

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

December 2, 2003

SPECIAL/CLOSED SESSION
SECOND FLOOR CONFERENCE ROOM

6:00 P.M.

CLOSED SESSION

Council met in Closed Session at 6:00 p.m. to hold a conference with Legal Counsel regarding two cases of anticipated litigation, initiation of litigation pursuant to Subdivision (c) of Section 54956.9; and to hold a conference with Real Property Negotiators pursuant to Section 54956.8 regarding the property known as APN 005-645-10-1, negotiators, Woodland Joint Unified School District and the City of Woodland with price and terms of payment as the subject. Present in these sessions were Mayor Flory (arrived at 6:16) Vice Mayor Rexroad, Council Members Dote, Monroe and Peart (arrived at 6:03), City Manager Kirkwood, Assistant City Manager Marler and City Attorney Siprelle for all topics, Director Stevens, Redevelopment Manager Ross, Redevelopment Agency Attorney Quinn for topic one.

CITY COUNCIL
REGULAR MEETING

7:00 P.M.

CLOSED SESSION ANNOUNCEMENT

Mayor Flory announced that Council had met in Closed Session to discuss two cases of anticipated litigation, initiation of litigation; and real property negotiations on APN 005-645-10-1. Council gave guidance.

CALL TO ORDER

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



PLEDGE OF ALLEGIANCE

Mayor Flory invited the members of the Council and public to join in the Pledge of Allegiance to the Flag of the United States of America, led by Council Member Monroe.

ROLL CALL

COUNCIL MEMBERS PRESENT: Dote, Monroe, Peart, Rexroad, Flory

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Sue Vannucci, Mark Dennis, Dave Ingman, Dan Gentry, Tricia Steven, Gary Wegener

COUNCIL/STAFF STATEMENTS AND REQUESTS

Mayor Flory said there had been a question at a previous Council meeting regarding provision of name and address when making testimony before Council. The City has a current Ordinance requiring those who are speaking to Council so provide their full name and address for the record.

Council Member Peart said the Yolo-Solano Mosquito and Vector Control District has a branch in Woodland and will be securing that site. The West Nile Virus has been found in the Imperial Valley in California and expected to move into other areas in the State. He cautioned that citizens watch for dead birds and report immediately.

Council Member Dote requested information on the date of the next County/City 2 X 2 meeting. City Manager Kirkwood will provide the date.

City Manager Kirkwood said the Tribal Mitigation funding was under discussion earlier today by the County Board of Supervisors. He attended the meeting and expressed City concerns regarding funding requests and disbursement. There will be some further policy discussions. The City submitted a request for funding for the Police and Fire as mutual and aid traffic issues are of strong concern. Two Police Officers should be added to the City roster to cover the increased needs by the Casino. The City should be given some consideration and the Board understood our needs. The County and City Staff will meet on these issues. He will report back to the Council as he has more information on the impacts. There will be an annual appropriation to the City to cover our increased services. Financial impact figures are under study at this time. There is a 4,800 vehicles per day increase as a result of the casino usage. Calls have



increased by 700. City Manager Kirkwood said there has been no indication of increased shopping by travelers through the City to the Casino. Vice Mayor Rexroad would like the traffic to be pushed along Road 98 and City Manager Kirkwood said the County was encouraged to seek that method but have not been very successful. The County should take the lead on this issue. There was \$500,000 in the agreement for the City but we were not at the table to discuss.

PUBLIC HEARING

EMERALD DRYWALL BUSINESS LICENSE REVOCATION APPEAL

Director Stevens said the Business License for Emerald Drywall lists the office as a home office only and the business has been non-compliant. Several complaints have been registered and the license has been revoked. She recommended the Appeal Hearing be continued as the owner, Andres Cervantes, is making progress toward compliance.

On a motion by Vice Mayor Rexroad, seconded by Council Member Peart and unanimously carried, Council continued the Appeal Hearing for 45 days to the January 20, 2004 Council Meeting in order for the business owner to show continued compliance with the conditions of the Business License and the home occupation criteria.

