

Council Chambers
300 First Street
Woodland, California

March 17, 1992

The Woodland City Council met in regular session at 7:35 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Holman 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: Holman, Crescione, Flory, Sandy, Rominger
(formerly Timothy)

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Finan, Ruggiero, Suhr, Bryan, Martin, Ostebo,
Woodruff, McDonell

MINUTES:

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council approved the minutes of the regular meeting of January 7, 1992 and the adjourned meeting of February 25, 1992, as prepared.

COMMUNICATIONS:

1. From Gloria Smith a letter was received submitting her resignation as a member of the Child Care Commission.

See action below.

2. From Paula Agostini a letter was received submitting her resignation as a member of the Historical Preservation Commission. This resignation was necessitated by her appointment to the Planning Commission.

On motion of Council Member Flory, seconded by Council Member Sandy and carried by unanimous vote, the City Council accepted the resignation of Gloria Smith as a member of the Child Care Commission, accepted the resignation of Paula Agostini from

the Historical Preservation Commission and directed staff to send letters of appreciation to them.

3. From Michael V. Smith a claim against the City was received in the amount of \$387.28. The claim stated that the Police Department, acting on a warrant, damaged a door at 26360 Woodland Avenue, Apartment B, Esparto, on January 30, 1992. The City's insurance representative recommended that Council reject the claim and refer it to them.

On motion of Council Member Sandy, seconded by Council Member Rominger and carried by unanimous vote, the City Council rejected the claim against the City from Michael V. Smith and referred the claim to the City's insurance representative.

COMMITTEE REPORTS:

1. From Redevelopment Coordinator John DeWeerd a report was received summarizing action taken at the Redevelopment Citizens Advisory Committee meetings of January 26 and February 26, 1992. The Community Development Director said the two primary topics of discussion at the meetings were the Woodland Hotel and the Diamond Lumber site. No Council action was necessary.

2. From Finance Director Peter Woodruff a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of February 5, 1992. No Council action was necessary.

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

4. From Community Development Director Janet Ruggiero a report was received transmitting the minutes of the Community Based Organization Evaluation Committee meeting of February 26, 1992.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council set a public hearing for April 28, 1992 to consider Community Development Block Grant (CDBG) funding for 1992-93.

5. From the Parks and Recreation Director a report was received summarizing action taken at the Child Care Commission meeting of March 4, 1992.

Council Member Rominger inquired about the Healthy Start Project.

Nancy Schou Phibbs, Chairperson of the Commission, explained that the Healthy Start project is a State funded program which is a collaboration of services. At this point she said the County, some cities, but not City of Woodland, some school districts, and some State agencies are trying to reduce duplication of services and to target the best needs with prepared plans over certain increments of time. She advised that additional

information on the project will be forwarded to Council at a later date.

6. From the Community Development Director a report was received summarizing action taken at the Planning Commission meeting of March 5, 1992, as follows:

(a)Commission received a staff report on the Yolo County Habitat Management Plan.

(b)Commission denied a comprehensive sign plan for the Yolo Federal Credit Union at 266 West Main Street. The comprehensive sign plan would have allowed for the Credit Union logo to be placed at a height of 41 feet which is 11 feet higher than the maximum height allowed by the Zoning Ordinance.

(c)Commission directed staff to initiate a Zoning Ordinance amendment regarding video games. This ordinance will distinguish between "primary" and "secondary" amusement arcades. All primary arcades will require a conditional use permit -- any secondary arcades with five or more games will require a conditional use permit.

This item was brought to the Commission at the request of Clyde's Costume Shop at 507 Main Street. The Commission determined that Clyde's Costume Shop could continue operation because of the fact the Commission did not have a policy in place when they opened for business.

(d)Commission held a study session on the Area M Needs Assessment Study.

7. From Management Analyst Sherri Martin a report was received transmitting the minutes of the Tree Commission meeting of March 9, 1992. Ms. Martin explained the proposed tree preservation ordinance to Council. She said the Commission addressed two areas of concern while working on the ordinance -- the preservation of oak trees in the City and mitigation measures for development projects and their impact on existing trees.

