

Council Chambers
300 First Street
Woodland, California

March 7, 1995

The Woodland City Council convened a special session at 6:15 p.m. and immediately adjourned to closed session in the Second Floor Conference Room of City Hall for a conference with Labor Negotiator representative City Manager Kris Kristensen regarding the General Services Unit, Mid-Management Association, Woodland Professional Police Employees' Association, Police Mid-Management Unit, Woodland Professional Firefighters' Association, Fire Mid-Management Unit, Confidential Employees, and Management Employees (Government Code Section 54957.6). Council Members present at the meeting were: Sandy, Borchard, Flory, Rominger, Slaven; Council Members absent: none. Staff members present at the meeting were City Manager Kris Kristensen, Finance Director Margaret Vicars and Assistant City Manager Kristine James.

Council adjourned the closed session and the special session 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 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, Ruggiero, Vicars, Siprelle, Bryan, Wegener, Barry, Hanson, Brown

CITY MANAGER ANNOUNCEMENT:

City Manager Kris Kristensen announced that the Council met in closed session from 6:15 p.m. until 7:05 p.m. for a conference with him as the City's Labor Negotiator representative regarding the General Services Unit, Mid-Management Association, Woodland Professional Police Employees' Association, Police Mid-Management Unit, Woodland Professional Firefighters' Association, Fire Mid-Management Unit, Confidential Employees, and Management Employees (Government Code Section 54957.6). He said no Council action was taken at the meeting.

MINUTES:

On motion of Council Member Borchard, seconded by Council Member Flory and

carried by unanimous vote, the City Council approved the minutes for the regular Council meeting of January 3, 1995, as prepared.

COMMUNICATIONS:

1. From Kathleen Connell, State Controller, a letter was received acknowledging receipt of the City's Fiscal Year 1993-94 Single Audit Report and advising that the State will not review the report because the City received less than \$25,000 in federal financial assistance which was passed through the State.

2. From Dona Mast, President of the Yolo County Farm Bureau, a letter was received advising of land use policies adopted by the Yolo County Farm Bureau Board of Directors.

3. From Roger Kohlmeier of Chrysalis Group, a letter was received requesting that the land on the east side of County Road 25 between Roads 102 and 103 and Willow Slough be included in the General Plan study area as a business park land use.

Council agreed to consider this request at the March 21 Council meeting.

4. From David Barklow a claim against the City was submitted in regard to property taken by the Police Department during an incident which occurred in February of 1992. The City's insurance representative recommended that Council reject the claim and refer the claim to them.

On motion of Council Member Rominger, seconded by Council Member Borchard and carried by unanimous vote, the City Council rejected the claim against the City filed by David Barklow and referred the claim to the City's insurance representative.

5. From Bert Bangsberg of PG & E Properties a letter was received reconfirming PG & E's desire to proceed with the joint City/Conaway Ranch land use and water study.

The City Manager said if Council desires, staff can meet with representatives of PG & E Properties to proceed with the study. He said staff is still involved with the General Plan update and that is a high priority project. He estimated a four to six week period before staff can work on the study, but staff could discuss the scope of the study with PG & E Properties.

Council agreed that staff should proceed and meet with PG & E Property representatives.

6. From Jim Barrett, M.D., and Sally Barrett a letter was received in regard to quality of life issues with respect to the General Plan update.

COMMITTEE REPORTS:

1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meeting of January 23, 1995.

2. From City Manager Kris Kristensen a report was received transmitting the minutes of the Yolo County Transit Authority Board meeting of January 25, 1995.

3. From Parks, Recreation and Community Services Director Tim Barry a report was received summarizing action taken at the Child Care Commission meeting of February 1, 1995.

4. From the City Manager a report was received outlining topics discussed at the Yolo County Emergency Medical Services Plan Task Force meeting of February 1, 1995.

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

6. From the Parks, Recreation and Community Services Director a report was received summarizing action taken at the Commission on Aging meeting of February 14, 1995.

7. From the Community Development Director a report was received summarizing action taken at the Downtown Parking Committee meetings of February 15 and March 1, 1995. The Committee recommended Council approval of a proposed off-street parking license agreement for enforcement of privately owned parking spaces adjacent to the public parking lot the City has between Second and Third Streets south of Main Street. The owner of the property, Tom Stallard, made the offer to cover 13 parking stalls at no cost to the City.

