Woodland City Council Minutes Council Chambers 300 First Street Woodland, California

March 18, 2003

CITY COUNCIL SPECIAL/CLOSED SESSION SECOND FLOOR CONFERENCE ROOM

6:00 P.M.

CLOSED SESSION

City Council met in Closed Session at 6:02 p.m. to hold a conference with Legal Counsel pursuant to Subdivision (a) of Section 54956.9, existing litigation. The case identified was Adobe Lumber versus City of Woodland, Case CIV.S-02-0186 GEG GGH. Council also held a conference with Legal Counsel pursuant to Subdivision (b) of Section 54956.9 regarding three cases of anticipated litigation and a conference with Real Property Negotiators pursuant to Section 54956.8, subject property: APN 005-644-07-1; Agency Negotiator was City Manager Kirkwood and Negotiating Parties, Reinaldo and Lois Carranza and City of Woodland. Under Negotiation: Price and Terms of Payment. Present at these sessions were Mayor Flory (arrived at 6:03), Council Members Dote, Monroe and Peart, City Manager Kirkwood, Assistant City Manager Marler, Community Development Director Stevens, City Attorney Ann Siprelle, and present during conference on anticipated litigation only were City Attorneys Tom Gibson and Kevin Collins. Vice Mayor Rexroad was absent.

CITY COUNCIL REGULAR MEETING

7:00 P.M.

Mayor Flory announced that Council had met in Closed Session to hold a conference regarding existing litigation and directed the City Attorney to defend the City in the Adobe Lumber versus the City case. Council received a report and gave direction to staff regarding three cases of anticipated litigation and property negotiations regarding APN 005-644-07-1.



CALL TO ORDER

Mayor Flory called the regular meeting of the City Council to order at 7:08 p.m.

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by April Bonner.

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, Jeff Monroe, Neal Peart, David

Flory

COUNCIL MEMBER ABSENT: Matt Rexroad

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Tricia

Stevens, Gary Wegener, Sue Vannucci, George Bierwirth, Dan Gentry, Dan Rice, Wendy Rice, George Ahlgren, Suzanne Reinhardt, Mili

Selimotic, Steve Santa Croce

PUBLIC COMMENT

None.

COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Dote indicated the Joint Power Agency of the Habitat Conservation Plan has selected an Executive Director.

Council Member Monroe requested staff to address a request received from business owners in the block of College to Elm behind the Hotel Woodland regarding parking. They would like ten spaces along the alley along the Northwest side be reserved as two hour parking for their customers. Director Wegener stated this type of request should be formalized and addressed to the Traffic Safety Committee. The property owners need to be properly noticed when a change of this nature is requested. Mayor Flory indicated a letter had been sent to the Commission in this regard and Council Member Monroe asked that Council also strongly request consideration of this change by addressing the Commission via a letter.



Mayor Flory would like staff to look at the goals for clearing and cleaning vacant, nuisance lots throughout the City.

Council Member Monroe asked that should the Country go to war, flags be placed along Main Street as a show of support for our troops.

City Manager Kirkwood moved the following items from Consent Calendar to Regular Calendar:

<u>CODE COMPLIANCE INFORMATION ON J & J MARKET – EAST STREET AND</u> FENCING ALONG EAST STREET

COURT STREET ROAD REHABILITATION PROJECT NO. 00-56 AND 2002 ANNUAL WATER, SEWER AND STORM DRAIN PROJECT NO. 01-03

PRESENTATIONS

WOMEN'S HISTORY MONTH PROCLAMATION

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council proclaimed the Month of March 2003 as Women's History Month. Council Member Dote presented the Proclamation to Catherine Portman.

STATEMENT OF SUPPORT FOR THE MEN AND WOMEN SERVING IN THE ARMED FORCES

On a motion by Council Member Monroe, seconded by Council Member Peart and carried by the Members present, Council issued a Statement of Support for the Men and Women of the Armed Forces who are serving their Country both locally and abroad. Council Member Monroe indicated this Statement does not take a position on possible war, only issue support for the troops serving their Country. Mayor Flory asked that a copy of the Statement be forwarded to Vice Mayor Rexroad who is presently serving the in Military overseas.



PUBLIC HEARINGS

RESOLUTION 4425 - APPROVING NEGATIVE DECLARATION, MITIGATION MONITORING PLAN, FINDINGS OF GENERAL PLAN ZONING CONSISTENCY AND DOWNTOWN SPECIFIC PLAN AS REVISED

Council Member Peart indicated he had a possible Conflict of Interest regarding the Plan and excused himself from the dais.

