

JOINT REGULAR MEETING AGENDA

Joint Regular Meeting of the Los Banos Designated Local Authority, as
Successor Agency to the Los Banos Redevelopment Agency, and
the Merced Designated Local Authority, as
Successor Agency to the Redevelopment Agency of the City of Merced

Thursday, November 7, 2013 at 1:00 PM

Los Banos City Council Chambers
520 J Street, Los Banos, CA 93635

Call to Order

**Los Banos Designated Local Authority, as
Successor Agency to the Los Banos Redevelopment Agency**

The agenda for regular meetings is posted 72 hours prior to each meeting outside of the Los Banos City Hall located at 520 J Street, Los Banos, CA 93635, and is available at each meeting. The agenda and related reports are also available at the Los Banos City Clerk's Office and are available on the Designated Local Authority's website at www.kosmont.com. Any writing distributed within 72 hours of the meeting will be made available to the public by placing it with the City Clerk at the time it is distributed to the Designated Local Authority.

Roll Call

Board Members: Michael Amabile, Chair
Erasmo Viveros, Vice Chair
P. Cannon Michael, Treasurer

Public Comments:

Members of the public may comment on any item not appearing on the agenda and within the subject matter jurisdiction of the Board. Comments will be limited to a maximum of 5 minutes per person, and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the Board. The public will be invited to make comments on agenda items when the item comes up for the Board's consideration. Please state your name and address for the record.

Information Items:

- A. Update on Due Diligence Reviews – oral update – no action will be taken – information item only.
- B. Update on Transfer of Fiscal Services to City – oral update – no action will be taken – information item only.
- C. Update on DOF’s & Governor’s staff efforts to appoint DLA Board replacement for vacated seat – oral update – no action will be taken – information item only.

Action Items:

- 1. Approval of Minutes

Recommendation: It is recommended that the Los Banos Designated Local Authority, acting as Successor Agency to the Los Banos Redevelopment Agency, approve the minutes of the September 27, 2013 meeting.

Other:

- Board member comments
- Staff and counsel comments

Adjournment

Americans with Disabilities Act Notice: Any individual, who because of a disability need special assistance to attend or participate in this meeting may request assistance by contacting the DLA Staff 24 hours in advance of the meeting.

DLA Staff Contact: Chris Jicha, (951) 203-8730, cjicha@kosmont.com

Affidavit Of Posting:

I, _____, City staff of the City of Los Banos, do hereby affirm that a copy of the foregoing agenda was posted at City Hall 72 hours in advance of this meeting.

City of Los Banos

LOS BANOS DLA AGENDA ITEM 1

SPECIAL MEETING MINUTES

September 27, 2013 at 8:00AM

Meeting of the Los Banos Designated Local Authority,
as Successor Agency to the Los Banos Redevelopment Agency

Los Banos City Council Chambers
520 J Street, Los Banos, CA 93635

1. Call to Order – At 8:10AM the Special Meeting of the Los Banos Designated Local Authority, as Successor to the City of Los Banos Redevelopment Agency was called to order

Roll Call

Present: Chair, Michael Amabile, and Vice Chair P. Cannon Michael

Absent: Treasurer, Erasmo Viveros

Staff Present: Chris Jicha, DLA Staff - Kosmont Companies

Joy Otsuki, DLA Legal Counsel - Leibold, McClendon & Mann

2. Public Comments: None.
3. Approval of Minutes – September 5, 2013

Motion:

Motion by Michael to approve minutes as submitted, second by Amabile. Motion carried 2-0

4. Adopt Resolution No. 2013-09 approving the contract with Vavrinek, Trine, Day &Co. for accounting services for the Los Banos Designated Local Authority

Motion:

Motion by Michael to adopt Resolution No. 2013-09 approving the contract with Vavrinek, Trine, Day &Co. for accounting services for the Los Banos Designated Local Authority, second by Amabile. Motion carried 2-0.

5. Adopt Resolution No. 2013-010 approving the contract with Leibold, McClendon and Mann, PC for legal services for the Los Banos Designated Local Authority

Motion:

Motion by Michael to adopt Resolution 2013-010 approving the contract with Leibold, McClendon and Mann, PC for legal services for the Los Banos Designated Local Authority, second by Michael. Motion carried 2-0.

