

**CITY OF WOODLAND
CITY HALL COUNCIL CHAMBERS
300 FIRST STREET
WOODLAND, CALIFORNIA**

MINUTES

**CITY COUNCIL
SPECIAL/CLOSED SESSION**

NOVEMBER 16, 2010

5:30 P.M.

CLOSED SESSION

At 5:30 p.m. Council held a conference with Labor Negotiators pursuant to Section 54957.6. The Agency Designated Representatives were William Avery, Mark Deven, Amy Buck and Christine Engel. The employee organization under discussion was the Woodland Mid-Management Association.

Present at this session were Mayor Pimentel, Vice Mayor Davies, Council Members Dote, Marble and Monroe, City Manager Deven, City Attorney Morris, Human Resources Manager Buck and Human Resources Analyst Engel.

**JOINT REGULAR CITY COUNCIL/
WOODLAND FINANCE AUTHORITY/
REDEVELOPMENT AGENCY BOARD**

6:00 P.M.

CALL TO ORDER

Mayor Pimentel called the joint regular City Council, Woodland Finance Authority and Redevelopment Agency Board meeting to order at 6:00 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Pimentel announced that Council had met in closed session to discuss labor negotiations and had given direction to the Labor Negotiators.

updated a/o 3/7/2012

ROLL CALL

Council Members Present: Skip Davies, Martie Dote, William Marble, Jeff Monroe, Artemio Pimentel

Council Members Absent: None

Staff Members Present: Mark Deven, Andrew Morris, Ana Gonzalez, Greg Meyer, Todd Reddish, Ken Bechthold, Bruce Pollard, Kimberly McKinney, Cindy Norris, Wendy Ross, Jamie McLeod, Roberta Childers, Cynthia Shallit, Heather Muller, Paul Siegel, Dan Bellini, Cindy Norris

PLEDGE OF ALLEGIANCE

Mayor Pimentel invited all in attendance to join in the Pledge of Allegiance led by Fire Chief Todd Reddish.

COMMUNICATIONS–COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Davies acknowledged the American Legion for their presentation at the Courthouse on Veterans' Day and for putting the flags out.

Council Member Dote said attended the Fire Station 3 Support Group Thanksgiving Dinner and recognized our retiring Fire Chief Reddish at the event. She and Council Member Marble attended the Water JPA meeting. The Theater Sub-Committee continued to meet to discuss the RFP's and the options. The Energy Sub-Committee met and they were happy that Proposition 23 was defeated as it means we can work on the A. B. 32 issues for our City. She is the Honorary Chairperson for the Habitat for Humanity Project. Plans for the Women's Seminar are progressing and it will be held on March 11, 2011. One of the speakers will be Firefighter Tara Daniels and we will be having one of her recipes for lunch. We are also working to have the new First Lady of California as one of our speakers as well.

Council Member Marble said at the Veterans' Day ceremony it is appropriate for us to congratulate Jordan DeKnikker for the bench that was dedicated at ceremony that was part of his Eagle Scout project. He also did a great job at the microphone. We should also congratulate Steve Moreno for the receiving the Bronze Star and the Purple Heart at that ceremony. At the Water Resources Association meeting on Monday had a

presentation from the Department of Water Resources and the Central Valley Flood Protection Board relative to the Flood Safe California and some of the ways that will impact Cities and Counties, urban and non-urban areas over the next couple of years. We also had a presentation from West Sacramento and Fran Borcali on the current status of their flood status.

MINUTES

On a motion by Council Member Dote, seconded by Council Member Monroe, and carried unanimously, Council adopted the minutes of the Joint Regular City Council/Redevelopment Agency Board meeting of May 4, 2010, the Joint Regular City Council/Redevelopment Agency Board meeting of May 18, 2010 and the City Council Special/Study Session of May 25, 2010.

COMMUNICATIONS - WRITTEN

Council received a notice from Alcoholic Beverage Control for a Winegrower License for Brian Arden Wines Holdings, Inc., for Internet Sales Only located at 2682 Briscoe Place.

