

Woodland City Council Minutes

Council Chambers  
300 First Street  
Woodland, California

November 17, 1998

The Woodland City Council met in 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 topic.

The Council then convened the closed session for a conference with legal counsel regarding anticipated litigation (Government Code Section 54956.9) and initiation of litigation pursuant to subdivision "c" of Section 54956.9 (one case).

Council Members present at the special meeting were: Losoya, Borchard, Flory, Peart and Ryhal. Council Members absent: none. Public Works Director Gary Wegener, Interim City Manager Gerald Davis and Assistant City Manager Phillip Marler were present for the closed session.

The special session and closed session were adjourned at 7:02 p.m.

The Woodland City Council met in regular session at 7:06 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Marler, Davis, Winnop, Siprelle, Wegener, Conzelmann, Vicars, Wickstrom, Whelan, Ostebo, Fleming, Wilson, Mancilla, Martin, Stanbrough

CLOSED SESSION ANNOUNCEMENT:

City Attorney Ann Siprelle announced that the City Council in closed session voted 5-0 to direct that the City Attorney on behalf of the City of Woodland intervene in a petition for writ of mandate brought by the City of Vacaville challenging a decision of the State Water Resources Control Board.

## MINUTES:

Council Member Peart said a correction is needed to the October 27, 1998, Council meeting minutes to indicate under "Public Comment" that Neal Peart attended the League of California Cities Conference, not Mayor Losoya.

On motion of Council Member Peart, seconded by Council Member Borchard and carried by unanimous vote, the City Council approved the minutes for the regular Council meeting of November 3, 1998, as prepared, and approved (Council Member Flory abstained) the minutes for the adjourned meeting of October 27, 1998, as corrected.

## COMMUNICATIONS:

1. From James J. Christianson, Esq., a claim against the City was received on behalf of Josu and Lori Muniozguren regarding an arrest, which occurred on April 25, 1998. The City's insurance representative recommended that the Council reject the claim and refer it to them.

On motion of Council Member Borchard, seconded by Council Member Peart and carried by unanimous vote, the City Council rejected the claim against the City submitted on behalf of Josu and Lori Muniozguren and referred the claim to the City's insurance representative.

## COMMITTEE REPORTS:

1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board of Trustees meeting of October 19, 1998.

2. From Finance Director Margaret Vicars a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority Board meeting of October 28, 1998.

3. From Fire Chief Miles Julihn a report was received transmitting the minutes of the Yolo County Communications Emergency Services Agency Board meeting of November 4, 1998.

4. From Interim Community Development Director Don Fleming a report was received summarizing action taken at the Planning Commission meeting of November 5, 1998, as follows:

The Planning Commission meeting of November 19, 1998 was cancelled.

The Commission approved the minutes of the October 15, 1998 Commission meeting.

The Commission certified an NDEIR and approved a conditional use permit for construction of an auto body paint and repair shop at 311 C Street for Fred Lopez.

The Commission received a report from the Public Works Director concerning the administration of the City's Tree Ordinance. Commission also asked that staff prepare a report concerning how the city handles preservation and removal of municipal trees. Commission wanted to schedule a joint meeting with the Tree Commission as soon as possible.

Commission received a report concerning the new draft FEMA maps, and their implication for the City, should they be adopted in their current form.

On motion of Council Member Peart, seconded by Council Member Borchard and carried by unanimous vote, the City Council accepted the above committee reports.

#### PUBLIC COMMENT:

Interim City Manager Gerald Davis introduced newly appointed Interim Community Development Director Don Fleming.

#### YOLO LITERACY COUNCIL PRESENTATION:

Linda Nield, the Literacy Coordinator for the Woodland Library Literacy Service, gave Council an update on Literacy Service programs over the past year. She said the Literacy program has been in existence for over 13 years and during that time 1,600 community adults and families have received literacy assistance as well as over 1,100 community volunteers have been trained as literacy tutors. The four basic programs are the family literacy program, the basic adult literacy program, the inmate literacy program, and a work place literacy program.

Chris Almeida, President of the Yolo Literacy Council, presented a check in the amount of \$16,000 to Mayor Losoya.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council accepted the check in the amount of \$16,000 from the Yolo Literacy Council as its share of the 1998-99 Budget for the Woodland Public Library Literacy Service.

#### RESOLUTION OF APPRECIATION FOR DAVID OSTEBO:

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council approved a Resolution of Appreciation for Fire Marshal David Ostebo who had been serving the City of Woodland Fire Department for 25 years.

Vice Mayor Borchard presented the Resolution of Appreciation to Dave Ostebo.

**CERTIFICATE OF APPRECIATION FOR MILES JULIHN:**

On motion of Council Member Borchard, seconded by Council Member Peart and carried by unanimous vote, the City Council approved a Certificate of Appreciation for Miles Julihn who had been serving as Fire Chief since September 30, 1997.

Council Member Flory presented the Certificate of Appreciation to Miles Julihn.

**TEMPORARY ADJOURNMENT OF COUNCIL MEETING:**

Mayor Losoya temporarily adjourned the meeting of the Council at 7:30 p.m. in order to convene a meeting of the Woodland Redevelopment Agency Board of Directors. See Agency minutes attached to these Council minutes as Exhibit A. At 7:40 p.m. the Redevelopment Agency Board meeting was adjourned, and the Council meeting was reconvened.

**REPORTS OF THE CITY MANAGER:**

**CONSENT CALENDAR:**

Vice Mayor Borchard asked that the agenda item regarding the purchase of a portable water pump be removed from the Consent Calendar.

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

**WASTEWATER TREATMENT PLANT LAB CERTIFICATION:**

The City Council approved a \$12,000 increase to the Wastewater Treatment Plant operating budget and authorized the Public Works Director to execute a contract in an amount not to exceed \$12,000 for establishing and implementing the necessary actions to acquire wastewater treatment plant laboratory certification as required by the City's current discharge permit.

**CITY TREASURER'S INVESTMENT REPORT:**

The City Council accepted the September 1998 City Treasurer's Investment Report as submitted.

**LONG RANGE FINANCIAL PLANNING:**

The City Council received an update from Finance Director Margaret Vicars on the issue of preparing a long range financial plan. She indicated in her report that the minutes of the October 10, 1998 Strategic Planning meeting state that "By April 15, 1999, the City Council and Management Team (Margaret – lead) will develop an outline and process for developing a Three-Year Financial Plan."

**RESOLUTION NO. 4109 – WOODLAND ECONOMIC RENAISSANCE  
CORP:**

The City Council adopted Resolution No. 4109, amending Resolution No. 4092 which designated the Woodland Economic Renaissance Corporation (WERC) as the lead agency in matters related to the recruitment and attraction of new business and industry for the City of Woodland. The amendment provided for a public "quarterly" accounting of WERC's activities and accomplishments instead of an annual accounting.

**BOARD AND COMMISSION REAPPOINTMENTS:**

The City Council reappointed the following Board and Commission members: Bud Goding to the Library Board for a term ending December 31, 2001; Carol Souza Cole to the Parks, Recreation and Community Services Commission for a term ending December 31, 2002; and Mike Carotenuto and Dennis O'Bryant to the Planning Commission for terms ending December 31, 2002.

**PURCHASE OF PORTABLE WATER PUMP:**

Vice Mayor Borchard inquired about what the City did before without the 8-inch portable water pump.

Public Works Director Gary Wegener said last year with the heavy rains they had to move in or out of ponds at the wastewater treatment plant to keep them from breaching the levies around them. He said looking at the existing pumps it is time to upgrade and replace them. He said it is an issue of capacity.

Vice Mayor Borchard said although he relates the need to agricultural uses, he felt \$50,000 was a lot of money. He said based on the criteria he thought a new pump could be purchased for \$15,000.

After discussion Council requested more information and placed the matter on the December 1, 1998 Council agenda.

**REGULAR CALENDAR:**

**PARKS, RECREATION AND COMMUNITY FACILITIES MASTER PLAN:**

Richard Conzelmann, Interim Parks, Recreation and Community Services Director, said since the last time the Council considered the Parks, Recreation and Community Facilities Master Plan the Project Committee has completed its tasks of trying to bring the costs to an affordable level for both the existing City and new development, to give credit to schools for existing sports facilities, and work with the acres per 1,000 of parkland so there is an affordable range over the next 22 years. He said the Committee also broke down the first phase priorities and attempted to identify the various sources of funding that would go into each of the projects. He asked that the Council adopt the Master Plan so they can move forward, and staff will come back with the specifics on the vision of how to tie down which fees will cover each phased element.

Kevin Sullivan from RJM Design Group responded to questions from Council.

On motion of Council Member Flory, seconded by Council member Peart and carried by unanimous vote, the City Council adopted the Parks, Recreation and Community Facilities Master Plan and directed staff to proceed to develop the financial plan for the Priority One element.

