it pertains to changes in revenues and expenditures.

Background:

The City Council may amend the budget by resolution adjusting the overall appropriation levels in each fund at any time during the fiscal year if there are available funds and council is in agreement with the request to adjust the budget.

Discussion:

During the FY 2019-2020 budget process, personnel costs for the Police Officer position paid out of SLESF are budgeted at the current level for salary and benefits. Staff monitors personnel expenditures throughout the year to determine if costs are incurring higher or lower than expected. After a review of the SLESF fund, it has been determined that the personnel expenditures will exceed budgeted amounts for overtime

and benefits. This is mainly due to staffing levels in regards to overtime and changes to the employee's health plan for benefits.

Revenues for SLESF are budgeted at \$100,000 each fiscal year. Staff monitors revenues to determine if funding is meeting the adopted budget. After a review, it has been determined that revenues will exceed budget expectations this fiscal year. This is largely due to a calculated growth increase from FY 2018-2019 received this fiscal year.

Fiscal Impact:

The budget amendment will increase revenues in account 237-000-334-010 by \$56,211. It will also increase expenditures in account 237-421-170-103 for overtime by \$6,000 and in account 237-421-170-120 for benefits by \$16,000.

Reviewed by:



Sonya Williams
Finance Director



Alex Terrazas
City Manager

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LOS BANOS AMENDING THE
FISCAL YEAR 2019-2020 BUDGET BY
INCREASING REVENUE AND EXPENDITURES
IN THE SUPPLEMENTAL LAW
ENFORCEMENT SERVICES FUND (SLESF).**

WHEREAS, the City Council of the City of Los Banos has been presented a proposal to increase the appropriations in the Fiscal Year 2019-2020 Budget; and

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

WHEREAS, the proposed Supplemental Law Enforcement Services Fund budget increases include revenues of \$56,211 for account 237-000-334-010 and expenditures of \$6,000 for account 237-421-170-103 and of \$16,000 for account 237-421-170-120; and

WHEREAS, the proposed budget amendment increase of revenues and expenditures for the Supplemental Law Enforcement Services Fund has been reviewed; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos hereby approves an increase to the appropriation amount for revenues and expenditures within the Supplemental Law Enforcement Services Fund and amends the Fiscal Year 2019-2020 Budget to include an increase of \$56,211 in revenues for account 237-000-334-010, and an increase of \$6,000 in expenditures for account 237-421-170-103 and of \$16,000 for account 237-421-170-120.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of June 2020, 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

SSE

DATE: June 17, 2020

TYPE OF REPORT: Consent Agenda

SUBJECT: Local Early Action Planning Grant Program

Recommendation:

Staff recommends the City Council adopt a Resolution authorizing the submittal of a grant application to the State of California Housing and Community Development (HCD) for the Local Early Action Planning (LEAP) grant program; authorize the City Manager or City Manager's designee to execute a required application submittal documents and funding agreement.

Background:

In the 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community. Through this allocation, the HCD established the LEAP with \$119 million for cities and counties.

LEAP planning grants program

In February 2020, HCD released a notice of funding availability (NOFA) for approximately \$119 million available to cities and counties under the LEAP grant program. The LEAP grant program provides one-time grant funding to jurisdictions for the preparation and adoption of planning documents, and process improvements that accelerate housing production, and facilitation of compliance in implementing the sixth cycle of the regional housing needs allocation (RHNA).

Maximum grant award amounts are based on the California Department of Finance population estimates as of January 1, 2019. Jurisdictions with populations of 20,000 to 59,999 are eligible for a grant maximum of \$150,000, which includes the City of Los Banos. As part of the grant application process, HCD requires that the City Council adopt a resolution authorizing application for, and receipt of, LEAP program grant funds and the execution of HCD's standard agreement.

Eligible activities must demonstrate an increase in housing related planning activities and facilitate accelerated housing production. Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed before the NOFA issuance date, are distinct, and demonstrate a nexus to accelerating housing production. Eligible activities may include a variety of planning documents and processes, including, but not limited to, rezoning and encouraging development by updating planning documents and zoning ordinances, such as General Plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs.

Discussion:

The grant is a reimbursement grant, which can be invoiced based on project milestones. Staff will propose appropriate milestones for the proposed projects in the application to allow for periodic reimbursement. Staff is proposing to use this funding to finish the General Plan Update 2040 as it will guide the City in providing policies to meet our required housing goals. Based on the grant guidelines, the project must be completed and, where required, adopted by the City by December 2023.

Fiscal Impact:

If awarded, the State Grant will provide funding with no match requirement for the direct costs associated with the General Plan Update 2040 up to \$150,000. The City of Los Banos is in contract with PlaceWorks to complete the Los Banos General Plan Update 2040. The remaining costs associated with the General Plan Update is estimated to cost the City \$225,433, which has already been included in the current Fiscal Year budget. The utilization of the LEAP funding will reimburse the General Fund for expenses related to the General Plan Update with no match requirements.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AUTHORIZING
APPLICATION FOR, AND RECEIPT OF, LOCAL
GOVERNMENT PLANNING SUPPORT GRANT
PROGRAM FUNDS**

WHEREAS, pursuant to Health and Safety Code 50515 et. Seq, the Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP); and

WHEREAS, the City Council of the City of Los Banos desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, the Department has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions;

Now, therefore, the City Council of the City of Los Banos ("Applicant") resolves as follows:

SECTION 1. The City Manager or designee is hereby authorized and directed to apply for and submit to the Department the Application package;

SECTION 2. In connection with the LEAP grant, if the Application is approved by the Department, the City Manager or designee of the City of Los Banos is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$150,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto; and

SECTION 3. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the

Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of June 2020, 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: Alex Terrazas, City Manager *AT*
DATE: June 17, 2020
TYPE OF REPORT: Regular
SUBJECT: Continuation of Existence of Local Emergency COVID - 19
Consideration of Executive Order 2020-01

RECOMMENDATION

1. Consideration of Resolution No.6223

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, RATIFYING, IN PART, AMENDING, IN PART, AND RESCINDING, IN PART, THAT CERTAIN EXECUTIVE ORDER 2020-01, ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES DATE OF ORDER: APRIL 14, 2020

BACKGROUND

The Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness caused by a novel (new) coronavirus was first detected in Wuhan, Hubei Province, People's Republic of China and the first case was reported on December 31, 2019, in China. Cases of COVID-19 are now being reported internationally outside of China including the United States.

Coronaviruses are a large group of viruses that are common among animals and humans. This novel coronavirus that causes COVID-19 is a newly discovered coronavirus that has not been previously detected in animals or humans. The source of this virus is not yet known.

Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death.

There is currently no vaccine to prevent COVID-19. The best way to prevent illness is to avoid being exposed to this virus. The virus is thought to spread mainly from person-to-person between people who are in close contact with one another (within about 6 feet). This occurs through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Older adults and people who have severe underlying chronic medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness.

Chronology of events:

- On March 17, 2020 the City Manager as the City's Director of Emergency Services declared a local emergency.
- On March 18, 2020 the City Council adopted Resolution No. 6190 ratifying and confirming the declaration of a local emergency by the City Manager as the Director of Emergency Services.
- On April 14, 2020 City's Director of Emergency Services issued Executive Order 2020-01 which among other things required essential businesses open to the public to prepare and post a Safety Protocol and Sanitation Plan; required employees and customers/visitors of "covered businesses" to wear face coverings; and limited the number of persons entering a covered business.
- On April 15, 2020 the City Council adopted Resolution No. 6203 which extended the proclamation of the existence of a local emergency by the City's Director of Emergency Services and ratified and confirmed all actions taken by and orders of the City Manager or designee as the City's Director of Emergency Services, including Executive Order 2020-01.
- As of May 26, 2020 there were 273 confirmed cases (100 active) of COVID-19 (novel coronavirus) in Merced County. Of that number, 166 have recovered, and 7 have died and the numbers of confirmed cases continue to increase in Merced County and surrounding counties and the State of California.

- Currently, the County of Merced remains under a stay at home order. The reasons for declaring the local emergency still exist.
- At the City Council meeting of June 3, 2020 the City Council reviewed Executive Order 2020-01 and received and considered comments on the same from interested stakeholders and gave direction to Staff;

DISCUSSION

A. Executive Order 2020-01. This Order was issued on April 14, 2020. The current County Order specifically provides that a local order may be more restrictive than the County Order. This Order does the following which is more restrictive than the current County Order.

- Requires all essential businesses open to the public to prepare and post a social distancing protocol and sanitation plan. The County Order has a similar requirement which requires a detailed risk assessment and implementation of a site-specific protection plan.
- Requires all covered businesses to require the wearing of face coverings by employees and customers/visitors. Face coverings in most situations is only a recommendation of the County Order.
- Limits the number of persons allowed into a covered business to 5 persons per 1000 square feet. The County Order does not establish a hard formula for limiting the number of persons allowed in a business open to the public.
- Limits the number of shoppers to one adult per shopping cart. The County Order does not establish a hard formula for limiting the number of persons allowed in a business open to the public.

B. Amendment No. 1 to Executive Order 2020-01. Pursuant to the June 3, 2020 direction of the City Council Executive Order 2020-01 has been amended as follows:

- The City's Social Distancing and Sanitation Protocol has been replaced with Merced County Health Officer's risk assessment and implementation program with the additional requirement of self-certification.
- The City's face covering requirement has been amended to extend to all businesses and organizations authorized to remain open or which are allowed to reopen pursuant to the May 8, 2020 Order of the Merced County Health Officer and to City operated building (i.e. City Hall) and the City Council Chambers.

- The City's face covering requirement has been amended to provide for exemptions based on disability, health or safety risks and for children less than 2 years of age.
- The capacity limitation of 5 persons per 1,000 square feet and the limitation of one adult per shopping cart has been eliminated.

FISCAL IMPACT

There is no fiscal impact associated with this specific item.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Proposed Resolution 6223

Amendment No. 1 to Executive Order 2020-01

RESOLUTION NO. 6223

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, RATIFYING, IN PART, AMENDING, IN PART, AND RESCINDING, IN PART, THAT CERTAIN EXECUTIVE ORDER 2020-01, ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES DATE OF ORDER: APRIL 14, 2020

WHEREAS, California Government Code Section 8630 provides that a local emergency may be proclaimed by the governing body of a city; and

WHEREAS, on March 17, 2020, the City Manager as the City's Director of Emergency Services declared a local emergency, finding that that conditions of extreme peril to the safety of persons and property have arisen within the City of Los Banos and that these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Los Banos; and

WHEREAS, on March 18, 2020, the City Council of the City of Los Banos adopted Resolution No. 6190 ratifying and confirming the aforementioned declaration of a local emergency by the City Manager as the Director of Emergency Services; and

WHEREAS, on April 15 2020 pursuant to Resolution 6203, the City Council extended the proclamation of the existence of a local emergency by the City's Director of Emergency Services as ratified and confirmed by the City Council on March 18, 2020 in accordance with California Government Code Section 8630; and

WHEREAS, on April 15 2020 pursuant to Resolution 6203, the City Council ratified and confirmed all actions taken by and orders of the City Manager or designee as the City's Director of Emergency Services and the Fire Chief who is delegated the authority under the Los Banos Municipal Code; and

WHEREAS, as of May 26, 2020 there were 273 confirmed cases (100 active) of COVID-19 (novel coronavirus) in Merced County, 166 have recovered, and 7 have died and the number of confirmed cases continues to increase in the County of Merced and surrounding counties and in the State of California; and

WHEREAS, currently, the County of Merced remains under a stay at home order (by Order of the Merced County Health Officer – May 8, 2020); and

WHEREAS, the health, safety and welfare of City of Los Banos residents, businesses, visitors and staff are of utmost importance to the City and to the City Council; and

WHEREAS, Government Code § 8634 provides in part: "During a local emergency the governing body of a political subdivision, or officials designated thereby,

may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice"; and

WHEREAS, at the City Council meeting of June 3, 2020 the City Council reviewed Executive Order 2020-01 and received and considered comments on the same from interested stakeholders and gave direction to Staff; and

WHEREAS, as a consequence of such review the City Council now acts to ratify, in part, amend in part, and rescind in part Executive Order 2020-01 as set forth in Amendment No.1 attached hereto and incorporated herein by this reference.

