

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

February 6, 2001

CITY COUNCIL
SPECIAL SESSION/CLOSED SESSION

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. The Council held a conference with Legal Council regarding existing litigation (Section 54956.9), Woodmark Apartments v. City of Woodland and anticipated litigation, significant exposure to litigation pursuant to Section 54956.9(b).

Council Members present were Steve Borchard, Martie Dote, David, Flory, Jeff Monroe and Neal Peart. In addition, City Manager Rick Kirkwood, Assistant City Manager Phil Marler, and City Attorney Ann Siprelle were present.

The special session and closed session were adjourned at 6:59 p.m.

CITY COUNCIL
REGULAR SESSION

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

CLOSED SESSION ANNOUNCEMENT

Mayor Borchard announced that 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. The Council held a conference with Legal Counsel and received a report regarding existing litigation (Section 54956.9), Woodmark Apartments v. City of Woodland. Council also received information regarding anticipated litigation, significant exposure to litigation pursuant to Section 54956.9(b) and gave direction to staff and Counsel.

PLEDGE OF ALLEGIANCE:

Mayor Borchard invited all in attendance to join him in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Richard Kirkwood, Phillip Marler, Ann Siprelle, Margaret Vicars, Henry Agonia, Gary Wegener, Steve Harris, Karl Diekman, Charlie Wilts, Susannah Reinhardt, Sue Vannucci

MINUTES:

On motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the City Council approved the minutes of the regular Council and Redevelopment meetings of January 16, 2001 and the special meeting of the Council of January 23, 2001 as presented.

WRITTEN COMMUNICATIONS:

1. Receive and Reject a Claim filed by Kevin Hyatt - The Council received information regarding a claim filed by Attorney, Kevin Hyatt on behalf of Kimberly A. Spaulding in relation to a child custody case.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote, the Council rejected the claim filed by Kevin Hyatt and referred this 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 meeting of December 4, 2000.

2. From Parks, Recreation and Community Services Director Henry Agonia, a report was received transmitting the minutes of the Commission on Aging meeting of January 9, 2001.

3. From Public Works Director Gary Wegener, a report was received transmitting the minutes of the Traffic Safety Commission meeting of January 9, 2001. Council

Member Dote asked if the numbers of traffic citations listed had increased over the past several months and requested the demographics of those receiving tickets. City Manager Kirkwood stated there has been an increase of between 30% and 40%. The requested demographics will be provided.

4. From Police Chief Del Hanson, a report was received transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting of January 10, 2001.

5. From Community Development Director Steve Harris, a report was received transmitting the minutes of the Historical Preservation Commission meeting of January 17, 2001.

6. From Community Development Director Steve Harris, a report was received transmitting a summary of the Planning Commission meeting of January 18, 2001 as follows:

- a. held discussion regarding proposed amendments to the Downtown Specific Plan and instructed staff to schedule a public hearing at the next Planning Commission meeting to provide for interim temporary parking on Main Street.
- b. held discussion regarding proposed amendments to the Sign Code; directed staff and Sign Committee to review the Ordinance and contact the City Attorney regarding liability on illegal signs.
- c. instructed staff to prepare a letter to Turn of the Century re-affirming the Southerly extension of College Street and encouraged interested parties to accommodate the future right-of-way; held discussion regarding proposed agricultural conservation easement and two acre homesite reservation on a 64 acre parcel located West of the extension of College Street (Stahl property). Planning Commission approved with conditions: (1) two-acres cannot be subdivided; (2) applicant to work with Yolo Land Trust on placement of the home; (3) no further subdivision of 64-acre parcel; (4) additional acreage will be acquired and placed in an agricultural easement; (5) limit use to one single family residential unit; (6) locate adjacent to an existing public road; (7) locate on North side of property adjacent to existing residential uses; (8) not project more than 295 feet into property from nearest property line.
- d. continued status report on Interstate 5/County Road 102 Land Use Study to next meeting.

- e. continued Planning Commission Mission Statement to next meeting.

PUBLIC COMMENT:

John Irwin, representing the residents of Idle Wheel and Royal Palm Mobile Home Parks, spoke regarding his concerns about a perceived lack of support from the City for the plight of the residents in these two parks. He said the owner of the parks is billing the residents twice for utility service and they have taken the owner to Court. He approached Council a year ago asking for assistance and a space rent control Ordinance and the Mayor refused to assist. They had asked for a 180-day moratorium while they would try to purchase the parks. The owner also told the residents the rates would go up further if they did not drop the suit. Over 50% of the residents are in the low to very low-income group and they had a 25% rate increase. He will ask the District Attorney and Grand Jury to look into this issue. He is asking the City for Community Development Block Grant funds to help purchase the parks. He submitted several documents to the Council for review.

