

Council Chambers
300 First Street
Woodland, California

June 18, 1991

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 labor relations and pending litigation. All five Council Members were present at the meeting (Holman, Crescione, Flory, Sandy and Timothy).

Assistant City Manager Kristine O'Toole entered the Council Chambers at 7:40 p.m. and advised that Council will continue to meet in closed session until 8:00 p.m.

Council adjourned the closed session and the special session at 8:00 p.m.

The Woodland City Council met in regular session at 8:10 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, Timothy

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, O'Toole, Murphy, Tribbett, Ruggiero, Suhr,
Woodruff, Golnik, Bryan, McDuffee, Medina, Abrahams,
Tolson, Prior, Henson

CITY MANAGER ANNOUNCEMENT:

City Manager Kris Kristensen announced that the Council met in closed session from 6:45 p.m. until 8:00 p.m. to discuss issues regarding pending litigation regarding the case of Zenith Construction vs. City of Woodland as provided by Government Code Section 54956.9(b) and to discuss labor negotiations pursuant to Government Code Section 54957.6. He said no Council action was taken at the meeting.

MINUTES:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the minutes of the regular meeting of April 2, 1991, as prepared.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the minutes of the adjourned meeting of May 28, 1991, as prepared.

On motion of Council Member Timothy, seconded by Council Member Crescione and carried by the following vote, the City Council approved the minutes of the adjourned meeting of June 1, 1991, as prepared:

AYES: COUNCIL MEMBERS:	Crescione, Timothy, Holman
NOES: COUNCIL MEMBERS:	None
ABSENT: COUNCIL MEMBERS:	None
ABSTAINING: COUNCIL MEMBERS:	Flory, Sandy

COMMUNICATIONS:

1. From Finance Director Peter Woodruff a memo was received advising of claims paid for payroll and accounts payable for April 1991. No Council action was necessary.
2. From Finance Director Peter Woodruff a memo was received advising of claims paid for payroll and accounts payable for the month of May 1991. No Council action was necessary.
3. From Darlene Crites, Gibson Road, Woodland, a letter was received expressing her opposition to changing Gibson Road to two lanes. No Council action was necessary.
4. From the State Department of Housing and Community Development a letter was received regarding the Fiscal Year 1988-89 Single Audit Report Findings. Council received a copy of a response letter from City Controller Rosemary Abrahams. No Council action was necessary.

COMMITTEE REPORTS:

1. From Library Services Director Marie Bryan a report was received transmitting minutes from the Library Board meetings of April 15, May 6 and May 20, 1991. No Council action was necessary.

2. From Community Development Director Janet Ruggiero a report was received transmitting notes from the Downtown Specific Plan Steering Committee meetings of May 8, May 17, June 3 and June 5, 1991. 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 May 14, 1991. The Director said the Commission has concerns regarding Parks and Recreation Department staffing changes made without input from the Commission and requested some time for a joint meeting with the Council some time during the summer. No Council action was necessary.

4. From Finance Director Peter Woodruff a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of May 28, 1991. No Council action was necessary.

5. From the Community Development Director a report was received summarizing action taken at the Planning Commission meeting of May 30, 1991. Commission at their first study session on design review made the following preliminary decisions on how to proceed:

- (a) Commission agreed to seek input from the Chamber of Commerce and the public during the early stages of developing design guidelines. Design guidelines and development standards are seen as a key component to the City's design review effort.
- (b) Commission is more concerned with the appearance of industrial developments along major corridors rather than internal streets. Major corridors will be closely examined in the industrial and commercial areas.
- (c) The Commission is leaning toward having staff do most of the design review work with the understanding that they will take the lead role with projects requiring commission review and approval such as conditional use permits, environmental reviews.
- (d) The Commission agreed to meet again on July 10, 1991 at 7:00 p.m. to continue their discussion of design review. Staff was directed to prepare draft design standards and guidelines for review and

comment. The Commission also agreed to review their ordinances and design review guidelines for examples that they feel would work well for Woodland and forward them to staff.

6. From the Parks and Recreation Director a report was received summarizing action taken at the Child Care Commission meeting of June 5, 1991. No Council action was necessary.

