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

June 19, 2001

## CITY COUNCIL REGULAR SESSION

### CALL TO ORDER

Mayor Borchard called the regular meeting of the City Council to order at 7:04 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, David Flory, Martie Dote, Jeff

Monroe, Neal Peart

COUNCIL MEMBERS ABSENT: None

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

Karl Diekman, Margaret Vicars, George Bierwirth, Henry Agonia, Steve Harris, Gary Wegener, Dan Rice, Jeff Roddy, Hector Lopez, Yvette Smith, Krista Bains, Cheryl Meyer, Sue Vannucci, Jon Tice, Kathy Amen, Lenchen

Leonard, Monty Losh

## WRITTEN COMMUNICATIONS

From the Department of Alcoholic Beverage Control, an Application for an Alcoholic Beverage License for a person-to-person transfer of an on sale beer and wine for the business located at 632 Cottonwood Street.

CITY COUNCIL MINUTES JUNE 19, 2001 PAGE 2

From the Department of Alcoholic Beverage Control, an Application for Stock Transfer of on-sale license between Lyons Restaurants for the business located at 164 Main Street.

From Assemblywoman Helen Thomson, a copy of a letter to Rusty Arias, Director of the Department of Parks and Recreation, nominating the City of Woodland for an Urban Recreation and Cultural Centers Grant with Proposition 12 Funds in the amount of \$200,000.

From Assemblywoman Helen Thomson, a letter was received updating the City on budget requests for Federal Funds for the Police Station construction and conversion of the National Guard Armory to a Community Center.

From Eliseida Carrillo Valdez, a claim was received for injuries alleged to have been sustained by Ms. Valdez for a fall on Lincoln Avenue near Second Street due to leaves on the sidewalk at that location.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council rejected the claim filed by Ms. Valdez and referred this claim to the City's Insurance Representative.

## COMMITTEE REPORTS

A report was received from Parks, Recreation and Community Services Director Henry Agonia transmitting the minutes of the Parks, Recreation and Community Services Commission meeting held May 21, 2001.

A report was received form Library Services Director Marie Bryan transmitting the minutes of the Library Board of Trustees meeting held May 21, 2001.

From Community Development Director Steve Harris a report was received transmitting the summary of the Planning Commission actions at their meeting held May 31, 2001 as follows:

a. received a report from the Architectural Liaison Committee on their meetings with Spring Lake Home Builder, John Griffin.

From Director Harris, a report was received transmitting a summary of the Planning Commission actions at their meeting held June 7, 2001 as follows:

- a. reviewed the new high school Environmental Impact Report.
- b. reviewed the Panattoni Development Company's Building Design Landscaping and Site Plans for the proposed industrial warehouse at the Southwest corner of East Main Street and Quality Circle in the Industrial Zone, APN 27-300-34.

Council Member Dote asked if there was any further information on the development of design guidelines regarding Spring Lake. Director Harris said the Planning Commission will reconsider their previous actions when the Plan is returned to them on July 5, 2001. An Appendix would be included at present and another document developed when the design guidelines were prepared.

## PUBLIC COMMENT:

Brenda Cedarblade, owner of the Tack Warehouse, requested the Ordinance on audible alarm duration be changed as her business was broken into on Sunday. She feels the alarms should sound until the Police arrive on scene.

Jeff Breedlove of Capital Resources Institute said there are Federal, State and local laws to protect homosexuals and heterosexuals. Therefore, the Human Rights Commission is not necessary. Michael Denna indicated opposition to a Human Rights Commission and feels it is unnecessary. Ed Hernandez feels that a Human Rights Commission is focusing on differences and does not unite.

Dudley Holman said citizens are not informed of the results in relation to legal action against the City. He feels the Brown Act requires that the public have the right to know the outcome of such litigation.

Chris asked the purpose of a human rights commission. City Manager Kirkwood stated that a member of Council had asked that a Human Relations Commission be formed. The Council as a whole has not yet decided if the Commission would be formed and what the structure would consist.

Council Member Peart left the meeting at 7:20 and returned at 7:21.

## **COUNCIL STATEMENTS AND REQUESTS**

At the request of Council Member Peart, it was Council consensus to place a Resolution for the Fourth of July Celebration on the next Council Agenda.

CITY COUNCIL MINUTES JUNE 19, 2001 PAGE 4

Council Member Monroe stated that several citizens spoke indicating they felt they were not given an opportunity to express their opinion on the Gay Pride issue. He would like all citizens to have the opportunity to speak. The Human Rights Commission should be for the promotion of cultural diversity, etc. It would be a seven member Commission that would be advisory only.

Council Member Monroe expressed his sympathy to Jameson Mills, Police Officer, who recently lost his canine partner.

Council Members Peart and Dote and City Manager Kirkwood recently traveled to Los Angeles to view homes of developers who are proposing construction in the Spring Lake Area. They were very impressed with the quality of the developments they toured.

Council Member Dote recently attended a 2 X 2 with the County and discussed the FEMA issue. She asked that the Council appoint a 2 X 2 with the Planning Commission when they begin working on the design issues in relation to the Sign Ordinance. Council Member Dote has been attending the Public Policy Institute through U. C. Davis.

Vice Mayor Flory reminded members of the Public about the Fourth of July Celebration activities.

Mayor Borchard and Council expressed sympathy to the loss of life of Firefighters in New York.

