

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

December 18, 2001

CITY COUNCIL
REGULAR SESSION

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, David Flory, Jeff Monroe, Neal Peart, Steve Borchard

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle, Karl Diekman, Margaret Vicars, Gary Wegener, Marie Bryan, Wendy Ross, Mike Horgan, Steve Harris, Del Hanson, Bruce Pollard, Debbie Grose, Ken Zeier, Susannah Reinhardt, Sue Vannucci

ALSO PRESENT: Contract Engineer Nick Ponticello and Contract Planner Heidi Tschudin



COUNCIL MINUTES

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by unanimous vote, Council approved the amended minutes of the Special Council meeting of October 30, 2001 as presented.

COMMUNICATIONS - WRITTEN

Council received a request from the Department of Alcoholic Beverage Control to amend a license held by La Finca at 534 Bush Street, a new off-sale licensee for Main Street Market at 2000 East Main Street, Suite G and a new off-sale license for Safeway, Inc., at West Main Street and Ashley Avenue.

COMMITTEE REPORTS

Council received a report from Library Services Director Marie Bryan transmitting the minutes of the Library Board of Trustees meeting of November 19, 2001.

Council received a report from Community Development Director Steve Harris transmitting the summary of Planning Commission actions taken at their meeting of November 29, 2001 as follows:

- a. held a joint study session with the Tree Commission to discuss the Tree Ordinance, standards for Tree Plans, Landscaping Ordinance Update and tree replacement requirements.

Council received a report from Public Works Director Gary Wegener transmitting the minutes of the Traffic Safety Commission meeting of December 3, 2001.

Council received a report from Director Harris transmitting the summary of Planning Commission actions taken at their meeting of December 6, 2001 as follows:

- a. conditionally approved modification of a previously approved Use Permit to allow the building at 1580 Case Place to be used as a church.
- b. recommended to Council that the entryway sign located at County Road 98 and West Main Street be modified to allow identification for Westgate Center and Raley's Superstore.



- c. held a discussion of the parking lot at the Northwest corner of College and Court Street.

PUBLIC COMMENT

Carole Savory provided Council with materials on apartment rents and Section 8. She contacted the complexes in Woodland to receive the most recent rents. She said rents in Davis are going up by 3% to 12%. She requested that Council do something to assist.

Leslie Marcus advised Council that the case against the City and the Wayfarer Center has been dismissed.

Public Works Director Wegener said the Streets Division of the Public Works Department won the competition for the canned food drive by donating the most weight in food. The City also received the second place award for our float in the Christmas Parade.

COUNCIL STATEMENTS AND REQUESTS

Council Member Peart reported on the Sacramento-Yolo Mosquito and Vector Control District Board meeting and their efforts regarding pest control has lessened the problem in our area. There is a local office of the District.

Vice Mayor Flory said there is a Heritage Oak Tree on the CalTrans property at Cottonwood and West Main. He would like to have staff investigate when the property will go to auction and determine whether a land swap or credit with the Spring Lake Specific Plan project could be effected to preserve this tree. The corner of Sixth and Main Street also has a Heritage Oak Tree and he would like to preserve that one as well. Council Member Peart understands the property auction is in February, 2002. He also stated there were some toxic concerns on the property. Vice Mayor Flory stated he may contact CalTrans directly. It was Council consensus to pursue the options for preservation.

Council Member Dote stated that Executive Director of the Transportation District, Terry Bassett, just celebrated 20 years with the District and was recognized by the Sacramento Metro Chamber of Commerce for his service. The League of California Cities Fall meeting is today and tomorrow in Sacramento. The Governor will be in attendance on Wednesday. It is understood he is not supporting transfer of the Vehicle In-Lieu tax from the State. There will be something on the ballot from the League of California Cities



in November to stabilize City revenues. They will also be asking for authority for the Board to partner with public safety and emergency services groups around the State who are looking at a ½ cent State-wide sales tax. She attended the Yolo-Solano Air Quality Management District meeting but could not vote as she is not an alternate. There were some very significant issues of which the City should have participated and there is an item on this Agenda to consider appointing another alternate.

Mayor Borchard read into the record the Council rebuttal to the Argument Against Measure G, extension of the sales tax to not-later-than June 30, 2012, as follows:

"Measure G protects our community, our homes, businesses, land, jobs, families and our future.

The need for flood protection is real. More than 1/3 of our community, including numerous schools, health care and emergency response facilities, homes and industries, are threatened by floodwaters.

Those against Measure G say it is unnecessary. Without this flood protection, families and businesses will have to buy flood insurance. A flood insurance policy does not stop floodwaters, only flood protection will. And that is what Measure G provides.

Those against Measure G claim the current ½ cent sales tax is being mismanaged. Wrong again! That sales tax was approved by Woodland voters to repair roads, and for a new Police station, Senior/Community Center and soccer fields. Street repair projects are everywhere, the Police station construction and new soccer fields will break ground this year, and site selection for the new Senior/Community Center is well underway.

Those against Measure G feel this vote is premature. Both State and Federal budget climates are austere; the best way to ensure Woodland will receive State and Federal support amounting to 85 percent of the cost of the project, is to have our local portion funded. We need this local money to receive State and Federal funding.

Those against Measure G insist the proposed flood protection is politically motivated. This argument makes no sense. The measure will fund our cost-share of the best flood protection measure; it preserves our options.

Yes on Measure G is 'Good for Woodland'

Signed by all Council Members."



