



City of
Los Banos
At the Crossroads of California

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AGENDA

CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

OCTOBER 17, 2007

*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 / Redevelopment Agency 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 Legal Counsel – Existing Litigation, Pursuant to Government Code Section 54956.9 (a). Name of Case: Felix M. Lopez and Elizabeth Ruiz vs. County of Merced, et al., United States District Court, Eastern District of California, Fresno Division, Case No. 06-CV-01526-OWW-DLB.
 - B. Performance Evaluation, Pursuant to Government Code Section 54957. Title: City Manager.
 - C. Conference with Real Property Negotiators – Pursuant to Government Code 54956.8. Property Identification: 10+/- acres, Located on the East Side of Badger Flat Road and Approximately ½ Mile North of Pacheco Boulevard, APN 081-130-017; Agency Negotiator: City Manager and City Attorney; Negotiating Parties: City of Los Banos and Hostetler Investments LLC; Under Negotiation: Purchase Price and Terms of Sale.

2. **CALL TO ORDER.** **7:00 PM**

3. PLEDGE OF ALLEGIANCE.
4. ROLL CALL: (City Council and Redevelopment Agency Board Members)

Brooks ____, Faria ____, Sousa ____, Villalta ____, Jones ____
5. CONSIDERATION OF APPROVAL OF AGENDA.
6. PUBLIC FORUM. (Members of the public may address the City Council / Redevelopment Agency Members on any item of public interest that is within the jurisdiction of the City Council / Redevelopment Agency; 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. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda will be voted on in one motion unless removed from the Consent Agenda by a City Council / Redevelopment Agency Member.)
 - A. Check Register for #102811 - #103278 in the Amount of \$2,512,288.56.

Recommendation: Approve the check register as submitted.
 - B. Progress Payment No. 4, Final Payment for Mercey Springs Highway Widening Project, in the amount of \$38,202.01 to Somerset Park, LLC.

Recommendation: Approve the progress payment as submitted.
 - C. Progress Payment No. 9 for Construction of the Los Banos Child Development Center in the amount of \$352,707.75 to Greg Opinski Construction, Inc.

Recommendation: Approve the progress payment as submitted.
 - D. Progress Payment No. 19 for Professional Services Related to the Wastewater Treatment Plant Expansion and Upgrade Phase II Project in the Amount of \$6,993.00 to Eco:Logic.

Recommendation: Approve the progress payment as submitted.
 - E. Memorandum of Understanding (MOU) Between the City of Los Banos and the Los Banos Police Dispatchers/Community Services Officers Association for the Period of July 1, 2007 - June 30, 2010.

Recommendation: Approve the MOU as submitted and authorize City Manager to sign.
 - F. City Council Resolution No. 4931 – Amending Division 4, Salary Schedule-Employee Classifications and Division 5, Personnel Benefits of the City Policy Manual Relating to Changes Associated with the Los Banos Police

Dispatchers/Community Services Officers Association Memorandum of Understanding (MOU).

Recommendation: Adopt the resolution as submitted.

- G. City Council Resolution No. 4932 – Accepting the Sole Source Bid for a Lighted Crosswalk System to be Provided by Silicon Constellations.

Recommendation: Adopt the resolution as submitted.

- H. City Council Resolution No. 4933 – Approving the Boundaries of the Targeted Employment Area (TEA) and Submission of Application for the County of Merced Enterprise Zone.

Recommendation: Adopt the resolution as submitted.

- I. City Council Resolution No. 4934 – Approving the Purchase of Crime Analysis Mapping Software from VisionAir in the amount of \$9,725.00.

Recommendation: Adopt the resolution as submitted.

- J. City Council Resolution No. 4935 – Approving a Contract with GeoComm to Fix Merced County Association of Governments (MCAG) Maps to Correspond to State 911 Database in the Amount of \$3,600.00.

Recommendation: Adopt the resolution as submitted.

8. PRESENTATION BY DISTRICT ATTORNEY LARRY MORSE II REGARDING LAW ENFORCEMENT.

Recommendation: Informational item only, no action to be taken.

9. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 4936 – APPROVING THE PROFESSIONAL SERVICE AGREEMENT WITH DIGITAL MAP PRODUCTS TO PROVIDE GEOGRAPHICAL INFORMATION SYSTEMS (GIS) SERVICES IN THE AMOUNT OF \$26,250.00.