Patsy Dobbins stated there are elderly and low-income minorities in the parks. The rates have increased dramatically and the utilities are paid twice by the residents. She asked for the Council's assistance. Tony Tutt owns a mobile home in the park, which he is trying to sell, but resides elsewhere. The park owner turned the sale down and said the home must be purchased by the park owner.

Edward McDonald, Attorney for Mr. Yohanan who is the owner of the Parks, stated the Council would be receiving a letter from him regarding some of the issues raised. He said the dialog is open and feels that many of the issues are overblown. City Manager Kirkwood said the City did receive the letter and had presented it to the Council. The letter stated the lines of communication were open. The City has received an application for CDBG funds from Mr. Thompson, the Attorney for the park residents. The application asks for over \$400,000, but there is only \$500,000 in total available which must be considered for several projects. There is a committee, which reviews and makes the recommendation to Council on the direction of distribution for these funds. As the parks are under the purview of the State, the City has very little latitude in assisting the parks. However, the City is looking at ways to assist the residents in purchasing the parks. The City Manager has received a letter from Assembly Member Dick Dickerson regarding possible funding sources and provided a copy to Mr. Irwin. He also reiterated that he does not have any authority or power to make these decisions for the park residents, but does support their efforts.

City Attorney Siprelle said space rent control has been researched and she advises the City proceed cautiously as this issue has generated some very costly

litigation in other Cities. She feels that the space rent control inhibit their interest and efforts to purchase the parks. Council Member Dote asked for clarification on the request from the park residents for CDBG funds and City Manager Kirkwood gave a breakdown of the funding split as requested. Of the \$486,000 requested, \$435,000 would go directly toward the purchase with fees taking the rest. This equates to approximately \$5,000 per space for those that are in the category of low and very low-income households. The balance is \$6,000 for an appraisal, \$5,000 for environmental review, \$5,000 for legal assistance, \$20,000 for consultant services and development of a financing package, \$10,000 for a purchase deposit, \$2,000 for printing and \$3,000 for miscellaneous expenditures.

In speaking with Mr. Tennison of Senator John Dunn's Office and an Attorney recommended by him, it was stated that all Ordinances on space rent control which have been enacted to date have been litigated. Not only is the litigation expensive, controlling the rent following placement of an Ordinance is difficult to maintain and enforce, as well as very costly. Council Member Dote expressed her concern that it appears the City does have some control in implementing a space rent control Ordinance and asked where the State control fit. City Manager Kirkwood said that all of the inspections, enforcement, etc. are all at the State level. We can impose the Ordinance but the success of the Ordinance is in question. The State Legislature could serve these citizens if laws were passed to address space control issues, which would take it out of the legal realm.

Diane Adams said she wholeheartedly supports the mobile home residents, she is here to speak about a different issue tonight. She would like to make a few comments about Jeff Monroe's conflict of interest over the Olive trees issue. While the Olive tree issue has evolved, or rather devolved, into something almost completely unrelated to the trees themselves. Cutting down 50 mature trees in the name of development was the central election theme this time last year, as was the way our town looked to the future and the way our citizens are treated by the people that we elect to govern us. The voters spoke loud and clear last March, both about the Olive trees and the kind of leadership we want for our City. So, why hasn't this issue gone away? Why haven't we come up with a plan to save the trees, widen Gibson Road and go on with our lives? Why have there been endless meetings that go on into the night over this? Because, certain politicians and former politicians are too driven by anger and ego to move ahead, that is why. We elected Jeff Monroe, Martie Dote and Dave Flory to provide the leadership and vision that has been sorely lacking on the Council over the past few years. With all due respect to Martie and Dave, I feel that Jeff Monroe has proven that he is the leader among you willing to put himself on the line to do what the voters elected him to do. What does he have to show for this commitment, intelligence and leadership? The equivalent of political stalking. The Fair Political Practices Commission,

a non-partisan government agency, decided not once but twice that Jeff Monroe did not have a conflict of interest because he lives near the trees. But Dan Ryhal and his Elk can't abide this decision. Dan Ryhal was ridden right out of the Council Chambers on a proverbial rail last year. He has absolutely no credibility with regard to the Olive tree issues. Talk about a conflict of interest, threatening lawsuits is his MO, just ask the former principal of Woodland High School. Mayor Borchard interrupted Ms. Adams and addressed Legal Counsel that he had a concern that Mr. Ryhal is now a private citizen and using his name as Ms. Adams is doing, he has a concern about legalities. Ms. Adams said that it was her liability issue and carried on. She asked if the City Attorney had any business kowtowing to this man and his political cronies and then conveniently flip-flopping on her original opinion that Jeff did not have a conflict of interest. Then there is the issue of Public Works, maneuvering in every which way except that which they were delegated to do, get a bid for this project so that the Council could make a reasoned decision. She thinks that the issues should be set aside and maybe some City staff housecleaning should take place. City Attorney Siprelle interrupted Ms. Adams and said that the Mayor does have the authority to impose order and to require that people speak respectfully about other individuals. Ms. Adams said she would like to finish up. Mayor Borchard told Ms. Adams that the Legal Counsel said....Ms. Adams asked if Legal Counsel is saying she cannot speak her mind on this issue. The City Attorney said that she is advising the Mayor that he has the authority under the Brown Act to impose....Ms. Adams interrupted saying that the Council owes it to the public who believed in you to do the right thing and she hopes that is what happens.