City Manager Kirkwood suggested to Council that the following items be heard by Council prior to the Public Hearing on the Spring Lake Specific Plan:

APPROVE RESOLUTION IN OPPOSITION TO ASSEMBLY BILL 680

SET A DATE TO SELECT THE 2002 COMMUNITY SERVICES AWARD NOMINATING COMMITTEE

APPROVE ORDINANCE EXTENDING MAILED NOTICES TO 1000 FEET

It was Council concurrence to so move the two Regular Calendar and one Ordinance item prior to the Public Hearing.

Community Development Director Steve Harris introduced Wendy Ross, the new Redevelopment Manager for the City.

PRESENTATIONS

RECOGNIZE RETIRING CITY BOARD AND COMMISSION MEMBERS

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council presented Certificates of Appreciation to Michael Radford, Sr., for his four years of service on the Commission on Aging and Michele Carotenuto for his 5 years of service on the Planning Commission. Mayor Borchard presented these Certificates to those present. Debbie Peterson of the Parks, Recreation and Community Services Commission, Cirenio Rodriguez of the Redevelopment Citizens' Advisory Committee and Mary-Claire Brewer of the Library Board of Trustees were not in attendance to receive their Certificates.

CERTIFICATE OF APPRECIATION TO BRIAN KREUSER OF WOODLAND ACCESS VISUAL ENTERPRISES

Assistant City Manager Marler stated that Brian Kreuser has been a major force in the operation and management of the public access television station. He will be leaving the area and will be greatly missed for his contributions to this program.



On a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, the Council approved a Certificate of Appreciation for Brian K. Kreuser, Executive Director of the Woodland Access Visual Enterprises, The WAVE, Channel 21. Council Member Monroe presented the Certificate to Mr. Kreuser.

CERTIFICATE OF APPRECIATION TO MS. JEAN WALKER IN RECOGNITION OF RICHARD L. WALKER

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council approved presentation of a Certificate of Appreciation to Ms. Jean Walker for her husband Richard L. Walker, for his service on the Sacramento-Yolo Mosquito and Vector Control District Board. Vice Mayor Flory presented the Certificate.

CONSENT CALENDAR

City Manager Kirkwood requested that the following item be removed from the Agenda as action has previously been taken:

SUPPORT POLICE DEPARTMENT APPLICATION FOR 2000/2001 LOCAL LAW ENFORCEMENT BLOCK GRANT

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

RECEIVE UPDATE ON COMMISSION ON AGING NOTIFICATION OF SENIOR CENTER/COMMUNITY CENTER PROJECT

AUTHORIZE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COUNTY OF YOLO FOR RECOVERY OF DELINQUENT ACCOUNTS

Mayor Borchard requested the following item be removed from the Consent Calendar:

RECEIVE RESOLUTION FROM YOLO COUNTY BOARD OF SUPERVISORS IN SUPPORT OF A REASONABLE SOLUTION TO FLOOD CONTROL FOR LOWER CACHE CREEK



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

TREASURER'S INVESTMENT REPORT FOR OCTOBER 2001

Council reviewed and accepted the Treasurer's October 2001.

PROJECT PROGRAMMING SUMMARY SHEET FOR SLURRY SEAL PROJECTS SCHEDULED FOR SUMMER 2002, PROJECT 01-26

Council approved the Project Programming Summary Sheet for Project No. 01-26, 2002 Measure H Road Slurry Seal Project and authorized \$162,000 to be added to the Capital Budget for this fiscal year.

STATE DEPARTMENT OF WATER RESOURCES - DUNNIGAN WATER DISTRICT'S A. B. 303 GRANT APPLICATION SUPPORT

Council authorized the City Manager to send a letter to the State Department of Water Resources supporting the Dunnigan Water District's A. B. 303 Grant Application.

MAIN STREET TREES

Council received an update on the status of trees on Main Street that are dying of an undetermined root disease. These trees are being replaced as they are lost.

DUES INCREASE TO THE WATER RESOURCES ASSOCIATION OF YOLO COUNTY

Council approved an increase of \$12,011 in the City's current fiscal year funding contribution to the Water Resources Association of Yolo County and committed to a similar increase for the following year.



ALTERNATE TO THE SACRAMENTO-YOLO MOSQUITO AND VECTOR CONTROL DISTRICT BOARD

No discussion was held on this item.

PROFESSIONAL SERVICES CONTRACT WITH DAN THEOBALD TO CARRY OUT A LIBRARY SERVICES AND TECHNOLOGY ACT-FUNDED PROJECT ENTITLED "SHOP FOR THE LIBRARY"

Council approved the Library entering into a Contract for Professional Services with Dan Theobald to carry out a Library Services and Technology Act funded project entitled "Shop for the Library".

SECOND ALTERNATE MEMBER TO MANUFACTURED HOME FAIR PRACTICES COMMISSION

Council appointed William Tolson as an alternate member to the Manufactured Home Fair Practices Commission.

VEHICLE AUTHORIZATION NUMBER - LITERACY BUS

Council authorized the assignment of a Vehicle Authorization Number to the Literacy Bus, a grant funded program.

ADDITIONAL EXPENDITURES FOR PROJECT 96-01, KENTUCKY AVENUE/WEST STREET INTERSECTION IMPROVEMENTS

Council authorized additional expenditures in the amount of \$69,000 for a contract total of \$720,200 for Project 96-01, Kentucky Avenue and West Street intersection improvements.

WATER SUPPLY STUDIES – THIRD QUARTER UPDATE

Council received the September through November 2001 report for the current Water Supply Studies, Remote Wellfield Feasibility Study (Project No. 00-44) and Surface Water Use Study (Project 99-21).



