

Woodland City Council Meeting Minutes
City Hall, Council Chambers
300 First Street
Woodland, CA 95695

July 23, 2002

CITY COUNCIL
SPECIAL SESSION

CALL TO ORDER

At 7:00 p.m., Vice Mayor Rexroad called the Special meeting of the Council to order.

PLEDGE OF ALLEGIANCE

Vice Mayor Rexroad asked those present to join in the Pledge of Allegiance led by City Clerk Vannucci.

ROLL CALL

Council Members Present: Martie Dote, Jeff Monroe, Neal Peart, Matt Rexroad, David Flory

Council Members Absent: None

Staff Present: Rick Kirkwood, Phil Marler, Ann Siprelle, Steve Harris, Gary Wegener, Hoss Khatami, Sue Vannucci, George Bierwirth, Paul Hanson, Dan Gentry, Greg Moutinho

PUBLIC COMMENT

None.

COUNCIL/STAFF COMMENTS AND REQUESTS

Vice Mayor Rexroad stated the decorum of the Council meeting will follow the tenants of the Brown Act. No member of the public will be allowed to threaten the Council and he will adhere strictly to the three minute maximum for speakers.



Mayor Flory asked staff to provide information regarding the length of time temporary fencing is allowed to be in place within the City. He has received information from Civic Partners of Modesto requesting an exclusive agreement with the City. They would like to discuss renovation of the Porter Building, which they do not own, a parking facility and a new City Hall at the Northwest corner of Court and College where the new parking lot is currently scheduled for construction. He requested this item to be placed on the next Council Agenda for July 30th. Council concurred. City Manager Kirkwood said there are a number of policy issues that would be tied to this proposal. He will meet with Mayor Flory to discuss further.

Council Member Dote stated the issue before the Gaining Ground the Habitat Conservation Plan. A Joint Powers Agency was formed to purchase easements. Funds have been accumulated. A meeting will be held and they need to know who the voting member will be. She would like this item on the July 30th Agenda to appoint a voting member. A recent article "Woodland Aced It", in the Business Journal indicates the City was on target with the approval of the Ace Hardware Retail Support Center location.

Council Member Monroe said the Civic Partner information was very brief. He feels this is a good project and was a very good vision. The City would have downtown parking garage and a new City Hall. He announced that the Relay for Life held last weekend raised \$53,000 for the American Cancer Society.

Council Member Peart has been in contact with the Accountant of the owner of the Porter Building and this will tie in with other civic partnerships. He has been involved with the long-range planning through the University of California at Davis. The housing issues have been worked out. Woodland will be a spill over of some of the things from the University, most importantly, housing. They want us to have available housing on line so they can push prospective tenants to Woodland.

A report has been received from the City of Davis on forming a Municipal Utility District. The City should send two members of the Council to be part of the process. The City of West Sacramento would also be a part of the District.

Vice Mayor Rexroad would like to a report on whether all of the current Boards and Commissions are necessary.

CONSENT CALENDAR

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:



INTRODUCE ORDINANCE TO PRE-ZONE SPRECKELS PROJECT INDUSTRIAL/ PLANNED DEVELOPMENT OVERLAY ZONE

Council introduced and read by title only "An Ordinance of the City Council of the City of Woodland Pre-Zoning Spreckels Property to Industrial/Planned Development Overlay Zone".

AGREEMENTS FOR ADVANCE OF FUNDS AND REIMBURSEMENT OF FUNDS

Council approved an Agreement for Advance of Funds and a Reimbursement Agreement with Gerry Kamilos, LLC, and approved augmentation of the Community Development Department contractual services budget.

Council recessed from 7:16 to 7:30 p.m.

PUBLIC HEARING

ORDINANCE 1347 AND RESOLUTION 4370 – INTERSTATE 5 AND COUNTY ROAD 102 OVERLAY ZONE AMENDMENTS

Associate Planner Paul Hanson advised Council that in 2001, after Planning Commission review and Council input, staff had been directed to amend the Zoning Ordinance, Community Design Guidelines, Southeast Area Specific Plan and the General Plan to address the changes in the County Road 102 and Interstate 5 area and the growth attached thereto. A Negative Impact and a finding of de minimus was made. Staff was directed to file a CEQA Notice of Determination. Planning Commission recommendations for proposed amendments to the Zoning Ordinance and Zoning Map, Community Design Guidelines, Southeast Area Specific Plan and General Plan were summarized and discussed. Director Harris said this process has been before the Planning Commission on several occasions and discussions have been held with the property owners and prospective owners. He recommended not amending the Highway Commercial Zone but to incorporate the request of the developer into the General Plan.

