Woodland City Council Meeting City Hall, Council Chambers 300 First Street Woodland, California

#### **MINUTES**

### SPECIAL CLOSED SESSION CITY COUNCIL

**SEPTEMBER 4, 2007** 

5:00 P.M.

#### **CLOSED SESSION**

At 5:00 p.m., Council discussed one case of anticipated litigation, initiation of litigation pursuant to Section 54956.9, Subdivision (c). Present at this session were Mayor Flory (arrived at 5:01), Vice Mayor Davies, Council Members Marble, Monroe and Pimentel, City Manager Deven, City Attorney Siprelle and Community Development Director Munowitch.

Council held a conference with Real Property Negotiators pursuant to Section 54956.8 for the property at Interstate 5 at County Road 102. The Agency Negotiator was City Manager Deven. The negotiating parties were the City of Woodland and Woodland Investment Company. Under negotiation were price and terms of payment. Present at this session were Mayor Flory, Vice Mayor Davies, Council Members Marble, Monroe and Pimentel, City Manager Deven, City Attorney Siprelle and Community Development Director Munowitch.

#### **REGULAR SESSION**

6:00 P.M.

### **CLOSED SESSION ANNOUNCEMENT**

Mayor Flory announced that Council had met in Closed Session to discuss one case of anticipated litigation, initiation of litigation and authorized staff to join in a motion to intervene in the Prisoner Release Litigation being filed by the California Police Chiefs' Association. Council also provided direction to the Real Property Negotiator.



#### CALL TO ORDER

At 6:10 p.m., Mayor Flory called the regular meeting of the Council to order.

### PLEDGE OF ALLEGIANCE

Mayor Flory invited all in attendance to join in the Pledge of Allegiance led by City Manager Deven.

#### **ROLL CALL**

COUNCIL MEMBERS PRESENT: Marlin Davies, William Marble, Jeff Monroe,

Artemio Pimentel, David Flory

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Mark Deven, Ann Siprelle, Gary Wegener, Barry

Munowitch, Carey Sullivan, Paul Miller, Dan Gentry, Joan Drayton, Sue Vannucci, Kent Perkes,

Christine Engel, Dick Donnelly

OTHERS PRESENT: Contract Engineer Alan Mitchell

#### **MINUTES**

On a motion by Vice Mayor Davies, seconded by Council Member Pimentel and carried unanimously, Council adopted the minutes of the joint City Council and Redevelopment Agency Board meetings of June 5 and June 19, 2007 and the regular meeting of the Council of July 10, 2007 as presented.

#### COMMUNICATIONS

Council received a notice of a new On-Sale Beer and Wine Alcoholic Beverage Control License for El Mesquite Mexican Food, located at 1837 E. Gibson Road, Suite A.

Council received a notice of a Person-to-Person Transfer of an Alcoholic Beverage Control License for Rafael's Family Restaurant, located at 1540 E. Main Street.

Council received a notice of a new On-Sale Beer and Wine Alcoholic Beverage Control License for FreshMex Express Mexican Grill, located at 55 W. Main Street.



#### COMMITTEE REPORTS

Council received the minutes of the Water Resources Association meeting of June 11, 2007.

Council received the minutes of the Commission on Aging meeting of June 25, 2007.

Council received the minutes of the Parks and Recreation Commission meeting of June 25, 2007.

Council received the minutes of the Library Board of Trustees meetings of June 25 and July 23, 2007.

#### PUBLIC COMMENT

City Clerk Vannucci announced to Council that the unofficial tally of votes on the Storm Drainage Rate increase fee is continuing and will not be completed for a few weeks. It appears that with the votes counted thus far, 1,713 yes and 2,554 no, with approximately 1,900 left to count, that the request for increase is failing.

Elizabeth Tara said she lives on Second Street near the Flamingo Apartments. On July 23, 2007 there was a shooting at the complex. There are Police calls to those apartments on a regular basis. The properties at 609, 610 and 612 Second and 613 and 621 Laurel are owned by people who do not care about the caliber of their tenants. She wants the City to limit the number of responses by Police and Fire to these properties and then begin charging them when that limit is exceeded. Police Chief Sullivan said the Department is working on researching the possibility of an ordinance and an abatement process. Mayor Flory said a citizen had also indicated there is a speeding problem in this area as well.

