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

July 29, 2003

#### SPECIAL/CLOSED SESSION AGENDA SECOND FLOOR CONFERENCE ROOM

6:00 P.M<u>.</u>

Council met in Closed Session for the purpose of holding a conference with Legal Counsel regarding anticipated litigation, initiation of litigation pursuant to Subdivision (c) of Section 54956.9, one potential case. In attendance at this session were Council Members Dote, Monroe, Peart and Rexroad, City Manager Kirkwood, Assistant City Manager Marler, City Attorney Siprelle and Public Works Director Wegener. Mayor Flory arrived at 6:25 p.m. Council also held a conference with Real Property Negotiators pursuant to Section 54956.8, with subject properties Assessor's Parcel Numbers 064-130-05-1, 005-552-11 & 12, 064-120-8. The City Manager is the Real Property Negotiator and under negotiation are price and terms of payment.

# CITY COUNCIL REGULAR MEETING

7:00 P.M.

Mayor Flory indicated that Closed Session had been held to discuss with Legal Counsel the possible initiation of litigation and Council had taken no action. Council also gave direction to Staff regarding real property negotiations.

#### CALL TO ORDER

Mayor Flory called the regular meeting of the City Council to order at 7:08 p.m.

#### **PLEDGE OF ALLEGIANCE**

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by Vice Mayor Rexroad.



#### ROLL CALL

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

Rexroad, David Flory

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Tricia Stevens,

Carey Sullivan, Dan Gentry, Ann Siprelle, Gary Wegener, Karl Diekman, Margaret Vicars, Sue Vannucci, George Ahlgren, Robert Bishop, Jennifer Dzakowic, Bob Carlson, Aaron Little, Lynn Gatie, Dick Donnelly, Bruce Pollard, Greg

Moutinho, Jonathon Christy

OTHERS PRESENT: Contract Engineer Nick Ponticello, Contract

Planner Heidi Tschudin

#### COUNCIL/STAFF COMMENTS AND REQUESTS

Vice Mayor Rexroad thanked the Council, Staff and citizens of Woodland for the various e-mail messages, packages, etc. which were sent to him during his deployment in Iraq. He and his colleagues sincerely appreciated the thoughts of everyone during the time away.

Vice Mayor Rexroad requested that consideration be given to holding a Special Council Meeting on Thursday, July 31, 2003 for the express purpose of adopting a Resolution indicating the Council would not support a flood barrier as the method of flood protection for this City. Council concurred.

Council Member Dote indicated that LAFCO is continuing their work on the annexation of the Clark Pacific project.

#### **PRESENTATIONS**

#### CLINE PARK PLAYGROUND EQUIPMENT INSTALLATION, PROJECT 02-48

Parks, Recreation and Community Services Director Gentry indicated the City is fortunate to have many volunteers to assist in the Parks and Programs. The Cline Park equipment installation was also a project for an Eagle Scout Candidate, Mario Berrettoni. Council Member Monroe presented a Certificate of Appreciation to Mr. Berrettoni for his extraordinary contributions to this project.



Director Gentry thanked Council Member Monroe for his participation and contribution to the project as well.

Mayor Flory proposed and Council concurred to reorder the Agenda to consider Public Hearings and Reports following the Consent Calendar, Communications, Minutes and Committee Reports.

#### **CONSENT**

Council Member Monroe asked that the following item be moved to Closed Session at the Special meeting of the Council to be held on Thursday, July 31, 2003. Council concurred.

#### CHANGES TO CITY MANAGER EMPLOYMENT AGREEMENT

Council Member Peart requested the following item be removed from the Consent Calendar for discussion as follows:

#### FREEWAY FIRE INCIDENT RESPONSES

Council Member Peart said there have been many fires along Interstate 5 over the past several years. CalTrans has been working with the various Cities and experimenting with methods in an attempt to reduce these fires. It is apparent these methods have been successful. He thanked Chief Diekman for his participation in the reduction of excessive fires along the area freeways.

Council Member Dote requested the following item be removed from the Consent Calendar for discussion as follows:

#### **COMMISSION RESIGNATION**

Council Member Dote indicated there are still several vacancies available on various Boards and Commissions and urged citizens to contact the City Clerk for information and applications. On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried unanimously, Council accepted, with regret, the resignation of Iva Lou Clark from the Commission on Aging effective immediately.



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

#### MONTHLY STATUS REPORT-PARKS, RECREATION & COMMUNITY SERVICES

Council received the Monthly Status Report for July 2003 from Parks, Recreation and Community Services.

# MONTHLY STATUS AND CAPITAL BUDGET IMPLEMENTATION REPORTS-PUBLIC WORKS

Council received the Monthly Status and Capital Budget Implementation Reports for July 2003 from Public Works.

#### TREASURERS' INVESTMENT REPORT-JUNE 2003

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

#### VACANT POSITION REVIEW ACTIVITIES

Council received and confirmed the report of the City Manager to fill a currently authorized vacant Firefighter position.

