

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

October 21, 2003

**SPECIAL/CLOSED SESSION**  
**SECOND FLOOR CONFERENCE ROOM**

**6:00 P.M.**

**CLOSED SESSION**

Council met in Closed Session at 6:02 to hold a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9, one case. Present at this session were Mayor Flory, Council Members Dote, Monroe and Rexroad, City Manager Kirkwood, City Attorney Ann Siprelle, and Deputy City Attorney Dennis Cota. Council Member Peart arrived at 6:04. At 6:15 Council held a conference with Legal Counsel regarding initiation of litigation pursuant to Subdivision (c) of Section 54956.9, one case. At 6:25, Council also discussed a public employee performance evaluation pursuant to Section 54957 for the City Manager. Those present for this session were the Council only.

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

**7:00 P.M.**

**CLOSED SESSION ANNOUNCEMENT**

Mayor Flory announced that Council had met in Closed Session to hold a conference with Legal Counsel regarding one case of anticipated litigation, significant exposure to litigation, received a report and took no action; held a conference with Legal Counsel regarding one case of initiation of litigation, received a report and took no action; and discussed a public employee performance evaluation for the City Manager and took no action.

**CALL TO ORDER**

Mayor Flory called the joint regular meeting of the City Council and the Redevelopment Agency Board of the City of Woodland to order at 7:04 p.m.



## PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance to the Flag led by Redevelopment Agency Counsel Ed Quinn.

## ROLL CALL

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

COUNCIL MEMBER ABSENT: None.

STAFF MEMBERS PRESENT: Rick Kirkwood, Ann Siprelle, Karl Diekman, Ed Quinn, Wendy Ross, Aaron Laurel, Sue Vannucci, Tricia Stevens, Carey Sullivan, Dan Gentry, Manual Soto, Paul Hanson, Jennifer Dzakowic, Charlie Wilts, Bruce Pollard, Gary Wegener

OTHERS PRESENT: Contract Planner Heidi Tschudin, Contract Traffic Engineer Bob Grandy

## PUBLIC COMMENT

Brenda Cedarblade commented that she did not feel the item in Closed Session regarding the City Manager's raise should be granted. She also indicated the City had been polling residents regarding the flood barrier at a cost of \$20,000 and feels this is a direct waste of City money. Mayor Flory indicated this is not a City funded survey and the City was not aware there were calls made to residents until they were advised by a citizen on Monday, October 20<sup>th</sup>. The City has no involvement in this at all and is not aware of who is responsible. City Manager Kirkwood indicated he had been informed a group of private citizens has initiated this process.

Leslie Marcus indicated the Daily Democrat had an article recently about the local Fire Stations being designated as "Safe Haven" sites for those individuals who would need to leave newborn babies. Mayor Flory indicated this program had been recently approved by Council and will not be effective until November 1, 2003.



## COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Rexroad commended the Woodland Joint Unified School District for the construction of the outstanding facility and dedication of the new Pioneer High School on October 18<sup>th</sup>.

Council Member Monroe asked that it be put before the Traffic Safety Commission the installation of bicycle lanes on Gum Avenue between Bourn Drive and Pioneer Avenue as there was a recent accident involving a young person in that area.

Council Member Dote said the Habitat Conservation Plan JPA is moving forward with securing habitat. The Sacramento Board of Supervisors will be holding workshop on the Sacramento International Airport Master Plan.

## PRESENTATIONS

### DOMESTIC VIOLENCE AWARENESS MONTH

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council proclaimed the Month of October as Domestic Violence Awareness Month. Vice Mayor Rexroad presented the Proclamation to Alma Palazzo, Executive Director of the Sexual Assault and Domestic Violence Center. Ms. Palazzo indicated the Center provides assistance to over 6,200 victims during the year.

## PUBLIC HEARING

### WOODLAND GATEWAY/AUTO MALL DEVELOPMENT AGREEMENT

Director Stevens reviewed the Project Proposal, Entitlements, Background, Planning Commission Determinations, Objectives, Development Agreement Components and Contributions. The site will include retail on 30 acres and 18.5 acres for auto dealerships. Five acres of the site must be dedicated to the on-ramp. Approval requests include the certification of the final Environmental Impact Report which includes the mitigation measures. The Zoning Ordinance must be amended to allow for regional retail uses in this Zone, now as Highway Commercial and Entry Overlay Zones. The Development Agreement specifies contributions to the downtown redevelopment and other associated obligations. The expected contribution to the Fire Department obligation will be between \$300,000 and \$400,000. They will enter into a Participation Agreement with the Redevelopment Agency. This obligation would be at \$1,000,000. The Final Environmental Impact Report will be presented at a subsequent meeting. There



are some areas to be addressed. The Sign Ordinance will be addressed at a subsequent meeting of the Planning Commission. Other unavoidable effects are to agricultural preservation mitigation, traffic, air quality, noise and Swainson's Hawk. The Interstate 5 on-ramp construction would be approximately two years away and in the interim might cause unacceptable congestion. The Planning Commission did not make a recommendation regarding phasing as the information was not available at that time.

Council Member Peart asked if CalTrans would be responsible for the construction of the ramp and Director Stevens said it is to be locally funded through Development Fees but the State still must approve the construction. Vice Mayor Rexroad asked how this project would trigger the need for a ramp and not the Spring Lake Specific Plan project with the addition of homes. Director Stevens indicated Senior Civil Engineer Pollard and Contract Engineer Grandy will address those issues later in the presentation. Regarding the agricultural land mitigation, it was for site modification and storm drain mitigation. The 55 acres was previously annexed and not needed to mitigate. There is full mitigation required for the Swainson's Hawk.

On the Site Plan and Design Review, it has been determined this is a high quality design with the views from the all roadways. There is a large emphasis on the landscaping of the property.

