



City of Los Banos

At the Crossroads of California

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JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

DECEMBER 19, 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.

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.

HOLIDAY OPEN HOUSE

6:00 PM

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1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council and Redevelopment Agency Board Members)
Brooks ____, Faria ____, Sousa ____, Villalta ____, Jones ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. 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.)

6. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council / Redevelopment Agency Member.)

- A. Minutes for the September 19, 2007 City Council / Redevelopment Agency Meeting.

Recommendation: Approve the minutes as submitted.

- B. Minutes for the November 19, 2007 City Council / Redevelopment Agency Meeting.

Recommendation: Approve the minutes as submitted.

- C. Check Register for #104289 - #104619 in the amount of \$1,925,841.46.

Recommendation: Approve the check register as submitted.

- D. Rejection of Claim – Sixto Ybarra.

Recommendation: Rejection of claim with referral to claims adjustor.

- E. Progress Payment No. 4 to Clark Bros. Inc. for Construction of the CCID Canal Pedestrian Bridge Project in the amount of \$132,845.97.

Recommendation: Approve the progress payment as submitted.

- F. Progress Payment No. 10, Final Payment, for Construction of the Los Banos Child Development Center in the amount of \$9,589.27 to Greg Opinski Construction, Inc.; Authorization to File a Notice Completion with the Merced County Recorder; and Authorize Payment of the Ten Percent (10%) Retention in the amount of \$373,899.66 Thirty (30) Days After Recordation of the Notice of Completion.

Recommendation: Approve the progress payment as submitted, authorize staff to file the notice of completion, and authorize the retention payment as requested.

- G. Authorization to Amend City of Los Banos and the Los Banos Unified School District Ward Road High School Site Escrow Instructions and Authorize the City Manager to Execute the Escrow Extension from December 31, 2007 to August 31, 2008.

Recommendation: Authorize the amendment as submitted.

- H. Redevelopment Agency Resolution No. 2007-13 – Authorizing the Executive Director to Execute a Three (3) Year Lease Renewal with the Los Banos Arts Council for Space at 1125 Fifth Street for a City Business Incubator Center.

Recommendation: Adopt the resolution as submitted.

- I. City Council Resolution No. 4964 – Authorizing Adoption of the City of Los Banos Cost Recovery Based Fees Contract.

Recommendation: Adopt the resolution as submitted.

- J. City Council Resolution No. 4965 – Accepting and Approving Final Tract Map No. 2007-11 (Location: 1513 Racquet Club Drive, APN 428-060-010).

Recommendation: Adopt the resolution as submitted.

- K. City Council Resolution No. 4966 – Authorizing Adoption of CalTrans' Road Cross Sections for Highway 152 Bypass and Endorsing Johnson Road for Providing thru Access Across Highway 152 Bypass.

Recommendation: Adopt the resolution as submitted.

- L. City Council Resolution No. 4967 – Accepting Tract Map No. 2004-05, The Villages IIA, Phase 2 at Stonecreek. (Location: West of Ortigalita Road, North of Pioneer Road, South of the Wal-Mart Shopping Center, APN 083-04-059)

Recommendation: Adopt the resolution as submitted.

- M. City Council Resolution No. 4968 – Accepting Public Improvements for Stonecreek at Los Banos – The Villages IIA, Phase 2, Subdivision Tract No. 2004-05. (Location: West of Ortigalita Road and South of Highway 152)

Recommendation: Adopt the resolution as submitted.

- N. City Council Resolution No. 4969 – Amending Section 404 Part Time Employee Classifications - Recreation Department of Division 4, Employee Classifications & Salary Schedule of the City Policy Manual Relating to Changes Associated with the New California Minimum Wage Effective January 1, 2008.

Recommendation: Adopt the resolution as submitted.

7. BILLY WRIGHT LANDFILL STATUS REPORT – Presented by Scott Johnson, Merced County Public Works Department, Solid Waste Division.