ITEM REMOVED FROM CONSENT CALENDAR

COMMISSION ON AGING NOTIFICATION OF SENIOR CENTER/COMMUNITY CENTER PROJECT

Council Member Dote had requested clarification of the notification process on progress of the Senior/Community Center Project to members of the Commission on Aging. She thanked Parks, Recreation and Community Services Director Henry Agonia for providing that information to the Commission.

AGREEMENT WITH COUNTY OF YOLO FOR RECOVERY OF DELINQUENT ACCOUNTS

Council Member Dote asked Assistant Finance Director Debbie Grose asked about 880 service fees and if they are included in the contract. Assistant Director Grose said they would be in addition but they would not be a cost to the City. When we turn over an account for collection the County would impose a \$10 fee in addition to the value of the account at that time. They do have overhead fees and when we turn over the account they add a fee on top of the balance to cover.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by unanimous vote, the Council authorized the Mayor to execute an Agreement between the City of Woodland and the County of Yolo for recovery of delinquent accounts.

RESOLUTION FROM YOLO COUNTY BOARD OF SUPERVISORS IN SUPPORT OF A REASONABLE SOLUTION TO FLOOD CONTROL FOR LOWER CACHE CREEK

Mayor Borchard summarized the "Resolution of the Yolo County Board of Supervisors Supporting a Reasonable Solution to Flood Control for Lower Cache Creek". This Resolution indicates the County Board has selected the Floodwall and Setback Levees as the two alternatives for evaluation and strongly supports the City in our efforts to achieve a reasonable flood control solution and revenues to fulfill local cost share requirements. He thanked the Members of the Board of Supervisors for offering their support on this issue.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council directed the City Manager to



extend a letter of thank you for the Resolution of Support for the Flood Control on the Lower Cache Creek to the Yolo County Board of Supervisors.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

RESOLUTION 4329 - OPPOSITION TO ASSEMBLY BILL 680

City Manager Kirkwood stated that in the adoption of Resolution 4264 last February, the Council indicated the goal for the City is to seek fiscal reform for Cities. Information provided to Council at their December 4, 2001 meeting outlined in depth those areas where the City has experienced a "hemorrhaging" of funding including, economic slowdown, State budget crisis, A. B. 680, loss of Educational Revenue Augmentation Funds (ERAF) and potential loss of Motor Vehicle In-Lieu Fees. A. B. 680 alone could impact the City services by as much as a \$1.2 million loss by shifting the sales tax. Council had previously approved a letter to Assembly Member Steinberg, the author of A. B. 680 as it was then written. A meeting will be scheduled for January, 2002 with the City of West Sacramento to discuss the impact of this Bill. Our representatives to that 2 x 2 meeting are Mayor Borchard and Council Member Monroe. Vice Mayor Flory said that he represents all of the Cities in Yolo County on the Sacramento Area Council of Governments. He said votes on this group include the Cities of Lincoln, Rocklin, Roseville, the Cities of Yolo County, West Sacramento, Elk Grove, Citrus Heights, Yuba City, Marysville and Sacramento and the Counties of Yolo, Sutter, Sacramento, Placer, El Dorado and Yuba. They are well aware of the affect on City budgets and how it will take away local control. The SACOG Board has a weighted vote and all Cities but Citrus Heights and the Counties of Yolo and Sacramento are opposed. There was still no majority so the weighted vote and the opposition did not have a majority. The support of the Bill also fell and there have been no compromises. He recommends opposing in its present amended form as well. Council Member Peart asked about the vote. Yolo County voted not to oppose the legislation. When it came to a vote to approve it, Yolo County abstained. Yolo County would pick up the money the City of Woodland would loose. Vice Mayor Flory recommends sending the Resolution to the Board asking their position. Council Member Dote said this bill is generating a great deal of divisiveness. She also suggested sending the Resolution to the Chair of Board of SACOG and the Executive Director of SACOG.



City Manager Kirkwood said the Resolution identifies the needs of the Cities as: preservation of local control, constitutional protection of local resources, elimination of unfunded mandates, predictable and discretionary funding, revenue stability, connection between service costs and revenues to promote balanced planning.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by unanimous vote, the Council adopted Resolution 4329 opposing Assembly Bill 680, Steinberg, as currently amended.

SET DATE TO APPOINT 2002 COMMUNITY SERVICES AWARD NOMINATING COMMITTEE

Assistant City Manager Marler said annually the City presents Community Service Awards to those citizens nominated who meet the criteria of long standing service to the community in leadership, selfless service, completing assignment and projects and interest in varied activities. In early January, the Council appoints a Nominating Committee and it is suggested this activity take place at the January 9, 2002 meeting.

Council Member Peart stated former Mayor and Council Member Harry Walker has asked the Council to present an Award for Youth Leadership. Mayor Borchard feels this quality is encompassed in the Community Service Award.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, Council set January 9, 2002 as the date to select a 2002 Community Service Award Nominating Committee.

ORDINANCE

ORDINANCE 1339 EXTENDING MAILED NOTICES TO 1000 FEET

City Attorney Siprelle summarized the history of this request to change the notification radius from 300 to 1,000 feet.

On a motion by Council Member Monroe, seconded by Council Member Peart and carried by roll call vote as follows, the Council adopted Ordinance No. 1339 amending Sections 21-62-2, 25-27-20, 25-28-20, and 25-29-10 relating to mailing of notice of proposed land use decisions to owners of properties located within 1,000 feet of the subject property.



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

NOES: None

ABSENT: None

ABSTAIN: None

Council recessed from 8:25 to 8:45.