On motion of Council Member Slaven, seconded by Council Member Rominger and carried by unanimous vote (Council Member Flory abstained), the City Council authorized the City Manager to enter into a license agreement with Tom Stallard regarding a row of parking spaces south of Main Street between Second and Third Streets.

The City Manager said a letter is being sent out to property owners throughout the Downtown area to see if they have any privately owned parking spaces that the City might be able to lease to other users.

8. From the Parks, Recreation and Community Services Director a report was received summarizing action taken at the Parks and Recreation Commission meeting of February 15, 1995.

Vice Mayor Rominger noted that the report includes an adopted Parks and Recreation Commission attendance policy and asked how that policy might differ from what the City Code already covers.

Parks, Recreation and Community Services Director Tim Barry said the Commission reviewed the policy in the City Code, and Commission's policy is consistent with what is in the Code and embellishes the policy. He said this Commission as other City Commissions has operating guidelines.

Vice Mayor Rominger asked the Director to send a copy of the policy to the Council.

9. From the Community Development Director a report was received summarizing action taken at the Undergrounding Utilities Commission meeting of February 15, 1995.

10. From the Community Development Director a report was received summarizing action taken at the Planning Commission meeting of February 16, 1995, as follows:

a. Commission considered a modification to the Shadow Motel Comprehensive Sign Plan that would allow for a neon freeway oriented sign. The Commission continued this matter to their next meeting in order to receive additional information from the applicant regarding the neon sign.

b. Commission held a General Plan study session and received a report on the City Council meeting of February 7, 1995.

PUBLIC COMMENT:

Jerry Smith, 128 Kern Avenue, Woodland, asked that Ordinance No. 1201 requiring written consent of property owners to paint house numbers on the curbs be amended. He said he has a business of painting house numbers on curbs. After distributing notices advising of the curb painting he said he paints the addresses unless people attach the notice to the curb advising they do not want the painting done. He said he is paid for his services, but people do not have to pay for the curb painting. He said he paints numbers for houses but not apartments.

Vice Mayor Rominger said she objects to the service because residents have to do something to prevent the curb painting. She said she felt the curb painter should obtain the resident's permission before painting.

The City Manager said he will place this issue on the March 21, 1995 Council meeting agenda.

Wayne Berlin voiced his objection to formation of a Blue Ribbon Committee to address road maintenance because he viewed this as a lobbying group for a government agency, and felt the committee does not represent the citizens.

The Community Development Director said the Planning Commission has scheduled a meeting for March 30, 1995 to discuss the General Plan. At that time the Commission will hear a presentation on the first phase of the economic study, and she said there might be benefit in making the meeting a joint Commission-Council session.

Council agreed to meet in joint session with the Planning Commission on March 30, 1995, 7:00 p.m.

Elizabeth Kemper, Executive Officer of Yolo County Local Agency Formation Commission, invited Council Members to attend an ag conservation easement workshop to be held March 27, 1995, 1:00 p.m. until 5:00 p.m. at the Leake Room of the City Library.

Vice Mayor Rominger thanked City Manager Kris Kristensen and Director of Public Works Gary Wegener for their work at the Cache Creek workshop held on Saturday, March 4. She said the event was very well attended and very well planned. She said the workshop brought hope to all agencies represented that there will be some broader solution to the flooding and restoration process and how Cache Creek affects our water resources.

Council Member Flory invited Council Members to attend a SACTO executive board luncheon to be held on March 15, 1995, at the UCD Davis University Clubhouse at noon. He said there will be a tour of UCD.

Mayor Sandy thanked Rob Burke and Dudley Holman for serving as camera operators for the meeting.

PRESENTATION - PROCLAMATION FOR WOMEN'S HISTORY MONTH:

Library Services Director Marie Bryan highlighted the activities for Women's History Month.

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

Mayor Sandy presented the proclamation to Ms. Bryan.

