Council Chambers 300 First Street Woodland, California

November 7, 1995

The Woodland City Council met in regular session at 7:00 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Sandy opened the meeting and 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: Sandy, Borchard, Flory, Rominger, Slaven

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Ruggiero, James, Siprelle, Wegener, Barry,

Pinegar, Vicars, Ostebo, Smith, DeWeerd, Ponticello,

Pollard, Wilson, Martin

MINUTES:

On motion of Council Member Flory, seconded by Council Member Rominger and carried by unanimous vote, the City Council approved the minutes for the regular Council meeting of September 19, 1995, as prepared.

COMMUNICATIONS:

1. From the State Department of Alcoholic Beverage Control (ABC) a copy of an application was received for an on sale general alcoholic beverage license for El Toro Restaurant, 401 Main Street. Community Services Officer Leilani Vierra had advised that pursuant to ABC law 401 Main Street is considered an area of undue concentration of existing alcoholic beverage establishments. She said the applicant must petition the City Council to take action that the facility will serve a public convenience. The applicant had not submitted a petition and may be withdrawing the application. The Police Department has written a letter to ABC opposing the granting of the license.

The City Clerk advised that no Council action was necessary.

2. From Pat Mortensen a letter was received requesting that the Council consider adoption of a resolution opposing a "Rental Assistance" proposition on the March 26, 1996 primary ballot.

Council requested additional information to consider action at a later date.

- 3. From the League of Women Voters of Woodland a letter was received in support of road maintenance assessments. The City Clerk advised Council that she has given Council copies of many protest letters, and she will give Council a total count at the November 14 protest hearing.
- 4. From Sandra Briggs, President of the Library Board, a letter was received advising that a vacancy has existed on the Board since April 4, 1995 with the resignation of Tirso Serrano. The City Clerk advised that after a long recruitment effort she received one application from Jane Sprague who is a member of the Library's Strategic Planning group and has been a tutor for Literacy Services since 1988. The letter points out that the Board (pursuant to the Education Code) is required to have a five member board. The City Clerk said even though the City Council has had a policy of only proceeding with an appointment with a minimum of two applicants per vacancy, Mayor Sandy is recommending that the Council approve the appointment of Jane Sprague at this time. Ms. Sprague would fill the unexpired term of Mr. Serrano which ends December 31, 1995, and then would be eligible to serve two complete three year terms thereafter.

On motion of Council Member Slaven, seconded by Council Member Flory and carried by unanimous vote, the City Council appointed Jane Sprague as member of the Library Board for a term expiring December 31, 1995.

COMMITTEE REPORTS:

- 1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meetings of September 11 and 25, 1995.
- 2. From Assistant City Manager Kristine James a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority Board meeting of September 26, 1995.

Council Member Flory asked if the new Authority Director Jeff Tonks will be presented to the Council. The City Manager said Mr. Tonks started his position this week and will be meeting each of the governing bodies of the Agency.

- 3. From City Manager Kris Kristensen a report was received transmitting the minutes of the Yolo County Transit Authority Board meeting of September 27, 1995.
- 4. From Community Development Director Janet Ruggiero a report was received summarizing action taken at the Historic Preservation Commission meeting of October 11, 1995.
- 5. From the Community Development Director a report was received summarizing action taken at the Board of Building Appeals meeting of October 11, 1995.
 - 6. From the Director of Public Works a report was received transmitting the

minutes of the Traffic Safety Commission meeting of October 16, 1995.

7. From Director of Parks, Recreation and Community Services Tim Barry a report was received summarizing action taken at the Parks and Recreation Commission meeting of October 18, 1995.

Mr. Barry briefed the Council on the process used to decide on a name for naming

two parks in the City, the North Park Greenbelt Park located near County Road 98 and Kentucky Avenue and the new neighborhood park which will be in the Southeast Area and will be built after the Klenhard Ballfield complex. He said there has been quite a bit of involvement from the community in suggesting names. He said the Commission recommends the names of Pioneer Park or Heritage Park for the Southeast Area Park and the names of Gracie "Patches" Hiddleson Park or Gary Traynham Park for the North Park Greenbelt Park.

The City Manager said the Council can either take action at this meeting or defer action to a later date.