PUBLIC HEARINGS

RESOLUTION 4330 AND FINAL HEARING FOR SPRING LAKE SPECIFIC PLAN

City Manager Kirkwood said the overview would be presented by Community Development Director Harris. He outlined the Agenda for this Hearing and the processes before Council for consideration.

Director Harris said the City is continuing to encourage the participation by the community in this project. There have been several hearings and workshops. The area for proposed development will attract the families the City needs to grow. Development must be fiscally neutral for the City. This application was originally submitted in 1998 and there have been many changes in the plan and many studies on the feasibility.

The Statement of Overriding Considerations in the Staff Report identifies the following main conclusions: the Plan is within the new growth area decided by Council and ratified by the voters in the 1996 update of the General Plan; the Plan is consistent with the General Plan in all respects, land use, density, neo-traditional design, neighborhood orientation and provision of services; the Plan is environmentally superior to Plans A and B and incorporates over 50% of the mitigation measures identified in the EIR into the Plan text; it reflects a successful balancing of competing community goals which include (a) large amounts of parkland with connecting greenbelts and trails, (b) greener and calmer streets, (c) housing of all types, sizes and densities, (d) affordable housing, (e) estate housing, (f) traditional neighborhood design, (g) land preservation for impact to agriculture and habitat. The Plan reflects a consensus process in which the community has had extensive opportunity to participate. Lastly, the Plan is fiscally feasible and fiscally neutral.



Mayor Borchard asked if the indemnification had been received. City Attorney Siprelle said the Council had informed the Developer that prior to approval of the project there was need for an Indemnification Agreement to provide a defense and pay for the City's legal costs in the event the project is approved and is challenged in Court. There has been agreement on the form but a signed Indemnification Agreement has not yet been received. Council could proceed with the Hearing without the Indemnification Agreement, postpone the Hearing, reject the project, or recess temporarily to execute the Agreement prior to proceeding.

Vice Mayor Flory would like the Indemnification prior to moving ahead. He said we could go through the process this evening, recess, have the papers signed and then reconvene. Council Member Peart said the applicant has known about this for a long time and he is unwilling to proceed without the indemnification in place. Council Member Monroe said we should hold the citizen input portion of the meeting but prior to taking action on the item, require the indemnification to be signed. Council Member Dote feels this is a matter of timing. If the indemnification is not done, then Council could choose not to vote on the Plan. Mayor Borchard he would like to hear the comments.

Contract Planner Tschudin reviewed the changes from the June 2001 Draft Plan. She also summarized all of the documents pertinent to the final decision process. The basis of the presentation is the June 2001 Spring Lake Specific Plan that includes edits approved by Council on July 24, 2001. There are also included the bound final approval package with the Council Communication, Resolution for Approval, Findings of Fact required under CEQA, Statement of Override addressing those environmental impacts which will not be fully mitigated, a CEQA addendum which includes the updated traffic and circulation analysis to ensure the Environmental Impact Report is still satisfactory, CEQA required Mitigation Monitoring Plan, additional edits to the Spring Lake Plan in reference to actions taken since the June document was released. The items in the final plan document beginning on page 468 are those that outline the changes made, which Council has previously approved. Maps and letters are also included for review. The Fiscal Impact, Phasing Feasibility Study and Financial Feasibility Study and Fire Department Requirements are included as well. Every impact discussed has been addressed in the documents. The Plan still requires logical growth and contiguity even though the phase line and sequencing have been eliminated for financial feasibility reasons. The additional change is in relation to the unit allocation program. This would be a system for allocating building permits for single family residences that would keep the 1.7% averaged annualized growth cap desired by the City. The action would be to adopt a concept utilized to implement the plan and direct preparation of an



Ordinance to implement the procedures and methods. The proposed adoption steps would be: negotiation of the first development agreement to maintain fiscal neutrality by the City, annexation must occur, a capital improvement plan must be adopted, infrastructure plans, design standards, affordable housing plan, master illustrative site plan, unit allocation program Ordinance, and agricultural land mitigation program. Once in place, these things will be needed: development agreement, biological resources survey clearing the site, traffic and circulation analysis, noise assessment, cultural resources survey, Phase I hazardous waste assessment, transit service study, and a drainage analysis. There are other financial agreements required as well.

The City requires all new development pay its fair share of the cost for new or upgraded public services, as well as, a fiscal impact analysis for all specific plans or significant General Plan land use amendments. Specifics addressing these issues are in the General Plan under items 4.B.1 and 4.B.3.

Council Member Monroe said page 9 of the Staff Report indicates the plan is financially feasible and fiscally neutral. If that statement is correct, we can then move forward. Planner Tschudin said they would have to demonstrate the methods to make it fiscally neutral.

Vice Mayor Flory asked if the City approved would the Plan then become the City Plan without an indemnification and it was indicated it would be the City Plan.

Finance Director Vicars the fiscal analysis report directs the maintenance and operations and must generate enough revenue with the plan to cover that cost. At build-out, the plan will be \$908,000 in the deficit for that year. The City-wide fiscal impact study states that new development must generate significant public benefit, i.e. primarily low-income housing wage earner benefit, and when alternative sources of revenue can be generated to offset foregone revenues, it is then fiscally sound. It looks at where the General Plan is as of 2001 and asks if goals set forth for development forecasting have been met and what it does to the deficit at Spring Lake. In light of that information, the deficit is expected to fall between \$200,000 to \$900,000. The studies take the 2001-02 budget and project from there. We must look at how much of that City-wide revenue is being supported and related to Spring Lake development, if any, and how it affects that deficit.

