

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

April 16, 2002

CITY COUNCIL
SPECIAL/CLOSED SESSION

The Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. Council Members present were Mayor Flory, Vice Mayor Rexroad and Council Members Dote, Monroe and Peart. Also present were City Manager Rick Kirkwood, Assistant City Manager Phil Marler, and City Attorney Ann Siprelle. The purpose of the closed session was to hold a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9, one case and to hold a conference with Legal Counsel regarding existing litigation, pursuant to Subdivision (a) of Section 54956.9. City of Woodland vs. Carranza Texaco.

CITY COUNCIL
REGULAR SESSION

Mayor Flory announced that City Council met in a special closed session to hold a conference with Legal Counsel regarding anticipated litigation and existing litigation and received a report.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join the Council in the Pledge Allegiance.

ROLL CALL

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



COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Gary Wegener, Marie Bryan, Margaret Vicars, Ana Gonzalez, Dick Donnelly, Dan Gentry, Dan Rice, Sherrie Martin, Nancy Leroy, Charlie Wilts, Randy Madison, Wendy Ross, Julie Hansen

OTHERS PRESENT: Contract Planner Heidi Tschudin

COUNCIL MINUTES

None.

COMMUNICATIONS - WRITTEN

Council received a denial of an application from Alcoholic Beverage Control for a premise-to-premise transfer for Carniceria Duran located at 78 West Court Street.

Council received approval of an application from Alcoholic Beverage Control for a new beer and wine license for Café Court in Nugget Market at 157 Main Street.

Council received approval of an application from Alcoholic Beverage Control for a new beer and wine license for Main Palace at 537 Main Street, Suite B.

COMMITTEE REPORTS

Council received a report from Public Works Director Garry Wegener transmitting the minutes of the Water Resources Agency meeting of February 4, 2002.

Council received a report from Library Services Director Marie Bryan transmitting the minutes of the Library Board of Trustees meeting of March 18, 2002.

Council received a report from Assistant City Manager Phil Marler transmitting the minutes of the Manufactured Homes Fair Practices Commission meeting of March 21, 2002.



Council received a report from Parks, Recreation and Community Services Director Dan Gentry transmitting the minutes of the Parks, Recreation and Community Services Commission meeting of March 25, 2002.

Council received a report from Redevelopment Manager Wendy Ross transmitting the minutes of the Redevelopment Citizens' Advisory Committee meeting of March 27, 2002.

Council received a report from Community Development Director Steve Harris transmitting the summary of Planning Commission actions taken at their meeting of April 4, 2002 as follows:

- a. denied modification of conditional use permit to adjust hours of operation for La Finca Restaurant at 534 Bush Street
- b. approved disposal property at 1211 California Street

Council received a report from Fire Chief Karl Diekman transmitting the minutes of Yolo County Communications Emergency Services Agency meeting of April 10, 2002.

PUBLIC COMMENT

None.

COUNCIL STATEMENTS AND REQUESTS

Vice Mayor Rexroad reported he attended the County 2 X 2 meeting. The issue was a Long Term Care Project for the County. They are doing an assessment of long-term care needs and forming a committee. They seek membership from the Council on this committee. City Manager Kirkwood stated this item will be presented to Council on May 7th for their consideration and action.

Council Member Peart said there had been a group of municipalities that formed together to work against the passage of A. B. 680 as presented. The Bill is now in the Senate and this group is forming alternate ideas of which may help avoid this legislation. A meeting with Assembly Member Steinberg will be held on April 26th, with the Cities of Folsom, Roseville, Elk Grove and Woodland and Counties of Placer and Yolo in attendance. This group will present these alternative ideas to Mr. Steinberg in an effort to avoid A. B. 680 as written.



Council Member Peart said the West Nile Virus entered New York about three years ago. The Sacramento-Yolo Mosquito Vector and Control District has sent some information out making the public aware of the severe nature of this virus. He asked if any dead birds are found, especially crows, do not touch and notify the District immediately.

PRESENTATIONS

CALIFORNIA LEGISLATIVE ASSEMBLY RESOLUTION PRESENTED TO HENRY AGONIA

Ellie Fairclough presented a California Legislative Assembly Resolution from Assembly Member Helen Thomson to Henry Agonia, retiring Parks, Recreation and Community Services Director.

PROCLAIM "FAMILY FUN DAY"

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, Council proclaimed April 27, 2002 as Family Fun Day.

YOLO LITERACY COUNCIL PRESENTATION – LIBRARY HERO AWARD

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried by unanimous vote, Council accepted a check in the amount of \$16,000 from the Yolo Literacy Council as its share of the 2002-03 budget for the Woodland Public Library Literacy Service.

TREE COMMISSION REPORT

Kelly Lyons, Member of the Tree Commission, reported on the activities of the Commission. They have lost Members Terry Jessen who moved out of the area, Christine Engel who has taken a position with the City, and herself who has been awarded a grant and will be studying in Mexico. She expressed her pleasure in working with the Commission and urged members of the community to come forward and volunteer for the various Boards and Commissions.



Council Member Dote said that two years ago when the City first was designated as a "Tree City", she understood there were to be freeway signs identifying the City as such. Public Works Director Wegener will follow-up on this issue.

