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

April 2, 2002

CITY COUNCIL SPECIAL/CLOSED SESSION

The Woodland City Council met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. Council Members present were Mayor Flory and Council Members Monroe and Peart. Council Member Dote arrived at 6:30. Vice Mayor Rexroad was absent. Also present were City Manager Rick Kirkwood, Assistant City Manager Phil Marler, City Attorney Ann Siprelle and Interim Police Chief Dean Shelton. The purpose of the closed session was to hold a conference with Legal Counsel regarding anticipated litigation, significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9, one case and to hold a conference with Legal Counsel and the Police Chief regarding a threat to public services or facilities pursuant to Section 54957, two issues.

CITY COUNCIL REGULAR SESSION

Mayor Flory announced that City Council met in a special closed session to hold a conference with Legal Counsel regarding anticipated litigation and received a report. A report was also received on two issues of threat to public services or facilities.

CALL TO ORDER

Mayor Flory called the regular meeting of the Council to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join the Council in the Pledge Allegiance.

ROLL CALL

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

Flory



COUNCIL MEMBERS ABSENT: Matt Rexroad

STAFF PRESENT: Rick Kirkwood, Phil Marler, Ann Siprelle, Dean

Shelton, George Bierwirth, Gary Wegener, Karl Diekman, Marie Bryan, Gus Bush, Debbie Grose, Margaret Vicars, Mitch Dion, Sue

Vannucci, Diana Puccetti

COUNCIL MINUTES

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, Council adopted the minutes of the regular Council meetings of January 9 and 22, 2002 as presented.

COMMUNICATIONS - WRITTEN

Council received a notice from Pacific Gas and Electric Regarding Nuclear Decommissioning of the power plants at Diablo Canyon and Humboldt Bay Unit 3.

COMMITTEE REPORTS

Council received a report from Assistant City Manager Phil Marler transmitting the minutes of the Manufactured Homes Fair Practice Commission meetings of February 7 and 20, 2002, and March 6, 2002. Council Member Monroe asked if the minutes could be generated more expeditiously. City Clerk Vannucci stated that minutes are not official until the Commission has seen and approved. They are then transmitted to Council for their review and comment. This can create a delay in the distribution of minutes to interested parties.

Council received a report from Community Development Director Steve Harris transmitting the updated minutes of the Historical Preservation Commission meetings of February 13, 2002 and March 13, 2002.

Council received a report from Parks, Recreation and Community Services Director Henry Agonia transmitting the minutes of the Parks, Recreation and Community Services Commission meeting of February 25, 2002.



Council received a report from Director Agonia transmitting the minutes of the Joint Parks, Recreation, and Community Services Commission and Commission on Aging meeting of February 25, 2002.

Council received a report from Library Services Director Marie Bryan transmitting the minutes of the Library Board of Trustees meetings of February 25, 2002 and March 4, 2002.

Council received a report from Public Works Director Gary Wegener transmitting the minutes of the Traffic Safety Commission meeting of March 4, 2002.

Council received a report from Fire Chief Karl Diekman transmitting the minutes of the Yolo County Communications Emergency Services Agency meeting of March 6, 2002.

Council received a report from Director Harris transmitting the summary of the Planning Commission actions taken at their meeting of March 7, 2002 as follows:

- a. conditionally approved expanded use of the La Finca restaurant to include live entertainment and dancing on Friday and Saturday from 8:00 p.m. to midnight and Sunday from 8:00 p.m. to 2:00 a.m.
- b. continued the review of the City Code regarding definition of "motor vehicle" and "vehicle" for purpose of code compliance and nuisance abatement.

Council received a report from Director Agonia transmitting the minutes of the Commission on Aging meeting of March 12, 2002.

Council received a report from Director Wegener transmitting the minutes of the Tree Commission meeting of March 18, 2002.

Council received a report from Director Harris transmitting the summary of the Planning Commission Meeting actions taken at their meeting of March 21, 2002 as follows:

- a. conditionally approved a use permit and design review for McDonald's Restaurant.
- b. continued implementation of Interstate 5 and County Road 102 entryway zoning and design amendments to the Zoning Ordinance, Community Design Guidelines, Southeast Area Specific Plan, and General Plan to



allow preparation time for a technical amendment and environmental review.

