Council Chambers 300 First Street Woodland, California

September 5, 1995

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

PLEDGE OF ALLEGIANCE:

Mayor Sandy 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: Sandy, Borchard, Flory, Rominger, Slaven

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, McDuffee, Vicars, Siprelle, Wegener, Barry, Rice,

Nies, DeWeerd

MINUTES:

On motion of Council Member Borchard, seconded by Council Member Rominger and carried by unanimous vote, the City Council approved the minutes for the regular Council meeting of July 18, 1995, and the adjourned meetings of July 25, 1995, and August 22, 1995, as prepared.

COMMUNICATIONS:

- 1. From Finance Director Margaret Vicars a memo was received advising of the claims for payroll and accounts payable paid by the City for July 1995.
- 2. From Mel Schmidt a letter was received regarding the City's purchase of a new computer system for financial record keeping. Council also received a copy of a response letter from the City Manager.
- 3. From David Stoebel, Executive Director of Yolo Unite, Inc. a letter was received requesting that the Council send letters to Senators Boxer and Feinstein for restoration of Federal funds cut in regard to prevention of substance abuse, violence and other youth problems.

Vice Mayor Rominger said without looking at the total cuts she could not support this request. She said it is difficult to pull out one cut at a time and ask the legislators to restore that cut. She said she supported keeping McClellan Air Force Base open, but if this program is kept some other program has to go. At some point the cities have to allow the Federal officials to work on balancing the budget. She said to endorse this request would be taking this on piecemeal.

On motion of Council Member Slaven, seconded by Council Member Flory and carried by the following vote, Council directed staff to send letters to legislators requesting restoration of Federal funds for prevention of substance abuse, violence and other youth problems:

AYES: COUNCIL MEMBERS: Borchard, Flory, Slaven, Sandy

NOES: COUNCIL MEMBERS: Rominger
ABSENT: COUNCIL MEMBERS: None

COMMITTEE REPORTS:

- 1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meetings of June 5 and July 24, 1995.
- 2. From City Manager Kris Kristensen a report was received transmitting the minutes of the Yolo Solano Air Quality Management District Board meeting of July 12, 1995.

After some discussion Vice Mayor Rominger asked that Mayor Sandy as the City's representative on the Board convey Council's concern about the fact that the Board Members receive a per diem, and some Board Members do not stay for the entire meeting.

Mayor Sandy said he and Supervisor Tom Stallard discussed this issue and the size of the per diem and are trying to develop a proposal to configure a reasonably sized board and cut the per diem.

- 3. From the City Manager a report was received transmitting the minutes of the Yolo County Transit Authority Board meeting of July 26, 1995.
- 4. From Parks, Recreation and Community Services Director Tim Barry a report was received summarizing action taken at the Child Care Commission meeting of August 2, 1995.
- 5. From Public Works Director Gary Wegener a report was received transmitting the minutes of the Traffic Safety Commission meeting of August 7, 1995.
- 6. From the Parks, Recreation and Community Services Director a report was received summarizing action taken at the Commission on Aging meeting of August 8, 1995.
- 7. From the City Manager a report was received transmitting material prepared for the Chamber City Operations Task Force meeting of August 15, 1995.

8. From Community Development Director Janet Ruggiero a report was received summarizing action taken at the Historical Preservation Commission meeting of August 9, 1995.

Vice Mayor Rominger noted that the "Welcome to Woodland" signs are being developed, and she asked that the Council Members be given an opportunity for review before the signs are completed.

9. From the Parks, Recreation and Community Services Director a report was received summarizing action taken at the Parks and Recreation Commission meeting of August 16, 1995.

PUBLIC COMMENT:

Council Member Flory in connection with his involvement on SACTO presented the Council with a framed color ad for Walgreens which appeared in the Business Journal.

Denis Lyons asked to speak about the homeless and the people who stay in the City's parks. Mayor Sandy said later in the agenda the Council will discuss an ordinance which limits camping in private and public places. Mr. Lyons said he would speak at that time.

Mayor Sandy reminded members of the audience that the Stroll Through History will be held next weekend, and he encouraged the community to participate.

HEARING - SYCAMORE POINTE PROJECT:

Mayor Sandy said the only public hearing scheduled is to consider the Planning Commission's recommendation regarding the Sycamore Pointe project to amend the General Plan and Southeast Area Specific Plan land use designation; rezone 5.5 acres to C-2/PD and R-M/PD; and consider appeals of conditional use permit and tentative map for Sycamore Pointe

Senior Planner Howard Nies said staff recommends that the Council continue the public hearing to the September 19, 1995 Council meeting so that staff can respond to the letter the City received from the law firm of Remy and Thomas, representing Gibson Center Limited Partnership.

Mayor Sandy opened the public hearing.

C. M. Auble, President of Sierra Technology Corporation, said his company is lease holder on the 4.6 acre triangular portion on the corner of East Main Street and Road 101. He said Sierra is in control of approximately half of the project with respect to area. He said he sent the Council Members a letter explaining the economic impact of their portion of the development. He said the appeal is centered around environmental concerns, and

he does not understand the depth to the procedural matters addressed in the appeal. He said most of the objections are of a procedural nature and not bone fide environmental impact concerns. One substantive issue is the traffic, and the traffic study on this project indicates that the applicants have stayed within the boundaries of the Southeast Area Specific Plan Environmental Impact Report for the original development. If there are impacts brought forth by the Walmart project, Sierra Technology does not feel it should be its responsibility to mitigate those impacts but should be the responsibility of the Walmart project. He said the appeal may be based more on economic concerns than on environmental concerns. He said Gibson Center Limited Partnership controls the 12.5 acre neighborhood commercial property, the other commercial area within the Southeast Area Specific Plan. He said Sierra Technology purchased the lease on their property in 1988 and thought they could go ahead with development, but found out they were part of the East Main Street Assessment District. Sierra Technology turned over to the City without a cent of compensation one acre of their original 5.5 acre parcel and received a bill for \$200,000 which they are paying in their assessments. He said they also found out that their property was included within the Southeast Area Specific Plan although their parcel was not originally involved in that Plan, and this delayed their project even more. Their useable area was reduced to a 3.6 acre parcel. He said they paid over \$370,000 in lease costs, paid \$137,000 to the City in taxes and assessments and their costs continue at \$7,000 a month. He said delays are costly.

There being no further comments, the Council continued the public hearing to September 19, 1995.

TEMPORARY ADJOURNMENT OF COUNCIL MEETING:

Mayor Sandy temporarily adjourned the meeting of the Council at 7:30 p.m. in order to convene the meeting of the City of Woodland Redevelopment Agency Board of Directors. See Agency minutes attached to these Council minutes as Exhibit A. At 8:15 p.m. the Redevelopment Agency Board meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

Council Member Borchard asked that the agenda item regarding landscape maintenance services be removed from the Consent Calendar.

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

FIRE SPECIALIST/PLANNING TECHNICIAN JOB DESCRIPTIONS:

The City Council approved the revision of the Fire Specialist I and II and Planning Technician job descriptions.

BID CALL FOR FIRE STATION 2 ROOF REPLACEMENT:

The City Council authorized the Public Works Director to advertise for bids to replace the roof at Fire Station No. 2 located at 1619 West Street.

CAMP PACKER CREEK KITCHEN HOOD VENT SYSTEM:

The City Council authorized the Parks, Recreation and Community Services Director to negotiate a contract with a qualified firm for the installation of a commercial kitchen hood ventilation system at Camp Packer Creek.

TEMPORARY COMMUNITY SERVICE OFFICER POSITION:

The City Council approved a temporary part-time Community Service Officer position without benefits funded through patrol salary savings.

POLICE DEPARTMENT RESPONSE TO FY 1994-95 GRAND JURY REPORT:

The City Council receive Police Department's response to the Fiscal Year 1994-95 Grand Jury Report.

BEAMER-KENTUCKY ASSESSMENT DISTRICT:

The City Council authorized the Public Works Director to approve the Actual Cost Contract with Pacific Gas and Electric for the relocation of gas and electric facilities associated with the Beamer-Kentucky Assessment District and approve the Joint Use Agreement and Consent to Common Use Agreement with Pacific Gas and Electric Company for utility relocation and improvement work on certain lands situated in the Beamer-Kentucky Assessment District.

