Woodland City Council Meeting City Hall, Council Chambers 300 First Street Woodland, California

#### **MINUTES**

# CITY COUNCIL SPECIAL CLOSED SESSION

# **DECEMBER 18, 2007**

5:00 P.M.

#### CLOSED SESSION-CITY COUNCIL

At 5:00 P.M. Council held a conference with Real Property Negotiators pursuant to Section 54956.8. The property discussed was 630 Lincoln Avenue, Woodland. The Agency Negotiator was the City Manager. The Negotiating Party was the City of Woodland. Under negotiation were price and terms of payment. Council also held a conference with Legal Counsel regarding one potential case of anticipated litigation, significant exposure to litigation, pursuant to Subdivision (c) of Section 54956.9. Present at these sessions were Vice Mayor Davies, Council Members Marble and Pimentel, City Manager Deven, Park and Recreation Director Gentry, City Attorney Siprelle, and Assistant City Manager Munowitch. Mayor Flory arrived at 5:01 P.M.

#### **REGULAR MEETING**

6:00 P.M.

### CALL TO ORDER

At 6:05 P.M. Mayor Flory called the regular meeting of the Council to order.

### **CLOSED SESSION ANNOUNCEMENT**

Mayor Flory announced that Council had met in Closed Session to hold a conference with Real Property Negotiators. Council provided direction to the City Manager regarding City property at 630 Lincoln Avenue (former Senior Center). Council also met in Closed Session for a conference with Legal Counsel regarding anticipated litigation, and Council approved on a 4-1 vote a Memorandum of Understanding and Settlement Agreement between the City and David Taormino regarding the Gibson-Ogden issue.



# PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by Dan Gentry.

# **ROLL CALL**

COUNCIL MEMBERS PRESENT: Marlin Davies, William Marble, Jeff Monroe,

Artemio Pimentel, David Flory

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Mark Deven, Sue Vannucci, George Ahlgren,

Barry Munowitch, Ann Siprelle, Michael Cahill, Russ Cole, Carey Sullivan, Dan Gentry, Christine Engel, Dick Donnelly, Amber

D'Amato, Brad Von Striver, Greg Meyer

CONTRACT ENGINEER: Alan Mitchell

#### COMMITTEE REPORTS

Council received the minutes of Parks and Recreation Commission meeting of October 1, 2007.

Council received the minutes of Commission on Aging meeting of October 22, 2007.

Council received the minutes of Library Board of Trustees meeting of November 13, 2007.

# COMMUNICATIONS-COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Davies said that he and Council Member Pimentel, as members of the Energy Sub-Committee, along with City Manager Deven, Assistant City Manager Munowitch, and Analyst Engel attended a meeting on sustainability in Davis. They discussed goals set to reduce carbon footprints and use of energy to become greener as a governmental entity.



Council Member Marble has been reappointed to serve on the League of California Cities Public Safety Policy Committee. He asked staff to look at changes to the Municipal Code to allow for automated external defibrillators to be included in new construction or made available to a greater degree within our community to citizens. Staff agreed to look into a proposed Code amendment.

Council Member Monroe asked Council to adopt a Resolution thanking all of the community members who turned out and companies, such as Teichert and Granite Construction, who donated generators and tools for the Fern Park Rebuild project.

### **PRESENTATION**

#### TRAFFIC SAFETY COMMISSION

Ron Mikalson, Chair of the Traffic Safety Commission, summarized the Traffic Safety Commission 2007 Annual Report. This year the Commission made recommendations to the Council on consideration of a roundabout or traffic signal at the intersection of County Road 98 and Kentucky Avenue, and on recommendations regarding left turn prohibition into the Chevron Station at the Interstate 5/County Road 102 intersection. The Commission also looked at future left turn lanes at signalized intersections and some related parking prohibitions.

### **CONSENT CALENDAR**

Mayor Flory said there has been a request to remove the following 3 items from the Consent Calendar for discussion.

# ORDINANCE-AMEND CHAPTERS 13 AND 16 RELATED TO PAWNBROKERS, JUNK AND SECONDHAND DEALERS

Police Chief Sullivan said staff is recommending a City Code amendment to require some regulations on pawnbrokers, secondhand dealers and recyclers. The primary propose of the change is to combat the ever increasing theft of precious metals occurring in the City and throughout the State. In the last few weeks there was a theft of over \$60,000 of precious metals and one of the suspects involved was seen within a matter of days recycling other precious metals. The proposed Ordinance amendment would require a positive identification of those people who are selling the precious metals, that their payment be made by check and held for a period of 15 days, and the recyclers



report the transaction to the Police Department in a timely fashion. The recyclers would be required to hold the metals for 5 days to accommodate the very volatile commodities market. They would also be required to obtain a license in the City in addition to a business license to insure they will report transactions. Several other jurisdictions, including the County, will be considering similar regulations.

