

Council Chambers
300 First Street
Woodland, California

October 19, 1993

The Woodland City Council met in regular session at 7:32 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Rominger 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, Flory, Sandy, Slaven

COUNCIL MEMBERS ABSENT: Crescione

STAFF PRESENT: Kristensen, Siprelle, Ruggiero, Wegener, Woodruff, Smith, O'Toole, Paulson

MINUTES:

On motion of Council Member Sandy, seconded Council Member Flory and carried by unanimous vote, the City Council approved the minutes of the regular meeting of July 6, 1993, and adjourned meeting of September 28, 1993, as prepared.

COMMUNICATIONS:

1. From owners of land between County Roads 27 and 29 letters were received objecting to attempts to lock their properties into a permanent agricultural zone.

Community Development Director Janet Ruggiero reported that the letters are in response to the City of Davis open space element which has been revised and is now out for circulation. She said the Council received a draft memorandum from the three Community Development Directors of the cities of Davis, Woodland and Yolo County. She said the Directors indicated there was really no need to do any further study on this; however there are some policies within the open space element for the City of Davis that has caused these letters to be sent to the Woodland Council. The letters respond to the concerns of the City of Davis naming an agricultural buffer, but she said there is nothing further going on from the standpoint of the City of Woodland or the County of Yolo at this time. She said she would keep the Council posted as to this issue.

2. From the Yolo County Housing Alliance a letter was received requesting support of Proposition 168 regarding low rent housing projects. Proposition 168 amends the State constitutional definition of low rent housing projects to include only projects

owned by a governmental entity and excludes projects found to have no significant negative impact on the revenues of the affected government entity. This measure requires approval by voters only upon qualification of a ballot petition. The Community Development Department staff recommended support of this proposition because it meets the goals and policies of the adopted Housing Element of the City's General Plan.

The Community Development Director said the City of Woodland already held an Article 34 election back in 1980 and it passed by a strong majority.

On motion of Council Member Sandy, seconded by Council Member Slaven and carried by unanimous vote, the Council expressed support of Proposition 168 on the November 2, 1993 state-wide ballot regarding low rent housing projects.

3. From the American Cancer Society, Yolo County Unit, a letter and draft ordinance were received requesting Council to place their proposed smoking ordinance on the November 16, 1993 Council agenda. Council agreed to schedule presentation of the proposed ordinance regarding smoking regulations for the November 16, 1993 Council meeting.

4. From Finance Director Peter Woodruff a memo was received advising of claims paid by the City for accounts payable and payroll for September 1993. No Council action was necessary.

COMMITTEE REPORTS:

1. From City Manager Kris Kristensen a report was received transmitting minutes of the Water Resource Association meeting of September 9, 1993. No Council action was necessary.

2. From Community Development Director Janet Ruggiero a report was received summarizing action taken at the Nuisance Abatement Committee meeting of October 7, 1993.

On motion of council Member Flory, seconded by Council Member Slaven and carried by unanimous vote, the City Council authorized staff to advertise for bids for removal of buildings at 204 College Street; allocated funds in the amount of \$60,000 for demolition of buildings on the subject property; and directed staff to prepare documents to file a lien against the subject property whereby the City will be able to recoup expenditures for demolition plus administrative costs.

On motion of Council Member Flory, seconded by Council Member Sandy and carried by unanimous vote, the City Council allocated funds in an amount not to exceed \$300 for abatement of items declared a nuisance by the Nuisance Abatement Hearing Board at 22 Jackson Street; and granted approval for staff to prepare documents to file a lien against the subject property to recoup abatement and administrative costs.

3. From the City Manager a report was received summarizing topics discussed at the County/City 2 x 2 meeting of October 13, 1993. No Council action was necessary.

4. From the City Manager a report was received summarizing issues discussed

at the Chamber/City 2 x 2 meeting of October 13, 1993. No Council action was necessary.

PUBLIC COMMENT:

Mike Volonte said he wanted to speak about Proposition 172 later in the meeting when that item is discussed.

Mayor Rominger thanked Dudley Holman and Steve Borchard for serving as camera operators for the meeting.

