Council Chambers 300 First Street Woodland, California

July 18, 1995

The Woodland City Council convened a special session at 6:15 p.m. and immediately adjourned to closed session in the Second Floor Conference Room of City Hall to discuss a public employee appointment for special legal counsel pursuant to Government Code Section 54957. Council Members present at the meeting were: Sandy, Borchard, Flory, Rominger, Slaven; Council Members absent: none. City Manager Kris Kristensen also attended the closed session.

Council adjourned the closed sessions and the special session at 7:10 p.m.

The Woodland City Council met in regular session at 7:15 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Sandy opened the meeting and invited everyone present to join him in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Sandy, Borchard, Flory, Rominger, Slaven

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Ruggiero, Vicars, Siprelle, Wegener, Barry, James,

Smith, McDuffee, Carey, Ahlgren, Tice, Horgan,

Utterbach, Wilson

CITY MANAGER ANNOUNCEMENT:

The City Manager announced that the Council met in closed session from 6:15 p.m. until 7:10 p.m. to discuss a public employee appointment for special legal counsel pursuant to Government Code Section 54957. He said the Council during that closed session took action to retain the law firm of McDonough, Holland and Allen of Sacramento to have them perform certain legal services with regard to the General Plan where the City Attorney's law firm of Kronick, Moskovitz, Tiedemann & Girard were unable to perform such services due to conflicts of interest.

MINUTES:

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote, the City Council approved the minutes for the adjourned Council meeting of May 30, 1995, as prepared.

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote (Council Member Borchard abstained), the City Council approved the minutes for the regular Council meeting of June 6, 1995, as prepared.

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote (Council Member Rominger abstained), the City Council approved the minutes for the regular Council meeting of June 27, 1995, as prepared.

COMMUNICATIONS:

1. From Tammy Adams, Carmichael, a letter was received requesting a use permit to conduct the business of fortunetelling in the City. Council was advised that the City Zoning Ordinance provides that fortunetelling requires a conditional use permit and such use must be located more than 750 feet from residential zones. The newly created Central Business District provisions restrict fortunetelling to Zone B of the District and also state that such uses must be located more than 750 feet from open space as well as residential zones. Ms. Adams cited a recent California Supreme Court decision in her letter regarding fortunetelling constituting freedom of speech. The City Clerk said staff recommends that this request be referred to the City Attorney for review.

Assistant City Attorney Ann Siprelle said her office will give the Council a recommendation with regard to the request.

2. From David B. Rock a claim against the City was received for damages resulting from a fall by the claimant in a parking space at 625 Court Street. The City's insurance representative recommended that the Council reject the claim and refer it to them.

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council rejected the claim against City filed by David Rock and referred the claim to the City's insurance representative.

COMMITTEE REPORTS:

- 1. From Assistant City Manager Kristine James a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority Board meeting of May 22, 1995.
- 2. From City Manager Kris Kristensen a report was received transmitting the minutes of the Water Resources Association meeting of June 8, 1995.
- 3. From the City Manager a report was received transmitting the minutes of the Yolo Solano Air Quality Management District Board meeting of June 14, 1995.
 - 4. From Community Development Director Janet Ruggiero a report was

received summarizing action taken at the Planning Commission meeting of July 6, 1995, as follows:

- a. Commission cancelled Commission meetings of July 20 and August 17.
- b.Commission approved a conditional use permit for Chevron for a Mini-Market at the southwest corner of Interstate 5 and County Road 102. A Negative Declaration was also certified.
- c.Commission recommended that staff forward the Planning Commission Annual Report to the City Council for its acceptance.

On motion of Council Member Rominger, seconded by Council Member Slaven and carried by unanimous vote, the City Council accepted the 1994-95 Annual Planning Commission Report.

- 5. From Director of Public Works Gary Wegener a report was received transmitting minutes of the Tree Commission meeting of July 10, 1995.
- 6. From the City Manager a report was received summarizing topics discussed at the City Solid Waste Committee meeting of July 11, 1995. The City Manager said the Committee has been reviewing the proposal by Environmental Reclaiming Solutions to deal with the City's yard refuse in a different manner. The Committee is recommending to Council to ask the current waste hauler, Waste Management, for a recommendation on how to deal with an alternative use of yard refuse. At least for the short term, he said, the City will have to continue placing the yard refuse in the landfill until an alternative is found which provides the City with recycling credits from the State and protects the City from possible liability from improper use of the yard refuse waste.

