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

February 17, 2004

JOINT SPECIAL/CLOSED SESSION AGENDA SECOND FLOOR CONFERENCE ROOM

February 17, 2004

6:00 P.M.

CLOSED SESSION

At 6:02 p.m. Council held a conference with Legal Counsel regarding anticipated litigation pursuant to Section 54956.9, Subdivision (b), one case; a conference with Legal Counsel regarding anticipated litigation, initiation of litigation pursuant to Section 54956.9, Subdivision (c), one case; a conference with Real Property Negotiators pursuant to Section 54956.8, Sutter Street property, Agency Negotiator Richard Kirkwood, Negotiating Parties the City of Woodland and Sacramento Valley Organizing Community with price and terms of payment under negotiation. Present at these sessions were Mayor Flory, Vice Mayor Rexroad, Council Members Dote, Monroe and Peart (arrived at 6:15), City Manager Kirkwood, Assistant City Manager Marler, Assistant City Attorney Dennis Cota, Deputy Director of Public Works Donnelly, Redevelopment Manager Ross, Public Works Director Wegener, City Attorney Ann Siprelle, Parks Recreation and Community Services Director Gentry, and Redevelopment Agency Attorney Quinn

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT REGULAR MEETING

7:00 P.M.

CLOSED SESSION ANNOUNCEMENT

Mayor Flory announced that Council had met in Closed Session to discuss one case of anticipated litigation, one case of initiation of litigation and real property negotiations for the Sutter Street property, had received reports and provided direction to staff.



CALL TO ORDER

At 7:00 p.m., Mayor Flory called the Joint Regular Council and Redevelopment Agency Board meeting to order.

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by City Manager Kirkwood.

ROLL CALL

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

David Flory

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Ed Quinn,

Wendy Ross, Tricia Stevens, Bob Carlson, Gary Wegener, Jennifer Dzakowic, Aaron Laurel, John

Everett, Randy Madison, Sue Vannucci

OTHERS PRESENT: Contract Engineer Nick Ponticello

PUBLIC COMMENT

City Attorney Siprelle said there have been several questions the language of Measure S as placed on the ballot. On December 1, 2003 Council adopted a Resolution asking that the County Elections Department place this issue on the Agenda with the language as printed on the ballot. There have been several measures on the ballot in past years approved via Resolution for placement. There was no direction from any City staff or Council member regarding language on this Measure. There were no questions by any member of the public. The current language on the ballot does not change the substance of the Measure. There is no legal requirement for the language as submitted to be exactly that placed on the ballot. The language that is in the Ordinance itself, not the ballot language, will be what is implemented should the Measure be successful.

Michael Russow disagrees with the City Attorney's interpretation of the law. The language they had was what they wanted to say. It asks if we want to have a flood policy. It changes the meaning significantly. The City Attorney's changes the language



with legalize. Any flood plan is without merit and there are people who want to have a financial gain. He accused the City of fraud. The way it is written says the City should make a plan. The other issue relates to property rights and it is a violation for code enforcement people to come on his property. He accused Vice Mayor Rexroad of lying regarding his position on the front yard parking issue. Vice Mayor Rexroad corrected Mr. Russow regarding is accusations on this issue and indicated his possession of actual statements made to refute those accusations.

Dudley Holman indicated his displeasure of the language change on the ballot. He said those changes were more substantial than indicated by the City Attorney. No attention was called to those changes. It appears the City Attorney and staff made the changes without approval.

Tom Stallard said there was previous discussion on the County Road 102 and I-5 development in relation to Council Member Peart's participation. He still feels that Council Member Peart should not be involved in that issue.

Colette Stewart said she is part of the Yes on Measure S organization and presented a letter as a formal complaint against the language change. She said the wording is substantially different from the language submitted by the petitioners. The changes were not made known to the petitioners. There were no copies available to them on December 1, 2003 and said this is a violation of the Brown Act. She referred to the "royal we". She and her group want to know exactly who changed the language. She feels that the full Agenda and all Council materials should be posted on the City WEB page.

