



# City of Los Banos

*At the Crossroads of California*

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

## AGENDA

### CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**FEBRUARY 19, 2014**

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

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

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

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

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

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

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

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

- A. Check Register for #145690 – #146023 in the Amount of \$760,043.28.

*Recommendation: Approve the check register as submitted.*

- B. Second Quarter Investment Report for Fiscal Year 2013-2014.

*Recommendation: Accept the report as submitted.*

- C. City Council Resolution No. 5557 – Amending Division 4, Salary Schedule – Employee Classifications Relating to Changes to Section C – Community Development, Section E – Public Works, Section F – Fire & Building, Section G – Policy and Fiscal Year 2013-2014 Budget Amendments to Support Those Changes.

*Recommendation: Adopt the resolution as submitted.*

- D. City Council Resolution No. 5558 – Adopting a Revised Budget for the Fiscal Year 2013-2014 as it Pertains to Expenditures in the Fire Department Facility Maintenance Account.

*Recommendation: Adopt the resolution as submitted.*

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

- A. Public Hearing – To Receive To Receive Public Comment and Consideration of an Ordinance of the City of Los Banos Temporarily Suspending the Collection of the Regional Transportation Impact Fee (RTIF) Established by Ordinance No. 1031.

- 1) Ordinance No. 1115 – Extending the Temporary Suspension of the Collection of Regional Transportation Impact Fees Established by Ordinance No. 1031 as Amended and Codified in Title 3 Chapter 18 of the Los Banos Municipal Code. **(Second Reading & Adoption)**

*Recommendation: Receive staff report, open public hearing, close the public hearing, waive the second reading, and adopt the ordinance.*

- B. Public Hearing – To Receive Public Comment and Consideration of Adoption by Reference the 2013 Edition of the California Building Standards Code and Related 2013 Edition Codes to the City of Los Banos Building Code Ordinance.

- 1) Ordinance No. 1116 – Adopting by Reference the 2013 Edition of the California Building Code, the 2013 Edition of the California Energy Code, the 2013 Edition of the California Historical Building Code, the 2013 Edition of the California Referenced Standards Code, the 2013 Edition of the California Electrical Code, the 2013 Edition of the California Mechanical Code, the 2013 Edition of the California Administrative Code, the 2013 Edition of the California Existing Building Code, the 2013 Edition of the California Green Building Standards Code, the 2013 Edition of the California Residential Code, the 2013 Edition of the California Plumbing Code; By Amendment to Title 8, Chapter 1 of the Los Banos Municipal Code. **(Second Reading & Adoption)**

*Recommendation: Receive staff report, open public hearing, close the public hearing, waive the second reading, and adopt the ordinance.*

- C. Public Hearing – To Receive Public Comment and Consideration of Adoption by Reference the 2013 Edition of the California Fire Code and Local Amendments to the City of Los Banos Fire Prevention Code Ordinance.

- 1) Ordinance No. 1117 – Adopting by Reference the 2013 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. **(Second Reading & Adoption)**

*Recommendation: Receive staff report, open public hearing, close the public hearing, waive the second reading, and adopt the ordinance.*

8. COUNCIL MEMBER AGENDA REQUESTS. (To see if there is a majority consensus to have staff expend time on the issue and to hear it at a future meeting.)

- A. Request from Mayor Villalta for Update and Discussion on Revenue Sharing Agreement.

*Recommendation: Direction from the City Council on how to proceed.*

9. ADVISEMENT OF PUBLIC NOTICES. (Two Reports)
10. CITY MANAGER REPORT.
11. CITY COUNCIL MEMBER REPORTS.
  - A. Tom Faria
  - B. Deborah Lewis
  - C. Scott Silveira

D. Elizabeth Stonegrove

E. Mayor Mike Villalta

12. CLOSED SESSION.

A. Conference with Labor Negotiators, Pursuant to Government Code Section 54957.6, Agency Designated Representatives: City Manager Carrigan, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Police Chief Brizzee, Finance Director Williams, Legal Counsel Tuffo; Employee Organizations: Los Banos Police Officers Association (LBPOA), Los Banos Police Sergeants Association (LBPSA), Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA), Los Banos Fire Fighters Association (LBFFA).

13. ADJOURNMENT.

A. Adjourn to 3:30 p.m., Wednesday, March 5, 2014 in the Cesar Chavez Room, Martin Luther King Jr. Child Development Center, 1624 San Luis Street, Los Banos, California to Conduct City Council Goals & Objectives Workshop.

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



Lucille L. Mallonee, City Clerk

Dated this 14<sup>th</sup> day of February 2014

Bank Reconciliation

Checks By Date



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

02/10/2014 - 3:26 PM

User: jdemelo

Cleared and Not Cleared Checks

| Check No | Check Date | Name                           | Comment | Module Void | Clear Date | Amount    |
|----------|------------|--------------------------------|---------|-------------|------------|-----------|
| 145700   | 01/31/2014 | Anthony Gomes Electric Service |         | AP          |            | 576.57    |
| 145701   | 01/31/2014 | Aramark Uniform Ser Inc        |         | AP          |            | 180.95    |
| 145702   | 01/31/2014 | Ascent Aviation Group, Inc.    |         | AP          |            | 24,234.42 |
| 145703   | 01/31/2014 | AT&T                           |         | AP          |            | 359.68    |
| 145704   | 01/31/2014 | AT&T                           |         | AP          |            | 589.41    |
| 145705   | 01/31/2014 | Baker Supplies & Repair        |         | AP          |            | 207.31    |
| 145706   | 01/31/2014 | Robert Baker                   |         | AP          |            | 85.00     |
| 145707   | 01/31/2014 | Brenntag Pacific Inc           |         | AP          |            | 4,360.50  |
| 145708   | 01/31/2014 | Bruce's Tire Inc               |         | AP          |            | 2,068.72  |
| 145709   | 01/31/2014 | BSK Analytical Laboratories    |         | AP          |            | 800.00    |
| 145710   | 01/31/2014 | Luis Castellanos               |         | AP          | 01/31/2014 | 150.00    |
| 145711   | 01/31/2014 | Susan C. Covello               |         | AP          |            | 60.00     |
| 145712   | 01/31/2014 | Central Sanitary Supply        |         | AP          |            | 104.09    |
| 145713   | 01/31/2014 | Clark Pest Control Inc         |         | AP          |            | 90.00     |
| 145714   | 01/31/2014 | Comcast                        |         | AP          |            | 87.78     |
| 145715   | 01/31/2014 | City of Los Banos Utility      |         | AP          |            | 4,025.44  |
| 145716   | 01/31/2014 | Dept of Transportation         |         | AP          |            | 4,064.68  |
| 145717   | 01/31/2014 | Dutra's                        |         | AP          |            | 200.00    |
| 145718   | 01/31/2014 | Ferguson Enterprises Inc DBA   |         | AP          |            | 272.08    |
| 145719   | 01/31/2014 | Golden State Flow              |         | AP          |            | 589.13    |
| 145720   | 01/31/2014 | Tiffany Leanne Basuil Garcia   |         | AP          |            | 158.00    |
| 145721   | 01/31/2014 | Darrall Gargano                |         | AP          |            | 412.80    |
| 145722   | 01/31/2014 | Mary Lou Gilardi               |         | AP          |            | 117.14    |
| 145723   | 01/31/2014 | Government Finance Officers As |         | AP          |            | 435.00    |
| 145724   | 01/31/2014 | Grainger Parts Operations      |         | AP          |            | 48.60     |
| 145725   | 01/31/2014 | The Iron Rod                   |         | AP          |            | 96.25     |
| 145726   | 01/31/2014 | K Mart W 3764                  |         | AP          |            | 9.37      |
| 145727   | 01/31/2014 | Los Banos Express Oil & Lube   |         | AP          |            | 174.66    |
| 145728   | 01/31/2014 | Los Banos Enterprise           |         | AP          |            | 58.00     |
| 145729   | 01/31/2014 | Los Banos Volunteer            |         | AP          |            | 2,000.00  |
| 145730   | 01/31/2014 | Los Banos Ministries           |         | AP          |            | 257.50    |
| 145731   | 01/31/2014 | Los Banos Unified School Distr |         | AP          |            | 140.40    |
| 145732   | 01/31/2014 | Steve Macillas                 |         | AP          |            | 166.50    |
| 145733   | 01/31/2014 | Marfab Inc                     |         | AP          |            | 23.79     |
| 145734   | 01/31/2014 | Matson Alarm Co Inc            |         | AP          |            | 180.00    |
| 145735   | 01/31/2014 | Merced Sun Star                |         | AP          |            | 1,028.52  |
| 145736   | 01/31/2014 | Merced Truck & Trailer Inc     |         | AP          |            | 98.56     |
| 145737   | 01/31/2014 | Napa Auto Parts                |         | AP          |            | 34.55     |
| 145738   | 01/31/2014 | New Pig Corporation            |         | AP          |            | 4,480.94  |
| 145739   | 01/31/2014 | Gerald "Obie" O'Brien          |         | AP          |            | 77.14     |
| 145740   | 01/31/2014 | The Office City                |         | AP          |            | 394.76    |
| 145741   | 01/31/2014 | OSE                            |         | AP          |            | 169.41    |
| 145742   | 01/31/2014 | George Oliveira                |         | AP          |            | 3,104.00  |
| 145743   | 01/31/2014 | P G & E Company                |         | AP          |            | 82,759.94 |
| 145744   | 01/31/2014 | Radio Shack Accounts Rec       |         | AP          |            | 155.49    |
| 145745   | 01/31/2014 | Scott Savage                   |         | AP          |            | 242.50    |
| 145746   | 01/31/2014 | Santos Ford Lincoln Mercury, I |         | AP          |            | 71.06     |
| 145747   | 01/31/2014 | Sherwin Williams Co            |         | AP          |            | 200.07    |
| 145748   | 01/31/2014 | Sierra Chemical Co             |         | AP          |            | 3,263.84  |
| 145749   | 01/31/2014 | Sorensens True Value           |         | AP          |            | 258.74    |

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| 145750   | 01/31/2014 | Terryberry                      |         | AP         |            | 286.09 |
| 145751   | 01/31/2014 | Toscano Upholstery              |         | AP         |            | 59.40  |
| 145752   | 01/31/2014 | Luis J Or Martha Diaz           |         | AP         |            | 35.57  |
| 145753   | 01/31/2014 | Home Sweet Home Property Mana   |         | AP         |            | 34.61  |
| 145754   | 01/31/2014 | John Mendoza                    |         | AP         |            | 32.98  |
| 145755   | 01/31/2014 | Paul Mena                       |         | AP         |            | 33.79  |
| 145756   | 01/31/2014 | Marcelino Calzada Delgadillo    |         | AP         |            | 58.76  |
| 145757   | 01/31/2014 | Rene Torres                     |         | AP         |            | 14.65  |
| 145758   | 01/31/2014 | Aziza and Zaher Shahbaz         |         | AP         |            | 19.39  |
| 145759   | 01/31/2014 | Sudha Tomar                     |         | AP         |            | 61.35  |
| 145760   | 01/31/2014 | Cesar Aguirre                   |         | AP         |            | 22.68  |
| 145761   | 01/31/2014 | Robert Lara & Zaira Castro      |         | AP         |            | 22.68  |
| 145762   | 01/31/2014 | Martin Centeno Mendez           |         | AP         |            | 22.68  |
| 145763   | 01/31/2014 | Joseph N & Annaliza Domingo     |         | AP         |            | 22.68  |
| 145764   | 01/31/2014 | Mario & Susan Eguia             |         | AP         |            | 22.68  |
| 145765   | 01/31/2014 | Sergio & Cenia Garcia           |         | AP         |            | 22.68  |
| 145766   | 01/31/2014 | Jorge & Erica Castillo Gonzalez |         | AP         |            | 22.68  |
| 145767   | 01/31/2014 | Robert and Debbie Bento Jurado  |         | AP         |            | 22.68  |
| 145768   | 01/31/2014 | Eileen Kirby                    |         | AP         |            | 22.68  |
| 145769   | 01/31/2014 | Louie & Diane Lagos             |         | AP         |            | 100.00 |
| 145770   | 01/31/2014 | Kim Mojica                      |         | AP         |            | 22.68  |
| 145771   | 01/31/2014 | Wendy Navarro                   |         | AP         |            | 22.68  |
| 145772   | 01/31/2014 | Manuel and Norma Quintero       |         | AP         |            | 15.38  |
| 145773   | 01/31/2014 | Jose Luis & Sylvia Reyes        |         | AP         |            | 100.00 |
| 145774   | 01/31/2014 | Lisa Rodriguez                  |         | AP         |            | 28.79  |
| 145775   | 01/31/2014 | Isidro & Xochilt Rubio          |         | AP         |            | 21.95  |
| 145776   | 01/31/2014 | Charmaine Grijalva              |         | AP         |            | 21.95  |
| 145777   | 01/31/2014 | Rogelio & Rita Chavez           |         | AP         |            | 100.00 |
| 145778   | 01/31/2014 | Gabriel & Irma De La Torre      |         | AP         |            | 17.57  |
| 145779   | 01/31/2014 | First Mortgage Corporation      |         | AP         |            | 17.27  |
| 145780   | 01/31/2014 | Angie Miranda                   |         | AP         |            | 22.68  |
| 145781   | 01/31/2014 | Evangelina Zarate               |         | AP         |            | 100.00 |
| 145782   | 01/31/2014 | Anthony Tribble                 |         | AP         |            | 22.68  |
| 145783   | 01/31/2014 | Dennis & Myeong Mason           |         | AP         |            | 21.95  |
| 145784   | 01/31/2014 | Harold or Grace Nakaji          |         | AP         |            | 100.00 |
| 145785   | 01/31/2014 | Jackie Jenkins                  |         | AP         |            | 13.19  |
| 145786   | 01/31/2014 | Adriana Nordgreen               |         | AP         |            | 20.49  |
| 145787   | 01/31/2014 | Jason and Celeste Silva         |         | AP         |            | 19.03  |
| 145788   | 01/31/2014 | Vanessa Castrillo               |         | AP         |            | 22.68  |
| 145789   | 01/31/2014 | C.V. Parla Troppo, LLC          |         | AP         |            | 22.68  |
| 145790   | 01/31/2014 | Charles & Debbie Young          |         | AP         |            | 22.68  |
| 145791   | 01/31/2014 | Arkady Faktorovich              |         | AP         |            | 10.27  |
| 145792   | 01/31/2014 | Violet Garcia                   |         | AP         |            | 22.68  |
| 145793   | 01/31/2014 | Leonardo Cortez Jr              |         | AP         |            | 22.68  |
| 145794   | 01/31/2014 | Preciliano Castaneda            |         | AP         |            | 11.00  |
| 145795   | 01/31/2014 | Ramiro Galvez                   |         | AP         |            | 17.57  |
| 145796   | 01/31/2014 | Julius Grimes                   |         | AP         |            | 22.68  |
| 145797   | 01/31/2014 | Henry & Olga Da Silva           |         | AP         |            | 22.68  |
| 145798   | 01/31/2014 | Amanda Handly                   |         | AP         |            | 22.68  |
| 145799   | 01/31/2014 | Gloria and Jackie Gardner       |         | AP         |            | 21.95  |
| 145800   | 01/31/2014 | Richard Roman                   |         | AP         |            | 22.68  |
| 145801   | 01/31/2014 | Thomas & Gene Mountain          |         | AP         |            | 100.00 |
| 145802   | 01/31/2014 | Refugio Montoya                 |         | AP         |            | 100.00 |
| 145803   | 01/31/2014 | Enriqueta Martin                |         | AP         |            | 21.95  |
| 145804   | 01/31/2014 | Winston and Shelly Weathers     |         | AP         |            | 41.59  |
| 145805   | 01/31/2014 | Alberto Avila                   |         | AP         |            | 22.68  |
| 145806   | 01/31/2014 | Charleen Mamon                  |         | AP         |            | 92.68  |
| 145807   | 01/31/2014 | Wendy Hoelter                   |         | AP         |            | 22.68  |
| 145808   | 01/31/2014 | Armando Teixeira                |         | AP         |            | 22.68  |
| 145809   | 01/31/2014 | Michael D or Jennifer Ussery    |         | AP         |            | 22.68  |
| 145810   | 01/31/2014 | Ricardo Moreno                  |         | AP         |            | 22.68  |
| 145811   | 01/31/2014 | Gilberto Carrazco               |         | AP         |            | 16.84  |