Council Member Peart asked about the second reading on this and how long before it becomes effective. Director Harris said that once adopted, the Ordinance goes into effect in 30 days. The projects could then proceed.

At 7:37 Vice Mayor Rexroad opened the Public Hearing. In the absence of speakers, the Public Hearing was closed at 7:37.



On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council adopted the Negative Declaration that the project would not have an impact on fish and wildlife and made a finding of "De minimus"; directed the California Environmental Quality Act Notice of Determination to be filed.

On a motion by Council Member Monroe, seconded by Council Member Peart and carried by Roll Call vote, Council adopted Ordinance 1347, "An Ordinance Amending the City of Woodland Zoning Ordinance to Implement the Interstate 5 and County Road 102 Overlay Zone" and Resolution 4370, a "Resolution of the City Council of the City of Woodland Approving Amendments to the Woodland General Plan and Community Design Guidelines to Implement the Interstate 5 and County Road 102 Overlay Zone" implementing the Interstate 5 and County Road 102 Entryway Overlay Zone amendments which include: General Plan Amendments, Zoning Ordinance and Zoning Map Amendments, Community Design Guideline amendments, Southeast Area Specific Plan amendments. On Roll Call the vote was as follows:

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

NOES: None

ABSENT: None

ABSTAIN: None

REPORTS OF THE CITY MANAGER

REGULAR CALENDAR

URGENCY ORDINANCE 1348 – FLOOD MAP IMPACTS

City Attorney Siprelle stated a letter had been received this evening from Attorney Marcus Lo Duca representing Myers Homes, Centex Homes and California Homes and their objections to several issues within the Ordinance. She has not been able to meet with the author of the letter prior to this evening's meeting but does feel that Council can proceed with this item.

City Manager Kirkwood said that Council had been working for the last five years on the issue of flooding. Available information is updated constantly and the City must then re-evaluate the issue. Director Wegener and Planner Khatami



have been studying the flood plain maps and working very hard on keeping up with current information as provided.

With development in the flood plain, the water level rises and widens the flood plain. Increases in flood elevations due to map corrections or development is prohibited by FEMA. The General Plan build out is significantly affected by these new maps and the Urgency Ordinance is required to allow proper review of the development in the flood plain. We can continue to issue permits if we provide a Letter of Map Revision (LOMR). Eighty percent of the land North of Interstate 5 is subject to deep flooding. Adoption of the Ordinance would provide for allowance of a discretionary review of development proposals in the flood plain, pending completion of the General Plan amendment and the CEQA review. Mitigation measures would also be incorporated into the projects to address flood issues.

Other issues needing consideration and understanding include the "freeboard", which is the height that flood waters can rise without causing damage. Presently development must be at or above the freeboard. FEMA recommends the lowest floor be at least one foot above the BFE, while the State recommends two feet. The LOMR needs to be submitted. The City needs to determine whether continued development will be allowed in advance of FEMA certification of the LOMR. While the General Plan amendment will address the impacts of development in the flood plain, the Urgency Ordinance will allow project specific review for mitigation requirements.

The main issue leads to the flood map impact. The building in the flood plain causes the water to rise higher and spread out. Insurance Agents are interpreting the law differently and premiums are fluctuating greatly. The law also states that should a building raise the water level by a foot it cannot be constructed.

Council Member Peart asked if this was a FEMA requirement and Director Wegener indicated to the affirmative. Existing development puts us over that level and equates to a building moratorium. FEMA modeling omissions were the cause of the "over one foot" increase. The General Plan build out is significantly affected and is in the deep flood zone. The Ordinance will allow for proper review of the flood zone. FEMA is allowing the one time LOMR change to correct the errors in the maps. CFR does not allow us to continue to issue permits but the LOMR does. FEMA then reviews the terms and we could be working with a third map. Once the third map is issued there is an appeal period. It would then change again the following April.



Director Wegener explained what a LOMR involves. Council Member Dote asked if we are reviewing the BFE for the entire area. Director Wegener said there will be a new map with different elevations. Some of the area has more than a one foot difference. Council Member Monroe asked if it puts more of the residential area in the flood zone and Director Wegener said the lateral movement would be minimal.

