Woodland City Council Minutes Council Chambers 300 First Street Woodland, California

December 16, 2003

# CITY COUNCIL REGULAR MEETING

#### 7:00 P.M.

### CALL TO ORDER

Mayor Flory called the regular meeting of the Council to order at 7:12 p.m.

### PLEDGE OF ALLEGIANCE

Mayor Flory invited the members of the Council and public to join in the Pledge of Allegiance to the Flag of the United States of America, led by Director Wegener.

### **ROLL CALL**

COUNCIL MEMBERS PRESENT: Dote, Monroe, Peart, Rexroad, Flory

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Phil Marler, Ann Siprelle, Ed Quinn, Gary Wegener,

Tricia Stevens, Dan Gentry, Karl Diekman, Joan Drayton, Sue Vannucci, John Everett, Dave Ingman, Roy Wilson, Richard Biggs, Jennifer Dzakowic, Paul Hanson, Rolland Baxter, Bruce Pollard, George

Bierwirth, Aaron Laurel

OTHERS PRESENT: Contract Engineer Nick Ponticello, Contract Planner

Heidi Tschudin

#### PUBLIC COMMENT

Fred Bailard, Chairperson of the Christmas Parade, and Kristy Wright, Executive Director of the Chamber of Commerce, presented the first place trophy for the Color Guard to the Fire and Police Department Honor Guard, first place trophy to the City of



Woodland Float and the Wally Foster Overall Sweepstakes trophy to the City of Woodland Float. He thanked and commended the City staff for helping to make the parade a success.

Alan Smith, Executive Director of Woodland Access Visual Enterprises indicated the Christmas Parade had been filmed in video delay for those citizens who could not attend in person.

Mayor Flory announced that as the item on the Woodland Gateway/Auto Mall is not a Public Hearing, testimony from citizens will be heard under Public Comment.

### **PRESENTATIONS**

### TRAFFIC SAFETY COMMISSION

Ed Shelley, current Chairperson of the Traffic Safety Commission, said the Woodland Joint Unified School District had requested Commission consideration to slow traffic for safety. The Commission would like to be more proactive in the traffic studies. They would like to have input into those new subdivisions and the need more Police Officers on the streets. Citizens want to lower the speeds and with additional Officers helping that may be achievable.

### CERTIFICATES OF APPRECIATION TO RETIRING EMPLOYEES

Mayor Flory presented a Certificate of Appreciation to Roy Wilson who is retiring after 35 years of service to the City, most recently as Environmental Operations Manager at the Waste Water Treatment Plant, and commended him for his dedication to the City and citizens.

Vice Mayor Rexroad presented a Certificate of Appreciation to Richard Biggs who is retiring after 11 years of service, most recently as Water Pollution Control Operator II at the Waste Water Treatment Plant, and commended him for his dedication to the City and citizens.

Others retiring who were unable to attend are Senior Tree Trimmer Bill Dibble of the Public Works Department with 33 years of service, Maintenance Supervisor Scott Gunter with 32 years of service, and Senior Maintenance Worker Dan Swett with 31 years of service.



### COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Monroe indicated he had met with students as a follow-up to the concept of student involvement in government and there seems to be interest on the part of these students.

Council Member Monroe has had contact with Dino Gay of the Woodland Art Center and Mr. Gay has indicated the Center is interested in working on a City Policy for Public Art at no cost to the City. Council concurred that Mr. Gay return with a proposal.

Director Wegener introduced Rolland Baxter, new Deputy Director of Public Works, Operations and Maintenance.

#### PUBLIC COMMENT

Council Member Peart said he had received advice from Counsel that his involvement in the Woodland Gateway/Auto Mall proposal would not be in conflict with his property ownership in the Downtown. He also indicated he had viewed the video of the Council meeting of December 9, 2003 and was prepared to vote on the item as needed.

Marilyn Kregel said the Gateway will decimate the Downtown and County Fair Mall. An auto mall would be fine but the commercial center is not good for the City.

Tom Foley said the auto mall with the retail is not good for the economic viability. A Blue Ribbon Committee should be established.

Patrick Pennington has a business at County Fair Mall. An auto mall is acceptable but we do not need more retail.

Stephen Pritchard supports the auto mall project. His family are long time Woodlanders. To provide things that make the City great, we need this type of project to help pay for those things.

Laurence Kincaid said this project will decimate the retail in our City. It will take many years to recover. Those centers we have now are going down with things like the 98 Cent Store.

Yvonne LeMaitre is a fifth generation Woodlander. She said if the City does not grow, we will not be able to keep up with infrastructure and pay for safety employees. The State budget will greatly affect our budget. This will bring jobs to the City. This project may save us.



# VERBATIM OF COMMENTS OF BRETT JOLLEY AS REQUESTED BY COUNCIL MEMBER PEART AND CONCURRED BY COUNCIL AT THEIR JANUARY 13,2004 MEETING

"Brett Jolley: Good evening Mayor Flory and Council Members. Brett Jolley, 2291 West March Lane in Stockton, California. I am an attorney and I am here tonight on behalf of several property owners in Woodland who are opposed to this project and I understand that I have got three minutes. I will keep it short. I have a two page letter that discusses the three points I will be commenting on this evening that I would like to pass out and I have extra copies for the Council. Should I deliver them to the Clerk?

Mayor Flory: Please. (So delivered)

Brett Jolley: As I mentioned, three quick points on this. The first point is with respect to the Gateway Project. It is actually legally improper to reconsider this project tonight and I say that based on the fact that last week no action was taken and a motion to continue died. There was no continuance of the project, no affirmative approval. In the case of R.E.A. Enterprises versus the California Coastal Commission, teaches us that an applicant has the burden to get a majority vote of approval on his project when it comes for hearing. If no such approval is granted, the project is deemed dead. My understanding is that is the opinion rendered last week by the City Attorney and this opinion may have changed in the course of the week. I am not sure of the facts of that, but I stand by the position that the project died last week and there is nothing to reconsider this week. The second issue has to do with if the Council determines that it does want to move forward on this project despite my opinion that it cannot, I think there are issues, with all due respect to Council Member Peart, he should consider before voting on this project and that is based upon the Political Reform Act which you may be aware that as public officials, public officials are not allowed to make decisions on projects or participate in the decision where a conflict of interest exists. Last week there was a disclaimer that there was a conflict of interest on this project and this week there is an indication that the conflict has been resolved. However, I would caution Council Member Peart the exposure of going forward on this based on the Fair Political Practices Commission and their enforcement strategy. The Fair Political Practices Commission offers a public official the opportunity to seek an opinion on whether or not his conflict exists or has been resolved, and without that a public official may be subject to liability for making a conflicted decision. So, I would recommend at the bare minimum, that Council Member Peart seek the advice of the Fair Political Practices Commission before interjecting himself back into this discussion.