After some discussion Council Member Slaven said he does not like the fact that the process has forced a decision regarding the names on the Council. He said he has personally known Grace Hiddleson and Gary Traynham for 30 years and another body should have made the choice. He suggested the Council consider naming Woodland Municipal after Ms. Hiddleson.

Council Members Flory and Rominger said they preferred naming the greenbelt park after Ms. Hiddleson. Council Member Flory said he has a problem with arbitrarily naming public facilities without going through a public comment process. After further discussion the following action was taken:

On motion of Council Member Slaven, seconded by Council Member Borchard and carried by the following vote, the City Council named the North Park Greenbelt Park as "Gary Traynham Park", named the Woodland Municipal Pool as "Gracie Hiddleson Municipal Pool", and named the Southeast Area park as "Pioneer Park":

AYES: COUNCIL MEMBERS: Borchard, Slaven, Sandy

NOES: COUNCIL MEMBERS: Flory, Rominger

8. From Community Development Director Janet Ruggiero a report was

received summarizing action taken at the Planning Commission meeting of October 19, 1995, as follows:

- a.Commission appointed Paula Agostini to represent the Planning Commission on the East Street Corridor Specific Plan Committee.
 - b. Commission denied a variance and conditional use permit for an offpremise sign north of Dr. Claassen Way, west of Interstate 5 and east of State Route 113.
- c.Commission was advised that the conditional use permit application for the El Tex Mex bar/restaurant at 329 College Street was withdrawn indefinitely. The project was withdrawn because the conditional use permit application conflicted with the type of license they were applying for from the State Alcoholic Beverage Control Board.
- d.Commission approved Tentative Map No. 4262 for the property located at 1355 Cottonwood Street. This map allows the parcel to be divided so that an existing duplex can be converted to a split lot duplex.
- 9. From the Parks, Recreation and Community Services Director a report was received summarizing action taken at the Commission on Aging meeting of October 19, 1995.

PUBLIC COMMENT:

Bob Gillette said he was planning to move a house at 28 West Main Street which was the Schwartzgruber house. He said he was advised by the house mover that the City fees would be \$675 for the house moving permit. He said the whole process has been very costly with fees to PG & E and other agencies, and he suggested to the Schwartzgrubers that the house be demolished. He said demolition permit would cost \$30, and he said this does not make sense. He said he was not asking for action but just wanted the Council to be informed.

The City Manager said Reclamation District 2035 held its Board of Director's election today and elected Vice Mayor Rominger. He said she will be seated as one of three members seated on that panel.

City Clerk Jean Winnop announced to the viewing audience that they can phone 661-5599 to hear the entire agenda read. This phone number will be listed with the new 1996 phone books.

RESOLUTION NOS. 3915 AND 3916 - ARMANDO FERNANDEZ & LARRY MARTINEZ:

On motion of Council Member Rominger, seconded by Council Member Borchard

and carried by unanimous vote, the City Council adopted Resolution No. 3915, recognizing Officer Armando Fernandez for his 13 years of public service as a Woodland Police Officer, and adopted Resolution No. 3916, recognizing Police Sergeant Larry Martinez for his 25 years of public service with the Woodland Police Department.

Mayor Sandy presented a framed resolution to Armando Fernandez and presented a framed resolution and plaque to Larry Martinez. Council Members individually expressed thanks to the officers for their years of dedicated service.

HEARING - FORMATION OF UNDERGROUNDING DISTRICT NO. 13:

Mayor Sandy said the first public hearing scheduled is a continued hearing to consider establishment of Underground Utility District No. 13 for properties on East Street from Lemen Avenue to Commerce Avenue.

Community Development Director Janet Ruggiero said Council received copies of staff's response to a protest letter received on November 3 regarding the District.