She said the proposed ordinance defines heritage trees, specimen trees and landmark trees. The ordinance also provides that a Tree Plan must be provided with an application for a development project. The Commission recommends that Council set a public hearing to receive public input on the proposed ordinance.

Mayor Holman noted that the ordinance provides that the City could have jurisdiction on private property, and the Council needs to hear from the public before

moving ahead with the ordinance.

On motion of Council Member Rominger, seconded by Council Member Flory and carried by unanimous vote, the City Council set April 7, 1992 hearing to review and consider comments on the proposed tree ordinance and alternative language regarding heritage specimen and landmark trees.

Council Member Rominger inquired about the funding of the development of an "insectary" on the UCD campus. The Davis City Council is considering this proposal to grow beneficial insects to be used as natural predators for other inspect pests that are damaging trees.

Ms. Martin said the City of Davis has not formally requested funds from the City of Woodland to contribute to the program, but has just made the City aware of the program. She said it is still in the planning stages, and she said Woodland will wait until the project is established before considering participation.

PUBLIC COMMENT:

Marie Bryan, Library Services Director, said she wanted to congratulate City employees on their efforts to contribute to United Way.

Gloria Bailey, President of the Men's Softball Association, said she was present to represent residents of Woodland and softball players. She said they are upset about the proposed Park and Recreation fee increases.

Mayor Holman invited Ms. Bailey to make her comments during the public hearing portion of the agenda regarding the new fees for recreation programs and park facilities.

George Boyer, 722 Donner Way, Woodland, asked why the City Council keeps hiring consultants when there is a budget deficit. He said \$7,900 was spent to hire a consultant to assist in recruiting for a Director of Public Works. He said the City has a Personnel Department, and that department should be responsible for hiring employees.

Mayor Holman said the City did use its Human Resources (Personnel) Department for recruiting for a Public Works Director. He said the position is a department head and we cannot find persons to serve in that capacity by advertising in the local newspaper. He said the process is involved. The recruitment conducted by the City's Human Resources Department did not produce many applicants, and the two finalists did not desire to accept the position. He said the Council decided look to an executive search firm to find the top quality individual that we need. He said the City has saved salary

dollars by not having someone in that position since the position was vacated.

The City Manager pointed out that there are four people in the Public Works Department which are assisting in running the department, and they are reportable to him. He said the City really needs that one person who oversees the operation which is one of the largest the City has. The Public Works Department is a major service producer for the City.

Mayor Holman announced that the camera operator for this meeting was David Martino.

PRESENTATION - RESOLUTION 3652 RE WOMEN'S HISTORY MONTH:

On motion of Council Member Rominger, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 3652 designating March as Women's History Month.

Vice Mayor Rominger presented the framed resolution to Sue Vannucci, the City's Human Resources Technician. The Vice Mayor pointed out that Ms. Vannucci has been planning a luncheon for next Monday, March 23, 1992, to honor the women who work for City government.

HEARING - NEW PARK AND RECREATION FEES AND CHARGES:

The City Manager announced that this time had been scheduled for a hearing to receive comments on proposed new fees and charges for recreation programs, park facilities and cemetery services.

Park and Recreation Director John Suhr outlined the proposed new fees and charges. He said the Parks and Recreation Commission held a hearing on the fees on March 9, 1992 at which time all groups were invited to make a presentation. After that meeting, he said, three major changes were made in the proposed fees since originally presented to Council on February 18, 1992. First, youth organizations will have the opportunity to waive field preparation fees for a flat rate fee of \$5.00 per player. Second, nonprofit recreational groups will be permitted to do their own light maintenance in lieu of a \$5.00 per hour maintenance fee. He said Little League has chosen this option. Third, the nonresident fee for adult programs shall be \$10.00 per program per participant rather than \$10.00 per participant per league. This means for softball with spring, summer and fall leagues the original fee would have applied three times, so the revised wording would charge \$10.00 per participant per program (a \$10.00 fee for a nonresident for the softball program). He said Woodland Little League Baseball sent a letter accepting the

