

Mayor and City Council

February 12, 2004

City Administrator

February 17 City Council Agenda

CONSENT

7d. *Fire Code Adoption* – We wish to adopt the 2001 Fire Codes with several modifications. As discussed in the memo from Mr. Botto, the local amendments proposed have been coordinated with other cities in Stanislaus County to standardize the changes. Local agencies are permitted to change the uniform code to meet local conditions provided the governing board make findings of unique and local circumstances requiring more stringent regulations. The ordinance included with your agenda includes the required findings. Following the introduction at Tuesday's meeting, the adoption of the ordinance will be set for hearing at your March 15 meeting.

7e. *Williamson Act Cancellations* – This is the final step in the cancellation of the Williamson Act Contracts on the Rossini property. It follows, according to law, the recent approval by the Council of the tentative maps for the property. We recommend the Council, by resolution, authorize filing of the Certificate of Cancellation of the Williamson Act Contracts on this land.

7f. *Redevelopment Ordinance Amendment* – In the most recent State shift of redevelopment funds to cover State general fund budget shortfalls, the legislature included an option for redevelopment agencies to amend their plans to add one year to the life of a project area without following the usual redevelopment amendment process. The ordinance with your agenda is intended to add that year to our project area. The project will terminate in 2034 instead of 2033 if the amendment is approved. We are in the process of structuring our bond sale based upon the assumption that this ordinance is approved. We recommend that it be introduced at Tuesday's meeting and set for a vote for adoption on March 1.

7g. *Bridle Ridge Village C Map Filing* – The final map is complete and ready for filing for Bridle Ridge Village C consisting of 86 single-family units on the north side of Greger at the far east end of the development. The map with your agenda shows the location of the subdivision. We recommend the Council authorize filing of the map.

7h. *Well No. 3 Repairs* – Well No. 3, located next to the water tanks at the west edge of Valley View Park, required repair work. The contractor, Howk Systems Inc. was authorized to remove the pump equipment for inspection, but removed, repaired, and re-installed the pump instead. The work they performed needed to be done and the pump now works properly. Of course, the company wants to be paid for the repairs. In John Word's opinion, the \$10,364.17 bill is in line with similar work done in the past, so we recommend the Council authorize payment.

7i. *Claim Against City* – This is a claim for injuries sustained in a trip and fall that occurred on the "F" Street sidewalk in the area of the Cowboy Museum. There is some question as to the City's responsibility depending upon where the trip and fall actually occurred. We recommend the claim be rejected and referred to our adjuster. Caltrans and Sierra Railroad will be contacted concerning their possible responsibility.

7j. *Gilbert Park Playground Equipment* – The improved playground equipment for Gilbert Park is budgeted for this year. We wish to purchase the equipment from Edwards and Associates for \$44,278.96. This bid is submitted through a State cooperative bid service and meets the public bidding requirements for agencies wishing to take advantage of the bid. We recommend the Council authorize the purchase. Installation will be done under separate contract.

7k. *Local Transportation Fund Claim* - Revenue from sales tax on gasoline is distributed to cities after transit needs have been met. By formula set by StanCOG mainly based on population, Oakdale's 2003-2004 allocation is \$260,000. \$10,000 of this amount is designated for pedestrian facilities and has been budgeted for the trails in Valley View Park. The other money will pay for improvements to various streets, a small part of our total \$1.5 million street repair budget this year. We recommend the Council approve the annual claim.

PUBLIC HEARING

8a. *Orsi Road Subdivision Condition Appeal* – This subdivision on 5.8 acres will create 24 single-family lots of 6,000 s.f. and larger. The subdivision was approved by the Planning Commission subject to a condition that a 25th lot of 27,000 s.f. along the Adams ditch be maintained by the owners of the subdivision lots by the creation of a homeowner's association. The subdivider has appealed this condition because he does not wish to create a homeowner's association. Instead, he has asked that the City consider accepting this land for dedication as a city park. The cost of maintenance of the park would still be the responsibility of the 24-lot subdivision through a landscaping and maintenance district to assess the homeowners. If dedicated to the City, though, the liability and ultimate responsibility for assuring maintenance will be the City's. A key issue is whether this land offers an amenity of sufficient value to warrant the City as a whole accepting responsibility for it. The Parks Commission, thinking the area has sufficient value as open space, has recommended that the Council accept it as public property.

Although the subdivider specifically wishes to talk about this one issue, the appeal brings the entire subdivision before the Council for hearing. We have provided the full record of the Planning Commission discussion. The Council may review and consider adjustments to other conditions if you choose.

STAFF REPORTS

9a. *Tree Removal Requests* – Our Planning Department has received requests for tree removals of large trees at three sites in town. Two are oaks, one is a large redwood. By definition of our tree ordinance, the trees are significant and their removal must be approved by the Council.

9b. *Bridle Ridge 2 and 3 Expanded Noise Study* – At your last meeting, the Council discussed requiring the developer of the Bridle Ridge Subdivision to conduct an expanded environmental study on noise impacts. Unfortunately, the developer cannot be required to conduct these additional studies. The development agreement approved in July 2002, which is binding on the City Council, states that “the requirements of CEQA have been satisfied and any residential development or infrastructure pertinent thereto that is consistent with the General Plan and the Specific Plan shall be exempt from further CEQA review...”. To require the additional noise review, we would have needed to include some language in the prior conditions of approval. The traffic study was required in the mitigation and monitoring plan, a document that preceded the development agreement and was incorporated as a condition of the development agreement.

Bruce Bannerman
City Administrator

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