CONSENT CALENDAR

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

SET STUDY SESSION FOR APRIL 30, 2002

Council Member Dote said this date is a departure in scheduling for Council meetings. The normal schedule would be for an April 23rd meeting, but three Council Members will be unable to be present, thus the rescheduling for the 30th. City Manager Kirkwood stated this meeting will be noticed for 6:00 p.m. to discuss the new Senior/Community Center and will be joint with the Commission on Aging and the Parks, Recreation and Community Services Commission, the Housing Element and the last item is the Major Projects Financing Plan.

LETTER TO THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS REGARDING CITY'S POSITION ON METROPOLITAN TRANSPORTATION PLAN UPDATE

Council Member Dote said the Transportation District Board has considered this Plan and did not take action at their meeting last week. There had been a compromise for road rehabilitation funding which would hold harmless the six Counties in the Region. She supports the letter to make the point there is also an additional need for Federal money in conjunction with the hold harmless need.

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

AGREEMENT BETWEEN CITY OF WOODLAND, COUNTY OF YOLO AND ELKHORN FIRE PROTECTION DISTRICT TO TRANSFER VEHICLES AND EQUIPMENT

Council authorized an Agreement between the City of Woodland, County of Yolo and the Elkhorn Fire Protection District to transfer vehicles and equipment.



STUDY SESSION FOR APRIL 30, 2002

Council set Tuesday, April 30, 2002 at 6:00 p.m. as the date for the Study Session for the month of April.

ROAD ALIGNMENT ACROSS EAST STREET AT THREE LOCATIONS

Council received an update of the status of projects that affect the East Street Corridor.

DISPOSITION OF CITY PROPERTY AT 1211 CALIFORNIA STREET

Council declared the property at 1211 California Street as surplus property and directed staff to proceed with the sale of the property.

ANNEXATION STATUS REPORT ON KNAGGS, SPRECKELS, AND MARKS PROPERTIES

Council received an update of the process and status on the annexation of the property known as Knaggs, Spreckels, and Marks.

COUNCIL SUB-COMMITTEE TO REVIEW AND RECOMMEND CHANGES TO CITY'S COMMUNITY SERVICE AWARDS PROGRAM

Council appointed Mayor Flory and Council Member Dote to a special Council Sub-Committee that will review and recommend changes to the City's annual Community Service Awards Program.

DETAILS OF ELECTION/VOTE ANALYSIS

Council received voter breakdown and analysis of the votes cast in the March 2002 election.

DONATION OF SURPLUS PERSONAL COMPUTERS TO YOLO AREA REGIONAL NETWORK (YARN) PROJECT

Council authorized the donation of eighteen surplus personal computers to the Yolo Area Regional Network.



ATTENDANCE AT THE LEAGUE OF CALIFORNIA CITIES LEADERSHIP TEAM WORKSHOP MAY 29-31, 2002

Council approved the attendance of Mayor Flory, Vice-Mayor Rexroad, Council Members Dote and Monroe, and City Manager Kirkwood at the League of California Cities Leadership Team Workshop May 29 through 31, 2002.

LETTER TO THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS REGARDING CITY'S POSITION ON METROPOLITAN TRANSPORTATION PLAN UPDATE

Council approved and authorized the Mayor to sign a letter to the Sacramento Area Council of Governments expressing further concerns on the Metropolitan Transportation Plan Update.

CONTRACT WITH GRANDY AND ASSOCIATES TO PREPARE TRAFFIC STUDY FOR PROPOSED SHOPPING CENTER AT NORTHEAST CORNER OF EAST GIBSON ROAD AND PIONEER AVENUE

Council authorized the Community Development Director to execute the Contract with Grandy and Associates to prepare a traffic study for the proposed shopping center at the Northeast corner of East Gibson Road and Pioneer Avenue.

PUBLIC HEARINGS

This item was held until later in the evening as it was posted for 8:10.

2001-06 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN ANNUAL ACTION PLAN AND ADOPTION OF 2002/03 CDBG ANNUAL ACTION PLAN

REDEVELOPMENT AGENCY

Mayor Flory adjourned the regular meeting of the Council at 7:38 to convene a meeting of the Redevelopment Agency Board of Directors. At 7:48, Mayor Flory reconvened the regular meeting of the Council.



ORDINANCES

ORDINANCE 1343 AND CABLE FRANCHISE AGREEMENT

Assistant City Manager Marler advised Council this is a non-exclusive franchise with Charter Cable Communications.

Vice Mayor Rexroad asked how the \$250,000 for public TV and public access compares with other communities in the area. Assistant City Manager Marler does not have enough information to determine where this figures places in the averages. The frequency of renewals is so far apart, 15 years, is it difficult to adequately compare the figures. The Cable Committee pushed for more equipment to support the public education and government access.

On a motion by Council Member Monroe, seconded by Council Member Peart, and carried the Council adopted Ordinance 1344, an "Ordinance of the Council of the City of Woodland Granting Renewal of a Non-Exclusive Cable Television Franchise to Charter Communications Properties, LLC" revising Chapter 8A of the Woodland City Code, Cable Communications Systems.

