

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

October 30, 2001

CITY COUNCIL
SPECIAL SESSION

CALL TO ORDER

Mayor Borchard called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

Mayor Borchard invited those present to join in the Pledge of Allegiance.

ROLL CALL

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

COUNCIL MEMBERS ABSENT: David Flory

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Gary Wegener, Margaret Vicars, Michael Horgan, Sue Vannucci

OTHERS PRESENT: Contract Planner Heidi Tschudin

COMMUNICATIONS – WRITTEN

Council received a request from Yolo County Elections regarding maintaining access to polling places on Election Day, November 6, 2001.

PUBLIC COMMENT

None heard.



COUNCIL STATEMENTS AND REQUESTS

Council Member Peart reminded Council that he could not participate as a member of the Yolo County Economic Development Council and Council Member Dote's schedule prohibits her from becoming the representative. He asked this item to be placed on a future Council meeting for discussion and appointment. He advised that correspondence to our representatives in Washington, D. C. should be routed through Thane Young, City Lobbyist, due to the screening of the mail. The Harvest Festival was very successful.

Council Member Monroe stated there had been a forum on Measure T where questions were posed with no clear answers. One of those was the cost to move a mobile home. It has been stated the cost was \$3,000 to \$4,000. He collected some information which indicates the approximate cost is \$15,940. It had also been stated that if the Measure passed, there would be no new development. There is a new law which exempts new mobile home parks from the rent control.

Council Member Dote congratulated the Chamber of Commerce for the Farm City Banquet success. She attended a Woodland Economic Renaissance Corporation meeting last Friday and received a preview of the Jobs Gap Analysis. The Gaining Ground program includes the four larger Cities, the County and UCD. They are working on the Habitat Conservation Plan. We did not receive the funding anticipated. This issue will be presented to Council in the near future, as will the possible formation of a Joint Powers Authority.

CONSENT CALENDAR

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

SACRAMENTO RIVER WATER RIGHT APPLICATION

Council approved the assignment of a proportion of Water Right Application 30358 to the City of Woodland as set forth in "Resolution No. 01.20 of the Board of Directors of Yolo County Flood Control and Water Conservation District Approving Assignment of Water Right Application 30358".



CITY MANAGER'S EMPLOYMENT AGREEMENT ADDENDUM

Council approved the Addendum to the City Manager's original Employment Agreement of March 29, 1999.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

RESOLUTION 4320 - BUDGET AMENDMENTS FOR CONTRACT PLANNING SERVICES FOR SPRING LAKE SPECIFIC PLAN AND STATUS UPDATE

City Manager Kirkwood stated work has been diligent on the Spring Lake Specific Plan (SLSP) and asked Contract Planner Heidi Tschudin to provide an update for Council. Planner Tschudin stated the previous Budget Amendment carried through September 30, 2001. The recommended amendment would continue the Contract until December 31, 2001. Status of the various components is as follows:

- Traffic Analysis has been drafted and is under review.
- CEQA Analysis is under examination by Staff.
- Phasing Feasibility Analysis indicates the advance funding will be necessary under Phase I.
- Infrastructure Financing and Fiscal Impact reports are still outstanding from the applicants consultant. Process is halted pending receipt of these reports.
- Ownership Participation is limited to four owners for a total of 517 acres. or 47.1%.
- Indemnity Agreements have been under negotiation but appear to be in the final stages.
- Final Action Package cannot be completed until the reports from applicant's consultant are received. The documents to be completed are the Staff Report, Final Edits to the SLSP, responses to comment letters, adoption of the Resolution, Development Agreement, CEQA Addendum, Findings of Fact, and Statement of Override.



The applicant has indicated a "drop dead" requirement as the end 2001. It does not appear possible to adhere to that deadline as we are awaiting materials from the applicant's consultant in order to proceed.