Ann Del Castillo also lives in that area and has contacted the home owners of the problem properties who have indicated they do not wish to do anything about the issue. She asked that Chief Sullivan draft an ordinance for Council review. Public Works Director Wegener will contact Ms. Del Castillo on the traffic issues.

#### COUNCIL/STAFF COMMENTS AND REQUESTS

Council Member Pimentel said the Yolo Literacy Council is recruiting new Board Members. Interested citizens should contact 661-5987.

The Department of Water Resources will be conducting a helicopter survey and monitoring Cache Creek levees over the next several weeks.



Council Member Marble asked that the Traffic Safety Commission look into the intersection of Court and West Street. There are some exiting issues in relation to the gas station on the Southwest corner.

#### **PRESENTATIONS**

#### ANNUAL LIBRARY BOARD OF TRUSTEES REPORT

Bud Goding, President of the Library Board of Trustees said during last year the checkout volume has exceeded 20,000, with the majority (37%) of the items being considered adult use rather than children or young adults. The Leake Room has recently been renovated with Measure E funds. These funds were also used to repair the fire sprinkler system, the grounding problem and Items scheduled under Measure E Funds are historic windows, stucco, roof tiles, wooden eaves, some wall-painting, the reference desk, etc. The Literacy Department as developed an adult tutor program, has a prison and juvenile hall program and is now in better financial condition. The Friends of the Library raise funds which all go to the Library for computers, tables, chairs, signs, art, gifts for patrons, adult and children's programs, Mystery Night, literacy and book sales. The Rose Club is active in the maintenance of the Rose Garden. There has been a 37% drop in State aid for Fiscal Year 2007-08, which equates to approximately \$80,000. Staffing is the greatest need for the Library. The level of permanent staff members is lower now than when the Library was half the level of current use. Vice Mayor Davies asked how the additional square footage would affect the staffing. Library Services Director Miller said they need 5 more staff members.

#### REPORTS OF THE CITY MANAGER

## RESOLUTION-STORM DRAINAGE FEE BALLOT RESULTS; RATE STRUCTURE; ORDINANCE TO AMEND THE STRUCTURE

Mayor Flory announced that as the final vote count has not been verified at this time, the consideration of the Storm Drainage Fee Increase will be deferred.

On a motion by Vice Mayor Davies, seconded by Council Member Monroe and carried unanimously, Council deferred adoption of a Resolution on the Storm Drainage Fee Increase to the September 18, 2007 meeting.



#### PROCLAMATION-ANNUAL WOODLAND DYNAMITE CHILI COOK-OFF DAY

On a motion by Council Member Monroe, seconded by Council Member Pimentel and carried unanimously, Council proclaimed Saturday, September 22, 2007 as "Woodland Dynamite Chili Cook-Off Day" in the City. John Fenrich, Coordinator of the event, said this is the Tenth Annual Cook-Off. The event has been featured in *Chili Pepper Magazine* which has a national circulation of over 120,000 and has indicated our event is one of the nation's best. The proceeds are used to support youth and tourism through the Chamber of Commerce programs. They anticipate income of more than \$100,000. Mayor Flory presented the Proclamation to Mr. Fenrich.

#### **CONSENT CALENDAR**

At the request of Council Member Marble and with concurrence by the Council, the following items were removed from the Consent Calendar for discussion:

#### MONTHLY STATUS REPORT-COMMUNITY DEVELOPMENT

Council Member Marble asked that the font size on this report be larger. He also said it is sometimes difficult to determine the changes each month and he would like a brief summary included on those changes. Council Member Pimentel asked about the Building Unit Allocations in the Spring Lake Specific Plan area, the second release and when the Council would be receiving a report on this issue. Director Munowitch said the second release has not yet happened. Further information will be provided regarding Building Permits issued and Building Unit Allocations.

#### MONTHLY STATUS REPORT-PARKS AND RECREATION

Council Member Marble would like a brief summary included on those changes from month to month.

#### MONTHLY STATUS REPORTS-FIRE DEPARTMENT

Council Member Marble said overtime has increased from \$23,000 to \$50,000 in one month. He would like further information on why that dramatic change has taken place and why it is so high.



