

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

September 17, 2002

CITY COUNCIL
SPECIAL SESSION
YOLO HOUSING RECREATION CENTER
1285B LEMEN AVENUE
WOODLAND, CALIFORNIA
5:00 P.M.

Council attended a Special Session of the Council to participate in the Grand Opening of the Yolo Housing Recreation Center at 5:00 p.m. Members present participated in the Ribbon Cutting Ceremony.

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, Jeff Monroe, Neal Peart,
Matt Rexroad

COUNCIL MEMBERS ABSENT: David Flory

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Dan Gentry

CITY COUNCIL
SPECIAL/CLOSED SESSION
CITY HALL
6:00 P.M.

Council met in Closed Session to hold a conference with Legal Counsel regarding Anticipated Litigation-Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9. One Case. Present at this session were Vice Mayor Rexroad, Council Members, Dote, Monroe and Peart, City Manager Kirkwood, Assistant City Manager Marler and City Attorney Siprelle. Mayor Flory was absent. Assistant City Manager Marler and City Attorney Siprelle left the meeting at 6:20 p.m. Council also held a Public Employee Performance Evaluation; City Manager; Pursuant to Section 54957. Present at this portion of the session were Vice Mayor Rexroad, Council Members Dote, Monroe and Peart, and City Manager Kirkwood.



**CITY COUNCIL MEETING AND
REDEVELOPMENT AGENCY BOARD
JOINT REGULAR MEETING
7:00 P.M.**

Mayor Flory announced that Council had met in Closed Session for the purpose of holding a Conference with Legal Counsel regarding and anticipated litigation and an evaluation of public employee, City Manager. Information was received and no decisions made.

CALL TO ORDER

Mayor Flory called the joint regular meeting of the City Council and the Redevelopment Agency Board to order at 7:06 p.m.

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by Council Member Monroe.

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, Jeff Monroe, Neal Peart, Matt Rexroad, David Flory,

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Harry Hogan, Dan Gentry, Mark Dennis, Marie Bryan, David Ingman, Sue Vannucci, Karl Diekman, Gary Wegener, Dick Donnelly, Bruce Lecair, Bruce Pollard, Steve Sante-Croce

PUBLIC COMMENT

Rory Ramirez indicated he is the owner of the current Quik Fixx, a drive through coffee shop, and is in pursuit of opening another in the City. He has been having difficulty reaching that goal and has been working with staff in that regard. He commended his contact with Phil Marler, Michael Graham and Ron Pinegar for their



assistance. Mr. Ramirez said he had reviewed some comments made by Mayor Flory in regard to the goals of the City and elimination of "red tape" to reach those goals.

COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Rexroad attended a County 2 X 2 meeting with Council Member Monroe. At that meeting the County advised the new Juvenile Hall will be located in the area of Road 102 and East Gibson. He wanted the Council to be aware of that relocation and the possible visual aspects of the facility on the entryway to the City. He also requested information the County Resolution on Flood Control issues.

Council Member Dote attended a Water Resources Association meeting where they had voted to support the grant application from the Dunnigan Water District. She asked this item to be placed on the Agenda for Council consideration and support as well. The Habitat Conservation Plan Joint Powers Agency indicated they had received a grant from the Packard Foundation in the amount of \$50,000 and one from the Federal government in the amount of \$395,000.

Council Member Peart indicated the West Nile Virus has been found in California. He requested placement of a presentation by David Brown, Director of the Sacramento-Yolo Mosquito and Vector Control District on the Agenda within the next month. He would also like an item on a near future Agenda in regard to yard sale signs and other types of temporary signs and the blight they present. Current sign ordinances need to be enforced and he would like the yard sale sign issue to be made a part of those ordinances.

Council Member Monroe attended Family Diversity Day and indicated he had received information regarding Toy Library. This program provides for toys to be checked out for three weeks by contacting the office at 1017 Main Street.

Mayor Flory requested a Closed Session item be scheduled on the evaluation of the City Attorney as it has been over a year since the last evaluation. He also requested a report on the previous request for information on temporary fencing throughout the City such as those located at the vacated Burger King Restaurants on Court Street and East Main Street.

City Manager Kirkwood indicated he would contact the Assistant County Administrator, Tim Huntley and ask that he attend the meeting on September 24, 2002 to discuss the Juvenile Hall location. He will also assign a Staff member to review the processes and make a presentation on yard sale signs at a meeting of the Council in October or November. The City Attorney is presently working with the Sign Committee on temporary signage. Council Member Peart would like to meet with this group.



City Clerk Vannucci corrected the Agenda item #3 to indicate the wording should be diocese, not dais.

PRESENTATIONS

PROCLAIM SEPTEMBER 29, 2002 AS "DYNAMITE DOWNTOWN CHILI COOK-OFF" DAY

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and carried unanimously, Council proclaimed Sunday, September 29, 2002 as Dynamite Downtown Chili Cook-Off Day in Woodland. Mayor Flory presented the Proclamation to Members of the Cook-Off Committee, John Fenrich, Dona Mast and John McMahan, and Chamber of Commerce Executive Director Kristy Wright. Mr. Fenrich indicated the event will take place in Freeman Park this year, "Chili in the Park" and presented a framed poster to the Mayor.

CERTIFICATE OF APPRECIATION TO CATHERINE CAMPBELL, EPISCOPAL DIOCESE OF NORTHERN CALIFORNIA

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and carried unanimously, Council approved presentation of a Certificate of Appreciation to the Episcopal Church of the Diocese of Northern California and to the Reverend Catherine Campbell to recognize contributions to the City of Woodland of \$3,525 for the Yolo County Recreation Center painting project. Council Member Dote presented the Certificate to Reverend Campbell.

