

Woodland City Council  
City Hall – Council Chambers  
300 First Street  
Woodland, CA 95695

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD  
SPECIAL/CLOSED SESSION**

**MARCH 15, 2005**

**6:00 P.M.**

CLOSED SESSION - CITY COUNCIL

Council held a conference with Legal Counsel regarding existing litigation pursuant to subdivision (a) of Section 54956.9 for the County of Yolo/Gateway versus the City of Woodland case. Present at this session were Mayor Rexroad, Vice Mayor Flory, Council Members Monroe, Peart and Pimentel, City Manager Kirkwood, Assistant City Manager Marler, Community Development Director Stevens and City Attorney Siprelle. Council also held a conference with Legal Counsel regarding existing litigation pursuant to subdivision (a) of Section 54956.9 for the Gina Bell versus City of Woodland case. Present at this session were Mayor Rexroad, Vice Mayor Flory, Council Members Monroe, Peart and Pimentel, City Manager Kirkwood, Assistant City Manager Marler, City Attorney Siprelle, Police Chief Sullivan and Jeff Tonks from Yolo County Public Agency Risk Management Insurance Authority.

CLOSED SESSION – REDEVELOPMENT AGENCY BOARD

The Agency Board held a conference with Legal Counsel regarding initiation of litigation pursuant to subdivision (c) of Section 54956.9, one case. Present at this session were Board Chair Rexroad, Vice-Chair Flory, Board Members Monroe, Peart and Pimentel, Executive Director Kirkwood, Assistant Director Marler, and Agency Attorney Quinn.

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD  
REGULAR MEETING**

**7:00 P.M.**



## CALL TO ORDER

Mayor Rexroad called the joint regular meeting of the Council and Agency Board to order at 7:02 p.m.

## CLOSED SESSION ANNOUNCEMENT-COUNCIL AND REDEVELOPMENT AGENCY BOARD

Mayor/Chairperson Rexroad announced that the Council had met in special closed session at 6:00 p.m. to discuss existing litigation, County of Yolo versus City of Woodland and Bell versus City of Woodland and had provided direction to the City Manager and City Attorney. The Board also met in closed session regarding initiation of litigation and provided direction to the Executive Director and Agency Attorney.

## PLEDGE OF ALLEGIANCE

Mayor Rexroad invited those present to join in the Pledge of Allegiance led by Council Member Monroe.

## ROLL CALL

COUNCIL MEMBERS PRESENT: David Flory, Jeff Monroe, Neal Peart, Art Pimentel, Matt Rexroad

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Carey Sullivan, Sue Vannucci, Paul Miller, Gary Wegener, Dan Gentry, Wendy Ross, Mark Dennis, Lynn Gatie

## COUNCIL/STAFF COMMENTS

Council Member Monroe advised that the Yolo County Transportation District is forming a Citizens' Advisory Committee to discuss major transportation projects. He urged those interested in serving on this Committee to contact him.

Vice Mayor Flory asked for an update on the Shopping Cart Ordinance. Council concurred to add to a future Agenda.



Mayor Rexroad moved the following Report to be discussed after the first Presentation.

#### RESOLUTION 4619-SACRAMENTO MUNICIPAL UTILITY DISTRICT ANNEXATION

#### PRESENTATION

##### WOMEN'S HISTORY MONTH

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried unanimously, Council proclaimed the Month of March, 2005 as Women's History Month. Council Member Pimentel presented the Proclamation to Supervisor Mariko Yamada.

#### REPORTS OF THE CITY MANAGER

Mayor Rexroad left the Council Chambers at 7:09.

#### RESOLUTION 4619-SACRAMENTO MUNICIPAL UTILITY DISTRICT ANNEXATION

Assistant City Manager Marler said the City has been working with the Cities of Davis and West Sacramento and the County of Yolo to facilitate the request for annexation to the Sacramento Municipal Utility District for power. The joint Resolution before Council is to formalize that request. The SMUD Board will be meeting to consider the annexation on April 6, 2005. Council Members Peart and Pimentel indicated their desire to attend that meeting.

