

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

January 18, 2000

**CITY COUNCIL/REDEVELOPMENT AGENCY
SPECIAL SESSION/CLOSED SESSIONS**

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. Before the closed session the Mayor announced the closed session topics.

The Council then held a conference with the City's Labor Negotiator (Agency Negotiator: Phillip Marler) regarding the following employee organizations: Woodland Professional Police Employees' Association, Woodland Police Supervisors' Association, and Woodland City Employees' Association. That closed session discussion ended at 6:05 p.m.

From 6:05 p.m. until 6:30 p.m. the Council held a conference with Real Property Negotiators regarding property at 20 Sutter Street (APN 005-060-44). The Agency Negotiator was Richard Kirkwood, and the negotiating parties were City of Woodland and Sacramento Valley Organizing Committee (SVOC). Under negotiation were the terms of payment. The Council temporarily adjourned the special session at 6:30 p.m.

From 6:30 p.m. until 6:50 p.m. the Redevelopment Agency Board met in special session for a conference with real property negotiator (Section 54956.8). The negotiating parties were John De Weerd (Agency) and Ronald Bushman (seller), Mark Engstrom (broker of record). The property is APN 066-160-022 (Bells Trailer Village), 066-920-027 (Dana Motel and Trailer Park), 066-920-028 (Woodland Trailer Park). Under negotiation was price. The Agency Board also held a conference with real property negotiator (Section 54956.8). The negotiating parties were John De Weerd (Agency) and Court Street Investors (seller). The property discussed was APN 5-184-13 (northwest corner of College Street and Court Street). The Agency Board adjourned its special session at 6:50 p.m.

From 6:50 p.m. until 6:58 p.m. the City Council met in closed session for a conference with real property negotiators regarding property (1.847 acres) within APN 027-290-61. The Agency Negotiators were Bob MacNicholl, and the Negotiating Parties were City of Woodland and Woodland Commerce Center. Under negotiation were price and terms of payment.

At 6:58 p.m. Council agreed to discuss the remaining closed session topic regarding existing litigation pursuant to Sec. 54956.9(a) (Kenneth E. Trott & David Wilkinson v. City of Woodland and the City Council of the City of Woodland, et al

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(Superior Court of the State of California for the County of Yolo Case No. PT99-1817) at the end of the regular Council meeting.

Council Members/Agency Board Members present at the Council special meeting and Redevelopment Agency Board special meeting were: Losoya, Borchard, Peart, Ryhal, and Flory (who arrived at 6:10 p.m.). Council Members absent: None. City Manager Richard Kirkwood and Assistant City Manager Phillip Marler were also present for the closed session as well as City Attorney Ann Siprelle.

The special session and closed session were adjourned at 6:58 p.m.

CITY COUNCIL
REGULAR SESSION

Mayor Losoya opened the regular Council meeting at 7:05 p.m.

CLOSED SESSION ANNOUNCEMENT:

Mayor Losoya announced that the City Council and the Redevelopment Agency Board just adjourned a closed session.

City Attorney Ann Siprelle said the items discussed by the City Council were as follows:

Conference with Labor Negotiator

Agency Negotiator: Phillip Marler

Employee Organizations: Woodland Professional Police Employees' Association, Woodland Police Supervisors' Association, and Woodland City Employees' Association

Conference with Real Property Negotiators

Property: 20 Sutter Street APN 005-060-44

Agency Negotiator: Richard Kirkwood

Negotiating Parties: City of Woodland and Sacramento Valley Organizing Committee (SVOC)

Under Negotiation: Terms of payment

Conference with Real Property Negotiators

Property: 1.847 acres within APN 027-290-61

Agency Negotiators: Bob MacNicholl

Negotiating Parties: City of Woodland and Woodland Commerce Center

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Under Negotiation: Price and terms of payment

The City Attorney said the following topics were discussed by the Redevelopment Agency Board in closed session:

Conference with Real Property Negotiator (Section 54956.8)

Negotiating Parties: John De Weerd (Agency) and Court Street Investors (seller)

Property: APN 5-184-13 (northwest corner of College Street and Court Street)

Under Negotiation: Price

Conference with Real Property Negotiator (Section 54956.8)

Negotiating Parties: John De Weerd (Agency) and Ronald Bushman (seller), Mark Engstrom (broker of record)

Property: APN 066-160-022 (Bells Trailer Village), 066-920-027 (Dana Motel and Trailer Park), 066-920-028 (Woodland Trailer Park)

Under Negotiation: Price

She said there were no final decisions made but the Council and the Agency gave direction to staff. She said the Council is intending to confer in closed session after the regular meeting to discuss the following item:

Conference with legal counsel - Existing Litigation [Sec. 54956.9(a)]

Name of Case: Kenneth E. Trott & David Wilkinson v. City of Woodland and the City Council of the City of Woodland, et al (Superior Court of the State of California for the County of Yolo Case No. PT99-1817)

PLEDGE OF ALLEGIANCE:

Mayor Losoya 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: Losoya, Borchard, Flory, Peart, Ryhal

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kirkwood, Marler, Kristensen, Siprelle, Wegener, T. Brown, Bryan, Grandy, Vicars, Harris, Bush, Agonia

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MINUTES:

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote (Council Member Peart abstained from voting on the October 19, 1999 minutes), the City Council approved the minutes of the October 19, 1999 regular Council meeting and the October 26, 1999 adjourned Council meeting, as prepared.

WRITTEN COMMUNICATIONS:

1. From Alan Gianini, Executive Director of Sacramento Area Commerce and Trade Organization (SACTO) a letter was received thanking the City for its support of SACTO, reporting on SACTO activities, which occurred in 1999, and projections for 2000.

2. From the State Department of Alcoholic Beverage Control a copy of an application was received for an on sale general alcoholic beverage license for The Pub at 535 Main Street. Community Services Officer Mini Paredes advised that the Police Department has no objections to the issuance of this license, which represents a stock transfer.

3. From the State Department of Alcoholic Beverage Control a copy of an application was received for an on sale general alcoholic beverage license for the Gondola at 420-422 First Street. Community Services Officer Mini Paredes advised that the Police Department has no objections to the issuance of this license, which represents a stock transfer.

4. From Larry Schlaht a letter was received submitting his resignation as a member of the Historical Preservation Commission. Mr. Schlaht indicated he will be taking classes, and after one year he would like to be considered for reappointment. He had been serving since March 18, 1997. Council was advised that a letter of appreciation signed by the Mayor will be sent to Mr. Schlaht.

COMMITTEE REPORTS:

1. From Finance Director Margaret Vicars a report was received transmitting the draft minutes of the Yolo County Public Agency Risk Management Insurance Authority Board meeting of December 15, 1999.

2. From Public Works Director Gary Wegener a report was received transmitting the draft minutes of the Tree Commission meeting of December 27, 1999.

3. From the Public Works Director a report was received transmitting the minutes of the Traffic Safety Commission meeting of January 3, 2000.

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4. From Community Development Director Steven Harris a report was received summarizing action taken by the Planning Commission on January 6, 2000, as follows:

- a. The Commission conditionally approved a Tentative Map with a categorical exemption for the Tide Court - Panattoni Development at North Pioneer Avenue and the southeast corner of Tide Court. Subject map will split a 48.90± acre parcel into 4 industrial parcels.
- b. The Commission reviewed the Draft Animal Control Ordinance and continued it to a further date so staff could incorporate suggested changes into the Ordinance.
- c. The Commission discussed community workshops for Turn of the Century development project to be held in early February.
- d. The Commission reviewed the Planning Commission annual work program.

PUBLIC COMMENT:

John Irvin, resident of Idle Wheel Mobile Home Park requested that the Council consider adopting a rent control ordinance. He distributed information to Council regarding rent control in other cities. He said he is President of the Idle Wheel/Royal Palm Mobile Home Owners Association, and he said there are about 300 homes in the two parks. He said he understood from the City Attorney that the Council is not able to address the Civil Code with respect to their concerns. He said they have hired an attorney. He said they are concerned that the new owner of the parks is billing the mobile home owners additional charges for utilities.

The City Manager said when he received a phone call from Mr. Irvin he spoke with Assistant City Manager Phil Marler who explained that he also had spoken with Mr. Irvin. The City Manager said he decided at that time to engage the City Attorney and spend City funds to research the issue. In addition to that, he said he telephoned Ms. Garcia, a State Department of Community Development representative, and another representative of the State who had been in touch with Mr. Irvin to help facilitate some issues for the park residents. He said these regulatory issues are handled at the State level.