amendments and making some additional requests which will be presented at the next Parks and Recreation Commission meeting. He advised Council that adult sports association is not supportive of the proposed new fees. Finally, responding to a question from Vice Mayor Rominger Mr. Suhr said that the fees are being proposed because of the imbalance of the budget and the requirement that the Parks and Recreation Department cut 8% from its budget. The proposal is to offset some of the cuts by new revenues with the adults paying for the direct costs of the recreation programs and the youth paying toward their recreation programs. He said the City still provides funding from the General Fund for these programs.

Mayor Holman opened the public hearing.

Gloria Bailey, President of the Men's Softball Association, said she was speaking on behalf of softball players and citizens of Woodland. She said they are very upset by the "mandated tax" they are forced to pay. She said she felt softball players already pay their way and that the City of Woodland has a responsibility to the residents of Woodland to provide recreation. She said the problem is that the fees will not go into parks and recreation directly but will go to the General Fund. She then urged the Council to review the City's spending procedures.

Debbie Newman, President of Woodland Adult Sports Association, thanked the Parks and Recreation Department staff for allowing her group to meet to discuss the proposed fees. She said with the discussions only the field preparation fees were negotiable and not the administrative costs. She pointed out that their association has donated funds and paid for one-half of the cost of pumping at Dubach Park which is a direct contribution to the City. She said they are not in support of the fees.

William Nichol, resident of Woodland, said he attended the meetings with Parks and Recreation and the Adult Sports Association and he said the Parks and Recreation representatives would not negotiate on the \$10.00 fee and used a four-year old survey to justify the fees. He said it appears that participants in sports in Woodland are being asked to pay for other things instead of sports activities. He said there will be problems in the community if young people cannot afford to participate in sports in Woodland. He urged the Council to vote against imposing the new fees.

George Boyer said the Parks and Recreation Department has for the past several years been self-sustaining, and now the City has a deficit. He asked why the City has to raise fees and take summer entertainment away from the children in Woodland. He said the extra fees should go to improve Parks and Recreation programs and not to the General Fund.

Mayor Holman pointed out that the General Fund supports the Parks and Recreation Department and has for a number of years, and there is no surplus going from Parks and Recreation and used elsewhere in the General Fund. Without the General Fund, he said, the City would not be able to support very much in Parks and Recreation activities.

Ken Johnson inquired about the \$5.00 per hour lighting maintenance charge for all youth and adult programs that utilize the City's lighted facilities. He said he hoped the Senior Center would not be charged \$5.00 per hour for lighting maintenance.

Skip Davies, Chairman of the Parks and Recreation Commission, said the proposed resolution for the fees specifies that the \$5.00 lighting charge is for ball fields. He said the Commission in its review of the fees did not want to terminate any programs or full time employees at this time, and as a result they could not cut any more and had to look at raising revenues. He said many part time positions were not filled which made many changes in the Parks and Recreation budget. He said this plan was presented to each of the groups, and the Commission with a 6-0 vote supported the fees. He then responded to questions from the audience regarding certain positions in the Parks and Recreation Department.

The Parks and Recreation Director, responding to an inquiry from Gloria Bailey, said donated funds from the Men's Softball Association from fund raisers could be earmarked for Park and Recreation.

There being no further comments, Mayor Holman closed the hearing. After discussion Council took the following action:

Resolution No. 3653:

On motion of Council Member Rominger, seconded by Council Member Sandy and carried by unanimous vote, the City Council adopted Resolution No. 3653 amending Resolution No. 3584 adopting the Comprehensive Fee Schedule and authorizing an increase to various parks and recreation fees effective June 1, 1992.