7. From the Community Development Director a report was received summarizing action taken at the Historical Preservation Commission meeting of June 6, 1991. No Council action was necessary.

PUBLIC COMMENT:

Mayor Holman thanked Kelly Rich who was operating the video camera for the Council meeting.

Kent Calfee said he is an attorney representing William Maddox, 1505 Baylor Drive, Woodland, in his proposed golf facility on the old Sunset Drive-in site off State Route 113 near County Road 27A. He said last September an application was filed with the County, and the City was contacted. He said the position of the City staff was that there was no opposition to the application, and he said based on a letter from the City to the County his client continued processing the application. He said he received a letter last week advising that the City Council on June 4, 1991 took action to oppose the proposal, and he said the applicant had not been notified prior to Council's action. He said there are some significant issues he would like to present to the Council regarding the proposal, and he requested that the Council schedule a public hearing to address those issues.

The Community Development Director said several months ago there were several contacts regarding the initial study and at that time there was discussion regarding the area between County Roads 27 and 29. She said the City staff's comments to the County were that there was no opposition to the project. At the time the project progressed through the environmental review process staff sent Council a memo advising that City staff would proceed with previous comments unless Council had concerns. Then Council requested that the matter be scheduled for the June 4 meeting and voted to express opposition to the project. She said this was the negative declaration stage of the project.

City Attorney Bob Murphy said if the Council decides to schedule the matter for a future meeting a public hearing is not required, but the Council could consider the matter as a regular calendar item.

Council did not take action to reschedule the matter for a later date.

Jerry Gedatus, City Tree Maintenance Supervisor, reported to Council that the City is anticipating a large white fly infestation this year, and pesticides are not recommended. He said the County and the State Department of Food and Health recommend use of a natural predator program. He said the City has plans to release a type of wasp which is a natural predator of the white fly to alleviate the problem.

Rudi Golnik, Senior Civil Engineer, informed Council of a project that will effect some of the residents of Woodland, the reconstruction project for I-5/American River Bridge north bound lanes. He said Caltrans will be repairing the north bound lanes on I-5/American River Bridge beginning in mid July and should be completed by mid October. He said the first phase of construction will include the closing of one single lane of north bound I-5 for a period of six weeks. The second phase of the project will last approximately six weeks as well, however, it will involve closure of a second lane as well as the Richards Boulevard on-ramp and north bound Garden Highway off-ramp. He said Caltrans advises that if there are no changes in driving patterns there may be delays of up to three hours along this area of I-5, and they are recommending car pools or other means of transportation to reduce traffic flow by 50% so that the delay could be reduced to seven minutes. For more information about the reconstruction project or the ride share promotion campaign to inform the public of the transportation options people can call Caltrans in Sacramento Ride Share at 445-POOL.

Council Member Flory reminded the audience and home cable television viewing audience that Tuesday evening, June 25, 1991, Council will hold a public forum on the Gibson Road issue, so interested parties can come to the Council Chambers or watch the forum on Cable Television Channel 31 at 7:00 p.m.

PRESENTATION - CERTIFICATE FOR FINANCIAL REPORTING:

Finance Director Peter Woodruff advised Council that for the second year in a row the City has been awarded the "Certificate of Achievement for Excellence in Financial Reporting" from the Government Finance Officers Association (GFOA). Mayor Holman presented a plaque for the award to Rosemary Abrahams, Controller.

HEARING - APPEAL OF JIM NAEKEL AND RICHARD ORR:

Mayor Holman announced that the first hearing scheduled is regarding the appeal of Jim Naekel and Richard Orr which has been continued from the June 4, 1991 Council

meeting. (Jim Naekel and Richard Orr are appealing the Planning Commission's approval of a condition for a use permit for a mixed use commercial/industrial project at the northeast corner of East Street and Beamer Street [10 North East Street]. The appellants are appealing a condition requiring the undergrounding of overhead power lines for the project.)

Community Development Director Janet Ruggiero, responding to a question from Vice Mayor Timothy, said the condition requires the undergrounding of all utility lines, not just P. G. and E. lines.

Mayor Holman opened the hearing.

Dick Hoppin, Attorney representing the appellants, said his clients are willing to enter into an agreement for the conditional use permit and will agree to the installation of all utility lines.