Howard Kelley said the flood wall is a waste of money. There has never been a flood in Woodland. The wall would not do any good and we should clean out Cache Creek. The squirrels and gophers make holes in the levee which get bigger. The changing of the language is illegal. This is not going to benefit anyone. They would have to build overpasses to go over it. They want to come on our property about our boats and that is an invasion of privacy.

Brenda Cedarblade said Vice Mayor Rexroad said he would vote on Measure G and whatever came of it and we voted on the funding and for the flood wall, both of which were defeated. The changes made are an issue of civil rights. They collected over 5,000 signatures and the City Attorney sent a letter that said what the language would be. The Council did not know about any changes and who does the City Attorney answer to. At the meeting where the language was changed, we were not allowed to comment. There was no public comment. There was nothing put on the table saying there were changes. She feels that whoever changed the language should be removed. The Council has been doing things in secret for a long time and she is going to see that it doesn't happen again.



Mayor Flory said that no members of the Council have broken the Brown Act and there have been no secret meetings on this issue. If there is some feeling that there has been some violations people should come forward and make it public so it can be addressed.

City Attorney Siprelle said former Mayor Holman had distributed a version of the initiative text. The word "encourage" was not in the guestion on the ballot. Instead, the question on the ballot reads, "shall the ordinance establishing a regional flood control project policy for the City of Woodland", etc. Compared to the initiative text, it says "it shall be the policy of the City of Woodland to encourage a regional flood control project", and the words were slightly moved to make it into the form of a question. The word "encourage" does not change the fact that the text would mandate a regional flood control project policy in the City of Woodland because it uses the words "shall be the policy" in the initiative text. The actual title of the project that the U.S. Army Corps of Engineers is studying as the Lower Cache Creek Flood Barrier was used. We used the formal term "flood barrier" and did not add the words "flood wall" because it was redundant. Section 2 of the initiative text states via existing law that the ordinance cannot be repealed or amended except by a vote of the people on all local initiatives and State initiatives. Ms. Cedarblade's statement that our office send a letter to them with the language that would go on the ballot is not correct. We provided the ballot title and summary to go on the petition which is one of the City Attorney's roles under the Election Code. It is a different section of the Election's Code than the one that requires that the initiative language is printed on the ballot shall be in the form of a question. It must say, "shall the ordinance", and then state the nature of the initiative to be adopted. It was never stated that the ballot title and summary which is 500 words or less would be the language that would be printed on the ballot.

Mayor Flory asked if is it the City's Code or the Elections Code that designates when a municipality gets a petition whose responsibility is it to make it into a question as is required by State law. City Attorney Siprelle responded that the Elections Code does not specify who has that duty. It says that a local initiative wording shall be printed on the ballot in the form of a question. The City Council's resolution as prepared included a suggested question. The County Elections Official prepares and prints the ballots and could have prepared language they thought was more appropriate. They instead took language her office prepared, put that in the Board of Supervisor's resolution, and the County Elections official copied that language onto the ballot, which is completely appropriate. The City of Woodland contracts with Best, Best and Krieger for City Attorney services. Staff member of Best, Best and Krieger are the "royal we" that prepared the resolution.

Nancy Lea said the references regarding possible Brown Act violations relate to last summer, on July 29th, the indications were clear there had been a Brown Act violation. When we had indicated our intention to circulate our petition, Vice Mayor Rexroad decided there should be a meeting to pass a resolution taking the flood wall off



the table. Up to that time Councilman Neal Peart, Councilwoman Martie Dote and Council Member Matt Rexroad were in favor of the flood wall. It was clear three members of the Council against two members of the Council. All Council Members passed the resolution without one word of public comment. There had been some illegal discussion. The Brown Act is to have the public discourse in the public presence which did not take place.

Dudley Holman asked how and why those ardent supporters of the flood wall come around to adopting the resolution. The public was not privy to those deliberations to change minds. Somehow minds were changed without any public opportunity to observe and hear those discussions.

Mayor Flory asked the City Manager to address possible Brown Act violations at some later date.

