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

July 20, 2004

CITY COUNCIL SPECIAL/CLOSED SESSION

6:30 P.M.

CLOSED SESSION

Council met in Closed Session to hold a conference with Legal Counsel regarding two cases of anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. Present at this session were Mayor Rexroad, Vice Mayor Flory (arrived at 6:45), Council Members Monroe, Peart (arrived at 6:40) and Pimentel, City Manager Kirkwood, City Attorney Siprelle, Assistant City Attorney Collins and Public Works Director Wegener.

REGULAR SESSION

7:00 P.M.

CLOSED SESSION ANNOUNCEMENT

Mayor Rexroad reported that Council had held a Closed Session to discuss two cases of anticipated litigation, significant exposure to litigation. No direction had been given.

CALL TO ORDER

At 7:00 p.m. Mayor Rexroad called the regular meeting of the City Council to order.

PLEDGE OF ALLEGIANCE

Mayor Rexroad invited all in attendance to join in the Pledge of Allegiance led by Council Member Peart.



ROLL CALL

COUNCIL MEMBERS PRESENT: David Flory, Jeff Monroe, Neal Peart, Art Pimentel,

Matt Rexroad

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Ann Siprelle, Karl Diekman, Tricia

Stevens, Gary Wegener, Dan Gentry, Sue Vannucci, Charlie Wilts, Aaron Laurel, Mark Dennis

PUBLIC COMMENT

Maureen Jones of the Citizens for Safe Drinking Water, distributed materials regarding opposition to the fluoridation of City water. She presented two copies of the book <u>The Fluoride Deception</u> for use by the City and urged Council and Staff to read the book.

COUNCIL/STAFF COMMENTS

Council Member Peart, who is the City representative on the Sacramento-Yolo Mosquito and Vector Control District Board, gave an update on the progress of the West Nile Virus as it moves into the Northern California area. He urged citizens to take precautions and to be watchful for dead crows.

Mayor Rexroad has been attending meetings regarding agricultural mitigation and indicated concern about the Spring Lake Specific Plan. He would like to add this item to a future Agenda and Council concurred.

PRESENTATIONS

LINKING EDUCATION AND ECONOMIC DEVELOPMENT (LEED) TO CAREER HONOR ROLL AWARD

Fire Chief Diekman said the Woodland Fire Department had received the Linking Education and Economic Development to Career Honor Roll Award for their efforts with the Yolo Regional Occupational Program Fire Science Academy. Council congratulated the Department for receipt of this Award.



PUBLIC COMMENT (continued)

Jennifer Hogan asked that Council reopen the Public Comment and Council concurred. Ms. Hogan said she has concerns regarding the Spring Lake Specific Plan project. The proposed drainage ponds contain a rare plant habitat. This is a change in the hydrology and the remaining plants will not survive.

CONSENT

The following item was removed from the Agenda and tentatively scheduled for the July 27, 2004 meeting:

SPRING LAKE SPECIFIC PLAN FUNDING AND REIMBURSEMENT AGREEMENT FOR DEVELOPMENT WITHIN THE SPRING LAKE SPECIFIC PLAN AREA

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously, Council approved the following Consent Calendar items as presented:

LOAN TO THE STORM DRAIN ENTERPRISE FUND

Council approved the terms regarding the use of pre-1991 development fees as a long-term advance to the Storm Drain Enterprise Fund.

PROJECT 01-17 2002 ROAD REHABILITATION PROJECT; PROJECT 01-03 RELATED UTILITY IMPROVEMENTS

Council accepted the construction of Project 01-03, Utility Improvements and Project 01-17, 2002 Road Rehabilitation as complete, approved the final Project Programming Summary Sheets and authorized the City Clerk to file a Notice of Completion.

<u>SACRAMENTO MUNICIPAL UTILITY DISTRICT ANNEXATION FEASIBILITY</u> <u>STUDY</u>

Council received an update on the status of the Feasibility Study for consideration to annex to the Sacramento Municipal Utility District.



CONCRETE MAINTENANCE AND REPAIR INDEFINITE QUANTITY/INDEFINITE DELIVERY PROJECT 03-40

Council awarded the construction contract to Teichert Construction for the Concrete Maintenance and Repair, Indefinite Delivery/Indefinite Quantity Project 03-40 and authorized the City Engineer to execute the construction contract on behalf of the City.