NOW THEREFORE, the CITY COUNCIL OF THE CITY OF LOS BANOS, DOES HEREBY RESOLVE, DECLARE, DETERMINE and ORDER AS FOLLOWS:

Section 1. That certain order of the Director of Emergency Services entitled "EXECUTIVE ORDER 2020-01, ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES DATE OF ORDER: APRIL 14, 2020 is hereby ratified, in part, amended, in part, and rescinded, in part, as if it had been adopted by this City Council in the first instance.

Section 2. Section 2 of Executive Order 2020-01 is amended to read as follows:

"2. All business and organizations authorized to remain open, or which are allowed to reopen, pursuant to the May 8, 2020 Order of the Merced County Health Officer, within the City of Los Banos shall comply with the following additional requirements:

(a) Before reopening, all facilities must:

(1) Perform a detailed risk assessment and implement a site-specific protection plan.

(2) Train employees on how to limit the spread of COVID-19, including how to screen themselves for symptoms and the need to stay home if they have them.

(3) Implement individual control measures and screenings.

(4) Implement disinfecting protocols.

(5) Implement physical distancing guidelines.

(6) Certify that the business has addressed and met all five criteria listed above and post the certification in a publicly viewable area where it is available to both

the public and employees. The guidelines can be found here: www.reopenmercedcounty.com/guidelines/"

Section 3. Section 3 of Executive Order 2020-01 is amended to read as follows:

"3. All businesses and organizations authorized to remain open, or which are allowed to reopen, pursuant to the May 8, 2020 Order of the Merced County Health Officer, within the City of Los Banos, that are open to the public and/or provide sales of retail goods and/or food and/or banking services and/or other services including without limitation, retail facilities, grocery stores, pharmacies, home improvement stores, gas station convenience stores, restaurants providing take-out or delivery services or dine in, banks, savings and loans, and credit unions that remain in operation during the term of this Order ("**Covered Businesses**") shall implement and comply with the following:

a. Covered Businesses shall cause their employees to wear cloth face coverings. A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. All employers of covered businesses shall provide, at their expense, cloth face coverings or alternative non-medical grade face coverings for their employees. All persons, including Essential Workers are discouraged from using medical grade personal protective equipment, such as N95 masks, for non-medical reasons.

b. All customers of and visitors to any Covered Business shall wear cloth face coverings or alternative non-medical grade face coverings to provide additional protection for workers and other customers of and visitors to the Covered Business. An operator of a Covered Business may refuse admission or service to any individual who fails to wear a face covering as required by this Order.

c. In addition, face coverings are required to be worn in all City operated buildings open to the public. Face coverings are required to be worn in the City Council Chambers.

d. Further guidance on face coverings can be found here:

- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>

e. Notwithstanding Sections 3a,3b and 3c operators must make reasonable modifications to their policies, practice, and procedures to ensure equal access for individuals with disabilities. As a result, operators must: (1) include reasonable

accommodations as part of their policies and procedures; and (2) ensure that all customers have equal access, including those who cannot wear a face covering.

f. Notwithstanding Sections 3a, 3b, and 3c a face covering is not required when:

(1) A person is in a personal office, other confined space, or outside space where others outside of that person's household or living unit are not present, as long as the public does not regularly visit the room, or outside space. For example, and without limitation, a bank manager, office worker, accountant, attorney, or repairperson is not required to wear a face covering if that person is alone in a confined space (i.e., with walls and a door) not regularly visited by the public, or in an outside space but that individual must put on a face covering when coworkers are nearby or when visited by a client or customer, and anywhere members of the public or other coworkers gather or are regularly present; or

(2) Wearing a face covering would create a health or safety risk to the person, based on their type of activity, as determined by local, state, or federal regulators or workplace safety guidelines.

g. Notwithstanding Sections 3a, 3b, and 3c due to risk of suffocation, face coverings are not recommended for (1) any child two years or younger, and (2) anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.”

Section 4. Except as specifically set forth herein the provisions of Executive Order 2020-01 shall remain in full force and effect.

Section 5. A copy of Amendment No. 1 to Executive Order 2020-01 is attached hereto.

Section 6. Amendment No. 1 to Executive Order 2020-01 shall be reviewed by the City Council at the next regular City Council Meeting and each regular City Council Meeting thereafter.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the ___ day of June 2020, by Council Member _____ who moved for its adoption, which motion was duly seconded by Council Member _____, and the Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**AMENDMENT NO. 1
PURSUANT TO CITY COUNCIL RESOLUTION 6223**

EXECUTIVE ORDER 2020-01

**ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN
HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES**

DATE OF ORDER: JUNE 17, 2020

This Amendment No. 1 amends, restates and replaces the previous Executive Order 2020-01 issued by the City Manager of the City of Los Banos in his capacity as Director of Emergency Services issued on April 14, 2020.

WHEREAS, the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness caused by a novel (new) coronavirus was first detected in Wuhan, Hubei Province, People's Republic of China and the first case was reported on December 31, 2019, in China; and

WHEREAS, The Merced County Public Health Department Operations Center was opened January 27, 2020 in order to prepare for the potential of COVID-19 in and around our community; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency to aid the nation in responding to COVID-19; and

WHEREAS, on February 26, 2020, the Centers for Disease Control and Prevention (CDC) confirmed the first case of local person-to-person transmission of COVID-19 in the United States, and this case raised the possibility of community transmission occurring in the general public; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20 further enhancing California's ability to respond to the COVID-19 pandemic; directing Californians to follow public health directives including canceling large gatherings of more than 250 people; removing the waiting period for unemployment and disability insurance for Californians who lose work as a result of the COVID-19 outbreak; and allowing local and state legislative bodies to hold meetings via conference calls while still meeting state transparency requirements; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to COVID-19; and

WHEREAS, on March 13, 2020, the City of Los Banos activated its Emergency Operation Center to support ongoing emergency actions in response to the spread of COVID-19; and

WHEREAS, on March 13, 2020, the Health Officer for the County of Merced declared that the imminent introduction of COVID-19 to Merced County was a threat to the public health and declared a local health emergency; and

WHEREAS, on March 13, 2020, the Merced County Director of Emergency Services proclaimed a local emergency to exist throughout Merced County; and

WHEREAS, on March 17, 2020, the Los Banos City Manager, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Section 8634 of the California Government Code and Section 4-2.06 of the Los Banos Municipal Code; and

WHEREAS, on March 18, 2020, the Los Banos City Council ratified the proclamation of local emergency made by the Director of Emergency Services; and

WHEREAS, in response to social distancing guidance issued by the CDC, the California Department of Public Health (CDPH), and the Merced County Department of Public Health, the City of Los Banos cancelled all social gatherings (events, activities, programs, and gatherings) in the City in accordance with the guidance and directives of public health authorities until further notice; and

WHEREAS, in response to social distancing guidance issued by the CDC, the CDPH, and the Merced County Department of Public Health, and to protect the health and safety of the City workforce, and all members of the community, the City closed to the public Los Banos City Hall, Los Banos Community Center, Los Banos Police Department Building, Los Banos Fire Stations No. 1 and 2, and all other Administrative Offices of the City until further notice; and

WHEREAS, in response to social distancing guidance issued by the CDC, the CDPH, and the Merced County Department of Public Health, and to protect the health and safety of all members of the community, the City closed to the public all City parks until further notice: and

WHEREAS, on March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 20, 2020, the Merced County Department of Public Health issued a Health Officer Stay at Home Order directing all individuals living in the County of Merced to stay at home or at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services; directing all businesses and governmental agencies to cease non-essential operations at physical locations in the County of Merced; prohibiting all non-essential gatherings of any number of individuals; and ordering cessation of all nonessential travel ("Stay at Home Order"); and

WHEREAS the CDC, the CDPH, and the Merced County Department of Public Health have all issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS federal, state, and local health authorities have recommended that medical workers and first responders wear, where available, hospital grade masks, such as surgical masks or N95 respirators; and

WHEREAS, on April 1, 2020, the CDPH issued guidance recommending the use of face coverings while in public; and

WHEREAS, on April 4, 2020, the CDC recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission of COVID-19; and

WHEREAS, on April 7, 2020, the Merced County Department of Public Health issued the following guidance: "all residents are strongly encouraged to wear a cloth face covering whenever they must be out of the home to reduce the spread of the illness from infected individuals that have no symptoms. This is in addition to the continued requirement of at least 6 feet of social distancing". "Cloth face covering is defined as any cloth that can be used to cover as tightly as possible the mouth and nose of the wearer. It is NOT a surgical mask or respirator (which must be reserved for health care professionals in their work treating COVID-19 patients). It should be washed at least daily and the wearer should wash their hands before putting it on and after taking it off. Additionally, the wearer should avoid touching the covering as much as possible while wearing it"; and

WHEREAS, on May 8, 2020, the Merced County Department of Public Health issued an enhanced Health Officer Order. This Order supersedes the March 20, 2020, and April 8, 2020 Order of the Health Officer directing all individuals to stay at home. This Order clarifies, strengthens, and extends certain terms of the Prior Stay at Home Order to provides for the reopening of businesses in Merced County in accordance with the State of California's staged reopening; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19 in our community, it is necessary to exercise my authority pursuant to Section 8634 of the California Government Code and Section 4-2.06 of the Los Banos Municipal Code to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, Alex Terrazas, the Director of Emergency Services for the City of Los Banos, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

ORDER

This Order amends, restates and replaces the previous executive order 2020-01 issued by the City Manager of the City of Los Banos in his capacity as Director of Emergency Services issued on April 14, 2020.

In conformance with, and where not superseded by the Executive Order N-33-20 issued by the Governor of the State of California and guidance from the CDC, CDPH, and the May 8, 2020 Order of the Merced County Health Officer, this Order additionally specifies and Orders as follows:

1. All individuals, businesses, entities, and government agencies in the City of Los Banos are required to follow the provisions of the May 8, 2020 Order of the Merced County Health Officer as supplemented by this Executive Order 2020-01 Amendment No. 1.

2. All business and organizations authorized to remain open, or which are allowed to reopen, pursuant to the May 8, 2020 Order of the Merced County Health Officer, within the City of Los Banos shall comply with the following additional requirements:

(a) Before reopening, all facilities must:

(1) Perform a detailed risk assessment and implement a site-specific protection plan.

(2) Train employees on how to limit the spread of COVID-19, including how to screen themselves for symptoms and the need to stay home if they have them.

(3) Implement individual control measures and screenings.

(4) Implement disinfecting protocols.

(5) Implement physical distancing guidelines.

(6) Certify that the business has addressed and met all five criteria listed above and post the certification in a publicly viewable area where it is available to both the public and employees. The guidelines can be found here: www.reopenmercedcounty.com/guidelines/ “

3. All businesses and organizations authorized to remain open, or which are allowed to reopen, pursuant to the May 8, 2020 Order of the Merced County Health Officer, within the City of Los Banos, that are open to the public and/or provide sales of retail goods and/or food and/or banking services and/or other services including without limitation, retail facilities, grocery stores, pharmacies, home improvement stores, gas station convenience stores, restaurants providing take-out or delivery services or dine in, banks, savings and loans, and credit unions that remain in operation during the term of this Order ("**Covered Businesses**") shall implement and comply with the following:

a. Covered Businesses shall cause their employees to wear cloth face coverings. A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. All employers of covered businesses shall provide, at their expense, cloth face coverings or alternative non-medical grade face coverings for their employees. All persons, including Essential Workers are discouraged from using medical grade personal protective equipment, such as N95 masks, for non-medical reasons.

b. All customers of and visitors to any Covered Business shall wear cloth face coverings or alternative non-medical grade face coverings to provide additional protection for workers and other customers of and visitors to the Covered Business. An operator of a Covered Business may refuse admission or service to any individual who fails to wear a face covering as required by this Order.

c. In addition, face coverings are required to be worn in all City operated buildings open to the public. Face coverings are required to be worn in the City Council Chambers.

d. Further guidance on face coverings can be found here:

- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>

e. Notwithstanding Sections 3a,3b and 3c operators must make reasonable modifications to their policies, practice, and procedures to ensure equal access for individuals with disabilities. As a result, operators must: (1) include reasonable

accommodations as part of their policies and procedures; and (2) ensure that all customers have equal access, including those who cannot wear a face covering.

f. Notwithstanding Sections 3a, 3b, and 3c a face covering is not required when:

(1) A person is in a personal office, other confined space, or outside space where others outside of that person's household or living unit are not present, as long as the public does not regularly visit the room, or outside space. For example, and without limitation, a bank manager, office worker, accountant, attorney, or repairperson is not required to wear a face covering if that person is alone in a confined space (i.e., with walls and a door) not regularly visited by the public, or in an outside space but that individual must put on a face covering when coworkers are nearby or when visited by a client or customer, and anywhere members of the public or other coworkers gather or are regularly present; or

(2) Wearing a face covering would create a health or safety risk to the person, based on their type of activity, as determined by local, state, or federal regulators or workplace safety guidelines.

g. Notwithstanding Sections 3a, 3b, and 3c due to risk of suffocation, face coverings are not recommended for (1) any child two years or younger, and (2) anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

4. Except as otherwise ordered to do so by this Order or the May 8, 2020 Order of the County Department of Public Health, all residents of the City of Los Banos are strongly encouraged but not required to wear face coverings whenever they go outside their homes to obtain essential services and goods, as defined by the Governor's Stay at Home Order and the County Department of Public Health's May 8, 2020 guidance.

