

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

October 17, 2000

CITY COUNCIL
SPECIAL SESSION/CLOSED SESSION

The Woodland City Council met in special session at 6:30 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Council met in the City Hall Council Chambers prior to the closed session to announce the topic of discussion to be heard.

Mayor Borchard and Council Members Dote and Monroe arrived at 6:34 p.m. Vice Mayor Flory arrived at 6:53 p.m. Council Member Peart was absent. In addition, City Manager Richard Kirkwood, Assistant City Manager Phillip Marler and City Attorney Ann Siprelle attended the closed session.

At 6:34 p.m. Council had a conference with Legal Council regarding existing litigation under Section 54956.9, Fairbanks, CA v. City of Woodland, Yolo County Superior Court, Case No. CV 00-913.

The special session and closed session were adjourned at 7:06 p.m.

CITY COUNCIL
REGULAR SESSION

Mayor Steve Borchard opened the regular meeting of the City Council at 7:12 p.m.

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.

MOMENT OF SILENCE:

Mayor Borchard invited all in attendance to join him for a moment of silence in remembrance of the 17 United States sailors killed in the attack on the U.S.S. Cole in the Mid-East.

CLOSED SESSION ANNOUNCEMENT:

Mayor Borchard announced that Council, in closed session, held a conference with legal counsel regarding existing litigation (Section 54956.9), Fairbanks, CA v. City of Woodland, Case No. CV 00-913. The Council gave direction to the City Attorney.

ROLL CALL:

COUNCIL MEMBERS PRESENT:	Borchard, Dote, Flory, Monroe
COUNCIL MEMBERS ABSENT:	Peart
STAFF PRESENT:	Richard Kirkwood, Phillip Marler, Ann Siprelle, Karl Diekman, Steve Harris, Dan Rice, Mini Garcia, Bob MacNicholl, Diane Puccetti, Charlie Wilts, Gush Bush, John DeWeerd, Sue Vannucci, Anthony Heredia, Esther Cortez, Ed Quinn

Council Member Peart arrived at 10:45 p.m.

CHANGE IN AGENDA ORDER:

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote, the Council moved the item entitled, "Approve Proposed Organizational Restructuring of the Community Development Building Inspection Division" to be heard immediately following the Public Hearing portion of the agenda.

MINUTES:

On a motion by Council Member Dote, seconded by Council Member Flory and carried by a unanimous vote, the Council approved the minutes of the regular meeting of June 20, 2000, the special meeting of September 26, 2000, and the regular meeting of October 3, 2000 as presented.

WRITTEN COMMUNICATIONS:

1. From Supervisor David Rosenberg, a letter was received informing the Council of his appointment to Governor Davis' staff as Director of Intergovernmental Relations and Senior Advisor. Mayor Borchard directed staff to prepare a congratulatory letter to Supervisor Rosenberg for his signature.

2. Received copies of Davis Enterprise and Davis Area Technology Association Newsletter articles summarizing the comments made by the Mayors of Woodland, Davis and West Sacramento regarding drawing high tech and bio-tech industry to the area.

3. From Pacific Bell a notification of an application to propose pricing flexibility and price increases for business lines, PBX and DID trunks.

4. From Linette A. Blasquez, a claim against the City regarding her alleged fall in front of 603 Second Street due to uneven sidewalks.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote, the Council rejected the claim filed by Linette A. Blasquez and referred the claim to the City's insurance representative.

COMMITTEE REPORTS:

1. From Library Services Director, Marie Bryan, a report was received transmitting the minutes of the Library Board of Trustees meeting of September 18, 2000.

2. From Parks, Recreation and Community Services Director, Henry Agonia, a report was received transmitting the minutes of the Parks, Recreation and Community Services Commission meeting of September 25, 2000.

3. From Community Development Director, Steve Harris, a report was received summarizing the actions of the Planning Commission meeting of October 5, 2000, as follows:

- a. Conditionally approved Tentative Parcel Map #4463 to divide a 20,336 square foot parcel into two parcels of 5,000± and 15,367± square feet in area. The subject property is presently divided into two single-family dwellings. The parcel is located at 720 College Street and 725 Dingle Lane.

- b. Viewed a presentation of a video, "Subdivide and Conquer"
- c. Continued their review of the Zoning Code Update.

PUBLIC COMMENT:

Jeff Kean, Director of the Woodland Opera House, briefed the Council on the financial status of the Opera House. He stated the Opera House is presently debt free. They have added three high pressure outside lights at the facility. He thanked the Council for their support. A building fund and a permanent endowment fund have been established. At present the endowment is at \$90,000, with a goal of \$100,000.