David Wilkinson said he is here to protest and to tell the Council that he is outraged at the shabby legal treatment that has been afforded to Council Member Jeff Monroe on this alleged conflict of interest. Thousands of voters like himself voted for Jeff to represent them on important issues in the City, the Olive trees being one. He thanked Council Member Monroe for the courage, integrity, leadership and resolve he has exhibited on this issue to date in spite of continual harassment by political enemies, mostly people that did not win in the last election and so forth. He was told yesterday that the City Attorney decided to investigate further after continually telling the public and Jeff that he was on safe legal grounds with the Fair Political Practices Commission due to more than one call to her by disgruntled ex-Council Member Dan Ryhal. He was told that the City Attorney due further into the common law case books looking for something to stick Jeff with to take him out of the this because of the pressure exerted by disgruntled ex-Council Member Ryhal. His question is who is running the City? Who is paying the legal bills? It looks very suspect to him. He talked to attorney friends who have looked into the case law for common law bias and their perception is that there is very very tenuous applicability to Jeff's case. The fact that it is a disgruntled ex-Councilman with a personal vendetta driving the action here he finds appalling. Doesn't the City Attorney have to come to the Council or at least the City Manager to get permission to dig further? Apparently not. But he hopes Jeff asked for an unbiased

or at least an objective legal opinion from the Attorney General's office that is going to be taken out of this political realms because he deserves fair objective treatment here.

Marjorie Brown is here to speak now about principles, not about whether or not she agrees or disagrees with any Council Member and their point of view. She wishes to speak about principles. Mr. Peart has said that the trees are being supported only by quote, "an emotional few". If you look back over the tapes, you will note that she has not been emotional in my speaking to Council, but she might be tonight, because she is going to be emotional about Democracy. She loves being an American. She loves that the Constitution upholds and protects my right to participate fully in my government. She treasures that she has the right to participate and the right to vote. It concerns her that a member of our City Council can be denied his right to participate through bullying, intimidation and threats. This conflict of interest charge was dismissed by the FPPC completely. But she does not believe for a minute that this battle was ever about conflict of interest. She believes it was about people not wanting Mr. Monroe to participate because they disagreed with his point of view. This was about power. This was about vengeance, and most importantly this was about keeping a Council Member from fulfilling his elected obligation in order to effect the outcome of the Council vote. None of this would have happened if Mr. Monroe agreed with his opponents. Instead, unfortunately, we have a City Attorney threatened repeatedly with lawsuits by a former City Council Member, a Council Member who was voted out of office by a City which no longer agreed with his point of view. The citizens of Woodland never threatened lawsuits, they simply used the Democratic process and voted him out of office. These opponents to Mr. Monroe are not interested in the Democratic process. They would never apply the same rules of conduct to their cronies, only to Mr. Monroe. Why? Because they wanted to silence him. She is sorry they succeeded. Whether she agrees or disagrees with Mr. Monroe is irrelevant. What is important here is this. If one City Council Member can be forced to abstain when there is no legal or moral or ethical reason to do so, and this accomplished via threats and intimidation, then all City Council Members are vulnerable to being silenced every time somebody disagrees with them. The precedent is now set. How sad for our Democracy.

Frank Arriaga stated there are toxins in the Pupil Personnel Services Office of the Woodland Joint Unified School District on Cottonwood Street. In his opinion, the members who work there are having medical difficulties as a result of these toxins. In 1993 there was an investigation which has been ongoing for several years without any action taken to date. The County has a process where it will capture about 95% of the toxins during the abatement, but he is concerned about the other 5% and the affect it may have on children. He requests assistance from the Council to put pressure on someone to make it a safe abatement. No one in the area has been contacted about the issue. Public Works Director Wegener said the Air Quality Management District is

the permitting body and the State Water Quality Control Board is the agency that will be abating this toxin. Letters have been distributed to residents to comply with the Health and Safety Code and regulations. Director Wegener said they would contact the Agency ask that they hold a Public Hearing. Mr. Arriaga said the letter sent was not clear and understandable. Vice Mayor Flory is the City representative to the AQMD and will speak to them at the next meeting on February 14th regarding the process. Council Member Peart suggested that Mr. Arriaga and his neighbors put together a letter to AQMD and asked that the City also send a letter to AQMD as well suggesting a neighborhood meeting.

