Woodland City Council Minutes

Council Chambers 300 First Street Woodland, California

August 19, 2003

CITY COUNCIL REGULAR MEETING

7:00 P.M.

CALL TO ORDER

Mayor Flory called the regular meeting of the City Council to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by Public Works Director Wegener.

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, Jeff Monroe, Neal Peart, Matt

Rexroad, David Flory

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Phil Marler, Ann Siprelle, Sue Vannucci, Tricia

Stevens, Gary Wegener, Margaret Vicars,

Jennifer Dzakowic, Aaron Laurel

OTHERS PRESENT: Contract Engineer Nick Ponticello, Contract

Planner Heidi Tschudin



PUBLIC COMMENT

None.

COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Dote indicated the Joint Powers Agency of the Habitat Conservation Plan held a meeting and may be requesting Council action on a Planning Agreement to assist in the access to Federal funds.

Mayor Flory indicated he had received a letter from the Planning Director of Mariposa County requesting waiver of a parking ticket received while in the City on official business. Mayor Flory requested the Director be contacted indicating the City does not waive parking fines.

Mayor Flory has observed the gates at the Woodland Cemetery are routinely left open in the evenings. He requested input regarding how this problem will be addressed. Council Member Peart suggested electronic gates which will close automatically at specified times.

Mayor Flory requested information regarding the temporary fencing throughout the City. Community Development Director Stevens indicated a report is scheduled for the September 2, 2003 Council meeting on this and related Code Enforcement topics.

Mayor Flory requested a report regarding the status of City property at Ashley Avenue and Kentucky Avenue. It appears the property is being worked for a staging area for equipment. He asked a report be provided which shows the status of the land use, whether the Planning Commission had reviewed and if neighbors had been notified.

Vice Mayor Rexroad indicated the Library Maintenance Contract is nearly up for renewal. He would like to comment on that Contract renewal prior to initiation. He has concerns regarding the current level of maintenance.

Council Member Monroe indicated the gas station/mini mart at East and Gum has been demolished. Director Stevens indicated this has been an ongoing issue and the Department has been working with the owner. Originally, the owner had indicated the City could take control of the property and demolish. Subsequently, the owner determined to take charge of the abatement and is considering construction of another facility on that site at some future time.



Assistant City Manager Marler indicated that Directors Stevens and Gentry had been responsible for this year's City of Woodland booth at the Yolo County Fair and commended their efforts. He also advised Council of the repairs underway on the projection equipment in the Council Chambers.

PUBLIC HEARING

RESOLUTION 4467-FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING PLAN, FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, DETERMINATION OF CONSISTENCY WITH SPRING LAKE SPECIFIC PLAN, OFFSITE INFRASTRUCTURE FACILITIES

Contract Planner Tschudin summarized the purpose of the Resolution in that it completes previous actions and allows the certification to proceed. If adopted, the Notice of Determination will be filed. The habitat protection concerns have been addressed.

Council Member Monroe asked for clarification on the beetle indicated as needing protection and Planner Tschudin said it is an endangered insect.

Vice Mayor Rexroad asked for the benefit to go through the Environmental Impact Report and the California Environmental Quality Act process and was new information provided by this process. Planner Tschudin said the CEQA process has made a noticeable contribution as the biology was analyzed and helped to identify those issues which would not have otherwise surfaced.

At 7:18 Mayor Flory opened the Public Hearing. With no comments heard, the Public Hearing was closed at 7:18.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council adopted Resolution 4467, a "Resolution of the City Council of the City of Woodland Adopting Findings of Fact; Adopting a Statement of Overriding Considerations; Adopting a Mitigation Monitoring Plan; Certifying the Final Supplemental Environmental Impact Report; Adopting a Determination of Consistency with the Spring Lake Specific Plan; and Approving the Spring Lake Specific Plan Off-Site Infrastructure Facilities".