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|----------|------------|---------------------------------|---------|-------------|------------|--------|
| 145812   | 01/31/2014 | Claudia Perez Barajas           |         | AP          |            | 100.00 |
| 145813   | 01/31/2014 | Rosa Maria or Daniel Rucobo     |         | AP          |            | 22.68  |
| 145814   | 01/31/2014 | Irineo Solis                    |         | AP          |            | 22.68  |
| 145815   | 01/31/2014 | Robert Sr & Corina Garcia       |         | AP          |            | 19.03  |
| 145816   | 01/31/2014 | Patrick McAndrew                |         | AP          |            | 22.68  |
| 145817   | 01/31/2014 | Julie Chavez                    |         | AP          |            | 13.19  |
| 145818   | 01/31/2014 | Gustavo Perez                   |         | AP          |            | 100.00 |
| 145819   | 01/31/2014 | Arnulfo and Leticia Olguin      |         | AP          |            | 22.68  |
| 145820   | 01/31/2014 | Elizabeth Sanchez               |         | AP          |            | 22.68  |
| 145821   | 01/31/2014 | Sonia Carrazco                  |         | AP          |            | 22.68  |
| 145822   | 01/31/2014 | George Mena, Sr                 |         | AP          |            | 22.68  |
| 145823   | 01/31/2014 | Norma Solis                     |         | AP          |            | 22.68  |
| 145824   | 01/31/2014 | Robert Thommen                  |         | AP          |            | 22.68  |
| 145825   | 01/31/2014 | Christopher Perrecone           |         | AP          |            | 22.68  |
| 145826   | 01/31/2014 | Arthur and Diane Matsuyama      |         | AP          |            | 100.00 |
| 145827   | 01/31/2014 | Joseph and Graciela Guerrero    |         | AP          |            | 100.00 |
| 145828   | 01/31/2014 | Michael Taddie                  |         | AP          |            | 22.68  |
| 145829   | 01/31/2014 | Elsa Uribe                      |         | AP          |            | 22.68  |
| 145830   | 01/31/2014 | Sandra Pak                      |         | AP          |            | 22.68  |
| 145831   | 01/31/2014 | Jose Arambula                   |         | AP          |            | 22.68  |
| 145832   | 01/31/2014 | Vincent Tortia                  |         | AP          |            | 22.68  |
| 145833   | 01/31/2014 | Stella Byles                    |         | AP          |            | 22.68  |
| 145834   | 01/31/2014 | Jose Villasenor-Jimenez         |         | AP          |            | 22.68  |
| 145835   | 01/31/2014 | Carlos Mercado                  |         | AP          |            | 19.03  |
| 145836   | 01/31/2014 | Maria Limon                     |         | AP          |            | 22.68  |
| 145837   | 01/31/2014 | Bettencourt Investments, LLC    |         | AP          |            | 20.49  |
| 145838   | 01/31/2014 | Luis and Maryann Del Rio        |         | AP          |            | 22.68  |
| 145839   | 01/31/2014 | Joshua Lewis                    |         | AP          |            | 22.68  |
| 145840   | 01/31/2014 | Mario Gomez                     |         | AP          |            | 56.82  |
| 145841   | 01/31/2014 | Zeferino Jauregui               |         | AP          |            | 22.68  |
| 145842   | 01/31/2014 | Gilberto Cordero                |         | AP          |            | 1.51   |
| 145843   | 01/31/2014 | Ernel Felix                     |         | AP          |            | 21.95  |
| 145844   | 01/31/2014 | Martha and Jorge Castellon      |         | AP          |            | 22.68  |
| 145845   | 01/31/2014 | Elizabeth Pacheco               |         | AP          |            | 22.68  |
| 145846   | 01/31/2014 | Teresa Arroyo                   |         | AP          |            | 22.68  |
| 145847   | 01/31/2014 | Mark Burr                       |         | AP          |            | 22.68  |
| 145848   | 01/31/2014 | Ignacio Contreras               |         | AP          |            | 22.68  |
| 145849   | 01/31/2014 | Manuel and Nina De La Cruz      |         | AP          |            | 22.68  |
| 145850   | 01/31/2014 | Leonardo Martinez Acebes        |         | AP          |            | 22.68  |
| 145851   | 01/31/2014 | Clifford J or Shirley Brand     |         | AP          |            | 22.68  |
| 145852   | 01/31/2014 | Diana and Mario Recendiz        |         | AP          |            | 20.67  |
| 145853   | 01/31/2014 | Marvin Santiago, Sr             |         | AP          |            | 22.68  |
| 145854   | 01/31/2014 | TRS OP's LLC                    |         | AP          |            | 13.19  |
| 145855   | 01/31/2014 | TRS OP's LLC                    |         | AP          |            | 22.68  |
| 145856   | 01/31/2014 | Trustmark Insurance Services    |         | AP          |            | 44.75  |
| 145857   | 01/31/2014 | Steven Scigliano                |         | AP          |            | 100.00 |
| 145858   | 01/31/2014 | Alejandra Robles                |         | AP          |            | 22.68  |
| 145859   | 01/31/2014 | Maria Madruga                   |         | AP          |            | 22.68  |
| 145860   | 01/31/2014 | Maria Calderon                  |         | AP          |            | 100.00 |
| 145861   | 01/31/2014 | Enriqueta Avalos Velasco        |         | AP          |            | 22.68  |
| 145862   | 01/31/2014 | Sara Andrade-Gomez              |         | AP          |            | 10.27  |
| 145863   | 01/31/2014 | Frederico Plasencia             |         | AP          |            | 22.68  |
| 145864   | 01/31/2014 | Karen Kassees                   |         | AP          |            | 100.00 |
| 145865   | 01/31/2014 | Esther Rios                     |         | AP          |            | 20.49  |
| 145866   | 01/31/2014 | Ernma Cortes                    |         | AP          |            | 22.68  |
| 145867   | 01/31/2014 | Maria Guadalupe Hernandez-Varga |         | AP          |            | 22.68  |
| 145868   | 01/31/2014 | Eva Garcia                      |         | AP          |            | 22.68  |
| 145869   | 01/31/2014 | Jesus Acosta                    |         | AP          |            | 100.00 |
| 145870   | 01/31/2014 | Cecelia Galvan                  |         | AP          |            | 22.68  |
| 145871   | 01/31/2014 | Antonina Wuthrich               |         | AP          |            | 22.68  |
| 145872   | 01/31/2014 | Joel Velasco-Ordaz              |         | AP          |            | 22.68  |
| 145873   | 01/31/2014 | Elizabeth Lourenco              |         | AP          |            | 23.42  |

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|----------|------------|--------------------------------|---------|-------------|------------|------------|
| 145874   | 01/31/2014 | Manuel & Margarita Delgado     |         | AP          |            | 12.07      |
| 145875   | 01/31/2014 | Daniel Sanchez                 |         | AP          |            | 28.71      |
| 145876   | 01/31/2014 | Westhill Property Mgmt         |         | AP          |            | 62.21      |
| 145877   | 01/31/2014 | Home Sweet Home Property Mana  |         | AP          |            | 71.65      |
| 145878   | 01/31/2014 | Sam Saldana                    |         | AP          |            | 71.66      |
| 145879   | 01/31/2014 | Rosa & Herminio Salinas        |         | AP          |            | 36.45      |
| 145880   | 01/31/2014 | Shannon Eaton                  |         | AP          |            | 47.57      |
| 145881   | 01/31/2014 | Joaquin Montano                |         | AP          |            | 2.54       |
| 145882   | 01/31/2014 | Jessica Kousha                 |         | AP          |            | 43.30      |
| 145883   | 01/31/2014 | Gertrudis Barahona             |         | AP          |            | 53.60      |
| 145884   | 01/31/2014 | Lorenzo Rosales                |         | AP          |            | 2.06       |
| 145885   | 01/31/2014 | Graystone Property Mgmt        |         | AP          |            | 81.96      |
| 145886   | 01/31/2014 | Stephen Sloan                  |         | AP          |            | 2.07       |
| 145887   | 01/31/2014 | Law Offices of William A Vaugh |         | AP          |            | 9,000.00   |
| 145888   | 01/31/2014 | Verizon Wireless               |         | AP          |            | 232.38     |
| 145889   | 01/31/2014 | Sylvia Veloz                   |         | AP          |            | 100.00     |
| 145890   | 01/31/2014 | Weststar Water Solutions       |         | AP          |            | 135.00     |
| 145891   | 01/31/2014 | Jennifer Williams              |         | AP          |            | 811.00     |
| 145892   | 01/31/2014 | Windecker Inc                  |         | AP          |            | 8,572.46   |
| 145893   | 01/31/2014 | Windecker Inc                  |         | AP          |            | 15,924.15  |
| 145894   | 01/31/2014 | Young's Air Conditioning       |         | AP          |            | 587.00     |
| 145895   | 01/31/2014 | Young's Automotive             |         | AP          |            | 828.24     |
| 145896   | 01/31/2014 | Emi Zako                       |         | AP          |            | 30.00      |
| 145922   | 02/04/2014 | Aflac-Customer Service         |         | AP          |            | 161.32     |
| 145923   | 02/04/2014 | Aflac-Customer Service         |         | AP          |            | 158.15     |
| 145924   | 02/04/2014 | Aflac-Customer Service         |         | AP          |            | 41.26      |
| 145925   | 02/04/2014 | Aflac-Customer Service         |         | AP          |            | 92.34      |
| 145926   | 02/04/2014 | Bank of America                |         | AP          |            | 81,883.31  |
| 145927   | 02/04/2014 | Bank of America                |         | AP          |            | 2,518.36   |
| 145928   | 02/04/2014 | Bank of America                |         | AP          |            | 10,152.99  |
| 145929   | 02/04/2014 | Hartford Life Ins Co           |         | AP          |            | 1,132.69   |
| 145930   | 02/04/2014 | Hartford Life Ins Co           |         | AP          |            | 4,670.00   |
| 145931   | 02/04/2014 | In Shape Health Clubs Inc      |         | AP          |            | 366.00     |
| 145932   | 02/04/2014 | Los Banos Police Assn          |         | AP          |            | 1,972.00   |
| 145933   | 02/04/2014 | Nationwide Retirement Solut    |         | AP          |            | 1,365.00   |
| 145934   | 02/04/2014 | PERS Long Term Care            |         | AP          |            | 88.45      |
| 145935   | 02/04/2014 | Professional Fire Fighter      |         | AP          |            | 630.00     |
| 145936   | 02/04/2014 | SABA Holding Company           |         | AP          |            | 10,800.00  |
| 145937   | 02/04/2014 | State Disbursement Unit        |         | AP          |            | 1,895.00   |
| 145938   | 02/04/2014 | Vantagepont Transfer Agents -  |         | AP          |            | 105.00     |
| 145939   | 02/04/2014 | Vantagepoint Transfer Agents - |         | AP          |            | 25.00      |
| 145940   | 02/04/2014 | Vantagepoint Transfer Agents - |         | AP          |            | 1,675.00   |
| 145941   | 02/04/2014 | Westamerica Bank - Cafeteria P |         | AP          |            | 228,954.29 |
| 145942   | 02/07/2014 | ABS Direct, Inc.               |         | AP          |            | 1,264.95   |
| 145943   | 02/07/2014 | Alert-O-Lite, Inc.             |         | AP          |            | 420.13     |
| 145944   | 02/07/2014 | Ameripride Valley Uniform Serv |         | AP          |            | 284.16     |
| 145945   | 02/07/2014 | Anthony Gomes Electric Service |         | AP          |            | 550.00     |
| 145946   | 02/07/2014 | Aramark Uniform Ser Inc        |         | AP          |            | 359.67     |
| 145947   | 02/07/2014 | AT&T                           |         | AP          |            | 24.91      |
| 145948   | 02/07/2014 | Baker Supplies & Repair        |         | AP          |            | 130.44     |
| 145949   | 02/07/2014 | Barcodes LLC                   |         | AP          |            | 3,456.81   |
| 145950   | 02/07/2014 | Borelli Real Estate Service    |         | AP          |            | 90.00      |
| 145951   | 02/07/2014 | BSK Analytical Laboratories    |         | AP          |            | 570.00     |
| 145952   | 02/07/2014 | Ca Dept of Justice             |         | AP          |            | 676.50     |
| 145953   | 02/07/2014 | Dell Marketing L P             |         | AP          |            | 3,215.08   |
| 145954   | 02/07/2014 | Darrell Mello                  |         | AP          |            | 350.00     |
| 145955   | 02/07/2014 | Electrical Distributors Co.    |         | AP          |            | 1,511.47   |
| 145956   | 02/07/2014 | Engineering Unlimited Inc      |         | AP          |            | 57.42      |
| 145957   | 02/07/2014 | Fastenal Company               |         | AP          |            | 2.04       |
| 145958   | 02/07/2014 | Federal Express                |         | AP          |            | 6.92       |
| 145959   | 02/07/2014 | Lorenzo Garcia                 |         | AP          |            | 204.00     |
| 145960   | 02/07/2014 | George Allen Construction      |         | AP          |            | 185.63     |

| Check No | Check Date | Name                           | Comment | Module Void | Clear Date | Amount     |
|----------|------------|--------------------------------|---------|-------------|------------|------------|
| 145961   | 02/07/2014 | Goodwin Consulting Group       |         | AP          |            | 515.00     |
| 145962   | 02/07/2014 | Hach Company                   |         | AP          |            | 613.44     |
| 145963   | 02/07/2014 | The Iron Rod                   |         | AP          |            | 445.60     |
| 145964   | 02/07/2014 | International Line Builders    |         | AP          |            | 923.30     |
| 145965   | 02/07/2014 | JB Anderson Land Use Planning  |         | AP          |            | 1,232.00   |
| 145966   | 02/07/2014 | J W Professional Janitor       |         | AP          |            | 4,755.00   |
| 145967   | 02/07/2014 | Liebert Cassidy Whitmore       |         | AP          |            | 675.00     |
| 145968   | 02/07/2014 | Los Banos Feed & Ranch Supplie |         | AP          |            | 129.30     |
| 145969   | 02/07/2014 | Marfab Inc                     |         | AP          |            | 27.65      |
| 145970   | 02/07/2014 | Merced Sun Star                |         | AP          |            | 186.76     |
| 145971   | 02/07/2014 | Merced Uniform & Accessories   |         | AP          |            | 1,367.42   |
| 145972   | 02/07/2014 | Myers Stevens & Toohey & Co.,  |         | AP          |            | 2,714.00   |
| 145973   | 02/07/2014 | Napa Auto Parts                |         | AP          |            | 371.47     |
| 145974   | 02/07/2014 | North Central Laboratories     |         | AP          |            | 61.71      |
| 145975   | 02/07/2014 | The Office City                |         | AP          |            | 258.11     |
| 145976   | 02/07/2014 | Pacific Landscape Supply, Inc. |         | AP          |            | 2,082.25   |
| 145977   | 02/07/2014 | PAPE Machinery Inc.            |         | AP          |            | 10,000.00  |
| 145978   | 02/07/2014 | PAPE Machinery Inc.            |         | AP          |            | 10,000.00  |
| 145979   | 02/07/2014 | PERS - Public Employees        |         | AP          |            | 110,985.40 |
| 145980   | 02/07/2014 | Pinnacle Medical Group         |         | AP          |            | 100.00     |
| 145981   | 02/07/2014 | Purchase Power Inc             |         | AP          |            | 4,000.00   |
| 145982   | 02/07/2014 | Protech Security & Electronics |         | AP          |            | 156.00     |
| 145983   | 02/07/2014 | Quality Code Publishing LLC    |         | AP          |            | 730.23     |
| 145984   | 02/07/2014 | Radio Shack Accounts Rec       |         | AP          |            | 25.33      |
| 145985   | 02/07/2014 | Ronny's Landscaping            |         | AP          |            | 26,534.28  |
| 145986   | 02/07/2014 | Ronny's Landscaping            |         | AP          |            | 2,852.42   |
| 145987   | 02/07/2014 | Santos Ford Lincoln Mercury, I |         | AP          |            | 50.54      |
| 145988   | 02/07/2014 | Michael Seeba                  |         | AP          |            | 447.22     |
| 145989   | 02/07/2014 | Sherwin Williams Co            |         | AP          |            | 40.01      |
| 145990   | 02/07/2014 | Sign Solutions                 |         | AP          |            | 48.60      |
| 145991   | 02/07/2014 | Springbrook Software, Inc.     |         | AP          |            | 7,800.00   |
| 145992   | 02/07/2014 | Sorensens True Value           |         | AP          |            | 980.15     |
| 145993   | 02/07/2014 | Shames Constructioin           |         | AP          |            | 820.00     |
| 145994   | 02/07/2014 | Terryberry                     |         | AP          |            | 1,736.66   |
| 145995   | 02/07/2014 | TigerDirect, Inc.              |         | AP          |            | 4,209.15   |
| 145996   | 02/07/2014 | Tractor Supply Credit Plan     |         | AP          |            | 204.58     |
| 145997   | 02/07/2014 | Traffic Logix Corp.            |         | AP          |            | 728.00     |
| 145998   | 02/07/2014 | Triangle Rock Products         |         | AP          |            | 1,053.81   |
| 145999   | 02/07/2014 | Westhill Real Estate           |         | AP          |            | 77.32      |
| 146000   | 02/07/2014 | Court of Fountains, LLC        |         | AP          |            | 69.77      |
| 146001   | 02/07/2014 | Maria Silva                    |         | AP          |            | 34.14      |
| 146002   | 02/07/2014 | Brad Baumgartner               |         | AP          |            | 63.92      |
| 146003   | 02/07/2014 | Victor & Rocio Lopez           |         | AP          |            | 69.08      |
| 146004   | 02/07/2014 | Jeremy Orosco Sr               |         | AP          |            | 27.84      |
| 146005   | 02/07/2014 | Alfonso Tellez                 |         | AP          |            | 25.26      |
| 146006   | 02/07/2014 | Home Sweet Home Property Mana  |         | AP          |            | 40.72      |
| 146007   | 02/07/2014 | Home Sweet Home Property Mana  |         | AP          |            | 61.33      |
| 146008   | 02/07/2014 | Home Sweet Home Property Mana  |         | AP          |            | 54.48      |
| 146009   | 02/07/2014 | Home Sweet Home Property Mana  |         | AP          |            | 81.96      |
| 146010   | 02/07/2014 | Ryan & Emily Harkey            |         | AP          |            | 58.76      |
| 146011   | 02/07/2014 | Ruben & Meghan Padilla         |         | AP          |            | 22.34      |
| 146012   | 02/07/2014 | Joanna Smalley                 |         | AP          |            | 20.53      |
| 146013   | 02/07/2014 | Amador Leal                    |         | AP          |            | 32.98      |
| 146014   | 02/07/2014 | Tareq Husein                   |         | AP          |            | 22.68      |
| 146015   | 02/07/2014 | Jose and Zulema Barragan       |         | AP          |            | 25.26      |
| 146016   | 02/07/2014 | Audrey Briggs                  |         | AP          |            | 43.30      |
| 146017   | 02/07/2014 | Hugo Valencia                  |         | AP          |            | 25.26      |
| 146018   | 02/07/2014 | Joseph Luna                    |         | AP          |            | 22.68      |
| 146019   | 02/07/2014 | Sandra Navarro                 |         | AP          |            | 44.18      |
| 146020   | 02/07/2014 | Law Offices of William A Vaugh |         | AP          |            | 10,086.25  |
| 146021   | 02/07/2014 | Westside Water Conditioning    |         | AP          |            | 422.72     |
| 146022   | 02/07/2014 | Windecker Inc                  |         | AP          |            | 1,841.32   |

| Check No                | Check Date | Name                         | Comment | Module Void | Clear Date | Amount     |
|-------------------------|------------|------------------------------|---------|-------------|------------|------------|
| 146023                  | 02/07/2014 | Zoom Imaging Solutions, Inc. |         | AP          |            | 8.09       |
| Total for Valid Checks: |            |                              |         |             |            | 760,043.28 |
| Total Valid Checks:     |            |                              |         |             |            | 299        |
| Total Void Checks:      |            |                              |         |             |            | 0          |
| Total Checks:           |            |                              |         |             |            | 299        |

Break in Check Sequence due to the following  
 Check# 145690-145699 (blank unused checks)  
 Check # 145897-145921 (payroll checks)



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members  
**FROM:** Martha Brazil, City Treasurer/Accountant II *MB*  
**DATE:** February 19, 2014  
**SUBJECT:** Acceptance of the Second Quarter Investment Report for 2013/2014  
**TYPE OF REPORT:** Consent Agenda

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**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 City's trustee. Funds held by trustee include bond reserve funds, deferred compensation plans and other post retirement benefit funds.