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

Resolution No. 3612:

On motion of Council Member Timothy, seconded by Council Member Sandy and carried by unanimous vote, the City Council adopted Resolution No. 3612 approving a conditional use permit agreement between the City of Woodland and Beamer Park Industries requiring an irrevocable letter of credit to secure the condition of requiring the placement of all utility wire and lines on the west and south border of the Beamer Business Park project underground.

HEARING - GARBAGE RATE INCREASE:

The City Manager said the second public hearing scheduled is to consider a garbage rate increase to pay for State-mandated solid waste related programs.

Director of Public Works Ron Tribbett explained that with the passage of AB 939 the City is becoming involved in a number of new solid waste related programs. First an implementation plan must be prepared as required by State law. This plan is commonly known as the City's portion of the Yolo County Integrated Waste Management Plan containing the City Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE). Another new program is the collection and disposal of household hazardous waste. Related to these programs is the process of public information and education to implement the new programs. He said the preparation of the SRRE and the HHWE will cost \$47,009, the household hazardous waste program is estimated to cost \$18,000 annually; and the public information, education program and

program administration will cost at least \$60,000 on an annual basis. Also the cost to the City of formally closing the old City landfill on County Road 102 at County Road 25 will be \$90,000. The new fees to cover the various programs will result in a typical residential rate increase of 70 cents, and for commercial/industrial accounts the average cubic yard increase would be 25 cents. The new rates will become effective on October 1, 1991. In addition there will be 7 cents added to the monthly totter rate for mailing costs. The Director of Public Works also recommended that Council set July 16 for a public hearing to decide on the issue of implementing a mandatory City-wide residential curbside recycling program.

Mayor Holman opened the public hearing, and there being no comments he closed the hearing.

Resolution No. 3613:

On motion of Council Member Crescione, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 3613, "Resolution of the City Council of the City of Woodland to Increase Fees for Monthly Solid Waste Disposal Service."

On motion of Council Member Crescione, seconded by Council Member Timothy and carried by unanimous vote, the City Council set a public hearing for July 16, 1991, to consider implementation of a mandatory City-wide residential curbside recycling program.

HEARING - CONGESTION MANAGEMENT PROGRAM:

Assistant Planner Colleen McDuffee reported to Council that the third public hearing scheduled is to consider the draft Congestion Management Program. She said in June 1990 California voters approved Proposition 111 which will increase gas taxes to fund transportation system projects. Proposition 111 also mandated that a Congestion Management Program (CMP) be prepared for every county that includes an urbanized area, and Yolo County has been designated as an urbanized County. The Yolo County Transit Authority (YCTA) has been designated as the CMP agency for Yolo County and the four cities in the County, and YCTA with assistance from Sacramento Area Council of Governments has prepared a Congestion Management Program. Ms. McDuffee explained the six main components of the CMP: Traffic level of service standards; land use impact analysis; public transit standards; trip reduction/travel demand; capital improvement program; and annual monitoring.

The City Manager said that gas tax fund reserves will be used for the CMP and not general fund reserves.

Marty Doty from YCTA and John Greitzer from Sacramento Area Council of Governments explained the process of drafting the Congestion Management Program for the agencies in Yolo County.

Mayor Holman opened the public hearing. There being no comments he closed the hearing.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by the following vote, the City Council recommended adoption of the Yolo County Congestion Management Program to the Yolo County Transit Authority:

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

Council Member Timothy said the air quality standards are going to have much more impact on the City's development than any other issues. She said the City needs to push through the League of California Cities better representation on the Air Pollution Control Board.

The City Manager said staff could draft a letter for Council consideration.

HEARING - PROPERTY DEVELOPMENT AGREEMENT WITH DEVILLE HOMEBUILDERS:

The City Manager said the last public hearing scheduled deals with the introduction of an ordinance to approve a development agreement between the City and DeVille Homebuilders for development of property located at the southwest corner of County Road 101 and East Gum Avenue (The Legend).

The Community Development Director gave the staff report.

Mayor Holman opened the hearing, and there being no comments he closed the hearing.