David Mitchell with SIMS Metal said the problem buyers have is that the requirements place an unfair business advantage on people not in this region versus people who would be burdened and encumbered by this Ordinance. He has been working with the Farm Bureau, the Sheriff's Association, and Assemblyman Barryhill who started AB 844 last year. At first he was very supportive of the Bill until the State-wide pre-emption was pulled. The metals industry recognizes the theft of precious metals is a problem, but he strongly suggests the Council table the proposed Ordinance now Legislation is to be brought forward within the next session to address this problem with a State-wide solution.

Jim Gedney of Recycling Solutions in Woodland said his company will be fully operational in January of 2008 and will be doing a certified CRV process with the State, including metals and cardboard. One of the issues Recycling Solutions has with the proposed Ordinance is the five-day waiting period to dispose of the property, which seems like a long time, especially with the volatile market. The aluminum market changes constantly. The Ordinance will put his recycling business at a disadvantage. Video surveillance for the seller and the product along with positive identification would be a better solution.

Chief Sullivan said Yolo County is proposing a similar Ordinance, but he is uncertain about the timing. The County of Sacramento is working on a similar Ordinance. The Department preference is for a State-wide regulation. The proposed Ordinance would help the Police Department until a State-wide regulation is in place. It provides that regular customers and those customers who have verification would not have a waiting period of check requirement.

Council Member Monroe said people who do business in Woodland legally are not going to be impacted by this Ordinance.

### A. B. 1600 ANNUAL REPORT-FISCAL YEAR 06-07

Council Member Pimentel asked about the Parks and Recreation fees charged in Spring Lake. His understanding is the fee is \$9,800 per dwelling unit



for parks. The annual report indicates a charge of \$6,395. Director Gentry said the fee has not been adjusted down at this point and staff is looking at fees. There has been an adjustment in the market for construction, primarily for the sports park. The report was generated through Public Works and Finance so the fees in the report are not clear. The Spring Lake single family fee of \$9,500 and the regular Major Project Financing Plan (MPFP) fees are about \$6,500. The difference is in the Spring Lake the land cost is included. In the MPFP fees there is the Quimby-in-lieu enacted versus having the land charge in the fee itself. The Quimby-in-lieu is a separate Ordinance the Council enacted three years ago, so that information does not go into the A. B. 1600 report.

City Manager Deven said the report only covers the A. B. 1600 fees and the Quimby fees are not included. Staff can provide that information at a later date, but the Government Code requires that the City report on the A. B. 1600 fees.

City Attorney Siprelle said the Quimby Act fees are authorized in the Subdivision Map Act and are imposed as a condition of a tentative map, so the fees are collected at a different time and under a different authority.

### ORDINANCE-VENDORS IN PARKS

Mayor Flory vendors should have State Board of Equalization licenses. He said Council can approve the Ordinance but staff will look into making some amendments.

City Manager Deven said this Ordinance as proposed, will allow the City to make sure all vendors doing business in the City are licensed.

#### FISCAL YEAR 07-08 REPLACEMENT/ADDITION OF VEHICLES

Vice Mayor Davies wants vehicles the City will be purchasing will be the cleanest vehicles possible. Deputy Director Meyer said each vehicle purchase is reviewed with respect to low emission output. Approximately 80% of the City's fleet are low emission, very low emission or ultra low emission vehicles. This matter will be reviewed by the Energy Committee to see if there are ways to change the City's purchasing/replacement policies.

Council Member Pimentel said the City applies for Air Board funds to replace some of the larger vehicles, such as diesel trucks. The City applied to



replace the Public Works trucks with hybrid vehicles. He asked if the City could work in the low emission vehicle purchase for future Air Board funds or other grants. Deputy Director Meyer said some of the Air Board grants small so the management of the grants is one-half or more of the cost of the grant, around \$3,000 per vehicle. There are some other opportunities for off-road vehicles and some of the larger trucks.

### RESOLUTION-LOCATION OF CLARK PACIFIC FACILITIES IN YOLO COUNTY

Mayor Flory said he had asked for a Resolution in support of locating Clark Pacific facilities in Yolo County. City Manager Deven said staff developed the Resolution to demonstrate the spirit of cooperation between the County and the City and to acknowledge the economic benefit of renovating an existing site.

Assistant City Manager Munowitch said the total site Clark Pacific would like to use is 80 acres, and the whole area is 240 acres.

Vice Mayor Davies said there are several issues to be worked out by the County and the City. He supports the development of the 80 acres.

Brenda Cedarblade said there are many City and County residents interested in this project, and the County residents have concerns about the location as the property has Class I soil and is a major resource for the County. The residents were hoping to reuse the Spreckels property for an agricultural use and keep the property zoned for agriculture. Council should hold off adoption of a Resolution until Clark Pacific files its application.