Council Member Peart: Could I have a response from the City Attorney on that, please.

Mayor Flory: Would you like him to finish first?

City Attorney Siprelle: It is the pleasure of the Council.

Mayor Flory: Can he finish first and then? Thank you Mr. Peart.

Brett Jolley: Thank you. Mayor. My final point has to do with the Environmental Impact Report itself for this project and the fact is that this Environmental Impact Report should not be certified tonight. The City's got evidence that this project will cause existing retailers to close. We have already heard several speakers tonight explain that. The EIR is required to discuss this issue, it does not. A belated market analysis was introduced last week. This is not part of the EIR. The EIR cannot be certified unless this is included in the EIR and recirculated for further comment.

Mayor Flory: You have 30 seconds.

Brett Jolley: Thank you. That is just enough time because the last point I would like to make is that market analysis which was belatedly entered at page 9 actually concludes this project will result in impacts to existing retailers and will likely cause store closures. With that, that issue has got to be studied in the EIR and it is improper to certify this EIR without further study. It is legally deficient. Thank you for your time. I would be glad to answer any questions.

Mayor Flory: Thank you for your comments.

Council Member Peart: Could I have a response from the City Attorney please.

City Attorney Siprelle: Mr. Mayor, since this is not a public hearing and we have not gotten to the Gateway project, this is just public comment generally, I would like to address this when the item comes up.

Mayor Flory: Is there a reason for that?

City Attorney Siprelle: I want to make it clear for the record that this is not a public hearing on the Gateway project. There is no public hearing and this is just general public comment. I want to make the distinction between the public comment period and the Council's consideration of the project.

Brett Jolley: But the Council does have to consider that...



Mayor Flory: Excuse me. Excuse me.

Brett Jolley: I am sorry Mayor.

Mayor Flory: The question though, was made during public comment. Wouldn't you

answer during that time.

City Attorney Siprelle: I can say that we have provided legal advice to Council Member

Peart that there is not a conflict of interest on this.

Mayor Flory: Is that fine for now Mr. Peart?

Council Member Peart: Fine for me.

Mayor Flory: Great.

Brett Jolley: Thank you Mayor."

Cath Posehn is concerned about the retail and encouraged Mr. Petrovich to come forward with a real auto mall.

Robert Millsap supports the project. There is much to gain by moving this project forward. The State is broke. The City and County are in desperate need of funds. There will be a benefit and economic boost to the City. They are supported by evidence and analysis. On the other side, there is speculation of what it might do. This is an opportunity to obtain funds for the City.

Gene Stille adamantly opposes the big box retail. The Economic Impact Report with the Consultant did not include the impact on the grocery stores. Winco is coming into California and if it should come to Woodland, it take \$51 million out of the pie. The local stores do \$94 million per year. If Winco comes in it would take 54% of the volume currently in the City. The grocery would be affected but also other retail in the shopping centers. There will be no increase in taxes because it will cannibalize others. Mr. Petrovich has never developed an auto mall but has done retail.

# VERBATIM OF COMMENTS OF ERIC PAULSON AS REQUESTED BY COUNCIL MEMBER PEART AND CONCURRED BY COUNCIL AT THEIR JANUARY 13,2004 MEETING

"Eric Paulson: Thank you. My name is Eric Paulson, 202 Rancho Way. I don't think anybody is really arguing against the auto mall per se. It comes down to the mix of retail and I would like to respond to Mr. Millsap. I am not interesting in Woodland selling out. I would rather back people like Gene



Stille, Mark Engstrom, Tom Stallard who have invested in Downtown and have gambled and have brought business to Downtown. Some of you participated in the Blue Print Workshop held in Davis for Yolo County. There were over 300 people who participated and were broken down into 30 groups. Every one of those groups supported infill, infill, infill. If Mr. Petrovich can get some of these other investors who have invested in Downtown on board with a project that will sell them then I would be on board. But I don't want to sell out and I hope you don't. I would also like to mention one other thing. I was handed a handout by one of the Council Members, a letter from Woodland Motors and basically it makes me a little disappointed with the public forum if your mind is already made up before listening to all the questions whether you are for or against this."

Dan Ramos of Sacramento said there has been some discussion about an auto mall in Sacramento County. They have received a call from Scott Vanderbeek of the Cadillac dealership who is expressing interest. His company will never recruit from our City. Their policy is that there will be no auto mall in the Natomas. Woodland has the opportunity to develop an auto mall here because of land cost.

Dorothy Pritchard Huber said she is the granddaughter of Morris Pritchard who has a business here for almost 100 years. She supports the gateway project because the benefits are enormous. The revenue is very much needed and we need to go forward to prosper. We are not a small community any longer. If this is not approved, we will loose two dealerships and the City cannot afford that. Her father also supports the project.

Kate Barichievich said Woodland needs an auto mall and it should be entirely an auto mall.

Debbie Kennedy, General Manager of County Fair Mall, does not want the retail portion of the project but does not oppose an auto mall. This project will erode the viability of the Downtown and the County Fair Mall.

Ken Trott opposes the project as proposed. He supports change and business development, as well as the auto mall that will allow the dealerships to move out of the Downtown. He does support consolidation and increase of tax dollars. He opposes more retail space. He also opposes the City and County tax sharing agreement. He wants a project that will service the City in the long haul.

