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

July 3, 2001

CITY COUNCIL SPECIAL/CLOSED SESSION

The Woodland City Council met in special session at 6:04 p.m. in the second floor conference room of City Hall in order to convene a closed session. On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council added to the Agenda pending litigation received today under Section 54954.2 where Council may take action on an item approved by two-thirds of the legislative body, there is a need to take immediate action and that need came to their attention subsequent to the posting of the agenda.

At 6:06 p.m. Council adjourned to closed session. The Council held a conference with Real Property Negotiator (Section 54956.8) regarding Idle Wheel and Royal Palms Mobile Home Estates; held a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Section 54956.9; and held a conference with Legal Counsel regarding existing litigation, Jesse D. Yohanan d.b.a. Royal Palm Mobile Estates and Idle Wheel Estates vs. City of Woodland and does 1-20 inclusive, case number CV01-1215. All Council Members were in attendance. Also in attendance were City Manager Rick Kirkwood, Assistant City Manager Phil Marler, and City Attorney Michael Dean.

CITY COUNCIL REGULAR SESSION

CLOSED SESSION ANNOUNCEMENT

Mayor Borchard advised that Council held a conference with Real Property Negotiator (Section 54956.8) regarding Idle Wheel and Royal Palms Mobile Home Estates; held a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Section 54956.9; and held a conference with Legal Counsel regarding existing litigation, Jesse D. Yohanan d.b.a. Royal Palm Mobile Estates and Idle Wheel Estates vs. City of Woodland and does 1-20 inclusive, case number CV01-1215. Council received reports on these issues.

CITY COUNCIL MINUTES JULY 3, 2001 PAGE 2

CALL TO ORDER

Mayor Borchard called the regular meeting of the City Council to order at 7:21 p.m.

PLEDGE OF ALLEGIANCE

Mayor Borchard invited all in attendance to join him in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL

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

Peart, (Vice Mayor Flory arrived at 7:35 p.m.)

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Mike Dean,

Karl Diekman, Margaret Vicars, Henry Agonia, Steve Harris, Sue Vannucci, Steve Sante-Croce, Terry Brown, Dick Donnelly, Ken Linney, Susannah Reinhardt, James Zuniga, James

Burau

OTHERS PRESENT: Contract Planner, Heidi Tschudin

MINUTES

On a motion by Council Member Dote, seconded by Council Member Peart and carried by the Members present, the Council approved the minutes of the regular council meeting of June 5, 2001 as presented.

COMMITTEE REPORTS

A report was received from Public Works Director Gary Wegener transmitting the minutes of the Traffic Safety Commission meeting held June 4, 2001.

CITY COUNCIL MINUTES JULY 3, 2001 PAGE 3

A report was received from Chief of Police Del Hanson transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting held June 6, 2001.

A report was received from Parks, Recreation and Community Services Director Henry Agonia transmitting the minutes of the Commission on Aging meeting held June 12, 2001.

A report was received from Community Development Director Steve Harris transmitting the minutes of the Historical Preservation Commission meeting held June 13, 2001.

A report was received from Director Wegener transmitting the minutes of the Tree Commission meeting held June 18, 2001.

A report was received from Director Harris transmitting the summary of the Planning Commission meeting held June 21, 2001 as follows:

a. conditionally approved for a 90 day trial period the Conditional Use Permit to expand the use of an existing restaurant at 524 Bush Street to include live entertainment and dancing on Friday and Saturday from 10:00 p.m. to 12:00 midnight and Sunday from 10:00 p.m. to 10:30 p.m.. The restaurant will also be allowed to serve beer and wine from 10:30 p.m. to 12:00 midnight on Friday and Saturday.

PUBLIC COMMENT

Carol Savory wants the Council to set rent control for all rental units in the City. Those on fixed income cannot cope with the increases. She lives in a 35-year-old building and rents are increasing between 50% and 75%. Income does not increase to cover these increases in rent. She asked Council to pass an Ordinance to fix rents. Citizens are moving into the City from other areas and adequate affordable housing is not available. Council Member Monroe asked Council to consider a Rent Control Ordinance for the entire City.