**Fiscal Impact:**

Informational only, no fiscal impact.

**Reviewed by:**

Steve Carrigan, City Manager

**Attachments:**

City of Los Banos Second Quarter 2013/2014 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 investment on behalf of the City of Los Banos:

## **Investment Balances As of December 31, 2013**

| <b>Type of Investment</b>  | <b>Issuer</b>       | <b>Maturity</b>   | <b>Amount Invested</b> | <b>Annual Percentage Yield</b> |
|--|---------------------|-------------------|------------------------|--------------------------------|
| LAIF (Local Agency Investment Fund)  | State of California | Daily             | \$25,544,967.          | .264% effective yield          |
| Bonds (Fannie Mae Note, Freddie Mac Medium Term Note) Treasury Money Market Funds and CD's | Wells Fargo         | Staggered 5 years | 11,464,368.            | .80% - 5.40%                   |
| Money Market Funds School Project  | Wells Fargo         | Daily             | 25,068.                | 0.03%                          |
| Investment Balance:  |                     |                   | \$37,034,403.          |                                |

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 Fannie Mae Note, Freddie Mac Medium Term Note, 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.

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

[www.treasurer.ca.gov/pmia](http://www.treasurer.ca.gov/pmia)  
-laif  
January 24, 2014

CITY TREASURER  
520 J STREET  
LOS BANOS, CA 93635

PMIA Average Monthly Yields

Account Number:  
98-24-490

Tran Type Definitions

December 2013 Statement

Account Summary

|                   |      |                    |               |
|-------------------|------|--------------------|---------------|
| Total Deposit:    | 0.00 | Beginning Balance: | 25,544,966.91 |
| Total Withdrawal: | 0.00 | Ending Balance:    | 25,544,966.91 |





Wells Fargo Institutional Securities, LLC  
 400 CAPITOL MALL  
 SACRAMENTO CA 95814

JUSTIN LEWIS  
 1-916-440-4135

**Statement Period**

**12/01/2013 - 12/31/2013**

**Your Investment Account(s)**

CITY OF LOS BANOS  
 ATTN MARTHA BRAZIL

**Account Number**  
 3AB28736

**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                           | 115,265.31                   | 612,280.00                   | 5%          |
| Bonds   | 11,374,173.98                | 10,852,087.70                | 95%         |
| Stocks  | 0.00                         | 0.00                         | 0%          |
| <b>Total Account Value</b>                          | <b>\$ 11,489,439.29</b>      | <b>\$ 11,464,367.70</b>      | <b>100%</b> |
| <b>Value Change Since Last Statement Period</b>     |                              | <b>\$ 25,071.59</b>          |             |
| <b>Percent Decrease Since Last Statement Period</b> |                              |                              | <b>0%</b>   |
| <b>Value Last Year-End</b>                          |                              | <b>\$ 11,367,678.05</b>      |             |
| <b>Percent Increase Since Last Year-End</b>         |                              |                              | <b>1%</b>   |

**Income Summary USD**

|                                     | This Period        | Year-To-Date         |
|-------------------------------------|--------------------|----------------------|
| Interest                            | \$ 7,013.50        | \$ 227,690.80        |
| Dividends/Capital Gains             | 0.00               | 0.00                 |
| Money Market Mutual Funds Dividends | 1.19               | 1.29                 |
| Other                               | 0.00               | 0.00                 |
| <b>Income Total</b>                 | <b>\$ 7,014.69</b> | <b>\$ 227,692.09</b> |

**Money Market Mutual Funds Summary USD**

| Description                          | Amount               |
|--------------------------------------|----------------------|
| <b>Opening Balance</b>               | <b>\$ 115,265.31</b> |
| Deposits and Other Additions         | 497,013.50           |
| Distributions and Other Subtractions | 0.00                 |
| Income Earned                        | 1.19                 |
| <b>Closing Balance</b>               | <b>\$ 612,280.00</b> |



## Important Information

This statement is provided to customers of Wells Fargo Institutional Securities, LLC (WFIS). Statements are provided monthly for accounts with transactions and/or security positions. WFIS accounts are carried and maintained by Wells Fargo Securities, LLC ("WFS"), which provides clearing and safekeeping services for WFIS. 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 WFIS 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 prices 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 make its best effort to help investors find a buyer.

**SIPC:** WFIS and WFS are members 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](http://www.sipc.org) or by calling SIPC at 202-371-8300.

**FINRA BrokerCheck Program:** WFBS 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 (800-289-9999) or the FINRA web site ([www.finra.org](http://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)2 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:** WFIS introduces all equity orders to WFS. WFS will route equity 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. WFS uses the compensation received to help keep costs competitive and provide customers with quality execution services. 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 is available upon written request or by visiting: [www.ita.thomson.com/reports/1-6/wchv/](http://www.ita.thomson.com/reports/1-6/wchv/). WFS will provide more detailed information relating to the routing of any order executed within six months of the request.

**Equity Extended Hours Trading:** See important information relating to equities trading before and after regular trading hours at: [www.wellsfargo.com/com/securities/regulatory](http://www.wellsfargo.com/com/securities/regulatory).

**Equity Open Orders:** Open orders will remain in effect until executed or canceled by you. Failure to cancel an open order may result in the transaction being executed for your account. WFS has no responsibility to cancel an open order at its own initiative.

**Dividend Reinvestment:** In any dividend reinvestment transaction, WFS acted as agent. Additional information regarding transactions of this nature will be furnished to a customer upon written request.

**Account Transfers:** A fee will be charged to customers transferring their existing WFIS account to another broker/dealer or any other financial institution.

**Non-deposit investment products recommended, offered or sold by WFIS, 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 WFIS; 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. WFIS and WFS are subsidiaries of Wells Fargo & Company, neither is a bank or thrift, and they are separate from any other affiliated bank or thrift. WFIS and WFS are registered broker/dealers and members of FINRA. No affiliate of WFIS or WFS is responsible for the securities sold by WFIS or WFS.**

**Mutual Funds:** The distributor of Wells Fargo Advantage Funds is affiliated with WFIS and WFS. Mutual funds are sold by prospectus only. Please read the prospectus for further information including sales charges, deferred sales charges, withdrawal charges and management or other fees.

**Financial Statements:** WFIS financial statements are available upon request.

**Trade Confirmations:** Investment purchases and sales are subject to the terms and conditions stated on the trade confirmation relating to that transaction. In the event of a conflict between the trade confirmation and this statement, the trade confirmation will govern.

**Customer Complaints and Reporting Discrepancies:** Customer complaints, statement reporting inaccuracies or discrepancies should be promptly reported in writing to:

Customer Service  
608 Second Avenue South  
Suite 500 MAC N9303-054  
Minneapolis, MN 55402  
[wfcustomerservice@wellsfargo.com](mailto:wfcustomerservice@wellsfargo.com)

Customers may also report complaints, inaccuracies or discrepancies by calling 1-800-645-3751 opt 5. International callers should call 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 WFIS relating to the inaccuracies or discrepancies.

**Eurodollar Deposits:** Funds invested in a Eurodollar Deposit are held on deposit at the Bank's Grand Cayman Island branch, a foreign branch of the Bank. As an offshore deposit liability payable at the Bank's Grand Cayman Island branch, the deposits are subject to Grand Cayman Island laws, regulations and governmental actions regarding exchange controls, assets seizures and other restrictions. Deposits payable only outside the U.S. also have a lower priority than deposits payable at a U.S. branch in liquidation. In addition, deposits held in a foreign U.S. bank branch are not insured by the FDIC or otherwise guaranteed by the U.S. government or any of its agencies.

CITY OF LOS BANOS  
Account Number: 3AB28736

**Portfolio Holdings** *Security positions held with Wells Fargo Securities, LLC*

| Security ID      | Description  | Maturity Date | Coupon | Current Par / Original Par | Market Price* | Market Value | Original Par Pledged** | Callable |
|------------------|--|---------------|--------|----------------------------|---------------|--------------|------------------------|----------|
| <b>Bonds USD</b> |  |               |        |                            |               |              |                        |          |
| 87164DAC4        | SYNOVUS BANK GA INTEREST BEARING CERTIFICATE OF DEPOSIT                  | 02/25/14      | 1.450% | 245,000.000                | 100.1297      | 245,317.77   |                        |          |
| 855736CV4        | STATE B&T OH INTEREST BEARING CERT OF DEPOSIT                            | 06/27/14      | 2.000% | 50,000.000                 | 100.8390      | 50,419.50    |                        |          |
| 74824XCR5        | QUEENSBOROUGH NATIONAL B&T CO. LOUISVILLE GA INT BEARING CERT OF DEPOSIT | 07/30/15      | 2.300% | 100,000.000                | 102.9163      | 102,916.30   |                        |          |
| 786580X96        | SAFRA NAT'L BK NY INTEREST BEARING CERT OF DESPOSIT                      | 07/31/15      | 0.800% | 245,000.000                | 100.6061      | 246,484.95   |                        |          |
| 14042E3S7        | CAPITAL ONE NA MCLEAN VA INT BEARING CERT OF DEPOSIT                     | 08/25/15      | 2.000% | 245,000.000                | 102.0966      | 250,136.67   |                        |          |
| 140420MW7        | CAPITAL ONE USA GLEN ALLEN VA INT BEARING CERT OF DEPOSIT                | 08/25/15      | 2.000% | 245,000.000                | 102.8415      | 251,961.68   |                        |          |
| 59012YK71        | MERRICK BANK INT BEARING CERT OF DEP                                     | 08/31/15      | 1.250% | 245,000.000                | 101.8900      | 249,630.50   |                        |          |
| 856283QY5        | STATE BANK OF INDIA IL INT BEARING CERT OF DEPOSIT                       | 09/29/15      | 2.250% | 205,000.000                | 102.3087      | 209,732.84   |                        |          |
| 773709AM2        | ROCKLAND TRUST CO INTEREST BEARING CERT OF DEPOSIT                       | 03/28/16      | 2.050% | 40,000.000                 | 102.6556      | 41,062.24    |                        |          |
| 02005QMY6        | ALLY BANK UT INT BEARING CERT OF DEPOSIT                                 | 05/04/16      | 2.200% | 245,000.000                | 102.6638      | 251,526.31   |                        |          |
| 46176PAK1        | INVESTORS SVGS INT BEAR CERT OF DEPOSIT                                  | 05/05/16      | 2.200% | 100,000.000                | 102.6643      | 102,664.30   |                        |          |
| 73565NBD4        | PORTAGE COUNTY BANK INT BEARING CERT OF DEPOSIT                          | 06/15/16      | 1.800% | 130,000.000                | 102.7052      | 133,516.76   |                        |          |
| 06279LCJ1        | BANK INTERNET USA INTEREST BEARING CERT OF DEPOSIT                       | 06/22/16      | 1.900% | 245,000.000                | 102.7039      | 251,624.56   |                        |          |
| 344030EB3        | FLUSHING SAVINGS BANK INT BEARING CERT OF DEPOSIT                        | 06/29/16      | 1.900% | 245,000.000                | 102.7303      | 251,689.24   |                        |          |
| 06425BBE8        | BK OF THE PACIFIC INT BEAR CERT OF DEPOSIT                               | 08/12/16      | 1.700% | 245,000.000                | 102.7730      | 251,793.85   |                        |          |
| 856283RL2        | STATE BK OF INDIA IL INT BEAR CERT OF DEPOSIT                            | 08/12/16      | 2.000% | 40,000.000                 | 102.0569      | 40,822.76    |                        |          |
| 133033DL1        | CAMDEN NATIONAL BANK INTEREST BEARING CERT OF DEPOSIT                    | 08/17/16      | 1.750% | 245,000.000                | 102.7749      | 251,798.51   |                        |          |
| 52168UBN1        | LEADER BANK INT BEARING CERT OF DEP                                      | 08/17/16      | 1.800% | 245,000.000                | 102.7730      | 251,793.85   |                        |          |

CITY OF LOS BANOS

Account Number: 3AB28736

**Portfolio Holdings (Continued)** *Security positions held with Wells Fargo Securities, LLC*

| Security ID      | Description  | Maturity Date | Coupon | Current Par / Original Par | Market Price* | Market Value  | Original Par Pledged** | Callable |
|------------------|--|---------------|--------|----------------------------|---------------|---------------|------------------------|----------|
| <b>Bonds USD</b> |  |               |        |                            |               |               |                        |          |
| 924116AQ9        | VERMILLION STATE BANK INT BEARING CERT OF DEP                | 08/31/16      | 1.500% | 245,000.000                | 102.7958      | 251,849.71    |                        |          |
| 36962G2G8        | GENERAL ELECTRIC CAPITAL CORP SRNT                           | 02/15/17      | 5.400% | 1,150,000.000              | 111.2925      | 1,279,863.75  |                        | N        |
| 36962G5W0        | GENERAL ELECTRIC CAPITAL CORP SRNT                           | 04/27/17      | 2.300% | 1,500,000.000              | 102.7873      | 1,541,809.50  |                        | N        |
| 94974BFD7        | WELLS FARGO & CO SRNT  | 05/08/17      | 2.100% | 300,000.000                | 101.8649      | 305,594.70    |                        | N        |
| 36157PFA2        | GE CAPITAL RETAIL INTEREST BEARING CERTIFICATE OF DEPOSIT    | 06/08/17      | 1.800% | 245,000.000                | 100.9141      | 247,239.55    |                        |          |
| 254671ER7        | DISCOVER BANK INTEREST BEARING CERTIFICATE OF DEPOSIT        | 08/01/17      | 1.700% | 245,000.000                | 100.9240      | 247,263.80    |                        |          |
| 795450PJ8        | SALLIE MAE BK INTEREST BEARING CERTIFICATE OF DEPOSIT        | 09/19/17      | 1.600% | 245,000.000                | 100.4036      | 245,988.82    |                        |          |
| 29976DPY0        | EVERBANK FL INTEREST BEARING CERT OF DEP                     | 11/30/17      | 1.100% | 125,000.000                | 99.9768       | 124,971.00    |                        |          |
| 89233P7E0        | TOYOTA MOTOR CREDIT CORP SRNT                                | 01/10/18      | 1.375% | 500,000.000                | 98.0684       | 490,342.00    |                        | N        |
| 46625HJG6        | JPMORGAN CHASE & CO SRNT                                     | 01/25/18      | 1.800% | 985,000.000                | 99.1222       | 976,353.67    |                        | N        |
| 060624XH1        | BANK BARODA NY INTEREST BEARING CERT OF DEP                  | 03/08/18      | 1.250% | 245,000.000                | 98.3021       | 240,840.15    |                        |          |
| 20451PDE3        | COMPASS BANK INTEREST BEARING CERT OF DEPOSIT                | 09/04/18      | 1.950% | 245,000.000                | 99.6430       | 244,125.35    |                        |          |
| 05568P5S2        | BMW BK NORTH AMERICA INTEREST BEARING CERTIFICATE OF DEPOSIT | 10/11/18      | 2.050% | 245,000.000                | 99.7237       | 244,323.07    |                        |          |
| 36163CFS4        | GE CAPITAL BANK INTEREST BEARING CERTIFICATE OF DEPOSIT      | 10/11/18      | 1.850% | 245,000.000                | 99.6773       | 244,209.39    |                        |          |
| 38147JMY5        | GOLDMAN SACHS BK NY INTEREST BEARING CERTIFICATE OF DEPOSIT  | 10/16/18      | 2.050% | 245,000.000                | 99.6061       | 244,034.95    |                        |          |
| 02587DVB1        | AMERICAN EXPR CENTURION INTEREST BEARING CERT OF DEP         | 10/17/18      | 2.100% | 245,000.000                | 99.6935       | 244,249.08    |                        |          |
| 17284CQY3        | CIT BANK INTEREST BEARING CERT OF DEP                        | 10/17/18      | 2.000% | 245,000.000                | 99.6476       | 244,136.62    |                        |          |
|                  |  |               |        | 10,615,000.000             |               | 10,852,087.70 | 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.