Vice Mayor Rexroad asked why the City is requiring two years holds on adding out-of-town dealerships. Director Stevens said the 18.5 acres would be solely for auto dealerships for the life of the project. The two years would insure that local dealerships had first choice within that time period. Vice Mayor Rexroad said this would limit the outside groups from coming in if all of the downtown dealers would not want to move out to this site. Mayor Flory said that if they do not move out to this site, there is no reason for the auto mall. Council Member Dote asked about a first right of refusal clause and Director Stevens said that language could be added if there was Council direction. Mayor Flory said it had been originally indicated there would be 20 acres of auto dealerships. Director Stevens said the land necessary for the on-ramp is the issue. The land for the ramp encroaches upon the auto mall land. Some of the retail land area and dealership area was affected by the land needed for the ramp.

Council Member Monroe said the traffic congestion is of concern. Engineer Pollard said the Spring Lake Specific Plan does have some effect on the traffic but the interchange is in the City development fee because everyone would be using the ramp. At some point, approximately year 2010, the Spring Lake Plan would trigger the need. This project triggers immediately. Further



meetings will address this issue more fully. Engineer Grandy said the development of this project without doing any traffic mitigation, could cause a two to three minute delay in the area. The Southbound traffic would be relatively unaffected. There are some elements that could be done in the interim that would help with the traffic flow somewhat. Council Member Peart said that CalTrans does not fund and they have been working on this for ten years. Engineer Grandy said we have some very large P. G. and E. towers that need to be relocated and the State Highway Administration must approve the project. At best, we are looking at 18 months before moving ahead.

George Phillips, representing the Woodland Investment Group, said the Hoblitt-Haynes and Woodland Cadillac are committed to moving to the auto mall. They feel other local dealerships will also move at some point. There have been components to the Development Agreement that address issues that may affect the County Fair Mall and the downtown. They are committed to the downtown and have a great deal of experience in major infill projects.

Phil Harvey of LLP presented a video clip and virtual images of the site from all angles and expanded upon those views. Vice Mayor Rexroad asked what kinds of signs the auto dealers would have. Mr. Harvey said that most would like to have "reader boards" or video boards. They want to be flexible and the dealers would have to return with requests and seek their own permits on the desired signage. Vice Mayor Rexroad feels it would be better to address all of those issues at this time. Mr. Harvey indicated that all dealerships he has worked with in the past have requested reader boards, but he had not had experiences with the addition of the proposed train to the project.

Paul Petrovich, Developer, said the traffic issue does not encompass the entire day and may occur only for a period of one (1) to one and one-half (1 ½) hours per day in the afternoon. If the auto mall did not include other retail, the dealerships could still move to this area but would only include large buildings with asphalt and big box stores. This is a quality project and there has been none like this proposal in the past. There will be 1,000 jobs added with 70% to 90% filled by local citizens. The Development Agreement and Participation Agreement directly link this project to the downtown. The benefits to the downtown are unique and they have never seen any project contribute \$1M to the downtown. WalMart only contributed \$150,000 and they did not identify that money for the downtown. The uses the City wants to have for the downtown will only come about because of this project. He will be one of the City's largest taxpayers. The reader board is not needed as part of the retail. It would be used only for the dealerships, those businesses in the downtown and for public



service announcements. There have been many meetings to allow for input on the project.

Vice Mayor Rexroad asked about the shape of the dealership property and buildings. He would like to see, generally, how those buildings will look. He does not want this project to hurt the downtown. Mr. Petrovich said the design of the reader board would come back to Council for approval. Vice Mayor Rexroad does not want the dealerships to return to Council and said they must have certain types of signs in order to move forward. Mr. Petrovich said until the issues have been settled they could not secure the dealerships. CalTrans may need more land for the ramp, the Fire District issues needed to be settled and all this needs to be done before they could bring them to the design phase. The City does have control over the appearance of the buildings. They may preclude some dealers from moving to the mall if their design does not meet City standards. Vice Mayor Rexroad asked about the train and whether that is a requirement to proceed. Mr. Petrovich feels the train could be a draw to the center. Most of the draws are seasonal and not permanent. He had considered a water feature at one point.

Council Member Monroe said the first things that are to be seen will be the dealerships. The addition of 1,000 jobs is a question. Mr. Petrovich said this is typical for a facility of this size. The wage spread should be fairly wide.

Rick Haynes of Hoblitt-Haynes said Mr. Petrovich cannot sell him the property until the project is approved. He has architects and builders ready to move ahead. There is interest from other dealerships but they cannot move forward until the project is approved. They want the buildings to be compatible. Vice Mayor Rexroad said there must be some minimums the auto manufacturers would like to see in the construction. Mr. Haynes said the reader board is nice but the dealers are more concerned with the inside of the building. He feels they can compromise on any or all of the aspects. Vice Mayor Rexroad asked if the two year waiting period for outside dealers would restrict them. Mr. Haynes said the wording is somewhat confusing and would need clarification. They would like other dealers in the downtown to commit to moving as soon as possible and offer that two years to give them the opportunity.

Council Member Peart said that eighteen months ago three dealers approached the City regarding this project. We have flexibility from the manufacturers on the building construction and other aspects. Mr. Haynes said the manufacturers can advise and assist. They have many dealers and they all have different designs, but he would like this center to tie together.



**At 8:45 p.m., Mayor Flory opened the Public Hearing.**

David Wilkinson said last year the State passed A. B. 857 based on sustainability, equity for infill and a balanced approach to development. Director Stevens will look at this Bill and report back to Council on content, but initially feels there is nothing in the Bill that affects this project. Mr. Wilkinson would like an iron clad commitment from the auto dealers and a smaller retail portion. He does not like the prospect of a reader board and feels the train is tacky. He would like public art to be added instead. There is a lot of development in the outlying areas and they are not addressing the downtown. We need a guarantee that money will be put back into the downtown projects. We will have a lot of vacant land in the downtown with the dealerships moving. We should float a bond so that the downtown can compete with the outlying areas.

Bill Marcus said the project started out as a good project. We now have three times the retail and no commitments from the dealerships. In the Draft Development Agreement, page 9, section 3.3 it indicates the owner can "develop the property in such order and at such rate and at such times as the owner deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements as set forth in the Development Plan". He said to look at the dead and dying strip malls in the downtown. County Fair Mall will be impacted and the downtown businesses are closing down. The City needs to do something to move the dealerships out of the downtown. The car dealerships should be the first to go to the auto mall prior to retail.

Brenda Cedarblade said the train concept is a good one. We have too many buildings that are Spanish style and she would like the traditional type of buildings. The restaurants would not compete with those in the downtown. She would like more restaurants to meet the need of those who would also come to the downtown to shop. The train should go into the downtown area to shuttle people and could be a marketing tool. It would have an effect on all of the downtown businesses. Her current building is 7,000 square feet and they are proposing buildings of not less than 5,000 indicating they would not compete with the downtown businesses.

Ken Trott does not support any kind of mall. He does understand the logic of locating them on the outskirts. He asked that this project be put on hold until there is assurance there will be a full auto mall on the site. It will not service those people in Woodland but those from other areas. The bond measure would make the downtown affordable for dealers. He would like support for the mitigation of agricultural land.



Mark Engstrom supports location of the dealerships to the auto mall as it would be very good for the downtown. He asked that the plan not consider a grocery store as it would directly affect Food-4-Less and the new BelAir.

Tom Stallard said he has general opposition to the project. He submitted a letter that requests four dealerships on this site exclusively. It is important to have these alternatives for our citizens but this project has evolved into a matter of rationalized convenience. Malls in the downtown have gone down and now County Fair Mall is less than successful. He does not see any reason to put retail in this area now. The on ramp postponement is not acceptable. This project is civic suicide. Woodland will not be a unique place, but will be like Redding and Vacaville.

Chris Dreith, Chair of the Woodland Downtown Improvement Association, is very concerned about the existing businesses, some of which are the auto dealerships. The need to have the best opportunity for success. The emphasis in this development is on retail. The auto mall needs as much highway exposure as possible. We will have a big opportunity for development in the downtown. They are working on a Downtown Funding Plan. We need balance with the choosing of the business in the downtown. The retail in the auto mall will not help the downtown.

Sue Goodall feels we will be over balanced on retail and does not feel we need further retail in the auto mall. The developer says they will employ many Woodland residents in the project. We need to have that in writing. She likes the idea of the train.

**Mayor Flory indicated this Public Hearing will be continued to October 28, 2003.**

Mayor Flory asked if the recommendations from the Planning Commission were included and Director Stevens said the minutes were not complete and will be presented to the Council prior to the next meeting.

Vice Mayor Rexroad would like a better understanding of the general signage requirements for the freeway locations, the general industry standards.

Council Member Monroe has major concerns about the project and would like the Planning Commission representative at the next meeting to answer questions. The traffic congestion is not acceptable. They need architectural



design and signage clarification before he will move forward. There is no commitment in writing from the dealerships and he needs something legally binding that commits them to the project. He is concerned about another grocery store and does not like the reader board concept. He will submit his list of concerns to staff.

Council Member Dote said the auto dealerships must be committed to the project or there is no project. The project has been approved for years. She wants letters of intent from the dealerships. She needs some discussion on the tying of property for the two year period so that other local dealerships can move to the mall. The train is a questionable aspect.

Council Member Peart has confidence in the dealerships because they brought this project to Council. A letter of intent would be helpful. He would like the Cadillac dealer present to provide input on their intent.

Mayor Flory wants the Planning Commission representative present when this is next discussed. The traffic congestion, lack of an agreement with the dealerships and the signage are of concern to him. The grocery store is also of concern with the proposed expansion of the WalMart. There should be some constraints. A letter of intent is not binding, but the dealerships need to be out of the downtown.

Council Member Dote suggested that a one week continuance of the Public Hearing may not be adequate to receive all information requested.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council continued the Public Hearing to October 28, 2003.

**Council recessed from 9:25 to 9:40. Upon return Council concurred to hear the following item next on the Agenda.**

PUBLIC HEARING – REDEVELOPMENT AGENCY

JOINT PUBLIC HEARING REGARDING NEGATIVE DECLARATION AND AMENDMENT NUMBER TWO TO THE REDEVELOPMENT PLAN FOR THE WOODLAND REDEVELOPMENT PROJECT TO RE-ESTABLISH THE AGENCY'S EMINENT DOMAIN AUTHORITY WITHIN THE REDEVELOPMENT PROJECT AREA



(Transcript of the entire proceedings is attached as part of the official minutes at Exhibit A)

At 9:42, Mayor/Board Chairperson (M/BC) Flory declared the Joint Meeting of the Woodland City Council and Redevelopment Agency Board to be in session. M/BC Flory indicated it is not the intent of the City/Board to approve eminent domain on residential properties. Exhibits 1-5 were entered into the record as follows: Exhibit 1, Affidavit of Publication of the notice of the Joint Public Hearing on the proposed amendment; Exhibit 2, Certificate of Mailing of the notice of joint public hearing to the assesses of land in the Project Area; Exhibit 3, Certificate of Mailing of notice of joint public hearing to residential and business occupants in the Project Area; Exhibit 4, Certificate of Mailing of notice of joint public hearing to the governing body of each taxing agency receiving taxes from property in the Project Area.

At 9:45, M/BC Flory declared the Joint Public Hearing to be open. He outlined the processes and procedures for conduct of the Public Hearing. The staff will present the Amendment, Negative Declaration, evidence and testimony associated. Written comments will be considered. Evidence and/or oral testimony will be received regarding only the Amendment and Negative Declaration. Consideration and possible action will then take place.

Redevelopment Agency Manager Ross outlined Exhibit 5, the Report of the Agency to Council and the points for requesting the Amendment to the Plan. The Agency was established in 1988 with the eminent domain approved for twelve years at that time. This would extend such authority for an additional twelve years and is for commercial use only. Exhibit 5 contains five points: (1) the analysis of the Amendment as it relates to the goals and objectives of the Plan; (2) summary of existing conditions with in the Project Area; (3) description and analysis of past, current and future projects in the Project Area; (4) information with regard to the Project Area and Amendment as required by Redevelopment law.

Vice Mayor/Vice Chair (VM/VC) Rexroad asked if the City of Woodland can exercise eminent domain within the Redevelopment Area. Redevelopment Agency Counsel Quinn indicated the City does have that authority and this proposed Amendment would not affect that authority. VM/VC Rexroad asked if this was not approved, could the City then utilize eminent domain and transfer to the Agency. Agency Counsel Quinn indicated the City would have to show public purpose. The Agency could acquire private property and transfer to another



private property, the City cannot. The Agency has never utilized eminent domain since establishment.

Manager Ross indicated the Exhibit 6, Negative Declaration and the Agency took the lead in the preparation of the document. The environmental checklist was completed on June 26, 2003. There will be no significant effect on the environment with the proposed Amendment. A Notice of Preparation and Availability of a Negative Declaration to extend the eminent domain was posted per law and no comments were received.

Agency Counsel Quinn expanded upon the questions of VM/VC Rexroad in that there is a procedure by which the property owner would receive notice of a "Hearing on a Resolution of Necessity", where they could state why the Agency would not have the authority to "take" the property in question. This would be before a Judge. There is a three step process at three levels before this can happen.

Manager Ross said that Exhibit 7 is the Redevelopment Plan Amendment and states that the public interest and elimination of conditions requiring development that require eminent domain would be utilized and is not to include residential properties. Exhibit 8, List of Comments Received, identifies the property owners as Rudolph Churka, property located at 102 Railroad Avenue; Clara Tafoya, property located at 309 B Street; Pete Davalos, property at 309 B Street; Arlene Olvera, property at 203 Plane Avenue; and Anita Long, business owner at 617 Main Street.

Sue Goodall asked how often the Plan was submitted for revision. Agency Counsel Quinn indicated the plan has no set amendment time but must be reviewed. Ms. Goodall said then the plan could be changed anytime and could extend into other areas. Why do we need this authority and why is the Agency or City not paying fair market value on these properties they intend to take. Agency Counsel Quinn indicated the Agency or the City must pay fair market value even if the property is acquired voluntarily. The Agency would have an appraisal in place and the land owner could also provide an appraiser.

Yvonne LeMaitre spoke on behalf of Lonnie Pritchard who could not attend the meeting. She indicated Mr. Pritchard found out about this meeting today at 5:00. She said he had not received any notices.

Gerald James indicated he was representing Ronny and Jimmy Moore of Woodland Body Works at 1424 East Main Street. There are 621 acres within the Redevelopment Area, some of which is considered as blighted. The blight exists



well beyond the Redevelopment Area. Will the Agency be extending the Redevelopment Area to use eminent domain in the other blighted areas? As buildings in the Area are improved, the owners are concerned that their property could be taken through eminent domain. This affects their plans to improve their buildings. Agency Counsel Quinn said the property owner interested in improving their property should remember that the value of the property at the time the Agency seeks to acquire it is what determines the fair market value so improvements are considered. Owners have the opportunity to enter into an Owner Participation Agreement with the Agency that could terminate the eminent domain over that property.

Bobby Moore owns property at 303 E Street and is concerned that improvements could be done and could the City then approve that building as staying in place? Are the funds that would be generated as income from the business be considered in the price if eminent domain is used? Agency Counsel Quinn said the Agency has Owner Participation rules which could apply. There are methods to compute fair compensation based on the value of the business which could be utilized in this case also.

Brenda Cedarblade owns a building at 917 Main Street. If buildings had to relocate under current standards it would be difficult for them to operate. Their business also may not survive in outlying areas. The big businesses developers have lots of money to spend but when donations are sought it is the small businesses that help the most.

Council/Board Member Peart asked since he is a downtown property owner, should he excuse himself from the dais and City Attorney Siprelle indicated there is no conflict of interest for him regarding this item.

David Wilkinson said eminent domain is necessary if used sensitively and fairly and a Citizens' Advisory Committee should be formed on this issue. This is a tool to carry out an effective Redevelopment Program. He encouraged extension for another twelve years.

Alfred Lopez owns property in the Redevelopment Area. He encouraged extension of the eminent domain for commercial properties. This will allow positive movement in the Plan Area. Some of his property is located on "C" Street. This is truly an entryway to the City and needs to be renovated. He commended the City for working with him in the development of his properties to meet the needs of the General Plan. The maintenance of that area is essential to prevent lack of maintenance, fire concerns, and criminal activity which all drain the current resources of the City.



Ronald Wood of 1460 East Main Street said seven years ago he gave the Agency 2/10's of an acre for a right turn lane from East Main Street onto 113 and nothing has happened. There are problems with the underground wiring which caused loss of property. He cannot lease or sell his property because of parking issues. VM/VC Rexroad asked that staff look into this issue and report back to Council.

Leslie Marcus said eminent domain can be an effective tool. "The Downtown Entertainment District" will leave a nice area for improvement. There are other areas that may be affected if eminent domain is used and may have to go outside of the City to survive. As an example, the Sexual Assault and Domestic Violence Center does not own their building. They may not be able to find a place to locate locally if their building is gone.

Bruce Dumars owns property on East Street and asked if the residential exemption means the property owner must reside in the residence.

Albert Lopez would like the Agency to review the issuance of Residential Building Permits for Area D. If issued in this area, it would be an obstacle to overcome when that area is developed for commercial use.

John Roman has a business at 460 Main Street and owns property at Fifth and Cross Streets. He asked if the property owner had to live in the residence to be except from eminent domain.

**At 10:29 p.m. on a motion by Agency/Council Member Dote, seconded by Vice Mayor/Vice Chairperson Rexroad and carried, Agency/Council the Joint Meeting of the City Council and Redevelopment Agency Board was extended to 11:30 p.m. Agency/Council Member Monroe voted to the negative.**

**At 10:31 it was determined there were no further comments from the Public.**

Manager Ross invited those interested in the Redevelopment Program for the City to apply for Redevelopment Citizens' Advisory Committee membership.

Agency Counsel Quinn responded to questions heard as follows:



The question from Ms. Goodall regarding timelines and frequency of Plan amendments, the Plan can be amended at any time but the same process as before the Agency and Council this evening and leading up to this Hearing must take place. In regard to the issue of relocation, every property interest must be taken into consideration, including the tenants or renters. The tenant may or may not have a compensable interest at the time the property is taken. Relocation benefits may be available. Ms. Marcus had asked about the business being made whole. There is not a requirement to make businesses whole. Owners would be compensated for the fair market value of their business, but depending upon the nature of the relationship between the owner and tenant, the tenant may not be made whole. Regarding owner-occupied housing, the Agency cannot take property upon which a person legally resides.

Council/Agency Member Peart asked who makes the tenant whole if there is a binding lease. Agency Counsel Quinn said nature of the lease would dictate. The lease may have language to terminate should eminent domain be utilized. There may be payment due to the tenant, the value may go to the tenant because of long-term lease (bonus lease) language and the owner may lose part of the value due to that lease language. Many times the Agency would pay slightly more than necessary for the bonus lease and property.

Council/Agency Member Dote asked for clarification on resident. Agency Counsel Quinn said it must be categorized as a residence. It does not mean sleeping on a sofa or floor of a business. When a lack of clarity exists, a Judge would determine.

Gerald James asked to be heard as he was unsure if a previous question had been answered. He has a concern about only two people on the Redevelopment Citizens' Advisory Board approving the extension of the eminent domain. He asked if the eminent domain power must be extended to be concurrent with the jurisdictional boundaries of the Agency. He asked the Council/Agency to revisit those boundaries to eliminate some properties that should not be included. Manager Ross indicated the Plan was adopted in 1988 with Assembly Bill 1290 requiring the Implementation Plan be reviewed every five years. The Plan has actually been revisited five times in the last twelve years and appropriate updates were considered as needed.

**At 10:43 on a motion by Vice Mayor/Vice Chair Rexroad, seconded by Council/Agency Member Dote and carried unanimously, the Council/Agency closed the Joint Public Hearing.**



Manager Ross indicated there had been comments received which must be addressed and confirmed through a Resolution so action will not be taken on the Agency Resolution, Council Resolution or Ordinance this evening. These actions will be continued to the November 4, 2003 Joint Meeting of the City Council and Redevelopment Agency Board of the City of Woodland.

Vice Mayor Rexroad asked for clarification on the allegation by Ms. LeMaitre that Lonnie Pritchard had not received communications and notices regarding this meeting. Manager Ross indicated that based on the information she has, Mr. Pritchard owns three parcels and received three separate letters for each parcel at his last registered address on the tax rolls.

On a motion by Vice Mayor/Vice Chairperson Rexroad, seconded by Council/Board Member Dote, and carried unanimously, the Council/Agency took action to continue this decision to the next regularly scheduled Joint Meeting of the Agency and Council on November 4, 2003 at 7:00 p.m.

**At 10:48 p.m., Mayor Flory relinquished the gavel to Vice Mayor Rexroad and left the meeting.**

Council concurred to take action on the following item at this time:

REDEVELOPMENT CONSENT

HOUSING SET-ASIDE FUNDS FOR PRE-DEVELOPMENT LOAN TO PREPARE FEASIBILITY STUDY FOR CAPITAL HOTEL PROJECT

On a motion by Agency Member Dote, seconded by Agency Member Monroe and carried by the Members present, the Redevelopment Agency Board authorized use of Redevelopment Agency Low and Moderate Income Housing Set-Aside Funds for a Pre-Development Loan to Morris and Katherine Choo, owners of the Capital Hotel to prepare a Commercial/Housing Feasibility Plan (Study) for the Capital Hotel Development Project. The motion to include having the study look at market rate housing as well as the affordable. Council Member Dote asked if the affordable units under consideration would be in addition to the housing requirement and it was indicated they would be additional.



### CAMPAIGN SIGNAGE ORDINANCE

Director Stevens indicated that Council had requested revisions to the current language in the Code regarding political signs. The Sign Committee has reviewed the language and made revisions to comply with the current law.

**At 10:50, Vice Mayor Rexroad opened the Public Hearing. With no comments heard, the Public Hearing was closed at 10:50.**

Council Member Dote expressed concern about limitations on the size of signs to be allowed as per the recommendation. She would like the aggregate size be limited to 100 square feet for any one parcel. Vice Mayor Rexroad asked if a limit must be for both commercial and political. City Attorney Siprelle said we must be consistent with both commercial and political signage regulations. Director Stevens said there are limitations for commercial at 100 square feet at present. The alternate was to limit the size of any one political sign to 100 square feet but not limit the number as it is then difficult to enforce. She recommends size limitation but not the number. Council Member Monroe would like the ordinance to remain as written with consideration to amend should a problem arise.

On motion by Council Member Dote, seconded by Council Member Peart to introduce by title only the sign ordinance, amending the ordinance with the additional change to limit the size in the commercial and industrial to 100 square feet per sign. Motion lost.

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and carried, Council introduced and read by title only "An Ordinance of the City Council of the City of Woodland Amending Article 24 of Chapter 25 of the City Code, Relating to Political Campaign Signs". Council Member Dote voted to the negative.

### ORDINANCE PRE-ZONING COMMUNITY/SENIOR CENTER AREA

Director Stevens indicated this action is necessary to proceed with the development of the Community/Senior Center site.

**At 10:55, Vice Mayor Rexroad opened the Public Hearing. With no comments heard, the Public Hearing was closed at 10:55.**



On a motion by Council Member Monroe, seconded by Council Member Peart and carried by the Member present, Council found that this action is covered by the Woodland Community/Senior Center/Community Park Negative Declaration (SCH #2002122059) adopted January 21, 2003 via Resolution 4416 and requires no other CEQA clearance; introduced and read by title only "An Ordinance of the City Council of the City of Woodland Pre-Zoning the Community Park/Community Center/Senior Center Property (APN 041-080-01); scheduled the second reading and adoption for the November 4, 2003 Council meeting.

## REPORTS OF THE CITY MANAGER

### WILD AND SCENIC DESIGNATION FOR CACHE CREEK

Vice Mayor Rexroad indicated his concern regarding proposed Legislation that would prohibit construction of a dam on Cache Creek by designation of portions of the area as Wild and Scenic. The designation is not of concern but the lack of options which would be left for the City in regard to flood protection for the citizens. He would like a Resolution approved to allow the City Manager to have the discretion to send a letter to the Legislature to ask this designation not preclude the City's ability to protect the citizens. Council Member Dote said the Wilderness Bill seems to be in Lake and Napa Counties and would not affect the City. The other Bill is a study on 32 miles of the upper region of the creek, with Camp Haswell as the bottom end. This study will not address on stream storage. She would like a Policy statement on how important the watershed is to our City and our site specific flood control issues.

Council Member Monroe does not want to get shut out of the process. He would like staff and representatives to be engaged so that our issues will be addressed. He would like the City to get funds from this to look at all of the Cache Creek issues and other possible options. Vice Mayor Rexroad said that once we start a study, we are locked until the study is completed. Council Member Peart said a dam would solve the City's problems but, realistically, a dam will never be constructed on the Creek. If this Bill passes, it would close that door forever. We are trying to do the best we can regarding flood protection for our citizens. Director Wegener said 738 does talk about the Cache Creek Wilderness area and would affect those areas for water storage.

Elly Fairclough of Congressman Mike Thompson's Office said that Congressman Thompson had removed the Cache Creek study from the Bills he has introduced. Wilderness areas within HR 1501 are protective of water. Forests and wild places help promote cleaner water and help prevent runoff and



erosion. Up stream storage in Lake County would not solve our problem. The Wild and Scenic designation is not within Yolo County. Seismic conditions are contrary to up stream storage. She feels the City should participate in this process. Smaller flood protection projects would be more compatible.

Bob Schneider of Cache Creek Wild said the dam is a geologically unsafe and would be dangerous to the citizens. This is a disservice to the citizenry and will never happen. We need to leave the area as it is and save the habitat. They would like to partner with the City to solve the flood problem together.

Tina Andolina said this resource should be preserved for Yolo County. A dam is not a viable option and should be taken off the table so that we can look at other options.

Council Member Monroe asked what changes would take place if the designation is given. Ms. Fairclough said there would be no changes but would protect what is already in place. One thing that would stop would be the mining. The forests filter the water and prevent erosion. Ms. Andolina said there would be no motorized vehicles allowed, no bicycles, and current mining claims are grandfathered in.

Council Member Peart said we have a flood problem. In 1955 the levees were built with the intention of construction of a dam. The Federal government is responsible. Ms. Fairclough said the meeting she had recently attended and the message is the solution will not be generated at the Federal level. Local jurisdictions will be encouraged to participate with each other. Smaller projects will be the solution rather than a large one.

Vice Mayor Rexroad feels this legislation will be a threat to any projects of any size. This type of wilderness or wild and scenic designation would prevent the City from doing anything to protect the citizens against flood.

Tom Bohigian of Senator Barbara Boxer's Office said S. 1555 deals with a 32 mile stretch of the stream that calls for a study. All stakeholders could participate in the study. Any and/or all areas could be designated in a number of fashions, wild, wild and scenic, or recreational. Legislation would then have to be brought forward to implement any recommendation. The Senate wants to be a partner with the City for flood protection, have made an appropriations request of \$1.5 million to assist in the ongoing study, and will receive an ongoing appropriation of \$200,000. They do not feel a dam is the solution. The legislation does not preclude flood protection for the City. Vice Mayor Rexroad asked if a study is approved, what happens to any potential improvement on that



Creek during the study period. Mr. Bohigian said the section of the Creek designated in the Bill that refers to designation of wild and scenic river study areas, 32 miles, .25 miles downstream of Clear Lake Dam to Camp Haswell, the approximate 2 miles of the North fork of Cache Creek from Highway 20 crossing to its confluence with Cache Creek. That section would be part of the BLM (Bureau of Land Management) study. During that period, nothing would be allowed on that section of the Creek.

City Manager Kirkwood said it appears the consensus of the Senate, etc., was that it is not feasible for up stream storage to solve our problem. Mr. Bohigian said it has not been brought up as a viable solution. City Manager Kirkwood said we have heard over the last few years that it is an option and they would not support any other solution. He asked if the County Board, Flood District or others had indicated support of the Bills. Mr. Bohigian was unsure of their views to date. Council Member Monroe said Mr. Rominger has taken a stand of neutrality. The proposal has enough momentum to pass and will shut out any future discussion.

Ms. Fairclough said the Flood Control District is neutral as well. They are in favor of smaller projects.

**At 11:30 on a motion by Council Member Dote, seconded by Council Member Peart and carried, Council extended the meeting until 12:00. Council Member Monroe voted to the negative.**

Mr. Bohigian said Senator Boxer wants to be partners on this issue.

Mr. Schneider said if the project brings other benefits to the City besides just flood control it is better for the citizens.

Council Member Peart said the Federal government has caused this problem and left it to the City to find the solution. We have to send the message that we have a problem and need to keep our options open. Council Member Monroe said we need to work them on crafting the Bill language. Vice Mayor Rexroad feels we need to insure that we have access to all areas that would help us with our options. Under the Bill, even small projects would be prohibited. The City Manager should come back with a Policy granting him the authority to set minimums and identify what the City needs to have the authority to do what is necessary in that watershed area.



Council Member Monroe asked if it would not be better to go to them first and ask for assistance. Vice Mayor Rexroad feels we should be up front and show our hand first. Council Member Monroe does not see these Bills moving forward for a few years and we should have our policy in place. He would like the Flood Control District to become involved also. A policy statement would indicate our interests lie in protecting our citizens from catastrophic flood. Vice Mayor Rexroad said we should oppose any language that would inhibit our efforts at flood protection. If this Bill passes in present form it would take an act of Congress to allow us to do anything. Council Member Dote feels it is important to keep options open. Our bottom line has to be to get the City out of the flood plain. Off stream diversion would not have been affected by the wild and scenic, only on stream construction would be prohibited. Vice Mayor Rexroad asked if we could temporarily flood a wild and scenic area and it was stated that has been a possibility in the past, but it is not likely they would allow in the highest Federal designation of wilderness land. Director Wegener said the map he holds shows from Camp Haswell to close to the Clear Lake dam site, Blue Ridge and Wilson Valley. The wild and scenic appears to be the same areas. Mr. Schneider said it is from Clear Lake to Bear Creek. The head waters above Clear Lake are not included. Council Member Monroe does not feel we should stay neutral, but should become more engaged in the process and craft the Bill. We should also address our problems in relation to flood control. He does not want to be in a position to be cut out of the process. Vice Mayor Rexroad said he feels we need to State our concerns. (Ms. Fairclough spoke off microphone and was inaudible.)

Vice Mayor Rexroad wants a white paper to indicate the City of Woodland position. If the City is prevented from putting something on the Creek at all, we should be opposed. Council Member Monroe said the letter should say these are our concerns and how will they address them, not indicate we will not allow them to happen. Council Member Dote feels we should cooperate in joint discussions while still make a clear statement of our concerns. We could always come out in opposition at any time. City Manager Kirkwood said the act could contain language that would not preclude or inhibit construction of projects that can be developed to reduce, limit, avoid or control water that may contribute to the flooding of Woodland without disclosure to the City of Woodland. The City of Woodland shall be consulted on such matters. Vice Mayor Rexroad said that language would indicate they have only to let us know and we can then agree or disagree. Council Member Monroe said they may have some solutions for the City which we may not oppose. City Manager Kirkwood said the Council does not want any circumstance that would preclude an option for the City. If so, they would have to analyze, notify the City, have public comment and



opportunity for the public to become informed about that situation before they act.

Council Member Dote feels we need to directly communicate to the Senate and Congress our concerns, what our mandate is and ask for a close engagement with the Council and Staff on how these Bills proceed. It is unlikely anything will happen quickly. She does not fully understand the study but wants to be informed if these suggested exemptions can be considered and included. Vice Mayor Rexroad asked if there was a consensus to write the Federal representatives regarding our concerns. Council Member Peart feels we should send a letter that if it causes the City to be precluded from any method flood protection we will oppose. Council Member Monroe feels there is more than adequate time for the Council to oppose the bill. City Manager Kirkwood said many people feel there are viable, fundable flood solutions to be considered, and we need to find the solutions. Council Member Dote does not feel the study Bill will examine the option of a dam on the Creek. Vice Mayor Rexroad said consensus was for staff to write a letter of concern about these Bills.

**At 11:54 on a motion by Council Member Dote, seconded by Council Member Peart and carried, Council extended the meeting until 12:10. Council Member Monroe voted to the negative.**

INFORMAL COMPARISON FOR PARKS LANDSCAPING AND LIGHTING MAINTENANCE CONTRACTS

Director Gentry presented a visual representation of the informal cost comparisons for maintenance of parks which indicate there could be substantial savings for the City by keeping this maintenance entirely done by existing staff. Vice Mayor Rexroad asked if the figures represented all costs and Director Gentry indicated to the affirmative. Council Member Monroe suggested that this less expensive method could mean a reduction in cost to the citizens. Director Gentry said we do contract the median areas at present at approximately \$120,000 per year. They would like to do a formal bid including the City and if the results are indicative of the informal process, the City would save money.

Council Member Peart said that the City competes with private industry. We should put this out as a formal bid but cautioned the figures may change. Director Gentry said all of the Lighting and Landscaping Districts will be studied.



Council Member Dote asked if there were other contracts the City should review that may indicate a cost savings if rebid. Council concurred to have staff look at the various contracts presently in effect to determine if a rebid should be undertaken.

#### WEBSITE CAMPAIGN REPORTING ORDINANCE

Vice Mayor Rexroad requested this item be held over to a date uncertain as the League of Women Voters is researching the issue.

#### BOARD AND COMMISSION MEMBERS

On a motion by Council Member Peart, seconded by Council Member Monroe and carried by the Members present, Council appointed Kenneth Ginyard to the Traffic Safety Commission and Loretta Hansen to the Commission on Aging, effective immediately.

#### UPDATE ON POLICE STATION CONSTRUCTION PROJECT 96-19

Chief Sullivan indicated the design-build process is working very well. He indicated the figure regarding change orders to date should be at \$1,415,055 with the Cost Summary for this report totaling at \$863,471. The information contained in this report will be posted on the City WEB page for citizens to review.

#### COUNCIL MEETING SCHEDULE FOR HOLIDAY SEASON

On a motion Vice Mayor Rexroad, seconded by Council Member Monroe and carried, Council set the meeting schedule for November and December 2003 by confirming regular meetings on November 4, November 18, December 2 and December 16; moved the first meeting in January 2004 from January 6 to January 13; moved the November 25 study session to December 9 and cancelled the study session on December 23. Council Member Dote voted to the negative.

In summary:

November 4, 2003 - Regular Council Meeting



- November 18, 2003 - Regular Council Meeting
- December 2, 2003 - Regular Council Meeting
- December 9, 2003 - Special Meeting/Study Session (6 PM)
- December 16, 2003 - Regular Council Meeting
- January 13, 2004 - Regular Council Meeting

### CONSENT - REGULAR

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

#### PLANTING OF TREES ALONG INTERSTATE 5 IN WOODLAND

Vice Mayor Rexroad indicated he is seeking to develop an Adopt-a-Tree program for this proposal.

Council Member Dote requested the following items be removed from the Consent Calendar for discussion. She expressed concern that these Contracts should be considered under the competitive bid process. Director Wegener said these contracts typically go through the Request for Proposal process. ECO:LOGIC is currently working on the Waste Water Treatment Plant project and it was felt for consistency purposes the contract for the sewer modeling should be afforded to them. Council Member Dote feels that it is wise to go out to bid because we may not be getting the best value. Director Wegener said when we begin a new project we generally go out to bid. He said about 80% of the contracts do go through the Request for Proposal process.

#### SOLE SOURCE CONTRACT WITH ECO:LOGIC FOR ON-CALL SEWER MODELING

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council authorized the Director of Public Works to execute a Sole Source Service Contract with ECO:LOGIC of Rocklin, California to perform on an as-needed basis, sanitary collection system computer modeling to assess the City's sanitary collection system capability to serve the proposed new developments and projects.



ON-CALL CONTRACT WITH LARRY WALKER & ASSOCIATES FOR REVIEW OF POST CONSTRUCTION STORM WATER QUALITY BEST MANAGEMENT PRACTICES

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council authorized the Director of Public Works to execute a Sole Source Contract with Larry Walker Associates to perform on an as-needed basis project review for post construction storm water quality Best Management Practices review and to execute scope only contract amendments.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council approved the following Consent Calendar items as presented:

MONTHLY REPORT-FIRE DEPARTMENT

Council received the Monthly Report for September 2003 from the Fire Department.

TREASURER'S INVESTMENT REPORT-AUGUST 2003

Council reviewed and accepted the August 2003 Investment report as submitted.

WOODLAND DOWNTOWN IMPROVEMENT ASSOCIATION CERTIFICATE OF DEPOSIT FUNDS PURCHASE OF A "LIGHT SCULPTURE" CHRISTMAS TREE

Council approved the use of the Woodland Downtown Improvement Association Certificate of Deposit funds for the purchase of a Light Sculpture Christmas Tree.

CONTRACTOR PRE-QUALIFICATION GUIDELINES FOR CONSTRUCTION BIDDING AND PRE-QUALIFICATION OF BIDDERS FOR COMMUNITY/SENIOR CENTER/SPORTS COMPLEX AND COMMUNITY PARK PROJECT 00-15

Council adopted the Department of Industrial Relations procedures and forms for pre-qualification of potential bidders and authorized staff to pre-qualify



bidders for the Community/Senior Center/Sports Complex and Community Park Project 00-15.

INTERSTATE 5 WATER LINE CONTRACT PROJECT 96-09

Council awarded the Construction Contract for the Interstate 5 Water Line Project 96-09 to Tidelands Construction Company in the amount of \$224,967; authorized contingency expenditures in the amount of \$44,994 (20% contingency); authorized the Public Works Director to execute the Construction Contract on behalf of the City.

ANIMAL CONTROL SERVICES CONTRACT WITH YOLO COUNTY SHERIFF'S DEPARTMENT

Council approved renewal of the Animal Services Agreement with the Yolo County Sheriff's Department for Fiscal Years 2003-04 and 2004-05 and authorized the City Manager to sign the Agreement.

FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR SUBDIVISION 4594 – WESTWOOD

Council approved the Final Map and Subdivision Improvement Agreement for Subdivision 4594, Westwood.

SCOPE WORK FOR CAL-FED GRANT FOR YOLO BYPASS PLANNING PROJECT 02-08

Council amended the Project Programming Summary Sheet for Project 02-08 to cover an expanded scope for additional laboratory analytical services in the amount of \$50,000 to a new total of \$353,081.

SET PUBLIC HEARING FOR APPEAL OF PLANNING COMMISSION DECISION REGARDING PROPERTY AT 1434 GARFIELD COURT

Council set a Public Hearing for November 4, 2003 to hear an appeal filed by Joseph Kozima in regard to a Planning Commission decision on a setback on his property at 1434 Garfield Place.



## VACANT POSITION REVIEW

Council received and confirmed the report of the City Manager to fill currently authorized vacant positions as follows:

Environmental Services Manager  
Chief Plant Operator

## JOB DESCRIPTIONS

Council approved the revisions to the job descriptions of Environmental Services Manager and Management Analyst and approved the new job descriptions, salary and bargaining unit group designation of Chief Plant Operator and Laboratory Analyst.

**At 12:10, on a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried, Council extended the meeting to 12:15. Council Member Monroe voted no.**

## MINUTES

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council approved the minutes of Regular Council Meeting of September 16, 2003 and Special Council Meeting/Study Session of September 23, 2003 as presented.

## COMMUNICATIONS - WRITTEN

Council received the Woodland Apartment Listing prepared by the Commission on Aging.

Council received the Project Timeline and Schedule for the Nueva Vista Project.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and carried by the Members present, Council rejected a Claim for Damages filed by Steven R. Clawson on behalf of Kim Richie and referred the Claim to the City Insurance Representative for action.



### COUNCIL/STAFF STATEMENTS AND REQUESTS (continued)

Vice Mayor Rexroad indicated he and Council Member Monroe had requested information on the Bed and Breakfast Ordinance prior to the time he had left for active duty and asked for a status. Staff will provide an update.

Council Member Dote requested an update on the requested 2 x 2 meeting with the City of Davis regarding agriculture easements policies and work with the County on the consistency of these policies. The 2 x 2 had been scheduled but was then cancelled. City Manager Kirkwood indicated he had not been aware of the cancellation and will schedule this as a single item.

### ADJOURNMENT

Vice Mayor Rexroad adjourned the Joint Meeting of the City Council and Redevelopment Agency Board at 12:12.

Respectfully submitted,

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Sue Vannucci, CMC, City Clerk