Bayley Sandy said that at 10:30 on the 4^{th} of July there would be a bikes and scooters parade. She invited all Council Members to participate.

Alan Smith of the Woodland Access Visual Enterprises, Channel 21 said WAVE assists citizens in video production for viewing on the WAVE. They also provide equipment and training to utilize the process. He encouraged citizens to contact the WAVE Channel for information about the services provided.

COUNCIL STATEMENTS AND REQUESTS

Council Member Monroe commended Officers Steve Guthrie and Rob Strange for participation in the "Meet and Greet" event, Officer Debra Branigan for her response to assist at Blockbuster Video and to the D.A.R.E. Officers for their participation in a school event. Each of these Officers received letters of commendation from the citizens they assisted.

Council Members Dote and Monroe attended the first meeting with City Manager Rick Kirkwood and Chief of Police Del Hanson on the Wayfarer Center concerns. Additional meetings will be scheduled.

Vice Mayor Flory arrived at 7:35 p.m.

PRESENTATIONS

RESOLUTION TO RECOGNIZE THE FOURTH OF JULY CELEBRATION IN WOODLAND

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the Council adopted a "Resolution Recognizing the Fourth of July 2001" celebration in Woodland. Mayor Borchard presented the Resolution. Hector Lopez, Ken Linney, Joy Cohan, Sue Goodall, Bud LaFayette, Mark Molski, Pastor Sinclair, Kris Bains and Council Member Peart reviewed all of the scheduled events, times and locations.

FIRE MUSTER WEEKEND ACTIVITIES

Police Captain Terry Brown announced that Woodland will host the Annual State Fire Muster for the second time on the weekend of July 20-22. The event will begin on Friday evening with a parade and events will be held at the Fairgrounds throughout the entire weekend.

CONSENT CALENDAR

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council approved the following Consent Calendar items as presented:

MONTHLY STATUS REPORT FROM PARKS, RECREATION AND COMMUNITY SERVICES

Council received the Monthly Status Report from Parks, Recreation and Community Services.

MONTHLY STATUS REPORT FROM COMMUNITY DEVELOPMENT

Council received the Monthly Status Report from Community Development.

MONTHLY STATUS REPORT AND CAPITAL BUDGET IMPLEMENTATION REPORT FROM PUBLIC WORKS

Council received the Monthly Status and Capital Budget Implementation Reports from Public Works.

RESOLUTION 4293 - FINANCE FIRE FLEET LEASE/PURCHASE

Council adopted Resolution 4293, "A Resolution of the Council of the City of Woodland Approving a Lease-Purchase Agreement and Escrow Agreement for the Purpose of Financing One Ladder Truck, Two Fire Engines, One Heavy Rescue Truck, One Towing Vehicle and One Passenger Van" and provided the authority for the City Manager and Finance Director to enter into a Lease-Purchase Agreement with Public Capital Corporation and an Escrow Agreement with Public Capital Corporation and WestAmerica Bank.

SET PUBLIC HEARING FOR WASTE MANAGEMENT LIENS

Council set a Public Hearing for July 17, 2001 to hear and approve the list of Delinquent Refuse Accounts and directed the Tax Collector of Yolo County to assess liens against real property to collect delinquent accounts.

PURCHASE OF FIRE APPARATUS

Council authorized the purchase of one ladder truck, two fire engines, one heavy rescue truck, one towing vehicle, one passenger van and related equipment.

RESOLUTION 4294 AUTHORIZING APPLICATION FOR PROPOSITION 12 PARK BOND 2000 GRANT FUNDS

Council adopted Resolution 4294, a "Resolution of the City of Woodland Approving the Application to Apply for Grant Funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000".

LEASE AGREEMENT WITH TIERRA DEL ORO GIRL SCOUT COUNCIL INC. FOR USE OF GIRL SCOUT FACILITY

Council authorized the City Manager to execute a Lease Agreement with the Tierra Del Oro Girl Scout Council, Inc. for the property at 430 Grand Avenue.