PROCLAIM SEPTEMBER 21, 2002 AS "KIDS DAY AMERICA/ INTERNATIONAL"

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and carried unanimously, Council proclaimed September 21, 2002 as Kids Day America/International in Woodland. Council Member Monroe presented the Proclamation to Dr. Robert Burk.

ANNUAL REPORT ON WOODLAND OPERA HOUSE

Jeff Keane, Executive Director of Woodland Opera House Inc. indicated the new season begins in September. The general financial health of the Opera House is good. The City is the primary "concessionaire" and the Association reports to the City. An Endowment Fund has been established and is currently



at \$280,000. A maintenance person has been employed. There were many community service events and fund raisers held at the facility during the past year. The property at 415 Fourth Street has been purchased for storage and rehearsal purposes. One of the recently set goals was to expand the youth program. They will be hiring an Education Director to help meet that goal.

CONSENT CALENDAR

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

SET DATE FOR COUNCIL/SENIOR STAFF STRATEGIC PLANNING RETREAT

It was Council consensus to set Saturday, November 23, 2002 as the date for the annual Council and Senior Staff Strategic Planning Retreat.

Public Works Director Wegener requested the following item be removed from the Consent Calendar:

STATUS OF VALLEY OAK AT 304 CASA LINDA DRIVE AND REPORT ON OAK AT 749 COLLEGE STREET

Director Wegener indicated the tree at 304 Casa Linda Drive is in very good health. There has been concern expressed in regard to the tree at 749 College Street as this tree is in serious decline. There is a very large limb overhanging College Street. One Arborist's opinion has been received to date and a second is in progress. The property owner may need to remove the tree as it is located on private property. Council Member Dote asked if severe pruning would help and Director Wegener indicated the long term viability is of concern as the tree is in serious decline.

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

RESOLUTION 4391 SUPPORTING RESCISSION OF WILLIAMSON ACT LAND (RUSSELL PROPERTY), FOR THE SPRING LAKE SPECIFIC PLAN AREA

Council Member Dote indicated Governor Davis had signed four bills that will affect rescission of Williamson Act Land and agricultural land preservation. On a motion by Council Member Peart, seconded by Council Member Monroe and



carried by unanimous vote, Council adopted Resolution 4391, a "Resolution of the Council of the City of Woodland Supporting the Rescission of 162 Acre Northern Portion of Assessor Parcel 042-003-03 (SLSP Russell Property) from Williamson Act Contract".

EXTENSION OF CONTRACT WITH WILLDAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT HOME PROGRAM CONSULTANT SERVICES

Council Member Dote requested further information on the source of funds for the extension of the Contract for Consultant Services and the extent of City involvement in the process. This item was removed from the Agenda until further clarification is received.

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

MONTHLY STATUS REPORT FOR THE FIRE DEPARTMENT

Council received the Monthly Status Report from the Fire Department for August 2002.

TREASURERS' INVESTMENT REPORT FOR JULY 2002

Council reviewed and accepted the Treasurers' Investment Report for the Month of July 2002.

UPDATE CITY CONFLICT OF INTEREST CODE

Council received notification from the City Clerk of the need to revise the City Conflict of Interest Code. This item will return in early December for adoption.

NEGATIVE DECLARATION AND PRELIMINARY DESIGN REVIEW FOR PHASE I OF LEMEN AVENUE REALIGNMENT PROJECT 00-04

Council adopted the Negative Declaration and Preliminary Design Report for the Lemen Avenue Realignment Project 00-04 and directed Staff to proceed with Phase I.



REJECT BID FOR SCHOOL CROSSING SAFETY ENHANCEMENTS PROJECT 00-19

Council rejected the bid for Project 00-19, School Crossing Safety Enhancements as excessive.

UPDATE ON 1/2 CENT SALES TAX PROJECTS

Council received a report on the projects underway and projected utilizing the 1/2 cent Sales Tax funds.

RESOLUTIONS 4380 THROUGH 4390 FIXING EMPLOYERS' CONTRIBUTION UNDER THE PUBLIC EMPLOYEES MEDICAL AND HOSPITAL CARE ACT

Council adopted the following Resolutions fixing the employers' contribution under the Public Employees Medical and Hospital Care Act for each employee unit with rate changes for employee plus one at \$534.50 and employee plus family at \$694.86 per month:

Resolution 4380-City Manager	Resolution 4385-Police Mid-Management
Resolution 4381-Management	Resolution 4386-Police
Resolution 4382-Confidential	Resolution 4387-Police Supervisors
Resolution 4383-Mid-Management	Resolution 4388-Fire
Resolution 4384-Fire Mid- Management	Resolution 4389-General Services
	Resolution 4390-City Council

DOWNTOWN SIGN CONVERSION ASSISTANCE PROGRAM GUIDELINES

Council approved the Downtown Sign Conversion Program Guidelines, applications and marketing materials.

SPRING LAKE SPECIFIC PLAN STATUS

Council received a status report on the various aspects of the Spring Lake Specific Plan stages including staffing, affordable housing, design guidelines, urban limit line and agricultural mitigation measures, Specific Plan amendments, financing plan, fiscal plan, infrastructure, Local Area Formation Commission input and draft reorganization schedule.



MEDIAN LANDSCAPE MAINTENANCE AT COUNTY FAIR MALL

Council received a report on the maintenance of medians at County Fair Mall. This is the responsibility of the Mall owners.

CONTRACT WITH YOLO COUNTY OFFICE OF EDUCATION REGARDING FIRE REGIONAL OCCUPATION PROGRAM

Council authorized the Fire Chief to enter into a Memorandum of Understanding with the Yolo County Office of Education for providing Fire Science training as part of their Regional Occupational Program.

