

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

**CITY COUNCIL
SPECIAL/CLOSED SESSION**

FEBRUARY 1, 2005

6:30 P.M.

Council held a special closed session to discuss a Public Employee Performance Evaluation pursuant to Government Code Section 54957 for the City Manager. Present at this session were Mayor Rexroad, Vice Mayor Flory, and Council Members Monroe, Peart and Pimentel (arrived at 6:31 p.m.).

**WOODLAND CITY COUNCIL
REGULAR MEETING**

7:00 P.M.

Vice Mayor Flory announced that Council had met in special closed session at 6:30 to discuss a Public Employee Performance Evaluation and had provided direction to Mayor Rexroad.

CALL TO ORDER

Vice Mayor Flory called the regular meeting of the City Council to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Flory invited all present to join in the Pledge of Allegiance led by Council Member Pimentel.

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, Steve Ingram, Ann Siprelle, Tricia Stevens, Sue Vannucci, Karl Diekman, Carey Sullivan, Gary Wegener, Dan Gentry, Katie Furtado, Randy Madison, Dick Donnelly, John Everett, Robert Bishop, Aaron Laurel

OTHERS PRESENT: Contract Engineer Nick Ponticello

PUBLIC COMMENT

Assistant City Attorney Ingram said on January 18, 2005 Council closed the Public Hearing on the Gateway Auto Center project and there is no new Public Hearing noticed on that topic this evening. The action does allow members of the public to speak during Public Comment. The comments received are not to be included in administrative record for the matter and there will be no response to those comments relating to the project.

Michael Contreras distributed language he intends to put into an initiative that will go before the County of Yolo. The County plans to utilize eminent domain on the Conaway property. He is opposed to the process.

COUNCIL/STAFF COMMENTS

Council Member Monroe asked that Council place on a future agenda discussion of moving the Sports Park to the Woodland Community College property.

PRESENTATION

HISTORICAL PRESERVATION COMMISSION

Meta Bunse and John McMahan of the Historical Preservation Commission advised Council of their mission, that of preservation of historic buildings. Past, current and future activities of the Commission were summarized.



PUBLIC HEARINGS

RESOLUTION 4602-ENERGY SERVICES CONTRACTS FOR CALIFORNIA ENERGY COMMISSION LOAN PROJECT

Associate Engineer Furtado said the California Energy Commission project was previously approved by Council in April of 2004. The company scheduled to complete the project was unable to secure bonding. The project will necessitate the utilization of several contractors and their various areas of expertise to complete. These energy efficiency upgrades will provide the City with a resultant savings in energy costs which will equal the loan payments over the 10 year loan life.

At 7:35 Vice Mayor Flory opened the Public Hearing. With no comments heard, Vice Mayor Flory closed the Public Hearing at 7:35.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously, Council adopted Resolution 4602, a "Resolution of the City Council of the City of Woodland Authorizing Expenditure of Energy Efficiency Loan Funds and Approving Energy Conservation Contract", made findings that approved entering into multiple energy services contracts; authorized the City Engineer to finalize and execute energy services contracts with Park Mechanical Corporation, Layne Christensen Company, Sigma Engineering Consulting Mechanical Engineers, Brown and Caldwell Environmental Engineers and Consultants, Hester Roofing and Bob DePratt at a total not-to-exceed the programmed cost of \$2,150,000; authorized the City Engineer to issue change orders to the contract for any additional maintenance and repair requirements revealed during evaluation.

RESOLUTIONS 4603, 4604 AND 4605-INITIATE PROCEEDINGS, PRELIMINARILY APPROVE ENGINEER'S REPORT AND SET PUBLIC HEARING FOR SPRING LAKE SPECIFIC PLAN AREA LIGHTING AND LANDSCAPING DISTRICT

Director Wegener said the costs for the Spring Lake Lighting and Landscaping District reflect the higher landscaping and other amenities in the District and excludes the Community Facilities District for the Sports Park. The Developer has requested an independent review of the park maintenance costs and has indicated it is to be funded by the Developer. This review will be accomplished within the 45 day review period. The ballot process is scheduled for the March 22, 2005 meeting where Council will take action on the formation of the District. Costs can be adjusted downward without a ballot before the property owners.



