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

September 2, 2003

# SPECIAL/CLOSED SESSION SECOND FLOOR CONFERENCE ROOM

6:00 P.M.

#### **CLOSED SESSION**

Council met in Closed Session at 6:03 to hold a conference with Legal Counsel regarding Existing Litigation Pursuant to Subdivision (c) of Section 54956.9. Name of Case: Tetzlaff vs. City of Woodland. A conference was also held with Legal Counsel regarding Anticipated Litigation, Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9. One Case. Present at these conferences were Mayor Flory, Vice Mayor Rexroad, Council Members Dote, Monroe, and Peart, City Manager Kirkwood, Assistant City Manager Marler, City Attorney Siprelle and Special Attorney Carolee Kilduff.

### CITY COUNCIL/REDEVELOPMENT AGENCY BOARD JOINT REGULAR MEETING

7:00 P.M.

#### CALL TO ORDER

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

#### PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by Council Member Dote.



#### **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, Sue

Vannucci, Gary Wegener, Tricia Stevens, Aaron Laurel, Marie Bryan, Harry Hogan, Ron Pinegar, George Bierwirth, Margaret Vicars, Karl Diekman, Joan Drayton, Tim Frank, Dan Gentry, Bruce Lecair, Wendy Ross, Randy

Madison, Dick Donnelly

#### PUBLIC COMMENT

None.

#### COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Rexroad requested information or provided input on several items as listed below and would like these items included on future Council Agenda:

- Sign Ordinance update regarding the Political Sign requirements. Would like to have this in place prior to the upcoming election.
- ♦ Candidate funding sources reported on City WEB page. Suggests when Candidate or Committee reaches \$1,000 all income in excess of \$100 per donation be reported on linked cite to the City WEB within 24 hours.
- Blackout of City provided information prior to elections. Suggests the City not provide any materials or literature regarding measures for at least 90 days prior to the election.
- ♦ Fire Assessment protest process. Requested information regarding the process and why it was not a secret ballot.
- ♦ Tree planting along Interstate 5. Presently trees from through the center of town on the Interstate and would like the planting expanded.



Senator Boxer and Assembly Member Thompson are proposing a Wild and Scenic designation for the area currently in the flood plain. The Council should make a statement in regard to this proposal.

Council Member Dote asked for clarification on the Vice Mayor's proposal of planting trees along Interstate 5. The Vice Mayor said that I-5 between East and West Streets presently has several Valley Oak trees which had been planted at some point. He would like this planting to continue to the East beyond County Road 102.

Council Member Dote asked about the proposal to post campaign contributions as to whether it exceeds the current Fair Political Practices Commission requirements for disclosure. Vice Mayor Rexroad indicated it would exceed those current requirements. The information must be collected and reported to the City Clerk and this would expand that notification to all citizens.

Council concurred to add the requests of the Vice Mayor to a future Council agenda. City Manager Kirkwood will obtain further information from the Vice Mayor and create a synopsis of the requests for Council consideration.

Council Member Dote asked for information regarding other City limitations on campaign contributions.

Council Member Peart is concerned about Freeman Park and people sleeping on the gazebo. He would like information on options to prevent this type of activity. He would also like information regarding types of businesses which should be recommend for exclusion in the Downtown core area.

Council Member Dote indicated that LAFCO has some concerns regarding the annexation of the Spreckels Business/Industrial area annexation in relation to agricultural mitigation. This item will return to LAFCO at a subsequent meeting.

Council Member Monroe requested consideration of portable restrooms in the area of the County buildings. He also suggested a partnership with the High Schools to include student participation at Council meetings. The School District has indicated their interest in this type of project. City Manager Kirkwood said the City Managers have been discussing this type of program as well. He will work with Council Member Monroe regarding the basis and purpose of the program. Council concurred regarding moving forward with this type of program.

City Manager Kirkwood indicated a few months ago, Police Chief Sullivan began working with an Ad Hoc Committee to identify and address the issues of concern in Freeman Park. There are many County facilities which serve those individuals that congregate and camp in the Park. He will request Chief Sullivan to report to the Council



regarding the ongoing concerns and present to the County of Yolo at the next 2 X 2 meeting. Council concurred.

City Manager Kirkwood introduced the new Finance Director, Joan Drayton. Margaret Vicars will remain as Finance Director Emeritus through the end of December 2003 to assist in the transition process.

#### **PRESENTATIONS**

### <u>CERTIFICATE OF APPRECIATION TO ROSEMARY JACKSON FOR DONATION OF PAINTING</u>

City Clerk Vannucci indicated that Mrs. Rosemary Jackson had donated a painting done by her sister-in-law Rosella Jackson, of Redwood trees commissioned for Rosemary's husband Howard. Mrs. Jackson has donated the painting the City and requested it be placed in the new Police Station as her husband had volunteered in the Department for three years. Mayor Flory presented the Certificate of Appreciation to Mrs. Jackson for her generosity.

#### WEST NILE VIRUS

Council received a presentation from Dr. Bette Hinton, Yolo County Health Officer regarding the effects of West Nile Virus. David Brown of the Sacramento-Yolo Mosquito and Vector Control District presented the indications and prevention methods for control of this disease. Materials will be made available to citizens through the Health Department, District and City for further information. Mayor Flory also suggested that when Code Enforcement is out in the City and they see possible areas where mosquitoes could breed, they present the property owner with informational materials. Mr. Brown agreed they would provide materials for distribution as needed.