PRESENTATION - WOODLAND OPERA HOUSE FINANCIAL UPDATE:

Greg Collet, Opera House Board President, gave Council a financial update on the Woodland Opera House. He said the Opera House annual budget is \$250,000, and the facility has the capability of bringing \$1,000,000 of additional revenue to the City annually from theater goers within a 75 mile radius. He said equally important in the economic impact is the Opera House resident theater company which is in its fifth year with annual auditions drawing over 200 actors from Woodland and the surrounding communities. The company has reached semi-professional status paying stipends to actors and technical support personnel in addition to staging major award winning productions recognized throughout the area. He said next season the Opera House intends to increase the schedule to seven full length shows, including a summer production all running four weekends each. The play season would then constitute close to 50 percent of the annual operating budget. Then only a few available dates will be used for rentals, variety and special events which constitute only 10 percent of the operating budget. With respect to the financial picture of the Opera House, he said the monthly operating costs can total as much as \$18,000 with a daily cost of \$350 just to open the doors. As audiences have increased so expenses have increased. The first third of fiscal year 1993-94 falling in the slowest summer months depleted the Opera House savings from \$22,000 to \$12,000 or approximately one month's operating costs. As the Board takes into account each production and markets vigorously there is always the need to obtain community support. The first two years no fund raising was done, but the reality of operating costs has necessitated annual fund raising events comprising 15 percent of the annual budget. He said the future of the Opera House is bright, but the financial obligations remain great. In order to meet the budget each year the Opera House needs the continued support of the businesses and people of Woodland.

PRESENTATION - DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council proclaimed October as Domestic Violence Awareness Month.

Mayor Rominger presented the proclamation to a representative of the Sexual

Assault and Domestic Violence Center.

ORDINANCE NO. 1239 - COMMISSION DUTIES:

Mayor Rominger announced that the City Manager has requested that Council postpone action until a future meeting on the adoption of Ordinance No. 1239 which revises the duties of the Child Care Commission, the Commission on Aging, and the Parks and Recreation Commission.

PUBLIC HEARING - TREE COMMISSION APPEAL:

Mayor Rominger said this time was set for a hearing to consider the appeal filed by Rick and Luanne Johnson, 537 First Street, of the Tree Commission's action to allow removal of two elm trees at owner's expense.

Sherri Martin, Management Analyst, said the City maintains 112 elm trees throughout the City in the public right-of-way. The City has had an injection program for over twelve years to give some relief from the problems caused by the elm leaf beetle, and the insecticide that the City was using is no longer available in California. She said a substitute insecticide is not as effective, but the Public Works Department is continuing to try other methods to control the insect. At this time, she said there is not much to offer to control the elm leaf beetle. She said the beetle is not fatal to the trees and does not kill them but becomes a nuisance to the property owners. She said the Johnsons have requested that the City remove the trees at City's expense, but the City policy in the past has been that unless the tree is a hazard to the public or there are some other mitigating circumstances this is not an expense the City takes on.

Mayor Rominger opened the hearing.

Rick Johnson, appellant, said he feels the trees are City trees and that the trees are a public nuisance. He said the droppings from the beetles and larvae are so thick that the sidewalk is slippery and there is also a bad odor. He said the residue is also going into his neighbor's pool. He said his trees have been diseased for about three years.

There being no further comments, the hearing was closed.

Responding to a question from Council Member Flory, Public Works Director Gary Wegener said the elm leaf beetle does not structurally damage the elm tree. The beetle weakens the tree and makes it more susceptible to disease. He said there are 112 elm trees, and the cost of removal is about \$1,500 each. If the City were to remove all of the elm trees the cost would be approximately \$150,000 to \$200,000. He said since this is a state-wide problem the City is hopeful that the State will come up with something within the next couple of years that will allow the City to effectively treat the trees.

Council Member Slaven said he was concerned about the fact that the tree seems

to be raising the sidewalk.

Council Member Sandy said he felt that a precedent would be set to approve removal of the trees by the City. He said the Johnsons have a compelling case and are suffering with a genuine nuisance damaging the sidewalk, but he was concerned about the precedent setting nature of the Council decision.

Mayor Rominger said the City should send a letter to the California Environmental Protection Agency letting them know how withdrawal of chemicals from the City's use is effecting the community.

The Public Works Director said there are a lot of elm trees in California and many people are suffering with the same problem, but there has to be interest out there to save the trees rather than removing them. He said the elm tree and the ash tree problems are big draws on the General Fund budget, and if there were an alternative funding source in place there might be a better mechanism to deal with the problems.