HEARING - FY 1992-93 GENERAL FUND BUDGET CHANGES:

The City Manager said the second public hearing scheduled is to consider proposed Fiscal Year 1992-93 General Fund budget changes. He said the Budget Committee has been developing changes to the FY 1992-93 General Fund Budget to deal with an \$800,000 shortfall in the FY 1991-92 Budget. The changes are on the revenue as well as

the expense side of the ledger. He said the General Fund is the largest portion of the budget and pays for police protection, fire protection, parks and recreation services, and a vast majority of the operating costs incurred by the City. He said the Committee's recommendations include \$278,000 in anticipated revenue increases (including \$88,000 in new park and recreation fees) and about \$620,000 of expense cuts which effect each of the departments which operate from the General Fund. He said at the March 3 hearing representatives from the Senior Center made a presentation regarding proposed cuts for the Center. He also pointed out that one item which is in a state of flux is the Child Care program. He said the Budget Committee had hoped to reduce the General Fund contribution to the Child Care Program down to \$50,000 and still keep the same services going, but there may be a problem in doing that. He suggested that Council defer action on this portion of the recommendations until Council meets with the Child Care Commission on March 24. Also, he pointed out that some positions have been left vacant for the past several months -- two Police Officer positions, one Firefighter position and a clerical position in the Parks and Recreation Department. He said the Council needs to decide if the City should fill those positions. He said so far the Council has expressed its desire not to make additional cuts in the Police and Fire Departments. He added that there is a problem in that the City does not receive good sales tax information to round out projections until June and will not receive property tax revenue information until May.

Parks and Recreation Director John Suhr said based in further review with the Senior Center representatives he recommended that the \$10,800 reduction to the Senior Center Budget be spread to reduce 500 hours of two Special Program Coordinator positions instead of eliminating one position. The 250 hours that each Special Program Coordinator will lose will be offered to the individuals so that they will not come up short in hours.

Mayor Holman opened the hearing open.

Iver Johnson, member of the Commission on Aging, said the Commission has unanimously approved the recommendation which Mr. Suhr just presented. He said that the person occupying the position is agreeable to the proposed change.

Ken Johnson, senior citizen, said he is chairperson of the ad hoc committee, and the committee also accepts the proposal, but the committee felt that the reduction in other expenses could have been greater and no hours would have been lost. He said there is still a reduction of 900 hours at the Senior Center, but the proposal is acceptable with the provision that the committee has the opportunity to work with staff to make up for the loss.

Nancy Schou-Phibbs, Chairperson of the Woodland Child Care Commission, said she sent Council a letter recommending deferment of action on the portion of the 1992-93 Budget changes which refers to child care. She said the Commission recognizes the need for time limits in adopting the budget changes but requests postponement until after March 23 when the Commission finds out whether they will receive the \$61,000 and \$19,000 (approximately) in Federal Block Grant funds. She said the Commission will be meeting with the Council on March 24, 1992.

There being no further testimony, Mayor Holman closed the hearing.

Council Members expressed concerns about terminating the Administrative Clerk II in the Fire Department which was one of the proposed cuts. After additional Council comments the following action was taken:

On motion of Council Member Rominger, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the Budget Committee's recommended changes to Fiscal Year 1992-93 General Fund Budget, incorporating the changes recommended by the Commission on Aging and Senior Center ad hoc committee, and postponing action on the Child Care Budget until after the March 24, 1992 Council joint study session with the Child Care Commission.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized filling currently vacant Police Officer, Firefighter, and Parks and Recreation Department Administrative Clerk III positions.

Council took a recess for five minutes.

HEARING - I-5 CORRIDOR BUILDING PERMIT MORATORIUM:

The City Manager said the last hearing scheduled is to consider extending the moratorium on the issuance of building permits for properties in Woodland adjacent to Interstate 5 Freeway.

Council Member Sandy declared that he has a conflict of interest because he has a client with property in this area, so he will abstain from participating in the discussion and action.