#### PROCLAIM SEPTEMBER 11, 2003 AS PATRIOT DAY

Assistant Fire Chief/Fire Marshall Lecair and Police Lieutenant Bierwirth presented information regarding the second annual remembrance of the September 11, 2001 attack on our Nation. Those currently defending our Country will be honored as well. The events will commence at 6:55 a.m. on September  $11^{th}$  at Fire Station #3 with a breakfast following.

On a motion by Council Member Monroe, seconded by Council Member Peart and carried unanimously, Council proclaimed September 11, 2003 as



Patriot Day to remember those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001, to pay tribute to the Police Officers, Firefighters and Emergency Personnel who responded on that day and to recognize our Military Personnel who have lost their lives fighting the war on terrorism and those currently serving in our Armed Forces. Council Member Dote presented the Proclamation.

#### **PUBLIC HEARINGS**

#### EAGLEWOOD APARTMENT PROJECT APPEAL

Senior Planner Pinegar presented the background on the Eaglewood Apartment project proposed for 18530 County Road 102, bordered by Wintun, Kincheloe and Maxwell Avenues. This will be a 156 unit, three story complex fully enclosed by wrought iron fencing with gates on Maxwell and Wintun. The project included a Mitigated Negative Declaration, Mitigation Monitoring Plan, a Conditional Use Permit for a Bonus Density (27 additional units), and Commission review of all associated Plans for the project. The existing historical farm house located on the property will be moved and materials from the outbuildings salvaged. Trees in good condition shall remain on the property to be utilized within the landscaping design. The issues raised by the appellants, Robert and Grace Callaway, were addressed by the Planning Commission and some changes made to the project in an attempt to alleviate concerns expressed. The project is consistent with similar projects of this type within the City.

Vice Mayor Rexroad asked about the bonus incentive and whether it is available to all projects. Director Stevens indicated the incentive is important to the City and the Developer and most will ask for this inclusion in their project. There will be an additional recommendation that a "tot lot" be added in the area near the pool. Council Member Monroe asked if this property had always been zoned for apartments and Planner Pinegar said the property has been zoned for multi-family residential. Director Stevens said the plan was set at 20 units per acre.

Council Member Monroe asked about the children and whether the School District can accommodate the additional numbers. Planner Pinegar said the District has always indicated they could handle the additional students. Vice Mayor Rexroad asked when the homes on Kincheloe were built and Planner Pinegar said they were constructed in the mid-1990's. The multi-family designation for the property across from Kincheloe has always been designated as such. Vice Mayor Rexroad asked if sound walls would be built to keep the sound in and Planner Pinegar indicated the purpose of sound walls was to keep noise levels from the outside to a minimum for the resident son the inside. Vice



Mayor Rexroad asked if the parking area is less than that required for other facilities of this type. Planner Pinegar said the same parking standards are applied for all units of this type. These units are one and two bedroom units with some studio apartments. There is no on-street parking scheduled for these units. Maxwell Avenue does not allow parking. With the gates on Maxwell and Wintun, it would not be feasible for apartment residents to park on the street. The allegation that response time would increase to the apartments is unfounded as the gates will be provided with Knox Boxes for emergency service access.

Council Member Monroe asked about gates on Kincheloe and Planner Pinegar said there would be no gates located on that side. The concern regarding iron fencing allowing the headlights of vehicles inside the units to shine in neighboring windows would be addressed with controlled lighting inside. As the landscaping matures, lighting concerns would diminish. Council Member Peart questioned the notification of zoning designations in the area to those building and purchasing homes in the area and Director Stevens indicated the Realtor has the responsibility for notification, not the City.

#### At 8:29, Mayor Flory opened the Public Hearing.

Robert Callaway, appellant, distributed materials to the Council to be entered into the record. City Clerk Vannucci identified the documents distributed from Bartholomew Associates Appraisal and Consulting in Davis, California, with an Appraisal Report, Exhibits and General Addendum, associated appraisal materials on properties, a narrative regarding the qualifications if the Appraisers, and pictures of the area in question. Mr. Callaway said the sound wall is to provide privacy for the surrounding homeowners. There is nothing to compare this proposed complex to in the City at this time. For scale reasons alone this project should be rejected. All other units like these are masonry. They want a complete masonry wall on a two foot berm. The developer is trying to put too much into a small space. The need to have something that is not going to infringe on the neighbors. The trees will not grow enough to cover the buildings. The buildings are all just alike and very long. There are no breaks or variations in elevations. The Southeast Area Specific Plan, if followed, would have been a good plan. He cited several sections on the Plan which he felt have been and will be violated with this project. Tafoya Elementary School was constructed to house Kindergarten through Sixth Grade students to a maximum of 850. They are now at 800 and this project will have more than the amount of children that can fit into that school. The School District does not know when they will have another school available to meet the need. He does not want his children to be bussed across town. The Plan set goals to achieve an orderly pattern of development. The Plan says duplexes and corner lots will be used to provide



multi-family units. In every multi-family complex, 5% must have three or more bedrooms. Page 52 of the plan says there will be variations in building levels. Traffic is high on Kincheloe now, will increase with the complex and the home owners do not want apartment residents parking on the street.

