

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

October 7, 2003

SPECIAL/CLOSED SESSION
SECOND FLOOR CONFERENCE ROOM

6:00 P.M.

CLOSED SESSION

Council met in Closed Session at 6:03 to hold a conference with Labor Negotiator Phil Marler pursuant to Section 54957.6. The employee organizations discussed were the Mid-Management and Confidential Employees. In attendance at this session were Vice Mayor Rexroad, Council Members Dote, Monroe and Peart, City Manager Kirkwood and Assistant City Manager Marler. Council also held discussion regarding a Public Employee Performance Evaluation pursuant to Section 54957 for the City Manager. Council Members as indicated above were present with City Manager Kirkwood and Assistant City Manager Marler having left this portion of Closed Session.

CITY COUNCIL
REGULAR MEETING

7:00 P.M.

CALL TO ORDER

Vice Mayor Rexroad called the regular meeting of the City Council to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Rexroad 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

COUNCIL MEMBER ABSENT: David Flory

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Tricia Stevens, Karl Diekman, Joan Drayton, Gary Wegener, Dan Gentry, Carey Sullivan, Wendy Ross, Paul Hanson, Christine Engel, Aaron Laurel, Rich Thomas, Jim Dahl, Jim Burgess, Dan Letamendi, Dan Bellini

AGENDA CHANGE

Vice Mayor Rexroad announced the following item would be removed from discussion and consideration on this Agenda:

CONSIDER OPPOSITION TO H.R. 1501 (THOMPSON) AND S. 738 (BOXER), AND ANY OTHER LEGISLATION THAT DESIGNATES CACHE CREEK AS WILD AND SCENIC AND COMMUNICATE SAME TO LAWMAKERS

PUBLIC COMMENT

Bob Schneider distributed materials to Council in support of the designation of Cache Creek as a Wild and Scenic area and asked Council to consider support of such designation.

Colette Stewart asked that Council and staff develop a process of status notification for those interested in serving on Boards and Commissions.

COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Peart requested staff and the Traffic Safety Commission look at the increased traffic and narrowness of Gum Avenue from Fourth Street to East Street and possible solutions.

Vice Mayor Rexroad indicated the Council Agenda packet is available in the Library for public view late on the Friday afternoon prior to Council meetings.



Vice Mayor Rexroad indicated there will be a Town Hall meeting at the Dixon Fairgrounds on Thursday, October 9th to discuss the proposed Dixon Downs Horse Racing facility. This facility will have implications for our City and County and interested parties may wish to attend. Other upcoming events are the Fire Memorial Services on Saturday, October 11th beginning at 9:30 at Station 3 and the Blueprint Workshop in Davis on October 27th.

PRESENTATIONS

PLANNING COMMISSION

David Sanders, Member of the Planning Commission, advised Council of the purpose of the Commission. The long-term planning includes updates to the General Plan and Zoning Ordinance and development of Specific Plans and Community Design Guidelines. Current planning includes Use Permits, Site and Design Review and Subdivisions. Planning is based upon balanced growth, quality design and to preserve the historic character of the City.

MENTAL HEALTH AWARENESS WEEK PROCLAMATION-OCTOBER 5-11, 2003

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, Council proclaimed the week of October 5 through 11, 2003 as Mental Health Awareness Week.

FIRE PREVENTION WEEK PROCLAMATION-OCTOBER 5-11, 2003

Assistant Fire Chief/Fire Marshall Lecair outlined the events to take place during Fire Prevention Week and throughout the Month. On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council proclaimed the week of October 5 through 11, 2003 as Fire Prevention Week. Council Member Peart presented the Proclamation to Chief Lecair.

COMMENDATION FOR FIREFIGHTER AND POLICE RESCUE OF CITIZEN

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, Council commended Fire Captain Rich Thomas, Fire Engineer Jim Dahl, Firefighter Jim Burgess and Police Sergeant Dan Letamendi for their extraordinary efforts in rescuing a citizen trapped in his



burning home on August 31, 2003. Chief Diekman indicated that current law in the form of "2 in, 2 out" mandates that no Firefighter enter a burning building without a partner and two other Firefighters on the outside of the structure. This means the Engine Company arriving first on scene must wait until a second Engine Company from another part of the City arrives. The exception to this mandate is when, in the opinion of the Fire Captain, there are victims trapped inside the structure that need to be extricated immediately. This fire was one of those instances where a victim was definitely still inside the structure. Josephine Rodriguez, the victim's wife, and her daughter thanked the Firefighters and Police Officer for saving the life of Benito Bautista who was unconscious inside the structure.