UPDATE ON SCA-3 USE OF GAS TAX FUNDS

Council received an update on the status of the proposed State Constitutional Amendment #3 which would allow gas tax revenues to be used for the capital, maintenance and operating costs of mass transit vehicles. The Measure is intended to help transit agencies meet their growing budget needs by expanding the available sources of funding for transit operations and capital expenditures.

PUBLIC IMPROVEMENTS AT 814 COURT STREET (PAROLE OFFICES)

Council accepted as complete the public improvements constructed with the development of the office building located at 814 Court Street and authorized the City Clerk to file a Notice of Completion.

HOMELESS COORDINATOR REPORT

Council received the Homeless Coordinator Report for the month of May 2001.

CONSTRUCTION CONTRACT FOR WEST MAIN STREET AND COUNTY ROAD 98 INTERSECTION IMPROVEMENTS, PROJECT 95-22

Council authorized the City Manager to award the construction contract for Project 95-22, Intersection Improvements of West Main Street and County

Road 98 to Granite Construction Company, Inc,. for \$597,366.70; authorized the Public Works Director to execute the construction contract; and authorized the Public Works Director to approve additional expenditures up to \$60,000.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

MOBILE HOME SPACE RENT CONTROL ORDINANCE

City Manager Kirkwood reminded Council they had passed Urgency Ordinance 1003 to impose the moratorium on Mobile Home Space Rent. Council had directed a study to be undertaken to determine the effects on low-income residents. This Urgency Ordinance will expire on August 14, 2001. Residents were to make a good faith effort to purchase the parks. Council also committed \$135,000 per year for ten years to help with the purchase. They had encouraged meetings with the owner of the parks and his representative to continue negotiations on the purchase. On June 19, 2001, Council approved the contract with Richard Bornholdt Consulting Group, Inc. to study the need for low income housing and need to have an Ordinance. The City Attorney has written a proposed Ordinance for consideration by Council for placement on the November 6, 2001 ballot. He recommended that Council discuss the findings of Mr. Bornholdt and decide whether it is the best interest of the City to go forward with an Ordinance and to extend the current Urgency Ordinance.

City Attorney Dean said there are two Ordinances, one drafted by the City Attorney and the other circulated by the residents. The City Ordinance would establish a Rent Control Board made up of persons not affiliated with the Mobile Home Parks or the residents of the parks. This Board would determine a responsible and just rent based on eleven factors to assist in that decision. Evidentiary hearings would be held whenever a request to increase rent was received. The Council would not be involved in the process at all. There is no appeal except to the Superior Court of Yolo County. A range of reasonable rents would be established to allow the owner to make a profit. This model is based upon an Ordinance that had been adopted in Southern California, which has received a number of lawsuits. To date, the lawsuits have been unfounded.

Council Member Dote said factor number eleven says any existing lease lawfully entered into between the park owner and home owners and asked if that applies to a lease in effect at the time the rent control ordinance went into effect. City Attorney Dean said it would apply to any leases prior or following

that would go into effect. The State does regulate to some degree. It does contain a number of provisions that Cities, in certain circumstances, may not regulate rents. One of those are certain types of leases. Council Member Dote clarified that a lease could be in effect specifying some rate of rent increase which would not be the same as the one the Board put into effect. City Attorney Dean said the original lease would then prevail.

Council Member Monroe asked how often the owner could request an increase and City Attorney Dean said it would be one time per year.

Richard Bornholdt, Consultant, addressed three issues of concern. First an analysis of the feasibility for the residents to purchase the parks based upon the available sources of funds. The funds are available, but require an application process that is highly competitive. Secondly, what is the status of negotiations with the residents and the owner to acquire the parks? At this time there is not a willing seller, the parks are no longer for sale. The final issue, the income level of the residents, indicates that more than 50% of the residents are low to very low income, elderly and on fixed incomes. The rents proposed will present a significant hardship to these residents. There are not a lot of alternatives for these people to relocate. City Manager Kirkwood asked if it was his professional opinion there is a need for this Ordinance to maintain the status quo of affordable housing and Mr. Bornholdt indicated the evidence is clear to so justify. One of the issues is that utilities are included in the rent, but have now been separated without the rent being lowered.