Grace Callaway said the Plan was brought up at the Planning Commission The three things that must be considered in the appeal are the Southeast Area Plan, the Bonus Density Use Permit and the appeal. The SEA Plan has not been adhered to. Some of the plan is no longer valid. The Plan needs to be revised and changed according to the needs of the City. The Bonus Density Use Permit is confusing. Section 25-27-30 of the Code allows the Planning Commission actions in relation to Conditional Use Permits. Her issues are the traffic congestion, traffic safety, limited parking, requiring parking permits and City-wide reduction in services to accommodate this additional area. Calls to the Woodmark Apartments have increased and are rising. The City has the duty to respond to all of the factors that affect the adjacent homeowners. They would consider parking permits for the homeowner use. The third story has only been added to attain the bonus density. Council Member Peart asked about the pictures on three story buildings and Mr. Callaway said there are three story but they start with two, go to three and end with two.

Vice Mayor Rexroad said the property assessment does not address the different height, two story versus three story, only that an apartment complex in general across from the subject property would affect value. He asked if they were saying value would not go down if a two story complex was built. Mr. Callaway said the appraisal is based on three story and would not go down as much if a two story complex was built. He asked if the value of the property, when purchased, was less than normal because of the proposed apartments. Mr. Callaway said his purchase price was not devalued at that time. Council Member Monroe asked if the complex was only two stories how many units would be lost. Director Stevens said it would be eight units.

Council Member Monroe asked if the apartment complex is consistent with the General Plan growth rate and Director Stevens indicated it was in compliance. Mayor Flory asked if the trees at eighteen feet suggested by the applicant exceeds the requirement. Director Stevens said the normally would place fifteen gallon trees but the applicant will place 24 inch and 36 inch boxes which provides an extra year of growth. Mayor Flory said they could reduce the tree sizes and could adjust the height to the 40 feet. Director Stevens said they could reduce the number of units but would have to address the findings regarding the density bonus. The City would then have to negotiate with the applicant for trade offs.



Ken Koss of American Property Development said the buildings would be no taller than 39 feet 10 inches from the pad level. The site is fairly level and extensive fill will not be necessary. The bonus density adds 27 more units. They took the 6.45 acres to fill the density and they computed the density bonus. They could have taken 6.95 acres and asked for the bonus density on that acreage. They are asking for a 21% bonus density, not the allowed 25%. This is needed to build and maintain the apartments properly. The Traffic Study was done when the Southeast Area Plan was put into effect. The development will be paying \$21 million to help take care of schools, safety, etc. The impact fees are set by the City to help take care of these issues. Staff has found the project consistent with the General Plan, Zoning Ordinance and Southeast Area Specific Plan. The low income housing will always be contentious. He has worked with the City and it was confirmed by the City Attorney on all areas of the project for consistency.

Council Member Dote said if the gross acreage was used at 20 per acre it would have allowed 174 units. This is considerably smaller than he could have done for the acreage. Mr. Koss said much of the land he could have utilized was tied up in setbacks and other accommodations. Council Member Monroe asked if the loss of eight units by dropping the building along Kincheloe to two stories could be accommodated by raising the building along County Road 102 to four stories. Mr. Koss said it would not be within the forty foot height limitation. The Code allows four stories or forty feet. They need the 156 units to be cost effective for the bonus density. There is no way to put them elsewhere on the property. He would not have a problem with the resident parking permits as requested. Council Member Peart said public streets are for everyone to park, not just the residents of that area.

Paul and Atsuko Rivette said one perspective missing was from the side looking at the homes in the neighborhood. The impact on the home owners is missing. They expected condominiums or duplexes. Three of the five homes on Kincheloe across from this project are now for sale. Much more can and should be done. The apartments should be reduced to two stories or a mix of two and three stories; parking spaces should be added; a complete masonry fence should be added. These buildings are huge and will have great impact on the surrounding area. There are not enough spaces. University of California students and young couples will all have cars and guest parking will be needed. There are no other wrought iron fences in the area. He asked that this go back to the Planning Commission for fixing.

Eugene Wais said the three story should be reduced to two or a mix. This is an imbalance to the area. It invades the privacy of the neighbors. The existing fence style in the area should be considered and should not be wrought iron. Additional parking is needed as there is not enough for tenants and



visitors. The quality of the project should be the same as the rest of the neighborhood. The exit onto Maxwell is in the line of site on Burns and would shine in his home. It should be shifted across to Road 102.

Brian Aldren said there are many concerns about this design. If they do not want to give the home owners what they want, another developer should be used. This is not the only concept. We can be picky on this project.

Eric Jenks of the Jenks and Farnham family said this plan has been in the works since 1990 when the City said the property would be zoned for multifamily units. The family chose to go with American Builders because they are a high quality developer. They are market rate and provide the best product. They will be moving the farm house and preserving it. Not one person came to the family proposing condominiums or duplexes in the last ten years. The Planning Commission has approved and the project has met all of the City regulations. He asked that Council not forget their property rights.