REGULAR CALENDAR:

LANDSCAPE MAINTENANCE:

Council Member Borchard inquired about the prevailing wage with respect to the proposed contract for landscape maintenance services.

The City Manager said the City contracts for certain landscape maintenance services, and in the past there has not been a requirement for such services that the contractual employees be paid at "prevailing wages" which are set by the State or Federal government. Since that time, he said, staff has discovered that the City does have that obligation with regard to this type of service which is contracted

out. He said "prevailing wages" are an attempt by the State or Federal labor agencies to establish a system which requires that certain wages for certain jobs are paid at levels which are commensurate with some standard in that area. He said these are typically union related contracts established within some areas.

Council Member Borchard said this means the City is going with a private contractor to save money, but the City could accomplish the work less expensively on its own rather than adhering to the higher wage scale.

The City Manager said the Council may want to contact the legislative representatives expressing Council's concern about the requirement to pay at "prevailing wages" which goes against the idea of competitiveness in the public sector.

On motion of Council Member Slaven, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized the call for bids for contracted landscape maintenance services on miscellaneous landscape areas.

YOLO COUNTY TRANSPORTATION TASK FORCE RECOMMENDATIONS:

The City Manager said at the August 22 adjourned meeting Council heard a presentation on the final report of the Yolo County Transportation Task Force. The report contained recommendations that dealt with revising the current duties of the Yolo County Transit Authority into a transportation district. The Task Force is seeking Council's endorsement of its recommendations and supporting the process of going forward with legislation at the State level to enable the County to form a district here. Similar requests are being presented to all of the cities in the County as well as the County Board of Supervisors. In the Task Force's discussions of transportation issues and system gaps, two central needs emerged: (1) there is a lack of funding and coordination of same for most effective competition at the regional and state levels; and (2) a countywide coordinated planning effort is needed which would prioritize investment options and measures for roads, alternative transportation, and goods movement. Such a planning effort needs to recognize the individuality of the various jurisdictions and their different, though related, issues.

Terry Bassett, Yolo County Transit Authority Director, responded to questions from Council. He said Woodland spends \$13.99 for every man, woman and child in Woodland for public transportation compared to West Sacramento which spends \$25.04. Davis spends \$22.09, and Roseville spends \$21.53.

Director of Public Works Gary Wegener said with respect to any new fund sources which come along, sensitivity to spending could be heightened because today's priority is for transit and what is left over is available for other transportation needs. If a new fund source were to be identified, the Council could

contribute the City's portion completely to road maintenance.

Mr. Bassett said the district will not move forward unless the Task Force has consent from all of the jurisdictions in the County.

Betsy Marchand, Chair of the Yolo County Transit Authority Board and Chair of the Yolo County Transportation Task Force, said there was a transportation summit that led to the Transportation Task Force. She said this has been a long process with much involvement by many participants. She said the proposed district is an attempt to improve the organization of the way we do transportation in this county. The district would replace the Yolo County Transit Authority and would make the County more competitive at the State and Federal levels for whatever funds that might be available. She said our position would be enhanced in the SACOG region. Sacramento Regional Transit is the designated recipient for our Federal funds, and if the we had our own transportation district, we could qualify as a designated recipient.

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council endorsed the recommendations of the Yolo County Transportation Task Force Final Report and supported the preparation of legislation to form a countywide transportation district.

ORDINANCE NO. 1265 - MASSAGE ESTABLISHMENTS AND ADULT ENTERTAINMENT ESTABLISHMENTS:

Assistant City Attorney Ann Siprelle said currently there are no regulations applicable to massage establishments or specified adult business establishments. Until ordinances are adopted and go into effect staff recommends that Council adopt an urgency ordinance that would prohibit new massage establishments or expansion of existing massage establishments. The urgency ordinance would also prohibit certain new adult businesses.

Mayor Sandy said adoption of this urgency ordinance would not in any way effect existing businesses but could preclude expansion plans.

The City Manager noted that staff will come back to Council with a new ordinance regulating massage establishments at the September 19 meeting.

The following persons offered comments: Cynthia Frueh, Tom and Evelin Wendt, and Henry C. Hughes.

Council discussion followed.

Council took a recess from 8:58 p.m. until 9:14 p.m.

Ms. Siprelle said staff still recommends that Council adopt the proposed urgency ordinance; however, staff proposes that inspite of the urgency ordinance being in effect the City would still process applications for massage establishments under the guidelines of the draft massage ordinance. She said the Police Department could begin immediately doing the background checks on applicants for massage business establishments. On September 19 staff would present the permanent ordinance which regulates massage businesses, and that would be adopted as an urgency ordinance. As soon as the background checks are completed, and assuming all of the criteria are met the license could be issued.

Police Chief Russ Smith said it takes about 60 days to complete a background check. The longest process is submission of fingerprints to the Department of Justice, and for non-public safety there is a 60 day turn around.

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the City Council adopted Ordinance No. 1265, "An Urgency Ordinance of the City Council of the City of Woodland Temporarily Prohibiting the Establishment and Expansion of All Massage Businesses, Adult Motels, and Nude Dancing Theaters within the City of Woodland."

ORDINANCE NO. 1266 - NUISANCE ABATEMENT:

The Community Development Director said a proposed Code citation program ordinance is necessary to allow her or her designee to issue citations for infractions and to increase the maximum fine amounts for building and zoning violations.

Vice Mayor Rominger said she is concerned that the violator can be punished by a fine for a first violation. She said there should be a rewording to provide for notification to the violator. She said there should at least be a phone call before a fine is imposed.

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote, the City Council introduced Ordinance No. 1266, "An Ordinance of the City Council of the City of Woodland Amending Section 14A-3-4 of Chapter 14A of the Woodland Municipal Code Relating to Fines for Violations of the City of Woodland's Nuisance Ordinance" with wording change as suggested by Vice Mayor Rominger.

ORDINANCE NO. 1267 - CAMPING:

The Community Development Director said recently the Police Department and the Community Development Department have been receiving complaints

regarding individuals camping on public and private property. She said these situations have created health and safety problems within theses areas. Additionally more and more cities around Woodland area are passing ordinances prohibiting camping in public and private locations. She said the City Attorney has prepared an ordinance for Council's consideration; the ordinance was patterned after the City of Santa Ana's ordinance which has been upheld by the Court. She said staff has had discussions with people who provide services and emergency housing to the homeless. She said the City has demonstrated over the years its significant support of homeless programs and providing emergency shelters, vouchers for housing, homeless coordinator funding, etc.

Council heard comments from Denis Lyons and Leslie Marcus in opposition to such regulations. Mr. Lyons asked the City to look into every alternative with other levels of government for assistance.

Council discussion followed.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by the following vote, the City Council introduced Ordinance No. 1267, "An Ordinance Repealing Chapters 10 and 15 of the City of Woodland Code and Repealing and Replacing Chapter 7 Relating to Camping within the City Limits of Woodland":

AYES: COUNCIL MEMBERS: Borchard, Flory, Rominger, Sandy

NOES: COUNCIL MEMBERS: Slaven
ABSENT: COUNCIL MEMBERS: None

HOMEOWNER NOTIFICATION ON LIGHTING/LANDSCAPING DISTRICT:

The Community Development Director said at a recent Council meeting a number of new homeowners indicated they were not fully informed on the annual costs for a lighting and landscaping district and were under the impression that the sound wall was located on the City right-of-way. Council informed the new homeowners that the annual cost for a lighting and landscaping district can vary from year to year and that sound walls are located on the homeowners property. Council then instructed staff to prepare a report that outlines how the correct information can be provided to new homeowners.

On motion of Council Member Rominger, seconded by Council Member Borchard and carried by unanimous vote, the City Council approved the following actions to better inform new homeowners:

1.Require developers who receive future City approvals to provide new homeowners with written information which is signed by the perspective buyers that states lighting and landscaping district assessments can vary and that noise walls are located on their property.

- 2. Provide the same information in written form to the Yolo County Board of Realtors annually and request that they distribute that information to their members.
- 3. Have the same information in written form available to the public at the Community Development Department and available to be placed in the model homes and/or new homes at occupancy.