Matt Morehart own Cache Creek Foods, a tree nut manufacturer located on Pioneer Avenue and East Kentucky Avenue. He purchased the Best Ranch West of the Spreckels site and wants to extend his Cache Creek Foods business to the site at the Best Ranch. An environmental impact is going to come from the cement operation. He is aware of water quality control issues and asked that the issues be taken care of before the Council adopts a Resolution of support.

Thomas Ketron is the Marketing Manager for Clark Pacific. Presently Clark Pacific is located in West Sacramento on 22 acres and near hundreds of homes and thousands of people. They have not experienced complaints about air quality or water quality. Clark Pacific does not produce cement but instead produces ready-mix poured into forms. They are finishing the CalTrans District 3 headquarters in Marysville which is a completely precast concrete building and



will reduce energy use 15%. Clark Pacific does not produce wastewater in its production, but water is used in production. He invited Council Members to observe their operations.

Linda Osborne has lived behind Spreckels Sugar since 1976 and said more time is needed to look at the proposal to see what the impacts are.

Olga Nevarez from the Latino Community Counsel said the Counsel is in support of the Resolution because of the redevelopment of the Spreckels property and the potential employment that will be generated through Clark Pacific.

Wayne King spoke about the use of lye in the production of precast concrete. Our community does not have people qualified to work at Clark Pacific. The proposed use of the land is not compatible with the surrounding agricultural uses.

Xavier Tafoya is in support of the Clark Pacific's proposed use and encouraged the Council to look into the matter and support the proposal.

Matt Rexroad asked Council to decide if Clark Pacific would be a good business for Woodland. They would be a great neighbor. The County is about to embark on spending resources to make the project work, and will work through the issues since the property is within the County's jurisdiction. Through the County General Plan process, the plan is to turn the site into industrial property.

Mayor Flory noted the Council received a letter from the Sternes family on County Road 18C asking the Council to continue the issue of the Resolution.

Ted Wilson said the proposed facility was to be industrial property and was turned down once or twice. The Council should take the time to examine the proposal totally before endorsing.

Mayor Flory said the County has voted to designate the property as industrial.

Mr. Kefron said Clark Pacific currently has over 550 employees, and 350 are labor union employees. The immediate plan is to have 35 to 40 new local employees. The property owners will be required to clean the lyme piles from the site. Clark Pacific has lived by the rules of the communities where they are located. Spreckels had 150 trucks in and out of the facility per day and 50-60 rail cars bringing beets into the property. Clark Pacific will have substantially less impact on the roads and the whole site.



Council Member Pimentel supports the Resolution because the project is about economic development and jobs. It will significantly improve the ability to use the property.

Council Member Monroe has a concern about the Urban Limit Line. The County is changing this site to an industrial use which will be in direct competition with the City of Woodland's industrial area. The Resolution should contain a phrase stating that Clark Pacific has determined the Woodland site is not a feasible location for their operation at this time. They should try to secure a suitable site within the City of Woodland and the County location should only be an alternative.

Mayor Flory does not favor a Clark Pacific location within the City. The property at County Road 102 across from Target would provide a better use as a business park. There would be a greater share of property tax and jobs returned to the community. Clark Pacific would generate very little sales tax but would generate property tax. This type of use with storage would be better at the Spreckels site as there would be no offices or restaurants built around there. The County can meet some of the concerns of the residents of the County and the Spreckels site would allow the City property as a better use with a business park.

It was moved by Council Member Pimentel and seconded by Vice Mayor Davies to approve the Consent Calendar items as presented.

A substitute motion was made by Council Member Monroe for the Clark Pacific facility to add a paragraph to the proposed Resolution stating the Spreckels site would be the second best location and a Woodland site would be the first. Motion died for lack of a second.

On a call for the question on the original motion, it was carried unanimously to approve the Consent Calendar items as presented below.

Council Member Marble asked Supervisor Rexroad if it would be possible to get Clark Pacific representatives together with land owners to try to address their concerns in the best possible way.

### TREASURER'S INVESTMENT REPORT

Council received the Treasurer's Investment Report for the month of October 2007.



# ORDINANCE-AMEND CHAPTERS 13 AND 16 RELATED TO PAWNBROKERS, JUNK AND SECONDHAND DEALERS

Council introduced an Ordinance to set regulations for pawnbrokers, junk and secondhand dealers in an effort to quell the dramatic increase in the thefts and resale of precious metals.

#### A. B. 1600 ANNUAL REPORT FOR THE FISCAL YEAR 2006-07

Council received and accepted the A.B. 1600 Development Fees Annual Report for the Fiscal Year 2006-07.

#### ORDINANCE-VENDORS IN THE PARKS

Council reintroduced, waived full reading and read by title only, an Ordinance to regulate vendors on public and private property.