# PROJECT PROGRAMMING SUMMARY SHEET AND E. MAIN STREET DRAINAGE CONTRACT, PROJECT 02-30

Council approved the revised Project Programming Summary Sheet for the East Main Street Storm Draining System Pipeline Rehabilitation Project 02-30, approved inter-fund loan with specific terms and authorized the City Manager to award the contract.

## 2003/2004 LOCAL LAW ENFORCEMENT BLOCK GRANT FROM U.S. DEPARTMENT OF JUSTICE

Council moved to support the application for the 2003-04 Local Law Enforcement Block Grant in the amount of \$33,919 from the U. S. Department of Justice and authorized matching funds of approximately \$4,500.



#### MINUTES

On a motion by Council Member Dote, seconded by Council Member Monroe and carried, Council adopted the minutes of the Council meeting of July 1, 2003 as presented. Vice Mayor Rexroad abstained due to his absence from that meeting.

#### **COMMUNICATIONS - WRITTEN**

Council received a copy of an application for an Alcoholic Beverage Control License for Applebees located at 1790 East Main Street.

Council received a copy of an application for an Alcoholic Beverage Control License for Exxon Mini Mart located at 1592 East Main Street.

Council received a copy of an application for an Alcoholic Beverage Control License for La Fogata located at 906 Main Street.

Council received a memo from the League of California Cities regarding a Request for Comments on the Pacific Gas and Electric Bankruptcy Settlement Agreement.

#### COMMITTEE REPORTS

Council received a report from Parks, Recreation and Community Services Director Gentry transmitting the minutes of the Commission on Aging meeting of July 8, 2003.

Council received a report from Community Development Director Stevens transmitting the summary of Planning Commission actions taken at the meeting of July 10, 2003 as follows:

- (a) recommended adoption of the Ordinance on Second Dwelling Units.
- (b) conditionally approved minor modification to Tentative Subdivision Map 4594 for Schellinger Brothers project located on the North side of West Kentucky Avenue between Ashley Avenue and the extension of Cottonwood Street.
- (c) found amendment to the Redevelopment Plan and Negative Declaration for the re-establishment of Eminent Domain to be consistent with the General Plan.



#### PUBLIC HEARINGS

## APPEAL OF PLANNING COMMISSION APPROVAL OF VOSBERG APARTMENTS LOCATED AT 505 COMMUNITY LANE

Associate Planner Hanson said this item is related to Item 5 on the Reports of the City Manager and if the appeal is denied, it is recommended that Item 5 be moved to action immediately following. The first of the appeal points allege the project is not in compliance with the California Environmental Quality Act provisions. This project is exempt from the CEQA requirements. The second point is the previously recorded easement of seventeen feet was created prior to the partial construction of the Summertree Apartments on the East side of the Harrison property, is a legal, non-conforming storage yard. The required landscaping would reduce the easement and limit access to the Harrison property. The City would be indemnified.

Mayor Flory asked if the City had addressed the legal non-conforming business. City Attorney Siprelle said it was legal prior to the establishment of the specified uses in that zone, therefore it must be allowed to continue the same Council Member Monroe asked about the easement as a contractual agreement between the participants. City Attorney Siprelle agreed this is an issue between the affected property owners, not the City. The terms were that the property owners had right to ingress and egress through the easement and this dispute is between the property owners. If the project was approved and Mr. Harrison decided to challenge, it would go to court. It is not a damages remedy or a money remedy. The court would determine whether the landscaping or fence could be placed under the terms of the easement. The City's only interest is whether it meets the zoning and landscaping requirements. Director Stevens said the Planning Commission approved the installation of five gates for tenant access. City Attorney Siprelle said the City does not have a role as to whether the ingress and egress is sufficient under the terms of the easement.

Council Member Dote said the placement of the landscaping would not allow the larger trucks easy access. When the landscaping grows, it may affect the ability of the Southern property to develop. She asked why the landscaping could not be moved further North. Director Stevens said the movement of the landscaping had not been considered by the Planning Commission. They felt the planter needed to be along the property line as a buffer and shading requirements of the parking lot. There may be a way to provide the shading in a different configuration.

#### At 7:38, Mayor Flory opened the Public Hearing.



Mark Harrison, Attorney for Richard Harrison, said they have no objection to the apartments but only on the placement of any permanent structures on the easement. This is a deeded easement and they can use this easement as they see fit. The planters proposed would occupy 1/3 of the easement. The City does have a place in this should he file court action. The tenants object to the use of the property. There will be interference with future use as well. These trees will not screen anything. Council Member Dote asked if the Planning Commission heard these same arguments and Mr. Harrison indicated they had. The only problem is with the landscaping as it interferes with the easement.

