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

March 2, 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 topic.

The Council then convened the closed session to discuss public employment (Sec. 54957) of the City Manager. The Council also held a conference with legal counsel regarding anticipated litigation and initiation of litigation (Sec. 54956.9) involving one case.

Council Members present at the special meeting were: Losoya, Borchard, Flory, Peart and Ryhal. Council Members absent: None. Interim City Manager Gerald Davis and consultant Chuck Neumayer were present for the first closed session topic regarding appointment of the City Manager. Others present during the anticipated litigation closed session were Interim City Manager Gerald Davis, Assistant City Manager Phillip Marler, Public Works Director Gary Wegener, Joe Countryman and Mark Fortner of the engineering consulting firm of Murray, Burns and Kienlen, and Ann Siprelle and Scott Morris (legal counsel) of the law firm of Kronick, Moskovitz, Tiedemann and Girard.

The special session and closed session were adjourned at 7:09 p.m. to March 4, 1999, 8:30 a.m.

CITY COUNCIL REGULAR SESSION

The Woodland City Council met in regular session at 7:15 p.m. in the City Hall Council Chambers.

CLOSED SESSION ANNOUNCEMENT:

Vice Mayor Borchard reported that in closed session the Council discussed the public employment of the City Manager, and no decision has been made yet. He said this item will be continued on Thursday, March 4, 1999, at 8:30 a.m. He said another closed session topic was anticipated litigation, and Council give direction to the City Manager. He said Council will take action at this meeting under Regular Calendar items.

COUNCIL MINUTES MARCH 2, 1999 PAGE 2

PLEDGE OF ALLEGIANCE:

Vice Mayor Borchard opened the meeting and invited everyone present to join him in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Borchard, Flory, Peart, Ryhal

COUNCIL MEMBERS ABSENT: Losoya

STAFF PRESENT: Bryan, Coble, Marler, Davis, Winnop, Siprelle, Wegener,

Fleming, Rice, Conzelmann, Hanson, Phillips, Gatie, Monahan, Grattidge, Pollard, Coble, Wickstrom, Vicars

MINUTES:

On motion of Council Member Flory, seconded by Council Member Peart and carried by unanimous vote, the City Council approved the minutes for the regular Council meeting of February 16, 1999, as prepared.

COMMUNICATIONS:

There were no communications received since the last Council meeting.

COMMITTEE REPORTS:

1. From Public Works Director Gary Wegener a report was received transmitting the minutes of the Traffic Safety Commission meeting of January 25, 1999. At the meeting a request from the Police Department was reviewed and discussed. The request was (1) to designate three existing 30-minute stalls in the City lot west of the Police Station for 'Police Department Only'; (2) to change the 30-minute on-street parking spaces to 2-hour; and (3) to designate five additional long term spaces in the lot for 'Police Department Only.' The Commission concurred with items (1) and (2) but did not concur with (3). The Police Department is requesting reconsideration of their request on item (3). Among other items of interest the Commission recommended "No Parking" on Hanson Way.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council (1) deferred action on the Traffic Safety Commission action item on Police Department parking to allow for further review by Commission; and (2) approved the prohibition of on-street parking on Hanson Way.

- 2. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meeting of February 1, 1999.
- 3. From Richard Conzelmann, Interim Parks, Recreation and Community Services Director a report was received summarizing action taken at the Commission on Aging meeting of February 2, 1999.
- 4. From the Public Works Director a report was received transmitting the minutes of the Tree Commission meeting of February 8, 1999.
- 5. From Interim Community Development Director Don Fleming a report was received transmitting the agenda and minutes of the Community Development Block Grant Evaluation Committee meeting of February 17, 1999.
- 6. From the Interim Community Development Director a report was received summarizing action taken at the Planning Commission meeting of February 18, 1999, as follows:
 - a. Commission heard the City Attorney's interpretation of the 500-foot separation rule between liquor stores and churches outside of the Central Business District. While liquor stores cannot locate within 500 feet of another liquor store, church, school, or other protected use, the reverse is not true. A church may voluntarily locate within 500 feet of a liquor store.
 - b. Commission continued the site plan and design review of Woodmark Apartments to the March 4, 1999, meeting.
 - c. Commission approved Amended Tentative Parcel Map 4260 (Sahota) and a deep lot development permit at 800 Kentucky Avenue.
 - d. Commission continued the report on freeway signs to a future meeting.
 - e. Commission continued Tentative Subdivision Map 4393 to the April 1, 1999 Commission meeting.