Associate Planner Ron Pinegar summarized the staff (14-page) response. He said he attempted to respond to Council questions which were raised at the October 17 hearing, and staff met with ten property owners on October 31 to discuss the district. At that time PG & E indicated that the district could pay for the trenching from the back side at the undergrounding point of connection to individual businesses as part of the district's costs. He said one thing that cannot be paid by the district is the electrical connection at the service box on the building site. He said that is the property owner's private property and PG & E does not recommend extending the district funds into that realm and paying for the connection. He briefed the Council on the revised cost breakdown on Rule 20C portion of the project which would utilize the \$65,000 letter of credit which the City received from Beamer Properties in 1991. The terms of the agreement with Beamer Properties provided that if and when the City formed the district \$65,000 would be used for undergrounding along the frontage of the Beamer Industries property which is 60 lineal feet in total. He said Pacific Bell's costs would be similar but not as much. He said if the Council desires to have the district pay for the undergrounding from the street to the service connection, the staff has some language in an alternate resolution which will allow for that. Staff also prepared a resolution which would require the property owner to do the trenching which is what has been done in other districts. He said a typical connection which is 60 feet from the street would cost about \$1,000 based on costs from building inspectors who contacted PG & E and local contractors. They estimate about \$500 for connection at the service panel. Based on the number of properties in the district there would be a \$13,000 to \$15,000 cost to the district for that trenching. In the letter staff received on November 3 property owners asked if the City could renegotiate the agreement and allow the money to be set aside for use in a different location at a later date. The Community Development Director indicated it would be inappropriate to use the money in a different location because the monies were obtained to be utilized on a specific site. The specific amount could be renegotiated. Mr. Pinegar said staff feels that it is important to implement the agreement for the Beamer Park Properties.

Rodney Nelson, the PG & E district manager, and Ray Guenther of Pacific Bell were present at the meeting.

Mayor Sandy opened the public hearing. There were no comments from the audience.

Vice Mayor Rominger said Council just received staff's response memo and requested additional time for review.

Rodney Nelson, PG & E District Manager, responding to a question from Vice Mayor Rominger said that the residential rates have been frozen for the last two years. The amount of money that has been allocated to individual cities on a per unit basis for Rule 20 projects has not changed. Initially the undergrounding program started with the cities getting funding in five year increments, and that changed to three-year increments. He said the City recently received increments for 1996-1997-1998, and this amount of money will stay the same through 1998. He said the City can use and allocate those funds now.

Council continued the public hearing on the establishment of Underground Utility District No. 13 to November 21, 1995.

HEARING - BUILDING RELATED CODES AND UNIFORM FIRE CODE:

Mayor Sandy said the second public hearing scheduled is to consider adoption of various State Codes.

The Community Development Director said the adoption of the Codes is a combination of building and fire related codes. Council was being asked to adopt the 1994 editions of the Uniform Building Code, the Uniform Code for Building Conservation, Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Sign Code and Uniform Fire Code, and the 1993 edition of the National Electrical Code. She said the City needs to adopt the codes, and if the City does not adopt the codes they still take effect.

Fire Division Chief David Ostebo said these codes are the start of a new three year code process for the 1994 codes. The actual entire process starts with the model codes, the uniform codes. The model codes are adopted at the State level with state amendments, and then become known as the State building codes, California State Building Code and California State Fire Code. Once that is adopted the local agencies have an opportunity to adopt their local amendments to these codes. The Building Standards Commission also requires that local agencies readopt any ordinance which deals with building standards issues which covers the fire sprinkler ordinance and citation program for the City of Woodland.

Assistant City Attorney Ann Siprelle pointed out that there are findings of fact which support the local amendments to the codes, and she asked that the Council adopt those findings of fact. Since the new uniform codes do not take effect until December 29, 1995, she said the effective date for each of the ordinances should be changed to January 1, 1996.

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

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council adopted "Findings of Fact" (attached as Exhibit A) with respect to the State codes and introduced and read by title only the following ordinances: (1) Ordinance No. 1273, adopting the 1994 editions of the Uniform Building Code, the Uniform Code for Building Conservation, Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, and the Uniform Sign Code; (2) Ordinance No. 1274, adopting the 1993 edition of the National Electrical Code; (3) Ordinance No. 1275, adopting the 1994 edition of the Uniform Fire Code; (4) Ordinance No. 1276, reenacting the provisions for automatic fire extinguishing systems; and (5) Ordinance No. 1277, reenacting the Citation System for Fire Code violations.