CITY OF LOS BANOS  
Account Number: 3AB28736

**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 |
|--------------------------------------|-----------------------------|----------|-------------|--------------------------------|----------------|-------|------------------|---------------|-----------------------|
| <b>Income / Payment Activity USD</b> |                             |          |             |                                |                |       |                  |               |                       |
| 12/02/13                             | 12/02/13                    | Interest | 924116AQ9   | VERMILLION STATE BANK INT BEAR |                |       |                  | 302.05        | 302.05                |
| 12/02/13                             | 12/02/13                    | Interest | 59012YK71   | MERRICK BANK INT BEARING CERT  |                |       |                  | 251.71        | 251.71                |
| 12/02/13                             | 12/02/13                    | Interest | 29976DPY0   | EVERBANK FL INTEREST BEARING C |                |       |                  | 693.15        | 693.15                |
| 12/02/13                             | 12/02/13                    | Interest | 74824XCR5   | QUEENSBOROUGH NATIONAL B&T CO. |                |       |                  | 195.34        | 195.34                |
| 12/09/13                             | 12/09/13                    | Interest | 36157PFA2   | GE CAPITAL RETAIL INTEREST BEA |                |       |                  | 2,211.04      | 2,211.04              |
| 12/11/13                             | 12/11/13                    | Matured  | 69911Q2A2   | PARAGON COMMERCIAL BK NC INTE  |                |       | 245,000.00       |               | 245,000.00            |
| 12/11/13                             | 12/11/13                    | Interest | 69911Q2A2   | PARAGON COMMERCIAL BK NC INTE  |                |       |                  | 523.56        | 523.56                |
| 12/12/13                             | 12/12/13                    | Interest | 06425BBE8   | BK OF THE PACIFIC INT BEAR CER |                |       |                  | 342.33        | 342.33                |
| 12/16/13                             | 12/16/13                    | Interest | 73565NBD4   | PORTAGE COUNTY BANK INT BEARIN |                |       |                  | 192.33        | 192.33                |
| 12/16/13                             | 12/16/13                    | Interest | 344030EB3   | FLUSHING SAVINGS BANK INT BEAR |                |       |                  | 382.60        | 382.60                |
| 12/16/13                             | 12/16/13                    | Matured  | 70212YAF9   | PARTNERS BK OF CALIFORNIA INTE |                |       | 245,000.00       |               | 245,000.00            |
| 12/16/13                             | 12/16/13                    | Interest | 70212YAF9   | PARTNERS BK OF CALIFORNIA INTE |                |       |                  | 483.29        | 483.29                |
| 12/17/13                             | 12/17/13                    | Interest | 52168UBN1   | LEADER BANK INT BEARING CERT O |                |       |                  | 362.47        | 362.47                |
| 12/17/13                             | 12/17/13                    | Interest | 133033DL1   | CAMDEN NATIONAL BANK INTEREST  |                |       |                  | 352.40        | 352.40                |
| 12/23/13                             | 12/23/13                    | Interest | 06279LCJ1   | BANK INTERNET USA INTEREST BE  |                |       |                  | 382.60        | 382.60                |
| 12/30/13                             | 12/30/13                    | Interest | 74824XCR5   | QUEENSBOROUGH NATIONAL B&T CO. |                |       |                  | 189.04        | 189.04                |
| 12/30/13                             | 12/30/13                    | Interest | 855736CV4   | STATE B&T OH INTEREST BEARING  |                |       |                  | 82.19         | 82.19                 |
| 12/30/13                             | 12/30/13                    | Interest | 773709AM2   | ROCKLAND TRUST CO INTEREST BEA |                |       |                  | 67.40         | 67.40                 |

**Money Market Fund Activity**

All transactions are traded at \$1.00 per share

WF Adv 100% Treas S 8

\*As of December 31, 2013

| USD | Dividend earned this period | 7 day* simple yield | 30 day* simple yield |
|-----|-----------------------------|---------------------|----------------------|
|     | 1.19                        | 0.000%              | 0.000%               |

| Transaction Date | Activity                 | Principal Amount | Dividend Amount | Balance           |
|------------------|--------------------------|------------------|-----------------|-------------------|
|                  | <b>Beginning Balance</b> |                  |                 | <b>115,265.31</b> |
| 12/02/13         | Purchase                 | 1,442.25         |                 | 116,707.56        |
| 12/09/13         | Purchase                 | 2,211.04         |                 | 118,918.60        |
| 12/11/13         | Purchase                 | 245,523.56       |                 | 364,442.16        |
| 12/12/13         | Purchase                 | 342.33           |                 | 364,784.49        |
| 12/16/13         | Purchase                 | 246,058.22       |                 | 610,842.71        |
| 12/17/13         | Purchase                 | 714.87           |                 | 611,557.58        |

CITY OF LOS BANOS  
 Account Number: 3AB28736

**Money Market Fund Activity (Continued)**

*All transactions are traded at \$1.00 per share*

| Transaction Date | Activity              | Principal Amount | Dividend Amount | Balance           |
|------------------|-----------------------|------------------|-----------------|-------------------|
| 12/23/13         | Purchase              | 382.60           |                 | 611,940.18        |
| 12/30/13         | Purchase              | 338.63           |                 | 612,278.81        |
| 12/31/13         | Dividend              |                  | 1.19            | 612,280.00        |
|                  | <b>Ending Balance</b> |                  |                 | <b>612,280.00</b> |





**Transaction history**

| Date                           | Description      | Deposits/<br>Credits | Withdrawals/<br>Debits | Ending daily<br>balance |
|--------------------------------|------------------|----------------------|------------------------|-------------------------|
| 12/31                          | Interest Payment | 0.63                 |                        | 25,067.84               |
| <b>Ending balance on 12/31</b> |                  |                      |                        | <b>25,067.84</b>        |
| <b>Totals</b>                  |                  | <b>\$0.63</b>        | <b>\$0.00</b>          |                         |

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

**Monthly service fee summary**

For a complete list of fees and detailed account information, please see the Wells Fargo Fee and Information Schedule and Account Agreement applicable to your account or talk to a banker. Go to [wellsfargo.com/feefaq](http://wellsfargo.com/feefaq) to find answers to common questions about the monthly service fee on your account.

| Fee period 12/01/2013 - 12/31/2013                        | Standard monthly service fee \$10.00 | You paid \$0.00                                 |
|---|--------------------------------------|---|
| <b>How to avoid the monthly service fee</b>               | Minimum required                     | This fee period                                 |
| Have any <b>ONE</b> of the following account requirements |                                      |   |
| • Minimum daily balance                                   | \$2,500.00                           | \$25,067.21 <input checked="" type="checkbox"/> |
| • Average collected balance                               | \$5,000.00                           | \$25,067.00 <input checked="" type="checkbox"/> |

YD/YD



Did you know that you can review your safe deposit box information through Wells Fargo Business Online Banking? Sign on to business online banking at [wellsfargo.com/biz](http://wellsfargo.com/biz) and go to your account summary page to review details.



**IMPORTANT ACCOUNT INFORMATION**

**Online and Telephone Transfers from a Savings Account May Be Declined**

Beginning December 11, 2013, transfers from this savings account through online banking (including mobile and text) or by telephone may be declined for the remainder of the monthly statement period if the federal limit of six (6) transfers is reached. We are taking this step to help customers stay within the federal limit.

As stated in your Account Agreement, most transfers from savings accounts are limited by Regulation D to six (6) per month including transfers for overdraft protection coverage, online banking, or by telephone (automated and banker assisted). If the limit is exceeded, an excess activity fee applies and the account may be converted to a checking account.

There are no limits on transfers or withdrawals made in person at ATMs or Wells Fargo banking locations or on any types of deposits.

If you have questions, please contact your local banker or call the phone number on the top of your statement.

We want to let you know of the following fee change effective April 1, 2014:  
 - Collections - Domestic: Auto Draft - \$25 per item

131856





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

**Agenda Staff Report**

**TO:** Mayor & City Council Members  
**FROM:** Steve Carrigan, City Manager   
**DATE:** February 19, 2014  
**SUBJECT:** Update to Salary Schedule & Budget Amendments  
**TYPE OF REPORT:** Consent Agenda

---

**Recommendation:**

Attached please find a resolution for your review and consideration of approval that would amend the salary schedule and budget amendments to reflect the following changes:

- Moving the Code Enforcement Division from the Fire Department to the Police Department subsequently reducing the number of Police Officers from thirty-one (31) to thirty (30).
- Increasing the number of Police Sergeants from six (6) to seven (7).
- Eliminating the Animal Control Officer classifications and creating two (2) Code Enforcement Officers.
- Creating an Admin Clerk II classification in the Police Department.
- Eliminating the Code Enforcement Officer and Fire Clerk II classifications in the Fire Department.
- Creating an Engineering Technician and Mechanic I classifications in the Public Works Department and eliminating a Utilities Maintenance III position.
- Unfunding the Community Development Director position in the Community Development Department.
- Creating an Assistant Planner II and Planning Technician classifications in the Community Development Department, subsequently eliminating the Administrative Assistant position in the Community Development Department.
- Creating a part time Admin Clerk classification in Public Safety.

**Discussion:**

At the January 29, 2014 City Council Goals & Objectives Workshop, the City Council discussed reorganizing the Code Enforcement Division. This includes transferring the

division from the Fire Department to the Police Department in an effort to implement a proactive Code Enforcement Division, by including the utilization of the current Animal Control Officer. In order to facilitate the transfer, the Fire Clerk II position would be reclassified to an Admin Clerk II position and fifty percent (50%) of salary and benefits would be redirected to the Police Measure P Fund.

A part time Admin Clerk is being created to back fill the partial support of the Fire Clerk II position; the part time position will assist Fire Administrative Staff. The Measure P Committee met on February 13, 2014 regarding the changes to the Measure P Funds and voted in support of the changes.

The Mechanic I position will be created to assist in the daily functions of the Fleet Division. The Mechanic I position will partially be paid from the General Fund. With the addition of this position, a funded (yet unfilled) Utilities Maintenance III position will be eliminated.

The Engineering Technician position will be created in the Public Works Department to assist the Enterprise Funds with critical tasks. The Engineering Technician will be responsible for all environmental matter with water, waste water and solid waste. In addition they would administer Public Works capital projects and review plan checks associated with Public Works improvements. The addition of this position will be offset by a position yet to be determined.

With the vacancy of the Community Development Director position, staff recognized the need to reorganize the Community Development Department. The Director position will be unfunded and the Department will be managed by the City Manager. The Assistant Planner II classification is being created to allow for promotional options based on skill levels within the Planner job classification and would allow the Director/City Manager to choose among an Assistant Planner I, Assistant Planner II or Associate Planner based on job qualifications. The Planning Technician classification is being created to assist in the daily functions of the Community Development Department.

**Fiscal Impact:**

The fiscal impact associated with the Code Enforcement Division move from Fire to Police would include an increase to the General Fund of \$22,180, an increase to the Police Measure P Fund of \$14,200 and a decrease to the Fire Measure P Fund of \$8,000.

The Engineering Technician position will be an increase of \$22,645 evenly distributed through the Water, Waste Water and Solid Waste Funds.

The Mechanic I position will be an increase of \$23,335 to the Fleet Division in Public Works.

The changes to the Community Development Department would not currently have a fiscal impact, due to the budgeted unfilled Community Development Director position.

**Attachments:**

Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING DIVISION 4, SALARY SCHEDULE – EMPLOYEE CLASSIFICATIONS RELATING TO CHANGES TO SECTION C – COMMUNITY DEVELOPMENT, SECTION E – PUBLIC WORKS, SECTION F – FIRE & BUILDING, SECTION G – POLICE & BUDGET AMENDMENTS TO SUPPORT THOSE CHANGES**

WHEREAS, the City Council of the City of Los Banos has received a request that Division 4 – Salary Schedule of the City Policy Manual be amended to reflect changes associated with moving Code Enforcement Division from the Fire Department to the Police Department; and

WHEREAS, the City Council of the City of Los Banos has received a request that Division 4 – Salary Schedule of the City Policy Manual be amended to reflect changes associated with the addition of the Mechanic I position to the Fleet Division in the Public Works Department; and

WHEREAS, the City Council of the City of Los Banos has received a request that Division 4 – Salary Schedule of the City Policy Manual be amended to reflect changes associated with the addition of the Engineering Technician position in the Public Works Department; and

WHEREAS, the City Council of the City of Los Banos has received a request that Division 4 – Salary Schedule of the City Policy Manual be amended to reflect changes associated with the addition of the Assistant Planner II position in the Community Development Department; and

WHEREAS, the City Council of the City of Los Banos has received a request that Division 4 – Salary Schedule of the City Policy Manual be amended to reflect changes associated with the additional of the Planning Technician position in the Community Development Department; and

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2013-2014 Fiscal Year budget as shown in Exhibit “A” to reflect the proposed salary schedule changes; 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 2013-2014 Fiscal Year by action to amend the budget.

WHEREAS, said request has been reviewed and approved by the City Council of the City of Los Banos at their regular meeting of February 19, 2014.

NOW, THEREFORE, BE IT RESOLVED that the amendments as identified in Division 4 of the City Policy Manual are hereby amended and shall read as attached on "Exhibit A"; and

BE IT FURTHER RESOLVED that within each fund in "Exhibit B", the original adopted expenditures of the 2013-2014 Fiscal Year budget are revised.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19<sup>th</sup> day of February 2014 by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES: Council Members Faria

NOES:

ABSENT:

APPROVED:

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

ATTEST:

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

EXHIBIT A  
**DIVISION 4**  
**SALARY SCHEDULE**  
*(Approved \_\_\_\_\_, 2014)*

**SEC. 4003 REGULAR (FULL TIME) EMPLOYEE CLASSIFICATIONS**

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

| <u>EMPLOYEE CLASSIFICATION</u>     | <u>AUTHORIZED</u> | <u>RANGE</u>  | <u>START</u> | <u>STEP 1</u> | <u>STEP 2</u> | <u>STEP 3</u> | <u>STEP 4</u> |
|------------------------------------|-------------------|---------------|--------------|---------------|---------------|---------------|---------------|
| City Manager                       | (1)               | 10,937-13,671 | *            | *             | *             | *             | *             |
| Human Resources Director           | (1)               | 6,904-8,631   | *            | *             | *             | *             | *             |
| Assistant City Clerk/HR Technician | (1)               | *             | 3,894        | 4,089         | 4,293         | 4,508         | 4,733         |
| Payroll Technician                 | (1)               | *             | 2,994        | 3,144         | 3,301         | 3,466         | 3,639         |
| <u>Admin Clerk</u>                 | (1) <sup>1</sup>  |               |              |               |               |               |               |
| Admin Clerk II                     | *                 | *             | 2,852        | 2,994         | 3,144         | 3,301         | 3,466         |
| Admin Clerk I                      | *                 | *             | 2,346        | 2,463         | 2,586         | 2,716         | 2,851         |

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

<sup>1</sup> Authorized but unfunded for fiscal year 2013/2014

**SECTION B - FINANCE**  
**TOTAL POSITIONS AUTHORIZED (10)**

| <u>EMPLOYEE CLASSIFICATION</u> | <u>AUTHORIZED</u> | <u>RANGE</u> | <u>START</u> | <u>STEP 1</u> | <u>STEP 2</u> | <u>STEP 3</u> | <u>STEP 4</u> |
|--------------------------------|-------------------|--------------|--------------|---------------|---------------|---------------|---------------|
| Finance Director               | (1)               | 7,876-9,845  | *            | *             | *             | *             | *             |
| Accountant                     | (3)               |              |              |               |               |               |               |
| Accountant II                  | *                 | *            | 4,778        | 5,017         | 5,268         | 5,531         | 5,808         |
| Accountant I                   | *                 | *            | 3,894        | 4,089         | 4,293         | 4,508         | 4,733         |
| Accounts Payable Technician    | (1)               | *            | 3,204        | 3,364         | 3,532         | 3,709         | 3,894         |
| Accounting Clerk               | (5) <sup>2</sup>  |              |              |               |               |               |               |
| Accounting Clerk II            | *                 | *            | 2,852        | 2,994         | 3,144         | 3,301         | 3,466         |
| Accounting Clerk I             | *                 | *            | 2,346        | 2,463         | 2,586         | 2,716         | 2,851         |

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

<sup>2</sup> Five (5) positions authorized, with one (1) position unfunded for fiscal year 2013/2014

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

| <u>EMPLOYEE CLASSIFICATION</u>     | <u>AUTHORIZED</u> | <u>RANGE</u> | <u>START</u> | <u>STEP 1</u> | <u>STEP 2</u> | <u>STEP 3</u> | <u>STEP 4</u> |
|------------------------------------|-------------------|--------------|--------------|---------------|---------------|---------------|---------------|
| Community Development Director     | (1) <sup>3</sup>  | 9,274-11,593 | *            | *             | *             | *             | *             |
| <u>Planner</u>                     | (1)               |              |              |               |               |               |               |
| Associate Planner                  | *                 | *            | 4,778        | 5,017         | 5,268         | 5,531         | 5,808         |
| <b><u>Assistant Planner II</u></b> | *                 | *            | <b>4,293</b> | <b>4,508</b>  | <b>4,733</b>  | <b>4,970</b>  | <b>5,218</b>  |
| Assistant Planner I                | *                 | *            | 3,894        | 4,089         | 4,293         | 4,508         | 4,733         |
| Administrative Assistant           | (1) <sup>3</sup>  | *            | 3,144        | 3,301         | 3,466         | 3,640         | 3,822         |
| <b><u>Planning Technician</u></b>  | <b>(1)</b>        | *            | <b>3,204</b> | <b>3,364</b>  | <b>3,532</b>  | <b>3,709</b>  | <b>3,894</b>  |

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

<sup>3</sup> Authorized but unfunded for fiscal year 2013/2014

Sec. 4003 Continued - REGULAR (FULL TIME) EMPLOYEE CLASSIFICATIONS

**SECTION D - INFORMATION TECHNOLOGY**

**TOTAL POSITIONS AUTHORIZED (3)**

| EMPLOYEE CLASSIFICATION           | AUTHORIZED | RANGE       | START | STEP 1 | STEP 2 | STEP 3 | STEP 4 |
|-----------------------------------|------------|-------------|-------|--------|--------|--------|--------|
| Information Technology Director   | (1)        | 6,904-8,631 | *     | *      | *      | *      | *      |
| Information Technology Technician | (2)        | *           | 3,657 | 3,839  | 4,031  | 4,233  | 4,444  |