City Manager Kirkwood stated that Council Member Dote had asked for two members to meet with the Planning Commission on the Design Committee and it would be appropriate for Council Members Dote and Peart to continue their efforts on this project as they have been working with the Spring Lake Specific Plan. The Appendix E to the SLSP is part of the design process. It was Council consensus for these two Council Members to serve in that capacity.

## **PRESENTATIONS**

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council adopted Resolution 4292, "A Resolution to Recognize July as Parks and Recreation Month". Dan Rice, Recreation Program Manager outlined the many activities and programs the Department provides. Mayor Borchard presented the Resolution to Mr. Rice.

## **CONSENT CALENDAR**

City Manager Kirkwood requested that the Police Records Manager Job Description revision request be pulled from the item "Approve New and Revised Position Descriptions". He also indicated that in the "Tomato Cannery Wastewater Facility Operation Agreement", the acreage held for City use be changed to 60 set aside for consideration should a power facility be constructed.

Council Member Monroe requested the following items be removed from the Consent Calendar:

- 7. Approve Tomato Cannery Wastewater Facility Operation Agreement
- 13. Award Contract for Sycamore Ranch Community Facilities District Phase 2, Olive Tree Relocation, Project 98-05

Council Member Dote requested the following items be removed from the Consent Calendar:

- 4. Approve New and Revised Position Descriptions
- 6. Approve Housing Consultant Contract for Mobile Home Space Rent Control Issues
- 16. Receive Update on Federal Emergency Management Agency Flood Plain Maps

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

#### TREASURERS REPORT FOR APRIL

Council reviewed and accepted the March Investment Report as submitted.

## MINIMUM WAGE RATE ADJUSTMENTS FOR TEMPORARY AND SEASONAL EMPLOYEES

Council approved an adjustment to the temporary employee wage schedule related to compaction and approved the required January 2002 minimum wage increase.

## WOODLAND ACCESS VISUAL ENTERPRISES CAMERA OPERATIONS CONTRACT EXTENSION

Council approved a contract extension between the City of Woodland and Woodland Access Visual Enterprises (WAVE) to provide camera operations during selected City Council, Commission and Committee meeting.

## PROJECT PROGRAMMING SUMMARY SHEET FOR THE REPAIR AND REPLACEMENT OF DAMAGED CULVERTS AT WEST LEVEE OF YOLO BYPASS

Council approved the Project Programming Summary Sheet (PPSS) for the repair/replacement of damaged culverts at the West levee of the Yolo Bypass; authorized the Director of Public Works to execute a construction contract to repair and/or replace these damaged culverts at a cost not to exceed \$67,000; authorized changes not to exceed 20% of the award.

## BID FOR MUNICIPAL SERVICE CENTER STORAGE BIN COVERS, PROJECT 98-17

Council approved the revised Project Programming Summary Sheet for the Municipal Service Center Storage Bins Cover, Project 98-17; awarded the construction contract to Miles Lowrey Construction in the amount of \$72,000; authorized expenditures in the amount of \$79,200; authorized the Director of Public Works to execute the construction contract on behalf of the City.

# <u>BID FOR ROAD REHABILITATION AND WATER, SEWER, STORM DRAIN PROJECTS 99-09 AND 00-31</u>

Council awarded the construction contract for the Road Rehabilitation, and the Water, Sewer, Storm Drain Projects 99-09 and 00-31 to Teichert Construction in the amount of \$1,348,176.45; authorized expenditures in the amount of \$1,563,000; authorized the Director of Public Works to execute the construction contract on behalf of the City.

# ENGINEERING DESIGN SERVICES CONTRACT WITH LAUGENOUR & MEIKLE FOR 2002 ROAD AND UTILITY PROJECTS 00-56, 01-03 AND 01-17

Council approved a contract with Laugenour and Meikle for Engineering Design Services for the 2002 Road and Utility Projects 00-56, 01-17 and 01-03;

authorized the Director of Public Works to execute the contract on behalf of the City.

## FINAL PUBLIC IMPROVEMENTS AT WOODMARK APARTMENTS

Council accepted as complete those public improvements constructed with the development of Woodmark Apartments at 700 Kincheloe Court, and directed the City Clerk to file a Notice of Completion.

## REVISED PROJECT PROGRAMMING SUMMARY SHEET FOR WEST STREET AND KENTUCKY AVENUE INTERSECTION IMPROVEMENTS, PROJECT 96-01

Council approved the Project Programming Summary Sheet Project 96-01 for Rehabilitation, Traffic Signal and Intersection Improvements for Kentucky Avenue and West Street.

#### FINANCIAL CONSULTANT CONTRACT FOR FLOOD PROTECTION ALTERNATIVES

Council authorized the award of a consultant services contract to Parsons Brinckerhoff for an amount not to exceed \$90,000 for analysis of local funding alternatives for flood projection for the City.

#### ITEMS REMOVED FROM THE CONSENT CALENDAR:

#### NEW AND REVISED POSITION DESCRIPTIONS

Council Member Dote asked if the Building Official to be hired under the auspices of the proposed job description will replace the Willdan and Associates Interim Building Official. She also asked the term of the current contract with Willdan. Community Development Director Harris stated the contract is a month to month and once the recruitment process is complete, which should be approximately two months, the Willdan contract would be terminated.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, Council approved the revisions to the job descriptions for Network Systems Specialist, Systems Support Technician, Fleet and Facilities Manager, Assistant Fire Chief and Public Works Director. Council also approved the new job descriptions, , salaries and bargaining group designations for Chief

Building Official, Code Compliance Officer I/II and Community Development Technician I/II. The Police Records Manager position description was pulled from this item earlier in the Agenda process.

