Council Chambers City Hall 300 First Street Woodland, California

January 2, 1990

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

# PLEDGE OF ALLEGIANCE:

Mayor Nofziger 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: Nofziger, Flory, Holman, Peyton, Sandy

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Moe, Ruggiero, McDuffee, Golnik, Moutinho,

Buchanan, McPherson

#### MINUTES:

On motion of Council Member Peyton, seconded by Council Member Holman and carried by unanimous vote, the City Council approved the minutes of the regular meeting of November 15, 1989, and the adjourned meeting of December 15, 1989, as prepared.

On motion of Council Member Holman, seconded by Council Member Sandy and carried by the following vote, the City Council approved the minutes of the adjourned meeting of December 22, 1989, as prepared:

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

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS:None ABSTAINING: COUNCIL MEMBERS:Peyton

Council Member Peyton abstained from voting on approval of the December 22, 1989 minutes because she was not present at the meeting.

# **COMMUNICATIONS:**

- 1. From the State Department of Alcoholic Beverage Control a copy of an application was received for an on sale general eating place license for Gee-A-Del, 1580-B Case Place, Woodland. No Council action was necessary.
- 2. From the Sacramento County-Yolo County Mosquito Abatement District a letter was received advising that Hugh Hart, the City's representative on the District Board, has announced his retirement after 40 years on the Board, and the City needs to appoint a new representative.

On motion of Council Member Peyton, seconded by Council Member Holman and carried by unanimous vote, the City Council authorized the City Clerk to advertise for a City representative to the Sacramento County-Yolo County Mosquito Abatement District Board.

- 3. From Wayne Ginsburg, immediate past President of the Woodland Chamber of Commerce, a letter was received requesting that the north-south portion of Matmor Road be renamed "Industrial Way" and that the east-west portion of Matmor Road be renamed "Cannery Road." This matter had been referred to the Fire Department for its review and recommendation.
- 4. From Twyla Thompson, President of the Woodland Chamber of Commerce, a letter was received expressing the need for a conference center/hotel complex in Woodland. This topic is scheduled for discussion at the January 19, 1990, Friday morning Council meeting.

# **COMMITTEE REPORTS:**

- 1. From Finance Director Peter Woodruff a report was received transmitting the minutes of the December 8, 1989 meeting of the Yolo County Public Agency Risk Management Insurance Authority. No Council action was necessary.
- 2. From Community Development Director Janet Ruggiero a report was received summarizing action taken at the December 12, 1989 meeting of the Historical Preservation Commission, as follows:
- (a) Commission selected five homeowners to receive the Heritage Homes Awards for 1990: 754 College Street (Hildebrand, owner); 704 Elm Street (Geer, owner); 458 First Street (Marks, owner); 618 First Street (Blevins, owner); and 742 First Street (Lawson, owner); (b) Commission presented framed certificates of appreciation to B. J. Ford and Chris Dreith for their extensive work in helping to organize and conduct the City's first ever "Stroll Through History" event on September 9, 1989; and (c) Commission received a preliminary list of buildings and sites from staff for a downtown walking tour; Commission agreed to discuss the list at the regular January meeting.

3. From the Community Development Director a report was received summarizing action taken by the Planning Commission at its meeting of December 21, 1989, as follows: (a) Commission recommended that Site A located between Fifth and Sixth Streets and Lincoln and Oak Avenues be selected as the Police Station Site; (b) Commission recommended amending the residential land use table of the Zoning Ordinance to update the table; and (c) Commission certified a Negative Declaration and approved a conditional use permit for a Diet Center and professional offices at 409 and 413-415 Lincoln Avenue.

On motion of Council Member Holman, seconded by Council Member Peyton and carried by unanimous vote, the City Council set January 16, 1990, for a hearing to consider amendments to the residential land use table of the City Zoning Ordinance.

#### **PUBLIC COMMENT:**

Mayor Nofziger announced that the next municipal election will be held on April 10, 1990 at which time two Council seats will be open. He said the filing period for nomination papers starts on January 11, 1990 and ends on February 6, 1990 since both incumbents (Council Member Barbara Peyton and Mayor David Nofziger) do not plan to file for re-election.

# **HEARING - APPEAL FOR COTTER & COMPANY PROJECT:**

City Manager Kris Kristensen said this time had been set for a continued hearing to consider the appeal filed by Homer Clark of the Planning Commission's denial of the comprehensive sign plan for Cotter & Company project, 215 North County Road 101.

Community Development Director Janet Ruggiero gave the staff report.

Mayor Nofziger opened the hearing.