Martha Fuchslin is against the retail center of the project. The County Fair Mall closed many of the Downtown stores. Now many of the County Fair Mall stores are closed and vacant. WalMart has closed many stores. These business do not care about our quality of life.



John Roman is against the gateway. There are many vacant buildings in the Downtown. All of these people coming into the City want to make money on us.

Chad Hoblit of Hoblit-Haynes is a fourth generation auto dealer. He would like to keep his business here. They need a new facility as customers cannot find them in the current location and there is inadequate parking. At a new facility, they will be increasing their employee base. They must move their business. They depend upon this project but cannot go forward without the retail component. When sales are held at the WalMart parking lot, they sell 35 cars per day. At the Downtown site, they sell 3 per day.

Ray Ressler said two years ago it took over control of the Odd Fellows Building at Main and Third Streets. He is concerned about the tenants that may not come to that building. He would like this project to go back to the drawing board.

Robert Beggs said he is an engineer and is concerned about the statements that the water was a problem on this project. He checked into the statistics and the connection fee is \$50,000. This would not be hard to them to pay. The cost to the City to provide service should be quite low. This argument of high cost is questionable.

Greg Stille said Woodland needs the auto mall component but not the retail. There are many dead centers already in the City. Property has been neglected because no one can afford to pay.

# VERBATIM OF COMMENTS OF BRENDA CEDARBLADE AS REQUESTED BY COUNCIL MEMBER PEART AND CONCURRED BY COUNCIL AT THEIR JANUARY 13,2004 MEETING

"Brenda Cedarblade: Good evening. May I clarify something? This is public comment so it is not specifically the auto mall.

Mayor Flory: It is public comment. Correct.

Brenda Cedarblade: Thank you. I have been meaning to write a letter so, but since I am here I might as well just speak it so it is on record. Brenda Cedarblade and because of the Patriot Act and the Brown Act I don't think we should be required to give our addresses. I would be happy to give my address to anyone or invite you over for dinner if you want to come. But as a single female I don't think we should be required to do this. We all know what happened to Gary Sandy. This is public record and a personal address should not be considered when you guys are making your decisions. So. What I have to say tonight will not positively or



negatively affect your decision. I think decisions have been made. What I am here to speak about tonight is on City Council's legal actions and irregularities that have been happening most frequently. First off, Neal Peart went into closed session on the flood wall two weeks ago. When you voted by going into the closed session you were clearly violating the Brown Act. I have had this confirmed by attorneys. Furthermore, Neal has violated FPPC rules on eminent domain and I reminded him of this when he was making decisions on eminent domain. He owns land and it is conflicted. He owns land within an area that is going to be taken by eminent domain and it has been discussed. So I am concerned that he is sitting up here this evening. On the issue of conflicts, and again it is kinda getting off the auto mall subject, but Matt Rexroad signed the flood wall ballot measure as Mayor when the City opted to table the flood wall. The Council had taken no action but to table this issue. So by signing it you are implying that the City Council supports you on this. If you had signed it with your own name it wouldn't be the same. So, a point I am trying to make this evening is I think that the City of Woodland is getting into some serious legal issues. These issues affect many residents and I hope on this on all other actions that the City is committed ethically and will behave in such a manner. "

Kris Scott objects to the retail portion of the auto mall. Most of the shopping centers are vacant and this will devastate the Downtown retail.

Bill Ayers of C. B. Richard Ellis in Sacramento said he has been involved in the Elk Grove Auto Mall and represents Mark Lasher who left the City because the auto mall here was not going forward. Many people looked at this property and left because a 50 acre auto mall would not work here. Activity breeds other economic activity.

George Chaidez works in a dealership in the Downtown and this project would help the City.

Robert Wright is the Sales Manager for Hoblit-Haynes. The Fairfield Auto Mall was a failure because it does not have any retail. He and his family go elsewhere for shopping because there is no place here to purchase the types of things they need. In Roseville with their auto mall, the Downtown was revived and many came in to improve the City. The auto mall would not work by itself.

Michael Morgan owns the current State Theater. He is not against the auto mall but is against the retail. He is also opposed to the proposed cinema. They will be adding additional screens. The Redevelopment Agency Manager would not help him on his project.



Sandra Briggs said she has always utilized Hoblit-Haynes and local businesses for purchasing. She does support the auto mall but does not support the retail mix. The Economic Development Report indicates revenue from auto sales far exceeds that from the retail. They need to know the cost for the infrastructure and what they would compromise without dying as a community.

## <u>VERBATIM OF COMMENTS OF TOM STALLARD AS REQUESTED BY COUNCIL MEMBER</u> PEART AND CONCURRED BY COUNCIL AT THEIR JANUARY 13,2004 MEETING

"Tom Stallard: Thank you Mr. Mayor and Members of the Council. First off, I would like to thank you, each of you for your public service. I know what it is like to be in the wringer. It seems to happen every now and then. It has been a stressful time for our community but I also think good is coming out of it. We are looking deeply within ourselves about what is important to us and trying to communicate that. I would just like to clarify a couple of things. First of all, those of us who advocate the auto mall, be an auto mall, believe that is the way the highest return of sales tax to this community. Nothing brings in dollars like cars, car sales. It is such a big ticket items. It takes a lot of anything else to equal the sales tax on a single vehicle. And as you have heard from our resident who is a former employee of the car dealers, the Ford dealer in Red Bluff doubled it's sales and it is the only dealer of a planned complex that includes other dealers currently out there on I-5 in Red Bluff. I believe that if our dealers have exposure to the freeway, if we provide for the opportunity for as many dealers as we can logically site on the 55 acres, the City will benefit far more in sales tax than it will if it succumbs to the expedient of the retail proposed that is before us currently. Also, as has been said numerous, not only do we have lots of retail in our community presently, but we have other options for new retail for our community. Harvest Square where the Home Depot is located and Yolo Polo Plaza both have sites left on them for additional expansion in this community. So we are not saying no to new things, we are just saying let's now put another strip center on the end of our community. I would also like to comment that when I was a child there was a movie that came out called the "Invasion of the Body Snatchers". You know how perfectly wonderful people were replaced by soulless pods and behaved like automatons. That is what some of us talk about when we talk about Woodland having an identity and a character and we don't want to feel like we are becoming like everybody else. It is such an easy thing to succumb to. We don't want to do that here and I think that is probably why some of us have gotten more visceral about this than perhaps we might otherwise have been inclined to. I want to be on the record as saying I have never, prior to this, opposed a retail