## <u>HOUSING CONSULTANT CONTRACT FOR MOBILE HOME SPACE RENT</u> CONTROL ISSUES

Council Member Dote asked if this is a Contract for Services and what will be the term and amount of the contract. She also asked when the moratorium ends. City Manager Kirkwood will verify the date. The item will be before the Council in July. The amount of the Contract is \$10,000.

On a motion by Council Member Dote, seconded by Council Member Flory and carried by unanimous vote, the Council approved the Contract for Services with Richard Bornholdt Consulting Group, Inc., to provide a feasibility analysis of the preservation and/or acquisition and/or rehabilitation of mobile home parks within the City of Woodland for the purpose or preserving low-income housing, and to document the need for a temporary moratorium on space rents in mobile home parks.

#### TOMATO CANNERY WASTEWATER FACILITY OPERATION AGREEMENT

Council Member Monroe said that Pacific Coast Producers is negotiating to purchase the Del Monte Cannery facility but the sale has not yet been finalized. He urged the City to assist with the process of sale in whatever manner possible. City Manager Kirkwood said the City has been working with the parties and there are no concerns on the part of the City regarding the contract. The only change to the contract was acceptable to the parties, in that the City would like to retain 60 acres, rather than 40 for the purpose of moving forward with a power generation plant. Council Member Dote asked how the water movement would take place and Public Works Director Wegener stated it will be piped and pumped.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council authorized the City Manager , with concurrence of Legal Counsel, to make modifications to the Consent to the Assignment of any and all rights from Del Monte Corporation to Pacific Coast Producers and the Agreement for Operation of Tomato Wastewater Facilities; and to execute the final documents on behalf of the City.

## CONTRACT FOR SYCAMORE RANCH COMMUNITY FACILITIES DISTRICT PHASE 2 OLIVE TREE RELOCATION, PROJECT 98-05

David Wilkinson asked for clarification on the process. Public Works Director Wegener said the contract is for pruning the trees to ready them for movement in September. The bid is \$86,148.17 and there is a guaranteed 95% success rate built into the contract. Western Horticultural, the recommended contractor, will replaced any trees which fail with those as close to the same stature as possible.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council awarded the contract for the Olive Tree Relocation Project 98-05, Sycamore Ranch, CFD, Phase 2, to Western Horticultural Services for \$86,148.17, authorized the Public Works Director to execute the contract and approve additional expenditures up to \$17,500, ( $\sim20\%$ ).

Council Member Monroe left the meeting at 7:53 and returned at 7:55.

#### UPDATE ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD PLAIN MAPS

Council Member Dote asked if the City would be appealing the decision on the Flood Plain Maps. Public Works Director Wegener said we will appeal the reference elevations. On our initial appeal, we were told they had erred and would make those changes in the final maps. We are still unsure of what the elevations are until that information is forthcoming from FEMA. There is a draft letter to FEMA that includes the vertical control information upon which the TOPA was based and asked them to respond back in writing. The second item has to do with 29 datum versus 88 datum and he has asked the City Attorney's Office to put together a formal appeal to them. The County and City have both requested that the 88 datum be utilized. This was requested during the Community Comment period last month and was denied. We had determined we would not pursue the issue related to the West Settling Basin. In their model they failed it as they feel it does not provide a 100 year flood protection. We feel it may make a difference in flood elevations, from a foot to a foot and onehalf. We have 90 days to appeal and a Press Release has been issued for the process.

Council Member Peart asked when citizens should be buying their flood insurance so they may be "grandfathered" in. Director Wegener said it will be

after the letter of final determination is issued which should be coming in October or November. There is a six month period with public notification.

## **PUBLIC HEARINGS**

## ORDINANCE 1331 – AMENDMENT TO SECTION 25-21-10, OF THE ZONING CODE ON ACCESSORY BUILDINGS

Community Development Director Harris reminded Council this item had come before them at their June 5, 2001 meeting for consideration. Requests had been made at that time to change some of the language regarding height and setbacks from the property line. Those requested changes have been incorporated into the recommended Ordinance. Vice Mayor Flory asked about a severibility clause. City Attorney Dean said if a Court would look at the Ordinance and determine a portion is invalid, the remainder would be valid.

Mayor Borchard opened the Public Hearing at 8:02. Hearing no comment, the Public Hearing was closed at 8:02.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by roll call vote as follows, the Council adopted Ordinance 1331, "An Ordinance Amending Section 25-21-10 of Article 21 of Chapter 25 of the Code of the City of Woodland Pertaining to Accessory Buildings and Uses".

Vice Mayor Flory asked if the language meets the intent of the Council request regarding the 12 foot issue, and interpretation if there was an appeal, and the distance from the property line. Director Harris said there was discussion on the recommended height as had been recommended at 16 feet by Planning Commission. The property owner could still apply for a higher structure, but the adjoining property owners would have to be notified and a Public Hearing held before the Planning Commission. Council Member Peart asked if this language would pertain to the Spring Lake Specific Plan construction. Director Harris stated that the SLSP would have separate guidelines and regulations applicable to that construction.

