



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

AUGUST 5, 2020 – 3:00 PM

**Temporary Public Comment Email Established for the City of Los Banos
City Council Meeting of August 5, 2020 – emails must be received by 3:00 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 August 5, 2020 prior to 3:00 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. **CLOSED SESSION.** **3:00 PM**
 (Members of the public may address the City Council Members on the following closed session 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.)
 - A. Conference with Labor Negotiators, Pursuant to Government Code Section 54957.6, Agency Designated Representatives: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Legal Counsel Tuffo; Employee Organizations: Los Banos Police Officers Association (LBPOA), Los Banos Police Sergeants Association (LBPSA), Los Banos Fire Fighters Association (LBFFA), Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA), Los Banos Public Employees Union (Public Works) Local 1/AFSCME and Unrepresented Miscellaneous Employees.

2. **CALL TO ORDER.** **4:00 PM**

3. **PLEDGE OF ALLEGIANCE.**

4. **ROLL CALL: (City Council Members)**
 Faria ____, Johnson-Santos ____, Jones ____, Lewis ____, Villalta ____

5. **CONSIDERATION OF APPROVAL OF AGENDA.**

6. **PUBLIC FORUM.** (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers 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.)

7. **CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
 - A. Check Register for #222973 – #223245 in the Amount of \$2,257,798.45.
Recommendation: Approve the check register as submitted.

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

- C. Minutes for the July 15, 2020 City Council Meeting.

Recommendation: Approve the minutes as submitted.

- D. Minutes for the July 29, 2020 Special City Council Meeting.

Recommendation: Approve the minutes as submitted.

- E. City Council Resolution No. 6243 – Authorizing the City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim Form for Fiscal Year 2019-2020 in the Amount of \$482,931.

Recommendation: Adopt the resolution as submitted.

- F. City Council Resolution No. 6244 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2020-2021.

Recommendation: Adopt the resolution as submitted.

- G. City Council Resolution No. 6245 – Authorizing Award of Construction Contract to Joe's Landscaping and Concrete Inc. in the Amount of \$234,770 with a 5% Contingency in the Amount of \$11,738.50 for the Los Banos Dog Park Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the Los Banos Park Fund Account.

Recommendation: Adopt the resolution as submitted.

- H. City Council Resolution No. 6246 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos the Villages VII Phase 2B Unit 1 and Accompanying Subdivision Improvement Agreement (Anderson Homes).

Recommendation: Adopt the resolution as submitted.

- I. City Council Resolution No. 6247 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos the Villages VII Phase 2B Unit 2 and Accompanying Subdivision Improvement Agreement (Anderson Homes).

Recommendation: Adopt the resolution as submitted.

- J. City Council Resolution No. 6248 – Amending City Council Resolution No. 6012 Relating to the City's Conflict of Interest Code.

Recommendation: Adopt the resolution as submitted.

- K. City Council Resolution No. 6249 – Ratifying Executive Order 2020-03 and Amendment No. 1 to Executive Order 2020-02 as it Pertains to Temporary Outdoor Operations and Planning Commission Meeting Times.

Recommendation: Adopt the resolution as submitted.

8. 2020 CENSUS UPDATE PRESENTATION.

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

9. BILLY WRIGHT LANDFILL PRESENTATION.

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

10. 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 Repealing Local Amendments Section 8-1.18 A and Section 8-1.18 B of the Los Banos Municipal Code Related to “Water Heater Prohibited Locations and Water Heater Protection from Damage”.

- 1) Ordinance No. 1186 – Repealing Previously Enacted Local Amendments to the California Plumbing Code as it Pertains to Water Heaters.

(Second Reading & Adoption)

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

B. Public Hearing – To Receive Public Comment and Consideration of Levying Properties for Weed Abatement Services Performed During the Fiscal Year 2019-2020 or Prior for Areas of Land Located in the City of Los Banos, Merced County as Follows: Assessor Parcel Numbers 025-033-019, 027-055-017, 027-086-009, 027-096-013, 081-200-004, 081-200-005, 081-200-008, 081-200-009, 081-200-011, 081-200-012, 082-594-001, 083-390-073, 084-243-012, 428-255-016.

- 1) City Council Resolution No. 6250 – Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos.

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

C. Public Hearing – To Receive Public Comment and Consideration of a Final Development Plan #2020-01 for Mission Village South Phases 5A and 5B for the Project Site Located East of Mercey Springs Road, South of Mission Drive and North of Willmott Avenue, APN 428-280-012.

- 1) City Council Resolution No. 6251 – Approving Final Development Plan #2020-01 for Mission Village South Phase 5.

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

11. COVID-19 STATUS UPDATE.

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

12. ADVISEMENT OF PUBLIC NOTICES. (Four reports)

13. CITY MANAGER REPORT.
14. REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.
Recommendation: Informational item only, no action to be taken.
15. CITY COUNCIL MEMBER REPORTS.
 - A. Tom Faria
 - B. Daronica Johnson-Santos
 - C. Brett Jones
 - D. Deborah Lewis
 - E. Mayor Mike Villalta
16. 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 30th day of July 2020

CK # 222973 - # 223245

08/05/2020

\$ 2,257,798.45

Bank Reconciliation

Checks by Date



City of
Los Banos
At the Crossroads of California

User: jcanchola

Printed: 07/28/2020 - 1:09PM

Cleared and Not Cleared Checks

Print Void Checks

Check	Check Date	Name	Modul	Void	Amount
222976	7/10/2020	Ameripride Services	AP		310.58
222977	7/10/2020	Animal Damage Management, Inc.	AP		150.00
222978	7/10/2020	Aramark Uniform Ser Inc	AP		480.46
222979	7/10/2020	AT&T	AP		52.10
222980	7/10/2020	Dorothy June Baker	AP		69.05
222981	7/10/2020	Todd Baker	AP		942.00
222982	7/10/2020	Battery Systems, Inc.	AP		294.09
222983	7/10/2020	BlueTarp Financial, Inc.	AP		391.46
222984	7/10/2020	Boot Barn	AP		137.01
222985	7/10/2020	Borelli Real Estate Service, Inc.	AP		90.00
222986	7/10/2020	Brenntag Pacific Inc	AP		2,342.44
222987	7/10/2020	Brinks Inc.	AP		1,463.32
222988	7/10/2020	BSK Associates	AP		2,457.00
222989	7/10/2020	CDTFA California Dept. of Tax & Fee	AP		213.00
222990	7/10/2020	Chabin Concepts, Inc.	AP		1,381.25
222991	7/10/2020	Central Sanitary Supply	AP		2.99
222992	7/10/2020	Comcast	AP		7.43
222993	7/10/2020	Cook's Communications Corp.	AP		84,078.15
222994	7/10/2020	Edges Electrical Group, LLC	AP		410.10
222995	7/10/2020	Electric Drives Inc	AP		120.23
222996	7/10/2020	Employee Relations, Inc.	AP		50.00
222997	7/10/2020	Fastenal Company	AP		1,721.49
222998	7/10/2020	Frasier Irrigation a Div. of Landmark Irrigation	AP		2,245.83
222999	7/10/2020	Fresno Police Department R.T.C.	AP		400.00
223000	7/10/2020	Golden State Flow Measurement	AP		8,057.72
223001	7/10/2020	Charles A. Edler	AP		174.00
223002	7/10/2020	Marilyn Miranda Hernandez	AP		600.00
223003	7/10/2020	Industrial Safety LLC	AP		1,583.13
223004	7/10/2020	InfoSend Inc.	AP		1,351.05
223005	7/10/2020	JC's Pure Water & More	AP		70.50
223006	7/10/2020	JB Anderson Land Use Planning	AP		2,167.50
223007	7/10/2020	David A Jones	AP		2,060.00
223008	7/10/2020	Timothy R Kelly	AP		600.00
223009	7/10/2020	Kone Inc.	AP		7,500.00
223010	7/10/2020	KnowBe4, Inc.	AP		810.00
223011	7/10/2020	Tim J Law	AP		800.00
223012	7/10/2020	Lawson Products, Inc.	AP		146.34
223013	7/10/2020	Long Island Production Inc.	AP		1,595.00
223014	7/10/2020	Los Banos Enterprise	AP		75.04
223015	7/10/2020	Los Banos Medical Group A Medical Corp.	AP		100.00
223016	7/10/2020	Lucas Business Systems	AP		1,212.29

223017	7/10/2020	Marfab Inc	AP	322.14
223018	7/10/2020	McCrometer Inc.	AP	26.00
223019	7/10/2020	Merced Chevrolet Inc.	AP	436.11
223020	7/10/2020	Miracle Playsystems, Inc.	AP	5,597.83
223021	7/10/2020	MOO, Inc.	AP	85.68
223022	7/10/2020	NDN International LLC	AP	337.69
223023	7/10/2020	The Office City	AP	254.44
223024	7/10/2020	OSE	AP	318.76
223025	7/10/2020	O'Reilly Auto Parts	AP	674.77
223026	7/10/2020	PG&E Company	AP	157,668.11
223027	7/10/2020	The Phone Connection Inc	AP	53.33
223028	7/10/2020	Proforce Law Enforcement	AP	495.90
223029	7/10/2020	Provost and Pritchard Engineering, Inc.	AP	4,141.61
223030	7/10/2020	Protech Security & Electronics, Inc.	AP	330.00
223031	7/10/2020	Randik Paper Co	AP	401.47
223032	7/10/2020	Save Mart Supermarkets	AP	270.10
223033	7/10/2020	Michael Bartholomew	AP	79.16
223034	7/10/2020	Sherwin Williams Co	AP	482.95
223035	7/10/2020	Sorensens True Value	AP	597.38
223036	7/10/2020	Sprint Solutions, Inc.	AP	189.95
223037	7/10/2020	Stommel, Inc.	AP	47,408.12
223038	7/10/2020	Tap Master, Inc.	AP	7,486.00
223039	7/10/2020	Telecion Communications Group	AP	1,619.38
223040	7/10/2020	Terryberry Company LLC	AP	289.66
223041	7/10/2020	Thyssenkrupp Elevator Corporation	AP	1,608.75
223042	7/10/2020	Tractor Supply Credit Plan	AP	1,008.28
223043	7/10/2020	Suzanne Villanueva	AP	182.10
223044	7/10/2020	Lino and Maria Fatima Silveira	AP	8.39
223045	7/10/2020	D.R. Horton	AP	171.41
223046	7/10/2020	D.R. Horton	AP	171.41
223047	7/10/2020	Jose Maria Huerta Gonzalez	AP	25.39
223048	7/10/2020	Efrain De La Cruz Garcia	AP	233.35
223049	7/10/2020	Charlene Sloan	AP	11.93
223050	7/10/2020	D.R. Horton	AP	180.94
223051	7/10/2020	Licett Castaneda	AP	73.38
223052	7/10/2020	D.R. Horton	AP	179.24
223053	7/10/2020	Vincente J Buenrostro	AP	56.01
223054	7/10/2020	DLP Real Estate, Inc.	AP	11.20
223055	7/10/2020	Gloria Molina	AP	52.24
223056	7/10/2020	Luis Ruiz	AP	8.79
223057	7/10/2020	Melvina & Matthew Hernandez	AP	81.59
223058	7/10/2020	VFW & American Legion	AP	120.00
223059	7/10/2020	Westside Water Conditioning	AP	28.50
223060	7/10/2020	Windecker Inc	AP	12,976.40
223061	7/10/2020	CSJVRMA	AP	523,481.00
223062	7/10/2020	SWRCB Accounting Office	AP	60.00
223063	7/10/2020	Western Valley Insurance	AP	9,100.00
223064	7/10/2020	Xerox Financial Services	AP	2,464.46
223066	7/17/2020	Alhambra	AP	4.00
223067	7/17/2020	All Weather Inc	AP	1,224.66
223068	7/17/2020	Ameripride Services	AP	154.29
223069	7/17/2020	Aramark Uniform Ser Inc	AP	255.75

223070	7/17/2020	Ascent Aviation Group, Inc.	AP	14,234.50
223071	7/17/2020	AT&T Mobility	AP	40.24
223072	7/17/2020	AT&T	AP	978.90
223073	7/17/2020	AT&T	AP	68.10
223074	7/17/2020	Dorothy June Baker	AP	107.66
223075	7/17/2020	BJ's Consumers Choice	AP	191.00
223076	7/17/2020	Boot Barn	AP	332.76
223077	7/17/2020	Bruce's Tire Inc	AP	308.39
223078	7/17/2020	BSK Associates	AP	3,155.00
223079	7/17/2020	Ca Dept of Justice	AP	676.50
223080	7/17/2020	California Building Standards Commission	AP	955.80
223081	7/17/2020	Cen-Cal Air	AP	251.58
223082	7/17/2020	Manuel A Avila	AP	692.72
223083	7/17/2020	Central Sanitary Supply	AP	989.24
223084	7/17/2020	Code 3 Wear - Public Safety Outfitters LLC	AP	86.29
223085	7/17/2020	Copy Shipping Solutions	AP	200.37
223086	7/17/2020	LN Curtis & Sons	AP	815.63
223087	7/17/2020	Daktronics, Inc.	AP	1,865.00
223088	7/17/2020	Dept of Conservation	AP	2,998.68
223089	7/17/2020	Edges Electrical Group, LLC	AP	31,966.38
223090	7/17/2020	Fastenal Company	AP	181.20
223091	7/17/2020	Federal Express Corporation	AP	31.57
223092	7/17/2020	Ferrellgas, Inc.	AP	195.37
223093	7/17/2020	Fresno Police Department R.T.C.	AP	328.00
223094	7/17/2020	GC Pools	AP	166.72
223095	7/17/2020	Griselda Gonzalez	AP	500.00
223096	7/17/2020	Halcyon Creek Inc.	AP	21,628.49
223097	7/17/2020	Helena Chemical Co Inc	AP	1,215.84
223098	7/17/2020	InfoSend Inc.	AP	5,959.16
223099	7/17/2020	Krazan & Associates	AP	937.50
223100	7/17/2020	Lawson Products, Inc.	AP	351.83
223101	7/17/2020	Lincoln Equipment Inc	AP	179.59
223102	7/17/2020	Los Banos Medical Group A Medical Corp.	AP	100.00
223103	7/17/2020	Pet Partners	AP	85.50
223104	7/17/2020	Lucas Business Systems	AP	715.44
223105	7/17/2020	Marfab Inc	AP	29.45
223106	7/17/2020	Merced Chevrolet Inc.	AP	132.50
223107	7/17/2020	Merced County Association of Governments	AP	19,548.00
223108	7/17/2020	Merced County Regional Waste Management Authority	AP	5,296.78
223109	7/17/2020	Merced County Regional Waste Management Authority	AP	105,590.57
223110	7/17/2020	Merced County Regional Waste Management Authority	AP	3,702.03
223111	7/17/2020	Monterey Auto Services Inc.	AP	1,303.13
223112	7/17/2020	MOO, Inc.	AP	41.78
223113	7/17/2020	N & S Dos Palos Tractor	AP	968.58
223114	7/17/2020	NDN International LLC	AP	3,339.09
223115	7/17/2020	The Office City	AP	40.72
223116	7/17/2020	OSE	AP	319.01
223117	7/17/2020	O'Reilly Auto Parts	AP	1,169.93
223118	7/17/2020	Pacific Landscape Supply, Inc.	AP	4,155.25
223119	7/17/2020	Protech Security & Electronics, Inc.	AP	279.00
223120	7/17/2020	R3 Consulting Group	AP	19,301.25
223121	7/17/2020	Ronny's Inc.	AP	4,221.00

223122	7/17/2020	Santos Ford Inc.	AP	711.15
223123	7/17/2020	Save Mart Supermarkets	AP	145.75
223124	7/17/2020	Sherwin Williams Co	AP	1,379.45
223125	7/17/2020	Shred-It US JV LLC	AP	260.63
223126	7/17/2020	Springbrook Software, Inc. Springbrook Holding Company LLC	AP	5,119.00
223127	7/17/2020	Sorensens True Value	AP	1,231.46
223128	7/17/2020	Sorensens True Value	AP	35.85
223129	7/17/2020	Superior Pool Products, LLC	AP	3,751.94
223130	7/17/2020	Syar Industries Inc.	AP	1,931.14
223131	7/17/2020	Terminix Processing Center	AP	529.00
223132	7/17/2020	Trademark Pool & Spa	AP	777.09
223133	7/17/2020	United Rentals (North America), Inc.	AP	2,064.40
223134	7/17/2020	vCoreTechnology Partners, LLC	AP	2,840.19
223135	7/17/2020	West Publishing Corporation	AP	359.77
223136	7/17/2020	Windecker Inc	AP	8,252.74
223137	7/17/2020	Young's Air Conditioning	AP	556.00
223138	7/17/2020	Dept of Housing & Community Development State NSP	AP	17,468.00
223139	7/17/2020	Ford Motor Credit Company LLC	AP	1,307.85
223140	7/17/2020	Sharper Technology, INC.	AP	16,025.34
223141	7/17/2020	Sinclair General Engineering Construction, Inc.	AP	46,167.95
223142	7/17/2020	TargetSolutions Learning LLC	AP	1,600.00
223143	7/17/2020	Law Offices of William A Vaughn	AP	12,293.36
223144	7/20/2020	Aflac-Customer Service	AP	422.41
223145	7/20/2020	Los Banos Police Assn	AP	245.00
223146	7/20/2020	Los Banos Police Assn	AP	735.00
223147	7/20/2020	MassMutual	AP	1,297.09
223148	7/20/2020	MassMutual	AP	3,790.00
223149	7/20/2020	Nationwide Retirement Solutions	AP	3,295.00
223150	7/20/2020	Professional Fire Fighter	AP	720.00
223151	7/20/2020	Public Employees Union, Local One	AP	1,408.14
223152	7/20/2020	State Disbursement Unit	AP	2,365.50
223153	7/20/2020	Vantagepont Transfer Agents - 306797	AP	901.15
223154	7/20/2020	Vantagepoint Transfer Agents - 801838	AP	3,175.00
223155	7/24/2020	Allied Waste Services #917	AP	289,076.31
223156	7/24/2020	Ameripride Services	AP	154.29
223157	7/24/2020	Aramark Uniform Ser Inc	AP	1,835.39
223158	7/24/2020	Ascent Aviation Group, Inc.	AP	19,495.30
223159	7/24/2020	AT&T Mobility	AP	138.00
223160	7/24/2020	AT&T	AP	807.92
223161	7/24/2020	Brenntag Pacific Inc	AP	4,665.15
223162	7/24/2020	Bruce's Tire Inc	AP	475.18
223163	7/24/2020	BSK Associates	AP	918.00
223164	7/24/2020	Cal Traffic	AP	660.54
223165	7/24/2020	Clark Pest Control Inc	AP	93.00
223166	7/24/2020	Comcast	AP	344.95
223167	7/24/2020	CSFEWBC-VLSA	AP	3,500.00
223168	7/24/2020	CSG Consultants Inc.	AP	138,370.50
223169	7/24/2020	The ABY MFG Group. Inc.	AP	683.08
223170	7/24/2020	F S Rod Inc	AP	10,205.26
223171	7/24/2020	Fastenal Company	AP	388.77
223172	7/24/2020	Federal Express Corporation	AP	18.93
223173	7/24/2020	Ferguson Enterprises Inc DBA Groeniger & Company	AP	394.39

223174	7/24/2020	Fork Lift Specialties, Inc.	AP	4,934.53
223175	7/24/2020	Golden State Flow Measurement	AP	53,570.25
223176	7/24/2020	Gouveia Engineering Inc.	AP	7,792.56
223177	7/24/2020	Hilmar Lumber Inc.	AP	70.67
223178	7/24/2020	Home Depot	AP	7,428.04
223179	7/24/2020	Impact Absorbents, Inc.	AP	1,296.83
223180	7/24/2020	Mark Thomas & company. Inc.	AP	36,495.25
223181	7/24/2020	Marfab Inc	AP	63.71
223182	7/24/2020	Merced Chevrolet Inc.	AP	234.73
223183	7/24/2020	Merced Truck & Trailer Inc	AP	154.53
223184	7/24/2020	MOO, Inc.	AP	108.78
223185	7/24/2020	The Office City	AP	77.02
223186	7/24/2020	OSE	AP	90.26
223187	7/24/2020	O'Reilly Auto Parts	AP	556.29
223188	7/24/2020	Outdoor Creations, Inc..	AP	870.00
223189	7/24/2020	PG&E Company	AP	6,333.73
223190	7/24/2020	The Phone Connection Inc	AP	191.41
223191	7/24/2020	PlaceWorks, Inc.	AP	8,647.07
223192	7/24/2020	Provost and Pritchard Engineering, Inc.	AP	4,793.50
223193	7/24/2020	Protech Security & Electronics, Inc.	AP	60.00
223194	7/24/2020	Quad Knopf, Inc.	AP	1,662.90
223195	7/24/2020	Quality Code Publishing	AP	4,025.00
223196	7/24/2020	Razzari Dodge Chrysler Jeep	AP	173.20
223197	7/24/2020	Safe T Lite of Modesto, Inc.	AP	9,439.72
223198	7/24/2020	Sherwin Williams Co	AP	358.18
223199	7/24/2020	Frank Silveria	AP	2,342.50
223200	7/24/2020	Sorensens True Value	AP	347.91
223201	7/24/2020	Superior Pool Products, LLC	AP	5,955.15
223202	7/24/2020	Terminix Processing Center	AP	525.60
223203	7/24/2020	The Don Chapin Co., Inc.	AP	1,353.32
223204	7/24/2020	Triangle Rock Products	AP	673.38
223205	7/24/2020	Two Wheels Inc.	AP	5,060.12
223206	7/24/2020	Raymond Jr. and Antonia Sanchez Lopez	AP	59.72
223207	7/24/2020	Anthony Parolise	AP	10.31
223208	7/24/2020	Hortencia Espinoza	AP	149.26
223209	7/24/2020	Lucio and Norma Telles	AP	46.28
223210	7/24/2020	D.R. Horton	AP	161.15
223211	7/24/2020	Jose Garcia	AP	110.46
223212	7/24/2020	Juan Avendano	AP	47.77
223213	7/24/2020	Iliana Contreras	AP	21.36
223214	7/24/2020	Harnam Bhullar	AP	138.82
223215	7/24/2020	Charlie Valmores & Lien Ha Emata	AP	186.50
223216	7/24/2020	Fred Gomez	AP	98.18
223217	7/24/2020	Tadcaster Properties	AP	86.58
223218	7/24/2020	Thomas Wilder	AP	53.75
223219	7/24/2020	Margie Terranova	AP	122.39
223220	7/24/2020	Huy Nguyen	AP	146.60
223221	7/24/2020	Paola Villanueva	AP	8.37
223222	7/24/2020	Vanir Construction Management, Inc.	AP	28,970.00
223223	7/24/2020	Verizon Wireless	AP	522.03
223224	7/24/2020	Young's Air Conditioning	AP	533.00
223225	7/24/2020	Youngs Air Conditioning	AP	101.00

223226	7/24/2020	Zee Medical Service Co	AP	118.05
223227	7/24/2020	Luis Beltran	AP	60.00
223228	7/24/2020	Richard A Blak Phd	AP	1,200.00
223229	7/24/2020	Gary Brizzee Jr.	AP	430.00
223230	7/24/2020	City of Los Banos Utility	AP	47,529.52
223231	7/24/2020	Mary Lou Gilardi	AP	173.98
223232	7/24/2020	Liebert Cassidy Whitmore	AP	406.00
223233	7/24/2020	Merced County Auditor Controller	AP	305.00
223234	7/24/2020	Guadalupe Moreno	AP	670.00
223235	7/24/2020	Ronny's Inc.	AP	39,819.86
223236	7/24/2020	Ronny's Inc.	AP	21,284.56
223237	7/24/2020	Ronny's Inc.	AP	8,698.20
223238	7/24/2020	James Sams	AP	670.00
223239	7/24/2020	Todd Silva	AP	190.00
223240	7/24/2020	Rosemarie Souto - Pettycash	AP	2.60
223241	7/24/2020	Springbrook Software, Inc. Springbrook Holding Company LLC	AP	71,293.00
223242	7/24/2020	SBRPSTC	AP	154.00
223243	7/24/2020	SWRCB Accounting Office	AP	60.00
223244	7/24/2020	US Bank Corp Pymt System	AP	18,710.15
223245	7/24/2020	Westamerica Bank - Cafeteria Plan	AP	58,234.98

Break in check sequence due to the following:

Check #222973 - #222975 (Payroll)

Check #223065

Total Void Check Count:	0
Total Void Check Amount:	
Total Valid Check Count:	269
Total Valid Check Amount:	2,257,798.45
Total Check Count:	269
Total Check Amount:	2,257,798.45



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 ⁽⁵⁾
DATE: August 5, 2020
TYPE OF REPORT: Consent Agenda
SUBJECT: Fourth Quarter Investment Report for 2019/2020

Recommendation:

To accept the quarterly investment report as submitted.