This plan is still based on the rules in place last year. She cautioned the Council on the uncertainty of the figures. On the City-wide figures, these are conservative numbers and we must take into account our Levels of Service (LOS)



and how this Plan will affect LOS. Other plans that will come before the Council are the Yolo County fiscal plan and Yolo County new development plan.

Mayor Borchard asked if we sign an agreement, we do not yet know if a development agreement will come and take care of the deficit. Director Vicars said we do not go forward until it does. It all must go to Local Agency Formation Commission (LAFCO) first.

Council Member Peart said we must go through annexation and negotiate a share to the County. He asked what we get on tax dollars now. She said in new annexations, we get 12 cent to 13 cents per dollar. The County gets 11 cents and schools get the rest. There is an overriding agreement between the City and the County since 1988 and the fiscal studies are based on the terms included in that agreement, which is equal shares, but we still negotiate. Council Member Monroe said the \$900,000 just includes the plan at build out, and the City-wide analysis takes into consideration the increased sales tax for those who move here. Director Vicars said the \$200,000 is not a conservative number but the base we use for the study is well below the plan and is affected by the economy. City Manager Kirkwood said there are two different plans, the financing feasibility that dealt with the 517 acres and the ability of those properties to cover the cost of the infrastructure. The other issue focuses on the development agreement in that the shortfall will be somewhere between negative \$200,000 and negative \$900,000 at build out. The specific plan must be consistent with the General Plan. Our City has not yet achieved the LOS identified in the General Plan. The applicant wanted to see what the cost would be at the current LOS, not the General Plan. In the current level approach, it is built in that all property owners will pay for goods and services which will capture 70% built into current services plan.

City Manager Kirkwood said the other concern is the City's current ability to service a debt of \$100 million. At some point we will need to go out for general obligation bonds and these new home buyers will not likely be willing to add to their debt by supporting these bonds. Council Member Dote said the General Plan and the current LOS are very different and perhaps the General Plan levels are unrealistic. She asked what the LOS is in a comparison of A through E. Chief Hanson said the City bases our LOS on the West Coast Average of 1.5 Officers per thousand citizens, but it varies from region to region and City to City. There are many variables to consider when computing the LOS.

Chief Hanson said the community has grown 25%-27% but the calls are up 35%. The Southeast Area should have funded 11 additional officers.



Eighteen percent of his budget will be in the area at build out. Vice Mayor Flory said they want to maintain the LOS and fiscal feasibility. He asked if the City could consider having some of the commercial land deeded over to the City as a revenue generator. City Manager Kirkwood said we would look at this type of thing when we get into the development agreement. At build out, this area will represent about 20% of the population of the City. Using that number will assist us in measuring the current LOS in relation to those in the General Plan. Council Member Monroe said with the 11 positions from the Southeast Area we did not realize, are we presently at 1.5 officers per 1,000 and Chief Hanson said that the City is below that figure at 1.27 to 1.3. They received eight grant positions since the financial analysis was developed for the Southeast Area. They are policing that area with the resources prior to the build-out. Council Member Monroe asked if we will have the Spring Lake Plan make up the difference and the City Manager said that is not the plan. City Manager Kirkwood said the current LOS assumes an average and the difference is then between the \$200,000 and \$900,000.

Contract Engineer Ponticello gave a status on the infrastructure issues in areas of phasing, sewer, drainage, water and the capital improvement plan. Public Works had expressed concern in regard to removal of phasing as it relates to the orderly implementation of backbone infrastructure. Since that time, Public Works has worked with the applicant and feels the proposal is adequate with the caveat that elimination of phasing will not impact the initial development along County Road 102. Subsequent development of non-contiguous properties may require condemnation action to extend backbone infrastructure. They are working with a consultant in discussions regarding forced main versus gravity fed. On storm drainage, the detention area that had been identified is a viable location. A biological analysis is being performed by Turn of the Century on the Brauner and Barton properties, which is East of Road 102. The Regional Park and the Waste Water site are under study for this purpose as well. There are no major issues with water.

Capital Improvement Plan, (CIP), preliminary cost estimates have been completed. They will be completed after the SLSP approval and prior to approval of any Tentative Maps.

Council Member Peart asked if two of the retention areas for storm/sewer are on City property. Engineer Ponticello said the Regional Park site and the Waste Water site, which is currently under lease with Pacific Coast Producers (formerly with Contadina) are both City property. Engineer Ponticello said there is current not an option on the Barton/Brauner property. Mr. Barton has been



cooperative in allowing the biological assessment to proceed on his property. They holding discussions with the owner.

Mayor Borchard said that a forced main versus gravity fed is yet to be determined. Engineer Ponticello said it has not had a review as yet and is not ready for discussion. Planner Tschudin said it would be addressed at a later time when the technical information is reviewed. The first route would be the forced main but it will be discussed further should that not be feasible with cost factors. The development agreements that come forward may have than item included. Engineer Ponticello said the major cost factor in the difference between the two would be a factor on feasibility.

City Attorney Siprelle said if approved and someone brings a legal challenge it would be based on: compliance with CEQA, determination whether all procedures of law had been followed, Planning Commission approval and whether it is consistent with the General Plan. The approval package documents all of the facets and that the City has followed all procedures. There is substantial evidence that all procedures and policies have been followed and it appears to be defensible. The other issue is that of eminent domain. In the resolution of approval, in discussion of the development agreement indicates that each agreement will require the developer to make best efforts to acquire the necessary property for required offsite improvements. If best efforts are made and the developer is unable to acquire the property, the subdivision map act section becomes effective. This provides that if public improvements are required and the developer cannot acquire, the City can waive the condition to construct the public improvements or more likely, can commence eminent domain and the developer can be required to pay all associated costs with the process.