Marcus Fortner of MBK Engineering said there were two locations in the Southeast Area that had minor increases in the lateral movement. The primary increase is around the Monroe Center and along Matmor and Main Street. This would put a portion of the Monroe Center in the flood zone. Mr. Fortner said the increase had several factors: the Highway 113 and railroad area, the existing berm along Churchhill Downs, the Highland Canal, and six developments that affect the map.

Council Member Peart said these were existing conditions that FEMA did not include.

The development since the original study was not included as well. The map, without these existing conditions which had not been considered, brought about the one foot increase. One of the maps presented indicated 1000 foot squares called cells which are the building blocks of the maps. This information is manipulated by the computer to provide a square or center with flow parameters that then give a flood elevation at the center point of that cell. The map indicates Cache Creek upstream information as well. The Wastewater Treatment Plant is partially in the zone and must be brought out in order for us to maintain our permit. About \$2 million is the estimated cost to achieve this protection. The backup of water in the City would be higher than the level of the Plant which would then bring level in the Plant higher. Once this happens, the water and affluent would backup into the City and float access holes.

Director Wegener corrected the Recommended Action to indicate it should read not to do a supplement, but that we do an appropriate CEQA analysis. This would be a 100 year map and will be a LOMR. Council Member Monroe asked if we did something other than the 100 year what would be the outcome and Director Wegener said it would lessen the flows. The City would still have the flood insurance issues. Even if the Creek was denuded and lined with concrete the best we would do would be to provide a 40 year protection.

Planner Khatami recommended the Ordinance so that staff could review the requirements of CEQA. Some allowed uses would be problematic with the new flood maps. One of the mitigations would be to comply with the NFIP on all



projects that have not yet pulled a building permit and they would be subject to discretionary review. Freeboard advantages and disadvantages have been determined. Current language is zero freeboard. The NFIP minimum standards are at or above the base flood elevation. We can amend the model Ordinance with the one foot increase or freeboard requirement which would account for some of the modeling areas and allow some flexibility. The Urgency Ordinance is being recommended to provide for review.

Council Member Peart asked if the General Plan was determined on a four foot water level. Planner Khatami said they cannot locate anything that indicates anything over 4 feet because that is a tremendous amount of soil, especially in the industrial area. Director Wegener said it was carried forward from the previous General Plan and they cannot find a basis for it. If the pad is raised but not the roads, the water then strands people in islands.

Jack Eldridge, Community Mitigation Chief of FEMA, Region IX said the National Flood Insurance Program does establish a set of minimum standards each community must follow. For example, a residential building being permitted in a special flood hazard area must be elevated at least so that its lowest floor is at or above the 100 year base flood elevation on the FEMA map. A community may have a more restrictive standard. Approximately 5% of the City was originally in the flood plain. The mapping only takes into consideration those buildings on the ground at the time of the study. The recent mapping and buildings in place affected the levels and the City appealed. There was a two year period and a few things happened in the interim. FEMA does the best they can on the map at the time based on the information available. Communities may have better information. FEMA encourages the City to use the information that is more restrictive than on the map. Less restrictive goes through a stringent review. The more restrictive would be used to issue permits. They must use the information from April 2, 2002 until the last project to be built would punch through the one foot increase in base elevations. If we are not growing and nothing is happening in the watershed, we can remain the same. If we develop in the flood plain and push that water up, we must adopt more restrictive standards. FEMA is at or above what is on the map.

Director Wegener said is a feeling by Staff that there is some degree of risk in issuing permits prior to the LOMR. Mr. Eldridge said that in the new information the only changes were to indicate what was on the ground prior to April 2, 2002 and we are only correcting the maps.

Director Wegener asked if during the FEMA review process, for some reason they return and said that the April 2nd should have been at this level and



it is lower, would they then say the elevations are incorrect and development has been approved raising it five inches from what we thought it was but we are now below that would it change the elevations again. Mr. Eldridge said that we are working on good faith using the more restrictive of the best available information at the time and we should be on solid ground.

Council Member Dote asked if this is a cumulative effect over the entire flood plain or just downstream. With development on the East side of the City you would not expect it to affect the Western portion at the same level. Mr. Eldridge said it depends upon the flow, slope and where the development is located. The Hydraulic Engineer has a model where those factors are inserted to give specifics on where the flows will appear and at what levels. Scenarios can then be computed. Everything that goes in beyond April 2nd is added to the base line model and every new development can be added to the model.