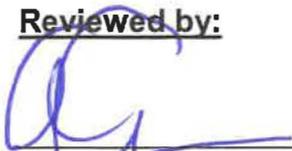
Background:

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

Fiscal Impact:

Informational only, no fiscal impact.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

City of Los Banos Fourth Quarter 2019/2020 Investment Report



City of
Los Banos
At the Crossroads of California

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

**Investment Balances
As of June 30, 2020**

Type of Investment	Issuer	Maturity	Amount Invested	Annual Percentage Yield
LAIF (Local Agency Investment Fund)	State of California	Daily	\$65,690,422	1.08% effective yield
Bonds, Treasury Money Market Funds and CD's (Certificate of Deposits)	Wells Fargo Securities	Staggered 5 years	\$12,910,538	1.45% - 3.10%

Investment Balance: **\$78,600,960**

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

California State Treasurer
Fiona Ma, CPA



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

July 22, 2020

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

CITY OF LOS BANOS

CITY TREASURER
520 J STREET
LOS BANOS, CA 93635

Tran Type Definitions

Account Number:

June 2020 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	65,690,422.00
Total Withdrawal:	0.00	Ending Balance:	65,690,422.00



PMIA/LAIF Performance Report as of 07/23/20



PMIA Average Monthly Effective Yields⁽¹⁾

Jun	1.217
May	1.363
Apr	1.648

Quarterly Performance Quarter Ended 06/30/20

LAIF Apportionment Rate ⁽²⁾ :	1.36
LAIF Earnings Ratio ⁽²⁾ :	0.000037106682614
LAIF Fair Value Factor ⁽¹⁾ :	1.004912795
PMIA Daily ⁽¹⁾ :	1.08%
PMIA Quarter to Date ⁽¹⁾ :	1.41%
PMIA Average Life ⁽¹⁾ :	191

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 06/30/20 \$101.0 billion

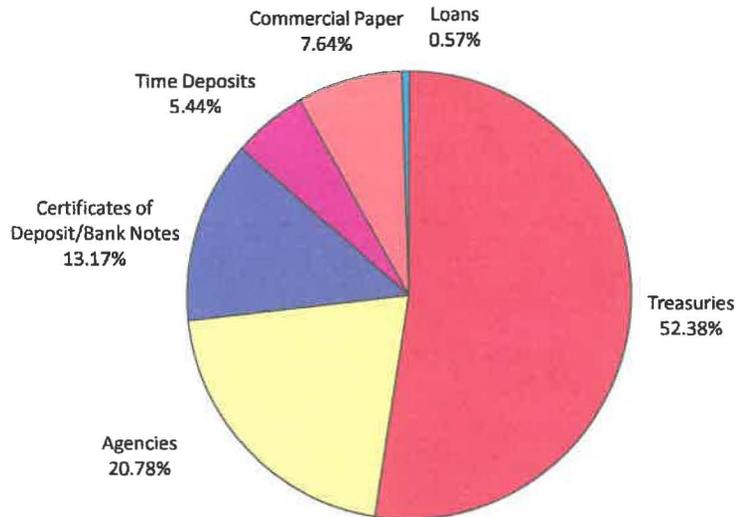


Chart does not include 0.02% of mortgages. Percentages may not total 100% due to rounding.

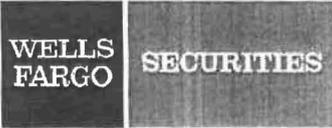
Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller



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

WILLIAMS/LEWIS
 1-415-644-9152

**Combined Summary
 Brokerage Account and Bank Account**

**Statement Period
 06/01/2020 - 06/30/2020**

CITY OF LOS BANOS

Account Number

Total Account Value Summary - US Dollar (USD)

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

	Amount Last Statement Period	Amount This Statement Period	% Portfolio
Cash	\$ 0.00	\$ 0.00	0%
Money Market Mutual Funds	6,838,682.75	7,344,449.91	57%
Bonds	6,064,166.07	5,566,088.05	43%
Stocks	0.00	0.00	0%
Total Account Value	\$ 12,902,848.82	\$ 12,910,537.96	100%
Value Change Since Last Statement Period		\$ 7,689.14	
Percent Increase Since Last Statement Period			0%
Value Last Year-End		\$ 12,747,226.10	
Percent Increase Since Last Year-End			1%

***Includes amortized Par value of municipal leases and notes.

Total Income Summary USD

	This Period	Year-To-Date
Interest	\$ 5,678.73	\$ 63,079.54
Dividends/Capital Gains	0.00	0.00
Money Market Mutual Funds Dividends	88.43	27,171.18
Other	0.00	0.00
Income Total	\$ 5,767.16	\$ 90,250.72

Total Interest Charged USD

Description	This Period
Debit Interest For June 2020	0.00
Total Interest Charged	\$ 0.00

Total Money Market Mutual Funds Summary USD

Description	Amount
Opening Balance	\$ 6,838,682.75
Deposits and Other Additions	505,678.73
Distributions and Other Subtractions	0.00
Dividends Reinvested	88.43
Change in Value	0.00
Closing Balance	\$ 7,344,449.91



Brokerage Account Statement
Wells Fargo Securities, LLC

Statement Period
06/01/2020 - 06/30/2020

Wells Fargo Securities, LLC
 45 FREMONT ST
 FLOOR 34
 SAN FRANCISCO, CA 94105-2204

WILLIAMS/LEWIS
 1-415-644-9152

CITY OF LOS BANOS

Account Number

Account Value Summary USD

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

	Amount Last Statement Period	Amount This Statement Period	% Portfolio
Cash	\$ 0.00	\$ 0.00	0%
Money Market Mutual Funds	0.00	0.00	0%
Bonds	0.00	0.00	0%
Stocks	0.00	0.00	0%
Total Account Value	\$ 0.00	\$ 0.00	0%
Value Change Since Last Statement Period		\$ 0.00	
Percent Increase Since Last Statement Period			N/A
Value Last Year-End		\$ 0.00	
Percent Increase Since Last Year-End			N/A

Income Summary USD

	This Period	Year-To-Date
Interest	\$ 0.00	\$ 0.00
Dividends/Capital Gains	0.00	0.00
Money Market Mutual Funds Dividends	0.00	0.00
Other	0.00	0.00
Income Total	\$ 0.00	\$ 0.00

Interest Charged USD

Description	This Period
Debit Interest For June 2020	0.00
Total Interest Charged	\$ 0.00

Money Market Mutual Funds Summary USD

Description	Amount
Opening Balance	\$ 0.00
Deposits and Other Additions	0.00
Distributions and Other Subtractions	0.00
Dividends Reinvested	0.00
Change in Value	0.00
Closing Balance	\$ 0.00

Important Information

This statement is provided to customers of Wells Fargo Securities, LLC ("WFS"), broker dealer 0250. Statements are provided monthly for accounts with transactions and/or security positions. The account statement contains a list of securities held in safekeeping by WFS as of the statement date and provides details of purchase and sale transactions, the receipt and disbursement of cash and securities, and other activities relating to the account during the statement period.

For WFS customers who choose to maintain a safekeeping account at Wells Fargo Bank, N.A. ("Bank"), this statement is accompanied by a separate Bank safekeeping statement. The Bank safekeeping statement, if applicable, contains a list of securities held in safekeeping by the Bank as of the statement date.

Pricing: Security and brokered certificate of deposit ("CD") prices shown on the statement are obtained from independent vendors or internal pricing models. While we believe the prices are reliable, we cannot guarantee their accuracy. For exchange-listed securities, the price provided is the closing price at month end. For unlisted securities, it is the "bid" price at month end. The price of CDs that mature in one year or less are shown at last price traded. The price of CDs that mature in greater than one year and of other instruments that trade infrequently are estimated using similar securities for which prices are available. Prices on the statement may not necessarily be obtained when the asset is sold.

Brokered CD Pricing: Like bonds, brokered CDs are subject to price fluctuation and the value of a CD, if sold prior to maturity, may be less than at the time of its purchase. Significant loss of principal could result. While WFS generally makes a market in CDs it underwrites, the secondary market for CDs that it does not underwrite may be very limited. In those cases, WFS will use its best efforts to help investors find a buyer.

SIPC: WFS is a member of the Securities Investor Protection Corporation ("SIPC"). In the event of insolvency or liquidation of WFS, securities held in safekeeping at WFS are covered by SIPC against the loss, but not investment risk, up to a maximum of \$500,000 per customer, which includes a \$250,000 limit on claims for cash held in the account. SIPC protection does not provide any protection whatsoever against investment risk, including the loss of principal on an investment. This coverage does not apply to securities held in safekeeping by the Bank. Additional information about SIPC, including a SIPC brochure, may be obtained by visiting www.sipc.org or by calling SIPC at 1-202-371-8300.

FINRA BrokerCheck Program: WFS is a member of the Financial Industry Regulatory Authority (FINRA). Under its BrokerCheck program, FINRA provides certain information regarding the disciplinary history of broker/dealers and their associated persons. Information can be obtained from the FINRA BrokerCheck program hotline number (1-800-289-9999) or the FINRA website (www.finra.org). A brochure describing the FINRA BrokerCheck program will be furnished upon written request.

Free Credit Balances: Any customer free credit balances may be used in the business of WFS subject to limitation of 17 CFR Section 240 § 15c(3)-3 under the Securities Exchange Act of 1934. In the course of normal business operations, a customer has the right to receive delivery of the following: any free credit balances to which he or she is entitled, any fully paid securities to which he or she is entitled, and any securities purchased on margin upon full payment of indebtedness to WFS.

Equity Order Routing: WFS will generally route equity and listed options orders taking into consideration among other factors, the quality and speed of execution, as well as the credits, cash or other payments it may receive from any exchange, broker-dealer or market center. This may not be true if a customer has directed or placed limits on any orders. Whenever possible, WFS will route orders in an attempt to obtain executions at prices equal or superior to the nationally displayed best bid or offer. WFS will also attempt to obtain the best execution regardless of any compensation it may receive. The nature and source of credits and payments WFS receives in connection with specific orders will be furnished to a customer upon request. WFS prepares quarterly reports describing its order routing practices for non-directed orders routed to a particular venue for execution. A printed copy of this report along with other compliance and regulatory information is available upon written request or by visiting: <https://www.wellsfargo.com/com/securities/regulatory>.

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Non-deposit investment products recommended, offered or sold by WFS, including mutual funds, are not federally insured or guaranteed by or obligations of the Federal Deposit Insurance Corporation ("FDIC"), the Federal Reserve System or any other agency; are not bank deposits; are not obligations of, or endorsed or guaranteed in any way by any bank or WFS; and are subject to risk, including the possible loss of principal, that may cause the value of the investment and investment return to fluctuate.

When the investment is sold, the value may be higher or lower than the amount originally invested. WFS is a subsidiary of Wells Fargo & Company, is not a bank or thrift, and is separate from any other affiliated bank or thrift. WFS is a registered broker-dealer and member of FINRA. No affiliate of WFS is responsible for the securities sold by WFS.

Mutual Funds: The distributor of Wells Fargo Funds is affiliated with WFS/Wells Fargo Securities, LLC.

Institutional Prime and Institutional Tax Exempt money market mutual funds are required to price and transact at a net asset value ("NAV") per share that fluctuates based upon the pricing of the underlying portfolio of securities and this requirement may impact the value of those fund shares. Additionally, Institutional Prime and Institutional Tax Exempt funds may be subject to redemption fees and/or gates that can affect the availability of funds invested.

Mutual funds are sold by prospectus, which includes more complete information on risks, charges, expenses and other matters of interest. Investors should read the prospectus carefully before investing.

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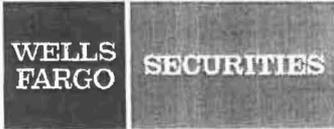
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Customer Service
90 South 7th Street
5th Floor, MAC N9305-05F
Minneapolis, MN 55402
wfscustomerservice@wellsfargo.com

Customers may also report complaints, inaccuracies or discrepancies by calling 1-800-645-3751 option 5. International callers should call 1-877-856-8878. To further protect their rights, including rights under the Securities Investor Protection Act, customers should also re-confirm in writing to the above address any oral communications with WFS relating to the inaccuracies or discrepancies.

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Bank Account Statement
Wells Fargo Bank, N.A.

Statement Period
06/01/2020 - 06/30/2020

Wells Fargo Bank, N.A.
 45 FREMONT ST
 FLOOR 34
 SAN FRANCISCO, CA 94105-2204
 WILLIAMS/LEWIS
 1-415-644-9152

CITY OF LOS BANOS

Account Number

Account Value Summary USD

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	Amount Last Statement Period	Amount This Statement Period	% Portfolio
Cash	\$ 0.00	\$ 0.00	0%
Money Market Mutual Funds	6,838,682.75	7,344,449.91	57%
Bonds	6,064,166.07	5,566,088.05	43%
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Percent Increase Since Last Statement Period		0%	
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Percent Increase Since Last Year-End		1%	

Income Summary USD

	This Period	Year-To-Date
Interest	\$ 5,678.73	\$ 63,079.54
Dividends/Capital Gains	0.00	0.00
Money Market Mutual Funds Dividends	88.43	27,171.18
Other	0.00	0.00
Income Total	\$ 5,767.16	\$ 90,250.72

Interest Charged USD

Description	This Period
Debit Interest For June 2020	0.00
Total Interest Charged	\$ 0.00

Money Market Mutual Funds Summary USD

Description	Amount
Opening Balance	\$ 6,838,682.75
Deposits and Other Additions	505,678.73
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Customer Service
90 South 7th Street
5th Floor, MAC N9305-05F
Minneapolis, MN 55402
wfscustomerservice@wellsfargo.com

Customers may also report complaints, inaccuracies or discrepancies by calling 1-800-645-3751 option 5. International callers should call 1-877-856-8878. To further protect their rights, including rights under the Securities Investor Protection Act, customers should also re-confirm in writing to the above address any oral communications with WFS relating to the inaccuracies or discrepancies.

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CITY OF LOS BANOS

Account Number:

Statement Ending:

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

Security ID	Description	Maturity Date	Coupon	Current Par / Original Par	Market Price*	Market Value	Original Par Pledged**	Callable
Bonds USD								
14042E6A3	CAPITAL ONE NA INTEREST BEARING CERTIFICATE OF DEPOSIT	08/26/20	2.350%	245,000.000	100.3494	245,856.13		
140420UQ1	CAPITAL ONE BANK USA INTEREST BEARING CERTIFICATE OF DEPOSIT	08/26/20	2.350%	245,000.000	100.3558	245,871.82		
20033AMF0	COMENITY CAPITAL BANK INTEREST BEARING CERT OF DEP	08/31/20	2.300%	245,000.000	100.3725	245,912.61		
40434AC72	HSBC BK USA NA INTEREST BEARING CERTIFICATE OF DEPOSIT	11/17/20	3.100%	250,000.000	101.1211	252,802.64		
05580ADQ4	BMW BANK NA INTEREST BEARING CERTIFICATE OF DEPOSIT	01/22/21	2.100%	245,000.000	101.2195	247,987.72		
38148J6M8	GOLDMAN SACHS BANK USA INTEREST BEARING CERTIFICATE OF DEPOSIT	01/27/21	2.100%	245,000.000	100.9590	247,349.60		
48125YS47	JP MORGAN CHASE BANK NA INTEREST BEARING CERTIFICATE OF DEPOSIT	04/19/21	1.550%	250,000.000	100.0713	250,178.21		Y
58733ACR8	MERCANTIL COMMERCEBANK INTEREST BEARING CERTIFICATE OF DEPOSIT	05/13/21	1.600%	250,000.000	101.3496	253,374.08		
31938QS54	FIRST BUSINESS BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	06/24/21	1.500%	250,000.000	101.3279	253,319.85		
29266N3W5	ENERBANK USA INTEREST BEARING CERTIFICATE OF DEPOSIT	09/29/21	1.450%	250,000.000	101.5893	253,973.37		
03753XAL4	APEX BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	09/30/21	1.500%	250,000.000	101.6551	254,137.82		
96926CAE2	WILLIAM PENN BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	09/30/21	1.500%	250,000.000	100.1123	250,280.84		Y
8562846A7	STATE BANK OF INDIA INTEREST BEARING CERTIFICATE OF DEPOSIT	01/26/22	2.250%	245,000.000	103.2300	252,913.38		
2546723C0	DISCOVER BANK INTEREST BEARING CERTIFICATE OF DEPOSIT	02/15/22	2.250%	245,000.000	103.3390	253,180.67		
13063DAD0	CALIFORNIA ST TXBL-HIGH-SPEED PASSENGER TRAI	04/01/22	2.367%	1,500,000.000	103.0290	1,545,435.00		N
02587DN38	AMERICAN EXPR CENTURION INTEREST BEARING CERTIFICATE OF DEPOSIT	04/05/22	2.450%	245,000.000	103.7619	254,216.73		
02587CEM8	AMERICAN EXPRESS BK FSB INTEREST BEARING CERTIFICATE OF DEPOSIT	05/03/22	2.350%	250,000.000	103.7190	259,297.58		

CITY OF LOS BANOS

Account Number:

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

Security ID	Description	Maturity Date	Coupon	Current Par / Original Par	Market Price*	Market Value	Original Par Pledged**	Callable
Bonds USD								
				5,460,000.000		5,566,088.05	0.00	

*See important information regarding security pricing on Page 2.

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

Daily Account Activity

Your investment transactions during this statement period.

Transaction / Trade Date	Settlement / Effective Date	Activity	Security ID	Description	Par / Quantity	Price	Principal Amount	Income Amount	Debit / Credit Amount
Income / Payment Activity USD									
06/01/20	06/01/20	Interest	20033AMF0	COMENITY CAPITAL BANK INTEREST				478.59	478.59
06/01/20	06/01/20	Interest	96926CAE2	WILLIAM PENN BANK INTEREST				308.22	308.22
06/01/20	06/01/20	Interest	81423LCA8	SECURITY FED BANK INTEREST				308.22	308.22
06/01/20	06/01/20	Interest	03753XAL4	APEX BANK INTEREST BEARING				308.22	308.22
06/15/20	06/15/20	Interest	58733ACR8	MERCANTIL COMMERCEBANK				339.73	339.73
06/16/20	06/16/20	Matured	51210SLV7	LAKESIDE BANK INTEREST BEARING			250,000.00		250,000.00
06/16/20	06/16/20	Interest	51210SLV7	LAKESIDE BANK INTEREST BEARING				329.11	329.11
06/24/20	06/24/20	Interest	31938QS54	FIRST BUSINESS BANK INTEREST				1,880.14	1,880.14
06/29/20	06/29/20	Interest	29266N3W5	ENERBANK USA INTEREST BEARING				307.88	307.88
06/30/20	06/30/20	Interest	20033AMF0	COMENITY CAPITAL BANK INTEREST				463.15	463.15
06/30/20	06/30/20	Interest	96926CAE2	WILLIAM PENN BANK INTEREST				318.49	318.49
06/30/20	06/30/20	Matured	81423LCA8	SECURITY FED BANK INTEREST			250,000.00		250,000.00
06/30/20	06/30/20	Interest	81423LCA8	SECURITY FED BANK INTEREST				318.49	318.49
06/30/20	06/30/20	Interest	03753XAL4	APEX BANK INTEREST BEARING				318.49	318.49

Money Market Fund Activity

WF 100% Treas S 8

*As of June 30, 2020

USD	Dividend paid this period	7 day* simple yield	30 day* simple yield
	0.00	0.010%	0.010%

Transaction Date	Activity	Shares	Price	Market Value (\$)	Dividend Amount	Share Balance
	Beginning Balance		1.0000	350.73		350.73000

Money Market Fund Activity (Continued)

Transaction Date	Activity	Shares	Price	Market Value (\$)	Dividend Amount	Share Balance
	Ending Balance		1.0000	350.73		350.73000
WF 100% Trea Adm 3722			Dividend paid this period	7 day* simple yield	30 day* simple yield	
*As of June 30, 2020						
USD			88.43	0.010%	0.010%	
Transaction Date	Activity	Shares	Price	Market Value (\$)	Dividend Amount	Share Balance
	Beginning Balance		1.0000	6,838,332.02		6,838,332.02000
06/01/20	Purchase	1,403.25000		1,403.25		6,839,735.27000
06/01/20	Reinvest	88.43000			88.43	6,839,823.70000
06/15/20	Purchase	339.73000		339.73		6,840,163.43000
06/16/20	Purchase	250,329.11000		250,329.11		7,090,492.54000
06/24/20	Purchase	1,880.14000		1,880.14		7,092,372.68000
06/29/20	Purchase	307.88000		307.88		7,092,680.56000
06/30/20	Purchase	251,418.62000		251,418.62		7,344,099.18000
	Ending Balance		1.0000	7,344,099.18		7,344,099.18000

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JULY 15, 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 4:00 p.m.

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

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

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

CONSIDERATION OF APPROVAL OF AGENDA: Mayor Villalta stated that staff is requesting that Item 8 – CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6240 – AUTHORIZING THE CITY SUPPORT OF THE LOS BANOS DOWNTOWN ASSOCIATION IN THE DEVELOPMENT OF A CERTIFIED FARMERS' MARKET AND AMENDING THE 2020-2021 BUDGET BY INCREASING THE COMMUNITY AND ECONOMIC DEVELOPMENT EXPENDITURES IN THE AMOUNT OF \$900 be removed from the agenda as the Farmers Market will not be able to move forward this year as planned.

Motion by Faria, seconded by Johnson-Santos to remove Item 8 – CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6240 – AUTHORIZING THE CITY SUPPORT OF THE LOS BANOS DOWNTOWN ASSOCIATION IN THE DEVELOPMENT OF A CERTIFIED FARMERS' MARKET AND AMENDING THE 2020-2021 BUDGET BY INCREASING THE COMMUNITY AND ECONOMIC DEVELOPMENT EXPENDITURES IN THE AMOUNT OF \$900. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

Motion by Faria, seconded by Johnson-Santos to approve the City Council Meeting agenda as submitted, with the removal of Item 8 – CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6240 – AUTHORIZING THE CITY SUPPORT OF THE LOS BANOS DOWNTOWN ASSOCIATION IN THE DEVELOPMENT OF A

CERTIFIED FARMERS' MARKET AND AMENDING THE 2020-2021 BUDGET BY INCREASING THE COMMUNITY AND ECONOMIC DEVELOPMENT EXPENDITURES IN THE AMOUNT OF \$900. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

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 read an email from PATRICIA RAMOS regarding getting an accurate US Census count in Los Banos. There were not additional comments and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Johnson-Santos, seconded by Faria to approve the consent agenda as follows: Check Register for #222771 – #222972 in the Amount of \$1,102,831.47; Minutes for the June 17, 2020 City Council Meeting; Minutes for the July 1, 2020 City Council Meeting; City Council Resolution No. 6236 – Approving Density Bonus Housing Agreement between the City of Los Banos and Sunset Hills Development LLC; City Council Resolution No. 6237 – Accepting Parcel Map 2020-01 Along with the Dedications of 10' Public Utility Easements Located South of Parcel A and Parcel B Along East Pacheco Boulevard/State Highway 152 as Shown in Said Parcel Map, 1420 E. Pacheco Boulevard, APN 428-140-030; City Council Resolution No. 6238 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 1B Unit 2 and Accompanying Subdivision Improvement Agreement (Anderson Homes). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF REPEALING LOCAL AMENDMENT AMENDMENTS SECTION 8-1.18 A AND SECTION 8-1.18 B OF THE LOS BANOS MUNICIPAL CODE RELATED TO “WATER HEATER PROHIBITED LOCATIONS AND WATER HEATER PROTECTION FROM DAMAGE”; ORDINANCE NO. 1086 – REPEALING PREVIOUSLY ENACTED LOCAL AMENDMENT TO THE CALIFORNIA PLUMBING CODE AS IT PERTAINS TO WATER HEATERS. Fire Chief Hurley presented the staff report.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email.

Motion by Lewis, seconded by Faria to waive the first reading of Ordinance No. 1086 – Repealing Previously Enacted Local Amendment to the California Plumbing Code as it Pertains to Water Heaters. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

Motion by Lewis, seconded by Faria to introduce Ordinance No. 1086 – Repealing Previously Enacted Local Amendment to the California Plumbing Code as it Pertains to Water Heaters. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF THE PROPOSAL THAT THE CITY OF LOS BANOS CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15302(D) AND ESTABLISH AN UNDERGROUND UTILITY DISTRICT ALONG H STREET, FROM BETWEEN 5TH & 6TH STREETS TO 2ND STREET, IN THE CITY OF LOS BANOS; CITY COUNCIL RESOLUTION NO. 6239 – ESTABLISHING UNDERGROUND UTILITY DISTRICT 7-C IN THE CITY OF LOS BANOS. Public Works Director/City Engineer presented the staff report.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email and the public hearing was closed.

