Council Chambers 300 First Street Woodland, California

June 1, 1993

The Woodland City Council convened a special session at 6:45 p.m. and immediately adjourned to closed session in the Second Floor Conference Room of City Hall to discuss pending litigation. Council Members present at the meeting were: Rominger, Crescione, Flory, Sandy and Slaven; absent: none. City Manager Kris Kristensen, City Attorney Bob Murphy and Community Development Director Janet Ruggiero were also present at the meeting.

Council adjourned the closed session and the special session at 7:35 p.m.

The Woodland City Council met in regular session at 7:40 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, Flory, Crescione, Sandy, Slaven

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Ruggiero, Murphy, Wegener, Barry, Woodruff

#### CITY MANAGER ANNOUNCEMENT:

City Manager Kris Kristensen announced that the Council met in closed session from 6:45 p.m. until 7:35 p.m. pursuant to Government Code Section 54956.9(b) to discuss significant exposure to litigation and Section 54956.9(c) regarding the initiation of litigation. He said no Council action was taken at the meeting.

## MINUTES:

On motion of Council Member Sandy, seconded Council Member Crescione and carried by unanimous vote, the City Council approved the minutes of the regular meeting of March 2, 1993, and adjourned Council meeting of May 26, 1993, as prepared.

## **COMMUNICATIONS:**

- a <u>From Finance Director Peter Woodruff</u> two memos (Exhibit A) were received advising of accounts payable and payroll paid by the City for the months of March and April, 1993.
- b From the City of El Cajon a letter (Exhibit B) was received requesting Council's support of AB 17 which provides punishment for a person who knowingly displays, sells or offers to sell harmful matter in any coin-operated vending machine which is not supervised by an adult. Attached is a copy of the bill from the League of California Cities with a response that the League is not following this legislation and has no recommendation.
- c <u>From Pacific Gas and Electric Company</u> a notice (Exhibit C) was received advising of its application filed with the California Public Utilities Commission to decrease its return on equity and decrease its overall cost of capital effective January 1, 1994. This will result in a zero net change in electric rates in 1994.

- d <u>From Diogenes Youth Services</u> a letter (Exhibit D) was received advising that \$9,800 in Community Development Block Grant (CDBG) funds they received from the City and other agencies within the County will not be sufficient to continue their operations after June 30, 1993. After receipt of this letter the Community Development Department received a phone call from Diogenes advising that they will be withdrawing their request for CDBG funds. Their formal written withdrawal will be submitted at a later date, and a hearing will be set for reassignment of the 1993 CDBG funds.
- e <u>From James David Gibson</u> a claim against the City (Exhibit E) was received in the amount of \$22,266.97 regarding a traffic accident which occurred at the intersection of Main and Walnut Streets. The City's insurance representative recommends that Council reject the claim and refer it to them.

#### **COMMITTEE REPORTS:**

## **PUBLIC COMMENT:**

Mayor Rominger thanked Burke Lucy for serving as camera operator for this meeting.

## PRESENTATION - PROCLAMATION FOR PARK AND RECREATION MONTH:

Karen McManus, member of the Parks and Recreation Commission, gave the Council background on the Commission's request to have July proclaimed as Park and Recreation Month. She reported on activities planned for the various City park sites for the month of July.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council proclaimed that "July is Park and Recreation Month."

## HEARING - BEAMER-KENTUCKY ASSESSMENT DISTRICT:

Mayor Rominger said this time was scheduled for a continued public hearing on the proposed formation of the Beamer-Kentucky Assessment District.

Director of Public Works Gary Wegener said since the May 18 Council meeting staff has contacted property owners in the proposed Beamer-Kentucky Assessment District to discuss alternatives that are available if the assessment district is not formed. He said the engineering firm which is doing the design for the project is reviewing the property development agreements covering properties in the district to develop cost figures for enforcement of the agreements. The letter was sent to all of the property owners, and for those who had enforceable property development agreements estimated costs for doing improvements were included. Staff met with four property owners to discuss the issues involved and what the City's estimate of the costs would be if the development agreements were enforced. One property owner, RGA, has withdrawn its protest, but he said staff has not heard from the other property owners. The basic alternative, he said, that staff sees to the assessment district is enforcement of the agreements and implementation of a special development fee for that area coupled possibly with improvement agreements as areas expand or develop. He said there would be legal costs for enforcement of the agreements for both the City and property owners, and the cost, he said, would likely be higher than through the assessment district process. The special development fee is a method of collecting partial costs and would only impact those seeking entitlements from the City as in expanded developments. Those individuals who had agreements in place when they originally developed their property would basically not be contributing to the improvements in the area. Through the special development fees

the City will never recover all of the costs involved in the improvements. The City would be left with an area that does not meet City standards. He said the major concern of staff regarding the need to proceed with the district at this time is the condition of the roads.

