

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

January 20, 2004

**SPECIAL/CLOSED SESSION AGENDA
SECOND FLOOR CONFERENCE ROOM**

JANUARY 20, 2004

6:30 P.M.

CLOSED SESSION

Council met in Closed Session at 6:30 p.m. to hold a Conference with Legal Counsel regarding existing litigation pursuant to Section 54956.9, Subdivision (a). The name of the case was Tetzlaff v. City of Woodland. Present at this session were Mayor Flory, Vice Mayor Rexroad, Council Members Dote (arrived at 6:33), Monroe and Peart (arrived at 6:38), City Manager Kirkwood, Assistant City Manager Marler and Jeff Tonks of Yolo County Public Agency Risk Management Insurance Authority.

**CITY COUNCIL
REGULAR MEETING**

7:00 P.M.

CLOSED SESSION ANNOUNCEMENT

Mayor Flory announced that Council had met in Closed Session to discuss existing litigation, Tetzlaff v. the City of Woodland and gave direction.

CALL TO ORDER

Mayor Flory called the regular meeting of the Council to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by City Manager Kirkwood.



ROLL CALL

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Tricia Stevens, Gary Wegener, Dan Gentry, Joan Drayton, Karl Diekman, Sue Vannucci, Bob Carlson, Mark Dennis, Rolland Baxter, Dick Donnelly, Tamera Burnham

PUBLIC COMMENT

Pauline van Muyden presented some materials and advised Council of the "Colors of Woodland" art event to be held in the City on June 4-6, 2004. She asked that Council consider participating as honorary sponsors of the event. Council concurred.

COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Monroe questioned the use of probation crews working at the cemetery of late. Director Gentry indicated this has been an ongoing program and these crews are utilized primarily for special project and events.

Council Member Monroe expressed his concern regarding the vandalism of Council Member Dote's campaign signs and disappearance of signs as well. He has also heard that those associated with the Gateway auto mall project have been contacting people to put together a group of citizens to funnel money to candidates who carry out their will and run negative advertising. He feels these people have added vandalism in addition to threats to him and attempts to extort his vote. The citizens need to be kept informed about this to know about the type of people and type of character.

Council Member Dote indicated the Urban Limit Line Sub-Committee is continuing to meet and is in the study phase of the process.

City Manager Kirkwood said he and Assistant City Manager Marler will be attending the League of California Cities meeting on fiscal issues from February 4-6, 2004.



PUBLIC HEARINGS

BUSINESS LICENSE-EMERALD DRYWALL

Director Stevens said the owner of Emerald Drywall continues to comply with the conditions of his Business License. She recommends the appeal be dropped and the license be reinstated. Council Member Peart indicated he had spoken with the owner who commended Director Stevens and Code Compliance Officer Dennis for this assistance regarding this issue.

At 7:16 p.m., Mayor Flory opened the Public Hearing. With no comments received, the Public Hearing was closed at 7:16.

On a motion by Council Member Monroe, seconded by Council Member Dote and unanimously carried, Council approved dropping of the appeal and reinstating Business License HB4229 for Emerald Drywall.

RESOLUTION 4511-LIEN AGAINST 1580 E. MAIN STREET

Director Stevens said the City had provided abatement of nuisances against property located at 1580 East Main Street, the old Burger King property. The property owner was legally noticed to abate the property and failed to comply. The City proceeded with abatement at the cost of \$3,642.50 and seeks to collect those costs via a lien against the property to be placed on the Yolo County Property Tax Bill.

At 7:18 p.m., Mayor Flory opened the Public Hearing. With no comments heard, the Public Hearing was closed at 7:18.

On a motion by Council Member Peart, seconded by Council Member Monroe and unanimously carried, Council adopted Resolution 4511, "A Resolution Approving a Lien Against Property and Directing Tax Collector of Yolo County to Collect Delinquent Account".