Motion by Faria, seconded by Lewis to adopt City Council Resolution No. 6239 – Establishing Underground Utility District 7-C in the City of Los Banos.. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6241 – APPROVING THE SR-152 INTERIM AND MIDTERM SAFETY ENHANCING/CONGESTION RELIEVING IMPROVEMENTS AS DEVELOPED BY THE SR-152 SAFETY TASK FORCE WORK GROUP. Public Works Director/City Engineer Fachin presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding some of the improvements and how the topics will be presented for discussion at the next Traffic Safety Committee meeting. The ultimate goal of the task force and the discussed improvements is to improve the traffic flow and safety on Highway 152.

Motion by Johnson-Santos, seconded by Faria to adopt City Council Resolution No. 6241 – Approving the SR-152 Interim and Midterm Safety Enhancing/Congestion Relieving Improvements as Developed by the SR-152 Safety Task Force Work Group. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6242 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19). Police Chief Brizzee provided an update on COVID-19.

City Clerk Mallonee stated that she has received no comment from the public regarding COVID-19.

City Attorney Vaughn presented the staff report regarding the extension of a local emergency as long as COVID-19 is a threat to the community.

Motion by Faria, seconded by Johnson-Santos to adopt City Council Resolution No. 6242 – Continuing the Declaration of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

APPOINTMENT OF COMMISSIONERS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION – TWO (2) UNEXPIRED TERMS, EXPIRING DECEMBER 31, 2020 & APPOINT TWO (2) CITY COUNCIL MEMBERS, TERMS EXPIRING DECEMBER 31, 2021. Mayor Villalta stated that Council Member Jones held interviews for this commission appointment with Community & Economic Development Director Elms

Motion by Jones, seconded by Faria to appoint Lorena Guzman & Anthony Dominguez to the Economic Development Advisory Commission, terms expiring December 31, 2020. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

Mayor Villalta reported that the Council Members last appointed to this commission were Council Members Faria & Lewis and their terms expired December 31, 2019 and new Council Members have not been appointed in 2020 because there was not a full commission until now.

Motion by Faria, seconded by Lewis to appoint Council Members Johnson-Santos and Jones to the Economic Development Advisory Commission, terms expiring December 31, 2021. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

ADVISEMENT OF PUBLIC NOTICES (One Report). Community & Economic Development Director Elms stated that there is one item to be considered at the next Planning Commission meeting on Wednesday, July 22, 2020 regarding a Categorical Exemption from the California Environmental Quality Act (CEQA) and Site Plan Review #2020-03 for the Los Banos Fire Department Training Tower located at 333 Seventh Street, APN 025-082-004.

CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR. Police Chief Brizzee briefly spoke regarding COVID-19. He further reported that on July 7, 2020 based upon City Manager Terrazas' performance review, the Community & Economic Development Director salary was increased to \$9,346 monthly (\$112,152 annually) retroactive to February 1, 2020.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta provided an update regarding the ongoing discussions and progress of the Billy Wright disposal site expansion project and the Pioneer Trail project.

DEBORAH LEWIS: Council Member Lewis congratulated the two new Police Officers that were recently sworn in. She spoke regarding the Farmers' Market item that was

pulled and how the farmers had concerns in the past at previous markets in the plaza about their fruits and vegetables drying up. She spoke regarding an incident that occurred recently with the Limon family and asked the community to keep them in their thoughts and prayers.

TOM FARIA: Council Member Faria echoed Council Member Lewis' remarks regarding the Limon family.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos stated that she is also keeping the Limon family in her prayers.

BRETT JONES: No report.

MAYOR MICHAEL VILLALTA: Mayor Villalta spoke to how he has known the Limon family for a very long time and that he is sad to hear of the news. He is praying that his wife recovers quickly and wishes them all well. He is happy with the recent hiring of the two new Police Officers and believes the Police Department is doing a wonderful job in their recruitment efforts.

Mayor Villalta read a letter he wrote stating that he will not be seeking re-election in November and how he plans to spend time with his family and friends.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action.

ADJOURNMENT. The meeting was adjourned at 7:37 PM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CITY OF LOS BANOS
SPECIAL CITY COUNCIL MEETING MINUTES
JULY 29, 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 3:04 p.m.

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

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

STAFF MEMBERS PRESENT: *Participating by teleconference:* City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Finance Director Williams, Police Chief Brizzee., Legal Counsel Tuffo.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Johnson-Santos, seconded by Faria to approve the agenda as submitted. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

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. City Clerk Mallonee stated that no public comment was received by email, therefore the public forum was closed.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY

SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action, direction given to staff.

ADJOURNMENT. The meeting was adjourned at 5:45 pm.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer
DATE: August 5, 2020
TYPE OF REPORT: Consent Agenda
SUBJECT: Regional Surface Transportation Program (RSTP) Exchange Funds Claim Form Submittal – Fiscal Year 2019/2020

Recommendation:

That the City Council adopt the Resolution authorizing the City Manager to submit claim form on behalf of the City of Los Banos for Fiscal Year 2019/2020 Regional Surface Transportation Program (RSTP) Exchange funds in the amount of \$482,931 to Merced County Association of Governments (MCAG).

Discussion:

Attached for City Council review is the claim form and Resolution with which the City of Los Banos may claim Fiscal Year 2019/2020 Regional Surface Transportation Program (RSTP) Exchange funds. The amount available to claim by the City of Los Banos is \$482,931.

Fiscal Impact:

The disbursement of the RSTP funds that are available to the City of Los Banos will be used in conjunction with existing road tax revenues for street and road improvements in the Fiscal Year 2020/2021 budget, Street Repair account number 100-431-210-211. There is no foreseen additional impact to the City.

Reviewed by:

Alex Terrazas, City Manager

Sonya Williams, Finance Director

Attachments:

Resolution
FY 2019/2020 RSTP Exchange Fund Claim Form
FY 2019/2020 RSTP Exchange Fund Apportionment Schedule

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AUTHORIZING THE CITY
MANAGER TO FILE A REGIONAL SURFACE
TRANSPORTATION PROGRAM (RSTP)
EXCHANGE PROGRAM FUND CLAIM FORM
FOR FISCAL YEAR 2019-2020**

WHEREAS, the Merced County Association of Governments (MCAG) and the California Department of Transportation (Caltrans) have entered into a Standard Agreement contract to exchange unobligated balances of federal Regional Surface Transportation Program (RSTP) funds with non-federal State Highway Account funds; and

WHEREAS, Caltrans Division of Programming releases a 5-year ESTIMATE of RSTP Exchange Program apportionments for inclusion in the Federal Transportation Improvement Program (FTIP) Programming document every 2-years to California Metropolitan Planning Organizations (MPOs); and

WHEREAS, MCAG is the designated MPO for Merced County; and

WHEREAS, the Annual RSTP Exchange Program fund apportionment is an estimate and subject to change during the fiscal year (FY) due to many Federal Surface Transportation Bill variables including the annual appropriations act as well as other Congressional action (i.e. rescissions); and

WHEREAS, a FINAL RSTP Exchange apportionment amount is published at the end of the FY19-20 and can be different than the ESTIMATE RSTP Exchange apportionment figure; and

WHEREAS, Annually, Caltrans sends MCAG a Standard Agreement contract that includes an RSTP Exchange Program apportionment figure; and

WHEREAS, MCAG applies a RSTP population based distribution formula using current Department of Finance (DOF) population estimates (May 2020) to the RSTP apportionment to determine the amount of RSTP Exchange funds to be distributed to MCAG member jurisdictions; and

WHEREAS, the City of Los Banos has an ESTIMATE RSTP Exchange Program fund apportionment amount available to claim in FY19-20 of \$482,931; and

WHEREAS, payment of the ESTIMATE RSTP Exchange fund claim will be subject to all conditions specified in the fully executed standard contract agreement between MCAG and Caltrans, as well as the MCAG RSTP Exchange Claim form requirements: Projects to be funded with this claim are only those projects that are

defined under Sections 133(b) and 133(c) of Title 23, United States Code and Article XIX of the California State Constitution, implemented in accordance with the requirements of Section 182.6(d)(1) of the Streets and Highways Code; and

WHEREAS, if the FINAL RSTP Exchange apportionment figure is higher for FY19-20 than the ESTIMATE RSTP Exchange apportionment figure, Caltrans would have to revise the RSTP Exchange Standard Agreement contract with the higher RSTP figure before MCAG could instruct the Merced County Auditor Controller's Officer to distribute a greater amount of RSTP Exchange Program funds to member agencies, than identified in this Resolution; and

WHEREAS, if the FINAL RSTP Exchange apportionment figure is lower for FY19-20 than the ESTIMATE RSTP Exchange apportionment amount, Caltrans does not have to revise the RSTP Exchange contract with the lower amount before MCAG could recalculate the available RSTP Exchange Program funds using the same population-based formula and then instruct the Merced County Auditor Controller's Officer to distribute the lower FY19-20 FINAL RSTP Exchange Program fund amount to member agencies; and

WHEREAS, the City of Los Banos has established special gas tax street improvement fund as a requirement to receive the RSTP Exchange Program funds; and

WHEREAS, it is deemed in the best interest of the City of Los Banos that the City Manager is authorized to sign the FY19-20 RSTP Exchange Program fund claim form and to submit said claim form to MCAG for processing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorize the City Manager to sign and file the above described FY19-20 RSTP Exchange Program fund claim on behalf of the City of Los Banos in the amount of \$482,931.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of July 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

**Claim to the Merced County Association of Governments
 for Regional Surface Transportation Program (RSTP) Funds in Exchange for
 State Highway Account Funds FY 2019/2020**

Claimant: **City of Los Banos**

FY 19/20 Claim Amount: **\$482,931**

Claim Guidelines:

Projects outlined in the table below to be funded with this claim are only those projects that are defined under Sections 133(b) and 133(c) of Title 23, United States Code and Article XIX of the California State Constitution, implemented in accordance with the requirements of Section 182.6(d)(1) of the Streets and Highways Code.

Claim Instructions:

1. List (print or type) each **INDIVIDUAL** project to be funded with this claim.
2. List the amount of funds to be used for each project.
3. If the project is not a capacity expanding project and is exempt from the air quality conformance analysis check the "Exempt" box. (☒)
4. If the project is a capacity expanding project and the "build" alternative of the air quality conformance analysis has been completed for the project as required check the "Air Quality" box. (☒)

Project	Cost of Project	Air Quality	Exempt
1. Rehabilitation of various major collectors and minor arterial roads.	\$ 495,000	<input type="checkbox"/>	X
2.	\$	<input type="checkbox"/>	<input type="checkbox"/>
3.	\$	<input type="checkbox"/>	<input type="checkbox"/>
4.	\$	<input type="checkbox"/>	<input type="checkbox"/>

It is understood by this claimant (**City of Los Banos**) that payment of this claim is subject to approval by the MCAG Governing Board and must be in accordance with the MCAG and Caltrans Agreement. Said monies (and the interest earned on such monies subsequent to allocation) will be used only for those purposes for which the claim is approved.

The undersigned claimant, by accepting these funds agrees to establish a special account for the purpose of depositing funds received from MCAG pursuant to this agreement:

- a. For cities, within their Special Gas Tax Street Improvement Fund; or
- b. For the county, within their County Road Fund

The undersigned claimant, by accepting these funds, agrees to grant the State of California auditors access to their books and records for the purpose of verifying that funds paid hereunder are properly accounted for and proceeds are expended in accordance with the terms of this agreement. All documents will be available for inspection by authorized Caltrans agents at any time during the project development and for a four-year period from the date of completion of the project, or one year after the audit is completed or waived by Caltrans, whichever is later.

If the undersigned claimant fails to use funds received hereunder in accordance with the terms of the agreement, the claimant agrees to return the exchange funds to MCAG for credit to the special account described above.

Further, the Chief Financial Officer of the claimant certifies that the financial information contained herein, is reasonable and accurate to the best of his/her knowledge.

Authorized Representative:

Signature

Print Name

Title

Date

Signature of Finance Director

Print Name

FY 2019/20 Regional Surface Transportation Program (RSTP)

Apportionment Distribution

FY 2019/20 Estimated Apportionments	\$ 3,648,867	RSTP Exchanges are based on the Estimated "Advance" apportionment figures.
Adjustments of Prior "Advance" vs. "Actual" Apportionments	\$ (2,626)	" Actual " apportionment figures are reported after year's end, with adjustments made subsequently.
State-Mandated Merced County "Lifeline" Apportionment	\$ (526,686)	Merced County has separate contract with Caltrans and funds are distributed direct to Merced County.
Balance after State-Mandated Merced County "lifeline" Apportionment	\$ 3,119,555	Amount of MCAG RSTP State Exchange Contract
Total City "Lifeline" Apportionments	\$ (356,305)	
Balance after City "Lifeline" Apportionments	\$ 2,763,250	

City	City Lifeline Apportionment
Atwater	\$ 61,284
Dos Palos	\$ 11,144
Gustine	\$ 12,194
Livingston	\$ 28,341
Los Banos	\$ 74,341
Merced-City	\$ 169,001
Subtotal: Total City "Lifeline" Apport.	\$ 356,305

Jurisdiction	* Population based portion	Percentage	FY 2019/20 RSTP funds distributed by population
Atwater	31,378	11.07%	\$ 305,816
Dos Palos	5,546	1.96%	\$ 54,052
Gustine	5,875	2.07%	\$ 57,259
Livingston	15,052	5.31%	\$ 146,700
Los Banos	41,923	14.79%	\$ 408,590
Merced	88,120	31.08%	\$ 858,834
County	95,627	33.73%	\$ 931,999
Subtotal	283,521	100.00%	\$ 2,763,250

*May 2020 - Depart. of Finance Population Figures

Jurisdiction	City/County Lifeline Apportionment	FY 2019/20 RSTP funds distributed by population	TOTAL FY 2019/20 RSTP funds
Atwater	\$ 61,284	\$ 305,816	\$ 367,100
Dos Palos	\$ 11,144	\$ 54,052	\$ 65,196
Gustine	\$ 12,194	\$ 57,259	\$ 69,453
Livingston	\$ 28,341	\$ 146,700	\$ 175,041
Los Banos	\$ 74,341	\$ 408,590	\$ 482,931
Merced-City	\$ 169,001	\$ 858,834	\$ 1,027,835
Merced-County	\$ 526,686	\$ 931,999	\$ 1,458,685
TOTAL	\$ 882,991	\$ 2,763,250	\$ 3,646,241



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: August 5, 2020

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing the City Manager to submit claim forms for Fiscal Year 2020-2021 Local Transportation Funds (LTF) in the amount of \$41,320 to Merced County Association of Governments (MCAG).

Recommendation:

That the City Council adopt the Resolution authorizing the City Manager to submit claim forms on behalf of the City of Los Banos for Fiscal Year 2020-2021 Local Transportation Funds (LTF) in the amount of \$41,320 to Merced County Association of Governments (MCAG).

Discussion:

Attached for City Council review is the Resolution and claim forms with which the City of Los Banos may claim Fiscal Year 2020-2021 Local Transportation Funds. The amount available to claim by the City of Los Banos is \$41,320.

Fiscal Impact:

The disbursement of the LTF that are available to the City of Los Banos will be used in conjunction with existing road tax revenues for street and road improvements in the Fiscal Year 2020-2021 budget. There is no foreseen additional impact to the City.

Reviewed by:

Alex Terrazas, City Manager

Sonya Williams, Finance Director

Attachments:

- Resolution
- FY 2020-2021 LTF Claim Forms
- FY 2020-2021 LTF Apportionment Schedule

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING THE ANNUAL
LOCAL TRANSPORTATION FUND (LTF) CLAIM
TO BE FILED WITH THE MERCED COUNTY
ASSOCIATION OF GOVERNMENTS (MCAG) FOR
FISCAL YEAR 2020-2021**

WHEREAS, under the Transportation Development Act (TDA) of 1971, Local Transportation Fund (LTF) monies are available to cities for public transportation, construction and maintenance of local streets and roads, and for pedestrian or bicycle facilities under certain circumstances; and

WHEREAS, the City of Los Banos meets all requirements to qualify for said apportionment allocated through the Merced County Association of Governments (MCAG), as the designated local transportation and planning agency; and

WHEREAS, the annual allocations of LTF monies to each jurisdiction have been calculated by population; and

WHEREAS, the City of Los Banos has LTF monies available to claim in the amount of \$41,320 for Fiscal Year 2020-2021; and

WHEREAS, the City's proposed expenditures of LTF monies are in conformity with the Regional Transportation Plan as prepared by MCAG; and

WHEREAS, the City will submit a certified fiscal audit within 180 days after the end of the fiscal year, except where an extension (90-day maximum) was granted by MCAG.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorize the filing of the annual LTF claim for Fiscal Year 2020-2021 in the amount of \$41,320.

BE IT FURTHER RESOLVED it is deemed in the best interest of the City of Los Banos that the City Manager and the Finance Director be authorized to sign the LTF claim form for Fiscal Year 2020-2021, and to submit said claim to MCAG for processing.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of August 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

LOCAL TRANSPORTATION FUND CLAIM
FY 2020-2021

Claimant: City of Los Banos

Type of Claim:	Amount of Claim:
<input checked="" type="checkbox"/> STREETS & ROADS	\$ <u>41,320</u>
<input type="checkbox"/> PEDESTRIAN & BICYCLE FACILITIES	\$ _____
<input type="checkbox"/> OTHER (indicate purpose & TDA Section number _____)	\$ _____
TOTAL	\$ <u>41,320</u>

It is understood by this claimant that payment of the claim is subject to approval by MCAG, to such monies being on hand and available for distribution, and to the provision that such monies (and the interest earned on such monies subsequent to allocation) will be used only for those purposes for which the claim is approved and in accordance with the terms of the allocation instructions.

Further, the Chief Financial Officer of the claimant certifies that the financial information contained herein, is reasonable and accurate to the best of my knowledge.

Authorized Representative:

Signature

Alex Terrazas

Print or type name

City Manager

Title

Date

Signature of Finance Director

LTF STREETS & ROADS CLAIM 2020-2021

Claimant: City of Los Banos

Project Title, Location and Description (may use additional paper)

Overlay and repair various street sections within the City of Los Banos.

Project Cost by Funding Source

LTF	\$ 41,320
General Fund	\$ 0
Other	\$ 250,000
<u>TOTAL</u>	<u>\$ 291,320</u>

1. For entities with a population of more than 5,000, is the claim for streets and roads (exclusive of capital requirements for major new facilities) less than 50% of the total streets and roads expenditures?

Yes

No

2. Is the project in conformity with the MCAG Regional Transportation Plan?

Yes

No

Prepared by:



Signature

Mark Fachin, P.E. PW Dir/City Eng

Type or print name

RESOLUTION NO. 2020/07-16-04

**RESOLUTION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS APPROVING
APPORTIONMENT SCHEDULE FOR LOCAL TRANSPORTATION FUND (LTF) MONIES FOR THE FISCAL YEAR
2020/2021**

WHEREAS, Merced County Association of Governments (MCAG) is designated the Regional Transportation Planning Agency for Merced County; and

WHEREAS, the Transit Joint Powers Authority for Merced County (TJPA) provides consolidated transit service throughout Merced County, and provides public transportation services to the general public; and

WHEREAS, the TJPA as the transit service provider for Merced County proposes to serve, at a minimum, all claimant areas of Merced County within their jurisdictions at the level of public transportation services that are reasonable to meet as defined by the MCAG Governing board; and

WHEREAS, specific efforts undertaken by MCAG in the transportation planning process and approval of the unmet transit needs process were previously approved by the MCAG Governing Board by Resolution in December 19, 2019; and

WHEREAS, the Yosemite Area Regional Transportation System (YARTS) provides mass transit service in the Yosemite region, including Merced County, and provides public transportation services to the general public; and

WHEREAS, the Merced County Auditor/Controller claims \$3,400 for administration of the LTF Apportionment distribution for FY 20/21 pursuant to PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99233.1 administration allocations; and

WHEREAS, MCAG claims \$58,900 for administration for FY 20/21 LTF apportionment funds pursuant to PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99233.1 administration allocations and \$176,700 for planning pursuant to PUC, Division 10, Part 11, Chapter 4, Article 4, Section 99233.2 planning and programming allocation; and

WHEREAS, after the above needs there are funds remaining, which can be distributed to local jurisdictions for transportation purposes including street and road maintenance;

NOW THEREFORE BE IT RESOLVED, that the Local Transportation Funds (LTF) apportionment schedule for Fiscal Year 2020-2021 is:

County Auditor Controller Administrative Cost	\$ 3,400
MCAG Administrative Expense	\$ 58,900
MCAG Planning	\$ 176,700
Transit Joint Powers Authority Needs	\$ 4,742,199
YARTS Operating Needs	\$ 300,000
Future Passenger Rail Reserve	\$ 294,500
City of Atwater	\$ 30,927
City of Dos Palos	\$ 5,466
City of Gustine	\$ 5,791
City of Livingston	\$ 14,836

City of Los Banos	\$ 41,320
City of Merced	\$ 86,853
County of Merced	\$ 94,251
Total	\$ 5,890,000

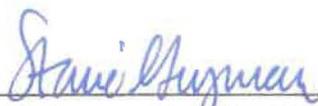
The above resolution was approved by the Merced County Association of Governments on July 16, 2020 by Director Villalta _____, who moved its adoption, which motion was duly seconded by Director Lor _____ and which was adopted by the following vote:

AYES: Directors Aguilar, Espinoza, Hogue, Lor, McDaniel, Murphy, Oliveira, Silveira, Villalta

NOES: None

ABSENT: Director Creighton

APPROVED:



 Stacie Guzman, Executive Director
 Merced County Association of Governments



 Paul Creighton, Chair
 Merced County Association of Governments
 Governing Board



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: August 5, 2020

TYPE OF REPORT: Consent Agenda

SUBJECT: Authorizing Award of Construction Contract to Joe's Landscaping and Concrete Inc. in the amount of \$234,770.00 with a 5% Contingency in the amount of \$11,738.50 for the Los Banos Dog Park Project and amending the Fiscal Year 2020-2021 Budget by increasing the appropriation amount by \$25,000.00 in the Los Banos Park Fund Account.

Recommendation:

That the City Council adopts the Resolution to amend the Fiscal Year 2020-2021 Budget by increasing the appropriation amount for expenditures in the Los Banos Park Fund Account in the amount of \$25,000.00, and award the Los Banos Dog Park project contract to Joe's Landscaping and Concrete and authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement in the amount of \$234,770.00. Staff is requesting a 5% contingency of \$11,738.50.

Background:

A dog park has been a desired amenity in the City of Los Banos park system for many years. Construction of this dog park will be the first dog park in Los Banos, providing an off-leash facility for dog owners to exercise their dogs. The location at AG Sports Complex has regional and residential access and will provide an ideal venue for dog owners of all ages to enjoy. The dog park at AG Sports Complex will include a small dog and a mixed dog area separated by fencing. It will also feature a double gate entrance, ADA walk-up and human and dog drinking water access. Benches, shade trees other amenities will help to beautify the park.

Discussion:

Staff enlisted the services of one of our consultants, QK, Inc., to design the project. Staff released the project for advertisement on Monday, June 22, 2020. The bid opening was held on Tuesday, July 21, 2020. The Public Works Department, through the office of the City Clerk, received five (5) bids from the following contractors:

Joe's Landscaping & Concrete Inc.	Newman	\$234,770.00
Ronnys Inc	Los Banos	\$239,060.00
Westside Landscape & Concrete, Inc.	Newman	\$251,847.77
Terramark Gen Eng Contractors Inc	San Jose	\$269,650.00
Rakkar Development & Construction	Fresno	\$299,213.00

Staff reviewed each of the bid proposals for completeness. Joe's Landscaping & Concrete Inc., submitted the lowest responsive and responsible bid for the project. Ronnys Inc and Westside Landscape & Concrete Inc. both had submission errors in their bid tabulations. Ronny's Inc.'s corrected tabulation resulted in the total of \$239,060.00 which exceeded the lowest bid amount. Westside Landscape & Concrete Inc. confirmed that their stated bid total of \$251,847.77 was indeed their intended and correct bid amount.. Staff is recommending that Joe's Landscaping and Concrete Inc. be awarded the contract for the construction of the Los Banos Dog Park. Staff is also recommending a contingency of five percent (5%) in the amount of \$11,738.50. The administration of this contract, including the 5% contingency, is to be performed by the Public Works Director/City Engineer.

