

Council Chambers
300 First Street
Woodland, California

February 1, 1994

The Woodland City Council met in regular session at 7:30 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Rominger 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, Crescione, Flory, Sandy, Slaven

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Murphy, McDuffee, Wegener, Gatie, Barry, Smith, Medina, Gualco, Horgan, Wilson, Ponticello

MINUTES:

On motion of Council Member Sandy, seconded Council Member Flory and carried by unanimous vote (Council Member Crescione abstained), the City Council approved the minutes of the regular meeting of October 19, 1993, as prepared.

COMMUNICATIONS:

1. From the Law Offices of John L. Burris a claim against the City was filed on behalf of Kim Fernandez. The claim was in connection with the death of the claimant's husband, Alexander Fernandez, after his arrest on July 22, 1993. The City's insurance representative GAB recommended that Council reject the claim and refer the claim to them.

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council rejected the claim against the City filed on behalf of Kim Fernandez and referred the claim to the City's insurance representative.

2. From Karen and Kimberly Shepard a letter was received in support of smoking regulations. No Council action was necessary.

3. From Whitman F. Manley a letter was received in support of smoking regulations. No Council action was necessary.

4. From Sandra Jennings-Jones a letter was received in support of smoking regulations. No Council action was necessary.

5. From the State Department of Alcoholic Beverage Control a copy of an application was received for an off sale beer and wine license for Big J Gas and Food, 845 East Street, Woodland. Police Lieutenant Del Hanson had reported he has no problem with the issuance of this license. No Council action was necessary.

6. From the State Department of Alcoholic Beverage Control a copy of an application was received for an off sale general and off sale beer and wine license for Payless Drug Store, 215 N. California Street. Police Lieutenant Del Hanson had indicated he has no problem with the issuance of this license. No Council action was necessary.

7. From the State Department of Alcoholic Beverage Control a copy of an application was received for an on sale beer and wine license for "Time Out"!!! Sports Bar and Grill, 11 East Street. Police Lieutenant Del Hanson had indicated he also has no problem with the issuance of this license. No Council action was necessary.

8. From Debbi Kunesh a letter was received expressing concerns about public comment allowed at the Planning Commission meeting on January 20, 1994 regarding the General Plan Update and Urban Limit Line. No Council action was taken.

9. From Sheila Lewis a letter was received addressing concerns regarding the Urban Limit Line. No Council action was taken.

COMMITTEE REPORTS:

1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meeting of December 6, 1993. No Council action was necessary.

2. From City Manager Kris Kristensen a report was received transmitting the minutes of the Yolo County Transit Authority Board meeting of December 15, 1994. No Council action was necessary.

3. From Assistant City Manager Kristine O'Toole a report was received transmitting the minutes of the Woodland Access meeting of January 5, 1994. No Council action was necessary.

4. From Parks and Recreation Director Tim Barry a report was received summarizing action taken at the Child Care Commission meeting of January 5, 1994. No Council action was necessary.

5. From Community Development Director Janet Ruggiero a report was received summarizing action taken at the Historical Preservation Commission meeting of January 11, 1994. No Council action was necessary.

6. From the Parks and Recreation Director a report was received summarizing action taken at the Commission on Aging meeting of January 11, 1994. No Council action was necessary.

7. From the Parks and Recreation Director a report was received summarizing

action taken at the Child Care Commission special meeting of January 12, 1994. No Council action was necessary.

8. From the Community Development Director a report was received transmitting summary notes from the Planning Commission meeting of January 13, 1994. The Commission held a study session on the General Plan. No Council action was necessary.