Council Member Dote asked if the rent increases would provide an undue hardship and Mr. Bornholdt indicated it would be for many of the residents. Monthly housing expenses should not exceed 30% of income and this would do so for many.

Council Member Monroe said that rent increase has been 35%. City Manager Kirkwood said there are a number of low to very low-income residents in the park who need rent stabilized. There has been a good faith effort to purchase the parks; availability of funds is there; the owner will not negotiate because of the moratorium.

John Irvin reiterated that residents are paying utility costs twice. The rent is increasing from \$320 to \$435 per month which is about 36%. The owner has the right to bill separately for water, sewer and garbage, but the owner must reduce the base rent by that amount.

Vice Mayor Flory asked the City Manager to make a comment about the affordable housing issue and the meeting notices. City Manager Kirkwood said Mr. Irvin has been aware we were considering this issue on this evening's agenda. We have been in contact with him and have sent the Carson City Ordinance. The full Council Communication was provided. Mr. Irvin had said the City Manager had not contacted him with regard to the analysis that his attorney had provided on the two ordinances which had stated the City Manager should call if there were any questions. As there were none, he did not call Mr. Irvin. The information was given to the City Attorney and no questions arose from him as well. City Manager Kirkwood said that on several occasions we had advised Mr. Irvin there would be meetings on the 3rd and 17th which would likely have this item before the Council. The Agenda is posted on the Cable Channel, on the WEB page and is posted as per law in front of City Hall. Any interested citizen may also provide a self-addressed stamped envelop and an Agenda will be mailed directly to them on the Friday before the meeting.

Mayor Borchard asked the City Attorney about the comparison of the two proposed Ordinances in relation to the Carson City Ordinance. City Attorney Dean said the petition initiative measure states the rents will roll back 5 years to 1996 levels. It will then utilize an inflation factor of 3% but the rent control Board would change that. The City Ordinance states that April 1, 2001 date would be the base date utilized. The Rent Control Board determines the rent. The City ordinance would have the Board determine the income and expenditures to establish an appropriate rate of return to the owner. The Board would look at 11 factors to determine reasonableness for rent within a range.

Mayor Borchard asked which would be more defendable in court. City Attorney Dean said both ordinances are probably valid. The petition places a rent rollback and then a rent roll forward. The second issue would be how easy it is to defend Board decisions. The Rent Control Board would to be easiest to overturn. When a petition has been submitted to the Clerk, it cannot be changed or withdrawn by either the proponents or the City.

Vice Mayor Flory asked if the two Ordinances were the same on the appeal process. In the City's case, it is appealable only to the Court. The petition Ordinance is silent on this process. It could be argued that an appeal would go to the Council before having to go to Court. City Attorney Dean said the ceiling is adjusted annually based on the amount of the rent in effect on January 1, 1996. The rent is then adjusted annually in the amount of 3% or 75% of the percentage increase in the CPI for the calendar year for which the application is being made, whichever is less. The initial roll forward will look at the CPI for those years and be based upon that percentage. City Attorney Dean said there is an allowance for a permissive adjustment if the owner could

prove the amount was not adequate to pay expenses.

City Attorney Dean said if the Ordinance is approved by vote, it only amendable by vote of the people. If the Council adopts an Ordinance, it is amendable by the Council or by the people. Assuming the right number of signatures are in place, it is mandatory that the Clerk certify the petition to the Council. The Council must then either adopt the Ordinance or submit it to the people for vote.

Council Member Peart asked that a comparison on which Ordinance would be defendable be presented at the July 17th meeting. There was Council consensus on that request.

City Attorney Dean stated the Ordinance would be applicable to all Mobile Home Parks in the City. One person could object to the rent increase, it stops the entire process and begins the appeal process. Council Member Peart asked if this was put into effect tomorrow d the utility charges become open to any type of charge where they could be escalated. City Attorney Dean said the State does regulate to some extent the relationship between a park owner and the mobile home residents, one of which is the manner in which utility costs are passed through.