6. Adopt Resolution 2013-011 approving the contract with Kosmont Companies for staffing and professional services for the Los Banos Designated Local Authority

Motion:

Motion by Michael to adopt Resolution LB-2013-011 approving the contract with Kosmont Companies for staffing and professional services for the Los Banos Designated Local Authority, second by Amabile. Motion carried 2-0.

7. Adopt Resolution 2013-012 approving the Recognized Obligation Payment Schedule (ROPS 13-14B) for the period January 1, 2014 through June 30, 2014

Motion:

Motion by Michael to adopt Resolution 2013-012 approving the Recognized Obligation Payment Schedule (ROPS 13-14B) for the period January 1, 2014 through June 30, 2014, second by Amabile. Motion carried 2-0.

8. Direct DLA Staff to enter into a license or similar agreement approved by DLA Counsel to permit the City of Los Banos to paint the water tank located on Ward Road

Motion:

Motion by Michael directing DLA Staff to enter into a license or similar agreement approved by DLA Counsel to permit the City of Los Banos to paint the water tank located on Ward Road, second by Amabile. Motion carried 2-0.

9. Adjournment of Los Banos DLA Meeting –8:35AM.

Submitted:

Secretary, Christopher J. Jicha
Kosmont Companies, Staff to the Designated Local Authority

Approved:

Chair, Michael Amabile
Los Banos Designated Local Authority

Call to Order

Merced Designated Local Authority, as Successor Agency to the Redevelopment Agency of the City of Merced

The agenda for regular meetings is posted 72 hours prior to each meeting outside of the Merced City Hall located at 678 W 18th St, Merced, CA 95340, and is available at each meeting. The agenda and related reports are also available at the Merced City Clerk's Office and are available on the Designated Local Authority's website at www.kosmont.com. Any writing distributed within 72 hours of the meeting will be made available to the public by placing it with the City Clerk at the time it is distributed to the Designated Local Authority.

Roll Call

Board Members: Michael Amabile, Chair
P. Cannon Michael, Vice Chair
Erasmo Viveros, Treasurer

Public Comments For Closed Session Items:

Members of the public interested in addressing the Board on Closed Session Items must fill out a form provided at the door, and turn it into the Clerk prior to announcement of the Closed Session items.

Please be aware that the maximum time allotted will be 3 minutes per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the Board. Please state your name and address for the record.

Oral Communications on Closed Session Items:

Closed Session:

Successor Agency Counsel shall provide a briefing on the items listed for Closed Session as follows:

Conference with Legal Counsel –Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9 - *In re MTBE* Multi-District Litigation

Recess to Closed Session

Conducted in accordance with applicable sections of California law. Closed Sessions are not open to the public. The item(s) listed above will be discussed in Closed Session.

Reconvene Special Meeting

Report of Action in Closed Session

Public Comments:

Members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Board. Comments will be limited to a maximum of 5 minutes per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the Board. The public will be invited to make comments on agenda items when the item comes up for the Board's consideration. Please state your name and address for the record.

Information Items:

- A. Update on State Controller's office audit – oral update – no action will be taken – information item only.
- B. Update on Status of Due Diligence Reviews – oral update – no action will be taken – information item only.
- C. Update on R Street Remediation – see attached memorandum – no action will be taken – information item only.
- D. Update on DOF's & Governor's staff efforts to appoint DLA Board replacement for vacated seat – oral update – no action will be taken – information item only.

Action Items:

1. Approval of Minutes

Recommendation: It is recommended that the Merced Designated Local Authority, acting as Successor Agency, approve the minutes of September 27, 2013 meeting.

Other:

- Board member comments
- Staff and counsel comments

Adjournment

Americans with Disabilities Act Notice: Any individual, who because of a disability need special assistance to attend or participate in this meeting may request assistance by contacting the DLA staff 24 hours in advance of the meeting.

DLA Staff Contact: Chris Jicha, (951) 203-8730, cjicha@kosmont.com

Affidavit Of Posting:

I, _____, City staff of the City of Merced, do hereby affirm that a copy of the foregoing agenda was posted at City Hall 72 hours in advance of this meeting.