Planner Tschudin summarized the recommended actions, items 1 through 6, changes 1 through 15 as identified in the document dated December 18, 2001, adding a task to item #3 of the December 18th document. Items 4 through 6 give direction to Staff. Council Member Peart asked if on the preparation of the Spring Lake Allocation Ordinance was the City working with the applicant on allocation. Planner Tschudin said the applicant has submitted to the City documents that indicate how they believe the unit allocation should occur and the City has not had the opportunity to look at them in great detail but have identified some inconsistencies in their preliminary first review. She recommends further review and return with that aspect. Council Member Monroe asked if all 15 items are recommended for adoption and Planner Tschudin indicated they were.



At 10:14, it was moved by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote to extend the Council meeting until 11:30.

Mayor Borchard opened the Public Hearing at 10:15 p.m.

Tom Lumbrazo of Turn of the Century, gave a history of the project's beginnings. Since inception there have been 50 City Council and Planning Commission meetings to consider the project. From August 2001 to present, 19 meetings have been held. They feel the Plan is high quality and includes innovations that have not been seen in this City before. There will be a new direct sewer trunk line. The project will provide general and affordable housing to assist the City to attract business and provide revenue enhancements. It will be pedestrian and bike friendly. Parks at five acres are twice the size of existing parks within the City. A one-to-one mitigation for agricultural land is the highest in the region. There is a higher response time for the new Fire Station and it will be in place by 2007. The \$2.2 spent thus far to study the feasibility has not been borne by the City. There are 163 acres of conservation easements that have been secured. They want local builders to be a large part of this project with a neo-traditional style. The unit allocation ordinance and its composition are of concern. They would like clarification of the ordinance processing. They would like it sent back to Council for direct processing. They have worked with the staff and the City Attorney on processes for the indemnification through an LLC which has been formed. They agree to sign the indemnification at the break.

Catherine Portman asked about the ratio of officers in the Southeast area and Chief Hanson clarified the fiscal analysis identified \$969,000 to fund 11 sworn officers and 4 non-sworn. Those positions went away with the ERAF. She asked if there were studies undertaken on the increased risk of injury to officers. Chief Hanson said we are at 1.24 and if there are not enough officers, they wait to respond and do not take unnecessary risks. She said we are inviting people to move to the City and are raising taxes to offset the deficit within \$200,000 to \$900,000. These people will not be able to afford to shop here, we will be taking away unwilling seller's property to put in infrastructure and offering less Police. She said there will 939 acres of prime Swainson's Hawk foraging habitat lost with this project. This is the highest density of these Hawks in the State. In setting aside land elsewhere in the County to cover this loss of habitat, it should be within a ¼ mile radius of the property and encouraged setting aside the land



South of 25A to meet this need. She distributed materials to Council outlining in detail her concerns and statements made.

Francisco Rodriguez, Executive Dean of the Woodland Community College, indicated the Yuba Community College District support of this project. They would propose utilizing their capital asset of land in return for future credits that could be utilized to address future hook-up fees for City services to support development of facilities on site. There has been agreement with the City in a document entitled the "Outline for Terms for Agreement with the City of Woodland Regarding the College Participation in the Spring Lake Specific Plan". The Plan will allow the College to defray or mitigate most of the costs associated with the infrastructure to allow construction of future academic facilities. Agreement has been reached in many of the areas, but of significant concern is that of the gap between the value of the land, 9 acres along the Southern border, and what it will cost to build out in the future. It is important to continue discussions. He asked that Staff work with them directly, answer the negotiations with the College and Developer within the purview of the Development Agreement and return with recommendations to the Council. The College has provided comments and a proposed agreement for Council consideration.

Rex Dufour said the community had involvement in the plan and the applicant changed the plan, which means the citizens have not been involved in the change process. The initial plan started at 10 acres of parkland per 1,000 people and dropped to 5 acres per 1,000 people. The Developer was to pay for this 100%. Now the City is accepting 1/5 of those costs with a potential \$900,000 deficit. He asked if the question has been before the Council on this project regarding the effect of the Library service needs, schools and the taxpayers are paying for the construction costs for these services. This kind of growth is not a money maker.

Erika Gallo stated she is new to the City and presented her concerns about the negative aspects of the plan. There are many changes throughout the plan from the original which are unclear. The changes in the landscaping plan will make the development a "cookie cutter" plan. The Swainson's Hawk habitat loss is unacceptable and infeasible. The increase in citizens will have a negative impact on the water supply and legislation mandates that an adequate water supply be guaranteed. She also feels it is vital to have a dog park in the new area.

Jim Staker the applicant has presented a fractured proposal because the property owners have not all agreed to the development. We will have



inadequate "backbone". There would not be adequate streets in place for safety services to respond to the Southeast corner without eminent domain along the property that would be the junior high school. There are gaps North/South and East/West across the development. The unit allocation formula to reach 1.7% growth factor, initially goes to only one landowner. There is a likelihood this 1.7% will be concentrated in the Turn of the Century property in the Southeast corner. There is also a concern about eminent domain in the drainage overflow needs as that has not been secured by the applicant as yet. The City is basing our decisions on possible outcomes which have not yet been secured.

Ira Carter, Interim Associate Superintendent for Business Services for the Woodland Joint Unified School District, stated the District has no specific objections in regard to the plan. They have not yet been able to coordinate the mitigation agreement with the Developer. He thanked the Staff for working with the District on site designation.