5. This Order shall be effective immediately and will remain in effect until and will continue to be in effect until it is rescinded, superseded, or amended in writing by further Order of the Director of Emergency Services.

6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of Los Banos and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in this community. This Order is issued to prevent circumstances often present in Covered Businesses that may exacerbate the spread of COVID-19, such as: (1) the increased likelihood that retail, restaurant, and banking transactions attract people from a broad geographic area; (2) the prolonged

time period in which large numbers of people are in close proximity; and (3) difficulty ensuring that such persons (patrons and employees) follow adequate social distancing.

8. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the community spread of COVID-19.

9. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom and subsequent executive orders; the March 13, 2020 Declaration of Local Health Emergency by the Merced County Department of Health and subsequent orders; the March 17, 2020 proclamation by the Director of Emergency Services of the existence of a local emergency pursuant to Section 8630 of the California Government Code; the March 18, 2020 and June 3, 2020 action by the Los Banos City Council ratifying the proclamation of local emergency made by the Director of Emergency Services; the April 1, 2020 guidance from the CPDH recommending the use of face coverings while in public; and the April 4, 2020 guidance issued by the CDC recommending wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies); and the May 8, 2020 guidance issued by the Merced County Health Officer strongly encouraging the use of a cloth face covering when leaving the house for essential activities.

10. Violation of this Order is a crime and may also be pursued as an administrative fine, an infraction, or a misdemeanor, in the City's sole and absolute discretion. (California Government Code Section 8665, Los Banos Municipal Code Sections 4-2.09 and 4.11.01 - 4.11.20.)

11. Copies of this Order shall promptly be: (1) posted at the City of Los Banos City Hall located at 520 J Street, Los Banos, CA 93635; (2) posted on the City of Los Banos' website (www.losbanos.org); and (3) provided to any member of the public requesting a copy of this Order.

Adopted this 17th day of June 2020.

By: _____
ALEX TERRAZAS
Director of Emergency Services

Attest

LUCILLE MALLONEE
City Clerk

Approved as to form:

WILLIAM A. VAUGHN
City Attorney

Confirmed and ratified by the Los Banos City Council on June 17, 2020 pursuant to Resolution No. 6223.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and Council Members

FROM: Sonya Williams, Finance Director

DATE: June 19, 2019

TYPE OF REPORT: Public Hearing

SUBJECT: To Receive Public Comment and Consideration of the Appropriation Limitation for the 2020-2021 Fiscal Year (FY)

Recommendation:

The following actions are requested of Council to complete the process for this year:

- Action Item 1. Hold a Public Hearing concerning the Appropriation Limitation for the 2020-2021 FY.
- Action Item 2. Population and inflation options must be selected by a recorded vote of the City Council. This is a requirement of Proposition 111. For the inflation factor, Staff is requesting that Council select California Per Capita Personal Income. For the population factor, staff is requesting that Council select City Population.
- Action Item 3. Council adopt the attached resolution of the City of Los Banos Setting the Tax Related Appropriation Limit in Compliance with Proposition 4 and Proposition 111 for Fiscal Year 2020-2021. This Resolution adopts for 2020-2021 FY: (a) the annual adjusting factors of California Per Capita Personal Income at 1.0373% and City Population at 1.0154%, and (b) the 2020-2021 FY Appropriation Limit of \$98,080,886.

Background:

The Appropriation Limitation is ordinarily presented in the second meeting in June to be reviewed and enacted through a Resolution to set the tax related

Appropriation Limit to be in compliance with Proposition 4 and Proposition 111. Additionally, to meet compliance guidelines, there must be a Public Hearing and the Appropriation Limitation needs to be incorporated into the City's Budget.

Discussion:

These actions will provide for the maximum 2020-2021 FY increase to the City's Appropriation Limit.

Fiscal Impact:

The Gann Appropriation Limit sets a spending limit for the amount that the City can legally tax the citizens of Los Banos. The fiscal impact of the Gann Appropriation limit would be the limitation of the City's ability to tax the citizens if it surpassed the \$98,080,886 amount in taxes. The City is at 19% of the proposed limitation.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Resolution with Exhibit A (Gann Appropriation Limitation Calculation)
Public Hearing Notice
Department of Finance Letter regarding price and population information

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS SETTING THE TAX
RELATED APPROPRIATION LIMIT IN
COMPLIANCE WITH PROPOSITION 4 AND
PROPOSITION 111 FOR 2020-2021 FISCAL YEAR**

WHEREAS, there has been presented to the City Council of the City of Los Banos the Appropriation Limitation Analysis; and

WHEREAS, the City Council has selected the population and inflation factors used in the Appropriation Limitation Analysis; and

WHEREAS, a Public Hearing was duly held on June 17, 2020 providing an opportunity for City Council to review the Appropriation Limitation Analysis and to allow for public comment; and

WHEREAS, said Appropriation Analysis as presented has been reviewed, examined, and approved by the City Council of the City of Los Banos.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos that the annual adjusting factors of California Per Capita Personal Income at 1.0373% and City population at 1.0154% is hereby adopted; and

BE IT FURTHER RESOLVED that the City Council of the City of Los Banos that said Tax Related Appropriation Limit of \$98,080,886 is hereby adopted by the City Council of the City of Los Banos, a copy of which is attached hereto as Exhibit "A".

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of June 2020, 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:

Mike Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PD	Amount	Cols	Depth
336031	0004663371	Public Notice Notice is hereby given that the City	Public Notice	\$102.28	1	3.43 in

Attention:

CITY OF LOS BANOS - CITY HALL - FINANCE
520 J STREET
LOS BANOS, CA 93635

Public Notice

Notice is hereby given that the City Council of the City Los Banos will hold a Public Hearing for the proposed Fiscal Year 2020-2021 City Budget and a Public Hearing for the Fiscal Year 2020-2021 Appropriation Limitation as follows:

Date: June 17, 2020
Time: 4:00 p.m.
Place: Council Chambers
City Hall
520 "J" Street
Los Banos, CA 93635

Please note that the Council Chambers are closed to the public, those interested in viewing the City Council Meeting live can do so on the City of Los Banos' Website at:
<https://www.youtube.com/watch?v=sc3NQ8ABluE&feature=youtu.be>

The City has established a temporary email address citizens can use to email comments on this agenda item. Any public comments received by June 17, 2020 prior to 4:00 p.m. will be read aloud during the appropriate time. The email address is cityclerk@losbanos.org.

Questions regarding the above referenced item may be directed to the Finance Department at City Hall or (209) 827-7000.

**Declaration of Publication
2015.5 C.C.P.**

STATE OF CALIFORNIA)
) ss.
County of Merced)

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Los Banos Enterprise, a newspaper of general circulation, printed and published in the city of Los Banos, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of June 16, 1952 Case Number 21594 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

June 05, 2020, June 12, 2020

V Rodela

Legal Clerk

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Dallas, Texas on:

Date: 8th, day of June, 2020

StyBd

Notary Signature

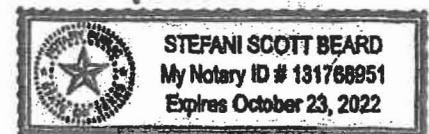


Exhibit A

City of Los Banos
GANN APPROPRIATION LIMITATION
Fiscal Year 2020-2021

FY 2019-2020 Appropriation Limit \$93,117,712

A. Change in California Per Capita Personal Income
(converted to a ratio) 1.0373

B. Greater of the Change in population
(converted to a ratio)

City of Los Banos	1.0154	
County of Merced	1.0104	1.0154

Adjustment factor (A multiplied by B) 1.0533

FY 2020-2021 Appropriations Limit \$98,080,886

City of Los Banos Tax Appropriation Limit - 10 Years

FY	City Population	Limit
2020-2021	41,923	\$98,080,886
2019-2020	41,898	\$93,117,712
2018-2019	40,986	\$87,483,758
2017-2018	39,993	\$82,376,420
2016-2017	39,359	\$78,178,248
2015-2016	37,145	\$72,893,471
2014-2015	37,168	\$69,774,549
2013-2014	37,017	\$69,268,886
2012-2013	36,546	\$65,286,415
2011-2012	36,525	\$62,570,841



May 2020

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit

California Revenue and Taxation Code section 2227 requires the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2020, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2020-21. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2020-21 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2020.**

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data. Given the stay-at-home orders due to COVID-19, growth in the coming years may be substantially lower than recent trends.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

/s/ Keely Martin Bosler

KEELY MARTIN BOSLER
Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2020-21 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2020-21	3.73

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2020-21 appropriation limit.

2020-21:

Per Capita Cost of Living Change = 3.73 percent
 Population Change = 0.22 percent

Per Capita Cost of Living converted to a ratio: $\frac{3.73 + 100}{100} = 1.0373$

Population converted to a ratio: $\frac{0.22 + 100}{100} = 1.0022$

Calculation of factor for FY 2020-21: $1.0373 \times 1.0022 = 1.0396$

Fiscal Year 2020-21

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2019 to January 1, 2020 and Total Population, January 1, 2019

County City	Percent Change	--- Population Minus Exclusions ---		Total Population
	2019-2020	1-1-19	1-1-20	1-1-2020
Merced				
Atwater	0.03	31,370	31,378	31,378
Dos Palos	-0.05	5,549	5,546	5,546
Gustine	0.14	5,867	5,875	5,875
Livingston	2.33	14,709	15,052	15,052
Los Banos	1.54	41,287	41,923	41,923
Merced	2.37	86,081	88,120	88,120
Unincorporated	-0.13	94,636	94,511	95,627
County Total	1.04	279,499	282,405	283,521

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members
FROM: Sonya Williams, Finance Director
DATE: June 17, 2020
TYPE OF REPORT: Public Hearing
SUBJECT: To Receive Public Comment and Consideration of the 2020-2021 Fiscal Year (FY) Budget

Recommendation:

To complete the preparation of the City of Los Banos 2020-2021 FY Budget, the City Council is requested to take the following actions:

- Conduct a noticed Public Hearing to solicit input on the Proposed Budget for 2020-2021 FY.
- Adopt a resolution by the City Council, which approves the 2020-2021 FY Budget.

Background:

The City of Los Banos adopts an Annual Budget prior to the beginning of the new fiscal year that starts on July 1st. In preparation of the Budget adoption, the City held a City Council Budget Study Session on June 4, 2020. The session reviewed the next year's Proposed Budget for the City. Adoption of this proposed Resolution completes the 2020-2021 FY Budget process and authorizes a July 1, 2019 start date for the new budget year as well as defines the employee salary schedule.

Discussion:

The following described exhibits are made part of this Resolution for adoption:

- Exhibit A: The Summary of Fund Balance for the 2020-2021 FY this sets forth by fund the estimated revenues, transfers in and out, and the proposed expenditures.

- Exhibit B: Salary Schedule (Policy & Procedures Manual - Division 4) – presents the 2020-2021 FY employee classifications, positions authorized, and salary ranges for all employees.
- Exhibit C: The Capital Improvement Plan Summary which outlines a five year plan that identifies capital needs throughout all City Departments. The Proposed Budget book will include a breakdown of the Capital Improvement Plan by department and/or function.