At 7:43 Vice Mayor Flory opened the Public Hearing.

Tom Lumbrazo of Russell Ranch supports the District formation and structure. He has a concern about the costs of the park maintenance. They would like an independent study conducted to analyze as they feel costs are too high. All of the developers are willing to pay for this study.

At 7:46 Vice Mayor Flory closed the Public Hearing.

On a motion by Council Member Peart, seconded by Council Member Pimentel and carried unanimously, Council adopted Resolution 4603, "A Resolution of the City Council of the City of Woodland, California, Initiating Proceedings for the Formation of Spring Lake Landscaping and Lighting District for Fiscal Year 2005-2006", Resolution 4604, "A Resolution of the City Council of the City of Woodland, California, Preliminarily Approving the Engineer's Report for Fiscal Year 2005-2006, for the Spring Lake Landscaping & Lighting District", and Resolution 4605, "A Resolution of the City Council of the City of Woodland, California, Declaring Its Intention to Order the Approval of the Formation of Spring Lake Landscaping & Lighting District to Levy and Collect Assessments Within Such District, Declaring Its Intention to Conduct a Property Owner Balloting on the Matter of New Assessments, and Appointing a Time and Place for Hearing Protests for Fiscal Year 2005-2006".

Council Member Pimentel left the meeting at 7:46 and returned at 7:47.

ORDINANCE 1415-INTERIM URGENCY ORDINANCE REGARDING MEDICINAL CANNABIS DISPENSARIES

Director Stevens said the issue of medicinal cannabis is still before the Supreme Court. Until final decisions are rendered by the Court, it is recommended to extend our intentions on the issue by adopting an new Ordinance to so extend.

At 7:50 Vice Mayor Flory opened the Public Hearing. With no comments heard, Vice Mayor Flory closed the Public Hearing at 7:50 p.m.



On a motion by Council Member Peart, seconded by Council Member Pimentel and carried unanimously, Council adopted the "Report of the City Council of the City of Woodland on the Interim Urgency Ordinance No. 1400 Regulating Medical Marijuana Dispensaries".

On a motion by Council Member Peart, seconded by Council Member Pimentel and carried unanimously, Council adopted Ordinance 1415, "An Ordinance to Extend Urgency Ordinance 1400 of the City of Woodland Amending Articles 13 and 21 of Chapter 25 of the Woodland Municipal Code by Amending Sections 25-13-10 and 25-13-20 and Adding Section 25-21-85 Relating to the Establishment and Operation of Medical Marijuana Dispensaries". On roll call the vote was as follows:

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

REPORTS OF THE CITY MANAGER

GATEWAY AUTO CENTER PROJECT

Director Stevens said there had been a letter submitted in January 2005 with specific issues and questions. Each of those questions and issues that had not been previously addressed in the Environmental Impact Report (EIR) and other documents were answered. The changes in the EIR have all been reviewed. There was also a packet from Herum and Crabtree on the impact of big box stores. All of those concerns have been addressed as well. There is some economic impact that would not result in urban decay and does not trigger a new EIR. The City will be working with the Downtown and County Fair Mall to address revitalization in those areas. There is a new buyer for the old K-Mart property. There are no new significant impacts and will not require a new EIR unless Council should determine to go in another direction. There was a February 1, 2005 version of the Development Agreement with the changes as requested previously by Council. Those changes were: (1) one year timeframe for the reserve area; (2) timeframe for the \$1 million for the Downtown.

City Attorney Siprelle reminded Council the Public Hearing had been closed on this item and it is not appropriate to take further testimony, respond to Public Comments, or add to the administrative record at this time.