CRIME PREVENTION SPECIALIST POSITION DESCRIPTION

Council approved the revised Job Description for Crime Prevention Specialist.

INCREASES IN CONTRACT AMOUNTS FOR MARGARET VICARS AND CLARK-WOLCOTT FOR CONSULTANT SERVICES

Council approved the City Manager increasing the contract amounts for Margaret Vicars, The Vicars Corner, and Clark-Wolcott for the consultant services related to the formation of the Spring Lake Specific Plan Mello-Roos District and the issuance of respective bonds.

QUARTERLY UPDATE ON SURFACE WATER FEASIBILITY STUDY PROJECT 99-21 AND REMOTE WELL FIELD STUDY PROJECT 00-44

Council received the quarterly updates on Project 99-21, Surface Water Feasibility Study and Project 00-44, Remote Well Field Study.

PROJECT 02-02, 2003 SLURRY CHIP SEALS

Council approved the revised Project Programming Summary Sheet for Project 02-02, 2003 Slurry Chip Seals; authorized \$50,000 to be programmed in 2003-04 and \$1,070,000 in 2004-05 fiscal years; authorized the City Manager to award the construction contract for an amount not-to-exceed \$1,020,000.

PROJECT 98-05, SYCAMORE RANCH, PHASE II

Council approved the revised Project Programming Summary Sheet for Project 98-05, Sycamore Ranch Community Facilities District 1, Phase 2.



MAJOR PROJECTS FINANCING PLAN UPDATE PROJECT 03-21 TO PONTICELLO ENTERPRISES

Council authorized the Public Works Director to enter into a Sole Source Contract with Ponticello Enterprises Consulting Engineers to prepare a Major Projects Financing Plan Update, Project 03-21 in an amount not-to-exceed \$25,000.

DISASTER MITIGATION ACT QUESTIONNAIRE

Council received information regarding the development and distribution of a Disaster Mitigation Act questionnaire to the citizenry.

PROJECT 02-30-01, EAST MAIN STREET STORM DRAIN REPAIRS, PHASE 2, PIPELINE REHABILITATION

Council accepted Project 02-30-01, East Main Street Storm Drain Repairs, Phase 2 Pipeline Rehabilitation as complete; directed the City Clerk to file a Notice of Completion; approved the final adjustment to the Project Programming Summary Sheet.

PUBLIC HEARINGS

QUIT CLAIM DEED RELEASING INTEREST IN PRAIRIE PARK AND APPROVING TRANSFER TO WOODLAND JOINT UNIFIED SCHOOL DISTRICT

City Attorney Siprelle said the City has been in negotiations with the Woodland Joint Unified School District regarding possible transfer of the Prairie Park property to the District in exchange for Freeman Park which is owned by the District but maintained by the City. This transfer would allow the District to regulate usage during the time when children are attending school as a safety measure. The item came before the Council at a previous meeting and Council had directed that a Public Hearing be set to allow members of the public adequate opportunity to speak regarding this transfer. A Public Hearing has been so noticed, even though not required for this type of action.

At 7:17, Mayor Rexroad opened the Public Hearing.



Rob Ball of the Woodland Joint Unified School District said Prairie Elementary School is on a small site and they utilize Prairie Park for student play and recess to expand their site. At present, should someone be utilizing the Park of which they have a concern, the District cannot ask that person to leave the facility. The District proposes to secure the Park for the School District use as a means to protect the students and have the authority to ask questionable persons to leave the site. They do not intend to lock the gates at this time, but only to have authority to ask persons to leave if there are concerns about their presence.

Vice Mayor Flory asked Mr. Ball to research the restrictions at the Beamer School site as concerns have been expressed in that area as well.

Bruce Jacks said he is concerned about the City giving a park to the School District. This is not setting a good precedent and there is not another public park within a one-half mile radius of that neighborhood. The apartments across the street will have children that use the park during the day. It also appears that it would be discriminatory to ask persons to leave the park. He urged denial of the request to Quit Claim the park to the District.

Colette Stewart questioned the precedent of limiting the access. There are no other parks in the area. Prairie is a year-around school and that limits access even more. With the child care site on Prairie that would keep the park closed from 7:00 a.m. to 6:00 p.m. Citizen tax dollars were used to build this park and, in her opinion, this would be a misappropriation of funds.

At 7:29, Mayor Rexroad closed the Public Hearing.

