Council Chambers 300 First Street Woodland, California

November 3, 1998

WOODLAND CITY COUNCIL MINUTES

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 convened the closed session for (1) a conference with legal counsel regarding existing litigation (the name of case was Jolynn Tetzlaff v. City of Woodland, et al, Case No. U. S. District Court Eastern District of California, CIV-S-97-0419 DFL GGH); and (2) a conference with real property negotiator pursuant to Government Code Sec. 54956.8 (Negotiating Parties: City of Woodland and Union Pacific Railroad; property is East Street Railroad right-of-way; under negotiation: terms of payment).

Council Members present at the special meeting were: Losoya, Borchard, Flory, Peart and Ryhal; however Council Member Peart left after the first closed session topic because he had a conflict of interest with the real property negotiation agenda item. Council Members absent: none. Public Works Director Gary Wegener was present during the conference with real property negotiator. Interim City Manager Gerald Davis and Assistant City Manager Phillip Marler were present for both closed session matters.

The special session and closed session were adjourned at 7:05 p.m.

The Woodland City Council met in regular session at 7:10 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

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

COUNCIL MEMBERS ABSENT: None

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

MacNicholl, Conzelmann, Pollard, Wilts

CLOSED SESSION ANNOUNCEMENT:

Mayor Losoya said the Council held a closed session at 6:00 p.m. He said there were no decisions made, and no Council action was taken.

MINUTES:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote (Mayor Losoya abstained), the City Council approved the minutes for the regular Council meeting of October 20, 1998, as prepared.

COMMUNICATIONS:

- 1. From Finance Director Margaret Vicars a memo was received advising of claims covering accounts payable, wire transfers and payroll for August 1998.
- 2. From Bahram Rahrovi a claim against the City was received in connection with the theft of his personal watercraft and trailer. The City's insurance representative recommended that the Council reject the claim and refer it to them.

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

3. From Kathi Parks a claim against the City was received for injuries she received from falling in the alley behind 607 Main Street. 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 Borchard and carried by unanimous vote, the City Council rejected the claim against the City submitted by Kathi Parks and referred the claim to the City's insurance representative.

4. From 18 property owners a letter was received expressing concern over the removal of two trees at 725 First Street. The neighbors in their letter indicated that the tree removal left a gaping hole in the tree canopy of this section of First Street, which adversely affects the whole neighborhood.

Council was advised by Public Works Director Gary Wegener that staff will have a response to the letter at the November 17 Council meeting.

COMMITTEE REPORTS:

1. From former Parks, Recreation and Community Services Director Tim Barry a report was received summarizing action taken at the Parks, Recreation and Community

Services Commission meeting of September 28, 1998.

- 2. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meeting of October 5, 1998.
- 3. From the Parks, Recreation and Community Services Director a report was received summarizing action taken at the Commission on Aging meeting of October 13, 1998.
- 4. From former Community Development Director Janet Ruggiero a report was received transmitting the minutes of the Historical Preservation Commission meeting of October 14, 1998.
- 5. From Acting Community Development Director Robert MacNicholl a report was received summarizing action taken at the Planning Commission meeting of October 15, 1998, as follows:

Commission received a presentation from Ken Zeier concerning the water system status, and alternative water sources under consideration by the City.

Commission adopted a Resolution of Appreciation for Janet Ruggiero for her exemplary service to the community for the last 18 years, as Community Development Director.

Commission recommended to the City Council the adoption of the Negative Declaration for the Alternative 1-E for the I-5/113 Connection Project on the basis that there is no evidence that the Project will have a significant effect on the environment and adoption of the mitigation monitoring plan for the project as a means to mitigate and avoid significant environmental effects. The Commission recommended to the City Council the approval of the Project.

Commission continued to November 5th the Use Permit request by Fred Lopez to establish an auto repair facility on "C" Street. The continuance will provide time for the applicant to secure landscaping and design elevations for the facility, as well as a letter from a property owner authorizing storage of autos to demonstrate icompliance with the East Street Specific Plan design guidelines.

The Planning Commission received a report on City Council action concerning alternative circulation systems within the Turn of the Century Specific Plan.

The Commission discussed with staff the current City provisions for tree removal and preservation and discussed the issues which will need to be addressed in the future if Woodland is to have a healthy "urban forest."

6. From Public Works Director Gary Wegener a report was received transmitting the minutes of the Traffic Safety Commission meeting of October 19, 1998.

7. From Fire Chief Miles Julihn a report was received summarizing action taken at the Yolo County Communications Emergency Services Agency meeting of October 21, 1998.

