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

October 2, 2001

CITY COUNCIL SPECIAL/CLOSED SESSION

The Woodland City Council met in special session at 6:05 p.m. in the second floor conference room of City Hall in order to convene a closed session. Council Members present were Mayor Borchard, Council Members Dote and Monroe. Also present were City Manager Rick Kirkwood, Assistant City Manager Phil Marler and City Attorney Ann Siprelle. Counsel held conferences with Legal Counsel regarding existing litigation pursuant to Subdivision (a) of Section 54956.9, Fairbanks v. City of Woodland; Friends of Historic Downtown Woodland v. City of Woodland, Yolo County Superior Court, Case No: PT 01-1463; and Tetzlaff v. City of Woodland. Council also held a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9, one case and a conference with Real Property Negotiator pursuant to Section 54956.8, Property Description: APN 005-644-07, Negotiating Parties: Reinaldo R. & Lois J. Carranza and the Redevelopment Agency, Under Negotiation: Price.

REGULAR SESSION

CLOSED SESSION ANNOUNCEMENT

Mayor Borchard announced that Council held conferences with Legal Counsel regarding existing litigation, Fairbanks v. City of Woodland and received a report; Friends of Historic Downtown Woodland v. City of Woodland, Yolo County Superior Court, Case No: PT 01-1463 and confirmed previous guidance; and Tetzlaff v. City of Woodland and received a report. Council also held a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation, one case and received a report; and a conference with Real Property Negotiator and gave guidance.

CALL TO ORDER

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



ROLL CALL

COUNCIL MEMBERS PRESENT: Steve Borchard, Martie Dote, David Flory, Jeff

Monroe

COUNCIL MEMBERS ABSENT: Neal Peart

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle,

Gary Wegener, Steve Harris, Mitch Dion, Henry Agonia, Karl Diekman, Bruce Lecair, Sue Vannucci, Charlie Wilts, Dan Rice, Mini Garcia,

Gus Bush

MINUTES

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by the members present, Council approved the minutes of the Regular Council meeting of July 31, 2001 with clarification on a motion that Vice Mayor Flory was not in attendance and Mayor Borchard was in attendance.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by the members present, Council approved the minutes of the Regular Council meeting of September 4, 2001 as presented.

COMMUNICATIONS - WRITTEN

A Notice of Application for Electric Rate Increase: Change of Distribution Level Standby Rates was received from Pacific Gas and Electric.

A Request for Modification or Removal of Conditions on an Alcohol License for Quantum Sports at Dubach Field was received from the Department of Alcoholic Beverage Control. The Police Department has reviewed the request and provided input to ABC.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the members present, Council rejected a Claim for Damages filed by Daniel Cottrell for alleged missing property and referred the claim to the City Insurance Representative.



COMMITTEE REPORTS

A report was received from City Manager Kirkwood transmitting the minutes of the Woodland Economic Renaissance Corporation meeting of August 24, 2001.

A report was received from Police Chief Del Hanson transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting of September 5, 2001.

A report was received from Library Services Director Marie Bryan transmitting the minutes of the Library Board of Trustees meeting of September 10, 2001.

A report was received from Parks, Recreation and Community Services Director Henry Agonia transmitting the minutes of the Commission on Aging meeting of September 11, 2001. Council Member Dote indicated the minutes had stated a concern by the Seniors they were not receiving progress reports on the Community Center and their needs were not being represented. City Manager Kirkwood will discuss this with Director Agonia.

A report was received from Community Development Director Steve Harris transmitting the minutes of the Historical Preservation Commission meeting of September 12, 2001.

A report was received from Public Works Director Gary Wegener transmitting the minutes of the Flood Task Force meeting of September 15, 2001.

A report was received from Director Harris transmitting the summary of the Planning Commission meeting of September 20, 2001 as follows:

- a. approved Tentative Parcel Map 4515 to divide a 22,537 square foot parcel on California and Lincoln Streets.
- b. denied modification of previous Conditional Use Permit, Design Review and Site Plan to allow construction of a Mirastar fueling station at Yolo Polo Plaza, 1716 East Main Street.
- c. heard a report on the Bourn Drive trees.