PUBLIC HEARING

RESOLUTION 4475-ABANDONMENT OF .084 ACRE OF VACANT CITY-OWNED LAND DEDICATED TO THE CITY FOR PUBLIC PARK

Director Gentry indicated the Tentative Map for Subdivision 4594, Westwood, had been approved to allow construction of dwellings. The Developer, Schellinger Brothers has agreed to develop a one-half acre park adjacent to this subdivision in exchange for abandonment of .084 acre of greenbelt along Dove Drive. There is no cost to the City for the development of the small park and the park will be an asset to the area. The maintenance of this "pocket park" will be through a Lighting and Landscaping District within the new subdivision only.

At 7:40, Vice Mayor Rexroad opened the Public Hearing.

Monica Peña-Villegas, resident on Dove Drive, said when she moved into the home she was told there would always be a greenbelt and no buildings would be constructed on the East side of the greenbelt. This greenbelt is used as a meeting place and soccer field. There is already a park within walking distance and another is not needed. She presented a letter from a neighbor who could not be present indicating opposition. Director Gentry said there is only a small area that will be taken from the existing greenbelt.

At 7:50, Vice Mayor Rexroad closed the Public Hearing.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, Council adopted Resolution 4475, a "Resolution Abandoning and Ordering the Sale of a Portion of City-Owned Park Land Pursuant to the Provisions of the Municipal Park Abandonment Law of



1939". Subject property is .084 acres at a portion of fractional Section 19, Township 10 North, Range 2 East, Mount Diablo Base and Meridian.

RESOLUTION 4476-AMENDMENT TO THE GENERAL PLAN FOR HOUSING ELEMENT UPDATE

Director Stevens indicated the State Department of Housing and Community Development has completed the review of our Housing Element and has conditionally approved. The City has issued responses to the comments received on the first draft review and has met with the staff of HCD to respond to outstanding issues. Planner Laurel indicated one of the items under the conditional approval, Section 2.7, called for additional amendments to address the need for moderate income units at a medium density. It has recently been determined that the Eaglewood apartments in the Southeast area will comply with this requirement. Rick Keller of Mintier and Associates said most of the concerns were in regard to background questions and clarification of specific issues, not policy issues.

At 7:54, Vice Mayor Rexroad opened the Public Hearing. With no comments heard, the Public Hearing was closed at 7:54.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council adopted Resolution 4476, a "Resolution of the City Council of the City of Woodland to Amend the General Plan for the Adoption of the Housing Element Update", directed staff to submit the adopted Housing Element to the State Department of Housing and Community Development for certification and to file a Notice of Determination for the Negative Declaration prepared for the Housing Element Update.

APPEAL OF THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR THE VOSBERG APARTMENTS LOCATED AT 505 COMMUNITY LANE

Planner Hanson indicated this item had come before the Council previously regarding the landscaping requirements encroaching on an easement between the property owner to the South of the proposed development and Larry Vosburg. Council had remanded the appeal back to the Planning Commission which then provided another opportunity for appeal. This appeal relates to the height of the structure at three stories for some of the complex and the placement of those three story segments in proximity to the apartments to the North. Council Member Monroe asked for clarification on the statement in the Council Communication indicating the parking is sub-standard. Director



Stevens said the unit requires 48 spaces and the request to reduce to 46 spaces in only a minor concern.

At 8:00 p.m., Vice Mayor Rexroad opened the Public Hearing.

Joél Difuntorum is in support of this project. This development will move the widening of Summertree Lane one step closer to completion.

Terry Stiffler General Manager of the Green's Apartments and the appellant indicated the units proposed by Mr. Vosburg do not fit on the lot at 505 Community Lane. These units are a three story walkup, are 34 feet high and 7½ feet from his complex. They will be looking into the apartments of his tenants who have been at the complex for many years. This building is too large for the lot and he would like this permit denied or the buildings reduced in height. Council Member Peart said when the Green's Apartments were built, they included some variances to allow construction. Mr. Stiffler said the amount of offsite parking is also sub-standard at the Green's as well. Director Stevens said staff has concerns about the fencing and landscaping but supports the project as a whole.

