

Council Chambers
300 First Street
Woodland, California

December 3, 1996

The Woodland City Council met in special session at 6:00 p.m. in order to convene a closed session. Before the closed session the City Manager announced the purposes of the closed session. The first item was a conference with Labor Negotiator William Avery (Sec. 54957.6) regarding the following Employee Organizations: Woodland Professional Police Employees' Association and Woodland Police Supervisors Association. The second item was a conference with legal counsel regarding existing litigation [Sec. 54956.9(a)], specifically the following cases: Winger, Fahrig, et al, v. City of Woodland (U.S. District Court, Eastern District of California, Case No. CIV-S-96-483 GEB GGH).; Winger v. City of Woodland (U.S. District Court, Eastern District of California, Case No. CIV-S-96-559 DFL JFM). Council Members present at the meeting were: Rominger, Borchard, Losoya, and Ryhal; Council Members absent: Flory. City Manager Kris Kristensen, City Attorney Ann Siprelle, and Police Chief Russ Smith also attended the closed session.

The special session and closed session were adjourned at 6:50 p.m.

The Woodland City Council met in regular session at 7:00 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Rominger opened the meeting and invited everyone present to join her in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Rominger, Borchard, Losoya, Ryhal, Flory
(arrived at 7:10 p.m.)

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Siprelle, Ruggiero, Barry, Wegener, Gualco,
MacNicholl, Mitchell, Ponticello, Martin

CITY MANAGER ANNOUNCEMENT:

The City Manager said the City Council just completed two closed sessions for a conference with Labor Negotiator and a conference with legal counsel regarding existing litigation pursuant to the California Government Code.

Mayor Rominger said in regard to the labor negotiation closed session with Woodland Professional Police Employees' Association and the Woodland Police Supervisors Association the negotiations are ongoing, and there is a matter under "Regular Calendar" items regarding the Supervisors Unit. Regarding the existing litigation

(Winger, Fahrig, et al vs. City of Woodland) the Council directed legal counsel to make another offer to settle the case as quickly as possible.

MINUTES:

On motion of Council Member Borchard, seconded by Council Member Losoya and carried by unanimous vote, the City Council approved the minutes for the adjourned regular Council meeting of October 22, 1996, as prepared.

COMMUNICATIONS:

1. From Finance Director Margaret Vicars a memo was received advising of claims paid for accounts payable and payroll in October 1996.

2. From City Treasurer Ann Hanson a report was received transmitting the City's investment activities for October 1996.

COMMITTEE REPORTS:

1. From City Manager Kris Kristensen a report was received transmitting the minutes of the Yolo County Transit Authority Board meeting of September 25, 1996.

2. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meetings of October 7 and October 21, 1996.

3. From Chief of Police Russ Smith a report was received transmitting the minutes of the Yolo County Communications Emergency Services Agency Board meeting of October 9, 1996.

4. From Finance Director Margaret Vicars a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of October 14, 1996.

5. From Director of Public Works Gary Wegener a report was received transmitting the minutes of the Traffic Safety Commission meeting of November 14, 1996.

6. From Community Development Director Janet Ruggiero a report was received transmitting the minutes of the East Street Corridor Specific Plan Committee meeting of November 14, 1996.

7. From the City Manager a report was received summarizing topics discussed at the Chamber/City 2 x 2 meeting of November 20, 1996.

8. From the City Manager a report was received summarizing topics discussed at the City Cable Committee meeting of November 21, 1996.

9. From the Community Development Director a report was received transmitting the minutes of the Economic Development Committee meeting of November

22, 1996.

PUBLIC COMMENT:

Leslie Marcus, member of the City Personnel Board, and chair of the City's Recruitment Subcommittee of the Personnel Board, said the Subcommittee is responsible for recruiting throughout the community for applicants to serve on the City's boards and commissions. She advised Council that at the County Fair Mall from now until Christmas there will be a display prepared by the Recruitment Committee with computer generated posters announcing all of the commission vacancies. She said on the WAVE Channel 21 there are public service announcements in English and Spanish listing the vacancies, and the Committee is developing video. She invited members of the viewing audience to participate in production of the video.

Human Resources Manager Dean Gualco reminded the Council of the City employees service award ceremony to be held on December 11, 1996, 5:00 p.m. until 7:00 p.m. at the Senior Center.

Angie Roddin, Games Marshal for the Sacramento Valley Scottish Games and Gathering, advised that they have voted to come to Woodland for their 1997 Games and look forward to Woodland being the home of the Scottish Games. She said she met with three Council Members and appreciates the warm welcome she received from Woodland representatives.

PRESENTATION FROM YOLO LITERACY COUNCIL:

Alice Aldous, President of the Literacy Council, presented check in the amount of \$16,000 from the Literacy Council as its share of the 1996-97 budget for the Woodland Library Literacy Service. She said to date the Council has raised almost \$100,000 in 11 years to support the program. She said 75 to 80 percent of the students are from Woodland.