CITY COUNCIL STATEMENTS AND REQUESTS:

Council Member Monroe stated he had attended the 17th Concilio Recognition Dinner where twelve students were honored. He said two Woodland students, Priscella Rodriguez and Eduardo Tenaio received honors at this event.

Council Member Monroe stated he had received notification from the Fair Political Practices Commission indicating that neither he nor Tree Commissioner Terri Jessen have conflict with making decisions regarding the Olive trees on Gibson Road.

Council Member Dote attended the recent Affordable Housing Forum and stated there will be two additional forums, October 18 and 23, 2000 at 10:00 a.m. in the Leake Room.

She attended a 3 x 2 with the Woodland Joint Unified School District regarding the new elementary school North of Gibson, the Spring Lake Specific Plan and the new high school in the proposed Spring Lake area.

Another meeting she attended was Gaining Ground who is working on the Habitat Conservation Plan. She stated there was a presentation from three different areas working on a Countywide coordinated effort on agricultural open space preservation planning. They also discussed a Davis ballot measure regarding acquisition of habitat or open space and a large one in Placer County.

On October 9, 2000, Council Member Dote attended a 3 x 2 meeting where a question arose about the elementary school on Gibson Road and the housing that

would be displaced by the construction. The issues raised by this proposal will likely return to the Planning Commission for further review and discussion.

Vice Mayor Flory stated he attended a meeting with the Public Works Director, Gary Wegener, Congressman Doug Ose, and the U. S. Army Corps of Engineers, Flood Control and the Department of Water Resources. The purpose of the meeting was to update Congressman Ose on the progress the Corps and DWR are making with our flood control issues. He stated there is a concern regarding the appointment of a new project manager due to continuity issues.

Mayor Borchard stated that the Woodland Police and Fire Departments are inviting members of the community to Family Safety Day on Saturday, October 21, 2000 at County Fair Mall from 10:00 a.m. to 6:00 p.m.

This Friday, October 21st, at 12:00, Tom Hannigan, Director of the Department of Water Resources, will be at the Woodland Hotel to comment on the future of water projects and funding in California.

City Manager Kirkwood stated the Environmental Impact Report on the Spring Lake area Olive tree issue will be on the November 7, 2000 Council agenda.

A communication has been sent to the participants in the Spring Lake area suggesting a workshop the regarding an infrastructure-financing plan to be held on November 28, 2000.

At the 2 x 2 meeting with the County Board of Supervisors regarding the Court Facilities Task Force facility evaluation and planning options, discussion was held regarding the State Superior Court is assuming responsibility County Superior Court. There is question as to where Courts should be developed, expanded, etc. They are looking at several options, some of which are expansion in the downtown government center. This would have impact on redevelopment issues, Downtown Specific Plan, parking issues and partnership issues in regard to the parking. The issue will go before the Redevelopment Citizens' Advisory Commission and the Planning Commission for review.

The City Manager has received a letter from Yolo County Sheriff, Ed Prieto regarding traffic, parking issues and mid-block crossing on Court Street.

PRESENTATIONS:

OCTOBER 23-31, 2000, RED RIBBON WEEK PROCLAMATION

Dan Rice, Recreation Supervisor from the Parks, Recreation and Community Services Department, outlined the activities which will take place to

call attention to Red Ribbon Week and drug awareness/prevention. Mini Garcia, Community Services Officer from the Police Department and Mr. Rice distributed information regarding the activities. Bret Poarch, a Woodland High School Senior advised the Council on his thoughts regarding being drug free.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by a unanimous vote, the Council proclaimed October 23-31, 2000 as Red Ribbon Week.

NOVEMBER 7, 2000 ELECTION - CITY OF WOODLAND BALLOT INITIATIVES

Finance Director Margaret Vicars and Information Services Manager Gus Bush presented an update on the issues before the electorate on November 7th. There were no arguments filed against any of the issues: Measure L, "Shall the Office of City Clerk for the City of Woodland be Appointive?"; Measure M, "Shall the Office of City Treasurer for the City of Woodland be Appointive?"; Measure N, "Shall Ordinance 79-1 be Amended to Permit the Construction of New Branch Libraries as Needed for the City of Woodland?" Further information is available in the sample ballot and on the City WEB page.

FUNCTIONAL PHONE LIST

Information Services Manager, Gus Bush, summarized the background of the Functional Phone List. The cover of the publication lists the phone numbers and associated functions of each Department. The inside contains snapshots of the issues which arise within the City, (i.e. whom to call to report potholes), with associated phone numbers under the picture. The back page contains statistical and general information. The WEB page and cable will list the locations where these Functional Phone Lists will be available. Council Member Dote commended the Communications Advisory Team for their excellent work.

