

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

**April 27, 1999**

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

The Woodland City Council and Woodland Redevelopment Agency Board met in joint special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. Before the closed session the Mayor announced the closed session topics.

The Council then convened a closed session to discuss the following topics: (1) conference with Labor Negotiator/City Manager Richard Kirkwood regarding Management employees; and (2) conference with legal counsel regarding existing litigation (Government Code Sec. 54956.9) regarding the case of Eller Media v. City of Woodland (Yolo County Superior Court Case No. V97000242).

The Redevelopment Agency Board then convened a closed session to discuss the following topic: conference with real property negotiator (Government Code Sec. 54956.8) regarding the railroad property at Sixth and Oak Streets. The Negotiating Parties were City of Woodland and Union Pacific Railroad. Under negotiation were price and terms of payment

Council Members/Redevelopment Agency Board Members present at the special meeting were: Losoya, Borchard, Flory (arrived late), Peart and Ryhal. Council Members absent: None. Redevelopment Agency Member Peart left before any discussion of the Union Pacific Railroad Property. City Manager/Executive Director Richard Kirkwood and Assistant City Manager Phillip Marler were present for the closed session.

The special session and closed session were adjourned at 7:05 p.m.

**CITY COUNCIL  
REGULAR SESSION**

The Woodland City Council met in regular session at 7:10 p.m. in the City Hall Council Chambers.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Ann Siprelle reported that the City Council and Redevelopment Agency Board of Directors met in closed joint session at 6:00 p.m. tonight to discuss the three items on the closed session agenda for the respective bodies. She said under conference with labor negotiator the Council decided that no further action is necessary. Under conference with legal counsel regarding existing litigation (Eller Media v. City) there was no final decision made, but direction was given to the City Attorney. She said under the Redevelopment Agency closed session there was a conference with real property negotiator regarding the Union Pacific Railroad property, and direction was given to the City's negotiator but no final action was taken.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

COUNCIL MEMBERS PRESENT: Losoya, Borchard, Flory, Peart, Ryhal

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kirkwood, Marler, Kristensen, Siprelle, Wegener, Fleming, Coble, Vicars, D. Hanson

MINUTES:

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote (Mayor Losoya abstained), the City Council approved the minutes for the regular Council meeting of April 6, 1999, as prepared.

WRITTEN COMMUNICATIONS:

1. From Finance Director Margaret Vicars a memo was received advising of accounts payable, wire transfers and payroll paid for March 1999.

COUNCIL STATEMENTS AND REQUESTS:

City Manager Richard Kirkwood said the Council recently gave direction on the appointment of a Flood Control Task Force. He said the first meeting is scheduled for April 29, 1999, at 7:00 p.m. Interim Community Development Director Don Fleming reported on the names of the Task Force Members to date: Mayor Melton Losoya, Council Member Daniel Ryhal, Mark Harrison representing Cache creek Conservancy, Kent Lang representing the Yolo County Farm Bureau, Don Sharp representing real estate, Bob Young from WERC (Woodland Economic Renaissance Corporation), Bryce Brickman as a WERC alternate, Mike Diepenbrock of Panattoni Company (industrial community), Tony Fernandez of the Yolo County Flood Control and Water Conservation District, Rich Jenness representing the Chamber of Commerce, and Dudley Holman (at large representative appointed by Council Member Peart). He said at this point he did not have an appointment from Council Member Flory or Council Member Borchard. He said he was not aware of the two Board of Supervisors' representatives.

Council Member Peart said he attended a Yolo County Flood Control and Water Conservation District meeting with former Interim City Manager Gerald Davis three weeks ago, and they discussed the fact that Lake County would like to bring more water down Cache Creek. He said unfortunately for Lake County there are also flooding problems in Yolo County, so Lake County representatives had to leave the meeting in disappointment. He said he provided all Council Members with a copy of a videotape regarding Lake County's flood disaster.

Council Member Peart said yesterday, April 26, 1999, he attended a LAFCO meeting where they discussed the 43 acres due south of the County Fair Mall and annexation of that land to the City of Woodland. He said the City Manager and City staff who attended the meeting did an excellent job of presenting the City's position. He said one of the issues discussed at that meeting was ag land preservation. He said LAFCO was suggesting a one to one acre policy whereby for every acre of ag land that is taken out of ag use there will have to be one acre placed in an ag preserve. He said LAFCO approved the annexation with that one condition.

COMMITTEE REPORTS:

1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board of trustees meeting of April 5, 1999.

2. From Acting Police Chief Del Hanson a report was received transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting of April 13, 1999.

3. From Interim Community Development Director Don Fleming a report was received summarizing action taken at the Planning Commission meeting of April 15, 1999.

PUBLIC COMMENT:

Council Member Flory said this past weekend at Ferns Park, the Friends of John Ferns Park did their spring cleanup getting ready for summer, and Eddie Lavorico, an employee in the City of Woodland Parks, Recreation and Community Services Department, worked on the cleanup and put in several additional hours of his personal time. Council Member Flory said he received several complimentary calls about Mr. Lavorico's work.

PRESENTATIONS - COMMISSION ON AGING REPORT:

Hays Fisher, a member of the Commission on Aging, reported on the functions and activities of the Commission over the past year.

PROCLAMATION - VETERANS OF FOREIGN WARS "LOYALTY DAY":

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council proclaimed May 1, 1999, as Veterans of Foreign Wars "Loyalty Day."

Vice Mayor Borchard presented the proclamation to Janet Brown of Woodland's VFW Post 1985.

PROCLAMATION - PUBLIC WORKS WEEK:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council proclaimed May 16 - 22, as Public Works Week.

Council Member Peart presented the proclamation to Public Works Director Gary Wegener.

PROCLAMATION - "OLDER AMERICANS MONTH":

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council proclaimed May as "Older Americans Month."

Council Member Ryhal presented the proclamation to Maryjayne Coble, Senior Center Program Manager and Commission on Aging Chairperson Ernie Woolner.

PROCLAMATION - "A WOMAN'S HEALTH DAY":

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council proclaimed May 15, 1999 as "A Woman's Health Day."

Council Member Flory presented the proclamation to Pat Murray, Ambassador to Assemblywoman Helen Thomson.

PUBLIC HEARING - CIRCULATION DIAGRAM:

Mayor Losoya said at this time Council will hold a public hearing to receive comments regarding an amendment to the Circulation Diagram of the General Plan.

Senior Planner Robert MacNicholl reported that the Planning Commission on March 4, 1999 recommended to the Council that the Circulation Diagram of the General Plan be amended. He said the differences between the 1998 Streets Master Plan and the 1996 General Plan are the result of updated land use and model information and revisions to the street classifications based upon existing uses and omissions when updating the 1998 Streets Master Plan. The modification of the roadway lane improvements reflect changes to traffic volumes on roadways, based upon land use and model assumptions. These changes reflect whether the purpose of the road is biased toward access or traffic movement. He said none of the proposed changes will alter the level of service identified within the General Plan and will not change the overall capacity of the street system identified within the Plan.

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

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the City Council approved the

amendment of the Circulation Diagram (Figure 3-1) of the General Plan to reflect conformity between the 1998 Streets Master Plan and the 1996 General Plan.

**REPORTS OF THE CITY MANAGER:**

RESIGNATION OF DICK CONZELMANN:

City Manager Richard Kirkwood announced that he received a letter yesterday (April 26, 1999) from Dick Conzelmann submitting his resignation effective April 27, 1999 as Interim Parks, Recreation and Community Services Director because of family and personal health reasons. He said Mr. Conzelmann has been serving as Interim Director since October 1998. He said Assistant City Manager Phillip Marler will serve as Acting Parks, Recreation and Community Services Director until the permanent Director is hired.

CAP TO CAP/FEMA FLOOD STUDY:

The City Manager said that Council Members Flory, Ryhal and Peart will be attending the Cap to Cap conference in Washington, D.C. on May 1, 1999. He said he is attempting to schedule a meeting for two Council Members to meet with Senator Maurice Johannessen this week (either May 3 or 5) to request State funding for \$625,000 for the FEMA study.

**CONSENT CALENDAR:**

Council Member Peart said he had one question regarding the monthly Public Works status report. He asked when the City will be pursuing the HVAC (heating, ventilation and air conditioning) maintenance contract.

Public Works Director Gary Wegener said bids are being solicited for that service, and the Council will be asked to award the contract in the near future.

Vice Mayor Borchard requested that the agenda item regarding the Veteran Appreciation Month proclamation be removed from the Consent Calendar.

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

PARKS, RECREATION AND COMMUNITY SERVICES MONTHLY REPORT:

The City Council received the Parks, Recreation and Community Services Department monthly report.

COMMUNITY DEVELOPMENT MONTHLY REPORT:

The City Council received the Community Development Department projects monthly report.

PUBLIC WORKS MONTHLY REPORT:

The City Council received the Public Works Department monthly report.

CAPITAL BUDGET IMPLEMENTATION STATUS REPORT:

The City Council received the Capital Budget implementation status report.

NOMINEE TO SACTO BOARD OF DIRECTORS:

The City council endorsed the nomination of Don Sharp as the City of Woodland representative on the Sacramento Area Trade and Commerce Organization (SACTO) Board of Directors.

GOVERNOR'S BUDGET PROPOSAL FOR DOJ LAB FEES:

The City Council approved a letter to Assemblywoman Thomson urging her withholding of support for the Governor's Budget Proposal for Department of Justice Lab Fees

**REGULAR CALENDAR:**

PROCLAMATION - "VETERAN APPRECIATION MONTH":

Vice Mayor Borchard said he pulled the proclamation for Veteran Appreciation Month off the Consents Calendar because he felt it should have equal acknowledgement with the other proclamations, which were handled under Presentations. He then read the staff report for the proclamation.

On motion of Council Member Borchard, seconded by Council Member Peart and carried by unanimous vote, the City Council proclaimed May as "Veteran Appreciation Month."

RESOLUTION NO. 4121 - TAX AND REVENUE ANTICIPATION NOTES:

Finance Director Margaret Vicars reported that each year the City experiences cash flow shortfalls in its General Fund operations. She said these shortfalls are encountered because cash outflows occur with a lag time. She said this disparity does not create an operational difficulty but can offer the City an opportunity. She said by issuing revenue bonds known as Tax and Revenue Anticipation Notes (TRANS) the City can even out this cash flow and ensure continued investment earnings. In the past the City has used the TRANS issue to experience a net gain on investment of 1 1/2 to 2 percent.

On motion of Council Member Borchard, seconded by Council Member Ryhal, and carried by unanimous vote, the City Council adopted Resolution No. 4121 authorizing the City of Woodland to participate in the California Statewide Communities 1999 TRAN (Tax Revenue Anticipation Notes) Program.

CONTRACT FOR TRAFFIC ENGINEERING SERVICES:

Public Works Director Gary Wegener said the Senior Civil Engineer position in the Engineering Division of the Public Works Department is not filled yet, and Associate Civil Engineer Bruce Pollard has been appointed in an acting capacity. He requested approval of a four-month contract for engineering services to assist the Department.

On motion of Council Member Flory, seconded by Council Member Ryhal, and carried by unanimous vote, the City Council awarded a contract to Grandy and Associates to provide traffic engineering support services in an amount not to exceed \$20,000.

CHANGES TO CITY COUNCIL PROCEDURES:

City Attorney Ann Siprelle reported on recommended changes to the City Code regarding City Council Procedures as well as operational changes. Council Members Flory and Borchard, Interim City Manager Gerald Davis and the City Attorney during a series of meetings held on February 2, February 23, and March 22, 1999 developed the recommendations. In addition the City Manager suggested a change in

the agenda order to move the consent calendar before public hearings. The operational changes recommended as follows (not affecting the City code):