SUBDIVISION 4418, MATMOR OAKS, NOTICE OF COMPLETION

Council accepted as complete the public improvements constructed with the development of Parcel Map 4418, Matmor Oaks, and directed the City Clerk to file a Notice of Completion.

SUBDIVISION 4536, VINEYARDS, NOTICE OF COMPLETION

Council accepted as complete the public improvements constructed with the development of Parcel Map 4536, The Vineyards, and directed the City Clerk to file a Notice of Completion.

PURCHASE OF VEHICLE #050, FIRE DEPARTMENT SEDAN

Council authorized the funding and authority to up-grade the Fire Department sedan programmed for 2002-03 replacement.

RESOLUTION 4392-PROFESSIONAL SERVICES CONTRACT WITH PONTICELLO ENTERPRISES FOR SPRING LAKE CONSULTANT ENGINEERING SERVICES

Council adopted Resolution 4392, a "Resolution of the City Council of the City of Woodland Authorizing Amendment to the Contract With Ponticello Enterprises" to allow for additional hours for continued consulting services through December 31, 2002.



CONSTRUCTION CONTRACT WITH VALLEY SLURRY SEAL FOR PROJECT 01-06, 2002 ROAD SLURRY SEAL

Council approved an amendment to the construction contract with Valley Slurry Seal for Project No. 01-16 to include Project 01-26, 2002 Measure H Road Slurry Seal Project for \$49,000 and authorized the Director of Public Works to execute the contract and change orders up to 10% of the new contract value for a total not-to-exceed \$370,000.

CONTINUED EMERGENCY STORM DRAIN REPAIRS PROJECT 02-30

Council authorized continued work under Resolution 4378, which approved action to conduct East Main Street emergency storm drain repairs.

COURT STREET ROAD PROJECT 00-56 AND 2002 WATER, SEWER AND STORM DRAIN REPAIRS PROJECT 01-03

Council revised the award amount for the contract for Court Street Rehabilitation Project 00-56 and Project 01-03, 2002 Water, Sewer, Storm Drain Repairs to \$3,127,601.00 with change orders authorized up to 15% of the contract award amount.

ACE HARDWARE RETAIL SUPPORT CENTER PROJECT STATUS

Council received a letter from Gerry Kamilos, LLC indicating that ACE Hardware will no longer pursue locating in the City.

PUBLIC HEARING

APPEAL OF FIRE AND NUISANCE ABATEMENT DECISIONS REGARDING IMPROVEMENTS AT 1503 COLUMBIA DRIVE

Mayor Flory indicated that Vice Mayor Rexroad will conduct the Public Hearing and the Hearing was opened at 7:43 p.m. by Vice Mayor Rexroad.

Assistant City Manager Marler summarized the process as follows: The City Attorney will address procedures and legal issues; the Code Enforcement Officer will present a chronology of events, state staff recommendations and rationale; the Fire Chief will explain public safety threat posed by existing



condition of fire hydrant and restate staff recommendations; Vice Mayor Rexroad will invite Appellant to state his appeal within a twenty minute timeframe. Five minutes will be allowed to rebut following staff responses. The audience will be allowed to comment within a three minute timeframe. Staff may then respond to Appellant's statements and the Appellant may make another five minute rebuttal. Council will discuss and take action. During the entire process, Council may ask questions and request clarification. Council is being asked to consider an appeal of two City Boards, the Fire Appeals Board and the Nuisance Abatement Board. The Appellant has requested these two appeals be combined to the Hearing this evening. Council is asked to consider the nuisance which provides that the wall constructed at 1503 Columbia Avenue does not provide adequate clearance mandated by the 1997 Fire Code, Article 10, Section 1001.7.2; violates Section 25-21-40 of the Woodland Municipal Code which requires a 10 foot side yard setback from the rear edge of the sidewalk; lights on the top of the wall encroach over the sidewalk and require an Encroachment Permit as mandated by Section 20-1-5 of the Woodland Municipal Code. The Fire Appeals and Nuisance Abatement Board decisions were made on the basis of the laws as stated.

City Attorney Siprelle said that Section 14A of the Code outlines the process for nuisance abatement or Code enforcement. Section 14A-2-3 of the Chapter allows the property owner to appeal the decision to the Council. As per that Chapter, the decision of the Nuisance Abatement Board shall be presumed to be correct and the Appellant shall have the burden of proof to show otherwise. The Council may confirm, reverse or modify the decision of the Board and any objection to the Council action must be pursued by filing a Court action within 30 days after the City Council's action. The question is whether the decisions of the Boards are correct and whether a public nuisance exists on the property. A public nuisance is defined as a violation of any City Code. Therefore, the question is whether the condition of the property violates the Zoning Code, the Uniform Fire Code and the Encroachment Permit requirement. The City would be liable for any injuries received by members of the public should they allow the nuisance to continue unabated. If the appeal is denied, the property owner will need to abate the nuisance within the amount of time given by the Council. The wall must be moved to comply with the setback requirement, removed altogether or the property owner could apply for a variance from the Planning Commission to allow the wall to remain in its present location. The wall around the fire hydrant would have to be removed to allow for the three foot clearance around the circumference of the hydrant, and the lights that encroach over the sidewalk would have to be moved completely away from the sidewalk to eliminate that public safety hazard.



Vice Mayor Rexroad said the decision before the Council is whether this set of facts fits the definition of nuisance in the City Code and there is no discretion before the Council. Council Member Dote asked if the owner has applied for a variance and it was stated he had not.