**SECTION E - PUBLIC WORKS**

**TOTAL POSITIONS AUTHORIZED (49 50)**

| EMPLOYEE CLASSIFICATION                                   | AUTHORIZED              | RANGE         | START        | STEP 1       | STEP 2       | STEP 3       | STEP 4       |
|---|-------------------------|---------------|--------------|--------------|--------------|--------------|--------------|
| Public Works Director/City Engineer                       | (1)                     | 10,853-13,567 | *            | *            | *            | *            | *            |
| Assistant Public Works Director                           | (1)                     | *             | 7,396        | 7,766        | 8,155        | 8,562        | 8,990        |
| Public Works Operations Manager                           | (1)                     | *             | 5,635        | 5,916        | 6,212        | 6,523        | 6,849        |
| Parks & Rec Operations Manager                            | (1)                     | *             | 5,265        | 5,529        | 5,805        | 6,095        | 6,400        |
| Office Manager  | (1)                     | *             | 4,778        | 5,016        | 5,267        | 5,531        | 5,807        |
| Supervisor  | (1)                     | *             | 4,228        | 4,440        | 4,662        | 4,895        | 5,139        |
| Water Quality Specialist                                  | (1)                     | *             | 4,228        | 4,440        | 4,662        | 4,895        | 5,139        |
| Fleet Maintenance Coordinator                             | (1)                     | *             | 4,047        | 4,249        | 4,462        | 4,685        | 4,919        |
| Foreman   | (4)                     | *             | 4,047        | 4,249        | 4,462        | 4,685        | 4,919        |
| Inspector I   | (1)                     | *             | 3,854        | 4,047        | 4,249        | 4,462        | 4,685        |
| Administrative Assistant                                  | (1)                     | *             | 3,144        | 3,301        | 3,466        | 3,640        | 3,822        |
| <b><u>Engineering Technician</u></b>                      | <b>(1)</b>              | <b>*</b>      | <b>3,204</b> | <b>3,364</b> | <b>3,532</b> | <b>3,709</b> | <b>3,894</b> |
| Recreation Coordinator II                                 | (1)                     | *             | 2,969        | 3,118        | 3,274        | 3,437        | 3,609        |
| <b><u>Mechanic I</u></b>                                  | <b>(1)</b>              | <b>*</b>      | <b>2,715</b> | <b>2,851</b> | <b>2,994</b> | <b>3,144</b> | <b>3,301</b> |
| Sweeper Operator I  | (2)                     | *             | 2,715        | 2,851        | 2,994        | 3,144        | 3,301        |
| <b><u>Environmental Control/Utilities Maintenance</u></b> | <b>(44 13)</b>          |               |              |              |              |              |              |
| Environmental Control Specialist III                      | *                       | *             | 3,544        | 3,721        | 3,907        | 4,102        | 4,307        |
| Environmental Control Specialist II                       | *                       | *             | 3,106        | 3,262        | 3,425        | 3,596        | 3,776        |
| Environmental Control Specialist I                        | *                       | *             | 2,959        | 3,107        | 3,262        | 3,425        | 3,596        |
| Environmental Control Specialist Trainee                  | *                       | *             | 2,817        | 2,958        | 3,106        | 3,261        | 3,424        |
| Utilities Maintenance III                                 | *                       | *             | 3,331        | 3,498        | 3,673        | 3,857        | 4,049        |
| Utilities Maintenance II                                  | *                       | *             | 3,028        | 3,180        | 3,339        | 3,506        | 3,681        |
| Utilities Maintenance I                                   | *                       | *             | 2,715        | 2,851        | 2,994        | 3,144        | 3,301        |
| <b><u>Maintenance</u></b>                                 | <b>(16)<sup>4</sup></b> |               |              |              |              |              |              |
| Maintenance Worker III                                    | *                       | *             | 3,331        | 3,498        | 3,673        | 3,857        | 4,049        |
| Maintenance Worker II                                     | *                       | *             | 3,028        | 3,180        | 3,339        | 3,506        | 3,681        |
| Maintenance Worker I                                      | *                       | *             | 2,715        | 2,851        | 2,994        | 3,144        | 3,301        |
| Maintenance Worker Trainee                                | *                       | *             | 2,185        | 2,295        | 2,409        | 2,530        | 2,656        |
| <b><u>Admin Clerk</u></b>                                 | <b>(2)<sup>5</sup></b>  |               |              |              |              |              |              |
| Admin Clerk II  | *                       | *             | 2,852        | 2,994        | 3,144        | 3,301        | 3,466        |
| Admin Clerk I   | *                       | *             | 2,346        | 2,463        | 2,586        | 2,716        | 2,851        |

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

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

<sup>4</sup> Sixteen (16) positions authorized, with two (2) positions unfunded for fiscal year 2013/2014

<sup>5</sup> Two (2) positions authorized, with one (1) position unfunded for fiscal year 2013/2014

Sec. 4003 Continued - REGULAR (FULL TIME) EMPLOYEE CLASSIFICATIONS

**SECTION F - FIRE & BUILDING**

**TOTAL POSITIONS AUTHORIZED (49 17)**

| <u>EMPLOYEE CLASSIFICATION</u>      | <u>AUTHORIZED</u> | <u>RANGE</u> | <u>START</u>     | <u>STEP 1</u>    | <u>STEP 2</u>    | <u>STEP 3</u>    | <u>STEP 4</u>    |
|-------------------------------------|-------------------|--------------|------------------|------------------|------------------|------------------|------------------|
| Fire Chief                          | (1)               | 9,248-11,560 | *                | *                | *                | *                | *                |
| Asst Fire Chief                     | (1)               | *            | 7,113            | 7,469            | 7,842            | 8,234            | 8,646            |
| Fire Captain                        | (3)               | *            | 4,692            | 4,927            | 5,173            | 5,432            | 5,703            |
| Fire Engineer                       | (6)               | *            | 4,470            | 4,604            | 4,742            | 4,884            | 5,031            |
| Fire Fighter                        | (5)               | *            | 3,676            | 3,860            | 4,054            | 4,256            | 4,469            |
| <del>Code Enforcement Officer</del> | <del>(1)</del>    | <del>*</del> | <del>3,656</del> | <del>3,839</del> | <del>4,031</del> | <del>4,232</del> | <del>4,444</del> |
| Administrative Assistant            | (1)               | *            | 3,144            | 3,301            | 3,466            | 3,640            | 3,822            |
| Fire Clerk II                       | (1)               | *            | 2,852            | 2,994            | 3,144            | 3,301            | 3,466            |

**SECTION G - POLICE**

**TOTAL POSITIONS AUTHORIZED (69 62)**

| <u>EMPLOYEE CLASSIFICATION</u>       | <u>AUTHORIZED</u>               | <u>RANGE</u> | <u>START</u>     | <u>STEP 1</u>    | <u>STEP 2</u>    | <u>STEP 3</u>    | <u>STEP 4</u>    |
|--------------------------------------|---------------------------------|--------------|------------------|------------------|------------------|------------------|------------------|
| Police Chief                         | (1)                             | 9,612-12,015 | *                | *                | *                | *                | *                |
| Police Commander                     | (2)                             | *            | 7,113            | 7,469            | 7,842            | 8,234            | 8,646            |
| Police Services Manager              | (1)                             | *            | 5,542            | 5,819            | 6,110            | 6,416            | 6,736            |
| Police Sergeant                      | <del>(6 7)</del>                | *            | 5,469            | 5,742            | 6,030            | 6,331            | 6,648            |
| Dispatch Supervisor                  | (1) <sup>6</sup>                | *            | 4,261            | 4,474            | 4,698            | 4,933            | 5,179            |
| <del>Code Enforcement Officer</del>  | <del>(2)</del>                  | <del>*</del> | <del>3,656</del> | <del>3,839</del> | <del>4,031</del> | <del>4,232</del> | <del>4,444</del> |
| Dispatcher                           | (9)                             | *            | 3,426            | 3,596            | 3,776            | 3,965            | 4,163            |
| Crime Analyst                        | (1)                             | *            | 3,144            | 3,301            | 3,466            | 3,640            | 3,822            |
| Property Evidence Technician         | (1)                             | *            | 2,639            | 2,903            | 3,048            | 3,200            | 3,360            |
| <del>Animal Control Officer</del>    | <del>(1)</del>                  | <del>*</del> | <del>3,304</del> | <del>3,470</del> | <del>3,643</del> | <del>3,825</del> | <del>4,017</del> |
| <del>Animal Control Officer II</del> | <del>*</del>                    | <del>*</del> | <del>2,589</del> | <del>2,719</del> | <del>2,854</del> | <del>2,997</del> | <del>3,147</del> |
| <del>Animal Control Officer I</del>  | <del>*</del>                    | <del>*</del> | <del>2,589</del> | <del>2,719</del> | <del>2,854</del> | <del>2,997</del> | <del>3,147</del> |
| Community Services Officer           | (5)                             | *            | 2,468            | 2,591            | 2,721            | 2,857            | 3,000            |
| Public Safety Custodian              | (1)                             | *            | 2,173            | 2,282            | 2,396            | 2,516            | 2,642            |
| Police Officer                       | <del>(34 30)</del> <sup>7</sup> | *            | 4,201            | 4,415            | 4,636            | 4,869            | 5,111            |
| Police Trainee                       | *                               | *            | 2,173            | 2,282            | 2,396            | 2,516            | 2,642            |
| <del>Admin Clerk</del>               | <del>(1)</del>                  | <del>*</del> | <del>2,852</del> | <del>2,994</del> | <del>3,144</del> | <del>3,301</del> | <del>3,466</del> |
| <del>Admin Clerk II</del>            | <del>*</del>                    | <del>*</del> | <del>2,852</del> | <del>2,994</del> | <del>3,144</del> | <del>3,301</del> | <del>3,466</del> |
| <del>Admin Clerk I</del>             | <del>*</del>                    | <del>*</del> | <del>2,346</del> | <del>2,463</del> | <del>2,586</del> | <del>2,716</del> | <del>2,851</del> |

<sup>6</sup> Authorized but underfilling with a Dispatcher for fiscal year 2013/2014

<sup>7</sup> Thirty-one (30 34) positions authorized, with two (2) positions unfunded for fiscal year 2013/2014

<sup>8</sup> The Police Trainee position may be filled in lieu of Police Officer positions. The total number of Police Officers and Police Trainees shall not exceed the total number authorized for Police Officer.

**SEC. 4004 PART TIME & ELECTED EMPLOYEE CLASSIFICATIONS**

Public Works Department -- Hourly Salary

| <u>EMPLOYEE CLASSIFICATION</u> | <u>START</u> | <u>STEP 1</u> | <u>STEP 2</u> | <u>STEP 3</u> | <u>STEP 4</u> |
|--------------------------------|--------------|---------------|---------------|---------------|---------------|
| Maintenance Worker III         | 14.10        | 14.81         | 15.55         | 16.32         | 17.14         |
| Clerk Typist I                 | 11.90        | 12.50         | 13.12         | 13.78         | 14.46         |
| Recreation Clerk               | 11.67        | 12.25         | 12.87         | 13.51         | 14.18         |
| Program Supervisor             | 10.80        | 11.34         | 11.91         | 12.50         | 13.13         |
| Garage Aid                     | 10.54        | 11.07         | 11.62         | 12.20         | 12.81         |
| Maintenance Worker II          | 10.22        | 10.73         | 11.27         | 11.83         | 12.42         |
| Recreation Assistant           | 8.45         | 8.87          | 9.32          | 9.78          | 10.27         |
| Maintenance Worker I           | 8.41         | 8.83          | 9.27          | 9.74          | 10.22         |
| Recreation Aide                | 8.00         | 8.40          | 8.82          | 9.26          | 9.72          |

SEC. 4004 Continued - PART TIME & ELECTED EMPLOYEE CLASSIFICATIONS

Public Safety Department -- Hourly Salary

| <u>EMPLOYEE CLASSIFICATION</u> | <u>START</u>        | <u>STEP 1</u>       | <u>STEP 2</u>       | <u>STEP 3</u>       | <u>STEP 4</u>       |
|--------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Police Officer                 | 21.00               | 22.05               | 23.15               | 24.31               | 25.53               |
| Fire Fighter                   | 15.11               | 15.87               | 16.66               | 17.49               | 18.37               |
| Dispatcher                     | 14.10               | 14.81               | 15.55               | 16.32               | 17.14               |
| <b><u>Admin Clerk</u></b>      | <b><u>11.89</u></b> | <b><u>12.48</u></b> | <b><u>13.11</u></b> | <b><u>13.76</u></b> | <b><u>14.45</u></b> |
| Custodian                      | 10.85               | 11.39               | 11.96               | 12.56               | 13.19               |
| Community Services             | 10.54               | 11.07               | 11.62               | 12.20               | 12.81               |
| Receptionist                   | 10.54               | 11.07               | 11.62               | 12.20               | 12.81               |

City Hall Division -- Hourly Salary

| <u>EMPLOYEE CLASSIFICATION</u> | <u>START</u> | <u>STEP 1</u> | <u>STEP 2</u> | <u>STEP 3</u> | <u>STEP 4</u> |
|--------------------------------|--------------|---------------|---------------|---------------|---------------|
| Account Clerk/Admin Clerk      | 11.89        | 12.48         | 13.11         | 13.76         | 14.45         |
| Custodian                      | 10.85        | 11.39         | 11.96         | 12.56         | 13.19         |
| Translator (Spanish)           | 9.93         | *             | *             | *             | *             |
| Office Assistant               | 8.07         | 8.47          | 8.90          | 9.34          | 9.81          |

Volunteer Fire Department -- Monthly Salary

| <u>EMPLOYEE CLASSIFICATION</u> |               |
|--------------------------------|---------------|
| Assistant Volunteer Fire Chief | 67.50 monthly |

Elected Officials -- Monthly Salary

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

City of Los Banos  
 Budget Amendment  
 Code Enforcement/Engineering/Enterprise Funds

Code Enforcement-Code Enf Officer

|          |                 |                  |
|----------|-----------------|------------------|
| Salaries | 100-429-100-101 | \$ 14,624        |
| Benefits | 100-429-100-120 | \$ 7,556         |
|          |                 | <u>\$ 22,180</u> |

Fleet-Mechanic I

|          |                 |                  |
|----------|-----------------|------------------|
| Salaries | 601-480-210-101 | \$ 11,554        |
| Benefits | 601-480-210-120 | \$ 11,781        |
|          |                 | <u>\$ 23,335</u> |

Water-Engineer Tech

|          |                 |                 |
|----------|-----------------|-----------------|
| Salaries | 100-461-100-101 | \$ 3,813        |
| Benefits | 100-461-100-120 | \$ 3,887        |
|          |                 | <u>\$ 7,700</u> |

Wastewater Collections-Engineer Tech

|          |                 |                 |
|----------|-----------------|-----------------|
| Salaries | 100-432-100-101 | \$ 3,701        |
| Benefits | 100-432-100-120 | \$ 3,772        |
|          |                 | <u>\$ 7,473</u> |

Solid Waste-Engineer Tech

|          |                 |                 |
|----------|-----------------|-----------------|
| Salaries | 510-490-100-101 | \$ 3,700        |
| Benefits | 510-490-100-120 | \$ 3,772        |
|          |                 | <u>\$ 7,472</u> |



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members  
City Manager

**FROM:** Chet Guintini, Fire Chief 

**DATE:** February 19, 2014

**SUBJECT:** Budget Amendment – Building Maintenance

**TYPE OF REPORT:** Consent Agenda

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**Recommendation:**

Staff recommends that the City Council adopt a resolution to revise the budget for the 2013-2014 Fiscal Year as it pertains to changes in expenditures.

**Background:**

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

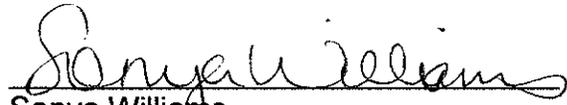
**Discussion:**

At the beginning of this current budget year, the Fire Department estimated the Building Maintenance to remain constant from the prior year. However, with the replacing of the water heater (\$2,732.52) and unexpected repairs to the overhead door (\$1,200.00) at Fire Station No. 1, there is a need to increase the budget.

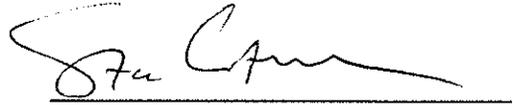
**Fiscal Impact:**

The impact would increase the General Fund by \$3,932.52 to account number 100-422-100-205.

**Reviewed by:**



Sonya Williams  
Finance Director



Steve Carrigan  
City Manager

**Attachments:**

Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADOPTING A REVISED BUDGET FOR THE 2013-2014 FISCAL YEAR AS IT PERTAINS TO EXPENDITURES**

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2013-2014 Fiscal Year 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 budget increase is \$3,932.52 in expenditures for the Fire Departments Facility Maintenance account (100-422-100-205).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve the budget amendment to the fiscal year 2013-2014 budget increasing appropriations in account 100-422-100-205 in the amount of \$3,932.52.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the \_\_\_\_ day of February 2014, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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

ATTEST:

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



City of  
**Los Banos**

*At the Crossroads of California*

**Agenda Staff Report**

**TO:** Mayor & City Council Members

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

**DATE:** February 19, 2014

**SUBJECT:** An Ordinance of the City Council of the City of Los Banos Extending the Temporary Suspension of the Collection of Regional Transportation Impact Fees (RTIF) established by Ordinance No. 1031 as Amended and Codified in Title 3, Chapter 18 of the Los Banos Municipal Code

**TYPE OF REPORT:** Public Hearing

---

**Recommendation:**

That the City Council open the Public Hearing, receive public comment, waive the second reading, and adopt Ordinance No. 1115 to extend the temporary suspension of the collection of Regional Transportation Impact Fees (RTIF) for a period of twelve months.