In Exhibit A, the Summary of Fund Balance for 2020-2021 FY, it should be highlighted that:

- General Fund beginning balance is estimated at \$12.9 million, ending at \$13 million (excluding Measure H assigned funding), utilizing estimated revenues of \$16.6 million to pay for operational costs of \$16.5 million.
- City-wide revenues are estimated at \$58.3 million and City-wide expenditures are proposed to be \$57.5 million, with a City-wide estimated ending balance of \$90.2 million.
- The major revenue factors include a 2% increase in property tax revenues and a 4% decrease in sales tax revenues.
- The major expenditure factors that have affected the City's proposed budget include continued increases to personnel costs, including salaries, health and retirement benefits. Additional sources include increases to workers compensation, liability insurance and electricity and gas.
- The enterprise budget includes a 2.9% CPI increase in revenues for water, wastewater and solid-waste services, this will increase utility customer rates by a minimum of \$2.60 per month or \$31.20 annually.

In Exhibit B, the 2020-2021 FY Salary Schedule includes the following changes:

- Part-time salaries currently below \$14.00 per hour will be increased to \$14.00 per hour to meet new minimum wage requirements, effective January 1, 2020.
- COLA increase of three percent (3%) for Public Works representational unit (AFSCME) classifications.
- Eliminate IT Manager position, vacated in October 2019 and an IT Technician position, currently furloughed.

In Exhibit C, the Capital Improvement Plan Summary includes the following major projects:

- General Fund: citywide camera project, and a point-to-point system.
- Parks and Recreation: develop a park master plan, design and construct a dog park, and design and construct a splash pad.
- Water: Water line replacement and water valve replacements.

- Wastewater: sewer line repair, sewer lift station rehabilitation, addition of potable water line, replacement/rehabilitation of sewer manholes, and the land purchase of future storm basin site.
- Solid Waste: clean closure of landfill site.
- Information Technology: continued citywide phone system replacement, network/server replacements, desktop/laptop replacements, and upgrades to City Hall Wi-Fi.

With the 2020-2021 FY Proposed Budget, staff is will be utilizing a combination of funding resources to fund the Capital Improvement Projects.

Fiscal Impact:

The 2020-2021 FY Budget is fiscally responsible, and indicates the continued efforts to maintain the fiscal health of the City. It is important that the General Fund maintain its fund balance reserve. In the 2010-2011 FY, City Council adopted a Fund Balance Reserve Policy to maintain thirty percent (30%) of the General Fund operating expenditures in reserves for City operations. We anticipate being able to maintain existing services at their current level for the current and upcoming fiscal years.

Through the 2020-2021 FY, the City will be reviewing the Budget on a semi-annual basis. The 2020-2021 FY Proposed Budget is available for review on the City's website www.losbanos.org and at City Hall.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Resolution
Public Notice
Exhibit A – Summary of Fund Balance
Exhibit B – Salary Schedule
Exhibit C – Capital Improvement Plan Summary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADOPTING THE 2020-2021 FISCAL YEAR BUDGET, INCLUDING EMPLOYEE SALARY SCHEDULE (DIVISION 4), OF THE LOS BANOS POLICY AND PROCEDURE MANUAL AND THE CAPITAL IMPROVEMENT PLAN SUMMARY

WHEREAS, there has been presented to the City Council of the City of Los Banos a Proposed Budget for the 2020-2021 Fiscal Year; and

WHEREAS, the Proposed Budget for the City of Los Banos has been reviewed by the City Council at the City of Los Banos Budget Study Session held June 4, 2020; and

WHEREAS, a Public Hearing was duly held on June 17, 2020 providing an opportunity for City Council to review the Proposed Budget and to allow for public comment; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that the 2020-2021 Fiscal Year Budget, including the Employee Salary Schedule and the Five-Year Capital Improvement Plan summary, as approved by the City Council, is hereby adopted; and

BE IT FURTHER RESOLVED that:

1) That Exhibit A - Summary of Fund Balance, Exhibit B - Employee Salary Schedule, Exhibit C – Capital Improvement Plan Summary are attached and made a part of this Resolution. Within each fund in Exhibit A, the estimated revenues presented are recognized, the Transfers In and Transfers Out are authorized, and the proposed expenditures are appropriated;

3) The City Manager is hereby authorized to transfer, per occurrence, up to \$100,000 in appropriations for the General Fund and \$50,000 in appropriations for any other fund between accounts within other funds in Exhibit A as a budget adjustment to meet unforeseen events;

4) The City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the 2020-2021 Fiscal Year by action to amend this budget.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 17th day of June 2020, 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:

ATTEST:

Michael Villalta, Mayor

Lucille L. Mallonee, City Clerk

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PD	Amount	Cols	Depth
336031	0004663371	Public Notice Notice is hereby given that the City	Public Notice	\$102.28	1	3.43 In

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LOS BANOS, CA 93635

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Date: June 17, 2020
Time: 4:00 p.m.
Place: Council Chambers
City Hall
520 "J" Street
Los Banos, CA 93635

Please note that the Council Chambers are closed to the public, those interested in viewing the City Council Meeting live can do so on the City of Los Banos' Website at:
<https://www.youtube.com/watch?v=sc3NQ8A8lUE&feature=youtu.be>

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Questions regarding the above referenced item may be directed to the Finance Department at City Hall or (209) 827-7000.

**Declaration of Publication
2015.5 C.C.P.**

STATE OF CALIFORNIA)
) ss.
County of Merced)

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Los Banos Enterprise, a newspaper of general circulation, printed and published in the city of Los Banos, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of June 16, 1952 Case Number 21594 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

June 05, 2020, June 12, 2020

V Rodela

Legal Clerk

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Dallas, Texas on:

Date: 8th, day of June, 2020

Stefani Scott Beard
Notary Signature

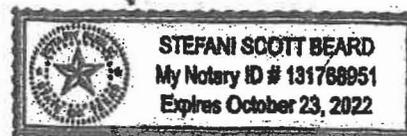


Exhibit A
City of Los Banos
Summary of Fund Balance
Fiscal Year 2020-2021

Fund #	Fund	Estimated Beginning Balance	2020-21 Requested Revenues	2020-21 Transfer In	2020-21 Requested Expenditures	2020-21 Transfer Out	Estimated Ending Balance
100	General Fund-Unassigned	\$ 12,936,428	\$ 16,576,841		\$ 16,490,235		\$ 13,023,034
100	General Fund-Measure H Assigned	\$ 2,061,031	\$ 2,500,000		\$ 1,993,268		\$ 2,567,763
200	Movie Night	\$ 3,990	\$ -		\$ -		\$ 3,990
202	Admin City Hall Service Charge	\$ 450,383	\$ 46,000		\$ -		\$ 496,383
204	Prevention Underage Drinking	\$ 7,190	\$ 600		\$ 1,000		\$ 6,790
207	RSTP Exchange	\$ 1,470,351	\$ 474,833		\$ 254,647		\$ 1,690,537
210	Plant a Tree	\$ 578	\$ -		\$ -		\$ 578
212	PEG Franchise	\$ 67,562	\$ 24,030		\$ 6,000		\$ 85,592
214	Transportation Expenditure	\$ 297,550	\$ 647,259		\$ 75,000		\$ 869,809
215	Gas Tax	\$ 1,439,732	\$ 1,806,476		\$ 1,770,000		\$ 1,476,208
220	Local Transportation Fund	\$ 345,434	\$ 108,510		\$ -		\$ 453,944
229	Regional Transportation Impact Fee	\$ 807,052	\$ 250,000		\$ 280,000		\$ 777,052
230	Traffic Impact Fee	\$ 6,925,158	\$ 861,500		\$ 1,096,000		\$ 6,690,658
232	Storm Drain Fee	\$ 58,131	\$ 6,500		\$ -		\$ 64,631
233	Lamoglia Traffic Impact	\$ 844,147	\$ -		\$ -		\$ 844,147
234	Meadowlands Traffic Impact	\$ 134,835	\$ -		\$ -		\$ 134,835
235	Asset Forfeiture	\$ 24,664	\$ 8,600		\$ 15,000		\$ 18,264
236	Police Public Safety Augmentation	\$ 4,354,665	\$ 1,339,739		\$ 765,769		\$ 4,928,635
237	SLESF COPS Program	\$ 42,593	\$ 125,500		\$ 160,761		\$ 7,332
238	Fire Public Safety Augmentation	\$ 1,096,757	\$ 1,313,739		\$ 1,529,949		\$ 880,547
243	Fire Capital Improvement	\$ 1,670,164	\$ 91,000		\$ 545,300		\$ 1,215,864
244	Community Center Fee	\$ 639,065	\$ -		\$ -		\$ 639,065
245	Police Capital Improvement	\$ 2,527,377	\$ 293,000		\$ 400,000		\$ 2,420,377
246	Traffic Safety	\$ 125,247	\$ 17,000		\$ 60,000		\$ 82,247
248	Homeland Security Grant	\$ -	\$ -		\$ -		\$ -
249	CMAQ Grant	\$ -	\$ -		\$ -		\$ -
250	Los Banos Park Development Fee	\$ 4,794,205	\$ 853,500		\$ 532,200		\$ 5,115,505
251	Mission Village North Dev Fee	\$ 133,071	\$ -		\$ -		\$ 133,071
252	Public Facilities	\$ 25,130	\$ -		\$ -		\$ 25,130
253	Regency Estates Park Dev Fee	\$ 142,079	\$ -		\$ -		\$ 142,079
255	Vineyard Park Dev Fee	\$ 16,523	\$ -		\$ -		\$ 16,523
256	Meadowland Park Dev Fee	\$ 1,055,035	\$ -		\$ -		\$ 1,055,035
257	Mission Village South Park Dev Fee	\$ 647,546	\$ -		\$ -		\$ 647,546
258	Villages @ Stonecreek Park Dev Fee	\$ 90,749	\$ -		\$ -		\$ 90,749
259	Orchard Terrace Park Dev Fee	\$ 6,003	\$ -		\$ -		\$ 6,003
261	Shaunessy Village Park Dev Fee	\$ -	\$ -		\$ -		\$ -
262	CDBG Program Income Micro Ent.	\$ (223)	\$ -		\$ 200		\$ (423)
271	Ranchwood Estates AD #1	\$ 93,269	\$ 515,996		\$ 562,368		\$ 46,897
272	Cresthills AD #2	\$ 17,116	\$ 123,874		\$ 86,414		\$ 54,576
273	Los Banos Gardens AD #3	\$ 23,665	\$ 156,398		\$ 149,922		\$ 30,141
274	College Green Estates AD #4	\$ 97,179	\$ 132,395		\$ 140,621		\$ 88,953
275	Orchard Terrace AD #5	\$ 15,539	\$ 74,450		\$ 73,159		\$ 16,830
276	St. Francis Estates AD #6	\$ 27,897	\$ 32,810		\$ 35,667		\$ 25,040
277	Valley Meadows AD #7	\$ 21,857	\$ 19,129		\$ 17,927		\$ 23,059
279	Jo-Lin Manor/Rancho De Amigos AD #9	\$ 68,700	\$ 127,149		\$ 128,103		\$ 67,746
280	LB Creek Shopping Center AD #10	\$ 32,332	\$ 45,670		\$ 48,234		\$ 29,768