Mr. Edward McDonald, Mr. Yohanan's attorney, said he believes the Ordinance is subject to legal challenge. He compared it to an Ordinance in Clovis which is before the Supreme Court at present. There appears to be too much discretion to the Rent Control Board which creates the need for such litigation. Anyone can challenge the ordinance as it is by space. There are two issues to be challenged, what the initial base rent rate would be and the rent increases over time. He feels there will be multiple public hearings, disputes over rent and litigation. This Ordinance does not allow for knowledge of what future rents would be and is at the whim of the Rent Control Board. Vice Mayor Flory asked if Council would be receiving a copy of Mr. McDonald's analysis of the two ordinances. He will complete his analysis by Monday or Tuesday and will provide to the Council. Mr. McDonald agrees with Mr. Bornholdt regarding negotiations that have not proceeded since the moratorium has been put into place. His client agrees that with hardship cases he will match a certain amount with the City. There are solutions outside of rent control with hardship cases that can be taken care of. His client does not feel the solution should be placed on his shoulders.

Council recessed from 9:03 to 9:23 p.m.

DOWNTOWN PARKING MANAGEMENT PLAN

City Manager Kirkwood said Council had taken a proactive approach to the downtown parking concerns. He briefly summarized the goals and objectives of the plan, outlined strategies to move forward with the new parking facility and the overall downtown parking management plan processes. The issue of angled parking on Main Street will be addressed elsewhere and it not included in this Plan.

Bob Grandy of Grandy and Associates has been working on these parking issues. He said the proposed action is: to receive the Downtown Parking Management Plan; provide comments; direct staff to schedule a public workshop on July 18th; and return to the Council in the Fall with the input The Parking Management Plan will address our current parking availability and needs. It addresses the need to assure that all lots are effectively utilized. The goal of the plan is to effectively use parking facilities to provide an adequate supply for all the people who need to use parking in the The eight Objectives are: to provide both long- and short-term parking, incentives for long-term parking, encourage future development in the downtown core area, provide for other governmental agencies to participate in the development of new parking facilities, provision that development supports new parking facilities and to generate revenue to so develop these facilities. Strategies include: peripheral lots for employees; modification of time limits, elimination of downtown parking exemption; establishment of in-lieu fees establishment of user fees; and parking permits for adjacent residential areas. Mayor Borchard asked how the percentage was determined for the determination of needed additional parking and Mr. Grandy said that when peripheral lots reach 85% capacity, we would need to look begin looking at the development of additional lots to allow for the lead time. Council Member Peart asked about handicapped parking. He has here that many of the lots do not have adequate spaces. Traffic Engineer Bruce Pollard said all of the City lots meet the standards and the new lots will also be compliant.

Al Iby, President of the Woodland Downtown Improvement Association asked for information prior to the July $18^{\rm th}$ workshop. He wants the report from 1996 and also is concerned about the 90-minute parking proposed. City Manager Kirkwood said Bob Grandy or Bruce Pollard would have the information he has requested.

Dudley Holman said parking has been a concern since the 1980's. He would like to see some contribution from the downtown property owners for this parking. They all need parking but have not been willing to pay for it.

Development outside the downtown must provide parking and those in the downtown do not. The Hotel has 10-12 spaces they are not using. These should be relisted for public use. The parking structure needs a very large footprint and cannot be place just anywhere. There needs to be at least one-half block, but a full block is preferable when considering the up and down ramps. The purchase of the lot at College and Court was a good purchase. It must be fully landscaped as the City must comply with all requirements we place on others.