COUNCIL MINUTES MARCH 2, 1999 PAGE 4

PUBLIC COMMENT:

Michael Loera, 872 Browning Circle, Woodland, said he was a part of an association of residents at Sycamore Ranch in Southeast Woodland who want some help from the City in regard to the new proposed Woodmark Apartment complex. He said the association submits the following requests: (1) block off the Browning Circle east entrance in a manner that fits the aesthetics of the neighborhood; (2) another entrance/exit to complex with a road running along I-5 fence connecting to planned roads to come in the future; (3) less units or a change in unit ratio, more one-bedroom and less two-bedroom; (4) enforcement of one family per one apartment; (5) more mature trees, adjacent to their properties along the outside of the wall and entrance to the complex; (8) add more character to complex, rounded features, and more framing around door entries, etc.; and (9) higher walls surrounding complex (such as building a berm similar to the one at Woodland Community College.

Vice Mayor Borchard said this matter was not agendized for this Council meeting and should be added to a future Council meeting agenda in order that the Council might discuss it.

Interim City Manager Gerald Davis said that Mayor Losoya who was not able to be present at this meeting has requested that the Regular Calendar item regarding increasing the Library's hours of operation be postponed until March 16. Council agreed to the postponement.

GOVERNOR'S AWARD FOR HISTORIC PRESERVATION OF HOTEL WOODLAND:

Vice Mayor Borchard said the Governor of the State of California has issued an award to the Engstrom Hotel Corporation, the Community Housing Opportunities Corporation, and the Woodland Redevelopment Agency. Present to receive the award were Mark Engstrom, President of Engstrom Hotel Corporation; Leslie Marcus, President of Community Housing Corporation (CHOC) Board of Directors, and David Flory, Member of the Woodland Redevelopment Agency Board of Directors.

On motion of Council Member Peart, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved the presentation of the Governor's Award to the representatives of the recipients of the award.

PROCLAMATION - WOMEN'S HISTORY MONTH:

On motion of Council Member Flory, seconded by Council Member Peart and carried by unanimous vote, the City Council proclaimed the month of March, 1999, as "Women's History Month."

Vice Mayor Borchard presented the proclamation to Catherine Portman representing the Women's History Month Planning Committee.

REPORTS OF THE CITY MANAGER:

CONSENT CALENDAR:

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

PARKS, RECREATION AND COMMUNITY SERVICES MONTHLY REPORT:

The City Council received the Parks, Recreation and Community Services Department monthly report.

COMMUNITY DEVELOPMENT MONTHLY REPORT:

The City Council received the Community Development Department projects monthly report.

PUBLIC WORKS MONTHLY REPORT:

The City Council received the Public Works Department monthly report.

CAPITAL BUDGET IMPLEMENTATION STATUS REPORT:

The City Council received the Capital Budget implementation status report.

TREASURER'S REPORT FOR JANUARY:

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

WOODLAND SOCCER CLUB FEES:

The City Council approved a reduction in player fees for the Woodland Soccer Club (\$1.00 per resident player and \$10.00 per non-resident player).

COMPLETION OF PUBLIC IMPROVEMENTS:

The City Council accepted as complete the public improvements constructed as part of the following projects: (1) Subdivision No. 4364, also known as Gibson Ranch Subdivisions 2C (Morrison Homes, developer); (2) Subdivision No. 4348, also known as Gibson Ranch Unit 5A (Morrison Homes, developer); Subdivision No. 4332, also known as North Park Unit 6 (Stanley Davis Company, developer); and Chami Arco, 450 County Road 102, Project 98-08 (Darab Bozorg Chami, developer). The City Council directed the City Clerk to file notices of completion for the above-named projects, and authorized the Mayor and Interim City Manager to sign the notices of completion.