RESOLUTION 4512-LIEN AGAINST 117 ELM STREET

Director Stevens said the City had provided abatement of a dangerous building located at 117 Elm Street. The property owner was legally noticed to abate the property via a Notice and Order to Repair or Demolish and failed to comply. The City proceeded with abatement at the cost of \$3,700.00 and seeks to collect those costs via a lien against the property to be placed on the Yolo County Property Tax Bill.



At 7:19 p.m., Mayor Flory opened the Public Hearing. With no comments heard, the Public Hearing was closed at 7:19.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and unanimously carried, Council adopted Resolution 4512, "A Resolution Approving a Lien Against Property and Directing Tax Collector of Yolo County to Collect Delinquent Account".

REPORTS OF THE CITY MANAGER

ZONING AND NUISANCE ABATEMENT ORDINANCE-FRONT YARD PARKING

City Manager Kirkwood said Council had directed staff to move forward on analyzing the concerns regarding vehicles parked on areas not directly provided for such parking. A Sub-Committee was formed to consider the current Code and possible changes. Director Stevens said the proposed amendments will be made to the Zoning sections of the Code. The action before Council is to start the process and the item will be forwarded to the Planning Commission for study and recommendation. The current Ordinance is very difficult to enforce and is not equitable to all parties. The proposals would (1) clarify where vehicles cannot park on the property and clarify what vehicles are motorized and non-motorized; (2) identify that not more than 40% of a front yard can be paved; (3) define impervious surfaces; (4) does not prohibit parking these vehicles in the yard as long as items 1 through 3 are met.

Mayor Flory asked if it would be better for the Sub-Committee to make the recommendations to Council rather than staff. City Manager Kirkwood said this type of process is that when a Sub-Committee works with staff, the staff reduces the outcome to writing. It is then appropriate to have the Sub-Committee provide input. Council may wish to change that process.

Vice Mayor Rexroad indicated his concern is the visibility triangle and safety. The surface for vehicle placement is not important. He would rather not have vast areas of concrete in front yards around the City. At present, vehicles can be parked right up to the property line.

Council Member Peart said this issue originally came before Council because of a specific case and it was determined there are no Ordinances or City Code Sections covering the issue. It was decided to review the current Code. Code Enforcement did not have the tools to enforce the need. The research has been done and he feels they have a solution that is fair.



Director Stevens said there is difficulty applying the visibility triangle to other than fences and signs.

Council Member Dote asked for clarification on vehicles such as bicycles and Director Stevens said the language will be clear in the final version. Mayor Flory asked that Vice Mayor Rexroad's points be outlined before the Planning Commission.

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and unanimously carried, Council agreed to move the initiation of front yard parking ordinance amendments to sections 25-21-50(A) and 25-23-50(D) of the Zoning Code and section 14A-1-3(b)(11) of the Nuisance Code to the Planning Commission for consideration.

At the request of Council Member Dote and upon concurrence, Council returned to the Council/Staff Comment portion of the Agenda.

COUNCIL/STAFF STATEMENTS AND REQUESTS (continued)

Council Member Dote indicated she will be recommending Erica Abel as her appointment to the Manufactured Homes Fair Practices Commission. Confirmation of the appointment will be on the next Agenda.

CONSENT

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

FIRE DEPARTMENT ANNUAL REPORT AND SUPPORT BRANCH SUMMARY OF ACTIVITIES

Council received the Fire Department Annual Report and Support Branch Summary of Activities for 2003.

TREASURER'S REPORT FOR NOVEMBER 2003

Council reviewed and accepted the November 2003 investment report as submitted.



SPORTS COUNCIL

Vice Mayor Rexroad asked if this action would create the Sports Council and Director Gentry replied the action would only start the process. It then proceeds through the 3 x 2 meetings with the Woodland Joint Unified School District and the Council. The School Board will discuss and further meetings will be held to go through all possible levels of approval prior to moving ahead.