Bill McCandless, Architect for the project, said the project is within the confines of the zoning and supported by staff. The easement issue has been resolved. It is included in the Housing Element just approved by Council. The building placement was made to conform with the neighboring structural designs. The buildings have been alternated so the three story structures are adjacent to the parking lots of the complex to the North to accommodate the concerns of the appellant.

Council Member Dote asked what the parking loss would be for them. Mr. McCandless said with the Public Works requirements on the throat depth there is a loss of 2 spaces. There is landscaping on the North side as well. Summertree Lane will also be improved but it will not provide complete access due to the other properties that have not yet been developed.

At 8:14, Vice Mayor Rexroad closed the Public Hearing.

Council Member Monroe asked about the staff recommendations on the unsafe conditions on the storage yard side of the complex. Director Stevens said the Planning Commission approved the plan and felt there were no specific safety issues. However, staff feels the deletion of the fencing and landscaping does not create a very good living environment for the complex, but does feel the overall plan is good and accepts the Commission recommendations. Council Member Dote asked if fencing will be on the South and Director Stevens



indicated at this time, there is no fencing in the plan. City Attorney Siprelle said the project will not create a liability for the City as it is a private property issue.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried by the Members present, Council denied the appeal of the Planning Commission approval of the Vosburg Apartments located at 505 Community Lane and approved a reduction in the parking requirement by two spaces under the Bonus Density Incentive Ordinance.

Council recessed from 8:21 to 8:27.

REPORTS OF THE CITY MANAGER

CITY COUNCIL JOINT SESSION AND SCHOOL OUTREACH PROGRAM

Council Member Monroe indicated that Council wanted to encourage outreach to students via participation in the Council government process. He proposed that joint sessions be held with students from Woodland and Pioneer High Schools. Vice Mayor Rexroad had participated in this type of program in the past and was involved in issues of interest to the students. He expressed concern about the level of interest. Council Member Monroe said he has spoken with the Superintendent of Schools and the Principals of both high schools who have indicated an interest in the process. Vice Mayor Rexroad suggested a reduction in the age limitation for participation on Boards and Commissions as students may have an interest in serving in other capacities within the City. Council Member Peart suggested that Council Member Monroe meet with the schools to determine the level of interest. He does not feel student participation should be perceived as a "novelty" to serve. Council Member Monroe said his intent is to encourage students to become involved in governmental affairs. His initial thought was participation at Study Sessions. Vice Mayor Rexroad suggested attending student government classes to speak to students about the program and determine interest. Young people do not always have the opportunity to step forward and participate in this type of program.

City Manager Kirkwood indicated it appears consensus is to recruit students by setting a time to meet with the various classes, take applications and provide information regarding Boards and Commissions regarding opportunities to serve. Should the interest level appear to be high, Council could then change the Municipal Code to modify the age limitation. Vice Mayor Rexroad would like students other than those active on Student Council to be included in the



contacts. Assistant City Manager Marler said the schools may want to apply the service to the school term only and the details will need to be solidified.

Leslie Marcus said the process seems to have changed from the original intent as suggested by Council Member Monroe. There seems to be a lack of respect by Council regarding student interest level for participation.

City Manager Kirkwood said he will prepare a letter for review by Vice Mayor Rexroad and Council Member Monroe.

OPPOSE H.R. 1501 (THOMPSON) AND S. 738 (BOXER), AND ANY OTHER LEGISLATION THAT DESIGNATES CACHE CREEK AS WILD AND SCENIC AND COMMUNICATE SAME TO LAWMAKERS

This item was previously removed from the Agenda.

ORDINANCE REQUIRING CANDIDATES AND ORGANIZERS OF BALLOT MEASURE CAMPAIGNS TO ESTABLISH AND MAINTAIN WEBSITES LISTING CAMPAIGN CONTRIBUTIONS

Vice Mayor Rexroad said this proposal would provide the same information required by the Fair Political Practices Commission but would add the information on a WEB page of each candidate or committee which would be linked to the City WEB page. The cost would be minimal and the burden would be on the candidate and committee to post. The only issue is the reliability of the server. He feels the people have a right to know who is supporting candidates and committees with contributions in excess of \$100 and they should have information immediately available. Those who do not have a computer could utilize the equipment at the Library.