Mayor Rominger reopened the public hearing.

Bruce Kemp of Buzz Oates Enterprises said they represent Woodland 54 Venture. He said they still support the formation of the assessment district.

Dick Hoppin, attorney representing Rose Valley and Ellis Rose, said his client originally filed an objection to the formation of the district, and they wish to withdraw that objection. He said his client wants to make some improvements and feels the district should be formed. He asked that improvements originally planned for Kentucky Avenue east of County Road 101 which have been removed from the assessment district be added back.

Chris Sloan of Payless Drug Stores said he met with staff and reviewed some of the issues. He said they still feel the assessment district as proposed is not something they can support. He said they feel the scope exceeds what is necessary, and they do not understand the benefit to their parcel and associated costs. He said they feel the costs are not reasonable. He said the costs as currently presented provide that the property owners pay three-quarters of the cost and the City pays one-quarter of the cost. He said they feel that ratio is not a reasonable balance.

David McMurtry, attorney representing Mr. Bolger and Johnson's Trading Post, said they still oppose the assessment district but would support an assessment district with the level of improvements as provided in their 1969 property development agreement. He said the agreement is actually with the prior owner.

There being no further comments, Mayor Rominger said it is important that Council consider comments made tonight, including protest withdrawals from Rose Valley and RGA. She recommended that the hearing be continued to June 15, 1993.

The Director of Public Works said the latest the Council could take action on the district would be June 15 because of the time frame on the bid submitted by Teichert Construction.

Council Member Sandy pointed out that at this time we are looking at the lowest construction costs, lowest borrowing costs, deteriorating roads, and the opportunity to utilize economies of scale to finance road construction. He said there is no alternative to the assessment district which will be as amenable to economic development in the City of Woodland. This is a very conventional way of financing these improvements.

Council Member Flory said there will probably never be a better time for taking advantage of the low bid and the current bond interest rate. He said he feels that now is

the time to proceed with the assessment district.

Council Member Crescione said he supported formation of the district at this time but wanted to take action on June 15.

Council Member Slaven said he felt the number one concern is need. Also he said it is important to consider the issue of City standards.

Council continued the public hearing to the June 15, 1993 Council meeting.

## **HEARING - PARKS AND RECREATION FEES:**

Mayor Rominger said the second public hearing is to consider amending the Comprehensive Fee Schedule regarding parks and recreation fees.

Parks and Recreation Director Tim Barry said this hearing is being continued to this time to consider an additional fee which is the \$2.00 permit fee for the use of alcoholic beverages at any community park. The other fees being considered are children's program fees for Y.M.C.A. participants in lieu of field preparation charges, picnic permits, softball field lighting charges, and baseball lighting charges. Responding to Council Member Slaven's previous inquiry about the maintenance for the Y.M.C.A. fields, he gave Council Members a memo. He also explained that the Commission felt that a control factor was needed with the imposition of the \$2.00 fee for use of alcoholic beverages at the parks.

Council Member Slaven questioned the need for a \$1.00 participant fee for the young people in the Y.M.C.A. programs since the fields would be used whether the Y.M.C.A. used the fields or not. He said the fields which the Y.M.C.A. use require very little maintenance.

The Parks and Recreation Director said the staff and the Commission tried to be consistent with fees charged to other sports groups for use of City facilities. He said there are certain impacts on the park crews who do the clean up after game days, turf maintenance, maintenance of goals, etc.

Council Member Crescione said he objects to the imposition of the \$2.00 alcoholic beverage use fee. He said the fee should be charged to the group having an event at the parks and not charged to an individual wishing to use an alcoholic beverage at a park. He said he does not drink but he cannot support the fee.

Karen McManus, Parks and Recreation Commission member, said from the beginning the Commission said they would make the permit fee a reasonable amount but had not agreed it would be free. The Commission also debated the issue of making the fee a part of the picnic permit fee. She said if it becomes a part of the picnic permit fee the City is charging those who choose not to use alcoholic beverages. She said she

realized many people are not in favor of the separate fee, but from the very beginning the reason for passing the restriction and the permit process was to try to discourage alcohol use at parks.

Mayor Rominger opened the public hearing, and there being no comments the hearing was closed.