TEMPORARY ADJOURNMENT OF COUNCIL MEETING:

Mayor Sandy temporarily adjourned the meeting of the Council at 8:05 p.m. in order to convene the meeting of the City of Woodland Redevelopment Agency Board of Directors. See Agency minutes attached to these Council minutes as Exhibit B. At 8:18 p.m. the Redevelopment Agency Board meeting was adjourned, and the Council meeting was reconvened.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

Vice Mayor Rominger requested that the School District/City joint facility use agreement be removed from the Consent Calendar. Council Member Flory requested removal of the agenda item regarding fiscal mitigation fees from the 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:

RESOLUTION NO. 3917 - POLICE MID MANAGEMENT HEALTH PLAN:

The City Council adopted Resolution No. 3917 authorizing the City of Woodland to enroll employees in the Police Mid-Management bargaining unit into the CalPERS Medical Plan.

RESOLUTION NO. 3918 - POLICE UNIT MEMORANDUM OF UNDERSTANDING:

The City Council adopted Resolution No. 3918 approving a one-year Memorandum of Understanding with the Woodland Professional Police Employees' Association.

RECLAMATION DISTRICT 2035 ASSESSMENTS:

The City Council received a report on Reclamation District 2035 assessments.

BID AWARD FOR BUILDING PLAN MICROFILMING:

The City Council authorized the City Manager to sign a service agreement with Bay Microfilm, Inc., to provide microfilming services for the microfiching of archived building plans and allocated funds in the amount of \$3,000 from contingency funds.

BID AWARD FOR FIRE DEPARTMENT VEHICLE REPLACEMENT:

The City Council awarded the bid to purchase one (1) four-wheel drive utility vehicle for the Fire Department to Citizens' Chevrolet of Woodland in the amount of \$31,336.31.

PURCHASE OF POLICE VEHICLES:

The City Council authorized the purchase of three (3) patrol vehicles in the amount of \$68,655.39 through a cooperative purchase with the State of California, Office of Procurement.

TITLE CHANGE FOR HUMAN RESOURCES SPECIALIST:

The City Council approved the title change of Human Resources Specialist to Human Resources Manager and adopted the updated job description.

REGULAR CALENDAR:

SCHOOL DISTRICT/CITY JOINT FACILITY USE AGREEMENT

Vice Mayor Rominger inquired about the activities, the sites, rent and custodial cost for the different facilities which are shared between the City and the

Woodland Joint Unified School District. She asked why Douglass Junior High School was being used for various activities instead of the Parks, Recreation and Community Services building.

Parks, Recreation and Community Services Director Tim Barry said the activities have gone on for some time at the schools, and the warehouse area in back of the Department's building is being used for warehouse storage and not conducive to recreation activities. There is no heating or air conditioning in that portion of the building. He said he can look into the cost of improving the back portion of the building.

On motion of Council Member Rominger, seconded by Council Member Borchard and carried by unanimous vote, the City Council approved the Annual Joint Use Operational Agreement with Woodland Joint Unified School District for Fiscal Year 1995-96.

REPORT ON FISCAL MITIGATION FEES:

Council Member Flory asked for clarification on the report on fiscal mitigation fees.

Finance Director Margaret Vicars said recently City department heads and the City Manager discussed Fund 9 which was established in 1991 for fees from North Park area developments, including five subdivisions. In mid 1990 the City Council advised the Planning Commission that "new development of projects may be approved with the condition that prior to recordation of the final map appropriate funding mechanisms shall be in place to finance the deficiency in the level of service caused by the project." The City Council at that time through a lengthy study involving the consulting firm of Stanley R. Hoffman Associates developed a level of service at the time and a cost for that level of service across all departments, including parks and recreation, streets, police and fire. A level of service fee was determined providing that the owners of the houses in the new subdivisions would pay to the Fiscal Mitigation Fund (Fund 9). That fee would then be transferred to the General Fund at a set amount over the next 20 years to offset the cost of operations for the new residents in that area (the additional level of service). The Finance Director said several things have occurred since those decisions were made. The City has actually approved the construction of fewer units in the area than had been planned, and no apartments at all have been built there which was part of the fee structure. The City will be taking in less money than anticipated, and the number of citizens in the area for the level of service will be lower. She said the average annual deficit that was shown between the level of service and the revenue to be created by these new residences (property taxes and sales taxes) should remain the same at about \$34,600 per year. Secondly, she said the State of California preempted the property tax revenue for 1991-92, and that action reduced the projected revenue from the North Park projects and

has taken revenue from the existing property tax rolls. The City has not had the ability to increase staffing and, in fact, has reduced staffing although the demand for service has increased out there. The monies in Fund 9 were not intended and cannot provide full funding for any new personnel for any one department. The monies are transferred each year to help support all General Fund activities and are built into the budget as a revenue source. In the past year this has been a \$30,000 per year transfer. Looking at current interest rates and the amount of money that has been collected for the development that has taken place, she recommended increasing that amount to \$60,000 per year which would still have about 15 years of pay out remaining to put money back to the General Fund.