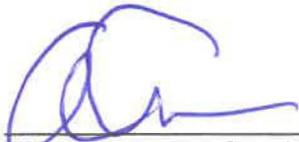
Additional expenses include an estimated \$4,400.00 in inspection costs, \$1,000.00 for soil compaction tests, \$1,000.00 for signage, and \$11,160.00 for construction support. Therefore, the total for all expenses for the construction of the dog park will be \$265,000.00 (rounded).

Upon completion and opening of the Los Banos Dog Park, Ronnys Inc's current contract for landscape and irrigation services will need to be amended, for an estimated amount of \$750.00 per month, to include the required maintenance services for this site.

Fiscal Impact:

Currently, \$240,000.00 has been programmed for this project from the Los Banos Park Fund account 250-454-220-717 in the 2020-2021 fiscal year budget. If approved, this budget amendment will increase expenditures by \$25,000.00 in the Los Banos Park Fund Account 250-454-220-717, to complete this project. Project expenditures include consultation with QK Engineering for design and inspection and construction by, Joe's Landscaping and Concrete. The total amount of bid, contingency, additional expenses is \$265,000.00.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

Bid Opening Sheet

Public Notice

Contract Agreement

Site Maps

2020-2021 Fiscal Budget Sheet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO JOE'S LANDSCAPING AND CONCRETE INC. IN THE AMOUNT OF \$234,770.00 WITH A 5% CONTINGENCY IN THE AMOUNT \$11,738.50 FOR LOS BANOS DOG PARK PROJECT AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2020-2021 AS IT PERTAINS TO THE LOS BANOS PARK FUND ACCOUNT

WHEREAS, the City of Los Banos Public Works Department received competitive bids on July 21, 2020 for the purpose of constructing the Los Banos Dog Park project in the City of Los Banos; and

WHEREAS, the Public Works Department has determined, after receiving competitive bids, that Joe's Landscaping and Concrete Inc. provided the lowest responsive and responsible bid in the amount of \$234,770.00; and

WHEREAS, the Public Works Department requests the City Council authorize a 5% contingency in the amount of \$11,738.50; and

WHEREAS, the Public Works Department requests the City Council authorize the Public Works Director/City Engineer to execute the Construction Contract Agreement with Joe's Landscaping and Concrete Inc. and authorize the Public Works Director/City Engineer to administrate the Construction Contract including the 5% contingency; and

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the Fiscal Year 2020-21 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 amendment would increase expenditures by \$25,000 in the Los Banos Park Fund Account (250-454-220-717).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby:

1. Accept and award the construction bid of Joe's Landscaping and Concrete Inc. in the amount of \$234,770.00 with a 5% contingency in the amount of \$11,738.50, authorizes the Public Works Director/City Engineer to execute the Construction Contract Agreement, and authorizes the Public Works Director/City Engineer to administrate the Construction Contract including the 5% contingency.

2. Amend the 2020-2021 Fiscal Year Budget to include an increase of \$25,000 to expenditures in account 250-454-220-717.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of August 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

BID OPENING

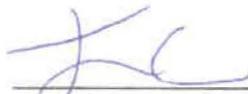
LOS BANOS DOG PARK

JULY 21, 2020 - 2:00 PM

1. Ronnys, Inc.	\$ 233,760.00
2. Joe's Landscaping and Concrete	\$ 234,770.00
3. Terramark General Engineering Contractors, Inc.	\$ 269,650.00
4. Westside Landscape & Concrete	\$ 251,847.77
5. Rakkar Development & Construction	\$ 297,120.00

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

Dated: July 21, 2020

 7/21/20
Joe Heim
Parks and Recreation Operations Manager

Advertisement for Bids

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

Notice is hereby given that separate sealed bids for the award of contract for the construction of **Los Banos Dog Park** will be received by the City of Los Banos at the office of the City Clerk until 2:00 p.m. Pacific Daylight Savings Time, July 21, 2020 and then at said office publicly opened and read aloud.

The major work consists of construction of a new Dog Park, including earthwork, chain-link fencing, concrete mowstrip, concrete and asphalt pavement, irrigation system, landscaping, and other park amenities construction.

The time for completion shall be thirty (30) working days. There is an additional sixty (60) calendar days for establishment and maintenance of vegetation growth.

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

Central California Builders Exchange (www.cencalbx.com)

Builders Exchange of Stockton (www.besonline.com)

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

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

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

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

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

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

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

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

The successful bidder of this project shall have the following current and active California State Contractor's License at the time of the submission of the bid and throughout the duration of the contract: **C27 - Landscape or Class A - General Contractor or Class B - General Building**

Contractor.

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

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

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

Agreement

THIS Agreement is dated as of the _____ day of _____ in the year 2020 by and between the **City of Los Banos, a California municipal corporation** ("Owner") and **Joe's Landscaping and Concrete, Inc., a corporation** ("Contractor").

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

1. WORK. Contractor shall complete the work indicated in Owner's Contract Documents entitled "LOS BANOS DOG PARK".

The work is generally described as follows:

- Construction of a new Dog Park, including earthwork, chain-link fencing, concrete mowstrip, concrete and asphalt pavement, irrigation system, landscaping, and other park amenities construction.
- Contractor shall furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the work described herein.

2. CONTRACT TIME. Contractor shall commence the work required by the Contract Documents within 10 calendar days after the date of the Notice to Proceed and will complete the same within the time period set forth in the bid. The time for completion shall be thirty (30) working days. There is an additional sixty (60) calendar days for establishment and maintenance of vegetation growth, unless the period for completion is extended otherwise by the Contract Documents.

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

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

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

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

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

- (C) Bid
- (D) Bid Bond
- (E) Agreement
- (F) Payment Bond
- (G) Performance Bond
- (H) Notice of Award
- (I) Notice to Proceed
- (J) Change Order
- (K) General Provisions
- (L) Special Provisions
- (M) Technical Specifications prepared by QK, Inc., entitled "LOS BANOS DOG PARK", dated June, 2020.
- (N) Drawings prepared by QK, Inc., numbered 1 through L-2.
- (O) Addendum No. 1, dated July 9, 2020.

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

7. MISCELLANEOUS.

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

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

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

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

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

whether the Owner will assert your claim of confidentiality on your behalf shall be sole discretion of the Owner.

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

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

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

Date

By: _____
Authorized Representative of Owner

Title: _____

ATTEST:

Lucille L. Mallonee
City Clerk

APPROVED AS TO FORM:

William A. Vaughn
City Attorney

Date

By: _____
Authorized Representative of Contractor

Title: _____

(Seal if Corporation)

(Attach Acknowledgement for Authorized Representative of Contractor)

City of LOS BANOS

County of MERCED

State of California

LOS BANOS DOG PARK

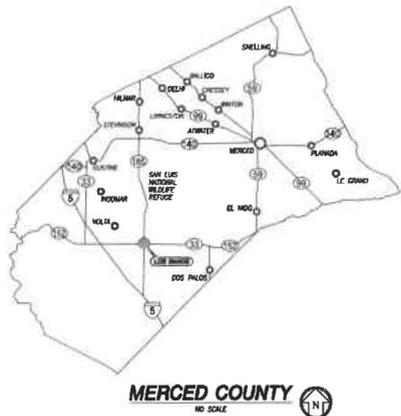


SHEET INDEX

- 1 COVER SHEET
- 2 DEMOLITION AND GRADING PLANS
- 3 DETAILS
- L-1 LANDSCAPE AND IRRIGATION PLAN
- L-2 LANDSCAPE AND IRRIGATION PLAN- DETAILS

TEMPORARY BENCHMARK

BENCHMARK (TBM)
TBM-1 LOCATED ADJACENT TO THE SOUTHWEST CORNER OF THE CONCRETE AREA WEST OF THE ORIGINAL PARKING LOT, SCHEDULE 'C' ON TOP OF CONCRETE, SHOWN AS POINT 101.
ELEVATION 100.07 ASSUMED DATUM

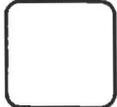


LEGEND

BLD	BUILDING CORNER
C	CONCRETE
CE	CONCRETE EDGE
CC	CONCRETE CORNER
CP	EDGE OF PAVEMENT
FP	FRESH CONCREAD
OG	ORIGINAL GRASS
P	PAVEMENT
TC	TOP OF CURB
TS	TOP FACE OF CURB
TS	TOP OF SLOPE
TS	TOP OF SLOPE
TS	EXISTING TREE
TL	EXISTING LIGHT
TL	EXISTING CHAIN LINK FENCE
TL	PROPOSED CHAIN LINK FENCE
TL	EXISTING CONCRETE
TL	EXISTING PAVEMENT
TL	PROPOSED DECOMPOSED GRANITE
TL	PROPOSED CONCRETE



REVISION	DATE	BY	DESCRIPTION



APPROVED BY:
S. J. S. J.
S. J. S. J.
S. J. S. J.
S. J. S. J.



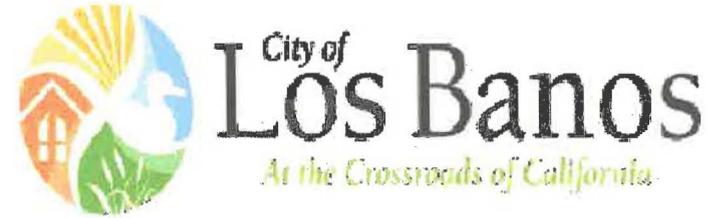
CITY OF LOS BANOS
411 MERCED AVENUE
LOS BANOS, CA 98305
LOS BANOS DOG PARK
COVER SHEET

PROJECT NO.: 18000
DRAWN BY:
DATE: 01/15/2018
SCALE:
NO SCALE
SHEET NO.: 1 of 6

General Ledger

Budget Analysis

User: ktomas
 Printed: 07/27/2020 - 4:53PM
 Fiscal Year: 2021



2018 Actual	2019 Actual	2020 Adopted	2020 Estimated	Account	Description	FTE	2021 Requested	2021 Proposed	2021 Approved	2021 Adopted
0.00	0.00	0.00	0.00	250 R03 334-010	LB PARK IMPACT FUND Shared Revenues State Grant	0.00	161,700.00	161,700.00	161,700.00	161,700.00
0.00	0.00	0.00	0.00		Shared Revenues Totals:	0.00	161,700.00	161,700.00	161,700.00	161,700.00
1,382,592.97	1,159,155.67	693,300.00	1,100,000.00	R04 347-080	Charges for Services Park Development Fees	0.00	600,000.00	600,000.00	600,000.00	600,000.00
106,967.00	89,355.00	51,800.00	94,000.00	347-085	Land Dedication Fees	0.00	51,800.00	51,800.00	51,800.00	51,800.00
0.00	0.00	0.00	0.00	349-090	Community Center Fee	0.00	0.00	0.00	0.00	0.00
1,489,559.97	1,248,510.67	745,100.00	1,194,000.00		Charges for Services Totals:	0.00	651,800.00	651,800.00	651,800.00	651,800.00
19,607.54	56,741.63	30,000.00	62,500.00	R07 361-010	Interest & Income Interest Earnings	0.00	40,000.00	40,000.00	40,000.00	40,000.00
(6,129.54)	14,437.35	0.00	5,000.00	362-010	Gain/Value on Investment GASB	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	365-010	Donations - Plant A Tree	0.00	0.00	0.00	0.00	0.00
13,478.00	71,178.98	30,000.00	67,500.00		Interest & Income Totals:	0.00	40,000.00	40,000.00	40,000.00	40,000.00
0.00	0.00	0.00	0.00	R08 390-010	Miscellaneous Misc Revenues	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		Miscellaneous Totals:	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	R09 499-000	Transfer Ins Transfer In	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		Transfer Ins Totals:	0.00	0.00	0.00	0.00	0.00
1,503,037.97	1,319,689.65	775,100.00	1,261,500.00		REVENUES TOTALS:	0.00	853,500.00	853,500.00	853,500.00	853,500.00
0.00	0.00	0.00	0.00	454 E03 220-230	Park Development Supplies & Services Administrative Services	0.00	0.00	0.00	0.00	0.00

2018	2019	2020	2020			2021	2021	2021	2021	
Actual	Actual	Adopted	Estimated	Account	Description	FTE	Requested	Proposed	Approved	Adopted
0.00	0.00	150,000.00	104,500.00	220-231	Professional Services	0.00	120,000.00	120,000.00	120,000.00	120,000.00
0.00	0.00	0.00	0.00	220-235	City Engineer	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	220-238	Technical Services	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	220-253	Advertising	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	220-267	General Materials & Supplies	0.00	0.00	0.00	0.00	0.00
0.00	0.00	150,000.00	104,500.00		Supplies & Services Totals:	0.00	120,000.00	120,000.00	120,000.00	120,000.00
				E05	Capital Outlay					
0.00	0.00	0.00	0.00	220-710	Land Purchase	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	220-716	Street/Road Improvement	0.00	0.00	0.00	0.00	0.00
298,631.85	23,141.20	125,000.00	25,662.00	220-717	Landscape & Irrigation	0.00	240,000.00	240,000.00	240,000.00	240,000.00
0.00	0.00	35,000.00	0.00	220-720	Building & Structures	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	220-721	Street Trees	0.00	161,700.00	161,700.00	161,700.00	161,700.00
0.00	0.00	30,000.00	29,912.00	220-747	Park & Playground Equipment	0.00	0.00	0.00	0.00	0.00
0.00	0.00	34,600.00	21,980.00	220-753	Specialized Equipment	0.00	10,500.00	10,500.00	10,500.00	10,500.00
298,631.85	23,141.20	224,600.00	77,554.00		Capital Outlay Totals:	0.00	412,200.00	412,200.00	412,200.00	412,200.00
				E06	Interest - Debt Service					
0.00	0.00	0.00	0.00	220-821	Principal - Lease/Loans	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	220-881	Interest - Leases/Loans	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		Interest - Debt Service Totals:	0.00	0.00	0.00	0.00	0.00
298,631.85	23,141.20	374,600.00	182,054.00		EXPENDITURES TOTALS:	0.00	532,200.00	532,200.00	532,200.00	532,200.00
0.00	0.00	0.00	0.00		DEPT REVENUES	0.00	0.00	0.00	0.00	0.00
298,631.85	23,141.20	374,600.00	182,054.00		DEPT EXPENSES	0.00	532,200.00	532,200.00	532,200.00	532,200.00
(298,631.85)	(23,141.20)	(374,600.00)	(182,054.00)		Park Development Totals:	0.00	(532,200.00)	(532,200.00)	(532,200.00)	(532,200.00)
				498	Transfer Out					
				E09	Transfer Out					
0.00	0.00	0.00	0.00	000-000	Transfer Out	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		Transfer Out Totals:	0.00	0.00	0.00	0.00	0.00

2018 Actual	2019 Actual	2020 Adopted	2020 Estimated	Account	Description	FTE	2021 Requested	2021 Proposed	2021 Approved	2021 Adopted
0.00	0.00	0.00	0.00		EXPENDITURES TOTALS:	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		DEPT REVENUES	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		DEPT EXPENSES	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00		Transfer Out Totals:	0.00	0.00	0.00	0.00	0.00
1,503,037.97	1,319,689.65	775,100.00	1,261,500.00		FUND REVENUES	0.00	853,500.00	853,500.00	853,500.00	853,500.00
298,631.85	23,141.20	374,600.00	182,054.00		FUND EXPENSES	0.00	532,200.00	532,200.00	532,200.00	532,200.00
1,204,406.12	1,296,548.45	400,500.00	1,079,446.00		LB PARK IMPACT FUND Totals:	0.00	321,300.00	321,300.00	321,300.00	321,300.00

2018 Actual	2019 Actual	2020 Adopted	2020 Estimated	Account	Description	FTE	2021 Requested	2021 Proposed	2021 Approved	2021 Adopted
1,503,037.97	1,319,689.65	775,100.00	1,261,500.00		REPORT REVENUES	0.00	853,500.00	853,500.00	853,500.00	853,500.00
298,631.85	23,141.20	374,600.00	182,054.00		REPORT EXPENSES	0.00	532,200.00	532,200.00	532,200.00	532,200.00
1,204,406.12	1,296,548.45	400,500.00	1,079,446.00		REPORT TOTALS:	0.00	321,300.00	321,300.00	321,300.00	321,300.00



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer
DATE: August 5, 2020
TYPE OF REPORT: Consent Item
SUBJECT: Final Tract Map No. 2017-01 Stonecreek at Los Banos,
The Villages VII Phase 2B Unit 1

Recommendation:

That the City Council adopts the Resolution approving Final Tract Map No. 2017-01 Stonecreek at Los Banos, The Villages VII Phase 2B Unit 1, and accompanying Subdivision Improvement Agreement.

Background:

The Tentative Tract Map No. 2017-01 was approved by the City of Los Banos Community Development Department on March 8, 2017 by Resolution No. 2017-07. In April 2019, the Public Works staff was contacted by the developer, Anderson Homes, for Final Map approval.

Discussion:

The subject site is generally located within the area bounded by Villages VII Phase 1 Unit 2 to the North, future Villages VII Phase 3 Unit 4 to the South, Villages VII Phase 1B Unit 2 to the West and future Villages VII 2B Unit 2 to the East. The applicant is Anderson Homes, a California corporation. The map consists of 15 single family lots on 3.597± acres. This Final Tract Map is in substantial compliance with Tentative Subdivision Map No. 2017-01.

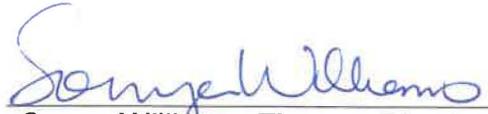
Fiscal Impact:

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

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING AND
ADOPTING FINAL TRACT MAP NO. 2017-01
STONECREEK AT LOS BANOS THE VILLAGES
VII PHASE 2B UNIT 1 AND ACCOMPANYING
SUBDIVISION IMPROVEMENT AGREEMENT**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 1 and accompanying Subdivision Improvement Agreement; and,

WHEREAS, the single-family residential subdivision consists of 15 lots on 3.597± acres; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 1 and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2017-01.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees to date have been paid.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the _____ day of _____, 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

Exhibit A

LEGAL DESCRIPTION

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

LOT B AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO: 2017-01 STONECREEK AT LOS BANOS THE VILLAGES VII-PHASE 1, UNIT 1" FILED FOR RECORD FEBRUARY 6, 2019 IN [BOOK 80 OF OFFICIAL PLATS, AT PAGE 36](#), MERCED COUNTY RECORDS.

UNDERLYING APNS: 430-060-008-000 (PORTION) and 430-060-016-000 (PORTION) (OLD APNS);
430-060-030-000 AND PORTION OF 430-060-038 (NEW APNS)

NEW APNS NOT YET ASSESSED

OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP.

WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS IN FEE FOR PUBLIC USE, ALL STREET RIGHTS-OF-WAY AS SHOWN ON THIS FINAL MAP.

WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS AN EASEMENT FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENTS (P.U.E.) AS SHOWN ON THIS FINAL MAP.

OWNERS:

LOS BANOS 109 LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: _____ DATE _____

NAME: _____ (PRINT NAME)

TTS: _____ (TITLE)

NOTARY STATEMENT (OWNER)

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 _____

ON _____ BEFORE ME, _____ A NOTARY PUBLIC,

(DATE) PERSONALLY APPEARED _____

(NAME OF SIGNER(S))

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,

_____, NOTARY PUBLIC

PRINT NAME: _____

COMMISSION NUMBER: _____

COMMISSION EXPIRES: _____ (DO NOT STAMP)

PRINCIPAL OFFICE LOCATION (COUNTY): _____

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 86438 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. COAST NATURAL GAS COMPANY, A CORPORATION (EASEMENT - BOOK 300 PAGE 307, BOOK 300 PAGE 447 AND BOOK 348 PAGE 105).

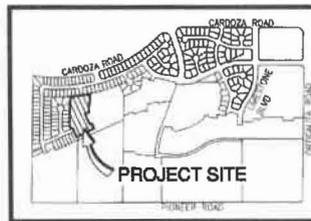
**TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 1**

BEING LOT B, TRACT NO. 2017-01, VOLUME 80 OP PAGES 36-40,
LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10

SOUTH, RANGE 10 EAST
MOUNT DIABLO BASE AND MERIDIAN
CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

MAY 2020

O'DELL
ENGINEERING
1155 Scenic Drive, Suite A
Modesto, CA 95350
Ph 209.571.1785 odellengineering.com



VICINITY MAP

N.T.S.

PLANNING COMMISSION STATEMENT:

I, STACY SOLZA ELMS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR FOR THE CITY OF LOS BANOS, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 1, AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE VESTING TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 13TH DAY OF APRIL, 2005, AND THAT THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 1, COMPLIES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
STACY SOLZA ELMS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
CITY OF LOS BANOS

CITY CLERK'S STATEMENT:

I, LUCILLE L. MALLONEE, CITY OF LOS BANOS, STATE OF CALIFORNIA. DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS _____ DAY OF _____, 2020, THE ACCOMPANYING FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 1, WAS APPROVED AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE, THE OFFER OF DEDICATION IN EASEMENT OF ALL PUBLIC UTILITY EASEMENTS (P.U.E.), ALL AS SHOWN ON THIS FINAL MAP; AND ACCEPTED THE OFFER OF DEDICATION IN FEE OF THE STREET RIGHTS-OF-WAY, AS SHOWN ON THIS FINAL MAP. SAID APPROVAL IS SUBJECT TO IMPROVEMENTS.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
LUCILLE L. MALLONEE, CITY CLERK
CITY OF LOS BANOS

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF STONECREEK PROPERTIES, IN NOVEMBER OF 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT ALL THE MONUMENTS SHOWN HEREON WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED BEFORE JUNE 30TH, 2021. AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
DYLAN CRAWFORD, P.L.S. 7788



CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 1, AND STATE THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
MARK FACHIN, R.C.E. 34614
CITY ENGINEER

CITY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND IT COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
NARINDER SAHOTA, PLS 8719
REVIEWING CITY SURVEYOR

RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213

THE PROPERTY DESCRIBED ON THE HEREON SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BY NOT LIMITED TO, PLOWING, SPRAYING AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT PLAN (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL NECESSARY AGRICULTURAL OPERATIONS.

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2020, AT _____ O'CLOCK, _____ M. IN VOL _____ OF OFFICIAL PLATS, AT PAGES _____, AT THE REQUEST OF DYLAN CRAWFORD.

FEE \$

BARBARA LEVEY, RECORDER
MERCED COUNTY, CALIFORNIA

BY: _____
ASSISTANT/DEPUTY RECORDER

REFERENCED RECORD DOCUMENTS
MERCED COUNTY RECORDS

- (R-1) VOLUME 76 OF OFFICIAL PLATS, PAGES 22-35 M.C.R. (VILLAGES IV, PHASE 1B)
- (R-2) VOLUME 108 OF PARCEL MAPS, PAGES 4-5, M.C.R.
- (R-3) VOLUME 28 OF SURVEYS, PAGES 9-12, M.C.R.
- (R-4) VOLUME 80 OF OFFICIAL PLATS, PAGES 36-40, M.C.R. (VILLAGES VII, PHASE 1, UNIT 1)
- (R-5) VOLUME 99 OF PARCEL MAPS, PAGES 11-12, M.C.R.
- (R-6) VOLUME 29 OF PARCEL MAPS, PAGE 20, M.C.R.
- (R-7) VOLUME 81 OF OFFICIAL PLATS, PAGES 13-16, M.C.R. (VILLAGES VII, PHASE 1, UNIT 2)
- (R-8) VOLUME ___ OF OFFICIAL PLATS, PAGES ____, M.C.R. (VILLAGES VII, PHASE 1B, UNIT 2)

BASIS OF BEARINGS

N89°54'39"E BEING THE BEARING OF THE LINE BETWEEN MERCED COUNTY GPS PT. 1023 AND MERCED COUNTY GPS PT. 1024 (R-3), BEARINGS AND DISTANCES ARE BASED UPON CALIFORNIA COORDINATE SYSTEM ZONE III NAD 83. TO GET GROUND DISTANCES MULTIPLY GRID DISTANCES SHOWN BY 1.0000016.

