

Council Chambers
300 First Street
Woodland, California

October 22, 1996

The Woodland City Council met in special session at 6:00 p.m. in order to convene a closed session. Before the closed session the City Manager announced the purposes of the closed session. The first item was a conference with legal counsel regarding existing litigation [Sec. 54956.9(a)], specifically the following cases: Winger, Fahrig, et al, v. City of Woodland (U.S. District Court, Eastern District of California, Case No. CIV-S-96-483 GEB GGH).; Winger v. City of Woodland (U.S. District Court, Eastern District of California, Case No. CIV-S-96-559 DFL JFM). The second item was a conference with legal counsel regarding anticipated litigation and significant exposure to litigation pursuant to Subdivision (b) of Sec. 54956.9, involving one case. Council Members present at the meeting were: Rominger, Borchard, Flory, Losoya, and Ryhal; Council Members absent: None. City Manager Kris Kristensen, City Attorney Ann Siprelle, Police Chief Russ Smith, and Community Development Director Janet Ruggiero also attended the closed session. The special session and closed session were adjourned at 7:08 p.m.

The Woodland City Council met in regular session at 7:10 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Rominger opened the meeting and invited everyone present to join her in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Rominger, Borchard, Flory, Losoya, Ryhal

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Siprelle, Ruggiero, McDuffee, Smith, Barry, Wegener, Paulson, Tice, Mancilla, Lansburg, Mitchell, Ponticello, Horgan

CITY MANAGER ANNOUNCEMENT:

The City Manager said the City Council just completed a closed session for a conference with the legal counsel regarding existing litigation and a conference with legal counsel regarding significant exposure to litigation pursuant to the California Government Code.

Mayor Rominger said in regard to the existing litigation (Winger, Fahrig, et al vs. City of Woodland) the Council authorized legal counsel to offer a settlement of the case to the plaintiffs. In addition in regard to the significant exposure to litigation, the Gibson Road/County Road 101 issue, she said the Council is close to reaching a decision, and one

Council Member has asked for additional time to gather more information for himself to make a decision he feels is most appropriate. She said another closed session will be scheduled for this matter regarding Gibson Road and County Road 101 on October 29, 1996.

MINUTES:

The City Clerk noted some typographical errors in the first paragraph of page 13 of the September 3, 1996 minutes.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the minutes for the regular Council meeting of September 3, 1996, and adjourned meeting of September 24, 1996, as corrected.

COMMUNICATIONS:

1. From Finance Director Margaret Vicars a memo was received advising of claims paid for accounts payable and payroll in September 1996.

2. From Tracie Martin a claim against the City was received in regard to a tree limb falling on claimant's vehicle on August 8, 1996 on Northwood Drive. The City's insurance representative recommended that the Council reject the claim and refer it to them.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council rejected the claim against the City filed by Tracie Martin and refer the claim to the City's insurance representative.

3. From City Treasurer Ann Hanson a report was received transmitting the City's investment activities for September 1996.

COMMITTEE REPORTS:

1. From Library Services Director Marie Bryan a report was received transmitting the minutes of the Library Board meeting of August 12, 1996.

2. From City Manager Kris Kristensen a report was received transmitting the minutes of the Yolo Solano Air Quality Management District Board meeting of August 14, 1996.

3. From Chief of Police Russ Smith a report was received transmitting the minutes of the Yolo County Communications Emergency Services Agency Board meeting of September 4, 1996.

4. From Finance Director Margaret Vicars a report was received transmitting the minutes of the Yolo County Public Agency Risk Management Insurance Authority meeting of September 9, 1996.

5. From Community Development Director Janet Ruggiero a report was

received summarizing action taken at the Historical Preservation Commission meeting of September 11, 1996.

6. From the City Manager a report was received transmitting the minutes of the Water Resources Association meeting of September 13, 1996.

7. From the Community Development Director a report was received transmitting the minutes of the East Street Corridor Specific Plan Committee meeting of September 26, 1996.

