

Council Chambers
300 First Street
Woodland, California

December 4, 1990

The Woodland City Council met in regular session at 7:30 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Holman invited everyone present to join him in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Holman, Crescione, Flory, Sandy

COUNCIL MEMBERS ABSENT: Timothy

STAFF PRESENT: Kristensen, Ostebo, Moe, Buchanan, Ruggiero, Suhr, Bach,
Woodruff, McDonell

MINUTES:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the minutes of the regular meeting of September 18, 1990, and the adjourned meeting of November 17, 1990, as prepared.

COMMUNICATIONS:

1. From U.S.F. Law Clinic, San Francisco, claims against the City of Woodland were filed on behalf of the following persons for damages and emotional distress as the result of an incident in Madison, California, involving YONET agents on June 15, 1990:

a.A claim filed against the City on behalf of Genaro Orozco in the amount of \$150,000.

b.A claim filed against the City by Maria Orozco in the amount of \$100,000.

c.A claim filed against the City by Maria Orozco, as Guardian as Litem for Rosa Orosco, in the amount of \$100,000.

d.A claim filed against the City by Luis Orosco, Jr., in the amount of \$100,000.

e.A claim filed against the City by Lucy Orozco in the amount of \$100,000.

f.A claim filed against the City by Edulia Cerda Orosco, as Personal Representative of Estate of Luis Orosco, Sr., in the amount of \$850,000.

g.A claim filed against the City by Edulia Cerda Orosco, as Personal Representative of the Estate of Luis Orosco, Sr., on her own behalf, and on behalf of their four children: Luis Jr., Veronica, Gorge, and Rosa Orosco, in the amount of \$750,000.

On motion of Council Member Crescione, seconded by Council Member Sandy and carried by unanimous vote, the City Council rejected claims filed against City by the following persons: Genaro Orozco; Maria Orozco; Maria Orozco, as Guardian as Litem for Rosa Orosco; Luis Orosco, Jr.; Lucy Orozco; Edulia Cerda Orosco, as Personal Representative of the Estate of Luis Orosco, Sr.; Edulia Cerda Orosco, as Personal Representative of the Estate of Luis Orosco, Sr., on her own behalf, and on behalf of their four children (Luis Jr., Veronica, Gorge, and Rosa Orosco).

2. From Douglas and Heidi Cole a letter was received stating that they are proposing to open a child care center in the building now occupied by the Sports Med Center (1325 Cottonwood Street). They have paid \$552.00 for the initial study, and are requesting a waiver of the additional processing fees, including fees for a use permit and negative declaration.

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council scheduled for the December 18, 1990 agenda consideration of the request of Douglas and Heidi Cole for waiver of processing fees for a child care facility at 1325 Cottonwood Street.

COMMITTEE REPORTS:

1. From Community Development Director Janet Ruggiero a report was received transmitting summary notes of the November 6, 1990 meeting of the Southeast Area Financing Plan Ad Hoc Committee. No Council action was necessary.

2. From the Community Development Director a report was received summarizing topics discussed at the November 14, 1990 meeting of the Congestion Management Program Technical Advisory Committee. No Council action was necessary.

3. From the Community Development Director a report was received summarizing action taken by the Planning Commission at its meeting of November 15, 1990, as follows:

a.Commission approved Tentative Subdivision Map No. 3833 which will allow for the division of a 12.9 acre parcel into 8 parcels. The project is located at the southwest corner of East Street and Kentucky Avenue in the Industrial Zone. The Planning Commission also approved a variance for the length of the cul-de-sac and certified an NDEIR.

b.Commission continued until December 6, 1990 a conditional use permit

application for the Aposento Alto Church that would allow the church to locate at 607 Main Street (the old Breits Department Store location).

c. Commission continued until January 17, 1991 a proposed lot split and rear yard variance for a parcel at 726 Woodland Avenue (southwest corner of Woodland Avenue and Palm Avenue). The continuance was at the applicant's request.

d. Commission continued until December 20, 1990 a conditional use permit application that would allow for an oil-change and tune-up facility at 216 West Main Street. The applicant was expected to submit a revised site plan for this meeting.