LEGEND AND ABBREVIATIONS

RESOLVED BOUNDARY LINE	AC.	ACRES
CENTERLINE	FD	FOUND
EXISTING EASEMENT LINE	IP	IRON PIPE-DIAMETER NOTED
BASIS OF BEARING THE LINE	(M)	MEASURED DISTANCE
	(M-B)	MONUMENT TO BOUNDARY LINE
	(M-M)	MONUMENT TO MONUMENT
	OP	OFFICIAL PLATS
	PM	PARCEL MAP
	M.C.R.	MERCED COUNTY RECORDS
	(R-#)	REFERENCED RECORD DOCUMENT
	(R)	RADIAL BEARING
	SFN	SEARCHED, FOUND NOTHING
	(T)	TOTAL DISTANCE
	W.C.	WITNESS CORNER

NOTES

1. THIS SUBDIVISION CONTAINS A TOTAL OF 3.597 ACRES, MORE OR LESS.
2. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY GRID DISTANCES SHOWN BY 1.0000016 TO GET GROUND DISTANCES.
3. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
4. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
5. ALL FOUND MONUMENTS ARE ACCEPTED UNLESS OTHERWISE NOTED.

MONUMENT NOTES

- o SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR UNPAVED AREAS OR 1.17" BRASS DISK STAMPED "PLS 7788" FOR CONCRETE AREAS
- T SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED), SET 1.17" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.
- SET 5.00' WITNESS CORNER, UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788".
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- ⊙ SET 2" BRASS DISK STAMPED "LS 7788" IN MONUMENT WELL, UNLESS OTHERWISE NOTED
- 3/4" x 24" IRON PIPE WITH PLASTIC PLUG "PLS 7788" TO BE SET PER (R-4)
- FOUND MONUMENT AS NOTED
- ⊙ FOUND MONUMENT AS NOTED IN MONUMENT WELL

TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 1

BEING LOT B, TRACT NO. 2017-01, VOLUME 80 OP PAGES 36-40, LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

MAY 2020

O'DELL
ENGINEERING

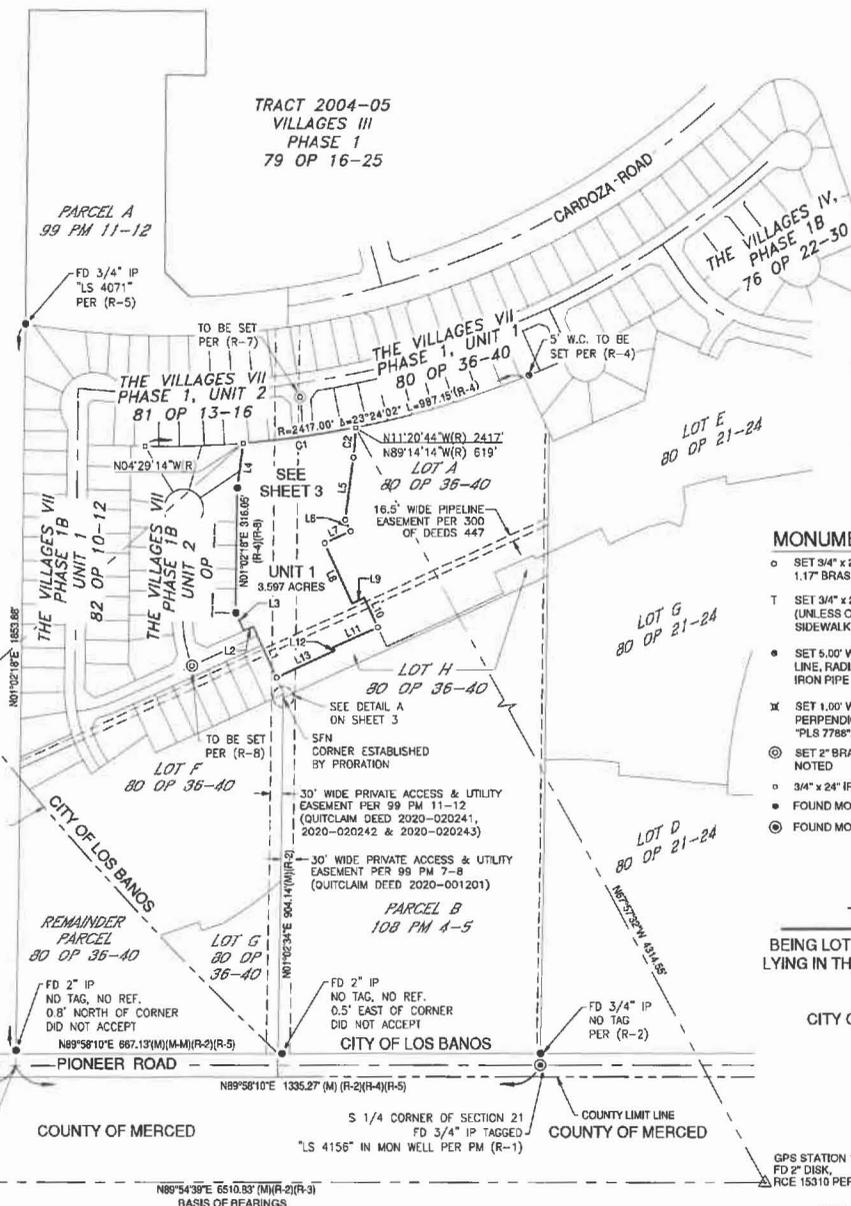
1165 Scenic Drive, Suite A
Modesto, CA 95350
Ph 209.571.1765 odellengineering.com

GPS STATION 1024
FD 2" DISK,
RCE 15310 PER (R-3)

LINE AND CURVE TABLES ARE FOR COURSES SHOWN ON THIS SHEET ONLY

LINE TABLE			
LINE #	DIRECTION	LENGTH	REF
L1	N24°24'29"W	142.00'	(R-4)
L2	N65°35'31"E	26.16'	(R-4) (R-8)
L3	N24°24'29"W	49.57'	(R-4) (R-8)
L4	N7°49'01"E	114.55'	(R-4) (R-8)
L5	N7°49'01"E	160.79'	(R-4)
L6	N24°24'29"W	32.05'	(R-4)
L7	N65°35'31"E	72.48'	(R-4)
L8	N24°24'29"W	157.00'	(R-4)
L9	N65°35'31"E	33.82'	(R-4)
L10	N24°24'29"W	81.00'	(R-4)
L11	N65°35'31"E	125.00'	(R-4)
L12	N24°24'29"W	9.00'	(R-4)
L13	N65°35'31"E	162.00'	(R-4)

CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	REF
C1	2417.00'	6°51'30"	289.32'	(R-4)
C2	619.00'	7°03'15"	76.21'	(R-4)



FD MAG NAIL & SHINER,
NO TAG, NO REF.
0.05' WEST OF CORNER
SFN [1" I.P. PER (R6)]

N89°54'39"E 6510.33' (M)(R-2)(R-3)
BASIS OF BEARINGS

REFERENCED RECORD DOCUMENTS

- MERCED COUNTY RECORDS
 (R-1) VOLUME 76 OF OFFICIAL PLATS, PAGES 22-30 M.C.R. (VILLAGES IV, PHASE 1B)
 (R-2) VOLUME 108 OF PARCEL MAPS, PAGES 4-5, M.C.R.
 (R-3) VOLUME 28 OF SURVEYS, PAGES 9-12, M.C.R.
 (R-4) VOLUME 80 OF OFFICIAL PLATS, PAGES 38-40, M.C.R. (VILLAGES VII, PHASE 1, UNIT 1)
 (R-5) VOLUME 90 OF PARCEL MAPS, PAGES 11-12, M.C.R.
 (R-6) VOLUME 29 OF PARCEL MAPS, PAGE 20, M.C.R.
 (R-7) VOLUME 81 OF OFFICIAL PLATS, PAGES 13-16, M.C.R. (VILLAGES VII, PHASE 1, UNIT 2)
 (R-8) VOLUME ___ OF OFFICIAL PLATS, PAGES ___, M.C.R. (VILLAGES VII, PHASE 1B, UNIT 2)

NOTES

- THIS SUBDIVISION CONTAINS A TOTAL OF 3,587 ACRES, MORE OR LESS.
- ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES, MULTIPLY GRID DISTANCES SHOWN BY 1.0000016 TO GET GROUND DISTANCES.
- ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- ALL FOUND MONUMENTS ARE ACCEPTED UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

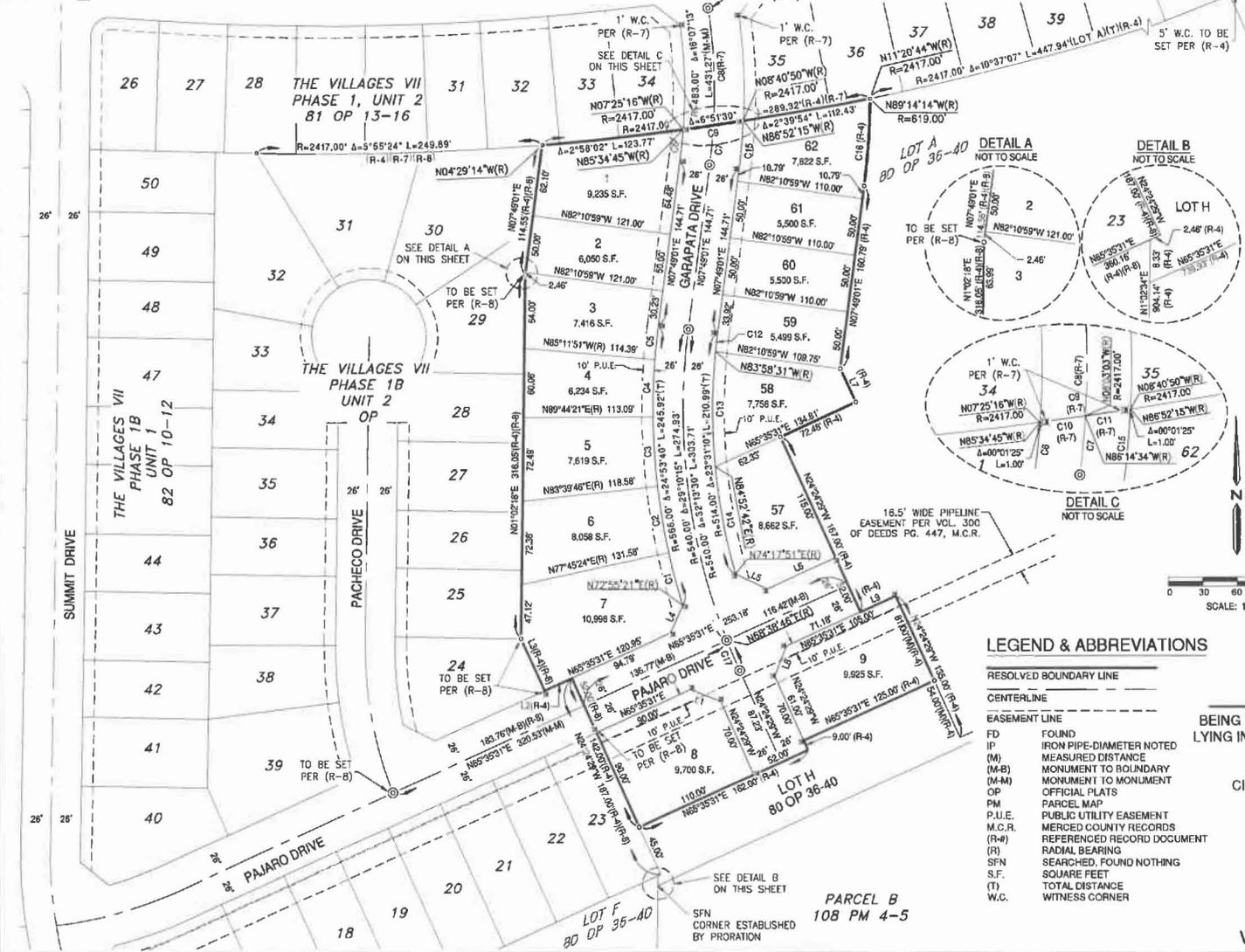
N89°54'39"E BEING THE BEARING OF THE LINE BETWEEN MERCED COUNTY GPS PT. 1023 AND MERCED COUNTY GPS PT. 1024 (R-3). BEARINGS AND DISTANCES ARE BASED UPON CALIFORNIA COORDINATE SYSTEM ZONE III NAD 83. TO GET GROUND DISTANCES MULTIPLY GRID DISTANCES SHOWN BY 1.0000016.

MONUMENT NOTES

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- FOUND MONUMENT AS NOTED IN MONUMENT WELL

LINE AND CURVE TABLES ARE FOR COURSES SHOWN ON THIS SHEET ONLY

LINE TABLE		CURVE TABLE				
LINE #	DIRECTION	LENGTH	CURVE #	RADIUS	DELTA	LENGTH
L1	N69°24'29"W	28.28'	C1	566.00'	4°50'03"	47.75'
L2	N65°35'31"E	26.16'	C2	566.00'	5°54'22"	58.34'
L3	N24°24'29"W	49.97'	C3	566.00'	6°04'36"	60.03'
L4	N24°18'28"E	28.42'	C4	566.00'	5°03'47"	50.02'
L5	N65°03'19"W	30.35'	C5	566.00'	3°00'52"	29.78'
L6	N65°35'31"E	65.49'	C6	457.00'	3°23'48"	27.09'
L7	N24°24'29"W	32.06'	C7	483.00'	4°03'35"	34.22'
L8	N20°35'31"E	28.28'	C8	483.00'	12°03'39"	101.67'
L9	N65°35'31"E	33.82'	C9	2417.00'	1°15'34"	53.13'
C10	2417.00'	0°37'47"			26.56'	
C11	2417.00'	0°37'47"			26.56'	
C12	514.00'	1°47'32"			16.08'	
C13	514.00'	11°08'46"			99.59'	
C14	514.00'	10°34'51"			94.92'	
C15	509.00'	4°41'16"			41.64'	
C16	619.00'	7°03'15"			76.21'	
C17	540.00'	3°03'15"			28.78'	



LEGEND & ABBREVIATIONS

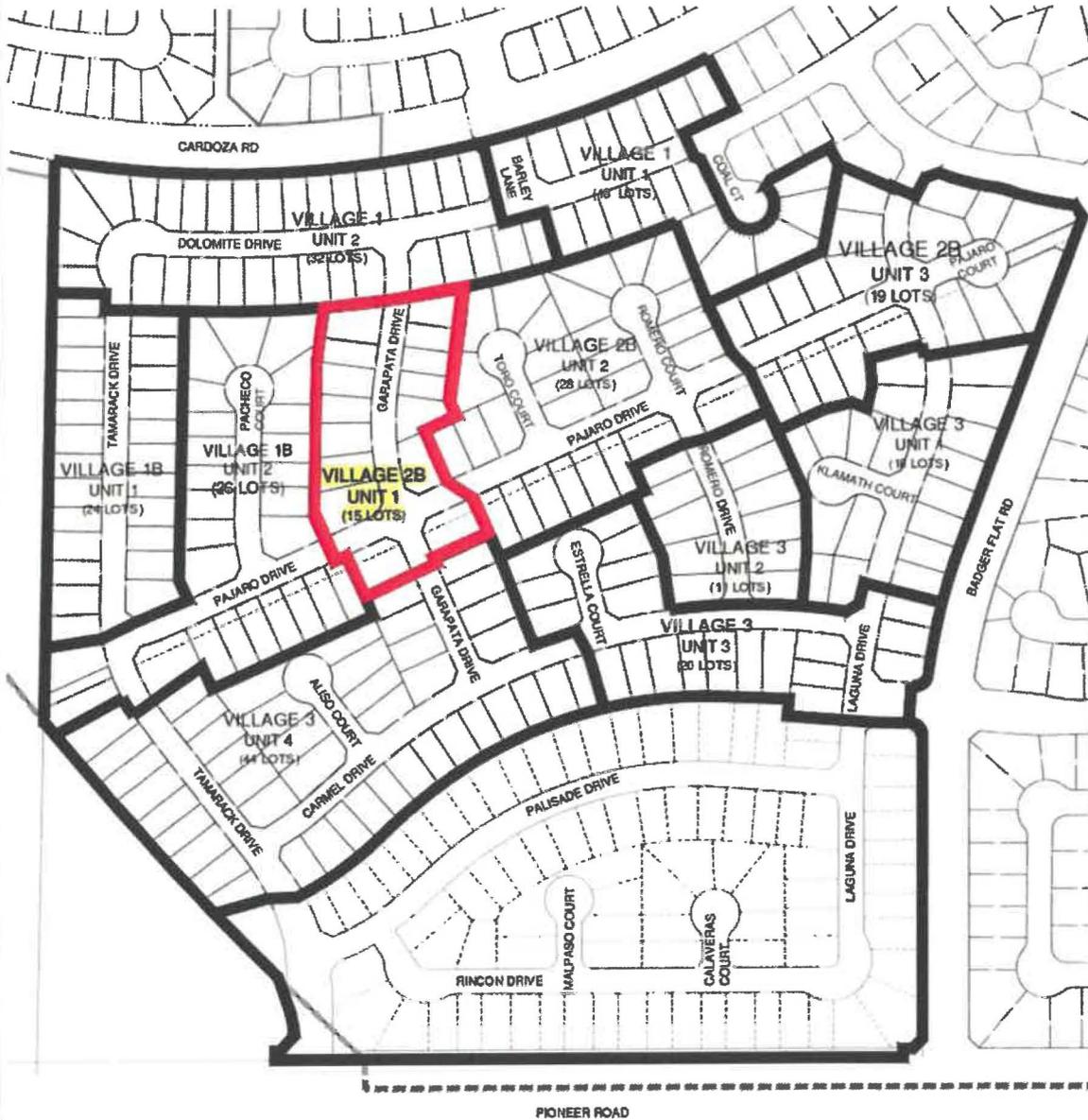
- RESOLVED BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- FD FOUND
- IP IRON PIPE-DIAMETER NOTED
- M MEASURED DISTANCE
- (M-B) MONUMENT TO BOUNDARY
- (M-M) MONUMENT TO MONUMENT
- OP OFFICIAL PLATS
- PM PARCEL MAP
- P.U.E. PUBLIC UTILITY EASEMENT
- M.C.R. MERCED COUNTY RECORDS
- (R-#) REFERENCED RECORD DOCUMENT
- (R) RADIAL BEARING
- SFN SEARCHED, FOUND NOTHING
- S.F. SQUARE FEET
- (T) TOTAL DISTANCE
- W.C. WITNESS CORNER

TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 1

BEING LOT B, TRACT NO. 2017-01, VOLUME 80 OP PAGES 36-40, LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

MAY 2020
ODELL
ENGINEERING
 1165 Scenic Drive, Suite A
 Modesto, CA 95350
 Ph 209.571.1765 odellengineering.com

Exhibit B
SITE MAP: Villages 2B Unit 1



H:\31110 Dove Hollow Stonecreek\31110-Key Map.dwg yimura 13:18:17 05/17/2019



1165 Scenic Drive, Suite A
Modesto CA 95350
odellengineering.com

**STONECREEK
VILLAGES**
LOS BANOS, CALIFORNIA

DESCRIPTION: STONECREEK VILLAGES KEY MAP	
SCALE: NONE	DATE: 11/14/2018
JOB NO.: 31110	
FILE: 31110-KEY MAP.DWG	

1
of
1

Recording Requested By:

City of Los Banos

And When Recorded Mail to:

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

Space above this line for Recorder's use.

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2020, between ANDERSON HOMES INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No. 2017-01, Dove Hollow Villages at Stonecreek VII, Phase 2B Unit 1 comprised of 15 single family residential lots on approximately 3.597± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

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

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

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. _____ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2017-01.

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

SUBDIVISION AGREEMENT

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 1st day of August 2022, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

IMPROVEMENTS (Phase 2B - Units 1, 2 & 3) :

1. SITE PREPARATION	\$	68,000.00
2. WATER	\$	104,720.00
3. SANITARY SEWER	\$	89,340.00
4. STORM DRAINAGE	\$	88,230.00
5. CONCRETE	\$	211,590.00
6. PAVING	\$	257,908.00
7. ELECTROLIERS	\$	25,000.00
8. MISCELLANEOUS	\$	7,850.00
TOTAL	\$	852,638.00

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$852,638.00** and Labor and Materials at 50%, **\$426,319.00** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$85,263.80** In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid and not to exclude pending invoices from outside consulting firms.

ENGINEERING AND INSPECTION (Phase 2B – Units 1, 2 & 3)

5% of Approved Engineer's estimate of \$852,638.00	\$	42,631.90
Less: Deposit for Plan Check (Rec#01176561)	\$	(18,758.04)
Less: Payment (Rec#01248474)	\$	(23,875.86)
SUB-TOTAL	\$	0
FINAL MAP REVIEW		
Charges for Phase 2B, Unit 1	\$	1,794.60
Less: Deposit for Map Review (Rec#01391570)	\$	(1,000.00)
SUB-TOTAL	\$	<u>794.60</u>
TOTAL	\$	794.60

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$852,638.00** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map No. 2017-01. All public improvements and utilities must be installed prior to occupancy of units.
6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.
10. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in

the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

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

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

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

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

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 3 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

16. DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.
17. Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.
18. Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the City "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision which discloses all liens or claims which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an agreement with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.
19. It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.
20. That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.
21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2017-01 prior to acceptance of public improvements or final of any housing units.
22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.
23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.
24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's

cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

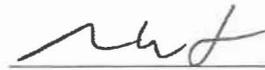
25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map No. 2017-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

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

ANDERSON HOMES
A California Corporation



Michael Anderson
Vice President

PARTIES OF THE FIRST PART

CITY OF LOS BANOS
A Municipal Corporation

Michael Villalta
Mayor

PARTIES OF THE SECOND PART

ATTEST:

Lucille L. Mallonee
City Clerk
City of Los Banos

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

ACKNOWLEDGMENT

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 _____)

On _____ before me, _____
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

CALIFORNIA ACKNOWLEDGMENT

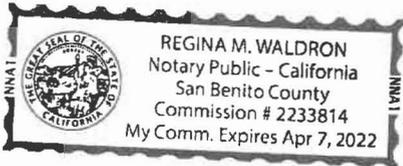
CIVIL CODE § 1189

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 San Benito

On July 20, 2020 before me, Regina M. Waldron, Notary Public.
Date Here Insert Name and Title of the Officer
personally appeared Michael Anderson
Name(s) of Signer(s)

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 Regina M. Waldron
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Subdivision Improvement Agreement

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____ Signer's Name: _____
 Corporate Officer – Title(s): _____ Corporate Officer – Title(s): _____
 Partner – Limited General Partner – Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: _____ Other: _____
Signer is Representing: _____ Signer is Representing: _____

Exhibit A



OPINION OF PROBABLE COST

Project name: Dove Hollow - Phase 2B, 62 Residential Lots

LOS BANOS, CA

Project progress stage: IMPROVEMENT PLAN DESIGNS

2/21/2018

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. SITE PREPARATION				
1 SITE CLEARING	LS	1	\$5,000.00	\$5,000.00
2 SITE GRADING	CY	29,000	\$2.00	\$58,000.00
3 EROSION CONTROL	LS	1	\$5,000.00	\$5,000.00
SUB-TOTAL				\$68,000.00
B. WATER				
1 8" WATER	LF	2,920	\$16.00	\$46,720.00
2 8" GATE VALVE	EA	11	\$1,000.00	\$11,000.00
3 HYDRANT, BURY & GATE VALVE	EA	12	\$2,000.00	\$24,000.00
4 CONNECT TO EX. WATER MAIN	EA	2	\$1,500.00	\$3,000.00
5 HOUSE SERVICE INCLUDING	EA	60	\$300.00	\$18,000.00
6 HOUSE SERVICE INCLUDING	EA	2	\$1,000.00	\$2,000.00
SUB-TOTAL				\$104,720.00
C. SANITARY SEWER				
1 8" SEWER MAIN	LF	2,260	\$16.00	\$36,160.00
2 8" SEWER MAIN	LF	720	\$19.00	\$13,680.00
3 STD. SEWER MANHOLE	EA	10	\$2,000.00	\$20,000.00
4 4" STD. LATERAL	EA	62	\$250.00	\$15,500.00
5 CONNECT TO EX. SEWER MANHOLE	EA	2	\$2,000.00	\$4,000.00
SUB-TOTAL				\$89,340.00
D. STORM DRAINAGE				
1 12" STORM DRAIN	LF	150	\$18.00	\$2,700.00
2 15" STORM DRAIN	LF	1,310	\$21.00	\$27,510.00
3 18" STORM DRAIN	LF	110	\$24.00	\$2,640.00
4 36" STORM DRAIN	LF	470	\$39.00	\$18,330.00
5 STD. MANHOLE	EA	10	\$2,000.00	\$20,000.00
6 CATCH BASIN	EA	9	\$1,450.00	\$13,050.00
7 CONNECT TO EX. STORM DRAIN	EA	2	\$2,000.00	\$4,000.00
SUB-TOTAL				\$88,230.00
E. CONCRETE				
1 6" VERTICAL CURB & GUTTER (INCL. RETURNS & DRIVEWAYS)	LF	5,120	\$13.00	\$66,560.00
2 ROLLED CURB AND GUTTER	LF	720	\$14.00	\$10,080.00
3 SIDEWALK (INCL. RAMPS,	SF	41,250	\$3.00	\$123,750.00
4 WHEEL CHAIR RAMP (LABOR ONLY)	EA	14	\$800.00	\$11,200.00
SUB-TOTAL				\$211,590.00

F. PAVING

1	2.5" AC OVER 11" AB	SF	92,110	\$2.80	\$257,908.00
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SUB-TOTAL \$257,908.00

G. ELECTROLIERS

1	ELECTROLIERS	EA	10	\$2,500.00	\$25,000.00
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SUB-TOTAL \$25,000.00

H. MISCELLANEOUS

1	STOP SIGN W/STREET SIGN	EA	7	\$350.00	\$2,450.00
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2	STRIPING	LS	1	\$1,500.00	\$1,500.00
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3	MONUMENT WELLS	EA	13	\$300.00	\$3,900.00
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SUB-TOTAL \$7,850.00

Construction Total **\$852,638.00**

10% CONSTRUCTION CONTINGENCY \$85,263.80

GRAND TOTAL **\$937,901.80**

Notes:

1. This estimate does not include surveying, engineering, landscaping, street trees, joint trench, or irrigation.
2. This estimate does not include cost for removal and/or replacement of existing utility poles and the utilities associated with the utility poles.
3. This estimate does not include cost for irrigation ditch removal, relocation, or pipe lining.
4. Estimate grading cost can vary due to shrinkage, stripping, site consolidation and other variable factors associated with earthwork.
5. Items not included as part of this estimate.
 - A. Good Neighbor Fencing
 - B. Permits
 - C. Utility Fees
 - D. City Fees, bond fees
 - E. Engineering/design fees
 - F. Soils engineering cost
 - G. Power Pole Relocation
 - H. Construction Surveying
 - I. Landscaping Fees
 - J. Easement acquisitions
 - K. Retaining Walls
 - L. Landscape Design Improvements
 - M. Street Trees
 - N. Tree Removal
 - O. Mail Boxes
 - P. Existing Irrigation Facility Demolition
6. This estimate is not intended for bidding purposes

Exhibit B

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2017-01 – DOVE HOLLOW VILLAGES AT STONECREEK VII

General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2017-01 and approved Final Development Plan #2017-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD - 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2017-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform with the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls and fences including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. Undeveloped portions of the subdivision shall be controlled of weeds and free of debris and litter.

30. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Division:

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

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

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within

200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Director.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
 - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;

- b. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
 - c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
 - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
 - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
 - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
 - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
 - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
- 41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
 - 42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
 - 43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.

Air Quality:

- 44. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
- 45. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
- 46. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District.

Developer shall prepare an air emissions reduction if required.

Access and Circulation:

- 47. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF).**
- 48. Full width street improvements for Badger Flat Road (street to the eastside of Dove Hollow Villages at Stonecreek VII), shall be constructed as approved by the Public Works Director based on a phasing plan which contemplates the surrounding tentative maps.**
- 49. Half-street sections will not be permitted in the construction of VTTM #2017-01.**
- 50. Pavement along Pioneer Road will need to be rebuilt in accordance with the City of Los Banos Standards and Specifications.**
- 51. The bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.**
- 52. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Maps including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.**
- 53. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.**
- 54. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City and/or Caltrans standards.**
- 55. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.**
- 56. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.**

57. Prior to Final Map approval, a Traffic Engineer shall design traffic calming measures throughout the project area to be approved by the Public Works Director/City Engineer. Traffic calming measures may include, but are not limited to, raised intersections, stop signs, varied cross sections, solar speed limit radars, and roundabouts to be installed by the developer.

Landscape and Lighting District:

58. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIII D of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

Community Facilities District:

59. Prior to the recordation of a Final Map the Developer shall form or annex the Subject Property to a community facilities district created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.

Utilities:

60. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.

61. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
62. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
63. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
64. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
65. Lot layout shall be subject to the approval of Pacific Gas and Electric (PG&E) prior to recordation of any final map.

Water:

66. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
67. Approved backflow devices shall be installed as required.
68. Domestic water services shall not be placed in driveways.
69. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.

Sewer:

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

Storm Drainage:

72. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.

73. **Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.**
74. **All development shall comply with the Phase II storm water regulations.**
75. **Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.**
76. **The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.**

Public Safety:

77. **Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.**
78. **Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.**
79. **The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.**
80. **Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.**
81. **The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.**
82. **Fire hydrants (or other methods approved by the Fire Chief) shall be in place and functioning prior to approval of the first residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.**
83. **Street names shall be approved by the Fire Department.**
84. **Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.**
85. **Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout,**

hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

86. By separate instrument to be recorded, in accordance with the Stonecreek Area Plan and the Stonecreek Area Plan EIR, prior to approval and the recordation of a Final Map within the Dove Hollow Tentative Map boundary the Developer shall reserve for dedication to the City a 1.4+/- acre Fire Station Site for the development of a fire station by the City. The location (generally in the western quadrant of the Stonecreek Area Plan within APN 430-010-035), the form, the terms and the conditions of the reservation for dedication and the dedication of the Fire Station Site shall be as approved by the City Council, in its sole and exclusive discretion, upon recommendation of the Planning Commission and the Fire Chief. The parties shall take all reasonable and necessary steps and actions to satisfy this condition within a reasonable time after the approval of the Vesting Tentative Map (VTTM 2017-01) and Development Agreement.

Landscaping:

87. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
88. Drought tolerant planting may replace front yard turf as approved by the Community and Economic Development Department and Public Works Department.
89. The developer shall comply with the adopted street tree ordinance.
90. Masonry walls shall be landscaped with vines to discourage graffiti.
91. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
92. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
93. Landscape plans shall be designed in accordance with any adopted revised Water Efficient Landscape Ordinance and revised landscape standards including adoption of amendments to the existing and revised Ordinance and/or standards, such revised standards shall apply to the Project immediately upon adoption by the City Council. However, said revised landscape standards shall not apply to new landscaping for any

residential lot where a building permit has been issued prior to the adoption of the revised Ordinance and/or standards.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: August 5, 2020

TYPE OF REPORT: Consent Item

SUBJECT: Final Tract Map No. 2017-01 Stonecreek at Los Banos,
The Villages VII Phase 2B Unit 2

Recommendation:

That the City Council adopts the Resolution approving Final Tract Map No. 2017-01 Stonecreek at Los Banos, The Villages VII Phase 2B Unit 2, and accompanying Subdivision Improvement Agreement.

Background:

The Tentative Tract Map No. 2017-01 was approved by the City of Los Banos Community Development Department on March 8, 2017 by Resolution No. 2017-07. In April 2019, the Public Works staff was contacted by the developer, Anderson Homes, for Final Map approval.

Discussion:

The subject site is generally located within the area bounded by Villages VII Phase 1 Units 1 and 2 to the North, future Villages VII Phase 3 Units 2 and 3 to the South, future Villages VII Phase 2B Unit 1 to the West and future Villages VII 2B Unit 3 to the East. The applicant is Anderson Homes, a California corporation. The map consists of 28 single family lots on 5.95± acres. This Final Tract Map is in substantial compliance with Tentative Subdivision Map No. 2017-01.

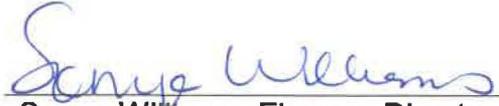
Fiscal Impact:

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

Reviewed by:



Alex Terrazas, City Manager


Sonya Williams, Finance Director

Attachments:

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AND ADOPTING FINAL TRACT MAP NO. 2017-01 STONECREEK AT LOS BANOS THE VILLAGES VII PHASE 2B UNIT 2 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 2 and accompanying Subdivision Improvement Agreement; and,

WHEREAS, the single-family residential subdivision consists of 28 lots on 5.95± acres; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 2 and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2017-01.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees to date have been paid.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the _____ day of _____, 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

Exhibit A

LEGAL DESCRIPTION

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

TRACT ONE: APN: 430-060-029 (NOT YET ASSESSED) FORMERLY KNOWN AS APN: 430-060-016 (PORTION)

LOT A AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO: 2017-01 STONECREEK AT LOS BANOS THE VILLAGES VII-PHASE 1, UNIT 1" FILED FOR RECORD FEBRUARY 6, 2019 IN [BOOK 80, OF OFFICIAL PLATS, AT PAGE 36](#) AND ALSO RECORDED MAY 28, 2019 IN [BOOK 81, PAGE 13](#) , MERCED COUNTY RECORDS.

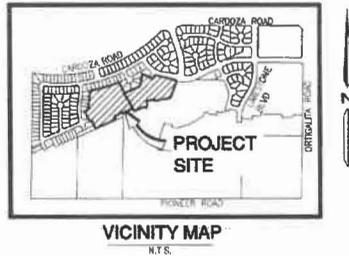
TRACT TWO: APN: 430-060-026

LOT E, AS SAID LOT IS SHOWN UPON THE FINAL MAP ENTITLED, TRACT NO: 2005-05, SOUTHBROOK AT STONECREEK, THE VILLAGES IV-PHASE 3C, AS RECORDED AUGUST 7, 2018 IN [VOLUME 116 OF OFFICIAL PLATS AT PAGES 34-37](#), AND ALSO RECORDED AUGUST 7, 2018 IN [VOLUME 80 OF OFFICIAL PLATS AT PAGES 21- 24](#) AND FURTHER SHOWN IN DOCUMENT RECORDED AUGUST 7, 2018 AS INSTRUMENT NO. [2018-024021](#), MERCED COUNTY RECORDS.

**TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 2**

BEING LOT A, TRACT NO. 2017-01, VOLUME 80 OP, PAGES 36-40,
AND LOT E, TRACT NO. 2005-05, VOLUME 80 OP, PAGES 21-24,
LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP
10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN
CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA
MAY 2020

O'DELL
ENGINEERING
1165 Scenic Drive, Suite A
Modesto, CA 95350
Ph 209.571.1765 odelengineering.com



OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP.

WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS IN FEE FOR PUBLIC USE ALL STREET RIGHTS-OF-WAY AS SHOWN ON THIS FINAL MAP.

WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS AN EASEMENT FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENT (P.U.E.) AND THE 5 FOOT WALL EASEMENT AS SHOWN ON THIS FINAL MAP.

OWNERS:

LOS BANOS 109 LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: _____ DATE _____

NAME: _____ (PRINT NAME)

ITS: _____ (TITLE)

ANDERSON HOMES, A CALIFORNIA CORPORATION

BY: _____ DATE _____

NAME: _____ (PRINT NAME)

ITS: _____ (TITLE)

NOTARY STATEMENT (OWNER)

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 _____

ON _____ BEFORE ME _____ A NOTARY PUBLIC,
(DATE) PERSONALLY APPEARED _____

(NAME OF SIGNER(S))

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.

_____, NOTARY PUBLIC

PRINT NAME: _____

COMMISSION NUMBER: _____

COMMISSION EXPIRES: _____ (DO NOT STAMP)

PRINCIPAL OFFICE LOCATION (COUNTY): _____

PLANNING COMMISSION STATEMENT:

I, STACY SOUZA ELMS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR FOR THE CITY OF LOS BANOS, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 2, AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE VESTING TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 19TH DAY OF APRIL, 2005, AND THAT THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 2, COMPLES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
STACY SOUZA ELMS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
CITY OF LOS BANOS

CITY CLERK'S STATEMENT:

I, LUCILLE L. MALLONEE, CITY OF LOS BANOS, STATE OF CALIFORNIA. DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS _____ DAY OF _____, 2020, THE ACCOMPANYING FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 2, WAS APPROVED AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE, THE OFFER OF DEDICATION IN EASEMENT OF ALL PUBLIC UTILITY EASEMENTS (P.U.E.) AND THE 5' WALL EASEMENT, ALL AS SHOWN ON THIS FINAL MAP; AND ACCEPTED THE OFFER OF DEDICATION IN FEE OF THE STREET RIGHTS-OF-WAY, AS SHOWN ON THIS FINAL MAP. SAID APPROVAL IS SUBJECT TO IMPROVEMENTS.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
LUCILLE L. MALLONEE, CITY CLERK
CITY OF LOS BANOS

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF STONECREEK PROPERTIES, IN NOVEMBER OF 2018. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT ALL THE MONUMENTS SHOWN HEREON WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED BEFORE DECEMBER 30TH, 2021, AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
DYLAN CRAWFORD, P.L.S. 7788



CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 2, AND STATE THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
MARK FACHIN, R.C.E. 34614
CITY ENGINEER

CITY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND IT COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
NARINDER SAHOTA, PLS 8719
REVIEWING CITY SURVEYOR

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2020, AT _____ O'CLOCK, _____ M. IN VOL _____ OF OFFICIAL PLATS, AT PAGES _____, AT THE REQUEST OF DYLAN CRAWFORD.
FEE \$ _____

BARBARA LEVEY, RECORDER
MERCED COUNTY, CALIFORNIA

BY: _____
ASSISTANT/DEPUTY RECORDER

TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 2

BEING LOT A, TRACT NO. 2017-01, VOLUME 80 OP, PAGES 36-40,
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MAY 2020



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NOTARY STATEMENT (OWNER)

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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 _____ }

ON _____ (DATE) BEFORE ME, _____ A NOTARY PUBLIC,

PERSONALLY APPEARED _____

(NAME OF SIGNER(S))

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/IT/HEY EXECUTED THE SAME IN HIS/HER/IT/HEIR AUTHORIZED CAPACITY(IES), AND THAT BY
HIS/HER/IT/HEIR 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.

_____, NOTARY PUBLIC

PRINT NAME: _____

COMMISSION NUMBER: _____

COMMISSION EXPIRES: _____

(DO NOT STAMP)

PRINCIPAL OFFICE LOCATION (COUNTY): _____

RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213

THE PROPERTY DESCRIBED ON THE HEREON SHOWN MAP IS IN THE VICINITY OF LAND
UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE
SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL
CHEMICALS, INCLUDING BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE
PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BUT NOT LIMITED TO, PLOWING,
SPRAYING AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND
ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN
AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN
DEVELOPMENT PLAN (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY,
HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER
(ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL
ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL
NECESSARY AGRICULTURAL OPERATIONS.

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66438 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE
SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. COAST NATURAL GAS COMPANY, A CORPORATION (EASEMENT - BOOK 300 PAGE
307, BOOK 300 PAGE 447 AND BOOK 348 PAGE 105).

LINE AND CURVE TABLES ARE FOR COURSES SHOWN ON THIS SHEET ONLY

LINE #	DIRECTION	LENGTH	
L1	N24°24'29"W	135.00'	(R-4, R-7)
L2	N65°35'31"E	33.82'	(R-4, R-7)
L3	N24°24'29"W	167.00'	(R-4, R-7)
L4	N65°35'31"E	72.48'	(R-4, R-7)
L5	N24°24'29"W	32.06'	(R-4, R-7)
L6	N7°49'01"E	180.79'	(R-4, R-7)
L7	N24°24'29"W	179.54'	(R-4)
L8	N24°24'29"W	110.00'	
L9	N24°24'29"W	289.54'	
L10	N65°35'31"E	16.50'	(R-8)
L11	N24°24'29"W	142.00'	
L12	N24°24'29"W	45.00'	(R-8)
L13	N24°24'29"W	187.00'	
L14	N65°35'31"E	151.20'	(R-8)
L15	N1°02'51"E	11.00'	(R-8)
L16	N65°35'31"E	149.46'	(R-4)
L17	N24°24'29"W	55.00'	(R-4)
L18	N65°35'31"E	327.18'	(R-4)

LINE #	DIRECTION	LENGTH	
L19	N65°35'31"E	255.00'	(R-4)
L20	N10°37'19"E	181.06'	(R-4)
L21	S89°50'43"E	117.80'	(R-1, R-8)
L22	N69°02'00"W	52.00'	(R-1, R-8)
L23	S29°02'15"W	27.76'	(R-1, R-8)
L24	S71°10'15"W	29.86'	(R-1, R-8)
L25	N79°26'25"W	52.26'	(R-1, R-8)
L26	N79°26'25"W	87.92'	(R-1, R-8)
L27	N32°32'49"W	27.33'	(R-1, R-8)
L28	S20°44'23"W	182.74'	(R-8)
L29	N80°16'17"E	185.69'	(R-8)
L30	N75°38'49"E	182.00'	(R-8)
L31	N5°23'00"W	51.14'	(R-8)
L32	N12°33'22"E	51.11'	(R-8)
L33	N89°15'37"W	34.16'	(R-8)
L34	S78°04'22"W	55.93'	(R-8)
L35	N65°35'31"E	107.00'	(R-8)

CURVE #	RADIUS	DELTA	LENGTH
C1	619.00'	7°09'15"	78.21'
C2	2417.00'	10°37'07"	447.94'
C3	228.00'	2°11'17"	6.85'
C4	174.00'	8°04'14"	24.51'
C5	350.00'	11°09'10"	70.07'
C6	170.00'	11°56'11"	35.42'
C7	200.00'	11°56'11"	41.67'
C8	802.00'	5°42'08"	79.82'
C9	326.00'	4°37'28"	26.31'

REFERENCED RECORD DOCUMENTS

- MERCED COUNTY RECORDS
- (R-1) VOLUME 76 OF OFFICIAL PLATS, PAGES 22-30 M.C.R. (VILLAGES IV, PHASE 1B)
 - (R-2) VOLUME 108 OF PARCEL MAPS, PAGES 4-5, M.C.R.
 - (R-3) VOLUME 28 OF SURVEYS, PAGES 9-12, M.C.R.
 - (R-4) VOLUME 80 OF OFFICIAL PLATS, PAGES 36-40, M.C.R. (VILLAGES VII, PHASE 1, UNIT 1)
 - (R-5) VOLUME 99 OF PARCEL MAPS, PAGES 11-12, M.C.R.
 - (R-6) VOLUME 29 OF PARCEL MAPS, PAGE 20, M.C.R.
 - (R-7) VOLUME OF OFFICIAL PLATS, PAGES M.C.R. (VILLAGES VII, PHASE 2B, UNIT 1)
 - (R-8) VOLUME 80 OF OFFICIAL PLATS, PAGES 21-24, M.C.R. (VILLAGES IV, PHASE 3C)
 - (R-9) VOLUME 81 OF OFFICIAL PLATS, PAGES 13-16, M.C.R. (VILLAGES VII, PHASE 1, UNIT 2)

BASIS OF BEARINGS

N89°54'39"E BEING THE BEARING OF THE LINE BETWEEN MERCED COUNTY GPS PT. 1023 AND MERCED COUNTY GPS PT. 1024 (R-3). BEARINGS AND DISTANCES ARE BASED UPON CALIFORNIA COORDINATE SYSTEM ZONE III NAD 83. TO GET GROUND DISTANCES MULTIPLY GRID DISTANCES SHOWN BY 1.0000016.

LEGEND AND ABBREVIATIONS

- RESOLVED BOUNDARY LINE
 CENTERLINE
 EXISTING EASEMENT LINE
 BASIS OF BEARING TIE LINE
- FD FOUND
 IP IRON PIPE-DIAMETER NOTED
 (M) MEASURED DISTANCE
 OP OFFICIAL PLATS
 PM PARCEL MAP
 P.U.E. PUBLIC UTILITY EASEMENT
 M.C.R. MERCED COUNTY RECORDS
 (R-#) REFERENCED RECORD DOCUMENT
 (R) RADIAL BEARING
 SFN SEARCHED, FOUND NOTHING
 S.F. SQUARE FEET
 W.C. WITNESS CORNER

NOTES

- THIS SUBDIVISION CONTAINS A TOTAL OF 11.592 ACRES, MORE OR LESS.
- ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES, MULTIPLY GRID DISTANCES SHOWN BY 1.0000016 TO GET GROUND DISTANCES.
- ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- ALL FOUND MONUMENTS ARE ACCEPTED UNLESS OTHERWISE NOTED.

MONUMENT NOTES

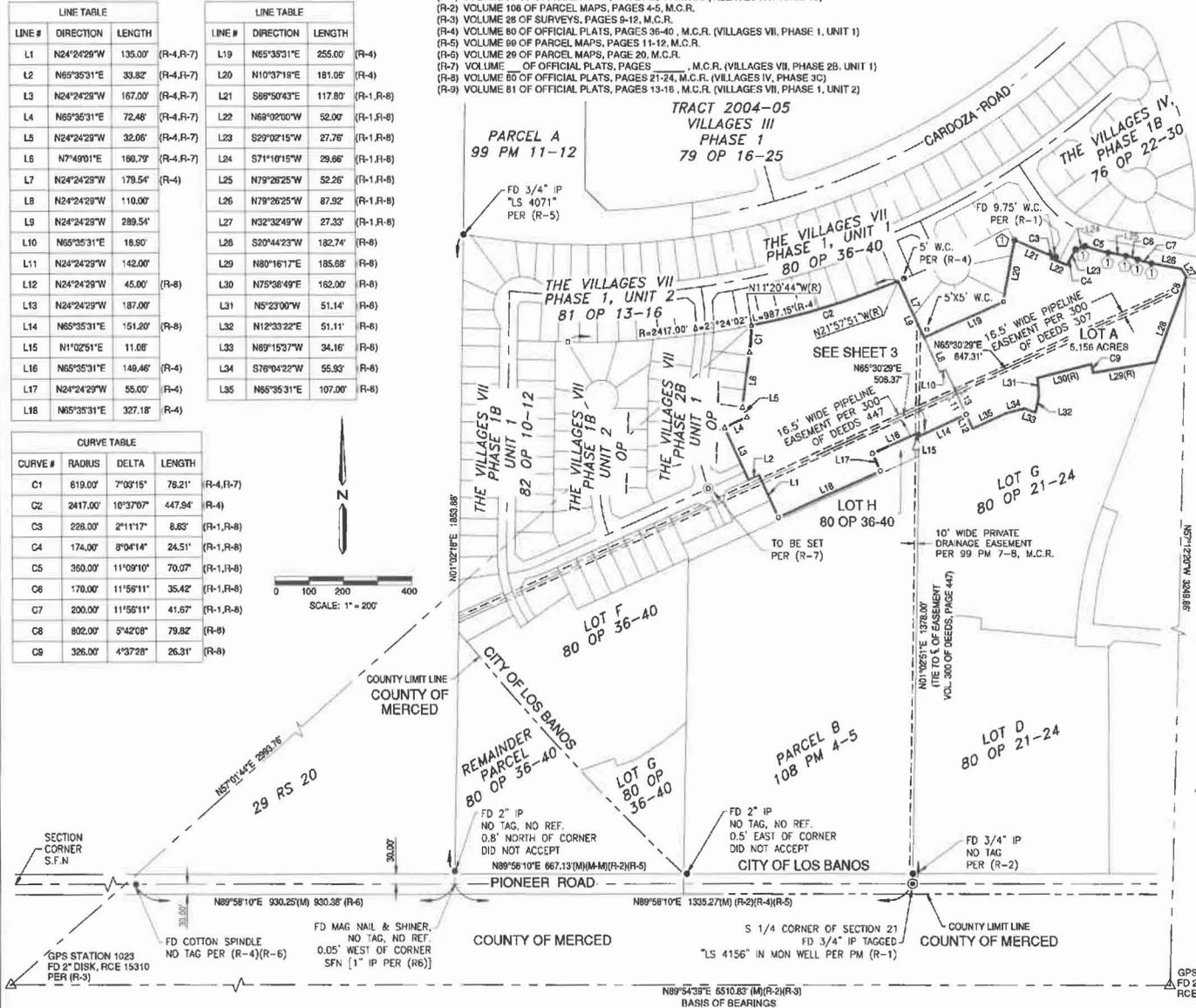
- SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR UNPAVED AREAS OR 1.17" BRASS DISK STAMPED "PLS 7788" FOR CONCRETE AREAS
- SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 1.17" BRASS DISK STAMPED "PLS 7788" IN SIDEWALK 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.
- SET 5.00" WITNESS CORNER, UNLESS OTHERWISE NOTED, MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788".
- SET 1.00" WITNESS CORNER IN SIDEWALK, MEASURED ALONG RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 1.17" BRASS DISK STAMPED "PLS 7788".
- SET 2" BRASS DISK STAMPED "LS 7788" IN MONUMENT WELL, UNLESS OTHERWISE NOTED
- 3/4" x 24" IRON PIPE WITH PLASTIC PLUG "PLS 7788" TO BE SET PER (R-4)
- 3/4" x 24" IRON PIPE WITH PLASTIC PLUG "PLS 7788" TO BE SET PER (R-7)
- FOUND MONUMENT STAMPED "LS 4071" PER (R-1), UNLESS OTHERWISE NOTED.
- FOUND MONUMENT AS NOTED.
- FOUND MONUMENT IN MONUMENT WELL AS NOTED.