Council Member Dote asked if the least amount of phasing is South and Planner Tschudin indicated it was along the Parkway. With only partial participation by the owners, phasing will be affected. The plan will develop even though it may not all continue at the same time. Council Member Monroe asked to stay with the timeline, are there items in the package that could be delayed. The Development Agreement could be done at a later time because it is important. In lieu, the indemnity would cover the City. The LLC would need to provide information to the City Attorney to cover the City.

Mayor Borchard asked if we tie the recommendations to extend the contract for Planner Tschudin to the Development Agreement, does that affect the motion and City Manager Kirkwood said that would be coming back to the Council for an extension at a later time.

Tom Lumbrazo of Turn of the Century said they have gotten to a point where they can agree on various aspects with the four property owners and more may add on as they go forward. They are going to form an LLC to work on the process. He suggested a generic Development Agreement that does not go into extreme detail. If the project goes forward, they would add portions as they become relevant. They have no problem with Planner Tschudin's contract extension but would like to remain on schedule. They are giving up the Development Agreement, trying to get the Plan done by the end of the year and work on a generic Development Agreement at the same the same time to be completed as soon after the first of the year as possible. City Manager Kirkwood has received the direction from the Council and to place the item on the December 18th meeting. They will discuss the generic development with the City Attorney.

Council Member Dote said the package would not include a Development Agreement by the December 18th meeting date. Planner Tschudin said it will come at a later time. Council Member Dote asked if Planner Tschudin had enough confidence to adopt without the Development Agreement. Planner Tschudin said it must come forward at some point, but does not feel comfortable without an indemnity. City Manager Kirkwood said the feasibility analysis has been received and suggested the Council Subcommittee meet and review. Council Member Peart would like to be sure the CEQA is sound and Planner Tschudin said it will be in tact but is always subject to challenge. Council Member Peart said if there are any issues he would like them as soon as possible.



Collette Stewart asked for a location of the Parkway and the Community Center. The major intersection is not in the land already identified as ready to proceed. Planner Tschudin said the Town Center is on the Holman and Little properties and is currently part of the Plan. The City does have options to go through the property. She feels those properties will become part of the process as it is moved forward. Pioneer will be brought a portion of the way as will Farmer's Central and the Town Center would not move forward until the building reaches it.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, the Council adopted Resolution 4320, "A Resolution of the City Council of the City of Woodland Authorizing an Amendment to the Spring Lake Specific Plan 'Plan Preparation' Budget" by \$36,800 to allow for continued professional contract planning services through the end of the year by Heidi Tschudin.

FLOOD CONTROL SOLUTION AND FUNDING – BALLOT MEASURES

Public Works Director Wegener stated the Flood Task Force had held a meeting on October 24th to receive input from all interested parties. They concluded to recommend that Council pursue both a sales tax extension and an assessment district funding methodology for flood protection. The General Obligation Bonds and Mello-Roos were deemed as not feasible options at present. The City does not have the complete National Economic Development Plan (NED) as yet to help in the determination of options for protection, i.e., setback levee versus the overflow barrier. Costs range from an estimate of \$50 million for the overflow barrier to \$108 million for the setback levee with the local share at 15% to 17%, or \$7.5 to \$18.4 million respectively dependent upon the option selected.

The citizens approved a sales tax of ½ cent for road improvements, new Community Center and Police Station, softball and soccer facilities. This sales tax expires in July of 2006 and generates between \$2.6 to \$3 million per year. Should the sales tax be extended to 2012, funds would be generated to cover the costs for flood protection. The new FEMA maps place 34% of the City into a flood zone. These maps become effective on April 2, 2002 and will require increased flood insurance levels to exceed \$2 million per year.

Director Wegener and Council Member Peart provided possible language for a measure on the March 5, 2002 ballot to extend the sales tax to cover flood protection issues. Council Member Dote asked if, with the timing of the construction and short term financing, would the interest be included in the



local share. Director Wegener said it could be between 12% and 17% and it is not included in the local share. Those issues would need clarification over the next few months. There should be about three years of financing.