#### Resolution No. 3734:

A motion of Council Member Slaven and seconded by Council Member Sandy to adopt Resolution No. 3734 amending certain Parks and Recreation fees and establishing a new alcoholic beverage use permit fee failed to carry when Council Member Crescione requested an amendment to waive the alcoholic beverage permit fee if a picnic permit for use of the park has already been obtained.

Council Member Slaven withdrew his motion.

On motion of Council Member Flory, seconded by Council Member Sandy and carried by the following vote, the City Council adopted Resolution No. 3734, amending Resolution No. 3701 (Comprehensive Fee Schedule) to amend certain Parks and Recreation Fees and establish a new alcoholic beverage use permit fee:

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

NOES: COUNCIL MEMBERS: Crescione
ABSENT: COUNCIL MEMBERS: None

## HEARING - COUNTY ROAD 101 RIGHT-OF-WAY ABANDONMENT:

Mayor Rominger said the third public hearing scheduled is to consider the abandonment of certain County Road 101 right-of-way. She said there has been no real controversy regarding this proposal. On May 4 Council adopted Resolution No. 3729, a resolution of intention to vacate and set a public hearing date of June 1 to discuss the proposed vacation of a portion of dedicated Road 101 right-of-way north of Paradise Valley Drive. On May 20 the Planning Commission decided the proposed vacation is consistent with the General Plan. A Notice of Exemption for California Environmental Quality Act requirements is being filed as a Class 12 Categorical Exemption under Section 15312. She asked if the City previously paid for the right-of-way.

Director of Public Works Gary Wegener said the right-of-way was dedicated at no cost to the City. He said after abandonment the right-of-way goes back to the current property owners.

Mayor Rominger opened the public hearing, and there being no comments, she closed the hearing.

## Resolution No. 3735:

On motion of Council Member Sandy, seconded by Council Member Slaven and carried by unanimous vote, the City Council adopted Resolution No. 3735, a resolution vacating a portion of dedicated street right-of-way on County Road 101, north of Paradise Valley Drive.

# 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 8:52 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 Sandy and carried by unanimous vote, the City Council approved the following Consent Calendar items:

## BID AWARD - CITY HALL AIR CONDITIONING UNIT REPLACEMENT:

The City Council award the contract to replace City Hall heating and air conditioning equipment, Unit No. 3, to Park Mechanical in the amount of \$16,680.

## RESOLUTION NO. 3736 - APPRECIATION OR DAVID ALTHAUSEN:

The City Council adopted Resolution No. 3736, a resolution of appreciation recognizing Police Officer David Althausen who is retiring after 27 years of service.

## FINAL MAP FOR SUBDIVISION NO. 4086 (SNOW PROJECT):

The City Council approved the Subdivision Improvement Agreement for Subdivision No. 4086 for Tim Snow substantially as to form, subject to submission in a form satisfactory to the City Attorney and approval by the City Engineer of all required bonds, insurance endorsements, and final improvement plans for City infrastructure improvements; and Council approved the Final Map, subject to approval of the Subdivision Improvement Agreement.

#### HEARING SET REGARDING DELINQUENT REFUSE ACCOUNTS:

The City Council set June 15, 1993, as the date for a public hearing on proposed assessments for delinquent refuse accounts.

## WOODLAND JOINT UNIFIED SCHOOL DISTRICT LEASE AGREEMENT:

The City Council approved the Child Care Commission's recommendation to accept the Lease Agreement between Woodland Joint Unified School District and the City of Woodland for a three-year period for use of the Freeman School child care building.

## **REGULAR CALENDAR:**

## DIAMOND LUMBER PROPERTY USE ALTERNATIVES:

Kristine O'Toole, Assistant City Manager, said the Downtown Specific Plan designates the Diamond Lumber site as a garden office complex. With that, she said, the City could not rent the Diamond Lumber building as it currently exists; it would require a substantial monetary investment to put the building into shape to rent it as an office site. She said a number of businesses have inquired about renting the site, including a used car dealer, a produce dealer and a computer retailer. If the Council approved the Downtown Specific Plan as currently drafted none of these businesses would be appropriate. She said staff proposes that Council reconsider temporarily housing the Parks and Recreation Department at the site, until a permanent facility can be located for the department. She pointed out that the building will require an expenditure of \$92,000 to get the building up to a livable standard for the department, and \$13,000 has already been set aside in the operating budget for telephone and computer installations with the move. Another alternative, she said, is to send out request for proposals for the development of an office building by a developer with a purchase option of the land. This alternative would provide revenue to the City prior to the sale, however, financing would be difficult.