"TAKE A FRIEND TO VOTE" NATIONAL CAMPAIGN BY THE LEAGUE OF WOMEN VOTERS

Pat Butler and Barbara Fleck of the League of Women Voters distributed informational packets regarding the issues on the upcoming election. The information is part of the National Campaign to encourage voters to exercise their right to vote. The League is planning three educational events on the issues. They will be publishing the pros and cons in the newspaper. There will be forums taped for presentation on the Woodland Access Visual Enterprises (WAVE) system. The first of these forums is scheduled for October 19th. The Assembly candidates will also speak at these forums.

CONSENT CALENDAR:

Council Members requested removal of the following items from the Consent Calendar:

8. Approve Fee Reduction Request from American Youth Soccer Organization (AYSO)
11. Recognize and Support the Second Annual City of Woodland Employee Appreciation and Service Awards Event

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

AFFORDABLE HOUSING FORUM REPORT:

The Council received a report on the Affordable Housing Forum held on October 5, 2000.

1941 PIRSCH – SIXTY-FIVE FOOT AERIAL LADDER TRUCK:

The Council received the 1941 Pirsch, sixty-five foot Aerial Ladder Truck and donated it to the Woodland Fire Department Volunteer Support Branch.

CABLE FRANCHISE NEGOTIATIONS AND RELEASE OF EQUIPMENT TO WAVE PUBLIC ACCESS TV:

The Council received an update on the Cable Franchise negotiations and authorized the release of equipment funding in the amount of \$14,440 to Woodland Access Visual Enterprises, (WAVE) public access TV.

"FRIENDS OF FREEMAN PARK" DRINKING FOUNTAIN:

The Council received a gift of \$1,600.00 from the Friends of Freeman Park for the purchase of a drinking fountain for the park.

HOMELESS COORDINATOR REPORT FOR SEPTEMBER, 2000:

The Council received the monthly report from the Homeless Coordinator for September 2000.

AGENDA ITEMS REMOVED FROM THE CONSENT CALENDAR:

FEE REDUCTION REQUEST FROM AMERICAN YOUTH SOCCER ORGANIZATION (AYSO):

Mayor Borchard asked for information on the fiscal impact of this fee reduction request. The Parks, Recreation and Community Services Board has reviewed the proposal and concurs with the request. The overall impact will be approximately a \$6,000 loss which has not been included as part of the budget.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by a unanimous vote, the Council approved the request of AYSO for a fee reduction from \$5.00 per resident to \$1.00 per resident with \$10.00 for non-residents.

ANNUAL CITY OF WOODLAND EMPLOYEE APPRECIATION AND SERVICE AWARDS:

Council Member Dote announced this will be the second annual event and it will be held on Thursday, October 19th from 11:30 a.m. to 3:00 p.m. at Crawford Park. Thirty-five employees will be honored, with nineteen new

employees recognized. The awards ceremony is at 1:30 and City Manager Kirkwood invited all community members to attend.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by a unanimous vote, the Council moved to recognize and support the Second Annual City of Woodland Employee Appreciation and Service Awards Event.

REGULAR CALENDAR:

ORGANIZATIONAL RESTRUCTURING OF THE COMMUNITY DEVELOPMENT DEPARTMENT BUILDING INSPECTION DIVISION:

Assistant City Manager Marler said he and Community Development Director Steve Harris had reviewed the report from Davis and Associates which states the Supervising Building Inspector position should be considered for elimination due to lack of work. Community Development Director Harris began with the City during the summer of 1999. At that time he began reviewing Department issues and processes which might benefit from change. The Planning Division was reorganized and individual tasks were changed. The Davis Report completed this Spring identified several issues for consideration as well. The construction within the City has been dropping dramatically. One of the larger structures proposed for construction has been withdrawn. The school district has requested a site in the Southeast area, which will eliminate another 200 residences. For the foreseeable future, construction appears to be very limited. Based on these factors, it would be prudent to eliminate one position in the Building Division by November 2000. One of the recommendations was to contract a Certified Building Official with primary responsibility to provide direct supervision to the Building Inspectors, review and revise procedures and policies.

David Shaffer, a local builder, addressed the Council regarding his concerns. He stated the local building contractors are very unhappy with the proposal to eliminate the Supervising Building Inspector's position.

Terry Bannan of Bannan Construction is concerned about outsourcing work. He does not feel those from outside the City have the same dedication to the concerns of the community. He appreciates the informality in the Department and asked the Council to review the report from Davis Company very carefully prior to making any decisions.