Council Member Peart asked what would be the enforcement mechanism and Vice Mayor Rexroad said the City would have that responsibility. City Attorney Siprelle said if this is made part of the City Code, it would be a misdemeanor to violate the Code section.

Council Member Dote is concerned about accessibility for those who do not have a computer, are disabled or not computer literate. Vice Mayor Rexroad said these individuals would still have access via hard copies held by the City Clerk. This method would provide accessibility when City Hall is not open. Council Member Monroe expressed concern about the additional responsibility on candidates or committees and the time involved in completing this step.



Leslie Marcus asked if individuals really need to have this information available 24 hours per day. This information could be added to the utility bills. People are afraid to come to City Hall even to apply for Boards and Commissions. If they are told how to come to City Hall and find information they will be coming.

Council Member Monroe said it should be the responsibility of the City Clerk to post the information. Vice Mayor Rexroad said the timeliness is the issue and now the candidate can receive funds and would not have to report them until after the election is over. Council Member Monroe said they could require reporting within 30 days prior to the election and have the City Clerk post within 72 hours. Council Member Peart would like to see this information on the WEB. Council Member Dote would like this for the last eight weeks of the campaign.

On a motion by Vice Mayor Rexroad, seconded by Council Member Peart and carried by the Members present, Council directed the City Attorney to draft an Ordinance that during the last 30 days of an election, candidates and committees must report campaign contributions in excess of \$100 to the City Clerk within 72 hours of receipt. This information will then be reported on the City WEB page.

ORDINANCE TO IMPOSE A 90-DAY BLACKOUT PERIOD WITH REGARD TO CITY-INITIATED COMMUNICATIONS WITH VOTERS

Vice Mayor Rexroad does not feel the City should communicate on topics of concern to the City within 90 days prior to the election. If the City received letters they would be able to respond to those questions. At present the City is allowed to provide information and he feels this is wrong. Groups of citizens could take charge of the campaign, not the City because they are then influencing the election. City Attorney Siprelle said the City does not send out materials to influence at present. They are to be informational only. She reviews everything and points out the positive and negative aspects. Council Member Monroe feels this ties the City's hands on issues. Council Member Peart feels it is the duty of the Council to inform citizens of issues within the limits of law, not to encourage or discourage, but to provide an accurate source of information. This would not allow the City to respond to requests for clarification on inaccurate statements made by others.

Council Member Monroe said there are many that distrust and many that do trust the City to provide accurate information which should come from the City. Council Member Dote feels we are already severely constrained on what



we can and cannot say and do in regard to elections. Vice Mayor Rexroad said this is an effort to influence the election with taxpayer's money. Council Member Monroe said if inaccurate information is being spread, the City should be the source for the factual information. Council Member Dote said the act of informing the people is not advocacy. Vice Mayor Rexroad feels this is wrong but will withdraw this item from consideration.

LETTER TO STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARD REGARDING FLAWS IN THE DEVELOPMENT OF THE BASIN PLAN

Director Wegener said this letter will outline the flaws in the Basin Plan. There are procedural errors which have created the flaws. The Plan was not adopted in accordance with the standards in the Porter-Cologne Water Quality Control Act. There is a failure to consider the level of water quality which could reasonable, be achieved through the control of all factors, the failure to consider economics and the failure to develop a program of implementation which identifies the nature of the actions and time schedule necessary to achieve the objectives. The problem with our discharge permit is based upon the errors in this Plan. There is a meeting regarding this issue on October 16, 2003 and the City will be participating. Council Member Dote asked if the 1975 standards are still in effect and Director Wegener indicated they remain the same. These standards are outdated and many no longer apply.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council authorized the Mayor to sign a letter to the State Water Resources Control Board and the Regional Water Quality Control Board regarding fundamental flaws in the 1975 Sacramento River, San Joaquin River and Sacramento-San Joaquin Delta Basin Plan.

CONSENT - REGULAR

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

PARTICIPATION IN A JOINT (DAVIS/UC DAVIS) STUDY OF THE DEEP AQUIFER

Council Member Dote asked why the City is requesting participation in the Study. Director Wegener said this relates to the discharge permit issues. There are lower electrical conductivity (EC) levels when pumping from a deeper level. The water quality is higher, which should help with the permit.