REPORTS OF THE CITY MANAGER

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS, CONSISTENCY WITH GENERAL AND SPRING LAKE SPECIFIC PLANS; ORDINANCE 1370-ZONING; ORDINANCE 1371-DEVELOPMENT AGREEMENT; APPROVE VESTING OF TENTATIVE MAPS 4648 AND 4649; FILING OF CEQA NOTICE

Community Development Director Stevens said this is a continuance of the Public Hearing held before Council on July 29, 2003. One of the conditions under Section 4.30 of the Development Agreement, Page 18, addresses the Operations and Maintenance of the Fire Department. The Staff proposal on this issue was discussed in depth at the July 29th meeting. A calculation was made on how the City reached the recommended \$771 per dwelling unit to cover these interim costs to fund the \$1.2 million shortfall from 2005 through 2007. Turn of the Century agrees to the figure of \$500 per Dwelling Unit Equivalent (DUE), which will not meet the need. The City will be asking the Developers to fund this shortfall in the event that other sources of funds are not found. Director Stevens said the program would be put into place to determine what each project's fair share would be.

City Attorney Siprelle said the law is as stated in the Development Agreement under 4.30. The Developer has a vested right. Director Stevens said the Fire Report for the Spring Lake Specific Plan (SLSP) made the assumption that the 4th Company would be in place. There is not adequate protection for the first home in the area, thus a nexus. City Attorney Siprelle said the General Plan specifies a response time. The Environmental Impact Report for this project has a mitigation measure that stipulates the City must meet the response time. Finance Director Vicars said property tax is already worked into the Specific Plan for funding the 4th station in the Spring Lake Specific Plan area. The Operations and Maintenance funds will be from the property and sales tax. The assessment is part of the source. Council Member Peart said this has been in the project since it was begun and the 4th company was to be in place. If this project is to move forward, it must be funded. Should other funds become available, the City could reimburse the Developer. Council Member Monroe said this area has the highest fees in the area. Finance Director Vicars said at the Council meeting on July 31st a chart had been provided which indicated the fees are the highest yet in this City, but are average in comparison to similar development in the region. The \$771 is spread over 1,380 single family and 250 multi-family units that would be in the first allocation, not just the Turn of the Century 160, which has only 562 in the first release. It would be included in all of the Development Agreements that come forward. . These fees would allow for the required coverage for the interim two year period.



Mayor Flory asked if we could spread these fees over all other City Attorney Siprelle said the language does provide for spreading these fees. Director Stevens said the second release will also pay toward these fees. The first release will be receiving the benefit of the 4th company. Director Vicars said the Developer would be paying at the time of the first map. We should see parts of all the maps in the first twelve months. In December 2004 and January 2005, the \$1.2 million would be in hand to pay for the two years of service needed. Director Stevens said the \$771 is based on the first release, which is build out to 2007 and could be lower if it is based upon the entire 4,000+ units in Spring Lake. Council Member Dote said Section 4.30 could be expanded with firmer language to reimburse the first units with additional Development Agreements, including Spring Lake. City Attorney Siprelle said the difference between their fair share and the \$771 could be reimbursed to them through any reimbursement mechanism set up that could be collected from any new development in the City. This fee cannot be imposed on any development but would have to be on where there was a direct nexus. An example would be the Gateway/Auto Mall project. It could include all of the second release development because they would all be subject to Development Agreements.

Director Stevens said the requirement of the underground utilities and whether it includes transformers and utility structures is to be clarified. P. G. and E. has a policy on where underground is feasible. Underground is very inefficient and costly. Repairs are difficult and not practical.

Colette Stewart said the City should be reimbursing the home owners because that is where the fees are coming from.

David Taormino said they have always believed their fair share should be at zero. These are the only homes that have sprinklers required. The response times are abstract and this will support the rest of the City, not Spring Lake. They are paying the up front cost to get the Fire Department going. There is also a fee of \$70 per year for a Fire District. These fees are to be spent over all Spring Lake homes regardless of when they are built. The costs continue to increase and every few weeks additional expenses are added. Mayor Flory asked how he could address the argument about Fire protection on the first home built. How will a lower housing cost be met? Mr. Taormino said the four minute response time is a "strive for" not a requirement. There will be sprinklers and new construction technology so the homes will be safer. Emergency services are what is really needed, not the Fire Department. The Sycamore Ranch Station should be the one to service those homes. The next company would be built from day one in Spring Lake to serve not just that area by the enter City.