Council Member Dote asked if there was a Tree Plan. Director Harris said it is progress. The concern is to preserve as many of the trees as possible.

d. reviewed and made suggestions to developers on Home Depot Elevation Design and Site Plan Review.



PUBLIC COMMENT

None heard.

COUNCIL STATEMENTS AND REQUESTS

Vice Mayor Flory said at the last meeting he stated we need to move ahead with projects not yet addressed. One of concern is the Master Plan for the Woodland Cemetery.

PRESENTATIONS

PLANNING COMMISSION

Kevin Bryan, Chair of the Planning Commission, spoke to Council regarding projects underway. The major project is that of the Spring Lake Specific Plan. The Commission will be working on design guidelines and Master Illustrative Plan. Woodland deserves a top quality division. As this project is in a sensitive area, it should have more stringent guidelines. A great deal of time has been spent a Tree Plan. The Commission is updating the Sign Ordinance and the Downtown Specific Plan. The map of the I-5/County Road 102 Gateway will come before the Council. The Home Depot project is also a very important one. Enforcement of the Zoning Ordinance would assist the Commission in their determinations. He would like the Commission to be used as more of a resource in the future. It was recommended that a Planning Commissioner attend meetings when issues are coming before the Council in which the Commission has a recommendation or input.

WOODLAND OPERA HOUSE

Jeff Keane, Executive Director of the Woodland Opera House, Inc. provided Council with an update of the activities and status. An endowment fund was created four years ago which has now grown extensively. They are actively raising additional funds. A building on Fourth Street has been purchased for scene and costume storage. They are receiving bids for new lighting and have received a grant in the amount of \$75,000 from the State for a new "fly system".



MENTAL HEALTH AWARENESS WEEK PROCLAMATION

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, the Council proclaimed the week of October 1-7, 2001 as Mental Health Awareness Week. Albert Weiss received the Proclamation from Mayor Borchard.

FIRE PREVENTION WEEK

Fire Chief Karl Diekman and Assistant Fire Chief Bruce Lecair outlined the activities to take place during the month of October in recognition of Fire Prevention Week. This year, the week's designation is in memory of those who lost their lives on September 11, 2001. The overall theme is "Cover Your Bases – Strike Out Fire". The seventeenth annual First Grade Program is underway and on October 13th will be the first Open House and Junior Muster to be held at Station #3. The Memorial Dedication will also be to add the name of Ed Rosa to the Memorial Stone. On October 20th, Family Safety Day will be held at the County Fair Mall.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council proclaimed the week of October 7-13, 2001 as Fire Prevention Week. Council Member Monroe presented the Proclamation to Assistant Fire Chief Lecair.

RED RIBBON WEEK

Recreation Program Manager Dan Rice and Community Services Officer Mini Garcia presented Council ribbons, stickers and information in recognition of the events to be held during the week of October 23-31, 2001. These events will be conducted by the Parks, Recreation and Community Services Department, the Police Department, Friday Night Live/Club Live, the American Cancer Society and Woodlander's Reaching Out and Karing.

On a motion by Council Member Monroe, seconded by Vice Mayor Flory and carried by the Members present, the Council proclaimed the week of October 23-31, 2001 as Red Ribbon Week. Council Member Dote presented the Proclamation to Manager Rice and Officer Garcia.



CONSENT CALENDAR

City Manager Kirkwood requested the following item be removed from the Consent Calendar:

8. Approve Professional Services Contract to Provide Library Planning Services

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

13. Set Public Hearing for October 16, 2001 to Hear Appeal by Tait and Associates in Regard to a Planning Commission Decision

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

11. Receive Information on CALFED Watershed Planning Grant Award

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by the Members present, the following Consent Calendar Items were approved:

MONTHLY STATUS REPORT FROM PARKS, RECREATION AND COMMUNITY SERVICES

Council received the Monthly Status Report for the month of September 2001 from Parks, Recreation and Community Services.

MONTHLY STATUS REPORT AND CAPITAL BUDGET IMPLEMENTATION REPORT FROM PUBLIC WORKS

Council received the Monthly Status Report and Capital Budget Implementation Report for the month of September 2001 from Public Works.