On motion of Council Member Flory, seconded by Council Member Sandy and carried by the following vote, the City Council upheld the decision of the Tree Commission concerning Tree Removal Application No. 93-052:

AYES: COUNCIL MEMBERS: Flory, Sandy, Rominger
NOES: COUNCIL MEMBERS: Slaven
ABSENT: COUNCIL MEMBERS: Crescione

Mayor Rominger said she hoped something will be worked out for future health of the trees.

The Public Works Director said he will have someone look at the sidewalk at 537 First Street.

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

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

INFORMATION AND REFERRAL SERVICE FOR OLDER AMERICANS:

The City Council approved the renewal of the Area 4 Agency on Aging Information and Assessment Grant for Fiscal Year 1994-95 with the County of Yolo.

RESOLUTION NO. 3767 - LAY-OFF PROCEDURES:

The City Council adopted Resolution No. 3767 amending the City's Personnel Rules, Rule 13 - Separation From the Service, Sections 13.2 - 13.2.10, regarding lay-off procedures.

CITY HALL ELECTRICAL PROJECT:

The City Council authorized staff to amend the scope of work with Apparatus Unlimited to include replacement of City Hall's main circuit breaker and the overhaul of the main electrical panel for an estimated cost of \$10,943.

REGULAR CALENDAR:PROPOSITION 172 - ONE-HALF PERCENT STATE SALES TAX:

City Manager Kris Kristensen said Proposition 172 on the November 1993 ballot has direct financial impact on the City of Woodland as well as the County of Yolo and deals specifically with the overall criminal justice capabilities of both organizations. He said this meeting is the last opportunity for the Council to take action to show the community its support of Proposition 172 prior to the election. For the City of Woodland passage of Proposition 172 will generate approximately \$180,000 in sales tax revenues annually. This represents five percent of the total proceeds anticipated. He said the County of Yolo has representatives present to indicate their support of the measure.

Mike McGowan, Member of the County Board of Supervisors, District 1, said Proposition 172 would extend the one-half cent sales tax indefinitely until further action by the voters. The one-half cent was originally designed to self destruct last July, and the legislature agreed to extend the tax on the provision that the one-half cent sales tax go back to the Counties and be pledged for public safety purposes. He said public safety can include the sheriff's office, or other law enforcement, the district attorney's office, probation, and fire fighting enterprises. He said as a result of the last State budget there was a shift away from the cities and counties in local taxes to the schools. He said about 85 percent of the County's budget is mandated and earmarked for other purposes before the County ever receives the funds, so only about 15 percent is discretionary. He said the tax shifts last July took about \$8,000,000 out of the County's discretionary pie and was partially replaced by the one-half cent sales tax by the governor and the legislature. He said things will not get better if Proposition 172 passes but anyone in local government can be assured things will get worse if the measure does not pass. On behalf the Board of Supervisors he asked that the Council seriously entertain supporting the passage of Proposition 172.

Yolo County District Attorney David Henderson said the impact on the City

of Woodland through the failure of Proposition 172 would be devastating. He said the \$180,000 in revenue that would be lost with the failure of Proposition 172 would be insignificant compared with what the other impacts would be. In 1988, he said, the Jail fell under a general consent decree which reduced its ability to house prisoners by one-third. The County had already among its cuts the closure of Leinberger Center at the County Jail which would have the same impact. The failure of Proposition 172 would also reduce the District Attorney's office ability to provide service by 25 percent. He said the failure of the measure will compel the Woodland Police Department to arrest and rearrest because of the crowded jail conditions. Comprehensive law enforcement will no longer exist in Woodland. He said Proposition 172 is not a great remedy, but it is the only remedy at this time.

Tom Musgrove, Captain of the Yolo County Sheriff's Department, said the County has its main jail which is Monroe Center which houses the inmates that are generally awaiting trial and/or sentencing. The County also has the Leinberger Center which is a minimum security facility and was originally designed for sentenced inmates. Now approximately 45 percent of the inmates at Leinberger Center are still going through the court process, and only felons are housed there. Next week there will be 140 inmates there, but with the failure of Proposition 172 and the likelihood of Leinberger closing 140 inmates will be back on the streets. Of those approximately 35 percent are Woodland residents. Secondarily, there will be patrolling impacts.