COMMUNICATIONS – COMMITTEE REPORTS

Council received the minutes of the Yolo Emergency Communications Agency meetings of August 4, September 1 and October 6, 2010.

Council received the minutes of the Woodland-Davis Clean Water Agency Board of Directors Regular meeting of September 23, 2010 and Special Meeting of September 29, 2010.

PRESENTATIONS

CERTIFICATE OF APPRECIATION – KEN BECHTHOLD

Council approved a Certificate of Appreciation for retiring Fire Battalion Chief Ken Bechthold with commendation for his 37 years of dedicated service to his City. Vice Mayor Davies presented the Certificate to Chief Bechthold on behalf of the Council.

CERTIFICATE OF APPRECIATION – JEFFERY W. MONROE

Council approved a Certificate of Appreciation for Jeffery W. Monroe's 11 years of service on the City Council and his 30 years of public service with the Yolo County Sheriff's Department. The Council Members presented the Certificate to Council Member Monroe.

CONSENT CALENDAR

TEMPORARY LEASE AGREEMENT – DUBACH DETENTION FACILITY

At the request of Council Member Dote and with Council concurrence, this item was removed from the Consent Calendar for discussion. Council Member Dote asked for an explanation of what motor cross is and where this is located and is curious regarding the noise level and would the possibility of future residential be an issue. She also asked if this Temporary Lease would obligate the City.

Economic Development Manager Ross said the specific answers to her questions will be asked later on in the process. The request tonight is to determine if this is a good project for that site. This Temporary Lease Agreement with Don Steinke for temporary occupancy at the Dubach Detention Facility for a motor cross venue for a period of six months to allow staff to do due diligence in good faith to determine if this is a good use for the site. The site is remote and has always been intended for recreational use. The property was dedicated to the City by Mr. Dubach with that intent in mind. This use would follow that original dedication. There are four areas of focus: (1) allow access by the user to determine electrical needs due to damage; (2) assess needs to pump water during the rainy season; (3) maintain the site as prescribed; (4) provide a level of immediate security for the site due to the vandalism.

Mayor Pimentel said there has been some additional interest in this property. If there is another potential user with plans in hand, could both projects move forward under this Lease Agreement or would be precluded from considering that option. Manager Ross said that the Lease Agreement allows us to work with Mr. Steinke to determine if this is the best use. She is not familiar with others that may be interested. If Council does wish to entertain others, the Lease Agreement is only for six months and we could move forward with consideration of the other options at that time. We could also work with that other potential user to find another site within the City if necessary.

Mayor Pimentel asked what the real purpose is going into an exclusive Lease Agreement with this interested person. Manager Ross said the Lease

Agreement would protect the City and him from any issues while we do the due diligence. City Attorney Morris said if the operator would agree to have non-exclusive access to the site and to provide the same level of indemnification and insurance, we could certainly draw it up that way.

Vice Mayor Davies said there is another presentation tomorrow from another potential user, we should look at both proposals before we tie ourselves up for six months. Council Member Dote asked if we delay this until next meeting would it have an effect on Mr. Steinke. Manager Ross said it would have an effect as he works with other venues to schedule events within a specific timeframe. Based on that information he puts his budget together. When he puts his plans together and builds a track it is based on the timing.

Don Steinke said the additional two weeks will not hurt his project. His program will have four to six hundred riders there with parents with practice starting on Friday and running through Sunday. He does have a PowerPoint and written presentation he will provide to the Council.

On a motion by Council Member Dote, seconded by Vice Mayor Davies and carried unanimously Council deferred consideration of the approval of a Temporary Lease Agreement for a motor cross venue at Dubach Park to allow for exploration of other options for this site. The item is to return on the December 7, 2010 Agenda.

On a motion by Council Member Dote, seconded by Council Member Marble and carried unanimously, Council approved the remaining Consent Calendar as follows:

MONTHLY STATUS REPORT – PUBLIC WORKS

Council received the Monthly Status Report from the Public Works Department.