ROAD MAINTENANCE FEE SPREAD REPORT:

Public Works Director Gary Wegener and Management Analyst Lynn Gatie presented charts of options for making the spread on the road maintenance He said there are three options for the spread. assessments. Council had indicated concerns about the load being placed on the industrial parcels and had asked if the staff could look at other alternatives. He said in consultation with Vail Engineering staff has developed two other options. Last year the method of spread was one that looked at trip generation rates for major groupings of properties or land uses with different values for residential, commercial/industrial, recreational and vacant land. The second option developed assigns the backlog of work in the residential area and the commercial and industrial area and the backlog for the local collector roads to those land uses. This takes the maintenance backlog and assesses those rates on a trip generation basis across the board. The difference between Option I and Option II is that it breaks out the backlog for the residential area for repair and for the commercial/industrial area for repair, and those portions of the \$1.9 million are spread to the respective residential, and commercial/industrial areas. He said Option II has the effect of lowering the proposed assessments for the commercial acreage from \$833 (per year) per acre to \$604 per acre. For industrial the assessment is lowered from \$535 per acre per year to \$386 per acre. The third option separates out the maintenance portion of the backlog with a total \$1.9 million assessment for the next five years and is comprised of a repair portion of \$1.4 million and a maintenance portion of \$500,000. Option III separates out the maintenance and properties that have streets that are less than five years old would not be assessed for maintenance. Under Option III commercial properties with new streets would have an assessment of \$614 per acre and other commercial properties would be The industrial properties with new streets under Option III would be assessed \$394, and industrial properties with older streets would be assessed \$558 per acre. He said after Council review and selection of one of the options he intends to bring the engineer's report to the Council at the next Council meeting for acceptance and adoption of aresolution of intent to assess the properties. He then showed Council a chart of sample properties.

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

After Council discussion Council took action to extend the meeting again.

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

After further discussion Council agreed to continue review of the options for the road maintenance fee spread at the September 19, 1995 Council meeting. Council asked for a review of Option IV which would spread assessments based on trip generation rates to the general land use areas (residential, and commercial/industrial) based on their respective backlogs of local/collector repair work. The arterial road repair backlog and the shortage in maintenance funding would be spread to all property owners on trip generation rates.

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

The City Manager recommended that the Council postpone action on the following items until the next regular meeting because the meeting was running late: (1) approval of the lease agreement with Yolo Shortline Railroad for the west levee pump station and outfall; (2) the update on the City's trestle ponds property; (3) approval of participation in the County Flood Plain Management Plan preparation; (4) approval of Police Department vehicle purchases and conversion; and (5) appointment of a representative to the Water Resources Association of Yolo County.

BID AWARD - 1995 STP PHASE II STREET PROJECT:

On motion of Council Member Rominger, seconded by Council Member Slaven and carried by unanimous vote, the City Council (1) awarded the contract for construction of the 1995 STP Phase II Street Project, City Project No. 94-07, Federal-Aid Project No. STPLE-5046 (004) to Granite Construction for \$721,966.00 contingent upon approval of additional funding from Sacramento Area Council of Governments (SACOG); (2) authorized expenditures up to \$772,500.00; and (3) authorized the Public Works Director to execute the contract on behalf of the City.

RESOLUTION NO. 3898 - UNDERGROUND UTILITY DISTRICT 13:

On motion of Council Member Flory, seconded by Council Member Rominger

and carried by unanimous vote, the City Council adopted Resolution No. 3898, a resolution of intention setting an October 17, 1995, public hearing to consider establishment of Undergrounding Utility District 13 in the East Street area.

RESOLUTION NO. 3899 - GRANT APPLICATION:

On motion of Council Member Rominger, seconded by Council Member Borchard and carried by unanimous vote, the City Council adopted Resolution No. 3899 authorizing the filing of a grant application with Department of Justice for a Community Oriented Policing Services (COPA) Universal Hiring Grant (for additional police officers).

FUTURE MEETING AGENDA ITEMS:

Mayor Sandy requested a report on ambulance response times.

ADJOURNMENT:

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City Clerk of the City of Woodland	