Ordinance No. 1191:

On motion of Council Member Timothy, seconded by Council Member Sandy and carried by unanimous vote, the City Council introduced and read by title only Ordinance No. 1191, "An Ordinance of the City Council of the City of Woodland Approving a Development Agreement with DeVille Homebuilders":

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

TEMPORARY ADJOURNMENT OF COUNCIL MEETING:

Mayor Holman temporarily adjourned the meeting of the Council at 9:34 p.m. in order to convene the meeting of the City of Woodland Redevelopment Agency. See Agency minutes attached to these Council minutes as Exhibit A. At 9:36 p.m. the Redevelopment Agency meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

The City Manager asked that the recommended job description changes and the amendment to the Memorandum of Understanding with the General Services Unit employees be removed from the Consent Calendar.

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

BID AWARD - 1991 STREET PROJECT:

The City Council awarded the contract for construction of the 1991 Street Project, Project No. 91-08, to Teichert Construction and authorized project expenditures up to \$725,000.

RESOLUTION NO. 3614 - STRENG POND LANDSCAPING MAINTENANCE DISTRICT:

The City Council approved the Annual Report for the Streng Pond Landscaping Maintenance District, pursuant to the Landscaping and Lighting Act of 1972, and adopted Resolution No. 3614 calling for a public hearing on July 2, 1991, for the proposed levy for Fiscal Year 1991-1992.

BID CALL - SMALL BACKHOE:

The City Council authorized calling for bids for a small (Dig-It) backhoe. The purchase will be funded from revenues from certificates of participation issued for the 1988 Wastewater System Improvement Project.

BID AWARD - LIBRARY COURTYARD ALTERATIONS:

The City Council awarded the contract for construction of the Library Courtyard Alterations, Project No. 91-07, to Hill Construction of Yuba City and authorized project expenditures up to \$48,000.

CHILD CARE GRANT:

The City Council accepted \$12,000 in grant funding from the State Department of Education, Child Development Division, for the benefit of the City's Child Care Program at Prairie and Freeman Elementary Schools, and the Council appropriated \$12,000 for the Fiscal Year 1990-91 Operations and Maintenance Budget.

The City Council recognized Debbie Gordon, Recreation Supervisor in the Parks and Recreation Department, for her efforts in obtaining the grants (two grants of \$6,000 each).

REGULAR CALENDAR:

JOB DESCRIPTION CHANGES/RESOLUTION NO. 3615 MEMORANDUM OF UNDERSTANDING AMENDMENT:

On motion of Council Member Timothy, seconded by Council Member Flory and carried by the following vote, the City Council approved the job title change of Clerical Worker series to Administrative Clerk series, specifically:

Clerical Worker I	toAdministrative Clerk I
Clerical Worker II	toAdministrative Clerk II
Clerical Worker III	toAdministrative Clerk III

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

On motion of Council Member Timothy, seconded by Council Member Flory

and carried by unanimous vote, the City Council approved the job title change of Administrative Assistant to Management Analyst.

On motion of Council Member Timothy, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the job description change for Associate Engineer and Associate Civil Engineer to state that "A valid Engineer In Training (EIT) certificate is required in order to be employed by the City of Woodland as an Associate Engineer" and "A professional engineering registration is required in order to be employed by the City of Woodland as an Associate Civil Engineer."

Resolution No. 3615:

On motion of Council Member Timothy, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 3615, "A Resolution of the City Council of the City of Woodland amending Resolution No. 3566 Concerning General Services Unit Employees", to benchmark the salary of the Community Resource Specialist to range 45 effective January, 1991.

Council took a recess from 9:50 p.m. until 9:58 p.m.

PRELIMINARY FISCAL YEAR 1991-92 OPERATIONS AND MAINTENANCE BUDGET:

The City Manager said Council on May 7 was presented with a draft Operations and Maintenance Budget covering the period of July 1, 1991 through June 30, 1992, and the document was reviewed by Council in study sessions on May 15 and June 1. He said a few days ago he was informed that the sales tax receipts for the last quarter of FY 90-91 came in higher than projected.

Finance Director Peter Woodruff said in the fourth quarter the City received a record amount and also he said the City received over \$1 million in each of the reporting quarters for FY 1990-91. He said this gives the City a higher fund balance going into FY 1991-92 and is a positive sign for the local economy that the City is weathering the recession well.