REGULAR CALENDAR:

RESOLUTION NO. 4114 - NON-SUPPORT FOR AAFES PROPOSED PROJECT:

Assistant City Manager Phil Marler presented to Council a Resolution of Non-Support for the proposed Army-Air Force Exchange Service (AAFES) project. He said this resolution would be sent to the Army-Air Force Exchange Service to indicate the City's lack of support for continuation with their proposed project. He said as Council has discussed in the past AAFES is proposing to build a distribution center in the City's industrial area, yet the City would not receive the development fees to the extent that the City would normally receive. The community would also not receive the annual tax revenues from such a development.

Council discussion followed.

Council Member Flory said although he understands our frustration with AAFES, he is not in favor of Council passing a resolution. He said in his opinion a letter is more appropriate, and the letter should once again reiterate our concerns and state that we do not feel that it would be a good mix for the AAFES project in the City of Woodland because of the lack of fees that they would be able to pay up front but also the property taxes that they would pay over a period of time. He said he thinks that

by passing a resolution of non-support the City is basically saying that it is "finito", we don't want you here, don't bother coming. Even if there is some mitigation, the resolution is basically saying it's over with. He said he thinks that doing something in a letter form, once again stating our frustration, the lack of dollars that the City would get from this, that we don't think it would be a good mix for us, that we appreciate them looking at the community and considering us. Under the current situation we would not be interested in furthering discussions, but if that should change at a later date we would be willing to talk with them. He said he thinks the resolution of non-support is very harsh. He said he knows it sends the message that members of the Council wanted to send, but from his standpoint he thinks there is an easier and more appropriate way of addressing the issue.

Council Member Ryhal read the Resolution of Non-Support.

On motion of Council Member Peart, seconded by Council Member Ryhal and carried by the following vote, the City Council adopted Resolution No. 4114, a Resolution of Non-Support for the Army-Air Force Exchange Service (AAFES) Project:

AYES: COUNCIL MEMBERS: Borchard, Peart, Ryhal

NOES: COUNCIL MEMBERS: Flory
ABSENT: COUNCIL MEMBERS: Losoya

<u>PLANNING COMMISSION'S RECOMMENDATIONS REGARDING TREE</u> COMMISSION:

Associate Planner Brian Grattidge briefed Council on Planning Commission Resolution 99-1 regarding the Tree Commission. He said at a joint meeting of the Planning Commission and the Tree Commission on December 17, 1998 there was dialogue to address some concerns, particularly the future role of the Tree Commission. The main points were placed in a resolution adopted by the Planning Commission on January 7. The resolution recommends the following actions for consideration by the City Council:

- 1. The Tree Commission should continue as an advisory body to the City Council with expanded responsibility to support management of Woodland's urban forest.
- 2. Encourage volunteer efforts to revitalize the City tree program.

- 3. Encourage relationships between the Tree Commission and community organizations such as service clubs and the 4H, and other agencies such as the Resource Conservation District and the UC Davis Cooperative Extension.
- 4. Explore additional funding, including grants. Investigate using a multi-departmental approach to urban forestry planning management.
- 5. Expand the Tree Commission from five to seven members to allow for a more active and broad-based commission.
- 6. Increase educational outreach to property owners regarding proper maintenance of trees and the benefits of healthy trees on their property.
- 7. Provide support to the Tree Commission in the form of a Planning Commission liaison, and possible future joint meetings.
- 8. Direct the Tree Commission to prepare a Tree Preservation and Urban Forest Plan with the cooperation of the Planning Commission and support from the Community Development Department.
- 9. Empower the Tree Commission to review appeals of both denial and approval of tree removal permits.

The following members of the Planning Commission spoke in support of the resolution: Jack Mahan, Martie Dote and Michele Carotenuto. David Wilkinson and Bill Bolinger, Tree Commission Members, also spoke in support of the resolution.

The Interim City Manager said Council may want to consider directing the matter to staff to examine a couple of issues relating to costing out item 8 (staff and/or consultant time) and item 9 which may require a City Code amendment.

Council discussion followed. Council Members expressed concerns about the implementation of recommendations Nos. 8 and 9 (above).