8. From Director of Public Works Gary Wegener a report was received transmitting the minutes of the Traffic Safety Commission meeting of October 10, 1996.

PUBLIC COMMENT:

Michael Contreras gave the Council a progress report on the time line for developing a City flag. He said the City Flag Committee is planning to have the flag project completed in time for the 1997 July 4 celebration at Woodland High School. He thanked Council Members Flory and Losoya for attending the meetings.

Mary Ann Smith, representing property owners on County Road 101, reiterated her neighbors' concerns regarding the left turn restrictions at Gibson Road and County Road 101. She said it has been over a year, and the residents are anxious for the Council to make decision and to get the matter resolved.

Bill Hall said he is also a resident along County Road 101 and thanked the Council and City staff for their efforts to resolve the left turn restrictions.

Connie Ericksen, resident along County Road 101, said also some people in their neighborhood have lost child care services because of the traffic restrictions. She said the property values have also gone down.

Jonathan Rothman, resident on County Road 101, thanked the Council for its efforts to resolve the left turn restrictions, and he urged the Council to proceed with the process as quickly as possible.

Community Development Director Janet Ruggiero distributed information to the Council on the Habitat Conservation Plan (HCP). She said the Council received the final draft of the HCP which is scheduled for a hearing on November 7, 1996, as well as the implementing agreement and all of the comments on the draft. She said copies will be available at the Library for the public.

PROCLAMATION - RED RIBBON WEEK:

Police Lieutenant Rich Lansburg reported on activities planned for Red Ribbon

Week in Woodland. Students from Douglass Junior High School also reported on school activities to publicize Red Ribbon Week and promoting the commitment to healthy, drug-free living.

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council proclaimed October 23-31, 1996 as "Red Ribbon Week."

Mayor Rominger presented the proclamation to Lieutenant Lansburg.

PRESENTATION - MEASURE C/CACHE CREEK GRAVEL MINING:

Janet Levers, representing Citizens for Responsible Mining, said she has been concerned with the Cache Creek gravel business, and lives on County Road 20 about a mile from the Creek. She explained why Measure C was submitted in response to the Yolo County Board of Supervisors placement of Measure D, the Cache Creek gravel mining measure, on the November 5, 1996 ballot. She said there is supposed to be a one to one replacement mitigation measure for each acre of prime ag land taken out of production. She then discussed emissions of PM-10's, O-zone precursors, and accumulative impacts to air quality. She said her group called it to the County's attention that one of the most serious threats was not addressed in the EIR. She said earlier this year the Regional Water Quality Control Board classified Cache Creek as an impaired waterway due to the presence of high levels of mercury there. She said the County then commissioned two researchers from UCD to study the issue, and she explained their findings. She said there will be 51 pits under the County's plan, and she said the main threat with the mercury contamination is its movement through the food chain. She said the County's oversight did not reassure Citizens for Responsible Mining. She said her group was also concerned about the increased gravel tonnage allocations to be coming from Cache Creek and the long term impact on taxes and assessed valuation of the mined lakes. If the lakes are turned over to the County (the public) in 30 to 50 years that results in a reduction in the tax base. She said her group is especially concerned about the ballot language for Measure D, and she said Measure C was placed on the ballot as an absolute last recourse.

Lois Linford discussed the impact on water quality and quantity from deep pit gravel mining.

Ms. Levers and Ms. Linford responded to questions from Council Members.

HEARING - APPEAL OF DENNIS & KAREN DAY VARIANCE REQUESTS:

Mayor Rominger said the only public hearing scheduled is to consider an appeal filed regarding two variance requests by Dennis and Karen Gay, 527 College Street.