HEARING - HABITAT CONSERVATION PLAN:

Mayor Rominger said the only public hearing scheduled is to consider conceptually approving the Yolo County Habitat Conservation Plan (HCP).

Associate Planner Bob MacNicholl said Council Members received the Habitat staff report, a resolution for conceptual approval of the Plan, a Negative Declaration for the HCP, an Implementation Agreement (IA), summary minutes for the November 7, 1996 joint meeting, and a Joint Powers Agreement (JPA). He said Bill Ziebron, consultant from EIP which is working jointly with all of the jurisdictions, and Terry Roberts from West Sacramento, who has been working on the coordination, were present at the meeting. Also Dave Zezulak from the Department of Fish and Game was present. He said the City Attorney has recommended certain revisions to the resolution to approve the Plan but the

revisions are not substantive, and he gave the Council the revised documents. He said the HCP November 7, 1996 joint hearing was successful. He said the document originated because the County had experienced situations where habitat was mitigated by private agreements between parties, and as a result problems were created with surrounding property owners with agricultural interests and other interests. He said that is why this process was started -- to create a more rational approach to mitigation which is required by law. He pointed out that these documents do nothing more than what is already required by State law. He said the documents make a more efficient use of the limited resources and make sure things are done in a more predictable and timely fashion. He said Council at this meeting is not being asked to make final approval of the HCP or the JPA but is being asked to consider conceptual approval.

Staff and the consultants responded to questions from the Council. Community Development Director Janet Ruggiero said language could be included in the Plan to address Council concerns with regard to public access, etc.

Mayor Rominger opened the public hearing. The following persons expressed concerns about the HCP: Casey Stone, representing the Yolo County Farm Bureau; Vicki Murphy of Brooks; and Howard Beeman, owner of property on County Road 95 near County Road 27.

There being no further comments, Mayor Rominger closed the hearing. Council Members raised several issues and agreed to continue the hearing to the January 7, 1997 Council meeting.

Community Development Director said based on Council comments staff will report back on January 7 with clarification on the following issues: (1) property values, (2) eminent domain, (3) the Joint Powers Agreement and who holds title, (4) water rights, and (5) who has control of what if eminent domain is not exercised. She said it may be helpful if staff develops a scenario for a project to help the Council understand what happens.

Council took a recess from 9:05 p.m. until 9:15 p.m.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

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

CEMETERY FENCING:

The City Council awarded the bid for construction of fencing at the Woodland City Cemetery (West Street) to Arrow Fencing Company in the amount

of \$32,175.

1997 COMMUNITY SERVICE AWARD PROGRAM:

The City Council agreed to select a 1997 Community Service Award Nominating Committee at the January 7, 1997 regular meeting.

RESOLUTION OF APPRECIATION FOR FRANK SIEFERMAN:

The City Council approved a Resolution of Appreciation honoring Frank Sieferman. Frank Sieferman was retiring from his position as Yolo County Supervisor, Fifth District, at the end of 1996 after four years of service.

BID CALL FOR LANDSCAPE MAINTENANCE SERVICES:

The City Council authorized the Parks, Recreation and Community Services Department to call for bids for the performance of miscellaneous landscape maintenance services.

AMERICANS WITH DISABILITIES ACT (ADA) CURB RAMP:

The City Council authorized the advertisement for competitive bids for the 1996-97 Handicap Access Improvement Project, Project No. 96-03 [Americans with Disabilities Act (ADA) curb ramp installation project].

PORTABLE ARCHIVAL TRAFFIC HISTORY VIDEO SYSTEM:

The City Council authorized the sole source purchase of a PATH Video system (portable archival traffic history video system/traffic engineering) with an expenditures of \$3,506.00 for the City's 50 percent interest. A Memorandum of Understanding for joint use of equipment between the Cities of Davis and Woodland was included and covered the terms of the purchase, maintenance, repair, use and possession of the system.

WASTEWATER TREATMENT PLANT IMPROVEMENTS:

The City Council awarded the Contract for Services between the City and Dewante and Stowell in the amount of \$205,279, and authorized expenditures in the total not-to-exceed amount of \$216,000 for construction management services during the Design Phase, Bid Phase and Construction Phase for the Wastewater Treatment Plant Improvements, Project No. 96-04; and authorized the Director of Public Works to execute the contract on behalf of the City.

REGULAR CALENDAR:

DAYTIME CURFEW:

Police Chief Russ Smith said at the November 5, 1996 Council meeting the Police Department presented a daytime curfew ordinance, and at that meeting there were a number of interested members of the community who expressed concerns with the ordinance. He said the Police Department staff met with the spokesperson for the group and exchanged documents regarding legal positions and issues that were raised. He said the City Attorney responded to those issues, and staff is awaiting a response from the attorney for the group which is opposed to a daytime curfew.