Council reviewed the attached proposed Articles and Bylaws for the Woodland Sports Council and forwarded to the Woodland Joint Unified School District/City Council 3 x 2 for recommendations.

RESOLUTION 4513-IMPLEMENT CLARK PACIFIC ANNEXATION

Council adopted Resolution 4513, "A Resolution Directing City of Woodland Staff to Take Certain Specified Actions as Required by LAFCO (Local Agency Formation Commission) Conditions of Approval to Effect the Reorganization of Land to the City of Woodland".

RESOLUTION 4514-UPDATE CONFLICT OF INTEREST CODE

Council adopted Resolution 4514, a "Resolution of the City Council of the City of Woodland Amending Conflict of Interest Code for Designated Positions", to add the position of Chief Plant Operator at the Waste Water Treatment Plant.

AMENDMENT TO CONTRACT WITH YOLO COUNTY COMMUNICATIONS EMERGENCY SERVICES AGENCY FOR TRAINING SERVICES

Council authorized the City Manager to execute an amendment to the Agreement between the City of Woodland and Yolo County Communications Emergency Services Agency for the Fire Department to provide training services to YCCESA.

RUSSELL RANCH WILLIAMSON ACT CANCELLATION

Council received a report on the Williamson Act contract cancellation for the Russell Ranch.



REPORTS OF THE CITY MANAGER (continued)

BUDGET SCHEDULE, DIRECTION AND GUIDANCE FOR THE PREPARATION OF THE FY 2004-2005 PRELIMINARY BUDGET

City Manager Kirkwood outlined the proposed budget schedule and adoption dates. The budget is being held on the expenditures. There is a reasonable but fragile balance within the resources of the City with an ongoing gap in safety services. Revenues above a 4% increase will go to safety. He is very concerned about the continued "take" of local funds by the State and Council has expressed that concern to the State as well. Within the Operating Budget Contingency, staff is identifying all potential cost savings, line items expenditures and program and service reductions, which are already at minimal levels. He outlined specific areas within each of the Departments under examination for reduction in cost. The Capital Budget Contingency in relation to the General Fund is under analysis. Measure H monies are expended exactly as they were approved. The policy direction has been: conserve expenses, maintain morale, educate employees and others regarding the budget concerns, seek and find creative means to deliver services with less cost to the General Fund, prepare conservative and realistic budgets, evaluate and update fees for services, work efficiently, effectively and as productively as possible, generate reasonable revenue opportunities, promote economic development while maintaining the community values, review each level of service and program that can quantify as a reduction, identify and prioritize all programs and services. The Operating Budget process includes Department budgets with specific areas for maintenance or reductions in levels of service. Program summaries and balance sheets for 78 programs continue to be analyzed for possible cuts. With the prioritization of public safety by the Council, it should be noted that 100% of the current property tax received by the City is for Police and Fire services.

Long term solutions are needed to address the existing gap in Police and Fire services funding, the annual shortfall in Vehicle Replacement funding, the annual shortfall in Information Technology needs, and the existing deficit in the Storm Drain fund.

Finance Director Drayton said the City had set aside \$450,000 for the Vehicle Licensing Fees and \$150,000 for loss of booking fees. With no further takes from the State, our budget will not be impacted greatly this year. With the same ERAF take as in the 1990's, we have not been able to adequately fund the VRF. We need to be looking at a long term solution. The City is vulnerable to State action. The Governor's proposal for ERAF is a permanent loss of \$500,000 to the General Fund and \$20,000 to the Redevelopment Agency. There have been discussions about allowing Cities to opt out of non-workplace safety mandates if the State does not reimburse. Should booking fees be eliminated



from the mandate, the County will not bill the City, which would leave \$180,000 available.

The State bond proposal will impact us in cash flow and may create a shortfall. It is unclear exactly how that will affect us as yet. If revenue remains at a 4% increase and expenditures at 3%, we will break even.