Senior Planner Colleen McDuffee said on September 19, 1996 the Planning Commission on a 2-1 vote approved a variance for the height of a carriage house at the home of Dennis and Karen Gay at 527 College Street. She said the Commission at that time considered two variances. One was for the carriage house which would allow for a carriage house with a height of 25 feet 6 inches where the Zoning Ordinance only allows for a height of 16 feet. The second variance was for a play structure which looks like a tank house/tower and the request was for a height of 24 feet where the Zoning Ordinance only allows for a height of 16 feet. She said the Zoning Ordinance contains provisions for variances and specifies five circumstances which must be present for Planning Commission approval. On September 19 the Planning Commission only made those findings for the carriage house, approved the variance for the carriage house and denied the variance for the tower. Following the Planning Commission decision, she said, Mr. and Mrs. Joseph Keehn, who live in the house south of the Gay residence on College Street, filed an appeal. The appeal listed five reasons for the appeal, and she pointed out that only one of the five items which deals with the height of the structures can be considered by the Council at this time. The other items listed were not considered by the Planning Commission. For clarification she listed the five reasons for the appeal: (1) no building permit -- no fees paid; (2) no inspection -- substandard construction; (3) built on property lines -- roofs extend over property lines; (4) buildings exceed size and height limits; and (5) Neighborhood Preservation Zone was designed to prevent his type of construction. She said that building permits have not been issued for either the carriage house which is completed or the tank house/tower which is partially completed. Pending the Council's decision the structures are allowed to remain, and the Gays will need to get a building permit for the structures and pay the fees at that time. She said the normal process is to first get the building permit and then the variance. When the building permit is obtained and an inspection is made any work that is found to be substandard will need to be brought up to standards of the Uniform Building Code. She said accessory structures are allowed to be built on the property lines. Also she said the Neighborhood Preservation Zone was created in 1979 to stabilize and protect the established, older residential areas. It was a downzoning -- land that was zoned for apartments was rezoned to only allow one or two units per lot. The Neighborhood Preservation Zone provisions do not contain any design guidelines or restrictions on the number or type of accessory buildings. She said she did not feel the Keehn's intent was to appeal the tank house, but just to appeal the Planning Commission's approval of the variance for the carriage house. She said Council received tonight a copy of a letter dated September 19 from Mr. and Mrs. Gay recounting their presentation to the Planning Commission and a letter dated October 9 from the Gays regarding the appeal. Council also received a third letter from Kathleen Fisher offering her comments on the issues regarding Neighborhood Preservation.

Building Inspector Bill Paulson said he was not certain when the Gays started the project because they did not have a building permit, but he said a couple of years ago the Dennis Gay obtained a permit for a new electrical service for his house.

City Attorney Ann Siprelle suggested the Council get a clarification from Mr. Keehn

as to whether he was appealing both the variance for the carriage house as well as the Planning Commission's denial of the variance for the tank house/tower.

Council took a recess from 8:32 p.m. until 8:44 p.m. to allow Mr. Keehn to speak with the Community Development Director and the City Attorney to discuss exactly what is being appealed.

The City Attorney said the appellant still has the right to appeal to the Board of Building Appeals regarding building standards.

The Community Development Director said the Community Development Department staff will look at the type of structure to determine if it conforms to any code the City has adopted, including the setbacks, type of structure, requirements, etc. She said Mr. Keehn could appeal those issues related to certain requirements of the codes. She said if the applicant, Dennis Gay, complies with the code requirements and the building permit is issued, the issue is not appealable. Under the Building Code requirements, the building material could be appealed, etc., but the Board of Building Appeals does not normally deal with the actual granting of a permit.

Mayor Rominger said for clarification the only thing Mr. Keehn is appealing at this time is the Planning Commission's approval of the carriage house structure.

Mr. Keehn read from a section of the Uniform Building Code regarding obtaining building permits. He also discussed the value of neighborhood preservation regulations.

Mayor Rominger opened the public hearing.

Dennis Gay, applicant, said he did not obtain a building permit for the structures, but he said he is working with the Community Development Department. He said he did not remember being advised that he was required to obtain a variance for the structures. He discussed the cost involved and his attempts to make the structures appear as though they were built with the original house.

Mr. Paulson responded to further questions from staff regarding inspections and discussed the open building permit process.

Tom Stallard said he has had open building permits for each of the buildings he renovated along Main Street. He said open ended permits are important for historical preservation because the developer is not always certain about the extent of the improvements necessary.