TRAFFIC AT GIBSON/ROAD 101 AND GUM AVENUE/ROAD 101:

Community Development Director Janet Ruggiero said at the last meeting the Council received a petition signed by several hundred residents and/or homeowners requesting the Council initiate an amendment to the Southeast Area Specific Plan removing the left turn prohibition from Gibson Road onto County Road 101. She said the Southeast Area Specific Plan was adopted on November 6, 1990. Center to the design of that Plan was the placement of the north-south major arterial. County Road 101 had been for years shown as a major arterial on the General Plan, but early in the process there was a great deal of discussion on the type of street County Road 101 should be as part of the Plan. Alternatives discussed included: (1) retaining County Road 101 as a four-lane arterial, (2) culde-sacing County Road 101 at both the north and south ends, or (3) the relocation of the major arterial further to the east. The Southeast Area Specific Plan Committee recommended at the request of many of the neighbors who at the time were living along County Road 101 that County Road 101 become a local street. She said this Specific Plan was adopted with the placement of a cul-de-sac on County Road 101 at the north end, the right turn only restriction at Gibson Road and the movement of the major arterial to the east now known as Pioneer Avenue. She pointed out that this design and restrictions were necessary to reduce the amount of traffic so as to allow County Road 101 to be classified as a local street and to design new single family dwellings to front on County Road 101. Many of the residents who are protesting the right turn only restrictions were not residents of the area at the time the Plan was adopted. In the future, there will be new residents who live in the homes which will front on County Road 101. The traffic analysis n the Final EIR for the Specific Plan was based on the County Road 101 restrictions including the prohibition of left turns at the intersection of Gibson Road and County Road 101. If the restriction is removed, this would change the analysis, and a new traffic study would be needed. After the plan was adopted the developer at the northeast corner of County Road 101 and Gibson Road filed a vesting map which was approved by the City in January of 1994. Approval of a vesting tentative map confers a vested right to proceed with development pursuant to ordinances, policies and standards in effect when the application for the vesting tentative map is accepted as complete. The City staff during

discussions with residents pointed out that the City could not require the developers who had an approved vesting map to pay for any changes and improvements necessitated by an amendment to the Specific Plan. She said this is the City's first vesting map, and the Subdivision Map Act has many requirements that are in effect with a vesting map. In recent discussions with the City Attorney regarding the City's abilities and procedures to amend the Southeast Area Specific Plan the issue arose over whether the vesting map requirements would prohibit the City from processing such an amendment. The City Attorney has now rendered an opinion that the City lacks legal authority to make the requested amendments to the Plan as they affect the vested subdivision located at the northeast corner of County Road 101 and Gibson Road. This opinion is based on several facts including the policies in the Plan restricting traffic flow on that portion of County Road 101 adjacent to the vested subdivision and that the vested tentative map is expressly conditioned upon the rerouting of County Road 101 as specified in the Specific Plan. City staff is aware that this opinion is new information which has not been previously disclosed but staff only recently received this determination from the City Attorney. Additionally, she said Council received a letter to the City Manager from Morrison Homes stating that they received approval in their vesting tentative map with 17 lots fronting on County Road 101. She said it was not their original desire to front the lots on the street. They were required to do so by the Specific Plan because the Specific Plan called for County Road 101 to revert to a residential street after Pioneer Avenue was constructed. The developers in the Southeast Area originally proposed that County Road 101 stay a four-lane arterial and wanted the houses to back on County Road 101, but the Specific Plan did not allow that because of the specific language that all of the houses front on County Road 101. Staff has discussed with the City Attorney what it would take to remove the condition from the vesting map and there are provisions in the law that if Morrison Homes agrees to the condition, the condition could be removed. The process would still have to go into effect to amend the Southeast Area Pacific Plan as well as amend the Environmental Impact Report and traffic study.