Council Member Borchard thanked the Peggy Witham, Ed Witham and Richard Witham of Environmental Reclaiming Solutions for their efforts and putting forth an opportunity for the City for an alternative to the disposal of yard refuse.

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the City Council requested that Waste Management provide the City with recommendations for alternative reuse of the City's yard refuse, including consideration of long term AB 939 recycling credits for the City and related local business opportunities that may be possible.

6. From the City Manager a report was received transmitting the agenda for the Chamber/City 2 x 2 meeting of July 12, 1995.

PUBLIC COMMENT:

The City Manager reported that Tim Fall, the newly appointed Municipal Court Judge, will be sworn in on Monday, July 31, at 5:15 p.m. in the County Administration Atrium, and Council Members are invited to attend the ceremony.

The City Manager also reported that originally a public hearing was scheduled for this meeting regarding the wastewater industrial pretreatment ordinance which Council has been considering over the past year, but the matter is not ready for discussion at this time, and the hearing will be rescheduled for a later date.

Mayor Sandy thanked Derek Hermans and James Jordan for serving as video camera operators for the meeting.

Parks, Recreation and Community Services Director Tim Barry reminded the Council and the viewing audience that the City is accepting nominations for naming two of the City parks that are being built in woodland. He said 29 nominations have been submitted so far, and the deadline for applications is July 28. The two parks to be named are the green belt park just completed in the North Park area at West Kentucky Avenue and Ashley Avenue, and the new park (9.5 acres) in the Southeast area which will not be built for two to three years.

PROCLAMATION FOR NATIONAL NIGHT OUT:

On motion of Council Member Slaven, seconded by Council Member Rominger and carried by unanimous vote, the City Council proclaimed August 1, 1995 as National Night Out (against crime) in Woodland.

Mayor Sandy presented the proclamation to Police Chief Russ Smith.

Several Neighborhood Watch Block Captains addressed the Council and encouraged more people to form a Neighborhood Watch group and participate in National Night Out.

<u>HEARING - ANNEXATION TO NORTH PARK LIGHTING AND LANDSCAPING</u> DISTRICT:

Mayor Sandy said the first public hearing scheduled is to consider the annexation of Woodland West Subdivision (Subdivision No. 3714) to North Park Lighting and Landscaping District.

Finance Director Margaret Vicars said a request was received from Ray Thompson, developer, that Woodland West Subdivision be included in the District. She said a copy of the engineer's report has been on file with the City Clerk. She said Mr. Thompson has waived the right to a public hearing regarding the assessments, but the City still has to hold a public hearing to annex the subdivision to the district.

Mayor Sandy opened the public hearing, and there being no comments he closed the hearing.

Resolution No. 3891:

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council adopted Resolution No. 3891 annexing Subdivision No. 3714, Woodland West, to the North Park Lighting and Landscaping District.

HEARING - NORTH PARK LIGHTING AND LANDSCAPING DISTRICT:

Mayor Sandy said the second public hearing scheduled is to consider assessments for North Park Lighting and Landscaping Maintenance District for FY 1995-96.

The Finance Director said on July 5 the Council approved the annual report for the District which was originally created in 1993. Following the Council action after the public hearing, she said staff will prepare the necessary notice of assessments and transmit to the County Auditor's office for inclusion in the 1995-96 property tax bills. She said she provided the Council with additional information on the budget for the district which Council had requested on July 5. There are 125 parcels included in the district, and the assessments are \$78.80 per parcel.

Mayor Sandy opened the public hearing.

Tim Golden, 383 Quail Drive, said when he purchased his lot he was told that Stanley Davis Homes was providing the greenbelt in North Park. Currently he said the greenbelt is complete and includes a play center, two picnic tables and two barbecue pits. He said the lighting does not work; the lights worked for only two days. He said he felt the assessments at \$78.80 per lot are too high. When he purchased the lot he was told there would be a \$10.00 to \$15.00 assessment for lighting. He said his Neighborhood Watch Block group takes care of the graffiti on the sound walls.

Mayor Sandy said the Council wants to make sure the lighting works in the district.

The Finance Director said this is the third year the assessment has been placed on the parcels, and the first year the assessments were \$79.00 to \$80.00. The second year the assessments were dropped to \$10.00 because there was a reserve from the first year's assessments. The total budget for 1995-96 is \$14,840, and there will be a \$4,990 reserve so total assessments are \$9,850 which equates to \$78.80 per parcel. She said notices were mailed to property owners on June 2 advising of the increase from \$10.00 to \$78.80 but no responses were received. The Director of Public Works said the reserve accumulated before the park improvements were completed, so the maintenance work had not been done.

