

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

February 26, 2002

CITY COUNCIL
SPECIAL/CLOSED SESSION

The Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. Council Members present were Vice Mayor Flory and Council Members Dote and Monroe. Mayor Borchard arrived at 6:01 and Council Member Peart arrived at 6:07. Also present were City Manager Rick Kirkwood, Assistant City Manager Phil Marler and City Attorney Ann Siprelle. The purpose of the Closed Session was to hold a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9, one case and a conference with Legal Counsel regarding existing litigation pursuant to Subdivision (a) of Section 54956.9), Fairbanks v. City of Woodland.

CITY COUNCIL/PLANNING COMMISSION
JOINT REGULAR SESSION

Mayor Borchard announced that Council had met in Closed Session for the purpose of holding a Conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation and existing litigation, received a report and gave guidance to Counsel.

CALL TO ORDER

Mayor Borchard called the joint regular meeting of the Council and Planning Commission to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE

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



ROLL CALL

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

COUNCIL MEMBERS ABSENT: None

PLANNING COMMISSIONERS PRESENT: Dennis O'Bryant, Julie Salley-Gray

PLANNING COMMISSIONERS ABSENT: Steve Barzo, Kevin Bryan, James Staker, Toni Thompson

STAFF PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Steve Harris, Sue Vannucci, Gary Wegener, Dan Bellini, Margaret Vicars

OTHERS PRESENT: Contract Planner Heidi Tschudin

PUBLIC COMMENT

None.

COUNCIL/PLANNING COMMISSION/STAFF COMMENT

City Manager Kirkwood announced that an appointment had been made for the new Parks, Recreation and Community Services Director. Mr. Dan Gentry has accepted the appointment and will begin on March 25, 2002.

City Manager Kirkwood requested that Council allow the viewing of the 12 minute flood video. Council agreed. Mayor Borchard commented that, though the video is a year old, it is still pertinent and provides excellent information on the problem before the City.

PRESENTATIONS

PROCLAIM FEBRUARY AS BLACK HISTORY MONTH

On a motion by Council Member Peart, seconded by Council Member Monroe and carried by unanimous vote, the Council proclaimed the month of



February as Black History Month. Mayor Borchard presented the Proclamation to William Scott.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

ESTABLISH URBAN LIMIT LINE

Community Development Director Steve Harris reminded Council of their request at the January 22, 2002 meeting regarding preparation of a Permanent Urban Limit Line Study and Spring Lake Specific Plan Agricultural Land Mitigation program. Staff has presented information regarding amendment to the current contract with Mintier and Associates who are presently working on the General Plan update, to include this feasibility study. The work would begin after the General Plan update in July of 2002 and contain an associated cost of \$20,000. A change to the Urban Limit Line would necessitate a General Plan amendment and require additional environmental review.

In regard to SLSP Agricultural Land Mitigation, Staff feels the Planning Commission Sub-committee should develop a work effort to be coordinated within the Urban Limit Line Feasibility Study.

Katherine Kelly, Executive Director of the Yolo Land Trust said with the adoption of the Spring Lake Specific Plan, the loss of agricultural land and habitat must be addressed. There are 940 acres of land in that area which require mitigation. The permanent conservation of 940 acres must be identified and there are several requirements within that preservation which must be met. For example, the soils and farming conditions must be equivalent or superior to the project area; acreage must be equal to the total identified acreage in the development; Swainsdon's Hawk foraging habitat may be jointly utilized to satisfy all or a portion of this mitigation requirement with conditions. There are implementation and timing requirements.

Ms. Kelly said this is a complex issue. When developers become involved several things happen: (1) easements are not effective due to their location; (2) they work on different time horizons than the City or Land Trust would, primarily due to funding in that they pay more than others so that they can get started; (3) negotiations going on without the entity to be involved in the direct communication. That can result in easement language that is weak and sometimes so flawed that it is unacceptable. In-lieu fees are an alternative. A



willing seller is dependent upon who is asking to buy. Mitigation easements have a higher responsibility level because they are saving the land but also offsetting land elsewhere. Many times the easement gets eroded away. We need to remove the easement out of the political process. Once the easement is received, the work begins, monitoring, defending, etc. Money is needed for the acquisition, as well as, the stewardship. Avoid drawing lines as that creates land owners on either side and may negate some willing sellers. Look at performance criteria, see if you can gain the same things by making a map with the strategic acquisition area by carefully defining the criteria for what the City wants to acquire and prioritize. Gaining Ground will be holding an easement workshop on March 18, 2002. Council Member Peart asked how many acres are involved on the Northwest Urban Limit Line. Ms. Kelly said it goes from Cache Creek, State Route 113 to County Road 103 and encompasses about 2,000 acres. There are 60+ acres to County Road 97A and 270 at County Roads 98 and 20. Council Member Peart asked if the flood plain would go into effect, would it affect the preservation. Ms. Kelly said until something is built this is still available for development. It would still qualify for preservation. You still need acreage in production to have a farm economy.