Council recessed at 7:52 and reconvened at 8:05 p.m.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried, the Council rescinded the motion on the Cable Franchise Ordinance 1344 above to allow for public comment on the item.

Colette Stewart said the rates have increased substantially in the four years she has resided in the City. She asked that Cable have a limit on how often or high they can increase their fees. Assistant City Manager Marler said Federal law via the Telecommunication Act, prohibits the Council from regulating Cable rates. This Act subscribes the rates. Council Member Peart said another company could come in to compete as this is a non-exclusive agreement.

On a second motion by Council Member Monroe, seconded by Council Member Peart, and carried the Council adopted Ordinance 1344, an "Ordinance of the Council of the City of Woodland Granting Renewal of a Non-Exclusive Cable Television Franchise to Charter Communications Properties, LLC" revising Chapter 8A of the Woodland City Code, Cable Communications Systems.



PUBLIC HEARINGS

2001-06 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN ANNUAL ACTION PLAN AND ADOPTION OF 2002/03 CDBG ANNUAL ACTION PLAN

Associate Planner Paul Hanson indicated this is an annual plan adoption used to fund low to moderate income persons and remove blight. The amount received this year is \$577,000. In addition there is \$114,768 returned to the system from Idle Wheel/Royal Palm not utilized due to inability to reach settlement on the purchase of the properties. The Department of Housing and Urban Development requires the City to adopt a Five-Year Strategy Plan, which the Council approved in 2000. The Annual Action Plan must also be approved to identify how funds will be spent in the current year. For the past five years, 59.1% of the funds have been utilized in affordable housing and homeless needs. Council recently determined the need to address Community Development needs as a priority for the current funds.

At 8:14 p.m., Mayor Flory reconvened the Council meeting from the Redevelopment Agency meeting.

Council Member Monroe asked if there was a way to differentiate those that are only in the City. Planner Hanson said the Agencies may be based in other Cities in the County but must serve local residents as well.

At 8:17 p.m., Mayor Flory opened the Public Hearing.

Kate Hutchinson, Executive Director of Yolo Community Care Continuum, urged Council to support the Plan for Projects as recommended by the Council. They provide services to severely mentally ill individuals residing in Woodland. Safe Harbor is an alternative environment to psychiatric hospitalization. Many individuals would go untreated without this facility. Clients are very low income and one of the most under-served and disenfranchised groups in the community. They have a waiting list and the facility is not handicapped accessible. The plan is to expand their current site on Kentucky Avenue. A recent law passage has increased their costs substantially. Council Member Dote asked about YCCC association with Haven House that is also listed as requesting funds. Ms. Hutchinson said it is a separate facility that funds the food closet. Mayor Flory asked if this was the project Council had denied the request to waive fees at a previous meeting and Ms. Hutchinson indicated to the affirmative.



Gina Falvey spoke on behalf of the Safe Harbor Development Plan. She has been a client of the program for many years and feels the staff and facility have provided her with the ability to move ahead in her life. The expansion would provide others who are in crisis the ability to manage their lives. She urged the Council to support this project.

Heidi Hillman is also a client of Safe Harbor. She said it is difficult when you attempt to utilize a resource locally and are told there is not adequate space. The County has mobile crisis that clients must go through before going to Safe Harbor. It is a bridge between the hospital and the home as well.

Wendy Pieratt spoke on behalf of Yolo Wayfarer Center as she is a former client of the facility. She is now a successful business owner and member of the community. She came to them for assistance and they connected her to the programs she needed to succeed. They not only provided her with the day to day needs, but also taught her how to budget, prioritize, parent. She continued to college, has served on their Board, started her own business and purchased a home. If this program had not been available, she does not feel she would have found the resources she needed.

Don Cowan has utilized Yolo Wayfarer and Yolo Community Care Continuum in the past. He would not have gotten to the point where he is now without their assistance.

Leona Jull represents Yolo Wayfarer Center and asked Council to review the decisions of the committee and their recommendations. The Yolo Wayfarer Center serves as an emergency service for the other Agencies in the community. Many clients do not know where else to go. CDBG funds have assisted them for the past 10 years in some format. The funds have made it possible for them to operate at their current level. They have already scaled back positions from three to one. Without funding, this position will not be possible and daily services will not be provided. She proposed funding those proposed for approval at 60% of their request, thus allowing \$19,000 to them. This will not save the program but will buy time until other funding sources are found. She clarified that funds through the Public Facilities and Improvements section are greatly appreciated and are designated to the construction of the new facility. Mayor Flory asked if as they expand, will they not need more Program money from CDBG to administer the expanded programs. She said the funds are for day services. The singles transitions program underway has other sources of funds.

Cindy Heavens, Project Manager at Community Housing Opportunities Corporation, (CHOC), said they are working with the Yolo Community Care Continuum on the expansion of their project. She clarified the request in that



the project was voted on in November and included an apartment complex and Safe Harbor. This request is not for the apartments, but is for the expansion of Safe Harbor only. Prevailing wage was not included in the original plan. With the passage of S. B. 975, construction costs have increased. The grant application is to cover the increase in construction costs only.