AGREEMENT OF TRANSFER – CAMP PACKER CREEK

Council authorized the City Manager to execute a Purchase and Sale Agreement for transfer of Camp Packer Creek Lease and all improvements to the Calvary Chapel of Woodland at a nominal cost of \$1.00 as described in the Agreement.

YOLO EMERGENCY COMMUNICATIONS AGENCY BOARD OF DIRECTORS REPRESENTATIVE

Council approved the appointment of Police Chief Bellini as the City's primary representative and Fire Battalion Chief Sander as the alternate representative to the Yolo Emergency Communications Agency Board of Directors.

PUBLIC HEARING

ORDINANCE 1522 – 2010 CALIFORNIA FIRE CODE

Fire Marshall Cole reminded the Council of the reasons for adoption of this Ordinance as outlined in the introduction at the last meeting

At 6:33 p.m. Mayor Pimentel opened the Public Hearing. With no comments heard, Mayor Pimentel closed the Public Hearing at 6:33.

On a motion by Council Member Dote, second by Council Member Marble, and carried unanimously, Council adopted Ordinance 1522, "An Ordinance of the City Council of the City Of Woodland Amending Certain Sections of Chapter 9 of and Adding Section 9-9-29 to the Woodland Municipal Code, Adopting by Reference the 2010 California Fire Code (California Code of Regulations, Title 24, Part 9), Based on the International Fire Code, 2009 Edition, with Errata, Published by the International Code Council, and the Whole International Fire Code, 2009 Edition, with Errata, Published by the International Code Council, Including Chapter 1, Appendix Chapter 4, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H and Appendix J for the Purpose of Prescribing Regulations Governing Conditions Hazardous to the Life and Property from Fire or Explosion, together with Certain Additions, Insertions, Deletions and Changes Thereto; Amending Sections 6-1-2 And 6-1-9 of the Woodland Municipal Code Amending Certain Sections of the 2010 California Building Code and the 2010 California Residential Code, Related to Fire Protection Systems; Amending Section 6-1 of the Woodland Municipal Code Adopting by Reference Administrative Provisions of the 2010 California Building Code, the 2010 California Residential Code, the 2010 California Plumbing Code; the 2010 California Electrical Code and the 2010 California Mechanical Code; and Amending Section 14a-1-3 of the Woodland Municipal Code Related to Nuisance Abatement".

RESOLUTIONS 5142 THROUGH 5148 - GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS – GIBSON OGDEN INVESTORS

Principal Planner Norris said the Planning Commission is recommending to Council that all references to the Gibson Road overpass be removed from documents related to the development of the area, and the Class I bike path.

There is a Pulte Homes project on the North side of Gibson that is requesting this removal as it is a part of that Specific Plan and General Plan for the area. These improvements have a very high cost and there is a redundancy of existing paths. There is no clear designation as to the route and there is a safety issue regarding visibility of rear yards of residences in the area. As well, there is no support from the surrounding schools, Woodland Community College and Pioneer High School and they wish to have the references removed. There is a slight fiscal impact in that there will be a fund of \$1.5 million available with this reference removal. Staff recommends that the Council review the Planning Commission recommendations and make the changes.

Mayor Pimentel asked in reference to the left over funds, what are the Council options for use of these funds? Planner Norris said the possibility would be refund toward the community finance debt, which would be a reimbursement to the property owners in the area. City Attorney Morris said the funds cannot be used for anything else. They were collected specifically to fund the project and cannot be used for other areas. Council Member Marble said the report indicates there may be some potential safety issues in that area but it certainly would not take up all of those monies to address them.

At 6:34 p.m. Mayor Pimentel opened the Public Hearing.

Tom Lumbrazo said his partnership owned that property before Pulte purchased it. He thanked staff for working with them on this issue. This is the best solution after a great deal of study.

At 6:35 p.m., Mayor Pimentel closed the Public Hearing.