PUBLIC COMMENT:

Vice Mayor Borchard reminded the viewing audience that there was still time to vote this evening because the polls will be open until 8:00 p.m.

Council Member Peart said he has been up front with the community, and he said he is upset with what is going in the community with respect to reporting in The Daily Democrat. He said the Council has taken some negative comments in the editorials, and he asked the Editor twice to talk to Council Members to find out the facts before writing the editorials. He said to date Council Members have not been contacted. He said these are his personal comments and do not represent those of other Council Members. He said there are a lot of negative rumors going around Woodland regarding the fact that many City staff members have left. He said contrary to what was reported in the newspaper the majority of the Council Members are getting along well and working together as a team. He said the City employees who left their positions were not forced out of their jobs; each employee has resigned on his/her own accord. He asked that those who are spreading the negative comments to call the Interim City Manager or Council Members and get all of the facts. He gave his cellular phone number (304-3827) and invited people to address any issues they might have with him. He said he has a personal agenda to build a better Woodland for all citizens. He said if all work together in a more positive manner, that can happen.

Interim City Manager Gerald Davis introduced Interim Parks, Recreation and Community Services Director Dick Conzelmann who was appointed to temporarily replace former Director Tim Barry.

Council Member Flory introduced Acting Community Development Director Bob MacNicholl who was temporarily replacing former Director Janet Ruggiero.

REPORT FROM PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION:

Al Beaird, Chair of the Parks, Recreation and Community Services Commission, reported on some of the accomplishments and future challenges of the Commission. He also announced that he will be resigning from the Commission effective after the November Commission meeting.

Council Members individually thanked Mr. Beaird for his work on the Commission.

REPORTS OF THE CITY MANAGER:

CONSENT CALENDAR:

Mayor Losoya asked that the agenda item regarding the I-5/State Route 113 Connector and CEQA documents be removed from the Consent Calendar since there has been a request to discuss the matter.

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 monthly report.

COMMUNITY DEVELOPMENT MONTHLY REPORT:

The City Council received the Community Development projects monthly report.

PUBLIC WORKS MONTHLY REPORT:

The City Council received the Public Works monthly report.

CAPITAL BUDGET IMPLEMENTATION STATUS REPORT:

The City Council received the Capital Budget implementation status report.

RESOLUTION NO. 4107 – TRANSFER OF CABLE TV FRANCHISE OWNERSHIP:

The City Council adopted Resolution No. 4107 consenting to the transfer of control of the Cable television franchise from Charter Communications to Paul G. Allen.

RESOLUTION NO. 4108 – HUMAN RESOURCES MANAGER SALARY:

The City Council adopted Resolution No. 4108 changing the salary range for the Human Resource Manager to a 25 percent salary range consistent with other mid-level managers.

CITY HALL BOILER REPLACEMENT:

The City Council authorized staff to obtain bids for the replacement of the City Hall

boiler and awarded the contract for the project to the lowest responsible bidder. Staff advised that the estimated project cost is \$17,000.

FINAL MAP/SUBDIVISION AGREEMENT FOR GILLETTE:

The City Council approved the Final Map and Subdivision Improvement Agreement for Subdivision No. 4048 for Robert Gillette. The 1.3 acre subdivision with five residential lots is located on the south side of East Gum Avenue between Capay Valley Drive and Bourn Drive.

REGULAR CALENDAR:

<u>I-5/STATE ROUTE 113 CONNECTOR:</u>

Michael Flaherty, attorney representing a Darab Chami, owner of Chami's Arco AM/PM at the corner of Hays Lane and Road 102. He said his client's property is in the vicinity of one of the connectors for the I-5/State Route 113 Connector Project. He asked that the Council not approve the environmental documents which are to be approved by Council. He said that although the documents purport to assess the economic impacts of this proposed project on surrounding businesses the documents fail to consider utterly the impact on his client's business. He said on May 22, 1998 Mr. Chami's counsel wrote a letter to the Community Development Department specifically stating that his property enjoyed access from all four directions, north and south on Road 102 and east and west on Hays Lane. He said this interchange as designed would cut those accesses in half. He said Mr. Chami has made a \$1.5 million investment in his project.

City Attorney Ann Siprelle said the public comment period for the project and CEQA documents closed on October 2, 1998.

Mayor Losoya said to go further with this public comment would be inappropriate.

Mr. Flaherty requested that the Council defer the agenda item to allow him an opportunity to explore resolution with the Public Works Department and the Community Development Department. Absent that he said his client's only recourse will be in the Courts.