Nancy Conk, Executive Director of CHOC, supports the recommendations of the Committee under the Public Facilities and Improvements portion. Development of housing that serves those with the greatest need requires the most public subsidy. Each agency has contracted for multiple sources of funding to carry on their programs. The investments are in permanent facilities in the community. The fundamental purpose of CDBG under Federal law was to meet the housing needs of low-income members of the community.

Council Member Peart asked Ms. Heavens for clarification on the prevailing wage causing the need for increased funding. Ms. Heavens said this was originally CDBG, a Kreske Grant, a Rumsey Grant, all grant donations and CDBG subsidy that the City had provided. Prior to approval of the CDBG they had in 2000 and 2001, there was no law that prevailing wage would be on CDBG funds. Since then, if any funding goes towards a project through a local or State government, the Labor Relations Board has now said the money is a prevailing wage project, thus an increase that was not foreseen on this project. Council Member Peart asked for the dollar amount raised due to this prevailing wage and Ms. Heavens said \$100,000. They now have a cost on that money. Mayor Flory asked for the 2000 and 2001 allocations for the project. City Manager Kirkwood said the application reads that \$131,025 in April of 2000 and \$300,000 in April of 1999. Ms. Heavens said the first and second allocations were split between the apartment complex and Safe Harbor. This request is only for Safe Harbor. For the apartment complex it was \$110,00 and \$210,000 for Safe Harbor. She indicated Davis CDBG allocated \$50,000 last year and they have requested \$100,000 for this year.

Alma Collazo, Executive Director of the Sexual Assault and Domestic Violence Center, said her shelter focuses on providing services to women and children who are victims of domestic violence. Eighty percent of the clients are from Woodland. The last time they received funding was in 1997 and it will be utilized to keep the services they presently utilize, not to expand.

Brenda Cedarblade said she has a business next to the Women's Crisis Center and has never had a problem with any of their clients. The other project, Wayfarer Center, she has an extensive event log on problems she has had with them.



Kathy Trott, President of Food Bank said she supports the recommendations of the Commission. She summarized the efforts of the Food Bank and the funds received through CDBG. She would like the Council to keep food and shelter as a priority for support.

Colleen Brock, Executive Director for People Resources, Meals on Wheels asked for support of the recommendations for funding. They had supported Head Start who now has grant to provide a facility to cook their own meals, thus Meals on Wheels will lose a great deal of money utilized to support and feed seniors. They will face a \$50,000 deficit and will need to reduce services.

At 8:48 p.m., Mayor Flory closed the Public Hearing.

City Manager Kirkwood asked that Redevelopment Manager Ross provide information to assist the Council in their decision-making process. Manager Ross indicated that at Council direction they have focused efforts on community development activities, primarily economic development activities. Less than \$100,000 had been allocated over the past several years to economic development activities, with the largest portion dedicated to affordable housing and homeless programs. Staff has moved forward with recommending \$275,000 for economic development and community development activities, including housing. She clarified that if there is a contract in place and out to bid by January 1, 2002, S. B. 975 does not apply.

Council Member Peart asked if the Minor Home Repair Grant program dealing with safety issues is the same program provided in past years. Manager Ross said it is the same program and targets seniors and those who cannot leave their homes. Vice Mayor Rexroad asked if any of the programs with reduced allocations would cause that program to be ineffective. Manager Ross said the Business Revolving Loan Program reductions would allow possibly only one business to be funded. The threshold for this program to be successful would be \$50,000 to \$70,000. The requested amount was \$100,000 with the Committee recommending \$25,000. Many of the homes and buildings in the City are old and have lead based paint. The repair and upgrade for these older structures is more costly to mitigate. The money is carried over into the next year if not utilized in the current year.

Council Member Dote asked if one of the projects refunded a few months ago due to other under-budget projects was the Façade Program. Manager Ross said it was not and indicated those redirected funds were indicated in one of the handouts. The Sign Conversion program compliments the Façade Program.



These funds came from several programs where funds had not been spent entirely. The one program where funds in larger amounts were not spent was the Idle Wheel/Royal Palm Park acquisition.

It was moved by Vice Mayor Rexroad to adopt the 2002-03 Annual Action Plan recommended by the Community Development Block Grant Committee and direct staff to forward the recommended 2002-03 Action Plan on to the Department of Housing and Urban Development (HUD) on or before May 15, 2002. He relinquished his motion to a question by Council Member Monroe.

Council Member Monroe said we have been funding the Yolo Wayfarer Center at \$35,000 and this year we have dropped them to no funding. He asked for clarification on that recommendation. Planner Hanson said the Committee had felt they funded this program every year and were attempting to spread the funds more equitably. The Sexual Assault and Domestic Violence had not been funded for several years and should be considered for this funding cycle. Council Member Monroe felt that reducing this program to zero when they have come to rely on this funding source is a point of consideration. Planner Hanson said Council had changed the requirements for funding a few years ago when funding could only be allowed three times during a five year period. The Council revised the criteria that if food and shelter were provided, these programs could apply every year. Council Member Monroe and Dote would like the Day Services Program to receive \$19,000.