On a motion by Vice Mayor Davies, seconded by Council Member Monroe and carried unanimously, Council adopted the following Resolutions:

Resolution 5142 A "Resolution of the City Council of the City of Woodland Adopting a CEQA Addendum to the General Plan Environmental Impact Report and Negative Declaration Amending the Bicycle Circulation Map to Remove Reference to the Gibson Road Bike/Pedestrian Overpass and the Class 1 Bike Path South of Gibson Road between Pioneer High School and Woodland Community College"

Resolution 5143 "A Resolution of the City Council of the City of Woodland Amending the General Plan bicycle Circulation Map to Remove Reference to the Gibson Road Bike/Pedestrian Overpass and the Class 1 Bike

Path South of Gibson Road between Pioneer High School and Woodland Community College”

- Resolution 5144 A “Resolution of the City Council of the City of Woodland Adopting a CEQA EIR Addendum to the Southeast Area Specific Plan EIR to Remove Reference to the Gibson Road Bike/Pedestrian Overpass”
- Resolution 5145 “A Resolution of the City Council of the City of Woodland Amending the Southeast Area Specific Plan Development Regulations to Remove Reference to the Gibson Road Bike/Pedestrian Overpass”
- Resolution 5146 A “Resolution of the City Council of the City of Woodland Adopting CEQA EIR Addendum #7 to the Spring Lake, Turn of the Century EIR Amending the Spring Lake Specific Plan Bicycle Circulation Map and Related Development Regulations to Remove Reference to the Gibson Road Bike/Pedestrian Overpass and the Class 1 Bike Path South of Gibson Road Between Pioneer High School and Woodland Community College”
- Resolution 5147 “A Resolution of the City Council of the City of Woodland Amending the Spring Lake Specific Plan Bicycle Circulation Map and Related Development Regulations to Remove Reference to the Gibson Road Bike/Pedestrian Overpass and the Class 1 Path South of Gibson Road Between Pioneer High School and Woodland Community College”
- Resolution 5148 “A Resolution of the City Council of the City of Woodland Amending the Bicycle Master Plan Circulation Map to Remove Reference to the Gibson Road bike/Pedestrian Overpass and the Class 1 Bike Path South of Gibson Road Between Pioneer High School and Woodland Community College”

ORDINANCE/RESOLUTION 5149 – HEIDRICK RANCH DEVELOPMENT AGREEMENT

Principal Planner Norris said the site is in Spring Lake on the South side of Farmers’ Central Road and West of the Pioneer Road improvements. The action

is three items, amending the Development Agreement as it relates to affordable housing, recording a new phasing to the existing Phase II map and there is modifying the conditions of approval of the financing requirements. The original map was approved in 2004 for 141 single family units. The majority of the 50 lots in Phase I. Phase II has 69 lots in the first portion and 35 lots in the new second portion.

The key issue in the amendment of the Development Agreement relating to affordable housing is basically an improvement. The original assumption was it would be done all at once and would be in all one area. The modification spreads those units out. Four or the seven would be duplexes. The remaining units would be in the rest of the project.

The second act has to do with modifying our phasing. After a tentative map has been approved and then request to modify that map is made, the specific findings have to be reviewed. Those findings are included in the packet. All of the services must be provided to both phases. It must show that no property would be unduly burdened due to the change in phasing.

This item has to do with the conditions of approval. Those condition modification are a result of the pay as you go process. The timing will change as a result of the modification of the phasing. Timing and development of the Pioneer Avenue and Farmers' Central Road improvements, developing a per unit fair share cost for units of Road 25A, and the key issue of concern has to do with condition of approval number 58 having to do with fee credits. The conditions state what is already required, restricting the second and third release property owner from using their fee credits units until such time as these property owners have been paid back in the reimbursement amount of around \$14 million. This is in accordance with the requirements of our Funding and Reimbursement Agreement. Staff has discussed the possibility of future funding concepts with the applicant, such as bonds. We will continue to work with the applicant on that issue. The Planning Commission has recommended approval of the Development Agreement and the modified Conditions of Approval phasing.