PRESENTATION - CITY UNITED WAY CAMPAIGN RESULTS:

The Library Services Director reported on the City United Way campaign results. She said the Woodland Fire Department and the Public Works Department will be honored for their excellent campaigns. She said the employees of the City pledged \$8,397 to United Way this year despite difficult economic times and a decrease overall in

contributions. She said this represents an increase of 3.1% over the 1993 campaign.

PRESENTATION - COUNTY DEVELOPMENT FEES:

The City Manager said the County at the last County/City 2 x 2 meeting indicated they are planning to make some changes in the County development fees that are currently being charged. He said Vice Mayor Rominger suggested that this topic be highlighted at this meeting.

Yolo County Principle Administrative Analyst Elizabeth Kemper briefly reviewed the six proposed changes to the County's Facility Fee Ordinance which was adopted in 1991:

- 1.Subsection 3-12.02(a). Currently the ordinance defines a commercial improvement as anything more than 1,000 gross square feet. This, in effect, exempts many relatively major additions to existing buildings. The proposal is to reduce the 1,000 feet to 500 gross square feet. This would still exempt the small improvements, but not the substantial changes.
- 2.Subsection 3-12.02(b). The proposal is to add a new category to the uses: Business Park. Based on analysis by Williams-Kuebelbeck & Associates the applicable new fee for this new category would be an average of the combined uses included in business parks. A definition, drawing on the four cities and the county zoning codes, will be prepared and appropriate changes to the fee charts made.
- 3.Subsection 3-12.02(e). The proposal is to delete the term "trailer." Trailers are not legal residences in the State of California.
- 4.Subsection 3-12.02(g). The change would be to add "mobile homes" to the types of units described.
- 5.Subsection 3-12.04(a). The intent of this change is to allow all development, not just residential, to use security contracts. The specific change just deletes reference to residential, which opens it to all types.
- 6.Subsection 3-12.04(c). These changes would eliminate the Planning Commission as a second layer in the appeal process. Instead the appointed staff committee would render a decision, and if there is an appeal it would go directly to the Board of Supervisors. The attempt is to make the process less time consuming and costly for both the County and the applicant.

She distributed a copy of the County Development Fee schedule.

TEMPORARY ADJOURNMENT OF COUNCIL MEETING:

Mayor Sandy temporarily adjourned the meeting of the Council at 7:52 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 8:52 p.m. the Redevelopment Agency Board meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

The City Manager said he needs to make a correction on the Consent Calendar item regarding the demolition bid for the property at the northwest corner of Fourth and Court Streets, and the waste reduction/recycling agenda item will be moved to the regular calendar for an oral presentation.

Vice Mayor Rominger asked to have the clean air funds agreement removed from the Consent Calendar for discussion. Council Member Flory requested that the Consent Calendar item regarding the Hotel Woodland restoration project be moved to the regular calendar because he has a conflict of interest.

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

RESOLUTION NOS. 3868 AND 3869 - LOCAL AGENCY-STATE AGREEMENTS FOR TRANSPORTATION RELATED PROJECTS:

The City Council authorized the Director Public Works to approve all Program Supplements to Local Agency-State Agreement for Federal-Aid Projects, No. 03-5046 and State-Local Transportation Partnership Program Agreement No. SLTPP-5046; the City Council adopted Resolution No. 3868 entitled "Resolution Authorizing Adoption of Program Supplement to Local Agency-State Agreement for Federal-Aid Projects, No. 03-5046"; and the City Council adopted Resolution No. 3869 entitled "Resolution Authorizing Adoption of Program Supplement to State-Local Transportation Partnership Program Agreement No. SLTPP-5046."

HEARING FOR NONDISPOSAL FACILITY ELEMENT:

The City Council set a public hearing for March 21, 1995 to consider comments regarding the final draft of the Nondisposal Facility Element.

REGULAR CALENDAR:AWARD DEMOLITION BID ON COURT AND FOURTH STREET PROPERTY:

The City Manager said bids were received for the demolition of the buildings at Court and Fourth Streets on February 27. The bids were as follows: House Demolition and Land Clearing, Marysville, \$10,100; and All-Cal Demolition and Land Clearing, Sacramento, \$13,970. He pointed out that the City is upfronting the cost of the demolition and will be paid back to the City on a lien. The cost will be covered by General Fund reserves (contingency account) and not Capital Budget funds as indicated in the staff report.