Council Member Monroe said the School District did not know that Freeman Park was their property and asked if we could not simply take possession of Freeman as City property because we have been maintaining for so long. City Attorney Siprelle said we cannot provide adverse action against another public entity.

Vice Mayor Flory asked if the City interest is to maintain Freeman as a park or to sell the property. City Manager Kirkwood said the current Council has said they wish to maintain the Freeman property as a park. Vice Mayor Flory said if this is not be used as a park, Council could set a policy to set aside equal land.



Council Member Monroe said Freeman should belong to the City. People moving into the area expect they would have a park at the Prairie site. The District should deed Freeman Park to the City without question.

Mayor Rexroad said the District could sell the park outright. The citizens could go to the School Board and so request that land sale. Council Member Peart asked if the property owners were noticed and it was stated they were all noticed as provided for other legal noticing requirements. All renters were also noticed. There were no property owners or renters present at this meeting, nor were any phone calls or E-mails received regarding this matter.

Council Member Pimentel feels the exchange of the Prairie property for the Freeman Park property is of public benefit and will help insure the safety of students at Prairie.

On a motion by Council Member Pimentel, seconded by Council Member Peart and carried, Council approved the Quitclaim Deed releasing any interest the City has in the Prairie Park property to the Woodland Joint Unified School District and authorized the City Manager to execute the Deed. Vice Mayor Flory and Council Member Monroe voted to the negative.

<u>RESOLUTION 4565-ISSUANCE OF MULTI-HOUSING BONDS TO FINANCE</u> ACQUISITION AND REHABILITATION OF HERITAGE OAKS APARTMENTS

Planner Laurel said the 120 unit Heritage Oaks Apartments were constructed in 1984 and were originally financed with Multi-Family Housing Revenue Bonds which required 20% of the units to be affordable. Beginning this year, the owner can sell the project at market value which would eliminate the requirement to provide affordable units. The Redevelopment Agency has been negotiating with Ezralow Company to acquire this property which would be financed through the issuance of new Multi-family Housing Revenue Bonds. There are funds available through various sources for the City to participate in this purchase with no direct financial obligation of City funds. The result would be 24 preserved affordable units, 96 additional affordable units, and a 55 year affordability term.

Council Member Pimentel asked about the status of current residents and Planner Laurel indicated they will be able to transfer in and, should they not qualify, they will be handled as under the current Fair Housing laws.



At 7:43 p.m., Mayor Flory opened the Public Hearing. With no comments heard, the Public Hearing was closed at 7:43.

On a motion by Council Member Monroe, seconded by Council Member Pimentel and carried unanimously, Council adopted Resolution 4565, a "Resolution of the City Council of the City of Woodland Approving the Issuance of Multi-Family Housing Revenue Bonds for the Purpose of Financing the Acquisition and Rehabilitation of the Heritage Oaks Apartments".

ORDINANCE TO AMEND THE ZONING TO ADD SECTION 25-21-85, REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Planner Laurel said the Fair Housing laws require local governments to allow for modifications or exceptions in local zoning and land use regulations to provide reasonable accommodations to allow for access of disabled persons. This Ordinance would provide a formal procedure for persons with disabilities seeking equal access to housing to request such reasonable accommodation in the application of the City's land use regulations and to establish the relevant criteria to be used when considering such requests.

Council Member Monroe asked if this is a legal requirement and Planner Laurel said is it in our approved Housing Element. This only arises when someone asks for the accommodation and our current regulations may prohibit such specific requirement, such as with a minimum setback.

At 7:46, Mayor Rexroad opened the Public Hearing.

John Gianola, Director of Legal Services and Manager of Fair Housing said the Attorney General urges adoption of this language in the various Cities to allow for people to have the right and to provide for the staff to review and process the applications. There is presently much confusion on this issue and it is very complex. There are few Cities doing this as yet.

At 7:50 Mayor Rexroad closed the Public Hearing.



On a motion by Council Member Monroe, seconded by Council Member Pimentel and carried unanimously, Council introduced and read by title only an Ordinance to amend the City Zoning Code to add Section 25-21-85 (Reasonable Accommodation for Persons with Disabilities); determined that the proposed amendment is exempt from the provisions of the California Environmental Quality Act as a general rule CEQA exemption per Section 15061(b)(3) of the CEQA guidelines.

Director Stevens indicated the Staff recommends that item "G" on Appeals be dropped and that the normal appeal process be utilized. Council concurred to amend the motion to include that recommendation.