COUNCIL STATEMENTS AND REQUESTS:

Council Member Monroe stated he appreciated the effort expressed for him on the Olive tree issue. He does not feel threatened by the Council or members of the public on this issue.

Council Member Peart commended the Fire Department for their response to the fire at Fourth and Main Street last Wednesday. On Saturday at West and Main Street the Pacific Burn Institute "Boot Drive" was held. Our Fire Department raised over \$13,000.

Council Member Dote said the "Murder in the Library" was a success. The "Friends of the Library" raised funds at this event and did well on their receipts. On Monday, February 12th from 4:00 to 6:00 p.m., the new Fire Chief, Karl Diekman, will be sworn in at the Hotel Woodland. The Turn of the Century meetings are going well. Most of the issues have been forwarded to the Technical Committees. On February 16th she will be attending the League of Cities North Valley Division meeting in Marysville.

Council Member Peart said they are looking at the Turn of the Century items issue by issue and seems to be moving forward.

PRESENTATIONS:

BOARD AND COMMISSION RECOGNITION

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote, the Council recognized and commended the following Board and Commission Members for their service to the community.

Commission on Aging

- John Ferns

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| Library Board | - | Sandra Briggs |
| Parks, Recreation and Community Services Commission | - | Marlin Davies |
| Redevelopment Citizen's Advisory Committee | - | Richard Harrison, Peter Holmes |

Those members recognized but who were unable to attend were Paul Jull of the Board of Building Appeals and Ernie Woolner of the Commission on Aging.

HISTORIC PRESERVATION COMMISSION

Angie Roddan of the Historical Preservation Commission spoke on the Commission activities over the preceding year. One of the most interesting projects is the annual designation of Heritage Homes which is held in May. The Commission has also been working on creation of residential historic districts. The proposed districts are directly North and South of the downtown area, with the Beamer Park area to be included. This project will take a great deal of the Commission time and effort over the next year.

COMMISSION ON AGING SIX MONTH WORK PLAN

Commission Chair, Betty Martin summarized the work plan for the next several months. The most vital at present is to fill the two vacancies on the Commission. Other issues are: to create a list of apartments for seniors, develop a person-to-person telephone reassurance program for the isolated elderly, support the Joint Commission on Aging program recently formed, support the efforts of the Yolo County Health Council's Long Term Care Planning Committee, work closely on the planning of the new Senior/Community Center, and enhance the existing senior transportation programs in Woodland. Council Member Peart advised Ms. Martin that the Police Department is working on an isolated elderly program and the Commission may wish to contact them for interaction. Council Member Dote said that CalTrans has funding sources available for transportation program which the Commission may wish to pursue.

The Council recessed from 8:50 to 9:07

CONSENT CALENDAR

Council Member Dote requested removal of the following items from the Consent Calendar:

7. Approve Professional Services Contract with Gary Sandy Communications to Provide Downtown Coordinator Services
10. Authorize Proposition 13 Grant Application for Development of Watershed Management Plan for Yolo Bypass

Council Member Peart requested removal of the following item from the Consent Calendar:

8. Report on the Status of Fire Tanker Procurement

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried by a unanimous vote, the Council approved the following Consent Calendar items:

MONTHLY STATUS REPORT FROM PARKS, RECREATION, AND COMMUNITY SERVICES

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

MONTHLY STATUS REPORT FROM COMMUNITY DEVELOPMENT

Council received the Monthly Status Report from Community Development for January 2001.

MONTHLY STATUS REPORT AND CAPITAL BUDGET IMPLEMENTATION REPORT FROM PUBLIC WORKS

Council received the Monthly Status Report and Capital Budget Execution Status reports from Public Works for January 2001.

APPOINT REPRESENTATIVES TO THE YOLO COUNTY COMMUNICATIONS
EMERGENCY SERVICES AGENCY

Council appointed Police Chief Del Hanson as the primary representative and Fire Chief Karl Diekman as the alternate representative for the City of Woodland to the Yolo County Communications Emergency Services Agency (YCCESA) Board of Directors effective February 6, 2001.

ACCEPT PROJECT IMPROVEMENTS FOR WASTEWATER TREATMENT PLANT
IMPROVEMENTS, STAGE 1, PHASE 3, PROJECT NO. 98-21

Council accepted the Wastewater Treatment Plant Improvements Stage 1, Phase 3 for Project Number 98-21 and directed the City Clerk to file a Notice of Completion.