The City Manager said the FY 1991-92 budget deals with a General Fund balance beginning the year with \$1.9 million, and revenues to the General Fund can be adjusted upwards \$285,000 plus an additional \$170,000 based on

additional sales tax estimate, bringing the total operating budget revenues to \$15.55 million. Similarly, he said, he was proposing decreases in budget expenses totalling \$468,000 which brings the total expenditures to \$16.2 million. He said this leaves an ending fund balance of \$1.2 million, and there are still some unknowns, including negotiations with the Police Unit and other Units in negotiations. He said each one percent for each group costs the City about \$40,000. Secondly, he said revenues are exceeded by expenditures by approximately \$650,000, and he said in long term goals the City needs to make up \$1 million. He suggested that the City go to the community to ask the voters for additional revenues or cut additional services. He recommended that Council adopt the FY 1991-92 Budget as outlined with the understanding that additional actions will be necessary during the next fiscal year to help balance the expenses with revenues.

Council Members Flory and Crescione volunteered to look into additional revenue sources, possible bond measures, and budget cuts to help resolve the budget problems. Council Member Flory said they need to work quickly if the Council decides to place a measure on the November election ballot.

Council Member Timothy said she felt it was the responsibility of all five members of the Council to deal with the budget adjustments. She suggested a Council budget session to discuss the alternatives.

Council Member Crescione agreed that the five-member Council should work on the budget problems. He said the Council needs to take the lead and tell the City Manager where the cuts should be.

Mayor Holman said he felt a subcommittee of two Council members would be able to work through the issues and report back to the entire Council more efficiently than the whole Council working through the process.

The City Manager said he envisioned for the next couple of months a presentation by staff of their thoughts of where particular cuts could be made, and then the Council would review those and prioritize them. That way, he said, the Council can match those programs which Council is not sure of funding with potential new revenue sources the Council can go to the community to ask for. He said he was concerned that the Council might embark on a task of reviewing each and every program and would not be able to finish, but if there are particular areas of the budget, the Council could identify those and discuss them at a committee level.

The Finance Director suggested that staff put together a list of all of the programs with a narrative description of what is included.

The City Manager said staff can identify essential programs and separate them from the more nonessential programs.

Council Member Sandy said Council is trying to micro-manage a process which should not be micro-managed. He said the City pays people to know what the programs are. If the Council wants to resolve the budget, Council should look at the numbers. If Council wants a ten percent across the board cut, then tell staff to implement the cut. The Council has to have some reliance on the expertise that the City is paying for. He said the Council is also going to have to look at new monies to come in, and if the Council is serious about pursuing this that is the only direction that makes much sense.

After some discussion Council took the following action:

On motion of Council Member Crescione, seconded by Council Member Sandy and carried by unanimous vote, the City Council adopted on a preliminary basis the Draft FY 1991-92 Operations and Maintenance Budget with amendments as proposed by the City Manager.

The City Manager said he had been thinking about placing two issues on the November 1991 Ballot: to increase the 5% hotel-motel tax and to increase the property transfer tax. A larger revenue adjustment, such as a landscape lighting district, could be dealt with after the November election.

Mayor Holman noted that there is an August 6, 1991 deadline for placing a measure on the November ballot.

On motion of Council Member Crescione, seconded by Council Member Flory and carried by unanimous vote, the City Council set July 6, 1991, 9:00 a.m. for a budget review session with the City Manager.

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

UPDATED WOODLAND JOINT UNIFIED SCHOOL DISTRICT/CITY FACILITY USE AGREEMENT:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council authorized the Mayor and City Clerk to execute the renewal of an agreement with the Woodland Joint Unified School District for the joint usage of School District and City facilities.

RESOLUTION NOS. 3616 AND 3617 - AGREEMENT FOR SALES TAX AUDIT/
INFORMATION SERVICES:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council adopted Resolution No. 3616 authorizing the City Manager to execute a contract with Municipal Resource Consultants to provide sales tax audit and information services to the City of Woodland and adopted Resolution No. 3617 designating Municipal Resource Consultants as authorized City of Woodland representatives to examine sales and use tax records.