On motion by Council Member Monroe, seconded by Vice Mayor Flory and carried by unanimous vote, it was moved to reopen the Public Hearing as a citizen came forward to speak. The Public Hearing was reopened at 8:07. Albert Weiss said he is in the process of adding an accessory building to his property in the City. Plans have been submitted and he should be hearing at any time if his plans are approved. Director Harris said that since he has an

application and plan review underway, and since this Ordinance will not go into effect for 30 days, this application will fall under the existing regulations. Hearing no further comments, the Public Hearing was closed at 8:09. Roll call for the motion restated as moved by Council Member Dote, seconded by Council Member Monroe and carried by roll call vote as follows, the Council adopted Ordinance 1331, "An Ordinance Amending Section 25-21-10 of Article 21 of Chapter 25 of the Code of the City of Woodland pertaining to Accessory Buildings and Uses".

AYES: Council Members Dote, Flory, Monroe, Peart,

Borchard

NOES: None

ABSENT: None

ABSTENTIONS: None

## REVERSION TO ACREAGE, SUBDIVISION MAP NO. 4449, SANTA ANITA DRIVE AND TANFORAN AVENUE

Mayor Borchard opened the Public Hearing at 8:10. Hearing no comments, the Public Hearing was closed at 8:10.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council approved the reversion to acreage based on the findings that dedications or offices of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and, all owners of an interest in the real property within the subdivision have consented to reversion.

## REDEVELOPMENT AGENCY

At 8:10, Mayor Borchard adjourned the meeting of the City Council and called the meeting of the Redevelopment Agency Board to order. At 8:20, the City Council returned to regular session.

## REPORTS OF THE CITY MANAGER:

## **REGULAR CALENDAR:**

## AMENDMENT TO INDUSTRIAL ZONING CODE TO ADD CHURCHES AS A CONDITIONALLY PERMITTED USE

City Manager Kirkwood said the Planning Commission had received a petition to have a church in an Industrial Zone is not presently zoned for such a use. Under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), churches may be allowed in an Industrial Zone. The action would be to amend the Zoning Code and request the applicant to reapply under the new Code. City Attorney Mike Dean said the Council may not treat a Church or other religious entity disadvantageously based upon other uses that have similar impacts. Council Member Dote asked if they must go through review of the Planning Commission and Director Harris responded they would meet that process.

Ronald Lorntzen of Calvery Chapel asked if this is approved, what would be the timeframe. The applications have been submitted but permits do not yet show when they can be used. The City Manager said the Ordinance would need to be enacted. An amendment requires a hearing by the Planning Commission. Community Development Director Harris said the earliest date would be July 5<sup>th</sup> for the Planning Commission. This item would probably go to hearing on that date. City Attorney Dean it could be scheduled for the first Council meeting after the July 5<sup>th</sup> Planning Commission and would meet the legal timeline. Manager Kirkwood said the first reading would be on July 17<sup>th</sup>. The second reading must be at least 10 days following the first reading and a 30 period prior to the effective date of the Ordinance. With a possible meeting on the 31st of July, it would be 30 days beyond that date. Council Member Monroe asked Mr. Lorntzen if this would be a negative impact on construction and he indicated there is no construction but they may loose the seller, who may sell to another. He asked if they could begin their process of paperwork prior to final approval. City Attorney Dean said the Planning Commission and Council discretion does not diminish. A conditional use permit without knowing the conditions placed on it would be risky. City Manager Kirkwood said with the legal requirements it is uncertain of the outcome and the Church would be taking a chance by proceeding prior to final approval. We have, by law, noticing requirements, which must be met. Any Ordinance has a 30 period for those citizens to voice their objection to the proposed adoption.

Karen England asked if we are in presently in violation of a Federal law (RLUIPA), why do they have to meet. Council could call a special meeting outside of the regularly scheduled meeting to take care of this issue. Mayor

Borchard said we must abide by the law in relation to the changing of the zoning and the Ordinance adoption. City Attorney Dean said with the time limitations set in law, there must be a minimum of 10 days notice for the Public Hearing and 10 days between the first and second reading. Council could set a meeting immediately following the Planning Commission meeting to hear this issue if they so choose. This meeting must follow the Planning Commission recommendation. The second meeting must be at least 10 days after the first meeting, and then the 30 day period begins. Mayor Borchard said with these meetings, as well as others the Council Members have in relation to City business fill their schedules and it would be very difficult to hold a special meeting and have a quorum present. City Manager Kirkwood said that as soon as this came to his attention, a meeting with the Church staff was held to address the Federal regulations in an effort to move forward as soon as possible. Toni Thompson, Member of the Planning Commission, said the Church came to the Commission two meetings in a row to request a Public Hearing and were delayed. She asked if a temporary use permit could be issued. City Attorney Dean said that there is no option to allow this permit at present.

On motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council directed staff to initiate an amendment to the City of Woodland Zoning Code to add churches as a conditional use in the Industrial Zone.

# SHORT-TERM SUBCOMMITTEE TO OPEN COMMUNICATION BETWEEN THE WAYFARER CENTER, BUSINESSES AND RESIDENTS

At 8:36, Council Member Peart excused himself from discussion and left the dais as he owns property in the area of the Wayfarer Center.

City Manager Kirkwood said members of the business community and the Wayfarer Center had heard this issue initially. They had determined that all processes had been met by the applicant. The creation of a short-term Subcommittee to further enhance communications and address operational and use issues is suggested.