1. Implement a group paging system by which the City Manager could communicate one message instantaneously to all Council Members.
2. Encourage all Council Members to direct criticism and complaints regarding staff to the City Manager (not to staff).
3. Delegate to the City Manager responsibility to discuss, on behalf of the full council, any perceived or inappropriate action with a Council Member. The City Manager will discuss with the Council Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Manager will report the concern to the full Council.
4. Adopt the attached, formal policy decision-making process (Exhibit A). Requests pursuant to this policy would be placed on the Council meeting's agenda, at the City Manager's discretion, under "communications."
5. Direct that study sessions be televised, the same as regular meetings.
6. Delete the "Future Meeting Agenda Items" heading on the agenda; and direct that Council comments and concerns, and requested future agenda items, be considered under the agenda heading "Communications."
7. Purchase and implement a lighted timer system for the council chambers, by which speakers' comments could be timed and Council Members could request to speak and be given the floor by the presiding officer in the order in which the requests is made.
8. Establish a biweekly (every two weeks) "City Manager's report" -- a summary of current issues,

correspondence, disposition of matters, significant meetings with legislators and others, etc.

9. Whenever a meeting (other than an established 2x2 meeting) involving two Council Member to discuss city business with member(s) of the public, is scheduled, the Council Members involved will make a good faith effort to inform the City Manager about the meeting, including the date, time, subject, and expected participants. The City Manager will, in turn, endeavor to inform the other Council Members about the meeting. The intent of this notice is to keep Council Members informed of matters in which their fellow Council Members may be representing the City, and to enhance and improve communications among the Council Members, without violating the Brown Act.

The City Attorney then briefly reviewed the proposed amendments to the City Code regarding Council procedures. She noted some corrections to the proposed amendments.

Vice Mayor Borchard inquired about when the lighted timer system for the Council Chambers will be installed.

Public Works Director Gary Wegener said he will report back to Council when he obtains more information about such a system.

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved changes to the City Code relative to City Council procedures and directed staff to prepare the necessary ordinance to implement those City Code amendments; and Council approved the recommended operational changes (listed above).

**Council took a recess from 8:20 p.m. until 8:25 p.m.**

AB 222 REGARDING SEXUAL EDUCATION FOR K-12:

At the April 20, 1999 Council meeting Council Member Ryhal submitted a memorandum requesting that the Council urge the Legislature not to approve AB 222 (Kuehl). AB 222 as amended on March 24, 1999 would amend the California Education Code relating to instructional services and programs with reference to sexual orientation. In his memorandum Council Member Ryhal stated that this Bill amends

existing law by adding new language to require kindergarten through grade 12 students to be given instruction about sexual orientation, homosexuality, bisexuality and discrimination against those so oriented. Council Member Ryhal reiterated his position that the Council should go on record opposing the Bill. He said there are State laws which currently exist that already protect everyone from intimidation, harassment, assault or discriminatory behavior against them because of, among other characteristics, their sexual preference. He said one of the most important issues is that children should not be told how to think.

Discussion followed about amendments to AB 222, which were approved on April 15 and the impact of the amendments on the original Bill.

In addition to Council Members the following persons offered comments about AB 222: Jesse Ortiz, Jr., Randy Thomasson, Ed Hernandez, Vincent P. D'Amico, Jr., Susan Bovey, Diane Adams, Debra Gorella, Anne Dryden McKeever, Dudley Holman, Tracy Grondona, Daniel Ryhal, Jr., Mathew McFarlane, and Pastor Gary Christopherson.

**On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council extended the meeting from 10:30 p.m. until 11:00 p.m.**

Further discussion followed.

On motion of Council Member Ryhal, seconded by Council Member Borchard and carried by the following vote, the City Council approved sending a letter to legislators stating that the City Council opposes AB 222 as written on April 15, 1999, and agreed that Council Members Borchard, Peart and Ryhal will sign the letter:

AYES:	COUNCIL MEMBERS:	Borchard, Peart, Ryhal
NOES:	COUNCIL MEMBERS:	Flory, Losoya

ADJOURNMENT:

At 10:45 p.m. the adjourned regular meeting was adjourned.

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City Clerk of the City of Woodland