#### SOCIAL SECURITY:

Finance Director Margaret Vicars said the City received a report from the U. S. General Accounting Office, letters from Public Agency Retirement System, and PERS regarding mandated Social Security coverage for State and Local Employees. She said the City under the 1986 version of Social Security is paying the 1.45 percent of the Medicare and the employees are picking that up too. The new law states that those new employees hired would be subject to the 6.20 percent for FICA. She said the City would have to pay that amount also. She said PERS is estimating the cost to the City of \$4 million over the next ten years which represents \$4 million City money as well as \$4 million out of City employees' expendable wages. She asked that the Council authorize a letter be sent to President Clinton and Federal Legislators in opposition.

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized a letter sent to President Clinton and Federal Legislators opposing the mandatory imposition of Social Security for local government employees.

#### VEHICLE PURCHASES FOR FISCAL YEAR 1998/99:

Public Works Director Gary Wegener presented a report on the Equipment Utilization Committee's recommendations for replacement vehicles and equipment for Fiscal Year 1998-99. He said the Committee recommends the procurement of nineteen items: one van, two motorcycles, four sedans, and five pickups at State of California contract prices and the solicitation for bids for two-mid-mount mowers, two front mount mowers, one roller, one tilt bed pickup and one "chipper" truck, at a total cost not to

exceed \$426,200.

Council discussion followed. Council requested additional information about the purchase of the mowers and the roller.

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council authorized procurement of one van, two motor cycles, four sedans, and five pickups at State of California contact prices and the solicitation of bids for one tilt bed pickup, and one “chipper” truck, at a total cost not to exceed \$346,700.

#### TREE SERVICES:

Public Works Director Gary Wegener said the removal of two fruitless mulberry trees located in the parking strip at 725 First Street has generated some public concern regarding the City’s handling of tree issues. A petition from a number of residents living in the area was presented to the Council at the November 3 meeting concerning the tree removal. He said the petition stated there is a lack of protocol or process regarding the removal of street trees and the allegation that the City is derelict in its duty regarding the functioning and staffing of the Tree Commission. He said there are basically two areas, those areas on private property and those areas in the public right-of-way. The City Code gives the Public Works Director authority regarding the planting, placement and removal of trees located in the public right-of-way. He said that includes those parking strips in the residential areas. There is no provision that requires public notice or review of any proposed planting, maintenance or removal of the trees if it is authorized by the Public Works Director. The only time removals in the parking strip have been referred to the Tree Commission in the past is when the fronting property owner requested removal and staff disapproved it. In this instance the fronting property owner requested removal, and staff approved the removal. He said there has never been a process in the past where adjoining property owners have been noticed of a proposed action, such as tree removal. He said the purpose of the existing ordinance is to keep the bureaucracy and paper handling to a minimum. The tree maintenance workers both have a Certified Arborist rating and keep abreast of current tree maintenance and urban forest management practices, and that expertise has been used over the past 15 years of making informed tree program decisions. When they have questions they obtain an opinion from an outside Arborist. He said the Council has directed deletion of the tree permit requirements for trees behind the sidewalk on private property, since those maintenance responsibilities now rest with the property owner.

He said a second issue is that the City Code specifies two functions of the Tree Commission. One section states that the Commission shall act in an advisory capacity in

matters pertaining to the planting and maintenance of trees growing on public property. Another section states that the Commission shall review any application by a property owner for a permit to plant, maintain or remove a street tree which has been denied by the Public Works Director. In 1994 there were significant staff reductions in the tree maintenance program resulting in the Public Works Department no longer being able to process permits to perform tree work on private trees. The maintenance of those trees reverted back to the fronting property owners. In 1997 the City's tree preservation ordinance was revised to remove any City jurisdiction over trees located on private property and to eliminate the need for property owners to obtain permits to remove or work on trees located on their property. He said at the May 19 Council meeting Public Works staff discussed the option of disbanding the Tree Commission, and it was decided that staff would return to Council at a future date with recommendations regarding the role, if any, of the Tree Commission. He then addressed the issue of tree maintenance in general.

The following persons commented on the negative impact of removing healthy trees in the parking strip and the need to get more involvement by the Tree Commission in the public right-of-way: Joy Cohan, 720 First Street, Woodland; David Wilkinson, 745 First Street, Woodland; and Diane Adams, 745 First Street, Woodland

Council discussion followed. Council then agreed that the Planning Commission shall continue its discussion of the City's tree maintenance program and policies and report back to the Council with recommendations.

#### FUTURE MEETING AGENDA ITEMS:

Council Member Peart advised the Council that the long range financial planning report which he had requested at the last Council meeting will be ready in April 1999.

#### ADJOURNMENT:

At 9:35 p.m. the regular meeting was adjourned.

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City Clerk of the City of Woodland

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