Brenda Cedarblade said the State law minimum notification is that all property owners within 300 feet be notified and all were not. They were told there were no environmental issues with the Wayfarer Center but they lost their lease on their last location because of nuisances created to businesses and residences in that area. There have been problems with transients and she does not feel there is enough Police Officers on duty. Her business was burglarized by

professionals on Saturday or Sunday. Crimes which are being committed are not being reported in the newspaper. Since people at the Center have been turned away by Police, several vehicles have been broken into in the area.

Council Member Monroe asked about the burglary and said with her specialized equipment it would appear that a transient would have little use for such items. Ms. Cedarblade said there were other specific files taken with relation to the Planning Department and the Wayfarer Center. She feels the Sub-committee would help but also feels the Center should be located elsewhere. She would like to be on the Committee.

Al Iby, President of the Downtowner's Association, indicated his desire to serve on the Sub-committee. The Police Department proposed some positive ideas on these issues. City Manager Kirkwood had said we will not tolerate this and it was a very accurate statement. There is a effort to provide the news coverage on the crimes which are happening so that criminals are made aware that it will not be tolerated.

Mr. Iby stated there will be a promotion held in the downtown which coincides with the release of "Planet of the Apes" on July 27<sup>th</sup>. Mr. Iby and the City Manager have agreed to wear Gorilla costumes and be present in the downtown area on that date.

Council Members Monroe and Dote indicated their desire to be included on the Short-term Sub-Committee. It was recommended that Ms. Cedarblade and Mr. Iby also be included. City Manager Kirkwood recommended Council Members be on this Sub-Committee and invite others to attend.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote of the members present, the Council appointed Council Members Dote and Monroe to a Short-term Council Sub-Committee to assist in opening dialog between the Wayfarer Center and community members.

At 8:52 Council Member Peart returned to the dais.

Council Member Monroe left the meeting at 8:52 and returned at 8:54.

## PRELIMINARY FISCAL YEAR 2001/2002 BUDGET

Finance Director Vicars summarized the proposed revenue and expenditures as outlined in the budget presented in May and reminded Council the final budget will be forthcoming in January, 2002 when more information is received from the State. City Manager Kirkwood said the Governor will be looking at local funding. The Council passed a Resolution directing operations and protection of local resources to deliver services with some certainty. The vehicle-in-lieu fees at risk, \$2.4 million, will have a substantial impact on our level of service. He will be writing a letter based on the Resolution to ask legislators to protect local resources. Over the last ten years the City has lost over \$14 million of our revenue to the State.

Council Member Dote asked if A. B. 680 has been tabled and will be a two year bill. City Manager Kirkwood said it is being discussed but has not yet come that direction. He said we have a six year planning forecast on local resources and are concerned about what happens two years hence. Council Member Peart asked if we do lose \$2.4 million, what will happen to our budget. City Manager Kirkwood stated that 65% to 70% of the budget is in personnel costs. We will look at the attrition process, the current vacant positions, analyze the service delivery and make decisions on employee issues. Council Member Peart asked if we are looking at S. B. 910 and A. B. 680. City Manager Kirkwood said Senator Jorgensen did not have a vote one way or the other on S. B. 910 and we will be asking him to sponsor this. Vice Mayor Flory said A. B. 680 is being heard in SACOG. Assemblyman Steinberg, who authored the bill, presented it to the elected officials who recently traveled to Washington. We continue to study how it will affect the City and region.

Bud Goding, President of the Library Board stated the Library Board wishes to make the two temporary Library Technical Assistant I positions permanent positions with benefits. The Library Board is willing to pick up the benefits portion out of our Library Trust Fund dollars this year. He requested that for future years this be transitioned into the General Fund. Finance Director Vicars said it might be as long as five years before we could roll this back into the budget. It would be put into the budget every year for consideration. Mr. Goding said the Library cannot support this as an ongoing item. Extra money this year and funding dependent PLF funding which comes from the State is subject to cut. There is no guarantee that Library funding will remain at its present level.

Dudley Holman reminded Council that waiver of Development Fees creates a shortfall in the General Fund. Council Member Monroe said the City

needs to promote affordable and senior housing, which makes it is necessary to reduce fees.

Council Member Dote asked if the Woodland Gymnastics had made a request for inclusion in the City budget and City Manager Kirkwood indicated they had not.

On a motion by Vice Mayor Flory, seconded by Council Member Peart and carried by unanimous vote, the Council adopted by minute action, the Preliminary Fiscal Year 2002-2001 Operations and Maintenance Budget.

City Manager Kirkwood asked for clarification of Council direction in regard to the benefits for the Library positions. The budget recommendation was to be from the Library Trust Fund. It was not anticipated to be an ongoing expense. Vice Mayor Flory said that revision regarding the Library Trust Fund to the General Fund is appropriate. This would be for this fiscal year only and not for any future years. Vice Mayor Flory modified his motion to include the transfer of the expenditure for this fiscal year only. Council Member Peart concurred with this amendment to his second and Council carried unanimously.

## Council recessed from 9:12 through 9:29

On a motion by Vice Mayor Flory, seconded by Council Member Peart and carried by unanimous vote, the following items were deferred to the next Council meeting to be held on June 26, 2001

ADOPT REVISED SOUTHEAST AREA INFRASTRUCTURE FEES

RECEIVE ANNUAL REPORT OF INCOME AND EXPENDITURES: MEASURE H ONE-HALF CENT SALES TAX

CONSIDER COUNCIL MEETING SCHEDULE FOR JULY, AUGUST AND SEPTEMBER

RECEIVE REPORT ON ENERGY CONSERVATION MEASURES AND CONSIDER IMPLEMENTATION OF ADDITIONAL INITIATIVES

APPOINT CITY COUNCIL COMMITTEES

## RESOLUTION RECOGNIZING GAY PRIDE

David Wilkinson asked if the proposed resolution was a new resolution or one that had been previously presented. Council Member Dote stated she had completely rewritten the resolution.