Glenn Shea, Attorney for the Vosburgs, said this is a private dispute between the owners. This is a non-exclusive easement so the Vosburgs still have usage rights. They have tried everything possible to meet what the City staff has requested. The project complies with the City standards. The City will be indemnified if the Harrison's choose to pursue. Mayor Flory asked if the appeal is denied, then the easement could not work for the Harrisons. Mr. Shea said they could still utilize the easement. The landscaping is what is the problem for the Harrisons. Mayor Flory asked if the Vosburgs would prefer not to put in the landscaping. Mr. Shea said the original landscaping was modified to meet staff requirements.

Bill McCandless, Architect for the project, said the easement is the width discussed with the proposed landscaping as indicated but there is also 24-foot wide drive which is wider than the current access. The turning radius will be also be bigger than at present. Vice Mayor Rexroad asked if the trees could be moved to the North. Mr. McCandless said much of the parking is covered by a structure. The trees could probably be positioned elsewhere on the property. Council Member Dote asked about the purpose of the trees and Director Stevens said for shade and screening purposes. Mayor Flory asked if the screening could be in the back to block the view from the apartments. Director Stevens said if Council wants to eliminate the barrier and fence it should go back to the Planning Commission to see if the shade and landscaping would be met without the planters.

Mr. Shea said the other points were this is private matter and not properly before the Council. It is compliant with the City Ordinances. If there is a problem, it is Mr. Vosburg's, not the City's.

#### At 8:01, Mayor Flory closed the Public Hearing.



Vice Mayor Rexroad said Mr. Harrison's property could be accessed with some design changes. They both would be accommodated. Council Member Peart said this is a private property right. Both sides must be considered. This is non-exclusive easement and is not binding. Council Member Dote said to be fair to both parties, reconfiguration could accommodate both property owners. These are very special circumstances and this should go back to the Planning Commission for redesign. Council Member Monroe agreed. Mayor Flory feels the appeal should be upheld as the Planning Commission gave direction without taking into consideration the easement issue. The property owners should work this out.

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council approved the appeal and directed return to the Planning Commission for potential adjustments. Director Stevens asked for clarification in that the Council does want the Planning Commission to consider a revised site plan that may include variances to the landscaping requirements with the direction there not be a planter area along the South property line. Vice Mayor Rexroad said that could be an option. The Planning Commission could approve a variance on their own. Council Member Peart said it appears there would be common landscaping between the two properties.

City Manager Kirkwood recommended and Council concurred to remove the following item from the Calendar until the above item is resolved.

RATIFICATION OF BONUS INCENTIVE FOR VOSBERG APARTMENTS PARKING SPACE REQUIREMENTS

#### ORDINANCE-AMEND THE ZONING CODE FOR SECOND DWELLING UNITS

Director Stevens indicated with the passage of Assembly Bill 1866, the Government Code now requires ministerial approval or denial of applications for second dwelling units without discretionary review by the Planning Commission and the Council. Denial is only allowed if previously adopted standards are not met. The purpose of this law is to provide for additional affordable housing opportunities in the City. One of the units on the site must be occupied continuously by the property owner. Vice Mayor Rexroad asked for an example of who would take advantage of this. Director Stevens said these units typically begin as "grown child" or "granny" flats but over time become rental units. Currently the City does not have provision for this type of secondary unit and there are no legal units at this time. Council Member Monroe indicated a letter



had been received from Ms. Leslie Marcus regarding concerns with the Ordinance language on item #12, "the second dwelling unit may not be allowed on a lot that abuts a lot on any State historic list". Ms. Marcus' interpretation of the law indicates the City interpretation is much broader. He asked if the proposed language would open the City to potential litigation in the future. Director Stevens feels the way the Ordinance is written is in compliance with State law which allows imposition of standards to reduce any adverse impacts on historic properties. A proposed second unit next to a home on a historic register could proceed, but any possible adverse impact determination would be addressed with a Conditional Use Permit. The provision allows second units, but they are assessed on a case-by-case basis.

Council Member Dote asked if item #14, "applications for second dwelling units are subject to staff level site and design review and their commensurate fees", is a Zoning Administrator, Staff level review and Director Stevens said it would not be a Public Hearing but Staff would review to insure compatibility of architecture and design with the main dwelling. This is similar to the current standard for detached garages and other accessory buildings. Council Member Dote said in the Spring Lake Specific Plan second units were allowed on 50% of the lots by right. Director Stevens said there is some provision in the Plan. Council Member Dote asked if the Spring Lake Specific Plan should be amended and Director Stevens said it is consistent with State law. Council Member Dote said Item #12 appears to shut the door for construction on abutting lots and asked if wording could be changed to add language to provide the CUP. Director Stevens said it is handled in item #15 which says standards could be met by applying for a Conditional Use Permit. The wording from #15 could be added to the lead-in section for clarity. Homes on a historic list may be unique and each situation should be addressed individually. A second unit abutting a historical home would trigger a CUP. Those having a historical property could build a second unit, but the neighbors could not. Council Member Monroe said the wording on item #12 could say an adverse impact would have to be found by the Planning Commission. Director Stevens said it would require staff to make the determination of adverse impact but a Public Hearing should be held to provide input from neighbors. Council Member Monroe said if we delete #12 out of the Ordinance, should someone want to build a second dwelling unit, would the Planning Commission automatically review and Director Stevens said that would not be the case.