- c. continued to the April 4, 2002 Planning Commission meeting, the request for 65402 funding.
- d. conditionally approved Design Review of Phase II of the Avignon Subdivision Homes Tentative Map No. 4042.
- e. conditionally approved Design Review of Centex Homes Steeplechase Subdivision Tentative Map 4060.

PUBLIC COMMENT

Alan Flory from Woodland Community College District said the College is attempting to gain Southern access to their property on East Gibson Road. At present, the only means of egress is onto Gibson Road. With the new high school there will be increased traffic and it would be more prudent to provide a rear exit to the College property. WCC would also like to have a joint use agreement for the athletic facilities. This would also create an increased need for rear access to the College. Public Works Director Wegener will meet with Mr. Flory in regard to this issue. City Manager Kirkwood said there has been some preliminary discussion and he suggested that Mr. Flory, Dean of the College, Francisco Rodriguez, and others meet with him on these issues.

Tania Garcia-Cadena of the Volunteer Connection said they will be doing Youth Recognition Awards in partnership with Parks, Recreation and Community Services. Nominations will be taken throughout the month of April.

COUNCIL STATEMENTS AND REQUESTS

Council Member Dote said the Metropolitan Transportation Plan proposed by SACOG has been updated. Forty percent of General Funds will be allocated until Proposition 42 funding begins. She asked for and Council concurred, a simple report on Measure H updates for the April 16th meeting.

Council Member Monroe attended a Homeless Coalition summit and indicated that Yolo County has 367 homeless individuals, 70 of which are minor children. Most are in a shelter. Seventy of these homeless are in this City.



Mayor Flory would like the City Manager to work with Parks, Recreation and Community Services on how the various parks throughout the City have been named. He would like plaques regarding the naming history posted at the sites. The PRCS Commission will become involved. Mayor Flory requested that Council Members look at the Consent Calendar items in their packets when received and contact the City Manager not later than Monday prior to the meeting in an effort to have questions answered. Appropriate Staff members can then be present at the meeting and be prepared with additional information as needed. Other items to be discussed, such as calling attention to an issue or a congratulatory item, could be heard under Council Comments and Requests. This would help facilitation of the meeting process. Council concurred with Mayor Flory's requests.

Council Member Peart said there are many people in the flood zone that do not have insurance. He asked that Staff prepare and send a letter to the Insurance Agents with some facts and information. It was Council consensus that Staff prepare a letter and Fact Sheet from the Mayor to go out to the citizenry. Mayor Flory said it appears the County will become involved in the flooding problem.

Mayor Flory would like the Council to meet with staff to review the Community Services Award program and consider categories honoring involvement with youth. He would like to be on this Committee. It was Council consensus to bring the formation of a sub-committee and appointment of members to review the Community Services Award program to the April 16th meeting.

PRESENTATIONS

COMMUNITY HEROES PROCLAMATION

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council proclaimed Sylvia Evans-Beltran, Bridget Evans-Torres, Shannon Harrington and Linda Dennis as community heroes and approved Certificates of Appreciation for their quick thinking and life-saving action.

Council presented Certificates to Sylvia Evans-Beltran, Shannon Harrington and Bridget Evans-Torres for their roles in saving the life of Joe Dusier who had a heart attack during a performance at the Woodland Opera House. Also recognized was Linda Dennis who was not in attendance.



PROCLAMATION FOR NATIONAL TELECOMMUNICATOR'S WEEK APRIL 14 – 20, 2002

On a motion by Council Member Monroe, seconded by Council Member Peart and carried by the Members present, Council proclaimed the week of April 14 through 20, 2002 as Public Safety Telecommunicator's Week. Council Member Dote presented the Proclamation to Karen Avara from County Communications.

"WOODLAND READS WEEK"

Library Services Director Marie Bryan presented a copy of the publication The Circuit: Stories from the Life of a Migrant Child to the Council Members and gave a background on the program and the book. On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council proclaimed Woodland Reads! Week, May 12-18 2002 and encouraged all members of the Woodland community to read The Circuit by Dr. Francisco Jimenez, to discuss it with their neighbors and to participate in the activities planned around Woodland to celebrate this special week. Council Member Monroe presented the Proclamation to Director Bryan.

