



City of Los Banos

At the Crossroads of California

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AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

SEPTEMBER 7, 2016

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.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

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Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)

Faria ____, Lewis ____, Silveira ____, Stonegrove ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PUBLIC FORUM. (Members of the public may address the City Council Members 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. 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 Member.)

A. Check Register for #200115 – #200678 in the Amount of \$2,620,408.72.

Recommendation: Approve the check register as submitted.

B. City Council Resolution No. 5778 – Adopting a Revised Budget for the 2016-2017 Fiscal Year as it Pertains to Expenditures and Revenues for the Police Department Communications Account in the Amount of \$9,100 for Fees Associated with Broadband Air Cards.

Recommendation: Approve the resolution as submitted.

C. City Council Resolution No. 5779 – Authorizing the City Manager to Enter into a Contract to Purchase One (1) New Fire Command Vehicle (1500 Crew Cab Pickup 4x4) from Merced Chevrolet in the Amount of \$37,267.83.

Recommendation: Approve the resolution as submitted.

D. City Council Resolution No. 5780 – Adopting a Revised Budget for the 2016-2017 Fiscal Year as it Pertains to Expenditures for the IT Technical Services Account in the Amount of \$3,880 for Internet Services Upgrade for City Hall and Police Station.

Recommendation: Approve the resolution as submitted.

E. City Council Resolution No. 5781 – Approving Side Letter Agreements to the Existing Memorandums of Understanding with the Los Banos Police Sergeants Association and Los Banos Fire Fighters Association and an Amendment to Division 5 – Personnel Benefits of the City's Policy & Procedures Manual as it Pertains to Reporting the Monetary Value of Uniform Expenses.

Recommendation: Approve the resolution as submitted.

F. City Council Resolution No. 5782 – Amending Division 4, Section 4004 Part Time Employee Classifications with the Addition of a Code Enforcement Officer.

Recommendation: Approve the resolution as submitted.

G. City Council Resolution No. 5783 – Amending City Council Resolution No. 5605 Relating to the City's Conflict of Interest Code.

Recommendation: Approve the resolution as submitted.

- H. City Council Resolution No. 5784 – Approving the Acceptance of a Walmart Community Program Grant, Number 29520129, in the Amount of \$2,500 and Amending the 2016-2017 Fiscal Year Budget by Increasing the Appropriation Amount for Expenditures and Revenues for the Police Department in the Amount of \$2,500 to Support Community Programs.

Recommendation: Approve the resolution as submitted.

- I. City Council Resolution No. 5785 – Amending the 2016-2017 Fiscal Year Budget by Increasing the Appropriation Amount in the General Fund for Revenue and Expenditures for the Police Department in the Amount of \$1,656.18 to Complete an Approved Equipment Purchase.

Recommendation: Approve the resolution as submitted.

7. PUBLIC HEARING. (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 at, or prior to, the public hearing.)

- A. Public Hearing – To Receive Public Comment and Consideration of Presidential Estates East Area Plan to Guide Future Development; a General Plan Amendment to Re-designate the Project Site from Professional Office, Medium Density Residential, and Commercial to Low Density Residential, Annexation and Prezone of Approximately 106 Acres; and Associated Mitigated Negative Declaration (SCH #2015061056), Project Site Located North of Pioneer Road, West of Mercey Springs Road (SR 165) and East of Eleventh Street, APNs 026-290-001, 002, 003, 004, 005, 083-120-012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 027 and 028.

- 1) City Council Resolution No. 5786 – Approving Mitigated Negative Declaration (SCH #2015061056) and Associated Mitigation Monitoring and Reporting Program for the Presidential Estates East Area Plan and Annexation #2014-01, General Plan Amendment #2015-03, Pre-Zone #2014-02, and Associated Pre-Annexation Development Agreements.

(Motion of Intent to Adopt)

- 2) City Council Resolution No. 5787 – Approving General Plan Amendment #2015-03 for Property Located within the Presidential Estates East Area Plan Project, More Specifically Identified as Assessor's Parcel Numbers: 026-290-001, 002, 003, 004, and 005.