On motion of Council Member Slaven, seconded by Council Member Rominger and carried by unanimous vote, the City Council awarded the bid to House Demolition and Land Clearing for an amount not to exceed \$10,100 and instructed staff to take the necessary action to file a lien against the property at the northeast corner Court and Fourth Streets to recover the costs of the demolition.

TRAFFIC SIGNAL INTERCONNECTION PROJECT:

Vice Mayor Rominger said she was concerned about the traffic signal interconnection along Gibson Road and the speed limit near Gibson School.

Senior Civil Engineer Nick Ponticello said the software that is being purchased to provide the signal interconnection will allow for the smooth transition of traffic at predetermined speeds between signals. He said between the West Street signal and the College Street signal along Gibson Road the speed limit can be adjusted based on traffic in front of the school. With the frontage improvements at Gibson School the signal at the School will be relocated and interconnected after the relocation at a later date. He said the City will apply for additional funds for the purpose of interconnecting signals the entire length of Gibson Road from County Road 98 to County Road 102 when the Southeast Area is developed. He said at this time this request is for Phase I of the Gibson Road interconnect which will interconnect from West to East Street now. The second phase will interconnect Gibson Road from East Street to County Road 102, and when the signal at Cottonwood Street is installed that will also be tied in. The same software will be used to monitor other interconnects.

On motion of Council Member Rominger, seconded by Council Member Flory and carried by unanimous vote, the City Council (1) approved Agreement No. 95-06 between the Yolo-Solano Air Quality Management District and the City of

Woodland regarding the use of Clean Air Funds to implement the Gibson Road Signal Interconnect Project; (2) authorized the Director of Public Works to execute the Agreement on behalf of the City; and (3) authorized the Director of Public Works to purchase software and hardware from a vendor in an amount not to exceed \$28,000.

The total estimated cost for the project is \$35,000 with the Air District supplying \$26,400, and the City's match equaling \$8,600. The majority of the City's matching funds are to be provided through the supply of off the shelf materials and staff time. Staff anticipated that the City's out of pocket costs will not exceed \$2,000 which will be allocated from Fund 37 (Roads).

SPECIAL PURPOSE GRANT FOR HOTEL WOODLAND:

On motion of Council Member Slaven, seconded by Council Member Rominger and carried by unanimous vote (Council Member Flory abstained), the City Council confirmed its commitment to HUD of the \$400,000 Special Purpose Grant for the Hotel Woodland restoration project and instructed the City Manager to forward a letter indicating Council's commitment to Community Housing Opportunities Corporation (CHOC).

SUPPORT FOR WOODLAND CHRISTIAN SCHOOL PROJECT:

Council Member Borchard left the Council meeting at 8:37 p.m. because he had a conflict of interest regarding the Woodland Christian School project agenda item.

Community Development Director Janet Ruggiero said Woodland Christian School has been gifted a 20+ acre parcel south of Woodland on County Road 24C. Woodland Christian School has made application for an amendment to the Yolo County General Plan and the County's Zoning Ordinance as well as a conditional use permit to allow the school and church at this site. The school facility would range from pre-school through high school for 1,000 students. The construction for the project will be phased over several years. She said the project as submitted is consistent with the City of Woodland General Plan especially the section of the Urban Development Policy related to the "Development of Quasi-

Public Facilities." One of the findings that needs to be made in order for the project to proceed is that the City of Woodland is prepared to indicate that within a reasonable time, it would be willing under certain terms and conditions to provide sewer, water and fire protection to the site. The City of Woodland through the Springlake Fire Protection District already provides fire service to the site. As to provision of water and sewer service, this area is under study for inclusion within the urban service boundary and therefore could be served by these services in the future. Therefore, the City of Woodland could agree to provide water and sewer services under certain conditions and with the payment of certain costs and fees at such time as the City expands its boundaries to the site or within a reasonable distance to the site. She said since the proposed site is consistent with the Urban Development Policy and because this project has been in need of a home for many years staff recommends that the Council support this site subject to the appropriate environmental review and public hearing process. She said staff prepared a letter for Council's review and authorization. She said City staff is prepared to work closely with the County of Yolo and the Woodland Christian School to address whatever issues arise concerning this project and its compatibility with City policy.