Homer Clark (appellant), operating Manager of the Cotter & Company distribution center, said since the December 19, 1989 public hearing he has been in contact with Dan Cotter, President of Cotter & Company, and seven of the I5-member board of directors and discussed the comprehensive sign plan. He said they developed an alternative proposal to cut the size of the sign on their building down to 87 square feet which would keep the total signage within the 300 square foot limit (for all signs in the Industrial Zone). In return he asked the Council to approve raising their ground sign another 18 feet so that their facility can be properly identified.

Michael Gray, 159 Park Avenue, Woodland, voiced his opposition to the comprehensive sign plan proposal.

There being no further comments Mayor Nofziger closed the public hearing.

On motion of Council Member Peyton, seconded by Council Member Sandy and carried by the following vote, the City Council denied the appeal of Homer Clark:

AYES: COUNCIL MEMBERS:Flory, Peyton, Sandy NOES: COUNCIL MEMBERS:Holman, Nofziger ABSENT: COUNCIL MEMBERS:None ABSTAINING:COUNCIL MEMBERS:None

#### **HEARING - EAST MAIN STREET PLAN LINE:**

The City Manager said this time had been set for a public hearing to consider the East Main Street Plan Line Phase II (East Main Street between East Street and the northerly extension of Matmor Road).

Community Development Director Janet Ruggiero and Assistant Civil Engineer Greg Moutinho gave the staff report.

Mayor Nofziger opened the public hearing.

Jerry Paine, 3150 North Township Road, Yuba City, said he owns property at 1236-1238-1240 East Main Street and is trying to sell it. He recently learned that the Plan Line proposes to take 4,000 to 5,000 square feet from his property and he is having difficulty making a sale with this condition placed on the property.

Robert Amack, 2 Redwood Drive, Woodland, said he is owner of Amack Recreation at 1256 East Main Street, is close to retirement and is trying to sell his business. He said if the City takes any right-of-way from the frontage of his property he will be forced to go out of business.

David McCowen, owner of Jerry's Auto Stereo, 1240 East Main Street, asked who is going to pay for his loss of income when the City widens East Main Street.

City Attorney Ron Moe said that if and when the City proceeds to acquire right-of-way, the City will be required to negotiate a purchase. He said if the City and the property owner could not arrive at a price based on fair market value then eminent domain action would be taken and the court would determine what the fair market value would be. Loss of income and loss of good will would be included among the other factors in the eminent domain proceedings.

Mr. McCowen said he is worried about the reconstruction of his building when the right-of-way is taken.

Cynthia Paine, Yuba City, asked that the City work with the Railroad to take right-of-way from the north side of East Main Street instead of the south side.

Council discussed looking into alternatives to the proposed plan line and taking additional right-of-way from the railroad company. Assistant Civil Engineer Greg Moutinho suggested that the Council continue this hearing until a later time to give staff an opportunity to develop some preliminary designs for some different alternatives and then return to the Council. He said this will give the Council a chance to see an alternative whereby the burden for giving up right-of-way has been shifted to the Railroad and the effects on other adjacent property owners.

On motion of Council Member Peyton, seconded by Council Member Flory and carried by unanimous vote, the City Council continued the public hearing on the East Main Street Plan Line to February 20, 1990.

# HEARING - COTTONWOOD PLAZA SHOPPING CENTER USE PERMIT:

The City Manager said the third public hearing scheduled is for the purpose of considering a proposed amendment to a previously approved planned unit development conditional use permit for Cottonwood Plaza Shopping Center to require a conditional use permit for businesses which sell alcohol.

Assistant Planner Colleen McDuffee gave the staff report.

Mayor Nofziger opened the public hearing. There being no comments he closed the hearing.

Ordinance No. 1155:

On motion of Council Member Holman, seconded by Council Member Peyton and carried by unanimous vote, the City Council introduced and read by title only Ordinance No. 1155, "An Ordinance Amending The Zoning Map Of The City Of Woodland By Amending The Planned Development Overlay Zone And The Cottonwood Plaza Shopping Center."

# **REPORTS OF CITY MANAGER:**

#### **CONSENT CALENDAR:**

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

# REHABILITATION OF SOUTHERN PACIFIC DEPOT:

The City Council authorized the execution of a Memorandum of Agreement between the City of Woodland and the State Office of Historic Preservation regarding the relocation and rehabilitation of the Southern Pacific Railroad Depot.

# CANDIDATES' STATEMENTS FOR APRIL 10, 1990 ELECTION:

The City Council agreed that candidates for elective office for the April 10, 1990 General Municipal Election in Woodland be charged their pro rata share of the total cost of printing the candidate's statement in English; that such candidate's statement shall be limited to 200 words per statement; and that no other material prepared by candidates or committees shall be sent to the voters with the sample ballot and voter's pamphlet.