CONSENT CALENDAR

City Manager Kirkwood removed the following item from the Agenda:

ABANDONMENT OF AN ACCESS OF PUBLIC RIGHT OF WAY NOT REQUIRED FOR STREET PURPOSES

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

MONTHLY STATUS REPORT FOR COMMUNITY DEVELOPMENT

Council received the Monthly Status Report for March, 2002 from Community Development.



MONTHLY STATUS REPORT FOR PARKS, RECREATION AND COMMUNITY SERVICES

Council received the Monthly Status Report for March, 2002 from Parks, Recreation and Community Development.

MONTHLY STATUS AND CAPITAL BUDGET IMPLEMENTATION REPORTS FROM PUBLIC WORKS

Council received the Monthly Status and Capital Budget Implementation Reports for the Month of March, 2002 from Public Works.

TREASURER'S REPORT FOR JANUARY 2002

Council reviewed and accepted the January, 2002 Investment Report as submitted.

TREASURER'S REPORT FOR FEBRUARY 2002

Council reviewed and accepted the February, 2002 Investment Report as submitted.

<u>PURCHASE AND INSTALLATION OF CITY-WIDE AREA NETWORK</u> <u>ARCHITECTURE UPGRADE EQUIPMENT</u>

Council approved the purchase and installation of City-wide Area Network Architecture upgrade equipment.

CONTRACT FOR YOLO HOUSING GYM REMODEL

Council awarded a contract to Buchignani and Sons for the Yolo Housing Gym Remodel and authorized the City Manager to execute the contract in the amount of \$37,460.



USED OIL RECYCLING BLOCK GRANT EIGHTH CYCLE FISCAL YEAR 2002/03

Council received a report on the California Oil Recycling Enhancement Act Block Grant. This year our share is \$23,015.

<u>CALIFORNIA DEPARTMENT OF CONSERVATION – CITY/COUNTY PAYMENT PROGRAM – BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT</u>

Council received information regarding income to be received as a result of the City beverage container recycling and litter reduction.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD ACKNOWLEDGMENT OF YOLO COUNTY AS LEAD AGENCY FOR REGIONAL APPLICATION OF HOUSEHOLD HAZARDOUS WASTE GRANT

Council authorized the City Manager to sign a letter to the California Integrated Waste Management Board acknowledging Yolo County as the lead agency for the regional application of a Household Hazardous Waste Grant for Fiscal Year 2002-03.

RESOLUTION 4342 SETTING NET OPERATING INCOME HEARING FEE FOR MANUFACTURED HOMES SPACE RENT CONTROL

Council approved Resolution 4342, "A Resolution of the City Council of the City of Woodland Establishing the Net Operating Income Hearing Fee" in conformance with the Manufactured Home Space Rent Control Ordinance at \$5,900 with provisions that \$2,550 will be refunded if the hearing is concluded in one five hour meeting or less..

DISPOSITION OF WOOD CONSISTENT WITH EXISTING CITY PROCEDURES

Council authorized the disposition of wood consistent with existing City procedures.



FEDERAL ASSISTANCE (SUPPORTIVE HOUSING GRANT-SHP) AND AGREEMENT WITH YOLO WAYFARERS TO IMPLEMENT THE ONE YEAR PROGRAM

Council authorized the City Manager to sign the technical submission for Federal Assistance, Supportive Housing Grant, and to sign the agreement with Yolo Wayfarer's to implement the one year program in the amount of \$175,151.

<u>DEFERRAL FEE AGREEMENT WITH WISPARK DEVELOPMENT COMPANY FOR</u> WAREHOUSE BUILDING

Council authorized the City Manager to sign a deferral fee agreement with Wispark Development Company for a warehouse building.

HOMELESS COORDINATOR REPORT FOR FEBRUARY 2002

Council received the Homeless Coordinator Report for February of 2002.

NEGOTIATE WITH CENTEX HOMES FOR ACQUISITION AND DEVELOPMENT OF ACCESS TO LANDSCAPED AREAS OF THE I-5 CORRIDOR

Council authorized the Parks, Recreation and Community Services Director to negotiate with Centex Homes for the acquisition and development of access to landscape areas of the I-5 corridor.