Jack Hamlin, Principal of Woodland Christian School, was in the audience to answer any questions from Council.

Mayor Sandy said he would make some minor changes to the draft letter.

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote (Council Member Borchard abstained), the City Council authorized the Mayor to sign the letter with revisions in support of the Woodland Christian School Project.

Council Member Borchard returned to the meeting at 8:41 p.m.

RESOLUTION NO. 3870 - POLICE TECHNOLOGY GRANT APPLICATION:

Police Captain Del Hanson said the Woodland Police Department since January has been working in partnership with the City of West Sacramento Police Department and the Yolo County Sheriff's Department to put together a grant proposal for technology upgrades under the President's crime bill. Under this grant package the agency partners are proposing to purchase a field reporting software package and lap top computers for officers and deputies that would enable them to reduce report writing time and provide more hours on street policing. The proposal also calls for upgrading the records management systems of Woodland and West Sacramento which are currently networked with the City of Davis. This networking provides the agencies with the ability to share information on local criminal history utilizing automated warrant processes and automates the statistical reporting to the State and Federal governments. Adding the Yolo County Sheriff's

Department to this network increases the Woodland Police Department's data base for information along with the other advantages. He said this records management system upgrade basically centralizes the Police Department's records management system for the partnership which will be located on the proposed hardware at the Communications Center on North Cottonwood Street in Woodland. Currently, he said each member agency has its own records management system with its own hardware and software which is networked. He said this system would centralize all of that at the Communications Center and would provide the City with cost sharing in purchasing and maintenance upgrades. The computerized dispatch system will be upgraded next year and the hardware system provides for the space for the records management upgrade. He said there are other advantages with the computerized dispatch system including potential for automated booking with the Sheriff's Department. He said the Police Department anticipates saving working hours for the street officer the equivalent of one to three officers through the automation process. This savings would be accomplished by minimizing the duplication of effort through the officer's current practice of handwriting reports and having the records personnel enter the data. Personnel previously assigned to the data entry will be shifted to the non-hazardous field reporting to relieve sworn officers of these reporting activities and shift them to problem solving in the community. He asked for authorization to apply for the grant.

On motion of Council Member Slaven, seconded by Council Member Rominger and carried by unanimous vote, the City Council adopted Resolution No. 3870 approving the filing of an application with the Department of Justice for a Community Oriented Policing Services (COPS) grant.

NEGOTIATIONS WITH COUNTY REGARDING PROPOSED ANNEXATIONS:

Vice Mayor Rominger left the meeting at 8:48 p.m. because she has a conflict of interest with respect to the annexation negotiations item on the agenda.

The City Manager said the City staff is at a point of needing additional Council direction to proceed with negotiations with the County regarding proposed annexation of the Spreckels, Volk/PIRMI, and North Kentucky Partners/Gorman properties. He said the properties are all commercial or industrial in nature and are located within the northeastern portions of the community. The situation of annexations over the last ten years has been complicated by the changes in local government finance. Basically the City has to come to agreements with the County over annexations, and this is occurring throughout the State. This makes the City look more closely at the financial impacts to the County and the City of property going from an unincorporated status to property within the City limits. He said the basic reason the City is involved in negotiations is that as property is annexed to the City service responsibilities change. Some responsibilities the County had in the incorporated area no longer have to be performed by the County

once the property is annexed. Similarly the City has no need to provide services in the unincorporated area of the County but takes on services to those properties once they are annexed. He said the County does not want to take a net loss and wants to be made whole as a result of the annexation. He then used the overhead projector to explain what happens with revenue projections with respect to the three properties in their unincorporated area status, when the properties are annexed and when the properties are ultimately built out.

After Council comments the City Manager said if the Council authorizes him to proceed with negotiations for a ten year projection which takes into account new development that takes place he can proceed to develop a package. He said the County may want some assurance after the ten year period.

Council Member Flory said his concern last time this issue was discussed was that the plan tied directly to transient occupancy tax (TOT) funds.

Mayor Sandy said it is clear the Council wants to move ahead with the annexation negotiations and the Council is generally comfortable with the ten-year time line.

The City Manager said he will report back to the Council after discussing the matter with County staff.