Council Member Peart said the Fire report states there must to be a fourth company prior to the project beginning. This project cannot move forward without that requirement in place. Mr. Taormino said it has to be built but not that they could not move forward now without out it in place. City Attorney Siprelle said the study assumed the fourth company would be in place. Based on that assumption, then, Spring Lake could then move forward. Approval of the plan was based on that agreement. Director Vicars said the Fire Master Plan said that the fourth company needed to be in place as well.

Bill Streng said if there was an assessment on the fourth company, it was not their intent they would be paying for all of it. It was assumed there would be station there at some point, most likely in 2007. At \$300,000 per house with \$70 per unit was approved three weeks ago. Section 4.19 on the draft Mitigation has not been quantified yet and will be another big increase. They do not know what the market value will be at that time. They are based upon the interest rates. Section 4.30 asks if each final map they will be reimbursed and how they will be reimbursed should be in the language. There will be money from reassessment also which should double the flow of these houses. He feels that the \$500 is more than reasonable.

Council Member Monroe asked if the \$500 fees spread over the entire project should mean more services. City Attorney Siprelle said the money is needed for the two year shortfall. This \$771 would be an advance payment. Director Stevens said the main reimbursement would come from other projects, not just the Spring Lake.

Council Member Dote said the \$500 may go lower with future reimbursements. The language should be changed to show it could be less to reflect that possibility. City Attorney Siprelle they would be reimbursed for the difference between the owner's fair share of the cost as determined by the City and the \$771. Council Member Dote asked if the home owners could be reimbursed for Development Fees. City Attorney Siprelle said the Mitigation Fee Act provides that the reimbursement to the owner of the property is done when the fees are not needed.

Council Member Dote said the fourth station and company is built into the Financing Plan in 2007. This Development Agreement is the same as putting money in like the Clark Pacific Project where money could go into the Redevelopment area or the Police Department.

Vice Mayor Rexroad asked if there was an obligation to negotiate fees with new development for Fire protection as part of this. City Attorney Siprelle



indicated to the affirmative. Council Member Dote said the City needs to look at Development Agreements because they are very flexible to mitigate the impacts these developments cause. Vice Mayor Rexroad said this is a major policy decision on how future funds will be raised for various needs of the City.

Director Wegener said not all development is subject to a Development Agreement. Staff could come back with a reimbursement plan. We could look at subsequent phases of development with a Development Agreement. If left open ended it could be very hard to administer. The adopted mitigation measures state should the four minute response threshold appear likely to be exceeded earlier than the planned 2007 occupancy, the Station would be brought on sooner or growth in the plan area would otherwise be controlled or stopped in order to avoid service or safety impacts. The Fire Chief then has an obligation under the Mitigation Plan to halt the housing starts.

Council Member Peart said money should go back to the property owner. If it does go back at time of Plan, that is the Developer. It would not come back to the individual property owner. Director Stevens said they would have to look at this because the fee would have been paid by the Developers.

Mayor Flory said staff has been given direction on those amendments needed; infrastructure in regard to control boxes for utilities being raised with landscaping around them and fine tuning on 4.30. City Attorney Siprelle cited the following proposed language for the changes to 4.30, "owner shall contribute at time of each final map approval, a fire suppression fee of \$771 per DUE to insure fire protection for the Spring Lake area at date of first occupancy. (Cite Mitigation Measure that requires the four minute response time). City shall make best efforts to collect fire suppression fees from future development in the City and shall reimburse owner or the current owner of the property the difference between owner's fair share of such cost as determined by City and the \$771 DUE fee." Mayor Flory said we are saying we will make our best effort and asked what that means. City Attorney Siprelle said to the extent at which the City enters into Development Agreements. Council Member Peart said the Council has the final approval on Development Agreements to control and insure this does transpire. City Attorney Siprelle it would state the City shall establish a funding mechanism to provide reimbursement to the owner. Director Stevens indicated a separate report should return to Council on when and where they can implement this type of process.