Council Member Monroe asked if the bond measure passes, does the City lose all our sales tax, as well as not receiving the property tax. Director Drayton said they would cut when the City receives money and the \$180,000 would be the interest the City would pay during the period of low cash flow.

Assistant City Manager Marler said the City has 303 authorized full time positions and 10 part time. The majority of the employees reside in Parks, Recreation and Community Services, Public Works, Police and Fire. Positions are not filled without going through the Vacant Position Review process.

City Manager Kirkwood indicated continued review will be made on income and expenditures. The City Budget has been kept to minimum levels as has staffing, over the past several years. Further loss of revenue will mean loss of core services and programs. Director Drayton presented a visual of the growth in California governmental employees per resident. This City is well below the average required to provide levels of service.

Council Member Dote said the Spring Lake Specific Plan is to be revenue neutral but it appears we will lose 25% of the property tax. Director Drayton said staff is looking at the impacts at present and further information will be forthcoming to Council. The projections are very conservative. City Manager Kirkwood said if we lose the taxes it will affect the fees. Council Member Dote requested a column be added to the Fiscal Year 2003-04 Net Cost worksheet to indicate the levels required to meet those as outlined in the General Plan. She would also like to see what the attrition figures show and shifting of jobs and deferring items provide. She also requested a letter to the Governor, Assembly Member Wolk and Senator Machado about the shift of ERAF from the Redevelopment Agency. Council concurred.

Vice Mayor Rexroad is concerned about the safety of the City. The Levels of Service are adjusted and staff tries to maintain those levels. Council should be looking at the balance of services. Council Member Peart said the reason we are unclear of the direction is the uncertainty from the State level. The City needs to look seriously at the Levels of Service. He feels the LOCAL initiative is indicative of something that may save this City. Council Member Monroe said there are 20 vacancies and he was under the assumption there was a hiring freeze in place. City Manager Kirkwood said vacancies are scrutinized closely



prior to recommendation for hiring. Those monies are placed into a contingency. Many of the positions are in the Enterprise Fund. Assistant City Manager Marler said there were 23 positions, 16 have been approved and 7 on hold.

Council Member Monroe said 7 officers are needed to fill the gap for Police and Fire needs 25. He asked if these figures would bring the City to the General Plan standards. Chief Diekman said these numbers are in the General Fund and the Master Plan that Council had approved. Vice Mayor Rexroad said Council has set the Level of Service for Police and Fire and we need to stand behind that determination. Council Member Dote asked for the mandated costs that the State has not reimbursed. Layoffs should be the last resort.

Mayor Flory said he does not believe that the \$1.2 million in reserves is sacred. If the City cuts as far as feasible, we need to look at contingencies for temporary funding until we can identify more revenue or the State is more receptive to Cities.

City Manager Kirkwood thanked staff for looking at their budgets carefully. Council Member Dote would like to have some insight to the balance of land use in the City that may generate some revenue because they could not be subject to the "triple flip" concept.

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council affirmed the Budget Schedule and provided direction and guidance for the preparation of the Fiscal Year 2004-05 Preliminary Budget.

CONTRACT WITH PEYSER AND ASSOCIATES; FEDERAL APPROPRIATIONS REQUESTS; TRAVEL TO WASHINGTON DC TO MEET WITH LEGISLATORS

City Manager Kirkwood indicated the City has utilized the services of Thane Young of Peyser and Associates since 1999 to further the needs of the City with the Legislators in Washington. He recommended that Council consider extending that contract in an effort to continue those efforts for Federal funding at the local level. As a part of that action, the proposed issues, or Legislative Agenda is recommended for confirmation as is the designation of Council Members to travel to Washington to meet individually with the Legislators. In the past year, Mr. Young had been successful in assisting the City to receive \$100,000 for the parking issues before the City. In the last three years, Council has been burdened with the Federal Emergency Management Agency issues relating to flooding. Mr. Young brings the experience to identify those available funds for which the City might qualify.