9. From the Community Development Director a report was received summarizing action taken at the Planning Commission meeting of January 20, 1994, as follows:

- a. Commission received a report on the indemnification condition of approval from the Director, and Commission agreed that this condition would be listed as an optional condition.
- b. Commission approved revised vesting tentative maps and Planned Unit Developments for two projects in the Southeast Area, Gibson Ranch (Morrison Homes) and Gibson Ranch East (Winncrest). Commission also recommended approval to the City Council of General Plan amendments and Specific Plan amendments. The main reason for the modifications is the decision of the school district to move the middle school site south of Gibson Road. The Commission certified an addendum to the Southeast Area Specific Plan EIR.
- c. Commission recommended approval to the City Council of a proposed amendment to the Zoning Ordinance that would result in new theaters being allowed only in the Downtown. This is an implementation act of the Downtown Specific Plan. Commission also certified an NDEIR on this item.
- d. Commission approved a conditional use permit for Raz's Food and Deli, a 2,400 square foot convenience store proposed for 7 West Court Street. Commission also certified an NDEIR on this item.
- e. Commission authorized staff to initiate two amendments to the Zoning Ordinance. These amendments concern (1) maximum size of Neighborhood Commercial centers, and (2) the procedures for amending the Zoning Ordinance.
- f. Commission discussed the proposed report that was scheduled to be forwarded to the City Council on the General Plan. Commission decided

additional time was needed and scheduled two study sessions for January 27 and February 10. Because of this, the City Council will not receive the report from the Planning Commission at their January 25, 1994 study session.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council (1) set a February 15, 1994 hearing for General Plan amendment (item "b" above), and (2) set a March 1, 1994 hearing for the Zoning Ordinance text change (item "c" above).

PUBLIC COMMENT:

Mayor Rominger thanked Steve Borchard for serving as camera operator for the meeting.

The City Clerk advised the Council that there has been a long recruitment for filling two vacancies on the Child Care Commission resulting in no applications. For the Historic Preservation Commission the City has received one application for two vacancies, and for Tree Commission the City received one application for one vacancy. She said she sent notices to about 65 individuals and organizations, and the vacancies were publicized on the local access channel. She invited the viewing audience to contact her if they were interested in applying for these positions.

PROCLAMATION - CATHOLIC SCHOOLS WEEK:

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council proclaimed January 30 - February 5, 1994 as Catholic Schools Week.

Carli Knudson, Student Body President of the Holy Rosary School, accepted the proclamation from Mayor Rominger.

HEARING - STORM DRAIN UTILITY ENTERPRISE FUND/FACILITIES FEES:

Mayor Rominger said the first public hearing scheduled is for the purpose of considering adoption of Ordinance No. 1242 to establish a storm drain utility enterprise fund and facilities fees.

Director of Public Works Gary Wegener said on January 18, 1994 the City Council introduced the Ordinance after an initial public hearing. The intent of the fee, he said, is to provide a means of isolating the cost from the General Fund and insuring adequate funding to operate the storm drain utility properly and in accordance with the Federal Clean Water Act requirements. In order to establish an equitable fee structure land use and runoff coefficients were used as a basis for distributing the storm drain costs. The fee would be included as a line item in the water and sewer bills. He said there are

several types of properties which benefit from the program, including (1) residential single family and small multi-family residential properties up to four units, (2) multi-family apartment properties with five or more units, (3) commercial and industrial properties, (4) schools, and (5) open space, undeveloped land and agricultural land. The proposed fee structure identified in the enterprise fund takes into account the basic operations, maintenance and repair functions required to operate the existing system. The Ordinance, he said, does allow for minor construction and repair work. The proposed funding does not address costs required to correct major operational deficiencies in the system. Any future decisions to address those deficiencies would have to be worked through the Major Projects Financing Plan, Storm Drain Master Plan, and the Capital Budget process, and those would require input and direction from the Planning Commission and the City Council. He said two issues brought up at the last meeting were the contribution of agricultural run-off from outside the City limits to the storm drain system and the handling of trench drains installed under prior City policy. In regard to agricultural run-off he said in reviewing the Master Plan his staff has calculated approximately 13 percent of the total run-off contributing to the City storm drain system. Eight of that 13 percent is associated with agricultural land east of State Route 113. An agreement with the County would have to be negotiated for areas outside the City limits to allow collection of storm drain fees for that run-off. Currently, that mechanism does not exist and may be difficult to achieve given the fact that the natural flow of run-off from these areas is through the City. The other issue is the trench drains. He said the proposed ordinance does have an avenue for properties which have run-off characteristics significantly different than those defined categories to be reviewed on a case by case basis. He said his staff feels the trench drains could be handled through that method. The property owner would have the responsibility of providing evidence that the system is designed to handle the flows associated with the land use area and to demonstrate that the system is in good working order. There would have to be some method of initial inspection and monitoring the system to ensure it is maintained and functional. There may be an annual inspection fee assessed.