Community Development Director Janet Ruggiero said on June 4, 1991, Council imposed a ten-month moratorium on the issuance of building permits for properties adjacent to the Interstate 5 Freeway. The reason for the moratorium was that Council

wanted a Landscape Plan and Design Review Guidelines prepared before additional development occurred along the I-5 Corridor. The Corridor stretches across the entire General Plan Area of the City of Woodland. She said the moratorium will expire on April 19, 1992. The first public workshop on the draft I-5 Corridor Plan was held on March 12 and received many comments on the Plan. The Planning Commission is expected to hold a public study session on April 16 on the Plan. She said the Planning Commission has held a series of meetings regarding design review guidelines and will discuss the matter on April 2. She said staff recommends extension of the moratorium to the City Council for one year. The intent, she said, is to lift the moratorium once the Landscape Plan and Design Review Guidelines are approved by Council. Two exceptions have been granted to the moratorium so building has proceeded along the Corridor. Planning Commission has approved the design and landscaping for both projects.

Mayor Holman opened the hearing.

Tom Vail, resident of Woodland and property owner on Interstate 5, said his concern is that in order for a business to plan its needs it must know the costs to set its budget. In order for him to plan expansion he needs to know what his costs will be. He said if there is one year with no building there will be no incentive to get this done. He said he was concerned also about the Southeast Plan. He said everyday this is delayed the costs add up and ruin the opportunity to provide some low cost housing.

Karmin Arble, representing Sierra Technology Corporation, said he represents a lease holder of land along the I-5 Corridor, and he shares the concerns of Mr. Vail. He urged the City to expedite the process, and he asked that Council look at the economics involved in the Landscape Plan. Mayor Holman invited Mr. Arble to present his comments to the Planning Commission when it considers the Plan.

Linda Street, property owner along the I-5 Corridor, asked that she receive a notice when the matter is presented to the Planning Commission. The Community Development Director said the notice will be mailed to all property owners within the corridor.

The City Manager said for the record Council received a faxed letter regarding this topic from Dr. and Mrs. Marion Bernard, owners of property within the I-5 Corridor, expressing their interest.

Chuck Townsend, representing the Yolo County Board of Realtors, said he wanted to commend Council Members Crescione and Flory for their work on the 1992-93 Budget, and appreciates the difficult decisions the Council has to take. In regard to the increase in property transfer tax he said these costs do add up, but he said the Realtors do

understand the City's need to increase that tax.

Mike Volonte, retired building contractor, said he has built many commercial buildings in Woodland and dealt with many landscaping problems. He said the City already has an excellent landscape ordinance in place already. He hoped the City was not getting into "layering." He said sometimes the outside costs are so great a project is defeated.

Tom Vail said he owns approximately eight acres, and two acres of that is landscaped and unavailable for his use. Also one acre is in parking and cannot be used for other purposes. He said if he adds a 2,000 to 5,000 square foot addition an additional 15,000 square feet (over an acre) will have to be put into landscaping. He said this means he will have an eight acre parcel with under four acres of economic worth. He asked the City to look closely at the intent of the plan as it goes through the process, and he encouraged the Council to limit the additional moratorium because each day of the moratorium is a day of additional cost.

The Community Development Department said she does not want to use the whole year for the moratorium. She said she hoped to remove the moratorium in June.

There being no further comments, the hearing was closed. After some discussion the Council took the following action:

Ordinance No. 1207:

On motion of Council Member Rominger, seconded by Council Member Crescione and carried by the following roll call vote, the City Council adopted and read by title only Ordinance No. 1207 continuing the moratorium for one year on the issuance of building permits for construction in specified areas adjacent to Interstate 5:

AYES: COUNCIL MEMBERS:	Crescione, Flory, Rominger, Holman
NOES: COUNCIL MEMBERS:	None
ABSENT: COUNCIL MEMBERS:	None
ABSTAINED: COUNCIL MEMBERS:	Sandy

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

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

SUTTER STREET CORPORATION YARD - PHASE 2 TOXIC ASSESSMENT:

The City Council authorized staff to enter into an agreement with Wallace Kuhl & Associates, Inc. to conduct a Phase II Soils Evaluation at the Sutter Street Corporation Yard for approximately \$10,800.