FINAL SUBDIVISION MAP 4566, STEEPLECHASE UNIT 1

Council approved the Final Map and Subdivision Improvement Agreement for Subdivision No. 4566, Steeplechase Unit 1.

FINAL SUBDIVISION MAP 4567, STEEPLECHASE UNIT 2

Council approved the Final Map and Subdivision Improvement Agreement for Subdivision No. 4567, Steeplechase Unit 2.



PUBLIC HEARINGS

INTRODUCE AND READ BY TITLE ONLY AN ORDINANCE FOR CHARTER CABLE TELEVISION FRANCHISE RENEWAL

Assistant City Manager Marler summarized the process for franchise renewal and the provisions as follows to include: broadband (internet) services will be throughout the City within the next 24 months; funding for equipment to improve video and audio functionality, quality and reliability in the Council Chambers; funding for the Woodland Access Visual Enterprises (WAVE) program equipment; measure of support for WAVE through community contributions; option for Council to activate a fourth Public, Education, Government channel to be utilized by Yolo County to cablecast the Board of Supervisors meetings and other County programming.

Council Member Dote asked if there were any opportunities for reopeners and Rich Esposto, Consultant, indicated there were no re-opener clauses. Mayor Flory asked for an estimate of revenue being lost by the new ruling on the broadband. Mr. Esposto said nationally, it is 11-15% on average. If we take 10-15% of the Woodland subscribers at \$50 per month at 5% would give a loss of about \$250,000 per year. Several municipalities and consumer groups are challenging the FCC on this issue. However, he is not optimistic on the outcome. If the ruling is favorable to local governments, we may have the option to require the franchise fee to be paid on broadband. Mr. Esposto said the language would revert back to original language which would provide for the fees. He feels he had direction from the Sub-Committee and the contract is fitting in the target language. Council Member Peart said that having Charter Communications available is good for the City. The fifteen years is standard for franchise length in the industry. The fund raising campaign for the WAVE program, "WAVE A BUCK" was suggested as a method to provide increased income for the public broadcasting.

At 8:05 p.m. Mayor Flory declared the Public Hearing open. As the Public Hearing was scheduled for 8:15, Mayor Flory continued the Hearing until that time. (continued below)

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:



RESOLUTION 4344 AMENDING CITY OF WOODLAND COMPREHENSIVE FEE SCHEDULE

Fire Chief Karl Diekman indicated the Department had reviewed fees to bring them more closely aligned with the actual time involved in performing the associated tasks. The fee changes recommended meet those criteria. Also proposed is reducing the per page copy fee to 30 cents.

On a motion by Council Member Dote, seconded by Council Member Peart and carried by the Members present, Council adopted Resolution 4344, "A Resolution of the City of Woodland Fire Department Approving Changes to Article 1, All Departments, and Article 6, Fire Department, of the City of Woodland 1995-96 Comprehensive Fee Schedule".

PUBLIC HEARINGS (continued)

INTRODUCE AND READ BY TITLE ONLY AN ORDINANCE FOR CHARTER CABLE TELEVISION FRANCHISE RENEWAL (continued)

Mayor Flory opened the Public Hearing at 8:15.

Alan Smith, Interim Director of WAVE, stated they needed to enhance their funding. It is WAVE's intent to create a live broadcast cable studio. With Charter funding they will be able to do some of the things they have been planning. WAVE is not well known for what they can provide. He will be asking for underwriting from groups and individuals. An internship program through the University of California at Davis is planned. They want to augment current local programming. A different location with a better facility is needed. The "WAVE a Buck" concept was proposed by Assistant City Manager Marler. With 8000 subscribers, if 48% gave \$1 per month, equates to approximately \$46,000 per year.

Council Member Dote said there will be some capital money available in the City and asked how those funds would be transferred to WAVE. Mayor Flory said the City will be working on that issue with Charter. Assistant City Manager Marler said the agreement provides that in lieu of Charter providing the actual equipment, they have chosen to provide dollars based upon a City Council approved Capital Plan, a list of equipment and facilities. Charter will not have an approval authority over the Council, but an assurance to them their funds are going toward Public Education Government Access. There is no guarantee that money would go to WAVE. Warren Mitchell of Charter Communications thanked



the Council and Staff for working diligently on the Franchise Agreement. Mr. Smith said the capital allocation is only for equipment. He is very concerned that the money has been set for WAVE but it may not be adequate. He will prepare a Memorandum of Understanding for Council consideration on the understanding that money shall go to WAVE. Mayor Flory asked that he present the MOU to City Manager Kirkwood for possible inclusion on a future Agenda. City Manager Kirkwood said this is a two party issue and needs to be placed on an Agenda with a statement that this Council cannot obligate future Councils and budgetary decisions must be made on an annual basis.