Leslie Marcus said the City needs to start implementing smart growth and increasing the density to prevent sprawl. Additional conditions can be added to make the project more palatable for all. Residents should be allowed to park on any street in the City and not be restricted by residents in certain areas. Legal Services had concerns about the children's play area which the developer will address. Adaptation of the ground floor apartments to accommodate the disabled has also been addressed.

Tim Simmons is concerned about cars coming out of the complex and the lights into the homes. He wants the landscaping done on the South side of Maxwell Avenue as well.

Marcus LoDuca, attorney for the applicant, said the line of site is addressed in the materials presented. There will be some one bedroom and studio apartments. The forty foot height across from some single family homes was addressed thirteen years ago when the zoning was approved. The sound walls are made to keep sound out, not in and would be only six feet tall, thus would not provide any sound protection. They are asking for heavier landscaping to mitigate the noise and lights. A street separates the complex from the homes. The appraisal presented by Mr. Callaway does not look at all houses or the variety of other issues that might affect the pricing. The density bonus is addressed by State law and City Code in that the City must grant financial incentives value by out of pocket or reduced fees that make up that loss by the less units. The project exceeds the Southeast Area Plan requirements.

### At 9:51, Mayor Flory closed the Public Hearing.



Mayor Flory asked for clarification on lights shining into houses. Director Stevens indicated there is about fifty feet of area where the lights could be of The Planning Commission suggested low walls and increased landscaping to screen the lights. Council Member Monroe asked that if on Maxwell there is to be a sound wall and Director Stevens said there would be a partial wall because it is a collector street. County Road 102 will have a full sound wall. The balance of the project will have wrought iron with masonry pillars. Council Member Monroe asked if the City can obtain a firm commitment from the School District on the construction of a new school. Director Stevens said the District has not answered that question as yet. Mayor Flory suggested adding the question to the next 2 X 3 with the District. Council Member Monroe asked about the Traffic Safety Commission looking at calming devices for Kincheloe and Director Stevens said there are no entrances or exits from this complex onto Kincheloe. They have been looking at the traffic more in conjunction with the proposed car wash on the corner of Wintun and County Road 102, not with the apartments. There is to be a wrap around of the sound wall from County Road 102 onto Wintun to help mitigate the noise of the car wash.

Vice Mayor Rexroad said the rules have been set and the applicant has met those rules. We are now asking him to comply with extra rules or are considering changing them altogether.

Mayor Flory said the parking on Kincheloe could be addressed at some future time should it become a problem. Council Member Peart said the Specific Plan set the guidelines and this project comes within the Plan. The roadway that parking lots that deadhead into Kincheloe could have low walls and more landscaping to mitigate the lights.

Mayor Flory said everything in the appeal has been mitigated. The development is still within the Specific Plan on the height. The 27 units are for the bonus density and if we do not allow, the City must pay. The traffic safety is being addressed. The Police Department indicates a sound wall all the way around is a safety and response concern. The school district needs to address the student load, not the City. Parking congestion can be addressed if it becomes an issue. This project is consistent with the Specific Plan.

Council Member Dote said the walls could wrap around a bit further onto Maxwell and Wintun to the corners of buildings B and G. The gate is offset already. Council Member Peart said if the wall wraps around for 30 feet it would help. Director Stevens indicated this would actually be 80 feet. They could add a low wall or more trees and landscaping. Council Member Monroe asked that the applicant keep the concerns of the area residents in mind during the construction of this project.



On a motion by Vice Mayor Dote, seconded by Council Member Monroe and carried unanimously, Council denied the appeal of the Planning Commission approval of the Eaglewood Apartments located at 18530 County Road 102 and approved the project with the modifications to add a "tot lot" in the pool area, add a low wall and screening landscaping at the end of the parking lots, and to work with the Traffic Safety Commission regarding traffic calming measures should those concerns be raised at some future time.

Mayor Flory moved the following item from Reports of the City Manager to consideration under Public Hearing:

#### EAGLEWOOD APARTMENTS BONUS INCENTIVE RATIFICATION

On a motion by Council Member Monroe, seconded by Council Member Peart and carried unanimously, Council ratified the Bonus Incentive (density increase) of 27 units for the Eaglewood Apartments under the Bonus Incentive Ordinance as recommended by the Planning Commission.

#### DARK SUN ART STUDIO APPEAL

This appeal hearing was dropped due to the appellant withdrawing the request for appeal and the property owner withdrawing their Conditional Use Permit to allow the Dark Sun Art Studio (tattoo and body piercing) operation at 526 Main Street. Director Stevens indicated she will provide a report back to Council regarding changes to the zoning in the Downtown as requested during Council/Staff Comments.

#### REDEVELOPMENT REGULAR REPORTS

AMENDMENT #2 TO REDEVELOPMENT AGENCY, REPORT TO CITY COUNCIL, AND SET JOINT PUBLIC HEARING

The Council and Agency Board agreed to consider the following item in the motion with the Redevelopment Agency topic on the same subject:



### JOINT COUNCIL/REDEVELOPMENT AGENCY BOARD PUBLIC HEARING FOR OCTOBER 21, 2003 FOR THE REINSTATEMENT OF EMINENT DOMAIN

Redevelopment Manager Ross said the agency is proposing to reinstate the authority to acquire property in the Area via eminent domain. To facilitate this reinstatement, an amendment to the Redevelopment Plan must be approved. The utilization of eminent domain would be instituted only should no other option be feasible and would not apply to residential properties. The proposed Amendment conforms to the General Plan and all associated activities with the Amendment will continue to so conform. Vice Chairperson Rexroad requested information regarding why the Agency would not wish to utilize eminent domain on residential properties within the Plan Area.