There being no further comments, Mayor Rominger closed the hearing. After discussion Council took the following action:

On motion of Council Member Borchard, seconded by Council Member Losoya, and

carried by the following vote, the City Council upheld the decision of the Planning Commission that allows for a carriage house at 527 College Street with a height of 25 feet 6 inches where the Zoning Ordinance normally allows for a height of 16 feet:

AYES: COUNCIL MEMBERS: Borchard, Flory, Losoya, Rominger
NOES: COUNCIL MEMBERS: Ryhal
ABSENT: COUNCIL MEMBERS: None

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

Council removed the following items from the Consent Calendar: (1) authorize purchase of weather data gathering equipment; (2) approve reimbursement agreement for Sycamore Pointe Shopping Center; and (3) receive report from Yolo County in response to City Council question regarding Measure D.

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved the following Consent Calendar items:

COMPLETION OF CAMP PACKER CREEK KITCHEN HOOD VENT SYSTEM:

The City Council accepted the completion of Project No. 20-95-96, the installation of a commercial kitchen hood ventilation system at the City's Camp Packer Creek by B J Heating and Air Conditioning, Inc.; directed the City Clerk to file a notice of completion; and authorized the Mayor and City Manager to sign the notice of completion.

RESOLUTION OF APPRECIATION FOR JOHN BUCHANAN:

The City Council approved a Resolution of Appreciation for John Buchanan, who was retiring after serving as Fire Chief of the City of Woodland since June 1, 1984.

CRIME AND INTELLIGENCE ANALYST JOB DESCRIPTION:

The City Council approved the updated Police Crime and Intelligence Analyst job description.

PURCHASE OF LEASED POLICE VEHICLE:

The City Council authorized the purchase of one (1) 1993 Oldsmobile Cutlass Supreme (leased Police vehicle) in the amount of \$9,565.25 from Automotive Rentals, Inc.

ENGINEERING SERVICES FOR PUMPING STATION SURVEYING PROJECT:

The City Council (1) awarded a service contract to Yolo Engineers, Woodland, for survey work to determine horizontal and vertical coordinates of City pumping stations, and (2) authorized the Director of Public Works to execute the contract in the amount of \$3,850.

UPDATE ON CLEAN AIR GRANT:

The City Council received an update that the City was requesting an extension on the obligation deadline for Clean Air grant funding received from the Yolo Solano Air Quality Management District. The funding (\$10,000 for 1995-996 and \$6,667 for 1994-95) was due to expire but the Air District was agreeable to granting an extension if requested. The Director of Public Works advised that the City was granted an extension to October; however the City has not been able to identify a suitable use for the funding, due in part to changing technology which has resulted in cleaner burning gasoline engines. He reported that he advised the Air District that the District should recapture the funding and that the City will focus its efforts on insuring future applications are fully executable.

REGULAR CALENDAR:PURCHASE OF WEATHER DATA GATHERING EQUIPMENT:

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the City Council authorized the Director of Public Works to enter negotiations with local entities to procure weather data gathering equipment for a not to exceed amount of \$6,000.00.

SYCAMORE POINTE SHOPPING CENTER REIMBURSEMENT AGREEMENT:

On motion of Council Member Ryhal, seconded by Council Member Borchard and carried by unanimous vote, the City Council authorized the City Manager to execute a reimbursement agreement for Sycamore Pointe Shopping Center.

YOLO COUNTY REPORT REGARDING MEASURE D:

Heidi Tsudin, consultant, and Yolo County Supervisor Tom Stallard responded to questions from Council Members regarding the mercury levels and its effect on wildlife.

On motion of Council Member Borchard, seconded by Council Member Flory and carried by unanimous vote, the City Council received a report from the County of Yolo in response to Council questions regarding Measure D, Cache Creek gravel

mining measure on the November 5, 1996 Statewide ballot.