Director Stevens said they are recommending a change on condition 4.7 deleting the last sentence. Vice Mayor Rexroad asked if the City has taken any other measures to fund the gap in the fire protection needed. Council Member



Dote said the property that was in Spring Lake when annexed into the City, was detached from the Spring Lake Fire District. The fee did not accompany the detachment at that time due to an oversight both at LAFCO and with the City. This has been rectified so there is a funding stream fee coming from the detached portion now annexed into the City. Director Stevens said it also applies to the Clark Pacific development, Prudler/Sievers and the City property. Vice Mayor Rexroad said we have an obligation to the citizens in the center of the City and how are they being served. Council Member Dote said the Chief would be doing some internal staffing changes on this issue and a report will be forthcoming when budget is discussed. Council Member Dote suggested a workshop on this issue and Assistant City Manager Marler indicated that the September 23rd meeting will be a study session on budget impact. There are no resources to create another company at this time, which is 9 Firefighters to staff one engine. Council Member Dote asked if the September 23rd meeting could be limited to allow in-depth discussion on the budget. Director Vicars said the fee study and the budget are the only items scheduled for that meeting at present. Council Member Dote would like to discuss the Development Agreements at this meeting as well.

On a motion by Council Member Dote, seconded by Council Member Peart and carried unanimously, Council adopted the following with changes as indicated in the discussion to the deletion of under grounding of transformers, deletion of last sentence in 4.7 and language clarification in 4.30.

"Approved the Turn of the Century 160 East and West project based on the identified Findings of Fact and subject to the identified conditions of approval by taking the following actions:

- determined the project requires no further CEQA analysis under Section 65457(a) of the Government Code
- determined the project as conditioned is consistent with the General Plan and Spring Lake Specific Plan
- adopted Ordinance No. 1370, 'An Ordinance Amending the Zoning Map of the City of Woodland for 160.4 Acre Parcel (TOC-160) at Southeast Corner of Future Intersection of Farmer's Central Road and County Road 102', zoning the property
- adopted Ordinance 1371, 'An Ordinance of the City of Woodland Approving the Development Agreement Between the City of Woodland and Turn of the Century LLC Relative to Property



Located within the Spring Lake Specific Plan Area', executing the Project Development Agreement with Turn of the Century LLC

- approved vesting Tentative Subdivision Map 4648 (East Map) and vesting Tentative Subdivision Map No. 4649 (West Map) dividing APN 042-010-46, subject of Findings of Fact and Conditions of Approval
- directed that a CEQA Notice of Determination be filed".

CONSENT CALENDAR

PUBLIC HEARINGS FOR APPEAL OF PLANNING COMMISSION DECISION ON THE EAGLEWOOD APARTMENTS AND DARK SUN ART STUDIO (TATTOO AND BODY PIERCING ESTABLISHMENT LOCATION

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council set September 2, 2003 to hear the Appeals filed by Robert and Grace Callaway regarding the construction of the Eaglewood Apartments and the Appeal filed by Jeff Morgan of Water Development regarding the location of the Dark Sun Art Studio.

On a motion by Council Member Dote, seconded by Vice Mayor Rexroad and carried unanimously, Council approved the following Consent Calendar Items as presented:

CONTRACT WITH WEST-YOST & ASSOCIATES FOR COMPLETION OF WATER WELL INFRASTRUCTURE DESIGN PROJECT NO. 00-23, ON-SITE WATER WELL INFRASTRUCTURE DESIGN SERVICES FOR SPRING LAKE

Council authorized staff to Sole Source and enter into negotiations with West-Yost and Associates for completing the water well infrastructure design for Project No.00-23, On-Site Water Well Infrastructure Design Services for Spring Lake; authorized the City Engineer to execute a Design Contract within the Project Programming Summary Sheet budget.



AUTHORIZE CONTRACT WITH ECO:LOGIC CONSULTING ENGINEERS FOR CONSTRUCTION MANAGEMENT SERVICES FOR SPRING LAKE SPECIFIC PLAN (SLSP) OFF-SITE SEWER SYSTEM INFRASTRUCTURE

Council authorized staff to Sole Source and enter into negotiations with ECO:Logic Consulting Engineers for construction management services for Spring Lake Specific Plan Offsite Sewer System Infrastructure for Project No.02-37; authorized the City Engineer to execute a Construction Management Contract within the Project Programming Summary Sheet budget.

ADJOURNMENT

Mayor Flory adjourned the regular meeting of the Council at 8:44 p.m.	
	Respectfully submitted,
	Sue Vannucci, CMC, City Clerk