development in this community, whether it was WalMart, whether it was the Mall, whether it was Kmart, who is now gone, or Home Depot. I've not opposed those, and despite my years of working in Downtown. This one is just going too far, the impacts are too great, and that is why I feel it has to go. The last thing I have to say before I sit down is, Neal, I sit in the same relationship to the Hoblit-Haynes dealership that you do. If I was sitting on the City Council, I would recluse myself. I would regard myself as having an unavoidable conflict. I would do so on the basis of the fact that the property that you own and the property that I own are very much affected by what happens to the Hoblit-Haynes site. Now, it has got to be a shell game here to suggest that the relocation of a dealership in a decayed facility out to a new project is not going to have an impact on your property in the street directly across from that project. I think you are being deserved. If I were in your situation I would ask for the opinion in writing because I think I would want case law for support for the contention that you can recluse yourself in this situation. I reclused myself in a similar matter involving the County some years ago on the advice of County Counsel. I think what you are doing is unethical. So I leave you with that caution. Thank you."

## VERBATIM OF COMMENTS OF NANCY LEA AS REQUESTED BY COUNCIL MEMBER PEART AND CONCURRED BY COUNCIL AT THEIR JANUARY 13,2004 MEETING

"Nancy Lea: I live at 15130 County Road 99. I am not a City of Woodland resident but I, this is my town too. And I am here, as many of you know, I have been on the other side of the wall from Tom Stallard. But on this one, I can walk down the same road he is walking down. I want to, I can say ditto after what he said. I totally agree that the character of this community will be negatively impacted by the construction of the retail out at the 102 What I like about Woodland is fact that it is a town with connections. I go to the Corner Drug. I can't imagine buying my, any prescription any place else. I look for Downtown. I look for retail Downtown that I can use and take advantage of, shop in. To bring in what you would like to bring in with the retail at 102 is going to, I think, be the end of that. If I wanted to live in Modesto, I would have moved there. I am asking you to please do not turn us into Modesto. Let us keep the community that we all care about and by allowing big box retail right at our City limits is, I think, a disaster to our Downtown. I would also say that as a lawyer, and Mr. Stallard is a lawyer too, I have the same concerns about Mr. Peart's continuance, continuing on this matter or coming into this matter at this point in time as was expressed by Mr. Stallard and of course, he must know that he takes the personal risk



because his agency will not represent him and will not pay his legal fees. So he is taking a huge personal risk if he proceeds to act in this matter. At any rate, thank you for your time and I hope you make the right decision."

Mark Ullrich said he has been a Downtown property owner for over twenty years. He is very anxious for the dealerships to move out so that the infill can take place. He does not feel comfortable with how the numbers for the acreage on the auto mall came about. He would like a Blue Ribbon Committee to look at this issue. The County Fair Mall is 40 acres and this 35 acres of big boxes is of concern. He is concerned about the divisiveness of the community. They do not know just what it takes for retail to make this successful and the Committee would help show that information.

B. J. Ford said the Council is looking at tax revenue and an auto mall will bring in more tax revenue.

Gary Sandy asked about a reference made to a hotel on this property. Director Stevens said the project does not have a hotel included, but the Entry Overlay Zone does have allocation for hotels. Mr. Sandy said Mr. Petrovich has said that eight auto dealers will be there and he would like to see that information. The development will affect Fire and Police. The Vehicle License Fee will directly affect this City budget. This money from the project will not be here fast enough to help. Hoblit-Haynes and the Pritchard's are trying to do what is best for this community and we should try to work with them. This project is being jammed through at a bad time of the year. This project should be stopped and we should look at one that is best for the City.

Daron Whittle said in the long term, this project will be detrimental. He would like to see what is best for the City and it should be an auto mall.

Paul Petrovich said the project acreage has been split for the auto, retail an several acres of roads, parking and on-ramp. The report protects the County Fair Mall and he has committed to not touch any of those tenants unless they are backfilled. This project would keep people here to do all of their shopping. For fourteen years this project has tried to come forward as just an auto mall. Other areas that have not had the retail portion have failed. He must pay for the infrastructure and provide for agricultural mitigation. This project was available for five years and no one came forward. If this project does not go forward, two dealers will leave the City and there will be only two left. The resulting loss of revenue to the City will be significant. He is offering \$1 million to the Downtown. The grocery would have been impacted and he would offer the space to local grocers first.



### Council recessed from 9:03 to 9:17 p.m.

### REPORTS OF THE CITY MANAGER

### WOODLAND GATEWAY/AUTO CENTER

Final Environmental Impact Report; Findings of Fact and Overriding Consideration; Mitigation Plan; Consistency with General Plan and Zoning; Ordinance to Amend Zoning to Allow for Regional Shopping Center Uses in C-H and EOZ Zone; Ordinance to Approve Development Agreement with Woodland Investment Company LLC; Master Conditional Use Permit; Tentative Parcel Map; Conceptual Design and Site Plans; Continue Second Reading of Ordinances and Project Approval

City Attorney Siprelle said at the December 9, 2003, there was concern regarding the motions with tie votes. The City has no Ordinance language to address a tie vote and reconsideration at subsequent meetings. However, an Ordinance must have a majority vote to be adopted. Council can approve, deny or send the Ordinance back to the Planning Commission.

Council Member Peart said he has received a written statement from Counsel there is no legal problem for him to vote on this project. Two years ago Rick Haynes, Don Jamison, Dave Hoblit and Buzz Landis, Sr. and Jr. came to discuss an auto mall. This is not a new project and has come through the entire public process. Council Member Peart moved to approve the project, Items A-H. As there was no second to the motion, the motion failed.

Council Member Monroe said he will only vote for a project that will have a positive impact on the City. The City should be helping the County

Fair Mall and stores in the Downtown. This project needs to be modified to be a benefit to the City.