Council Member Monroe said at the 2 X 2 last week the County of Yolo said they had finalized an agreement with the City in 1989 because only the auto dealers were slated to go to this site. The County now says with the changes in the use, they have the right to more sales tax revenue than originally negotiated. We are not legally bound to reopen negotiations with the County on this issue.

Dudley Holman, former Council Member, was asked by Council to provide his recollection of the discussions on the negotiations with the County. He said he does not remember the discussion having taken place before the Council as a whole and it may have been in the 2 X 2 between the City and County. There were similar meetings on other properties. The City was not eager to work with the County based on how they had been treated on other issues. The annexation of the Southeast Area was difficult and the County was unhappy with the discussions. He can give no credence that there was any agreement to reopen the sales tax issue.

Gary Sandy, former Council Member, was also asked to speak on his recollection of the issues. At that time, many changes in the City finances were before the Council. This project came as a proposal for an auto mall and auto-related businesses. All auto dealers within the City would move to this site and it would not affect the County sales tax at all. It was predicated on the premise that the property would be an auto mall. He remembers discussion that should it not be the case, there were to be reopeners for sales tax issues. Efforts following to rezone did not happen.

Council concurred that no additional comments would be heard on this project at this meeting.

Vice Mayor Flory moved and Council Member Monroe seconded to approve the actions of the Sub-Committee with a two year time limit on the five acres which would start immediately and to have a limit on the grocery at 45,000 square feet.

Mayor Rexroad moved and Council Member Pimentel seconded to accept the Sub-Committee recommendations with the five acres having a two year restriction, no restriction on the grocery element and the \$1 million to the downtown upon first occupancy. Council Members Peart and Pimentel agreed on their opposition to a grocery restriction.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried, Council took the following actions with the changes (1) the \$1 million will go to the Downtown upon first occupancy; (2) the two year set aside on the five acres will begin this day; (3) no grocery restrictions. Council



Member Peart called for a separation of the vote for items 1 through 3 and items (a) through (g) and a roll call on the items 1 through 3 as follows:

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

The vote on the following actions was unanimous approval:

- (a) Adopted Resolution 4606, a "Resolution of the City Council of the City of Woodland Adopting CEQA Findings of Fact; Adopting a Statement of Overriding Considerations; Adopting a Mitigation Monitoring Plan; and Certifying the Final Environmental Impact Report for the Woodland Gateway and Auto Center".
- (b) Determined that the project, as conditioned, is consistent with the General Plan and Zoning.
- (c) Conducted the First Reading of an Ordinance to amend the Zoning Ordinance to allow for regional shopping center uses in the C-H and EOZ zone, (Attachment C of January 18, 2005 Council Communication).
- (d) Conducted First Reading of Ordinance to approve a Development Agreement between Woodland Investment Company, LLC and the City of Woodland (February 1-Attachment C).
- (e) Approved Master Conditional Use Permit per conditions in Attachment E of January 18, 2005 Council Communication.
- (f) Approved tentative parcel map with conditions in Attachment E of January 18, 2005 Council Communication.
- (g) Continued to February 15, 2005 for second reading of Ordinances and final approval of project.

Mayor Rexroad left the meeting at 8:19 and returned at 8:21.

Council Member Pimentel left the meeting at 8:19 and returned at 8:20.