ORDINANCE REGARDING UNIFORM CODES PERTAINING TO BUILDINGS AND APPENDICES TO ADOPT THE UNIFORM HOUSING CODE; EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL OUALITY ACT

Director Stevens said the Uniform Housing Code was developed to fill the need of Cities in the process of urban redevelopment and housing rehabilitation, primarily as it relates to blighted residential structures and conversation of repairable buildings. This proposed Ordinance would provide minimum standards to preserve the safety of the public and their property while providing for the regulation and control of the use, occupancy, location and maintenance of residential buildings and structures in the City.

At 7:53 Mayor Rexroad opened the Public Hearing. With no comments heard the Public Hearing was closed at 7:53.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously, Council introduced and read by title only an Ordinance amending the Municipal Code Section 6-1 which will adopt the Uniform Codes pertaining to buildings and appendices (Uniform Housing Code 1997 Edition); determined the proposed amendment is exempt from the provisions of the California Environmental Quality Act as a general rule CEQA exemption per Section 15061 (b)(3) of the CEQA guidelines.

RESOLUTION 4566-WASTE MANAGEMENT DELINQUENT REFUSE LIENS

City Clerk Vannucci said annually Waste Management provides information and a listing of those citizens who have failed to pay for their refuse service.



Such liens must be approved by Council in order to be attached to the Property Tax bill.

At 7:56, Mayor Rexroad opened the Public Hearing. With no comments heard, Mayor Rexroad closed the Public Hearing at 7:56.

On a motion by Council Member Pimentel, seconded by Council Member Monroe and carried unanimously, Council adopted Resolution 4566, "A Resolution Approving List of Delinquent Refuse Accounts and Directing Tax Collector of Yolo County to Collect Delinquent Accounts".

REPORTS OF THE CITY MANAGER

ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE VOTING DELEGATE AND ALTERNATE

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously, Council appointed Mayor Rexroad as the Primary and Council Member Pimentel as the Alternate Voting Delegates to the 2004 League of California Cities Conference.

MINUTES

JOINT REGULAR COUNCIL AND REDEVELOPMENT AGENCY BOARD MEETINGS OF JUNE 1 AND JUNE 15, 2004

On a motion by Council Member Monroe, seconded by Council Member Peart and carried unanimously, Council adopted the minutes of the joint Regular Council and Redevelopment Agency Board meetings of June 1 and June 14, 2004 as presented.

COMMUNICATIONS

Council received a copy of a notice of a Person-to-Person Transfer of an Alcoholic Beverage Control License for Cheezer's Pizza located at 1495 East Street, Suite A.



Council received a copy of a notice of a Person-to-Person Transfer of an Alcoholic Beverage Control License for Luke's Yolo County Steak House located at 415-417 Main Street.

Council received a notice of filing of an application from Pacific Gas and Electric regarding change in electric rates for all customer classes.

Council received a copy of a letter from the City Manager to the Governor regarding opposition to A. B. 1983.

Council received a copy of a letter from the Mayor to the Governor regarding opposition to A. B. 1983.

COMMITTEE REPORTS

Council received the minutes of the Water Resources Agency meeting of March 15, 2004.

Council received the minutes of the Traffic Safety Committee meeting of June 7, 2004.

ORDINANCES

ORDINANCE 1399-TAXICABS AND VEHICLES FOR HIRE

Angie Marer said this Ordinance will cost the taxicab owners more to run their vehicles and that cost will be passed along to the passengers. Transportation for seniors and the disabled will be affected.

Council Member Peart asked if there is a fee associated with the Ordinance and City Attorney Siprelle said there will be a fee to cover the costs that will be set by the adoption of the Resolution. City Manager Kirkwood said the City will be setting the rates. Council Member Monroe stated this Ordinance is required by the State to provide for fingerprinting and other safety issues.

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried by the following vote, Council adopted Ordinance 1399, "An Ordinance of the City of Woodland, California Adding Chapter 14, Article 13 Regulating Taxicabs and Vehicles for Hire". On roll call the vote was as follows:



Council Members Flory, Monroe, Peart, Pimentel Council Member Rexroad AYES:

NOES:

None ABSENT: ABSTAIN: None

ADJOURNMENT

Mayor Rexroad adjourned the regular meeting of the City Council at 8:02 p.m.
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Respectfully submitted, Sue Vannucci, CMC, City Clerk