Vice Mayor Davies asked if this Development Agreement amendments are restating things that are already in the Agreements and are here to clarify something already in place. If so, why does it have to be repeated in this Agreement. Planner Norris said we can notify all future property owners that this is in the Agreement. City Attorney Morris said he believes it is in existing Agreements but the Developers have been consistently disagreeing with us that they are subject to the issues in the original Agreements. To avoid any possible misunderstandings and to placate the Developers, we have opted to amend the documents to reflect the changes.

Council Member Marble asked that when we changed to a pay-as-you-go scenario and opened up other releases, had that not been done, what would have been the conditions of those fee credits in relation to needing to be complete in Phase I prior to even opening Phase II. City Attorney Morris said the acceleration of the second release and possibly this third release accelerates the payback of the outstanding obligations from the first release. The action that Council is taking to have the second and third release happen sooner makes it possible that the people holding those credits will get their money sooner. Council Member Marble asked if all of the fees that those credits are related to have to be paid prior to opening up Phase II. City Attorney Morris said they would have to be paid when the second release occurs.

Vice Mayor Davies said the issue is that there is an amount of \$18,000 to \$20,000 per lot and we are trying to find a solution that will make those developments to go forward and still honor our commitments to the first release Developers. If this language is not necessary, is a problem and is elsewhere why do we need it now. There are a couple of elements in here of which we need to continue to push forward.

At 7:00 p.m., Mayor Pimentel opened the Public Hearing.

Tom Lumbrazo said he represents the Partnership for this property. They are in a delicate situation for with LaNarr who wishes to purchase the property. We have been successful in pushing projects at a difficult time in the economy. Everything that Staff has proposed thus far has been acceptable except for the condition related to the no fee credits issue as part of the pay-as-you-go. We are sensitive to the needs of LaNarr and those of the City. On December 14 we are to return with the map and if we cannot work out a solution, the project will probably not move forward. These 69 units and it is a lot of money. He is asking that Council not approve the condition on no fee credits and allow it to move forward to the December 14th meeting. As was stated earlier it is already in other documents so the City is protected. Putting it on this map will injure the situation with LaNarr when we already have a potential solution and direct staff to work with us, with a Council Member and with Bond Counsel. We could purchase the bonds for the project alone as a security to make this happen. It does not create any liability to the City and does not create any additional debt to the City. It is just a financing mechanism and to protect the interests of the City. We need to hear the advice of Bond Counsel and staff to move on.

At 7:05 p.m., Mayor Pimentel closed the Public Hearing.

Mayor Pimentel asked if Mr. Lumbrazo's scenario was feasible. City Attorney Morris said this is the first he has heard of Mr. Lumbrazo's proposal. If there is any merit it can be determined rather quickly. Mayor Pimentel does not

understand why they do not want the language in this document. If it is already in the other documents, why would we not have it in these documents. City Attorney Morris said the language in the proposed documents does not change the meaning and outcome. It would tie their hands and prevent them from arguing with us.

Council Member Marble asked what the effect would be on taking no action. City Attorney Morris said taking no action tonight would result in no amendments to the Development Agreement and no amendment to the Map and would have phasing in the original map not conducive to LaNarr and would have a Development Agreement tied to the original phasing. The original Development Agreement is not acceptable to LaNarr so the sale would go cold.

City Manager Deven said a series of issues associated with this action, such as the affordable development, the Spring Lake Village etc. are things that have been worked through that are consistent with Council expectations so there is considerable progress that has been made sans this particular conditions.

Mayor Pimentel said there is not disagreement on the specific condition other than changing the language to the proposal. City Manager Deven said part of the reason for putting the specific condition in here is that we were concerned that if it was not in there and clear there might be an expectation that these fee credits could be used. To be honest up front makes it more clear and transparent.