RESOLUTION NO. 3654 - CARLOS PEREYRA:

The City Council adopted Resolution No. 3654, a Resolution of Appreciation saluting Carlos Pereyra for his 24 years of service in the Public Works Department of the City of Woodland.

GRANT FOR ROLL-OVER SIMULATOR FOR POLICE DEPARTMENT:

The City Council accepted \$5,000 in mini-grant funds from the California Peace Officers Association Foundation for the purpose of constructing a roll-over simulator for use in seatbelt education presentations; and authorized a sole-source purchase from Built-Rite Trailers of Woodland who has agreed to build the unit at cost, and not to exceed \$4,500.

SALE OF SURPLUS FIRE APPARATUS:

The City Council authorized the Fire Chief to sell the 1970 American LaFrance surplus fire engine.

REGULAR CALENDAR:

COUNTY ROAD 98 DETERIORATING FENCE ISSUE:

Bob Holmes, a representative from Lewis Homes, 9216 Kieffer Boulevard, Sacramento, described Lewis Homes' (developer) position regarding the problems with the steel fence along portions of County Road 98. He said the fence was constructed 15 years ago, and Lewis Homes has had to do some research to determine who constructed the fence, how it was constructed and who provided

the materials. He said he found the files for Lewis Homes Subdivision Units 1 through 7. He said they now know who the engineers are, who the general contractor is, but no one who worked for the engineers works there any longer. He said they are trying to determine who the subcontractor was and who the materials supplier was for that job. Once Lewis Homes has that information they will come back to Council with a decision. He said the Council can go ahead and reach a solution without Lewis Homes but he hoped the Council would allow them to finish their research and report back. He said they could probably complete their investigation within 60 days. He said Lewis Homes is expending quite a bit of staff time to determine what the issues are.

Vice Mayor Rominger asked what a possible remedy might be.

Mr. Holmes said it is not within his authority to respond to that question.

The City Manager said his discussions with Lewis Homes have not been with Mr. Holmes, but staff has been seeking from Lewis Homes what they think is a reasonable solution for an admittedly bad situation.

Vice Mayor Rominger said she hoped the Council will receive an update on this issue about mid-May.

RISK MANAGEMENT AUTHORITY - DAVIS SKATEBOARD FACILITY:

City Manager Kris Kristensen said the City of Davis is asking the Council to respond to its skateboard facility liability coverage proposal.

Pete Woodruff, the City's Finance Director and representative to the Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA), said from a policy standpoint and a risk management viewpoint he recommended that the Council take no action with respect to the request. YCPARMIA Board of Directors met on December 18, 1991 to consider the request by the City of Davis to alter the policy concerning skateboard activities. He said Davis will soon open an addition to their central park complex that was specifically designed for use by skateboarders. He pointed out that this has been a long standing issue and has appeared on the YCPARMIA agenda three times. He advised that the Winters City Council took no action on the request. He said there was not support on the Board to consider a special funding arrangement for this particular risk. He said the primary reason for the reluctance of the Board is that YCPARMIA purchases insurance from a re-insurance source which is also a self-funded group of JPA's throughout the State, and that group has put an absolute exclusion on skateboard

activities. As a result, if YCPARMIA provides coverage in that area, there is no cap on its potential costs on a claim.

Ayad Munir, Human Resources Administrator for the City of Davis, said the proposal before the Council is intended to satisfy the need for assurances that there will be supervision, provision for waivers and high fencing at the facility. He said this is really a regional issue -- not just a City of Davis issue. There will be young people using the facility not just from Davis but also from Sacramento, Winters and Woodland. He said streets and sidewalks are covered by the JPA, so if there is any crack in the street someone could sue the city of Davis or any other city and make a case. That itself is a liability against the JPA, and he said Davis intends to provide a facility for skateboarding so the risk is minimized by the design. He then explained the provisions of their proposal.

