

ORDINANCE NO. 1064

AN ORDINANCE OF THE CITY OF LOS BANOS AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED DEVELOPMENT AGREEMENT AS HEREIN APPROVED BY THE CITY COUNCIL ON BEHALF OF THE CITY RELATIVE TO THE MISSION VILLAGE SOUTH PROJECT ADDING 46 BUILDING PERMIT ALLOCATIONS FOR THE MISSION VILLAGE SOUTH NO. 5 PROJECT

IT IS HEREBY ORDAINED by the City Council of the City of Los Banos as follows:

Section 1.

- A. The City Council has considered the Mitigated Negative Declaration for the Mission Village & Mission Estates Subdivision and Rezone, of which Mission Village South No. 5 is a part, and finds that there is no evidence, which would require the preparation of a new or updated environmental document pursuant to the California Environmental Quality Act.
- B. The development project, as of this time, is in compliance with all previously approved mitigation measures and conditions of approval.

Section 2. The City Council finds that the amended Development Agreement, attached hereto as Exhibit D and incorporated by reference herein, is consistent with the City of Los Banos General Plan.

Section 3. Prior to adopting this ordinance, the City Council has considered the effect of this ordinance and the other ordinances approving development agreements on the housing needs of the region. Furthermore, in considering the effect, the City Council has balanced these needs against the public service needs of its residents and available fiscal and environmental resources. The City Council finds that housing starts in recent years have caused growth to occur faster than the City has been able to provide public safety services. By phasing growth, as provided for in this ordinance, the City Council finds that it will be able to move towards restoring the traditional ratio of public safety personnel which has existed in the past. Adequate levels of public safety are an essential aspect of community services within the City of Los Banos, and to the extent there is any adverse impact on regional housing needs, the City Council finds that the impact is justified in terms of the residents' health, safety and welfare.

Section 4. The City Manager hereby certifies that the developer/applicant has

deposited with the City a sum equal to the estimated costs associated with the processing of the Development Agreement. (§1.17).

Section 5. Upon passage of this Ordinance, the Mayor is authorized to execute the amended Development Agreement as herein approved by the City Council on behalf of the City. Within ten (10) days of the execution, the City Clerk shall cause the revised Development Agreement to be recorded in the Office of the County Recorder as provided for by Government Code §65868.5. The amended Development Agreement shall not take effect for thirty (30) days following passage and adoption of this Ordinance.

Section 6. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption, and a summary shall be published by one (1) insertion in the Los Banos Enterprise, a newspaper printed and published in the City of Los Banos, within fifteen (15) days after its final passage.

Introduced by Council Member Villalta, seconded by Council Member Balatti Brooks, on the 5th day of December 2007.

Passed on the 19th day of December 2007, by the following vote:

AYES: Council Members Brooks, Villalta, Mayor Jones
NOES: None
ABSTAINED: Council Member Faria
ABSENT: Council Member Sousa

APPROVED:

 /s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

 /s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk