

Mayor and City Council

June 17, 2004

City Administrator

June 21 City Council Agenda

CONSENT

7d. *2004-2005 Budget* – The budget will not be adopted in final form prior to July 1 so it will be necessary for the Council to adopt a continuing resolution to allow payment of normal city obligations until such time as the new budget is adopted, hopefully sometime in early July.

7e. *Well No. 9 Improvements* – The well improvements under contract to Calwater Drilling Company Well No. 9 consisting mainly of drilling and shaft work are complete and ready for acceptance. The work was completed for \$168,947.52 which was below the contract price of \$182,035. We are in the process of bidding the completion of the well improvements consisting of the pump and other ground level improvements and hope to have the well up and running before the end of summer. We recommend the Council accept the improvements as complete.

7f. *Tree Removal* – Wes Stewart, the property owner at 900 Kimball Street, has requested approval to remove four Live Oak trees from his front yard. All four trees are relatively small, but are protected under the City's tree preservation ordinance. Mr. Stewart wishes to remove the trees because they are blighted. We recommend the Council approve the request subject to the standard conditions for tree removal and replacement mitigation.

7g. *Claim for Damage/Sanchez vs. City* – This a claim for damages is for an alleged unlawful confiscation of a motor scooter by the Police Department from the claimant. We recommend the claim be rejected and referred to our insurance carrier.

7h. *Claim for Damage/Johns vs. City* – This claim is for damage alleged to have occurred to the claimant's property at 344 North I during a police pursuit and arrest. The person arrested, not the police, is responsible for the damages. We recommend the claim be rejected and referred to the City's adjuster.

7i. *Claim for Damage/Blevins vs. City* – This is a claim for damages for injuries alleged from a trip and fall on North Fourth. The incident occurred in a construction zone during the time the area was under the care and control of a contractor for the City. We recommend the claim be rejected and referred to our insurance adjuster. We will look to the contractor for a defense in the matter.

7j. *Tree of Heaven* – At your last meeting, Council directed staff to prepare a resolution to remove the Tree of Heaven from the list of protected trees. By consensus, this species is not considered to be a tree warranting protection. It is an aggressively growing and invasive tree that is often considered more of a nuisance than an asset. A resolution formally removing the Tree of Heaven from the protection of the tree ordinance is included with your agenda material.

7k. *Bridle Ridge Landscaping and Lighting District* – With your agenda are the documents necessary to move forward with the formation of the new lighting and landscaping district to serve the 494 lots in Phase I of the Bridle Ridge Subdivision. The actions required of the Council are three resolutions. The first is the resolution initiating proceedings, the second is a resolution setting the time and place for the hearing on July 19, and the third is a resolution accepting the preliminary engineer's report. We recommend the Council approve the three resolutions so the lighting and landscaping district can be established.

7l. *CDBG Cooperative Agreement* – In order to continue to participate as an entitlement agency in the Community Development Block Grant program, federal regulations require that the City re-certify its intent for the period 2005-2007. The City Council chose to participate as an entitlement agency three years ago because of the greater flexibility that it gives us in the use of CDBG funds. The consequence of becoming an entitlement agency is that we are unable to participate in the small cities competitive programs. Our thinking at the time was that giving up the potential larger amount of money we could get for competitive grants is more than balanced by the guarantee of funding and the greater flexibility. We recommend the Council approve the City's continued participation in the entitlement program and adopt the attached resolution authorizing execution of the Cooperative Agreement.

7m. *City Attorney Appointment* – As you know, Tomas N. Hallinan is retiring from his post as City Attorney at the end of the month. He is also retiring from the law firm but will continue on as a part time employee of his son Thomas P. Hallinan and, in that capacity, will continue to provide legal services to the City attending Council meetings from time to time. We ask that the Council approve the attached resolution accepting the resignation of Thomas N. Hallinan and appointing Thomas P. Hallinan City Attorney effective July 1, 2004.

STAFF REPORTS

9a. *Reconsideration of Rezoning of Property at 231 Ash Avenue from Residential Agriculture to Neighborhood Commercial* – Mr. Vermeulen has requested the Council reconsider his request for a rezoning of the property he owns at "H" and Ash to allow him to proceed with his plans for construction of medical offices on the property. You will recall at your last meeting the rezoning was on the consent calendar for approval following a generally favorable hearing that occurred at the previous meeting. Mr. Vermeulen did not attend the second meeting because he thought his request would be routinely approved. The Council action was to take no action and hold the rezoning request in abeyance until such time as you had the opportunity to consider a different zoning designation for medical offices.

9b. *T. L. Davis Sports Park Acceptance* – The T. L. Davis Sports Park has been completed now for several months in accordance with the plans and specifications. Because of the failure of the contractor to complete the project in the time required by the contract, he was required to handle maintenance of the facility and construct additional improvements not in the contract at no cost to the City. Both of these were considered acceptable in lieu of liquidated damages on the late contract. At Monday's meeting, Mr. Word will report on completion of the work and the additional work performed by the contractor. We recommend the Council accept the improvements and authorize the filing of a Notice of Completion.

9c. *High School Expansion Street Abandonment* – The high school expansion will require the city abandonment of portions of Bryan, Hinkley, and "I" and three public alleys. The formal process to accomplish the abandonment must be initiated by the Council referring the request to the Planning Commission and directing the Clerk to initiate the public hearings as required by the Streets and Highways Code. We recommend that you do so.

9d. *County Referral* – The County has referred a proposed General Plan amendment and rezone creating 77 new rural residential lots at Orange Blossom Road and Wamble. This project differs from the several past referrals in that it involves a change of the General Plan rather than an implementation of the General Plan. Under the current General Plan, the property is limited to a 10 acre minimum. The change would allow 20,000 s.f. minimum lot size. Mr. Hallam is looking for comments from the Council to include in our draft comments. The project as proposed is clearly contrary to the previously expressed stance on the subject and is a significant expansion of the rural residential entitlement east of Oakdale.

9e. *Bridle Ridge Community Facility District* – With your agenda are the documents necessary to initiate the formal proceedings necessary to establish a Community Facility District and issue special tax bonds covering Phase 2 of the Bridle Ridge Specific Plan area. The specific actions are a Resolution of Intention to establish the District and a Resolution of Intention to incur bonded indebtedness not to exceed \$2 million. Most of the proceeds will pay the developer's share of an off-site sewer trunk line to serve this area. We recommend the Council approve both resolutions initiating the district.

9f. *Executive Search Firm* – Mayor Kuhn and Councilmember Rockey will have interviewed two of the firms that submitted proposals, Bob Murray and Associates and CPS Executive Search. At Monday's meeting, they will recommend to the full Council one of the two firms so that we may begin the recruitment.

Bruce Bannerman
City Administrator