Laurie Stillman recently moved to the City and urged Council to support different lifestyles. Even those who do not believe in the gay lifestyle should still respect it. Candy Tutt said this is about pride and feels she is proud because she has had gay and lesbian friends. She would be proud to live in a town that did not discriminate against people for socio-biological reasons. John Woodall moved here from San Francisco. Woodland is a small town and he thanked the Council for keeping that small town atmosphere alive. Diane Hancock is concerned about the motion sending a message that the City segregates and discriminates against anyone who is different. She suggested other "pride" days and urged Council to vote against the resolution. Ed Hernandez said the Police Department had no cases of discrimination in relation to sexual orientation, but did have five or six that were racially motivated. He does not feel the City should promote a lifestyle that kills so many people with disease. City Manager Kirkwood said the Police has reported three incidences prior to 1998 that were racially motivated. These were crimes against property only. The last one was in 2000 but there has not been any physical assaults.

Jim Staker said there are those who feel that their sexual orientation should be condoned and celebrated by all residents. This City does not persecute or discriminate against any of its citizens. The previous Resolution was sweeping against discrimination of any kind. This action was not good enough for some but he feels it was broad and gracious for all. Woodland voted overwhelmingly to support Proposition 22 in the State-wide ballot measure. Robert Duncan provided statistics regarding the gay lifestyle and urged the Council not to adopt a resolution. Karen England said we are all guaranteed civil rights. She has no more rights than any homosexual. This is about special rights for them. The definition of sexual orientation needs to be defined as it is a broad interpretation. She does not feel it is the role of the Council to have a day to celebrate whom someone has sexual relations with. Douglas Zeck said he opposes the resolution. He has never heard of any crimes against homosexuals in the City. There are enough Federal, State and local laws to address the issue. Betty Echols-Hornbostel represents the local chapter of the Parents, Family and Friends of Lesbians and Gays. She feels that it word "pride" is of concern to Perhaps a Gay Rights Day to provide information would be more Ten to twelve percent of the human population find they are homosexual. There have been huge legal judgments against school districts for

discrimination against homosexuals. Chris Stow stated he did not support the gay pride resolution. Bob Jones said he is an average citizen and a reasonable representative of citizens in a small town. A special group is asking for special treatment. The Human Rights Commission has good intent but someone will complain about something and the Police Department and District Attorney will then be brought into the situation. John Flynn lived in New York for twenty years and remembers one event in the middle 1990's, a parade down Fifth Avenue. This Gay Pride Parade was purposely held on this Avenue to defame the Catholic Church. These people were nude, disruptive and created a huge problem for the residents and businesses. Steven Bourasa said this is a conservative City and the gay families of Woodland would be celebrating their event. The gay pride events he has seen have been very mild and informational. Ron Poarch wants to treat people with dignity. The Bible firmly states that homosexual lifestyles are a sin. These scriptures dictate his bias and values. We would not have the thieves pride day. Jeff Breedlove said there is an attempt to redefine the community. What about heterosexual day, people of faith day, Catholic Day, etc. Nancy Osborn wants Woodland to remain a natural family community. She does not want our City to become a liberal thinking community. There is a connection between the gay rights and the human rights commission.

Council Member Peart left the meeting at 10:20 and returned at 10:22.

David Wilkinson is supportive of the resolution and feels it sends a simple and powerful message to the community. He feels that discrimination and He thanked Council Member Dote for presenting the resentment is felt. resolution. He feels that Woodland is changing and we do welcome people from all walks of life. He was saddened by an article in the Sacramento Bee that the Council had supported a letter by Dan Ryhal against the State measure dealing with harassment of gay students. In the last election the members of the community supported David Flory, Martie Dote and Jeff Monroe because of their stance on gays. Stephen Lewis does not feel anyone should be discriminated against because of life choices. However, a lifestyle choice has no place in the governmental agency because by this endorsement you are discriminating against other lifestyles. Joy Cohan feels we should support a gay rights resolutions. This is a moral and social issue. It is about social orientation not sexual orientation. Petitions have been signed by 143 Woodlander's who agree that the gay community deserves to have their rights recognized. Diane Adams listed the resolutions which have come before Council in the past to recognize special groups. There has been inaccurate statements and literature presented and harassment of some Council Members who showed support. Ryan Bedford

said the City has an emphasis on families, safety and keeping the City a good place to raise families. Andrew Farley is from Yuba City and said tolerance has been mentioned and it is not tolerance to force a City to accept a specific group of people for a certain day. This City is tolerant of gay people. They don't need a special day because they are already accepted. Harassment is not a basis to have a special day set aside to have special rights. Pasha Mikalson children and teenagers who are not straight have few resources to assist them in understanding and accepting their differences. None should feel they should have to keep their differences hidden. Ron Mikalson said gay kids do not have a sexual preference, they have a sexual orientation. Not all religions view homosexuality as a sin. Kathy Dreyer said it is important to live in a community that does not allow a festering of differences to happen.

Council Member Peart left the meeting at 10:48 and returned at 10:49.