Mike Volonte, retired building contractor, responding to a question from Mayor Rominger said a trench drain basically when required by the City Code involves digging a trench twelve inches to two feet wide and approximately 100 feet long. The length and depth would be determined by the size of the property and the amount of water that was to be drained off. The principal the City Engineer was using at that time was water conservation. He said his idea was to allow the water to accumulate on the property, go into the large trench drains which were filled with rock of a specific grade, be absorbed in the trench drains and go back into the ground water supply. After 1984 a different engineering administration changed the code so that all of the water would run back into the storm drain. Under the new code there is no longer a trench drain but a pipe that allows the water to flow to a catch basin and into the storm drain. He said eventually that water comes into the water supply, and we need to address the issue of how to keep the water clean. That is one of the reasons for the storm drain fee. He said the inequity comes about when some properties are absorbing their run-off with trench drains while other properties drain water into the storm drains.

The City Manager said the regulation was changed because a number of the trench drains failed.

Mr. Volonte summarized that if the City is approaching this fee because of environmental and health reasons, we are going to have to address cleaning up the City water that goes out to the storm drain. There is a potential liability to the property owners because now they are putting water back into the ground system and it can be argued that they in turn must clean up their water that is going into the ground system. He said he agrees with the Director of Public Works proposal and agrees with the ordinance proposed, but he was looking for equity for those who were complying with what the City required at one time.

The Director of Public Works said regarding the trench drains already in his staff's research has not uncovered anything that required trench drains but was more of an option.

Nick Ponticello, Senior Engineer, said his staff found that in the late 1960's and early 1970's the City's basic storm drain infrastructure was under capacity and could not handle the flows. The policy developed at that time which was a cross-counter policy that was never put into a defined standard or resolution of providing a method giving the owner the option of putting in trench drains which were ten-feet deep and one-foot wide filled with rock to accommodate the overflow from rainfall. He said that option was in place in 1972. In 1979 he said a resolution was adopted which basically allowed the City to start installing detention ponds which had nothing to do with trench drains. At that time the detention ponds were provided by resolution in the design standards, but there was still nothing in the design standards for trench drain use. In 1983 a new design came out with detail of a storm drain system modified from the earlier versions with a better design requiring perforated pipe installation. This became a part of a policy on trench drains which was adopted by resolution when the City adopted the Public Works Policy Manual for Water, Storm Drainage, Sewer, and Curb and Gutter Standards. He said this was still a policy and did not mandate that the trench drains be installed. The property owner had the option of tying into a system if their lines were nearby.

Mayor Rominger opened the public hearing.

Mike Volonte said he appreciated the way the Director of Public Works was addressing the storm drain problems, and he thanked the Council for allowing him to address the issue.

There being no further comments, Mayor Rominger closed the hearing.

City Attorney Bob Murphy advised that under the particular statute that allows this ordinance the measure must pass by a two-thirds vote.

Ordinance No. 1242:

On motion of Council Member Sandy, seconded by Council Member Slaven and carried by unanimous roll call vote, the City Council adopted and read by title only Ordinance No. 1242 which adds Section 23C-5-1 to Chapter 23C of the Woodland Municipal Code relating to storm drainage services.

HEARING - ZONING ORDINANCE AMENDMENT:

Mayor Rominger said the second public hearing scheduled is for the purpose of considering a proposed amendment to the Zoning Ordinance to regulate off-premise signs (billboards).