On a motion by Council Member Peart, seconded by Council Member Pimentel and carried by the Members present, Council adopted Resolution 4619, a "Joint Resolution of the Cities of Davis, West Sacramento, and Woodland and the County of Yolo – Annexation by the Sacramento Municipal Utility District" and appointed Council Members Peart and Pimentel to co-present the Joint Resolution to the SMUD Board on April 6, 2005.

At 7:12 Mayor Rexroad returned to the Council Chambers.

Council Member Pimentel left the meeting at 7:13 and returned at 7:14.



## PRESENTATIONS (continued)

### RIDE FOR KIDS PEDIATRIC BRAIN TUMOR FOUNDATION

Council received a presentation from the Ride for Kids Pediatric Brain Tumor Foundation for the City support of this event last year at which time they raised \$249,000. This year the event will be held on October 2, 2005.

### AGRICULTURE WEEK

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried unanimously, Council proclaimed the week of March 20-26, 2005 as Agriculture Week.

## PUBLIC HEARINGS

### ORDINANCE AMENDING SECTION 14-6-9(B)-PARKING OF PEDDLERS OR VENDORS

At 7:20 Mayor Rexroad opened the Public Hearing. With no comments heard, the Public Hearing was closed at 7:20.

On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council introduced and read by title only an Ordinance amending Section 14-6-9(B), Parking of Peddlers or Vendors; determined the proposed amendments to be exempt from the provisions of the California Environmental Quality Act per Class 8, Actions by Regulatory Agencies.

### REVERSION TO ACREAGE-PROPERTY AT FOURTH STREET, SOUTH OF MAIN-SUBDIVISION MAP 4712

Director Wegener said the owners of the property South of Main on Fourth Street wish to combine three existing lots on Fourth and one on Fifth into one lot. The reversion meets the required criteria for such consideration and it is recommended for approval.

At 7:21 Mayor Rexroad opened the Public Hearing. Hearing no comments, the Public Hearing was closed at 7:21.



On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried unanimously, Council approved the reversion to acreage of property on Fourth and Fifth, South of Main Street in Subdivision 4712 currently owned by Raymond and Eileen Colombara.

#### CONSENT-REGULAR

At the request of Council Member Monroe, Council concurred to remove the following item from the Consent Calendar for separate action:

#### REVISED ANIMAL SERVICES AGREEMENT-FISCAL YEAR 2004-05

On a motion by Council Member Peart, seconded by Vice Mayor Flory and carried, Council approved the revised Animal Services Agreement proposed by the Yolo County Sheriff's Department for Fiscal Year 2004-05. Council Member Monroe abstained.

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

#### MONTHLY TREASURER'S REPORT – DECEMBER 2004

Council reviewed and accepted the January 2005 Investment Report as submitted.

#### GEOGRAPHIC INFORMATION SYSTEM WEB-BASED ECONOMIC DEVELOPMENT VENDOR CONTRACT

Council confirmed authorization for the City Manager to enter into a Service Contract with the most qualified vendor of a Geographic Information System (GIS) Web-based Economic Development application to develop an "Improved/Interactive Economic website" for an initial startup cost not-to-exceed \$21,000; approved subsequent annual contracts for site operation and maintenance with costs not-to-exceed \$17,000.

#### RE-USE OF FORMER K-MART PROPERTY

Council received an update on the new property owners of the old-K-Mart facility on East Main and Matmor and the proposed use of the site.



CITY SURPLUS PROPERTY-FIFTH STREET, SOUTH OF MAIN STREET AND WILSON WAY AT MATMOR LANE

Council received a status report on two properties. One located on Fifth Street between Main Street and Lincoln Avenue, directly behind Nakamura Brothers, APN 006-572-05-1, and the other on Wilson Way located off Matmor Lane between Beamer Street and Donnelly Circle, APN 063-080-40-1.