**Background:**

Ordinance No. 1107, adopted on February 20, 2013, temporarily suspended the collection of Regional Transportation Impact Fees (RTIF) for a period of twelve months from the effective date of the Ordinance for the following land use categories:

- Retail commercial, general
- Retail commercial, high turnover
- Retail commercial, low turnover
- Retail commercial, over 50,000 sq. ft.
- Office commercial
- Industrial/Ag processing

Ordinance No. 1107 will expire on March 22, 2014.

At the City Council meeting on January 15, 2014, Council directed staff to prepare an Ordinance that would extend the temporary suspension of the collection of Regional Transportation Impact Fees (RTIF) for an additional twelve months for the same six land use categories as designed in Ordinance No. 1107.

At the February 5, 2014 City Council meeting, Council waived the first reading and introduced Ordinance No. 1115, which extends the temporary suspension of the collection of the Regional Transportation Impact Fee (RTIF) for a period of twelve months from the effective date of this Ordinance for the following land use categories:

- Retail commercial, general
- Retail commercial, high turnover
- Retail commercial, low turnover
- Retail commercial, over 50,000 sq. ft.
- Office commercial
- Industrial/Ag processing

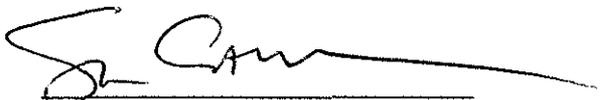
**Discussion:**

In order to establish Ordinance No. 1115, it requires a second reading and adoption of Ordinance. Should the Council adopt the Ordinance, it would become effective thirty days after its final passage and adoption.

**Fiscal Impact:**

Since the development impact fees pay for planned infrastructure, the result of this fee suspension would be a decrease in the amount of planned regional transportation infrastructure that can be funded by the Regional Transportation Impact Fee (RTIF) program. The magnitude of the impact to the RTIF would largely be dependent on the pace of development during the fee suspension period.

**Reviewed by:**



Steve Carrigan, City Manager

**Attachment:**

Ordinance No. 1115

## ORDINANCE NO. 1115

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS EXTENDING THE TEMPORARY SUSPENSION OF THE COLLECTION OF REGIONAL TRANSPORTATION IMPACT FEES ESTABLISHED BY ORDINANCE NO. 1031 AS AMENDED AND CODIFIED IN TITLE 3 CHAPTER 18 OF THE LOS BANOS MUNICIPAL CODE**

WHEREAS, Development Impact Fees are levied on new development to cover the cost of infrastructure or facilities necessitated by that development pursuant to the Mitigation Fee Act; and

WHEREAS, on May 4, 2005, the Los Banos City Council adopted Ordinance No. 1031 establishing a Regional Transportation Impact Fee – RTIF; and

WHEREAS, since the adoption of Ordinance 1031 the City of Los Banos and the rest of Merced County have experienced an economic recession that has impacted new development in the City of Los Banos; and

WHEREAS, on February 1, 2012, the Los Banos City Council adopted Ordinance No. 1105 temporarily suspending the collection of fees charged pursuant to Title 3 Chapter 18 of the Los Banos Municipal Code (Regional Transportation Impact Fee – RTIF) for specified land use categories for a period of twelve months from the effective date of the Ordinance:

WHEREAS, on February 20, 2013, the Los Banos City Council adopted Ordinance No. 1107 temporarily suspending the collection of fees charged pursuant to Title 3 Chapter 18 of the Los Banos Municipal Code (Regional Transportation Impact Fee – RTIF) for specified land use categories for an additional period of twelve months from the effective date of the Ordinance:

WHEREAS, Ordinance No. 1107 will expire on March 22, 2014; and

WHEREAS, the City Council believes that an extension of the temporary suspension of the Regional Transportation Impact Fee for the specified land use categories will have a positive impact on the community and new development; and

WHEREAS, the Ordinance is exempt from the provisions of CEQA, in that it is not a project under CEQA pursuant to subdivision (b) (4) of section 15378 of CEQA Guidelines, Title 14 of the California Code of Regulations.

NOW THEREFORE, the City Council of the City of Los Banos does hereby ordain as follows:

1. Recitals: The above stated recitals are true and correct.
2. Temporary Suspension of Regional Transportation Impact Fee: The collection of fees charged pursuant to Title 3 Chapter 18 of the Los Banos Municipal Code (Regional Transportation Impact Fee – RTIF) for the following land use categories is temporarily suspended for a period of twelve months from the effective date of this Ordinance:

Retail commercial, general  
Retail commercial, high turnover  
Retail commercial, low turnover  
Retail commercial, over 50,000 sq. ft.  
Office commercial  
Industrial/Ag processing

3. Relationship to Prior Ordinances: This Ordinance does not repeal Ordinance No. 1031 as amended by Ordinance No. 1073 and Ordinance No. 1086, amend the rates set forth by said prior Ordinances, alter any finding by said prior Ordinances, or otherwise affect the operation of said prior Ordinances except as specifically set forth herein.
4. Effect: No provision of this Ordinance shall entitle any person who has already paid Regional Transportation Impact Fees to receive a refund, credit or reimbursement of such payment.
5. Expiration: As of twelve months from the effective date of this Ordinance, this Ordinance is repealed without further action by the City Council, unless the City Council repeals or amends this Ordinance prior to that date.
6. CEQA: The City Council finds that the Ordinance is exempt from the provisions of CEQA, in that it is not a project under CEQA pursuant to subdivision (b) (4) of section 15378 of CEQA Guidelines, Title 14 of the California Code of Regulations, because this Ordinance only relates to a governmental funding mechanism, or fiscal activities, which do not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment.
7. Severability: 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.
8. Effective Date: 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.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Los Banos City Council on the 5th day of February 2014 and was adopted at a regular meeting of the Los Banos City Council on the \_\_\_\_ day of \_\_\_\_\_ 2014 by the following vote:

AYES:            Council Members:  
NOES:           Council Members:  
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 and City Council Members

**FROM:** Tim Marrison, Assistant Fire Chief 

**DATE:** February 19, 2014

**SUBJECT:** Ordinance Adopting the 2013 California Building Standards Code

**TYPE OF REPORT:** Public Hearing

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**Recommendation:**

The Fire Department is requesting City Council to waive the second reading and proceed with the adoption of Ordinance No. 1116 by the City Council of the City of Los Banos, adopting by reference the 2013 Edition of the California Building Standards Code

**Discussion:**

On February 5, 2014 a Public Hearing was held to receive Public comment on Ordinance No. 1116. The City Council received no Public comments, waived the first reading and introduced the Ordinance as submitted.

The California Building Standards Code (California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12) is published in its entirety every three years and is applicable to all buildings that submit an application for a building permit during its effective period. The Building Standards Code incorporates all of the regulations applicable to all disciplines of the construction industry including the Building, Electrical, Mechanical, and Plumbing Codes.

The California Building Standard Codes are based on model codes written by the International Code Council, the National Fire Protection Association, and the International Association of Plumbing and Mechanical Officials. The publication of code updates by these organizations triggers State consideration, amendment, and adoption of an updated set of codes to be used by jurisdictions within the state. Each triennial

edition of the California Building Standards Code becomes effective 180 days after its publication date of July 1. Therefore, the 2013 Building Standards Codes go into effect on January 1, 2014 and all building permit submittals after January 1, 2014 will be subject to the Codes.

### **Local Amendment**

The California Health and Safety Code enables local jurisdictions to modify the California Building Standards Code and adopt different or more restrictive requirements with the caveat that:

- The local modifications must be substantially equivalent to, or more stringent than, building standards published in the California Building Standards Code; and
- The local jurisdiction is required to make specific or express findings that such changes are reasonably necessary because of local geological, climatic, or topographic conditions.

Staff is not recommending the adoption of any new local amendments to the Building Code.

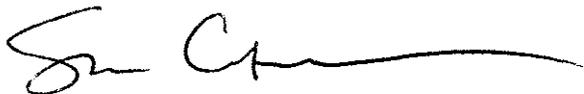
### **Synopsis**

Title 8, Building Codes, of the City of Los Banos Municipal Code, incorporates the Building Standards Code plus locally adopted amendments to the codes and is known as the Building Codes of the City of Los Banos. The Building Code of the City of Los Banos applies to the construction of any building or structure in the city on public or private land except for structures constructed in the public right of way. The proposed ordinance adopts all parts of the 2013 California Standards Building Code with the exception of Part 9. Part 9 is the California Fire Code that is adopted by separate ordinance.

### **Fiscal Impact:**

There will be no fiscal impact on the City of Los Banos for adopting the proposed Ordinance.

### **Reviewed by:**



Steve Carrigan,  
City Manager

### **Attachments:**

Proposed Ordinance

**ORDINANCE NO. 1116**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, THE 2013 EDITION OF THE CALIFORNIA ENERGY CODE, THE 2013 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, THE 2013 EDITION OF THE CALIFORNIA REFERENCED STANDARDS CODE, THE 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2013 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2013 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE, THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2013 EDITION OF THE CALIFORNIA PLUMBING CODE; BY AMENDMENT TO TITLE 8 CHAPTER 1 OF THE LOS BANOS MUNICIPAL CODE.**

**THE CITY COUNCIL OF THE CITY OF LOS BANOS MAKES THE FOLLOWING FINDINGS:**

**WHEREAS**, California Health & Safety Code Section 18938 provides that the building standards contained in the California Building Code, 2013 Edition, and incorporates, by adoption, the 2012 Edition of the International Building Code of the International Code Council with the California amendments, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Buildings Standards Code by the California Building Standards Commission; and

**WHEREAS**, the City Council of the City of Los Banos has previously adopted the "Uniform Building Code, 2010 Edition," including the appendix, which was prepared by the International Conference of Building Officials and Western Fire Chief's Association, with certain amendments as the Building Code of the City; and

**WHEREAS**, after due consideration, the City Council of the City of Los Banos hereby finds that it desires to adopt the most recent version of the California Building Code as the City's Building Code, with certain amendments to provide further safety protections to the citizens of the City of Los Banos; and

**WHEREAS**, California Health & Safety Code Section 18941.5 provides that if a city makes an express finding that building standards that are more restrictive than those standards provided in the international codes are reasonably necessary because of local climatic, geological, or topographical conditions, a city may establish more restrictive building standards; and

**WHEREAS**, the City Council of the City of Los Banos hereby finds the amendments to the “California Building Code, 2013 Edition,” are reasonably necessary to provide sufficient and effective protection of life, health, and property in consideration of the local climatic, geologic and topographic conditions as stated below; and

A. During winter months, the San Joaquin Valley experiences thick fog, heavy rains and extreme wind conditions that in past experience has caused structural damage within the City.

B. Merced County is located within an area with potential seismic activity. The proposed amendments will increase the ability of the structural components to sustain their functionality.

C. The City of Los Banos to a great extent lies on a level plain, as a result, heavy rains have historically threatened flooding throughout the City, which can cause delays for emergency response, or in some situations, make it impossible for responders to get to certain areas of the City. Flooding is both a climatic and topographic problem.

D. The City of Los Banos is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires; control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, may greatly impact the response time to reach an incident scene; and

E. Due to the topographical conditions of sprawling development separated by two congested state highways, it is prudent to rely on measures to allow for rapid access and entry to an incident scene.

THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

**Section 1.** Section 8-1.01 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.01 Adoption of the California Building Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Building Code, 2013 Edition, Volumes 1 & 2 (Part 2 of Title 24 of the California Code of Regulations), based on the 2012 International Building Code as published by the International Code Council, together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code of the City of Los Banos.

**Section 2.** Section 8-1.04 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.04Adoption of the California Energy Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Energy Code, 2013 Edition (Part 6 of Title 24 of the California Code of Regulations), published by the International Code Council, together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Energy Code of the City of Los Banos.

**Section 3.** Section 8-1.05 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.05Adoption of California Historical Building Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Historical Building Code, 2013 Edition (Part 8 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Historical Building Code of the City of Los Banos.

**Section 4.** Section 8-1.06 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.06Adoption of California Referenced Standards Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Referenced Standards Code, 2013 Edition (Part 12 of Title 24 of the California Code of Regulations, published by the International Code Council together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and

deletions set forth in this chapter, and said Code shall be known as the Referenced Standards Code of the City of Los Banos.

**Section 5.** Section 8-1.07 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.07 Adoption of California Electrical Code 2013 Edition.**

For the purpose of prescribing regulations governing the installation, erection, construction, enlargement, alteration, repair, maintenance and inspection of electrical facilities within the City, the California Electrical Code, 2013 Edition (Part 3 of Title 24 of the California Code of Regulations), including appendix, based on the 2011 National Electrical Code as published by the National Fire Protection Association, together with its Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter, and said Code shall be known as the Electrical Code of the City of Los Banos.

**Section 6.** Section 8-1.09 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.09 Adoption of California Mechanical Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Mechanical Code, 2013 Edition (Part 4 of Title 24 of the California Code of Regulations), including appendix, based on the 2012 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Mechanical Code of the City of Los Banos.

**Section 7.** Section 8-1.10 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.10 Adoption of the California Administrative Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Administrative Code, 2013 Edition (Part 1 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and

deletions set forth in this chapter, and said Code shall be known as the Administrative Code of the City of Los Banos.

**Section 8.** Section 8-1.11 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.11 Adoption of the California Existing Building Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Existing Building Code, 2013 Edition (Part 10 of Title 24 of the California Code of Regulations), based on the 2012 International Existing Building Codes published by the International Code Council, together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Existing Building Code of the City of Los Banos.

**Section 9.** Section 8-1.12 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.12 Adoption of the California Green Building Standards Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Green Building Standards Code, 2013 Edition (Part 11 of the Title 24 of the California Code of Regulations), as published by the California Buildings Standards Commission, together with all Appendices, and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Green Building Standards Code of the City of Los Banos.

**Section 10.** Section 8-1.13 of Title 8, Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1. 13 Adoption of the California Residential Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, that certain Code designated as the "California Residential Code, 2013 Edition (Part 2.5 of Title 24 of the California Code of Regulations), based on the 2012 International Residential Code and as published by the International Code Council, together with all Appendices, and subsequent additions and editions

thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Residential Code of the City of Los Banos.

**Section 11.** Section 8-1.15 of Title 8 Chapter 1 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.15 Adoption of the California Plumbing Code 2013 Edition.**

For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the California Plumbing Code, 2013 Edition (Part 5 of Title 24 of the California Code of Regulations), including appendix, based on the 2012 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, , one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Plumbing Code of the City of Los Banos.

**Section 12.** Section 8-1.18 of Title 8, Chapter 3 of the Los Banos Municipal Code is retitled and amended to read as follows:

**Sec. 8-1.18 Amendments to the California Plumbing Code 2013 Edition.**

The following amendments, additions, and deletions are made to the California Plumbing Code 2013 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.”

**Section 13** The City Council finds that the changes made to the uniform codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes and fire. In this regard, the recitals set forth in this Ordinance are incorporated herein by reference a findings.

**Section 14.** 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 the respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

**Section 15.** 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 16.** This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in this 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, and 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 Faria and seconded by Council Member Lewis on the 5th day of February, 2014.

Passed on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

APPROVED:

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MAYOR – City of Los Banos

ATTEST:

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CITY CLERK – City of Los Banos



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

**Agenda Staff Report**

**TO:** Mayor and City Council Members

**FROM:** Tim Marrison, Assistant Fire Chief

A handwritten signature in black ink, appearing to read 'T. Marrison'.

**DATE:** February 19, 2014

**SUBJECT:** Ordinance Adopting the 2013 California Fire Code

**TYPE OF REPORT:** Public Hearing

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**Recommendation:**

The Fire Department is requesting City Council to waive the second reading and proceed with the adoption of Ordinance No. 1117 by the City Council of the City of Los Banos, adopting by reference the 2013 Edition of part 9 (California Fire Code) of the California Building Standards Code.

**Discussion:**

On February 5, 2014 a Public Hearing was held to receive Public comment on Ordinance No. 1117. The City Council received no Public comments, waived the first reading and introduced the Ordinance as submitted.

The request is to adopt the 2013 edition of the California Code of Regulations, Title 24, Part 9, also referred to as the California Fire Code, with local amendments. The 2013 California Fire Code incorporates, by adoption, the 2012 edition of the International Fire Code of the International Code Council, with California amendments. A local City or County may make more restrictive standards necessary for local conditions.

Part 9 (The California Fire Code) is the official triennial compilation and publication of the adoptions, amendments, and repeal of administrative regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Building Standards Code is published every three years by order of the California legislature, with supplements published in intervening years. The California

legislature delegated authority to various state agencies, boards, commissions and departments to create building regulations to implement the state statutes. These

building regulations or standards have the same force of law, and take effect 180 days after their publication.

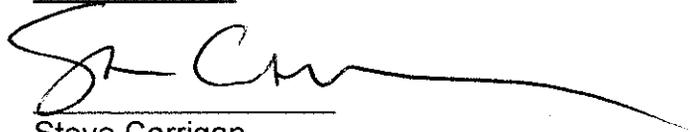
Attached is the proposed Ordinance that identifies the language and numbering necessary for adoption of the 2013 California Fire Code and the local amendments that have been identified as enhancements desirable for the safety of the citizens and preservation of property.