City Attorney Ann Siprelle said recommendation No. 9 will require a City Code amendment.

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council received Planning Commission Resolution No. 99-1 regarding the Tree Commission and referred it to staff for consideration.

Assistant City Manager Phil Marler said staff will bring a report back to Council once the cost and other information is gathered.

INCREASING LIBRARY'S HOURS OF OPERATION:

Council postponed a report on impacts of increasing the Library's hours of operation until the March 16, 1999, Council meeting.

APPEAL OF FLOOD INSURANCE STUDY/RATE MAPS:

Council agreed to discuss the City's appeal of FEMA Flood Insurance Study and Rate maps at a future County/City 2 x 2 meeting.

On motion of Council Member Peart, seconded by Council Member Ryhal and carried by unanimous vote, the City Council authorized City legal counsel and City staff to share with the County Board of Supervisors and County staff the draft letter of appeal regarding the FEMA Flood Insurance Study and Flood Insurance Rate Maps with bilateral sharing of information.

On motion of Council Member Ryhal, seconded by Council Member Peart and carried by unanimous vote, the City Council authorized the City Manager to file an appeal with FEMA challenging the validity of the Flood Insurance Study and Flood Insurance Rate Maps (FIRM) for the City of Woodland.

ASSISTANCE FOR APPEAL OF FLOOD INSURANCE STUDY/RATE MAPS:

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized the City Manager to employ The Ferguson Group, LLC, to assist the City of Woodland in the appeal to FEMA of the Flood Insurance Study and Flood Insurance Rate Maps (FIRM).

RESOLUTION NO. 4115 - FEASIBILITY STUDY FOR CACHE CREEK:

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 4115, a resolution committing funding to a feasibility study for Cache Creek flood protection and directing the City Manager to initiate actions necessary to start the feasibility study as soon as possible.

Council took a recess from 8:51 p.m. until 9:00 p.m.

PARKS, RECREATION AND COMMUNITY SERVICE ADULT SPORTS:

Interim Parks, Recreation and Community Services Director Dick Conzelmann presented a report to Council regarding direct versus indirect costs of Parks, Recreation and Community Services Adult Sports Programs. He said direct costs are those expenditures that relate directly to the program. Direct costs include program staff, supplies, equipment and other resources that are required for the operation of a specific program. Indirect costs are estimated from those expenditures that support all programs in a general sense, including administrative and clerical staff and general office supplies.

Council discussion followed.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council accepted the report and directed staff to strive for decreasing the indirect costs of the adult sports/recreation programs.

CONTRACT FOR WIRELESS COMMUNICATIONS NEEDS ANALYSIS:

The Public Works Director said at Council's direction staff solicited proposals from different firms for a wireless communications needs analysis. Those firms were evaluated and ranked. He said two proposals were less than the original proposal from the State of California Telecommunications Division. He said the analysis indicated that the State provided the best proposal to meet the City's needs.

Management Analyst Lynn Gatie reported the listing of firms which received the Request for Proposals. The City received proposals from Emmack Cronan Group, Roselle & Associates, Hartech, Inc., and Mobile Radio Engineers in addition to the proposal from the State.

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council (1) authorized the Public Works Director to execute a Statement of Work with the State of California, Department of General Services, Telecommunications Division, for evaluation of the City's radio communication system in an amount not to exceed \$8,600; (2) approved Project No.98-51 - Wireless Communication Needs Analysis; and (3) approved Major Projects Financing Plan Project PUB-4 in an amount not to exceed \$50,000.

COMMUNITY BUDGET PRESENTATION LAYOUT:

Finance Director Margaret Vicars presented to Council a Community Budget Guide developed by the Budget Strategy Team. The guide could be distributed to citizens, developers, and visitors.

Council Member Ryhal said he will meet with the Finance Director to discuss the content of the Guide.

On motion of Council Member Ryhal, seconded by Council Member Peart and carried by unanimous vote, the City Council accepted the format and directed the issuance of a City of Woodland Community Budget Guide and directed staff to charge a fee for the actual cost of producing the Guide.