RESOLUTION NO. 3618 - PARKS AND RECREATION FEE INCREASES:

On motion of Council Member Timothy, seconded by Council Member Crescione and carried by unanimous vote, the City Council adopted Resolution No. 3618 amending Resolution No. 3584 (which adopted the City of Woodland Comprehensive Fee Schedule 1990) to increase various Parks and Recreation fees. Fees were increased for the following: public swimming, picnic permits at the parks, practice ball field permits, ball field permits, and adult softball field preparation.

DOWNTOWN SPECIFIC PLAN STEERING COMMITTEE APPOINTMENT:

The City Council postponed the appointment of a Chamber of Commerce representative to the Downtown Specific Plan Steering Committee.

REAPPORTIONMENT:

Mayor Holman said he felt the City Council should consider the 1991 Yolo County supervisorial district decennial reapportionment and how it effects the City of Woodland. He gave Council members copies of the latest population figures as developed by the County Clerk's office and the County Community Development Department office. He said he has been attending meetings of the Citizen's Task Force on Reapportionment. The task force has been instructed to provide the County Board of Supervisors with no less than five nor more than fifteen different plans, and the task force intends to submit between five and fifteen plans. He said

he had concerns about representation in the Conaway area and he said he expressed support for a division of our community such that the City has a strong voice in the election of two supervisors.

The Council agreed with Mayor Holman's views and directed the City Manager to prepare a letter to be signed by all five Council Members to the County Board of Supervisors with Council's comments on the proposed 1991 Supervisorial District Reapportionment.

ORDINANCE NO. 1189 - PERS CONTRACT AMENDMENT:

On motion of Council Member Timothy, seconded by Council Member Crescione and carried by unanimous roll call vote, the City Council adopted and read by title only Ordinance No. 1189, "An Ordinance of the City Council of the City of Woodland Authorizing an Amendment to the Contract between the City Council of the City of Woodland and the Board of Administration of the California Public Employees' Retirement System":

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

ADJOURNMENT:

At 11:35 p.m. there being no further business, the meeting was adjourned to June 25, 1991, at 7:00 p.m.

City Clerk of the City of Woodland

HEARING - APPEAL OF JIM NAEKEL AND RICHARD ORR:

Mayor Holman announced that the first hearing scheduled is regarding the appeal of Jim Naekel and Richard Orr which has been continued from the June 4, 1991 Council meeting. (Jim Naekel and Richard Orr are appealing the Planning Commission's approval

of a condition for a use permit for a mixed use commercial/industrial project at the northeast corner of East Street and Beamer Street [10 North East Street]. The appellants are appealing a condition requiring the undergrounding of overhead power lines for the project.)

City Attorney Bob Murphy said the Council has received a resolution in the form of an agreement which would resolve this appeal. He said it does provide for a letter of credit to take care of the estimated cost of the condition which is in the conditional use permit for the specified undergrounding. He said he has in his possession an agreement signed by Mr. Naekel and Mr. Orr, and a letter of credit is still to come. He said Mr. Hoppin is here representing them, and the appellants are prepared to withdraw their appeal on the condition the Council is prepared to exercise its authority to approve the agreement. He said it is staff's recommendation that the Council approve the agreement.

Vice Mayor Timothy said she had just one question. She said the conditional use permit agreement indicates the conditional use permit for the project requires the undergrounding of "P. G. and E lines." She said the staff report talks about "utilities lines."

The City Attorney said that is a typographical error (in the staff report). The condition requires the undergrounding of all utility lines, not just P. G. and E. lines.

Mayor Holman opened the hearing.

Dick Hoppin, Attorney, said he was present on behalf of Jim Naekel and Richard Orr (the appellants). He said what the Counsel has indicated is correct. He said his clients are willing to enter into this agreement for the conditional use permit, and in fact his clients have signed the agreement. He said upon Council approval of the agreement they will abide by it and will agree to the installation of all utility lines, not just P. G. and E. lines. He asked if the Council Members had questions.

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

On motion of Council Member Timothy, seconded by Council Member Sandy and carried by unanimous vote, the City Council approved a conditional use permit agreement between the City of Woodland and Beamer Park Industries requiring an irrevocable letter of credit to secure the condition of requiring the placement of all utility wire and lines on the west and south border of the Beamer Business Park project underground.