Council Member Dote said she supported Vice Mayor Rexroad's suggestion regarding the resolution because it seemed very clear that time is being wasted on something that is not going anywhere. Also evident was the understanding in the FEMA regulations of the need for support by the Board of Supervisors and the County Administrative Officers, which is not evident for any project to be built. There is no funding available for either one of those proposed projects. Funding that could become available for any flood control project will have to go through a public process and a public vote.

COUNCIL/STAFF COMMENTS AND REQUESTS

Council Member Peart advised that all citizens will be receiving in their April and May utility bills information on the West Nile Virus. It is anticipated the virus will arrive in our area this summer. He encouraged all citizens to read the materials carefully. Council Member Monroe suggested publication of this material on the City WEB site.

Council Member Monroe asked and Council concurred placing the recognition of James R. Kent-Basham's achievement as an Eagle Scout on an upcoming Agenda.

PRESENTATIONS

CERTIFICATES OF APPRECIATION-SIGN COMMITTEE MEMBERS

Community Development Director Stevens indicated the Sign Committee Members had spent a substantial amount of time revising the current Code language and making recommendations to Council for such revisions. She indicated the members should be commended for their diligence. Those present



to receive such recognition were Ed Shelley, Bill Butler, Pat Murray and Council Members Dote and Monroe. Those unable to attend were Steve Barzo, Tom Vail, Bill McCandless, Meg Faye and Candy Tutt.

PUBLIC HEARINGS

DISPOSITION AND DEVELOPMENT AGREEMENT-REDEVELOPMENT AGENCY AND SACRAMENTO VALLEY ORGANIZING COMMUNITY (SVOC) AFFORDABLE HOMES AND RELATED ACQUISITION AGREEMENT BETWEEN CITY AND AGENCY

City Manager Kirkwood advised Council and the Agency Board of the history of this project. The property of concern is that formerly considered the City of Woodland Sutter Street Corporation Yard and the Woodland Fire Training Center. Redevelopment Manager Ross said the Sacramento Valley Organizing Community (SVOC) had entered into a construction agreement with New Faze Development Inc., for the site work and construction of 36 single family units on the property. The formation of a Lighting and Landscaping District has commenced. The units will be low and moderate income units and permanent financing is available. The units will range from 1,074 square feet three bedroom, two bath units to 1,565 square feet four bedroom two and one-half bath units. Pricing for low income will range from \$187,146 to \$202,085 and moderate income from \$240,048 to \$257,898. They are working on the gap in financing at present.

Agency Attorney Quinn said the City would sell the property, which is equivalent to 29 single family lots to the Redevelopment Agency which would then be conveyed to the Developer. The Developer must have their financing in place and a Construction Agreement acceptable to Agency staff. The Agency will take Promissory Note and Deed of Trust and when the units are sold, the money would come back to the Agency to pay the City. The sales price of the land is \$706,518. Eighteen units are low and eighteen moderate income. Other than the changes in the sales price, the Development Agreement is the same as previously made available.

Council/Agency Board Member Peart asked if the developer is ready to move and Attorney Quinn said he feels they are ready and there is a good financing plan in place.

At 8:00, Mayor Flory opened the Public Hearing.



Garmon Hines said he feels this area along the railroad tracks is not a good place for homes and there is concern about the traffic. If there is a fire, those people would not be protected. This should be used for commercial property.

Mayor Flory said the traffic studies were done and comments received from Police and Fire were considered.

Jorge Jimenez indicated he works with SVOC. He thanked the City staff and Council for support of this project. They would like to break ground as soon as possible.

Bill Wilson said the traffic volume increases cannot be accommodated by Woodland Avenue. The schools in the area are already full. This area was not designed for a big housing project like this. There was petition filed and his group can get another one. Mayor Flory said the plan has already been approved. The issue tonight is to ratify the Agreement.