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

8. ALLIED WASTE UPDATE ON THE NEW CITY RECYCLING PROGRAM – Presented by Keith Hester.

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

9. GANG APPREHENSION AND INTERVENTION TEAM (GAIT) PRESENTATION REGARDING GRAFFITI – Presented by Los Banos Police Department Detectives Hedden & Parras.

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

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

A. Public Hearing – Consideration of a Draft Environmental Impact Report, Area Plan, Pre-annexation Development Agreement, Annexation, General Plan Amendment to Low Density Residential and Neighborhood Commercial, and Pre-zoning to P-D (Planned Development) for The Lakes at Los Banos. The Project Site is Approximately 151.8 Acres Located in Unincorporated Merced County within the City of Los Banos Urban Limit Line, North of City Limits. The Site is Located East of Nantes Avenue and North of the Vineyards Subdivision (Northeast of the Intersection of Capri Avenue and Nantes Avenue). The Site is More Precisely Described as APN: 082-030-016, 082-030-017, 082-020-033, and 082-020-034. The General Plan Amendment Includes the Change of About 61 acres from Agriculture to Low Density Residential. The Area Plan Defines the Land Uses and Circulation and Guides Development Within the Plan Area. Proposed Land Uses are Low and Medium Density Single-family Residential, Multi-family Townhome Residential, and Neighborhood Commercial. A 32-acre to 37-acre Lake is Included with the Plan. Subdivision Maps and Final Development Plans Would Require Separate Approvals Following Annexation Prior to Development.

(To be Continued to the January 16, 2008 Meeting)

Recommendation: Receive staff report, open the public hearing, receive public comment, and continue to the January 16, 2008 Meeting.

B. Public Hearing – Consideration of a Development Agreement for Shaunessey Village. The Project Site is Approximately 33.6 Acres Located East of Mercey Springs Road, Between Pacheco Boulevard and Scripps Drive. The Project Site is More Particularly Described as APN 083-100-005 and 083-100-006. Applicant: NA Engineering.

1) Ordinance No. 1063 – Authorizing the Mayor to Execute a Development Agreement as Herein Approved by the City Council on Behalf of the City for the Shaunessey Village Project. **(Second Reading & Adoption)**

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, waive the second reading of the ordinance, and adopt the ordinance as submitted.

C. Public Hearing – Consideration of a Final Development Plan and Amended Development Agreement for Mission Village South Phase 5. The Project Site is Approximately 6.39 Acres Located East of Mercey Springs Road, South of Mission Drive and North of Willmott Road. The Project Site is More Particularly Described as APN 428-280-002. Applicant: Ranchwood Homes Corp.

- 1) City Council Resolution No. 4958 – Approving the Mission Village South Phase 5 Final Development Plan (FDP#2006-09).

(Continued from December 5, 2007)

- 2) Ordinance No. 1064 – Authorizing the Mayor to Execute an Amended Development Agreement as Herein Approved by the City Council on Behalf of the City for the Mission Village South Project Adding 46 Building Permit Allocations for the Mission Village South Phase 5 Project.

(Second Reading & Adoption)

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, waive the second reading of the ordinance, adopt the ordinance as submitted, and adopt the resolution as submitted.

- D. **Public Hearing** – Consideration of Building and Fire Code Updates and Adopting of the Following Codes: California Administrative Code as Amended and Based on the 1997 Uniform Administrative Code, Part 2 – California Building Code, Part 3 – California Electrical Code, Part 4 – California Mechanical Code, Part 5 – California Plumbing Code, Part 6 – California Energy Code, Part 8 – California Historical Code, Part 9 – California Fire Code, Part 10 – California Existing Building Code, Part 12 – California Reference Standards Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 2006 Uniform Swimming Pool, Spa & Hot Tub Code, the 2006 Uniform Solar Energy Code.