Council Member Peart left the meeting at 8:04 and returned at 8:05 p.m.

Brenda Cedarblade requested when the City is researching funding, they look at how to protect her land and not put her into a bypass. She feels that funding this project now is premature. There are many costs involved that have not been identified as yet. Council Member Monroe asked about land that would be negatively effected. Director Wegener said the Army Corps of Engineers reviews the land and if there is a negative impact they look at the real estate value. Ms. Cedarblade said there are native trees and Swainsdon Hawks in that area which will be negatively affected. Council Member Monroe reminded Council this valley was completely underwater each year prior to the development of the levee system and those species were not negatively impacted at that time.

Collette Stewart feels it is too soon to put this on the ballot now. She has had some experience with the Corps of Engineers and FEMA that she shared with the Council. Council Member Peart said if we wait the City would be in a position where flood insurance must be purchased. Local funding is required to receive Federal money. Council Member Monroe asked if the sales tax is passed in March, 2002 and the Federal government does not give us any funding, what are our options. Finance Director Vicars said the measure goes in place in July of 2006 if passed, which would be the first time the City would receive funds for this project. We would then have five years time to determine if the project would go forward.

(Verbatim) "Thank you Mr. Mayor, Members of the Council, I'm Kent Calfee. My office is on Court Street and I represent the group of land owners that own land and reside North of the suggested wall and South of the Creek. We strongly advocate for flood protection and we strongly advocate for protection for the entire community, and it's our position that only the setback levee does that. And so long as that is the ultimate project, we have no problem with the sales tax and I think that we will advocate all available sources, including my clients' own pockets to fund that alternative. Is there a circumstance for my clients to oppose a sales tax, absolutely. Their, they spend their money in this community, they think, feel that they are a part of this community. They buy their equipment, they buy their groceries, they buy their hard goods in this community and pay sales tax. Yes, they would be opposed



to a sales tax, the purpose of which is to tax them for the purpose of creating a structure that floods them. They really believe, and I concur, that it, it adds injury to insult if the result of the sales tax is to create the flood riff. I think the, it is important for the Council to pursue all of the funding options available and the Task Force recommendation for that reason is I think the reasonable alternative, but the, I urge the Council to first ask the question, 'what is the best solution'? The Task Force wrestled with that and not a single person on the Task Force articulated any opinion as to the best solution other than a setback levee. No one has come forward on that Task Force the other night and said the best solution is the flood wall. I think that there is wide consensus that the setback levee is the best solution. I urge this Council to do everything possible to find a way to construct the setback levee. If you have pursued every alternative, if we've gone to Congress, if we've made our pitch, many other communities have had a more expensive alternative funded by Congress, Woodland deserves that as well. Only if we have exhausted every opportunity to fund the best solution, should we settle for an inferior solution. So, the creating a funding mechanism is great, but only if the goal today is to use that mechanism to fund the best solution. We think that it is both unfair and shortsighted to pursue a flood wall or to have that as the even the preliminary goal of this fund raising effort. We think that it is unfair to create, and inappropriate, to create a permanent divider that is going to segregate this community and pit the flooded against the protected. That's not good for the community. I also think that when we project, and I've said this before to the Council, if we project out ten, twenty, thirty, fifty, a hundred years, if the flood wall is built, many, many Councils are going to look back and rue the day that was approved. That the long-term planning of Woodland will be seriously impaired if we have a flood wall. So, with that background, excuse me (microphone noise), I would urge the Council to pursue aggressively the best solution and hopefully we will find a way that we can provide protection for everybody. Thank you." (End Verbatim)

Director Wegener said if we wait until May or June and to pursue, we may have the NED solution identified.