## MONTHLY STATUS AND CAPITAL BUDGET EXECUTION REPORTS-PUBLIC WORKS

Council Member Marble would like a brief summary included on those changes from month to month.

### PRELIMINARY ASSESSMENT- RECYCLING PROGRAM FOR CONSTRUCTION AND DEMOLITION DEBRIS

Council Member Marble said this program seems to be working very well and is paying for itself. Director Wegener said the building industry has congratulated the City on their efforts.

# <u>DISBURSEMENT OF MEASURE E FUNDS ALLOCATED TO WOODLAND OPERA HOUSE EXPANSION</u>

Council Member Marble has a question on the process and wants to be sure the project is competitively bid. Parks and Recreation Director Gentry said the Opera House Board does not have the same requirements as does the City. They reviewed the information received and decided to move forward. Mayor Flory said Director Gentry had been authorized to oversee the funds and how they were to be disbursed. Director Gentry said the Opera Board made a good choice in his opinion. They went through a quality based process. The second part is to look at the rate and fees as they are in a very competitive market. Vice Mayor Davies said the members of the Opera Board are not experts in this field. Director Gentry and Community Development Staff are involved in the process. Director Gentry said accountability is in place and he is and will continue to watch things very closely. City Manager Deven said that Director Gentry has the process under control and with City staff expertise, the scope, cost, etc., is appropriate. If there is any question, Directors Gentry or Drayton will review with him.

Council Member Pimentel said the estimate was \$2.2 million and that is less than the \$3 million allocated for this project. He asked if the extra be returned to the City. Director Gentry said that cost does not include furniture and furnishings. Construction costs will likely be going up. He feels they will be using those funds entirely. Council Member Pimentel asked if Council or Director Gentry was not comfortable with the way the project was going, could it be stopped. Director Gentry said the Council will be receiving periodic reports and will be asked for their input. Council Member Monroe said the funds from



Measure H were less than anticipated. It is possible that will happen with Measure E as well.

At the request of Vice Mayor Davies and with concurrence by the Council, the following item was removed from the Consent Calendar for discussion:

#### USE OF MEASURE E FUNDING FOR IN-HOUSE ROAD MAINTENANCE WORK

Vice Mayor Davies said \$600,000 to \$800,000 will be used to pay salaries of in-house staff that have been doing this work and been paid by other City funds. Measure E was set up for other things and he feels this is contrary to the reason why the Measure passed. The Beamer Street underpass repair is vital as is the issue of Storm Drainage. Director Wegener had said it is less expensive to do this in-house. Vice Mayor Davies still has many questions and wants more data. Council Member Pimentel said this item was heard by the Infrastructure Sub-Committee and he feels it should go forward now. The City will be saving money on work that needs to be done no matter what the funding source. Mayor Flory said the recommendation of the Infrastructure Sub-Committee was to be included in this report. Council Member Monroe asked about placing signing and striping in the Spring Lake Specific Plan area. Director Wegener said that does not pertain directly to the SLSP but to other areas in need of work. Vice Mayor Davies still has many questions and requested this item be deferred to the September 18, 2007 Council meeting. Council concurred.

On a motion by Council Member Marble, seconded by Council Member Pimentel and carried unanimously, Council approved the following Consent Calendar items with the exception of the In-House Measure E item above:

#### MONTHLY STATUS REPORT-COMMUNITY DEVELOPMENT

Council received the Monthly Status Report from Community Development. See further comments above.

#### MONTHLY STATUS REPORT-PARKS AND RECREATION

Council received the Monthly Status Report for September 2007 from Parks and Recreation. See further comments above.



#### MONTHLY STATUS REPORTS-FIRE DEPARTMENT

Council received the Monthly Status Reports for June and July 2007 from the Fire Department. See further comments above.

### MONTHLY STATUS AND CAPITAL BUDGET EXECUTION REPORTS-PUBLIC WORKS

Council received the Monthly Status and Capital Budget Execution Reports for September 2007 from Public Works. See further comments above.

## PROJECT 97-24-INTERSTATE 5/COUNTY ROAD 102 INTERCHANGE IMPROVEMENTS

Council approved the revised Project Programming Summary Sheet for Project 97-24, Interstate 5 and County Road 102 Interchange Improvements.