QUITCLAIM DEED CONFIRMING REVERSION OF CITY'S EXPIRED STORM DRAINAGE EASEMENT TO MERRITT MURPHY OWNERS GROUP

Council approved a Quitclaim Deed confirming reversion of City's expired storm drain drainage easement to Merritt Murphey Owner's Group. This is in reference to parcel APN 042-010-20 located at 19123 County Road 101, Woodland.

SECOND QUARTERLY UPDATE ON WATER SUPPLY STUDIES

Council received the second quarter, June through August 2001, water supply study including a remote wellfield study (Project 00-44) and surface water use feasibility study (Project 99-21.

INTRODUCE AND READ BY TITLE ONLY AN ORDINANCE TO INCREASE MEMBERSHIP OF TREE COMMISSION FROM FIVE TO SEVEN MEMBERS

Council introduced and read by title only a proposed Ordinance to increase the membership of the Tree Commission from five to seven members. The affected Code Section would be 2-7-32.

PROJECT PROGRAMMING SUMMARY SHEET FOR PROJECT NO. 01-23, GIBSON ROAD PEDESTRIAN/BIKE OVER-CROSSING AND PATH

Council approved the Project Programming Summary Sheet (PPSS), for Project 01-23, the Gibson Road Pedestrian/Bicycle Over-Crossing and Path and authorized that \$110,000 be added to the Capital Budget for this fiscal year for the preliminary design.

DATES OF THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, DECEMBER 18-20, 2001

Council received information of the rescheduled dates for the League of California Cities Annual Conference from September 12-14 to December 18-20, 2001. Council Member Dote is the Council Delegate to this Conference.



ITEMS REMOVED FROM THE CONSENT CALENDAR

PROFESSIONAL SERVICES CONTRACT TO PROVIDE LIBRARY PLANNING SERVICES

City Manager Kirkwood said there is an amendment to the motion that would clarify that Council would be authorizing the Library Services Director to negotiate rather than enter into a Professional Services Contract.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by the Members present, the Council authorized the Library Services Director to negotiate a Contract for Professional Services with Dallas Young Shaffer, Ruth Metz and Kathryn Page to provide library planning services in anticipation of building a new neighborhood library in the Southeast area of the City.

CALFED WATERSHED PLANNING GRANT AWARD

Council Member Dote asked that the City keep the Board of Supervisors informed in regard to this issue and Public Works Director Wegener stated he would maintain the communication.

SET PUBLIC HEARING FOR OCTOBER 16, 2001 TO HEAR APPEAL BY TAIT AND ASSOCIATES IN REGARD TO A PLANNING COMMISSION DECISION

Council Member Monroe stated he was of the impression the notification process had been increased from 300 to 1,000 feet of proposed construction. City Attorney Siprelle stated should the entire Council so desire, it must go forward in the form of an Ordinance. City Manager Kirkwood said we can send to the property owners within 1,000 feet but the City would bear the cost of the mailing until the Ordinance is amended. It was the consensus of the Council that this item be added to a future Agenda for discussion and consideration as per the request Council Member Monroe and notices would be provided to owners within the 1,000 feet for this issue.

On a motion by Council Member Monroe, seconded by Council Member Dote to set a public hearing for October 16, 2001 to hear an appeal by Tait and Associates in regard to a Planning Commission decision and that the City provide for notice to all property owners of record up to 1000 feet from the property line.



Vice Mayor Flory left the meeting at 8:05 and returned at 8:10.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

<u>UPDATE ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD</u> <u>PROTECTION FUNDING</u>

Public Works Director Wegener gave an overview of materials received from the Army Corps of Engineers. The cost of alternatives are of a concern. The most likely solution is the flood barrier as it provides more protection at a lessor cost, but the analysis is not yet complete. However, it would preclude development North of the City. The source of funding for the City share should be addressed soon. Bob Cermak of Parsons Brinckerhoff outlined local funding options with a possible Special Assessment District, General Obligation Bonds, extension of the ½ cent sales tax or a Mello-Roos Community Facility District. The issues that must go to the voters face a critical timing element.

Council Member Dote asked if the General Sales Tax with an advisory vote becomes a Special Sales Tax. City Attorney Siprelle said as long as it is advisory only, it is not a Special Tax.