On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council approved the City's participation in a joint study with the City of Davis and the University of California at Davis of the deep aquifer at an estimated cost of \$45,000.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council approved the following Consent Calendar items as submitted:

MONTHLY STATUS REPORT-PARKS, RECREATION AND COMMUNITY SERVICES

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

MONTHLY STATUS AND CAPITAL BUDGET IMPLEMENTATION REPORTS-PUBLIC WORKS

Council received the Monthly Status and Capital Budget Implementation reports for September 2003 from Public Works.

RESOLUTION OF INTENTION 4477 AND ORDINANCE AMENDING PUBLIC EMPLOYEE RETIREMENT SYSTEM CONTRACT FOR 2.7% AT 55 FOR MISCELLANEOUS MEMBERS

Council adopted Resolution 4477, a "Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Woodland", to change the contract for miscellaneous members to the 2.7% at 55 retirement formula; authorized the City Clerk to sign Compliance with Section 7507 and sign Certification of Governing Body's action; introduced an Ordinance authorizing an amendment to the Contract.

RESIDENTIAL INFILL SITE INVENTORY AND ACTION PLAN

Council approved for submittal to the State Department of Housing and Community Development the final Residential Infill Site Inventory and Action Plan prepared by J. Laurence Mintier and Associates.



YOLO COUNTY PUBLIC AGENCY RISK MANAGEMENT INSURANCE AUTHORITY BOARD

Council appointed Assistant City Manager Marler as the primary member and Finance Director Drayton as the alternate member to the Yolo County Public Agency Risk Management Insurance Authority.

SACRAMENTO AREA COUNCIL OF GOVERNMENTS AND VALLEY VISION SACRAMENTO REGION BLUEPRINT WORKSHOP

Council received information on the County wide Blueprint Workshop to be held on October 27, 2003 at 5:15 at the Veterans' Memorial Center in Davis.

REDUCTION IN PARKING REQUIREMENT BY TWO (2) SPACES UNDER BONUS DENSITY INCENTIVE ORDINANCE-VOSBERG APARTMENTS-505 COMMUNITY LANE

Council approved this item under the Public Hearing section of this meeting following denial of the appeal on the project.

RESOLUTION 4478-MEMORANDUM OF UNDERSTANDING-WOODLAND MID-MANAGEMENT ASSOCIATION

Council adopted Resolution 4478, "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Mid-Management Employees" via a Memorandum of Understanding.

RESOLUTION 4479-CONFIDENTIAL EMPLOYEES

Council adopted Resolution 4479, "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Confidential Employees".

PURCHASE OF PISTOLS

Council authorized the purchase of pistols for the Police Department in an amount not-to-exceed \$24,500.



LEAGUE OF CALIFORNIA CITIES 2003 ANNUAL CONFERENCE RESOLUTION FINAL REPORT

Council received the League of California Cities Annual Conference Resolutions Final Report.

YOLO COUNTY COMMUNICATIONS EMERGENCY SERVICE AGENCY BOARD OF DIRECTORS

Council appointed Fire Chief Diekman as the primary and Police Chief Sullivan as the alternate representatives to the Yolo County Communications Emergency Service Agency Board of Directors.

MINUTES

REGULAR COUNCIL MEETINGS OF AUGUST 19 AND SEPTEMBER 2, 2003

On a motion by Council Member Dote, seconded by Council Member Peart and carried by the Members present, Council adopted the minutes of the regular meetings of August 19, 2003 and September 2, 2003 as presented.

COMMUNICATIONS - WRITTEN

Council received a communication from Superior Court Judge Mock regarding acceptance of the City's response to the 2003 Grand Jury Report.

COMMITTEE REPORTS

A report was received from Public Works Director Wegener transmitting the minutes of the Water Resources Association meeting of July 21, 2003.

A report was received from Parks, Recreation and Community Services Director Gentry transmitting the minutes of the Parks, Recreation and Community Services Commission and Master Plan Study Session of July 28, 2003.

A report was received from Library Services Director Bryan transmitting the minutes of the Library Board of Trustees meeting of September 8, 2003.



A report was received transmitting the minutes of the Commission on Aging meeting of September 9, 2003.

A report was received transmitting the minutes of the Tree Commission meeting of September 15, 2003.

A report was received transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting of September 18, 2003.

A report was received from Community Services Director Stevens transmitting a summary of the Redevelopment Citizens' Advisory Committee actions taken at their meeting of September 24, 2003.

ADJOURNMENT

Vice Mayor Rexroad adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Sue Vannucci, CMC, City Clerk