Vice Mayor Rexroad questioned the necessity for Council to review each item and make changes to the Committee recommendations. Mayor Flory stated the Committee had been developed in past years to thoroughly study the requests and make recommendations. Council has the ultimate decision on the allocation of these funds. Council Member Monroe feels the Council needs the ability to provide their input, concerns and recommendations in regard to the funds spent on behalf of the City and the various programs it administers.

Council Member Dote asked for clarification on the improvements at Freeman Park. These improvements are for installation of exercise equipment and completion of the bandstand with a handicapped ramp. It was clarified that Program money cannot be crossed with Project money. Council Member Peart said if \$19,000 is placed into the Day Services, where will it come from. Manager Ross said that 60% of the total would bring them over the set aside and reductions would have to be made elsewhere to accommodate that recommendation. They are required to limit public services to CBO's and others to 15% of the annual allocation, which would be \$86,550. Sixty percent of the total is approximately \$107,000. More clearly, Project money cannot be moved



into the Program area that would then exceed an amount of \$86,550. Money can be taken from the Programs and CBO's and added to the Projects, but not the reverse. Council Member Peart said that not funding Programs in the past was done to insure they did not fully rely on these sources for funds.

It was moved by Vice Mayor Rexroad to adopt the 2002-03 Annual Action Plan recommended by the Community Development Block Grant Committee and direct staff to forward the recommended 2002-03 Action Plan on to the Department of Housing and Urban Development (HUD) on or before May 15, 2002. Motion died for a lack of a second.

Council Member Peart feels discussion should be held on each of the sections.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried unanimously, Council approved the CDBG Committee recommended allocations for the Program portion in the amount of \$86,550 as presented.

Council Member Peart said the ADA sidewalk improvements are mandated and asked if the City is compliant. Public Works Director Gary Wegener said these updates are made when roadwork is undertaken in the identified areas. Council Member Peart would like that program to be maintained at the requested funding level of \$66,000. He does not feel the park improvements at Freeman are entirely necessary at this time. Director Wegener said there is no access to the gazebo and wooden stairs need to be brought out. The recommendation was to allocate \$7,500 for the Freeman Park gazebo access. Council Member Monroe asked if full funding were allocated to the ADA sidewalks, would all of the improvements be completed. Director Wegener said those identified with the \$66,000 could be done in one year.

Council Member Dote said there are two parks that have CAD files for \$2,000 and \$5,000 and what is the purpose. Director Wegener said all of the files for those two parks would be reduced to computer aided drafting (CAD) to facilitate design and improvements.

Council Member Peart also requested reducing \$10,000 each from Friends of the Mission and Safe Harbor which would give the ADA Sidewalks adequate funding to complete the mandates. Mayor Flory and Council Member Monroe suggested taking the entire \$20,000 from Safe Harbor.



It was moved by Council Member Peart to accept the recommendation of the Committee, but that the 2002 ADA sidewalk improvements be fully funded at the expense of the Freeman Parks project by reducing it to \$7,500, reducing Safe Harbor by \$10,000, reducing Friends of the Mission by \$10,000. Motion died for lack of a second.

On a motion by Council Member Monroe, seconded by Council Member Peart and carried, Council accepted the Projects portion of the CDBG Committee recommended allocations, with the exceptions of reducing the allocation of the Freeman Park improvements from \$25,000 to \$7,500, increasing the 2002 ADA sidewalk improvements from \$25,000 to \$62,500, and reducing the Safe Harbor allocation from \$100,000 to \$80,000, for a total allocation of \$364,818. Vice Mayor Rexroad and Council Member Dote voted to the negative.

Vice Mayor Rexroad asked for Staff input under the Economic Development portion whether this was the best mixture and most effective allocation of funds. Manager Ross felt this was probably not the best mix and perhaps the Housing Rehabilitation program was important to maintain. They have not made any loans in the past few years but they are working on some right now. Council Member Monroe asked if \$5,000 was adequate for any project within the Neighborhood Enhancement Program (NEP). Manager Ross proposed no allocation to the Business Revolving Loan Program, Downtown Commercial Façade Program at \$30,000, \$50,000 to the Housing Rehabilitation Program, \$20,000 to the Minor Home Repair Grant Program, and \$25,000 to NEP.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried unanimously, Council approved the Economic Development allocations with no allocation to the Business Revolving Loan Program, Downtown Commercial Façade Program at \$30,000, \$50,000 to the Housing Rehabilitation Program, \$20,000 to the Minor Home Repair Grant Program, and \$25,000 to Neighborhood Enhancement Program.

Council Member Dote asked if the Fair Housing Services are shared. Manager Ross said they are shared with the Cities of Davis and West Sacramento and the County of Yolo. There is a Resource Center to which all contribute equal amounts and the office is housed in Davis. There is a kiosk at our City Hall.



On a motion by Council Member Dote, seconded by Vice Mayor Rexroad and carried, the Council accepted the CDBG Committee recommendations under the Administration portion of the Annual Action Plan. Council Member Peart was absent for this discussion and motion.

Council recessed at 9:30 p.m. and reconvened at 9:37 p.m.