FLEET RECOVERY PROGRAM; SURCHARGE; REMAINING 2004-05 VEHICLE REPLACEMENTS

Director Wegener said there had been a policy to set aside funds annually for planned replacement of individual vehicles. This process has been underfunded since the early 1990's due to budget shortfalls. A program to rectify that situation is not feasible without utilizing a lease-purchase process for high cost items. The proposed five year recovery period is to validate the expected life of City vehicles, to provide realistic projections on replacement costs, on the higher cost/longer life vehicles it is proposed to have a lease purchase with no advance set-aside required, provide for full funding of replacement set-aside for the balance of the fleet, and to provide for five year cash flow models with zero, ten percent and twenty percent surcharges. The ending fund balance in five years with no surcharge is \$73 thousand, with a ten percent surcharge it is \$307 thousand, and with a twenty percent surcharge, \$541 thousand. The annual procurements are at between \$490 and \$750 thousand over the next five years, which will catch the City up on the backlog of replacements needed. It is proposed that Council implement the ten percent surcharge on the replacement set-aside rates for the first five years, continue to update and refine cost data and to utilize the lease-purchase process for higher cost/longer life vehicles. It is proposed to replace during 2004-05 fifteen vehicles at an estimated cost of \$327,335.

On a motion by Council Member Monroe, seconded by Council Member Pimentel and carried unanimously, Council accepted and approved the Fleet Recovery Program with a ten percent surcharge on the replacement set-asides to build up the Replacement Reserves; authorized remaining 2004-05 vehicle replacements totaling \$327,335 with a five percent contingency authorized per vehicle.

ANNUAL REPORT ON HOUSING ELEMENT

Planner Laurel presented the annual Housing Element Report as required by the State Department of Housing and Community Development. He outlined the progress in meeting the housing needs, the effectiveness of the housing element in attaining the housing goals and objectives, and our progress toward mitigating governmental constraints identified in the housing element. The City is making good progress to meet our goals. The Spring Lake Specific Plan area and new affordability policies will also help meet the need. The density bonus Ordinance caught us up to our goals, but then the State changed the law. The monitoring guidelines also helped. The new Heritage Oaks Apartment designation will also be of significant assistance in reaching our goals.



Mayor Rexroad asked about the Sacramento Valley Organizing Community project status. City Manager Kirkwood indicated a letter had been received from SVOC on the time schedule and status. They have issued a contract and are in the final due diligence stages. It should be on the Agenda for action very soon. New Faze is no longer involved and financing is an issue.

COMMUNITY SERVICE AWARD RECIPIENTS

On a motion by Council Member Peart, seconded by Council Member Pimentel and carried unanimously, Council awarded the 2005 Community Service Awards to Wayne Ginsburg, Dorothy Minges, Pat Murray, Jesse Ortiz and the Woodland Reveille Lions Club. The presentation will be made at the awards dinner on February 25, 2005.

ORDINANCE-AMEND SECTION 2-1-41 REGARDING REMOVAL CONDITIONS OF APPOINTED EMPLOYEES

City Manager Kirkwood indicated Council had requested language in the Code be amended to change the grace period following Council election from one year to six months whereby Council could remove appointed employees from service to the City.

On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council introduced and read by title only "An Ordinance of the City of Woodland Amending Section 2-1-41 Relating to Grace Period Prohibiting Removal of Appointed Employees After an Election".

CONSENT

Council concurred to remove the following item from the Consent Calendar for discussion:

REPAIRS AND REPLACEMENT OF SIDEWALKS AND TREES IN HERITAGE PLAZA

Vice Mayor Flory asked if the trees could be fitted with lighting during this process. Director Gentry said the amount would increase from \$10,000 to at minimum \$20,000. He will return with additional figures at the next Council meeting.



On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council approved the transfer of \$10,000 of unappropriated reserves to the Park Maintenance Budget for repairs to Heritage Plaza. Proposed additional funding for the lighting of the trees shall return to Council at a future meeting date.

City Manager Kirkwood removed the following item from the Consent Calendar to provide additional information:

"FRIENDS OF THE COURT" LETTER TO SUPPORT "MAXIMUM EXTENT STANDARD" LANGUAGE IN CLEAN WATER ACT FOR STORM WATER

City Manager Kirkwood indicated he and Director Wegener are working on final language of the proposed letter to the Court and asked that Council authorize submission following final refinements.

On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council authorized the Mayor and City Manager to finalize and send a letter to Chief Justice Ronald George, Supreme Court of California, requesting the Supreme Court to grant an appeal hearing to the Building Association of San Diego County et. al. v. State Water Resources Board, et. al.