Council Member Dote asked the City Attorney to clarify dedication of funds. City Attorney Siprelle said the funds can only be used for capital equipment. Assistant City Manager Marler said this is two groups of funds. One is \$250,000 from Charter over fifteen years. The other is our franchise fees which are the 5% and they go directly into the General Fund. These funds are Charter's payment for use of public rights-of-way, public property to have their system in our grounds, streets, etc. The capital improvement is that we have asked Charter to support public education government access with equipment and they have agreed to that with funding, but based upon an equipment list approved by the City Council.

Mayor Flory asked if WAVE could apply for CDBG funds. City Manager Kirkwood said under Community Based Organizations (CBOs) they might be eligible under economic development as they are promoting the public benefit. He will assist Mr. Smith in working with Redevelopment Manager Ross and Planner Hanson on pursuit of that possibility. City Attorney Siprelle said that the FCC is not a final order yet and is now open to comment. The Ordinance provides that the City can apply franchise fees to whatever services it may lawfully apply them to. Mr. Mitchell said they are following the FCC issue.

At 8:37, Mayor Flory closed the Public Hearing.

On a motion by Council Member Peart, seconded by Council Member Monroe and carried by the Members present, Council introduced and read by title only an "Ordinance of the Council of the City of Woodland Granting Renewal of a Non-Exclusive Cable Television Franchise to Charter Communications Properties, LLC".



DISPOSITION OF PROPERTY ADJACENT TO BOURN DRIVE

City Manager Kirkwood reminded Council this issue had come before them in regard to trees on a small piece of property adjacent to Fire Station #3 where the fencing had "jogged" in an effort to save them from removal. The trees are directly on the property line between the City property and private property. The proposal is to dedicate the strip of land to the property owners with a deed restriction that indicates the trees cannot be removed without approval of the City. City Attorney Siprelle said existing Code provides that if the property were to be developed, a tree plan would need to be submitted along with the application to the official or body who would make that decision. It would not go to the Tree Commission directly unless referred to them.

At 8:40 Mayor Flory declared the Public Hearing open. Hearing no comments, the Public Hearing was closed at 8:40.

City Attorney Siprelle said there is a recommendation for a Deed Restriction on the property transfer. Council Member Dote said the current Code would require a tree plan to Community Development. The Deed Restriction is asking for written consent from the Director of Public Works only for the removal of the trees.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council approved the vacation of a parcel of land 4.5 feet wide and 70 feet long located on the Eastern edge of Parcel No. 066-050-051 adjacent to Bourn Drive as per Resolution 4337 adopted by the Council on February 5, 2002 with deed restriction as follows, "Grantee shall preserve and maintain the four Oak trees on the property and shall not remove any such tree without the prior written consent of the City of Woodland Director of Public Works. Grantee shall not cause or permit any construction or other activity inimical to the health of the trees to occur within any of the trees' drip line."

REDEVELOPMENT AGENCY

None.

REPORTS OF THE CITY MANAGER (continued)

REGULAR CALENDAR (continued)



<u>COUNCIL PROTOCOL CHAPTER 2 OF THE WOODLAND MUNICIPAL CODE</u> <u>RELATING TO COUNCIL PROCEDURES</u>

City Manager Kirkwood suggested that as Vice Mayor Rexroad had requested consideration of this item and he is unable to be present, the item be continued to the April 16, 2002 meeting.

On a motion by Council Member Peart, seconded by Council Member Dote and carried by the Members present, Council deferred the consideration of "Council Protocol, Chapter 2 of the Woodland Municipal Code Relating to Council Procedures" to the April 16, 2002 meeting.

	Procedures" to the April 16, 2002 meeting.
ORDIN	NANCE
	None.

ADJOURNMENT

Mayor Flory adjourned the regular meeting of the Council at 8:43 p.m.

Sue Vannucci, City Clerk

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