RESOLUTION 4256 PROCLAIMING MARCH 10, 2001 AS ARBOR DAY IN THE
CITY OF WOODLAND

Council adopted Resolution 4256, "A Resolution in Support of Arbor Day 2001".

ACCEPT PROJECT IMPROVEMENTS FOR THE CALIFORNIA STREET/CROSS
STREET REALIGNMENT, PROJECT 95-23

Council accepted as complete the California Street/Cross Street Intersection Realignment, Project Number 95-23 and directed the City Clerk to file a Notice of Completion.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

DOWNTOWN COORDINATOR SERVICES CONTRACT

Council Member Dote requested additions to the contract to include regular updates on the progress and more detail in the Scope of Services. Mayor Borchard asked when the City would be reimbursed by Mr. Laugenour. Community Development Director Harris stated that once the contract for the Downtown Coordinator is approved, Mr. Laugenour would be contacted

regarding payment. On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the Council approved the Professional Services Contract with Gary Sandy Communications to provide Downtown Coordinator Services with the additions to the contract to have regular updates on progress and to identify more detail in the Scope of Services.

STATUS OF FIRE TANKER PROCUREMENT

Council Member Peart advised the Council that the new tanker would be red in color.

PROPOSITION 13 WATERSHED MANAGEMENT PLAN GRANT

Council Member Dote said there was a comment made on citizen monitoring and she asked for clarification on what that entailed. Public Works Director Wegener said it might involve Volunteers who would collect water samples, but he will check with the Consultant. This issue relates to our Water Discharge Permit. We have some concern that the Regional Board may not be considering site specific objectives on a very widespread basis due to their limited staff. On a motion by Council Member Dote, seconded by Council Member Peart and carried by unanimous vote, the Council authorized the Public Works Director to submit a Proposition 13 Grant application for development of a Watershed Management Plan for the Yolo Bypass, as pertains to the City's Wastewater Treatment Plan Discharge Permit.

PUBLIC HEARINGS

None

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

NOMINATE AND APPOINT A CITIZEN-AT-LARGE TO SERVE ON THE FLOOD CONTROL TASK FORCE

City Manager Kirkwood advised the Council that former Council Member Dudley Holman had submitted his resignation to the Task Force. Those Members of the Council who are not presently serving on this Task Force would make a recommendation for a replacement. Council Member Monroe nominated James Staker for this opening. On motion by Council Member Monroe, seconded by Vice Mayor Flory and carried by unanimous vote, the Council appointed James Staker to serve as the Citizen-at-Large member of the Flood Control Task Force. The Council commended Mr. Holman for his service on this Task Force.

RESOLUTION 4257 - ELECTRICITY CONSERVATION – UTILITY ENERGY CRISIS, RECEIVE REPORT FROM PACIFIC GAS AND ELECTRIC AND CONSIDER LETTER TO STATE LEGISLATORS ON LONG-TERM SOLUTIONS TO AFFORDABLE ENERGY

City Manager Kirkwood stated that California has been experiencing rolling power outages and has been under a Stage 3 Energy Alert for several weeks. These circumstances affect not only the citizen's homes, but also the City services. The City staff has been asked to reduce energy consumption and conserve where possible. The proposed Resolution formalizes the City's effort to develop strategies for ongoing reductions of 7% and encourages citizens to reduce by that percentage as well. An Energy Conservation Report collecting staff strategies and actions has been written.

City Manager Kirkwood introduced representatives from Pacific Gas and Electric, Ron Sharp, from the Governmental Relations Division, Ken Cooper, Senior Project Manager and John Mabry, Major Accounts Representative. Mr. Sharp summarized the history of the energy program in California and how this present shortage appeared. One of the major concerns is there have been no new power plants constructed in California for over ten years and existing plants are extremely old and outdated. There has also been a large increase in power demand. P. G. and E. has a staggering debt which continues to grow. He encouraged the City to contact their Legislators and encourage them to develop a plan to keep the power available.

Council Member Dote asked about the result of Western Governor's meeting regarding draining power from the Western States. Mr. Sharp stated the Governors were trying to put a price cap in place and encouraged the

Federal Energy Regulatory Commission to declare but were unsuccessful in their efforts. Our problem has become our neighbor's problem. Council Member Peart said the elderly need assistance with power. There are relief agencies to help them and he asked the City Manager to make information available on those agencies.

Bill Marcus, Energy Consultant, offered these suggestions to conserve energy: replace all incandescent light bulbs with fluorescent bulbs; replace older refrigerators with newer energy efficient; check all of the HVAC ductwork. He also mentioned a solar pact with SMUD whereby they purchase power from residents who have solar collectors. Vice Mayor Flory asked how the energy companies anticipated lowering the debt and Mr. Marcus said they would have to share the debt with the consumers.