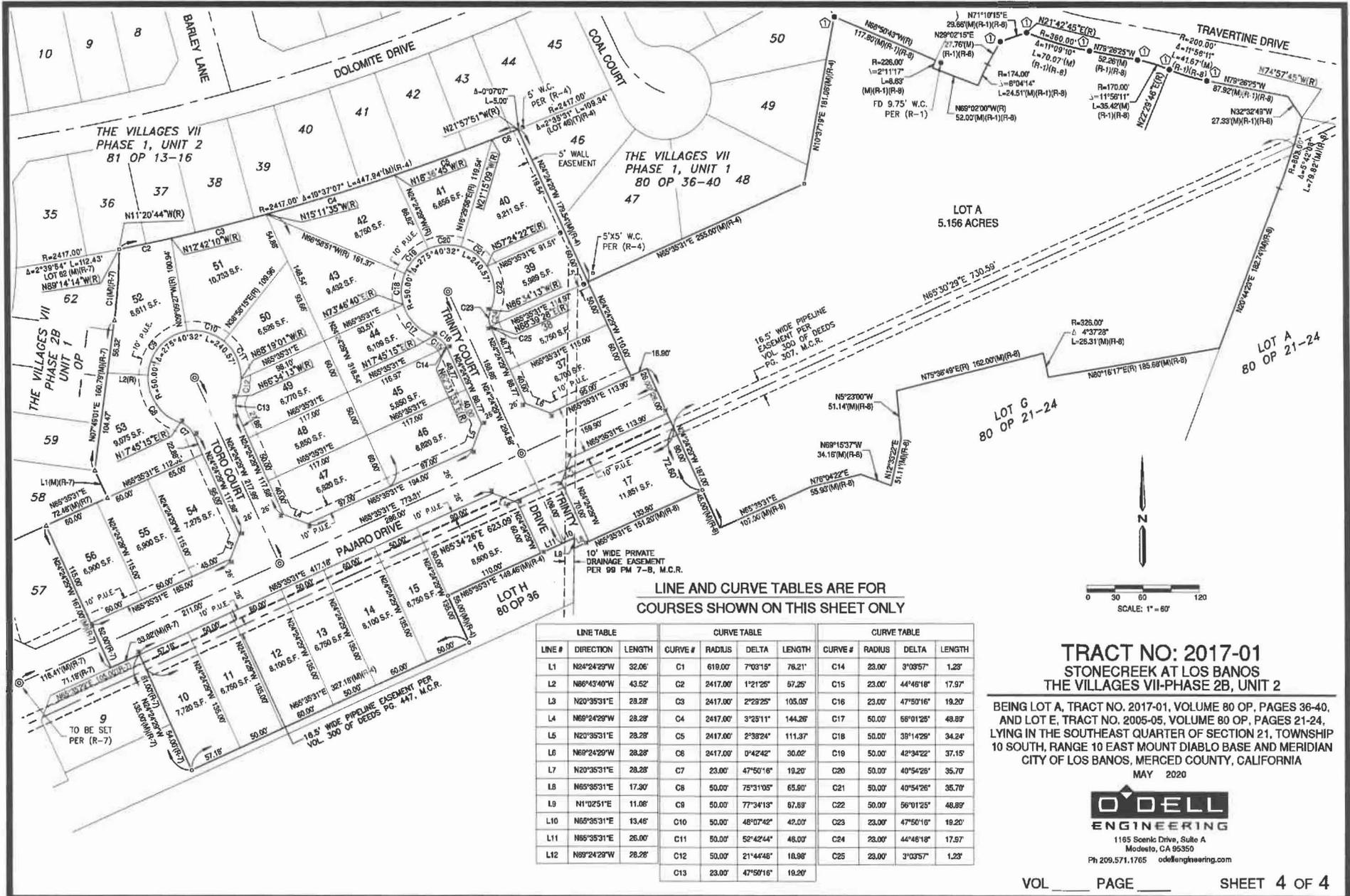
TRACT NO: 2017-01
 STONECREEK AT LOS BANOS
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BEING LOT A, TRACT NO. 2017-01, VOLUME 80 OP, PAGES 36-40, AND LOT E, TRACT NO. 2005-05, VOLUME 80 OP, PAGES 21-24, LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA
 MAY 2020



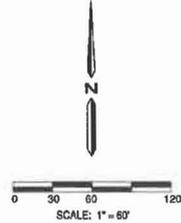
1185 Scenic Drive, Suite A
 Modesto, CA 95350
 Ph 206.571.1765 odellengineering.com





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LINE TABLE				CURVE TABLE				CURVE TABLE			
LINE #	DIRECTION	LENGTH	CURVE #	RADIUS	DELTA	LENGTH	CURVE #	RADIUS	DELTA	LENGTH	
L1	N24°24'29"W	32.06'	C1	618.00'	7°03'15"	76.21'	C14	23.00'	3°09'57"	1.28'	
L2	N86°43'40"W	43.52'	G2	2417.00'	1°21'25"	57.25'	C15	23.00'	44°46'18"	17.97'	
L3	N20°35'31"E	28.28'	G3	2417.00'	2°29'25"	105.05'	C16	23.00'	47°50'16"	18.20'	
L4	N68°24'29"W	28.28'	C4	2417.00'	3°25'11"	144.26'	C17	50.00'	58°01'25"	48.89'	
L5	N20°35'31"E	28.28'	C5	2417.00'	2°38'24"	111.37'	C18	50.00'	39°14'29"	34.24'	
L6	N68°24'29"W	28.28'	C6	2417.00'	0°42'42"	30.02'	C19	50.00'	42°34'22"	37.15'	
L7	N20°35'31"E	28.28'	C7	23.00'	47°50'16"	19.20'	C20	50.00'	40°54'26"	35.70'	
L8	N68°35'31"E	17.30'	C8	50.00'	75°31'05"	65.80'	C21	50.00'	40°54'26"	35.70'	
L9	N1°02'51"E	11.06'	C9	50.00'	77°34'13"	67.88'	C22	50.00'	56°01'25"	48.89'	
L10	N68°35'31"E	13.46'	C10	50.00'	46°07'42"	42.00'	C23	23.00'	47°50'16"	18.20'	
L11	N68°35'31"E	26.00'	C11	50.00'	52°42'44"	46.00'	C24	23.00'	44°46'18"	17.97'	
L12	N68°24'29"W	28.28'	C12	50.00'	21°44'48"	18.98'	C25	23.00'	3°03'57"	1.28'	
			C13	23.00'	47°50'16"	18.20'					



TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 2

BEING LOT A, TRACT NO. 2017-01, VOLUME 80 OP, PAGES 36-40, AND LOT E, TRACT NO. 2005-05, VOLUME 80 OP, PAGES 21-24, LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA
MAY 2020



Recording Requested By:

City of Los Banos

And When Recorded Mail to:

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

Space above this line for Recorder's use.

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2020, between ANDERSON HOMES, a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No. 2017-01, Dove Hollow Villages at Stonecreek VII, Phase 2B Unit 2 comprised of 28 single family residential lots on approximately 6± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

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

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

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. _____ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2017-01.

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

SUBDIVISION AGREEMENT

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 1st day of September 2022, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

IMPROVEMENTS (Phase 2B - Units 1, 2 & 3) :

1. SITE PREPARATION	\$	68,000.00
2. WATER	\$	104,720.00
3. SANITARY SEWER	\$	89,340.00
4. STORM DRAINAGE	\$	88,230.00
5. CONCRETE	\$	211,590.00
6. PAVING	\$	257,908.00
7. ELECTROLIERS	\$	25,000.00
8. MISCELLANEOUS	\$	7,850.00
TOTAL	\$	852,638.00

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$852,638.00** and Labor and Materials at 50%, **\$426,319.00** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$85,263.80** In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid and not to exclude pending invoices from outside consulting firms.

ENGINEERING AND INSPECTION (Phase 2B – Units 1, 2 & 3)

5% of Approved Engineer’s estimate of \$852,638.00	\$	42,631.90
Less: Deposit for Plan Check (Rec#01176561)	\$	(18,758.04)
Less: Payment (Rec#01248474)	\$	(23,875.86)
SUB-TOTAL	\$	0

FINAL MAP REVIEW

Charges for Phase 2B, Unit 2	\$	2,884.50
Less: Deposit for Map Review (Rec#01391570)	\$	(1,000.00)
SUB-TOTAL	\$	<u>1,844.50</u>
TOTAL	\$	1,844.50

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$852,638.00** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map No. 2017-01. All public improvements and utilities must be installed prior to occupancy of units.
6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.
10. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in

the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

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

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

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

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

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 3 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

16. DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.
17. Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.
18. Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the City "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision which discloses all liens or claims which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an agreement with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.
19. It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.
20. That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.
21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2017-01 prior to acceptance of public improvements or final of any housing units.
22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.
23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.
24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's

cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map No. 2017-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

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

ANDERSON HOMES
A California Corporation



Michael Anderson
Vice President

PARTIES OF THE FIRST PART

CITY OF LOS BANOS
A Municipal Corporation

Michael Villalta
Mayor

PARTIES OF THE SECOND PART

ATTEST:

Lucille L. Mallonee
City Clerk
City of Los Banos

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

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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 San Benito }

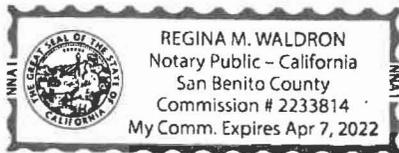
On July, 20, 2020 before me, Regina M. Waldron, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Michael Anderson
Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp Above

Signature Regina M. Waldron
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Subdivision Improvement Agreement

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Exhibit A



OPINION OF PROBABLE COST

Project name: Dove Hollow - Phase 2B, 62 Residential Lots

LOS BANOS, CA

Project progress stage: IMPROVEMENT PLAN DESIGNS

2/21/2018

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. SITE PREPARATION				
1 SITE CLEARING	LS	1	\$5,000.00	\$5,000.00
2 SITE GRADING	CY	28,000	\$2.00	\$58,000.00
3 EROSION CONTROL	LS	1	\$5,000.00	\$5,000.00
SUB-TOTAL				\$68,000.00
B. WATER				
1 8" WATER	LF	2,920	\$16.00	\$46,720.00
2 8" GATE VALVE	EA	11	\$1,000.00	\$11,000.00
3 HYDRANT, BURY & GATE VALVE	EA	12	\$2,000.00	\$24,000.00
4 CONNECT TO EX. WATER MAIN	EA	2	\$1,500.00	\$3,000.00
5 HOUSE SERVICE INCLUDING	EA	60	\$300.00	\$18,000.00
6 HOUSE SERVICE INCLUDING	EA	2	\$1,000.00	\$2,000.00
SUB-TOTAL				\$104,720.00
C. SANITARY SEWER				
1 6" SEWER MAIN	LF	2,260	\$16.00	\$36,160.00
2 8" SEWER MAIN	LF	720	\$19.00	\$13,880.00
3 STD. SEWER MANHOLE	EA	10	\$2,000.00	\$20,000.00
4 4" STD. LATERAL	EA	62	\$250.00	\$15,500.00
5 CONNECT TO EX. SEWER MANHOLE	EA	2	\$2,000.00	\$4,000.00
SUB-TOTAL				\$89,340.00
D. STORM DRAINAGE				
1 12" STORM DRAIN	LF	150	\$18.00	\$2,700.00
2 15" STORM DRAIN	LF	1,310	\$21.00	\$27,510.00
3 18" STORM DRAIN	LF	110	\$24.00	\$2,640.00
4 36" STORM DRAIN	LF	470	\$39.00	\$18,330.00
5 STD. MANHOLE	EA	10	\$2,000.00	\$20,000.00
6 CATCH BASIN	EA	9	\$1,450.00	\$13,050.00
7 CONNECT TO EX. STORM DRAIN	EA	2	\$2,000.00	\$4,000.00
SUB-TOTAL				\$88,230.00
E. CONCRETE				
1 6" VERTICAL CURB & GUTTER (INCL. RETURNS & DRIVEWAYS)	LF	5,120	\$13.00	\$66,560.00
2 ROLLED CURB AND GUTTER	LF	720	\$14.00	\$10,080.00
3 SIDEWALK (INCL. RAMPS,	SF	41,250	\$3.00	\$123,750.00
4 WHEEL CHAIR RAMP (LABOR ONLY)	EA	14	\$800.00	\$11,200.00
SUB-TOTAL				\$211,590.00

F. PAVING

1	2.5" AC OVER 11" AB	SF	92,110	\$2.80	\$257,908.00
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SUB-TOTAL					\$257,908.00
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G. ELECTROLIERS

1	ELECTROLIERS	EA	10	\$2,500.00	\$25,000.00
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SUB-TOTAL					\$25,000.00
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H. MISCELLANEOUS

1	STOP SIGN W/STREET SIGN	EA	7	\$350.00	\$2,450.00
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2	STRIPING	LS	1	\$1,500.00	\$1,500.00
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3	MONUMENT WELLS	EA	13	\$300.00	\$3,900.00
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SUB-TOTAL					\$7,850.00
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Construction Total					\$852,638.00
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10% CONSTRUCTION CONTINGENCY					\$85,263.80
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GRAND TOTAL					\$937,901.80
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Notes:

1. This estimate does not include surveying, engineering, landscaping, street trees, joint trench, or irrigation.
2. This estimate does not include cost for removal and/or replacement of existing utility poles and the utilities associated with the utility poles.
3. This estimate does not include cost for irrigation ditch removal, relocation, or pipe lining.
4. Estimate grading cost can vary due to shrinkage, stripping, site consolidation and other variable factors associated with earthwork.
5. Items not included as part of this estimate.

A. Good Neighbor Fencing	J. Easement acquisitions
B. Permits	K. Retaining Walls
C. Utility Fees	L. Landscape Design Improvements
D. City Fees, bond fees	M. Street Trees
E. Engineering/design fees	N. Tree Removal
F. Soils engineering cost	O. Mail Boxes
G. Power Pole Relocation	P. Existing Irrigation Facility Demolition
H. Construction Surveying	
I. Landscaping Fees	
6. This estimate is not intended for bidding purposes

Exhibit B

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2017-01 – DOVE HOLLOW VILLAGES AT STONECREEK VII

General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2017-01 and approved Final Development Plan #2017-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2017-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform with the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls and fences including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. Undeveloped portions of the subdivision shall be controlled of weeds and free of debris and litter.

30. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Division:

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

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

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within

200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Director.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
 - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;

- b. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
 - c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
 - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
 - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
 - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
 - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
 - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
- 41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
 - 42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
 - 43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.

Air Quality:

- 44. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
- 45. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
- 46. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District.

Developer shall prepare an air emissions reduction if required.

Access and Circulation:

- 47. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF).**
- 48. Full width street improvements for Badger Flat Road (street to the eastside of Dove Hollow Villages at Stonecreek VII), shall be constructed as approved by the Public Works Director based on a phasing plan which contemplates the surrounding tentative maps.**
- 49. Half-street sections will not be permitted in the construction of VTTM #2017-01.**
- 50. Pavement along Pioneer Road will need to be rebuilt in accordance with the City of Los Banos Standards and Specifications.**
- 51. The bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.**
- 52. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Maps including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.**
- 53. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.**
- 54. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City and/or Caltrans standards.**
- 55. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.**
- 56. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.**

57. Prior to Final Map approval, a Traffic Engineer shall design traffic calming measures throughout the project area to be approved by the Public Works Director/City Engineer. Traffic calming measures may include, but are not limited to, raised intersections, stop signs, varied cross sections, solar speed limit radars, and roundabouts to be installed by the developer.

Landscape and Lighting District:

58. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

Community Facilities District:

59. Prior to the recordation of a Final Map the Developer shall form or annex the Subject Property to a community facilities district created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.

Utilities:

60. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.

61. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
62. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
63. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
64. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
65. Lot layout shall be subject to the approval of Pacific Gas and Electric (PG&E) prior to recordation of any final map.

Water:

66. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
67. Approved backflow devices shall be installed as required.
68. Domestic water services shall not be placed in driveways.
69. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.

Sewer:

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

Storm Drainage:

72. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.

73. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
74. All development shall comply with the Phase II storm water regulations.
75. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
76. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.

Public Safety:

77. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
78. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
79. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
80. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
81. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
82. Fire hydrants (or other methods approved by the Fire Chief) shall be in place and functioning prior to approval of the first residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.
83. Street names shall be approved by the Fire Department.
84. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
85. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout,

hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

86. By separate instrument to be recorded, in accordance with the Stonecreek Area Plan and the Stonecreek Area Plan EIR, prior to approval and the recordation of a Final Map within the Dove Hollow Tentative Map boundary the Developer shall reserve for dedication to the City a 1.4+/- acre Fire Station Site for the development of a fire station by the City. The location (generally in the western quadrant of the Stonecreek Area Plan within APN 430-010-035), the form, the terms and the conditions of the reservation for dedication and the dedication of the Fire Station Site shall be as approved by the City Council, in its sole and exclusive discretion, upon recommendation of the Planning Commission and the Fire Chief. The parties shall take all reasonable and necessary steps and actions to satisfy this condition within a reasonable time after the approval of the Vesting Tentative Map (VTTM 2017-01) and Development Agreement.

Landscaping:

87. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
88. Drought tolerant planting may replace front yard turf as approved by the Community and Economic Development Department and Public Works Department.
89. The developer shall comply with the adopted street tree ordinance.
90. Masonry walls shall be landscaped with vines to discourage graffiti.
91. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
92. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
93. Landscape plans shall be designed in accordance with any adopted revised Water Efficient Landscape Ordinance and revised landscape standards including adoption of amendments to the existing and revised Ordinance and/or standards, such revised standards shall apply to the Project immediately upon adoption by the City Council. However, said revised landscape standards shall not apply to new landscaping for any

residential lot where a building permit has been issued prior to the adoption of the revised Ordinance and/or standards.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

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

DATE: August 5, 2020

SUBJECT: 2020 Conflict-of-Interest Code Update

TYPE OF REPORT: Consent Agenda

Recommendation:

Adopt City Council Resolution amending the City's Conflict of Interest Code.

Background:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, that the code must be amended. Once the determination has been made, a notice must be submitted to the code reviewing body, in this case the City Council, no later than October 1st of even-numbered years.

Staff has determined that an amendment to the code is required in order to designate an additional position and eliminate a position, which no longer exists.

Discussion:

The terms of the code comprise the main body of a code and include such provisions as the manner to report financial interests, the disqualification procedures, etc. The Fair Political Practices Commission (FPPC) recommends that agencies incorporate FPPC Regulation 18730 by reference because the type of information required to be in the main body of the code is quite complex and Regulation 18730 contains all of these provisions.

The code must specifically list positions that make or participate in making decisions. Typically, positions that involve voting on matters, appointing a person, or committing the City to any course of action, is defined as making a governmental decision. Typically, positions that involve negotiating contracts, making recommendations on purchases without substantive review, advising or making recommendations to the decision maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment to influence a decision is defined as participating in the making of a governmental decision.

A primary purpose of the code is to require disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making. For example, the manager of an agency should be assigned full disclosure (all investments, interests in real property, and sources of income and business positions) because the manager makes decisions that affect a wide range of interests. Alternatively, a purchasing agent whose decision-making is limited to the purchase of office supplies should only be assigned disclosure of investments, sources of income and business positions in entities that provide office supplies, equipment or merchandise of the type used by the agency.

In short, a designated employee is an officer, employee, member or consultant of the City whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on that person's financial interest. Positions listed in Government Code Section 87200 (i.e., City Council Members, Planning Commissioners, City Attorneys, City Managers, City Treasurer, ect.) are not required to be included in the code, because these positions are required by statute to file Form 700.

Fiscal Impact:

None.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Resolution

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AMENDING CITY
COUNCIL RESOLUTION NO. 6012 RELATING TO
THE CITY'S CONFLICT OF INTEREST CODE**

WHEREAS, the City Council previously adopted Resolution No. 6012 amending the City's Conflict of Interest Code by incorporating by reference the Fair Political Practices Commission's standard model Conflict of Interest Code and updating the list of designated positions required to file a Conflict of Interest statement; and

WHEREAS, The Political Reform Act requires that the City Council review its Conflict of Interest Code biennially to determine accuracy; and

WHEREAS, Resolution 6012 adopted on September 19, 2018 amended the Conflict of Interest Code by updating Appendix A (list of designated positions and their disclosure categories); and

WHEREAS, upon a review of the City's Conflict of Interest Code and Appendices it has been determined that amendments are necessary to add and remove job classifications, and further that amendments are needed to add disclosure categories specifying those financial interests that designated positions must disclose.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 6012 is hereby amended.
2. The terms of California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Los Banos.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this Code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Los Banos to whom the City Council hereby delegates the authority to carry out the duties of the filing officer. Statements shall be available for inspection and reproduction pursuant to Government Code Section 81008.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of August 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

Appendix A

**CITY OF LOS BANOS
LIST OF DESIGNATED POSITIONS
AND DISCLOSURE CATEGORIES¹**

Designated Positions	Disclosure Category
<u>Administration</u>	
City Clerk	1
Human Resources Director	1
Assistant City Clerk/Human Resources Analyst	2
Human Resources Technician I	2
Admin Clerk II	2
Admin Clerk I	2
<u>Finance</u>	
Finance Director	1
Accounting & Budget Supervisor	2
Accountant II	2
Accountant I	2
Accounting Technician	2
Accounting Clerk II	2
<u>Community & Economic Development</u>	
Community & Economic Development Director	1
Senior Planner	1
Associate Planner	2
Assistant Planner	2
Planning Technician	2
<u>Information Technology</u>	
Information Technology Manager	2
Information Technology Technician	2
<u>Public Works</u>	
Public Works Director/City Engineer	1
Assistant Public Works Director	1
Public Works Operations Manager	2
Parks & Recreation Operations Manager	2
Supervisor	2
Water Quality Specialist	2
Administrative Coordinator	2
Fleet Maintenance Coordinator	2
Foreman	2
Inspector I	2
Administrative Assistant	2

Engineering Technician	2
Recreation Coordinator II	2
<u>Recreation Coordinator I</u>	<u>2</u>
Maintenance Mechanic I	2
Admin Clerk II	2
Admin Clerk I	2
<u>Fire</u>	
Fire Chief	1
Assistant Fire Chief	1
Fire Captain	2
Administrative Coordinator	2
Admin Clerk I	2
<u>Police</u>	
Police Chief	1
Police Commander	1
Police Sergeant	2
Police Services Manager	2
Dispatch Supervisor	2
Admin Clerk II	2
Admin Clerk I	2
<u>Other Positions</u>	
Consultants ²	1
Temporary Positions ³	1

¹ The Mayor and Council Members, Planning Commissioners, City Manager, City Attorney, and Treasurer/Financial Officer are required to file statements of economic interest pursuant to Government Code Section 87200, and are therefore, not included in the List of Designated Positions required to file pursuant to the City's conflict of interest code.

² Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadcast disclosure category in the code subject to the following limitation.

The City Manager may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

³ Temporary positions may be required to file a conflict of interest statement upon determination by the city attorney that the temporary position is the functional equivalent of a designated position.

Appendix B

CITY OF LOS BANOS DISCLOSURE CATEGORIES

<u>Category</u>	<u>Reportable Interests</u>
1	Investments, business positions, income from sources located in or doing business in the jurisdiction, interests in real property located in the jurisdiction, including property located within a two-mile radius of any property owned or used by the City.
2	Investments, business positions, and sources of income of the type which provide services, supplies, materials, machinery or equipment of the type utilized by the City.
3	Investments, business positions, and sources of income of the type, which engage in, land development, construction or the acquisition or sale of property, interests in real property located within the jurisdiction, including property located within a two-mile radius of any property owned or used by the City.

General Provisions

When a designated employee is required to disclose investments and sources of income, he/she need only disclose investments in business entities and sources of income, which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interest in real property, he/she need only disclose real property, which is located in whole or in part within, or not more than two miles outside the boundaries of the jurisdiction or within two (2) miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members
FROM: Alex Terrazas, City Manager
DATE: August 5, 2020
TYPE OF REPORT: Consent
SUBJECT: RATIFYING EXECUTIVE ORDER 2020-03 AND AMENDMENT NO. 1 to EXECUTIVE ORDER 2020-02

RECOMMENDATION

Adopt Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, RATIFYING EXECUTIVE ORDER 2020-03 AND AMENDMENT NO. 1 to EXECUTIVE ORDER 2020-02

BACKGROUND

A. On July 24, 2020 the City Manager issued Executive Order 2020-03 which will assist local retail and service establishments that have been severely impacted by the COVID-19 crisis by allowing those businesses the option to temporarily operate in public and private common areas (Expansion Area) under certain circumstances. Recently Governor Newsom required the closure of indoor operations for certain business establishments including retail, fitness centers, hair salons, personal care services and other types of businesses. These business sectors are anchors in our community and play a vital role in the livelihood of citizens and business owners in the City of Los Banos. All business establishments referenced above are eligible to apply

for a temporary Waiver issued by the City of Los Banos Community & Economic Development Director which will allow for the temporary outdoor operations. Certain minimum requirements shall be met and waivers may be revoked at any time if these requirements are not upheld.