AGREEMENT TO WAIVE PARTIAL INTEREST IN 2005 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM

Council authorized the City Manager to sign an Agreement to waive any partial interest in the 2005 Byrne Justice Assistance Grant Program.

SECURE OUR SCHOOLS GRANT FUNDING

Council approved acceptance of a Federal Grant, "Secure Our Schools", and continued efforts in the process.

CLEAN AIR GRANT APPLICATION FOR ALTERNATE FUEL VEHICLE

Council authorized staff to submit two Clean Air Grant applications to the Yolo-Solano Air Quality Management District for funding of alternative fuel vehicles.

ADDITIONAL FUNDS FOR CAPITAL PROJECT FUNDING - SURFACE WATER FEASIBILITY STUDY PROJECT 99-21

Council approved increased expenditures for Fiscal Year 2004-05 by \$155,800 for additional work and release of retention for Project 99-21, Surface Water Feasibility Study.

THREE-PARTY MEMORANDUM OF UNDERSTANDING-WATER AND SEWER SERVICE TO PROPERTIES IN THE UNINCORPORATED AREA (WESTUCKY) AND SUBMISSION OF APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION

Council authorized Mayor Rexroad to sign a three-party Memorandum of Understanding regarding out-of-agency services; authorized staff to submit the



appropriate application to the Local Agency Formation Commission (LAFCO) for out-of-agency services upon County of Yolo execution of the Memorandum of Understanding and payment of the requisite LAFCO filing fees by the applicants.

#### DEFERRAL OF DEVELOPMENT BUILDING PERMIT FEES-VOSBURG APARTMENTS

Council approved deferral of City Development building permit fees in the amount of \$270,145.44 for the Vosburg Apartments located at 505 California Street.

#### CONSENT CALENDAR - REDEVELOPMENT

At the request of Board Member Peart, the Board concurred to remove the following item from the Consent Calendar for separate action:

#### CASA DEL SOL PROJECT ON EAST STREET

On a motion by Board Member Pimentel, seconded by Vice Chair Flory and carried, the Board received a progress report from the Community Housing Opportunity Corporation regarding the Casa Del Sol Mobile Home Park. Board Member Peart abstained.

#### REPORTS OF THE CITY MANAGER (continued)

#### SISTER CITY: LA PIEDAD DE CABADAS, MEXICO

Council Member Pimentel said he and former Council Member Xavier Tafoya traveled to La Piedad and were very well received. They met with the Mayor and discussed what the Cities could do to foster relations and to learn from each other, such as naming a street in each City after the Sister City, sharing products and crafts, etc. Visitations were made to some of the City facilities. A women's domestic violence center and an alcohol abuse center are in need of assistance. The Council and twelve members with a directly elected Mayor. Approximately 15% of the Hispanic population of Woodland are from that area of Mexico. Mr. Tafoya said it is a centralized City where those in the surrounding areas come to purchase their supplies. He urged the Council to continue with this program. Council Member Pimentel would like a Sister City Sub-Committee formed to work on the next steps. There is a question of forming a 501(c) (3) so that the City itself would not be directly involved in funding. Council Member Pimentel and Vice Mayor Flory will be part of the Sub-



Committee with Mayor Rexroad as the alternate. Vice Mayor Flory said another trip is tentatively planned for June 2005.

#### WILD AND SCENIC DESIGNATION FOR CACHE CREEK

Assembly Member Lois Wolk said she is sponsoring A. B. 1328 for a Wild and Scenic Designation on 30 miles of Cache Creek. The Board of Supervisors has endorsed this designation at a 4 to 1 vote. There is a great deal of misinformation regarding this issue. There can be no dams or diversions on this section of the Creek only. It is understood a dam will never be constructed on this Creek. The State designation will preserve the Creek but she does not support a Federal designation. This will not affect any flood solution for the City. The area above and below the 30 miles designated area can be used for flood protection measures. She asked Council to focus on the process and asked that the City Attorney analyze and have the City Manager work with her on the City's concerns while the process is moving forward.