Director Harris recommended that the Planning Commission Sub-Committee work on this with interested parties and report back to the Council within a reasonable time on key points for City-wide agricultural preservation. They do not feel it is a good time to establish urban limit lines as this is part of the General Plan update process. This would return in June or July. There is a grant available from the California Farm Conservation Program which is a possible funding source for a comprehensive study on urban limit lines and agricultural mitigations.

Tom Lumbrazo presented a position paper to the Council for consideration. His issues included: (1) the need to submit tentative maps along with the conservation easements; (2) City should not be specific on conservation easement properties in an effort to keep the price down; (3) should allow the City, developers and Department of Fish and Game to determine land for habitat mitigation; (4) development community should be the entity to determine willing sellers; (5) create a partnership between the City, the Planning Commission Sub-Committee and the development community for this project. Council Member Dote indicated that item #4 appears to be totally opposite from what Ms. Kelly submitted. Mr. Lumbrazo said they are meeting with land owners that have been able to find the easements. They would like to have Ms. Kelly involvement before they get too far into this, thus the partnership. Mayor Borchard said the Russell property is not involved and Mr. Lumbrazo said this is at the State only through their efforts to this point. Mayor



Borchard said the development community looking for easements along a stretch of County agricultural land was questionable. No land owners had indicated willingness to provide easements because the incentive is there for Woodland to grow that direction, therefore taking an exception to item #4 above.

City Manager Kirkwood said that item #2 refers to "indicating a preference". City Attorney Siprelle stated that refers to the TOC request for a rescission. The City took action on the approving the location of the two "swap" easements being proposed at that time. They were close to the City boundaries and the City also said it wanted to have approval over the entity that would manage the easements. This one is different and for a Spring Lake program the City could indicate a preference. Council Member Monroe asked if they want the Council to specify where the buyer will get the easement. That could triple the land price. Mayor Borchard said it would rely on the development community to look for the easements and may not be the direction we want to go. That would provide for the developers to look for easements that are not close to the City at all. Selecting an area or corridor along the South border of town would be a better process. With a performance criteria to apply to those areas to be administered by the City or the Land Trust, with the Trust having the oversight of the easement, would be the best route.

Commissioner O'Bryant said the role of the City is to set parameters of what the City would like as mitigation. We should have some guidelines and parameters. Council Member Dote asked for clarification on mitigation monitoring plan requiring an agricultural land mitigation program be in place prior to approval of the first Tentative Map but the TOC letter asks for allowance of submission of Tentative Maps along with the proposed conservation easements. She feels they are mutually acceptable but is unsure of what the land mitigation program constitutes. Director Harris said on the issue paper pages 1 and 2, mitigation measures 4.2-1, total mitigation required at build out is 940 acres with the conversion of farmland. Mitigation measures are included for the habitat loss as well. We are looking to identify the performance criteria on acceptable land which would be qualified for an agricultural easement or a wildlife easement and the mechanisms of that program. Council Member Dote said that process should not take a full year to complete. Mayor Borchard said this concerns the Tentative Map passage, the timing, if off from the agricultural land portion, as it is considerably sooner than anticipated, and how do we then address working this into the Spring Lake Plan when it is adopted. Mr. Lumbrazo said there is a potential conflict with the timing of the maps in relation to the timing of the study. The Specific Plan provides that easements are found in order to submit the first Tentative Map. If found, the interim



process could be to submit to the sub-committee of the Planning Commission to review and advise. The City processes are protected and they can go forward. Director Harris said the timing of the maps is not solely based on the agricultural mitigation but on many issues. Planner Tschudin said the timing issue is not driven by the agricultural mitigation, it is only one piece of a number of items to be accomplished. It should not take a considerably less time but a few good workshops will lead us and it should go forward fairly easily. It is required to have the mitigation in place prior to going ahead. The Council will want to indicate where the 940 acres should occur. Appropriate policy framework must be in place because this is a very important decision. The schedule is being developed for those issues to be in place prior to the Plan being in the door. The annexation process will need the longest amount of time to achieve. We must satisfy LAFCO that, City-wide, we have addressed our sphere of influence and municipal service plans are in place. The annexation cannot precede those elements. The State guidelines are not in place but the City has master infrastructure plans for all major utilities. LAFCO feels it will be about a year, but we have set about nine months for completion, optimistically.

Council Member Monroe asked would it not be best for the applicant to come before the Planning Commission and if they are not an acceptable easement, it would give them time to go elsewhere. Planner Tschudin said the policy should be in place first prior to them going outside. The language does not go far enough on where we want this. Council Member Monroe said that specification of property drives the value of that land very high, which would make it impossible to mitigate. Mayor Borchard said Ms. Kelly had said not to draw lines but base this on performance criteria which would offer thresholds or criterion. Council Member Monroe said that we want soil as good or better and Mayor Borchard said we need to refine that language to indicate we do not need to identify land right next to the City. Council Member Monroe asked if we change a present acreage in lieu, could we use that to purchase a park and Planner Tschudin said it must be used to purchase agricultural land. Council Member Dote said in the urban limit line study we had suggested moving it out based on the General Plan and would we not have to look at an environmental document. Director Harris said another question is whether we want to look at an urban limit line expansion and he does not support a formal line 30 or 50 year plan, which would require CEQA clearance.