Vice Mayor Flory asked about the progress of the angled parking on Main Street. City Manager Kirkwood said there were two tracks in process. One was the Parking Management Plan before Council and the other to receive community input on whether we should consider angled parking in the downtown area. The angled parking needs traffic studies, CEQA, etc. at a cost of \$15,000 to \$20,000. Council had determined not to proceed until we a sense of the community input was received. At the meeting on July 18th, this issue will be discussed conceptually. Vice Mayor Flory said that at the Sub-committee meeting he understood this would be separate as it dealt only with the downtown merchants and property owners involved. City Manager Kirkwood stated another meeting could be scheduled to address only the angled parking issue should the Council so desire. Council Member Peart agreed that angled parking was to be addressed separately and that a survey would be ready for that meeting. They could then decide whether to move forward and spend the money. City Manager Kirkwood said we could set it in the evening July 30th. Vice Mayor Flory said they prefer to hold this meeting at a location other than City Hall. The Sub-committee would make a recommendation following the discussion on the angled parking. City Manager Kirkwood said they are working with Gary Sandy on the downtown plan and can work with him on the angled parking. Mayor Borchard said there will be a meeting at some future point which will be decided by the Sub-committee. Following the July 18th workshop, discussion and recommendations will return in September as will the angled Mr. Grandy said that discussion could be held but the traffic management study, CEQA and other issues have not been undertaken. This may help in the decision on whether to move forward at that time.

At 10:03 p.m., Mayor Borchard yielded the Chair to Vice Mayor Flory and left the meeting.

ENERGY FAIR, JULY 14, 2001

Assistant City Manager Phil Marler summarized the Energy Fair schedule events on Saturday, July 14, 2001. This event begins at 10:00 a.m. at County Fair Mall. The Police Department, Fire Department, Sheriff's Department, Public Works, Parks, Recreation and Community Services, Community Development, Pacific Gas and Electric, Yolo-Solano Air Quality District, Tree Commission, Small Business Development Center, Chamber of Commerce and several vendors will be on hand. Two elementary schools, Gibson and Plainfield, will also have displays on energy use and conservation.

Vice Mayor Flory had initially suggested this event several months ago. Each department will be providing a display and be on hand to answer questions from members of the public. Council Member Dote said California Energy usage has dropped 14% from last year and since the first of the year another 12% reduction has been seen. Vice Mayor Flory commended Assistant City Manager Marler for his comprehensive report and the depth of the Energy Fair preparations and events.

UPDATE ON POWER PLANT MEMORANDUM OF UNDERSTANDING PROCESS

City Manager Kirkwood summarized the background of how the City began the process of consideration on development of our own power sources. Vice Mayor Flory had conversations with those in the energy field as did Council These two Council Members served on a Sub-committee to further explore the possibility of power generation facilities. Council contracted with Navigant to assist in the negotiations with energy development firms. The Sub-committee held discussions with ENRON and CAL-PINE who chose not to pursue the opportunity in our City. We began working with Harambee Energy Corporation who have presented a proposal to the City. Harambee has joined with P. G. & E. National Energy Group (PGE/NEG) who have extensive experience in power plant development. PGE/NEG has determined there is the potential for The City should consider the 90 day exclusive right to us move forward. negotiate with the various companies. PGE/NEG does wish to investigate the feasibility of developing, constructing and operating a 500-1000 megawatt power plant on property (60 to 80 acres adjacent to the Wastewater Treatment Facility), currently owned by the City. Studies must be done to determine the availability of transmission power grids, gas to power the combined cycle power generation facility, site feasibility, availability of water from the plant for cooling and the air quality credits. It is appropriate that the City pay about one-half of the cost, approximately \$12,500, to move forward.

The wastewater disposal problem would be alleviated by utilizing it in the power generation process and turning it into steam. It was initially suggested that the City consider a 50-500 megawatt plant. The plans now are to construct a 500-1000 megawatt plant that invites revisiting a Municipal Utility District. A. B. 680 looks at an emissions offset and is included in Assembly Member Steinberg's legislation. City Manager Kirkwood said the Council Sub-committee discussed a MUD and it did not appear to be of benefit at this point.

At 10:24 p.m., it was moved by Council Member Dote, seconded by Council Member Monroe and carried by the members present to extend the meeting to 11:00 p.m.