Mel Losoya, County Probation Department, also stressed to the Council the importance of the passage of Proposition 172. He said there has been a significant increase in youth crimes, and this is a good time to support this tax initiative.

Mike Volonte said he respects the opinions of the previous speakers, but he gave Council a letter indicating his views on Proposition 172. He said the measure is an indication of the problem the whole country is experiencing with public safety. He said the problem was not created at the local level. The problem is that the Federal government is broke and it continues to mandate. The State government is broke and it continues to mandate, and the County government is approaching growing broke and must deal with the problems at the grassroots level. The City has had to struggle with balancing a budget as required by law, but he said the buck stops with the local level. He said public safety should be first on the list for the funds and not last. He said the State gave the money to the schools and left the counties and cities with very little to work with. He urged the Council to convey a message to the State that the City will take no more. He said if the jails close down, local agencies should let prisoners on the streets and act irresponsibly to show the Federal and State government that public safety should be a primary issue and not the last.

The City Manager reported that Council received a letter from the City Commission on Aging urging the Council to support the passage of Proposition

172.

After discussion Council took the following action:

On motion of Council Member Slaven, seconded by Council Members Sandy and Flory, and approved by the following vote, the City Council supported the passage of Proposition 172, "Local Public Safety Protection and Improvement Act of 1993" (one-half cent sales tax) on the November 1993 ballot:

AYES: COUNCIL MEMBERS:	Flory, Sandy, Slaven
NOES: COUNCIL MEMBERS:	Rominger
ABSENT: COUNCIL MEMBERS:	Crescione

REPORT ON 1993 CRUISE NIGHT EVENT:

Interim Police Chief Russ Smith highlighted the cost of the 1993 Cruise Night event. Personnel costs were just over \$7,500, and the total cost for supplies and Public Works Department charges was \$12,000 which is reduced from \$16,000 last year. He also pointed out that in 1993 eleven citations were issued and eleven arrests were made which is down significantly from previous years. He said the success is due to the cooperation of the Cruise committee and with the Police Department having a good plan for the event. He thanked also the volunteers who helped make the event happen.

Manuel Arteche, representing Woodland Street Cruisers, presented a check to the Council in the amount of \$4,500 to help offset some of the expenses incurred by the City.

The Council thanked the volunteers for their efforts.

CITY TELEPHONE SYSTEM UPGRADE:

Finance Director Pete Woodruff outlined for Council the existing telephone system the City has and the proposed alternatives to upgrade the system. He recommended approval of Alternative D which includes all equipment and line changes and adds the feature of voice mail to the central switch. He explained that by keeping the current system the cost will be greater than converting to the upgraded system.

Council Members expressed concern that there would be excessive use of the voice mail feature. The City Manager said staff does not intend for this feature to act as a substitute for employees answering their phones but voice mail will provide a mechanism to allow messages to be recorded if an employee is away from his/her phone.

After further discussion the Council decided to postpone action on the

upgrade of the City telephone system until November 2, 1993 when all five Council Members will be able to participate in the decision.

EARLY RETIREMENT BUDGET REDUCTIONS:

Assistant City Manager Kristine O'Toole explained to Council that as part of the budget reductions approved at the October 5, 1993 Council meeting, the Council eliminated a part-time Building Inspector position and an Administrative Secretary position in the Fire Department. Both positions are currently filled, and the incumbents have agreed to facilitate the budget reductions by retiring if the City purchases two additional years of service time. The Building Inspector vacancy will not be filled, and the Administrative Secretary position will be downgraded to an Administrative Clerk III. The cost of purchasing the service credit for the Building Inspector will be approximately \$16,330, and the cost for the Administrative Secretary position will be approximately \$11,650. The cost for the Building Inspector position will be recouped in eleven months, and the cost for the Administrative Secretary will be recouped in 32 months. Thereafter the City will achieve a savings of approximately \$26,000 from these staffing changes.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the purchase of two years of service credit for Patti Spies (Fire Department) and Don Odgers (Community Development Department) from the Public Employees' Retirement System.

ADJOURNMENT:

At 9:30 p.m. the meeting was adjourned to October 26, 1993, 7:00 p.m.

City Clerk of the City of Woodland