Mayor Rexroad said letters had been received from several people, one of which was Senator LaMalfa who has an issue with a commitment made to him about previous legislation. Assembly Member Wolk said he has been kept informed but has indicated he will not support this legislation. Mayor Rexroad asked about the letter from Supervisor Robe that he is not in support and Assembly Member Wolk said many of his concerns had been addressed. Council Member Monroe said the rafting company feels they will be shut down. Assembly Member Wolk said the Federal language would close it down, not the State. The State designation will not affect the ability to continue what they are doing.

Council Member Peart asked if the Federal designation could go into affect and supercede the State designation and Assembly Member Wolk said she does not support the Federal designation and is trying to get language that will make that designation highly unlikely to occur. The land is publicly owned by the Bureau of Land Management. Council Member Peart said he does want to protect any type of flood solution for the City and does not want any options to block our efforts for that protection.

Council Member Monroe left the meeting at 7:50.

Tim O'Halloran from Flood Control does not support the process. This is not a free flowing Creek. Without some type of water storage the Creek dries



up. The State legislation encourages Federal legislation. There are mercury and other issues which the City and his office are discussing.

Council Member Monroe returned to the meeting at 7:52.

Blake Harlan said the Water District has helped to protect the citizens and maintain the needed water. There is no eminent threat to move quickly on this proposed designation. There has been no opportunity to collaborate. He would like the City to oppose this legislation until the Bill has been reworked.

Eric Paulsen said the Farm Bureau voted against the legislation. They want a collective mutual approach to address the problems on this Creek.

Patricia Valenzuela stated she is Supervisor Chamberlain's Representative. He voted against the designation. There are water issues, mercury and Cache Creek is a watershed.

Jack Freeman encouraged opposition. This will be another layer of government and there is very little concern about the water.

Mayor Rexroad left the meeting at 8:00 and returned at 8:02.

Dan Ryhal asked Council to use caution on this issue. He said we have a serious issue on flood control and keep our options open. This is not in the City's best interest at this time.

Nancy Lea urged the Council to vote no on this designation. There is no reason to inject another layer via the State with the Federal most assuredly becoming involved. We do not need to shut our options off for water and flood needs.

Louise Franzen said she opposes the designation.

Council Member Peart said he is not ready to commit to a decision until we can strike some language he can support. Vice Mayor Flory said the report seems to be on Federal legislation rather than the State. He is not ready to support and would like Staff to discuss with Assembly Member Wolk on how this would benefit the City. Mayor Rexroad said the only issue is our need for flood control and if this exemption was in the language, he would consider. Council Member Monroe said he wants to work with Assembly Member Wolk on this prior



to proceeding. Council Member Pimentel said Assembly Member Wolk is willing to work with us on flood control measures. Mayor Rexroad suggested opposing the Bill unless we get the language on flood control included.

On a motion by Council Member Pimentel, seconded by Council Member Peart and carried unanimously, Council directed that Staff work with Assembly Member Wolk and return with language at the April 19, 2005 meeting with a recommendation on the proposed Bill.

At 8:12 Council Member Peart left the meeting and returned at 8:14.

#### POLICY REGARDING CITY-WIDE SMOKE FREE PASSAGEWAYS/ENTRYWAYS

Mayor Rexroad stated he had been asked to have Council consider adoption of a City-wide policy which has been adopted by the State. This policy would provide minimal exposure of second hand smoke to citizens.

Allison Skinner and Hannah Bringhurst of the Youth Coalition said they will be providing signage and public education on the proposal to ban smoking within 20 feet of doors and operable windows throughout the City.

Matt Cervantes from the American Cancer Society said it has been proven that second hand smoke is a carcinogen.

