Council Chambers 300 First Street Woodland, California

November 17, 1992

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, Ruggiero, Murphy, Bach, Schwartz, Woodruff,

Ostebo, Wegener, Bryan, Martin, Smith, Suhr, O'Toole

### MINUTES:

On motion of Council Member Flory, seconded Council Member Crescione and carried by unanimous vote (Council Member Sandy abstained), the City Council approved the minutes of the regular Council meeting of August 18, 1992, as prepared.

# **COMMUNICATIONS:**

1. From Gerald Rominger, President of the Yolo County Farm Bureau, a letter was received urging Council not to proceed with Area M proposal.

### **COMMITTEE REPORTS:**

- 1. From Parks and Recreation Director John Suhr a report as received summarizing action taken at the Park and Recreation Commission meeting of October 21, 1992. No Council action was necessary.
- 2. From Assistant City Manager Kristine O'Toole a report was received transmitting the minutes of the Community Access Cable meeting of October 28, 1992. No Council action was necessary.
  - 3. From Mayor Elaine Rominger a report was received transmitting the minutes

of the Yolo County Water Group meeting of October 28, 1992. No Council action was necessary.

- 4. From Director of Public Works Gary Wegener a report was received transmitting the minutes of the Traffic Safety Commission meeting of November 2, 1992. No Council action was necessary.
- 5. From Community Development Director Janet Ruggiero a report was received transmitting the summary minutes of the Southeast Area Financing Team meeting of November 4, 1992. No Council action was necessary.
- 6. From the Parks and Recreation Director a report was received summarizing action taken at the Child Care Commission meeting of November 4, 1992. No Council action was necessary.
- 7. From the Assistant City Manager a report was received summarizing the discussion held at the Woodland Joint Unified School District/City 3 x 2 meeting of November 5, 1992. No Council action was necessary.
- 8. From the Community Development Director a report was received summarizing action at the Planning Commission meeting of November 5, 1992, as follows:
  - a.Commission heard a presentation on the Air Quality Attainment Plan by the Yolo-Solano Air Pollution Control District.
  - b.Commission continued the public hearing on the Housing Element of the General Plan until December 3, 1992.
  - c.Commission approved Tentative Map No. 4072 for property located at 11, 13, 15 and 17 Lincoln Avenue. This map will create four parcels for two split lot duplexes. Commission approved a categorical exemption.
  - d.Commission continued indefinitely Tentative Map No. 4088. This project would split one parcel into two parcels at 609 Woodland Avenue. The item was continued due to legal questions surrounding the parcel's access to Woodland Avenue.
  - e.Commission held a study session on Design Review.
- 9. From City Manager Kris Kristensen a report was received summarizing the discussion of the Budget Committee meeting of November 6, 1992. No Council action was necessary.
- 10. From the Director of Public Works a report was received transmitting the minutes of the Tree Commission meeting of November 9, 1992. No Council action was

### necessary.

11. From the Parks and Recreation Director a report was received summarizing action taken at the Commission on Aging meeting of September 8, 1992. No Council action was necessary.

# **PUBLIC COMMENT:**

Leslie Schultz said he is a Woodland homeowner and he was opposed to a proposed amphitheater locating in the Woodland area.

Mayor Rominger thanked Assistant City Manager Kristine O'Toole for serving as camera operator for this meeting.

# **HEARING - AREA M NEEDS ANALYSIS:**

Mayor Rominger said the first public hearing scheduled is for the purpose of receiving the Area M needs analysis. Area M is the Planning Area located outside the City and is bordered by the southern City limits line on the north, County Road 99 on the west, East Street on the east, and County Road 25A on the south.