Dudley Holman asked if the property fronting Beamer Street had been acquired for this project and it was indicated by Mayor Flory to the affirmative. Mr. Holman said he was under the impression there was to be a balloon payment and with payments to be made. He asked if the residents will have to come up with these funds at the end of their loan period. Mayor Flory said the City will receive \$350,000 when financing has been secured, there will be a silent second and when homes are sold, the Agency will be reimbursed. Mr. Holman said when the Municipal Service Center property was purchased, the proceeds from the Sutter Street property, the Fifth Street yard and some portion of the older sewer treatment plant were to repay the loans that came from sewer and water reserve funds at that time. Mayor Flory said Council is aware of that issue.

Agency Attorney Quinn said there is no balloon payment. The portion of the loan from the City to the Agency that is not repaid at that time was going to be rolled into purchase money loans that would be second lines behind commercial permanent financing. They would be carried as long as the property is owned by a qualified low or moderate income occupant. If the property is sold at market value, the silent second would be paid and transferred back to the City. City Manager Kirkwood said there were concerns about the repayment to the City to allow repayment to the sewer and water funds. This would allow flexibility for the Council to repay.

Margaret Rosa-Batterman said she moved to the City three years ago and feels it is degrading. The hospital is deplorable and there are other areas in the City so bad that she is ready to move elsewhere. She purchased a house on Woodland Avenue and feels her property will be degraded by this project. The



project is so shortsighted and the City has allowed Palm Gardens to elevate. Woodland Avenue is flooded, she has standing water around her house. This water will be draining into those houses. The natural grade is from Woodland Avenue and down onto Sutter Street. There will be standing water issues. The park is closed because there is no place for the water to go. This is shortsighted and should be located elsewhere.

Yolanda Tauzer is concerned about the increased traffic on Beamer Street. It is nearly impossible to enter Beamer Street at present. Hollister Road and Keystone Avenue will also be used due to the other entrance to the project. There has been increased speeding on Sutter Street. This high density project decreases the quality of life in the area. There will be 200 more people added. The land was used for a Corporation Yard and there may be some toxic issues. Locating these houses along the railroad tracks is a less desirable area.

Aaron Difuntorum had presented a petition to the City regarding the traffic and has received no response. The average speed is 40 miles per hour. The home prices are not even available to those who have good jobs. The traffic study was done years ago. The streets are narrow and poorly lit. The parks are flooded. These houses will be in a flood zone. There is no drainage.

Public Works Director Wegener said he will pull the traffic study and provide a response on the date. Council Member Monroe asked about the schedule for Woodland Avenue upgrade and Director Wegener said it is scheduled but he will need to check on the anticipated date. Council Member Dote said there was a Phase I and asked if there was a Phase II analysis on this property. Manager Ross said all of the necessary environmental issues have been cleared and they have received a report so indicating.

Rita Medina said she never heard about this project until this week. She is flooded right now and has never had anything done about that. There is a lot of traffic on this street. More houses are going to make it worse. The streets are very narrow. The traffic should be one way in and one way out. She has never received any notice of the project.

Director Wegener said in the mid-1980's there was a Blue Ribbon Committee to look at the storm drainage water issues. These meetings were poorly attended and the community was not interested in putting forth any funds to address these issues. He will research and provide the drainage plan.

Council Member Monroe asked if the project will be elevated and Director Stevens indicated it will be up about three feet above the flood plain.



At 8:36 p.m., Mayor Flory closed the Public Hearing.

Council Member Peart said the questions received should be answered prior to moving ahead on the project. Manager Ross said the Agreement with SVOC was approved in February of 2000. There was little activity until 2001 and 2002. The studies are not very old. There were some delays that were both the City and SVOC responsibility. The Planning Commission made modifications to the site plan, which included access off of Beamer Street.

James Daggs of SVOC said the project is ready to begin. They have done a great deal to move the project forward. The have financing in place and a consultant to work with staff and families.