### ORDINANCE-AMEND SECTION 2-1-35 OF THE CODE REQUIRING BOARD/COMMISSION/COMMITTEE POSITION BACKGROUND & REFERENCE CHECKING

Council introduced and read by title only, an Ordinance amending Section 2-1-35 of the Municipal Code to require reference and background checks on candidates for appointed Board, Commission and Committee positions.

# RESOLUTION 4858-WAVE BROADBAND ASSUMPTION OF CHARTER COMMUNICATIONS PROPERTIES, LLC

Council adopted Resolution 4858, "A Resolution of the City Council of the City of Woodland Conditionally Authorizing the Assignment and Ultimate Transfer of Control of a Cable Television Franchise by Charter Communications Properties, LLC, to WAVE Division VI, LLC.

# PROJECT 04-26 AMERICAN'S WITH DISABILITIES ACT, WEST AND ELLIOT STREETS; PROJECT 05-05, ADA CURB RAMP IMPROVEMENTS; PROJECT PROGRAMMING SUMMARY SHEET FOR PROJECT 05-05

Council accepted final improvements for Project 04-26, American's with Disabilities Act (ADA) Improvements at West and Elliot Streets, Project 05-05,



ADA Curb Ramp Improvements, revised Project Programming Summary Sheet adding \$5,000 of Measure E Road Maintenance Funds for disposal of contaminated soil.

#### PROJECT 07-41, 2007 ROAD MAINTENANCE

Council accepted Project 07-41, 2007 Road Maintenance, as complete; approved final Project Programming Summary Sheet for the project; authorized the City Clerk to file a Notice of Completion.

## PRELIMINARY ASSESSMENT-CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM

Council received a report on the effectiveness of the Construction and Demolition Debris Recycling Program. See further comments above.

#### MEASURE E FUNDING FOR IN-HOUSE ROAD MAINTENANCE WORK

This item has been continued to the September 18, 2007 Council meeting. See further comments above.

#### RESIGNATION-HISTORICAL PRESERVATION COMMISSION MEMBER

Council accepted, with regret, the resignation of John Hancock from the Historical Preservation Commission, effective on September 30, 2007.

## <u>DISBURSEMENT OF MEASURE E FUNDS ALLOCATED TO WOODLAND OPERA HOUSE EXPANSION</u>

Council authorized the Parks and Recreation Director and Finance Director to review and approve disbursement of Measure E Funds allocated to the Woodland Opera House Expansion Project. See further comments above.



#### PUBLIC HEARINGS

#### SPRING LAKE INFRASTRUCTURE FEE INCREASE

On a motion by Council Member Marble, seconded by Council Member Pimentel and carried unanimously, Council cancelled the Public Hearing on consideration of an update of the Spring Lake Infrastructure Fee.

Council Member Pimentel would like to input from the Infrastructure Sub-Committee on this issue. Mayor Flory said the Sub-Committee does not yet have a recommendation. Staff will be reviewing the fee and verifying the figures. Finance Director Drayton said the staff has been meeting with the Spring Lake Developers. There is no risk in delaying the item and there are still some issues to be resolved. It is anticipated the item will be ready for consideration in December. Auditors have been brought in. City Manager Deven said the staff is going back through all of those items that have been charged to the Developers to be sure there is a nexus and they are appropriate charges. The City Attorney will be part of the legal process determination. The development community has asked that the item be delayed. The City needs to be sure the process is as accurate as possible. Finance Director Drayton said the Developers have advanced funds and if it is not accurate, the City will be refunding those costs to them.

#### REPORTS OF THE CITY MANAGER

#### INSTALLATION OF PACIFIC GAS AND ELECTRIC OWNED STREET LIGHTS

On a motion by Council Member Marble, seconded by Council Member Pimentel and carried unanimously, Council directed staff to proceed with installation of Pacific Gas and Electric-owned street lights in the areas where warranted and poles exist and to augment the Public Works Street Light Program budget if appropriate at mid-year at an estimated cost for 2007-08 of \$4,000.

### RESOLUTION-STORM DRAINAGE FEE INCREASE

This item continued to the September 18, 2007 meeting.