Vice Mayor Rominger returned to the Council meeting at 9:12 p.m.

BLUE RIBBON ROAD MAINTENANCE COMMITTEE:

Director of Public Works Gary Wegener briefed the Council on the appointment of members to the Blue Ribbon Road Maintenance Committee. His report indicated the City Council nominees are Lou Meikle, Chair, and John Roman with a third nominee to be named. The Woodland Chamber of Commerce nominees are Joe Falvey and Tom Horgan, and the League of Women Voters nominee is Pat Murray. He then distributed a letter from the Hispanic Chamber of Commerce nominating Charlotte Lucero.

Council Member Borchard said he would prefer postponing action on the appointments until the March 21 meeting.

Vice Mayor Rominger noted that the nomination from the Hispanic Chamber of Commerce resides in Davis, and she suggested that the Hispanic Chamber be thanked but asked to nominate a Woodland resident.

Mayor Sandy said the Council will give some thought to the third nominee and directed staff to ask the Hispanic Chamber to suggest another nominee.

WASTE REDUCTION/RECYCLING PROGRAM UPDATE:

Waste Reduction/Recycling Coordinator Rebecca Brown presented the Council with a report on what is occurring with respect to waste reduction and recycling programs. She noted that the City will be able to meet the legislative requirements of AB 939 for the 25 percent goal of reduced disposal for 1995. She said there will be official confirmation later this spring.

Mayor Sandy said with respect to yard waste that material has been sent to Valley By-Products, and he asked if that firm is the supplier of fuel for the Biomass Plant. He said he heard that no Yolo County waste is going into the Woodland Biomass plant.

Ms. Brown said that some of the waste is used for alternative daily cover.

The Mayor said he heard that Biomass is now importing its fuel from out of County.

Vice Mayor Rominger also asked if Biomass was meeting the conditions of its conditional use permit in regard to Mayor Sandy's concern.

The City Manager said staff can ask Biomass about its fuel source and look into the conditions of approval and report back to Council.

HISTORICAL PRESERVATION COMMISSION APPOINTMENT:

On motion of Council Member Borchard, seconded by Council Member Slaven and carried by unanimous vote, the City Council appointed Charles Chase as a member of the Historical Preservation Commission for a term ending December 31, 1998.

CONCERNS WITH PLANNING COMMISSIONER COMMENTS:

The City Manager said at the February 21 Council meeting three Council Members discussed their concerns about Planning Commissioner Seiberth's comments made at that meeting regarding the General Plan update. He said the Council indicated a desire to discuss the appropriateness of those kinds of comments for a commissioner in general. He said Council received a transcript of Mr. Seiberth's comments and some sections of the City Code dealing with a commissioner's obligations.

Council Member Borchard pointed out that any comments he will make on this agenda item will only address the role of a planning commissioner in the generic sense and not have anything to do with the topic that was being discussed.

Council Member Slaven said his concern is the policy regarding any commissioner's appearance at a Council meeting dealing with the commissioner's particular commission. He said this may not be a policy, but he felt it has been customary for a commissioner when he or she does appear before the Council is directed by that commission to make that appearance. He said usually the chair of the commission makes the presentation, and he felt that is the way the commission should operate. Either the chair of the commission is delegated to appear before the Council with the concern or a representative of the commission is appointed to appear, and he felt this made a smooth working relationship with the commissions and the Council. He said he felt Commissioner Seiberth's main concern was a frustration on his part as having a minority vote, and he said as Council Members are aware some times Council Members and commissioners are the minority vote and they have to accept it and go on. He was uncertain if the Council needs to establish a policy, but he said all commissioners have to be aware of their responsibilities.

Assistant City Attorney Ann Siprelle said her office did review the City ordinances, and there is not such a policy in place at this time. She said some cities do have a policy on this matter, and if Council directs she could prepare the necessary ordinance and bring the matter back to Council. She also confirmed that she reviewed the law with respect to this issue and there is really not a legal problem and no conflict of interest or due process issue. She said this is only a statement of opinion on policy, and there are cases which state that a commissioner has freedom of expression and can state an opinion on a policy even before the issue comes to the commission as a body. She said this represents a political issue, and it would be appropriate for the Council to adopt a policy.