City of Merced

MERCED DLA AGENDA ITEM C

MEMORANDUM

To: Chris Jicha (Kosmont)
From: Dave Norman (P&P)
Subject: Merced R Street Clean Up
Date: October 30, 2013

Merced

We have completed two rounds of quarterly sampling at the R Street site including the Costco parking lot. The second report will be published by November 10, 2013. The data indicates that the two most concerning gasoline compounds Benzene and MTBE are none-detected on the Costco parking lot. Benzene is generally confined to groundwater below and side gradient (in R Street) to the Pacific Pride station. MTBE is also generally confined to the groundwater below the Pacific Pride station with a small area northeast of the site at monitoring well 10 (see attached figures). Both compounds exceed their respective regulatory limits: Benzene (Public Health Goal, 0.15ug/l and MCL, 1 ug/l) and MTBE (Public Health Goal, 13 ug/l and MCL 13 ug/l) in these areas.

We will request a meeting to discuss the recommended plan of action including restarting the Soil Vapor extraction and ozone sparge systems by November 20th. Tasks required to restart the system including:

- PG&E install a new service meter
- Restart propane service
- Evaluate the SVE blower system and a over haul of the Ozone system (system have not been maintain for over 2 years)
- Continue to conduct quarterly monitoring and operate the systems for up to six months. Concurrently prepare a formal written request to the RWQCB for site closure under the new low threat policy. We would anticipate submitting this initial request in March 2014.
- Site closure activities would begin as soon as the RWQCB grants site closure.

If you have any questions or need additional information, please call me at (559) 259-3639.

Dave Norman

MERCED DLA AGENDA ITEM 1

SPECIAL MEETING MINUTES

September 27, 2013 at 8:00AM

Meeting of the Merced Designated Local Authority,
as Successor Agency to the Merced Redevelopment Agency

Los Banos City Council Chambers
520 J Street, Los Banos, CA 93635

1. Call to Order – At 8:35AM the Special Meeting of the Merced Designated Local Authority, as Successor to the City of Merced Redevelopment Agency was called to order

Roll Call

Present: Chair, Michael Amabile, and Vice Chair P. Cannon Michael

Absent: Treasurer, Erasmo Viveros

Staff Present: Chris Jicha, DLA Staff - Kosmont Companies
Joy Otsuki, DLA Legal Counsel - Leibold, McClendon & Mann

2. Public Comments: None.
3. Approval of Minutes – September 5, 2013

Motion:

Motion by Michael to approve minutes as submitted, second by Amabile. Motion carried 2-0

4. Adopt Resolution No. 2013-09 approving the contract with Vavrinek, Trine, Day &Co. for accounting services for the Merced Designated Local Authority

Motion:

Motion by Michael to adopt Resolution No. 2013-09 approving the contract with Vavrinek, Trine, Day &Co. for accounting services for the Merced Designated Local Authority, second by Amabile. Motion carried 2-0.

5. Adopt Resolution No. 2013-010 approving the contract with Leibold, McClendon and Mann, PC for legal services for the Merced Designated Local Authority

Motion:

Motion by Michael to adopt Resolution 2013-010 approving the contract with Leibold, McClendon and Mann, PC for legal services for the Merced Designated Local Authority, second by Michael. Motion carried 2-0.

6. Adopt Resolution 2013-011 approving the contract with Kosmont Companies for staffing and professional services for the Merced Designated Local Authority

Motion:

Motion by Michael to adopt Resolution LB-2013-011 approving the contract with Kosmont Companies for staffing and professional services for the Merced Designated Local Authority, second by Amabile. Motion carried 2-0.

7. Adopt Resolution 2013-012 approving the Recognized Obligation Payment Schedule (ROPS 13-14B) for the Merced Designated Local Authority for the period January 1, 2014 through June 30, 2014

Motion:

Motion by Michael to adopt Resolution 2013-012 approving the Recognized Obligation Payment Schedule (ROPS 13-14B) for the Merced Designated Local Authority for the period January 1, 2014 through June 30, 2014, second by Amabile. Motion carried 2-0.

8. Adjournment of Los Banos DLA Meeting – 9:03AM.

Submitted:

Secretary, Christopher J. Jicha
Kosmont Companies, Staff to the Designated Local Authority

Approved:

Chair, Michael Amabile
Merced Designated Local Authority