Community Development Director Janet Ruggiero gave a brief staff report. She said Council received a packet of information which includes a staff report which the Planning Commission received when they took action on the Area M needs analysis, including letters from the City Attorney, letters from LAFCO as well as letters received by the City Council since the Planning Commission action. Giving Council background, she said the General Plan was last updated in 1988 and the intent is to provide a prospective on the consideration of the project before the Council and how we arrived at the needs analysis document which the Council previously received. In 1988 during the General Plan update there were several requests for lands outside the Urban Limit Line to be included within, and she said there were similar requests for inclusion within the Urban Limit Line and inclusion for development purposes. She said the Woodlands project was received in 1988, and at that time the City determined that no expansion to the south was warranted at the time and therefore did not place the property within the Urban Limit Line. The City instead established a study area designation at the time of the General Plan update. The study area needs assessment basically was done to address the issues relative to development in the areas to the south -- Planning Areas L, M, N and O. At the time there were certain criteria spelled out for development to occur within the specific study area. She said the Planning Commissioners at that time had a lengthy discussion about the fact that the issue of development to the south was a long term commitment and that timing was an issue for them in terms of development to the south. She then briefed the Council on the boundaries of the General Plan area (which includes 56,000

acres), the Urban Limit Line, and the Sphere of Influence line which were all established in 1988. She said the needs assessment focused on a portion of Area M which is 164 acres to include 275 large lot housing units, 28 acres of quasi public facilities and a three-field youth baseball complex.

Planning Commission Chairman Tom Schwartz briefed Council on the Planning Commission's recommendation to the Council regarding the needs assessment. He said the Commission voted 5-0 (Commissioners Paula Agostini, Jack Fechter, Tony Fernandez, Dan Friedlander and Tom Schwartz voted) to find that the needs assessment report is complete and has been accepted although the Commission does not necessarily approve of the format of the needs analysis. He said the Commission indicated that it was not convinced of the need for larger homes at this time; was opposed to piecemeal General Plan amendments; felt that agriculture is a viable part of the community; was concerned about incremental effects of removal of irrigated farmlands; favored expansion onto nonprime farm land to the east and felt that development to the south would negate that; was concerned about losing the agricultural life style of the community; felt the project was a disregard to the General Plan and various General Plan policies; felt the site at this time is not appropriate; and was concerned about the compatibility with Branigan's Turkey Farm and residential units. He said the Commission recommended that the Council decline to proceed further on this project with certain findings: (1) the project is outside of the General Plan Area; (2) the Project is outside of the Sewer Service Area; (3) the project is outside of the Sphere of Influence for the City of Woodland as adopted by LAFCO on February 28, 1983 (Resolution No. 83-4); and (4) the needs assessment study does not identify a need for the residential project at the proposed location.

Representatives from Stanley R. Hoffman Associates and J. Laurence Mintier and Associates who prepared the Planning Area M Needs Assessment were present at the meeting to answer questions from Council. Dennis Wambem of Stanley R. Hoffman Associates used the overhead projector to brief Council on the needs analysis which he said has been available for several months. He said the housing needs and phasing analysis focused on the issue of large lot housing, regional analysis and local analysis for Woodland, the City's comprehensive housing affordability strategy, and supply issues. He said they also reviewed the quasi public uses and a number of policy issues. In addition the analysis addressed identification of required public services and facilities and the fiscal impacts in terms of revenues and costs to the City. Also discussed were the issues of land, air and water resources. His discussion focused primarily on the housing issues.

City Attorney Bob Murphy briefed Council on a memo dated April 27, 1992 which he presented to the Planning Commission regarding the existing General Plan documents and specifically the Taormino/Woodlands project -- Planning Area Needs Assessment. He said he sees two distinct areas of discussion for the Council as there were before the Planning Commission. The first is the Sphere of Influence and annexation issues which

are set by State law and administered by LAFCO. He said those issues are important to this transaction because everything south of the Urban Limit Line is outside of the current City Sphere of Influence and until that is adjusted LAFCO is barred from considering the annexation. He said the Sphere of Influence has to be adjusted before any annexation can be adjusted. The second half is the extent and coverage of the City's General Plan constraints. He said all of these issues must be considered, placed in some priority and kept consistent with each other. With regard to the General Plan, he said, Area M is outside the current Urban Limit Line, outside the current Sewer Service Boundary and outside the current residential phasing plan, and would require cooperation from the County rewriting of the Urban Development Policy which has constraints with regard to agricultural lands. Council's options include: (1) simply accept the needs assessment and decline to proceed further; (2) state that the proposal triggers a full General plan analysis before any project outside the City's current spheres of influence and Urban Limit Line can be considered; (3) agree to modify the General Plan solely for this project on the assumption the sphere of influence problems can be successfully resolved; and (4) agree to support quasi-public facilities such as a private school, private recreational facilities, or churches outside the City and outside the Urban Limit Line as provided in the Urban Development Policy of the Land Use Policy if such facilities can obtain appropriate maps and approval of alternate sewage facilities from Yolo County. He said the needs assessment was for the 164 acres for the Woodlands Project and did not deal with all of Area M, and that is a problem in having enough data to develop the sphere of influence and the annexation which the County needs. He said the current configuration does not meet the criteria to complete an annexation; it has islands rather than contiguous open ground. Until there is enough study to satisfy that the analysis is complete or there is a modification, he said we cannot proceed with the annexation. One alternative is to determine that additional needs assessment is required to support the sphere of influence and the annexation.

