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

December 5, 2000

CITY COUNCIL SPECIAL SESSION/CLOSED SESSION

The Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Council had a conference with Labor Negotiator, City Manager Rick Kirkwood regarding the Management employee organization. Council received a report on a public employee appointment, Fire Chief. The Council also held a conference with Legal Council regarding existing litigation (Section 54956.9, Fairbanks v. City of Woodland) and anticipated litigation (Section 54956.9), significant exposure to litigation pursuant to Section 54956.9(b) (one case).

Council Members present were Mayor Steve Borchard, Martie Dote, Jeff Monroe and Neal Peart. Vice Mayor Flory was absent. In addition, City Manager Rick Kirkwood, Assistant City Manager Phil Marler and City Attorney Ann Siprelle attended the closed session.

The special session and closed session were adjourned at 7:08 p.m.

CITY COUNCIL REGULAR SESSION

Mayor Borchard opened the regular Council meeting at 7:09 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Borchard advised that Council, in closed session, had a conference with Labor Negotiator, City Manager Rick Kirkwood regarding the Management employee organization. Council received a report on a public employee appointment, Fire Chief. The Council also held a conference with Legal Council regarding existing litigation (Section 54956.9, Fairbanks v. City of Woodland) and anticipated litigation (Section 54956.9), significant exposure to litigation pursuant to Section 54956.9(b) (one case).

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Council gave direction regarding these discussions. All Council members were in attendance at the closed session with the exception of Vice Mayor Flory.

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: Dote, Monroe, Peart, Borchard

COUNCIL MEMBERS ABSENT: Flory

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle,

Henry Agonia, Terry Brown, Steve Harris, Gary Wegener, Ellasion Phillips, Kenneth Zeier, Mike Horgan, John DeWeerd, Joel Luevano, Sue

Vannucci

MINUTES:

Council Member Peart requested inclusion in the minutes of the November 15, 2000 meeting, the statement by Council Member Monroe regarding the Fair Political Practices Commission (FPPC) in that should there be any financial gain on his part, he would immediately step down. Council Member Monroe said that if FPPC changed their ruling he would step down. Council Member Dote felt that anytime we make a statement to the citizens that we will do something we should put that statement into the minutes. Council Member Monroe said that the FPPC would not change their ruling unless they were requested to re-review the case. Should some proof of conflict come forward prior to the next Council meeting, he would step down. City Attorney Siprelle stated Council could request verbatim minutes. Council Members Monroe and Peart so requested.

On motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote of the members present, the City Council approved the minutes of the regular Redevelopment meeting of November 15, 2000 and the regular meeting of the Council of November 21, 2000 as presented.

WRITTEN COMMUNICATIONS:

- 1. <u>From the Department of Alcoholic Beverage Control</u>, Council received an application for a beer and wine license for Excalibur Pizza, LLC, located at 421 Pioneer Avenue, Suite F.
- 2. <u>From Pacific Gas and Electric</u>, Council received a Notice of Application to Implement a Rate Stabilization Plan for Electricity and to Increase Rates. City Manager Kirkwood has spoken with Mr. Mayberry of P. G. and E. regarding a presentation to Council in January 2001 on this issue.
- 3. <u>Receive and reject a Claim from Bill Biasi</u> The Council received information regarding an alleged fall by Mr. Biasi at 303 East Street in Woodland.

On a motion by Council Member Dote, seconded by Council Member Peart and unanimously approved by those Members present, the Council rejected the claim filed by Bill Biasi and referred this claim to the City's insurance representative.

COMMITTEE REPORTS:

- 1. From Police Chief Del Hanson, a report was received transmitting the minutes of the Yolo County Emergency Services Agency meeting of November 1, 2000.
- 2. From Library Services Director Marie Bryan, a report was received transmitting the minutes of the Library Board meeting of November 6, 2000.
- 3. From Public Works Director Gary Wegener, a report was received transmitting the minutes of the Traffic Safety Commission meeting held on November 6, 2000.
- 4. From Community Development Director Steve Harris, a report was received transmitting the summary of the Planning Commission meeting of November 16, 2000 as follows:
 - a. Conditionally approved Conditional Use Permit to expand an existing facility with a new facility for housing clients of the Singles Transition Housing Program and for administration and counseling at 901 Court Street. The subject property is in the Central Business District Area "B" and "C" Zone.
 - b. Recommended an alternative for locating new Court facilities in the downtown area, in conjunction with other commercial and office uses.

