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AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

MAY 18, 2005

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.

1. **CLOSED SESSION.** **6:00 PM**
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. Properties: 14944 Badger Flat Road, APN 081-090-006, approximately 47 acres of agricultural property in the County of Merced, Owners: Joe I. & Mary A. Silva; 20809 Ingo mar Road, APN 081-090-018, approximately 27.4 acres of agricultural property in the County of Merced, Owners: Joe I. & Mary A. Silva; 20785 West H Street, APN 081-110-019, approximately 29.2 acres of agricultural land in the County of Merced, Owners: Joe A. & Theresa A. Giannone; 15297 Colorado Avenue, APN 081-11-020, approximately 8.7 acres of agricultural land in the County of Merced, Owners: Miles S. & Cina M. Sorensen; APN 081-120-002, approximately 38 acres of agricultural land in the County of Merced located immediately to the north, east and west of the Los Banos Airport and to the south of State Route 33, Owners: Antonia LaSalvia Ebner, Nicola LaSalvia Smith, Steve & Laura M. LaSalvia; APN 081-110-022, approximately 15.6 acres of agricultural land in the County of Merced located immediately to the north, east and west of the Los Banos Airport and to the south of State Route 33, Owners: Antonia LaSalvia Ebner, Nicola LaSalvia Smith, Steve & Laura M. LaSalvia; and APN 081-130-004, approximately 20.5 acres of agricultural land in the County of Merced located immediately to the north, east and west of the Los Banos Airport and to the south of State Route 33, Owners: Greg & Catherine Hostetler; Agency Negotiator: William A. Vaughn & Joe H. Sousa; Negotiating Parties: City of Los Banos and property owners listed; Under Negotiation: Purchase Price and Terms of Sale.

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2. CALL TO ORDER. **7:00 PM**
3. ROLL CALL: Council Members Balatti, Jones, McAdam, Smith, Mayor Amabile
4. APPROVAL OF AGENDA.
5. 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.
6. 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. Minutes for the April 20, 2005 Meeting.
Recommendation: Approve the minutes as submitted.
- B. Minutes for the May 3, 2005 Adjourned Meeting.
Recommendation: Approve the minutes as submitted.

- C. Check Register for #82837 - #83143 in the amount of \$1,989,003.09.

Recommendation: Approve the check register as submitted.

- D. Request for Waiver of Business License Fees.

- a) WAG Parent Team Club
- b) Los Banos Kiwanis Club
- c) Los Banos High School Sports Booster
- d) Knights of Columbus
- e) Los Banos Chamber of Commerce

Recommendation: Approve the waiver of business license fees as submitted.

- E. Rejection of Claims

- a) E. W. Hostetler
- b) Judy Johanson

Recommendation: Reject the claims with referral to claims adjustor.

- F. 2005 Sober Graduation Funding Request in the amount of \$2,500.00

Recommendation: Approve the funding as requested.

- G. Authorization to Name the Proposed Park, to be Located on the Southwest Corner of Cardoza and Ortigalita Roads, Oliveira Park.

Recommendation: Authorize the naming of the park as submitted.

- H. Authorization to Issue a Request for Proposal (RFP) for a Telecommunication System at City Hall.

Recommendation: Authorize the RFP as submitted.

- I. Authorization to enter into a Contract for Consulting Services with Erler & Kalinowski, Inc. (EKI) for Services Pertaining to the Wastewater Treatment Plant Expansion.

Recommendation: Authorize execution of the contract as submitted.

- J. Progress Payment No. 1 to Granite Construction in the amount of \$288,791.34 for the Henry Miller Plaza Project.

Recommendation: Approve the progress payment as submitted.

- K. Progress Payment No. 11 to CB&I Constructors, Inc. in the amount of \$16,461.36 for the Water Storage Tank and Booster Pump Station No. 1.

Recommendation: Approve the progress payment as submitted.

- L. Progress Payment No. 13 to Granite Construction in the amount of \$132,633.18 for the Rails to Trails Project.

Recommendation: Approve the progress payment as submitted.

- M. Award of Bid to Tom May Construction for the State Highway 165 & Overland Avenue Intersection Reconstruction (West Side) and Traffic Signals & Safety Lighting Project in the amount of \$445,073.00.

Recommendation: Award the bid as stated.

7. COMCAST FRANCHISE AGREEMENT FOR CABLE SERVICES – 15-YEAR TERM.

- 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) **(Second Reading & Adoption)**

Recommendation: Adopt the ordinance as submitted.

8. CONSIDERATION OF ADOPTION OF ORDINANCE NO. 1031 – ESTABLISHING A REGIONAL TRANSPORTATION IMPACT FEE (RTIF). **(Second Reading & Adoption)**

Recommendation: Adopt the ordinance as submitted.

9. 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. **(Continued from May 4, 2005 and to be continued to June 1, 2005)**

- 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 continue to June 1, 2005.

10. PUBLIC HEARING – CONSIDERATION OF SECOND UNIT ORDINANCE. **(To be continued to June 1, 2005)**

Recommendation: Open the public hearing, receive public comment, and continue this item to June 1, 2005.

11. PUBLIC HEARING – CDBG PLANNING AND TECHNICAL GRANTS APPLICATION.

- A. Resolution No. 4611 – Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the Planning/Technical Assistance Economic Development of the State Community Development Block Grant Program (CDBG).
- B. Resolution No. 4612 – Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the Planning/Technical Assistance General Allocation of the State Community Development Block Grant Program (CDBG).

Recommendation: Introduce the ordinance as submitted.

12. CONSIDERATION OF A NEW CITY LOGO.

Recommendation: Direction from Council on how to proceed.

13. CONSIDERATION OF ESTABLISHING A CODE ENFORCEMENT TRUST ACCOUNT FOR COLLECTIONS, DEPOSIT OF FINES, PENALTIES, LIEN, ASSESSMENTS AND/OR LEGAL PROCEEDINGS COLLECTIONS.

- A. Ordinance No. 1034 – Establishing a Code Enforcement Trust Account for Collections, Deposit of Fines, Penalties, Lien, Assessments and/or Legal Proceedings Collections. **(First Reading & Introduction)**

Recommendation: Introduce the ordinance as submitted.

14. CONSIDERATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH UNITED STATES LAND AND CATTLE COMPANY FOR THE PURCHASE AND DEVELOPMENT OF 644/646 I STREET.

- A. Resolution No. 4613 – Approving a Disposition and Development Agreement (DDA) by and Among the Los Banos Redevelopment Agency, the City and United States Land and Cattle Corp., Inc.

Recommendation: Approve the resolution as submitted.

15. BUSINESS LICENSE FEE STUDY.

Recommendation: Set a public hearing for the Council meeting of June 1, 2005 to consider adoption of a new business license ordinance.

16. ADVISEMENT OF PUBLIC NOTICES. (Two Reports)

17. CITY MANAGER REPORT.

18. MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) REPORT.

19. CITY COUNCIL REPORTS.

- A. Council Member Balatti
B. Council Member Jones
C. Council Member McAdam
D. Mayor Pro Tem Smith
E. Mayor Amabile

20. MISCELLANEOUS INFORMATION IN COUNCIL PACKET, NO ACTION NECESSARY.

21. ADJOURNMENT.

- A. Adjourn to 5:00 p.m., Monday, May 23, 2005 to Attend a Budget Workshop Being Held in the Council Chambers, 520 J Street, Los Banos, California.

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 13th day of May 2005