

CORRECTED OCTOBER 3, 2000

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

August 15, 2000

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

The Woodland City Council meet in special session at 6:10 p.m. in the second floor conference room of City Hall in order to convene a closed session. Prior to the special session, the Council announced in the City Hall Council chambers those topics to be discussed in closed session.

Council Members present at 6:10 p.m. were: Dote, Monroe, Peart and Borchard. Vice Mayor Flory arrived at 6:35 p.m. Also present were City Manager Kirkwood, Assistant City Manager Marler, City Attorney Siprelle, Community Development Director Harris. Topics discussed were: Conference with Legal Counsel, Anticipated Litigation, (Section 54956.9), Significant exposure to litigation pursuant to Section 54956.9 (b), one case; Public Employee Performance Evaluation, Titles: Building Inspector Supervisor, Building Inspector II and Building Official. Council gave direction to staff on these issues.

The special session and closed session were adjourned at 7:00 p.m.

**CITY COUNCIL
SPECIAL MEETING**

Mayor Steve Borchard called the special meeting to order at 7:05 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.

CLOSED SESSION ANNOUNCEMENT

Mayor Borchard advised that Council in closed session held a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation and discussed Public Employee Performance Evaluation, Titles: Building Inspector Supervisor, Building Inspector II and Building Official. Council gave direction to staff on these issues.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Dote, Flory, Monroe, Peart, Borchard

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phillip Marler, Ann Siprelle, Steve Harris, Gary Wegener, Henry Agonia, Margaret Vicars, Karl Diekman, Charlie Wilts, Loran Polete, Jean Kristensen, Sue Vannucci and Contract Planner, Heidi Tschudin

PUBLIC COMMENT:

Kenton Keithly of 417 Buena Tierra Drive, thanked the City Council for beginning the process of review regarding his concerns about the structure in the rear yard at 410 Casa Linda. He stated that a preliminary report has been released on the property. He invited all Council Members to attend an open house at his home on Thursday, August 17, 2000 from 5:00 p.m. to 8:00 p.m. and on Saturday, August 19, 2000 from 7:00 a.m. to 10:00 a.m.

Mr. Keithly then spoke to each of the findings in the report and stated they do not address the alleged under-evaluation of the property, nor state why the accessory building requires a permit. They do not state whether the plans were submitted to the Planning Commission for review. On each of his visits the file on the building had grown and he suggested some of the materials in the file had been postdated. Mr. Keithly distributed written copies of his statement.

Council Member Peart stated that he attended a Cache Creek Settling meeting. There is a plan to remove some of the sediment from the Creek. The lawsuit, which had been previously filed to prevent this, had been settled. He asked the Council to submit a letter of support to proceed. This would be a temporary measure to assist in relieving the threat of flooding. City Attorney Siprelle stated this item should return to the Council at their next regular meeting for consideration.

Council Member Dote reported on the Farmer's Market and said she did have some citizens stop and discuss issues with her. She also attended a County 2 X 2 meeting and viewed a presentation on the Glassy-winger Sharpshooter. As wine grapes are the second largest agricultural commodity in the County, this was of interest to the Council. The pest has been found on nursery stock thus far.

Council Member Monroe stated the Daily Democrat recently received some awards for news. Mayor Borchard said the Editorial is a very prominent voice in the community. He commended the Democrat staff for an article in the August 9, 2000 issue on the County tomato industry, as well as the August 8th issue on the Davis Administration and the cost for bodyguards for the Governor.

Mayor Borchard stated on Wednesday, August 16, 2000 at 6:00 p.m., the County Fair will open and run through Sunday, August 20th. It is the only remaining free County Fair in the State.

RECEIVE AN UPDATE ON THE HABITAT CONSERVATION PLAN AND GAINING GROUND IN YOLO COUNTY:

Community Development Director Steve Harris summarized the status of the plan. The Habitat Conservation Plan Steering Committee meets regularly to discuss and refine the scope of work for the Plan and the Environmental Impact Report. The Gaining Ground Committee is requesting that member agencies adopt the draft plan as soon as possible and renegotiate the environmental contract with the consultants. There are budgeted funds in the amount of \$100,515.06 to pay for the project. The Council received a letter from Lois Wolk (County Supervisor) and Chris Calvert, co-chairs of the Gaining Ground Committee, asking for support in the form of a letter from the agencies.

Mayor Borchard asked for clarification on the accrued interest in the amount of \$61,394.23 and the Habitat Administration Summary funds in the amount of \$39,120.83 sources. Community Development Director Harris stated these funds have come from development fees and the interest on these fees. City Attorney Siprelle said there were a number of issues, which had slowed the progression of the project. Mayor Borchard asked if there were any assurances this project would not become stalled again. Community Development Director Harris said there seems to be a renewed interest in the project and City Attorney Siprelle stated the permit has been renewed. Should the project be stopped at this point, the funds would not be returned.