Vice Mayor Rexroad asked about the status of the property and consequences of not moving on the project. City Manager Kirkwood said the Council has conveyed the property to the Agency for the purposes of affordable housing. If the Council chooses not to move forward with the Development Agreement, the Board would reconvey the land back to the City. Vice Mayor Rexroad asked if the City would be subject to any damages by not going City Attorney Siprelle said the previous Agreements have been terminated. The land has not been transferred as yet. Council Member Dote asked if there is an approved Tentative Map and Director Stevens agreed as it was approved in 2001. Council Member Dote said there is some consequence by not fulfilling the approved Tentative Map which is like an entitlement. Attorney Siprelle said there is a ministerial duty of the Council to approve the Final Map once the conditions of the Tentative Map have been met. Development Agreement and map go together. Council Member Dote said the Beamer frontage piece is approximately an acre in size and would also need to be elevated.

Manager Ross said there is a Conditional Use Permit on the property for housing as this is in the East Street Plan Corridor. When this project came before the Planning Commission, there were 76 conditions that needed to be satisfied. A commercial project would need to have a Use Permit approved as well. SVOC has received their Conditional Use Permit.

Council Member Monroe said there have been some very good questions on the project and he is not ready to move forward until the storm drainage issue is cleared. He asked for information on Woodland Avenue reconstruction and why the park is presently closed. City Manager Kirkwood indicated the Parks, Recreation and Community Services Director Gentry had been contacted and the park itself is not closed, only the restrooms due to vandalism. Council



Member Peart indicated the drainage for this project may assist the flooding in the surrounding areas.

Council Member Dote asked if delay of the project would jeopardize the funding and Manager Ross said there are a number of small loans, some of which may be at risk.

On a motion by Council Member Peart, seconded by Council Member Dote and unanimously carried, Council deferred action on this item to a special adjourned meeting scheduled for Tuesday, March 9, 2004 at 7:00 p.m. in the Council Chambers.

Council Member Monroe asked that the Traffic Commission look at traffic calming measures in this area. Director Wegener said this is very involved and he will start the process to address the issue.

City Manager Kirkwood said this is joint meeting the Council and Agency who move to continue this meeting to March 9, 2004 at 7:00 p.m. in the Council Chambers to address the questions raised this evening. City Attorney Siprelle indicated this is to also continue the Public Hearing so further notice is not required other than the continuance. Mayor Flory reopened the Public Hearing to so move the continuance. Council Member Peart clarified that his motion was to continue the Public Hearing, Council Member Dote clarified that her second agreed and the motion carried.

The Council/Agency Board recessed at 8:55 and returned to session at 9:05 p.m.

SPRING LAKE SPECIFIC PLAN RUSSELL RANCH-CEQA; NOTICE OF DETERMINATION; CONSISTENCY WITH GENERAL AND SPRING LAKE SPECIFIC PLANS; ORDINANCES REGARDING ZONING AND DEVELOPMENT AGREEMENT; MAPS

Director Stevens indicated this is the third Tentative Map and Agreement on the Spring Lake Specific Plan project. Assistant Planner Dzakowic said the applicant has proposed the zoning, Tentative Map and the Development Agreement as presented. The Tentative Map would subdivide 41.2 acres of the 160 acres for 140 single family R-3 and R-4 lots, two affordable cluster sites, and open space. The proposed conservation easement is to be located on the Merritt property.



At 9:09 p.m., Mayor Flory opened the Public Hearing.

Tom Lumbrazo of Turn of the Century indicated there were no concerns on the part TOC with the proposed actions and asked that the second reading of the Ordinances be scheduled as soon as possible.

At 9:10 p.m., Mayor Flory closed the Public Hearing.

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council determined the Russell Ranch Northeast project requires no further CEQA analysis under Section 65557(a) of the Government Code and directed that a CEQA Notice of Determination be filed; the project as conditioned is consistent with the General Plan and the Spring Lake Specific Plan; introduced and read by title only an Ordinance zoning the property to single family residential (R-1), large lot residential (R-R), and open space (O-S) subject to maintaining consistency with SLSP and satisfaction of the conditions of approval; introduced and read by title only an Ordinance to execute the Project Development Agreement as negotiated by staff; approved vesting Tentative Subdivision Map No. 4650 dividing APN 042-030-14 into 69 single family residential lots built at R-4 density, 51 large single family lots built at the R-3 density and 20 lots to be built at the R-15 density, subject to finding of fact and conditions of approval.