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c. Discussed the proposed I-5/County Road 102 land use study boundaries and scope of study.

PUBLIC COMMENT:

No Public Comment was heard.

COUNCIL STATEMENTS AND REQUESTS:

Council Member Monroe thanked members of the community who assisted in the Pioneer Park project last Saturday. The work by these community members saved the City between \$7,000 and \$10,000.

Council Member Dote thanked staff for the Council Planning Session on November 30th. The Democrat article about declining resources was not accurate. It would be more accurate to state Council would like to address the continued shortfall from the State. She requested an update on the Russell property status in the Spring Lake area.

Mayor Borchard announced the Woodland Christmas Parade will be held on Saturday, December 9th. Public Works Director Wegener informed the Council about the City float. The decorating will be done tomorrow beginning at 5:00 at the Parks, Recreation and Community Services building and trees will be donated to families in need following the parade.

Council Member Peart commended City staff regarding their involvement in the parade. He said the Fire Support Branch will have four engines in the parade as well. He invited Council Members and staff to ride on the engines.

Council Member Dote asked for the times of the Christmas Tree lighting tomorrow night. The City tree will be lit at 6:00, the Elks at 7:00 and Heritage Plaza at 8:00.

Parks, Recreation and Community Services Director Henry Agonia will host a meeting for interested parties on December 12th regarding the soccer fields.

PRESENTATIONS:

None

CONSENT CALENDAR

Council Member Dote requested removal of the following item from the Consent Calendar:

3. Public Works Monthly Status Report and Capital Budget Implementation Report for the month of November, 2000

City Manager Kirkwood removed the following item from the Consent Calendar Agenda:

5. Approve Amendment to the Spring Lake Specific Plan Budget and Extend the Expiration Date of Agreements with Contract Planner and Contract Engineer

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

PARKS, RECREATION AND COMMUNITY SERVICES MONTHLY STATUS REPORT FOR NOVEMBER 2000

The Council received the Monthly Status Report for November 2000 for the Parks, Recreation and Community Services Department.

COMMUNITY DEVELOPMENT DEPARTMENT MONTHLY STATUS REPORT FOR NOVEMBER 2000

The Council received the Monthly Status Report for November 2000 for the Community Development Department.

EAST STREET LANDSCAPING STATUS REPORT

The Council received the Monthly Status Report for the period ending November 23, 2000 for the East Street Landscaping project.

ORDINANCE 1327 - APPOINTMENT OF CITY CLERK AND CITY TREASURER

The Council approved the introduction and reading by title only of an Ordinance amending the City Code to appoint the City Clerk and City Treasurer.

SALE AND DISPOSAL OF ALL CITY SURPLUS AND OBSOLETE PROPERTY AND EQUIPMENT THROUGH PUBLIC AUCTION

The Council authorized the sale and disposal of City surplus and obsolete property and equipment through public auction.

<u>INTERSECTION IMPROVEMENTS AT COUNTY ROAD 98 AND WEST MAIN</u> STREET - PROJECT 95-22

The Council approved a request to transfer surplus Federal grant funds from the W. Cross Street at California Street road realignment project (Project 95-23), to the West Main Street/County Road 98 intersection improvements project (Project 95-22) and authorized the Public Works Director to submit the fund transfer request to the appropriate agencies.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

<u>PUBLIC WORKS MONTHLY STATUS REPORT AND CAPITAL BUDGET</u> IMPLEMENTATION REPORT FOR NOVEMBER 2000

Council Member Dote asked about the status of the Lemen Avenue/East Street realignment. Public Works Director Wegener said a Consultant has been identified and staff is in the process of negotiating the scope and fee. The item will then be listed on the Monthly Status Report when that portion of the process is complete.

SPRING LAKE SPECIFIC PLAN - BUDGET AMENDMENT

City Manager Kirkwood said this item is to request approval of a Resolution to amend the budget to extend the contracts of Contract Planner, Heidi Tschudin and Contract Engineer, Nick Ponticello for six months. In meeting with staff and Turn of the Century representatives, they request Council

guidance on an updated plan and financial feasibility. City Manager Kirkwood suggested Council set a special meeting for Thursday, December 21, 2000 at 7:00 p.m. to discuss issues of concern. Tom Lumbrazo of Turn of the Century said they are willing to fund the Contract Planner and Engineer through the end of 2000 only time until TOC and the property owners receive further guidance. He will be working with Heidi Tschudin on cost estimates for each aspect, standards of service, street width, etc. City Manager Kirkwood stated staff will be prepared to give Council input on some of the issues.