Bryce Birkman, Executive Director of the Woodland Economic Renaissance Corporation and a representative of the Chamber of Commerce, stated he conducted a Business Retention Survey that identified weaknesses and strengths in the City. Sixty-two percent of the responders indicated their businesses are improving. Ninety percent have more employees than three years ago. Strength, we are a growing City. Weaknesses, insufficient housing and no professional staff in the area due to lack of housing.

Nancy Conk, Executive Director of Community Housing Opportunities Commission, supports the plan and affordable housing that is a part of the plan. Elimination of the phasing and allocation are her concerns in that when affordable housing is not built early in the process, there can be pressure to reduce or impose conditions which make it more difficult to develop later. She urged Council to monitor the development of the multi-family housing. The Plan does include provision for land dedications.

Don Sharp, Realtor, said the current inventory of available housing for sale is at 94, average sale price at \$270,800, with the average home price in Davis at \$477,000. They have seen this increase in higher price and custom homes. The lack of housing creates a greater demand. Value has increased 50% to 60% in the last 24 months. Less rentals are available because they are purchased by those who need a place to live. Housing is very important to our economic development.

Pat Monley, co-owner of Monley Cronin Construction, presented a picture of the type of homes he wishes to build in the new development. In the last



year he has built 20 homes, 18 of which were in Davis, 2 in Woodland. He is a part of an organization called the Home Town Builder's Group and has been working with Turn of the Century on the project. They are excited about the possibility of custom homes in the area. He cited the Beamer Park area as the type of homes they want to construct.

Jean Jackman, Chairperson of the Sierra Club/Yolano Group, presented several articles and a lengthy letter to the Council. She asked the City not to approve the "gutted" version of the Plan. She said the paper stated the Public Works Director Wegener, Community Development Director Harris and the Planning Commission were not in favor of the plan in the present form. Many parts of the plan have been altered significantly. Many of the previous statements of adequacy and fiscal neutrality are indicated in the plan as exactly the opposite. They believe the EIR is inadequate. She read her entire handout.

Leslie Marcus is very supportive of the affordable housing elements. Affordable housing should be part of the early aspects of the development. There is a conception of single family residential home owners that space not yet developed is to be open space and they become concerned when they learn at a later time it will actually be multi-family residential units.

John Gianola of Legal Services and Yolo County Partnership for Housing, is in support of the plan. Compromises had to be made to meet all of the needs. He indicated he had submitted comments to the Council prior to the meeting for their information. The plan does identify those affordable housing needs, as well as, the need for upper end executive estates. The multi-family and affordable housing is to be exempt from the unit allocations. However, there has been some leapfrogging over some land that may cause the gaps and generate concerns in relation to the multi-family unit construction timeframe. He encouraged the City to be vigilant in encouraging the phasing of these units at the early stages of the project. Some of the affordable obligation should be done via land dedication.

Colette Stewart agrees the plan is fractured and the land owners are not all in agreement. Affordable housing was to be built in Phase I but they have now been pushed out. Pioneer Avenue is only going to be put in from the High School, North. The heart of the plan will wait many years to be put in place.

Dave Taormino said the process began in 1997 with a plan for the entire Specific Plan area regardless of when any particular property would develop. Many land owners had indicated they were not in a hurry or would not develop. The City had been promised the infrastructure would meet the City's needs and



the indemnification has been held off until it is known what will be done. Condemnation will not include a lot of land, but does included 4½ acres along Farmers Central Ditch. No one has indicated they will not grant an easement. There have been no property owners indicating they will not participate. There has been input and comments in all facets of the process. The language indicates the ordinance will be drafted in substantial conformance with the fundamental principles unless it is not feasible or inappropriate.

Dudley Holman said there was a great deal of citizen input. There have been many changes and disregard for the citizen effort. We are now faced with leap frog development and we are concerned about how it will work. The developer has property at the edge of the development. There is a fiscal shortfall of which he is very concerned for the future.

Mayor Borchard closed the Public Hearing at 11:31.

Vice Mayor Flory said there are some issues can be addressed at a later time, such as commercial signage. Planner Tschudin said the only signage would be the landmark feature. The other signage refers to the zoning code. This would be on public properties, such as the school having a feature with the name of the school on it. She said this could be addressed later through design review. Mayor Borchard asked if the dog park is and Director Agonia said the Dog Park was one of the elements in one of the parks.

Council Member Dote said she would like language in the plan to state that multi and affordable housing would keep pace with the market. Planner Tschudin said there is language that states multi-family units are required to keep pace with the construction of single family units to the extent feasible. Mayor Borchard asked for clarification on drainage flows and capacity of storing flows. Planner Tschudin said there are a number of properties under consideration at present that could be utilized. It is dependent upon what property is decided upon and what possible mitigation is needed to make it the most feasible prior to making a determination if eminent domain is needed. Council Member Dote asked about the water supply and Director Wegener said one of the studies was an assessment of the groundwater basin. There is adequate quantity available but we still must address any possible quality issues. We do meet State standards but may want to upgrade the quality.

Council Member Monroe asked about the extension of Pioneer and it was stated it will be brought down to connect to Farmers Central due to City



concerns. Engineer Ponticello said there is currently no indication the property owners along Farmers Central, Southern portion would be willing to sell at this time. One half of the Pioneer Avenue extension Southward is on the future middle school site. There have been no discussions with the School District on acquiring that early in the process. The other portion is owned by Heidrick.

At 11:40, it was moved by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote to extend the Council meeting until 12:30.