COPY MACHINE LEASE PROGRAM:

Purchasing Manager Al Mancilla presented a City-wide copy machine rental program. He then responded to questions from Council.

On motion of Council Member Peart, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved a City-wide copy machine rental program through a cooperative group leasing arrangement between the North Sacramento School District and Inland Business Systems.

AMENDMENT TO PUBLIC NUISANCE ABATEMENT ORDINANCE:

Public Works Director Gary Wegener presented an ordinance to amend the Public Nuisance Abatement Ordinance. He said the City's current nuisance abatement regulation requires a 24-hour advance notice for emergency abatement, which allows the property owner to protest the proposed abatement action. He said this provision precludes the City from recouping costs if public safety requires immediate action. The proposed ordinance amendment would allow the City to charge property owners for costs incurred to effect emergency abatement of nuisances without the current requirement that the property owner be noticed 24 hours in advance of abatement action.

Council discussion followed. Council Member Flory said basically it has not been proven to him that there is an expense need for this. He said the City in the past has spent a minimal amount of dollars to do this work, and he is bothered by the fact that this represents just another ordinance that is going on the books. He said to some degree it is the short notice provision which bothers him.

A motion of Council Member Peart, seconded by Vice Mayor Borchard, to introduce and read by title only Ordinance No. 1315, amending the Nuisance Abatement Ordinance, failed by the following vote:

AYES: COUNCIL MEMBERS: Borchard, Peart,

NOES: COUNCIL MEMBERS: Flory, Ryhal ABSENT: COUNCIL MEMBERS: Losoya

CONSULTANT FOR TURN OF THE CENTURY INFRASTRUCTURE PLAN REVIEW:

The Public Works Director said in November 1998 Turn of the Century suggested the City retain the services of an outside consultant to coordinate the review of the infrastructure plans. He said Turn of the Century has recommended the retention of Nick Ponticello, Ponticello Enterprises.

Council Member Ryhal said given the workload of the Public Works Director and given the fact that the City hired consultant Heidi Tschudin to assist in review of the Specific Plan process he recommended that Nick Ponticello report to Ms. Tschudin.

The Public Works Director said he planned to coordinate closely with Heidi Tschudin. He said he feels a responsibility to the Council as one person of the three who will hopefully be on staff through this process. He said he felt it is important that the Public Works Department remain in the loop.

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

authorized a consultant services contract with Ponticello Enterprises, at a cost not o exceed \$20,000, to coordinate City review of Turn of the Century Infrastructure Plans.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by the following vote, the City Council directed Ponticello Enterprises to report to consultant Heidi Tschudin in the best interests of the City:

AYES: COUNCIL MEMBERS: Flory, Peart Ryhal,

NOES: COUNCIL MEMBERS: Borchard ABSENT: COUNCIL MEMBERS: Losoya

UPGRADE OF FIRE DEPARTMENT REPLACEMENT VEHICLE:

Acting Fire Chief Kent Wickstrom responded to questions to Council regarding the use of a Fire Department replacement vehicle.

Vice Mayor Borchard requested future staff reports to include a cost breakdown on the equipment, the fuel required to attend the musters, and the perceived benefit.

On motion of Council Member Flory, seconded by Council Member Peart and carried by unanimous vote, the City Council approved an upgrade of the replacement for Vehicle Number 77 (Fire Department pickup) to a one-ton, diesel powered, 4X4, extended cab, short bed pickup truck with heavy duty suspension and heavy duty towing package, at a cost not to exceed \$34,000.

ADJOURNMENT:

At 10:30 p.m. the regular meeting was adjourned. Vice Mayor Borchard reopened the meeting at 10:31 p.m. to ask if Council Members had any Future Meeting Agenda Items.

On motion of Council Member Flory, seconded by Council Member Ryhal, and carried by unanimous vote, the City Council extended the meeting from 10:30 p.m. to 10:35 p.m.

Vice Mayor Borchard requested a future meeting report on the cost of muster events.

At 10:32 p.m. the regular meeting was adjourned.

COUNCIL MINUTES MARCH 2, 1999 PAGE 14				

City Clerk of the City of Woodland