On a motion by Council Member Dote, seconded by Council Member Monroe and unanimously carried by Members present, the Council set December 21, 2000 at 7:00 to review the Spring Lake Specific Plan Update and provide staff guidance. City Manager Kirkwood will bring the Contract Amendment to the Council at that time. Council Member Dote asked if we are to discuss densities and potential housing issues, she would like another forum set with the Affordable Housing group as soon as possible.

PUBLIC HEARINGS

LOCAL LAW ENFORCEMENT BLOCK GRANT - 2000-2001

Ellasion Phillips, Management Analyst for the Woodland Police Department advised the Council this is the fourth year the Department has received this grant. The grant is from the Department of Justice and allows the local level to utilize grant funds in whatever capacity they choose. The Department wishes to utilize the funds for K-9 training, K-9 supplies and equipment, portable3 video projector, Cal Gang link, networkable color copier, computer equipment for School Resource and DARE officers, and volunteer program supplies. Council Member Dote asked about the use of the color copier. Analyst Phillips stated at present, the Department outsources most of the copy work. documents presently done in color are the quarterly newsletter, the monthly internal newsletter and recruitment brochures. The purchase of the color copier would allow the Department to keep that work inside. The cost for outsource copy work over the last six months has been over \$7,000. Moving the work internally would recoup those costs within two years. The unit would be in the Detective Division and would be attached to various computers in the Department so staff time to collate and direct the copier to do special use would be minimized. The ongoing maintenance is low enough that the operating budget would not increase.

Council Member Dote asked what Cal Gang Link is. Analyst Phillips said this is a State database with different gang members included. We presently have limited access through the internet. This would be a more secure connection and accessible for all Department members who have need for use. The budget item would probably involve some computer equipment on our end, data line and technical assistance to become connected.

At 7:45, Mayor Borchard opened the Public Hearing. Hearing no comments, Mayor Borchard closed the Public Hearing at 7:46.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by a unanimous vote of the Members present, the Council approved proposed grant expenditures for the 2000-2001 Local Law Enforcement Block Grant of \$50,964 from the U. S. Department of Justice and \$5,663 in matching funds.

DRAFT OF THE 2000 URBAN WATER MANAGEMENT PLAN

Public Works Director Wegener stated City Associate Civil Engineer Kenneth Zeier has been working on this Plan and will respond to any questions by the Council or members of the public. The Plan will return for Council consideration and approval at a later date. Engineer Zeier said the State mandates update of our Plan every five years after which it will be forwarded to the State Department of Water Resources for inclusion into the California Water Plan. Our directive from the State was to: (1) develop an accurate description of the reliability of the water supply and its weaknesses; (2) develop plans to replace sources and enhance them through water demand management measures for unreliable or inconsistent supplies; and (3) develop a water shortage contingency analysis based upon either the driest historical three-year period, estimated catastrophic event or both.

Engineer Zeier stated at some point the City may need to include water metering on new construction, which would be paid for by the builder. Other measures for conserving water were discussed. Director Wegener stated some of the components to save water are more costly to retrofit than feasible. He also stated if we pull water from the State water supply, we must meter. Council Member Monroe expressed his concern about the possibility of water meters. He feels citizens should have clean air and water without charge. He is pleased to see drought resistant landscaping is included in the Plan. Council Member Peart asked about retrofit for meters in the existing areas of town. Engineer Zeier stated these are probably industrial for shutoff and they are installed when repair

work must be done as a measure to prepare for the future need. Council Member Peart asked about the anticipated cost in P. G. and E. and how it will affect our ability to pump water. Director Wegener said they have been working with P. G. & E. for several months on this issue. Engineer Zeier said on the current bill there is a negative figure which will change when it is deregulated. As an example, if our present figure is about \$80,000 per month, it could go to \$150,000.