Kent Calfee, Attorney, who represents landowners North of the proposed Flood Barrier and South of Cache Creek, stated that figures have not yet been provided to the property owners. Counsel is focusing on the less expensive alternative rather than the best solution. He questioned when the property is absorbed due to the barrier, where growth will go. He asked that Council think about the impacts in 20 years.

Director Wegener said the overflow barrier provides more robust flood control protection. The University of California at Davis owns a great deal of the land which is beyond the urban limit line. The Council has indicated in the past that growth would be South and East, not North.

Council Member Dote asked for a definition of robustness of the barrier. Director Wegener said the height and volume to spread the water provides more protection. Council Member Dote asked if there were fiscal feasibility issues. Director Wegener said with the setback levee the water will raise faster than with the flood barrier. The channel on the setback levee would need to be concrete lined up and down stream from the bridges. Council Member Dote asked the affect of doing nothing. Director Wegener said we would stay in the Flood Plain and would probably loose businesses in the area.



Donna Howald said her family would be greatly impacted by a flood barrier and will have no farmable land. She stated she has not been informed She asked why other alternatives had not been of the process to date. considered. She asked what percent of the \$49 million cost would be leaving the community. Director Wegener said the other alternatives were identified in 1993 and 1994 with feasibility studies. They included: (1) clearing and grubbing the channel; (2) raising the existing levees, which is a higher cost, inefficient and generally unacceptable; (3) a combination of (1) and (2), which was the second highest in cost; (4) a damming system, which is not feasible; (5) the flood wall or barrier; (6) the setback. Council had determined that options (5) and (6) were the most feasible and cost effective, as did the County Board of Supervisors. The construction must go out to bid and must go to the lowest responsible bidder. In regard to notification, the City does have a list and Director Wegener will check after the meeting with those who wish to see if they are included. The next mailing will include a post card asking if persons would like to remain on the list.

Sue Sternes has a concern about the health issues. There is lime and mercury in the water. When the water recedes after flooding in the area, there are dead animals. The odor is also a problem. Director Wegener stated the project also includes berming or raising structures. The compensation process is based upon the level of water after the barrier is constructed.

Robert Sternes said the project started at \$30 million and is now at \$49 million. Information is not forthcoming. By placing his land in a bypass, his land becomes useless. Director Wegener said the figures are coming from the Corps of Engineers. He also stated all materials have been available on request, but releasing the F-4 at this point may be too soon. The information changes constantly. The County will not let a structure be constructed in that area at present due to County agricultural issues.

Robert Young stated his property would be placed into a flood plain if the setback levee was chosen.

Mayor Borchard said that closing I-5 was one option as the increase flow under I-5 will hinder the integrity of the bridge. The 100 year is a bare minimum which FEMA expects.

Council Member Monroe left the meeting at 9:32 and returned at 9:35.

Vice Mayor Flory left the meeting at 9:36 and returned at 9:38.



On a motion by Council Member Monroe, seconded by Vice Mayor Flory and carried by unanimous vote, the Council deferred the following items until the October 16, 2001 Council Meeting.

- 18. Receive Code Compliance Activity Report
- 19. Receive Building Activity Report for FY July 2000/June 2001 and July 2001/September 2001
- 20. <u>Receive Economic Development Plan Update Status Report and Appoint</u> Council Representative to Steering Committee
- 21. Receive Update on Assembly Bill 939 Fifty Percent Waste Reduction

Howard Beeman stated he agreed with Mr. Calfee. He feels we are rushing the project which leaves us open to error. He proposed that staff meet with the organized groups to obtain support for the City proposal.

Mayor Borchard asked if there has been any outreach between the City and the landowners. Director Wegener said there have been meetings with Engineering firms, one of the attorneys and a volunteer agricultural economist. The outcome was to continue meetings to receive input.

Vice Mayor Flory asked if they were waiting for a recommendation from the Flood Control Task Force and Director Wegener indicated to the affirmative.

Pete Rabbon, General Manager of the Reclamation District, said the study will not be completed until the middle of 2002. At that point, the City will need to make an irrevocable decision. Until then, this discussion is important but there should be no decision until the CEQA is completed. The level of protection based on past action and on the study indicates that 100 year level of protection would be inadequate. Past Board policy has been 200 years minimum level of protection. His position based upon the information he has thus far would not to recommend 100 year protection to the Board. He is concerned about the public safety aspect. The Board would probably support 200 year since the NED is greater than 100 year protection.