Council Member Peart indicated his support of the policy. However, there are many businesses that have spent funds to provide outdoor smoking areas for their patrons. He would like some conditions included so that some of these businesses would not have to move areas already so established. Vice Mayor Flory asked that the City Attorney approve the Ordinance language. Mayor Rexroad does not feel that businesses should have another regulation. If someone is smoking on the public sidewalk outside, those walking by would be exposed. Council Member Pimentel said the policy as proposed needs to be refined. Vice Mayor Flory said there have been some who have spent money to prepare outdoor areas but you still have to walk through the area to get inside the business. Council Member Monroe said service clubs and bars should have some type of exemption. There needs to be more flexibility.

On motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried, Council directed the City Attorney and Staff to prepare an Ordinance that would ban smoking form within 20 feet of the primary entrance of an establishment in the City. Mayor Rexroad voted to the negative.



### DESIGN AWARD FOR NEW WOODLAND POLICE STATION

Police Chief Sullivan advised Council that the Sacramento Business Journal held the annual "Real Estate Deals of the Year Awards" for those buildings who have added value to their community and surrounding area. The new City of Woodland Police Facility tied for first place with the Sacramento County Facility.

### RESOLUTION 4620-U. S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SUPPORT

On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council adopted Resolution 4620, a Resolution in "Demonstration of Support for the US Department of Housing and Urban Development Block Grant Program and Urging Congress to Restore Its Funding" and authorized Staff to submit such letters of support.

### COMMUNITY OUTREACH-UTILITY RATE INCREASE

Director Wegener said Council had previously discussed the proposed increase in utility rates and the need for very proactive community outreach. The Council and Chamber of Commerce have been working with Staff to develop a public outreach process to provide information regarding the condition of our utilities and the need for the rate adjustments. He outlined the recommended outreach action plan.

Council Member Monroe asked if there is a method to defer flood protection for the Waste Water Treatment Plant at this time. Director Wegener said the City could defer; however, the Regional Water Quality Control Board (RWQCB) may raise the issue that we must protect the Plant at this time because of the flood threat. There is a great deal of expensive equipment that needs to be protected. The Flood Protection cost is at \$1.5 million of the total \$30 million needed. Some is for the localized rain runoff. The RWQCP does encourage us to protect soon and not delay. The health aspect could also be of concern should flooding occur.

Michael Contreras said he has not received any information on this issue. He expressed his concern that there does not need to be an increase in rates. The City should be sending out e-mails to all citizens on the issue, as well as, written information.

City Manager Kirkwood indicated the City does not provide notices via e-mail. Director Wegener said there is a requirement to send via U. S. Mail to all



property owners of record based on the Assessor's listing and the City has complied with that requirement.

On a motion by Council Member Pimentel, seconded by Council Member Peart and carried unanimously, Council approved the community outreach recommended action plan regarding the pending utility rate increase.

RESOLUTION 4621-SPRING LAKE SPECIFIC PLAN AMENDMENT #5-HIGHWAY 113 PEDESTRIAN/BICYCLE OVER-CROSSING; FIND AMENDMENT ADDRESSED IN CEQA ADDENDUM #6

Director Stevens indicated that Council had requested the movement of the Sports Park location issue and that of the pedestrian/bicycle over-crossing be separated for action. A Sub-Committee reviewed the proposed over-crossing and recommends approval of inclusion in the Plan. Director Stevens itemized the fourteen benefits found by inclusion of the over-crossing.

On a motion by Council Member Peart, seconded by Council Member Pimentel and carried unanimously, Council approved Resolution 4621, approving Spring Lake Specific Plan Amendment #5 to add a pedestrian/bicycle over-crossing over State Route 113 at the extension of Farmer's Central Road; found that the amendment is addressed in CEQA Addendum #6.

MAJOR PROJECTS FINANCING PLAN UPDATE AND FEE NEXUS STUDY; URGENCY ORDINANCE 1420-INTERIM DEVELOPMENT IMPACT FEES

City Attorney Siprelle said the Government Code authorizing this Ordinance is clear that when adopted, an Interim Ordinance has specific requirements that are separate from other Ordinances. When the regular Ordinance is adopted, all of the procedures relating to fees will be necessary. The City needs to collect money to protect the health, safety and welfare of the citizens, which drives these Ordinance procedures.