Irene Molchanov, 343 Quail Drive, said she does not see any maintenance work being done. Aside from the lighting problem she said there are weeds growing. She said she also felt the assessments were much higher than what was first projected.

Dennis Hollingsworth, 451 Robbin Drive, asked for a description of the maintenance work and an accounting of where the assessments go.

The Finance Director said the assessment placed in 1993-94 was not used in its entirety, and the costs for 1994-95 were \$7,350 of which \$1,600 was collected.

Parks, Recreation and Community Services Director Tim Barry said the greenbelt park was constructed this past year, and the maintenance was handled by the contractor until last month when the City Council accepted the park. At that time the park became the responsibility of the City to maintain.

George Ahlgren, Superintendent of Parks, said the assessment just relates only to the park area and not the trees and lawn areas of the homes in the subdivision. Additionally, sound walls on Kentucky Avenue and County Road 98 and both sides of Falcon Drive are also a part of the district. He said the park is 3 acres and there are large areas in the park designed with native wild flowers and native grasses. Until these areas are maintained the areas will look rough. He said City staff has been working on the lighting issue at the park, and he said the Parks Division does not have an electrician on staff. He said the Public Works Department is aware of the problem and is working on it. He noted that this years budget reflects a 12-month budget, and last year only included a 3-month estimate for the fiscal year.

Vice Mayor Rominger said the City needs to do something to make sure these fees and assessments are represented fairly to the home buyers, and apparently the information is not being presented to the new home buyers.

The Community Development Director said the City can look over the information which the developers hand out to the potential buyers, but the City cannot control what every realtor does to get the information out. She said her staff can prepare information to be given out when her staff gives a final inspection for a home.

Ann Hamilton Hollingsworth, 451 Robbin Drive, said she felt the greenbelt is not a vast space, and the assessments are too high for the size of the greenbelt.

Mayor Sandy asked the Parks, Recreation and Community Services Director and the Finance Director meet with the property owners in the district and discuss some of the issues.

There being no further comments, Mayor Sandy closed the hearing.

Resolution No. 3892:

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote, the City Council adopted Resolution No. 3892 confirming the North Park Lighting and Landscaping District map and ordering assessments for Fiscal Year 1995-96 as set forth in the annual report.

Vice Mayor Rominger asked for a report back from George Ahlgren in October or November at the end of the season to let the Council know what the progress is and also address the maintenance issues and meetings with the residents.

HEARING - STRENG PARK LANDSCAPING MAINTENANCE DISTRICT:

Mayor Sandy said the third public hearing scheduled is to consider assessments for Streng Park Landscaping Maintenance District for FY 1995-96.

The Finance Director said Council is being asked to adopt and confirm the map and order assessments for FY 1995-96 for this district which was originally created in 1985. The notice of hearing has been published as prescribed by law and following the Council action after the public hearing, staff will prepare the necessary notice of assessments and transmit to the County Auditor's office for inclusion in the 1995-96 property tax bills. She said she provided the Council with additional information on the budget for the district, and a letter from the County on its administrative fees for the district.

Mayor Sandy opened the public hearing. There being no comments he closed the hearing.

Resolution No. 3893:

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote, the City Council adopted Resolution No. 3893 confirming the Streng Pond Landscaping Maintenance District map and ordering assessments for Fiscal Year 1995-96 as set forth in the annual report.

HEARING - APPEAL OF ROSE VALLEY RELOAD CENTER VARIANCE DECISION:

Mayor Sandy said the last public hearing scheduled is to consider the Rose Valley Reload Center appeal of the Planning Commission's variance decision. The Center includes property between East Main Street and Armfield Avenue, west of E Street.

Community Development Director Janet Ruggiero said the applicant is interested in the continuance of this matter.

Ken Holloway, representing Rose Valley Reload Center, said he and Senior Planner Colleen McDuffee have discussed the uncertainty about the property line. He said the line

varies between eight feet and ten feet, and he is uncertain whether the line is on the Main Street side or the Armfield Avenue side of the property. Because they do not know where the property line is, he said they do not know where the setback will be. He asked that the public hearing be continued to August 15.

Mayor Sandy invited anyone present to comment on the issue. There were no comments.