# **REGULAR CALENDAR:**

# HEARINGS SET FOR UNIFORM CODE AMENDMENTS AND SPRINKLER ORDINANCE:

On motion of Council Member Sandy, seconded by Council Member Peyton and carried by unanimous vote, the City Council set January 16, 1990 for public hearings to consider the following:

- 1.Adoption of amendments to the 1988 Edition of the Uniform Building Code regarding roofing requirements;
- 2. Adoption of the 1988 Edition of the Uniform Fire Code; and
- 3. Adoption of an addition to the existing sprinkler ordinance to include dwellings.

# EMPLOYER-EMPLOYEE SERVICES CONTRACT:

Council agreed to renew the agreement for employer-employee services with Avery and Associates at this time but agreed that for the next renewal staff should check with other firms or other avenues for obtaining this type of service.

On motion of Council Member Peyton, seconded by Council Member Holman and carried by unanimous vote, the City Council approved an agreement for Employer-Employee Negotiation and Consulting Services with William Avery and Associates, Inc.

#### ORDINANCE NO. 1154 - REZONING NORTH STREET PROPERTY:

On motion of Council Member Holman, seconded by Council Member Peyton and carried by unanimous roll call vote, the City Council adopted and read by title only Ordinance No. 1154, "An Ordinance Amending The Zoning Map Of The City Of Woodland By Rezoning Certain Property R-1 (Single Family Residential):"

AYES: COUNCIL MEMBERS: Flory, Holman, Peyton, Sandy, Nofziger

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS:None

#### ADJOURNMENT:

At 9:26 p.m. there being no further business the meeting was adjourned to January 5, 1990, 7:00 a.m.

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City Clerk of the City of Woodland

# **EMPLOYER-EMPLOYEE RELATIONS CONTRACT:**

The City Manager said the City is in the last month of a two year agreement with William Avery and Associates for employer-employee relations services. He said he asked Mr. Avery to provide the City with a proposal for a new agreement and asked him to expand his representation in the new agreement to add two additional groups, the Police and Fire Mid-Management groups. The cost for this overall program is anticipated on an annual basis at \$23,200 which includes \$4,000 annually in expenses and represents a \$2,400 per year increase over the current annual costs.

Mayor Nofziger said since the City has staggered negotiations with the different groups, does this decrease the work load for Mr. Avery?

The City Manager said it keeps it roughly the same. Many of the agreements that we have had have reopener clauses which require them to get back together again in the middle part of the agreements. Also, Mr. Avery's duties aren't just related to the employer-employee relations negotiating aspect. He also assists City staff in trying to answer questions that come up on a day-to-day basis on personnel-related issues.

Council Member Flory asked the City Manager if in suggesting the renewal of the agreement with Mr. Avery, he ever looks at the market for people in this position and other firms that might be available.

The City Manager said not this year. He said when the City first retained Mr. Avery's services in 1985, he contacted about three or four other firms to try to see what was available at that time, and Mr. Avery's firm was competitive price-wise at that time. He said he has not done any checking since then.

Mayor Nofziger said from the statements from City employees Mr. Avery is obviously doing a good job.

Council Member Peyton said he has certainly worked well with the Council, in keeping us informed and has been very patient.

Mayor Nofziger said Mr. Avery has been very complete in the meetings he has attended with him.

Council Member Holman said also the agreements have been achieved with a minimum of ill-feeling.

Council Member Flory said in the future the City should look into other avenues. He said we do that when we try to determine what salaries are in the open market for employee groups, and he said it seemed to him that when the City looks at contracts possibly the City might do that.

The City Manager said if the Council is interested in having him look into others, he would be happy to do that. He said he could do that now.

Council Member Holman said he might suggest that the next time around.

The City Manager said he has had some questions today about why this type of individual as opposed to the Assistant City Manager position. He said he did not see the Assistant City Manager doing this type of work for the foreseeable future. The expertise

to do that kind of work on a day-to-day basis is the type of thing we have Mr. Avery doing. He said he really did not see that changing.

Council Member Peyton said from what she has been able to learn virtually every city comparable to Woodland uses someone like Mr. Avery in this capacity. They do not use the City Manager or the Assistant for a lot of reasons.

The City Manager said also that the employee groups also retain private counsel to assist them because the laws are rather complex.

Council Member Peyton said she felt Council Member Flory's point is well taken though that you are sure you are competitive even though you are working with someone you like very much. She said at the present time we should go ahead and approve this contract, but next time around do some research.

On motion of Council Member Peyton, seconded by Council Member Holman and carried by unanimous vote, the City Council approved an agreement for Employer-Employee Negotiation and Consulting Services with William Avery and Associates, Inc.