Mayor Rominger said she received notices that a number of people in the audience would like to comment on the proposal, and she said the Council will hold a study session on the topic at the January 28, 1997 adjourned meeting.

The following persons expressed opposition to the proposed daytime curfew ordinance: Randy Wattermann, Gary Christopherson, Yvonne Powell, and Chuck Hermle.

Council requested additional information from staff about the pros and cons of a curfew ordinance and the resources available at the Police Department to enforce a curfew ordinance.

On motion of Council Member Losoya, seconded by Council Member Borchard and carried by unanimous vote, the City Council agreed to continue review of and receive comments on the proposed loitering modifications to the existing City ordinances at the January 28, 1997 study session.

STREET TREE MAINTENANCE POLICIES:

Management Analyst Sherri Martin said the City's tree inventory has been completed and the results are included in the staff report to Council. She said staff surveyed street trees that are planted in the public right-of-way and in the tree planting easements, which is 15 feet behind the sidewalks. The species and condition of the trees were noted, and they also noted whether the trees were City trees, whether the trees were previously maintained by the City or never maintained. She called attention to the large number of Modesto ash trees in the survey. In November 1995, she said, the Council authorized the expenditure of \$8,000 annually for removal of hazardous trees around the tree planting easements and parkways. She said the majority of the trees that were removed were Modesto ash but trees which were removed because of storm damage were previously in good condition. To date 91 trees have been removed. She said in the recent past the City has received complaints from property owners who are beginning to realize the impact of the loss of the tree maintenance program. She said staff would like the Council to consider some options and give direction

regarding policy. She said if the City continues on its present path and address the poor and potentially hazardous trees would cost approximately \$120,000 over the next six years. If the program is elevated one notch and includes trees that are also in fair condition an additional six years will be added and there will be an increase in cost. Option 2 includes continuing with the hazardous and poor condition trees, including the ash trees. Option 3 keeps the City in the tree maintenance program forever. She said at this time all tree removals are referred to the Tree Commission.

Director of Public Works Gary Wegener said it is important that the staff have very clear policy so the employees in the field can respond.

Council discussed eliminating the permits for removal of trees.

Neal Peart expressed his views on the process involved when Mrs. Irma Windsor requested reimbursement for her cost in removing a tree from her residence. He said the Mrs. Windsor gave the City her bills for tree removal to former Mayor Gary Sandy, but she has not received the bills back. He pointed out that there were two neighbors of Mrs. Windsor who had trees removed by the City when she had to pay for her tree removal.

Council Member Flory said Council asked for a report on Mrs. Windsor's request at the last Council meeting. He said there continues to be unanswered questions.

The Public Works Director said staff was working under a policy and staff does not have any further information.

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council extended the Council meeting from 10:30 p.m. until 11:00 p.m.

The Public Works Director said if the Council wants to consider addressing permits for tree removal, he would appreciate being able to take the matter to the Tree Commission and ask them for a recommendation. The Council agreed to have the Commission review the matter.

After Council discussion the following action was taken:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved Tree Removal Policy Option I providing that the City shall remove trees turned over in poor or potentially hazardous condition (as of the inventory completed in 1996) as funds permit.

Council agreed to eliminate the pruning permit process.

The City Manager said staff will look into Mrs. Windsor's case, try to find the documentation and report back to the Council.

Council took a recess from 10:40 p.m. until 10:45 p.m.

HISTORIC PRESERVATION ORDINANCE:

Marcia Cary, Chairperson of the Historical Preservation Commission, reviewed the City Code provisions regarding Historical Preservation guidelines and role of the Commission. She said the Commission keeps an inventory of buildings which serves as a collection of historical data on buildings and sites. She said the Commission is looking for sites which have historical importance to the City or possibly the State or Nation.

Judy Boyer, Member of the Historical Preservation Commission, said the Commission looks forward to holding a study session with the Council to share more with the Council on the historic preservation program and economic incentives. She said in addition to the Historical Preservation Ordinance the Commission is also responsible for the implementation of the Historic Preservation Element of the General Plan.

Judy Boyer responded to an inquiry from Council Member Ryhal about the historical significance of the 1225 East Oak Street property.

The Community Development Director said the site is significant because it was the site of the A. W. Hays truck terminal, and that goes back to events and people who are associated with the community. She said the issue is not the architecture of the building but rather the events and individuals.

Council Member Ryhal said the designation seems very subjective, and he said he felt the process takes too long.

The Community Development Director said the applicant (Neal Peart) just requested a demolition permit on November 27, 1996.

On motion of Council Member Ryhal, seconded by Council Member Borchard and carried (Council Member Flory voted no), the City Council extended the Council meeting from 11:00 p.m. until 11:30 p.m.