City Manager Kirkwood asked what a permanent urban limit line on the North end of town would mean. City Attorney Siprelle said if there are permanent easements in place and the holder of the easement is an entity other than the City, it would most likely be permanent. If held by the City, it could be changed at any time. If adopted by the voters, it could not be changed.



Director Harris said that Mintier and Associates have prepared some information on the urban limit line. A few months ago the City was asked to look at development of property East of County Road 102 for a Auto Mall. There are many issues which would have to be addressed should development go East, especially that of the Waste Water Treatment Plant. There is a Sub-Committee of Vice Mayor Flory, Council Member Peart, and Planning Commissioners Salley-Gray and Staker looking at this issue.

Public Works Director Wegener said there would be the issue of odor and chemicals on site with associated safe zones. There are the concepts of wetlands and equalization ponds. Many issues in relation to the storm drainage and storm water treatment methods are under study. The 50 acre proposed Auto Mall should not be impacted by that area.

Mayor Borchard asked if we are to amend the existing contract with Mintier, how does that compare with a more formal study which should take place. Director Harris said they are asking for a study to identify certain growth areas for feasibility. This should be a five to six month effort with public workshops and input from all necessary sources. Mayor Borchard fees that both issues tie together. Director Wegener said in looking at expansions of urban limit lines, the infrastructure is a very critical element. The consultant looked at water, sewer and loads and what the impact would be. Vice Mayor Flory asked if they are looking to change the line and doing a study for potential growth, how big do we want the City to grow. Council Member Dote said what happens if we do not expand the urban limit. How much land do we need to accommodate long range future growth, what kinds of changes do we need to make, what kind of growth do we need within the lines to sustain the community. Mayor Borchard said this indicates more of a need to have an agriculture mitigation plan.

Director Wegener said the 1996 General Plan identified the City should have an urban limit line on the North and West, study the East and South. These issues are very important to the Public Works aspect, i.e. the size of the sewer lines in the proposed Spring Lake Development to accommodate possible future growth. Council Member Peart indicated on the map the area of the Auto Mall in relation to the Waste Water Treatment Plant and 800 acres that is in the City. It indicated an island of the City, and expressed concern about barriers with the odors. He would like the area reviewed for future use to identify status. City Manager Kirkwood said we are allowed to annex property outside the City because it is being used for City purposes.



Commissioner O'Bryant said if we are looking at expansion of the urban growth boundary rather than a permanent urban limit line based on want rather than need, it may be opening the City up for expectations for development which the City may not necessarily want. It can then provide for rampant uncontrolled growth. We have a plan in place to control that growth which has been effective. Growth will not avoid the City but should be based upon the need. Council Member Monroe agrees but feels we need to maintain extensive open space around the Waste Water Treatment facility. Council Member Dote feels we need to have a good idea of where easements should go based on the premise they will block the direction of development. Director Wegener said allowing completion of the Master Plan studies of the Waste Water Treatment Plant and the storm drainage, identification of the requirements, weigh those in comparison to our needs to protect and continue optimum use of the plant, before we get into a review of the urban limit line. Council Member Monroe stated by taking no action, we are creating an urban limit line to the South. Director Wegener said we must be sure we are making a conscious decision so we are aware of the long term ramifications ahead for the City.

Commissioner Salley-Gray said Mintier had indicated there was an infrastructure limitation and developers would pay to do this but would this not be a huge expense. Director Wegener said it would be and the SACOG projections show populations may move to this area. It could cost 20 to 30 times as much to put in a new sewer main to serve the area to the West than it would to oversize the existing one. Director Wegener said the first question is whether to have a permanent urban limit line. Areas and costs would be the second level of that consideration. Council Member Dote needs to know the thinking behind why we should have a permanent line with the pros and cons identified. Mayor Borchard said we should recommend the \$20,000 for the study and ask the Planning Commission Sub-Committee bring forth recommendations to the Commission.

On a motion by Council Member Peart, seconded by Vice Mayor Flory and carried by unanimous vote, the Council authorized staff to amend the existing General Plan, update the Professional Services Contract with Mintier and Associates to prepare an Urban Limit Line Feasibility Study and directed staff and the Planning Commission Sub-Committee to study and report back on a City-wide and Spring Lake Specific Plan Agricultural Land Mitigation Program. Council Member Dote asked if the intent is not to apply to just the Spring Lake Specific Plan but City-wide and it was Council consensus for any agricultural land mitigation.



ORDINANCE

ORDINANCE 1342 - FLOOD PLAIN MANAGEMENT ORDINANCE

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by roll call vote, the Council adopted Ordinance 1342, "An Ordinance Amending Article II of Chapter 6 of the Code of the City of Woodland Pertaining to Flood Damage Prevention Regulations".

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

NOES: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT

Mayor Borchard adjourned the joint regular meeting of the Council and Planning Commission at 9:25 p.m.

Sue Vannucci, City Clerk

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