ORDINANCES

ORDINANCE 1343 - SPRING LAKE SPECIFIC PLAN BUILDING UNIT ALLOCATION

City Manager Kirkwood reminded Council this item came before them last month for consideration and was removed from the Agenda to allow the property owners additional time to consider participation. City Attorney Siprelle said the Ordinance was introduced for first reading on February 19, 2002 and it was scheduled for second reading and adoption on March 6, 2002. Council had discussed adding to the Ordinance a section to limit the number of building permits after the first release of building unit allocations to 410 annually. That language has been added to Section 26-2-20. A letter has been received from Brian Holloway with some signed Class B Agreements and indicating they are working towards possibly joining the LLC so Class A status can be achieved. A sixty-day window will be allowed to work out the details of this process. Council Member Peart said this letter indicates Merritt Ranch has agreed to participate. The other property owners have not totally made decisions and are they included in the sixty-day window.

Bill Streng indicated said there were two conditions to be part of the Class A release. One was, by this evening the property owners who wished to be included must indicate participation as a Class B. Mr. Holloway had thought they had sixty days so it was agreed if they signed today they had sixty days to sell their property. A Developer/Buyer would agree to the Class A as it involves money. They have extended the time to the end of the week to accommodate the property owners schedules.

Tom Lumbrazo representing Turn of the Century urged Council to approve the Ordinance as drafted. In the first introduction there were 410 releases per year. He asked for an interpretation of how those units would be used. It was understood those units would be cumulative and carried over to the next year if not utilized in a current year. Vice Mayor Rexroad asked for an update of the Williamson Act rescission. Mr. Lumbrazo said the application was



submitted in early December 2001 and is under review by the State. It is expected to be approved.

Council Member Peart said this project has taken a great deal of time to become financially feasible. He is concerned about comments this project has been downgraded and feels those comments are greatly unwarranted. He asked if the property under the Williamson Act is not approved, how we will replenish the R-3 or custom homes. Planner Tschudin said the Department of Conservation, as of today, could not confirm the application was complete, nor give any indication when they would make a decision. They are meeting with Witt Manley from Turn of the Century tomorrow and perhaps additional information will be available following that meeting. There are some options we can utilize should barriers be met. She suggested proceeding until we have some definitive information that would indicate movement to options. Council Member Peart feels that exclusive home inventory is nil and is very important to the City. He asked that Council send a strong recommendation to the approving parties asking for their assistance in approval as it is very important to the City. Council Member Dote agreed and asked that we be informed if there is to be a Public Hearing on the process so that the City may send representatives to speak in support of approval.

On a motion by Council Member Peart, seconded by Council Member Dote and carried unanimously, Council approved preparation of a letter to and/or having direct contact with the Department of Conservation in support of the rescission of the Williamson Act in regard to the subject property for this development.

Council Member Monroe feels the citizens voted in 1996 in the General Plan to include this section for development. The project began in a different mode and was reduced to make it feasible. However, the project is still one which is groundbreaking for this City. We have a legal agreement requiring contiguous development. The phasing line was eliminated but that is for bonding purposes only. The Council has said there will be no deficits and it will be fiscally neutral to the City. The project has more parks, more greenbelts and more landscaping than any other development in this City. He urged the lawsuit to go forward to insure there were no mistakes in the process.

Council Member Dote said the project has been the focus of much erroneous information. The facts have not been checked. This is not a threat to the City of Davis and is good for the City of Woodland and Yolo County.



On a motion by Council Member Monroe, seconded by Council Member Dote and carried by roll call vote, the Council adopted Ordinance 1343, an "Ordinance of the City Council of the City of Woodland adding Chapter 26 to the City Code to Establish a Building Unit Allocation Program for the Spring Lake Specific Plan". On roll call the vote was as follows:

AYES: Council Members Peart, Monroe, Flory, Dote, Rexroad

NOES: None

ABSENT: None

ABSTAIN: None

City Attorney Siprelle asked if the unit allocation would be cumulative from year to year if not utilized. This would maintain the 1.7 percent growth per year average. Council consensus.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

FINAL FISCAL YEAR 2001/02 OPERATIONS AND MAINTENANCE BUDGET

Finance Director Vicars summarized the Exception List for the General Fund and highlights of the budget.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council adopted the Final Fiscal Year 2001-02 Operations and Maintenance Budget as presented.

At Council concurrence, the Agenda was adjusted to consider the following item prior to items 20, 21 and 22.

PLAN OF ACTION REGARDING FLOOD PROTECTION

City Manager Kirkwood indicated the Council had issued a statement in regard to the Flood Measure issues and Ballot Measure on the Sales Tax issues. Those concerns are before the Council for consideration. Public Works Director Wegener said a Plan of Action is requested to how to move forward on the



feasibility study. The two recommendations are: that the City forego seeking inclusion of a flood protection project in the Water Resources Development Act 2002 legislation, and should a study move ahead, we request the Reclamation Board, as non-Federal sponsor, delay any final action on the Environmental Impact Report for a period that would allow other interested parties to identify any other potential solutions that may have not been identified in the feasibility study. Staff feels we need to proceed with release of the environmental document and the feasibility study. The document could then be held until needed.