REPORTS OF THE CITY MANAGER

COUNCIL MEETING DATES FOR FEBRUARY AND MARCH 2004

Gary Sandy said a group of citizens have been working on a process for discussion by Council regarding the types of commercial developments they would like to see in all areas of the City. He urged Council to set a meeting to discuss these processes as soon as possible.

It was moved by Vice Mayor Rexroad and seconded by Council Member Peart to eliminate a meeting of the Council on February 24, 2004. Further discussion follows.

George Phillips representing Paul Petrovich, indicated they would like to participate in the policy discussions regarding commercial property development. The property at Interstate 5 and County Road 102 is currently in escrow. He requested more time before these discussions continue.



Council Member Dote moved and Council Member Monroe seconded a substitute motion to hold a meeting on February 24, 2004 to discuss the processes, and move the March 2 meeting to March 23 to continue that discussion. Motion failed.

Returning to the first motion made by Vice Mayor Rexroad and seconded by Council Member Peart, it was moved to eliminate the meeting scheduled for February 24, 2004, move the March 2nd to March 23, 2003 and a study session be scheduled for March 30, 2004. Motion failed.

It was moved by Council Member Dote and seconded by Council Member Monroe that Council meet on February 24, 2004 to discuss process for future development proposals, hold the reorganization meeting on March 16, 2004, regular meeting on March 23, 2004 and special study session on March 30, 2004. This meeting will be to discuss the process to move projects without eliminating Planning Commission input perhaps by holding joint meetings with the Council; a citizens advisory group on projects be formed; and longer lead time for material review. Vice Mayor Rexroad would like to include direct appointment of Planning Commissioners in this process. City Manager Kirkwood said that it appears Council would like to have time on February 24th to understand the current status of the project area, begin discussions to get a visual on what is in that area, provision of background information, give property owners opportunity and other groups with specific recommendations. Council could then discuss the processes for moving on potential opportunities for the area. indicated other commercial areas of the City should be considered in the process also. City Attorney Siprelle said this would be a workshop on developing a vision for the City's General Plan land use element. See final call for the motion below.

Cath Posehn said staff she has attended all of the meetings regarding the process with the group and they have information which may help. She also indicated that Mr. Petrovich should be involved in this discussion.

City Manager Kirkwood said staff will look into the General Plan land use issues, identify those issues within the General Plan that are policy related and bring to the Council in a manner that Council can discuss. A proposed issue list will be provided. This would be the initial beginning point. City Attorney asked if Council wanted to focus on highway commercial and auto uses in the General Plan. Vice Mayor Rexroad said the item should be the overall planning process for the City to include makeup of Planning Commission, how they are appointed, and the process so that projects are not stopped at a end point. The Agenda language should include the overall process for development in the community.



Mayor Flory said the motion on the floor is to have a meeting on February 24th with the guidelines as discussed. Motion carried as per above. Vice Mayor Rexroad and Council Member Peart voted to the negative.

COMMUNITY DESIGN GRANT APPLICATION AND SUBMITTAL TO SACRAMENTO AREA COUNCIL OF GOVERNMENTS

Director Stevens said these proposed applications for grants include the Armfield rail yard site redevelopment which is that area at East Main, Armfield, East and B Streets. This project would include a bicycle path from Pioneer Avenue, local and inter-city transit services parking, vanpooling, ridesharing and carpooling with possible future light rail and associated services. Mayor Flory indicated this project had been presented before and rejected by Council. Redevelopment Manager Ross indicated the project had not been rejected, but had been placed as a lower priority at that time. These funds have become available through SACOG for community design.

Alfredo Lopez has been interested in the development of property. They would like to remove one rail line and if anything is to be done the lines from Thomas to the 7-11 and removing one line on the Southside would hinder the project if not considered. He would like to see more information on what will be done and if the rail cars would be parking along that area. He feels the Armfield property owners should be very involved.