City Manager Kirkwood asked Council to adopt a Resolution of Conservation. He said the Staff Report was an inclusive process whereby all employees had input and there are many more ideas, which are being pursued. The energy saving traffic light concept mentioned by Council Member Monroe has been pursued via an application for a \$108,000 rebate program. Some suggestions received which will affect employees and citizens will be lowering the temperature in the pools, reducing ballfield lighting, controls at various tennis courts, temporarily closing the Library on Sundays, lowering the thermostats to 68°, and keeping the apparatus doors at the Fire Stations closed. He has asked all City employees to be very direct in finding methods for reducing energy usage and they have responded well to his request. He asked Council to provide comments on what message they would like to be sent to the State. He will then draft a letter to the Legislature under the Mayor's signature. Council Member Dote said there are indirect consideration measures such as water which must be pumped, which are affected by the power shortage. She said many people are commuting to work because of the cost of fuel. Now the Transportation District fuel cost has greatly increased, and if there are electrical shutoffs, compressors cannot be run to fuel the busses. Council Member Peart mentioned he went by one of the parks and all of the lights were on. Parks, Recreation and Community Services Director Henry Agonia will investigate.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote, the Council adopted Resolution 4257, "A Resolution Directing City Staff to Take Immediate Actions to Reduce Electrical Usage by Five Percent, to Develop and Implement Strategies for Ongoing Reductions of Seven Percent and to Encourage Residents and Businesses to Reduce Energy Usage by Seven Percent". Vice Mayor Flory asked that we convey our appreciation to our local Legislators for their efforts to date as well as express

our concerns. Council Member Dote asked that we include statements that some of our senior citizens have turned off their heaters because they cannot afford to heat their homes and buy their medications. She would like to encourage them to think about the plan more thoroughly than that for deregulation. Council Member Peart would like the letter to state our electric bill will be a burden due to water pumping, sewer, traffic signals, street lights, all of which draw electricity. Taxpayers will be hit with these increases as well.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council directed the City Manager to send a letter to Senator Maurice Johannessen and Assemblywoman Helen Thompson urging the Legislature to find affordable and long-term solutions to the energy crisis to include those comments made by Council as indicated.

2001 COMMUNITY SERVICE AWARD NOMINATING COMMITTEE REPORT

Assistant City Manager Phil Marler summarized the process for selection of recipients for the 2001 Community Service Award. The Nominating Committee consisted of Fred Bailard, B. J. Ford, Alan Flory, Kevin Spesert, Leslie Marcus and Sheri Cunningham. The recommended recipients are Anne Joule, Jack Slaven and Lucinda Talkington. Selection criteria is based upon community leadership, selfless service to the community, dependability in completing assignments, interest in varied activities, and someone who has initiated an important ongoing project or program in the community.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by unanimous vote, the Council awarded the City of Woodland's 2001 Community Service Awards to Anne Joule, Jack Slaven and Lucinda Talkington for presentation at the Community Service Awards Luncheon to be held at the Hotel Woodland on February 23, 2001. Council designated Mayor Borchard to present to Jack Slaven, Vice Mayor Flory to present to Anne Joule and Council Member Dote to present to Lucinda Talkington.

CONSIDER ALTERNATIVE DESIGN FOR GIBSON ROAD

Council Member Monroe stated he plans to abstain on this issue. He looked at the project as having two very extreme viewpoints. One being, throw as much money as possible at the trees to save them as they are old growth trees and irreplaceable. The other that they are only trees, are messy and should be removed. He felt he was working to find a compromise and feels

there is a win/win solution to the issue. He is stepping down, not because of a conflict, but because of potential threat of litigation against the City and feels the City funds should be used elsewhere. He feels that opposing viewpoints are Democracy in action. He left the Council Chambers at 10:02 p.m.

Public Works Director Wegener presented possible options as requested by the Council. Concept #1 would be to move the 33 trees between Bourn and Pioneer to the North, out of the roadway section. Those trees presently in the area between Pioneer and Ogden would also be moved to the North. Concept #2 would be to realign all 52 trees between Bourn and Ogden to the segment between Pioneer and Ogden and uniformly spaced. Concept #3, similar to #2, would place the trees North of our right-of-way line, thus eliminating fruit drop on the walkways. The present property owners have indicated a willingness to accept these trees onto their property. Concept #4 would be to relocate all 52 trees to the Yolo County Fairgrounds, whose Director has indicated a willingness to accept the trees.