Council Member Peart said we have a flowby situation. If the BFE raises beyond the one foot, how much of the area would be restricted or a basic moratorium on building. If each project requires a flood study, that would be when the hydraulic analysis would appear. Mr. Eldridge said that if at any point the next proposed development would push the base flood elevation up to more than one foot at any place in the flood plain, the City must stop the development. Council Member Monroe said we presently have a ten year protection on the Creek and asked if we did something less than a 100 year protection and the levee breaks, does that mean we would be lessening the flood zone and moving it backwards. Mr. Eldridge said if the levee will not take a 100 year flood they are required to fail the levee to the ground. If a great deal of water passes prior to the failure we may be able to shrink the flood plain. Should a great deal of water still be forthcoming following levee failure, there would not be much difference. Director Wegener said these questions should be referred to the modeler who has the specifics. We need to look at proposed and anticipated by looking at this General Plan build out flood study. There are an infinite number of permeations on the possible scenarios of build out dependent upon location, type of building that would affect the flows, and levels of water at any given time.

City Manager Kirkwood indicated a phone number would be displayed on screen so that citizens could call FEMA for information.

Ken Poelman representing Holiday Inn Express who is proposing to build at Interstate 5 and County Road 102 said they have the grading permit which has been certified twice to meet the requirements of FEMA. The building permit



has been approved and is ready to be issued with the exception of this hold. They have some urgency as they are ready to proceed.

Cindy Heavens of Yolo Community Care Continuum said they are constructing a building at 580 Kentucky. They were originally at two feet above the pad. The freeboard issue would now require them to raise their pad. They are afraid the neighbors will not approve the construction if they must go higher. They are at the plan check phase. Planner Khatami said that the increase in freeboard requirement would not reopen their case to further discretion and review.

Jeanette Fowler said that in the Spring of 2001 her property went into escrow. When information about the flood plain came out, the purchasers withdrew. To date they have extensive funds invested in the land and cannot proceed as the FEMA issues are being changed constantly. She wants something settled so that they can proceed.

Marcus Lo Duca, representing Centex, Myers and California Homes said these builders support five of the six recommendations before Council. The freeboard issue should refer to the habitable area of the house only. The Urgency Ordinance should be discussed and they would like to meet with staff on this because they are concerned about the Section 25-19-50 which makes building permits discretionary. This triggers an environmental review for projects and determination whether this is sufficient. This step slows down the process and causes additional environmental review when specific review has already taken place. There was a question of intended development and that build out of the General Plan should be the definition.

Council Member Dote asked if the discretionary condition on issuance of building permits is not to be a permanent condition but only until the LOMR is issued. City Attorney Siprelle said this would not be City-wide but only in the flood plain overlay zone would be subject to a discretionary review to be sure there are no additional mitigation measures that might be appropriate to impose on that development that were not considered in the previous environmental document. The EIR might be found to be sufficient but would need to be determined on each project to ascertain if there was additional information to be considered.

Brenda Cedarblade questioned the sense of urgency. Permits were issued prior to the maps. By allowing development the City created the problem. She asked if the berm on Churchhill is the settling ponds from Spreckels. She understands that ACE is using some of this dirt to raise their pad. How will this



affect the island that is already there. Some of the land has been purchased East of Road 102 in the settling basin and asked why we are doing that. Some of the developers should use it for habitat mitigation. She is also concerned about her property and its protection. If we increase the level of water how will it affect the habitat. Her property is elevated and is not affected by the flood zone. How will the change in elevations with the building affect her property and who will be compensating her for that. The FEMA documents say Woodland has no history of flooding. How can we maintain the Creek and protect it. How is the City going to pay for additional services if there is a flood. She wants it added in the documentation that notification be provided of any CEQA documents for houses in the flood zone so that everyone is properly notified.

Council Member Monroe asked if land was purchased in the settling basin by the City and Director Wegener said it has not.

Colette Stewart said at Road 102 and Main and at Interstate 5 and Road 102, overlay zone adopted this evening is all in the flood zone and will be up to four feet deep. What happens to the water that does not settle. The Churchill and Road 102, ACE warehouse would be built and would create an island. What happens to the water and who does it affect. The water could then encroach her house which is not in the flood zone at present.