The Community Development Director noted for the record that the Council Members each received a video tape of the May 7, 1992 Planning Commission meeting at which they took their action on the needs assessment study report.

Mayor Rominger said that at the last meeting Council voted to allow 30 minutes of public hearing, 15 minutes for the proponents and 15 minutes for the opponents. She then opened the public hearing, and she asked that comments be addressed to the Area M Needs Assessment Study.

She then invited developer David Taormino to present his comments at this time. Mr. Taormino said because there are so many people who want to speak on this issue he will speak at the end of the hearing so that he can respond to comments.

The following persons spoke in support of the Woodlands Project: Jack Hamlin,

representing Woodland Christian School and First Baptist Church; Rusty Millar; Doug Zeck, representing Liberty Christian School; Pat Mielke; Robert Barth; Bob Phibbs, representing Little League; Bill Abbott; and Dave Taormino.

On motion of Council Member Slaven, seconded by Council Member Crescione and carried by unanimous vote, the City Council agreed to allow an additional ten minutes for comments from both the proponents and the opponents of the Woodlands Project.

The following additional persons spoke in support of the Woodlands Project: Mavis Knight; Chuck Townsend, Peter MacGregor Cook; Chuck Roe, George Lewis; Terry Branigan; Walter Zeck; and Dave Taormino.

The following persons spoke in opposition to the Woodlands Project: Bruce Maxwell, representing the Yolo Audubon Society; William Levers; Susan Sanders, representing the Sierra Club; Dudley Holman (former Council Member); Wally Foster, former Council Member and former member of Woodland Area General Plan Citizens Advisory Committee (WAGPCAC); Marvin Brienes; and Phyllis Bailey.

At 9:00 p.m. Mayor Rominger closed the hearing.

After Council discussion the following action was taken:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by the following vote, the City Council accepted the Planning Commission's recommendations on the Area M Needs Assessment Study and advised the applicant that the City is expected to consider General Plan amendments beginning January 1993, at which time the City will initiate a major update of the General Plan:

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

Council took a recess from 9:55 p.m. until 10:07 p.m.

Council agreed to postpone three agenda items: the update of the Comprehensive Fee Schedule, the purchase and lease financing on the telephone system upgrade; and a report on a possible drive-up utility payment drop box.

### **HEARING - TREE PRESERVATION ORDINANCE:**

Mayor Rominger said the second public hearing scheduled is for the purpose of

reviewing the possibility of the need for a tree preservation ordinance.

Management Analyst Sherri Martin said staff is asking for Council direction on the proposed ordinance. She said the reason staff feels a need for the ordinance is simply that over the past eight years the City has changed its tree maintenance program considerably and would like to have an ordinance that reflects these procedures and policies. Secondly, she said the ordinance would allow the City to apply for Tree City U.S.A. which is a designation from a national organization that the City values street trees and has an active program. One of the requirements for that designation is that the City have a tree preservation ordinance. She noted that a significant change in the draft ordinance was the elimination of the regulation trees on private property other than a development project. She also said there has been an amendment to paragraph 5(e) of the draft ordinance to indicate that it shall be unlawful for any person to trim or prune any branch of a street tree which is five (5) inches or greater in diameter.

After comments from Council, Mayor Rominger opened the public hearing.

Lloyd Ingraham, a member of the Tree Commission, said he supported the tree preservation ordinance, but he said he had hoped for a stronger ordinance. He said he felt that educating residents about trees is very important, and that could be a role of the Tree Commission.