Council Member Dote mentioned the plan to have a well field development on the East side and/or buying surface rights to the Sacramento River. She read in the plan that the aquifer we presently utilize goes down a 1,000 feet. What would be the difference in developing a different well field versus deepening the wells we presently operate. Engineer Zeier stated they will be looking at that issue in the feasibility study, which will begin soon. Director Wegener stated the concern is more quality of water rather than quantity. The Plan does not see a problem with the quantity of water, but we need to look at nitrates in the water. The State could also change the regulations regarding the quality of water. She asked about dry year transfer options and whether they were transfers in or out. Engineer Zeier stated these would be any type of transfers but we are not anticipating becoming a water supplier for anyone else. On excessive use penalties and not imposing a fine, it was felt there is a great deal of leeway for those who are violating the excessive use ordinance. This is presently in the City Code. We will assume the cost of water as it increases, not including inflation.

Mayor Borchard asked how the City would benefit from a showerhead exchange or zeroscape. The indoor water use is the cost of electricity to pump water, delay the development of new supplies, hot water heating, the softening of water and the wastewater treatment. The City would benefit by reducing the amount of flow going into the Waste Water Treatment Plant, the cost of pumping and the delayed cost of wells. The remaining benefits would be to the consumer. Mayor Borchard asked if staff could return with a report within the next three on four months on potential for saving by providing, for example, reduced flow showerheads at our cost of \$1.00 while our savings would be \$1.10 in reduced input to the Waste Water Treatment Plant and electricity savings. Engineer Zeier said this could be broken down in the final report to return to Council in a few weeks.

Mayor Borchard opened the Public Hearing at 8:17. Colette Stewart is concerned about the lack of water conservation in the City. In her area people water their sod and water runs into the street. She would like to see some type of conservation methods in the City. Council Member Monroe agreed that some type of educational campaign should be put into place, even during the winter.

Mayor Borchard closed the Public Hearing at 8:23.

Mayor Borchard asked Engineer Zeier if he could provide information on the zeroscape cost savings as well. He said what happens in other parts of the State does affect us as they have more votes than we do in Northern California. We have more ability to store water but they have more political power and may be able to take water from us involuntarily.

Director Wegener said he was under the impression the State was requiring ordinances to be adopted to address the zeroscape or drought tolerant landscaping in new homes and would check into this further.

REDEVELOPMENT AGENCY MEETING

At 8:26 p.m., Mayor Borchard temporarily adjourned the regular meeting of the City Council and convened the regular meeting of the Redevelopment Agency Board. At 8:43 the Redevelopment Agency Board meeting was adjourned and the City Council meeting reconvened.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

CODE ENFORCEMENT ACTIVITIES AND PROCESSES

City Manager Kirkwood had asked the Council to consider what our City should look like by providing them with pictures of where improvements are needed. Many of these issues are related to Code Enforcement. We need to keep aware of those changes in our community and find ways to encourage people to comply with rules and laws we have to help maintain a quality community. Code Enforcement is that instrument we have to assist in this compliance. Joel Luevano, Code Enforcement Officer summarized the current process in that there is a section of the City Municipal Code, 14A-1-4 to provide criteria for the enforcement of the law. Many times violators are not aware they have created a nuisance and will comply upon notification. Others know they are in violation and will maintain the nuisance as long as possible prior to compliance. The process for addressing complaints is as follows: (1) A complaint is received and recorded into the computer enforcement module. This module automatically schedules the initial or first inspection for ten working days

following receipt of the complaint. (2) These violations are noted on the property at the time of investigation. (3) A Notice to Abate Code Violation is mailed to the property owner who has fifteen working days to comply. (4) If violations have been cleared upon re-inspection, the case is closed. If not, a citation may be issued or an extension and re-inspection scheduled. (5) At the time of the second re-inspection, if violations are corrected, the case is closed. If not, a citation is issued. A Notice to Appear is issued to the property owner and the Yolo County Court will notify them of the date and time. (6) The inspector may issue a separate daily citation until cleared or may wait until the Court Order is issued. A third option is the City can abate the violation. (7) Three bids will be obtained to perform said abatement with the contract going to the lowest bidder. (8) Should the property owner refuse access to the property, a warrant is carried out. The Yolo County District Attorney will assist in the necessary paperwork in this case. (9) The City may recover the cost of abatement by placing a lien against the property.