The Los Banos Fire Department is recommending some small modifications to Amendment No. 6. Chapter 9: Section 903 AUTOMATIC FIRE SPRINKLER SYSTEMS (a)–(b)(i)-(ii) & (iii). The intent of the modifications are to more clearly explain the requirements of the amendment regarding the City of Los Banos 5000 square foot fire sprinkler Ordinance that was adopted in 1991. The changes to the text do not make the existing Ordinance more restrictive. The Fire Department is also recommending some small modifications to Amendment No. 6. Chapter 9: Section 903 AUTOMATIC FIRE SPRINKLER SYSTEMS (e)-(f)-(g) & (l). The 2010 version of the California Residential Code began the requirement of the installation of residential fire sprinkler systems in all NEW single family dwellings. The City of Los Banos adopted local amendments to provide sufficient and effective protection of life, health and property. Since the implementation of the 2010 amendments, the Los Banos Fire Department has networked with the California State Fire Marshal’s office and determined that some of our local amendments may be slightly more restrictive than intended and are in need of modification. The proposed modifications align our local amendments with the true intent of the code.

**Fiscal Impact:**

There will be no fiscal impact on the City of Los Banos for adopting the proposed Ordinance.

**Reviewed by:**



Steve Carrigan,  
City Manager

**Attachments:**

Proposed Ordinance

**ORDINANCE NO. 1117**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF LOS BANOS ADOPTING BY REFERENCE THE 2013 EDITION OF  
THE CALIFORNIA FIRE CODE BY AMENDMENT TO TITLE 4 CHAPTER 3 OF THE  
LOS BANOS MUNICIPAL CODE AND ADOPTION OF LOCAL AMENDMENTS  
THERE TO.**

**THE CITY COUNCIL OF THE CITY OF LOS BANOS MAKES THE  
FOLLOWING FINDINGS:**

**WHEREAS**, the California Building Standards Code, Title 24, which incorporates the California Fire Code, is adopted every three years by order of the California Legislature with supplements published in intervening years; and

**WHEREAS**, pursuant to California Government Code Section 50022.1 et seq. the City of Los Banos (“City”) may adopt by reference the 2013 California Fire Code, based on the International Fire Code, 2012 Edition, with errata, published by International Code Council (ICC), as adopted by the State of California pursuant to Title 24, Part 9 of the California Code of Regulations; and

**WHEREAS**, the City Council of the City of Los Banos has previously adopted the “California Fire Code, 2010 Edition,” including the appendix, which was prepared by the International Conference of Building Officials and Western Fire Chiefs Association, with certain amendments as the Fire Code of the City; and

**WHEREAS**, after due consideration, the City Council of the City of Los Banos hereby finds that it desires to adopt the most recent version of the California Fire Code as the City’s Fire Prevention Code, with certain amendments to provide further safety protections to the citizens of the City of Los Banos; and

**WHEREAS**, California Health & Safety Code Section 18941.5 provides that if a city makes an express finding that building standards that are more restrictive than those standards provided in the international codes are reasonably necessary because of local climatic, geological, or topographical conditions, a city may establish more restrictive building standards; and

**WHEREAS**, the City Council of the City of Los Banos hereby finds the amendments to the “California Fire Code, 2013 Edition,” are reasonably necessary to provide sufficient and effective protection of life, health, and property in consideration of the local climatic, geologic and topographic conditions as stated below; and

A. During winter months, the San Joaquin Valley experiences thick fog that is a danger to emergency personnel responding to fires and other emergencies and delays response time of emergency vehicles by two to three minutes the normal response time. Fire engines and

trucks must greatly reduce their speed in the fog to compensate for appropriate braking distances because of the weight of the vehicles; and

B. Merced County is located within an area with potential seismic activity. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in larger structures, which will increase the availability of firefighting resources after seismic activity; and

C. The City of Los Banos to a great extent lies on a level plain, as a result, heavy rains have historically threatened flooding throughout the City, which can cause delays for emergency response, or in some situations, make it impossible for responders to get to certain areas of the City. Flooding is both a climatic and topographic problem; and

D. The City of Los Banos is located in an area subject to a climatic condition of high winds. This environment is conducive to rapidly spreading fires; control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, streetlights and utility poles, may greatly impact the response time to reach an incident scene; and

E. Due to the topographical conditions of sprawling development separated by two congested state highways, it is prudent to rely on measures to allow for rapid access and entry to an incident scene.

THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

**Section 1.** Section 4-3.01 of Title 4, Chapter 1 of the Los Banos Municipal Code is hereby retitled and amended to read as follows:

**Sec. 4-3.01 Adoption of the California Fire Code 2013 Edition.**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the 2013 California Fire Code (Part 9 of Title 24 of the California Code of Regulations), as published by the International Code Council, together with all Appendices and subsequent additions and editions thereto, one copy of which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Fire Prevention Code of the City of Los Banos.

**Section 2.** Section 4-3.07 of Title 4, Chapter 1 of the Los Banos Municipal Code is hereby retitled and amended to read as follows:

**Sec. 4-3.07 Amendments to the California Fire Code 2013 Edition.**

The California Fire Code is hereby amended as follows:

## **Amendment No. 1**

### **Chapter 1: Section [A] 102.8 Subjects not regulated by this code.**

Section [A] 102.8, Chapter 1 of the California Fire Code, 2013 Edition is amended to read as follows:

Section [A] 102.8. **Subjects not regulated by this code.** Where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this Code. Nothing herein shall derogate from the power of the Fire Chief to determine compliance with codes or standards for those activities or installations within the Fire Chief's jurisdiction or responsibility.

EXCEPTION: Recognized standards shall not include any standard which attempts to regulate local authority as to minimum daily staffing levels and incident response levels. These standards include, but are not limited to NFPA 1710 & 1720.

## **Amendment No. 2**

### **Chapter 1: [A] Section 104.1 General.**

Section [A] 104.1 of the 2013 Edition of the California Fire Code is hereby amended to add Section 104.1.1 as follows:

Section 104.1.1 **Permits, Fire Suppression, and Inspection Recovery of Costs.** The Fire Department shall recover cost that reasonably constitute the cost of fire suppression, inspections, clean-up of chemical spills, the cost of suppression chemicals, material and/or equipment used to mitigate the hazard. Cost recovery against a property owner and/or other responsible person when the act is a result of that person's willful negligence and/or negligence, violation of federal or state statute, or local ordinance.

## **Amendment No. 3**

### **Chapter 1: [A] Section 104.10.1 Assistance from other agencies.**

Section [A] 104.10.1, Chapter 1 of the California Fire Code, 2013 Edition, is amended to read as follows:

Section 104.10.1. **Assistance from other agencies.** The Fire Chief, Fire Chief Officers and the fire investigation team who have been designated by the Fire Chief shall have the powers of a police officer in performing their duties under this code.

Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

#### **Amendment No 4**

##### **Chapter 1: [A] Section 105 Permits: Application for Permit**

Section [A] 105.6 of the 2013 Edition of the California Fire Code is hereby amended to read as follows:

Section 105.6. The requirements of this article shall be subject to the permits specified in the California Fire Code as adopted and amended. Permits, Inspections, and Plan review fees may be provided by resolution by the City Council or as provided by the California Building Code and/or California Fire Code and/or Reference to the Building Standards. All required plans and permits shall be submitted to the Fire Department for review and approval prior to issuance of any permits required by this Article and/or required by the City.

#### **Amendment No 5**

##### **Chapter 5: Section 506**

Section 506.1 of the 2013 Edition of the California Fire Code is hereby amended to add Section 506.1(a) to read as follows:

When access to or within a structure or an area is unduly difficult because of secure openings, where immediate access is necessary for life saving or fire fighting purposes, or where an automatic fire suppression and/or standpipe system is installed, or where an automatic alarm system is installed, or where a gate or cross arm impedes ingress through a fire lane, or where the area or building is protected by a locked gate, a key box or a security padlock shall be installed in an accessible location unless otherwise authorized by the Chief. The approved City of Los Banos Fire Department key box shall be a "Knox Box." The Knox Box and security padlock shall be obtained through the City of Los Banos Fire Department. The key boxes shall contain, but not be limited to the following items as designated by the Chief: (i) labeled keys to locked points of egress, whether interior or exterior; (ii) labeled keys to locked mechanical rooms; (iii) labeled keys to any gate or secured areas not installed with a Knox Box or Security Padlock; (iv) labeled keys to any other areas that may be required by the Chief; (v) a list with the names and telephone numbers for the emergency contact persons; (vi) floor plan of the interior building showing locations of shut offs; decals shall be installed/displayed as required by the Chief.

When hazardous materials as defined in Chapter 27 of the California Fire Code are stored or dispensed or other conditions exist on the premises where information is necessary for life saving or fire fighting purposes as determined by the Fire Chief, a Document Storage Box shall be installed in an accessible location unless otherwise authorized by the Chief.

The approved City of Los Banos Fire Department document storage box shall be a “Knox Document Storage Cabinet”. The “Knox Document Storage Cabinet” shall be obtained through the City of Los Banos Fire Department. The box shall contain, but not be limited to the following items as designated by the Chief: (i) blueprints; (ii) floor plans; (iii) MSDS hazardous materials information; (iv) any other emergency response related items as required by the Chief.

## **Amendment No 6**

### **Chapter 9: Section 903 AUTOMATIC SPRINKLER SYSTEMS Automatic Fire Extinguishing Systems**

Section 903.2 of the 2013 Edition of the California Fire Code is hereby amended to add Sections 903.2(a) through (m) to read as follows:

(a) Notwithstanding any less restrictive provision of Section 903, an automatic sprinkler system shall be provided in the locations described in Sections 903.2.1 through 903.2.12 where the fire area exceeds 5,000 square feet unless the specific section requires an automatic sprinkler system for a fire area of less than 5,000 square feet which in that case the more restrictive provision shall apply.

(b) (i) In the case of a remodel of an existing building or structure an automatic sprinkler system shall be provided in the locations described in Sections 903.2.1 through 903.2.12 where the fire area exceeds 5,000 square feet, unless the specific section requires an automatic sprinkler system for a fire area of less than 5,000 square feet which in that case the more restrictive provision shall apply, and the total construction cost for the remodel exceeds \$100,000 as determined by the City.

(ii) In the case of an addition to an existing building or structure an automatic sprinkler system shall be provided in the locations described in Sections 903.2.1 through 903.2.12 where the fire area exceeds 5,000 square feet or the addition causes the fire area to exceed 5,000 square feet, unless the specific section requires an automatic sprinkler system for a fire area of less than 5,000 square feet, which in that case the more restrictive provision shall apply.

(iii) In the case of a change in the type of use or occupancy an automatic sprinkler system shall be provided in the locations described in Sections 903.2.1 through 903.2.12 where the fire area exceeds 5,000 square feet unless the specific section requires an automatic sprinkler system for a fire area of less than 5,000 square feet which in that case the more restrictive provision shall apply.

(c) Fire Control Room. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels, HVAC duct detector test and reset switches and other fire equipment required by the chief. Fire control rooms shall be located within the building at a location approved by the chief, and shall be provided with a means to access

the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the "Fire Control Room".

(d) When residential units require the installation of a NFPA 13D system, the systems water supply will be configured in accordance with the City of Los Banos Improvement Standards.

(e) When residential units require the installation of a NFPA 13D system, the system will be a "Stand Alone" wet pipe system.

(f) When residential units require the installation of a NFPA 13D system, the system riser must be located within an exterior wall, with access to the system riser through an exterior access panel door.

(g) When residential units require the installation of a NFPA 13D system, a waterflow alarm is required to be installed on the exterior of the dwelling in the area of the Master Bedroom window. This waterflow alarm will activate anytime the water flow switch is activated.

(h) When residential units require the installation of a NFPA 13D system, all pendent sprinkler heads within the living areas will be Concealed pendent sprinklers, flat plate 4.9 K-factor heads.

(i) When residential units require the installation of a NFPA 13D system, an inspector test/drain valve must be located on the system at the furthest point of the system from the riser. The inspector's test connections shall contain an orifice equal to or smaller than the smallest sprinkler installed in the system. This valve must be accessible to the home occupant and located behind a metal door cover. A sign attached to the front of the door must state "Fire Sprinkler Test/Drain."

(j) When residential units require the installation of a NFPA 13D system, a single upright "pilot" head will be installed at the highest point within the attic area. These heads shall be Intermediate-rated sprinklers. Multiple high peaked roof assemblies and/or area separation walls may require additional pilot heads.

(k) When residential units require the installation of a NFPA 13D system, fire sprinkler piping located in unheated attic spaces shall be completely covered with insulation per the NFPA 13D ANNEX A recommendations.

(l) When residential units require the installation of a NFPA 13D system, complete coverage must be provided within the enclosed garage area.

(m) Locking Devices Fire Department Connections. Every building equipped with a fire sprinkler system shall be required to install lockable type devices on Fire Department Connection. Said device shall be approved by the Fire Department (Knox Fire Department Connection).

**EXCEPTIONS:**

1. Where the California Fire Code and/or California Building are more restrictive, the most restrictive occupancy requirements will be followed.
2. Area separation walls, the extent and location of such wall shall provide a complete separation or division to limit the floor area to 5,000 square feet. Separation shall be of Four-hour fire-resistive construction. Four-hour separation walls shall be constructed in accordance with the current California Building Code.

**Amendment No 7**

**Chapter 9: Section 904 ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEMS Installation of fixed Fire Protection Systems**

Section 904 of the 2013 Edition of the California Fire Code is hereby amended to add Section 904(a) to read as follows:

- (a) All fire extinguishing system required in this code and/or the California Building code shall be installed in accordance with the requirements of this Article, and the National Fire Protection Association standards and/or Factory Mutual Engineering.

**Amendment No 8**

**Chapter 9: Section 906 PORTABLE FIRE EXTINGUISHERS**

Section 906.1 of the 2013 Edition of the California Fire Code is hereby amended to add Section 906.1(a) as follows:

- (a) The minimum approved portable fire extinguisher size for all occupancies shall be, 2-A:10-B:C rated. Unless more restrictive by code.

**Amendment No. 9**

**Chapter 9: Section 907 FIRE ALARM AND DETECTION SYSTEMS Sprinkler System Supervision**

Section 907.1 of the 2013 Edition of the California Fire Code is hereby amended to add Sections 907.1(a) through (f) to read as follows.

- (a) All automatic sprinkler systems shall be supervised by an approved central station, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location. All automatic fire sprinkler systems installed in Group R Division 1 occupancies as outlined in the 2013 California Building Code are required to be monitored by an approved central alarm monitoring station.

(b) Supervisory signal service alarms. Flow switches and/or tamper switches shall be installed on all fire sprinkler system to include gate valves, post indicator valves.

(c) Annunciator Panel. Annunciator panel means any arrangement of luminaries that indicate a fire condition by location or zone and is activated by a water flow or detection of the products of combustion.

(d) Equipment. Every building equipped with a fire alarm system activated by smoke detectors, rate of heat rise detection, water flow alarms, tamper switches, or pull station shall be equipped with an annunciator panel located within the Fire Control Room.

(e) When required in Section 907.1 (a) the fire alarm systems will meet the following occupancy requirements:

1. Strip malls & structures with multiple occupancies – All suites located within a structure equipped with a fire sprinkler system will be required to have a minimum of one (1) audio/visual notification device and one (1) manual pull station located in the area designated by the Los Banos Fire Department.

2. Suites or areas 5000 square feet or greater -- All suites or areas 5000 square feet or greater, located within a building equipped with a fire sprinkler system are required to install a full occupant notification fire alarm system. This system will include an approved manual, combination automatic and manual or automatic fire alarm system in accordance with the provisions of this code and NFPA 72.

(f) Anytime an HVAC is required to be equipped with an automatic smoke detector as per the Uniform Mechanical Code, said smoke detector is required to have a remote test/reset switch located within the Fire Control Room.

#### **Amendment No. 10**

### **Chapter 28: Section 2803 LUMBER YARDS AND WOOD WORKING FACILITIES Wood Products, Pallet Storage and Use.**

Section 2803.1 of the 2013 Edition of the California Fire Code is hereby amended to add Sections 2803.1.1 through 2803.1.5 to read as follows.

2803.1.1 Pallets and Palletized Packing boxes. Required permit to store pallets and or palletized items in excess of 30,000 board feet.

2803.1.2 Piles. Pallets shall be piled with due regard to the stability of piles and in no case higher than 12 feet in height. Where pallets are piled next to a property line the distance from the property line shall not be less than one half of the height of the pile and in no case less than five feet.

2803.1.3 Driveways. Driveways between and around storage piles shall be a minimum of 20 feet wide. And maintained free from accumulation of rubbish, weeds, equipment and materials. Driveways shall be so spaced that a maximum grid system unit of 50 feet by 50 feet is produced. Note exception: Modification of the driveways, clearance or widths required by this section shall be increased or decreased when, in the opinion of the Fire Chief, Clearances of widths are not adequate to provide fire apparatus access.

2803.1.4 Storage. Pallet storage, operating under permit, shall be surrounded with a suitable chain link fence of at least 6 feet in height.

2803.1.5 Fire Protection. An approved water supply and fire hydrants capable of supplying the required fire flows shall be provided to within 150 feet of all portions of the storage piles.

#### **Amendment No. 11**

#### **Chapter 56: Section 5608 EXPLOSIVES AND FIREWORKS Fireworks and Pyrotechnic Special Effects Material (Definitions)**

Section 5608 of the 2013 Edition of the California Fire Code is hereby amended to add Sub Section 5608.2 through 5608.5 to read as follows.

5608.2 **Fireworks - Purpose.** It is the intent of the City to reasonably regulate the sale, use, display, and discharge of dangerous and safe and sane fireworks within the City to protect the public health, safety, and general welfare.

5608.2.1. **Definitions.** For the purposes of this section, unless otherwise apparent from the context, certain words and phrases used in this section are defined as follows.

A. "Dangerous fireworks" means any fireworks specified as such in the State Fireworks Law, Section 12505 and 12561 of the Health and Safety Code of the State Of California, and such other fireworks as may be determined to be dangerous by the state fire marshal.

B. "Safe and Sane Fireworks" as defined in Section 12529 of the Health and Safety Code the State of California, means any fireworks, which do not come within the definition of "dangerous fireworks" or "exempt fireworks".

