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AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

JUNE 15, 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.
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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. **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. Public Employee Performance Evaluation, Pursuant to Government Code Section 54957. Title(s): Community Development Director, Finance Director, Fire Chief, Human Resources Director, Police Chief, Public Services Director, Public Works Director.
 - C. Conference with Real Property Negotiators – Pursuant to Government Code 54956.8. Properties: 720 Bluff Drive, APN 083-290-017; Agency Negotiator: City Attorney & City Manager; Negotiating Parties: City of Los Banos and Hector & Lorraine Carrasquillo; Under Negotiation: Purchase Price and Terms of Sale.
 - 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.

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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. PRESENTATION – Amateur Radio Field Day
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 #83464 - #83766 in the amount of \$827,467.49.

Recommendation: Approve the check register as submitted.
 - B. Authorization to Pay a Lump Sum Pre-Payment to CalPERS to Reduce 2005-2006 Employer Contribution Rate for Safety & Miscellaneous Employees.

Recommendation: Approve the pre-payment as submitted.
 - C. Block Party Requests.
 - 1) July 4, 2005 from 2:00 p.m. to 10:00 p.m. on the 100 Block of Driftwood Court.
 - 2) July 4, 2005 from 3:00 p.m. to 10:00 p.m. on the 500 Block of 6th Street.
 - 3) July 2, 2005 from 11:00 a.m. to 7:00 p.m. on the 100 Block of Tangelo Avenue.

Recommendation: Approve the requests as submitted.
 - D. Award of Bids.

- 1) The Phone Connection Inc. for a Telecommunication System at City Hall in the amount of \$70,998.37.
- 2) Santos Ford for One (1) 2005-2006 Model One-Ton Heavy Duty Pickup in the amount of \$36,429.50. [Public Services Department]
- 3) Marx GMC for Two (2) 2005-2006 Model Three-Quarter Ton Utility Pickup in the amount of \$47,896.88. [Public Services Department]
- 4) Granite Construction Company for the Bike Trail Project in the Amount of \$225,805.00.

Recommendation: Award the bids as submitted.

- E. Land Lease Agreement Between the City of Los Banos and the Los Banos Redevelopment Agency for Parcel 025-054-007 to Construct the Child Development Center.

Recommendation: Approve the agreement as submitted.

- F. Notice of Completion for the Rail Corridor Redevelopment Multi-Use Trail. [Granite Construction]

Recommendation: Approve the notice of completion as submitted.

- G. Progress Payment No. 2 to Granite Construction Company in the amount of \$83,887.50 for the Henry Miller Plaza Project.

Recommendation: Approve the progress payment as submitted.

- H. Progress Payment No. 12 to CB&I Constructors Inc. in the amount of \$7,825.77 for Water Storage Tank and Booster Pump Station No. 1.

Recommendation: Approve the progress payment as submitted.

- I. Progress Payment No. 14 to Granite Construction Company in the amount of \$21,491.10 for the Rails to Trails Project.

Recommendation: Approve the progress payment as submitted.

- J. Two Percent (2%) Retention Payment to Granite Construction for the Runway and Taxiway Extension and Associated Improvements in the amount of \$1,867.50.

Recommendation: Approve the payment as submitted

- K. Authorization to Issue a Call for Bids for the Downtown Revitalization/Main Street Improvements Project, Phase 1.

Recommendation: Authorize the call for bids as requested.

- L. Approval of the City of Los Banos 2003-2004 Fiscal Year Audit.

Recommendation: Approve the audit as submitted.

- M. Resolution No. 4617 – Accepting Public Improvements for Los Banos Gardens 5, Unit 3, Tract No. 98-02, to Include Cardoza Road and Center Avenue Public Improvements.

Recommendation: Approve the resolution as submitted.

- N. Resolution No. 4618 – Accepting Grant of Easement for Road and Public Utility Access on Overland Avenue. [Seventh Day Adventist Church]

Recommendation: Approve the resolution as submitted.

- O. Resolution No. 4619 – Approving a Request to Appeal a Decision by the Parks and Recreation Commission to Allow Queen Palms to be Planted in Front of Cecílias' Market and Restaurant. [455 H Street]

Recommendation: Approve the resolution as submitted.

