

ORDINANCE NO. 1026

AN ORDINANCE OF THE CITY OF LOS BANOS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY FOR THAT CERTAIN DEVELOPMENT PROJECT KNOWN AS THE PROVINCES

IT IS HEREBY ORDAINED by the City Council of the City of Los Banos as follows:

Section 1.

A. The City Council has considered the Environmental Impact Report for the East Los Banos Area Plan, of which The Provinces is a part, and finds that there is no evidence, which would require the preparation of a new or updated environmental document pursuant to the California Environmental Quality Act.

B. The development project, as of this time, is in compliance with all previously approved mitigation measures and conditions of approval.

Section 2. The City Council finds that the Development Agreement, attached hereto as Exhibit A and incorporated by reference herein, is consistent with the City of Los Banos General Plan.

Section 3. Prior to adopting this ordinance, the City Council has considered the effect of this ordinance and the other ordinances approving development agreements on the housing needs of the region. Furthermore, in considering the effect, the City Council has balanced these needs against the public service needs of its residents and available fiscal and environmental resources. The City Council finds that recent housing starts have caused growth to occur faster than the City has been able to provide public safety services. By phasing growth, as provided for in this ordinance, the City Council finds that it will be able to move towards restoring the traditional ratio of public safety personnel which has existed in the past. Adequate levels of public safety are an essential aspect of community services within the City of Los Banos, and to the extent there is any adverse impact on regional housing needs, the City Council finds that the impact is justified in terms of the residents' health, safety and welfare.

Section 4. The City Manager hereby certifies that the developer/applicant has deposited with the City a sum equal to the estimated costs associated with the processing of the Development Agreement. (§1.17).

Section 5. Upon passage of this Ordinance, the Mayor is authorized to execute the Development Agreement on behalf of the City. Within ten (10) days of the execution, the City Clerk shall cause the Development Agreement to be recorded in the Office of the County Recorder as provided for by Government Code §65868.5. The Development Agreement shall not take effect for thirty (30) days following after passage and adoption of his Ordinance.

Section 6. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption, and a summary shall be published by one (1) insertion in the Los Banos Enterprise, a newspaper printed and published in the City of Los Banos, within fifteen (15) days after its final passage.

Introduced by Council Member Jones, seconded by Council Member McAdam, on the 16th day of March 2005.

Passed on the 6th day of April 2005, by the following vote:

AYES: Council Member Balatti, Jones, Smith, Mayor Amabile

NOES: None

ABSENT: Council Member McAdam

APPROVED:

/s/ Michael S. Amabile
Michael S. Amabile, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk