

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

November 13, 2001

CITY COUNCIL
SPECIAL/CLOSED SESSION

The Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. Council Members present were Vice Mayor Flory and Council Members Dote, Monroe and Peart. Also present were City Manager Rick Kirkwood, Assistant City Manager Phil Marler, Community Development Director Steve Harris, Contract Planner Heidi Tschudin and City Attorney Ann Siprelle. The purpose of the closed session was to hold a conference with Legal Counsel regarding anticipated litigation pursuant to Section 54956, one case.

CITY COUNCIL/PLANNING COMMISSION
SPECIAL SESSION/JOINT SESSION

CLOSED SESSION ANNOUNCEMENT

Mayor Borchard announced that Council held a closed session with Legal Counsel and gave direction regarding anticipated litigation.

CALL TO ORDER

Mayor Borchard called the special joint meeting of the City Council and Planning Commission to order at 7:09 p.m.

PLEDGE OF ALLEGIANCE

Mayor Borchard invited those present to join in the Pledge of Allegiance. Chair of the Planning Commission, Kevin Bryan, introduced the Members of the Commission present. Mayor Borchard introduced the Council Members.



ROLL CALL

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

COUNCIL MEMBERS ABSENT: None

PLANNING COMMISSIONERS PRESENT: Steve Barzo, Kevin Bryan, Michele Carotenuto, Dennis O'Bryant, James Staker (arrived at 8:05), Toni Thompson

PLANNING COMMISSIONER ABSENT: Julie Salley-Gray

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle, Karl Diekman, Margaret Vicars, Henry Agonia, Steve Harris, Gary Wegener, Sue Vannucci, Charlie Wilts

ALSO PRESENT: Contract Engineer Nick Ponticello and Contract Planner Heidi Tschudin

PUBLIC COMMENT

None.

COUNCIL AND COMMISSIONER STATEMENTS AND REQUESTS

None.

PRESENTATIONS

WOODLAND HEARTLAND CALIFORNIA CHRISTMAS PARADE

Fred Bailard, Woodland Chamber of Commerce Christmas Parade Chairperson, announced the parade will take place on Saturday, December 8th. The parade has been expanded greatly and will include activities at Heritage Plaza. Shirts have been ordered and the parade theme will center around the 9-11 tragedy. There is a large media campaign underway.



REPORTS OF THE CITY MANAGER

REGULAR CALENDAR

PURCHASE OF FIRE APPARATUS, REJECT BIDS AND PROCEED WITH NEGOTIATIONS FOR HEAVY RESCUE VEHICLE

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, Council authorized the purchase of two interface engines, one Quint aerial truck, and related equipment from Westates Truck Equipment Inc., rejected all bids for the heavy rescue truck, and directed staff to proceed with the negotiations for the purchase of the heavy rescue truck.

MODIFICATION TO THE SPRING LAKE SPECIFIC PLAN

Community Development Director Steve Harris briefed the Council and Planning Commission on the process thus far. Contract Planner Heidi Tschudin indicated the changes to the plan as requested by the applicant which include: (1) elimination of phasing along Parkway Drive; (2) elimination of sequencing such that 90% of residential units and the neighborhood park be removed; (3) completion of Central Park at time of construction of Pioneer Avenue/Parkway Drive intersection; (4) batching of allocation system to maintain 1.7% growth rate to specific landowners subject to a specified system.

Tom Lumbrazo of Turn of the Century summarized his rationale for requesting these changes as represented in handouts and overheads. The date of November 29th has been set for the property owners to commit to the project. Commissioner O'Bryant asked where the first schools would be built and who they would serve. Mr. Lumbrazo said the neighborhood "B" would house the elementary school based on the infrastructure, just South of the College. The neighborhood park would be built at the same time. This school service area would be dependent upon the school to be built North of Gibson.

Council Member Peart left the meeting at 7:50 and returned at 7:52.

Commissioner Barzo asked if any of the requests were not approved, how would the project be affected. Mr. Lumbrazo indicated the project would not go forward. The land owners are to willing to go ahead. Commissioner Barzo



asked if all need to be approved or are their priorities. Mr. Lumbrazo said all have to be approved.

Vice Mayor Flory said we would still have a plan but another developer could go forward. Mr. Lumbrazo said the plan could be adopted and then wait to proceed. There is a substantial risk and financial resources that are important because the City has asked for a commitment. Commissioner Thompson asked for clarification on the item "proportion of specific plan that is designated commercial development" and Mr. Lumbrazo stated it relates to the limitation on the financing plan. The commercial market has been absorbed in the Sycamore Ranch development. More commercial use would generate more funds for the City. Vice Mayor Flory asked if all property owners participated, would it go ahead and Mr. Lumbrazo said it would not because the phasing map draws a line that eliminates some of the landowners.

Council Member Dote said that looking at Phase I of the June 2001 Plan, all current participating owners are in that phase.

Mr. Lumbrazo said that TOC would not participate with 160 acres. They cannot commit without more property assigned to them in the first phase. It would then be funded by some very small landowners. TOC needs 400 to 500 acres. The owners who pay to participate are the farthest away but want to go in the first phase.

Council Member Monroe left the meeting at 8:00 and returned at 8:12.

Commissioner Bryan said on property number #4, VanTassel, he does not see in any of the A, B, and C class listings and asked the status of that property owner. Mr. Lumbrazo said that is the Merritt property and they have not been able to agree and go forward. Commissioner Bryan said infrastructure estimates are in the range of \$12-\$18 million and why is there such a big spread. Mr. Lumbrazo said it depends upon the plan approved by the City. Some issues have not been completely determined and the costs are based on those uncertain issues. The initial landowner commitment is also part of the consideration depending on how far the infrastructure goes forward. Commissioner Bryan asked if 90% build out is such a burden to developers. Mr. Lumbrazo said it limits the amount of participation the landowners are willing to do. One landowner could hold others hostage. These are unknowns and developers need commitment.

Commissioner Thompson asked about the status of the property on the corner of the development currently under the Williamson Act. Mr. Lumbrazo



said the County has approved, easements have been secured and finalized with the Yolo Land Trust. The 162 acres are necessary for bonding capacity for the initial infrastructure to go forward. Commitment from the landowners forms the basis to move ahead. Council Member Dote asked how much of the 400 acres is in the Phase I and Mr. Lumbrazo said 200 acres. Commissioner Carotenuto asked if the property would be developed and the park not be included. Mr. Lumbrazo said there is presently no commitment to building the park. With the City 1.7% growth rate plan, they cannot build that much now. He feels when the infrastructure is in, those owners not yet committed will want to move ahead. Commissioner Carotenuto asked about the property by 113 North and where would the infrastructure come from. Mr. Lumbrazo said it begins at Road 102. Road 101 could be used as a street that would lessen the burden.

Finance Director Vicars said the current plan indicates the City's new Fire Station is at the South end of the central park. With the plan they are putting forward the park will not develop until the intersection is completed. None of the existing participating properties are bordering that intersection, but the development in the South side will need that Fire Station. Mr. Lumbrazo said the land is owned by Mr. and Mrs. Holloman and we need to determine if they would dedicate an easement, Parkway Drive. If not, the City could go into eminent domain to secure that access for the Fire Station. The third option is to have some time of interim facility for Fire to be moved somewhere closer, perhaps on the TOC property at a later time. Council Member Peart mentioned the \$12-\$18 million to fund the backbone infrastructure and how many acres would be needed to bond this. Mr. Lumbrazo said sewer, water, and roads would be included a minimum of 400 would be needed.

Planner Tschudin asked for clarification in regard to phasing, in that it was stated if all property owner participated, it still would not be feasible. There are 560 developable acres North of the phase line. Every property owner has property in Phase I, so if they all participate and have enough acreage to more than meet the thresholds from EPS, what is missing? Mr. Lumbrazo said without changing the boundaries and with the current property owner commitment, it falls apart. Planner Tschudin said if the property owners were on board, this phasing would work. The feasibility analysis for phasing indicated that of compared phasing, the plan phasing would have the least burden for Phase I property owners. He said if 100% were in, but they have not committed.

City Manager Kirkwood said as the development proceeds and the need for the Fire Station is required at a point of growth, without securing the property, Mr. Lumbrazo is suggesting the City use its eminent domain authorities. If the infrastructure goes through properties as proposed, these properties are not participating at present.



Vice Mayor Flory left the meeting at 8:19 and returned at 8:20.

Mr. Lumbrazo said the area from Farmers Central reaches the point by the high school and the school district will bring Pioneer down. The connection to provide a loop would be an issue for the City to determine. It is also necessary to determine the mechanisms to accomplish that task. City Manager Kirkwood stated the Spring Lake Specific Plan language should address that issue and it should be stated in the Plan. Commissioner Carotenuto asked where the Russell property is located and Mr. Lumbrazo said it is the Southeast 162 acres and indicated on the map the exact location. Commissioner Carotenuto asked about the removal and Mr. Lumbrazo said it all must be removed, not a partial.

Mayor Borchard left the meeting at 8:24 and returned at 8:26.

Council Member Monroe asked if there is any scenario that Farmers Central would not be completed all the way through. Mr. Lumbrazo said the sewer and drainage facility, not necessarily the road, that must go all the way through. The right of way exists for the fee title and easement with the Yolo Flood Control for the ditch at that location. They may need a bit more for the basic utilities.

Commissioner Staker asked about the access on the extension of Pioneer $\frac{3}{4}$ of the way down through the VanTassel piece, a roadway, and Farmers Central coming in from Road 102 to the corner. All access to property owned by TOC would be only off of Road 102. Mr. Lumbrazo said it is the 403 acres to bring Farmers Central all the way down, the Road 25A area and the collector street on TOC property, which is all the way across to Road 101. They would then have the ability to come out on Road 102 in two spots, Road 101, and Road 25A. Pioneer would also be brought down. Commissioner Staker said we are then cutting off those areas and limiting the access to services, Police and Fire, to Road 102 and down South of Highway 113 under Road 25A and off Road 101. The second item has to do with utilities, the pieces owned by Cal West and Oyang will be serviced from and to where? Mr. Lumbrazo said they would come off Farmers Central Road into the property somewhere in the plan. The sewer line at Gibson is full. They are considering bringing the Sycamore line down into their property and the City could negotiate to free up some of the Gibson line.



Contract Engineer Nick Ponticello said he has cost estimates from the applicant. Year 1, \$18 million for infrastructure to begin the project for on site infrastructure, utilities and roads that would be part of the beginning infrastructure. Engineer Ponticello said the cost estimate is per the current draft Specific Plan. The applicant has been told that the high school is extending two lanes on Pioneer and will come down the property line just to the middle school site. There should be a road across into this development and it should go down to Farmers Central and to the East to Year 1 development. Road 101 has potential circulation element for use until Pioneer could be extended but the entire area would then exit out onto Gibson, which is presently a problem and would have restricted access. Road 25A is a possibility but it would need major improvements.

The property along Road 102 would be the easiest to develop, there could be "leap frogging", but it would be expensive. They are working with the infrastructure master plan to design the kind of property needs for storm drainage facilities and they will be analyzed for their biological and environmental issues. To date, the City has been asked if they are willing to participate in the purchase of that land, or go into eminent domain. He feels the Flood Control Ditch land is not adequate and we will need additional area.

Engineer Ponticello said the Year 1 plan does include taking Farmers Central to Pioneer. The offset will be about the same cost. Ninety-nine percent of the detention pond area is off site but there is a five acre detention area on site and there could be interim locations. The Prudler-Sievers piece would need detention. Commissioner Carotenuto said they would have an interim service off of Gibson. Engineer Ponticello said the high school must be off the service in four years. They would then go into the Spring Lake Specific Plan. If this does not go forward it is uncertain what they would do. No additional service would be added to Gibson at all.

Council Member Peart asked if there is an easement through the properties via the Central Ditch. Engineer Ponticello said the City is not a part of the agreement and the Plan would need to acquire. He is concerned with the alignments in relation to the infrastructure to meet City standards. Commissioner Staker asked if anyone looked at the easement language to see if it would allow the infrastructure or is it just flow easement. Engineer Ponticello said no one had addressed the easement at this point. There has been preliminary discussion with the former Manager of the District but there has been no new discussion. Public Works Director Gary Wegener said the initial phasing shows an orderly extension of the backbone infrastructure and is concerned about provision without an orderly phasing concept in place. The financial impact is significant. There should be a specific plan in place to



address that development and how the lack of specific phasing will affect the process.

Council Member Peart left the meeting at 8:54 and returned at 8:58.

Aldo Sansoni represents the property owners East of Road 102 and South of Road 25. The property will have the storm water drainage going through it and possibly some of the detention ponds. The owners are concerned about the environmental problems with storm drainage as they are a sufficient source of surface water pollution and contamination. There is to be a request on the part of the property owners to have an environmental "walk-on". The location of the property is North of Road 25A. Page 2-5, the Browner and Barton properties are the subject land.

Tim Youmans from Economic and Planning Systems, is preparing the financial plan. There is very high initial infrastructure costs, \$12-\$18 million. They do not know who the developers are at this time. The final concern is the 1.7% growth rate. It limits the amount of development that can go forward in any one year. This holds back the bonding. The pacing of development slows down the reimbursement from other developers. He suggested not having a phasing line at present. The goal would be to radiate out from where the initial infrastructure goes in and allow the Public Works Department to condition the tentative maps as they come forward to build the infrastructure necessary to serve those projects. They will also be consider the Mello-Roos District. The phasing changes rapidly once you get into the detailed plan. The 90% rule stops growth while certain types of building are not moving.

Mayor Borchard said Mr. Youmans stated how growth should radiate from the vicinity of the College or High School and it is now suggested growth be determined by ease of infrastructure. Mr. Youmans said not the ease of it, but the need. The major backbone infrastructure is going to come in at the Northeast portion of the project at Farmers Central where the major sewer and drainage lines tie in. The cost here is approximately \$12 million in that area only. The players in that first phase must be determined by evaluation of the tentative maps, which will indicate what facilities or infrastructure are needed to serve those maps. The project would then be conditioned to put in the needed facility. Mayor Borchard said homes could then be built along Road 25A and nothing along Gibson Road. Mr. Youmans said it would be cost prohibitive to build in that phasing. The development would probably go to Parkway Drive in the initial phase at 400 units per year and will be carrying the initial debt. The developers do not want to be precluded by an arbitrary line at this time.



Commissioner Carotenuto said there must be 350 units built on a four year period or 1400 units. Mr. Youmans said they are asking the City to allocate the several years of development, three to four years, a higher level for total of 1,400 to allow them to get out from under their debt. They would then hold to the same future allocations to maintain the 1.7% for that first phasing period.

Commissioner Staker left the meeting at 9:16 and returned at 9:20.

Commissioner Carotenuto asked if they did an analysis on percentage at 300 to 400 units per year and Mr. Youmans said it is slightly under 1.7%. Mr. Youmans said that Woodland does not typically meet that allocation per year and he does not anticipate it will happen with this project unless something significant happens.

Council Member Dote asked for rationale for removing the Phase I line other than to include the property below as bondable. Mr. Youmans said until the determination of the actual developers going forward, the arbitrary restrictions are unnecessary.

David Calfee, Attorney, represents the Prudler-Sievers property owners. The allocation plan has two concerns, the pay-to-play, \$1.2 to \$1.5 million to complete the planning process. These costs may be recovered in 6 to 12 years. There is another \$2 to \$4 million in the planning for the initial infrastructure, which will be advanced by some developers and not reimbursed for many years, if ever. The City growth rate limits the amount of units available. The developers would suggest they be limited in the direction to those who are funding the plan. It is to direct the early units to those who are ready to move ahead. It is anticipated there will be three releases, 2004, 2007 or 2008 and then some time later when the City determines. Three classes of land owners: (1) Limited Liability Company landowners who pay for all of the planning, with no profits, but a \$6 million capital call. They would get reimbursement if and when the City would reimburse. Class A units and priority are a part of this level. (2) Class B land owners who do not want to pay to develop the plan but will cooperate with the City. They commit to grant easements. When a CFD is created they will then commit. (3) All others are in Class C. The allocation plan said when the first 1,400 units are released, all Class B gets 40% and the rest goes to Class A. If Class A cannot build, it is shifted to Class B or on down.

Council Member Monroe said as TOC owns the largest piece of property and the infrastructure will come in on Farmers Central, TOC could decide to go to the South of the development with that infrastructure. Mr. Calfee said he would expect they would grow in a very logical direction from where they have



connections and radiate out. Commissioner Carotenuto asked if we remove phasing, remove the 90% and agree to all of the requests, would they have enough acreage to bond, develop and complete their entire project, potentially having only homes on the TOC land. Mr. Calfee said they could, but it would be easier for others to develop once the TOC had begun the project because the basic planning would be in place.

Commissioner Thompson said when reading the draft, each time Class A starts with the 60/40 ratio over Class B and the excess goes back to Class A. That leaves Class C out until the last release, could constitute an excessive preferential treatment. This could create islands. Mr. Calfee said if commitment for the location of the Fire Station and road is difficult in coming, the commitment would be rushed by giving them earlier units avoid condemnation. At this point that landowner is the only Class C landowner. If he wants to become Class B he does not have to pay, only address the leap frogging concerns and commit that property to be subject to public facility easements. The only reason Class C is so far out is because they are not committing to anything as yet. Classes were set by the date signed on to the project. If those who agree to become a part of the project sign on before the plan is adopted, they will become Class B in the first release, if later, Class B will be in the second and third release. It is a weighted percentage.

Council Member Monroe left the meeting at 9:40 and returned at 9:42.

Dave Taormino, Developer, said the proposal tries to keep as close as possible to the SLSP but recognizes the economics. There were property owners at the outset that said they were not partners but would participate. They have one piece next to the high school that is not participating at this time. The proposal gives them incentive to build the project. He had predicted it would cost \$12 to \$14 million to build the first house in the project area. It takes 400 to 500 acres to bond the project. There will not be enough bonding capacity at this point, and the property owners must put that difference into the project. TOC has put up 99.9% of the funds to this point. There is another \$1.2 to \$1.3 million to design the infrastructure plans. The vision of the plan has not changed but they have dealt with the practical aspect of the project. Mayor Borchard asked for clarification of language in the past agreement with the Yolo County Flood Control District that a sewer and drainage easement was in place. Mr. Taormino with the Woodlands project, a 24 inch conduit was installed under the freeway and sized for the exact amount of sewage that would be supported to the West. Flood Control said part of their charter was to supply irrigation water, but they have stopped supplying water East of Highway 113. Commissioner Carotenuto asked when the facilities would be extended



further South beyond Parkway. Mr. Taormino restated they need 400 to 500 bondable acres. That would require the inclusion of the Russell property. The stage 1 infrastructure would be off of Parkway. He feels they will be going incrementally to the West and North to share the cost of that infrastructure, then to the South again.

Commissioner Thompson left the meeting at 10:00 and returned at 10:04.

Vice Mayor Flory said the Planning Commission and Sub-committee set a plan and they are now saying this is not financially feasible. Mr. Taormino said they cannot do it initially the way it was designed. Vice Mayor Flory said they would then have TOC and others going away and someone else coming in with a lesser project.

Council Member Peart left the meeting at 10:05 and returned at 10:06.

Planner Tschudin asked Mr. Calfee about the 1.7% including the multi-family. Mr. Calfee said it is within the City number but only up to 25%. Planner Tschudin said the bulk would be in addition to the 1.7% growth. Mr. Calfee said it depends upon the assumption of how much and how quickly the multi-family will be constructed. He does not have specific numbers on that portion. In Phase III, it could be put off at the City discretion. If it takes the City over the cap, Phase II could be reduced by 25% to bring it back toward that cap. She asked if it is possible for the 1.7% to be exceeded the way this plan is written. Mr. Calfee cited an example in that if 1,000 units are released in Phase II, up to 250 of those units can be taken away. Release III could then be stretched out. Her understanding was that multi-family would not be hindered at all, so it could proceed at its market pace. At each allocation point, the City would evaluate whether it was in excess of the 1.7% and the if so, the burden for adjustment would be on the single family, so multi-family would not be restricted. Mr. Calfee said it has not been reversed but they have divided the difference. Depending upon how much multi-family is built, reductions would take place in other releases as needed. Growth elsewhere in the City is included in the assumption. The City would be responding to its own plan when it allocates.

Commissioner O'Bryant left the meeting at 10:06 and returned at 10:08.



Vice Mayor Flory said if we develop outside of SLSP that and it took us above the 1.7%, we could hold back on the development in Spring Lake. Mr. Calfee said they are asking for a commitment to a certain number of units in a certain timing sequence. Vice Mayor Flory said if a developer came in downtown and built retail with homes above, it would have first priority and take units away from Spring Lake. He is not certain we can commit to the request of SLSP to meet their bonding requirements. Commissioner Carotenuto said the bonding commitment is needed for 1,400 units for four years and we could go at a growth rate of 2.4% for the first three to four years and then the doors close because we must get back down to an average of 1.7%. That percentage is not locked into an exact for each year. Mayor Borchard asked how far back to we go with the growth rate. The General Plan is not specific with this guideline. It states "strive for" language. He would like to see the burst of building stop after three or four years and is concerned about the need for infill. Council Member Dote asked how many units there would be in the 400 TOC acres and Mr. Taormino said about 400 apartments and 1200 single family units.

Commissioner Barzo said that Sycamore is under the old General Plan with the proportion at 60-62. We did not meet the old General Plan on proportion and we are behind.

Bill Streng, Developer, said they tried to design the allocation numbers based upon Mr. Youmans and Planner Tschudin figures to be even with the 1.7% for the first 1380 single family units. The proposal is that the apartments be unfettered as there is a need for more apartments at this time. Those that are built before the second release would be deducted from the second release. They must be contiguous to other areas in order to start another project. Building permits are not issued until the infrastructure is shown to be feasible. Phasing does not affect who goes first. Recent events nationally have made the economy slow but property values have slowed as well.

At 10:29, it was moved by Vice Mayor Flory, seconded by Council Member Dote and unanimously carried by Council and Commissioners to extend the meeting until 11:00.

Council Member Peart said the sub-committee was formed and should have had a member of the Planning Commission included. Commissioner Bryan asked if on November 29th, owners can still get in and if granting the items requested will bring others in. Mr. Lumbrazo said he is uncertain. Each landowner has the option. They are willing to give those who have not committed one additional opportunity to participate at this stage. It is a huge



commitment and some are just not ready. Mayor Borchard asked if the intersection needs to be constructed to have access to the Central Park and Engineer Ponticello said the Fire Station is also outside the proposed first phase and access would be required at that point. The access would be provided to the park as well.

Commissioner Bryan said regardless of whether it will be driven by the infrastructure development, both utilities and road, we do not yet understand how that happens. Mr. Calfee said the phasing can be controlled by Public Works. He asked Director Wegener how confident he is on overseeing an orderly development of infrastructure in this area. Director Wegener said the phasing plan was presented to them this evening and they have not had adequate opportunity to review and consider the implications. He has strong concerns about the traffic circulation and how this project would work with the phasing as proposed. He is not clear what the applicant stated as controlling the infrastructure. Council Member Monroe asked if he recommends rejection and he said that he cannot recommend approval without further analysis. Mayor Borchard asked Planner Tschudin what content is in the existing draft dealing with traffic circulation. She said Chapter 4, the circulation section addresses the issue entirely and there is discussion in other sections. The language Council recommended in July 2001 is included in the current plan. All of the changes requested this evening would change a significant portion of the current version of the plan. Engineer Ponticello said the \$12 to \$18 million is not the offsite infrastructure, but the onsite that requires the oversizing to get the project going.