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

Council directed staff to make the revisions as suggested by Council and consider introduction of the ordinance at the December 1, 1992 Council meeting.

# HEARING - PET GROOMING BUSINESSES IN COMMERCIAL ZONES:

Mayor Rominger announced that this time had been set for a public hearing to consider a Zoning Ordinance amendment to regulate pet grooming businesses in commercial zones.

Community Development Director said the proposed ordinance amendment would allow pet grooming as a conditional use in the C-1 Neighborhood Commercial and C-2 General Commercial Zones and as a permitted use in the C-3 Service Commercial Zone.

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

# Ordinance No. 1224:

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. 1224, an ordinance amending Article 13 of Chapter 25 of the Code of the City of Woodland dealing with pet grooming businesses.

# HEARING - COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY REPORTS:

Mayor Rominger said the last public hearing scheduled is in regard to the Comprehensive Housing Affordability Strategy (CHAS) Performance Reports for 1991-1992 and Annual Plan for 1992-1993.

Senior Planner Howard Nies said the City is required to submit a CHAS Performance Report for last fiscal year and an Annual Plan for the current fiscal year. He said the CHAS committee met and recommended a slight adjustment and a major adjustment to include the Woodland Hotel and other buildings in the downtown to be considered for housing.

After comments from Council Mayor Rominger opened the public hearing.

Bruce Houdesheldt, Associate Director for Governmental and Public Affairs for the Building Industry Association (BIA), said BIA supports the CHAS and the efforts the City of Woodland is making to go after the Community Development Block Grant funds. He said with the new (Federal) administration there may be some new CDBG funds, the HOME program and other housing programs to make sure there is safe adequate housing. He noted that Legal Services of California asked that a reference be added to inclusionary zoning, but he said BIA feels that would be premature.

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

On motion of Council Member Slaven, seconded by Council Member Sandy and carried by unanimous vote, the City Council directed staff to forward the Comprehensive Housing Affordability Strategy (CHAS) Performance Reports for 1991-1992 and Annual Plan for 1992-1993 to Housing and Urban Development.

# REDEVELOPMENT AGENCY MEETING POSTPONED:

Mayor Rominger said the Redevelopment Agency meeting originally scheduled for this time will be postponed.

# REPORTS OF CITY MANAGER:

# **CONSENT CALENDAR:**

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

# DISPOSITION OF POLICE SURPLUS PROPERTY:

The City Council approved the donation of two surplus Motorola radios to the Yolo County Sheriff's Cadets and one surplus Motorola radio to the Yolo County Fair, which also serves as the Red Cross Disaster Relief resource for Yolo County.

# PURCHASE OF LIBRARY INTERIOR SIGN SYSTEM:

The City Council authorized the Woodland Public Library to purchase a comprehensive interior sign system from Shannon-Leigh in the amount of \$7,254 (from Fund 70).

# COMPLETION OF E. KENTUCKY AVENUE/COUNTY ROAD 101 IMPROVEMENTS:

The City Council accepted as complete the public improvements constructed as part of the industrial development by Buzz Oates Enterprises on the northeast corner of East Kentucky Avenue and County Road 101 (1650 E. Kentucky Avenue); directed the City Clerk to file a notice of completion; and authorized the Mayor and City Manager to sign the notice of completion.

# COMPLETION OF SUBDIVISION NO. 3611 IMPROVEMENTS:

The City Council accepted as complete the public improvements constructed as part of Subdivision No. 3611 (at Ashley Avenue and Fordham Place) by Jeff Deyer; directed the City Clerk to file a notice of completion; and authorized the Mayor and City Manager to sign the notice of completion.

# INFORMATION AND REFERRAL SERVICES GRANT CONTRACT:

The City Council approved the renewal of the Information and Referral Services Grant agreement with the County of Yolo for 1992-93.

# **REVISIONS TO SACOG'S TRANSPORTATION PROCESS:**

The City Council authorized staff to send a response to Sacramento Area Council of Governments (SACOG) regarding revisions to SACOG's Regional Transportation Planning Process.