Assistant City Manager Marler summarized his discussion with the employee association regarding elimination of the position. Willdan and Associates, the Agency contracted for a Certified Building Official, is developing policies and putting procedures in place for the Department which will provide consistency.

Council Member Monroe asked if the Supervising Building Inspector has seniority in the Department and Assistant City Manager Marler stated it is not appropriate to discuss the individual specifically but he does have options from which he can select.

Ken Brooks, a local contractor, also has concerns regarding utilizing outside contractors in the Department. He said that making the permit process more difficult directly affects the taxpayers.

City Manager Kirkwood said the Council has been addressing the need for procedures and policies within the Department for over a year. Community Director Harris was employed for the purpose of Planning, as was the previous Director. The Inspection Division had asked for procedures and policies to assist them. The Certified Building Official position presently filled as a part-time, short-term one and is developing these policies and procedures.

Council Member Dote asked if we had been operating without a Building Official in the Department, should the City be concerned about potential liability. City Manager Kirkwood stated there had been no Building Official in the Department in the past. A Certified Building Official would be someone who could make complex decisions to protect the City. City Attorney Siprelle stated that education, training and certification is necessary, as well as the experience in the field. Community Development Director Harris said that all of the incumbents in the Department have had the opportunity to become certified. He stated that due to the drop in construction at present, the Department has chosen not to fill the present vacancy in the Planning Division as well.

Mayor Borchard expressed his concern about the lack of a Certified Building Official and the possibility of lawsuits. Council Member Dote stated she has concerns about the liability as well.

On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote, the Council approved the organizational restructuring of the Building Inspection Division of the Community Development Department, determined that the position of Supervising Building Inspector be eliminated effective November 15, 2000, and directed the Personnel Officer to

issue a layoff order in accordance with the procedures defined in the City Personnel Rules and related policies and procedures.

The Council took a recess from 9:00 p.m. to 9:15 p.m.

TEMPORARY CONVENING OF THE REDEVELOPMENT AGENCY:

Mayor Borchard temporarily adjourned the City Council meeting and convened a meeting of the Woodland Redevelopment agency Board at 9:16 p.m. See Agency minutes attached to these Council minutes as Exhibit A.

At 9:53 p.m. the Redevelopment Agency Board meeting was adjourned and the Council meeting was reconvened.

REGULAR CALENDAR:

SACRAMENTO VALLEY ORGANIZING COMMITTEE (SVOC) DEVELOPMENT AGREEMENT PROPOSED REVISIONS

Senior Planner, Bob MacNicholl, summarized the original Development Agreement and the proposed changes. The changes to the original agreements as requested by SVOC are:

1. Amend property description and deed that portion of the property to Union Pacific Railroad. Senior Planner MacNicholl said there was no map attached and it will be provided at a subsequent time.
2. Alter the Schedule of Performance as they feel the delays have been due to easement and environmental issues.
3. City to cover costs to install monitoring wells, quarterly sampling and filing of a Risk Based Corrective Action Plan in the amount of \$13,000. The agreement had stated that any further findings following the initial survey would be the responsibility of SVOC to clear. SVOC feels that the City has a duty and responsibility to clean this section as it was caused by past use.
4. SVOC to take title to the property prior to filing of tentative map in order to secure funding. With SVOC's \$50,000 unsecured loan,

they can secure the additional \$400,000 needed only if they secure title.

5. Standardization of subordination form acceptable to the title company.

The Development Agreement was entered into as a means for the City to insure the project would move forward in a timely manner. Vice Mayor Flory asked for clarification of the original land assessment and the duration of the payback. This information is crucial due to the discovery of additional contamination on the property. City Attorney Siprelle said it was in the agreement that after Phase I, we would not be obligated to mitigate further contamination. Mayor Borchard asked the City Manager to call for a public hearing on this matter.

The contaminated area is near the Railroad property and was waste oil. It is likely that water has moved the contaminate closer to the Railroad property.

Rich Ciraulo, Project Manager for Mercy Housing, presented a map of the site. There is a very small sliver of property next to the Railroad, which would not affect the construction of the project. He suggested we provide a Grant Deed to the Railroad for this property. He said if we can establish three points in the contaminated area to insure no further movement of contaminate, the County of Yolo would be comfortable there is a zero line of contamination. They will move forward without Council approval to cover this additional monitoring, but would like assistance.

Mayor Borchard asked about the HOME grant. Senior Planner MacNicholl said this was a Citywide grant, which was intended for this project. As the project did not move forward, the funding is no longer available. Vice Mayor Flory would like some assurance or security that the project will be completed in a timely manner. SVOC understands Council concerns but needs to address their own concerns as well.