City Manager Kirkwood said that a second unit could not be built on a historical lot or one that abuts.



# At 8:23 Mayor Flory opened the Public Hearing. With no comments received, the Public Hearing was closed at 8:24.

Council Member Monroe moved and Vice Mayor Rexroad seconded to eliminate item #12. Council Member Dote said the proposal is to protect the historical neighborhoods and asked if there are any other elements that accomplish the same thing. Director Stevens said she did not feel there were and Vice Mayor feels that the building needs to be architecturally compatible to the size, style, mass and colors of the primary dwelling so there is a consistency to the main building. The buildings should be the same quality and should provide protection for the historical neighborhoods.

Council Member Peart asked if the Planning Commission approved as worded and Director Stevens said there was no opposition. They did want to be sure historical homes had the same opportunity. The Historical Preservation Commission did not discuss this issue.

Following discussion as above, Council approved the motion unanimously.

#### Council recessed from 8:28 to 8:40 p.m.

ORDINANCE-TURN OF THE CENTURY DEVELOPMENT AGREEMENT PROJECT-ZONING DESIGNATIONS AND SUBDIVISION MAPS 4648 AND 4649; ORDINANCE-EXECUTION OF PROJECT DEVELOPMENT AGREEMENT

Assistant Planner Dzakowic said two tentative maps have been proposed, the East and the West project, within the Spring Lake Specific Plan area. This is referred to as the Turn of the Century 160 and is located just South of the existing College property between Farmer's Central and Freeway Drive. The proposals are to rezone the property, approve the two Tentative Maps, and approve the Development Agreement. The property had been pre-zoned upon annexation and will be rezoned as per the current City Zoning Ordinance. Some of the map features is with the creation of the two maps, the first of the SLSP neighborhood node which will have a neighborhood commercial site, a park and a school. There will be two multi-family sites created as well.

The Heidrick property easement is currently under consideration for the mitigation of the Swainson's Hawk and agricultural mitigation requirements. The



Sub-Committee recommended movement of the home sites to County Roads 27 and 102, limiting the acreage for the sites to 2 acres to be within the easements and consistent with County zoning.

Director Stevens said refined wording will be presented at the August 19<sup>th</sup> meeting. Council Member Monroe asked about he Fire Department Operations and Maintenance for the fourth Engine Company and asked about the wording that says the owner agrees to participate in a fair share funding mechanism that insures operation of a fourth Company at date of first occupancy. City Attorney Siprelle said at the time the first home is occupied there is the need for the Spring Lake Specific Plan area to have the Station. It is the Development Agreement, is negotiated, and they agree to help solve the Fire O & M problem Citywide.

Council Member Monroe said the permanent position of the station is at Pioneer and Parkway. He asked if Council decides where "near" is actually located. City Attorney Siprelle said if it is a reasonable interpretation by the Council it would not require an amendment. Mayor Flory said the agreement to fund the shortfall is not specific on how this will be done. City Attorney Siprelle said this language came forward with the materials distributed this evening. Council Member Monroe said the permanent station location is currently on Holman property and the Holman's will not be selling that property for an indefinite length of time. Council Member Peart a study was done on the location of the station. During the process it was agreed that before the Spring Lake Specific Plan would move forward, the fourth Company would be put into place.

Mayor Flory said the fourth Company was in the Assessment District and expense should not shift to the Turn of the Century project. The issue has been the new development would not be paying for the fourth Company. Council Member Dote said the distinguishing factors are the two different kinds of mechanisms. One was development fees and there was no nexus for a Citywide service. This is a Development Agreement. This is a timing issue. When the station is completed in 2007, it would have a funding mechanism in the SLSP Financing Plan that would pick up the operation. This is the stopgap between the first houses and when the Fire Station is completed. Chief Diekman said when a analysis was done on the Spring Lake Specific Plan they looked at the service needs for the future. The City already has a need for the fourth Company at this time. The Assessment District was one of the opportunities to meet that demand. The service demands do not meet the need for the SLSP. If the existing demand had been filled there would have been enough excess capacity for the crews to handle the need and the phasing plan. There is a fifth



Company built by 2007 as the project developed to the present phase. The date of need would move depending upon the development. There will be a risk to not being fully staffed. Once they start building the homes it will move more rapidly.