### **REGULAR CALENDAR:**

### **BIOMASS UPDATE:**

Senior Planner Howard Nies said in February 1992 the County Health Department determined that ash generated from the Woodland Biomass Plant at 1786 East Kentucky Avenue contained lead that was classified as hazardous waste. He said staff talked with Biomass about dealing with the disposal of the ash from the site. Secondly, he said Biomass requested the State to classify the ash as nonhazardous. He said that last process has taken a number of months, and he said by February the City should receive that response. In the meantime, he said, the Health Department is concerned about the fact that we have the rains coming, and there is the need to deal with the disposal of the ash. Finally, he said the decision has been made to take option number 2 which is to mix the ash with concrete and apply the concrete in their fuel yard so that it can be contained on site and there will not be runoff. He noted that the Air Pollution Control District has done a source test, and those results should be reported in February.

Tom To and Bruce Sarazin, County Health Department, gave Council a brief update on what has been done on the enforcement side. Mr. To said the Health Department has identified that the toxic waste was primarily coming from urban waste when they discovered the problem. He said he did not know if the plant operator has begun any additional effort to identify other sources at this time. At this time he said there are no restrictions for not accepting urban waste at this time, but the Health Department has asked the plant operator to be careful not to continue. He said the monitoring and testing that the Health Department has required has taken care of the problem for the interim until a decision has been made as to Biomass' continuous operation. Mr. Sarazin said now on site Biomass has an estimated 8,200 tons of ash, and the ash is being stored in about 100 40cubic yard containers. He said the plan is to process about 1,000 tons of concrete a day, and this will take one and one-half to two weeks and will be spread over a large high volume traffic area. He said this is a standard treatment procedure, and the State Department of Toxics has tested like material elsewhere and found it to be nonsoluable.

On motion of Council Member Slaven, seconded by Council Member Sandy and carried by unanimous vote, the City Council at 10:55 p.m. agreed to extend the meeting to 11:30 p.m.

Bruce Germinaro, Director of Western Plan Operations for Thermo Energy Systems (Biomass), said he is responsible for the Woodland Biomass Plant on a corporate level. He then read a prepared statement from Woodland Biomass

(attached to these minutes as Exhibit A).

After some discussion Council authorized Council Member Slaven to meet with State Department of Toxic Substance Control and staff regarding the ruling on the ash.

### BOARD AND COMMISSION APPOINTMENTS AND REAPPOINTMENTS:

On motion of Council Member Slaven, seconded by Council Member Flory and carried by unanimous vote, the City Council reappointed the following persons for four-year terms ending December 31, 1996, except for Library Board which shall be a three-year term:

**Board of Building Appeals:** Jim Heffernan

Paul Jull

**Commission on Aging:** John Ferns

**Historical Preservation** 

**Commission:** Judith Boyer

**David Wilkinson** 

**Library Board:** Theodore Hostetler

Personnel Board: Ruth LaFollette

**Redevelopment Citizens** 

**Advisory Committee:** Richard Harrison

Neal Peart Cami Zieg

**Traffic Safety Commission:** Judith Bechthold

Peter Cahn

**Tree Commission:** Lloyd Ingraham

**Robert Simas** 

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the Council appointed Del Dreyer and Thomas Mucha to the Historical Preservation Commission for terms ending December 31, 1993 and December 31, 1996, respectively.

The City Clerk advised that the subcommittee which was scheduled to interview for filling two vacancies on the Library Board will need some additional time and asked that Council postpone action on the appointments.

Mayor Rominger announced that she and Council Member Slaven have narrowed the number of Planning Commission applicants to eleven, and six have been interviewed so far. She said five more will be interviewed next week. She noted that they may be prepared to recommend appointments for Council action at the November 24, 1992 adjourned meeting.

# ORDINANCE NO. 1222 - PREZONING GIBSON RANCH VILLAS:

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. 1222 prezoning Gibson Ranch Villas.

# ORDINANCE NO. 1223 - LOT RESERVATION ORDINANCE:

On motion of Council Member Sandy, seconded by Council Member Slaven and carried by unanimous vote, the City Council adopted and read by title only Ordinance No. 1223 regarding residential lot reservations for local building contractors.

# ADJOURNMENT:

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City Clerk of the City of Woodland