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council continued the hearing on the appeal regarding the Rose Valley Reload Center to August 15, 1995.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

On motion of Council Member Rominger, seconded by Council Member Slaven and carried by unanimous vote, the City Council approved the following Consent Calendar items:

CITY ALCOHOL AND DRUG POLICY & CITY DISABILITY POLICY:

The City Council approved the City of Woodland Alcohol and Drug Policy for Employees and Contractors and approved the City of Woodland Disability Policy.

COMPLETION OF BEAMER-KENTUCKY ASSESSMENT DISTRICT PROJECT:

The City Council accepted the Beamer-Kentucky Assessment District (BKAD) improvements, Project No. 92-04 by Teichert Construction as complete; directed the City Clerk to file a notice of completion; and authorized the Mayor and City Manager to execute the notice of completion.

HEARING SET FOR 1995 CLEAN LOT PROGRAM:

The City Council set an August 2, 1995 hearing regarding tax liens for the 1995 Clean Lot Program.

REGULAR CALENDAR:

WOODLAND BABE RUTH TOURNAMENT:

The Parks, Recreation and Community Services Director said the Woodland Babe Ruth League is hosting the 11th Pacific Southwest Regional Tournament for the 14 year old Babe Ruth League in Woodland utilizing Clark Field and a number of other fields for practice. Seven teams from Northern California, Southern

California, Central California, Utah, Arizona, and Nevada will participate joining the Woodland team. Community families have been asked to house a number of players. The event starts August 4th with a fiesta dinner at the Gibson Mansion, and 400 to 500 people are anticipated to attend. He said the City is assisting the League with the preparation of Clark Field and its heavy use at this time of the year. The Police Association is purchasing a new public address system which will be in place for the tournament, and the City is working on decorations for the field and free swim passes for the players. The Director also gave Council an update on the Douglass Junior High Baseball Field. He said the Babe Ruth League needed additional practice for this upcoming tournament on the Dubois Field at Douglass Junior High and had made arrangements for expanded use on June 30 which was approved by the School District. Parks and Recreation Commissioner Skip Davies was able to arrange a meeting with neighbors of Dubois Field and the president of Woodland Babe Ruth to work out some of the problems in the past and work out additional scheduling for the tournament. He said compromises were reached to the satisfaction of both groups, and that was communicated to the School District and the Junior High. Last week there was a meeting of the Woodland Sports Facility Advisory Committee which discusses shortage of facilities and planning for the future athletic facilities in coordination with both the School District and the City. He said some of the neighbors on Elm Street near Douglass Junior High attended the meeting and communication issues were discussed. He said they have had long range plans to create large baseball fields lighted on the periphery of town at East Beamer Street (former sewage treatment site) and the Regional Park site, and some additional approvals and dollars are needed to use that ground. If some of the adult groups are moved to these outer facilities, there will be more fields available for the youth in town.

Council Member Slaven thanked the Parks, Recreation and Community Services Director and the Parks and Recreation Commission for its work on a temporary solution to the use of Dubois Field. He said the only real solution is the addition of full size baseball fields in the City, and he said the lighting of the high school baseball fields would help provide additional use.

Mayor Sandy said the General Plan will address future ball fields, and he wanted the City to consider front loading playing fields so that the playing fields are in at the beginning of a development. He said the City also has to look at playing field complexes to take advantage of lighted fields, etc. He said if the City cannot provide sufficient places for the youth to participate in positive, character building activities, then the City should not be growing at all.

HEALTHY START PROGRAM AT BEAMER SCHOOL:

The Parks, Recreation and Community Services Director said the Beamer School staff has worked on a grant submittal for a \$20,000 grant through a Healthy Start Program.

Maria Salinas, Coordinator for the project, briefed the Council on services to be provided by the Family Support and Preservation grant. She said the project will provide more active participation by parents.

On motion of Council Member Slaven, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the Memorandum of Understanding between the Woodland Joint Unified School District and the City of Woodland for the Healthy Start Program at Beamer School.

ANALYSIS OF NATIONAL TOXICS RULE COMPLIANCE IMPACT:

Director of Public Works Gary Wegener said the City has been advised that when its industrial waste discharge permit for the wastewater treatment is renewed in May of 1997, the City will be required to comply with the National Toxics Rule (NTR) and the Inland Surface Waters Plan (ISWP). To determine how the City will comply with those requirements the City has four pollutants of concern, and a proposed scope of work has been developed with the assistance of Larry Walker Associates. He said this would be an addition (\$102,000) to their contract to allow the City to proceed to get a clear picture of how to comply by May 1997.