#### SPORTS PARK PHASE I PROJECT 04-37; PLANS & SPECIFICATIONS; PUBLIC BID

Parks and Recreation Director Gentry said the proposal is to approve the Base Bid, with Alternates A, C, and D. Alternate E is beyond our budget as a



multi-use field at this time. It could be accommodated as a soccer field only. Council Member Pimentel asked if Council supported a soccer only configuration. Vice Mayor Davies indicated if there are inadequate funds for Alternate E as a multi-use it could be soccer only. Council Member Monroe said they have been approached by the baseball people who have indicated they need a multi-use for baseball purposes as well. Council Member Pimentel feels the City is very deficient in soccer fields. Director Gentry indicated Council had wanted a multiuse field if it was affordable. There will be a professional soccer field added in eight to ten years. Mayor Flory said the City needs one good dedicated soccer field at this time and must solve the fencing problem. Director Gentry said in response to the restrooms in the dance aerobics area, there are restrooms that are pre-engineered and pre-designed which are dropped onto the site. The quality is very good, but they are less expensive. The \$11.9 million cost included the purchase of the land. Vice Mayor Davies asked if Council had decided to put in Alternate E through the base bid and then have the soccer field as the alternate. Director Gentry said the City Manager directed the money should be in hand before the bid went out. Mayor Flory said if the City went to a soccer only, it could cost \$250,000 less.

It was moved by Council Member Pimentel and seconded by Council Member Monroe to move forward with A, C, D and a soccer only field in Phase I. Vice Mayor Davies said B is not part of the base bid and Director Gentry said it would be in the add alternates and would be the soccer only. Item B will need to wait. Items A, C, D and a soccer only will be done first. Council Member Monroe and Council Member Pimentel amended their motion to approve the revised Project Programming Summary Sheet for the Sports Park, Phase I Project 04-37; approved the Sports Park Phase I Plans and Specifications; authorized the public bid. Motion carried unanimously.

# PROJECT 00-15-COMMUNITY AND SENIOR CENTER PHASE I; PROJECT 08-01-COMMUNITY AND SENIOR CENTER PHASE II; PHASE II PLANS AND SPECIFICATIONS; BID

Council Member Marble asked for clarification on the increase in Phase II from \$5.6 million to \$6.3 million. Director Gentry said in part, it is due to the Hertel Agreement.

Vice Mayor Davies asked about the other increases. Director Gentry said it was an add alternate but it could be put into the base bid. Council Member Monroe there will be an additional 7,000 square feet in the building and asked how that increase square footage will affect the staffing levels. Director Gentry said there will be some part-time staff needed but the cost will be offset by the



fees received. The janitorial needs and maintenance are included in the fees charged.

Council Member Marble said the projected costs on page 2 are at \$1.8 million. The contingency is 21% of the total cost. Director Gentry said if they remove the Construction Management/Inspection cost and the fixtures, furniture and equipment, those costs will be less. With the proposed development North of the Community and Senior Center on the Prudler/Sievers property, there is discussion on sharing the storm detention pond. It was an asset for Hertel to go this direction and the City will receive some remuneration for the use. Director Munowitch said the Hertel project is an approved project and ready to move forward.

On a motion by Council Member Monroe, seconded by Council Member Pimentel and carried unanimously, Council approved the revised Project Programming Summary Sheet for the Community and Senior Center Phase I Project 00-15; approved the revised Project Programming Summary Sheet for the Community and Senior Center Phase II Project 08-01; approved the Phase II Plans and Specifications.

### COUNCIL/STAFF COMMENTS AND REQUESTS (continued)

Mayor Flory asked that Staff provide an update on the Community Housing Opportunities Corporation Casa del Sol project on East Street. Director Munowitch said the State has received the application and the project should be approved soon. The loan should close between September 21 and September 28, 2007. Construction should begin in the summer of 2008 with an 18 month construction cycle.

Mayor Flory asked that Project 05-15, the East Main Street Bikeway, be added to the Agenda for an upcoming meeting. A majority of Council concurred with Council Member Pimentel voting to the negative.

#### ADJOURN

At 7:42, Mayor Flory adjourned the regular meeting of the Council.

Respectfully submitted,

Sue Vannucci, CMC, City Clerk