Code Compliance Officer Harry Hogan provided background information on the project beginning in March of 2002 when the Fire Department became aware of the wall. On March 4, 2002 a referral was received from the Public Works Department and Fire Department regarding the concrete block wall. The wall included electrical lines which require a permit prior to construction, lights which encroached upon the sidewalk right-of-way, is located in close to a fire hydrant, and does not provide the minimum distance required for clearing the fire hydrant. The wall was also within the ten foot setback limit for side yards as required by the Code. Mr. Ford was notified in writing on April 17, 2002 of the condition of the fire hydrant rendering it not functional for emergency use and a three foot clearance was to be provided by May 1, 2002 or he would be cited. Mr. Ford refused to make the requested change and indicated he would not comply with the directive at that time. Mr. Ford was then cited for non-compliance by the Fire Marshal on June 1, 2002 for violating the 1997 Fire Code, Article 10, Section 1001.7.2, which mandates the three foot clearance. Numerous attempts were made by City Staff to resolve this issue. Mr. Ford still refused to comply with the requirements of the Fire Code and was issued a Notice to Abate Code Violation and scheduled to appear before the Fire Department and Nuisance Abatement Appeals Boards on July 16 and 17, 2002 respectively. The Fire Department Appeals Board and the Nuisance Abatement Appeals Board then heard and upheld the decisions in regard to the Notice to Abate. On August 28, 2002, Mr. Ford then filed an appeal for all of the issues on the property.

Fire Chief Diekman said the pictures of the property indicate clearly the violations. The front corners of the wall on the area around the hydrant include outlets where light fixtures will be attached. There have been many discussions on the definition of circumference in relation to the hydrant. The circumference of the metal fabric of the hydrant is where the three foot in all directions is considered the point of measurement, not across the face of the hydrant. There are approximately 2,110 hydrants in the City, some non-conforming, estimated at about 30, for a variety of reasons. Some thought to be not in conformance are in fact conforming. Others may have been annexed in, should be in some phase of enforcement or, for some other reason, are allowed as a non-conforming application. Operationally, the use of hydrants is with a Firefighter facing the hydrant. This is a long standing standard operating procedure which has been utilized in training. The basis is to protect the coupling so that satisfactory connection can be achieved and the hydrant is not



damaged. The thirteen inch space currently on the sides of this hydrant does not allow the Firefighter to access by restricting the space around the hydrant, thus restricting the ability to adequately perform the duties of the Firefighter. This hydrant does not allow the Firefighter to stand in the space between the wall and the hydrant while the connection is made. There is a risk of damage, not making a satisfactory connection and a risk of injury to the Firefighter when operating in a fashion in which they have not been trained to make this connection. The hose at this site, fully charged, must be placed on top of the wall to function and must work around the future lights to be placed on top of this wall. Chief Diekman said the issue is to comply with the State-wide Fire Code. Many other States require a fifteen foot clearance minimum and the California Code is somewhat lenient in this area.

Vice Mayor Rexroad asked if the circumference issue is fire standard practice in terms of standard measurement. Chief Diekman said it is to the outside border of the metal of the hydrant as the standard. Council Member Peart asked if this is National Code and Chief Diekman said it is the California version of the National Code. Council Member Peart asked if the City allowed the nuisance to remain, is the City then liable. City Attorney Siprelle said the City must take reasonable steps to abate this public safety issue and by allowing non-compliance with the Code, the City could be liable. Council Member Monroe said if the lights are in place it would then be impossible to access the hydrant. Chief Diekman said it could be done but it would be impractical as the hose would need to be threaded around it and the Firefighter would have to squeeze into the space as well.

Trent Ford said he purchased his property in September of 2000 and the hydrant pad was installed six to eight months following. In November of 2001 he began construction. Numerous City staff had been on site and were aware of the construction. Public Works was asked to raise the City services and they told him he needed to get permission to move the stop sign which sat in the area where the wall is now located. Mr. Hogan was on site when the rebar for the wall was installed. He left his business card and the setback requirements at the house. At no time during that period did any staff member contact him on the possibility of a problem with the wall. The only issue was the requirement to remain below three foot six maximum height for the front yard. He completed the construction of the wall and a Stop Work Notice was then issued on February 28, 2002. There were some issues with the electrical and mechanical for the lights at that time and he had moved a condenser for the air conditioner which is not relevant to the issue. He went down and got the permits as required. He then received a letter from Will Weber, temporary replacement for Fire Marshal Lecair, that the hydrant was not in compliance. Mr. Weber was asked by Mr. Ford's brother about putting a six inch riser on the



hydrant and Mr. Weber said he was not authorized to make that decision. He then receive a letter that the hydrant was not functional for use. September 5, 2002 was the first time a test was performed on the hydrant. He wrote a letter to Fire Marshal Lecair to attempt to solve the problem. Mr. Mathieson from Public Works had been contacted and he said that contact would be made with Mr. Lecair to solve the problem. He then received a Pre-Citation letter in April ordering compliance by May 1, 2002. There were numerous conversations in conflict and he then started to document everything. He had a meeting on April 19th scheduled with Public Works and Fire at his house and Public Works did not appear. The Fire Marshal said that if Public Works would be willing to raise the hydrant, he could be issued a variance. Public Works was not willing to raise the hydrant. On April 29th he spoke with Mr. Mathieson who said there was some type of resolution forthcoming. On May 1st a citation was issued. In speaking with Public Works he was told the City wanted to take a total approach and a letter would be forthcoming. On May 2nd a second citation correcting the information was received. On May 9th he received a letter suspending his permits regarding the wall. In early June, his father contacted Council Member Peart, suggested a meeting, which was held on June 13th, and at that time was told everything should be submitted in writing. On June 17th he submitted plans to Mr. Lecair at the Fire Department. On June 20th he was notified his plans were not acceptable. No plans were required for the lighting. On July 16th and 17th he went to the two hearings, both of which denied his appeal. There was never any permit required for the wall because it was below the height limitation. No other permits were required except for the exterior lighting and no plans would have been required. The Code the City is citing is not the California Code but the Uniform Fire Code. He spoke with the State Fire Marshal's Office who said that 1001.1.2 is not currently adopted by the State Fire Marshal's Office. His standing is that the circumference does not state the radius or diameter around the hydrant. The City has interpreted in their permit documents that the three foot clear space be provided around the hydrant. The language in the materials in regard to the base state that a three by three foot base shall be installed around the circumference of the hydrant, which is the same language as in 1001.1.2. He feels the language is being interpreted in two different ways in the same document. He feels with the City specifications, he is in compliance. There is no basis or Court decisions on the interpretations that have been provided to him, only the interpretation of the Fire Department. The pictures included in the packet show the hydrant is not impeded. The test was not following standard fire procedures. The kinks in the hose are in the front of the hydrant and are caused by the standard City water pressure. He proposed a six inch riser on the hydrant. He said he would not put the lights on the corners where the hydrant is located. There are many hydrants that do not conform now. Some examples are one that has a wall the same size as his where the hose cannot be attached at all, one is located across from Gibson