The Finance Director said it is true if someone were riding a skateboard on the sidewalk they would be covered by YCPARMIA and by the City's excess coverage. He said the difference is when you build a facility specifically for a particular activity that is excluded, that coverage vanishes. The distinction is by building the facility we do not have that coverage or any protection in terms of the upper limits. Secondly, in terms of a policy issue, he said the bylaws state that our coverage will follow the coverage of our excess carrier. Finally, he said there are many examples of coverages throughout the JPA that are unique to particular entities, and when that situation emerges the entity goes out and purchases insurance for that rather than having the coverage through YCPARMIA.

Responding to an inquiry from Mayor Holman, Assistant City Attorney Ann Finan said one cannot waive a claim against a public entity based on a dangerous condition of property. That is against public policy. The mere signing of a waiver does not eliminate the potential lawsuit.

The City Manager said absent any direction from the Council tonight it is staff's intention to continue to vote "no" on the proposal.

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

WOODLAND BIOMASS DISPOSING OF HAZARDOUS MATERIALS:

The City Manager said there have been recent reports about actions the County of Yolo District Attorney's office and Environmental Health Office have taken with regard to the ash disposal for Woodland Biomass. He said he wanted

to brief the Council on the actions with regard to the City's issuance of a use permit for the facility.

The Community Development Director said a letter was mailed to Woodland Biomass regarding the conditions of approval, and the City has asked how they intend to remedy the violation by March 19, 1992. Council received a copy of the letter. She said that as of this morning the City had not received a response from Biomass. She said the County District Attorney is pursuing legal action concerning the illegal disposal of ash from Biomass, and that Biomass cannot remove ash from their site without the approval of the County Environmental Health Office. She pointed out that failure to respond to the letter will result in the matter being taken to the Planning Commission. The Commission's first action will be to determine if there is sufficient reason to hold a hearing for considering revocation. She said there is a very long process before revocation is considered.

Dave Allen, Director of Business Development for Thermo Energy Systems, West Coast, presented a brief written statement (attached as Exhibit A). He said he represented Woodland Biomass and its parent company, Thermo Electron Corporation, which is involved with the generation of electricity and biomass resources. He said they believe they have been operating their energy plant and ash recycling program properly, but he said in the last week they have taken a number of steps to determine the facts. He said if they find they are in error they will take the steps necessary to correct the operations of the plant.

Mayor Holman thanked staff and Mr. Allen for the update.

The Community Development Director said the City discovered that there were changes in the type of fuel that was going into the plant from what was originally assumed with the EIR and the use permit. Now, she said, the City is requiring an annual monitoring so the City can do its analysis.

MODIFICATION OF ADMINISTRATIVE GUIDELINES FOR DEVELOPMENT FEES:

On motion of Council Member Flory, seconded by Council Member Crescione and carried by unanimous vote, the City Council approved a modification of Section III.B.1 of the Administrative Guidelines for Development Fees to read as follows:

"B.Improvements to Existing Development

1. Residential - Building permits or the purpose of adding a detached residential unit, enlarging and/or modifying a residential unit for the purpose of creating more than one (1) additional dwelling unit will be subject to development fees at the multi-family rate for the number of new units."

ORDINANCE NO. 1208 - ANTI-SCAVENGING:

On motion of Council Member Sandy, seconded by Council Member Rominger and carried by the following vote, the City Council introduced and read by title only Ordinance No. 1208, "An Ordinance of the City of Woodland Establishing Provisions Concerning the Unauthorized Removal of Approved Recycling Containers and Recyclable Material":

AYES: COUNCIL MEMBERS: Crescione, Flory, Rominger, Sandy, Holman
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None
ABSTAINED: COUNCIL MEMBERS: None

RELEASE OF INFORMATION RE BOARD/COMMISSION APPLICATIONS:

The City Manager said Council has received a copy of a revised board and application form, and the issue before the Council is the confidentiality of the addresses and telephone numbers of city board and commission applicants.

Mayor Holman said he liked the idea (as proposed in the revised application form) of having applicants indicate the specific Planning Area of the City in which they reside. He said he did not feel he needed to know the street address of the applicant but just the general area in which they live. He said he also liked the portion of the application which allows the applicant to state whether they want their phone number disclosed.