(Motion of Intent to Adopt)

- 3) Ordinance No. 1145 – Amending the Zoning Map to Pre-Zone Approximately 106 Acres Located North of Pioneer Road and West of Mercey Springs Road (SR 165), Merced County, California, from County R-1 (Residential-Single Family) to City R-1 (Low Density Residential), to be Annexed into the City of Los Banos. **(First Reading & Introduction)**

- 4) City Council Resolution No. 5788 – Requesting the Annexation and Pre-Zone of Approximately 106 Acres for the Presidential Estates East Area Plan and Annexation. **(Motion of Intent to Adopt)**
- 5) Ordinance No. 1146 – Approving a Pre-Annexation Development Agreement Between the City of Los Banos and Stonefield Communities, Inc., for the Project Commonly known as the Presidential Estates East Area Plan and Annexation. **(First Reading & Introduction)**
- 6) Ordinance No. 1147 – Approving a Pre-Annexation Development Agreement Between the City of Los Banos and The Manuel M. Cardoza Property, for the Project Commonly Known as the Presidential Estates East Area Plan and Annexation. **(First Reading & Introduction)**

Recommendation: Receive staff report, open public hearing, receive public comment, motion of intent to adopt the resolutions as submitted, waive the first readings, and introduce the ordinances as submitted.

- B. **Public Hearing** – To Receive Public Comment and Consideration of an Amendment Extending the Term of a Reimbursement Agreement between the City of Los Banos and Ranchwood Homes, Corp. (Northgate Sewer Lift Station).

- 1) City Council Resolution No. 5789 – Approving a First Amendment to Reimbursement Agreement between the City of Los Banos and Ranchwood Homes Corp. for Reimbursement for the Construction of Public Improvements and Facilities Commonly Referred to as the Northgate Sewer Main and Pump Station.

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

- C. **Public Hearing** – To Receive Public Comment and Consideration of a Conditional Use Permit to Allow the Use of Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place, Wingstop, Located at 1989 E. Pacheco Boulevard, Suite K, APN 083-140-028.

- 1) City Council Resolution No. 5790 – Approving Conditional Use Permit #2016-15 for the Use of Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Place for Wingstop Located at 1989 E. Pacheco Boulevard, Suite K.

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

- D. **Public Hearing** – To Receive Public Comment and Consideration of a Conditional Use Permit to Allow the Use of Type 21 Alcohol License for the Off-Sale of General Alcohol and Type 86 Alcohol License for Instructional

Tasting of Alcohol for Save Mart Supermarkets Located at 1400 S. Mercey Springs Road, Suite B, APN 083-130-040.

- 1) City Council Resolution No. 5791 – Approving Conditional Use Permit #2016-14 for the Use of Type 21 Alcohol License, “Off-Sale General Alcohol” and Type 86 Alcohol License, “Instructional Tasting”, for Save Mart Supermarkets Located at 1400 S. Mercey Springs Road, Suite B.

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

8. CONSIDERATION AND APPROVAL OF RESPONSE LETTERS REGARDING MERCED COUNTY CIVIL GRAND JURY FINAL REPORT 2015-2016, CITY OF LOS BANOS WATER QUALITY EXTERNAL INVESTIGATION 15-09-23.

Recommendation: Receive staff report, approve the letters as submitted and authorize the City Manager and Public Works Director/City Engineer to execute the letters.

9. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5792 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE PROCUREMENT AGREEMENT WITH SUN RIDGE SYSTEMS FOR THE PURCHASE OF THEIR “RIMS” INTEGRATED COMPUTER AIDED DISPATCH/RECORDS MANAGEMENT SYSTEM (CADS/RMS) FOR THE POLICE DEPARTMENT.

Recommendation: Receive staff report and adopt the resolution as submitted.

10. CODE ENFORCEMENT UPDATE BY THE LOS BANOS POLICE DEPARTMENT.

Recommendation: Receive staff report. No action required, informational item only.

11. CONSIDERATION OF INSERTING FLYERS (ENGLISH & SPANISH) IN THE CITY’S UTILITY BILLS TO INFORM CITIZENS OF THE NEWLY PASSED ORDINANCE REGARDING GARAGE SALE REGISTRATIONS. **(Continued from July 6, 2016 City Council Meeting)**

Recommendation: Direction from the City Council on how to proceed.

12. APPOINTMENT OF COMMISSION MEMBER – Tree Commission – One (1) Unexpired Term, Expiring December 31, 2017.

Recommendation: Appointment made by the Mayor with the consensus of the City Council.

13. ADVISEMENT OF PUBLIC NOTICES. (No Report)

14. CITY MANAGER REPORT.

15. CITY COUNCIL MEMBER REPORTS.

A. Scott Silveira

B. Elizabeth Stonegrove

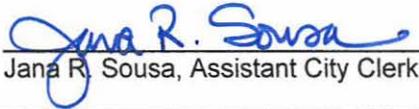
C. Tom Faria

D. Deborah Lewis

E. Mayor Mike Villalta

16. 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.



Jana R. Sousa, Assistant City Clerk

Dated this 1st day of September 2016