City Manager Kirkwood suggested that further input from the community might wish to be considered prior to continuing.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by a unanimous vote, the Council extended the meeting until 11:00 p.m.

Mayor Borchard said the public hearing should be held due to the amount of funds to be transacted for this project and the closeness of the original vote in 1998 by the Council to proceed.

Council Member Monroe feels we have a moral obligation to mitigate the additional contamination and Vice Mayor Flory agreed. However, we are in a better position to mitigate the additional contaminate when we are receiving \$400,000 for the property, instead of spreading the payments over a 30-year period. Mayor Borchard reminded the Council that in the late 1980's it had been stated that this property would be sold to repay a fund within the City.

Vice Mayor Flory suggested this return to staff who will work with SVOC and bring recommendations back to the Council.

Council Member Peart arrived at 10:45 p.m.

City Attorney Siprelle said staff could discuss but would not have the authority to amend the Agreement. SVOC does not have the authority to request amendments as they are not in compliance with the Agreement. Staff could work with SVOC and return with a revised request that they Council could consider for approval.

Council Member Peart said the property was appraised at \$600,000 with the buildings and \$400,000 without. He does not feel this project is progressing in a good direction and he feels the public hearing is in order. Mayor Borchard feels the staff should consider all of the discussion and return to Council. City Manager Kirkwood feels the small piece of property suggested as a Grant Deed to the Railroad should not be a stumbling block. However, the issue of the Development Agreement and the timing of when the property will be released is of concern. He will work with Staff and SVOC on this issue and return to the Council with recommendations at the November 21, 2000 meeting. The recommendations will include that the project will be completed in a reasonable amount of time.

DOMESTIC VIOLENCE RESPONSE TEAM GRANT FUNDING

Police Lieutenant Anthony Heredia advised the Council that the Police Department had been approached by the Sexual Assault and Domestic Violence Center with a request to participate in an application for a grant through the

State. The grant application period had a five day window in which to present the plan. In order for the SADVC to receive the grant, they must assure the State that local law enforcement is willing to partner in the program. The grant would provide for salary and benefits for a Police Detective and a Domestic Violence Advocate who would be assigned to these cases. The City would have no financial responsibility for the program for the first three years. Should the grant be awarded, the Police Department will return to Council with a recommendation to accept the funding.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by a unanimous vote, the Council extended the meeting until 11:15 p.m.

DOWNTOWN COORDINATOR POSITION

Council Member Dote asked if the Downtown Coordinator would be a City employee. Community Development Director Harris stated this would be contracted employee. The position was authorized initially as a condition of the approval for a use permit for the Yolo-Polo Plaza Planned Unit Development in that the developer was obligated to fund a Downtown Business Retention and Recruitment Coordinator for a three year period. On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote, the Council authorized the recruitment of a Downtown Coordinator.

DOWNTOWN SPECIFIC PLAN IMPROVEMENT ITEMS

Community Development Director Harris stated the Council has been discussing several of the issues relating to the downtown over the past several months. Those items are included in the Specific Plan. Vice Mayor Flory stated that the recent discussion on the benches in the downtown had sparked some interest from the Arts Council in becoming involved in the project. Council Member Monroe said at present the signage for the businesses is not pedestrian friendly. He asked that staff look at the current sign ordinance. Community Development Director Harris said there is a committee looking at this ordinance at present.

Council Member Monroe left the meeting at 11:05 and returned at 11:06.

RESOLUTION #4234 - TAX EXEMPT MASTER LEASE PURCHASE AGREEMENT
WITH BANC ONE

Finance Director Vicars stated that due to information from Council Member Dote, she was able to save the City approximately \$10,000 on the fleet vehicle financing through Banc One. The first lease payment is due one year from now. On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by a unanimous vote, the Council approved Resolution 4234, "A Resolution of the City Council of the City of Woodland Authorizing the Finance Director to Negotiate, Enter into, Execute and Deliver an Equipment Lease with Banc One Leasing Corporation".

TREE COMMISSION APPOINTMENT

Council Member Monroe stated the Ms. Kelly Lyons was interviewed for membership on the Tree Commission and is extremely qualified. She possesses outstanding credentials and will be a great asset to this Commission. On motion by Council Member Monroe, seconded by Council Member Dote and carried by a unanimous vote, the Council appointed Kelly Lyons to the Tree Commission effective immediately for the term ending December 31, 2004.

ADJOURNMENT:

At 11:10 p.m., the regular meeting was adjourned to the Special Meeting on October 24, 2000, 7:00 p.m.

City Clerk of the City of Woodland