Mayor Flory said that a group including Council Members Peart, Mayor Flory, and City staff had met with Supervisors Rosenberg and Stallard and County staff. The City will continue with the EIR and let some time pass so that people in the County who may wish to propose other feasibility ideas for this issue will have time to come forward and make their presentations to the City and County.

Council Member Monroe asked how much in additional funding will be needed for the EIR and Feasibility Study. Director Wegener stated it is within the funding allocated or approximately \$480,000, with our share at \$240,000. If the State reimburses the City, our share would drop to \$120,000. Council Member Dote asked if there is a shelf-life problem with the EIR/EIS if we do not take action at this time. Director Wegener said his assumption is that the timeline would be short enough, but it may become an issue.

Brenda Cedarblade indicated she was not notified of this meeting. Citizens were clear on their choice of no flood wall. There are no industrial developers are leaving. City services are dropping due to funding levels. Flood protection on the existing Creek should be a priority now and we need to increase the carrying capacity. There is no local support for this project and citizens will drive government if Council moves ahead. Spending taxpayer money on this issue is a waste. The EIR will need to be redone. She told Council to drop the issue. Council Member Dote asked Ms. Cedarblade's address and she stated it is on County Road 18C and that she was also living at her store on Main Street for a while. Council Member Dote said she had received a card notifying her of the meeting so she knows they were sent. Ms. Cedarblade said she has been receiving notices at the correct address in the past but there were many members requesting notification that did not receive them either.

Rob Ferrero lives on Road 99A. His property could be adversely affected by the second most favorable proposal, that of a setback levee. He is



concerned about the length of time this process is taking. It is difficult to make plans to move ahead on his property with no decision on what direction the City will take. He urged the Council to make some decision soon. Council Member Monroe said in discussions with the Army Corp of Engineers a setback levee would most likely not be an option for the flood protection of the City. City Manager Kirkwood said the NED process will make the determination on what solution will be best for the City. The Public Hearing process will be a factor.

Al Iby said there are many people in the community questioning why a flood wall or setback levee are the only options when other alternatives should be considered. Citizens are paying taxes for feasibility studies. They are looking for guidance from the County, not just the City, as it is clearly a County issue. He suggested the players be brought together to look at the issues and determine the best solution for all involved. This is not a decision for the Council, but a decision by the citizens. Council Member Peart said there was a public process, there was a Flood Task Force, there were people in the area involved, and 2½ years of work have been done. Seven alternatives were studied, the same ones being suggested for re-visitation, the Corps of Engineers have stated are not feasible. They have come down to two that the Federal government will fund at 70%. Council is now asked to look at the seven alternatives when we know the government will only fund the two, flood wall or setback levee. He encouraged the County, the new Supervisor, and other to come up with other alternatives that may be considered feasible by the Federal government. The Council urged those who feel there are other solutions than have already been presented that would be funded by the Federal government, to provide them for consideration.

Frank Siefertman, Supervisor-Elect, said there is no one solution to this problem. There are many numbers being utilized, some of which he believes have been "massaged" and are based on faulty information. There is currently a supplemental EIR on habitat conservation underway for Cache Creek. The surveying instrument has a degree of accuracy of one meter using GPS. There is a percentage of error on the flow in the Creek. He proposed that a problem of this size cannot be solved by constructing one levee. The answers are off stream diversions, breaking into the old gravel pits, doing anything we can to get by at this time. There is a flooding problem in Lower Lake, there are storage opportunities in Clear Lake, this should be a regional project. One option is the Indian Valley Project, which is locally funded and paid off with a bond early and had taken part of the flood problem. This should be a multi-County regional project. There is benefit to adding a fishery and some sort of storage which could be used for recreation as well. We need to prepare for the flooding in the meantime.



At 10:32 p.m., on a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried by unanimous vote, the Council extended the meeting until 12:00.

Short Parker resides North of Cache Creek and said the FEMA maps were incorrect and have a 2½ foot discrepancy. This would indicate there are many homes that would not be included in the flood plain. He cited several properties which are incorrectly reported. He asked that before any further information is disseminated, it be certified as accurate. Director Wegener said that if there are any certified surveyors indicating our information is incorrect, he would appreciate hearing directly from them to that effect. The FEMA maps to his knowledge are correct. The benchmark information is correct, although a bit confusing. Mayor Flory said if there is an feeling the information from the Corps is inaccurate, we need to get it in writing and forward to the Corps to respond directly to those who have raised the question. Council is the conduit or medium only. Council Member Dote said we are out of the comment period on the FEMA maps and what would this information do to benefit the Corps. Director Wegener said purpose of surveying individual lots is that should your home elevation be raised and thus not be affected by lower levels of water as indicated on the maps, you may be exempted from the flood plain. This is not considered an error in the map, but a refinement because they are not looking at each individual home pad elevations but the land elevations only. The topographical elevations are at 2 feet which would then be a ± 1 foot.

Council Member Peart stated the April 2, 2002 FEMA map is the official map. Director Wegener said the map process can change the approved map to exclude those individual homes which are above the flood plain levels due to the elevation of their pad. Individual property owners who have their property surveyed should submit that information to the Corps of Engineers for consideration. Council Member Peart stressed that if the benchmarks are off, that information should be provided immediately to the City and the Corps for consideration. City Manager Kirkwood stated the City had filed an appeal based on factual information which was checked and certified by Cunningham Engineering. This was a very expensive process. The individual property owners can file a certified document with the Corps for consideration. If there are certified engineers willing to provide information to the Corps, they are encouraged to do so. This is not a City process and it is up to Corps to consider whether they will utilize that information.

Brenda Cedarblade said they are working on a project through Supervisor-Elect Sieferman where some of the newer housing developments will



have topographic maps that easily prove the houses are not in the flood plain. She asked the City provide a person to assist with this project as this will take a major portion of the City out of the flood plain based on the floor elevations of the houses.

Council Member Monroe feels the City did a good job of showing the need for flood protection. The public has sent us a message. He does not want to spend an additional \$240,000 on something the citizens do not want. By voting on Measures E and F, the purpose was to choose the funding method for one of the two flood control options. He feels the no vote on Measure G was because both E and F as solutions were not acceptable.

Council Member Peart said as leaders of the community they have a sworn duty to protect the citizens. There is a problem identified by FEMA. The Council must determine how we are going to provide this protection. He would like to see it postponed until 2004 and the people opposing flood protection to present some type of solution.

Mayor Flory said that by indicating we will wait until 2003 or 2004 for a proposal for solution, how do we then fund the plan. Director Wegener said there was a great deal of confusion relative to the different alternatives. The issue was funding for an option of flood protection. The feasibility study was not at a point where it could be released and be understandable. By proposing a Plan of Action we will have something that is concrete. The process to present an opposing view to the Corps based on information in the EIR, would be that a plan would be presented and explored to determine whether it was a viable solution as part of the EIR process. City Attorney Siprelle stated if there was a viable alternative that was determined as part of the EIR process, then additional study could be directed as an alternative for the Corps to consider. Mayor Flory asked if additional or new proposals would need to meet a threshold so the Corps would consider. Director Wegener said the City does not care what method of flood protection is selected, but it must be the best to protect the citizens. It must be Federally supported, funding support is needed because of the land needs. Proponents of other methods must provide supporting data for their proposals. Suppositions or suggestions are not valid proposals for consideration. If the City chooses to take on the task of extensive review on other proposals we could be adding substantial cost to the those already incurred. Council should take that cost factor into consideration prior to agreement on further study.

Jim Staker said he was a member of the Flood Task Force. He has not received notification that the Task Force was done with their task. He has been



involved with the process and has talked with many people, listened to the Corps, to Council and community members. We have a responsibility to protect the interests of the citizens in the community. The long term viability of the community rests with protection of some sort. The watershed approach and issues upstream impact us and should be considered. In the past eight years there have been only two storage projects in the State that have gone forward, Los Viqueros and Diamond Valley, and they were very expensive to develop with the Environmental Species Act, mitigation standards and requirements that go into these kinds of projects. The City's environmental document invites input from the citizens. We cannot determine a single alternative until that process has gone forward because it invites that participation again. It is important to move forward to preserve the investment it has in flood protection but look at the other options to see if there are other viable methods. Regional participation may provide a watershed approach that will take care of everyone's needs.

Council Member Dote said the context for the ballot measure was predicated on the timing before the Council to get into the 2002 Federal budget. With the incomplete feasibility study and an active FEMA map, we were discussing financing without identifying what the project included. She feels the funding was gray. She does not agree with any of the solutions. The Corps does not address that which affects us in Lake County, only the flood protection locally and a way to prevent damage. We need to complete the feasibility study, complete the EIR process, receive comments, and identify what the Corps is actually saying and present that information to the public.

Council Member Monroe asked if the EIR and feasibility study are locked together for funding or can they be separated. Director Wegener said the EIR is based on the feasibility study.

On a motion by Council Member Dote, seconded by Council Member Rexroad and carried, the Council concurred on the proposed Plan of Action for addressing flood protection including formal deferral of efforts to include a flood protection project in Water Resources Development Act 2002. Council Member Monroe voted to the negative.

City Manager Kirkwood said he understands the Council invites and encourages anyone who has a viable solution that is fundable and can pass the scrutiny of the Corps of Engineers, are fully encouraged to work diligently in good faith to provide this viable and feasible solution that is fundable. The objective is to go through the process on the two issues before the City, but



take no further action for at least a year. Mayor Flory also clarified that the City would act as a conduit to get that information from the people in the community and County to the Corps of Engineers.

On a motion of Vice Mayor Rexroad, seconded by Council Member Dote and carried unanimously, Council deferred the following items to the May 7, 2002 Council meeting:

UPDATE ON MEASURE H PROJECTS

REVISION TO CHAPTER 2 OF THE WOODLAND MUNICIPAL CODE REGARDING PROGRESSION OF COUNCIL MEETINGS

CITY SIGN ORDINANCE REGARDING POLITICAL SIGNS

ADJOURNMENT

Mayor Flory adjourned the regular meeting of the Council at 11:10 p.m.

Ana Gonzalez, Deputy City Clerk

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