The City Attorney said after the comment period there are procedural requirements. Anyone can bring a lawsuit, but if they have not commented during the public comment period then the Court will not allow it. She said all of the procedural requirements have been met, and this agenda item this evening is not a public hearing.

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the (1) City Council stated that it had reviewed the initial study, the environmental assessment, the mitigated negative declaration and the total record from the Planning Commission for the I-5/State Route 113 Connector Project and made the

finding that these materials constitute the record of proceedings on which the adoption of the mitigated negative declaration is based; (2) Council adopted the mitigated negative declaration on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment, and the mitigated negative declaration reflects the lead agency's independent judgement and analysis; (3) Council adopted the mitigation monitoring plan for this project which is necessary to mitigate and avoid significant environmental effects; and (4) Council approved the I-5/State Route 113 Connector Project (Alternate 1E).

<u>COUNCIL/SENIOR MANAGEMENT TEAM STATEGIC PLANNING</u> <u>SESSION:</u>

Assistant City Manager Phillip Marler presented Council with a report on the Council/Senior Management Team Strategic Planning session which was held on October 10, 1998.

Council Member Flory said deadlines were set at the session, and the Assistant City Manager is working hard on trying to get those involved together. He said we need to keep focused on those deadlines that were set so we can continue to move forward.

Council Member Peart noted that on page 2 of the report regarding the three-year goal to achieve a strong economic/financial base. He said the word "economic" was left out on the next page.

Other Council Members agreed to adding the word "economic."

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council received the report on the Council's Strategic Planning Session with the Senior Management Team.

WOODLAND ECONOMIC RENAISSANCE CORPORATION:

Assistant City Manager Phillip Marler said the Council on September 15th adopted a resolution which outlined the City's relationship with the Woodland Economic Renaissance Corporation (WERC), and Council Member Ryhal asked for a review of the resolution.

Council Member Ryhal said he was concerned that there was no reporting structure back to Council to make sure that the way the Council sees the City going is in the same vein as the way WERC is working.

Interim City Manager Gerald Davis said there are two ways the Council can be kept informed on matters that are under consideration by WERC. First, he said the Council has two representatives on the Board of Directors, Mayor Losoya and Council Member

Flory, who can attend the monthly meetings of WERC as well as staff members. Secondly, he said he asked Bryce Birkman, Executive Director of WERC, to furnish the Council with monthly reports if the Council feels that is appropriate just as certain City departments do.

Bryce Birkman said he brought the resolution to Council on September 15th after reviewing it with City staff. He said the wording of the resolution was an evolution from a series of meetings that were held starting in 1992 and 1993. A report to Council in March of 1997 regarding the Woodland Economic Renaissance Corporation stated that as part of the evolution of the economic development program there was a desire expressed by members of the City Council, the Economic Development Committee and the Chamber of Commerce that Woodland increase its visibility and competitiveness. In early 1997 the next steps were put into place and economic development was defined by this group as members of the City Council, Chamber of Commerce, private sector, labor force development, etc. He said finally the roles of the City, the private sector, the Chamber of Commerce, the educational institutions and other related factors were discussed and agreed upon. He said the roles were laid out, and key to this program would be the main leadership role of the private sector. He said the "foundation" assumes the primary responsibility for economic development for Woodland. foundation then evolved to the creation of the Woodland Economic Renaissance Corporation. He said the bylaws of WERC call for an annual reporting, but he said that could be more frequent.

Council discussion followed.

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council directed staff to bring back an amending resolution (to revise Resolution No. 4092) to provide for quarterly instead of annual reporting from the Council representatives on the WERC Board and the WERC Executive Director.

BOY SCOUT TROOP 131:

Mayor Losoya welcomed Boy Scout Troop 131, who were working on "Citizenship in the Community" merit badges, to the Council meeting.

SUTTER STREET YARD ENVIRONMENTAL CLEANUP:

Public Works Director Gary Wegener advised that the Sacramento Valley Organizing Committee (SVOC) has signed the purchase agreement for the Sutter Street yard property, and the Council has authorized execution of the agreement. Based on Council discussion at the last meeting he said staff is further verifying the costs involved in the remediation effort to insure the City can do the work in a timely manner. He said SVOC through Mr. Chris Glaudel, has indicated they will need an updated Environmental Report (the current one is dated 1992) for their lender. SVOC would like to coordinate

that through the City with Wallace Kuhl, and SVOC will fund the report per the purchase agreement. He said the City has received a letter from County Health regarding remediation at the Sutter Street site. After discussion with Wallace Kuhl and County Environmental Health it appears there are three options:

Do the Preliminary Endangerment Assessment, which looks at uses, exposures, and risks, as recommended by County Health. Such an assessment may indicate that the elevated chromium levels are acceptable and could allow for closure certification without remediation action.