Director Stevens identified those issues that had been raised at the February 4th Council meeting and said each of those issues have been resolved. In regard to Building Code Requirements the City relies entirely on the requirements of the California Historic Building Code and the City does not propose to require any further regulations or restrictions over and above that Code. The Planning Commission has indicated if this Code issues a requirement for a structural assessment or condition report, the City will follow that direction. The language for A-Frame Signs states allowance only at the level of one per building or one per every 20 feet of frontage. An Encroachment Permit will be required, which will then trigger enforcement by the City. The property owner will have discretionary control and more than one business can be listed on the The Hours of Operation/Outdoor Seating for Restaurants outlines which uses are allowed in the specific districts. A, B, D, and E would not be restricted. District C is on the periphery and the performance standards would come in to play as the area is close to residences. These restaurants would need a Conditional Use Permit to minimize the effects on the residential area. The Color Palate was expanded to be illustrative of the colors available for usage in a historical area. Primary colors would be allowed on a limited basis. language in place addresses the needs of the owner of the State Theater. Comments from Legal Services of Northern California were extensive on February 4th but they have indicated satisfaction with responses received from the Planning Commission and Staff. The language of concern by the Wayfarer Center in relation to non-profit needing bathroom facilities and indoor waiting areas was deleted as it is addressed in the requirements under the Conditional Use Permit. Council Member Monroe asked why bathroom facilities were deleted and Director Stevens said this is for food distribution and in sites such as Churches, they would not have need as the clients are only receiving the goods, not eating on site. They will still need a CUP. Assistant City Manager Marler said the each facility would be evaluated under the CUP and may require some type of bathroom facility if the distribution lines were to be extensive, meaning a long wait.

At 7:45, Mayor Flory opened the Public Hearing.



Edward Shelley of Corner Drug Company said the Downtown Specific Plan was ill conceived and incorrectly done. It was not a citizen document but done by an out of town consultant. Books were not available and knowledge of what happened in the past was not there. He was to be part of the Plan but was never informed. The Downtown is at critical mass for parking. There will be two new restaurants in the block between College and Second Street and Cranston's is being revitalized which will all affect the parking. Upstairs offices will be a nightmare for retailers. Without adequate parking, retailers will lose customers. Council Member Dote asked if he had reviewed the Plan and Mr. Shelley indicated he had not. Council Member Monroe asked about specifics on what he felt was wrong with the Plan and Mr. Shelley said it was the process because it did not come before the citizens.

Brenda Cedarblade of Brenda's Tack Warehouse said she was part of the process from the beginning. Many people were invited and this has come before the Planning Commission on several occasions. There was a great deal of opportunity for review. She does have concern about regular food service at the Wayfarer Center as there is already a problem at that site. There is nothing protecting the other businesses. She wants language to cover those issues like the lines and bathrooms to help the other businesses. Director Stevens said "regular" came from the Planning Commission so they could insure something like the Chili Cook-Off did not need a Conditional Use Permit. The expansion of the Wayfarer Center would need a CUP.

Council Member Monroe asked how many Public Hearings were held. Assistant City Manager Marler said in Attachment #1 the extensive public process was discussed. Council Member Monroe indicated there appears to have been 20 opportunities for the public to provide input. Mayor Flory said there was a great deal of time for input and extensive public hearings.

At 7:57 Mayor Flory closed the Public Hearing.

At the request of the City Attorney, recess was called from 7:58 to 8:04 p.m.

At 8:04 p.m., Council Member Peart returned to the dais. City Attorney Siprelle indicated that three of the Council Members present had a possible Conflict of Interest in the adoption of the Plan. She indicated the "Rule of Necessity" would allow for the vote but one of the Council Members possibly affected would need to recluse themselves. With a straw vote, Council Member Dote received the "Do Not Vote" indication and left the Chambers. The



remaining Council Members who may have a Conflict of Interest can vote on the issue but cannot hold discussion.

On a motion by Council Member Monroe, seconded by Mayor Flory and carried by the Members allowed to vote under the Rule of Necessity, Council adopted Resolution 4425, a "Resolution of the City Council of the City of Woodland Finalizing and Approving the Negative Declaration for the Downtown Specific Plan, Adopted the Mitigation Monitoring Plan, Made Findings of General Plan and Zoning Consistency, and Approved the Downtown Specific Plan" as modified. For clarification, the vote was as follows:

AYES: Council Members Monroe, Peart and Flory

NOES: None

ABSENT: Council Member Rexroad ABSTAIN: Council Member Dote

Council Member Dote returned to the Chambers at 8:08 p.m.