PUBLIC COMMENT:

Peggy Witham, 296 West Main Street, Woodland, said there will be a kick-off to promote shopping at the west end of Main Street on Tuesday, December 11, 1990 at 4:00 p.m.

PRESENTATION - YOLO SUB-PAC:

Ken Hough, Planning Manager for Sacramento Area Council of Governments (SACOG), explained to the Council the proposed formation of sub-regional policy advisory committees (Sub-PACs) to assist in the update of the Regional Transportation Plan. He said SACOG is asking for two appointments to the Yolo Sub-PAC: one City Council Member and one citizen member.

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council appointed Council Member Elaine Timothy to serve on the Yolo Sub-PAC.

Council agreed to consider the appointment of Jean Sisson as a citizen member to Yolo Sub-PAC at the next regular meeting.

HEARING - AIRSPACE MANAGEMENT STUDY FOR SACRAMENTO METRO AIRPORT:

The City Manager said the first of five public hearings scheduled is for the purpose of considering the Draft Final Report for the Airspace Management Study for Noise Abatement Alternatives for Sacramento Metro Airport.

Senior Planner Tim Bach explained that one of the alternatives labeled "looping right-turn procedure" would require jet-aircraft departures that are east-bound or northeast-bound to perform a 270 degree right turn and loop around the City of Woodland before heading east or northeast. He enumerated staff's concerns as follows: (1) safety and potential for crashes in and around Woodland; (2) noise generated by existing and future airplanes; (3) possible constraints on future development and growth of the City to the east where non prime agricultural lands are located; (4) impacts on crop dusting operations; (5) impacts upon operations at the Watts-Woodland Airport; (6) environmental concerns and absence of an appropriate environmental assessment of the project; and (7) safety concerns related to the crossing flight patterns of departing and landing aircraft. He said there would be an average of 26 flights per day departing at approximately 6,500 feet over Woodland.

Bob MacNicholl, Director of the Community Development Agency of the County of Yolo, said he briefed the Yolo County Board of Supervisors today advising that the central theme to this study is the impacts that are being proposed and the sharing of responsibility for the mitigation of those impacts whether in the form of environmental review or other social contexts. The point, he said, is that Yolo County is going to be faced with impacts which previously we were not for an airport which is a regional facility intended to serve the Sacramento region. He said the Yolo County Board of Supervisors views this proposal as an opportunity for a cooperative effort of the County of Yolo and the City of Woodland as well as the cities of West Sacramento and Davis. He said one proposal is to use flight patterns over the unpopulated Yolo By-Pass area in the County. He said the Department of Fish and Game is aware of the County's efforts to establish a By-pass mitigation plan or wetlands wildlife habitat area in the By-pass. The Yolo County Board of Supervisors has asked him to directly contact Federal Aviation Administration (FAA), Sacramento County, Congressman Fazio, Assemblyman Hannigan, the Federal Fish and Wildlife, and the State Department of Fish and Game to raise the issue of the County's efforts and concerns. He said the Board of Supervisors of Sacramento County will have a hearing on December 19, 1990 for consideration of all input and recommendations contained in the draft report in order to make recommendations to FAA for inclusion in FAA's Northern California Air Space Management Study. He said the intent of the report is to provide alternatives which will maximize utilization of undeveloped areas for overflight and minimize overflight of urban settings. He said that on December 6, 1990 there will be a public workshop held in the Sacramento Board of Supervisors Chambers to received additional public input regarding the recommendations contained in the draft document, and on December 19 a final report will be prepared containing recommendations based upon all previous input. He recommended that everyone be prepared to give our comments at each of those meetings.

Rob Leonard, Deputy Director with the Sacramento County Department of Airports,

gave Council background on the process of the airspace management study. John Long, Airport Noise Officer, briefed Council on existing procedures, what they hope to accomplish with the study, and the basic alternatives they are considering at this time.

Mayor Holman opened the hearing.