Council Member Marble said he needs to understand if we pass this leaving out the one piece, what is the potential upon us in doing that, is the impact that we could be open to litigation because it was not clearly defined now, could we have more legal fees to enforce what we believe is already there. City Attorney Morris said not including that condition allows the current owner to come forward later and challenge the position we have taken with respect to fee credits. We have been consistent about it, we have had other ideas, have invited them to present ideas. None of them proposed to date have been viable. They would like to find a way of using fee credits that we do not believe is viable at this moment. It leaves the door open. There is a possibility that they may sue. Council Member Marble asked about passing the item as it stands. Does that preclude us from working with them to come up with them to come up with some difference alternatives to all the project to move forward. City Attorney Morris said it does not preclude us from working with them but if we do find an alternative, we would have to bring the Agreement and Map back again to modify them to meet whatever we come up with.

Council Member Monroe asked the City Attorney if he wanted an opportunity to go through the proposal Mr. Lumbrazo brought up tonight or go

forward as it is written. City Attorney Morris does not see any problem with delaying it for a few weeks.

City Manager Deven said that Staff recommendation is to leave this condition in and work with the Developer on other alternatives, basically to finance in smaller increments. We have not tested the bond purchase with our Financial Advisor. We do not know yet if that is feasible. We need to not violate our funding requirements and protect the City's liability.

Vice Mayor Davies said we could reverse the language proposed by the City Attorney in that we could delete the requested language and then return if necessary and add that language back into the Agreement. City Attorney Morris disagreed and said the Developer has requested the change and which gives us more latitude to impose conditions on the map than if we wanted to do it on our own.

Vice Mayor Davies said if we do not change the language as proposed it will stop the project. Mayor Pimentel asked Mr. Lumbrazo to speak to the statement that adding language that already exists would stop the project. Mr. Lumbrazo said we have an approved map and the only reason it is changing is that LaNarr requested the change to do it in phases. We do not have that condition now. Mayor Pimentel said that condition already exists. Mr. Lumbrazo said it is not on the existing map. Maybe we can find another Developer that will take the map as is. Mayor Pimentel said that the condition is that no fee credits can be used until the \$14 million in Phase I is repaid. How does that ever go away based on the your existing map. Mr. Lumbrazo said we are asking that the existing map be split into two Phases. If we do not do that, you would not have the extra condition on. We really need something approved tonight that does not have that condition. If we cannot, it jeopardizes the deal. We have made a lot of progress with LaNarr but these Developers are sensitive to these types of conditions. We are asking that you approve this tonight and let us work on this over the next few weeks. If we cannot find the solution, nothing happens. The City has to be happy, LaNarr has to be happy. We simply cannot move forward with a project that has that condition on it. The City is already protected because we are coming forward the City has the opportunity to add that condition.

Mayor Pimentel asked the City Attorney what is the difference between this language versus the existing map or us not adding it into this project. City Attorney Morris said the existing map does not have this condition on the map. We think because it is in the Funding and Reimbursement Agreement that covers everything that is in Spring Lake. That is the position we have taken thus far. It applies to everyone out there. It is not stated on the map but it applies to the map because it is in the Agreement. If added to the map it will be clear and there will be no confusion. Our position is that if we do not include that, we

believe that LaNarr will come back later and argue that our interpretation is not correct. Mayor Pimentel asked what LaNarr could do, come back and request fee credit. City Attorney Morris believes that LaNarr will come back and say that they have purchased fee credits from the first owner and would like to use them on this project. These fee credits affect that amount that LaNarr is paying for the land because they cannot use the credits and they do not want to pay very much for the land. They will pay the price and then we will tell them they cannot use the fee credits and then things will become complicated further.

Council Member Monroe says it sounds like we are willing to work on this issue. City Manager Deven said we need to be sure we do not violate the Funding and Reimbursement Agreement for the Spring Lake Specific Plan. That is why we wanted to clarify it and put it in as a map condition. The other issue is that the current map does not contain that condition and the reason is that map was based on the land based financing model. The change is important because the economy has changed.