The following persons spoke in support of initiating an amendment to the Southeast Area Specific Plan removing the left turn prohibition from Gibson Road to County Road 101: Robert Haws, Robert Bell, Jonathan Rothman, Nancy Somers, Vicki Thoms, Ginny Wagner, Mary Ann Smith, and Lorrie Woodward.

Director of Public Works Gary Wegener gave Council an update on the issues of intersection controls on County Road 101 and Gum Avenue where a fourway stop was requested. He said the specific concerns are the speeding on Gum Avenue, pedestrian conflicts at the intersection and the subdivision marquee sign at the northeast corner of the intersection. He said the Public Works Department's initial assessment is that the intersection is well within capacity, far from meeting warrants for the four-way stop, and presents no safety hazards. He said this evaluation is based on observations made during the morning and afternoon rush

hour traffic. The subdivision marguee sign which was an impediment to sight distance has been relocated. The traffic counters have been placed at the different legs of the intersection to verify that the counts were taken at peak vehicle times. Continuing action on this area due to the recent improvements on East Gum Avenue east of State Route 113 a speed zone survey has been completed and that will be processed at the next Traffic Safety Commission on November 20. He said staff anticipates that the survey will lead to increased enforcement of speed limits on Gum Avenue. Regarding safety of school children traveling to and from Willow Spring School, there are concerns about the bike lane on County Road 101 and concerns about U-turns in front of the school. He said a question was raised about consideration of a crossing guard at the intersection of Gum and Road 101, and there is the dilemma that if the turn restrictions at Road 101 and Gibson Road were removed there would be increased traffic on that section of the road and could impact safety. Staff's initial assessment is that the turn restrictions and culde-sac on Road 101 have greatly reduced traffic speeds and volumes on Road 101 as it has been converted to a local road. Initial observations are that there are no apparent unsafe traffic situations that can be addressed by engineering means. The existing road configuration does not meet the standards for the installation of bike lanes and the City Bikeway Master Plan does not call for the installation of bike lanes on local streets. He noted that the only schools served by bike lanes are those located on collector or arterial streets. U-turns in front of the school have always occurred. The removal of stop signs on Gibson Road at Road 101 does not warrant the prohibition of all U-turns in front of the school, and tickets can now be issued for unsafe U-turns. Posting "No U-turns" would not change behavior unless enforced by an increased police presence and could aggravate the traffic circulation issues for the area. He said staff will document widths relative to bike lane requirements and present findings and recommendations to the Traffic Safety Commission. He said staff's initial assessment is that the existing street widths will not allow a significant section of bike lane in the area. Only about one-third could be striped for bike lanes, but there would be a section without bike lanes. Staff, he said, will work with the School District to document student loadings from the various attendance areas, bus support, and possible access by bicyclists and pedestrians through the back of the school. Staff will also request from the School District a position on crossing quards. He said these items will also be discussed at the Traffic Safety Commission meeting on November 20.

Lynn Sandsor expressed concerns about the speeding on County Road 101 and requested that a four-way stop be installed back at Gum and Road 101 even temporarily until Willow Spring School closes.

Responding to a question from Council Member Borchard, the Public Works Director said he video taped a section from 7:45 a.m. until 8:20 a.m. at the intersection of Gum Avenue and Road 101 showing children crossing the street. He said staff assessments are that there are very few children crossing there. He said he could share the videos at the Commission meeting.

Vice Mayor Rominger urged the Council to support the installation of a four-way stop sign at County Road 101 and Gum Avenue. Further Council discussion followed.

Council appointed the following persons to meet to discuss traffic controls at Gibson Road and County Road 101: Mary Ann Smith, Diana Ross, Ginny Wagner, Robert Bell, Vice Mayor Elaine Rominger and John Tallman of Morrison Homes.

The City Manager said he hoped to get a report back to the Council in 30 days.

Council took a recess from 9:45 p.m. until 10:00 p.m.

