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AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

MAY 4, 2005

7:00 PM

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.

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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.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: Council Members Balatti, Jones, McAdam, Smith, Mayor Amabile
4. APPROVAL OF AGENDA.
5. PRESENTATION – National Day of Prayer Proclamation
6. PUBLIC FORUM: Members of the public may address the City Council on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.
7. APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda will be voted on in one motion unless removed from the calendar by a Council Member.)
 - A. Check Register for #82542 - #82836 in the amount of \$951,067.

Recommendation: Approve the check register as submitted.

- B. Request for Waiver of Business License Fee for Day 3 Foursquare Church.

Recommendation: Approve the waiver of business license fee as submitted

- C. Rejection of Claim – Angelique Barboa.

Recommendation: Reject the claim with referral to claims adjustor.

- D. Progress Payment No. 2 to McElvany Inc. in the amount of \$ 92,880.97 for Construction of the Business Park.

Recommendation: Approve the progress payment as submitted.

- E. Resolution No. 4604 – Amending the Fiscal Year 2004-2005 Budget by Increasing the Appropriation Limit in Expenditures for the General Fund. (Planning Department - Planning Consulting Services)

Recommendation: Approve the resolution as submitted.

- F. Resolution No. 4605 – Amending the Fiscal Year 2004-2005 Budget by Increasing the Appropriation Limit in Revenues and Expenditures by \$152,712 for the General Fund for the Henry Miller Plaza.

Recommendation: Approve the resolution as submitted.

- G. Resolution No. 4606 – Accepting Final Tract Map #2000-01 and Accompanying Subdivision Agreement Improvement Agreement (Northgate II Unit 4 Subdivision).

Recommendation: Approve the resolution as submitted.

- H. Resolution No. 4607 – Authorizing the City for Los Banos to enter into an Agreement with the Central California Irrigation District for Storm Water Drainage.

Recommendation: Approve the resolution as submitted.

8. CALTRANS PRESENTATION OF THE “I” STREET (EAST) & HIGHWAY 152 SAFETY IMPROVEMENT PROJECT.

Recommendation: No action required to be taken.

9. COMCAST FRANCHISE AGREEMENT FOR CABLE SERVICES – 15-YEAR TERM. **(Continued from April 20, 2005)**

- A. Ordinance No. 1030 – Granting to Comcast of San Joaquin a Franchise to Provide Cable Services within the City of Los Banos. (June 17, 2005 - June 16, 2020) **(First Reading & Introduction)**

Recommendation: Introduce the ordinance as submitted.

10. CONSIDERATION OF A REGIONAL TRANSPORTATION IMPACT FEE (RTIF) PROGRAM.

- A. Resolution No. 4608 – Authorizing the City for Los Banos to enter into an Implementation Agreement Authorizing the Merced County Association of Governments (MCAG) to Manage and Administer the Regional Transportation Impact Fee (RTIF) Program.
- B. Ordinance No. 1031 – Establishing a Regional Transportation Impact Fee (RTIF). UU **(First Reading & Introduction)**

Recommendation: Adopt the resolution as submitted, introduce the ordinance as submitted, and by motion acknowledge the RTIF Initial Study prepared by MCAG recognizing that no further CEQA action are required.

11. PUBLIC HEARING – JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$11,881.00.

Recommendation: Open the public hearing, receive public comment, and approve the expenditures as submitted.

12. PUBLIC HEARING – STONECREEK VILLAGES IIA, III, AND IV PLANNED DEVELOPMENT; VESTING TENTATIVE TRACT MAPS #2004-05 AND #2005-05; FINAL DEVELOPMENT PLANS #2005-01 AND #2005-02 AND STONECREEK VILLAGES IIA, III, AND IV DEVELOPMENT AGREEMENTS. APNS: 083-30-036, 083-30-037, 083-30-052, 83-30-053, 83-30-054, 083-30-055, 083-30-056, AND 083-40-006. To consider two Final Development Plans, two Vesting Tentative Tract Maps, and two Development Agreements for the Stonecreek Villages IIA, III, and IV Planned Development. The site is 239.7 acres west and south the Stonecreek Villages I and II subdivisions, west of Ortigalita Road, north of Pioneer Road, and south of the Wal-Mart shopping center and approximately 1,000 feet south of Pacheco Boulevard.

- A. Resolution No. 4609 – Adopting CEQA Findings for and Approving Stonecreek Villages IIA and III Final Development Plan (FDP) #2005-01) and Stonecreek Villages IIA and III Vesting Tentative Tract Map (VTTM #2004-05).
- B. Resolution No. 4610 – Adopting CEQA Findings for and Approving Stonecreek Villages IV Final Development Plan (FDP) #2005-02 and Stonecreek Villages IV Vesting Tentative Tract Map (VTTM #2005-05).
- C. Ordinance No. 1032 – Authorizing the Mayor to Execute a Development Agreement on behalf of the City for that Certain Development Project Known as Stonecreek Villages IIA and III. **(First Reading & Introduction)**

- D. Ordinance No. 1033 – Authorizing the Mayor to Execute a Development Agreement on behalf of the City for that Certain Development Project Known as Stonecreek Villages IV. **(First Reading & Introduction)**

Recommendation: Open the public hearing, receive public comment, and adopt the resolutions as submitted and introduce the ordinances as submitted.

13. ADVISEMENT OF PUBLIC NOTICES. (One Report)
14. CITY MANAGER REPORT.
15. MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) REPORT.
16. CITY COUNCIL REPORTS.
- A. Council Member Balatti
 - B. Council Member Jones
 - C. Council Member McAdam
 - D. Mayor Pro Tem Smith
 - E. Mayor Amabile
17. MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.
18. CLOSED SESSION. (Members of the public may address the City Council on the following closed session items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)
- A. Conference with Labor Negotiators – Pursuant to Government Code 54957.6. Agency Designated Representative: City Manager & City Attorney; Employee Organization: Los Banos Police Officers Association, Los Banos Police Dispatcher/Clerk/Matron/Community Services Officers.
 - B. Conference with Legal Counsel – Existing Litigation, pursuant to Subdivision (a) of Section 54956.9 of the Government Code. Name of Case: Ranchwood Corp. vs. City of Los Banos, Merced Superior Court Case No. 144254.
 - C. Conference with Legal Counsel – Existing Litigation, Pursuant to Subdivision (a) of Section 54956.9 of the Government Code. Name of Case: Building Industry Association of Central California, Inc., v. Los Banos Unified School District, by and through its Board of Trustees; City of Los Banos; County of

Merced; and Does 1 through 30, inclusive, Superior Court of California, County of Merced, Court Case 147440.

- D. Conference with Real Property Negotiators – Pursuant to Government Code 54956.8. Property: 243 acres located generally north of Highway 152 and east of Santa Fe Grade in the County of Merced, APN 084-010-009, Los Banos, California; Negotiating Parties: City of Los Banos & Aldo Sansoni; Negotiation: Purchase Price and Terms of Sale.

19. ADJOURNMENT.

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

Lucille L. Mallonee, City Clerk

Dated this 29th day of April 2005