Council Member Monroe asked if there would be time prior to the election that Council would have to choose their direction. Director Wegener said we would not have adequate information to make a decision. At present it appears to be the barrier, but that is not final. They are addressing the best engineering solution, looking at the benefit/cost analysis, basic flood protection principles and engineering practices. They cannot tell us what is the best for the community. A Locally Preferred Plan funding that differs from the NED would require the City to fund the difference between the LLP and the NED Plan. The Reclamation Board is recommending a 200-year or the NED, whichever is greater. There is a shortage of funding at the Federal level. With local funding



in place up front, the Congress will recognize our commitment and may look favorably on funding. There is no guarantee that this will pass and we can only go when Council elections happen every even number year.

City Manager Kirkwood said if FEMA would only fund the barrier, our local share is 15% of \$7.5 to \$8 million and the remaining funds needed would be a shortfall. Mayor Borchard said if we do not choose the NED solution it will not be funded. It is premature to make a decision on the alternative we will choose. Congress said the best opportunity we have to receive Federal funding is to have our funding in place.

Council Member Peart said this has been ongoing for 3½ years. The Council took \$625,000 from the emergency fund and placed it into the flood protection project to look as the feasibility study. One of the largest businesses has indicated they will no longer operate in the City without flood protection as they estimate their loss at approximately \$27 million.

Council Member Monroe left the meeting at 8:39 and returned at 8:40.

Council Member Peart said this tax is a general tax and could be passed with a 50% plus 1 vote. He would like to be on a Council Sub-Committee to propose language for the ballot, as would Mayor Borchard. Council Member Monroe asked if the public voted for the setback levee with the sales tax option, then Corps says that we can only build a barrier, what is the outcome. City Manager Kirkwood said this is an advisory vote only. Director Wegener said the Reclamation Board would also have to approve.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, the Council appointed Mayor Borchard and Council Member Peart to serve on a sub-committee to develop sample ballot language for a sales tax extension for funding the local share of a flood protection project.

Director Wegener said if the sales tax fails and we wish funding in place by June, we would need to proceed with an assessment district concept. The Corps will be signing off in August or September of 2002, which would allow time to continue in this avenue. Council Member Dote said the assessment is the preliminary work for that whole area and if the sales tax extension passes it would only affect those within the City. Would it be proper to have an assessment District in the County to make up the difference. Director Wegener said under Proposition 218, it would be to cover the entire benefited properties and assess the total cost based upon that assessment. There could be a



problem utilizing an assessment district methodology to have the properties North of the overflow barrier pay the cost difference between the overflow and the setback levee. The agricultural areas are about 1% of the total assessment area. If we put this off until March, we would know what happened with the sale tax but not the NED. Mello-Roos would be problematic because the property owners are not the voters. The County would probably not want to go that route as it is approved by the registered voters. They could form some type of limited partnership and come up with their own type of financing. Council Member Peart does not feel it would be beneficial to work on two issues at once. The \$625,000 was to move forward as soon as possible to offset the businesses from leaving the area. We could look at an assessment district at a later time. However, if we do not start investigating the assessment district now, it would be in November, 2002. Funding demands, both at the Federal and State level are diverting and we need to work very diligently to provide our portion of the funding to secure other agency funding.

Council Member Dote said the appropriations bill will be done by October of 2002. Director Wegener said it is in the September to October 2002 timeframe where the legislation is enacted. It is likely there will be a contingent authorization in the authorization bill. The benefit allocation could be here in September of 2002. Council Member Monroe asked how much it would cost and who pays to do an assessment. Mayor Borchard is more interested in how it relates to the State Reclamation Board with funding in place. Council Member Peart said we cannot impose an assessment district unless the County cooperates and it would have to be jointly sponsored. The vote is weighed on the value of the benefit. The industrial property would not vote for anything that is going to double their fee on the assessment. Director Wegener said if the setback is the NED solution, the only way that may happen is if the overflow barrier does not work, and the sales tax does not pass, then the question would be to the businesses is whether or not they want the setback at all.

It was Council consensus to proceed with assessment engineering for a benefit assessment district.

ADJOURNMENT:

Mayor Borchard adjourned the Special meeting of the Council at 9:02 p.m.

City Clerk