TREE AND SIDEWALK MAINTENANCE PROGRAM:

The City Manager said City Council budget action for the fiscal year beginning July 1, 1994 reduced the City's tree maintenance program staffing from 6 to 2 full time positions and eliminated the City's sidewalk repair/replacement program. Property owners were subsequently notified of the City's intention to turn over to the maintenance responsibility of trees within the tree planting easement and adjacent sidewalks. The City's current tree maintenance program consists of street side only traffic clearance pruning of trees throughout the City and full maintenance of trees within the City rights-of-way such as parkways and parking lots. On August 2 the Council discussed the impacts of the service changes and directed staff to develop program alternatives and funding options. In October of 1995 there were several high wind days. During these days the City received several calls from property owners complaining that some previously maintained trees were damaged and causing a hazard to private property and public right-of-way. The new policy would only allow the City's tree crew to respond to the trees which posed a hazard to public right-of-way. Since conditions did not allow for an accurate determination of responsibility for the condition of the trees threatening private property, the City Manager said he authorized the Public Works Department to remove the obvious immediate hazards to private property from trees previously maintained by the City. He said the City Attorney has advised that while the City can shift maintenance responsibilities for trees located on private property within the tree planting easement to the property owners, the City can still be held liable for injuries or property damage occurring in the public right-of-way from those trees. The current City policy addresses this responsibility. However, it is not clear what, if any, liability the City has for injury on or damage to private property from trees previously maintained by the City. He asked the Council if he action was correct, and briefed the Council on two options. First the City could restore the former tree maintenance program which would cost the City at least \$230,000 per year beyond the \$135,530 currently budgeted. This would restore four positions cut. A smaller cost alternative would provide for a

comprehensive inventory of the trees formerly maintained by the City to determine which have been turned over in good condition and to correct or remove those which have not been turned over in good condition. This alternative will increase City costs, but not to the extent of restoring the old program. The inventory and management of subsequent contract removal/pruning would require a third full time employee with the elimination of a 1,000 hour temporary position. Cost of contract removal/pruning is estimated at \$20,000 per year to be reevaluated after the inventory. An additional \$32,000 per year (approximately \$18,000 for the balance of this fiscal year) would provide for a tree maintenance supervisory/senior tree trimmer and two tree trimmers. He said General Fund reserves would have to be tapped to take on the expense for at least this fiscal year.

The Public Works Director said staff feels the tree contract portion of the program will go away over time. After the inventory is completed and home owners are contacted, determination will be made on what needs to be done to the trees. The staff will continue to monitor the staffing needs.

On motion of Council Member Borchard, seconded by Council Member Slaven and carried by unanimous vote, the City Council extended the meeting from 10:30 p.m. until 11:00 p.m.

After Council discussion the following action was taken:

On motion of Council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council approved the following changes to the Fiscal Year 1995-96 Preliminary General Fund Budget for tree and sidewalk maintenance: (1) \$20,000 for contract tree maintenance or removal services and (2) \$30,000 for contract sidewalk repair or replacement services.

RESOLUTION NO. 3919 - WASTEWATER PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN:

On motion of Council Member Slaven, seconded by Council Member Borchard and carried by unanimous vote, the City Council adopted Resolution No. 3919 establishing an Enforcement Response Plan for the Wastewater Industrial Pretreatment Program.

FUTURE MEETING AGENDA ITEMS:

Vice Mayor Rominger requested a future meeting agenda item to consider annexation of City property east of County Road 102.

ORDINANCE NO. 1271 - WASTEWATER DISCHARGE AND PRETREATMENT:

On motion of Council Member Slaven, seconded by Council Member Borchard and carried by the following roll call vote, the City Council adopted and read by title only

Ordinance No. 1271, "An Ordinance of the Council of the City of Woodland Adding Chapter 19 to the Code of the City of Woodland, Relating to Wastewater Discharge and Pretreatment":

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

NOES: COUNCIL MEMBERS: Rominger

ORDINANCE NO. 1272 - SEWAGE SERVICES:

On motion of Council Member Borchard, seconded by Council Member Slaven and carried by unanimous roll call vote, the City Council adopted and read by title only Ordinance No. 1272, "Ordinance of the Council of the City of Woodland Repealing Sections 23C-6-8, 23C-6-9, 23C-6-13, and 23C-6-14 of Article VI of Chapter 23C of the Code of the City of Woodland, Relating to Sewage Service."

ADJOURNMENT:

At 10:50 p.m. the meeting was adjourned to November 14, 1995, 7:00 p.m.
City Clerk of the City of Woodland