Commissioner Carotenuto asked if this followed the original phasing plan and Engineer Ponticello said it did. It was the proposed year 1 properties, Neighborhoods A and B, based on the draft Specific Plan. Commissioner Carotenuto said by eliminating the phasing, it would open up all of the TOC's 400 acres except for a little piece South of Road 25A. Engineer Ponticello stated it would be from Farmers Central and Parkway to the West. There would be a minimal amount of infrastructure required to develop the entire Russell piece unless we require them to build Road 25A and bring it up to the Plan standards, which would then add significant cost.

Commissioner Bryan called for a vote on the various items by the Commission Members present.

Plan Phasing - Commissioner Staker does not feel comfortable with the request as presented. Commissioner Carotenuto agrees and feels it needs safeguards. Commissioner O'Bryant does not wish to move forward. Commissioners Thompson, Barzo and Bryan feel they can agree to this with some wording changes.



Sequencing - Commissioners Thompson, Staker and O'Bryant feel that 90% is arbitrary. Commissioners Barzo and Bryan agreed to the request to eliminate.

Timing of Central Park - Commissioners Thompson, Staker and O'Bryant do not wish to allow this elimination. Commissioners Barzo and Bryant agreed to allow.

At 11:00 on a motion by Vice Mayor Flory, seconded by Council Member Dote and unanimously carried, the Council and Commissioners extended the meeting until 11:30.

Commissioner Staker cannot support due to public safety issues and fiscal responsibility. Council needs to study closely the fiscal implications as that dictates the success of the project. The elements to be resolved include public safety, access on Pioneer, Northwest area of the larger portion of the A property, County Road 101 access off of Gibson Road, circulation, the Fire station issue, fiscal feasibility, lack of restrictions to multi-family units up front in the first phase, potential to C properties not contributing and participating in the fiscal aspects of the project, and following the infrastructure from the East.

Commissioner Barzo recommended adopting the four items noted with the concerns as mentioned approving in concept and directing staff to move forward to investigation and resolve the details.

Council Member Peart left the meeting at 11:15 and returned at 11:17.

Commissioner O'Bryant said members of the public had input initially. Members of the Planning Commission had just seen the document this evening and did not feel comfortable with making a sound decision on the recommended changes. City Attorney Siprelle stated that State Planning Law says the Commission should consider and make a recommendation on any changes to the Plan they did not consider previously. The Council could take action on those recommendations or modify. The applicant has stated they need a decision by the end of the year. Vice Mayor Flory said if the Commission does not make a recommendation and it is postponed, that affects the financial analysis of the Plan.



Council Member Dote asked if they adopted the items in concept would it affect the financial analysis and Planner Tschudin stated it would. They do not have the financial plan for the original plan as yet.

Commissioner Barzo asked if the Planning Commission had to make a decision this evening. Planner Tschudin said the Planning Commission must make a recommendation. Commissioner Carotenuto asked Planner Tschudin what her reaction is on the four points. Planner Tschudin deferred to Director Harris.

At 11:30, it was moved by Council Member Peart, seconded by Council Member Monroe and carried by the Council and Commissioners present to extend the meeting until 12:00.

Vice Mayor Flory left the meeting at 11:31 and returned at 11:38.

Director Harris said this information came to them just a few days ago as well. These amendments are substantial. The phasing plan has been recommended by the Commission and Council along Parkway and subsequent phasing within each neighborhood. The applicant has submitted evidence but it does not appear to be viable to change the current recommendation in the plan. Staff would like the phasing to remain as is. The timing of the Central Park and Town Center area has a number of public safety issues which have not been thoroughly discussed. Because of those concerns, they would recommend to leave as is in the plan. The other issue is of building permit issuance, growth management in general. The Council, Commission and staff have been considering what maintenance of the 1.7% average growth rate means. The City growth rate has been at an average of 2.2% since 1995-96. We have had some down years but have been averaging over that set 1.7% guideline. There is validation of front loading in the plan to get the number of units to finance. However, the 1.7% is not applicable just to the plan area, but is City wide with infill and Sycamore Ranch included. Staff did a quick infill study which identified about 66 acres in the City that could be developed as multi-family residential, about 40 acres was underutilized with 20 acres vacant. That is a considerable number of units which could be built. We must keep those in consideration within the 1.7%. The 1,400 units in the first four years needs further discussion with staff. The rest of the City must be considered, as does affordable housing. Perhaps those issues could be exempted, but it is unclear of that determination. He does feel we need an allocation of units. He supports the current phasing as in the Plan, location and timing of the Central Park and guarantee of a certain number of units in the allocation portion to assist in the infrastructure financing.