REPORTS OF THE CITY MANAGER

DOWNTOWN SPECIFIC PLAN – ALLOWABLE LAND USES

Director Stevens reminded Council they had requested information on possible land uses in the Downtown area, primarily in the C-2 and C-3 areas. In future updates of the Zoning Ordinance, these uses will be reconfirmed. Uses of concern were those identified as adult-oriented such as card rooms, bars, bail bonds, liquor stores, etc. but they will have Conditional Use Permits. Although Council can change these uses, Staff is not recommending at this time. Some businesses have been grandfathered in at this point.

PUBLIC ART

Director Stevens said Council had requested information on current policies regarding Public Art as a result of concerns regarding the types of Public Art seen or proposed throughout the City. The developer at the Gibson Road/Pioneer Avenue project had been contacted regarding concerns expressed



on the proposed artwork at that site and has indicated the work has already been commissioned. The City has no specific policy but has worked within the Community Design Guidelines and the Southeast Area Specific Plan where the requirement for Public Art is included. The policy does not have any strong guidelines on the type of art but it has been suggested that the art be more of a historical nature. Ten years ago a Committee was established to study Public Art and set fees. There was no support to continue. Therefore, Public Art has been reviewed on a case-by-case basis.

Council Member Monroe would like the Planning Commission to review but would like consideration for Public Art to mirror the Downtown and the associated culture of the City. Director Stevens said they are updating the Community Design Guidelines and that could be included in the policy. Council Member Dote said the new Police Station and the Wiseman Building have a reoccurring theme and we might want to have something that is reminiscent but somewhat varied on that theme. Council Member Peart will not support an art program but the design materials should be reviewed on a case-by-case basis. Mayor Flory feels a mix of design would be an option but would like some guidelines in place. Director Stevens suggested that a variety would be considered but something that reflects the City would be encouraged. Vice Mayor Rexroad does not feel the current policy needs to be altered. The property owner should have the flexibility to commission his own ideas. Council Member Dote feels the Planning Commission should have some say on what art is appropriate for a public place.

CLEAN AIR ORDINANCE AND POLICIES UNDER CONSIDERATION BY YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT

Larry Greene of the Yolo-Solano Air Quality Management District (Y-SAQMD) said they have been working on a model Ordinance for over one year and will be making recommendations for adoption to the Cities. During 2002 there were 10 "air quality episodes" during the summer months. These episodes triggered concern by regional leaders who met to discuss options. Three possible suggestions were green contracting, clean fleets and diesel idling. Reductions are needed to address possible Federal sanctions, higher costs to be businesses and continued health impacts. Of importance is that 72% of the emissions are mobile and diesel exhaust is a toxic contaminant. By selecting local strategies to reduce they are voluntary, adaptable to each jurisdiction, are generally well-received by industry, and achievable. The basis of the proposed Ordinance is that diesel engines left idling for over 5 minutes should be reported.



Mayor Flory has a concern regarding the enforcement when a call is received to report, who handles that call. It seems to be difficult to enforce. Mr. Greene said the education factor is the key issue. As operators become aware of the law, there will be more compliance. The District can be contacted and they will respond immediately. Otherwise, the City Police Department would be the contact. Council Member Monroe feels this will have an increased impact on our Police Department. Vice Mayor Rexroad asked what the threshold is on the green contracting and Mr. Greene indicated it would be those who contract with the City, not the City directly. These would include agencies like Waste Management, Teichert, etc. There are several issues that need further clarification prior to final adoption of the Policy and Ordinance. Vice Mayor Rexroad requested indications of a nexus on how this would improve air quality. Mr. Greene said the study indicates there would be reductions by one-half the amount of air pollution; a 2½ ton reduction saves \$50 million. They will be working with the fleets on the regulations as they are the major sources of the pollution. The Ordinance will give the City credit against the State and Federal standards. The item returns to the Y-SAQMD in January, 2004. The fleet operators will receive information on the proposal as well. Council comments will be taken to the next meeting of the Board on December 15, 2003. The District is working with the farming community to consider switching to electric engines as a money saving and pollution lowering option.