Planner Tschudin said the Spring Lake Specific Plan would bear the complete cost of the parks. Council Member Peart said the quality of this project is very high and there are elements included we have not yet experienced in Woodland. The four land owners will be bearing the cost, but they are not together in the project. He is not in favor of eminent domain.

Vice Mayor Flory said there was a question that should the Turn of the Century group choose not to move forward, it could be a City plan. If the State would return the money taken we would return the \$1.4 million they have taken from the City over the last ten years, there would be no concern regarding the level of service. The property owners will most likely choose to participate at some point.

Council Member Monroe said staff is recommending approval, the City Attorney indicated the Plan meets the General Plan obligations, it is a good plan but he feels it needs to be financially feasible. Public safety is a priority. The indemnification agreement must be signed. Contiguousness is a concern and not following infrastructure is a problem. He does not like eminent domain unless it is a last resort. The property owners will participate and they are waiting for the right price. The request for the unit allocation ordinance to go directly to the City Council is not a problem.

Council Member Dote feels the points about affordable housing are good ones to consider. The Planning Commission Plan was not financially feasible so many changes had to be made. She feels the Plan will fill in the gaps. It must be fiscally neutral and the allocation agreement can come directly to the Council.

Mayor Borchard said the Council took action at the last meeting on this plan and he had a problem with elimination of the phasing, reducing the neighborhood sequencing from 90% to 60% and he still has a strong concern



with these two items. He feels it is too risky because the necessary landowners are not involved and does not feel comfortable agreeing to this Plan at this time. Council Member Peart would like to wait to move forward until all of the landowners are a part of the project.

Planner Tschudin said mitigation of the habitat should be within ¼ mile of Willow Slough. The City would be a party to the location of the mitigation but it is under the control of the Department of Fish and Game. There has been discussions about targeting the Willow Slough area for habitat mitigation, but the responsible agencies will actually direct where the habitat will be located. The statement about the inadequacy of the EIR addressing primarily at the TOC property would not be good planning. As each property comes on board, project specific traffic analysis must be undertaken. The phase line along Parkway was eliminated. Prior to going South, each Northerly neighborhood had to be developed out 90%. That has not been reduced to 60%, it has been eliminated, as without the phase line, there is no target point. A requirement has been set that within each neighborhood, the park will be completed at 60% build out. Council Member Dote said the phase line was in place as an intended growth control issue. With the unit allocation system, that issue should be addressed. Planner Tschudin said the growth is addressed in an alternate manner. It is restricted based on the overall rate, but not necessarily where it is geographically. The Plan still has a requirement for contiguous growth in that any given property within the Specific Plan Area must be either contiguous to existing growth or to subsequent new growth. TOC could still develop at the same time as CalWest Seeds because both own property that is contiguous to existing development.

City Attorney Siprelle said the indemnification agreement had been signed.

Planner Tschudin clarified that it be clear that actions two and three have the additional changes added to them. Also there was concern about the unit allocation ordinance coming directly to the Council and, therefore, on the "changes" document, item number 1, the first bullet, she suggested language be added, "direct the ordinance come back directly to the City Council".

On motion by Council Member Monroe, seconded by Council Member Dote and carried by roll call vote as follows, the Council took the following action: approved the recommendations per the Staff Recommendation including the changes to the December 18, 2001 Specific Plan approval package 1 through 15



on item number 1, the addition of the specific plan allocation ordinance comes directly back to the City Council: Those actions included the following six actions:

1. Accepted the following reports:
 - November 16, 2001 Spring Lake Specific Plan Fiscal Impact Study
 - September 20, 2001 Spring Lake Specific Plan Phasing Feasibility Analysis
 - June 12, 2001 Spring Lake Spring Lake Specific Plan Financial Feasibility Analysis
 - November 9, 2000 Review of Fire Department Requirements, Spring Lake Specific Plan
2. Adopted Resolution 4330 making Findings of Fact, issuing a Statement of Overriding Considerations, adopting a CEQA Addendum, adopting a Mitigation Monitoring Plan, making a determination of General Plan consistency and approving the Spring Lake Specific Plan, (June 2001 as amended) with the final edits.
3. Authorized the following tasks:
 - Application to LAFCO for amendment of the Sphere of Influence, annexation and pre-zoning.
 - Establishment of financing mechanisms, including mechanisms for addressing the projected fiscal deficit.
 - Negotiation of Development Agreements, including mechanisms for addressing the projected fiscal deficit.
 - Amendment of the Major Projects Financing Plan and various infrastructure master plans to be consistent with the Spring Lake Specific Plan as adopted.
 - Amendment of the Zoning Ordinance, Subdivision Ordinance, and Affordable Housing Ordinance to refer to the authority of the Specific Planning areas where the Plan contains different standards or procedures.
4. Directed staff to immediately file a Notice of Determination documenting the Council's Actions.
5. Directed staff to immediately prepare and make publicly available the final adopted version of the Spring Lake Specific Plan.



6. Directed staff to immediately calculate costs due from the applicant pursuant to paragraph 3g of the Master Agreement for Advance of funds executed November 18, 1998.

On roll call the vote was as follows:

AYES: Council Members Dote, Flory, Monroe

NOES: Council Members Peart, Borchard

ABSENT: None

ABSTAIN: None

City Manager Kirkwood said there was a request this evening from Francisco Rodriguez, Director of Woodland Community College with regard to asking the City to consider the interest of the College be negotiated as a part of the Development Agreement and asked Council to comment on that matter. Planner Tschudin said her interpretation was that there was no direction at this time.

ADJOURNMENT

At 12:21 p.m., Mayor Borchard adjourned the meeting of the City Council.

Sue Vannucci, City Clerk

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