Vice Mayor Rominger said she was frustrated by these unfunded mandates coming down from the Federal and State levels. She said the City needs to ask if these standards are realistic and achievable. She said she was opposed to spending more money on another study to decide if the City will meet the standards which get tougher every year. She suggested that Council contact elected officials at a higher level and ask them to help the cities.

Council Member Slaven said he felt the cost of the additional study was too much, and he agreed that the City should question these compliance requirements.

Matt Walker of Larry Walker Associates gave an overview of the additional study. He said he shared the Council's frustration on finding resolution with the Regional Water Quality Control Board and its staff, but he said the State is required to implement the NTR and ISWP which are unfunded mandates. Four pollutants which have been identified to cause concerns are mercury, beryllium, Bis-2 and a pesticide. He said these pollutants are in very low concentrations and are hard to deal with. The Regional Board can relax those requirements, but the Board must show that there will not be an impacted degradation of the water. The proposed scope of work, he said, will justify that level of pollutants and look for relaxation in those effluent limits.

The Director of Public Works said the State is given authority to implement the programs but there is basic oversight by the Federal Environmental Protection Agency. If the local board (Regional Board) goes easy on jurisdictions and relaxes programs without the proper documentation or rational justification, the Regional Board is subject to suit by citizens groups. He said the Council needs to decide if it wants to proceed in a proactive mode and add this additional study.

Mike Dean of the law firm of Kronick, Moskovitz, Tiedemann and Girard said his firm has felt the same frustration as the Council when they believe they receive an affirmative answer from the Regional Board and believe they confirm the affirmative answer in writing, and then several months later they are back where they started. Ultimately he said the City is going to have to look at the NTR and ISWP criteria which are adopted by EPA as part of the Clean Water Act. He said a delay may hinder the City's ability to deal with the requirements. He said the Board is attempting to require the City to adopt technically based local limits without first having put into the City's industrial discharge permit what the wastewater treatment facility can do. This criteria would allow the City to determine what significant industrial users ought to do.

Discussion followed.

The City Council agreed that Mayor Sandy and Vice Mayor Rominger will meet with the Executive Director of the California Regional Water Quality Control Board to discuss the National Toxics Rule and the Council's concern regarding unfunded mandates.

Mayor Sandy asked the Director of Public Works to set up the meeting.

ANALYSIS OF SEPTAGE DISPOSAL:

Associate Civil Engineer Jon Tice said Yolo County has requested the cities of Davis, West Sacramento and Woodland to begin accepting domestic (residential only) septic tank liquid waste at their wastewater treatment plants. He gave the Council a report on that the other jurisdictions are doing with the request. He said staff agreed to treat this as a pretreatment issue, and asked Larry Walker Associates to add an additional task to the Wastewater Industrial Pretreatment Program to address this issue for an additional cost of \$29,000.

Mayor Sandy said the citizens of Woodland paid for the City's wastewater treatment plant and this proposal would bring in another service which has the potential to unduly impact the plant. He said the City will not make money on the proposal, and he suggested that the County assess County residents for the cost of providing this service.

Tom To, Yolo County Environmental Health, said this issue is sensitive, and

no one wants to spend more money than they have to. He said the City and the County are not obligated to provide any services in this area, and there is no law requiring that. The County is not responsible for this problem, but this matter is a public health issue and is a regional issue so they are trying to solve the problem in the most economic way.

After some discussion the City Council took no action to amend the Wastewater Industrial Pretreatment Program contract with Larry Walker Associates for analysis of septage disposal issues.

The Director of Public Works said he will contact the County to discuss options and funding.

Vice Mayor Rominger said she would be willing to study the issue if the County is willing to pay for the study.

Council Member Flory said possibly there is a trade off if the City receives credit for waste going into the City wastewater treatment facilities.

FUTURE MEETING AGENDA ITEMS:

Vice Mayor Rominger requested a future agenda item regarding the appointment of a representative to the Reclamation District 2035 Advisory Committee. The City Manager said this matter will be on the next Council agenda.

Vice Mayor Rominger also asked for a report from the Community Development Department regarding notice to home buyers regarding assessment districts and certain fees and responsibilities for sound walls, landscape maintenance fees, etc.

Mayor Sandy requested a future agenda item regarding the sign ordinance provisions of the Downtown Specific Plan and how they are being implemented.

ADJOURNMENT:

At 9:45 p.m. the meeting was adjourned to July 25, 1995, 7:00 p.m.

City Clerk of the City of Woodland	