Director Wegener expressed concern regarding the initial ability of the City to enforce and the impact on the Police Department. Once the cultural change takes place, it should not be that difficult to enforce. Mayor Flory suggested the AQMD set a fund aside to help cover future costs for enforcement. City Attorney Sipelle said under State law this violation could be a misdemeanor. Council Member Monroe asked about the State and Federal mandates and Director Wegener said we could be subject to sanctions. Highway funding could be cut.

RESOLUTION 4502-SUPPORT OF STATEWIDE BALLOT INITIATIVE REQUIRING VOTER APPROVAL PRIOR TO STATE GOVERNMENT TAKING OF LOCAL TAX FUNDS

City Manager Kirkwood said the League of California Cities has passed a Resolution in support of a Statewide initiative to stop the continued reduction of local funds as a result of the State budget. This continued reduction has drastically affected essential City services, i.e. Police and Fire protection, roads, parks, libraries, and water delivery. The measure would require voter approval prior to reduction of local government revenues, ensure availability of local tax dollars, provide State mandated programs also provide for associated funding, but still allows flexibility for State budget decisions. He suggested that Council



express support for the Statewide ballot initiative to allow for voter approval on whether local tax funds may be taken, confiscated, shifted, diverted or otherwise used to fund State government operations and responsibilities, that staff be authorized to provide impartial informational materials on the initiative with no public funds to be utilized for campaigning for or against the initiative and the residents be encouraged to become well-informed on the possible impacts. Vice Mayor Rexroad does not feel the City should take a position on this issue. City Attorney Siprelle said if adopted, the City is authorized to provide impartial information only. Council could specifically direct staff not to provide any information.

It was moved by Council Member Peart, seconded by Council Member Dote that Resolution 4502, "A Resolution Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds" and lost for lack of majority concurrence.

On a motion by Mayor Flory, seconded by Council Member Monroe and carried, Council approved Resolution 4502, "A Resolution Supporting a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds" with the understanding that no public funds would be expended on this issue. Vice Mayor Rexroad and Council Member Peart voted to the negative.

MUNICIPAL CODE SECTION 2-1-6 REGARDING COUNCIL CORRESPONDENCE

City Clerk Vannucci indicated that Mayor Flory and Council Member Monroe had requested revision to current Code regarding the handling of Council correspondence. At present, mail that is indicated as "personal" or "confidential" is not opened. Mail addressed otherwise is opened and handled by staff if immediate attention is warranted. The correspondence is then forwarded to Council with the action taken indicated. There is concern if that process changes, Council will need to be more proactive on picking up mail and acting on it in a timely fashion. Mayor Flory said feels that mail addressed to individual Council Members personally or directly should not be opened by Staff. A proposed Ordinance will return to Council for consideration.

RESOLUTION 4503-COMMUNITY PARK HAWK MITIGATION

Director Gentry indicated the proposed Resolution will satisfy the mitigation measure for the Community/Senior Center, Sports Complex and Community Park by setting aside 40 acres of the South pond for Swainson's Hawk foraging habitat. This habitat also has been preserved for the endangered



Bird's Beak plant. Contract Planner Tschudin had researched and provided information that this habitat was suitable. The Department of Fish and Game has verbally agreed to the suitability of the habitat as well.

On a motion by Council Member Monroe, seconded by Council Member Peart and unanimously carried, Council adopted Resolution 4503, a "Resolution of the City Council of the City of Woodland Providing for the Preservation and Use of 40 Acres of the Natural Area North of South Pond as Swainson's Hawk Habitat" and protecting it in perpetuity through the execution of an irreversible conservation easement or other enforceable deed restrictions.

2004 COMMUNITY SERVICE AWARD NOMINATING COMMITTEE

Assistant City Manager Marler said in past years the annual Community Service Awards Program has been set to coincide with the anniversary of the incorporation of the City in February. Last year, Mayor Flory had requested this item not go forward as some suggestions to change the process were heard. As a result, no awards were given in 2003. Should Council wish to continue with the Award Program for 2004, the Nominating Committee should begin their work soon. He suggested that Council Members consider their appointees to the Nominating Committee and agree to select the members at their January 13, 2004 meeting. Mayor Flory said Council had appointed he and Council Member Dote to review the process and they have some suggested changes that will be provided to Assistant City Manager Marler by December 8th. Some of the changes could be: more time for the consideration of the recipients, additional outreach, altering the current number of awards per year, and specific areas where awards could be considered, such as work with youth and seniors.