Rob Ferrero there is so much confusion and lack of clarity. Information is hard to get and cursory. The press has not adequately covered the information. He will be placed into the flood plain if the barrier is selected.



Vice Mayor Flory said the City spent a lot of money fighting this issue with FEMA. This issue was thrust upon the City and now we must find a solution.

Director Wegener said this is not in the flood plain now and FEMA did not look at the North side of the Creek. Vice Mayor Flory said Council has heard several different figures and there is 3000 pieces of property in the City that would be affected and would be paying \$2 million in insurance fees. He asked that those figures be provided. City Attorney Siprelle said there are no specific notice requirements.

Dudley Holman stated that Brenda Cedarblade had asked that he read her comments as she was unable to attend. She stated this issue is placing neighbor against neighbor. Residents in Knights Landing will be isolated. Mr. Holman said there have been intentions to develop North of Kentucky Avenue up to Cache Creek. He feels this is premature to put on the ballot at present. He feels it would be very difficult to pass because there is lack of clarity on the issues. Council Member Dote asked what his solution would be and he said there are many things that still need to be answered. If it does pass and the flood barrier is not done, then what do we do with the money.

At 10:26 p.m., it was moved by Vice Mayor Flory, seconded by Council Member Dote and carried by the Members present to extend the Council Meeting until 11:15.

Mayor Borchard said this is an information item and Council will see it again on October 30th. He announced the next Flood Task Force meeting will be on October 24th at 7:00 p.m. in the Council Chambers and will be televised.

Mayor Borchard called at recess at 10:28 and left the meeting at 10:30. Vice Mayor Flory reconvened the meeting at 10:35.

<u>DESIGN BUILD PROCUREMENT PROCESS FOR ACQUISITION OF A NEW POLICE</u> STATION FACILITY, PROJECT NO. 96-19

City Manager Kirkwood said a Committee had been appointed to consider those firms for the construction of the Police Station and Community Center. The firm of INDIGO Architects proceeded with the Police Station project to reaffirm our ability to use design build, which has been confirmed. Further analysis is necessary for the Community Center project. It is suggested that a Recommendation for Proposals proceed to the three firms under consideration.



Council Member Dote said asked if the process will proceed for the Community Center and City Manager Kirkwood stated a determination of that step has not yet been made. Vice Mayor Flory asked that a Council member serve on the Committee.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by the members present, Council appointed Council Member Monroe as a member of the Committee to consider the design build aspects of the Police Station and Community Center. Council Member Peart will serve as an alternate.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the members present, the Council authorized staff to proceed with a design build procurement process for acquisition of a new Police Station facility (Project 96-19).

CITY COUNCIL AND SENIOR MANAGEMENT FALL PLANNING RETREAT

City Manager Kirkwood recommended setting Saturday, November 3, 2001 as the date for the City Council/Senior Management Fall Planning Retreat. City Manager Kirkwood said Council policies would be linked to the budget process. Vice Mayor Flory would like the past goals presented, status to date and where they hope to be in the future. City Manager Kirkwood stated generally more goals, policies and objectives are set than available money allows to achieve. City Manager Kirkwood will prepare a tentative Agenda for the Council.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, the Council set Saturday, November 3, 2001 as the date for the City Council/Senior Management Fall Planning Retreat.

NEW MEMBERS TO CITY BOARDS AND COMMISSIONS

Council Member Dote advised that five candidates had been interviewed for three different committees. She recommended holding the appointment to the Planning Commission until it could be determined whether former candidates were still interested in consideration.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the members present, the Council appointed the following persons to the various Boards and Commissions as indicated:



Kristyn Eagleton Historical Preservation Commission

Norma Eyerly Parks, Recreation & Community Services Commission

Andrea Zeller Redevelopment Citizens' Advisory Committee

Joy Wickstrom Traffic Safety Commission

ADJOURNMENT

At 10:50 p.m., Vice Mayor Flory adjourned the meeting of the City Council.

City Clerk		

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