

ORDINANCE NO. 1075

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE MAYOR TO EXECUTE A PRE-ANNEXATION DEVELOPMENT AGREEMENT AS HEREIN APPROVED BY THE CITY COUNCIL ON BEHALF OF THE CITY RELATIVE TO THE DEVELOPMENT KNOWN AS THE VILLA BURANO ANNEXATION

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 Villa Burano Area Plan Environmental Impact Report for the annexation and development project, 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 annexation, 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 Development Agreement, attached hereto as Exhibit B 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 a Community Amenity Fee will aid in livability and quality of life for current and future residents.

Section 4. The Planning Director hereby certifies that the developer/applicant has signed a Cost Recovery Contract for recapturing costs associated with the processing of the Development Agreement.

Section 5. Upon passage of this Ordinance, the Mayor is authorized to execute the Development Agreement on behalf of the City.

Section 6. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the

City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Brooks and seconded by Council Member Sousa on the 6th day of August 2008.

Passed on the 20th day of August, 2008 by the following vote:

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

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

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