Manager Ross said removal of the South line will allow for bus turnouts. Two other tracks will remain. The depot will be relocated because at some future time there will be a train for people to park and ride to Sacramento. The Historical Railroad would like to use this property for a museum. Tourism, transportation and the Armfield neighborhood will all be tied in.

On a motion by Council Member Peart, seconded by Council Member Monroe and unanimously carried, Council received the update on the proposed Community Design Grant application to allow staff to move forward with a Quick Response planning grant; authorized staff to submit an application for approximately \$300,000 to design the project used to significantly improve specific development or redevelopment projects that incorporate the seven community design principles of this program; and follow with an application for \$1.2 million of capital grants reserved for recipients of Quick Response planning grants.



RESOLUTION 4516-B - PROCESS FOR UPDATES TO THE GENERAL PLAN

Director Stevens indicated the General Plan updates are required every five years as per State law. The City may amend their General Plan up to three times per year, with a fourth amendment as optional. It is recommended dates for City-initiated or private requested amendments be set annually in April and October. The other recommendation is that a process for acceptance of applications to amend be set.

On a motion by Council Member Monroe, seconded by Council Member Dote and unanimously carried, Council adopted Resolution 4516-B, "A Resolution of the City Council of the City of Woodland Providing a Process for Consideration of Amendments to the City of Woodland General Plan".

RESOLUTION 4517-LOAN AGREEMENT WITH CALIFORNIA ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION AND ENERGY SERVICES CONTRACT WITH MAXIMUM PERFORMANCE GROUP

On a motion by Council Member Dote, seconded by Vice Mayor Rexroad and unanimously carried, Council adopted Resolution 4517, a "Resolution Authorizing Application of Energy Efficiency Loan Funds", authorizing the Finance Director or her designee to enter into a loan agreement with the California Energy Resources Conservation and Development Commission; authorized the City Manager to finalize an Energy Services Contract with Maximum Performance Group, LLC at a cost not-to-exceed \$2,200,000.

At 10:28 it was moved by Council Member Dote, seconded by Mayor Flory and carried that the Council meeting be extended to 10:45.

SWAINSON'S HAWK INTERIM MITIGATION FEE UPDATE MEMORANDUM-JOINT POWERS AGENCY

Director Stevens said the Agreement Regarding Mitigation for Impacts to Swainson's Hawk Foraging Habitats in Yolo County provide that fees be reviewed by the Joint Powers Agency on an annual basis. The current fee is \$2,509 per acre. However the study conducted by Economic and Planning Systems indicates the cost should be increased to \$5,800 per acre. Vice Mayor Rexroad asked for the of the land other than Swainson's Hawk mitigation. Director Stevens said the fees are going into a fund intended to be used for the purchase of conservation easements for the Hawk mitigation. Council Member Dote said one of the JPA conditions was to have mitigation with Fish and Game is this fee must be



reviewed annually. The fees have been collected over many years and the cost of the easements have increased substantially, as well as the costs to finalize the easements, legal costs, cost of acquiring, appraisals. Current fees are not sufficient to purchase one for one habitat restoration. Vice Mayor Rexroad said a properly adopted urban limit line would allow the City to save thousands of dollars per acre on mitigation. Planner Dzakowic said the Spring Lake Specific Plan easements have not yet been established so we do not have the information on the costs.

CONSENT

Council Member Dote asked that the following item be removed from the Consent Calendar for discussion:

SOLE SOURCE CONTRACT WITH ECONOMIC AND PLANNING SYSTEMS FOR WOODLAND PARK SPECIFIC PLAN

Council Member Dote requested clarification on the rationale for a Sole Source contract with EPS. Director Stevens said this company has provided a great deal work and expertise on this and other projects within the City. Based on their experience and that they are one of only three firms in this area provide this service, they were the logical company selected. The fees for the services are to be paid by the Developer.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried, Council authorized the City Manager to enter into a Sole Source Contract with Economic and Planning Systems for the provision of Market and Fiscal Analysis for the Woodland Park Specific Plan. Mayor Flory voted to the negative.

