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

December 7, 1999

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

The Council then held a conference with legal counsel regarding existing litigation (Sec. 54956.9(a): 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). A second conference with legal counsel was held regarding anticipated litigation [Sec. 54956.9(b)] and significant exposure to litigation pursuant to Section 54956.9(b) regarding one case.

Council Members present at the special meeting were: Borchard, Flory, Peart and Ryhal. Council Members absent: Losoya. City Manager Richard Kirkwood and Assistant City Manager Phillip Marler were also present for the closed session.

The special session and closed session were adjourned at 6:40 p.m.

CITY COUNCIL REGULAR SESSION

Vice Mayor Borchard opened the Council meeting at 7:05 p.m. He then asked the Council to allow public comment regarding last Friday night's (December 3, 1999) Police activity dealing with the death of Mr. Juan Nieto.

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the Council opened a public comment period.

PUBLIC COMMENT RE ARREST AND DEATH OF JUAN NIETO:

Rosalinda Martinez, 1020 Morris Circle, Woodland, said she did not know Juan Nieto and does not know his family. She said it was a tragedy and everyone is saddened that Mr. Nieto

died, but she and other citizens want to make sure that this issue does not get swept under the carpet. She said they realize that an investigation is underway and an autopsy report is not yet conclusive. She said they are aware that the Council will not be able to comment on the issue at this time and they understand and respect that. She said regardless of what the investigation reveals, the tragic death points to deeper problems in our community, that of community and police relations, especially when it concerns young people. She said we need to investigate when the K-9 unit is brought into an incident. She asked the Council to work closely with the Police Department in its investigation, and suggested a Grand Jury investigation into the Police Department policies with regard to youth in the community. She said if a Police Commission or oversight committee does not exist this would be a good time to start one.

Art Apodaca, who was accompanied by the brother of Juan Nieto, Faustino Romero, said one of the community's concerns is that this incident should not blow into something to divide the city after so many years of trying to bring the city together. He said Faustino on behalf of his family prepared a news release for tomorrow requesting a thorough and complete investigation and taking the necessary steps if the results indicate that action should be taken against the officers involved with the arrest. He said on the other hand if the officers acted appropriately that should be known. He said the family of Juan Nieto has been advised that they have a right to petition for grievances and a right to come before the City Council and talk to the Police Chief as well as the District Attorney. He said Juan Nieto was 23 years old and had two children. He then read the news release prepared by Mr. Nieto's family calling on the community to remain calm and respect the family wishes by ceasing all demonstrations and marches in support of their efforts to have the death of Mr. Nieto investigated. He said the Nieto family has been assured that a complete investigation will be made by the appropriate authorities and the results will be made public. He said Faustino Romero has asked that a gathering that was scheduled for Thursday, December 9 at Heritage Plaza be postponed. He said the Nieto family wants the investigation to proceed and does not want anything to distract from the investigation process at this time. He said the family also is calling for the suspension of the officers involved until such time as the result of the investigation is published and the appropriate action is taken.

Faustino Romero spoke on behalf of his family and in support of the Police investigation.

Police Chief Del Hanson said the Woodland Police Department is just one agency which is investigating the incident of December 3, 1999, and he asked for everyone's patience in allowing the leadership of law enforcement in this County to complete the process. He said they have every intent to provide the public with as much information as they lawfully can at the appropriate time and they will do so. He said there has been much written in the local newspaper and a lot of information on television. He said they cannot respond at this time because they have not completed the inquiry. He requested patience from the community.

CLOSED SESSION ANNOUNCEMENT:

Vice Mayor Borchard advised that the Redevelopment Agency Board met in closed session at 6:40 p.m. tonight to discuss real property negotiations regarding property at College and Court Street, and the Board took no action.

He said the City Council also held a closed session regarding existing litigation in the matter of Kenneth E. Trott and David Wilkinson v. City of Woodland. He said Council gave guidance and he then read a prepared statement from the Council concerning the litigation.

Vice Mayor Borchard stated that the Council also met in closed session regarding anticipated litigation (one case) and Council gave direction to legal staff.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Borchard, Flory, Peart, and Ryhal

COUNCIL MEMBERS ABSENT: Losoya

STAFF PRESENT: Kirkwood, Marler, Kristensen, Siprelle,

Wegener, D. Hanson, Harris, T. Brown,

Pollard, De We Weerd, Bellini, Agonia

MINUTES:

Council Member Peart noted that there was a portion of the minutes for the September 28, 1999 adjourned meeting omitted regarding the sales tax measure. Council postponed approval of the minutes until January 4, 2000 pending review of the audiotape.