City of Los Banos
 Summary of Fund Balance
 Fiscal Year 2020-2021

Fund #	Fund	Estimated Beginning Balance	2020-21 Requested Revenues	2020-21 Transfer In	2020-21 Requested Expenditures	2020-21 Transfer Out	Estimated Ending Balance
281	Meadowlands AD #11	\$ (493,121)	\$ 274,992		\$ 278,906		\$ (497,035)
282	Mission Estates AD #12	\$ 46,877	\$ 140,164		\$ 128,974		\$ 58,067
283	Somerset Park AD #13	\$ 30,833	\$ 35,073		\$ 51,704		\$ 14,202
284	Northgate @ Regency Park AD #14	\$ 40,575	\$ 271,788		\$ 288,524		\$ 23,839
285	Magnolia Grove AD #15	\$ (4,845)	\$ 11,682		\$ 6,111		\$ 726
286	Senior Home Villages AD #16	\$ 6,130	\$ 13,810		\$ 10,912		\$ 9,028
287	Stonecreek Villages AD #17	\$ 62,914	\$ 398,212		\$ 356,017		\$ 105,109
288	Rail Trail Corridor AD #18	\$ 96,354	\$ 115,121		\$ 124,190		\$ 87,285
289	Talbott Park Basin AD #19	\$ (157,313)	\$ 73,877		\$ 68,251		\$ (151,687)
290	Police CFD	\$ 143,499	\$ 640,240		\$ 556,660		\$ 227,079
291	Fire CFD	\$ 225,863	\$ 640,241		\$ 560,653		\$ 305,451
293	HOME Program Income Housing Rehab	\$ 326,571	\$ -		\$ -		\$ 326,571
294	NSP Program Income	\$ 23,030	\$ 60,500		\$ 50,000		\$ 33,530
295	Repair & Demolition	\$ 15,663	\$ -		\$ -		\$ 15,663
296	USDA Rural Business Dev Grant	\$ -	\$ 136,000		\$ 136,000		\$ -
303	Traffic Mitigation	\$ 151,722	\$ -		\$ -		\$ 151,722
304	City Hall Impact Fee	\$ 1,289,889	\$ 110,000		\$ 35,000		\$ 1,364,889
306	Corporation Yard Impact Fee	\$ 593,346	\$ -		\$ -		\$ 593,346
324	Child Development Center	\$ (786,151)	\$ -		\$ -		\$ (786,151)
501	Water	\$ 23,928,314	\$ 7,126,500		\$ 7,668,782		\$ 23,386,032
502	Wastewater	\$ 9,637,832	\$ 6,972,965		\$ 6,821,017		\$ 9,789,780
505	Airport	\$ 590,689	\$ 417,500		\$ 447,712		\$ 560,477
510	Solid Waste & Street Sweeping	\$ 7,717,195	\$ 8,802,170		\$ 9,227,669		\$ 7,291,696
601	Fleet Maintenance	\$ 45,039	\$ 898,391		\$ 898,791		\$ 44,639
610	Information Technology	\$ 44,976	\$ 525,667		\$ 517,217		\$ 53,426
656	Retirees' Medical Health	\$ 235,594	\$ 2,115,055		\$ 2,106,055		\$ 244,594
		<u>\$ 89,449,231</u>	<u>\$ 58,352,446</u>	<u>\$ -</u>	<u>\$ 57,556,889</u>	<u>\$ -</u>	<u>\$ 90,244,788</u>

Estimated beginning fund balances are based on an accrual basis except for the Business type funds
 which are based on an available unrestricted cash basis.

**DIVISION 4
SALARY SCHEDULE**

(Approved , 2020 / Effective June 16, 2020)

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

**SECTION A - ADMINISTRATION
TOTAL POSITIONS AUTHORIZED (5)**

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
City Manager	(1)	13,932-17,833	*	*	*	*	*	*
Human Resources Director	(1)	8,074-10,309	*	*	*	*	*	*
Assistant City Clerk/HR Analyst	(1)	*	5,325	5,591	5,871	6,165	6,473	6,797
HR Technician I	(2)	*	3,572	3,751	3,939	4,136	4,343	4,560
<u>Admin Clerk</u>	(0)							
Admin Clerk II	*	*	3,179	3,338	3,505	3,680	3,864	4,057
Admin Clerk I	*	*	2,667	2,800	2,940	3,087	3,241	3,403

* Comment: Promotions to skill levels within the Admin Clerk job classifications are made by the Human Resources Director with concurrence of the City Manager.

**SECTION B - FINANCE
TOTAL POSITIONS AUTHORIZED (9)**

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Finance Director	(1)	9,209-11,758						
Accounting & Budget Supervisor	(1)	*	6,406	6,726	7,062	7,415	7,786	8,175
<u>Accountant</u>	(2)							
Accountant II	*	*	5,325	5,591	5,871	6,165	6,473	6,797
Accountant I	*	*	4,340	4,557	4,785	5,024	5,275	5,539
<u>Accounting Technician</u>	(1)	*	3,642	3,824	4,015	4,216	4,427	4,648
<u>Accounting Clerk</u>	(4)							
Accounting Clerk II	*	*	3,179	3,338	3,505	3,680	3,864	4,057
Accounting Clerk I	*	*	2,667	2,800	2,940	3,087	3,241	3,403

* Comment: Promotions to skill levels within the Accountant and Accounting Clerk job classifications are made by the Finance Director with concurrence of the City Manager.

**SECTION C - COMMUNITY & ECONOMIC DEVELOPMENT
TOTAL POSITIONS AUTHORIZED (3)**

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Community & Economic Development Director	(1)	8,074-10,309						
<u>Planner</u>	(1)							
Senior Planner	*	*	6,182	6,491	6,816	7,157	7,515	7,891
Associate Planner	*	*	5,325	5,591	5,871	6,165	6,473	6,797
Assistant Planner	*	*	4,340	4,557	4,785	5,024	5,275	5,539
<u>Planning Technician</u>	(1)	*	3,572	3,751	3,939	4,136	4,343	4,560

* Comment: Promotions to skill levels within the Planner job classifications are made by the Community & Economic Development Director with concurrence of the City Manager.

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

SECTION D - INFORMATION TECHNOLOGY

TOTAL POSITIONS AUTHORIZED (3) (1)

EMPLOYEE CLASSIFICATION	AUTHORIZED	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Information Technology Manager	(1)	*	6,406	6,726	7,062	7,415	7,786	8,175
Information Technology Technician	(2) (1)	*	4,157	4,365	4,583	4,812	5,053	5,306

SECTION E - PUBLIC WORKS

TOTAL POSITIONS AUTHORIZED (58)

EMPLOYEE CLASSIFICATION	AUTHORIZED	RANGE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Public Works Director/City Engineer	(1)	12,441-15,887						
Assistant Public Works Director	(1)	*	8,244	8,656	9,089	9,543	10,020	10,521
Public Works Operations Manager	(1)	*	6,406	6,726	7,062	7,415	7,786	8,175
Parks & Rec Operations Manager	(1)	*	5,986	6,286	6,600	6,930	7,277	7,641
Supervisor	(1)	*	4,807	5,047	5,299	5,564	5,842	6,134
Water Quality Specialist	(1)	*	4,713	4,949	5,196	5,456	5,729	6,015
Fleet Maintenance Coordinator	(1)	*	4,601	4,831	5,073	5,327	5,593	5,873
Administrative Coordinator	(1)	*	4,511	4,737	4,974	5,223	5,484	5,758
Foreman	(4)	*	4,511	4,737	4,974	5,223	5,484	5,758
Administrative Assistant	(2)	*	3,687	3,872	4,066	4,269	4,482	4,706
Engineering Technician	(1)	*	3,642	3,824	4,015	4,216	4,427	4,648
Recreation Coordinator II	(1)	*	3,376	3,545	3,722	3,908	4,103	4,308
Recreation Coordinator I	(2)	*	2,667	2,800	2,940	3,087	3,241	3,403
Admin Clerk	(1)							
Admin Clerk II	*	*	3,179	3,338	3,505	3,680	3,864	4,057
Admin Clerk I	*	*	2,667	2,800	2,940	3,087	3,241	3,403
Inspector I	(1)		4,382	4,604	4,831	5,073	5,327	5,593
	MOU	7/1/2020	4,513	4,739	4,976	5,225	5,486	5,760
Maintenance Mechanic I	(1)		3,087	3,244	3,403	3,573	3,752	3,940
	MOU	7/1/2020	3,180	3,339	3,506	3,681	3,865	4,058
Custodian	(1)		2,472	2,596	2,726	2,862	3,006	3,155
	MOU	7/1/2020	2,546	2,673	2,807	2,947	3,094	3,249
Environmental Control/Utilities Maintenance	(13)							
Environmental Control Specialist III			4,028	4,230	4,442	4,664	4,897	5,142
	MOU	7/1/2020	4,149	4,356	4,574	4,803	5,043	5,295
Environmental Control Specialist II			3,533	3,740	3,896	4,094	4,296	4,511
	MOU	7/1/2020	3,639	3,821	4,012	4,213	4,424	4,645
Environmental Control Specialist I			3,364	3,532	3,709	3,894	4,089	4,293
	MOU	7/1/2020	3,465	3,638	3,820	4,011	4,212	4,423
Environmental Control Specialist Trainee			3,203	3,363	3,534	3,708	3,893	4,088
	MOU	7/1/2020	3,299	3,464	3,637	3,819	4,010	4,211
Utilities Maintenance III			3,787	3,977	4,176	4,385	4,604	4,834
	MOU	7/1/2020	3,901	4,096	4,301	4,516	4,742	4,979
Utilities Maintenance II			3,443	3,645	3,796	3,986	4,185	4,394
	MOU	7/1/2020	3,546	3,724	3,910	4,106	4,311	4,527
Utilities Maintenance I			3,087	3,244	3,403	3,573	3,752	3,940
	MOU	7/1/2020	3,180	3,339	3,506	3,681	3,865	4,058
Maintenance	(23)							
Maintenance Worker III			3,778	3,967	4,165	4,373	4,592	4,822
	MOU	7/1/2020	3,891	4,086	4,290	4,505	4,730	4,967
Maintenance Worker II			3,421	3,592	3,772	3,964	4,159	4,367
	MOU	7/1/2020	3,524	3,700	3,885	4,079	4,283	4,497

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

SECTION E - PUBLIC WORKS - Continued

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Maintenance Worker I			3,087	3,241	3,403	3,573	3,752	3,940
	<u>MOU</u>	<u>7/1/2020</u>	3,180	3,339	3,506	3,681	3,865	4,058

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

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

**SECTION F - FIRE & BUILDING
TOTAL POSITIONS AUTHORIZED (20)**

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Fire Chief	(1)	10,815-13,805						
Asst Fire Chief	(1)	*	8,166	8,574	9,003	9,453	9,926	10,422
Fire Captain	(3)	*	5,599	5,879	6,173	6,482	6,806	6,976
Fire Engineer	(6)	*	5,334	5,494	5,659	5,829	6,004	6,154
Fire Fighter	(7)	*	4,387	4,606	4,836	5,078	5,332	5,465
Administrative Coordinator	(1)	*	4,511	4,737	4,974	5,223	5,484	5,758
<u>Admin Clerk</u>	(1)							
Admin Clerk II	*	*	3,179	3,338	3,505	3,680	3,864	4,057
Admin Clerk I	*	*	2,667	2,800	2,940	3,087	3,241	3,403

* Comment: Promotions to skill levels within the Admin Clerk job classifications are made by the Fire Chief with concurrence of the City Manager.

**SECTION G - POLICE
TOTAL POSITIONS AUTHORIZED (80)**

<u>EMPLOYEE CLASSIFICATION</u>	<u>AUTHORIZED</u>	<u>RANGE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Police Chief	(1)	11,809-15,073						
Police Commander	(2)	*	8,876	9,319	9,785	10,274	10,788	11,327
Police Sergeant	(8) ¹	*	6,883	7,228	7,589	7,968	8,366	8,575
Police Services Manager	(1)	*	6,177	6,486	6,810	7,151	7,509	7,884
Dispatch Supervisor	(1)	*	4,845	5,087	5,341	5,608	5,888	6,182
Code Enforcement Officer	(4)	*	4,076	4,279	4,493	4,718	4,954	5,202
Public Safety Dispatcher	(11)	*	3,726	3,912	4,108	4,313	4,529	4,755
Crime Analyst	(1)	*	3,575	3,754	3,942	4,139	4,346	4,563
Property Evidence Technician	(1)	*	3,142	3,299	3,464	3,637	3,819	4,010
Community Services Officer	(8)	*	2,736	2,872	3,016	3,167	3,325	3,491
Public Safety Custodian	(1)	*	2,472	2,596	2,726	2,862	3,005	3,155
Police Officer	(37) ^{2 1}	*	5,159	5,417	5,688	5,972	6,271	6,428
Police Trainee	*	*	3,091	3,246	3,408	3,578	3,757	3,945
<u>Admin Clerk</u>	(4)							
Admin Clerk II	*	*	3,179	3,338	3,505	3,680	3,864	4,057
Admin Clerk I	*	*	2,667	2,800	2,940	3,087	3,241	3,403

¹ The 8th Police Sergeant to be filled after the six (6) Measure H Police Officers are hired.