Recommendation: Adopt the resolution as submitted.

10. PUBLIC HEARINGS. (If you challenge the City Council / Redevelopment Agency action in court, you will be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.)

- A. Public Hearing – Consideration of a Use Permit for an Alcohol License in Conjunction with a Restaurant Located at 650 I Street, Applicant: Leo & Linda Mikha, Owner: James Lemon.

- 1) City Council Resolution No. 4937 – Approving Use Permit No. 2007-11.

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

B. Public Hearing – Consideration of Final Development Plan No. 2006-12 and Development Agreement for Quail Meadows at Stonecreek. The Site is about Seventy-six (76) Acres within the Stonecreek Area Plan, South of Pacheco Boulevard between Badger Flat Road and Los Banos Creek, APNs 083-040-007, 083-040-008, 083-040-050, 083-040-051, and 083-020-032. Applicant: Stonecreek Properties.

- 1) Ordinance No. 1060 – Authorizing the Mayor to Execute a Development Agreement on Behalf of the City for that Certain Development Project Known as Quail Meadows at Stonecreek. **(Second Reading & Adoption)**
- 2) City Council Resolution No. 4921 – Approving of the Quail Meadows at Stonecreek Final Development Plan No. 2006-12.

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

C. Public Hearing – Consideration of Amendments to Title 10, Parks & Recreation, Chapters 2, of the Los Banos Municipal Code “Water Conservation in Landscaping” in its Entirety and Addiing Chapter 3 Relating to “Community Preservation”. **(To be Continued to November 7, 2007)**

- 1) Ordinance No. 1059 – Amending Title 10, Chapter 2 of the Los Banos Municipal Code “Water Conservation in Landscaping” in its Entirety and Add Chapter 3 Relating to “Community Preservation”. **(Second Reading & Adoption)**
- 2) City Council Resolution No. 4928 – Adopting Procedures for Landscape Plan Review, Schedule of Fees, Guidelines for Preparation of Landscape Document, Tree List, and Twelve Landscape Standard Plans.

Recommendation: Open the public hearing, receive public comment, and continue to the November 7, 2007 City Council Meeting.

D. Public Hearing – Consideration of an Ordinance Amendment to the Los Banos Municipal Code Regarding Mobile Vendors. The Ordinance Amendment Would Apply City-wide.

- 1) Ordinance No. 1061 – Amending Title 9, Chapter 3, Section 9-3.1725 of the Los Banos Municipal Code Revising Regulations Regarding Moveable Structure Businesses. **(First Reading & Introduction)**

Recommendation: Open the public hearing, receive public comment, and introduce the ordinance as submitted.

11. CONSIDERATION OF APPROVAL OF BEVERLY PRIOR ARCHITECTS PROPOSED WORK PLAN AND FEE ESTIMATE FOR THE LOS BANOS COMMUNITY CENTER PROJECT.

- A. City Council Resolution No. 4938 – Approving the Design Proposal for the Construction of the Community Center as Outlined in Beverly Prior Architects Proposed Work Plan and Fee Estimate in the Amount of \$1,161,000.00.

Recommendation: Adopt the resolution as submitted and appoint two (2) Council Members to the newly established Public Works Capital Projects Committee to review and report to the City Council on the progress of the project.

12. REDEVELOPMENT AGENCY UPDATE.

13. ADVISEMENT OF PUBLIC NOTICES. (Three Reports)

14. CITY MANAGER / EXECUTIVE DIRECTOR REPORT.

15. CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

- A. Joe Sousa
B. Mike Villalta
C. Anna Brooks
D. Tommy Jones
E. Tom Faria

16. MISCELLANEOUS INFORMATION IN CITY COUNCIL PACKET, NO ACTION NECESSARY.

17. ADJOURNMENT.

- A. Adjourn to 6:30 p.m., Tuesday, October 30, 2007, at Miller & Lux Building, 830 6th Street, Los Banos, California to Attend a City of Los Banos Solid Waste Fees Workshop.
- B. Adjourn to 5:30 p.m., Thursday, November 1, 2007, in the City Council Chambers, 520 J Street, Los Banos, California to Review the Merced County General Plan Update Workshop Presented by the Merced County Planning Department.

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 12th day of October 2007