School and encased in shrubs. Someone would have to crawl in to connect the hydrant, there are hydrants with cages around them, some that are not visible or encased in ivy. The wall is three feet and the setback is not obstructing the clear view of pedestrians or traffic. The wall sit entirely in front of any livable portion of the home. The drawing by the City is not accurate. This is a sixteen inch wall and does not impede the view. He feels the application of the setback was a retaliatory action by the City because he had filed his appeal. There was never any mention of this until July 8, 2002 when he was issued the Notice to Abate. He was not given his 15 days to abate the Code violation because the hearing was already scheduled for July 17, 2002.

Mayor Flory said he presented much information but it is not information the Council can rule on. The Council cannot rule on raising the hydrant. Mr. Ford said it is his understanding that Council could rule on the appeal. He proposed the six inch riser and it is his understanding they could rule on that proposal. City Attorney Siprelle said the appeal is of the decision of the Nuisance Abatement Board that the wall is closer than three feet to the hydrant and is a nuisance. It is not on the issue of installing a riser. Vice Mayor Rexroad asked if Mr. Ford saw the definitions of a nuisance. How would Mr. Ford expect the definition of a nuisance would be interpreted and how Council could not declare his property a nuisance under that definition. Mr. Ford said he did not appeal the decision of the Nuisance Abatement Board, but of the Fire Appeals Board. He feels he was not given his due process rights on the Nuisance Abatement Board. The Notice to Abate the Nuisance was given on July 8, 2002 stating he had fifteen days to abate, but the hearing was held on July 17, 2002, which is only nine days. Vice Mayor Rexroad said Mr. Ford clearly had notice that the three issues would be discussed this evening. He asked Mr. Ford again how the City can determine his property is not in violation of that definition. Mr. Ford said it was his understanding he was only appealing the decision of the Fire Appeals Board, not the Nuisance Abatement Board. He had filed his appeal prior to receiving the notice to abate the other issues and only was appealing the hydrant issue to disallow the plans he has submitted.

City Attorney Siprelle said the Uniform Fire Code, 1997 Edition was adopted in Section 9A by the City and is part of the City Code. Enforcement of other non-complying hydrants has been held by the Courts as to not be a defense to prosecution of a nuisance abatement or Code enforcement case. The setback is adopted and the wall does not comply, while Mr. Ford may not agree with that visibility issue, it is still the City Code. Council could amend that Code at some point, but the wall is currently not compliant.

Vice Mayor Rexroad said it is the three issues only and City Attorney Siprelle stated to the affirmative. The due process statement clarification is that



Mr. Ford was given 15 days to abate the nuisance. That fifteen days is stayed once an appeal is filed so his time to abate was not shortened in any way. The Board of Appeals decision is that the block wall surrounding the fire hydrant is to be moved to allow lawful clearance of 36 inches on each side of the fire hydrant. That is the decision being appealed and there is no reference to a riser in that decision.

Vice Mayor Rexroad asked Chief Diekman his opinion on the safety of Firefighters in terms of their standard procedure in attaching hoses. Chief Diekman said there is a risk to employees for injury doing their job when they must perform outside of their training. He said the process in the Fire Department is to ask citizens to show how they propose to solve the identified problem. The Department does not propose to engineer their solutions for them. Mr. Ford's solution was unacceptable, he was so informed and was given guidance in relation to the Code. Mr. Ford said the notice of Hearing he received stated there would be a Hearing to consider the appeal to the Board of Building Appeals, Fire. It was his understanding the Hearing this evening was in regard to the appeal that he filed regarding the decision of the Fire Department to not grant the variance. That is what he prepared for. He doesn't know how he could have filed his appeal prior to receiving a Notice to Abate. On July 3, 2002, his request for appeal was filed. The Notice of Abatement was not prepared until July 8, 2002. He reiterated that his appeal was strictly in regard to the abatement on the hydrant. Mr. Lecair made a video tape on the hydrant test should Council wish to view. City Manager Kirkwood asked Mr. Ford to look at a letter and asked if it was one he had submitted to the City. Mr. Ford indicated to the affirmative. City Manager Kirkwood said the letter dated August 27, 2002 from Mr. Ford indicates per a letter of August 12, 2002 written by the City Clerk, "it is my intent to consolidate all issues regarding the concrete block wall constructed on the property located at 1503 Columbia Drive. The Hearing date I have been instructed has been changed to September 17th to allow adequate time for notice and prior to the September 17, 2002 Hearing I would like in writing to be notified of all issues which are intended to be raised at this Hearing so that I am afforded an opportunity to prepare my position". This letter then indicates all issues were requested by Mr. Ford to be consolidated. Mr. Ford said the City Clerk had contacted him and indicated the City would like to consolidate all of the appeals. He had filed only in regard to the fire hydrant. It was his intent that he did not want to resolve the hydrant issue this evening and then have other setback issues appear later so he wanted to clear up all of the issues tonight.