Mayor Borchard said that in the budget impact it states, "the above concepts would result in savings to the project if the tree location costs are less than the authorized redesigning costs of \$90,000" and asked if any expenditure of funds would be less than the authorized amount of savings. Director Wegener said we had been told to proceed with the original design going out to bid and return Council for the award. We were to also have the redesign going concurrently. In the analysis he looked at this as a "sunk" cost. He also looked at the relocation cost of the trees at City expense which would be a sunk cost. If we could get the trees relocated at \$62,000 there would then be a savings. Mayor Borchard feels this is not a savings because the \$90,000 was a cost in addition to the project. He asked what Concept #3 would cost. Director Wegener said there would be no lighting costs, there would be some minimal landscaping redesign costs. Concept #1 costs would be a high-low range depending on actual bids, with 33 trees moved and the lighting costs.

Vice Mayor Flory expressed a concern that it has been a month since a letter was sent to the Fair Board and we have not yet received a response. He feels we should be consistent with the lighting design. Council Member Dote asked for clarification of Concept #1 in that we would need to move the 33 trees but would also move the other trees East of Pioneer. Director Wegener said the 19 trees between Bourn and Pioneer would be moved North 20 feet as well.

Pat Murray asked that the trees be kept in a line. She also commended the Council for keeping the trees and sending the message that we value their history.

At 10:25 it was moved by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote that the meeting be extended to 11:30.

John Murphy asked why go through the process of redesign, spending \$90,000 when there is a chance they would not follow through with the recommendation. He also presented a proposed design. The trees would be retained along the sound wall but the distance would be shortened in that the realignment would take place further down. The trees East of Pioneer would be removed and 10 of them placed along the sound wall to fill in the gaps. The remaining trees could then be moved to the Fairgrounds. The additional landscaping costs would be between \$110,000 to \$190,000. Mayor Borchard said the City staff landscaping and realignment cost was over \$300,000. The road realignment costs are \$180,000 with the additional landscape costs considerably higher at \$336,000.

Marjorie Brown stated she had been to a meeting and spoke with a person who moves Olive trees. He feels these trees have a very high dollar value and are used in landscaping. She asked if it would be unreasonable to have these trees harvested. Mayor Borchard said there are more issues rather than just the droppings. There would still be some droppings even with the harvesting. She expressed her pleasure that we had alternative designs which would save the trees and keep the gateway concept in place.

Bruce Jacks feels progress is being made but is concerned about not having good drawings with the entire concept fully detailed. Concept #1 would crowd the trees and would leave the curb line where it is. Concepts #2 and #3 would move them down between Pioneer and Ogden. He has concerns about moving the road South and having fruit drop on sidewalks if the trees are not moved at all. The road would then be too close to the high school with a fence right along the sidewalk and the gateway concept would be lost.

David Wilkinson expressed his concern that we still have no concrete cost associated with the project. The Council had instructed the Public Works Department to get the costs to keep the trees where they are and that has not been done. Council had also challenged the community to work with the City and U.C.D. to get an alternative landscape plan that would be affordable. He asked Council to stick with the plan they had proposed two months ago and get the estimates for keeping the trees where they are. Director Wegener said the major issue for the redesign is to keep the Consultants on the redesign for the

realignment. As this is finished we would be in the mid-February timeline before we can move forward.

Tom Vail thanked Council Member Monroe for removing himself from this issue. He asked about the original budget and EIR and if the discussion heard this evening exceeds that original budget. Director Wegener stated to the affirmative. He suggested the Council set a due-not-exceed on this project, saving some of the trees, and selling the others as it has been stated they are very valuable. In response to Mr. Vail's request for the ideal solution from Director Wegener, he responded that the easiest solution would be to move them to the Fairground property. Should it be determined to keep the trees on Gibson, he would recommend Concepts #2 or #3 which would align them between Pioneer and Ogden.

Mayor Borchard said the last time the action was made it was to go with the original plan but with a change order in place in the case costs were as high as stated to realign the road. He feels the new Concepts have merit and may negate the need to go further with cost estimates on other alternatives. Vice Mayor Flory wants to make a decision this evening. He asked Director Wegener on Concept #1 if some of the trees could be moved to relieve some of the congestion. Director Wegener said that would be a possible alternative. The overhang is more of the congestion issue with the narrow area where the trees would be placed.

Council Member Dote said if we moved the trees North or East, it would then allow us the opportunity to interplant and even up the row and fill in trees. She said the original site plan for the high school was changed due to an oversight in the lot lines which created constraints on their site. They could have moved the whole site South to free up some of that space closer to Gibson Road but should they move it now, it will impinge on the middle school.