CONSENT

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

MONTHLY STATUS REPORT – COMMUNITY DEVELOPMENT

Council received the Monthly Status Report for November 2003 from Community Development.



MONTHLY STATUS REPORT – PARKS, RECREATION & COMMUNITY SERVICES

Council received the Monthly Status Report for November 2003 from Parks, Recreation and Community Services.

MONTHLY STATUS AND CAPITAL BUDGET IMPLEMENTATION REPORTS FROM PUBLIC WORKS

Council received the Monthly Status and Capital Budget Implementation Reports for November 2003 from Public Works.

VACANT POSITION REVIEW RECOMMENDATIONS

Council received and confirmed report of the City Manager to fill the following currently authorized vacant positions:

- Water Systems Operator
- Associate/Associate Civil Engineer
- Police Crime and Intelligence Analyst
- Police Management Analyst
- Fire Administrative Clerk

ORDINANCE-COORDINATED POSITIONS OF NEW DEVELOPMENT AND DIGITAL SUBMISSIONS OF MAPS AND PLANS

Council introduced and read by title only "An Ordinance of the City of Woodland Adding Article 16 Relating to Coordinated Positions of New Development and Digital Submissions of Maps and Plans to Chapter 21 and Adding Section 21-4-9 and Section 21-9-8 to Conform to Article 16".

TERMINATION OF SACRAMENTO VALLEY ORGANIZING COMMISSION PURCHASE AND DEVELOPMENT AGREEMENTS

Council approved the termination of the Agreement for Development and the Purchase and Sale Agreement with the City of Woodland for the Nuevo Vista Project at the old Sutter Street Corporation Yard/Fire Training Center, 20 Sutter Street.



LIST OF PARCELS SUBJECT TO FIRE SUPPRESSION ASSESSMENT

Council adopted Resolution 4505, a "Resolution of the City Council of the City of Woodland, California, Approving a Corrected List of Parcels Subject to Fire Suppression Assessments Within Certain Annexed Areas of the City of Woodland".

COUNCIL REPRESENTATIVE TO SACRAMENTO-YOLO MOSQUITO AND VECTOR CONTROL DISTRICT BOARD

Council appointed Council Member Peart to serve as City Representative to the Sacramento-Yolo Mosquito and Vector Control District Board for the term ending December 31, 2007.

SUBDIVISION NO. 4567, STEEPLECHASE UNIT NO. 2

Council accepted as complete those public improvements constructed with the development of Subdivision 4567, Steeplechase Unit No. 2 and authorized the City Clerk to file a Notice of Completion on said project.

MINUTES

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council approved the minutes of the Joint Regular Council/Redevelopment Agency Board meeting of October 21, 2003 as corrected in that the statement that the Water Resources Association is moving forward with securing habitat should read the Habitat JPA, not the WRA.

COMMUNICATIONS – WRITTEN

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council rejected the Claim for Damages filed by Katie Wright and referred to the City Insurance Representative for action.

Council received a letter from the State Housing and Urban Development indicating acceptance of the City's Housing Element.



COMMUNICATIONS – COMMITTEE REPORTS

Council received the minutes of the Manufactured Homes Fair Practices Commission meeting of April 16, 2003.

Council received the minutes of the Yolo County Emergency Services Agency meetings of September 3, 2003 and September 18, 2003.

Council received the minutes of the Water Resources Association meeting of September 15, 2003.

Council received the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of October 24, 2003.

Council received the minutes of the Commission on Aging meeting of November 4, 2003.

ORDINANCE

ORDINANCE 1377-CAMPAIGN REPORTING ON CITY WEB PAGE

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and unanimously carried, Council adopted Ordinance 1377, "An Ordinance of the City of Woodland, California, Adding Chapter 27, Article 1 Requiring Disclosure of Campaign Contributions Made to Candidates and Ballot Measure Committees".

ADJOURNMENT

At 8:45, Mayor Flory adjourned the Regular Meeting of the Council.

Respectfully submitted,

Sue Vannucci, CMC, City Clerk