Vice Mayor Flory stated the project should be supported via a group process. Council Member Peart asked how much we have spent thus far. The planning and analysis has been approximately \$550,000; project administration, \$109,000; with \$943,000 collected and \$100,000 contributed by Cities and County. Council Member Dote said that if the County and Cities don't work together on this project, they would still need to go forward individually.

Mayor Borchard said he would like to see the money go toward acquisition of land.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried unanimously, the Council authorized the Mayor to sign a letter of support of Gaining Ground in Yolo County Committee recommendations regarding the Habitat Conservation Plan to be forwarded to the Yolo County Board of Supervisors.

AUTHORIZE SUBMISSION OF AGRICULTURAL TRANSACTION PROGRAM GRANT:

Community Development Director Harris summarized the Agricultural Transaction Program (ATP) which will fund purchase or lease of land for the preservation of agriculture. Katherine Kelly from the Yolo Land Trust was introduced. She said the Trust Great Valley Center will be selecting two counties to participate in this program. The program would provide matching funds for agricultural preservation. As the selection will take place by September 1st, there is some urgency to act on this recommendation.

On motion of Council Member Peart, seconded by Council Member Monroe and carried unanimously, the Council authorized the Mayor to sign a joint cover letter to be submitted with the application for the Great Valley Center's Agricultural Transaction Program.

SPRING LAKE (TURN OF THE CENTURY) SPECIFIC PLAN:

Community Development Director Harris distributed letters from Abbott and Kindermann, LLP, Attorneys at Law on behalf of Cal-West Seeds and the State Department of Housing and Community Development. Contract Planner Heidi Tschudin said the Council has previously considered and given direction on five items included in the plan: Single Family/Multi-Family Split, Street Cross-Sections, Fire Protection, Phasing, and City Specifications for Sewer Infrastructure.

Council Member Peart said he had understood that a review by an outside consultant would be undertaken to determine Fire Station needs, with the location of the Station as one of those pressing issues. Contract Planner Tschudin was unclear of the intention of the Council regarding this study. She asked if the study should be done now at the Council's direction. The developers could proceed with the additional study should they desire and once the funding became available. We cannot direct the developers to undertake the study, but should the developer wish the study, they should advise her immediately and she will add the issue of location.

Vice Mayor Flory asked about the indication of a 25/75 split on the lots for apartments. Contract Planner Tschudin stated that at the July 20th meeting it was her understanding the Council agreed on this percentage. Mayor Borchard stated there are three individuals who have indicated they wish to speak. Although this is not a public hearing, he would like to give them the opportunity to address the Council.

Russell Miller and Bob Young from the Woodland Joint Unified School District stated the City and the District have been working cooperatively on the issues facing them in the proposed Spring Lake development. He thanked City Manager Kirkwood, Community Development Director Harris, and Contract Planner Tschudin and Contract Engineer Ponticello for working with them on the EIR.

David Serena from the Yolo County Housing Authority responded to the numbers in the Woodmark apartments information indicating that applicants for these units were at an income level which did not qualify them for consideration. He is seeing the very low-income applicants, while the complex addresses the low to medium income families.

Leslie Marcus advocated the consideration of affordable housing in the Spring Lake development and supported David Serena's figures. She indicated the State Department of Housing and Community Development could stop the development if we do not adequately address the needs for affordable housing in the area.

Bruce Jacks stated that perhaps waiving of some of the fees to encourage affordable housing development would be an option.

The plan attempts to provide affordable housing throughout the entire development. However, the close proximity to transit options and schools is a consideration. Council Member Dote said she feels the higher density development should be at the northern portion of the development. Council Member Peart asked if property owners could shift types of development on their property, and Ms. Tschudin stated it would require a rezoning. The plan proposes smaller apartment unit complexes rather than larger, military-like complexes. Vice Mayor Flory said he supports the Planning Commission recommendations on the development. Council Member Peart said he would like to maintain the flexibility within the development. He does not want to see an eight hundred-unit apartment complex in the design as he feels this devaluates the other properties.

Council Member Monroe also agreed with the Planning Commission recommendations but would also like to keep the flexibility should requests for change arise. It was the consensus of the Council to accept the Planning Commission

recommendations. Ms. Tschudin stated it would be appropriate to call for a meeting with the agencies representing the affordable housing to discuss the plan in depth and determine commonalities. Vice Mayor Flory asked that Ms. Tschudin determine how other cities within the County are addressing their needs for affordable housing.

Item 2 addresses the permit fee waivers, development plan review and turnaround times for the plans. It was brought to the Council at the June 26, 2000 meeting but not discussed in depth. The Planning Commission supports a fee waiver for multi-family dwellings. Once language is adopted, CEQA can determine compliance.