The following persons spoke in opposition to the proposed flight pattern changes: John Kiesselbach, Burdette Jenks, Mike Volonte, Tom Lambrazo, representing Conway Ranch; Harry Gibson; and Kent Sanigan.

There being no further comments the hearing was closed.

The City Manager thanked the representatives from Sacramento County for making presentations to the Council. He said he felt this is one issue on which the Council needs to take a strong position.

After some discussion, Council took the following action:

On motion of Council Member Flory, seconded by Council Member Sandy and carried by unanimous vote, the City Council recommended that the looping right-turn procedure alternative be dropped from the Airspace Management Study report on Noise Abatement Alternatives for Sacramento Metro Airport and that the City of Woodland's concerns be brought to the Sacramento County Board of Supervisors and the Federal Aviation Administration.

RECESS:

Council took a recess from 9:15 p.m. until 9:23 p.m.

HEARING - APPEAL OF ED DAVIS:

The second public hearing scheduled was for the purpose of considering the appeal of Ed Davis, 730 Third Street, Woodland, regarding Community Development Department's requirement that the appellant obtain a business license for selling birds.

Senior Planner Tim Bach gave the staff report. He said in response to a citizen's complaint the Yolo County Health Department investigated an alleged violation of County Health regulations at 730 Third Street regarding the keeping of birds. The Health Department found that there were approximately 30 to 40 bird cages inside and outside the residence (R-1 Zone). He said the conclusion was drawn that the number was extraordinary and beyond the normal number of household pets. He said a letter was

written to Mr. Davis advising that the R-1 Zone does not allow businesses other than those qualifying as home occupation businesses, and the City Zoning ordinance prohibits the harboring of birds as a home occupation. He said they further concluded that Mr. Davis was conducting a business in the R-1 zone. He said Lawrence T. Ring, attorney for the appellant, submitted a letter to Council stating that Mr. Davis is not conducting a business.

City Attorney Ron Moe said based on the City's Zoning Ordinance and other ordinances involved the issue is whether or not this is a business. If it is not a business, he said, there is no violation of the City Code. He advised that Council has the authority to refer the matter to the Planning Commission for investigation, including further hearing, and requesting that appellant submit evidence to support the contention that the activity is only a hobby.

Mr. Bach said that Mr. Davis has brought his property into conformance with the requirements of the Health Department and is in the process of bringing one of the structures into compliance with the setback requirements.

Paul Fitzmaurice, Superintendent of Environmental Health for the County, he said he cannot provide evidence that there is or is not a business at 730 Third Street. He said his office responded to the original complaint in regard to a waste and rodent problem in connection with the keeping of birds. He said since that time those problems have been corrected. He said it appears to be a full time job to take care of the number of birds that are on the property. He said there is a problem of noise which was part of the original complaint, but the Health Department cannot deal with that. Reyes Triviso from the Health Department also commented about his observations. He said he first visited the site on September 20, 1990 and estimated that there were about 60 to 70 birds on the premises. Mr. Triviso also said the problems about the accumulation of bird droppings and mice have been eliminated.

Mayor Holman opened the hearing.

Larry Ring, attorney for Ed Davis, said the issue is whether Mr. Davis' keeping of birds is a business or a hobby. He said the appellant has no intention of making money from the keeping of the birds. He only keeps them for his own enjoyment. He said Mr. Davis may sell six to ten birds a year. He said he felt this was a decision that the Council could make rather than referring the matter to the Planning Commission.

Kelly Rich said she lives across the street from Mr. Davis and she never perceived the activity as a business. She said she works at home and the birds have never been a problem to her. She said she is glad Mr. Davis cleaned up his yard. Kris Kristensen said

he lives behind the Davis residence on the Second Street side and has never been bothered as a neighbor by any activity. He said he had no idea they had that many birds.

There being no further comments, Mayor Holman closed the hearing.

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council granted the appeal of Ed Davis, 730 Third Street, Woodland, with the finding that there is no evidence that a business was being conducted at his residence.

HEARING - SALE OF FIREWORKS:

The third public hearing was for the purpose of amending the City Code regarding the sale of fireworks.

Fire Division Chief Dave Ostebo outlined the amendments for Council.