WRITTEN COMMUNICATIONS:

- 1. From Pacific Gas and Electric Company a notice was received advising of its application with the California Public Utilities Commission for a gas rate increase and electric revenue increase.
- 2. From Pacific Bell a claim against the City was received regarding damage to a buried telephone cable at Beamer Street and North Pioneer Avenue. The City's insurance representative recommended that the Council reject the claim and refer it to them.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council rejected the claim against the City submitted by Pacific Bell and referred the claim to the City's insurance representative.

3. From Thomas Lambert a claim against the City was received regarding injuries he received in connection with an arrest by the Woodland Police Department on August 2, 1999. The City's insurance representative recommended that the Council reject the claim and refer it to them.

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council rejected the claim against the City submitted by Thomas Lambert and referred the claim to the City's insurance representative.

- 4. From the State Department of Alcoholic Beverage Control a copy of an application was received for an on sale beer and wine license for China First, 25 Purity Plaza. Community Services Officer Mini Parades had indicated that the Police Department has no comment on the issuance of this license.
- 5. From the State Department of Alcoholic Beverage Control a copy of an application was received for an on sale beer and wine license for 90 West Court Street, Unit A (Tamale Factory). Community Services Officer Mini Parades had indicated that the Police Department has no comment on the issuance of this license.
- 6. From Slim Roberts, former Mayor of Woodland a letter was received expressing opposition to the Turn of the Century project.
- 7. From City Manager Richard Kirkwood a letter to County Administrator Victor Singh was received regarding cost sharing of the local share (\$625,000) of the Lower Cache Creek, Yolo County, Woodland Area Feasibility Study.

The City Manager said he spoke with County Administrative Officer Vic Singh today and he will report the results of that meeting during a future agenda item.

COMMITTEE REPORTS:

- 1. From Public Works Director Gary Wegener a report was received transmitting the minutes of the Tree Commission meetings of October 25 and November 29, 1999.
- 2. From Community Development Director Steve Harris a report was received summarizing action at the Planning Commission meeting of November 4, 1999, as follows:

The Planning Commission heard public comments and took no action on the Turn of the Century Specific Plan. Despite extending the hearing until midnight, the Commission was not able to hear all public testimony. The hearing was continued to the noticed November 18, 1999 date and the Commission voted unanimously to hold a special third meeting on November 30th to allow enough time for deliberations. It will not be known until the process is further long, whether additional meetings past November 30th will be required at the Commission level.

3. From Community Development Director Steve Harris a report was received summarizing action at the Planning Commission meeting of November 18, 1999, as follows:

The Planning Commission heard public comments on the Turn of the Century Specific Plan and continued the hearing to November 30th. The Commission voted unanimously to schedule December 2nd and December 16th meetings at 6:30 p.m. for the Turn of the Century Plan.

4. From Parks, Recreation and Community Services Director Henry Agonia a report was received advising that there was not a quorum for the Commission on Aging meeting of

November 9, 1999, and no meeting was held. The next scheduled meeting is January 11, 2000.

5. From the Community Development Director a report was received transmitting the minutes of the Historical Preservation Commission meeting of November 10, 1999,

PUBLIC COMMENT:

Pat Murray of the League of Women Voters of Woodland said on November 22, 1999 the League of Women Voters held a discussion on a subject called "sustainable communities." She said the goal is to make our community a better community than the way we found it for our children. She said they also discussed transportation and the issues of the quality of ground water and the use of gray water.

The City Manager said the Council previously discussed town hall type meetings to discuss these sustainable community issues and quality of life.

Dudley Holman commented on a recent Daily Democrat editorial suggesting that the Police Department park patrol cars at convenience stores. He said this is a ridiculous suggestion and total misuse of our Police force.

COUNCIL STATEMENTS AND REQUESTS:

Council Member Ryhal asked the members of the audience to take a few moments to remember those who served our Country on our behalf and some who died on December 7 (D Day).

Council Member Flory thanked members of the community for participation in the celebration of his father's award from the French Government (Legion of Honor). He thanked Dick Klenhard and City Manager Rick Kirkwood for their efforts with the event.