Council Member Dote asked if the wall by the sidewalk on Gibson was to continue to the East. Mr. Ford said the four foot privacy wall will run to the back fence. She asked for the distance from the privacy wall and the low wall



and he said the privacy wall complies with the setback requirement. The wall needed no permit but the wiring did for both walls.

Council Member Peart asked if there was a permit on the high wall and Mr. Ford indicated that wall did not require a permit because it was less than six feet. Assistant City Manager Marler asked if he is appealing the circumference, but not the nuisance, which is hydrant, lights and setback. The Nuisance Board said that all three needed to be abated and will he be complying with their decision? Mr. Ford said he filed with the Fire Board of Appeals on July 16th. The identical issue was heard the following night by the Nuisance Abatement Board. Vice Mayor Rexroad said he was found to have a nuisance in both cases. If the appeal was granted in regard to the Fire issue, there is still the issue of the Nuisance Abatement Board decision. Mr. Ford said when he filed his appeal he was addressing only the one issue but then was asked if he wanted to consolidate and he agreed so that all issues could be resolved at once. He understood the Fire Appeals Board was handling the fire hydrant clearance issue and the Nuisance Abatement Board was handling the City Ordinance on the setback and encroachment of the lights. Vice Mayor Rexroad said in that case, even if the issue on the hydrant is cleared, the wall is still a nuisance on the other issues and must be removed. Mr. Ford said the City "boot-strapped" the other issues on to the hydrant issue. At the time he filed his appeal there was one issue, the proximity of the wall to the hydrant. Vice Mayor Rexroad said he is still in violation on the other issues. Mr. Ford does not feel the application is relevant in relation to his property. He feels it is his front yard and not his side yard. Council Member Dote said then did he want the Council to consider all of the issues and he said yes. Mayor Flory said the issue of the lights was on the entire wall encroaching on the sidewalk. Mr. Ford said they are just caps and are sitting on the top of the lights. They were moved back so as to not encroach and are not mortared on so the bulbs can be accessed. Mr. Ford said he would argue that the planters in the front of City Hall hang over the sidewalk.

At 8:47 the Public Hearing was closed.

Council Member Peart asked if the ten foot setback would be allowed by variance. City Attorney Siprelle said the Planning Commission could approve such a variance upon making the required findings and determines it is appropriate. This would be only on the setback issue. Mr. Ford received that information at the Nuisance Abatement Board Hearing when one of the Board members asked about a the possibility of variance and the City Attorney had responded with the process to apply for such a variance. Mr. Ford has not



applied to the knowledge of the Code Enforcement Officer. Council Member Dote said there was a question about testing the hydrant and asked how often hydrants are tested. Chief Diekman stated the goal is to evaluate and test annually. When tested annually one year ago, there were no impediments to the hydrant at that time. Chief Diekman said they felt it was prudent to test the hydrant so that they would have information in relation to the case. This was not the normal test. Mayor Flory said the top lights are movable and they could be moved at any time. Public Works Director Wegener said he does have a concern about that issue. Council Member Peart indicated the Electrical Code states that any electrical of 110 volts must have a permanent cover. Council Member Monroe commended Mr. Ford for his professional presentation. He indicated he will support the staff recommendation to abate as it does not comply with Code. Council Member Peart thanked Mr. Ford for providing examples of other non-compliant hydrants and directed staff to cause abatement of those as well.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, Council moved to deny the appeal and uphold the decisions of the Fire Code Appeals Board and the Nuisance Abatement Board that a nuisance exists on the property located at 1503 Columbia Drive, APN 39-443-03 and ordered its abatement within 15 days of the date of notice of the Council action, specifically that:

1. the wall does provide adequate clearance mandated by the 1997 Fire Code, Article 10, Section 1001.7.2
2. the wall violates Section 25-21-40 of the Woodland Municipal Code which requires a 10 foot side yard setback from the rear edge of the sidewalk
3. lights on the top of the wall encroach over the sidewalk and require an Encroachment Permit as mandated by Section 20-1-5 of the Woodland Municipal Code.

CEMETERY MASTER PLAN

Parks, Recreation and Community Services Director Dan Gentry said that at the September 3rd Council meeting a Public Hearing was held and further information requested in regard to several issues. One of the issues was a comparison of the adjoining St. Joseph's Cemetery fees, which are significantly higher than those proposed for the Woodland Cemetery. The recommended action is that after review of fees, they are recommending increasing fees from



\$1,900 to \$2,200; fees would be initiated immediately; County services to be the same as the general population fees; additional roadway conversion of 446 grave sites to extend the availability for 25 years. It is difficult to compare the private cemetery with the public as there are several significant differences. Council Member Dote asked if the amounts presented this evening are different. Director Gentry said they had subtracted out the vault liners. Current fees are about half of the proposed. The current rate for the County is \$12.50. She asked if the Public Guardian had been noticed and Director Gentry indicated a notice had been provided but no comments received. Vice Mayor Rexroad asked how the \$195 fee for the County was derived and Mr. Courtney of RJM said the Veterans receive a ground burial and the County burials are cremated remains. The County has purchased their own units and placed them on the City property. They place more remains into a vault because they can accommodate more. It is actually equivalent what a general citizen burial would cost. Mayor Flory said we are recommending fees at 1/3 less than any other like facility. Mr. Courtney said comparing a private facility, which are generally higher in fees, to public is not adequate. He studied the public cemeteries throughout the State with the same or similar services. Mayor Flory asked if the public cemeteries in other Cities are subsidized by the General Fund and are the also running in the negative. Mr. Courtney said most are independent cemetery districts and are run by the State. We are one of the few City operated. We are providing services to the citizens and the cost benefit of providing that service is running in the red. Mayor Flory said he needs to have information on the costs in staffing to run, how many people we are using, do we pull them off other projects to maintain, the 11.25 full time equivalent people indicated to operate the cemetery properly equates to what level of maintenance. Director Gentry said bringing the property into adequate appearance and function would then minimize the amount of time required to maintain is part of the study. Once the upgrades are achieved, current staffing levels would suffice to maintain. We will also be looking contracting the maintenance. It is suggested the upgrades and changes be accomplished by the end of this fiscal year.