^{2 1} The Police Trainee position may be filled in lieu of Police Officer positions. The total number of Police Officers and Police Trainees shall not exceed the total number authorized for Police Officer.

* Comment: Promotions to skill levels within the Admin Clerk job classifications are made by the Police Chief with

SEC. 4004 PART TIME & ELECTED EMPLOYEE CLASSIFICATIONS

Public Works Department -- Hourly Salary

<u>EMPLOYEE CLASSIFICATION</u>		<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Admin Clerk		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>
Recreation Assistant		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>

Public Safety Department -- Hourly Salary

<u>EMPLOYEE CLASSIFICATION</u>		<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Maintenance Worker		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>
Police Officer		21.00	22.05	23.15	24.31	25.53	26.16
Code Enforcement Officer		18.00	18.90	19.85	20.84	21.88	22.43
Fire Fighter		15.11	15.87	16.66	17.49	18.37	18.83
Dispatcher		14.10	14.81	15.55	16.32	17.14	17.57
Admin Clerk		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>
Custodian		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>
Community Services Officer		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>

City Hall Division -- Hourly Salary

<u>EMPLOYEE CLASSIFICATION</u>		<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>
Admin Clerk		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>
Custodian		13.00	13.65	14.33	15.05	15.80	16.20
	<i>min wage</i> <u>1/1/2021</u>	<u>14.00</u>	<u>14.70</u>	<u>15.44</u>	<u>16.21</u>	<u>17.02</u>	<u>17.44</u>

Elected Officials -- Monthly Salary

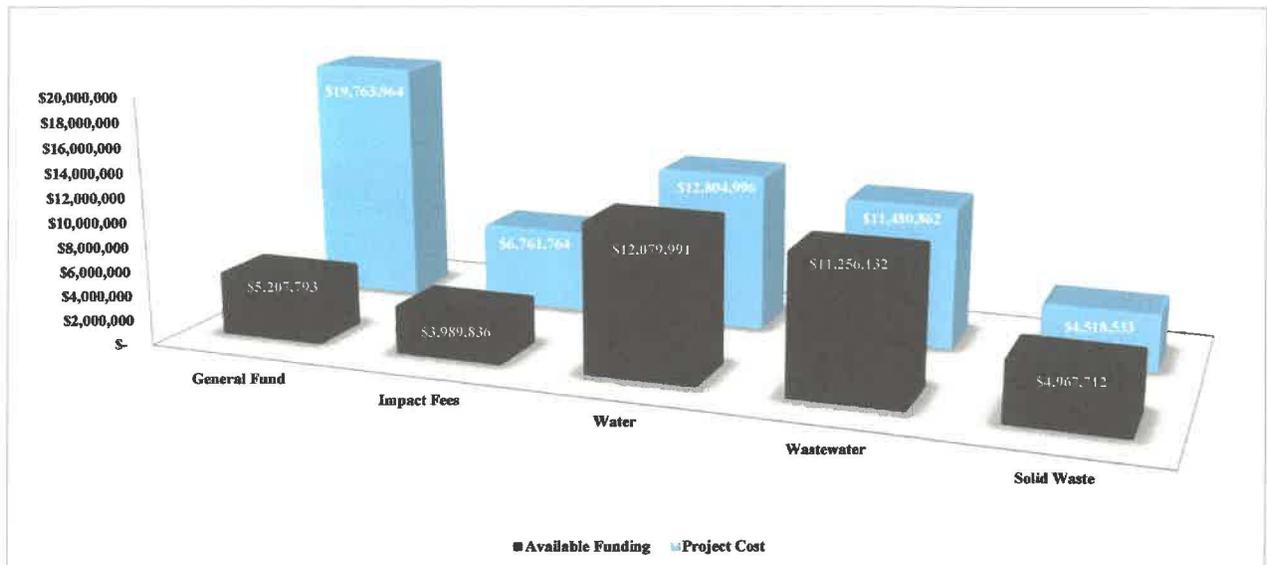
Mayor	400.00 monthly
Council Members	300.00 monthly
City Clerk	100.00 monthly
City Treasurer	100.00 monthly

Exhibit C

CAPITAL IMPROVEMENT PLAN

Summary by Fund

Project Type	Total Project Cost	Prior Year Expenditures	Fiscal Year					Available Funding
			2021	2022	2023	2024	2025	
General Fund	\$ 17,381,854	\$ 1,858,897	\$ 499,433	\$ 416,636	\$ 25,000	\$ 50,000	\$ 10,001	\$ 2,859,967
Measure H - Police	\$ 913,185	\$ 395,000	\$ 30,000	\$ 170,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 895,000
Measure H - Fire	\$ 517,000	\$ 100,603	\$ 5,200	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 505,803
Measure H - Recreation	\$ 951,925	\$ 47,523	\$ 138,500	\$ 78,000	\$ 165,000	\$ 518,000	\$ -	\$ 947,023
Impact Fees - City Hall	\$ 786,802	\$ 286,802	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ 321,802
Water Administration	\$ 205,574	\$ 6,074	\$ 24,500	\$ -	\$ -	\$ -	\$ -	\$ 30,574
Wastewater Administration	\$ 205,574	\$ 6,074	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ 18,574
Solid Waste Administration	\$ 205,574	\$ 6,074	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ 18,574
Measure P - Police	\$ 21,053,789	\$ 36,289	\$ 17,500	\$ -	\$ -	\$ -	\$ -	\$ 53,789
Measure P - Fire	\$ 2,130,447	\$ 457,541	\$ 399,000	\$ 16,000	\$ 11,000	\$ 6,000	\$ -	\$ 889,541
Impact Fees - Police	\$ 2,000,000	\$ 1,531,280	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,531,280
Impact Fees - Fire	\$ 2,530,000	\$ -	\$ 545,300	\$ 734,700	\$ -	\$ -	\$ -	\$ 1,280,000
Traffic Safety	\$ 125,000	\$ 45,000	\$ 60,000	\$ 20,000	\$ -	\$ -	\$ -	\$ 125,000
Streets - Charge Out	\$ 1,424,000	\$ 297,929	\$ 402,000	\$ 432,000	\$ 100,000	\$ 135,000	\$ -	\$ 1,366,929
CMAQ/RSTP	\$ 360,743	\$ 215,920	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,920
Measure V	\$ 5,519,000	\$ 2,250,000	\$ 75,000	\$ 1,500,000	\$ 75,000	\$ 1,500,000	\$ -	\$ 5,400,000
Impact Fees - Traffic	\$ 200,000	\$ -	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
Impact Fees - Comm Center	\$ 557,500	\$ 17,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,500
Water	\$ 12,599,422	\$ 1,591,294	\$ 3,160,000	\$ 4,177,000	\$ 898,000	\$ 1,910,000	\$ 313,123	\$ 12,049,417
Wastewater - Collections	\$ 9,041,482	\$ 262,322	\$ 1,602,000	\$ 3,776,000	\$ 2,187,000	\$ 1,202,000	\$ -	\$ 9,029,322
Wastewater - Treatment	\$ 2,233,806	\$ 201,236	\$ 517,000	\$ 1,440,000	\$ -	\$ 50,000	\$ -	\$ 2,208,236
Solid Waste	\$ 3,559,153	\$ 1,359,697	\$ 1,402,500	\$ 1,200,000	\$ 90,000	\$ 160,000	\$ 30,000	\$ 4,242,197
Solid Waste-Street Sweeping	\$ 753,806	\$ 329,941	\$ 2,000	\$ 375,000	\$ -	\$ -	\$ -	\$ 706,941
Airport	\$ 2,910,800	\$ 10,787	\$ -	\$ 1,600,000	\$ 350,000	\$ 630,000	\$ 157,900	\$ 2,748,687
Fleet	\$ 38,507	\$ 10,707	\$ 27,000	\$ -	\$ -	\$ -	\$ -	\$ 37,707
LB Park Development	\$ 687,462	\$ 182,054	\$ 457,200	\$ -	\$ -	\$ -	\$ -	\$ 639,254
Assessment Districts	\$ 1,646,693	\$ 539,416	\$ 165,600	\$ 300,000	\$ 198,000	\$ 398,500	\$ 3,000	\$ 1,604,516
IT Services	\$ 424,924	\$ 108,672	\$ 100,000	\$ 93,328	\$ 55,000	\$ 32,000	\$ 26,000	\$ 415,000
Grants	\$ 2,335,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Homeland Security	\$ 18,943	\$ 18,943	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,943
Total New Projects	\$ 93,317,965	\$ 12,173,575	\$ 9,689,733	\$ 16,628,664	\$ 4,354,000	\$ 6,791,500	\$ 740,024	\$ 50,377,496





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: June 17, 2020

TYPE OF REPORT: Agenda Item

SUBJECT: Adoption of a Resolution to Allow Temporary Outdoor Dining in Private Parking Lots and the Use City Right-of-Way to Expand Restaurant Seating Capacity.

Recommendation:

Staff recommends the City Council adopt a resolution to allow temporary outdoor dining in private parking lots and the use City right-of-way to expand restaurant seating capacity.

Discussion:

The State of California Department of Public Health published Industry Guidelines for Dine-in Restaurants on May 12, 2020 (Attachment 2). The guidelines state that restaurant owners prioritize outdoor seating and expand their outdoor seating, with alcoholic offerings, if they comply with local laws and regulations. Given that restaurant owners are required to implement measures to ensure physical distancing of a least six feet between customers and workers, it is anticipated that restaurants may lose much of the facility's seating capacity.

Several cities are preparing amendments and new measures allowing restaurants to capture a portion of the lost seating capacity through outdoor seating. The idea is to allow for outdoor seating, where appropriate, from curb to property line while maintaining a clear path of travel. In an effort to support businesses and assist local restaurants, staff is asking the City Council to consider adopting a resolution to allow temporary outdoor

dining to use adjacent private parking lots and City right-of-way to expand restaurant seating capacity. This temporary allowance would expire on October 31, 2020, unless extended by the City Council and would be subject to the key provisions:

1. Prior to creating an outdoor dining area, the business owner shall submit a Temporary Outdoor Dining Permit to the Community and Economic Development Department.
 - a. Provide written permission and signature from property owner.
 - b. Provide site plan of the outdoor seating area which indicates the number of tables and chairs and provisions for access, fencing, screening and shade, as applicable.
 - c. Outdoor seating area shall be contiguous to the current occupied restaurant space.
2. Parking lots can use up to 50% of off-street private parking spaces for outdoor dining space when the use is immediately adjacent to the subject property.
 - a. Landscape areas shall not be used for outdoor dining area.
3. Designated portions of the public right-of-way are limited to sidewalk areas, adjacent on-street parking spaces, and alleys.
 - a. A clear path of travel of four (4') feet shall be maintained for public access and minimum ADA requirements must be met.
 - b. Unobstructed access to public utilities and building entrances.
 - c. Shall maintain pedestrian and traffic safety.
 - d. Shall be aesthetically compatible with the surrounding area.
4. Must have appropriate lighting if operating after daylight hours.
5. Barriers such as landscaping and planters is permissible.
6. No heating, cooking, or open flame permitted in the outdoor dining area.
7. No food preparation, food displays, food storage, or refrigeration apparatus allowed on the public right-of-way.
8. Umbrellas and other decorative material shall be fire retardant.
9. The City reserves the right to remove a sidewalk dining space that:
 - a. Creates an obstruction; or
 - b. Violates the requirements of the City Guidelines or State and Local Orders.
10. Temporary "parklets" can be used, and do not require streets to be closed.
 - a. It will be the responsibility of the business to provide barriers to these areas as approved by the City.
11. Restaurants licensed by the State of California will be permitted to sell and allow on-site consumption of alcoholic beverages within expanded dining areas on private property, on adjacent sidewalks, within parklets, and dining areas that have been approved by the City of Los Banos subject to the Fourth Notice of Regulatory Relief provided by the State of California Department of Alcoholic Beverage Control (ABC).
12. Hours of operation shall be limited to the following:
 - a. Thursday through Saturday – close at 11:00 PM
 - b. Sunday through Wednesday – Close at 10:00 PM
13. Tents and shade structures are permitted to be used.
14. The outdoor seating area shall be maintained free of trash and other debris.