Vice Mayor Rexroad asked that the following item be removed from the Consent Calendar for discussion:

RESOLUTION 4518-MEMORANDUM OF UNDERSTANDING WITH THE POLICE SUPERVISORS ASSOCIATION

Vice Mayor Rexroad does not feel the Council should be approving items that will impact City funds at this time. Council Member Dote said the MOU was negotiated within the guidelines set by the Council. Assistant City Manager Marler said this MOU sets the increase in separation between the groups and mirrors other MOU's previously approved by the Council.



On a motion by Council Member Peart, seconded by Council Member Dote and carried, Council adopted Resolution 4518, "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Police Supervisors Association" and directed the City Manager to take the necessary steps to implement this Resolution. Vice Mayor Rexroad voted to the negative.

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

ORDINANCE TO AMEND REQUIREMENTS TO ADDRESS CITY COUNCIL AT COUNCIL MEETINGS

Council Member Dote questioned the requirement that a speaker card must be completed and requested removal of the word required.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried, Council introduced and read by title only "An Ordinance of the City of Woodland Amending Section 2-1-18(a) of the Woodland Municipal Code Relating to the Requirements for Persons Desiring to Address the Council During a Meeting". Vice Mayor Rexroad voted to the negative.

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

MONTHLY STATUS REPORT FROM FIRE DEPARTMENT

Council received the Monthly Status Report for January 2004 from the Fire Department.

TREASURER'S INVESTMENT REPORT

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



PROJECT COMPLETE; NOTICE OF COMPLETION; DENIAL OF CLAIMS IN SYCAMORE RANCH PHASE II, PROJECT NO. 98-05 BY GRANITE CONSTRUCTION COMPANY

Council accepted Project 98-05, Sycamore Ranch Phase II as complete, authorized the City Clerk to file a Notice of Completion and upheld the City Engineer's denial of claims filed by Granite Construction Company.

EASEMENT WITH UNAVCO, INC. FOR A PLATE BOUNDARY OBSERVATION AND MONITORING STATION AT THE WASTE WATER TREATMENT PLANT

Council authorized the City Manager to finalize and execute an easement with UNAVCO for a Plat Boundary Observation and Monitoring Station at the Waste Water Treatment Plant for scientific data collection.

PROJECT PROGRAMMING SUMMARY SHEET FOR NITRATE MONITORING EQUIPMENT EXECUTION THIS FISCAL YEAR, PROJECT 04-08

Council approved the Project Programming Summary Sheet for Project 04-08, Installation of Nitrate Monitoring equipment for Wells 17 and 20 at \$50,000 and authorized execution this fiscal year.

AGREEMENT WITH COUNTY OF YOLO REGARDING DEVELOPMENT OF COUNTY PROPERTY AND USE OF CITY SEWER AND DRAINAGE SERVICES RELATING TO JUVENILE HALL

Council authorized the City Manager to finalize and execute an agreement between the City and the County of Yolo regarding development of County property and use of City sewer and drainage services.

COMMUNICATIONS - WRITTEN

Council received an application for an on-sale beer and wine license for Judy's Hamburger and Grinder located at 286 W. Main Street.

COMMUNICATIONS - COMMITTEE REPORTS

Council received the minutes of the Yolo County Communications Emergency Services Agency meeting of January 7, 2004.



Council received the minutes of the Commission on Aging meetings of December 9, 2003 and January 13, 2004.

Council received the minutes of the Library Board of Trustees meeting of January 26, 2004.

Council received a summary of the actions taken by the Redevelopment Citizen's Advisory Committee at their meeting of January 28, 2004.

Council received a summary of Planning Commission actions taken at their January 29, 2004 meeting as follows:

- (a) received staff finding that the Turn of the Century East and West Tentative Map on alleyways is consistent with the approved Tentative Map.
- (b) held a workshop on Community Design Guidelines and instructed staff to schedule a workshop.

<u>ADJOURNMENT</u>

At 10:40, Mayor Flory adjourned the joint regular meeting of the City Council and the Redevelopment Agency Board.

Respectfully submitted,	
Sue Vannucci, CMC, City Clerk	