On a motion by Board Member Dote, seconded by Board Member Monroe and carried unanimously, the Redevelopment Agency Board adopted Agency Resolution 03-03, a "Resolution of the Redevelopment Agency of the City of Woodland Approving and Adopting the Report to the City Council of the Proposed Amendment No. 2 to the Redevelopment Plan for the Woodland Redevelopment Project, Submitting the Report, Proposed Amendment and Negative Declaration Relating Thereto to the City Council, and Consenting to and Requesting the City Council to Call a Joint Public Hearing on Said Amendment and the Negative Declaration". The City Council of the City of Woodland under the same motion adopted Council Resolution 4468, a "Resolution of the City Council of the City of Woodland Consenting to and Calling a Joint Public Hearing on the Proposed Amendment No. 2 to the Redevelopment Plan for the Woodland Redevelopment Project and the Negative Declaration Relating Thereto". Such Joint Public Hearing to be held on October 21, 2003.

At 10:24 it was moved by Vice Mayor Rexroad, seconded by Council Member Monroe and carried by the majority of the Council to extend the Council meeting to 11:00.

#### REPORTS OF THE CITY MANAGER

#### **ANNUAL LIBRARY REPORT**

Library Services Director Bryan presented the Annual Report regarding the status of the Library including possible reduction in services, transfer of Library operations to the County of Yolo, facilities condition reports and operations assessment report. Areas of possible reduction for budget savings were identified and outcomes of those cuts were discussed. The number of hours of



public services to be lost with those reductions was also stated, which could be a maximum of 24 hours per week. A transfer of service to the County would necessitate voter approval. Council Member Peart indicated the building is 100 years old and there are continuing maintenance concerns with the age of the building. Fleet and Facilities Manager Madison indicated the lead content in the building itself is reduced only to that of some paint around the old windows. The windows are scheduled for replacement and will be copied to keep with the historic nature of the current windows. Council Member Monroe questioned whether there were indications of asbestos and Manager Madison indicated to the negative. Council Member Peart would like to have continuing maintenance on the roof of the building as a protective measure and to address the concerns regarding the heating, ventilation and air conditioning in the building.

Vice Mayor Rexroad asked about the maintenance contract of the new company. Director Bryan said the Library Board is pleased with the new contract and they will be handling the concerns expressed about the appearance and cleanliness of the entrance to the Library.

#### CODE COMPLIANCE REPORT AND CASE REVIEW

Director Stevens indicated Council had requested the status on several ongoing Code Compliance cases. The issues of concern were Big J's gas station at 845 East Street, Hutchison Valley Lane, and the Union Pacific property at Sixth and Cross Streets. All of these properties have been abated to the satisfaction of the City. There are many steps in the process of abatement. The property needs to be secured but currently the Code indicates temporary fencing is allowed only during construction. Code Compliance has used some discretion on fencing because it may be that removal of the fencing may cause more concerns than allowing it to remain in place, for example, camping or breaking into the empty buildings, fires, littering, or questionable activities. The Department would like to retain some discretion to allow the fencing to remain in some instances to so alleviate possible problems of a higher severity. Vice Mayor Rexroad asked for a definition of "temporary". Director Stevens said it could mean a chain link type of fencing on piers rather than installed as a permanent Normally, these types of fences are not allowed in the Downtown. These fences now located in areas of concern may have been legal at the time of installation. City Manager Kirkwood said some properties have a temporary use permit, for example, thus temporary fencing.

Council Member Monroe said on Oak and East there is a temporary fence and a building on the site. He asked what the City could do to eliminate this building and thus the need for the fence. Director Stevens said it could be declared a dangerous or blighted building. There have been some complaints



but not at the level that would drive the City to abate at this time. Mayor Flory said it seems that the City hopes the property will be actively improved or construction will commence, rather than enforcing abatement. He would like the property at Oak and East cleaned and the fence moved back from the sidewalk.

Director Stevens said it appears Council is in favor of a Policy amendment. When property is being marketed the owners tend to keep the appearance of the property at a higher level. Mayor Flory would like to look at a policy that when a request from Council comes in on property issues it should start an abatement process. City Attorney Siprelle indicated that Council Member complaints cannot have a higher value that any other citizen. The City Manager could take the authority to abate more quickly. City Manager Kirkwood and City Attorney Siprelle will review the current Code language and draft a policy regarding abatement issues.

Council Member Peart commended the Code Compliance Officers, Harry Hogan and Mark Dennis for their thoroughness and attention to the issues regarding abatement and compliance. Council Member Dote would like a policy on what the timeframe for abatement could be on those properties currently abandoned. This will include a mechanism and timeframe for respond, the administrative procedure and fencing policies.

At 10:58, it was moved by Council Member Dote, seconded by Vice Mayor Rexroad and carried by a majority of the Council to extend the meeting until 11:30.