After some discussion Council expressed support for moving the Parks and Recreation Department (from 1017 Main Street) on a "temporary" basis to the Diamond Lumber property at 1022 Main Street. Council Members stated they had reservations about spending funds for a temporary facility for the Parks and Recreation Department.

The City Manager pointed out that with previous Council action the City has paid for plans and specifications for improvements to the building. He said staff will come back to Council at a future date with a request to consider a bid call for improvements to the building. He said he will inform the Child Care Commission, Commission on Aging and the Parks and Recreation Commission of the status of the Park and Recreation Department office relocation plans.

## PURCHASE/LEASE OF MIDTOWN BUILDING:

The City Manager said in March and again in April the City received a proposal to lease and/or purchase the Midtown Building at 325 College Street. He said staff has briefly reviewed the idea and possible long term City uses for the facility, and at this point does not feel the building is suitable for the City's current or anticipated needs. Also, there are no funds budgeted for a lease or acquisition of this type.

Council agreed to take no action on the proposal to lease and/or purchase the Midtown Building.

#### **COUNTY ROAD 98 SOUNDWALL:**

Council Member Flory reported that he and Council Member Crescione had a meeting with the City Manager and representatives from Lewis Homes last week at which time they discussed the problems with the County Road 98 soundwall. He said the Council presented the City's position and how it views the position of the property owners along County Road 98 who are directly affected. He said the representatives will be reporting to the Lewis Homes principals and will report back to the City next week.

Council agreed to schedule an update of the County Road 98 soundwall issue on the June 15 Council meeting agenda.

## I-5 CORRIDOR LANDSCAPE PLAN:

Council Member Flory reported that he and Council Member Crescione had a meeting with the Executive Director of the Chamber of Commerce who is well aware of what has been going on with those involved with the I-5 Corridor Landscape Plan. He said they met with one of the principals who was sometimes spokesperson for the property owners along I-5 and came up with some suggestions. He said he and Council Member Crescione reviewed those suggestions with the Community Development Director and then with the I-5 corridor property owners/business representatives. He said they expect at the next meeting to reach some conclusions.

Mayor Rominger inquired about the appointment of a Planning Commissioner to be included in the I-5 Corridor Landscape Plan meetings. Council Member Flory said through an oversight on his part a Planning Commissioner was not included in the discussions. He said he and Council Member Crescione were doing some of the ground work to outline some of the basic objections to the Plan with the I-5 corridor representatives. He said the Chamber of Commerce has

agreed to set up a meeting and notify the various participants.

Council Member Crescione said he was not aware that the committee was a formalized group with a representative from the Planning Commission. He said the basic idea is that compromise is needed, and the group feels there are areas which have been identified that can become part of the Plan. He said they wanted to be sure the property owners were willing to subscribe to these segments of the Plan prior to a formal presentation to the Council.

Council Member Flory said a Planning Commission Member will be invited to join the meetings. He said notices for the meetings will be posted, and Council will receive a further update on June 15.

## BID CALL FOR NEW MAINTENANCE EQUIPMENT:

Council expressed concerns regarding the purchase of new equipment. The City Manager said particularly during the past three years the City has had to rely on new equipment especially with the Parks Division to do the maintenance work in a growing community with a de-emphasis on hiring new personnel. He said the City has emphasized the need to make existing personnel as effective as possible by providing them with the equipment necessary.

The Council after further discussion about the timing of the replacement of vehicles took the following action:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized calling of bids for one 10-12 yard capacity dump truck, one towable street pull broom and two 15-20 horse power tractor mowers. The dump truck and street pull broom will be used by the Public Works Department, Street Maintenance Division. The two tractor mowers will be new additions to the Parks and Recreation Department, Park Maintenance Division.

#### APPOINTMENTS FOR LIBRARY BOARD INTERVIEWS:

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council appointed Mayor Rominger and Council Member Slaven to interview applicants for Library Board to fill the vacancy left by Ted Hostetler.

# **FUTURE MEETING AGENDA ITEMS:**

Mayor Rominger requested a workshop with the Council to discuss the process for appointing positions on the City's boards and commissions. She

suggested that the discussion take place after the current vacancies are filled. She said the League of Women Voters could be asked to participate in the workshop.

Dudley Holman suggested that the Chair of each commission be invited to the workshop for their ideas.

The City Manager said he will bring the matter back to the Council to set up a date for the workshop.

Council Member Sandy said he previously requested a report on the Local Agency Formation Commission (LAFCO) activities and City staff regarding LAFCO ag policies and "sacred spaces."

# **ADJOURNMENT:**

At 9:50 p.m. the meeting was adjourned.

City Clerk of the City of Woodland	