Council Member Dote has had some concerns about this project and she feels we need to start over, but need to be clear on what is wanted prior to having someone else come forward.



Vice Mayor Rexroad is concerned that if two auto dealers leave and the Vehicle License Fees associated with those dealers is no longer available to the City, City services will need to be cut substantially. This loss in crucial funds and services will bring citizens to before Council to complain about those losses.

Mayor Flory said Mr. Petrovich saw a need and tried to meet that need. The intent is to do a true auto mall and to get the dealers out of the Downtown to allow land for other projects. The County and State parking is not acceptable for the needs and the theater should provide their own parking. The City needs to look at the whole picture. There are 22 acres next to the auto mall and other areas to the South. He does not think this is a good project for the City at this time.

Council Member Peart moved and Vice Mayor Rexroad seconded that Council find the final environmental impact report exempt from CEQA; adopt findings of fact and overriding consideration; adopt mitigation plan; determine consistency with general plan and zoning; introduce and read by title only an Ordinance to amend Zoning Ordinance to allow for regional shopping center uses in C-H and EOZ zone; introduce and read by title only an Ordinance to approve the Development Agreement with Woodland Investment Company LLC; tentatively approve a Master Conditional Use Permit; approve tentative parcel map; approve conceptual design and site plans; continue second reading of Ordinances and project approval to the January 13, 2004 Council meeting. On roll call the vote was as follows:

AYES: Vice Mayor Rexroad, Council Member Peart NOES: Mayor Flory, Council Members Dote and Monroe

ABSENT: None ABSTAIN: None

Motion lost for lack of a majority.

City Attorney Siprelle advised that a motion should be made to deny the project if it is the desire not to move ahead. It was moved by Council Member Dote and seconded by Council Member Monroe to deny the project. On roll call the vote was as follows:

AYES: Mayor Flory, Council Members Dote and Monroe

NOES: Vice Mayor Rexroad, Council Member Peart

ABSENT: None



ABSTAIN: None

Motion to deny continuance of the Woodland Gateway/Auto Mall project approved.

Vice Mayor Rexroad said we have a proposal to allow zoning and we need to set specific quidelines for this area prior to a developer starting another project of this type. Mayor Flory suggested that he and Vice Mayor Rexroad meet and come back with a proposal to set parameters. Vice Mayor Rexroad said this should be done in a Study Session with the entire Council present. Council Member Peart said the City needs to be sure that they know what the citizens want and they need to be involved. He suggested a Task Force of interested citizens be involved so they (the citizens) know all of the ramifications the Council has before them. Council Member Dote said the Planning Commission should be involved. Council Member Monroe feels the community involvement is essential because we did not receive direct community comment until the very end of the process. Council Member Dote would like to have input from both proponents and opponents of the project. Mayor Flory suggested that other significant projects be added to the study at the same time. Council Member Dote would not like to delay on the auto mall land while working on the other issues mentioned because there may be some time elements involved.

Mayor Flory said we need to be sure that if the public is involved they should be going through the entire process. Vice Mayor Rexroad said this proposal as presented fits into current zoning. The City should not be telling property owners what they can do with their private property once that zoning has been set. Director Stevens said the staff can develop a process to assist the Council. Mayor Flory would like the Council to meet as a whole or a Sub-Committee of Vice Mayor Rexroad and himself and then discuss with staff. Council concurred.

### PUBLIC HEARING

#### **SIGN ORDINANCE AMENDMENTS**

Director Stevens the substantive changes to the Sign Ordinance are for the allowance of portable and temporary signage.



# At 10:02, Mayor Flory opened the Public Hearing. With no comments heard, the Public Hearing was closed at 10:02.

On a motion by Council Member Dote, seconded by Council Member Monroe and unanimously carried, Council found the proposed Sign Ordinance to be exempt from the provisions of CEQA those amendments of class four, minor temporary use of land having negligible or having no permanent effects on the environment, §15304 of the Public Resources Code; introduced and read by title only "An Ordinance of the City of Woodland Amending Chapter 25, Article 24 of the Woodland Municipal Code".

# BEEGHLY RANCH PROJECT FINDINGS OF FACT AND IDENTIFIED CONDITIONS OF APPROVAL (SLSP)

Planner Dzakowic said the project is part of the Spring Lake Specific Plan and has been through the various stages of the process. The applicant has proposed a request for zoning, vesting of a Tentative Map and approval of a Development Agreement. The rezoning request includes the entire Spring Lake area. The specifics for the Beeghly portion, which is in the Southwest portion against current Road 101, includes Single Family, Multi-Family and Open Space. The Tentative Map proposes to divide the 79 acre property into a vesting Tentative Subdivision Map. This would include 306 single family lots at R-4 and R-5 density, one R-8 density lot at 5 units, one R-15 density lot which is multifamily, an "affordable cluster" site, and open space with a subdivision trail. The Tentative Map includes multi-family, neighborhood entry features, subdivision trail, privacy walls, affordable housing cluster and second units. Included in the Development Agreement are the neighborhood park, Fire Station access, the Gibson Road connection, County Roads 101 and 25A improvements, the Spring Lake Village Center with a Central Park, the Fire Station and the neighborhood commercial design. One of the suggested changes is to delete Section 4.16 on Page 15 of the Development Agreement. Section 3.9 on Page 12 is still in negotiations with Turn of the Century and clarification to be added to the credit

reimbursement. The accomplishment of access off of Pioneer was outlined and the Parkway would be pushed through. There will be an option to move the collector to the property to the East.

### At 10:12 Mayor Flory opened the Public Hearing.



Tom Lumbrazo of Turn of Century said they have been working with Parks, Recreation and Community Services on the cost of the parks. The timing for the Fire Station at 2007 is of concern and there is an item to consider update of the study before Council this evening. The Central Park is also being looked at. The changes proposed are acceptable to Turn of the Century. He provided an update of the costs to date. They are currently at an \$18 million shortfall on cash. They are working with Public Works on how they can defer items to help in this area. The Planning Commission supports deferring landscaping on the section of Road 102 from Gibson to Farmers Central on the West Side of 102, which is 35 feet wide with a 12 foot bicycle path. They would like to defer until 2007 in that one section. This is the frontage along the County and College properties. This would defer \$600,000 for a later period and there is no wall.