At present there are three Building Inspectors and a part-time Building Official with one Inspector assigned to nuisance complaints. There are fifty cases open and ten pending. During 1999, fifteen citations were issued out of 266 cases. The first citation is \$100 but with Court fees it can be as high as \$270. During his first year, 1998, there were several outstanding issues which he worked through and cleared. In 1999, there were 266 cases, 30% resulted in clearing by the property owners by the follow-up inspection, with less than 10% citations. In 2000, we have had 150 cases, 95 are closed, 55 active open cases, with 10 to 15 of those which will be closed soon. He works closely with the Public Oriented Policing (POP) unit at the Police Department, the Fire Department and Yolo County Environmental Health. We do have some repeat offenders and they are trying to create a format for prosecuting these violators with the District Attorney. There is a dangerous building code, which will be used for three homes in the City. Time is up on these homes and we are working on the process of either demolition or rehabilitation of these units. One of the homes has historical value and they are working on attempting to obtain funds for rehabilitation of this home.

They are working on the shopping cart ordinance as well. He will be meeting with Dan Bellini, the POP Offices and the storeowners in an attempt to resolve this issue.

Council Member Peart asked if Officer Luevano was the first Code Enforcement Officer and he stated he came to the City in October, 1998 and was the first Code Enforcement Officer for the City. He said the program is effective, but will become more so as the processes are refined and with the continued direction of Community Development Director Harris.

Council Member Dote asked if Officer Luevano was the only Code Enforcement Officer for the City. He stated his title is that of Building Inspector but he is the only one assigned to Code Enforcement at present due to his background. She asked if the other Building Inspectors could spend time on this program. Officer Luevano said this has been discussed in the past several months and a possibility of training the other Inspectors on the module for Code Enforcement has been explored. Mayor Borchard asked Director Harris to respond to this question. He stated the issue has been discussed within the Department and is an objective to cross train Inspectors but has not been done due to lack of time. Our Interim Building Official has been working on development of procedures and processes to address this goal. Director Harris commended Officer Luevano for his diligence and hard work on the process to date with a 90% success rate on abatement.

Council Member Dote expressed concern that more proactive work could be done as indicted by the photos presented by the City Manager. Presence in the community can be very effective as well. Officer Luevano responded he could identify the locations of the sites in the pictures as these are continual problem areas. The dumping is done by tenants in the area. The tagging we must stay on top of constantly. Some of the property owners are consistently painting over the tagging to no avail. The shopping carts issue is a sensitive one and we hopefully can reduce this by meeting with the stores.

Director Harris said at 5:00 on December 12, 2000, at City Hall, there will be a hearing on the Block Grant to establish priorities for next year. Code Enforcement is one of the eligible activities under this Grant. We could utilize the funds to employ additional part-time Code Enforcement staff should we desire.

City Manager Kirkwood said during Planning Retreat Council had expressed need for more aggressive Code Enforcement. The cross training of staff will be of assistance as more eyes will be on problems in the City. He urged that all City staff be proactive on these types of issues. He requested a list of Code Enforcement issues and activities to keep the City Manager aware of the degree or magnitude of Code Enforcement activities. This will assist him in budget considerations as well. Council Member Peart feels the Council should receive this information as well.

CONFLICT OF INTEREST CODE

The City Clerk informed the Council it is required by the Government Code that City Conflict of Interest Codes be reviewed on even-numbered years. Should changes be identified, those changes must then be approved by the Council. Changes to the Conflict of Interest Code this year include: (1) addition of the positions of Deputy Director of Public Works, Engineering/City Engineer; Deputy Director of Public Works, Operations and Maintenance; Infrastructure Operations and Maintenance Manager; Senior Management Analyst; Building Inspector II; Engineering Technicians I/II/III; Junior Engineer; Pretreatment Specialist; and Transportation Engineer; (2) deletion of the positions of Street Superintendent and Utilities Superintendent; (3) changing the titles of Public Director/City Engineer Public Works Director to Clerk/Administrative Assistant to the City Council to City Clerk; (4) move the City Treasurer from that designated by Government Code Section 87200 as an elected official to that of a designated employee as this position was deemed as appointed by the November 7, 2000 election. There are currently 88 officials designated, with the inclusion of the City Council, City Manager and Planning Commissioners. Council Member Dote asked why the Finance Director and City Treasurer are listed separately as they are presently the same person. The City Clerk stated at present they are one in the same, however the Finance Director could designate someone else to fill this position.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried unanimously by the Members present, the Council approved Resolution 4242, "A Resolution of the City Council of the City of Woodland Adopting the Amended Conflict of Interest Code and Incorporating by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest Code".

the Fair Code".	Political	Practices	Commission's	Standard	Model	Conflict	of	Interest

ORDINANCES:

None

ADJOURNMENT:

At 9:09 p.m. the regular meeting was adjourned.

City Clerk of the City of Woodland