# FISCAL YEAR 2007-08 REPLACEMENT/ADDITION OF VEHICLES

Council authorized the purchase of nine replacement vehicles in accordance with the Five-Year Recovery Plan approved by Council in February 2005 and one new vehicle for Utilities that was approved during the Budget process.

### ANNEXATION-GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT

Council adopted Resolutions 4884, 4885 and 4886 regarding annexation No. 1 (Hansen Ranch) into the Gibson Ranch Landscaping and Lighting District and setting a February 5, 2008 public hearing to consider this Annexation into the District.

### PREFERENTIAL PARKING FOR CRIMINAL JUSTICE PURPOSES

Council adopted Resolution 4887 providing a preferential/reserved parking area for the Yolo County District Attorney's Office and the Yolo County Probation Department.



#### WASTE MANAGEMENT RATE ADJUSTMENT

Council adopted a 1.97% rate increase for Waste Management Services effective January 1, 2008.

### CLARK PACIFIC FACILITIES IN YOLO COUNTY

Council adopted Resolution 4888 in support of the Clark Pacific plant purchase of the old Spreckels property.

Council Member Pimentel left the Council meeting at 7:26 p.m.

### PUBLIC HEARING

# Council Member Pimentel returned to the Council meeting at 7:27 p.m.

#### ORDINANCE-AMEND BUILDING CODE RELATED TO FIRE

Fire Marshal Cole said on December 4 2007 an Ordinance was introduced, the reading was waived and read by title only, to adopt the 2007 California Fire Code. Staff was given direction to modify the Ordinance regarding fireworks stands and removed language from the Ordinance. The wording of the remainder of the Ordinance was not changed.

Mayor Flory opened the public hearing at 7:28 p.m., and receiving no comments, closed the hearing.

On motion by Council Member Pimentel, seconded by Vice Mayor Davies and carried unanimously, the City Council adopted Ordinance 1489 repealing Chapter 9A and adding Chapter 9 to the Municipal Code relating to the 2007 California Fire Code.

# REPORTS OF THE CITY MANAGER

### PARKS AND RECREATION COMMISSION MEMBER

On motion by Council Member Marble, seconded by Council Member Monroe and unanimously carried, the City Council accepted the resignation of



Jack Slaven from the Parks and Recreation Commission, appointed Sam Crawford to the Parks and Recreation Commission, and appointed Michael Lemaire to the Traffic Safety Commission.

# SPORTS PARK, PHASE I, PROJECT NO. 08-03

Parks and Recreation Director Gentry briefed the Council on the construction of Sports Park, Phase I. The recommended action is to approve the following additive/alternates:

- #1b Soccer-only Field E
- #6 Road 24A Pedestrian/Bike Path and Landscaping
- #2 Colored/Stamped concrete to match Community Center
- #3 Shade Structures
- #4 Site Amenities (including bleachers, pitcher's mound, bases, missing system for shade structures and the soccer goals)

Staff will need to move the A Field to where the B Field is located because the geothermal field is not completed.

Council Member Pimentel does not feel we need the colored/stamped concrete due to the cost. Director Gentry said was included in the Specific Plan for the Community Center as a design feature.

On motion by Vice Mayor Davies, seconded by Council Member Pimentel and carried unanimously, the City Council authorized a construction contract with Gold Valley Construction, Inc., for Sports Park, Phase I, including a base bid of \$5,997,769.96 plus Add/Alternate #1b Soccer-only Field E at \$524,693.10; Add/Alternate #6 Road 24A Pedestrian/Bike Path and Landscaping at \$306,970.81; Add/Alternate #3 Shade Structures at \$304,000.00; and Add/Alternate #4 Site Amenities at \$157,640.00. Council eliminated from the project Add/Alternate #2 the Colored/Stamped concrete at \$151,860.00.

Director Gentry said the bid was 17% under the Engineer's estimate.

#### COMMUNITY SERVICES AWARD NOMINATING COMMITTEE

Mayor Flory said for Council Members should designate persons to be on the Community Services Award Nominating Committee. Vice Mayor Davies



named Gary Traynham. Council member Pimentel named School Board Trustee Member Christy Rogelio Villegrana. Council Member Monroe named Bill Marcus. Council Member Marble named Donna Neu. Mayor Flory named Jeanne Wells.

On a motion by Vice Mayor Davies, seconded by Council Member Pimentel and carried unanimously, the Council named the above persons to the Community Services Awards Nominating Committee.

# **ADJOURNMENT**

At 7:40 p.m., Mayor Flory adjourned the regular meeting of the Council.

Respectfully submitted,

Susan L. Vannucci, Director of Administrative Services

Prepared by: Jean Kristensen, Deputy City Clerk

Adopted by Council: March 17, 2009