Associate Planner Colleen McDuffee said the Planning Commission on January 6, 1994 recommended approval to the City Council of an amendment to the Zoning Ordinance related to off-premises signs (billboards). The amendment would do the following: (1) increase the distance between new billboards from 500 feet to 1,000 feet; (2) prohibit billboards from extending over a building; (3) require that landscaping be installed in conjunction with new billboards; and (4) require that the sign post and other surfaces be of a finished nature. The color of such structures should take into account the colors of the surroundings. She said if the proposed amendment is approved, there would be room for three to five billboards along the Interstate 5 freeway. If the proposed amendment is not approved, there could be six to eight new billboards installed along the Interstate 5 freeway.

Mayor Rominger opened the public hearing.

Tom Flanagan, representing Kuntz and Company, 1831 Commerce Center East, San Bernardino, CA, said his firm concurs with the recommended amendments with respect to items (1) and (2) above. He said they do not agree with amendments (3) and (4) above which he feels will require staff to make subjective discretionary decisions.

There being no further comments, the hearing was closed.

Council discussed the proposed requirement regarding the color and finished surface of the sign posts and the requirement for landscaping.

City Attorney Bob Murphy said the billboard landscaping requirement involves a conditional use permit (CUP) process. He said assuming the Council decides it wants to leave the provision in the ordinance the issue could be worked out in the CUP process.

After further Council discussion the City Attorney proposed language changes to eliminate the requirement to consider the color of adjacent surroundings when selecting a color for a billboard and to provide that the landscaping "shall be" considered during the conditional use permit process.

Ordinance No. 1243:

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council introduced and read by title only Ordinance No. 1243 amending Article 24 of Chapter 25 of the Code of the City of Woodland dealing with off-premise signs with language changes as proposed by the City Attorney.

TEMPORARY ADJOURNMENT OF COUNCIL MEETING:

Mayor Rominger temporarily adjourned the meeting of the Council at 8:45 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 8:50 p.m. the Redevelopment Agency Board meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF CITY MANAGER:CONSENT CALENDAR:

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

SECOND QUARTER FINANCIAL REPORT FOR FY 1993-94:

The City Council received the second quarter financial report for Fiscal Year 1993-94.

1994 COMMUNITY SERVICE AWARDS:

The City Council awarded the City of Woodland's 1994 Community Service Awards to Iver Johnson, John Roman and Roslind Stone.

COMPLETION OF 1993 WATER AND SEWER IMPROVEMENTS PROJECT:

The City Council accepted as complete the 1993 Water and Sewer Improvements Project, Project No. 93-02, by Teichert Construction; directed the City Clerk to file a notice of completion; and authorized the Mayor and City Manager to sign the notice of completion.

CALIFORNIA WATER PLAN UPDATE:

The City Council concurred with comments on the draft Water Plan Update

and directed staff to notify the Water Resources Association of Yolo County regarding the comments.

EMERGING TECHNOLOGIES INSTITUTE:

The City Council approved sending a letter to Congressman Vic Fazio in support of Emerging Technologies Institute of Northern California. The institute is a non-profit, public benefit California Corporation dedicated to the long term objective of improving the quality of life in the Sacramento Valley region through new and higher paying jobs and economic growth in technologically sophisticated industries.

The Council took a recess from 8:50 p.m. until 9:01 p.m.

REGULAR CALENDAR:

TASK FORCE ON SMOKING CONTROLS:

The City Manager said on January 4, 1994 the Council took action to form a task force to study possible controls on smoking in public places. The Council felt the task force should consider all of the testimony the Council received at the two previous public hearings, consider the various proposals made by the Council Members and scientific data, and report back to the Council. He said the Council formed a seven-member task force which included two members supportive of smoking controls, two opposed to smoking controls, two Chamber of Commerce representatives (including one restaurateur) and one medical field representative. He gave the Council names of people who have volunteered their services to serve on the task force. He suggested that a Council Member also serve on the task force and give the task force a fairly specific statement of its mission.