WOODLAND JUNIOR WOLVES YOUTH FOOTBALL FACILITY ISSUES:

Parks, Recreation and Community Services Director Tim Barry reported to the Council on the status of Woodland Youth Football (Junior Wolves) and the facility concerns they have. He said some years ago the Junior Wolves program was moved from Douglass Junior High School to Lee Junior High School as the result of a proposal that Little League had to either use the Douglass baseball field, renovate it and maintain it in exchange for using the field, and this displaced the Junior Wolves program. He said the School District moved the Wolves to Lee and put a lot of effort in providing a field for their practice and games. During the transition time of the first couple of years the Junior Wolves practiced at Clark Field under the lights because in October and November they need a lighted facility. He said this year he did not honor the request of the Junior Wolves because it was a temporary situation, and Clark Field was closed on October 1 to effect maintenance on the field to prepare for the January and the first of the baseball programs. He said temporary lighting was placed at Lee Junior High School but that was not satisfactory. He said the Junior Wolves would like to have a lighted facility in October and November. He said the Council previously allocated some PERS surplus funds for lighting at Lee Junior High School, and the School Board will be considering that project this week. He said the Junior Wolves talked to him about the possibility of using the Regional park site, and he told them the City's plans for that facility. He said the 1996 General Plan does not address a football facility, and staff feels the responsibility should be placed on the School District to provide such facilities. He suggested at this time supporting the concept of lighting for their October and November scheduled events and work with them in some other way.

Mike Nevas, President of Youth Football, said their program was in danger of falling apart and have been in existence for 25 years. He said they would like to get some power poles to provide lighting for their program. He said they are now using portable farm lights, and they currently have 120 football players and approximately 65 cheerleaders.

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

Mr. Nevas thanked Mr. Barry for the City Parks, Recreation and Community Services Department assistance in the past, particularly with sponsorship of youth who could not afford pay to participate.

Council Members expressed support for youth sports and voluntary self-supporting youth activities.

SACRAMENTO BALLPARK AUTHORITY:

The City Council postponed discussion on the proposed Yolo County membership in the Sacramento Ballpark Authority.

WASTEWATER TREATMENT PLANT EXPANSION PROJECT:

Senior Civil Engineer Mike Horgan gave a report on the use of chlorine gas for disinfection associated with the Wastewater Treatment Plant Expansion Project, Project No. 96-04.

On motion of Council Member Flory, seconded by Council Member Ryhal, and carried by unanimous vote, the City Council extended the meeting from 11:00 p.m. to 11:30 p.m.

RESOLUTION NO. 3973 - HOME FUND APPLICATION FOR SOUTHEAST AREA MULTIPLE FAMILY HOUSING:

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council (1) adopted Resolution No. 3973 authorizing the submittal of an application for Home Investment Partnership Program (HOME) to the State Department of Housing and Community Development; (2) allowed the payment of all City and Southeast Area development fees to occur at permanent loan closure; and (3) approved waiver of the fees and requested that the Redevelopment Agency consider repayment of the fees in 20 percent set aside \$79,220 under the City's Administrative Guidelines for development fees (Southeast Area development).

UPDATED FIRE CHIEF JOB DESCRIPTION:

The City Manager advised Council that with the upcoming retirement of John Buchanan, the Fire Chief position will be vacant at the end of October. He said he plans to proceed with an open recruitment, and he said he has appointed Fire Division Chief David Ostebo as Acting Fire Chief. He said the recruitment process will take four to five months.

On motion of Council Member Losoya, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the updated Fire Chief job description.

CONTRACT CONTINGENCY POLICY AND USE:

The City Council postponed discussion of contingency fee use on consultant and construction contracts.

ARCHITECTURAL SERVICES CONTACT FOR CITY HALL:

The City Council postponed approval of an architectural services contract for City Hall.

FUTURE MEETING AGENDA ITEMS:

Council Member Ryhal submitted a letter outlining a proposal to re-prioritize programs within the City budget. The City Council agreed to place the matter on a future meeting agenda.

ADJOURNMENT:

At 11:07 p.m. the meeting was adjourned to October 29, 1996, 7:00 p.m.

City Clerk of the City of Woodland