Council Member Marble asked when the map was approved and the response was that it was approved in 2004. Council Member Marble said then this map would not be coming forward for change other than by the request of the Developer at this time. Council Member Marble asked what the City Manager recommendation would be. City Manager Deven said he would recommend the condition be left in, allow Staff to work with the Developer to find another alternative to what this condition states and it would be brought back to Council for consideration. We want to be conservative and not expose the City to any liability through misrepresentation. That is essentially what this reference to the condition and he thinks we will be a risk without having it on the map and in the documents. We do not want to kill the deal but be sure the City is protected.

Council Member Dote said the foundation document, Reimbursement Funding applies to the anybody who is in the project and who buys into the project. City Attorney Morris agreed. Council Member Dote said that as it is in an established document she sees no need to add it here. She understands the concern but if this inhibits the ability to move forward we do not need to put a condition on that we already have. She would like to keep it simple.

Mayor Pimentel feels we need to be more transparent with this rule and they could come in to challenge, with a possibility of liability before City. Council Member Dote feels the Developers know the Agreements and what is before them. Mayor Pimentel said that if they know it is in the previous Agreements there should be no problem with making it consistent throughout.

Vice Mayor Davies said the Developers have made some concessions in this process at the City request. This conversation is making everything

transparent. The Development will bring in other forms of funds for the City. We need to look at the option to continue to discuss. It is in the foundation documents and we need to go with it. Mayor Pimentel said our City Attorney and City Manager feel there is some liability and that is my concern

City Manager Deven said Alternative 1 is to approve the action with the recommendation to look at the plan and work with the Developer on their funding model and on other options to return to Council in a few weeks.

It was moved by Council Member Monroe to approve Alternative 1 which adopts the recommendation of the Planning Commission with the recommendation to look at the plan and work with the Developer on their funding model and on other options to return to Council in a few weeks. Motion dies for lack of a second.

Council Member Marble said Council received a letter tonight that represents the Development group. The letter received this evening complicates things and raises questions regarding the fee credits. He does not know clearly in his mind what the intent is as it appears the issue is challenging even holding back usage of the fee credits even in Phase II. If that is the intent of the letter, I will second Council Member Monroe's motion and move forward. He is concerned that we will get hit with future litigation because we are being challenged on it now and that is my understanding and what is happening tonight last minute.

City Attorney Morris said he interprets the letter the same way that Council Member Marble in that they are threatening the City with legal action if we continue to take this position. Council Member Marble said he is happy to endorse the recommendation if there is clear understanding that further discussions will be undertaken. If we bring the one item back would we be open to litigation. City Attorney Morris said we have more latitude when the applicant opens the map than imposing conditions at a later time.

Vice Mayor Davies moved that we move forward with the entire document with the elimination of the statement about the fee credits, item 58 at this time. Council Member Dote seconded the motion. She asked that it seems the drift from the letter said is that it is the inappropriate mechanism for this type of change. City Attorney Morris just received the letter just before the meeting but having read through it three times, there is nothing in the letter than changes his mind. The letter does not cite anything specific in the law, or the Reimbursement Agreement to change my mind that the inclusion of the condition is valid and defensible if that is the Council's position.

AYES: Council Members Davies and Dote
NOES: Council Members Marble, Monroe and Pimentel

ABSENT: None
ABSTAIN: None

Motion fails.

On a motion by Council Member Monroe, seconded by Council Member Marble and carried, Council approved Alternative 1 which adopts the recommendation of the Planning Commission with the recommendation to look at the plan and work with the Developer on their funding model and explore private funding options with a report and recommendations to return to Council. On roll vote, Council introduced, waived first reading and read by title only, the following Ordinance and adopted Resolution 5149 as indicated:

AYES: Council Members Marble, Monroe, Pimentel
NOES: Council Members Davies, Dote
ABSENT: None
ABSTAIN: None

Ordinance	"An Ordinance of the City of Woodland Approving the Development Agreement Amendment Between the City of Woodland and Pioneer Investors, LLC to Allow Additional Phasing of the Heidrick Ranch Phase II, Modification of the Affordable Housing Requirement and Modification of conditions to Address Phasing Changes Relative to Property Located Within the Spring Lake Specific Plan Area"
Resolution 5149	"A Resolution of the City Council of the City of Woodland Amending the Phasing Plan for the Heidrick Ranch Phase II and Making Findings Consistent with the Subdivision Ordinance Section 21-4-6"