There would be no charge to businesses to utilize this temporary allowance in the City's effort to support dine-in restaurants during this time.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Proposed Resolution
2. COVID-19 Industrial Guidance – Restaurant Dine-in
3. Proposed Temporary Outdoor Dining Permit Guidelines and Procedures
4. Proposed Temporary Outdoor Dining Submittal Requirements
5. Proposed Temporary Outdoor Dining Permit Application

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ALLOWING TEMPORARY OUTDOOR DINING IN PRIVATE PARKING LOTS AND THE USE OF CITY RIGHT-OF-WAY TO EXPAND RESTAURANT SEATING CAPACITY

WHEREAS, the Merced County Department of Public Health on May 20, 2020 approved moving into Stage 2.5 of the California's Road Map for Reopening; and

WHEREAS, despite the ability of business to gradually reopen in accordance with State and local health requirements, restaurants are limited in their capacity to provide services in their existing facilities due to social distancing requirements; and

WHEREAS, the City of Los Banos wants to assist local businesses during the reopening process; and

WHEREAS, the City Council desires to allow temporary outdoor dining in private parking lots and the use of City right-of-way to expand restaurant seating capacity; and

WHEREAS, temporary outdoor dining in private parking lots and city right-of-way would expire on October 31, 2020, unless extended by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby allow temporary outdoor dining in private parking lots and the use of City right-of-way to expand restaurant seating capacity, subject to a Temporary Outdoor Dining Permit and Guidelines and Procedures 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 17th day of June 2020, 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:

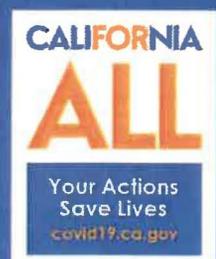
Lucille L. Mallonee, City Clerk



COVID-19 INDUSTRY GUIDANCE: Dine-In Restaurants

May 12, 2020

[covid19.ca.gov](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Industry-Guidance-Dine-In-Restaurants.aspx)



OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by employees (where respiratory protection is not required) and customers/clients,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training employees on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

PURPOSE

This document provides guidance for dine-in restaurants, brewpubs, craft distilleries, breweries, bars, pubs, and wineries to support a safe, clean environment for workers and customers. The guidance is not intended to revoke or repeal any employee rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.¹ Stay current on changes to public health guidance and state/local orders as the COVID-19 situation continues. Cal/OSHA has more comprehensive guidance on their [Cal/OSHA Interim General Guidelines on Protecting Workers from COVID-19 webpage](#). The U.S. Food and Drug Administration has [guidance for restaurants](#) and the CDC has additional requirements in their [guidance](#) for businesses and employers.

- Brewpubs, breweries, bars, pubs, craft distilleries, and wineries should remain closed until those establishments are allowed to resume modified or full operation **unless they are offering sit-down, dine-in meals. Alcohol can only be sold in the same transaction as a meal.**
- Dine-in restaurants, brewpubs, breweries, bars, pubs, craft distilleries, and wineries that provide sit-down meals should follow the restaurant guidance below and should continue to **encourage takeout and delivery service whenever possible.**
- Brewpubs, breweries, bars, pubs, craft distilleries, and wineries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals provided both businesses follow the guidance below and alcohol is only sold in the same transaction as a meal.
- Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals should follow the [guidance for retail operations](#) and offer curbside sales only, until local and/or statewide rules allow additional retail activity.
- Producers of beer, wine, and spirits should follow the [guidance for manufacturing operations](#).
- This guidance is not intended for concert, performance, or entertainment venues. Those types of establishments should remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.



Workplace Specific Plan

- Establish a written, worksite-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas, and designate a person at each establishment to implement the plan.
- Identify contact information for the local health department where the restaurant is located for communicating information about COVID-19 outbreaks among employees or customers.
- Train and communicate with employees and employee representatives on the plan.
- Regularly evaluate the establishment for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Identify close contacts (within six feet for 15 minutes or more) of an infected employee and take steps to isolate COVID-19 positive employee(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



Topics for Employee Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work if employees have a frequent cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, recent loss of taste or smell, or if they or someone they live with have been diagnosed with COVID-19.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).

- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol or 70% isopropanol when employees cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
 - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
 - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
 - Employees should wash or sanitize hands before and after using or adjusting face coverings.
 - Avoid touching the eyes, nose, and mouth.
 - Face coverings should be washed after each shift.
- Information on employer or government-sponsored leave benefits the employee may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and worker's compensation for COVID-19](#), including employee's sick leave rights under the [Families First Coronavirus Response Act](#) and the Governor's [Executive Order N-51-20](#), and employee's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive order N-62-20](#).



Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible. Both screeners and employees should wear face coverings for the screening.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Employee Training section above.

- Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers should provide and ensure workers use all required protective equipment, including face coverings and gloves where necessary.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items. Workers should wear gloves when handling items contaminated by body fluids.
- Face coverings are strongly recommended when employees are in the vicinity of others. Workers should have face coverings available and wear them when at work, in offices, or in a vehicle during work-related travel with others. Face coverings must not be shared.
- Establishments must take reasonable measures, including posting signage in strategic and highly-visible locations, to remind the public that they should use face coverings and practice physical distancing while waiting for service and take-out.
- Servers, bussers, and other workers moving items used by customers (dirty cups, plates, napkins, etc.) or handling trash bags should use disposable gloves (and wash hands before putting them on and after removing them) and provide aprons and change frequently.
- Dishwashers should use equipment to protect the eyes, nose, and mouth from contaminant splash using a combination of face coverings, protective glasses, and/or face shields. Dishwashers must be provided impermeable aprons and change frequently. Reusable protective equipment such as shields and glasses should be properly disinfected between uses.



Cleaning and Disinfecting Protocols

- Perform thorough cleaning in high traffic areas, such as customer waiting areas and lobbies, break rooms, lunch areas and areas of ingress and egress including host stands, entry ways, stairways, stairwells, escalators, handrails, and elevator controls. Frequently disinfect commonly used surfaces including doors, door handles, crash bars, light switches, waiting area chairs, credit card terminals, ATM PIN pads, receipt trays, bus tubs, serving trays, water pitcher handles, phones, toilets, and handwashing facilities.

- Frequently clean items touched by patrons, especially those that might attract contact from children including candy and toy vending machines, decorative fish tanks, display cases, decorative fountains, etc.
- Clean touchable surfaces between shifts or between users, whichever is more frequent, including but not limited to working surfaces, phones, registers, touchpads/touchscreens, tablets, timeclocks, appliances, kitchen and bar utensils and implements, oven doors, grill and range knobs, carts and trolleys, keys, etc.
- Avoid sharing audio equipment, phones, tablets, laptops, desks, pens, and other work supplies wherever possible. Never share PPE.
- Discontinue shared use of audio headsets and other equipment between employees unless the equipment can be properly disinfected after use. Consult equipment manufacturers to determine appropriate disinfection steps, particularly for soft, porous surfaces such as foam earmuffs.
- Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the employees' job duties.
- Procure options for third-party cleaning companies to assist with the increased cleaning demand, as needed.
- Equip spaces such as dining rooms, bar areas, host stands, and kitchens with proper sanitation products, including hand sanitizer and sanitizing wipes to all staff directly assisting customers.
- Ensure that sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed.
- When choosing cleaning chemicals, employers should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved](#) list and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide employees training on manufacturer's directions and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves as required by the product instructions.
- Restaurants should increase fresh air circulation by opening windows or doors, if possible to do so.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in all working areas.

- Provide disposable menus to guests and make menus available digitally so that customers can view on a personal electronic device, if possible. If disposable menus cannot be provided, properly disinfect menus before and after customer use. Consider options for customers to order ahead of time.
- Discontinue pre-setting tables with napkins, cutlery, glassware, food ware, etc. These should be supplied individually to customers as needed. Do not leave card stands, flyers, napkin holders, or other items on tables.
- Suspend use of shared food items such as condiment bottles, salt and pepper shakers, etc. and provide these foods in single serve containers, if possible. Where this is not possible, shared items such as condiment bottles, shakers, etc., should be supplied as needed to customers and disinfected after each use.
- Pre-roll utensils in napkins prior to use by customers. Employees must wash hands before pre-rolling utensils in napkins. The pre-roll should then be stored in a clean container. After customers are seated, the pre-roll should be put on the table by an employee who recently washed their hands.
- Reusable customer items including utensils, food ware, breadbaskets, etc., must be properly washed, rinsed, and sanitized. Cleaned flatware, stemware, dishware, etc., must be properly stored away from customers and personnel until ready for use. Use disposable items if proper cleaning of reusable items is infeasible.
- Takeout containers must be filled by customers and available only upon request.
- Dirty linens used at dining tables such as tablecloths and napkins should be removed after each customer use and transported from dining areas in sealed bags. Employees should wear gloves when handling dirty linens.
- Thoroughly clean each customer dining location after every use. This will include disinfecting tables, chairs, booster seats, highchairs, booths, etc. and allowing adequate time for proper disinfection, following product instructions. Many EPA-approved disinfectants require minimal contact time (seconds to one minute) against human coronavirus.
- Close areas where customers may congregate or touch food or food ware items that other guests may use. Provide these items to guests individually and discard or clean and disinfect after each use, as appropriate. This includes but is not limited to:
 - Self-service areas with condiment caddies, utensil caddies, napkins, lids, straws, water pitchers, to-go containers, etc.

- Self-service machines including ice, soda, frozen yogurt dispensers, etc.
- Self-service food areas such as buffets, salsa bars, salad bars, etc.
- Discontinue tableside food preparation and presentation such as food item selection carts and conveyor belts, guacamole preparation, etc.
- Do not leave out after-meal mints, candies, snacks, or toothpicks for customers. Offer them with the check or provide only on request.
- Install hand sanitizer dispensers, touchless if possible, at guest and employee entrances and contact areas such as driveways, reception areas, in dining rooms, near elevator landings, etc.
- Discontinue use of shared entertainment items such as board games, pool tables, arcade games, vending machines, etc. Close game and entertainment areas where customers may share items such as bowling alleys, etc.
- Continue to follow existing codes regarding requirements for sanitizing (rather than disinfecting) food contact surfaces.



Physical Distancing Guidelines

- Prioritize outdoor seating and curbside pickup to minimize cross flow of customers in enclosed environments. Restaurants can expand their outdoor seating, and alcohol offerings in those areas, if they comply with local laws and regulations.
- Provide takeout, delivery, and drive through options for customers when possible.
- Encourage reservations to allow for time to disinfect restaurant areas and provide guidance via digital platforms if possible to customers for physical distancing while at the restaurant.
- Consider allowing dine-in customers to order ahead of time to limit the amount of time spent in the establishment.
- Ask customers to wait in their cars or away from the establishment while waiting to be seated. If possible, alert patrons through their mobile phones when their table is ready to avoid touching and use of "buzzers."
- Implement measures to ensure physical distancing of at least six feet between workers and customers. This can include use of physical partitions or visual cues (e.g., floor markings or signs to indicate to where employees and/or guests should stand).

- Install physical barriers or partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
- Any area where guests or employees queue should also be clearly marked for appropriate physical distancing. This includes check-stands and terminals, deli counters and lines, restrooms, elevator lobbies, host stands and waiting areas, valet drop off and pickup, and any other area where customers congregate.
- Physical distancing protocols should be used in any office areas, kitchens, pantries, walk-in freezers, or other high-density, high-traffic employee areas. Face coverings are required where employees cannot maintain physical distancing including in kitchens, storage areas, etc.
- Employee pre-shift meetings and trainings should be conducted virtually or in areas that allow for appropriate physical distancing between employees. Food, beverages, food ware, etc., should not be shared.
- Stagger employee breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
- Consider offering workers who request modified duties options that minimize their contact with customers and other employees (e.g., managing inventory rather than working as a cashier or managing administrative needs through telework).
- Reconfigure office spaces, lobbies, beverage bars, kitchens and workstations, host stand areas, and other spaces wherever possible to allow for at least six feet of distance between people dining, working, and passing through areas for entry and exit.
- Remove tables and chairs from dining areas so that six feet of physical distance can be maintained for customers and employees. If tables, chairs, booths, etc., cannot be moved, use visual cues to show that they are not available for use or install Plexiglas or other types of impermeable physical barriers to minimize exposure between customers.
- Bar areas should remain closed to customers.
- Discontinue seating of customers where customers cannot maintain six feet of distance from employee work and food and drink preparation areas.
- Adjust maximum occupancy rules inside the establishment based on its size to limit the number of people inside and/or use impermeable barriers between service tables to protect customers from each other and employees. For outdoor seating, maintain physical distancing standards outlined above.
- Limit the number of patrons at a single table to a household unit or patrons who have asked to be seated together. People in the same

party seated at the same table do not have to be six feet apart. All members of the party must be present before seating and hosts must bring the entire party to the table at one time.