Vice Mayor Rexroad asked about the County dedication of this area and Director Wegener said the County will do just what is required but not any additional. They do not want to contribute and would like to be reimbursed. They are requiring \$25,000 for the dedication of the acreage and landscaping that property is being done by Turn of the Century with this project. The County of Yolo is looking at this as a loss of property. They are looking at property expansion in that area. Vice Mayor Rexroad said this is a strip on which the City is requiring the landscaping to improve the County property. Director Wegener said we have an agreement to provide sewer services. The County is trying to tie everything together. We will be encroaching on the West Side of the County drainage and will be required to address that also.

Council Member Dote said part of the property is in the flood plain and the expansion of the Court facilities would be in that plain. By locating the Courts at this site, there will be an increase in traffic. Director Wegener said his understanding is the only Court facilities on that site will relate directly to the Juvenile facility to be located there.

Vice Mayor Rexroad would like to see this item on the next City/County 2 X 2 Agenda.

Council Member Peart asked if the landscaping on Road 102 should be tied to the Beeghly. The entrance into this project should be attractive. Once this project is started it should be consistent with roads that are going into the project. Mr. Lumbrazo said this could be done without harming the project and the County and College have not helped, but have caused the increased costs. Council Member Dote asked how long the deferral is requested and Mr.



Lumbrazo said until 2007. There will be not homes until 2005. The bike path needs to go in now.

# At 10:30 on a motion by Council Member Dote, seconded by Vice Mayor Rexroad and unanimously carried, Council extended the meeting until 11:00 p.m.

Council Member Dote said she would support deferral only until the first occupancy of a home in the area. Council Member Monroe feels this is an easy way to help the project and the landscaping is not near any homes. Mayor Flory asked if the shortfall will be passed on to the homeowners and Mr. Lumbrazo indicated it would.

Director Stevens said this issues does not have a direct relationship to the project before the Council for approval this evening. They do not support delay of the landscaping and this discussion should be part of the updated Financing Plan which will happen within the next few months. They recommend not making a decision on this until that plan comes forward.

## At 10:35 Mayor Flory closed the Public Hearing.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and unanimously carried, Council made the following motions related to the Beeghly Ranch Project portion of the Spring Lake Specific Plan: determined that the project requires no further CEQA analysis under Section 65457(a) of the Government Code; determined that the project as conditioned is consistent with the General Plan and Spring Lake Specific Plan; introduced and read by title only an Ordinance Zoning the Property to Single Family Residential Zone (R-1), Multiple Family Residential (R-M), and Open Space (O-S), subject to maintaining consistency with the SLSP and satisfaction of the conditions of approval; introduced and read by title only an Ordinance to execute the Project Development Agreement with Turn of the Century, LLC as negotiated by Staff; approved vesting of Tentative Subdivision Map 4669 dividing APN 042-010-44 into one single-family residential lot built at the R-8 density, 218 single-family residential lots with 14 corner duplex/half-plex lots built at the R-5 density, and 81 single family lots built at the R-4 density subject to findings of fact and the conditions of approval as modified to include a roundabout at the intersection of "C" and "B" streets; directed that a CEQA Notice of Determination be filed; approved the two amendments to Sections 4.16 and 4.20.



### REPORTS OF THE CITY MANAGER (continued)

### SPRING LAKE SPECIFIC PLAN FIRE STATION

Fire Chief Diekman said it has been requested by Turn of the Century to further research the proposed opening date of the new Fire Station in the Spring Lake Specific Plan area. This initial study was undertaken in October of 2000. As the beginning of the development has been pushed further to the future, they are requesting moving the Station construction date as well. Turn of the Century will bear the cost of the study.

Vice Mayor Rexroad asked that the Chief select the firm to handle the study. He also asked how it could be accommodated to build the station on property that had not yet been acquired for the project. Chief Diekman said that action had been covered with the action taken on the Beeghly property earlier in this meeting. There is language in the Agreement to handle this and it could go through eminent domain. This site was very carefully selected to minimize the response time.

Council Member Peart asked if the study would trigger other issues or would only be on the timing. Chief Diekman said it would on timing only. If the date does change, the financing will be an issue. The timing has to do with the other issues in the City. He does not have enough information and did not want to dedicate staff time until Council so directed. They do not know the impact. It may indicate to delay the Station. The opening is tied to the population which has a direct relationship to the call volume. The phasing was to move South, which has an impact.

On a motion by Council Member Peart, seconded by Council Member Dote and carried unanimously, Council approved the employment of an outside consultant to revisit the timing of opening of the new Spring Lake Specific Plan Fire Station with the cost for such consultant to be borne by Turn of the Century.

# APPOINT/REAPPOINT BOARD AND COMMISSION MEMBERS TO THE VARIOUS POSITIONS AND ACCEPT RESIGNATIONS

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council reappointed, appointed and accepted resignations of the following Board and Commission Members:



Reappointments Charles Moore Randy Nordmark George Gumpy Patty Shapiro Kristina Carter Letha Sines Steve Barzo Kevin Bryan Bob Rynbrand Martin Torres Kenneth Ginyard Pame' Rose-Bates	Board of Building Appeals Library Board of Trustees Manufactured Homes Fair Pract Manufactured Homes Fair Pract Manufactured Homes Fair Pract Personnel Board Planning Commission Planning Commission Redevelopment Citizens' Advisor Traffic Safety Commission Traffic Safety Commission Tree Commission	tices tices	1/1/04-12/31/07 1/1/04-12/31/06 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07 1/1/04-12/31/07
<u>Appointment</u> John Murphy	Parks, Recreation and Community Services Commission		1/1/04-12/31/07
Resignations Betty Martin Jennifer Hatzfield Daniel Nealon Kay Clement Stephanie Gilstrom	Commission on Aging Library Board of Trustees Library Board of Trustees Manufactured Homes Fair Practices Commission Parks, Recreation and Community Services	Effective Effective	e immediately e 11/21/03 e 12/31/03 e 9/20/03 e 12/31/03

Council Member Peart asked that Betty Martin be asked to hold an exit interview with Council as there have been concerns expressed with the Commission on Aging by members of the public. Council concurred to place this item on the next Agenda.