Anne Dryden-McKeever said our diversity makes her proud to live in Woodland and thanked the Council Members Monroe, Flory and Dote for allowing everyone to speak. She is grateful that we live in a Country that is religiously neutral. Passing a gay pride resolution will not sanction a disruptive parade. It will not turn Woodland into a gay Mecca or force any people who have objections to gay people to change or compromise their beliefs in any way. She has never had to hide her sexual orientation, nor has she been denied or lost a job because of it. There will be a "Raise Awareness" presentation in the Atrium at the Yolo County Administration Building on June 20<sup>th</sup>. Toni Thompson said the Woodlander's for Quality Government supposedly elected Council Members Dote, Flory and Monroe on the basis of the trees. She now hears they got the people who opposed them politically out and got people elected who will support the gay pride day. They now are saying that because they supported these Council members, the Council members now owe them. Any religious day would be resoundly ousted. It is about the freedom to disagree and get past the name calling. It is not about hate it is about sanctions and people differ. Randy Thomasson of the Campaign for California Families feels it is wrong for the Council to support the gay pride day. They are not to be Counselors and are to deal with those issues relating to the City operation. There are many who are hurt in this type of lifestyle and have gotten out because they received counseling. The government does not have to facilitate the feelings of citizens. Don Wilkerson said this has been an issue since historical times. It was written in the Bible that those who did not follow the words were given a useless mind and the result was homosexuality. William Tolson said this item has many consequences and if it is approved it will be the beginning of many problems for

the City via litigation. Faye Abbas has two issues: other groups who might want a day of their own, how about the blind, the deaf, the left-handed. She deals with her blindness every day. She has no choice. She does not want a blind pride day. What would be the criteria for groups who want to be recognized? Will it depend upon how large the numbers, the loudest voice or the importance? If you exclude some, how will you deal with issues of discrimination that will be filed. How many more times will we need to address these issues? Does it matter what the majority wants? Pastor Larry Love does not speak on behalf of his congregation. He has a sense of uneasiness about the words "gay pride day" because "pride" is listed as one of the seven deadly sins. Another way to think of the word is the healthy sense of respect and value of self-worth as human beings. The words can also bring up the image of what happens in larger Cities on the celebration of gay pride. The Resolution says to promote personal dignity, respect for individual rights and equal protection under the law. believes that homosexuals did not choose to be homosexuals. Michael Denna, Yolo County Chairman of the American Family Association, is concerned about the resolution. Our society is based upon equal protection under the law. When certain people or group are granted special rights it does not strengthen the community, but tears it down. It does not create unity but does create strife. He believes that discrimination against gays and lesbians is wrong, but granting special rights is also wrong. Carl Morgan is Pastor of a local church and is opposed to Council endorsement of gay pride. This would set a precedent showing bias or favoritism. The Council recently adopted a non-denominational day of prayer. Had Council adopted a resolution citing a specific religious day of prayer, it would have been in error. Matthew Bedford said studies out of Oxford indicate the life of the average gay man is shortened by eight to twenty years. Assuming evolution is the way life became what it is today, creatures adapted and advanced because they were able to make the best and most of their situations. Those that were able to procreate, forage, fill out their land the best Homosexuality cannot be genetic because of the fact that those who were born with the gene would have died off because they cannot procreate. If 76% of Woodlander's voted for Proposition 22, how can a majority of the community be supporting gay pride day? Homosexuality is objectively disordered and self-evidently unnatural, it causes disease and death.

At 11:35 it was moved by Council Member Dote, seconded by Vice Mayor Flory and carried to extend the meeting until 12:00.

Sarah Kate Heilbrun is a student at U.C.D. Law School. She came from New York and attended gay pride day there. Gay pride is not a chance to

indoctrinate people, to tell people they must be gay. It is more of a chance to see that there are gay people and the things they feel are acceptable and they am not alone. Ted Bedford said the petitions presented against the gay pride resolution numbered at 591 at last count. He is against the celebration and human rights commission. Davis has a commission and is entirely devoted to gay rights. Studies have not been able to prove this is not a lifestyle choice. Ken Trott said he is a Christian and feels people are born heterosexual or homosexual. They all have a place in the Church just as straight people do. Ellen Pontac, Coordinator of the Yolo County Gay Pride Day said a person has been fired from his job because he is gay and he asked for support. It is not easy to be gay. The suicide rate among students is alarming. Gay pride is the opposite of shame and self-hatred. Dudley Holman complimented Mayor Borchard for keeping people on track on this issue. There have been very good speakers, both pro and con on this issue. He does not feel this issue is one that should be before the City Council because there are many very serious issues the City must address. The Council could put the issue before the voters and perhaps it would be decided and the Council would never have to address it again. Maggy Krell commended the Council for allowing this issue to be heard. She believes in traditional values but realizes these are only her values and opinions. We do not have to participate in anything with which we do not agree, but those who do should have the right without being shunned by others. Shelly Bailes, Chair of the Human Relations Commission and Coordinator of Yolo County Gay Pride Day, said she has raised four children with the same partner for twenty-six years. She read a long list of all agencies who have a resolution in support of gay pride.

Vice Mayor Flory left the meeting at 11:49 and returned at 11:53.