Council Member Peart stated he originally wanted the trees removed and presented the Adopt-A-Tree Program, put them on the high school site or moved to the Fairgrounds. He would like to move them but doesn't want them on private property and would consider Concept #3. This would create a barrier between a commercial establishments and the school. He would like them to wrap around the high school or the elementary school. The school district had a concern about the low growth on the trees but they would be pruned to provide a higher canopy. Council Member Dote prefers Concept #1. Vice Mayor Flory prefers the trees to be on the elementary school site only because he wants them on the North side of Gibson Road. Council Member Peart asked if there was a problem moving the trees onto private property. He would like to keep

control over the trees. City Attorney Siprelle stated this is a public benefit. Council Member Dote agreed that she would like the maintenance of the trees kept under City control. Council Member Peart proposed a limitation of \$70,000 on the movement but reconsidered and dropped his request. Lights would not be needed if the trees were moved.

On motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote of the members present, the Council directed that the 52 Olive trees on Gibson Road be relocated North of the future road section, between Pioneer and Ogden. The remaining trees are to be placed in a row either in a tree planting easement immediately North of the right-of-way line, or if that is not possible, immediately South of the right-of-way line. Six trees are to be incorporated into the 20-foot landscape strip between Bourn and Pioneer.

At 11:34 p.m. on motion by Vice Mayor Flory, seconded by Council Member Dote and carried by unanimous vote of the members present, the Council meeting was extended to 12:00.

City Manager Kirkwood asked for clarification in motion that Council also finds the option would be consistent with the intent of Mitigation Measure 4.2-1 which states "to the extent feasible, Olive trees removed and not incorporated into new landscaping (e.g., Mitigation Measure 4.2-1[b]) shall be made available to organizations and individuals for relocation and transplanting at other locations". Council amended the motion to include the statement of the City Manager as so mentioned above.

The City Council recessed from 11:36 to 11:42. Upon reconvening, Council Member Monroe was present at the dais.

FINAL OPERATIONS AND MAINTENANCE BUDGET FOR FISCAL YEAR 2000-2001

Finance Director Vicars stated the major change between the Preliminary and the Final budget was in energy costs. She has added 12% to the entire annual budget for these costs. The sales tax figures are based upon actual receipts to date.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous vote, the Council adopted the Final Fiscal Year 2000-2001 Operations and Maintenance budget as presented.

RESOLUTION OF INTENT #4258 TO ISSUE REFUNDING BONDS FOR THE EAST MAIN STREET ASSESSMENT DISTRICT; PREPARATION OF A REPORT; AGREEMENT FOR BOND COUNSEL SERVICES

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by unanimous vote the Council adopted Resolution 4258, "A Resolution of Intention to Issue Refunding Bonds"; directed the preparation of a report thereon for the East Main Street Assessment District; approved the Agreement for Bond Counsel Services on the East Main Street Assessment District Refunding Bond.

RESOLUTION #4259 APPROVING AND CONFIRMING THE REPORT ON THE REFUNDING OF THE LIMITED OBLIGATION IMPROVEMENT REFUNDING BONDS FOR THE EAST MAIN STREET ASSESSMENT DISTRICT

On a motion by Council Member Peart, seconded by Council Member Dote and carried by a unanimous vote, the Council adopted Resolution 4259, "A Resolution Approving and Confirming the Report on the Refunding of the Limited Obligation Improvement Refunding Bonds, City of Woodland, East Main Street Assessment District, Series 96-1 and authorized certain other actions in connection therewith".

ORDINANCES:

None

PUBLIC HEARING

At 11:53 p.m., Mayor Borchard opened the Public Hearing to consider the Refunding of the East Main Street Assessment District Bonds. Hearing no comments, the hearing was closed at 11:53.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR: (continued)

RESOLUTION #4260 AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF THE LIMITED OBLIGATION IMPROVEMENT REFUNDING BONDS FOR THE EAST MAIN STREET ASSESSMENT DISTRICT; PROVIDE FOR COLLECTION OF REASSESSMENTS; APPROVE FORM AND AUTHORIZE FISCAL AGENT AGREEMENT

On a motion by Council Member Monroe, seconded by Council Member Peart and carried by a unanimous vote, the Council adopted Resolution 4260, "A Resolution Authorizing the Issuance, Sale and Delivery of the Limited Obligation Improvement Refunding Bonds, City of Woodland, East Main Street Assessment District, Series 2001, providing for the Collection of Reassessments to pay the Principal of and Interest on the Refunding Bonds; approved the Form of and Authorized the Execution and Delivery of a Fiscal Agent Agreement, a Bond Purchase Agreement and a Bond Purchase Contract; and Authorized Certain Other Actions in Connection Therewith".

ADJOURNMENT:

At 11:55 p.m. the regular meeting was adjourned.

City Clerk of the City of Woodland