# RESOLUTION 4505 SUPPORTING THE 2004 CALTRANS FREEWAY FIRE REDUCTION AND PREVENTION PLAN FOR YOLO COUNTY

Fire Chief Diekman said in 2003 Council had received information regarding the increase in fires along the Interstate and State Highways. In working with CalTrans to implement a number of strategies to reduce these fires, the incidents have dramatically decreased. The strategies utilized include increased chemical fire strips, burn strips, regulatory signs along I-5, fire retardants and swathing and baling.



On a motion by Council Member Peart, seconded by Council Member Monroe and unanimously carried, Council adopted Resolution 4505, "A Resolution Supporting the 2004 CalTrans Freeway Fire Reduction and Prevention Plan".

### SPEED LIMITS ON GIBSON ROAD

Public Works Director Wegener said the Traffic Safety Commission and Staff have had been some disagreement on the recommended speed limit on the section of Gibson from Matmor to State Route 113. Staff recommendation is to increase that section from 35 MPH to 45 MPH. Council Member Monroe asked about the school speed zones and Traffic Engineer Everett said they will be looking at the grammar school area when constructed. Director Wegener this section does not have any driveways or abutting residential. There may be an enforcement issue.

Council Member Monroe moved and Mayor Flory seconded to accept the recommendations of the Traffic Safety Commission regarding the speed limits along Gibson Road. Motion failed for lack of a majority vote.

On a motion by Vice Mayor Rexroad, seconded by Council Member Peart and carried by majority vote, Council approved the recommendations of the Traffic Engineer for the speed limits along Gibson Road from County Road 98 to County Road 102 as follows: County Road 98 to Matmor, 35 MPH, Matmor to County Road 102, 45 MPH.

At 11:01, it was moved by Council Member Dote and seconded by Council Member Peart to extend the Council meeting until 11:15 p.m. Motion carried.

ORDINANCE AMENDING CHAPTER 2, OF MUNICIPAL CODE TO REQUIRE WRITTEN CONSENT BEFORE DESIGNATED CITY STAFF MAY OPEN MAIL ADDRESSED TO MAYOR AND INDIVIDUAL COUNCIL MEMBERS

City Attorney Siprelle indicated this item had come forward at the request of Mayor Flory and Council Member Monroe and their desire for staff to not open and respond to mail addressed to individual Council Members.



On a motion by Council Member Peart, seconded by Council Member Monroe and unanimously carried, Council introduced and read by title only "An Ordinance of the City of Woodland Amending Chapter 2, Article 1, Section 6, Subsection (b) of the Municipal Code to Require Written Consent Before Designated City Staff May Open Mail Addressed to the Mayor and Individual Council Members".

### CONSENT

Council Member Monroe requested the following item be removed from the Consent Calendar:

PROCUREMENT OF ASPHALT GRINDER (ZIPPER)

Vice Mayor Rexroad requested the following item be removed from the Consent Calendar:

FEDERAL EMERGENCY MANAGEMENT AGENCY 2003 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Council Member Dote requested the following items be removed from the Consent Calendar:

REVISED PROJECT PROGRAMMING SUMMARY SHEET-PROJECT NO. 03-14 POLICE DEPARTMENT RE-USE AND CITY HALL REMODEL

RESOLUTION TO SATISFY TAX SHARING MITIGATION MEASURES WITH THE COUNTY OF YOLO FOR THE COMMUNITY/SENIOR CENTER, SPORTS COMPLEX AND COMMUNITY PARK

Council Member Peart asked that the following item be removed from the Consent Calendar:

RESOLUTION ACCEPTING GRANT MONIES FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO ESTABLISH A COMMUNITY EMERGENCY RESPONSE TEAM



### ITEMS PULLED FROM CONSENT CALENDAR AND NOT APPROVED

### PROCUREMENT OF ASPHALT GRINDER (ZIPPER)

Director Wegener said the grinder will increase productivity and will be paid out of Gas Tax and Measure H funds. This piece of equipment will allow the City to do projects on a larger scale with less equipment. The City currently rents the equipment, which is \$2,500 to \$3,000 per use.

On a motion by Council Member Monroe, seconded by Vice Mayor Rexroad and carried, Council moved to delay purchase of an asphalt grinder at this time. Council Member Peart voted to the negative.

# REVISED PROJECT PROGRAMMING SUMMARY SHEET-PROJECT NO. 03-14 POLICE DEPARTMENT RE-USE AND CITY HALL REMODEL

Council Member Dote expressed concern that the revised Project Programming Summary Sheet indicates an increase from \$450,000 to \$2.5 million for the project. Public Works Director Wegener said the funding is from development impact fees. The Major Project Financing Plan for this project is \$3.4 million and included a new Council Chambers to comply with the requirements of the Americans with Disabilities Act. The project is still within the budget. Council Member Dote said a one-stop counter had been one of the concerns and by separating Community Development and Public Works physically by moving Public Works to the old Police building will not be conducive to that central point of contact. Director Wegener indicated that staff training will accommodate much of the questions at either location and staff would be asked to move between the two buildings under a covered walkway to accommodate the citizens questions rather than sending the citizen to the other building. Appointments would also be scheduled to assist the citizens with staff in attendance as a unit.

Council Member Dote indicated that she is not comfortable with Sole Source Contracts. Director Wegener said the City has many Contracts that are within the approval authority of Staff and Council only sees exceptions via the Sole Source Contracts. The Monthly Status Report from Public Works provides a listing of the current Contracts other than Sole Source. He will provide a report to Council on Contracts and emphasize in the Monthly Status Report as well.

Council indicated the desire to be involved in the City Hall remodel project.



Council Member Dote moved and Council Member Peart seconded to approve the revised Project Programming Summary Sheet for Project No. 03-14, former Police Department Re-Use totaling \$2.5 million and authorize a Sole Source Contract with Stantec Consulting, Inc. for architectural design services. Motion lost for lack of a majority vote.