REPORTS OF THE CITY MANAGER

WASTE MANAGEMENT RATE ADJUSTMENTS

Environmental Resource Analyst Childers said Waste Management handles our trash, recycling and street cleaning services for the City. Our Franchise Agreement with them provides for them to request adjustments to their rates based upon the Consumer Price Index and landfill charges. The CPI is 1.48% and there was a small increase to the landfill fees. Therefore, they are reflected in the rate adjustment. They were successful in preventing the green waste fees from substantial increase. In 2010 the City was put under quarantine for Light

Brown Apple Moth. It restricted removal of green waste from the City. The landfill staff worked with us to continue to deliver green waste to them but had to be processed at the landfill at a substantial cost to the City. The landfill staff informed us they would go to the Board of Supervisors to request a fee increase for the City to process this green waste. Waste Management was working on other options at the same time that would allow the green waste to be removed from Woodland without additional cost. They finally worked our an Agreement with the Agricultural Commissioner to dispose of the green waste in Zamora to a facility without any increase to citizens. The average household will see a 38 cent increase this year.

On a motion by Council Member Marble, seconded by Council Member Dote and carried unanimously, Council adopted the 2011 Waste Management rate adjustments.

COMMUNITY SERVICES AWARDS NOMINATING COMMITTEE

On a motion by Council Member Dote, seconded by Council Member Marble and carried unanimously, Council approved the appointment of the following community members to the Community Service Awards Nominating Committee:

Darlene Gray	Russ Spring
Susan Lundquist	Judy Tischer
Jesse Ortiz	Gary Traynham

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY REPORTS

AGENCY RESOLUTION 10-11 – WOODLAND COURTHOUSE

Redevelopment and Housing Manager Cynthia Shallit said we are assisting the State in acquisition of the new Courthouse. We are required to help existing business on that site relocate. There are seven businesses there and we are proposing to help five of them to relocate. We are asking that \$300,000 be allocated to help with this relocation.

On a motion by Council/Board Member Marble, seconded by Council/Board Member Dote and carried unanimously, the Council/Board adopted Agency Resolution 10-11, A "Resolution of the Redevelopment Agency of the City of Woodland for Relocation Activities and Approving Relocation Agreement with the California Administrative Office of the Courts"; allocating up to \$300,000 to cover reimbursable relocation costs and associated legal and staff costs required

for the new Woodland Courthouse Project; authorized the Executive Director to execute the Relocation Agreement, any claims or negotiated settlement agreements with the occupants and any other documents necessary to carry out the relocation activities required pursuant to the MOU and under California Code of Regulations, title 25, Division 1 and Chapter 6.

AGENCY RESOLUTION 10-12 – HOMEBUYER ASSISTANCE PROGRAM

Housing Analyst McLeod said this a request for \$200,000 of the required funds for homebuyer's assistance be utilized for the program.

On a motion by Vice Mayor/Vice Chairperson Davies, seconded by Council/Board Member Dote, and unanimously approved the Council/Board a adopted Resolution 10-12, a "Resolution of the Woodland Redevelopment Agency Board to Authorize the Use of Redevelopment Tax Increment for Homebuyer Assistance" authorizing the use of the Redevelopment Housing Set-Aside for homebuyer assistance in the amount of \$200,000, amending the budget as needed to implement this action and authorizing the Executive Director to enter into an Agreement as needed to implement this action.

ADJOURNMENT

At 7:31 p.m. Mayor Pimentel adjourned the Joint City Council/Woodland Finance Authority/Redevelopment Agency meeting in honor at Gary Smith, who was a CalTrans worker who was killed by an intoxicated driver.

Respectfully submitted,

SS: Ana B. Gonzalez
City Clerk

Adopted by Council: February 7, 2012