Chief Diekman said the report indicates the fifth Engine Company is scheduled for January 1, 2007 based upon the facts available at that time, subject to the City having an existing fourth Company. The City currently cannot serve any additional development with this level of staffing. Mayor Flory asked if the Assessment District had passed, would we be asking TOC to come up with the \$2 million in advance for the fourth Company and Chief Diekman said we would not be having this conversation. If SLSP was not coming on board at this time, the City would still need a fourth Company. We cannot absorb the workload. Council Member Monroe does not feel it should be put on SLSP as a burden. Chief Diekman said this is an operating shortfall to allow them to operate January 1, 2005 to January 1, 2007. We are trying to solve the timing issue. Council Member Peart said there is now a deficit and to allow them to go forward during that two-year period, the fourth Company is needed and then the fifth Company will take over. Mayor Flory asked who will be paying for the fourth Company after SLSP comes on line. Chief Diekman said 2007 is a distance away and we will be looking for funding sources during that period.

Council Member Monroe has a problem with an interim station and it should be at the location of the permanent site. Council Member Dote said if we do not provide fire service until 2007, they cannot build houses until 2007. Finance Director Vicars said the Fiscal Study assumes the station would be built between 2006 and 2007 and it is fiscally neutral. With the State budget implications, that may no longer be the case. We need the fourth Company to make the City whole. We cannot build the first house without a fourth Company and when we reach 700 homes, we need a fifth Company. By 2007 we need both.

#### At 9:13, Mayor Flory opened the Public Hearing.

Tom Lumbrazo of Turn of the Century said the Development Agreement and Tentative Maps need approval for the project to move forward. The Addendum provides a framework for that movement. It is recommended that on August 19, 2003 the item be returned with some minor changes. The two biggest issues are the agricultural easements on the Heidrick property. County restraints will work for them. They are supportive of the SLSP Fire Assessment



and will provide the funding source for fire. The interim gap funding does concern them. They will pay their fair share but it should be spread over the SLSP in the first release and would like some sort of capture throughout the community.

Council Member Dote asked if this would be part of the reimbursement agreement for the fire funding. Mr. Lumbrazo said they would like reimbursement. The SLSP fire assessment would be a permanent fee. City Attorney Siprelle said the amendment says TOC would participate in their fair share only. Mr. Lumbrazo would like to spread this over other projects that will be going forward in the community. City Attorney Siprelle said the funding would mean another Mello-Roos, continue on other development, for fire, or other sources of funds. Director Stevens said the intent was to look at other methods of funding, not going back to the voters. Mayor Flory said TOC will be funding the fourth Company and the City will need to decide on the fifth Company. He asked about the 52 lots at 4,000 square feet or less and what is being proposed for those lots. Mr. Lumbrazo said the SLSP mandated a variety of land uses and different lot sizes and types. The RA category was eight units per acre. This would replicate some of the alleys in the older areas of the City. The Specific Plan mandates a diversity of housing types. The Plan also mandates they make best efforts to meet the density ranges which has caused them to add more lots. Mayor Flory asked how parking will be accommodated and how will they address recreational vehicles. Mr. Lumbrazo said there may be alleys and there should be adequate parking available. These lots will not accommodate recreational vehicles. It could be handled through the CCRs. Council Member Peart asked if they agreed to the Addendum language. Mr. Lumbrazo said some things are agreeable. They will go ahead with the project if approved.

Vice Mayor Rexroad asked for clarification on the mitigation issue. Mr. Lumbrazo said the County standards will be adhered to and the owners will agree with the County as well. The County is the caretaker of the land areas in the County. Vice Mayor Rexroad asked if the home sites will be separate from the land around it and Mr. Lumbrazo said no. Vice Mayor Rexroad asked how is it that a home site is 2 acres. Mr. Lumbrazo said it is a policy decision the County has made. It would be defined within the easement. They would have to be left with two acres or less within the easement but would not be counted for mitigation purposes. Council Member Dote said these are stacked mitigations such as habitat on the same parcels which are not part of the home site. Director Stevens said the County does not have a specific policy on whether a home site on an agricultural property is two acres or not. They do try and limit it to a small area to keep the agriculture land in tact as much as possible. The two acres is a compromise from the original five-acre proposal.



#### At 9:35, Mayor Flory closed the Public Hearing.

Vice Mayor Rexroad questioned the Highway 113 overcrossing and asked if any changes impact the property. Director Stevens said that does not change. Mayor Flory said we will still need to seek State and/or Federal funding. Turn of the Century is only responsible for the original amount. Finance Director Vicars said this gets into the swap of the oversizing versus the Master Plan Remainder area. TOC is really responsible to a very small amount for the 113 interchange. Most will come with the Master Plan Remainder Area and will not be constructed until between 2015 and 2020. There are three triggers, one of which is the level of service on Gibson Road. Vice Mayor Rexroad asked what else is not fully funded and is necessary to make the community whole. Director Vicars said the Sports Park is another issue. One of the amendments addresses speeding up the dollars for the Sports Park so we can buy the land and move ahead; some of the improvements on Road 25A; and some issues regarding storm drain. Those required by the Master Plan Remainder Area are at 75% and with the SLSP at 25%. The Spring Lake Specific Plan is funding the oversize to have the capacity to get to the Treatment Plant. Vice Mayor Rexroad said the public art fee is new. He would like a list of all fees associated with these homes. How much of the home cost will be related to those fees. Director Vicars said the Feasibility Study from January or February 2003 has that information. Director Stevens said there are items added this evening that need to be included.