Andrew Bedford asked why we should follow those Cities who have adopted such a resolution. The City of Woodland is not like those other Cities. We are unique and we should remain with our traditional values. John Evertson is proud to be a citizen of this community. He feels that the Council should not be addressing this at all. He would like to see this as a natural family day for the City. "One Nation Under God" is the way we started this meeting. Dick Fisher said this is an issue of Civil Rights and the Council should make a decision on it. This resolution will recognize that gay people are people that matter. Sue Alves said that at the May 22<sup>nd</sup> meeting statistics were presented. The American Medical Association has proposed a resolution that would ask national youth organizations not to ban gays because such policies could drive young people to suicide. How many times will citizens have to quote statistics about gay bashing

and teen suicide before educated community leaders decide to take a positive step toward educating the public and considering the rights of all of our citizens regardless of sexual identity.

At 11:58 it was moved by Vice Mayor Flory, seconded by Council Member Dote and carried, the Council extended meeting until 1:00 a.m.

Ezra Santiesteban said she is here because of her love for God. This type of behavior promotes sex. The consequences of having sex prior to marriage are numerous and endless. We should focus on measuring the consequences and how they will affect society. Dan Ryhal thanked the members of the community for clarifying why he lost the last election. The Council made a decision in 1998 on a 5-0 vote not to hold a gay pride day. They decided on a position described A party could be held by renting a park and holding their as tolerant. Nothing has changed in the community except the Council celebration. composition. This year a tolerance resolution was passed to appease those who wished to be recognized. They will not be happy until the citizens are all enthusiastically endorsing their way of life. The moral direction of our vouth should be left to the parents, not to the government. He urged Council not to support the resolution or the Human Relations Commission. This would create public funding for issues like the one before Council this evening.

Council Member Peart thanked everyone for expressing his or her own feelings on this emotional issue. There many are issues that come before the Council and he does not feel this should be one of them. He thanked Vice Mayor Flory for presenting the Human Rights Resolution and was proud of that Resolution as it addressed consideration for every group. He has convictions and maintains those convictions. He discounted all persons who spoke who were not citizens of Woodland. There were twenty-six in opposition of the Resolution and 11 in favor. Therefore, he will not support passage of this resolution.

Council Member Monroe agreed with the comments made by Council Member Peart. He has respect for those who have differing convictions. Most of the people support no discrimination. Vice Mayor Flory's resolution was a winwin situation. He strongly supports the right of people to say what they wish even those whom he may not agree with. The Police Officers are trained to recognize crimes against people that are hate crimes and none have been reported against homosexuals. He will not vote for this resolution. He does not feel this is the proper forum for the City to address the issue.

Council Member Dote appreciated the decorum and heard some common ground. She heard fear from both sides of the issue. We already have good people and good families in the City who are gay. We are not like other Cities but feels some of the same arguments apply here. She felt these arguments would be beneficial if heard. The purpose of this Council is to protect and defend the Constitution of the United States. Equal protection under the law was a hard idea and the definition of citizenship changed over the years and became more inclusive as Blacks, women, senior citizens, children below the age of majority were added. The First Amendment puts a wall between the secular and government. We are dealing with the Civil Rights of a group that have been discriminated against. One of the things democracy does is protect the minority from the majority. It does that because the representatives are to use due diligence of the majority, but they are also to use their own conscience. She feels it is a civil rights issue and has not heard a good argument to discourage that thought. She supports this resolution. Her integrity and conscience says this is the right path to take. She feels this community can handle this divisive issue.

Vice Mayor Flory said when he first proposed changing the gay pride resolution to a human rights resolution, he had people on both sides of the issue opposed to the resolution. It was said that we supported those who support the gay pride resolution because they supported us in the election. The reason this issue was brought before the Council was to allow all citizens the opportunity to express their opinion. There was not a resolution in 1998 because it lost for a lack of a motion. Teachers and student spoke at the last meeting but to his knowledge, no one has gone before the school board to address their concerns The petition received had representatives of the Woodland Community College and they have not gone to the Yuba Community College Board in Marysville and ask for this type of a resolution. That concerns him as to why it is coming to the Council when it has not been addressed to their own interest group. If there is discrimination, this resolution is not going to stop it. This resolution is not a means to the end. He does not support adoption of this resolution. The Council did support the people when they passed a Human Rights Resolution a few weeks ago. Perhaps over the next several months an outreach program of City, County, School District, and proponent groups should begin to help us understand what this group is trying to attain.

Mayor Borchard said when Council Member Dote brought this issue before the Council she was doing her duty as a Council Member. He wanted a resolution that would encourage living in peace for all and respecting each other. The Human Right Resolution covered all of this. He does not feel that ones sexuality should be celebrated and should be a private matter to each of us. The CITY COUNCIL MINUTES JUNE 19, 2001 PAGE 24

Constitution provides protection to all people regardless of race, sexual orientation, gender, historical background, and that Constitution is what he lives by. It is easy to be consistent. He does not feel that this issue should be considered on this dais.

It was moved by Council Member Dote that the Council adopt a Resolution Recognizing Gay Pride. The motion died for lack of second.

Council Member Dote concurs that a person's sexual orientation is their own business but we reside within the majority and suffer no risk from however we display it. The task of this Country has not been completed, we have not completely brought everyone under equal protection of the law. One of the speakers talked about one nation under God, the ending phrase is with liberty and justice for all. She hopes Council members understand that she brought this forward because of her overwhelming sense of civic duty.

## **ADJOURNMENT:**

At 12:32 p.m., the Council meeting was adjourned.

City Clerk of the City of Woodland

H:\CouncilMinutes\2001\06-19-20011.doc