Vice Mayor Rexroad and Council Members Dote, Monroe and Peart expressed their desire to meet with Legislators.

Council Member Monroe indicated the City receives much more in return for the cost to pay Mr. Young and to travel to Washington. Funding through these Federal program appropriations has been of assistance to the Fire and Police Department needs. The direct Legislator contact provides them with the knowledge of our concerns. Council Member Dote said we received over \$10 million on the Interstate 5 construction of which Mr. Young was instrumental in securing. The contact early in the year helps to receive the funds as well. Mayor Flory indicated Mr. Young has opened many doors and options for the City but feels that City staff could set meetings up with the Legislators directly at the local level.

A motion was made by Council Member Peart and seconded by Council Member Dote to authorize the City Manager to execute an extension to Peyser Associates, Inc., contract through January of 2005 at a cost not-to-exceed \$42,000, designate Council representatives as part of the City delegation to Washington, D.C. to address further advocate concerns, and affirmed the Legislative Agenda. Motion failed with Mayor Flory, Vice Mayor Rexroad and Council Member Monroe voting to the negative.

City Manager Kirkwood asked if the Legislative Agenda was acceptable and Council concurred to confirm as presented. Direct contact will be made with the Legislators regarding our specific issues.

2003 ROAD SYSTEM UPDATE

Assistant Engineer Tamera Burnham presented to Council the state of the roads in the City. Of the 158 miles of roads, 72 miles need work. Eight miles are to be reconstructed, 38 miles to be rehabilitated, 19 miles to receive seal coats and 6 miles need routine maintenance. Prior to Measure H passage, there was a \$10 million backlog plus an estimated \$1.1 million shortfall in funds for road maintenance, with no available major funding sources. With the passage of Measure H, the \$10 million is available, with \$2.7 million in development fees available to match on the arterial and collector road maintenance. There remains a \$1.1 million annual shortfall. Engineer Burnham outlined those projects that have been completed thus far, those currently under construction and those planned for 2004-05. There are some required pieces of equipment to complete these projects, an asphalt crack sealer, asphalt grinder and asphalt paver. It is planned to develop multi-year plan projects, continuously evaluate the progress of the plan and update as required in two years, maintain focus on eliminating or reducing the continuing annual shortfall, evaluate and improve



maintenance methods, and evaluate and pursue future Federal and State funding sources.

EQUIPMENT AUTHORIZATION AND REINSTATEMENT OF SURPLUS VEHICLE FOR DUBACH SPORTS PARK MAINTENANCE

On a motion by Vice Mayor Rexroad, seconded by Council Member Monroe and unanimously carried, Council authorized the use of a tractor-mower at Dubach Park and the re-use of Vehicle #52 for this purpose.

MINUTES

On a motion by Council Member Dote, seconded by Council Member Monroe and unanimously carried, Council adopted the minutes of the regular Council meeting of December 2, 2003, the joint Council/Redevelopment Agency/Public Facilities Corporation/Public Financing Authority meeting of December 9, 2003, and the regular Council meeting of December 16, 2003 as presented.

COMMUNICATIONS - WRITTEN

On a motion by Vice Mayor Rexroad, seconded by Council Member Dote and unanimously carried, Council rejected a Claim for Damages filed by Robert Christison on behalf of Carolyn Pickett and a Claim for Damages filed by Robert Christison on behalf of Gregory Pickett and referred these claims to the City Insurance Representative for action.

COMMUNICATIONS - COMMITTEE REPORTS

Council received the minutes of the Library Board of Trustees meeting of December 15, 2003.

Council received the minutes of the Yolo County Communications Emergency Services Agency meeting of January 7, 2004.

ADJOURNMENT

At 9:32 p.m. Mayor Flory adjourned the meeting of the Council.

Respectfully submitted,

Sue Vannucci, CMC, City Clerk