After some discussion the Council took the following action:

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council appointed the following members to the Task Force on Smoking Controls: Stephanie Gotthardt, Velma Stepp, Bill Flynn, Jim Piazza, Jim Morrison, Hugo Rodriguez, Mayor Rominger, and Dr. Jim Barrett; and the City Council approved the following statement of instructions to the Task Force:

"In October 1993 the Woodland City Council was presented with a proposal to prohibit smoking in certain public places and ban tobacco vending machines throughout the community by a group known as Citizens for a Smokefree Woodland. Following hearings and study the Council rejected the proposal as too restrictive.

In rejecting the proposal the Council recognized that this is a difficult and divisive issue within the community. Deeply felt opinions are held on both sides of the topic. The Council believes the issue must be considered further in an effort to find a compromise solution and an appropriate role for the City to take. It is the Council's hope that a common ground can be found which provides the option of a smokefree environment in public places for non-smokers while at the same time not placing unnecessary restrictions on smokers and businesses.

To determine what the City should do in this matter the City Council is forming a task force of interested citizens, representing the interests of smokers, non-smokers and businesses, to explore the topic, determine an appropriate compromise and make a corresponding recommendation to the Council.

Specifically, the Council believes and/or recognizes:

- that second hand smoke poses a significant health risk to members of the community;
- that smoking remains a legal activity;
- if smoking controls are adopted by the City, their impact on local businesses should be kept to a minimum;
- if smoking controls are adopted by the City, they should be enforceable with minimal effort necessary by the City's Police Department;
- tobacco vending machines should not be permitted in places accessible to minors.

Keeping these points in mind, the Task Force is requested to provide the Council with a recommendation as to what steps the City should take in controlling second and smoke."

REDUCTION IN POLICE VEHICLE MAINTENANCE COSTS:

Police Chief Russ Smith and Police Department Management Analyst Dean Gualco explained to Council proposed new procedures to reduce Police vehicle maintenance cost.

On motion of Council Member Flory, seconded by Council Member Crescione and carried by unanimous vote, the City Council authorized the Police Department to transfer its vehicle maintenance function to the Equipment Services Division of the Public Works Department and obtain comprehensive, extended warranties on new patrol vehicles.

WASTEWATER INDUSTRIAL PRETREATMENT PROGRAM:

Director of Public Works Gary Wegener gave Council an update on the City's development of a Wastewater Industrial Pretreatment Program. He said request for proposals were developed in September 1993 and a consultant review/selection board interview panel, including Council Member Crescione, reviewed the proposals on November 3. The panel recommends the retention of Larry Walker Associates. He said the requirements for the program are delegated by the Federal Environmental Protection Agency and enforced by the State.

Senior Civil Engineer Mike Horgan used an overhead projector to outline the scope of the work.

On motion of Council Member Crescione, seconded by Council Member Slaven and carried by unanimous vote, the City Council authorized the Public Works Director to award and execute a consultant services contract for a Wastewater Industrial Pretreatment Program with Larry Walker Associates, with an expenditure limit of \$460,790.

ORDINANCE NO. 1244 - TRIP REDUCTION PROGRAM:

Associate Planner Colleen McDuffee gave Council a report on this year's implementation of the Trip Reduction Ordinance and discussed proposed amendments to the Ordinance. The changes dealt with the requirement for an annual transportation survey. The first amendment was a provision that a minimum of 75 percent of all employees must complete the surveys. The overall average of the survey return rate was 71 percent, and 75 percent is the required response rate in most jurisdictions. The second proposed amendment is the removal of the requirement for the transportation survey every year from minor employers.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council introduced and read by title only Ordinance No. 1244, amending the Trip Reduction Ordinance.

1994-95 BUDGET GUIDELINES:

The City Manager reported to Council on the deficit condition of the City's Fiscal Year 1994-85 Operations and Maintenance Budget and the impact of State budget actions.

After some discussion the City Council directed staff to prepare a draft 1994-95 Operations and Maintenance Budget with \$500,000 in General Fund expense cuts.

ADJOURNMENT:

At 10:45 p.m. the Council meeting was adjourned to February 3, 1994, 7:00 p.m. for a joint meeting with the Child Care Commission.

City Clerk of the City of Woodland