#### **CONSENT - REGULAR**

Vice Mayor Rexroad requested removal of the following items from the Consent Calendar for discussion and action:

#### CITY CEMETERY SECURITY AND CORRECTIVE ACTION

Vice Mayor Rexroad does not feel the solution to the concerns regarding gate closure at the Cemetery after hours as proposed with a responsible Park Facility Aide is the correct solution to the problem. Director Gentry said they will work with whatever option is determined to be the most satisfactory. The option of an electronic gate is a big capital expense. Closers would be timed and would have sensors. Council Member Peart said people cost money as well and this would be an ongoing cost. If we call a staff member out, we have a minimum of two hours they must be paid. He would like to work with Director



Gentry on other options, such as an electronic system. This item removed from action on this Agenda.

### PROJECT PROGRAMMING SUMMARY SHEET WOODSIDE PARK — PHASE II, PROJECT 02-49

Vice Mayor Rexroad would like the citizens to be notified on what equipment, etc. the park will contain. Director Gentry indicated the neighbors for the surrounding 1,000 feet were noticed regarding the Parks, Recreation and Community Services Commission meeting on this topic. Neighbors participated in the decision-making process and it was unanimous regarding the selection of the equipment to be used.

#### CITY USE OF PROPERTY AT ASHLEY AND KENTUCKY

Vice Mayor Rexroad expressed concern that City staff has the authority to approve up to \$10,000 in expenditures and this project is currently at \$16,000 without Council approval. Director Wegener said there were several individual contracts which, normally, do not require Council attention until an individual contract exceeds \$10,000. Vice Mayor Rexroad said the cost for the project should be considered as a whole, not piecemeal. Mayor Flory said this project should have come before Council for approval. The Planning Commission would have reviewed the project should a private citizens have presented it for consideration. He asked for clarification on the "temporary" nature of the use. This is to be used as a staging area and Council was not aware it was to be in place. Director Wegener said with the Sutter Street and Fifth Street yards no longer available, the temporary location of materials for projects in the area on the West side of the City is necessary to facilitate effective work scheduling. The cost for a City vehicle and the associated time allocations to travel back to the Municipal Service Center is approximately \$7,000 per year. The Fifth Street yard has vehicles in storage which makes it difficult to access. Mayor Flory said the Council may determine to sell this property which has been rendered impossible with the staging area placement on the site. Director Wegener said if someone wants the site, the City would have to pay for property rental elsewhere in the City as a staging area. All City standards have been met with the development of this piece. The landscape screening on the pond next to the site will be continued to this piece.

Council Member Dote asked if we are looking for a permanent site and Director Wegener said the City has been pursuing that option since the Sutter Street yard has been unavailable. The MSC is cramped and use of a site in Central or the West side of the City is necessary. Vice Mayor Rexroad said this



should have come before Council for consideration. Council Member Peart said the Council may want to consider contracting the sealing projects. Director Wegener indicated even if we do contract out, the company handling this type of service for the City would still need a place for the staging during the processes.

City Manager Kirkwood said this issue came before Council in February and he will determine what transpired at that time and inform Council.

# SUTTER STREET CORP YARD AS SURPLUS AND TRANSFER OF PROPERTY FROM WATER FUND TO GENERAL FUND

Vice Mayor Rexroad said the project had a huge cost in the loss of value on this property and is it still within our discretion to impact the property transfer or has it already taken place. Director Stevens said we have entered into a Development Agreement with the new property owners and are constrained on what we can do at this time. Vice Mayor Rexroad said Sacramento Valley Organizing Committee has failed to meet any of their timelines on this project and this is a misuse of a valuable City resource. Redevelopment Manager Ross said it is surplus because the City has already committed the property. The City has not met timelines as well. SVOC had Mercy Housing California as their former developer. They terminated that contract and have now contracted with New Faze Development, with Cunningham Engineering working with them to move forward. The Public Works staff will be storing some materials needed on this site through the end of September 2003. Vice Mayor Rexroad asked if they have breached their agreement, does the City have any remedy due to the lost City Attorney Siprelle said she will research the value of the property. Agreement to determine if the City has recourse to rescind. Vice Mayor Rexroad asked if the property has already been transferred and left the City with the Development Agreement only as a means of forcing movement or relinquishment of the property to the City. Manager Ross said the 36 units are committed on the housing element. We have also been reporting on them in the Redevelopment Plan and we have \$47,000 as a loan guarantee. received a great deal of benefit from this project even at this time. City Manager Kirkwood said if there is a breach of contract clause, we can give SVOC notice and may be able to withdraw. The City Attorney will research. No action was taken on the item at this time.

Council Member Peart requested removal of the following items from the Consent Calendar to commend the Parks, Recreation and Community Services Director for his work on these two projects and the outcomes associated. Action taken under Consent Calendar acceptance.