Vice Mayor Rominger said she did not hear what Mr. Seiberth was saying but was only thinking about the fact that the Mayor cautioned Mr. Seiberth about his ability to participate in further discussions on the issue being considered in his role as a commissioner. She said she felt it is important to hear minority opinions, and that is why the Council looks for diversity on its commissions because the Council wants all of those ideas to come forth at the commission meetings. The commission needs to take those ideas and opinions and work them together in a recommendation to the City Council. She said it is important also that a commissioner who comes before the council with an opinion counter to the commission may jeopardize his or her working relationship with his or her fellow commission members in the future. She said the Planning Commission previously discussed minority reports to the Council, and the Commission decided not to advance minority recommendations to the Council. She said it is important to establish a process for the commissioners, not to disenfranchise them, but to also recognize their position on the commission. She said the working relationship that everyone has to have together is to put forwarded the best that everyone can for the betterment of the community.

Council Member Borchard said he would like the Planning Commission to offer unified opinions to the Council with its own reasoning, and if the Planning Commission wishes not to offer minority opinions that is its prerogative. He said the public can view the differences of opinion because all of the Planning Commission and Council meetings are televised.

Council Member Flory said what bothers him through this process is that when there are commissions and they have votes, the Council only sees the commission recommendations and never really sees opposition positions. To some degree the Council does not hear all of the issues in the debate. He said the problem arises when a commissioner comes before the Council and at what point does the commissioner step into a conflict situation. He said it would probably be best to have a written policy which addresses the role of the commissioner and possible conflict as far as speaking to another body. He said he did not want to do anything to muzzle commissioners, and he said he did not really have a problem with a commissioner speaking against an issue until the commissioner has to go back to the commission and participate in the discussion of the issue.

Assistant City Attorney Ann Siprelle said there is not really a conflict unless the commissioner states that he or she has already made up his or her mind and will not consider further testimony. She said even though the commissioner states an opinion before the matter comes before the commission, it is still presumed the commissioner will consider further information that comes before the commission.

The City Manager said there is language in the current City Code which lists out eight different qualifications for appointments and service, and the last qualification states that "each appointee shall conscientiously review the policies developed by the council and shall endeavor in good faith to follow both the letter and the spirit of those policies which pertain to his board, commission or committee." This tries to give some indication there has some support there, but the Code does not define it.

Council Member Borchard said the City Code also states that the commissioners are appointed by the Council and the Council could decide for political reasons to have a commissioner step down. He said with respect to freedom of speech the City needs to protect the City against possible litigation from a development applicant because of a commissioner's remarks.

Mayor Sandy said what is at stake is the Council wants any commission decisions and deliberations to have integrity, and when someone has a well-publicized stand on something before decision time people begin to question that stance. He said there is a legally defined conflict of interest that Council is familiar with regarding distance from projects and financial worth, but there is a perceived conflict of interest which the public often makes a judgement on when they feel an

individual is too closely associated with a company or profession. He said it is important to recognize both. The Planning Commission's decisions are vital to how it appears in the community and to people's trust and confidence. He said he also supported a policy for guidance. This is the second time this issue has come before the Planning Commission, and the Commission needs a workable policy.

The Assistant City Attorney said she felt a policy could be drafted with freedom of speech addressed.

FUTURE MEETING AGENDA ITEMS:

Vice Mayor Rominger suggested that the City host a reception for the new Yuba College President Steve Epler. The City Manager said a reception has been tentatively planned for March 29 or April 5 at Krellenworks from 4:00 p.m. until 6:00 p.m.

The City Manager said he sent notices to Council regarding a March 14, 1995, 4:30 p.m. 45-minute workshop for input on the proposed transit facility acquisition. He said the Transit Authority is specifically looking for a location in Woodland.

ADJOURNMENT TO CLOSED SESSION:

The Council adjourned the regular session at 9:47 p.m. to hold a special session to convene a closed session for public employee performance evaluation (pursuant to Government Code Section 54957) regarding the City Manager.

ADJOURNMENT:

At 10:20 p.m. the closed session and special meeting were adjourned, and the regular meeting was adjourned.

City Clerk of the City of Woodland