# At 11:15 on a motion by Council Member Peart, seconded by Council Member Dote and approved, Council extended the Council meeting until 11:30. Council Member Monroe voted to the negative.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and unanimously carried, Council approved the following Consent Calendar items with the exceptions of the Purchase of the Asphalt Grinder and approval of the Revised PPSS for Project 03-14, Police Station Re-Use and City Hall Remodel as indicated above:

### MONTHLY STATUS REPORT - FIRE DEPARTMENT

Council received the Monthly Status Report for November 2003 from the Fire Department.

# ORDINANCE ADDING CHAPTER 14, ARTICLE 14-TOWING SERVICES ROTATION LIST

Council introduced and read by title only "An Ordinance of the City of Woodland Adding Chapter 14, Article 14 Establishing a Rotation List for Towing Services Initiated by the Police Department".

# <u>FEDERAL EMERGENCY MANAGEMENT AGENCY 2003 ASSISTANCE TO</u> FIREFIGHTERS GRANT PROGRAM

Council received information on the receipt of a grant in the amount of \$144,190 from the Federal Emergency Management Agency. Vice Mayor Rexroad feels purchase and installation fire sprinklers at the Stations is not an appropriate use of these funds. Fire Chief Diekman indicated that should a station catch on fire, the resulting damage to the apparatus stored in those stations would be a compromise to the safety of the citizens as those apparatus would then be out of service and unable to respond to calls. These apparatus



are also extremely costly items to the City and would be difficult to replace in a timely fashion.

### HOMEOWNERS ENHANCEMENT OF LOW-INCOME PERSONS (HELP) PROGRAM

Council received a report on the Homeowners Enhancement of Low-Income Persons (HELP) program established to assist homeowners with City utility costs.

### RESOLUTION 4506-APPLICATION FOR RECERTIFICATION AS TREE CITY USA

Council adopted Resolution 4506, "A Resolution Supporting Application for Tree City U.S.A. Recertification".

#### RESOLUTION 4507-BICYCLE TRANSPORTATION ACCOUNT GRANT APPLICATION

Council authorized staff to submit a Bicycle Transportation Account Grant application to CalTrans for funding; approved Resolution 4507, a "Resolution Approving Appropriation of Grant Matching Funds", guaranteed local match funds for the project; approved a revision to the Major Project Financing Plan Project BPT-1; received information on an upcoming Sacramento Area Council of Governments Regional Grant Program, Community Design Category Grant opportunity to further enhance the Armfield area.

#### TREASURER'S INVESTMENT REPORT

Council received the Treasurer's Investment Report for October 2003.

### WATER AND WASTEWATER RATES IN ACCORDANCE ANNUAL INDEX FACTOR

Council approved a 3% increase in the water and wastewater rates in accordance with an annual index factor approved by Council on September 18, 2001. Such rate change will become effective January 1, 2004.



# RESOLUTION 4508-TAX SHARING MITIGATION MEASURES WITH COUNTY OF YOLO FOR THE COMMUNITY/SENIOR CENTER, SPORTS COMPLEX AND COMMUNITY PARK

Council Member Dote said in 1980 there was a Master Tax Sharing Agreement approved with the County and asked if it would be prudent to update that Agreement. Assistant City Manager Marler said the Master Tax Sharing Agreement has a set formula and anything above that would be pulled. This is 40 acres of farm land and the Standard Agreement should be adequate. The County did not agree and has offered another Agreement that proposes many additions. The City Manager had asked that Council consider this version and it may be a moot point without the Gateway project going forward.

Council adopted Resolution 4508, a "Resolution of the City Council of the City of Woodland Approving the Property Tax Revenue Exchange for the Community/Senior Center to the City of Woodland", for the Community/Senior Center, Sports Complex and Community Park.

# RESOLUTION 4509-GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO ESTABLISH A COMMUNITY EMERGENCY RESPONSE TEAM

Council Member Peart indicated the City will expend funds to support this project. The Support Branch is sponsoring and this is Civil Defense Program.

Council adopted Resolution 4509, "A Resolution Accepting Grant Monies from the Federal Emergency Management Agency to be Used for the Establishment of a Community Emergency Management Team (CERT) Program in the City of Woodland", to include directing the City of Woodland Disaster Council to concurrently serve as the Citizens Corp Council.

### MINUTES-NOVEMBER 4, 2003

On a motion by Council Member Monroe, seconded by Council Member Dote and unanimously carried, Council adopted the minutes of the Joint Regular Council and Redevelopment Agency Board meeting of November 4, 2003.

### **COMMUNICATIONS – WRITTEN**

On a motion by Council Member Dote, seconded by Council Member Monroe and unanimously carried, Council rejected a Claim for Damages filed by Geoffrey Heitman



on behalf of James Jimmerson and referred the Claim to the City Insurance Representative for action.

Council received notification of an application for a new Alcoholic Beverage Control License for the El Portal Café, located at 825 East Street, Unit 116.

### <u>COMMUNICATIONS – COMMITTEE REPORTS</u>

Council received the minutes of the Library Board of Trustees meetings of September 22, 2003 and November 3, 2003.

Council received the minutes of the Parks, Recreation and Community Services Commission meeting of October 27, 2003.

Council received the minutes of the Tree Commission meeting of November 17, 2003.

Council received the minutes of the Yolo County Communications Emergency Services Agency meeting of November 5, 2003.

### **ORDINANCE**

# ORDINANCE 1378-ARTICLE 16 OF CHAPTER 21, COORDINATED POSITIONS AND DIGITAL MAP SUBMISSION

On a motion by Council Member Dote, seconded by Council Member Monroe and unanimously carried, Council adopted Ordinance 1378, "An Ordinance of the City of Woodland Adding Article 16 Relating to Coordinated Positions of New Development and Digital Submission of Maps and Plans to Chapter 21 and Adding Section 21-4-9 and Section 21-9-8 to Conform to Article 16".

### <u>ADJOURNMENT</u>

At 11:26, Mayor Flory adjourned the regular meeting of the Council.