Council Member Peart said we are charging the County a cost significantly higher and they should be notified in order to increase their budget. Council Member Dote said the grave site fees are to double, the niche fees are going up 3 1/2 times, the Veteran's fees are going up 50%, the County fees are going up 15.6 times. The County will be increasing substantially and Vice Mayor Rexroad said that indicates how far askew the original schedule was. With the private cemetery providing the same services right next to the public facility and charging significantly higher rates, the City should charge the same amount. The citizens should not have to subsidize the fees. Director Gentry said there are between 25 and 30 cases per year with the County which equates to approximately \$6,000 per year. Mr. Courtney said an endowment fee will also



be added in because the County has not previously been charged for that service. The Veteran's discount is an appropriate discount and is consistent throughout the State. Council Member Dote said the County in the process of purchasing an additional structure and they may wish to postpone that purchase, or may want to use another facility for the County burials. Council Member Monroe said the overall increase for the County appears to be about \$1,000 per year in total.

Mr. Courtney said that St. Joseph's charges \$1,650 for a niche and we currently charge \$450, with a recommendation to increase to \$1,600.

At 9:16 p.m., Vice Mayor Rexroad opened the Public Hearing. With no comments received, the Public Hearing was closed at 9:16 p.m.

Mayor Flory moved that Council adopt the Cemetery Master Plan with the following changes: increase interments from the recommended \$1,900 to \$3,150; have the price increases become effective immediately instead of a three year waiting period; charge the fees for Yolo County services to be the same as the general population; an amendment that the County come to the next meeting to provide any input regarding the fees. Vice Mayor Rexroad asked that the motion be amended to leave the Veteran's fees the same as presently set at \$350. Additional charges would allow the Veteran's rates to remain the same and still insure the long-term viability of the cemetery. Vice Mayor Rexroad moved that an amendment to the motion be that the Veteran's rate remain the same. Council Member Monroe seconded, and Council approved with Council Member Dote voting no. Vice Mayor Rexroad seconded the motion presented by Mayor Flory and amended as stated.

To restate and clarify, Mayor Flory moved that Council adopt the Cemetery Master Plan to increase interments to \$3,150, have the increases become effective immediately rather than having a three year waiting period, receive comments from the County of Yolo at the next meeting regarding their fee increases, and the amendment that Veteran's fees remain at the current level. The niche fees will be increased to \$1,650. City Attorney Siprelle said she had understood the original motion was to change the fees to the County as the same but invite the County to come to the next meeting to comment. Council concurred. Council Member Peart stated then that it would be \$3,150 for general burial, \$1,650 for niches, \$195 for the County and Veteran's fees to remain the same. Council Member Dote said she still has concern regarding Plan approval without input from the County. She asked the Council to delay to



adoption of the Master Plan until the County has an opportunity to provide input. She feels the County has a significant issue with this Plan.

City Manager Kirkwood recommended that Council consider adoption of the Resolution establishing the fees at their next meeting on September 24, 2002 at which time the County will be invited to attend and provide input. Direction received this evening is on the intent of the fee structure and gives Staff direction on the preparation of the Resolution. Council Member Monroe indicated the County regularly increases their Booking Fees without seeking input from the affected agencies because those fees cover their costs, as the City is attempting to so do in increasing their fees.

Motion carried unanimously.

RESOLUTION 4379 - LIEN FOR NUISANCE ABATEMENT AT 170 FIRST STREET

City Manager Kirkwood summarized the events leading to the demolition of the building located at 170 First Street. The property had been abandoned by one of the owners who had resided on site and had come into disrepair. Vagrants and illegal activity was being held on the site. The several owners had been contacted in regard to abating the property and had indicated they could not afford to demolish. The City conducted the abatement and is seeking the cost in the amount of \$13,124. This recovery will be attached to the property to be paid either by payment of taxes or when the property is sold.

At 9:24 p.m., Mayor Flory opened the Public Hearing. Mr. Braham Sharma, one of the owners, indicated their willingness to have the building demolished and inability to pay for the cost. He asked for information in regard to the next steps.

At 9:26 p.m., Mayor Flory closed the Public Hearing.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council adopted Resolution 4379, "A Resolution Approving a Lien Against Property and Directing the Tax Collector of Yolo County to Collect Delinquent Account".



REPORTS OF THE CITY MANAGER

REGULAR CALENDAR

PARKING IN LIEU ORDINANCE

City Manager Kirkwood said the City has been working on parking issues for several years. Part of the Downtown Master Plan was working on this issue in the downtown area and the in-lieu fees which could be associated with parking. Staff is seeking input and guidance from Council.