(Continued from December 5, 2007)

- 1) Ordinance No. 1065 – Adopting by Reference the 2007 Edition of the California Building Code and Related Codes, as Amended by Repealing and Replacing, Title 8, Chapters 1, 4, 5, 6, 7, 8, 11 & 12, Building Regulations of The Los Banos Municipal Code.

(First Reading & Introduction)

- 2) Ordinance No. 1066 – Adopting by Reference the 2007 Edition of the California Fire Code, as Amended by Repealing and Replacing Title 4, Chapter 3, “Fire Prevention Code: of the Los Banos Municipal Code.

(First Reading & Introduction)

Recommendation: Receive staff report, open the public hearing, receive public comment, waive the first reading of each ordinance by separate motion, and introduce each ordinance as submitted by separate motion.

- E. **Public Hearing** – Consideration of an Annual Adjustment to the City of Los Banos Development Impact Fee Schedule.

- 1) City Council Resolution No. 4970 – Adjusting the Development Impact Fees Based on the Engineering New Record Construction Cost Index for 2008.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

F. Public Hearing – Consideration of an Amendment to the Los Banos Municipal Code Regarding the City’s Purchasing Ordinance Pertaining to Public Works Projects to be Subject to the State of California Uniform Construction Cost Accounting Act.

1) Ordinance No. 1067 – Repealing and Replacing Chapter 16 of Title 3 of the Los Banos Municipal Code Pertaining to the Award of Public Works Projects. **(First Reading & Introduction)**

2) City Council Resolution No. 4971 – Electing to Become Subject to the Uniform Construction Cost Accounting Procedures and Adopting Alternative Bidding Procedures as Set Forth in the Uniform Public Construction Cost Accounting Act for Construction Work Performed or Contracted by the City of Los Banos.

(To be Continued to the January 2, 2008 Meeting)

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, waive the first reading of the ordinance introduce the ordinance as submitted, and continue adoption of the resolution to the January 2, 2008 City Council meeting.

G. Public Hearing – Consideration of an Update to the Los Banos Municipal Code Regarding the City’s Purchasing Ordinance in Pertaining to the City of Los Banos Purchasing System.

1) Ordinance No. 1068 – Repealing and Replacing Chapter 10 of Title 3 of the Los Banos Municipal Code Relating to the Purchasing System.

(First Reading & Introduction)

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, waive the first reading of the ordinance, and introduce the ordinance as submitted.

11. CONSIDERATION OF APPROVAL OF AN AGREEMENT WITH GRASSLAND WATER DISTRICT FOR THE DISCHARGE OF CITY STORM WATER DRAINAGE.

A. City Council Resolution No. 4972 – Authorizing Entering into an Agreement with Grassland Water District for the Discharge of City Storm Water Drainage.

Recommendation: Adopt the resolution as submitted.

12. CONSIDERATION OF A POLICY DECISION TO ESTABLISH A NEW LOWER WATER RATE ASSOCIATED WITH COMMERCIAL FOOD PROCESSING BUSINESSES.

Recommendation: Endorse the policy as submitted.

13. CONSIDERATION OF STREET NAMING COMMITTEE IDEAS / CRITERIA FOR NAMING CITY STREETS AND DIRECTION FROM COUNCIL ON HOW TO PROCEED.

Recommendation: Receive staff report and direct staff on how to proceed.

14. CITY ATTORNEY REPORT ON CITY COMMISSION APPOINTMENT PROCESS AND TERMS OF OFFICE / TERM LIMITS.

Recommendation: Discussion and direction from Council on how to proceed.

15. REDEVELOPMENT AGENCY UPDATE.

16. ADVISEMENT OF PUBLIC NOTICES. (No Report)

17. CITY MANAGER / EXECUTIVE DIRECTOR REPORT.

18. CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

A. Tom Faria

B. Joe Sousa

C. Mike Villalta

D. Anna Brooks

E. Tommy Jones

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

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 14th day of December 2007