RESOLUTION 4295 - AMENDMENT TO SPRING LAKE SPECIFIC PLAN BUDGET AND SCHEDULE

Finance Director Margaret Vicars said Turn of the Century is proposing changes to the Attachment A1, Columns G, H, and I to bring the total to \$1,926,920. She is uncomfortable with the figures at this time.

A new schedule has been prepared for the various steps in the Plan. This will return to the Council on July 25, 2001. Following that approval, they will begin the final studies, the fiscal impact analysis, infrastructure financing plan, traffic and circulation assessment, Environmental Impact Report addenda, and financing and indemnification with the various property owners. In October of November Resolutions, Ordinances, Findings of Facts, and a Final Plan should be complete. In November, the Local Agency Formation Commission Organization application process would begin.

Item 2 is a request to extend the budget for the Contract Planner and Contract Engineer through October 31. 2001. The maximum amount of those two contracts would be \$54,000. There have been approximately 9 amendments to the budget for the duration of the process.

Dudley Holman expressed concern about the quality of the development. Originally there was to be a golf course. This group was going develop the Specific Plan and provide "up front" money which has been eliminated. He feels TOC owes the City a great deal of money and the project is being cheapened and whittled away.

Steve Boutin spoke on behalf of some Turn of the Century property owners. TOC began a bilateral process with the City for a period of two years to assist with a \$489,000 cost. After four years and \$2,000,000, they are still trying to work with the community and have spent their funds. They be reimbursed for the \$545,000 expended. They would like a commitment that other budget items under dispute be addressed and resolved and do not feel the contracts need to be extended beyond the end of July. Vice Mayor Flory asked if Director Vicars felt comfortable approving the portions that were not under dispute. She stated there are still some points of discussion she would like to pursue further with TOC. She said parts were dollars that had been spent and not all of it previously approved to be spent by the City. The work was done prior to budget submission. She would like to review them more closely prior to moving ahead. Vice Mayor Flory asked if a budget could be approved with a not-greater-than statement and then refer it back to her to approve. They could be passed as a cap with the allowance to return to Director Vicars for future review and approval. The other alternative would be to pass the two columns that Director Vicars has confidence in their merit. The other would remain pending. A third party examination would be beneficial. TOC understanding is that those items that were rejected could be re-reviewed at a later date and reconsidered. At this time we would like those numbers in which they agree, \$545,000, with the excess under review. This is not the final budget for the project. As part of the process under the final plan, a final budget will be prepared and submitted at that time. Council Member Peart asked if we could finalize a budget for this project. Director Vicars stated that it could be done in the form of a cap. He feels it would be wise to have an audit of what we are signing and then finalize. Director Vicars feels there is still ±3% on contracts as they are let. We cannot issue a final immediately. Director Vicars said if we take the \$288,000, \$144,000 and \$220,000 and made that an absolute maximum cap, she would be comfortable the project could be completed with that amount. The total would be slightly over \$600,000. Council Member Dote said that documentation is more of a concern. Director Vicars said a financial audit with some planning information built in would be of assistance. Vice Mayor Flory asked that Director Vicars look at the fact that it was spent without approval or to determine even though spent is was pertinent to the project. Council had denied some costs when presented as they were felt not to be appropriate to the plan. Vice Mayor Flory said Director Vicars could negotiate up to a certain amount. She could then return to the Council to request increase in the CAP should she feel it be necessary. Council Member Peart does not want to move ahead until the numbers are solidified.

At 11:05 it was moved by Council Member Dote, seconded by Council Member Peart and carried by the members present to extend the Council meeting until 11:30.

City Attorney Dean reminded Council to keep in mind that the agreement between the City and TOC provides that determination regarding budget is in the sole discretion of the City. Council Member Dote would like a third person to be an auditor to review and confirm the documentation. City Manager Kirkwood asked the City Attorney about the reimbursement Agreement, Section D, discussing the limitation of costs and amounts approved by the City. It discusses the use of an auditor under Paragraph E whereby the City may initiate the services of an auditor. As the document does refer to the third party being an auditor, Council may wish to consider that option and utilize the same auditor for the other portions of the project. This would be an audit compared with receipts, but the some of the discrepancy is whether the work was necessary. Someone with planning and project management experience may be needed to determine those issues. It would be inappropriate to utilize the City fiscal auditors. Mr. Boutin suggested a meeting with his staff and the City staff to see if they can come to a consensus.