A brief outline of the requirements are as follows:

- Complete an application – No fee required
- Letter of consent from shopping center owner (for private shopping centers)
- Copy of a valid City of Los Banos Business License
- Summary of business operations
- A diagram of proposed Expansion Area – location of tables, furniture etc.
- Liability waivers and certificates of insurance (for use of public areas)
- Proposed parking lots to be utilized and a parking plan for employees/customers
- Safety and traffic control plan (when utilizing parking lots or public streets)
- Structures, paths of travel and safety features to be approved by City’s Building and Fire Departments.
- Business owners/managers shall keep Expansion Area free of litter and debris.

The full text of Executive Order 2020-03, including minimum requirements for the Waiver is attached to this Staff Report.

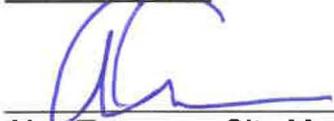
B. On July 28, 2020 the City Manager issued amendment No. 1 to Executive Order 2020-02 which changes the meeting times of the Los Banos Planning Commission from 4:00p.m. to 5:30p.m. on the 2nd and 4th Wednesdays of every month.

The full text of Amendment No. 1 to Executive Order 2020-02 is attached to this Staff Report.

FISCAL IMPACT

There is no fiscal impact associated with this specific item.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

- Proposed Resolution
- Amendment No. 1 to Executive Order 2020-02
- Executive Order 2020-03

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, RATIFYING EXECUTIVE ORDER 2020-03 AND AMENDMENT NO. 1 to EXECUTIVE ORDER 2020-02

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, 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, 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 regular City Council meeting of August 5, 2020 the City Council reviewed Executive Order 2020-03 and amendment No. 1 to Executive Order 2020-02 and received and considered comments on the same from interested stakeholders; and

WHEREAS, as a consequence of such review the City Council now acts to ratify, Executive Order 2020-03 and Amendment No. 1 to Executive Order 2020-02.

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 2020-03 DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LOS BANOS ASSISTING RETAIL AND SERVICE ESTABLISHMENTS SEVERELY IMPACTED BY THE COVID-19 CRISIS BY ALLOWING THOSE BUSINESSES THE OPTION TO TEMPORARILY EXPAND CAPACITY INTO PUBLIC AND PRIVATE COMMON AREAS UNDER SPECIFIED CIRCUMSTANCES" is hereby ratified, as if it had been adopted by this City Council in the first instance.

Section 2. That certain order of the Director of Emergency Services entitled "AMENDMENT NO.1 TO EXECUTIVE ORDER 2020-02 ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES [Time and Manner of Public Meetings]" is hereby ratified, as if it had been adopted by this City Council in the first instance.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of August 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

EXECUTIVE ORDER 2020-02

**ORDER OF THE CITY MANAGER OF THE CITY OF LOS BANOS IN
HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES
[Time and Manner of Public Meetings]**

DATE OF ORDER: JULY 28, 2020

This Amendment No. 1 amends, restates and replaces the previous Executive Order 2020-02 issued by the City Manager of the City of Los Banos in his capacity as Director of Emergency Services issued on April 20, 2020. This Amendment No. 1 specifically changes the meeting time of the Los Banos Planning Commission from 4:00 p.m. to 5:30 p.m.

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California in response to COVID-19; 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, on March 18, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Council or the public in light of the COVID-19 pandemic; and

WHEREAS, on March 19, 2020 Governor Gavin Newsom issued Executive Order N-33-20 for the preservation of public health and safety throughout the entire State of California and to heed the State public health directives from the Department of Public Health which ordered all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, as a result of these orders, and in order to minimize the potential spread of the COVID-19 virus, the Los Banos City Council Chambers located at 520 J Street, Los Banos California, have been closed until further notice; and

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

1. Regular meetings of the Los Banos City Council shall be held on the first and third Wednesdays of each month at 4:00 p.m., unless otherwise noticed. Councilmembers may attend the meetings via teleconferencing and participate in the meeting to the same extent as if they were physically present

2. Regular meetings of the Los Banos Planning Commission shall be held on the second and fourth Wednesdays of each month at 5:30 p.m., unless otherwise noticed. Planning Commissioners may attend the meetings via teleconferencing and participate in the meeting to the same extent as if they were physically present.

3. The meetings of the City Council and the Planning Commission and all other City Commissions and Boards shall be held via teleconferencing and shall be made accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the legislative body.

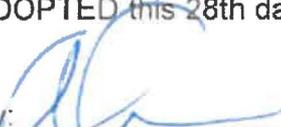
4. Instructions on how to access each meeting will be posted on the individual meeting agenda.

5. In all respects the conduct of public meetings shall comply with Governor Newsom's Executive Order N-29-20.

6. 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.

7. 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 28th day of July 2020.

By: 
ALEX TERRAZAS
Director of Emergency Services

ATTEST



LUCILLE MALLONEE
City Clerk

APPROVED AS TO FORM:



WILLIAM A. VAUGHN
City Attorney

CITY OF LOS BANOS

EMERGENCY SERVICES DIRECTOR ORDER 2020-03

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LOS BANOS ASSISTING RETAIL AND SERVICE ESTABLISHMENTS SEVERELY IMPACTED BY THE COVID-19 CRISIS BY ALLOWING THOSE BUSINESSES THE OPTION TO TEMPORARILY EXPAND CAPACITY INTO PUBLIC AND PRIVATE COMMON AREAS UNDER SPECIFIED CIRCUMSTANCES

WHEREAS, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 ("DPH Guidance"); and

WHEREAS, there exists a local emergency in the City of Los Banos pursuant to Resolution 6190, approved by the City Council on March 18, 2020, whereby the City Council ratified and confirmed the declaration of a local emergency by the City Manager as the Director of Emergency Services as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

WHEREAS, on March 19, 2020, with the adoption of Executive Order N-33 -20, the Governor ordered a Statewide stay at home/stay in place order to address the spread of COVID-19, allowing only essential businesses to remain open; and

WHEREAS, the City is operating under the Governor's Stay at Home Order as supplemented by Merced County; and

WHEREAS, the State and Merced County have begun the process for allowing restaurants, retail establishments, and other businesses to reopen in the State; and

WHEREAS, the City has determined that there is a need, when feasible and safe, to assist local businesses most severely impacted by the restrictions on reopening; and

WHEREAS, under the most recent State and County orders, many businesses that were allowed to open in accordance with State and County guidance that required physical separation (social distancing) and other actions, are now required to close indoor operations; and

WHEREAS, restaurants, retail establishments, fitness centers, hair salons, personal care services, and other local businesses (collectively "Business Establishment"), that are now prohibited from operating indoors, play a vital role in the City of Los Banos. They not only provide important tax revenue, but jobs and income to employees and owners. They are the anchors of communities and support tourism and the neighborhoods they are in; and

WHEREAS, the list of Business Establishments currently prohibited from operating indoors can be expanded at any time and this Order is intended to cover those Business Establishments as well; and

WHEREAS, Business Establishments will be challenged to remain profitable with only an on-line presence and store pickup, and many will no doubt fail, and therefore it is in the City's best interest to assist Business Establishments in expanding capacity where feasible and safe so as to lessen the chance of a Business Establishment failing; and

WHEREAS, one way the City can assist with Business Establishment capacity is to temporarily make available to Business Establishments the option of using outdoor public and private areas for their activities and services, and to otherwise temporarily waive regulations that prohibit Business Establishments in public and private common areas; and

WHEREAS, under the authority of Government Code sections 8610 and 8634, and Los Banos Municipal Code section 4-2.06, the City's Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, I, Alex Terrazas, as Director of Emergency Services, declare effective immediately, as follows:

1. Notwithstanding anything to the contrary in the City's zoning ordinances, development code, approved land use entitlements, site plan review approvals, all Business Establishments in the City are eligible during the City's declared local emergency to apply for a temporary waiver allowing them to use public and private common areas for their operations.

a. Public common areas include sidewalks, streets, parking lots, recreation space, and other public space that might be conducive to the outdoor Business Establishment activities and services.

b. Private common areas include sidewalks, parking lots, recreation space, and other private space, generally within a private shopping center, that might be conducive to outdoor Business Establishment activities and services.

2. Eligible public and private common areas for outdoor Business Establishment activities and services shall be known as the "Expansion Area". If the Expansion Area is approved, the approval shall be considered a temporary permit to operate outdoor Business Establishment activities and services in the Expansion Area and shall be officially termed a "Waiver". A business owner wishing to apply for a Waiver shall meet the minimum requirements set forth in **Exhibit A**. The approval of a Waiver shall not be deemed to convey a property or vested right to operate contrary to City codes, standards, and permit requirements.

3. Waivers shall be approved in the discretion of, and may be revoked by, the Community and Economic Development Director ("Director") in accordance with the criteria and procedures set forth in **Exhibit A**. The Director may impose any conditions deemed reasonably necessary to ensure the safe and lawful operation of outdoor Business Establishment activities and services in the Expansion Area. All Waivers shall automatically expire upon the lifting or expiration of the

City's declared local emergency, or upon earlier modification of this Order eliminating the Waiver.

4. The denial or revocation of a Waiver may be appealed to the City Manager, where the decision shall be final. Any appeal to the City Manager shall be an informal proceeding without the technical rules of evidence.

5. The Director is directed to develop supplemental guidelines for implementation of the Waiver program consistent with Exhibit A, which may be amended as often as needed as determined by the City Manager.

BE IT FURTHER ORDERED that this order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Los Banos.

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 24th day of July 2020.

By: 
ALEX TERRAZAS
City Manager and Director of Emergency Services

ATTEST


LUCILLE MALLONEE
City Clerk

APPROVED AS TO FORM:


WILLIAM A. VAUGHN
City Attorney

EMERGENCY ORDER 2020-03

EXHIBIT A

MINIMUM REQUIREMENTS AND PROCEDURES FOR BUSINESS ESTABLISHMENTS SEEKING A WAIVER TO EXPAND CAPACITY BY USING COMMON AREAS FOR OUTDOOR BUSINESS ESTABLISHMENT ACTIVITIES AND SERVICES

The following requirements and procedures shall apply for any Business Establishment wishing to seek a Waiver to allow outdoor Business Establishment activities and services in public and private common areas, as defined in this Order.

1. The business owner shall complete an application on a form prescribed by the Director. No fee will be required for the application. The applicant is encouraged to consult with the Director prior to completing the application. The application shall include the following:

a. For private shopping centers, a letter of consent, or other evidence satisfactory to the Director, that the shopping center owner has consented to use of the Expansion Area for outdoor Business Establishment activities and services .

b. A diagram showing the proposed foot print of the Expansion Area. The diagram shall include the proposed location of tables, furniture, other Business Establishment features, fencing (ornamental or safety), awnings (or other shade structures), misters, heaters, ground cover (if desired), entry and exiting, and Americans with Disabilities Act ("ADA") paths of travel.

c. For public areas, liability waivers and certificates of insurance as required by the City's Risk Manager and City Attorney. When appropriate, the Director may require an Encroachment Permit. There shall be no fee for an Encroachment Permit issued under this Order.

d. Where parking spaces are proposed to be removed, a parking plan showing where employees and customers will park and how impacts to other businesses, if any, will be addressed.

e. Where parking lots or public streets are proposed to be used, a safety and traffic control plan showing how employees and customers will be protected from vehicle traffic, including the use of barricades.

f. Any other matter determined necessary by the Director to make a decision.

2. The Expansion Area shall be limited to area(s) adjacent to the existing business, and in no event shall allow Business Establishment capacity, with the implementation of required social distancing measures, to exceed 100% of normal capacity.

3. All structures, entry and existing paths of travel, and safety features shall be approved by the City's Building and Fire Departments. For public common areas, approval shall also be obtained from the Public Works Department.

4. The Business Establishment owner, Business Establishment manager, and any other responsible person, shall keep the Expansion Area free of litter and debris. This cleaning shall consist of, at a minimum, regularly sweeping and washing the Expansion Area. In addition, the Business Establishment owner shall be responsible for regularly removing any trash generated by the business within 100 feet of the business.

5. Waivers may be revoked by the Director for: (a) violations of this Order, Supplemental Guidelines issued by the City Manager, or any conditions of approval; or (2) if operation in the Expansion Area creates a nuisance. Prior to revocation, the Director shall provide written notice of the basis for revocation.

6. The City shall have the right to immediately suspend the operation of an outdoor Business Establishment area operating under a Waiver at any time because of anticipated or actual problems or conflicts with ADA paths of travel or to protect the safety of employees and customers. The City shall attempt to work with the Business Establishment to solve any problems or conflicts.

7. Upon expiration or revocation of a Waiver, the Business Establishment shall remove all Business Establishment owned property and restore the Expansion Area to its prior condition, satisfactory to the City and/or private shopping center owner.

8. The City shall not be responsible for any liability or damages associated with issuance or revocation of a Waiver, or with the immediate suspension of outdoor Business Establishment activities as provided for under this Order, and the Business Establishment, affiliates, successors, and assigns, in accepting a Waiver agree to release, hold harmless, and defend the City from any such liability.



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: August 5, 2020

TYPE OF REPORT: Agenda Item

SUBJECT: 2020 Census Update Presentation

Recommendation:

Informational item only, no action to be taken.

Discussion:

There will be an update regarding the 2020 Census, presented by Patricia Ramos Anderson, from the United States Census Bureau.

Reviewed by:

Alex Terrazas, City Manager



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer
DATE: August 5, 2020
TYPE OF REPORT: Informational Item
SUBJECT: Billy Wright Landfill Presentation

Recommendation:

Informational item only, no action to be taken.

Discussion:

There will be presentation giving an update on Regional Waste Authority, including on the Billy Wright Landfill, by Eric Zetz, Waste Management Director of Merced County Regional Waste Authority.

Reviewed by:

Alex Terrazas, City Manager



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Mason Hurley, Fire Chief/Building Official 

DATE: August 5, 2020

SUBJECT: Ordinance Adopting for Amending/Removing Amendment No. 504 Water Heater Prohibited Locations and Amendment 507 Water Heater Protection from Damage of the California Plumbing Code 2019 Edition set forth in section 8-1.18 of the Los Banos Municipal Code

TYPE OF REPORT: Public Hearing

Recommendation:

Staff is requesting City Council to waive the second reading and proceed with the adoption of Ordinance No. 1186 by the City Council of the City of Los Banos, “**Amendment / Removal of Ordinances of the City of Los Banos, Amendment No. 504 Water Heater Prohibited Locations and Amendment 507 Water Heater Protection from Damage of the California Plumbing Code 2019 Edition set forth in section 8-1.18 of the Los Banos Municipal Code.**”

Background:

The City of Los Banos Fire and Building Departments are dedicated to the safety and well being of all the residents in the city. There is current city code amendment requiring residential water heaters to be placed in an exterior enclosed closet and not placed inside attached garages. This was amended many years ago due to the fact that gas fired water heaters are probably the most dangerous appliance in a residential house. Years ago, there were multiple safety issues and hazards associated with water heaters installed inside attached garages. It was decided that removing water heaters from garages would eliminate a lot of the hazards caused by water heater failures.

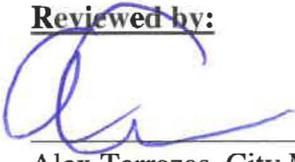
Discussion:

Recent advances and revisions in the current plumbing code and that water heaters are now being manufactured with multiple safety factors included, as well as the popularity of safer tank less water heaters, the City's Fire and Building Departments feel that it's time to revisit this code amendment and eliminate the requirement to place these water heaters in an exterior closet. Staff feels that the current plumbing code addresses all the safety concerns and installation requirements, so providing any additional city amendments would not be necessary.

Fiscal Impact:

There is no anticipated fiscal impact as the costs would be recovered through existing building permit fees.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Current Ordinance

Proposed Ordinance Amendment

Current Ordinance

Sec. 8-1.18 Amendments to the California Plumbing Code 2019 Edition.

The following amendments, additions, and deletions are made to the California Plumbing Code 2019 Edition, as adopted by this Chapter.

A. Amendment: Section 504 Water Heater Prohibited Locations.

Section 504.1 of the California Plumbing Code is hereby amended to add Section 504.1(3) to read as follows:

(3) Prohibited Locations: No water heater which depends on the combustion of fuel for heat shall be installed in any room designed to be used for sleeping purposes, or in any garage, bathroom, or clothes closet, or in any closet or other confined space opening in any bath or bathroom.

B. Amendment: Section 507 Water Heater Protection From Damage.

Section 507.13 (1) of the California Plumbing Code is hereby amended to read as follows:

Section 507.13 (1) Protection from Damage:

(a) Water heaters generating a glow, spark, or flame capable of igniting flammable vapors may be installed in a residential garage constructed on or before August 4, 1973, provided the pilots and burners, or heating elements and switches, are at least eighteen (18") inches above the floor level.

(b) Where such water heaters installed within a garage are enclosed in a separate, approved compartment having access only from outside of the garage, such water heaters may be installed at floor level provided the required combustion air is also taken from the exterior of the garage. Fuel burning water heaters having sealed combustion chambers need not be elevated.

(c) All water heaters installed in areas where they may be subjected to mechanical damage shall be suitably guarded against such damage by being installed behind adequate barriers or by being elevated or located out of the normal path of a vehicle using and such garage.

(§ 1, Ord. 1065, eff. February 1, 2008, as amended by § 6, Ord. 1098, eff. August 20, 2011, § 12, Ord. 1116, eff. March 19, 2014, and § 12, Ord. 1150, eff. December 16, 2016)

ORDINANCE NO. 1186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, REPEALING PREVIOUSLY ENACTED LOCAL AMENDMENTS TO THE CALIFORNIA PLUMBING CODE 2019 EDITION

WHEREAS, the City Council of the City of Los Banos previously adopted the California Plumbing Code, 2019 Edition (Part 5 of Title 24 of the California Code of Regulations), including appendix, based on the 2018 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; and

WHEREAS, pursuant to Health & Safety Code Sections 17958.7 and 18941.5, cities and counties may modify the State building standards where reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City Council of the City of Los Banos in accordance with California Health & Safety Code Sections 17958.7 and 18941.5 adopted amendments to the California Plumbing Code 2019 Edition related to "Water heater Prohibited Locations and Water Heated Protection From Damage; and

WHEREAS, due to changes in the manufacturing of water heaters and with proper installation the previous hazards no longer exist.

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

Section 1. Section 8-1.18 A and Section 8-1.18 B of the Los Banos Municipal Code are hereby repealed in their entirety.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions,

paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 5. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2020.

Passed on the ____ day of _____, 2020 by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and Members of Council

FROM: Sonya Williams, Finance Director

DATE: August 5, 2020

TYPE OF REPORT: Public Hearing

SUBJECT: Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos

Recommendation:

Adopt a resolution authorizing the levy and collection of assessments for weed abatement within the City of Los Banos.

Background:

On an annual basis, the City of Los Banos submits an assessment listing of charges per parcel to the Merced County Tax Collector for unpaid weed abatement.

This weed abatement assessment is done in compliance to the Municipal Code where the amount of any administrative penalty and/or administrative cost imposed, in connection with real property, has not been satisfied in full within ninety (90) days may constitute a lien against the real property on which the violation occurred.

A notice of public hearing was published in the Los Banos Enterprise on July 24th and July 31st.

Exhibit A shows a listing of all remaining unpaid accounts that constitute a lien on the property. Fourteen (14) accounts were originally published in the public notice hearing; to date ten (10) accounts remain unpaid.

Discussion:

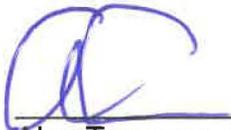
Weed abatement is performed by vendors contracted by City Staff after a notification for cleanup has been sent to property owners and is not performed. Once all in-house

collections attempts have failed, the assessment can be placed on the property tax roll for collection by Merced County.

Fiscal Impact:

There is an annual fee of \$50.00 to place the assessments on the tax roll and a per assessment fee of \$.35 for a total cost of \$53.50. The total amount being placed on the tax roll for collection is \$8,237.00

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Resolution
Exhibit A – Assessments
Notice of Public Hearing

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS
AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEED
ABATEMENT WITHIN THE CITY OF LOS BANOS**

WHEREAS, the City has performed certain weed abatement activities within the City of Los Banos in accordance to Section 4-6.05 (c) of the Municipal Code; and

WHEREAS, Section 4-6.05 (d) of the Code requires the City, under certain circumstances, to assess the cost of weed abatement the City performs to the parcel of land that has benefited from this service. The 2020-2021 Assessment is attached to and made part of this resolution as Exhibit A.

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

1. The charge is in compliance with all laws pertaining to the levy of weed abatement assessments.
2. The Charge is levied without regard to property valuation.
3. The Finance Director of the City of Los Banos is hereby authorized and directed to submit the names, amounts, and the identification of real property to the Merced County Tax Collector as identified in Exhibit A for further disposition and to establish the appropriate lien on the subject real property. The Finance Director is further authorized to make any adjustments or corrections to these charges as may become necessary to ensure accuracy and correctness of the lien.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of, August 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

Exhibit A - Assessments

Assessment #	Amount	Tax Code
025033019000	811.80	8500
027055017000	282.48	8500
027086009000	211.20	8500
027096013000	2,002.00	8500
081200008000	316.80	8500
081200009000	316.80	8500
082594001000	828.96	8500
083390073000	2,426.80	8500
084243012000	306.24	8500
428255016000	733.92	8500

**CITY OF LOS BANOS
NOTICE OF PUBLIC HEARING**

**TO RECEIVE PUBLIC COMMENT ON THE PROPOSED LEVY FOR WEED
ABATEMENT**

WHERE: City Council Chambers
520 J Street
Los Banos, California

WHEN: August 5, 2020
4:00 PM

Notice is hereby given that the Los Banos City Council will conduct a Public Hearing to receive public comment on the consideration of a resolution levying the listed properties for weed abatement.

The City Council intends to levy and collect assessments for weed abatement services performed during the Fiscal Year 2019/20 or prior. The area of land to be levied is located in the City of Los Banos, Merced County.

The abated properties are generally described as follows:

APN#	2019/2020 Proposed Assessment
025-033-019	\$811.80
027-055-017	\$282.48
027-086-009	\$211.20
027-096-013	\$2,002.00
081-200-004	\$316.80
081-200-005	\$316.80
081-200-008	\$316.80
081-200-009	\$316.80
081-200-011	\$316.80
081-200-012	\$316.80
082-594-001	\$828.96
083-390-073	\$2,426.80
084-243-012	\$306.24
428-255-016	\$733.92

The Public Hearing will be held at the regular meeting of the Los Banos City Council on Wednesday, August 5, 2020 at 4:00 p.m. live via YouTube. The City has established a temporary email address citizens can use to email comments on this agenda item. Any public comments received by August 5, 2020 prior to 4:00 p.m. will be read aloud during

the appropriate time. The email address is cityclerk@losbanos.org. The Council Chambers will be closed to the public; those interested in viewing the City Council Meeting live, can do so on the City of Los Banos YouTube Channel at: <https://www.youtube.com>. Questions regarding this Public Hearing item may be directed to Sonya Williams, Finance Director, 520 J Street or at (209) 827-7000.

All interested persons will be given an opportunity to submit a comment on this item prior to the Public Hearing. In addition, written comments may be submitted to the City Council prior to the hearing, mailed to 520 J Street, Los Banos, CA 93635, Attention: Sonya Williams, Finance Director. Please reference hearing title and date of hearing in any correspondence. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. Please note that if you challenge the City's final decision on the above matter in court, you may be limited to raising only those factual and legal issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council prior to, the public hearing. In light of the foregoing, all interested members of the public are encouraged to voice their concerns regarding all above matter either by email to the City Clerk prior to 4:00 p.m. on August 5, 2020 or in writing through correspondence addressed to the City Council and submitted to the City Council at or prior to the date of the above hearing.

It is the intention of the City to comply with the Americans with Disabilities Act (ADA). If you require special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (209) 827-7000 at least 48 hours prior to the meeting to inform us of your particular needs.