- Limit the number of employees serving individual parties, in compliance with wage and hour regulations.
- Face coverings are strongly encouraged for all employees, however, they are required for any employee (e.g., server, manager, busser, food runner, etc.) who must be within six feet of customers. All restaurant workers should minimize the amount of time spent within six feet of guests.
- Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.
- Reconfigure kitchens to maintain physical distancing in those areas where practical and if not practical staggers shifts if possible to do work ahead of time.
- Discourage food preparation employees from changing or entering others' work stations during shifts.
- Discourage employees from congregating in high traffic areas such as bathrooms, hallways, bar areas, reservation and credit card terminals, etc.
- Establish directional hallways and passageways for foot traffic, if possible, to eliminate employees from passing by one another.
- Require employees to avoid handshakes and similar greetings that break physical distance.
- Eliminate person-to-person contact for delivery of goods whenever possible. Designate drop-off locations to receive deliveries away from high traffic areas. Maintain physical distance of at least six feet with delivery drivers.
- Guests should enter through doors that are propped open or automated, if possible. Hand sanitizer should be available for guests who must touch door handles.
- Implement peak period queueing procedures, including a host to remind guests to queue with at least six feet of distance between parties outside or in waiting areas.
- Employees should not open the doors of cars or taxis.
- Takeout food items should be made available using contactless pick-up and delivery protocols.

- Avoid touching others' pens and clipboards. If possible, install transfer-aiding materials, such as shelving and bulletin boards, to reduce person-to-person hand-offs.



Considerations for Restaurants

- Display a set of clearly visible rules for customers and restaurant personnel at the restaurant entrance(s) that are to be a condition of entry. The rules could include instructions to use hand sanitizer, maintain physical distance from other customers, avoid unnecessary touching of restaurant surfaces, contact information for the local health department, and changes to restaurant services. Whenever possible, the rules should be available digitally, include pictograms, and included on/with menus.
- Guests and visitors should be screened for symptoms upon arrival, asked to use hand sanitizer, and to bring and wear a face covering when not eating or drinking. Appropriate signage should also be prominently displayed outlining proper face covering usage and current physical distancing practices in use at all entrances and throughout the property.
- Licensed restaurants may sell "to-go" alcoholic beverages, prepared drinks, and pre-mixed cocktails provided they are sold and delivered to customers in conjunction with the sale and delivery of a meal/meals.

¹Additional requirements must be considered for vulnerable populations. Dine-in restaurants, breweries, brewpubs, craft distilleries, and wineries that provide meals must comply with all [Cal/OSHA](#) standards and be prepared to adhere to its guidance as well as guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [California Department of Public Health \(CDPH\)](#). Additionally, employers should be prepared to alter their operations as those guidelines change.





City of
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At the Crossroads of California

**Community & Economic
Development Department**
520 J St.
Los Banos, CA 93635
Phone: (209) 827-7000 ext. 2432
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TEMPORARY OUTDOOR DINING PERMIT GUIDELINES AND PROCEDURES

What is a Temporary Outdoor Dining Permit?

- a. The City of Los Banos Temporary Outdoor Dining Permit has been established in an effort to ensure that restaurants have the greatest ability to operate with safety and success through the Phase 2.5 and 3 of the recovery process. Restaurants with access to private sidewalks or private parking may utilize these areas for outdoor dining in accordance with guidelines published by California Department of Public Health.
- b. The review of a development proposal concerned with the following:
 - i. physical design
 - ii. sitting vehicular and pedestrian access and circulation
 - iii. parking
 - iv. signage
 - v. the interrelationship of these elements

Parking Lots

- a. With the consent of the property owner, up to 50% of off-site and on-site private parking spaces counted required parking stalls may be converted to outdoor dining space when the use is immediately adjacent to the subject property. The proposed converted use must comply with public safety standards, building access, and physical distancing requirements. No ADA parking stalls shall be used in part of the outdoor dining area.

Landscaping and required buffer areas for off-site parking spaces shall not be used as expanded outdoor dining area.

Public Right- of –Way

- a. The City of Los Banos is accepting Temporary Outdoor Dining Permits that allow restaurants to operate in designated portions of the public-right-of-way. These areas are limited to sidewalk areas, adjacent on-street parking spaces, and in alleys.

To participate in the temporary outdoor dining within the public-right-of-way, minimum ADA requirements must be met.

Sidewalks

General Requirements

Outdoor dining within the sidewalks and public right-of-way shall maintain:

- Adequate pedestrian flow of at least four (4) feet;
- Unobstructed access to public utilities, building entrances, crosswalks, bus stops and transit entrances;
- Pedestrian and traffic safety; and
- Aesthetic compatibility with the surrounding area.

Location requirements

1. The width of the extended outdoor premise is restricted as follows:
 - a. Shall not exceed the width of the sidewalk frontage of the applying property.
2. A clearly marked, unobstructed and durable pedestrian right-of-way, also known as a "pedestrian path", that meets required accessibility standards, of no less than four (4) feet shall be maintained for each sidewalk outdoor dining area and shall adhere to the following standards:
 - a. The minimum distance of the pedestrian path shall be measured from the portion of the sidewalk dining boundary which is nearest either to the nearest curb or the nearest obstruction.
3. The pedestrian path shall maintain a minimum of four (4) feet from large obstructions. No tables, or chairs, umbrellas or other fixtures shall be permitted within four (4) feet of a pedestrian crosswalk or corner or curb cut. For the purposes of this section, large obstructions shall be bus stops shelters, newsstands, existing planters or any other object greater than fifteen (15) square feet in area.
4. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The twenty (20) foot fire lane shall not be obstructed at any time. There shall be a minimum of forty (40) inches in distance separating the edge of the table or chair to a fire department connection.

Physical Modifications/ Signage; Lighting and Umbrellas

1. Appropriate lighting of the sidewalk dining space is required if operating after daylight hours.
2. Use of landscaping and planters as barriers is permissible, however these materials should not be permanently affixed to any public rights-of-way.
3. Use of removable barriers to define the sidewalk dining space is permissible.
4. No heating, cooking, or open flames are permitted in the sidewalk dining area. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
5. No food preparation, food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
6. Umbrellas and other decorative material shall be fire retardant, pressure treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches in (eighty (80) inches above the sidewalk.

City of Los Banos Right to Clear Right-of-way

The City reserves the right to remove a sidewalk dining space that, (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right of way if it finds the installation represents a danger to health, safety or general public welfare of the public, (ii) a business violates the requirements of these Guidelines or State and Local Orders.

The City may require the removal, temporary or permanent, of the sidewalk dining space when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances, Any cost incurred by the City removal or storage of sidewalk tables, chairs and other equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.

On City Street (Parklets)

Temporary "Parklets" can be used by one or more businesses, and don't require streets to be closed. The City will be temporarily suspending certain codes and

permitting requirements for private use of on-street parking spaces within the public right-of-way, for uses consistent with the requirements in these guidelines.

It shall be the responsibility of the business to activate the spaces described in this section (parking lots, sidewalks, and streets) with temporary materials such as tables and chairs, umbrellas, and visual/ physical barrier materials as needed per site specific conditions. Maintenance (daily upkeep, litter cleanup, etc) associated with the business operations shall also be the responsibility of the business.

Alcoholic Beverages

Restaurants licensed by the State of California will be permitted to sell and allow on-site consumption of alcoholic beverages within expanded dining areas on private property, on immediately adjacent sidewalks, within parklets and dining areas that have been closed to traffic by the City of Los Banos. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board (ABC). The applicant is responsible for managing these barriers and removing them when necessary.

Restaurants utilizing public rights-of-way for outdoor dining shall comply with the following closing times:

- Thursday through Saturday- close at 11:00 PM
- Sunday through Wednesday- close at 10:00 PM

Restaurants not currently permitted to sell alcohol will not be affected by this requirement.

Use of Tents or Shade Structures on Sidewalks, On-Street Parking Spaces, or Closed Street.

1. The following requirements shall apply to the use of tents or shade structures within public spaces:
 - a. The maximum size tents that may be placed within the sidewalks and parking spaces will be ten (10') foot by ten (10') foot.
 - b. No staking of tents is permitted in the public right-of-way.
 - c. All tent legs must be weighted on each leg and have a minimum of forty (40) pounds.
 - d. Weights must be securely attached to canopy roof and canopy leg separately.
 - i. Ropes and straps should be high quality.

- ii. Bungee or rubber straps are prohibited.
- e. Weights must be on the ground and not dangling.
- f. Weights and lines must not pose a hazard and be clearly visible.
- g. For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as the weight is removed.
 - i. Do not leave unsecured tents unattended at any time.
- h. Heaters of any kind shall not be used under the tents or umbrellas.
- i. Smoking is prohibited under tents and shade structures.
- j. Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.
- k. Items acceptable to be used to weighted anchors:
 - i. Five (5) gallon bucket full of water, sand, or concrete.
 - ii. Four (4") inches PVC pipe at least thirty-six (36") inches long filled with concrete.
 - iii. Large commercially available tent weights.
 - iv. Sandbags or salt bags forty (40) pounds or heavier.
 - v. Requirements for tents larger than ten (10') foot by ten (10') foot.
 - 1. Shall only be placed on private property or city parks (not sidewalks or streets).
 - 2. Must comply with IFIA (Industrial Fabrics Association International) Tent Book.
 - 3. Shall be inspected prior to occupancy by the Fire Chief.

Sanitation

1. The outdoor seating area shall be maintained free of trash and other debris.



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TEMPORARY OUTDOOR DINING PERMIT SUBMITTAL REQUIREMENTS

- Completed Application
 - If the applicant is not the property owner(s), the property owner(s) shall designate the applicant as the authorized agent to act on his or her behalf by way of a signed, dated, and notarized statement and both (or all) shall sign the application.
- Written permission and signature from property owner. If applicable.
- Copy of valid City of Los Banos Business License
- Copy of valid ABC License. If applicable
- Executive summary of business (scope of business).
- Site plan with accurate and scaled dimensions showing the business storefront, storefronts adjacent to the business, and the full sidewalk, street, and parking area in the proposed permit area. Size and font must be legible.
 - Delineate and dimension the area proposed for the Temporary Outdoor Dining permit
 - Show and label all proposed for the proposed furniture and appurtenances requested to be placed within the proposed permit area.
 - Provide north arrow, scale, street name, business, address, and business name.

Note: Staff may deem additional submittal information necessary such as a noise study, biological assessment, parking study, drainage report, arborist report, sight line analysis, infrastructure calculations, or master plans to adequately analyze the project, complete environmental review, or make recommendations to Elected or Appointed Officials.

OFFICE USE ONLY

Los Banos Fire Department Review

Approved

Denied

Comments (Please use additional pages as necessary):

Department Reviewer:

Date

Los Banos Police Department Review

Approved

Denied

Comments (Please use additional pages as necessary):

Department Reviewer:

Date

Community & Economic Development Department Review

Approved

Denied

Comments (Please use additional pages as necessary):

Department Reviewer:

Date



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mason Hurley, Fire Chief
DATE: June 17, 2020
SUBJECT: Presentation Regarding Illegal Fireworks
TYPE OF REPORT: Agenda Item

Recommendation:

Informational item only, no action to be taken.

Discussion:

A brief presentation and update regarding illegal fireworks will be provided.

Reviewed by:

A handwritten signature in black ink, appearing to read 'Alex Terrazas', is written over a horizontal line.

Alex Terrazas, City Manager



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: June 12, 2020

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2020-03 – Yohanna Acosta (dba Botanas El Canchanilla)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2020-03 to allow the operation of a mobile food vending vehicle on private property for Yohanna Acosta dba Botanas El Canchanilla. The subject property is located within the Highway Commercial Zoning District at 330 West Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 027-152-040.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 24, 2020 at 4:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS


Rudy Luquin
Associate Planner