City Attorney Ann Siprelle said she spoke with Mr. Irvin twice and contacted the attorney for the association, Kristine Awald. She said she looked into two issues raised: the utility issue and the rent control issue. She said there is a Civil Code Section that

regulates in detail what mobile home park owners can charge their residents for utilities. While the owners can charge utilities separate from the rent, the owners, if they do charge utilities, have to reduce the amount of the base rent accordingly. The owners cannot charge more than what they are paying. She said it is not the City's place to enforce that State law. There is a State agency, which will assist in that, and the residents have a legal cause of action against the owners if they are violating the law. She said the Association's attorney assured her that they are aware of the situation and are intending to file a lawsuit against the owner and pursue all of their private legal remedies. With respect to the rent control issue, she said the City can and does have the power to adopt a rent control ordinance. She said, however, that in her research of this matter her conclusion is that she would not recommend that the City adopt such an ordinance because the state of the law is not clear on the legal authority to impose rent control, especially in mobile home parks. There is litigation pending in both the State and Federal courts on this issue. If the City did adopt a rent control ordinance it is likely that the City would be sued because these kinds of ordinances do generate a lot of litigation. The ordinance would require the City to set up a separate administrative staff and board to hear issues and appeals. She said this is expensive and from a legal point of view it is risky and not a course of action she would recommend.

Mr. Irvin said he was not sure the company, which is placing the water meters in the mobile home parks, has a City business license.

The City Manager noted that the park owners own the infrastructure of the mobile home parks. He asked Mr. Irvin to provide the name of the company, which is installing water meters, to determine if they have a business license.

Mr. Irvin asked that his issue be placed on a future agenda.

The City Manager gave Mr. Irvin his business card and agreed to establish a meeting with Mr. Irvin and his representatives and City staff to identify the issues the City can legitimately deal with. Based on that finding he said the matter may be placed on a future agenda.

COUNCIL STATEMENTS AND REQUESTS:

There were no Council statements or requests.

PRESENTATION OF SENIOR/COMMUNITY CENTER AND SOFTBALL/SOCCER FACILITIES:

Parks, Recreation and Community Services Director Henry Agonia gave a report to Council on the inadequacy of the current Senior Multi-Purpose Center and data from the recently adopted Parks, Recreation and Community Services Master Plan as to the need for additional softball and soccer fields.

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Council Member Peart said the Council has placed Measure H and the corresponding advisory measure on the March 7 ballot so that the voters of Woodland can voice their support for the need for senior center and softball/soccer needs.

LITERACY COUNCIL PRESENTATION:

Library Services Director Marie Bryan introduced the new Literacy Coordinator Nancy LeRoy. Library Board of Trustee Chris Almeida presented a check to the Council regarding the Literacy Council's annual contribution.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council accepted a check in the amount of \$16,000 from the Yolo Literacy Council as its share of the 1999-2000 budget for the Woodland Library Literacy Service.

Mayor Losoya commended the Literacy Council for its fund raising efforts as well as the great service provided in the community.

CONSENT CALENDAR:

Mayor Losoya removed the agreement for development with SVOC from the Consent Calendar so that a date could be clarified.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the following Consent Calendar items:

PROPOSED RATE INCREASE FOR WASTE MANAGEMENT SERVICES:

The City Council received information on rate increases for Waste Management Services, which became effective January 1. (Per the existing contract between the City and Waste Management the annual rate to customers can increase each year on January 1. The amount of the increase is determined by the change in the U.S. Average CPI - All Urban Consumers.)

ORDINANCE NO. 1320 - TRUCK PARKING:

The City Council introduced Ordinance No. 1320 governing truck parking on private property.

RENEWAL OF EMPLOYEE ASSISTANCE PROGRAM CONTRACT:

The City Council approved a contract with Psychological Resource Associates in the amount of \$40,240.80 to provide an Employee Assistance Program (EAP) for calendar year 2000.

RESOLUTION NO. 4158 - MOU WITH POLICE OFFICERS' ASSOCIATION:

The City Council adopted Resolution No. 4158 entitled "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Police Employees" and directed the City Manager to take the necessary steps to implement this resolution.

COMMUNITY FACILITIES DISTRICT 1 INFRASTRUCTURE FEES:

The City Council approved an Installment Note from Sycamore Partners LLC for payment of Community Facilities District Infrastructure fees.

COMPLETION OF DAVID SNOW PARCEL MAP IMPROVEMENTS:

The City Council accepted as complete the public improvements constructed as part of Parcel Map No. 4371 by developer David Snow; directed the City Clerk to file a notice of completion; and authorized the City Manager to execute the notice.

AGENDA ITEM REMOVED FROM CONSENT CALENDAR:

AGREEMENT FOR DEVELOPMENT WITH SVOC:

City Attorney Ann Sipelle said the question came up that there is a need to clarify when the 20-year term of the City's loan to Sacramento Valley Organizing Committee (SVOC) would run. She said according to the term of the promissory note upon the approval of the final map creating the 36 lots it was intended that SVOC would record separate deeds of trust at that point on each of the 36 lots. She said that is when the 20-year term of the loan would begin. She said it would not be contingent upon the sale from SVOC to each individual owner. The 20-year term would begin when the individual deeds of trust are recorded by SVOC for each lot. Since the close of escrow deadline for SVOC is April 30, 2001, that would also be the latest date for the beginning of the 20-year term of the loan.