Mayor Flory asked if we have an agreement to purchase the land on the large Sports Park. Director Vicars said we do not have an agreement as yet. Mayor Flory asked if TOC would hold the money in reserve until needed and Director Vicars said she would like to hold and place where interest could be earned. The cost for residents is already built into the Feasibility Study. Vice Mayor Rexroad would like this money put toward the fire station rather than public art. Council Member Monroe said it is not part of the Fiscal Financing Plan and this fee should be eliminated due to the increasing costs. Mayor Flory said the original fee for public art was a one time \$50,000 fee. Vice Mayor Rexroad would like to take this \$400,000 for the public art and allocate it to fire protection. Council Member Monroe agreed.

Council Member Monroe said the sound walls on Road 102 indicate breaks in several areas. In his opinion this is a public safety issue. He would like a complete, unbroken sound wall. Vice Mayor Rexroad said this is a bike lane and heavily landscaped. It prevents residents from taking short cuts. The landscaping and berm construction would help protect residents. Council Member Monroe said his concern is that Road 102 has a high level of fast moving



traffic. Council Member Dote said that once the homes go in, the speed limit will be slowed. Police Chief Sullivan said there are ways to mitigate the safety issues and still provide access. The numbers of proposed openings have been reduced dramatically. Visibility on house lay out it tends to mitigate those safety issues. From a public safety sense, it is preferred, but a walled community is also a safety issue. Council Member Peart said this will be connected to trails. There is to be a 35-foot buffer between the walls and the curb. It would join together the community.

Council Member Monroe questioned affordable housing fees. It was at \$200 per house, moved to \$942 and is now proposed at \$1,100. We need to go back to the original agreement at \$942 per house. Director Stevens said the \$942 was the best guess estimate at that time. It is based upon formula and method to get to this present figure. The North Natomas is very similar to these figures. This is a refinement of the fees since the Fiscal Financing Plan. Council Member Peart said this was at \$1,250 and was dropped back to \$1,100. Director Stevens said if the interest rates go up sufficiently, the Council can adjust up to \$1,300. The developer said there may be a way for them to provide those units on site at a lower cost but would require the Plan to be amended. Council Member Dote asked about a chart that summarized all of these fees. Lumbrazo said this was done in January 2003 and we are at the top of the fees in comparison to other areas. Finance Director Vicars presented a chart from the Plan which indicated that statement to be inaccurate. This chart actually indicated the City is at or below other areas. The \$942 is to fund the gap financing to complete affordable housing.

Council Member Monroe has an issue with the Fire Company. The SLSP said they should fund one department and one station and it should be moved from the proposed location. An interim station could be built at that site and should be considered the permanent station.

Mayor Flory would like the wording changed to that of a fourth Company and not a fifth. Council Member Monroe said it should be in place when they get to the 700<sup>th</sup> house. Council Member Peart said there was an agreement that before the project started a fourth Company would be in the City. Council Member Dote said we should go out of a permanent station and if the location is changed the land use needs to be changed. Council Member Monroe said where the permanent station is now located is not going to happen. There are some parcels near and they could be used. Director Stevens said the station was to be integrated into the community center area. Council Member Peart said the primary location was in the core area with easy access. Vice Mayor Rexroad proposed and Council Members Monroe and Peart agreed to take funds for public



art and earmark toward the fire protection needs and the difference in the \$942 and \$1,100 for safety. City Attorney Siprelle said the O and M funding for the fourth Company is in question and the Fire Station is already included in the Spring Lake Infrastructure Fee. The shortfall we are trying to address in the Development Agreement is the Operations and Maintenance cost for the fourth Company which does not exist. For clarification, the public art fee and part of the affordable housing fee are to be advanced for the gap funding for the two years. The developer would be required to advance the \$1.4 million for the shortfall financing. Mayor Flory said the City and the Developer are to work on a mechanism. Council Member Dote said the collection of the art fee would then be used as part of the City's financing as a Fire Department fee to make up the shortfall.

Director Stevens said the affordable housing increase and movement needs further discussion with the City Attorney as the \$1,100 was needed for the funding of the 74 units as required by the Plan. Vice Mayor Rexroad withdrew his suggestion as those funds are needed for the affordable housing. Director Stevens asked for clarification on the unresolved issue of the breaks in the soundwalls and Mayor Flory said the majority of the Council would like that to stay in the Plan. The designation of a fourth Company was dropped to indicate "Company". The other issue is an alternate site for the stations as a backup if the present site is not available.