Director Wegener said when buildings are built the water then goes elsewhere and moves laterally. The buildings are required to do a flood study and they must do a cumulative effect study. The Urgency Ordinance making building permits discretionary would allow the City to look at basing an environmental review for the each of the developments that occur and determine whether and/or to what degree mitigation needs to be identified.

Al Eby has a concern that the LOMR does not currently identify the full build out and what will happen to the General Plan. What effect will they have on the map. ACE said they are building for a five year protection. Will they be the model for all construction.

Brenda Brennan asked if the one foot issue affects the County land. Director Wegener said the County already has the one foot freeboard requirement. The freeboard we have affects only the City. There would be a wider expanse in the outlying areas.

Council Member Dote asked if the backup would be North, West or to the East. Director Wegener said there are many factors that affect where the water would back up. Council Member Monroe asked if there was any extra protection



on the Creek would it reduce or affect the flood plain as it currently exists with the protection we have now. Mr. Fortner said with the Corps feasibility study it would make a difference by reducing the flow downstream into the City and would reduce the damages. On a FEMA study we must look at the worst case analysis and are looking at a series of runs. Anything that is less than a 100 year levee, geotechnically certified and having a public agency maintain it, the FEMA guidelines say that we must ignore that structure. The map would not change no matter what protection we place on the levee.

Director Wegener said FEMA and Corps maps are different. FEMA is looking at it to be sure everyone is protected, encouraged to get flood insurance, and will not have to apply for disaster relief. The Corps of Engineers goes to Congress and sells to them that they are trying to bring a flood protection forth that is economically viable, that has a benefit/cost ratio greater than one. The Corps could be using a much wider flood plain which indicates more damages which Congress could feel was not a realistic scenario. MBK looked at realistic standards. FEMA looks at the worst case scenario.

Council recessed from 9:11 to 9:28.

City Attorney Siprelle said that staff has met and discussed the letter received and they are recommending adoption of the Ordinance as there are no significant legal implications and allows the City to look at each project as submitted and impose site specific mitigation measures to protect surrounding land owners. When the General Plan Amendment and environmental analysis are completed, that document can be used and will be contain standard measures.

Council Member Dote asked if they would need to go back and rescind the Ordinance. City Attorney Siprelle said they may not need to rescind. They could look at the updated General Plan and impose mitigation measures. City Manager Kirkwood said the City is on converging issues. We have a General Plan that discusses the economic viability of our community as we proceed into the future. We now see new flood insurance rate maps that include 35% of the community who are now required to pay insurance. Delaying the insurance for two years saved homeowners money. The industrial area is impacted which creates an economic concern for the City. This community is dependent upon reasonable and planned growth. We must have a good job base, good commercial base and good industrial, manufacturing and office and business uses. The City also has a health, welfare and safety responsibility to its citizens.



Council Member Peart said this is very difficult for the City to understand and the changes are frustrating. We cannot let the City get into a legal battle on this issue. Vice Mayor Rexroad said if the freeboard was kept at zero we would not need to change anything. Council Member Monroe asked if we chose not to provide protection what would be the recourse from FEMA. Director Wegener said we could not participate in Federal insurance and it would affect our ability to receive Federal loans. Planner Khatami said we would not be eligible for any Federally-backed financing programs, CDBG funds, 20% set aside, highway assistance, any funding from the Federal government.

On a motion by Council Member Dote, seconded by Mayor Flory and carried, the Council concurred with Staff recommendations to submit a Letter of Map Revision (LOMR) reflecting actual conditions on April 2, 2002; adopted the proposed LOMR as the best available information for use with our Flood Plain Ordinances; immediately use the LOMR for evaluating compliance with 44 CFR 60.3c(10) and directed staff to proceed based on FEMA's recommendation to use the higher of the Base Flood Elevations contained in the LOMR or the FIRM, pending FEMA certification of the LOMR; directed staff to initiate an amendment to the General Plan incorporating the new flood maps and appropriate CEQA analysis; introduced and adopted Urgency Ordinance 1348 of the City of Woodland amending Article 19 of Chapter 25 of the Municipal Code relating to the Flood Plain Overlay Zone.

Council Member Monroe is concerned that he does not fully understand why increasing protection on the Creek does not lessen the impact of our flood plain. If the difference in water coming out of the Creek in a 100 year flood into our flood plain is different, the flood plain should be different, even with the assurances this does not change.

ADJOURN

The Special meeting of the Council was adjourned by Vice Mayor Rexroad at 9:42 p.m.

Sue Vannucci, City Clerk