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

MONTHLY STATUS REPORT – COMMUNITY DEVELOPMENT

Council received the Monthly Status Report for January 2005 from Community Development.

MONTHLY STATUS REPORT – PARKS, RECREATION & COMMUNITY SERVICES

Council received the Monthly Status Report for January 2005 from Parks, Recreation and Community Services.



MONTHLY STATUS AND CAPITAL BUDGET EXECUTION REPORTS - PUBLIC WORKS

Council received the Monthly Status and Capital Budget Execution Reports for January 2005 from Public Works.

UNCONTROLLED INTERSECTIONS

Council received a report on uncontrolled intersections throughout the City and a history of Vehicle Code language for yielding at those intersections.

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM STATUS AND BOURN AVENUE TRAFFIC CALMING MEASURES

Council received a report on the Traffic Management Program and traffic calming measures.

WAIVER PROCESS-COMPETITIVE BIDDING FOR STREETS AND SEWER MAINTENANCE AND REPAIR WORK

Council received a report on the waiver process for competitive bidding for streets and sewer maintenance and repair work.

RESOLUTION OF INTENTION 4607-AMEND PERS CONTRACT-POLICE 3% @ 50; RESOLUTION 4608-INTERNAL REVENUE CODE SECTION 414 (H)(2) FOR PRE-TAX MEMBER CONTRIBUTION PAYMENT

Council approved Resolution 4607, a "Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Woodland" to change the existing PERS contract for safety police members to the 3% at 50 retirement formula with 4% cost sharing; authorized the City Clerk to sign a Certification of Compliance with Government Code Sections 7507 and 20516 and to sign a Certification of the Governing Body's action; introduced and read by title only the Ordinance amending the PERS contract; approved Resolution 4608, "A Resolution to Approve an Amendment to the Contract Between the Board of Administration, California Public Employees' Retirement System and the City Council of the City of Woodland", Internal Revenue Code section 414(h)(2) which



allows employees to pay their own member contributions on a pre-tax basis and defer State and Federal income tax on the member contributions.

RESOLUTION 4609-SELF-DIRECTED TAX ADVANTAGED RETIREMENT SYSTEM
457 DEFERRED COMPENSATION PROGRAM

Council adopted Resolution 4609, a "Resolution Approving Adoption of the City of Woodland STARS 457 Deferred Compensation Plan", as the third deferred compensation plan for the City.

2005 HOMELAND SECURITY SUMMIT PARTICIPATION

Council received a report on the 2005 Homeland Security Summit participation.

NAME FOR COUNTY ROAD 102 WITHIN THE CITY LIMITS

Council received a report deferring consideration of this item until the Gateway project has been completed.

RESOLUTION 4610-YOLO COUNTY DESIGNATION-WORKFORCE INVESTMENT
AREA

Council adopted Resolution 4610, "A Resolution in Support of Yolo County's Designation as a Workforce Investment Area and Opposing the California Performance Review, Section GG23, Recommendation to Realign and Consolidate Workforce Investment Areas and Boards"; authorized the City Manager to prepare for the Mayor's signature and submit a letter to the Governor supporting the County; declared the City's opposition to the California Performance Review Commission recommendation in Section GG23.

COMMUNICATIONS

Council received notification from Charter Communications regarding a change in their rates.



COMMITTEE REPORTS

Council received the minutes of the Commission on Aging meeting of November 9, 2004.

Council received the minutes of the Parks, Recreation and Community Services Commission meeting of November 22, 2004.

Council received the minutes of the Library Board of Trustees meeting of December 6, 2004.

Council received the minutes of the Manufactured Homes Fair Practices Commission meeting of December 13, 2004.

ADJOURNMENT

Vice Mayor Flory adjourned the regular meeting of the City Council at 8:39 p.m.

Respectfully submitted,

Sue Vannucci, CMC, City Clerk