Mayor Holman opened the public hearing.

Sandy Montero, a member of the Fireworks Task Force and representative of Woodland Gymnastics, said there are several groups who have sold fireworks in the past and have physical addresses outside the City limits, and she notified those groups that the new amendments includes requiring the groups to be located within the City. For example, she said, the fraternal order of the Eagles is located on Highway 16 just outside the City limits, and that group has been sponsoring a Boy Scout Troop for the past several years. Also, she said the California Highway Patrol (CHP) Squad on County Road 102 also sponsors a group, and they would be effected by the proposed changes.

Ken Price, Woodland, said he is Scout Master of Boy Scout Troop 464 which is sponsored by the Eagles. He said their major fund raiser for the year is fireworks sales, and the problem is that the Boy Scouts are not allowed to sell fireworks and need a sponsor. He said 100% of the profits go to the Troop.

Ben Frazee, pastor of a church which has sold fireworks in the past, said 100% of their profits also go to the youth of their church who primarily live in Woodland, but he said the church itself is located in Zamora.

There being no further comments, Mayor Holman closed the hearing.

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council continued the public hearing to January 15,

1991 to allow the Fireworks Task Force to make a recommendation concerning the youth groups which are located outside the City.

HEARING - ZONING ORDINANCE AMENDMENT RE FRONT YARD SETBACKS:

The fourth public hearing scheduled was for the purpose of considering a Zoning Ordinance amendment to increase the front yard setback in commercial and industrial zones to 20 feet.

Community Development Director Janet Ruggiero gave the staff report.

Mayor Holman opened the hearing, and there being no comments, he closed the hearing.

Ordinance No. 1179:

On motion of Council Member Sandy, seconded by Council Member Flory and carried by unanimous vote, the City Council introduced and read by title only Ordinance No. 1179, "An Ordinance Amending Articles 15, 16, 17, 18 and 25 of Chapter 25 of the Code of the City of Woodland Increasing the Front Yard Setback for the Commercial and Industrial Zones" with the following findings:

- 1.The environmental assessment has been completed and this ordinance is not expected to generate any adverse environmental impacts.
- 2.The amendments are necessary to update the Land Use element of the Zoning Ordinance.

AYES: COUNCIL MEMBERS: Crescione, Flory, Sandy, Holman

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Timothy

HEARING - DEEP LOT DEVELOPMENTS:

The fifth and final public hearing scheduled was to consider a Zoning Ordinance amendment to require a conditional use permit for deep lot developments in the R-2 and NP Zones.

The Community Development Director gave the staff report.

Mayor Holman opened the hearing, and there being no comments he closed the

hearing.

Ordinance No. 1180:

On motion of Mayor Holman, seconded by Council Member Crescione and carried by the following vote, the City Council introduced and read by title only Ordinance No. 1180, "An Ordinance Amending Articles 4 and 21 of Chapter 25 of the Code of the City of Woodland Dealing with Deep Lot Developments" with the following findings:

1. The environmental assessment has been completed and this ordinance is not expected to generate any adverse environmental impacts.
2. The amendments are necessary to update the Land Use element of the Zoning Ordinance.

AYES: COUNCIL MEMBERS: Crescione, Flory, Holman
NOES: COUNCIL MEMBERS: Sandy
ABSENT: COUNCIL MEMBERS: Timothy

REPORTS OF CITY MANAGER:

CONSENT CALENDAR:

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

EMPLOYEE MILEAGE REIMBURSEMENT RATE:

The City Council approved a change in the mileage rate for use of employee vehicles to 26 cents per mile.

RESOLUTION NO. 3583 - PARKS AND RECREATION DIRECTOR SALARY:

The City Council adopted Resolution No. 3583 entitled "A Resolution of the City Council of the City of Woodland Amending Resolution No. 3504 by Setting the Salary of the Park and Recreation Director during FY 1990-91."

BID CALL FOR PURCHASE OF PLAYGROUND EQUIPMENT:

The City Council authorized the call for bids for the purchase of playground equipment for Crawford, Beamer and Harris Parks.