On motion of Council member Flory, seconded by Council member Ryhal and carried by unanimous vote, the City Council approved the Agreement for Development with City of Woodland and Sacramento Valley Organizing Committee (SVOC) and

authorized the City Manager to execute the agreement with any non-substantive changes that may be agreed to by the City Manager and the City Attorney.

The City Manager said there was discussion during the closed session that the Council would like to see the schedule of performance adhered to as much as possible.

TEMPORARY CONVENING OF REDEVELOPMENT MEETING:

Mayor Losoya temporarily adjourned the City Council meeting and convened a meeting of the Woodland Redevelopment Agency Board at 7:52 p.m. See Agency minutes attached to these Council minutes as Exhibit A. At 7:43 p.m. the Redevelopment Agency meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

REPORT ON OAK TREE SURVEY:

The Public Works Director gave the Council an update of the oak tree evaluation. He said of the 54 oak trees that were surveyed within the public right-of-way three were recommended for removal and four were recommended for consideration for removal. He said staff is obtaining and a second opinion for the three recommended for removal. He said this matter will be discussed at the next Tree Commission meeting. He said he will place a matter on the next Consent Calendar regarding the cost of getting a second opinion.

INFORMATION BROCHURE FOR MEASURE H:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved the Measure H fact sheet (brochure) and directed the City Manager to (1) prepare, publish and make available to the public factual information regarding the March 7, 2000 ballot measure and (2) provide opportunities for the public to tour City facilities that would benefit from Measure H.

The City Manager said from Council discussion he will direct City staff to provide for a direct mailing of the information brochures and use other mechanisms to get the fact sheets out.

RESOLUTION NO. 4159 - SUPPORT OF PROPOSITION 12 – PARKS BOND:

On motion of Council Member Flory, seconded by Council Member Peart and carried by unanimous vote, the City Council adopted Resolution No. 4159 in support of Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (slated for the March 7, 2000 Primary Election Ballot).

CITY WEB PAGE DESIGN AND IMPLEMENTATION:

On motion of Council Member Flory, seconded by Council Member Peart and carried by unanimous vote, the City Council authorized the Finance Director to negotiate with Virtual Market Enterprises, Inc. (VME) for a scope of work related to Web Site design and implementation, the negotiated contract not to exceed \$8,000.

RESOLUTION NO. 4160 - WASTEWATER TREATMENT PLANT/REGIONAL PARK ANNEXATION

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 4160 ordering an application to the Local Agency Formation Commission (LAFCO) for annexation of City-owned Wastewater Treatment Plant and Regional Park property.

REPORT ON CITY'S GROWTH RATE:

Junior Planner Brian Grattidge presented a report to Council on growth projections and management. He briefed the Council on where the City is today with respect to growth and what some other growth management techniques used in other cities.

The City Council requested that the Planning Commission review the information. The City Manager suggested a study session with the Planning Commission to review the information.

RISK MANAGEMENT PLAN FOR WASTEWATER TREATMENT PLANT:

Public Works Director Gary Wegener made a presentation to Council on the City's Risk Management Program at the Water Pollution Control Facility (WPCF).

APPOINTMENT OF NEW BOARD AND COMMISSION MEMBERS:

Council Member Ryhal said there were six candidates scheduled to be interviewed on January 13, 2000 and only four of the candidates participated in the interviews. Currently there is one vacancy on the Personnel Board, two vacancies on the Traffic Safety Commission, two vacancies on the Tree Commission, and one vacancy on the Historical Preservation Commission. He said since he was the only Council Member available to conduct the interviews he recommended postponing any new board and commission appointments until two Council Members can interview all of the candidates.

ADJOURNMENT:

At 8:50 p.m. the regular meeting was temporarily adjourned and the Council then reconvened its closed session to discuss the following topic:

Conference with legal counsel - Existing Litigation [Sec. 54956.9(a)]

Name of Case: Kenneth E. Trott & David Wilkinson v. City of Woodland and the City Council of the City of Woodland, et al (Superior Court of the State of California for the County of Yolo Case No. PT99-1817)

The City Council adjourned the closed session at 9:25 p.m. and adjourned the regular Council meeting to January 25, 2000, 7:00 p.m.

City Clerk of the City of Woodland