Council Member Monroe does not think it would be ethical to ask the Planning Commission to make recommendations on this document when they had not had time to review. Mayor Borchard said that even a recommendation of non-approval is still a recommendation.

On a motion by Commissioner O'Bryant, seconded by Commissioner Carotenuto and carried by the Members present, the Commissioners denied the four recommendations for change to the Spring Lake Specific Plan as presented.

Mayor Borchard said Council and Commission have received a great deal of information and input in an effort to assist in the decision-making process.

Council Member Monroe is still very concerned that Public Works Director had not had adequate time to review the document and make comments.

Council Member Peart said all of his concerns are based on the property owner participation. The phasing, he feels is very risky to remove. It does not support changing the sequencing, changing the timing of the central park or changing the allocation.

Council Member Monroe does not want to change the phasing or the allocation, would agree to the change in sequencing and is undecided on the timing of the Central Park.

Council Member Dote does not want to change phasing, timing of Central Park or the allocation. She feels the sequencing should be changed to above 50%.

Vice Mayor Flory agrees to the changes in phasing, sequencing and timing of the Central Park but does not want to change the allocation as he feels it will be a detriment to other areas of the City.

Mayor Borchard would like to give direction to Staff on the TOC only. They need to get more landowners involved. He, therefore does not want the phasing to change. He feels that sequencing could be adjusted to 50% or more. The Central Park should be completed at the same point as the Fire Station. He does not feel the 1.7% growth should be changed as the growth during the last five years has been at 2+%.

At 12:00, it was moved by Council Member Dote to extend the Council meeting until 12:15. Motion lost for lack of a second.



At 12:01, it was moved by Council Member Peart, seconded by Council Member Dote and carried to extend the meeting to 12:15.

On a motion by Council Member Peart, seconded by Council Member Dote and carried, Council set the sequencing at 60%, which means a neighborhood must be at least 60% built out before dropping below the phase line. To further reiterate Council direction, Planner Tschudin summarized as follows: sequencing between the Central Park will be completed with the Fire Station which will be by year 2007 or earlier depending upon maintenance of the four minute response time. The Phasing Line will be deleted which will make this an unphased project. This will bring in higher-end homes. Planner Tschudin asked then what the sequencing would be tied to and Council Member Dote indicated it ties to the neighborhoods. Planner Tschudin said the neighborhoods were tied to the phasing line. Any neighborhood could start at any time so there is no need for sequencing. Mayor Borchard feels strongly that phasing is needed to monitor the growth. Vice Mayor Flory stated he is basing his decision on the premise the a high-end home builder could then provide those executive homes which are needed in that area. It was moved by Council Member Dote and seconded by Mayor Borchard to leave the phase line and the sequence of phasing in the Specific Plan as adopted July 2001 at 60%. Motion failed. It was moved by Vice Mayor Flory, seconded by Council Member Peart and carried by a majority vote to drop the phasing line as proposed by the applicant. Planner Tschudin said that on the issue of sequencing, the 60% would not be connected to anything and it was determined to leave it in the language at present as it may change. If there is a 60% requirement for the neighborhoods, it is 60% before what, perhaps the park being built. Mayor Borchard said the Council does not have an answer for that question at this time. The allocation is that they need to recognize the 1.7% so it needs to recognize that growth will take place elsewhere in the City. It was Council consensus, the 60% is the threshold at which point the parks must be built. Multi-family and affordable will be market driven.

ADJOURNMENT

Mayor Borchard adjourned the Joint Special meeting of the Council and Planning Commission at 12:15 p.m.

City Clerk