C. "Eligible Organization" means an organization which has met all of the following criteria for a continuous period of not less than two full years preceding submittal of an application for permit required by this section 16 (and which continues to do so thereafter).

1. Internal Revenue Code Sections 501 (c) 3, 4, 6, 7, 8, 10, 19, 23, or 26, Section 501 (d), Section 501 (e);

2. The organization must be headquartered within and clearly affiliated or identified with the City of Los Banos;
3. The organization must be one which provides direct and regular community services and benefits to the citizens of the City of Los Banos;
4. The organization must hold its regularly scheduled meeting within the City of Los Banos; and
5. Has a minimum membership of ten (10) members continuously.

D. "Fireworks Stand" means any building, counter, or other structure of a temporary nature used in the sale or offering for sale of Safe and Sane fireworks pursuant to a permit duly issued.

**5608.2.2. Possession, Sale, Use, Display, Discharge of Dangerous Fireworks.**

A. It shall be unlawful to possess, sell, use, display, or discharge within the City of Los Banos "dangerous fireworks" except as permitted by the provisions of this Section.

B. It shall be unlawful for any person having lawful possession or control of private property, including but not limited to an owner, renter, lessee, to permit any person to possess, sell, use, display, or discharge within the City of Los Banos "dangerous fireworks" except as permitted by the provisions of this Section.

**5608.2.3. Possession, Sale, Or Use Of Safe and Sane Fireworks.** It shall be unlawful to possess, sell, use, display, or discharge within the City of Los Banos "safe and sane fireworks" except as permitted by the provisions of this Section.

**5608.2.4. Permit for Sale of Safe and Sane Fireworks.** It shall be unlawful for any person to possess, store, to offer for sale, or sell safe and sane fireworks within the City of Los Banos without a valid permit from the fire department. The fire chief shall have the authority to adopt reasonable rules and regulations for the granting of permits for the sale of safe and sane fireworks by eligible organizations. The fire chief shall also have the authority to adopt reasonable rules and regulations for the safe operation of firework stands.

**5608.2.5. Application for Permit to Sell Safe and Sane Fireworks. Permits to sell safe and sane fireworks shall be issued by the fire department as follows:**

A. All applications for permits shall be in writing and delivered to the fire chief on forms supplied by the fire department, and shall include all documentation and proof required by the rules and regulations established by the state fire marshal and the fire chief. All application materials must be complete to be accepted by the fire department.

B. Applications may be filed beginning the first business day of August of each year up to and including 5 p.m. the last working day in September of the same year or at other dates and times as determined by the fire chief... No application shall be received after 5 p.m.

C. Applications shall be signed by a bona fide officer of the non-profit organization wherein the officer, on behalf of the organization and its agent, shall agree to abide by all state laws, all administrative regulations, all city ordinances, all rules and regulations promulgated by the fire chief and the terms and conditions of the permit.

D. Applications shall identify the name of the organization, the organization charter or mission statement, the address of the principal meeting place and mailing address, number of members, the purpose of the organization and the date it came into existence.

E. Application fees: the applicant shall pay a non-refundable twenty-five \$25.00 dollar fee. The fee is required to be paid at the time application is submitted.

F. Permit Fee: \$250.00 paid prior to permit issuance.

G. Except as provided in subsection (H), the maximum number of permits which may be issues and the maximum number of "safe and sane fireworks" stands that will be permitted pursuant to this section 16 during any one calendar year shall not exceed one permit for each five thousand (5,000) residents of the City of Los Banos, or fraction thereof, based on the State of California Census Estimate. The official Census Estimate shall be the latest estimate published before the end of the filing period.

H. The Los Banos Chamber of Commerce, Fourth of July Committee shall be exempted from the maximum number of permits set forth in subsection (G) and shall receive one permit (in addition to the maximum number of permits) for the sale of safe and sane fireworks upon meeting all other requirements set forth in this section, and so long as it continues to sponsor the Los Banos Fourth of July Celebration.

**5608.2.6. Issuance of Permits.** Only eligible organizations that have submitted a timely and complete application accepted by the fire chief and that have been drawn from a pool of accepted applications will be permitted to sell safe and sane fireworks.

A. If the number of accepted applications exceeds the maximum number of permits which may be issued in a calendar year; accepted applicants for a permit will be selected by lot on the first working day of October at 1 p.m. at Fire Station One or at another time and location as determined by the fire chief. Successful and unsuccessful applicants will be notified by mail.

B. By April 1, each successful applicant shall provide to the fire chief; a site plan with the location of the fireworks stand; a written letter from the property owner indicating permission to sell safe and sane fireworks on the site; the permit fee; proof of insurance, one million dollars public liability, property damage, and product liability insurance

policies with riders attached to the policies designating the City of Los Banos as an additional insured. Applicants that do not submit the required information by the April 1 deadline shall not be issued a permit.

C. Permits will be effective only when delivered by the fire department after the final inspection of the fireworks stand shows compliance with all the requirements established by the fire chief or this section for the operation of a fireworks stand.

D. A permit entitles the holder of the permit to one fireworks stand, which shall operate on the location identified on the permit.

E. Two or more qualified applicants may be issued a permit as a joint venture.

F. Permits issued pursuant to this section are valid only during the calendar year issued.

G. Permits issued pursuant to this section are not transferable.

**5608.2.7. Fireworks Stands.** When all application requirements have been completed, fees have been paid and the stand location has been approved, the fire department shall authorize the erection of the stand. The stand shall be inspected and approved by the fire chief or his/her designee, prior to the sale of any fireworks from said stand. The sale of fireworks from any other building or structure is prohibited. Temporary fireworks stands shall be subject to the following provisions:

A. Fireworks stands shall be located only upon property that is zoned for commercial or industrial uses.

B. Fireworks stands shall be located on improved property, i.e. paved, cement parking lots.

C. Fireworks stands shall be 35 feet from the public right-of-way and 35 feet away from existing structures.

D. No smoking signs shall be posted on all four sides and inside the fireworks stand indicating "No Smoking within 35 feet".

E. Fireworks stands shall not interfere with normal traffic patterns in private parking lots.

F. Fireworks stands shall be constructed of substantial material to provide security and safe sales operation.

G. Permits to sell safe and sane fireworks shall be posted in a conspicuous location within the interior portion of the fireworks stand.

H. A sign shall be affixed to the front of the exterior portion of the fireworks stand in letters at least six inch in height, identifying the name of the nonprofit organization to which the permit to sell safe and sane fireworks was issued.

I. No electrical service shall be allowed in or within 25 feet of the firework stand, to include fuel powered generators or similar equipment.

J. Fireworks stands shall have two working, currently serviced, two and one-half gallon water extinguishers. Extinguishers shall be readily accessible.

K. During hours of non operation fireworks shall be stored in an enclosed locked cargo container on site, in a location approved by the fire chief. The storage container shall have placards on all four sides and have signage posted indicating "No Smoking" within 35 feet.

L. Wholesale storage of safe and sane fireworks importer/distributors is not allowed in the city.

M. The fireworks stand shall be removed from the temporary location and all unsold stock and accompanying litter shall be removed from the location by five p.m., on July 5th. Failure to dismantle and/or remove any fireworks stand may result in the removal of the fireworks stand by the fire department or designee at the sole expense of the holder of the permit.

#### 5608.2.8. **Regulations.**

A. Fireworks stands may be operated only from the hours of 8 a.m. to 8 p.m.

B. No safe and sane fireworks shall be sold before 12 noon on the twenty-eighth (28th) day of June or later than 8 p.m. on the fourth (4th) day of July.

C. It shall be unlawful to sell fireworks to persons under the age of 18 years old.

D. It shall be unlawful for the permitted organization to permit any person other than the permitted organization to operate the fireworks stand for which the permit is issued or to otherwise participate in the profits of the operation of such stand.

E. It shall be unlawful for the permitted organization to permit any person other than the individuals who are members of the permitted organization, their spouses or adult children, or volunteers whom no compensation is paid, to sell or otherwise participate in the sale of safe and sane fireworks at such stand.

F. No one under the age of 16 years old shall be allowed in the fireworks stand at any time.

G. Each organization which receives a permit must have at least two of its members attend an operator safety seminar provided by the fireworks company.

#### **5608.2.9. Revocation of Permits**

A. Any violation of this section or other city ordinances or policies, or the terms and conditions of the permit, or state laws or administrative regulation, or safety rules of the fire department, shall be grounds for the immediate revocation of the permit. All officers and members of the organization shall be responsible for compliance with all of the provisions of this section.

B. The fire chief or his designee shall be authorized to suspend immediately and without notice or formal hearing the permit of any holder of a permit which violates any rule, regulation or ordinance while operating or preparing to operate a fireworks stand during or immediately preceding any period of sale. If the fire chief or his designee establishes that a violation has occurred too late to suspend the permit during the period of sale, he shall have power to suspend the holder of the permit from applying for future permits.

C. The decision of the fire chief or his designee to suspend the permit shall be subject to review by the city manager, forthwith. In view of the limited sales period each year, for suspensions affecting the sale period, such hearing shall be held at the earliest possible time that the holder of the permit, city manager or his designee, and the representative of the fire chief can schedule a meeting for such review. For suspensions after the sale period the hearing shall be within one month after the request for hearing, which request must be made within fifteen days after notice of the suspension. The city manager or his designee is authorized to set aside the suspension, or to modify the suspension by limiting its effect to only one or more days, or by setting aside the forfeiture for future years. The decision of the city manager or his designee shall be final.

#### **5608.2.10. Seizure of Fireworks**

The fire chief or the designee thereof, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this section.

#### **5608.2.11. Restrictions.**

A. It is unlawful for individuals under eighteen years of age to sell, purchase, or possess, "safe and sane fireworks."

B. It is unlawful for individuals under eighteen years of age to discharge, explode, fire, or set off any "safe and sane fireworks" unless such minor does so under the direct supervision of a person over 18 years of age and during the hours and on the days permitted by this section.

C. It shall be unlawful to discharge any "safe and sane fireworks" except from the first day of July to the fourth day of July during the hours of 9:00 a.m. to 10:00 p.m.

D. It shall be unlawful to ignite or otherwise use any "safe and sane fireworks," or permit the discharge thereof, upon, over, or onto the property of another without his/her consent.

E. It shall be unlawful for any person having the care, custody, or control of a minor (under 18 years old) to permit such minor to discharge, explode, fire, or set off any "dangerous fireworks," at any time, or to permit such minor to discharge or set off any "safe and sane fireworks" unless such minor does so under the direct supervision of a person over 18 years of age and during the hours and on the days permitted by this section.

F. It shall be unlawful to discharge any "safe and sane fireworks" except on private property and as otherwise provided in this section. No fireworks shall be discharged on public, semipublic, or private open areas such as parking lots, vacant properties, or in a public street or right-of-way, or in public parks.

**Exception:** It shall be lawful to discharge Safe and Sane Fireworks in the public street only if street closure has been approved by the City Council for a block party. The applicant shall provide a site plan with the Street Closure application indicating the location in the street where Safe and Sane Fireworks are to be discharged. Said location shall be approved by the Fire Department.

G. Person or persons in violation of this section will be caused for immediate seizure of fireworks and citation. Improper use of fireworks or unsafe use of fireworks or use of fireworks in an area considered hazardous by the fire chief or designee shall cause immediate seizure of fireworks and citation.

**5608.2.12. Permit for Public Displays of Fireworks.** Public Display of fireworks, as defined in the State Fireworks Law, Section 12500 et seq of the Health and Safety Code, may be conducted subject to all the terms and provisions therein contained provided that a permit therefore has been granted by the fire chief. Such public displays, in addition, shall be subject to all rules and regulations contained in the Fire Code.

The fire chief shall have authority to adopt reasonable rules and regulations for the granting of permits for those activities contained in Section 12640 of the Health and Safety Code of the state of California, including supervised public displays of fireworks by a jurisdiction, fair association, amusement park, other organization, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator as defined by Section 12527 of the Health and Safety Code of the state of California, and shall be of such character and so located, discharged or fired as in the opinion of the fire chief or his designee, after proper investigation, will not be hazardous or endanger any person.

5608.2.13. **Penalties for Violations.** Any person violating any provision of this section shall be guilty of a misdemeanor and shall be subject to criminal prosecution, civil remedies, administrative fines and penalties, and any other remedies available to the city for enforcement of this code.

5608.2.14. **Concurrent Authorities.** This section is not the exclusive regulation for the fireworks within the City of Los Banos. This section shall supplement and be in addition to the other regulatory codes, statutes, regulations, and ordinances heretofore and hereinafter enacted by the City of Los Banos, the State of California, or any other legal entity or agency having jurisdiction.

Any provisions of the City of Los Banos in conflict herewith are hereby repealed. This section supersedes any conflicting provisions of the Uniform Fire Code and Uniform Building Code.

### 5608.3. **Administrative Enforcement for Fireworks - Purpose and Scope**

A. This Section provides for the imposition, enforcement, collection, and administrative review of all administrative fines, related to: (1) the possession, use, storage, sale and/or display of those fireworks classified as “dangerous fireworks” in California Health and Safety Code Sections 12500, *et seq.*, with the exception of a pyrotechnic licensee when operating pursuant to that license; and (2) the sale, use, and/or display of “safe and sane fireworks” as defined in California Health and Safety Code Sections 12500 *et seq.* on or at dates, times and/or locations other than those permitted by this Section.

B. The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the city authorized hereunder; and the issuance of a citation to any person constitutes but one remedy to redress violations of this code by any person. By adopting this Section, the city does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this code or state law by any person.

C. The imposition of fines related to “dangerous fireworks” under this Section shall be limited to persons who possess, sell, use and/or display, or the seizure of, 25 pounds or less (gross weight) of such dangerous fireworks.

D. Fines collected pursuant to this Section related to “dangerous fireworks” shall not be subject to Health and Safety Code Section 12706. However, the city shall provide cost reimbursement to the State Fire Marshal for the transportation and disposal of “dangerous fireworks” seized by the city where applicable. These costs will be included in any administrative fines imposed under this Section.

### 5608.4. **Enforcement Procedures and Fines**

Administrative enforcement including the amount of administrative fine for this Section shall be pursuant to the procedures set forth in Chapter 11 of Title 4 of the Los Banos Municipal Code.

#### **5608.5. Manufacturing of Fireworks**

The manufacturing of fireworks within the City is prohibited, except under special permit as required by local and state regulations.

#### **Amendment No. 12**

#### **Chapter 57: Section 5703 FLAMMABLE AND COMBUSTIBLE LIQUIDS**

Section 5703.1 of the 2013 Edition of the California Fire Code is hereby amended to add Sections 3403.1(a) through (b) to read as follows.

(a) Restricted Location and Fire Protection. The storage of flammable or combustible liquids in above ground tanks shall be restricted to those areas of the City as follows. Planned Industrial District (PM) and General Industrial (M) except as provided by use permits in the General Commercial District (C2) and Highway Commercial District (HC). All existing nonconforming tanks, which substantially comply with or are made to comply with the requirements of this code, may remain in use.

(b) Location of Bulk Plants or Terminals. The construction of new bulk plants and/or terminals for the storage of flammable, combustible, or hazardous liquids shall be restricted to those areas of the City in the Planned Industrial District (PM) and General Industrial District (M). All existing nonconforming bulk plants for the storage of flammable or combustible liquids, which substantially comply, with the requirements of this code may continue use.

#### **Amendment No. 13**

#### **Chapter 61:Section 6101 LIQUEFIED PETROLEUM GASES**

Section 6101.1 of the 2013 Edition of the California Fire Code is hereby amended to add Section 6101.1(a) to read as follows.

(a) Restricted Location and Installation. The storage of Liquefied Petroleum gas in above ground storage tanks shall be restricted to those areas of the city as follows. Planned Industrial District (PM) and General Industrial (M) except as provided by use permit in the General Commercial District (C2) and Highway Commercial District (HC). All existing nonconforming facility, which substantially comply with or are made to comply with the requirements of this code, may remain in use.

**Section 3.** The City Council finds that the changes made to the uniform codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes and fire. In this regard, the recitals set forth in this Ordinance are incorporated herein by reference a findings.

**Section 4.** 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 the respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

**Section 5.** 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 6.** 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 this 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, and 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 Silveira and seconded by Council Member Faria on the 5th day of February, 2014.

Passed on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

APPROVED:

\_\_\_\_\_  
MAYOR – City of Los Banos

ATTEST:

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CITY CLERK – City of Los Banos



# City of Los Banos

*At the Crossroads of California*

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## COMMUNITY DEVELOPMENT DEPARTMENT

Date: February 14, 2014

Re: Notice of Public Hearing

Proposal: Tentative Tract Map #2013-01 – AMG & Associates

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider certifying Mitigated Negative Declaration (MND) SCH#2014011068 and Tentative Tract Map #2013-01. The proposed project consists of subdividing 11.4 acres into fifty-seven (57) single-family residential lots located at the northeast corner of Willmott Avenue and North Street, more specifically identified as Assessor's Parcel Number: 082-050-066.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, February 26, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should the action by the City Council be challenged in court, you may be limited to only those issues raised at the public hearings or by written comment per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms  
Assistant Planner



City of  
**Los Banos**

*At the Crossroads of California*

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**COMMUNITY DEVELOPMENT DEPARTMENT**

Date: February 14, 2014

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2014-03 – Fernandez Towing and Tire

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit to allow the operations of a vehicle towing business and tire shop operated by Juan and Norma Fernandez in the General Industrial zoning district. The subject property is located at 150 W. G Street, Suites H & I; more specifically described as Assessor's Parcel Number: 081-110-013.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, February 26, 2014 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing per Government Code Section 65009.

THE CITY OF LOS BANOS

A handwritten signature in black ink, appearing to read "Stacy Souza Elms". The signature is stylized and cursive.

Stacy Souza Elms  
Assistant Planner