REPORTS OF THE CITY MANAGER

DOWNTOWN MEMORIAL BENCH PROGRAM

Redevelopment Manager Ross said there were two issues before the Council regarding the Downtown Benches. One is of the rust which has appeared and the other is the orientation of the benches in relation to the street. The benches were installed in December 2002. The powder coating was inferior and has caused the appearance of rust on many of the benches. The company where purchased, South Bay Foundry, will replace all of the benches at no charge to the City. Staff time for installation is under negotiation with South Bay Foundry for possible full or partial reimbursement. The orientation of the benches was considered extensively and it was determined they should face the pedestrian activities and traffic, rather than the street as most people would rather not face a parked vehicle. Orientation close to buildings was of concern due to liability issues. Options before the Council are to replace the benches in their current location with no change of orientation, replace and reorient them facing the street or explore alternating placement away from the street and some against businesses with approval of the property and business owner. The benches are not located under the trees due to the ongoing problem with pest infestation and the dripping from the trees. Director Wegener said this problem is a continuing one. The City is experimenting with measures to halt the dripping. Manager Ross indicated that 20 of the benches are dedicated and will



have plaques installed. The \$350 per bench received will be directed at further Downtown improvements.

Council concurred that Option 3, alternate orientation should be explored.

RESOLUTION 4426 - PARKS, RECREATION AND COMMUNITY SERVICES COMPREHENSIVE FEE SCHEDULE

Parks, Recreation and Community Services Director Gentry said the PRCS Staff, PRCS Commission and the Commission on Aging have all participated in the development and revision of the Fee Schedule and have been working on this issue for seven months. This review has not been done in over ten years. All fees were not increased. Each fee was examined closely to determine whether it should be increased, remain status quo or be decreased. They set ranges in the fees to allow for increases if costs escalate and need to be recaptured.

Tanya McKay of the Parks, Recreation and Community Services Commission said the Commission had looked at these fees in depth and discussed each fee at length.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council adopted Resolution 4426, a "Resolution of the City Council of the City of Woodland Approving the Parks, Recreation and Community Services Comprehensive Fee Schedule".

ROAD REHABILITATION PROJECT NO. 01-17 AND 2002 WATER, SEWER AND STORM DRAIN PROJECT NO. 01-03 CONTRACT

Director Wegener summarized the projects for Road Rehabilitation and Water, Sewer, Storm Drain and the bid process. The projects will begin within the coming Month.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, Council authorized the award of the Construction Contract for the Base Bid plus Alternate Item B for Road Rehabilitation Project No. 01-17 and 2002 Water, Sewer and Storm Drain Project No. 01-03, awarded the Construction Contract to Bay Cities Paving and Grading, Inc. for \$2,152,770 and authorized the Public Works Director to execute the



Contract and Contract Change Orders up to 15% of the Contract value for a total not-to-exceed \$2,480,000.

SET BUDGET SCHEDULE AND SPECIAL MEETING TO REVIEW BUDGET DETAIL

On a motion by Council Member Dote, seconded by Council Member Peart and carried by the Members present, Council approved the Budget Schedule and set May 10, 2003 as a special meeting of the Council to review budget detail with the City Manager and Senior Staff at Fire Station #3 starting at 8:30 a.m. through approximately 4:00 p.m. The Budget Schedule is as follows:

Council to Receive Preliminary Budget Handout.	April 29, 2003
Council Retreat/Planning Session	May 10, 2003
Council Public Workshop	May 27, 2003
Adoption of Preliminary Budget	June 17, 2003

CHANGE COUNCIL MEETING SCHEDULE FROM MAY 6 TO APRIL 29, 2003

On a motion by Council Member Dote, seconded by Council Member Peart and carried by the Members present, Council cancelled the May 6, 2003 Regular meeting of the Council and rescheduled to April 29, 2003.

CODE COMPLIANCE INFORMATION ON J & J MARKET AND FENCING ALONG EAST STREET

Director Stevens indicated the J and J Market at East Street and Gum Avenue has been abandoned for several years. There are significant contamination concerns of which the owner cannot address due to the associated cost for abatement. The building on site could be removed without compromising the abatement of the contamination. The fencing at East Street and Oak Avenue a temporary fence which is within the current zoning requirements for industrial uses, thus a legal non-conforming fence. Should the property be converted to commercial, the fencing would be illegal.

Council Member Dote said there had been legislation entitled Brown Fields which would allow for clean-up of contaminated properties with a bill back to the property owner. City Attorney Siprelle said that information is correct and would fall under the Nuisance Abatement section of our Code. Mayor Flory would like an active stance to be taken on the J and J Market issue.