Director Wegener said the proposed action is to adopt the Urgency Ordinance for 30 days to allow bond measures to proceed. The final fee schedule is anticipated for adoption within 60 days. Funding requirements have increased by 77%. There are several factors that have driven the increases, i.e., water costs at +211%, fire costs at +173%, parks at +147%, road costs at +68%, and waste water costs at +65%. The proposed increase in fees are a substantial increase but are not the highest in the region.



Council Member Peart left the meeting at 8:53 and returned at 8:54.

These fees do not include the storm drainage fees. The developers do want to discuss these fees and the possibility of a refund should the final determination indicate the fees are not as high as anticipated. Six wells are needed in the Southeast area of the City and there are funds available for only two at present.

Mayor Rexroad said the fluoridation of the water has been discussed and asked if the wells could be made compliant should that issue be approved. Director Wegener indicated to the positive.

On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council received the City of Woodland Major Projects Financing Plan Update and Fee Nexus Study of March 2005; adopted Urgency Ordinance 1420, "An Ordinance of the City of Woodland Establishing Interim Development Impact Fees Based on the City of Woodland Major Projects Financing Plan Update and Fee Nexus Study 2005". On roll call, the vote was as follows:

AYES:	Council Members Flory, Monroe, Peart, Pimentel, Rexroad
NOES:	None
ABSENT:	None
ABSTAIN:	None

#### MINUTES – REGULAR AND REDEVELOPMENT

Council adopted the minutes of the joint Council and Redevelopment Agency Board meeting of December 14, 2004 with consensus.

#### COMMUNICATIONS

Council received a notice of an application for an on-sale Alcoholic Beverage Control license for Excel, Inc., located at 1600 Tide Court.

Council received a notice of an application for a person-to-person transfer of an Alcoholic Beverage Control license for Club Coyote, located at 11 East Street.

Council received a copy of a letter from the U. S. Department of Housing and Urban Development regarding the City's capacity to continue to implement and administer the Community Development Block Grant Program.



Council received letter of invitation to attend the County of Yolo General Plan Summit.

### COMMITTEE REPORTS

Council received the minutes of the Manufactured Homes Fair Practice Commission meeting of January 24, 2005.

Council received the minutes of the Traffic Safety Commission meeting of February 7, 2005.

Council received the minutes of the Yolo County Communication Emergency Services Agency meeting of February 14, 2005.

### ORDINANCE

#### ORDINANCE 1421-PRE-ZONE SPORTS PARK PROPERTY, ASSESSOR'S PARCEL NUMBERS 041-080-02 AND 041-080-13

On a motion by Council Member Peart, seconded by Council Member Pimentel and carried unanimously by roll call vote, Council adopted Ordinance 1421, "An Ordinance of the City Council of the City of Woodland Pre-Zoning the Sports Park Property (APNs 041-080-02 and 041-080-13)". On roll call the vote was as follows:

AYES:	Council Members Flory, Monroe, Peart, Pimentel, Rexroad
NOES:	None
ABSENT:	None
ABSTAIN:	None

#### ORDINANCE 1422-COMPOSITION OF THE PARKS, RECREATION, COMMUNITY SERVICES AND URBAN FORESTRY COMMISSION

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously by roll call vote, Council adopted Ordinance 1422, "An Ordinance of the City of Woodland Amending Section 2-7-25 Relating to the Composition of the Parks, Recreation, Community Services and Urban Forestry Commission". On roll call the vote was as follows:



AYES: Council Members Flory, Monroe, Peart, Pimentel, Rexroad  
NOES: None  
ABSENT: None  
ABSTAIN: None

### ADJOURNMENT

Mayor Rexroad adjourned the regular meeting of the City Council and the Redevelopment Agency Board at 9:06 p.m.

Respectfully submitted,

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Sue Vannucci, CMC, City Clerk