# At 10:33 a motion by made by Council Member Dote, seconded by Vice Mayor Rexroad and carried unanimously to extend the Council meeting to 11:30.

On a motion by Council Member Dote, seconded by Vice Mayor Rexroad and carried unanimously, Council approved in concept the TOC-160 East and West Project based on the identified Findings of Fact and subject to the identified conditions of approval as amended by taking the following actions. Council Member Dote asked if the actions needed to be enumerated and Director Stevens said that all of it would be continued to the August 19, 2003 as the Council is not actually approving the maps this evening, but continuing it all to August  $19^{\rm th}$ .



#### REPORTS OF THE CITY MANAGER

#### **RESOLUTION 4463-CAPITAL BUDGET**

Public Works Director Wegener said the budget is returning for action as Council has previously reviewed. Included are the Resolution, staffing information and Project Programming Summary Sheets for the additions on this cycle. Vice Mayor Rexroad asked if these additions include the policy decisions. Director Wegener said all have been previously approved except for those shown as additions. Vice Mayor Rexroad asked about plans for the old Police Department building. Director Wegener said specifics will be returning to Council. Vice Mayor Rexroad asked about a downtown permit parking plan and Director Wegener said this would allow the plan to be put together and would come back for implementation. Vice Mayor Rexroad asked if the Library HVAC repairs indicates there is no air conditioned at present and Director Wegener said the system is in need of significant renovations and is marginal.

Vice Mayor Rexroad said is appears the Northeast Station is in the industrial area and Director Wegener said that has always been the long-range plan. Funding sheets for each of the funds in the Capital Budget list out the specific amounts approved. Some of the projects are limited to design at this point. It is only for the construction and does not include staff. Director Wegener said it does not appear the equipment is included on the sheet. This is the property acquisition and design. Chief Diekman said the City already owns the apparatus and it would be the home of the "fourth" Company. Council Member Monroe asked how can we put this station in the flood plain. Director Wegener said we would have to raise the station above the flow elevations.

Vice Mayor Rexroad asked about the status of the Americans with Disabilities Act improvements and Director Wegener said the City is presently working on intersections with a "level of effort" approach to install the ramps. The cost is \$15,000 per intersection. They are working on the ramps at the same time they are working on the road projects.

Council Member Monroe questioned the Waste Water Treatment Plant upgrades at \$20 million and does that assume the enterprise funds would not absorb and would mean a dramatic increase in fees. Director Wegener agreed.

Mayor Flory would like the old Police Station remodel discussion brought to a study session and Director Wegener said they are getting preliminary information from the Consultant at present.

Council Member Peart said Director Wegener had indicated only 5% is Federally funded. He would like to approve the Capital Budget, but exclude the



General Fund until we have a better understanding of the State budget. Director Vicars said there are some General Fund revenues going into the Police Station construction, Community/Senior Center, roof repairs and Library HVAC systems. The 2002-03 funds have already been moved. The cemetery is underway but is not out to bid as yet. If we stop now, there is two months of lost time.

Mayor Flory asked for clarification on the Clark Field renovation. Director Gentry said the bleachers need to be replaced and the asphalt under the bleachers needs to be replaced because of a safety hazard. He will itemize all of the proposed costs and advise Council. School use is part of the joint use agreement and the City may be able to work with them for funding assistance.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council adopted Resolution 4463, a "Resolution of the City Council of the City of Woodland Approving the Capital Budget for Fiscal Years 2002-03 and 2004-05", with direction that staff look for ways to hold the General Fund in reserve until the State budget passes.

#### RESOLUTION 4464-COMMUNITY FACILITIES DISTRICT I BONDS

Finance Director Vicars indicated the Community Facilities District (CFD) I bonds were refinanced last in 1998. The Standard and Poors rating will allow a credit enhancement process to refund those bonds and will lower the maximum fee.

On a motion by Council Member Monroe, seconded by Vice Mayor Rexroad and carried unanimously, Council adopted Resolution 4464, a "Resolution Authorizing the Execution and Delivery of a Supplemental Indenture, A Bond Purchase Contract, an Escrow Agreement and a Continuing Disclosure Certificate; Authorizing the Issuance of Bonds; Approving the Form of the Preliminary Official Statement and the Distribution Thereof, and Approving other Actions Related Thereto", for Community Facilities District I, Gibson Ranch.