Senior Civil Engineer Bruce Pollard said the Downtown Parking Analysis indicates employees should be parking in the peripheral areas. The proposed fee would be charged for the projects that could not provide parking for their employees and/or visitors. Current exemptions would be removed unless an alternate funding source is found. There are three stages to the plan to provide parking: (1) completion of the College and Court Street lot; (2) a parking structure for the increased needs of the new Court system; (3) a 400 stall structure in combination with retail. Fee collections could be made in a variety of ways and combinations, including possible grants. Council Member Peart asked if improvement or remodel is undertaken, how can the City insure there will be adequate parking available. Council Member Monroe has a concern that available parking may not be in the proximity to the business. Director Wegener said if development was occurring we can borrow ahead. We could then structure some type of loan or financing to meet that need. Council Member Peart said if a business owner invests a significant amount of funding, that business owner will want some assurance of when the parking will be provided. Director Wegener said the proximity issue is also important.

Vice Mayor Rexroad said if we charge a small business these proposed fees, it may put them in jeopardy of fiscal failure. City Manager Kirkwood concurred and indicated that some of these small businesses cannot accommodate the parking they need. The City must then provide the space and needs some mechanism to provide the fees needed. Council Member Monroe feels they should pay some nominal fee and suggested some type of development fees. City Attorney Siprelle said there must be a defensible legal nexus that in charging these fees, the development would be utilizing the parking or businesses in the downtown. Council Member Monroe said a combination of funding mechanisms would be preferable. Director Wegener said a 15% contribution is charged at present. Mayor Flory said the parking must be provided in the downtown to attract the businesses and Vice Mayor Rexroad said that the City must provide that parking. Council Member Peart said a parking assessment district is a possible source. The responsibility is then shifted to those who are requesting the parking to help the City in



providing that parking. City Manager Kirkwood said there are two approaches, an assessment district approach where those properties that would be directly impacted would be voting. The Parking Area and Improvement Law states you can make an assessment against the property owners. There is a section of that Code that allows the tenants of the business to contribute. In a question of fairness, would it be only the new property owners who would be paying for this and other City residents who are utilizing the services. Mayor Flory said perhaps the City should be looking at some of the money that has been set aside for the downtown for parking.

Council Member Dote said the parking problem is not new and is not generated by new development. There must be some responsibility from the downtown business owners to help pay for their needed parking. Mayor Flory said we have been looking at this issue for many years. There have been many reasons why this has not moved ahead from past discussions. He would like to continue to look at this issue but set some goals and timelines.

Council Member Monroe said an assessment district must be enacted by a vote of the citizens and that should be the first step. Director Wegener said that in an earlier study on possible assessment districts, parking lots, specific locations, distance away from the parking lot, zones of benefit and fees were considered. Those figures equated to a cost per square foot and an increase in the rent, at 3¢ to 17¢ per square foot through an assessment district which include a 15% development fee and some Redevelopment Agency funds. If the property owners feel they can make more money by providing parking, they may be more willing to participating in the funding. Vice Mayor Rexroad asked if the previous draft of the Downtown Specific Plan had this issue as a portion of that document. The Plan should have this as a key function. City Manager Kirkwood said the Downtown Management Plan does discuss parking and location of a parking structure and the relationship of a structure to the businesses. Three hundred spaces are the immediate need with 150 of those accommodated with the new surface lot at Court and College. Council Member Peart said we have a responsibility but the business owners have one as well. If an in-lieu fee is put into place, there will be no development. Vice Mayor Rexroad said the downtown could look very different if the auto mall is approved. City Manager Kirkwood recommended that Council receive the report and appoint two members of the Council to meet with staff, review the planning issues and documents and how they relate to each other. Guidance by the Council in this mode would be very helpful to Staff.

On a motion by Council Member Monroe, seconded by Council Member Peart and carried unanimously, Council accepted the information provided



regarding a parking in lieu fee and appointed Mayor Flory and Council Member Dote to meet with Staff to review the documents and their relationship.

MINUTES

JOINT REGULAR COUNCIL AND REDEVELOPMENT AGENCY BOARD MEETING OF SEPTEMBER 3, 2002

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by unanimous vote, Council adopted the minutes of the Joint Regular Council and Redevelopment Agency Board meeting of September 3, 2002 with two minor corrections as requested by Council Member Dote. The minutes attached to the Council packet of September 17, 2002 have been so corrected and filed.

COMMUNICATIONS - WRITTEN

CLAIM FOR DAMAGES FILED BY ATTORNEY CHRISTINE GARCIA ON BEHALF OF KARI DIXON

On a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, Council rejected the Claim for Damages filed by Christine Garcia on behalf of Kari Dixon and referred the claim to the City Insurance Representative for action.

COMMUNICATIONS - COMMITTEE REPORTS

Council received a report from Fire Chief Karl Diekman transmitting the minutes of the Yolo County Communications and Emergency Services Agency meeting of July 3, 2002.

Council received a report from Library Services Director Marie Bryan transmitting the minutes of the of the Library Board of Trustees meetings of July 15 and August 19, 2002.

Council received a report from Finance Director Margaret Vicars transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of August 28, 2002.



Council received a report from Redevelopment Agency Manager Wendy Ross transmitting the summary of the Redevelopment Citizens' Advisory Commission meeting of August 28, 2002.

Council received a report from Community Development transmitting the summary of Planning Commission actions taken at the meeting of September 5, 2002 as follows:

- (a) received a presentation and reviewed the Five Year Update to the City's 1996 General Plan.

ORDINANCE

ORDINANCE 1353 - LAND GRADING

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and carried by unanimous vote, Council adopted Ordinance 1353, "An Ordinance Adding Article III to Chapter 6 of the Code of the City of Woodland Relating to Land Grading".

ADJOURN

At 10:11 p.m., Mayor Flory adjourned the Joint Regular meeting of the City Council and the Redevelopment Agency Board.

Respectfully submitted,

Sue Vannucci, City Clerk