BID AWARD - STREET TREE REMOVAL CONTRACT:

The City Council awarded the Street Tree Removal and Pruning Contract to Richards Tree Service of Yuba City in the amount of \$25,800.

BID AWARD - POOL COVERS:

The City Council awarded the bid for pool covers for the City's Municipal Swimming Pool to Bensco, Inc, from Marysville in the amount of \$5,567.50.

REGULAR CALENDAR:

ORDINANCE NO. 1181 - GRAFFITI CONTROL:

On motion of Council Member Flory, seconded by Council Member Crescione and carried by unanimous vote, the City Council introduced and read by title only Ordinance No. 1181, entitled "An Ordinance of the City of Woodland Establishing Methods for Control of Graffiti":

AYES: COUNCIL MEMBERS: Crescione, Flory, Sandy, Holman
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: Timothy

On motion of Council Member Flory, seconded by Council Member Crescione and carried by unanimous vote, the City Council allocated \$10,000 from the existing General Fund contingency account to cover the costs of graffiti clean-up on those properties not subject to lien or until the City recovers the associated cost through the lien process.

STATUS REPORT ON COLLEGE PARK REORGANIZATION:

The Community Development Director said the neighbors and developers of the College Park reorganization will be meeting tomorrow to discuss areas of disagreement between the two parties, and she will report back to Council at a later date.

RESOLUTION NO. 3584 - COMPREHENSIVE FEE SCHEDULE:

On motion of Council Member Flory, seconded by Council Member Sandy and carried by unanimous vote, the City Council adopted Resolution No. 3584 approving the revised Comprehensive Fee Schedule.

DIAMOND LUMBER SITE:

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council (1) authorized the temporary relocation of the Parks and Recreation Department administrative office (1017 Main Street) to the Diamond Lumber building (1022 Main Street); (2) authorized the retention of the architectural firm of Wirth and McCandless to prepare remodeling plans and specifications for the Diamond Lumber building (1022 Main Street); and (3) authorized staff to call for bids for remodeling the Diamond Lumber building with a total cost of the project not to exceed \$40,000.

EXTENSION OF MEETING TIME:

At 11:00 p.m. Council extended the meeting ending time to 11:15 p.m.

RESIDENTIAL FISCAL ANALYSIS FOR LEVELS OF SERVICE:

The Community Development Director reported that earlier in 1990 five residential developments were approved subject to the requirement that prior to the recordation of the final map appropriate funding mechanisms shall be in place to finance the deficiency in the level of service caused by the project. Staff commissioned a report for Council. The report analysis projected costs and revenues to the City of Woodland for the provision of non-enterprise city services and then makes recommendations regarding the appropriate funding mechanisms to consider. Chapter 3 of the report focuses on the fiscal impacts to the City projects to result from the five projects. The analysis was based on two levels of service -- existing and adopted. She said the City is presently not operating at the adopted levels of service and therefore it would be questionable that the City could charge a fee based on adopted levels of service. She said it is appropriate, however, to require the developer to cover the deficiency between the costs of the development and the revenues received from the development of the existing levels of service.

After comments from representatives of the consulting firm of Stanley Hoffman and Associates and developer Bill Streng, the Council took the following

action:

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council (1) accepted the report on the residential fiscal analysis for the levels of service; (2) authorized the preparation of the development agreements with the five developers to include the charge of a one-time public service mitigation fee; and (3) accepted a modified fee for apartments due to the need to provide affordable housing.

COMMUNITY SERVICE AWARDS NOMINATING COMMITTEE:

On motion of Council Member Sandy, seconded by Council Member Crescione and carried by unanimous vote, the City Council appointed Jean Sisson, Melba Whitehead, Helen Nash, Skip Quinlan and Mayor Holman to serve on the 1991 Community Service Awards Nominating Committee.

FUTURE MEETING AGENDA ITEMS:

Council Member Timothy requested an update on the water level.

ADJOURNMENT:

At 11:25 p.m. the meeting was adjourned to December 8, 1990, 8:30 a.m.

City Clerk of the City of Woodland