# AMENDMENT-AGREEMENT BETWEEN CITY AND WOODLAND/SPRECKELS INDUSTRIAL BUSINESS PARK, LLC

City Manager Kirkwood said this Agreement is to potentially annex 830 acres, the pre-zoning of 385 acres as part of the Ordinance 1349 and includes the Clark Pacific properties of approximately 72 acres. Of the 385 acres, a good



portion may have the development potential, with the Clark Pacific moving forward at 50 to 57 acres at this time. The Agreement with Mr. Kamilos with a \$1.5 million payment was based upon the assumption the development could absorb the cost into the project. As the total amount of acreage has been somewhat reduced at this time, it is appropriate and fair to work with Mr. Kamilos to return the \$1.5 million to the City as a base but adjust payment schedules. The first \$500,000 will be paid when the Conditional Use Permit and lot line adjustment for Clark Pacific is approved. The second contribution of \$345,000 based on a pro-ratio of \$500,000 divided by 72 acres at \$6,900 per acre. The third contribution is \$705,000 and is due upon the approval of the entitlements. At present, details are still underway with LAFCO for the annexation.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council approved and authorized the City Manager to sign an Agreement amending the Agreement between the City and Woodland/Spreckels Industrial Business Park, LLC.

#### SPRECKELS SPECIFIC PLAN DEVELOPMENT CONTRACT WITH EDAW

City Manager Kirkwood said this item deals with the Scope of Work for the preparation of the Specific Plan for the 800 acres for the Spreckels Business Park project. This cost will be paid by Mr. Kamilos. The Community Development Department has completed the process for selection of a Consultant.

On a motion by Council Member Peart, seconded by Council Member Dote and carried unanimously, Council approved the selection of and contract with EDAW, Inc., for the provision of professional planning services for the preparation of a Specific Plan for the Spreckels Business Park and authorized the City Manager to sign the contract.

# RESOLUTION 4465-CONTINUE FIRE ASSESSMENT DISTRICT FROM AREA DETACHED FROM THE SPRING LAKE SPECIFIC PLAN AREA

City Attorney Siprelle said this covers three annexations, the Prudler-Sievers area, the North Park are and the Waste Water Treatment Plant. The funds are from those served and is to be used for the property benefit. Mayor Flory asked if a Fire Assessment District could be put on future development



and City Attorney Siprelle said it would have to be voted upon by the development. This assessment is not new.

On a motion by Council Member Peart, seconded by Council Member Dote and carried unanimously, Council adopted Resolution 4465, a "Resolution of the City Council of the City of Woodland, California, Approving the Engineer's Report for and Ordering the Levy and Collection of, Fire Suppression Assessments within Certain Annexed Areas of the City of Woodland".

#### GIBSON RANCH LIGHTING AND LANDSCAPING DISTRICT

Finance Director Vicars indicated that Council had previously held a Public Hearing regarding the 2003-04 Gibson Ranch Lighting and Landscaping District levy on July 1, 2003. Council Member Monroe had asked for return of this item at the meeting of July 22, 2003 for discussion and consideration of the increase in rates to cover the actual costs for administration of the District. Any action taken to reduce the fees would necessitate a reduction in services. Council Member Monroe said the proposed increase is \$60. He feels this is excessive and costs should be cut. Director Vicars said the maximum is to be \$210 at build out. Over \$9 million in improvements have been put in place over the last 18 months. Council Member Dote said the fees drop when more houses are built. The increase is 2.7% per year at present. Director Vicars said that the Parks staff take care of the parks and Council Member Monroe had asked that we look at contracting out. Much of the landscaping is already contracted out, thus the higher costs.

Director Wegener said they recently completed the \$12 million infrastructure on the Phase II. There is more to maintain, such as graffiti control, streetlights, and landscaping has doubled. The estimate was at \$210 and we are at \$195. As additional new houses come in, the price will go down.

Director Vicars said the figures could drop but electricity could cause an increase as well.

Council Member Monroe moved to drop the fees back to \$133.00.

Director Gentry said all but 10% of the money is in contract services with Procidia. The other 10% is for park maintenance. Procidia is handling three to four miles of maintenance per day. Vice Mayor Rexroad feels it is irresponsible not to cover the cost of maintaining and the City has the responsibility and obligation.



Council Member Monroe rescinded his motion.

Council Member Dote said the fee increase is to accommodate the extra work needed.

Council Member Monroe moved that the original fees be maintained with an increase of only \$30. Director Vicars said the increase had always been proposed at \$60. This would drop the fees back to \$133 and would mean substantially less maintenance. Director Gentry indicated the majority of the funds attached to these fees go into the Procidia Contract, which is an outside contractor.

Vice Mayor Rexroad said it is irresponsible and although he prefers not to add or increase fees, the City has a responsibility to maintain the City areas. Council Member Monroe said this is the same as the Fire Assessment District and a raise in taxes. Vice Mayor Rexroad requested Council Member Monroe to provide his input on services which should be eliminated to accommodate his proposed cut in the fees. Council Member Monroe feels this could be done with less money as the City has been forced in the past to accommodate with less money and they have always done so. Vice Mayor Rexroad said it is unrealistic to not increase some fees as necessary to operate the City.

Council Member Monroe's motion lost for a lack of a second.

#### ADJOURNMENT

May	yor Flor	y adjo	ournea	tne r	egular	meeting	I OT	tne	Council	at	11:20	p.m.

Respectfully submitted,	
Sue Vannucci, CMC, City Clerk	