The City Manager distributed the job announcement for the Fire Chief recruitment in Woodland.

Vice Mayor Borchard made a few comments regarding The Daily Democrat's editorial. He said he was wondering what the editor has against this Council. He said the November 28th editorial addresses what we want for our town. He said he would like to see a little more accountability and sensitivity to the emotions of this community and not throw fault to the Council.

PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION REPORT:

Carol Souza Cole, a member of the Parks, Recreation and Community Services Commission, reported on the duties, activities and challenges of the Commission.

TRANSFER OF FIRE ENGINE:

Council Member Peart, representing the Volunteer Firefighters gave the history on the 1952 GMC/Van Pelt CD engine which was being transferred from the Yolo Fire Protection District back to the City of Woodland. He then introduced members of the support branch of the Fire Department. Short Parker of the Yolo Fire Department handed the pink slip for the engine to Council Member Peart.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council accepted transfer of the 1952 GMC/Van Pelt CD Engine No. 4 from the Yolo Fire Protection District back to City of Woodland.

RETIRED SENIOR VOLUNTEER PATROL:

Police Chief Del Hanson reported that the initial training and orientation for the first members of the RSVP (Retired Senior Volunteer Patrol) personnel has been completed. He said these volunteers perform a multitude of functions, including clerical support, traffic, investigations, nuisance abatement, vacation house checks and welfare contacts with older community members. He then introduced the new appointees: Margaret Walton, John Roman, Howard Kolen, Jan Stewart, Rosa Hicks, Bud Abel and Nancy Sanders.

CONSENT CALENDAR:

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

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

The City Council received the monthly status report from the Community Development Department.

PUBLIC WORKS AND CAPITAL BUDGET IMPLEMENTATION REPORTS:

The City Council received the monthly status report and Capital Budget Implementation Report from the Public Works Department.

TREASURER'S REPORT FOR OCTOBER 1999:

The City Council received the Treasurer's Investment Report for October 1999.

SUPPORT FOR MEASURE H:

The City Council received Planning Commission Resolution No. 99-2, approved on November 30, 1999, in support of Measure H.

NOS. 4146 THROUGH 4155 – PERS RETIREE MEDICAL RATES FOR 2000:

The contracted rates for Public Employees' Retirement System (PERS) medical insurance will increase on January 1, 2000. PERS requires the City to authorize by resolution that retiree monthly medical allowances be adjusted to reflect this premium increase. City Council was asked to adopt resolutions to adjust PERS Medical Contribution Rates for Retirees. This adjusts the monthly retiree medical allowance starting January 2000 as follows: for "employee only" and "employee plus one", a rate change from \$353.00 to \$390.61 and from \$458.00 to \$507.81 for "employees plus family."

The City Council adopted Resolution No. 4146 (City Manager), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4147 (Management), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4148 (Confidential), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4149 (Mid-Management), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4150 (Fire Mid-Management), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4151 (Police Mid-Management), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4152 (Police), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4153 (Police Supervisors), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; the City Council adopted Resolution No. 4154 (Fire), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act"; and the City Council adopted Resolution No. 4155 (General Services), "Fixing the Employer's Contribution under the Public employees' Medical and Hospital Care Act."

ACCEPTANCE OF PIONEER PARK AS COMPLETE:

The City Council accepted as complete the construction contract with Refnes Construction Company for Pioneer Park, Project No. 96-23; directed the City Clerk to file a notice of completion; and authorized the City Manager to sign the notice of completion.

CANCELLATION OF DECEMBER 21, 1999 COUNCIL MEETING:

The City Council approved the cancellation of the December 21, 1999 Council meeting.

PUBLIC HEARING - AMENDMENTS TO EAST STREET SPECIFIC PLAN:

Community Development Director Steve Harris gave Council background on the proposed amendments to the East Street Specific Plan. He said the East Street Corridor Specific Plan was adopted on May 18, 1998, and there are a number of implementation measures in that Plan. He said the landscaping is the first measure the City is carrying forward and involves the landscaping of the railroad right-of-way property, which parallels East Street. The railroad is to

the west of East Street. He said part of the discussion during the landscaping was the fence requirement. He said the Plan itself was silent on a requirement for fencing in that location. He said the Council received exhibits from the Plan indicating fencing material and fencing requirements on the west side of the tracks separating the railroad property from the private property, but not this location. The Planning Commission recommended returning to the City Council for formal amendment of the Specific Plan to address the fencing element. He said staff recommends and the Commission concurs that the fence materials should be similar to the fencing requirement for the private property on the west side of the tracks. The recommendation is that chain link or wood type fencing would not be allowed, and staff recommended this type of material. The Redevelopment Advisory Committee suggested a combination of chain link and a combination of wrought iron and tubular steel fencing. He then reported on cost estimates for the 10,000 lineal feet of fencing. For chain link the estimate is \$6.00 to \$7.00 per lineal foot to \$10 or \$12 per lineal foot. For the vinyl covered chain link fence the estimate was from \$8.00 to \$9.00 per lineal foot to \$18.00 per lineal foot. For ornamental wrought iron the estimate is \$11.00 per lineal foot to \$16.00 per lineal foot. For annual maintenance costs the estimate is \$18,000 per year.

Council discussion followed.

Vice Mayor Borchard opened the public hearing.

The following persons offered comments: Skip Mezger, landscape architect for the project; Bruce Dumars, landscaper and member of the East Street Specific Plan Committee; Dudley Holman, member of the East Street Specific Plan Committee; Evelia Genera.

There being no further comments, Vice Mayor Borchard closed the public hearing.

Council discussion followed.

A motion by Council Member Peart in support for ornamental iron fencing for the first 100 feet of any intersection and then the option of the ornamental iron and black vinyl chain link with 4-inch square material failed to carry for lack of a second.

The City Attorney said the Council does not need to get that specific for the Specific Plan amendment.

On motion of Council Member Peart, seconded by Council Member Ryhal and carried by unanimous vote, the City Council

- (1) made the finding that the previous environmental review made by the City Council on May 19, 1998 for the adoption of the East Street Corridor Specific Plan and General Plan amendments is sufficient environmental review for the proposed minor amendment to the East Street Corridor Specific Plan and no further environmental assessment is required; and
- (2) approved the use of a combination of ornamental iron fencing as well as black vinyl chain link and within 50 feet of each intersection ornamental iron fencing shall be used (chain link or

wood would not be allowed).

The City Attorney said the resolution (No. 4156) approving the East Street Corridor Specific Plan amendment can be revised and brought back to Council at a later Council meeting for approval.

TEMPORARY CONVENING OF REDEVELOPMENT MEETING:

Vice Mayor Borchard temporarily adjourned the City Council meeting and convened a meeting of the Woodland Redevelopment Agency Board at 8:56 p.m. See Agency minutes attached to these Council minutes as Exhibit A. At 9:35 p.m. the Redevelopment Agency meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

REPORT ON ELM TREES IN WOODLAND:

Management Analyst Sherri Martin gave Council a report on the elm tree hazard assessment.

NAMING OF FREEMAN BANDSTAND AND COMMUNITY SWIM CENTER:

Parks, Recreation and Community Services Director Henry Agonia outlined the process used for naming the Freeman Park bandstand and the Community Swim Center.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council approved recommendations of the Parks, Recreation and Community Services Commission naming committee for the naming of two park facilities: Community Swim Center to be named the Charles Brooks Community Swim Center, and Freeman Bandstand to be named the Freeman Park Community Bandstand.

The City Manager suggested that a plaque be placed somewhere at Freeman Park to recognize the efforts of the Rotary Club and other services clubs who contributed to the bandstand project.

Council directed staff to come back to Council with a recommendation on a method of recognizing the service organizations.

2000 Community Services Awards Nominating Committee:

On motion of Council Member Ryhal, seconded by Council Member Peart and carried by unanimous vote, the City Council agreed to select a 2000 Community Services Awards Nominating Committee at the January 4, 2000 regular meeting.

REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council reappointed the following Board and Commission members to four-year terms ending December 31, 2003: Charles Moore to the Board of Building Appeals, Betty Martin and Burr Shafer to the Commission on Aging, Kevin Spesert to the Parks, Recreation and Community Services Commission, Lisa Gaby to the Personnel Board, and Steve Barzo and Martie Dote to the Planning Commission.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council reappointed the Skip Davies to the Parks, Recreation and Community Services Commission for a one-year term ending December 31, 2000,

ADJOURNMENT:

At 9:55 p.m. the regular meeting was adjour	rned.
	City Clerk of the City of Woodland