#### CONTRACT FOR LIGHTING CONTROL SYSTEM

### LETTER OF INTEREST WITH WOODLAND JOINT UNIFIED SCHOOL DISTRICT FOR CO-GENERATION PLANT AT SWIM CENTER

Council Member Dote requested the following item be removed from the Consent Calendar for discussion and action:

# FINAL EPS MARKET ANALYSIS AND FISCAL IMPACT STUDY ON WOODLAND GATEWAY/AUTO MALL PROJECT

Council Member Dote asked when the Development Agreement and the project actually come up for approval. The assumption in the EPS Study is there is mix of auto mall space of about 20 acres, with 35 acres of commercial. She asked if there has been any consideration of reducing the commercial and increasing the auto mall and is there a different way of funding the associated infrastructure. Is there an opportunity for the City to participate in helping to fund the infrastructure to reduce the commercial. How will that affect the net benefit to the City. Director Stevens said this item simply accepts the report to study the proposed project and is not approving the project itself. The project approval is tentatively scheduled for October 7, 2003. Should Council choose to look at a different mix during the Public Hearing process, several things must happen. A revised market analysis would be considered, a different project may require further environmental analysis. There are several steps to be taken to address those alternatives. Council Member Dote said the most controversial is the mix of uses. She would like to have some preparation on these questions to be addressed at the Public Hearing.

# At 11:30 on a motion by Council Member Dote, seconded by Council Member Peart and carried by a majority of the Council, the meeting was extended to 11:45.

Mayor Flory said this has been zoned for an auto mall for thirteen years. Council needs to make a statement to the community on why this is changing somewhat at this time, what the tradeoffs are, where this project is going, and what the benefits will be as well. The City needs to commit funds from this project to the Redevelopment Agency.

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



#### MONTHLY STATUS REPORT FROM COMMUNITY DEVELOPMENT

Council received the Monthly Status Report for August 2003 for Community Development.

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

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

### MONTHLY STATUS AND CAPITAL BUDGET IMPLEMENTATION REPORTS FROM PUBLIC WORKS

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

#### RESPONSE TO GRAND JURY REPORT

Council received the proposed response to the 2002-03 Grand Jury Report.

#### LIBRARY SERVICES AND TECHNOLOGY ACT CHECK FOR LITERACY SERVICES

Council accepted a check in the amount of \$34,100 from the Library Services and Technology Act received from the California State Library for the Woodland Public Library Literacy Service.

#### ORDINANCE 1372-SECOND DWELLING UNITS

Council found the adoption of Ordinance 1372 is exempt from California Environmental Quality Act review as a statutory exemption under Section 15282 (a) of the CEQA guidelines and a categorical exemption under Section 15303 of the CEQA guidelines and approved Ordinance 1372, "An Ordinance of the City Council of the City of Woodland Amending Chapter 25, Article 4, Sections 25-4-10 Table I Residential Land Uses, and 25-4-20-F".



#### POLICE DUTY GEAR

Council authorized the purchase of replacement Police duty gear in an amount not to exceed \$13,000.

#### PROGRAM GUIDELINES FOR MINOR HOME REPAIR PROGRAM

Council reviewed and adopted the Program Guidelines for the City's Minor Home Repair Program.

#### CITY CEMETERY SECURITY AND CORRECTIVE ACTION

Removed from action. See discussion above.

#### CITY USE OF PROPERTY AT ASHLEY AND KENTUCKY

Discussed above. Information only, no action required.

#### NEW VEHICLE AUTHORIZATION FOR POLICE INVESTIGATIONS DIVISION

Council authorized the purchase of a vehicle for the Police Department for the Gang Violence Suppression Unit as a replacement to a prior grant-funded vehicle at an estimated cost of \$25,000.

### RESOLUTION 4469-PARK BOND ACT APPLICATION (PROPOSITION 40) GRANT FUNDS

Council adopted Resolution 4469, a "Resolution of the City of Woodland Approving the Application to Apply for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002".

### LIGHTING CONTROL SYSTEM

Council approved the award of a Sole Source Purchase Agreement with OpenApps for the purchase and installation of a Lighting Control System at the City of Woodland athletic fields. See comments by Council Member Peart above.



### LETTER OF INTEREST WITH WOODLAND JOINT UNIFIED SCHOOL DISTRICT FOR CO-GENERATION PLANT AT SWIM CENTER

Council authorized the City Manager to sign a Letter of Intent with the Woodland Joint Unified School District to develop a Cogeneration Plant at the Woodland Swim Center. See comments by Council Member Peart above.

### PROJECT PROGRAMMING SUMMARY SHEET WOODSIDE PARK — PHASE II, PROJECT 02-49

Council reviewed the Project Programming Summary Sheet for the Woodside Park Playground Renovation Project 02-49 to include Proposition 40 Bond Act 2002 Funds. See comments by Vice Mayor Rexroad above.

### RESOLUTION 4470-RESOLUTION OF INTENT TO ABANDON .84 ACRE OF CITY-OWNED LAND AND SET PUBLIC HEARING

Council adopted Resolution 4470, a "Resolution of Intention to Abandon and Sell a Portion of City-Owned Park Land Pursuant to the Municipal Park Abandonment Law of 1939 (Government Code Section 38502 Et. Seq.)" to abandon .084 acre of vacant City-owned property located adjacent to Dove Drive and set a Public Hearing for October 7, 2003 to consider objections to such abandonment.

### <u>SUPPLEMENTAL IMPROVEMENTS REIMBURSEMENT AGREEMENT-WOODMARK</u> APARTMENTS

Council approved and authorized the Public Works Director to execute a Supplemental Improvements Reimbursement Agreement for those public improvements constructed with Woodside Apartments.

# FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AT SUBDIVISION 4566 – STEEPLECHASE #1 AND NOTICE OF COMPLETION

Council accepted as complete the public improvements constructed with the development of Subdivision No. 4566, Steeplechase Unit No. 1 and directed the City Clerk to file a Notice of Completion.



### FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AT SUBDIVISION 4575 – GREENWOOD AND NOTICE OF COMPLETION

Council accepted as complete those public improvements constructed with the development of Subdivision No. 4575, Greenwood and directed the City Clerk to file a Notice of Completion.

### FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR SUBDIVISION 4574 NANTUCKET #2

Council approved the Final Map and Subdivision Improvement Agreement for Subdivision No. 4574, Nantucket Unit 2.

# PROJECT PROGRAMMING SUMMARY SHEET AUTHORIZATION FOR SCHOOL CROSSING/SAFETY ENHANCEMENTS PROJECT 00-19

Council approved an increase to the Construction Contract budget for Project 00-19, Federal Aid Project No. STPLHSR-5046 (023), School Crossing Safety Enhancements, for Richard A. Heaps Electric Contractors, Inc. in the amount of \$58,000; authorized expenditures in an amount of \$63,800 (10% contingency); and authorized the Public Works Director to execute the Contract Change Order on behalf of the City.

### SUTTER STREET CORP YARD AS SURPLUS AND TRANSFER OF PROPERTY FROM WATER FUND TO GENERAL FUND

Removed from action on this Agenda. See discussion above.

### FINAL EPS MARKET ANALYSIS AND FISCAL IMPACT STUDY ON WOODLAND GATEWAY/AUTO MALL PROJECT

Council approved the Final Market Analysis and Fiscal Impact Study prepared by Economic and Planning Systems per the conditions of the Woodland Gateway and Auto Center Development Project. See discussion on this topic above.



#### SOLE SOURCE CONTRACT FOR ON-CALL ENGINEERING SERVICES

Council authorized the City Engineer to execute a Sole Source Contract for on-call Engineering services with Sigma Engineering Consultants to provide project specific design, project management, and/or construction management services for a one-year period at a total cost not-to-exceed \$40,000.

### MINUTES-JULY 15, 2003 AND 22, 2003

On a motion by Council Member Peart, seconded by Council Member Monroe and carried, Council approved the minutes of the joint Regular Council/Redevelopment Agency Board meeting of July 15, 2003 and the regular Council meeting of July 22, 2003 as presented.

#### COMMUNICATIONS - WRITTEN

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council rejected Claims for Damages filed by Michael Bathe and Donald Webb and referred to the City Insurance Representative for action.

Council received notification of an application for a person-to-person transfer of an Alcoholic Beverage Control License for Mountain Mike's Pizza located at 375 West Main Street, Suite A.

Council received notification of an application for a new Alcoholic Beverage Control License for Shanghai Gardens located at 610 West Cross Street.

Council received notification of an application for a new Beer and Wine Alcoholic Beverage Control License for Tazzina Bistro located at 614 Main Street.

Council received notification of an application for a person-to-person transfer of an Alcoholic Beverage Control License for Woodland Sure Stop located at 2020 East Main Street.

#### **COMMITTEE REPORTS**

Council received a report from Parks, Recreation and Community Development Director Gentry transmitting the minutes of Parks, Recreation and Community Services Commission meeting of June 23, 2003.



Council received a report from Library Services Director Bryan transmitting the minutes of Library Board of Trustees meeting of July 7, 2003.

Council received a report from Community Development Department Director Stevens transmitting the minutes of Historical Preservation Commission meeting of July 9, 2003.

Council received a report from Director Stevens transmitting the summary of Planning Commission actions taken at their meeting of July 17, 2003 as follows:

- (a) reviewed the draft 2002-2005 Capital Budgets, determined conformity with the General Plan and recommended adoption by the Council
- (b) recommended conditional approval of the Turn of the Century 160 East project

Council received a report from Director Stevens transmitting the summary of Planning Commission actions taken at their meeting of July 24, 2003 as follows:

(a) held a Public Hearing and workshop on the draft Environmental Impact Report for the proposed Woodland Gateway and Auto Center project. Continue hearing to August 28, 2003.

Council received a report from Director Stevens transmitting the summary of Planning Commission actions taken at their meeting of July 31, 2003 as follows:

- (a) conditionally approved a Use Permit and certified a Categorical Exemption for a tattoo and body piercing establishment at 526 Main Street.
- (b) certified a Categorical Exemption and conditionally approved a Use Permit for construction of a 65 room hotel to be located on Freeway Drive.
- (c) continued to September 4, 2003 a Conditional Use Permit and Variance for construction of the California Lube and Wash at the corner of County Road 102 and Wintun.
- (d) certified the Negative Declaration and conditionally approved a Use Permit for construction of Eaglewood Apartments, a 156 unit complex at County Road 102, Maxwell, Kincheloe and Wintun Avenues.



### **ADJOURNMENT**

Mayor Flory adjourned the meeting at 11:40 p.m.	
	Respectfully submitted,

Sue Vannucci, CMC, City Clerk