Director Stevens said the property with the temporary fencing is being actively marketed at this time. The fencing and weeds are still an issue. The fencing was in place prior to the approval of the East Street Specific Plan. At present, it secures the property and they are working with the property owner on the issues raised. Mayor Flory said this is a temporary fence and we should be able to address removal.

Council Member Peart feels the building should be removed on the J and J Market property. The fencing on the other property is partially permanent and partially temporary. Screening with slats would be an alternative. Removal of the fencing would invite transients and vendors onto the property.

Director Stevens feels she has adequate direction from Council to proceed.

COURT STREET ROAD REHABILITATION PROJECT NO. 00-56 AND 2002 ANNUAL WATER, SEWER AND STORM DRAIN PROJECT NO. 01-03

Engineer Selimotic summarized for the Council the progress, timelines and processes regarding the Court Street Rehabilitation Project 00-56. As this project has a tremendous impact on the citizens, Staff is providing special attention on the possible implications. Two lanes of traffic will be open with parking allowed whenever possible. Public Works organized a public meeting on February 27th outlining the project and even though all property owners and business owners to be affected were notified, only two business owners attended. There will be some inconvenience and Staff is working diligently to minimize the impact. They will be working from College to West Street on the first phase and from First to East Street on the second phase. This phase should have less impact as it will include overlay only with minor utility work. Complete closures will be on a one block at a time basis only.

Council Member Monroe asked about numbers of lead joints found in the water lines. Director Wegener feels that most of the old lines contained lead. They are either banding or replacing as needed. Council Member Dote asked that the City remind Yolo Bus when they will be closing certain areas of the streets so they could reroute their vehicles. Council Member Monroe asked that a section of the 100 year old line be saved and put on display at City Hall.



CONSENT

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council approved the following Consent Calendar items as indicated:

FIRE DEPARTMENT MONTHLY STATUS REPORT

Council received the Monthly Status Report for February 2003 from the Fire Department.

TREASURER'S REPORT

Council reviewed and accepted the January 2003 Treasurer's Investment Report as submitted.

AGREEMENT WITH WOODLAND JOINT UNIFIED SCHOOL DISTRICT TO PROVIDE ENRICHMENT AND RECREATION SERVICES

Council approved an Agreement with the Woodland Joint Unified School District which will provide \$86,360 for enrichment and recreation services and authorized the Parks, Recreation and Community Services District to execute such an Agreement.

<u>RESOLUTION 4427 - APPLICATION FOR LAND AND WATER CONSERVATION</u> FUNDS FOR THE DUBACH PARK DEVELOPMENT PROJECT

Council approved Resolution 4427, a "Resolution of the City Council of the City of Woodland Approving the Application for Land and Water Conservation Funds for the Dubach Park Development Project".

RESIGNATION OF REDEVELOPMENT CITIZENS' ADVISORY COMMITTEE MEMBER

Council accepted the resignation of Paula Agostini from the Redevelopment Citizens' Advisory Committee effective immediately.



MID-YEAR CHANGES IN EMERGENCY MANAGEMENT PROGRAM

Council received information on the mid-year changes to the Emergency Management Program.

ASSEMBLY OCCUPANCY INSPECTIONS

Council received information regarding the inspections of Assembly Occupancies over the past several weeks to insure compliance with Code.

MINUTES

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council adopted the minutes of the regular Council meeting of February 18, 2003 as presented.

COMMUNICATIONS - WRITTEN

On a motion by Council Member Monroe, seconded by Council Member Peart and carried by the Members present, Council rejected a Claim for Damages filed by Larry Dobbins and referred the Claim to the City Insurance Representative for action.

Council received an Application for an Alcoholic Beverage Control License for Maritime Seafood and Grill to be located at 420 First Street.

Council received an Application for an Alcoholic Beverage Control License for Ruby Tuesday to be located at 164 Main Street.

COMMITTEE REPORTS

Council received a report from Redevelopment Manager Ross transmitting the summary of Redevelopment Citizens' Advisory Committee actions taken at their February 26, 2003 meeting.

Council received a report from Public Works Director Wegener transmitting the minutes of the Traffic Safety Commission meeting of March 3, 2003.

Council received a report from Fire Chief Diekman transmitting the minutes of Yolo County Communications Emergency Services Agency meeting of March 5, 2003.



Council received a report transmitting the summary of Planning Commission actions taken at March 6, 2003 meeting as follows:

- a. held a joint meeting with the Tree Commission to identify areas where the Commissions could work together regarding landscape plans and tree preservation.
- b. approved the revised draft of the Downtown Specific Plan.

ADJOURN

t 8:45 p.m., Mayor Flory adjourned the regular meeting of the Council.
Respectfully submitted,
Sue Vannucci, CMC, City Clerk