Do further testing to better characterize the nature of the chromium on the site; this could show that higher total chromium levels are acceptable, and could allow for closure certification without remediation.

Excavate and remove the soil with the elevated chromium levels, and with further testing, likely be able to dispose of the soil locally. This would require further testing of soluble Vs total chromium levels to allow for disposal, and verification of the site after excavation, to allow closure certification.

He said it does not appear that any building demolition will be required to do additional testing. He said he hoped to report back to Council in December that the remediation effort is complete, closure of the site has been approved by the appropriate agency and SVOC has their updated Environmental Report satisfactory to their lender. Demolition of the buildings could then proceed in January and be completed by March.

STATUS OF HOUSING ELEMENT:

Consultant Heidi Tschudin said at the October 6 Council meeting staff was directed to report back regarding appropriate measures and steps to take to amend the Housing Element to modify the City's targeted single family/multi-family split of dwelling units. She said she and City staff are still recommending that the Council take no action at this time. She said a better time would be after the Council has completed the specific plan process which is about the same time that the City has targeted to begin the update of the City's General Plan. She said that will make sense not only in terms of the cycle the Council has committed to in the General Plan but it will also make sense in terms of when census data start to become available. She said one of the foremost concerns of updating is whether the City can maintain its certification. She said to amend the Housing Element at this time would mean the City would lose the rebuttable presumption of validity of the Housing Element. She said she is very concerned about losing that.

Council Member Ryhal said he has been pushing for a smaller percentage of low income housing and more upscale housing, but after meeting with Ms. Tschudin he feels educated on some of the issues. He said he still wants to see the split change, but he understands how the City could be opened up to possible lawsuits if the City loses its certification. He agreed that now is not the proper time to decide to make a change.

ARMY AND AIR FORCE EXCHANGE SERVICE PROJECT:

Interim City Manager Gerald Davis said he received a call today from Michael Immler, attorney and lead spokesperson of the Army and Airs Force Exchange Service (AAFES), asking that Council representatives and City staff consider meeting with the delegation from AAFES on November 13. He said AAFES wants to meet with the County and the City officials. He said he was reluctant to meet with them based on Council's discussion on October 6, and if Council directs him meet with AAFES he would like some guidelines. He outlined in his report to Council some of the points he was considering.

Council Member Flory said he felt if there is a meeting of AAFES representatives the entire Council should meet with them. He said he felt that the Interim City Manager should first meet with AAFES and report back to Council.

On motion of Council Member Ryhal, seconded by Council Member Borchard and carried by the following vote, the City Council agreed to a meeting of AAFES representatives and Interim City Manager Davis, Mayor Losoya and Council Member Ryhal plus staff as deemed appropriate by the Interim City Manager:

AYES: COUNCIL MEMBERS: Borchard, Peart, Ryhal, Losoya

NOES: COUNCIL MEMBERS: Flory

WOODLAND/DAVIS BIKE PATH:

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized an appropriation of \$5,000 to the Yolo-Solano Air Quality District for the City's fair share of the cost of a feasibility study examining options for a bicycle path between Davis and Woodland.

UPCOMING CITY BOARD AND COMMISSION VACANCIES:

The City Clerk presented a report on Board and Commission members indicating which terms will be ending on December 31, 1998. She said Council will be asked at the November 17 meeting to approve reappointments where appropriate.

FUTURE MEETING AGENDA ITEMS:

Council Member Peart requested a future meeting agenda item regarding an update on the City Master Finance Plan covering all City indebtedness and set up on a matrix.

<u>ORDINANCE NO. 1312 – PERS CONTRACT AMENDMENT/1959 SURVIVOR</u> BENEFITS:

On motion of Council Member Borchard, seconded by Council Member Peart and carried by unanimous roll call vote, the City Council adopted and read by title only Ordinance No. 1312, "An Ordinance of the City Council of the City of Woodland Authorizing an Amendment to the Contract between the City Council of the City of Woodland and the Board of Administration of the California Public Employees' Retirement System."

ADJOURNMENT:

At 9:07 p.m. the regular meeting was adjourned.

City Clerk of the City of Woodland

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