The Community Development Director said if a property is on the approved survey list which the Council adopts there is a specific process in place. If the property is on the list and the property is determined to be historic the property will still go through the process. She said if the property is not on any list, if the

building is over a certain age, there will still be a process as required by California Environmental Quality Act (CEQA). By studying and determining whether the building is historic or not, you cut out the time that would have to be charged to the applicant. She said on November 27, 1996 Mr. Peart requested seven demolition permits, and because a survey had already been done in the area where the buildings were located, six permits could be issued. She said the City paid for someone to look at the area and there was no cost to Mr. Peart. If Mr. Peart had come in on his own without the City doing that work, the cost would have been on Mr. Peart to make the determination.

Neal Peart said he is not against historical preservation, and he said the City is moving ahead with many worthwhile activities, such as the Historical Stroll. He said his only objection is that the process places the property owners in a situation of indecision.

Mayor Rominger thanked Commissioners Boyer and Cary for their services on the Commission.

NEW ELEMENTARY SCHOOL MULTI-PURPOSE ROOM EXPANSION:

Parks, Recreation and Community Services Director Tim Barry said he and Library Services Director Marie Bryan have represented the City on an Educational Specification Committee for the Woodland Joint Unified School District this past year, which is charged with developing specifications and giving input into the design of the new school planned for the Sycamore Ranch area. He said while the Multi-Purpose Room is being designed to accommodate student and curriculum needs, to include sports activities, the City has an opportunity to expand the Multi-Purpose Room of the School to accommodate community recreation use by adults for basketball and volleyball, providing the City can fund this expansion. He said tonight there was a special meeting of the Parks, Recreation and Community Services Commission and the Commission expressed positive comments about this concept. He said the matter will be continued to the December 18 meeting of the Commission, and a recommendation will be presented to Council.

On motion of Council Member Losoya, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized the Parks, Recreation and Community Services Director to submit a letter of interest in funding an expansion of the Multi-Purpose Room of the new elementary school planned for the Sycamore Ranch area.

LOCAL FLOODING ISSUES:

Council postponed review of local flooding issues until the January 7, 1997 Council meeting.

ADULT SOFTBALL FIELD MAINTENANCE:

The City Council postponed review of the adult softball field maintenance and lease with Woodland Adult Sports Association until the January 7, 1997 Council meeting.

CITY TREASURY INVESTMENT POLICY REVISIONS:

City Treasurer Ann Hanson gave the Council an update on the City Treasury Investment Policy.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the updated Investment Policy for the City of Woodland (attached as Exhibit A) and designated Council Members Borchard and Ryhal to serve on the Investment Committee and agreed to recruit for a citizen member for the Investment Committee.

RESOLUTION NO. 3976 - MOU WITH POLICE SUPERVISORS UNIT:

On motion of Council Member Losoya, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 3976 approving a Memorandum of Understanding with the Police Supervisors Unit.

CITY BUDGET ISSUES:

The City Council postponed discussion of City budget issues until a future Council meeting.

BOARD AND COMMISSION APPOINTMENTS:

City Clerk Jean Winnop gave a report on the various City board and commission vacancies and the need to appoint Council Members to interview applicants to fill the vacancies.

Council appointed Council Member Borchard and Vice Mayor Losoya to interview for two vacancies on the Historical Preservation Commission; appointed Vice Mayor Losoya and Council Member Ryhal to interview for two vacancies on the Library Board; appointed Council Member Flory and Council Member Ryhal to interview applicants for one vacancy on the Personnel Board; appointed Vice Mayor Losoya and Council Members Flory to interview applicants for two vacancies on the Tree Commission; appointed Council Member Borchard and Council Member Ryhal to interview applicants for one vacancy the Planning Commission; appointed Council Member Flory and Council Member Rominger to interview for one vacancy on the Planning Commission.

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council reappointed Jim Heffernan and Paul Jull to the Board of Building Appeals for terms ending December 31, 2000; reappointed John Ferns and Ernie Woolner to the Commission on Aging for terms ending December 31, 2000; reappointed Al Beaird to the Parks, Recreation and Community Services Commission for a term ending December 31, 2000; reappointed Leslie Marcus to the Personnel Board for a term ending December 31, 2000; reappointed Judith Bechthold to the Traffic Safety Commission for a term ending December 31, 2000; and reappointed Lloyd Ingraham to the Tree Commission for a term ending December 31, 2000.

CANCELLATION OF SECOND REGULAR MEETING IN DECEMBER 1996:

Council agreed to cancel the December 17, 1996 Council meeting. The next Council meeting will be January 7, 1997.

FUTURE MEETING AGENDA ITEMS:

Mayor Rominger requested that a letter of congratulations be prepared for newly elected Assemblywoman Helen Thomson.

ADJOURNMENT:

At 11:28 p.m. the meeting was adjourned.

City Clerk of the City of Woodland