Council Member Flory asked what about when a person is appointed to a commission.

The City Manager said from his understanding of the City Attorney's interpretation of the law the cities have the ability to set a policy which would restrict the access of the address and telephone number in certain circumstances where you feel the needs of personal privacy outweigh the public's right to know.

Assistant City Attorney Ann Finan said that is correct, and there is no difference between applications for employment or positions and the personnel records that are on file for people who are hired in positions for the City.

The City Manager said the Council may wish to withhold addresses and telephone numbers of applicants as long as the Council has some indication of generally where they live. He said that accomplishes the public's need to know where the applicants are from. He pointed out that the general employment background of an applicant has already been given out, but the question is where do we withhold from public review applicant addresses and phone numbers.

Vice Mayor Rominger said she did not feel it was necessary to release the phone numbers and addresses for those who are applying for a position with the City; however, if someone is appointed as a member of a board or commission and that board, such as Planning Commission, is required to file statements with the FPPC, then those phone numbers and addresses are going to be a matter of public record anyway. She would agree to releasing that information for those boards and commissions only. For the Boards and commissions who are not required to file statements she felt there are other ways to get in touch with those members, and the addresses and phone numbers should not be released unless the applicant or appointee has consented to the release. She said she has had men as well as women tell her that if their addresses and telephone numbers would be released they would not apply for a position.

Council Member Sandy said the City of Davis as well as the County of Yolo have an open policy that this information is public and is accessible.

On motion of Council Member Sandy, seconded by Council Member Rominger and carried by unanimous vote, the City Council extended the meeting from 11:30 p.m. to 11:40 p.m.

Council Member Sandy said in Woodland this issue has been plastered on the front page of the newspaper, and now everybody is concerned because everyone is upset. He said he did not have a strong reading from the City Attorney's office, but probably this information should be accessible and open. He said the Council is in an awkward situation because everyone is rattled by everything that has happened and to make that decision the City might lose some board and commission members which would be unfortunate. He said he felt the Council should draw a distinction between applicants and appointees, and then we need to give everyone an opportunity to establish a contact phone number for the

newspaper. He asked if the City must provide the address.

Ann Finan said it is not incumbent on the City to provide the address. She said the law provides that these applications and personnel files generally have to be made available except that there is a special exemption for items in a personnel file or application that are private for which there is an expectation of privacy which the public does not have a strong interest in knowing. She said the City has to make things available to the public that will inform the public about the conduct of the City's business. With respect to addresses and phone numbers, she said there have been cases that state that the public generally does not have an interest in knowing because it does not relate to the conduct of the City's business.

Responding to a question from Council Member Crescione, the City Manager said there are special exemptions for police personnel.

Council Member Crescione said the City should have a policy of "giving everything away except the phone number and address."

Council Member Flory said his problem is that once a person is appointed, the public has a right to have a contact number. He said if someone is going to serve the City in an appointed position they are taking on some responsibility as far as representing people in the community, so a contact number is important for filling that responsibility.

Mayor Holman said that can be worked into a policy. He said the City will not release addresses and phone numbers but the policy will include some provision worked out by staff for the department for which the commission serves -- a contact point in some manner.

The City Manager concluded that the Council wants to set a policy which states that for all appointed board and commission members they will make available a contact phone number which allows the public to access them on a regular basis and that the City will not disclose addresses of commission members unless they have indicated they will allow disclosure. He said the application will indicate the Planning Area in which an applicant resides. He said a policy will be drafted and presented at the next Council meeting.

Council Member Rominger said that phone number could be a number at City Hall.

CHILD CARE COMMISSION INTERVIEWS:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council appointed Council Members Crescione and Rominger were appointed to interview applicants for the two current vacancies on the Child Care Commission.

ADJOURNMENT:

At 11:45 p.m. the meeting was adjourned to March 24, 1992, 7:00 p.m.

Deputy City Clerk of the City of Woodland