- P. Resolution No. 4620 – Approving an Amendment to the City's Contract with Merced County Association of Governments (MCAG) for the Administration of the City's Home Investment Partnerships Program (HOME) Housing Rehabilitation Loan Program in the Amount of \$35,364.

Recommendation: Approve the resolution as submitted.

- Q. Resolution No. 4621 – Approving and Authorizing the Execution of an Amended and Restated Cooperation Agreement with the Los Banos Redevelopment Agency and Making Certain Findings in Connection Therewith.

Recommendation: Approve the resolution as submitted.

8. **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). [Attachment 1]
- B. 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. **(Second Reading & Adoption)** [Attachment 3 & Attachment 5]
- C. 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). [Attachment 2]
- 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. **(Second Reading & Adoption)** [Attachment 4 & Attachment 6]

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

- 9. **PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. ____ – AMENDING THE BUSINESS LICENSE FEE. (Continued from June 1, 2005 and to be Continued to July 6, 2005) (First Reading & Introduction)**

Recommendation: Open the public hearing, receive public comment, and continue to July 6, 2005.

- 10. **PUBLIC HEARING – CONSIDERATION OF FINAL DEVELOPMENT PLAN #2005-03, APN 082-240-014, COURT OF FOUNTAINS, APPLICANT: BRIAN PFLIEGER. To consider a Final Development Plan for a Multi Family Complex in a PD Zone District to Allow for the Redevelopment of 34 Multi Family Units and Recreational Facilities on a 2.73 Acre Site Located on the East Side of Mercey Springs Road Abutting Casa Mobile Park.**

- A. Resolution No. 4622 – Approving the Court of Fountains Final Development Plan (FDP #2005-03).

Recommendation: Approve the resolution as submitted.

- 11. **PUBLIC HEARING – 2005-2006 FISCAL YEAR BUDGET.**

- A. Resolution No. 4623 – Setting the Tax Related Appropriation Limit in Compliance with Proposition 4 and Proposition 111 for Fiscal Year 2005-2006 Appropriation Limit.
- B. Resolution No. 4624 – Adopting Fiscal Year 2005-2006 Budget Including Division 4 – Salary Schedules, Division 5 – Personnel Benefits.

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

12. **PUBLIC HEARING – LANDSCAPING & LIGHTING DISTRICTS NO. 1-7 & NO. 9-15 ANNUAL ASSESSMENTS FOR THE FISCAL YEAR 2005-2006.**

- A. Resolution No. 4625 – Confirming Diagram and Assessment and Levying Assessments for Assessment Districts No. 1-7 and No. 9-15 for Fiscal Year 2005-2006.

Recommendation: Open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

13. **PUBLIC HEARING – CONSIDERATION OF APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS FOR THE PURPOSE OF HOUSING REHABILITATION AND MATCH FUNDS FOR TWO (2) CDBG PLANNING/TECHNICAL ASSISTANCE GRANTS.**

- A. Resolution No. 4626 – Approving the Expenditure of Community Development Block Grant (CDBG) Program Income Funds for the Purpose of Housing Rehabilitation Activities and match Funds for Two (2) CDBG Planning/Technical Assistance Grants.

Recommendation: Open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

14. **PUBLIC HEARING – LOS BANOS RAIL CORRIDOR MASTER PLAN. (To be Continued to July 6, 2005)**

Recommendation: Open the public hearing, receive public comment, and continue to July 6, 2005.

15. **CONSIDERATION OF ORDINANCE NO. 1035 – REPEALING AND REPLACING CHAPTER 3 OF TITLE 9, ARTICLES 30 AND 31 OF THE MUNICIPAL CODE TO ESTABLISH PROVISION FOR MINISTERIAL REVIEW OF SECONDARY DWELLING UNITS IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONE DISTRICT. (Second Reading & Adoption)**

Recommendation: Adopt the ordinance as submitted.

16. **ADVISEMENT OF PUBLIC NOTICES. (No 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 6:30 p.m., Thursday, June 16, 2005 at the Los Banos High School Parking Lot, Across from 807 Page Avenue, Los Banos, California, to Attend an Informational Meeting on the Installation/Construction of the Proposed Pedestrian Bridge Across the C.C.I.D. Canal.

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 10th day of June 2005