The fees waived would be those for Planning Department processing. City Manager Kirkwood said these fees would be General Fund deposits and he feels this would impact the General Fund greatly. He does not feel the public nor the City should be assuming the burden of this fee waiver. The study will deal with how much impact the fee waiver would have on the General Fund. Council Member Peart feels that it would be of benefit to the developer only to waive these fees. Community Development Director Harris stated the fee waiver would be between \$3000-\$5000 per unit and would be of large significance to the City. Ms. Tschudin will proceed with the consensus of the Council on expedited plan review of multi-family development plans, but will not proceed with the waiver of permit fees.

Item 3 recommends certification of the Specific Plan EIR pursuant to CEQA Guidelines, Section 15090. Ms. Tschudin stated it is prudent for us to share the EIR with the School District. Council Member Monroe asked that Council approve that portion of the EIR so the District can move forward. Council agreed.

Item 4 asks that Council approve the Plan including the Errata, modifications 1-21 approved at the July 20th Council meeting, development of a multi-family unit 10% mitigation fee, clarification that phase 2 development could begin when 90% of phase 1 was complete, other modifications to the plan as desired, and there would be no change regarding phasing of estate lots. Ms. Tschudin stated that estate lots are considered 3 or 4 single-family homes per acre. There are 192 units in phase one. She provided four alternatives to the density issue. Council Member Monroe felt that alternative 4 would be the best alternative. He would like to keep the high density to the North as would Vice Mayor Flory. Alternative 4 would have a net effect of no change in overall unit type. The Council agreed.

Council Member Peart left the meeting at 9:35 and returned at 9:37 p.m.

Ms. Tschudin suggested that minor changes (10%) to plan be approved by Community Development Director Harris. This will facilitate forward movement without

the necessity of bringing small issues back to the Council for approval each time. These issues could then be summarized and brought to the Council on a regular basis to keep them apprised of the progress.

On motion by Council Member Dote, seconded by Council Member Peart and carried unanimously, the Council approved the proposed language of recommendations 1 through 4 below with the adoption of Resolutions as indicated in items 3 and 4:

1. Provided direction to staff regarding three remaining major issues from the July 20, 2000 Council Communication: (a) number of units, (b) mixing of units, (c) apartments.
2. Provided direction to staff regarding the Planning Commission recommendation the City Council: (a) NOT institute permit fee waivers for multi-family development within the Plan area as an incentive to develop multi-family units, (b) institute expedited review of multi-family development plans.
3. Adopted Resolution 4215 Certifying the Specific Plan EIR Pursuant to CEQA Guidelines, Section 15090.
4. Adopted Resolution 4216 indicating an intent to approve the June, 2000 Spring Lake Specific Plan including: (a) Errata (Attachment C to July 20, 2000 Council Communication), (b) staff proposed modifications 1 through 21 of the July 20, 2000 Council Communication, (c) development of a multi-family mitigation fee equivalent to 10% of the multi-family units, (d) clarification that development in Phase 2 could begin once 90 percent of the resident units (all densities) in the first phase were complete, (e) other modifications as directed by Council, (f) no change regarding phasing of estate lots.

Vice Mayor Flory left the meeting at 9:40 p.m.

Item 5 deals with the recommendation to approve an amendment to the Specific Plan budget to add \$107,232. The breakdown of these additional costs is as follows:

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| 1. | \$ | 6,000.00 | - EIR |
| 2. | \$ | 37,200.00 | - Contract Planning |
| 3. | \$ | 50,000.00 | - Fiscal Impact and Infrastructure Financing |
| 4. | \$ | 2,307.00 | - Peer Review |
| 5. | \$ | <u>11,725.00</u> | - <u>Contract Engineer</u> |
| | \$ | 107,232.00 | - Total Budget Amount Requested |

Item 6 addresses the accomplishment of work by the appropriate parties as follows: (a) revise the traffic and circulation analysis, (b) revise the infrastructure plans, (c) revise the plan document and graphics, (d) confirm the consistency of the EIR with the final plan, (e) revise the fiscal impact analysis, (f) revise the infrastructure financing plan, (g) secure property owner commitments including financial participation and indemnification, (h) prepare the final approval package including appropriate resolutions, ordinances, and findings of fact, (i) return to Council in October for final approval.

Ms. Tschudin said the decision must be put to the property owners to determine whether they will go forward or withdraw. The issue of the Williamson Act in relation to the Russell property was addressed by the County. The State Department of Conservation must take final action. Ms. Tschudin will research the timeline in regard to the State action.

On motion of Council Member Monroe, seconded by Council Member Dote and carried unanimously by the four remaining Council Members present, the Council adopted Resolution 4217 Approving an Amendment to the Specific Plan Budget to Add \$107,232 for a total of \$1,167,830 including authorization to the staff to enter into the necessary agreements for professional services as described and extending the expiration date of the agreements with the Contract Planner and Contract Engineer to December 31, 2000.

ADJOURNMENT:

At 9:52 P.M. the special meeting of the City Council was adjourned.

Jean Kristensen, City Clerk, City of Woodland