Council Member Dote is concerned about the ability of the meeting to come to consensus. The Resolution would extend the Contracts through September. The first part of the recommendation would be to approve the \$364,000, have TOC and staff meet and come to agreement for the remainder. That which could not be agreed upon would go before an auditor. The auditor could review the entire \$497,000, which would include the original rejected \$238,000.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the members present, the Council approved the \$364,000; staff will look at the entire \$497,199 in Column G; that portion not agreed upon would go to a third party; the due date would be moved to the end of September.

Council Member Peart responded to concerns that the project has been stripped down. He offered to meet with those who have concerns about the lack of quality. Director Vicars said the amount of the budget deferred was for staff time only. The remaining City costs have been reimbursed by TOC. She feels that other than the Staff time, TOC owes the City approximately \$25,000.

Council Member Dote responded to concerns raised by community members about the park size. Ten acres per thousand is a City-wide goal. The actual is approximately 3 ½ to 4. This plan has a five acre per thousand which means the development of the parks is funded at five acres per thousand and is an offset of fees. The actual parks are the same size as they always were. The community parks next to the schools are eight acres with a two acre overlay of

commercial. The only thing changed is the Central Park from eight acres to four acres and that is about the size of City park. The other thing is the off site fee payment which is reflected in the five per thousand but is not the actual park development within this development. Vice Mayor Flory reminded the public that this agreement is between the City and Turn of the Century. As property owners come in, the City will collect the fees to reimburse the applicant.

At 11:29 it was moved by Council Member Dote, seconded by Council Member Monroe and carried by the members present to extend the Council meeting until 11:45.

City Manager Kirkwood stated there is a Resolution to extend the contract with the Planner and Engineer. It has been stated to extend it for a three month period, through September 30, 2001. Director Vicars stated the cost would be \$40,500 through September 30th and was included in the budget amendment. The only thing to change in the Resolution would be the date. The work load is the same but is done in a shorter period of time. Contract Planner Tschudin would like to present a formal resolution on the changes to the budget as approved and present it to the Council at their next meeting.

On a motion by Council Member Dote, seconded by Council Member Peart and carried by the members present, the Council adopted Resolution 4295, "Resolution of the City Council of the City of Woodland Authorizing an Amendment to the Spring Lake Specific Plan Budget" extending the budget and contracts for Contract Planning in the amount of \$36,000 and for Contract Engineering in the amount of \$18,000 through September 30, 2001.

ORDINANCES

CHANGE TO CITY ORDINANCE REGARDING ALL NIGHT PARKING ON MAIN STREET (SECTION 14-7-9 OF MUNICIPAL CODE)

Police Captain Terry Brown advised Council that this item had been under discussion and consideration for some time. The major concern is the parking of vehicles in front of the Hotel Woodland by the residents which then prohibits parking for clientele for the various shops. The residents have more than adequate parking in the rear of the Hotel they do not utilize. There was a meeting last week on options to present to Council. The current Ordinance allows the Department to enforce overnight parking in the core area of the City with no restrictions. Should they begin to enforce for the Hotel, they would need

CITY COUNCIL MINUTES JULY 3, 2001 PAGE 18

to enforce for all of Main Street. The best option would be to add a short phrase to the existing ordinance that with appropriate signage, appropriate enforcement would take place. Following approval, the residents will be notified and would have a thirty-day grace period prior to the issuance of citations.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried, the Council approved the modification to the City Code Section 14-7-9 "All Night Parking Prohibited" as presented. Vice Mayor Flory abstained from the motion.

ADJOURNMENT:

At 11:37 p.m., the Council meeting was adjourned.

City Clerk of the City of Woodland