#### **MINUTES**

# JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SPECIAL CLOSED SESSION

#### **SEPTEMBER 1, 2009**

5:00 P.M.

#### CLOSED SESSION-CITY COUNCIL

At 5:01 p.m. Council met in Closed Session to hold a conference with the Labor Negotiators, pursuant to Section 54957.6. The Agency Designated Representatives were William Avery, Amy Buck, and Sue Vannucci. The employee organizations discussed were the Woodland City Employees' Association, the Woodland Mid-Management Association, the Woodland Police Officers' Association, the Woodland Police Supervisors' Association, and the Woodland Professional Firefighters' Association. Present at these sessions were Mayor Davies, Vice Mayor Pimentel, Council Members Dote, Marble and Monroe, City Manager Deven, City Attorney Morris, Human Resources Manager Buck and Director of Administrative Services Vannucci.

### **CITY COUNCIL**

#### **REGULAR SESSION**

6:00 P.M.

#### CALL TO ORDER

At 6:01 p.m. Mayor Davies called the regular meeting of the City Council to order.

# **CLOSED SESSION ANNOUNCEMENT**

Mayor Davies advised that Council had met in Closed Session to discuss labor negotiations and had given direction. The Redevelopment Agency Board item was not discussed due to time constraints, thus the Agency will reconvene in Closed Session following this regular session.



## PLEDGE OF ALLEGIANCE

Mayor Davies asked all in attendance to join in the Pledge of Allegiance led by Jack Slaven.

# **ROLL CALL**

COUNCIL MEMBERS PRESENT: Marlin Davies, Martie Dote, William

Marble, Jeff Monroe, Art Pimentel

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Mark Deven, Sue Vannucci, Andrew

Morris, Greg Meyer, Sandra Briggs, Tod Reddish, Carey Sullivan, Manuel Soto, Paul Siegel, Kim McKinney, Doug Baxter, Jamie McLeod, Roberta Childers, Cynthia Shallit, Amber D'Amato, Akin Okupe, Brent Meyer, Rex Greenbaum,

Dick Donnelly

# **MINUTES**

On a motion by Council Member Monroe, seconded by Council Member Marble and carried, Council adopted the minutes of the Council meetings of April 29 and May 5, 2008.

#### COMMUNICATIONS – COMMITTEE REPORTS

Council received the minutes of the Water Resources Association meeting of May 4, 2009.

Council received the minutes of the Yolo Emergency Communications Agency Board meetings of June 3, 2009 and July 1, 2009.

Council received the minutes of the Library Board of Trustees meeting of July 6, 2009.



## **PRESENTATIONS**

#### WOODLAND PUBLIC LIBRARY ANNUAL REPORT

Alain Traig, President of the Library Board of Trustees, presented the Annual Report of the Library and a history of the formation. Council Member Marble asked that the Board consider utilization of more volunteer hours at the Library.

#### PROCLAMATION - INTERNATIONAL LITERACY DAY

Council proclaimed September 8, 2009 as International Literacy Day. The member of the Literacy Council presented a check to the Council for \$2,000 as their annual contribution to the City to assist with the operation of the Literacy Program.

# PROCLAMATION - NATIONAL PROSTATE CANCER AWARENESS MONTH

Council proclaimed September 2009 as National Prostate Cancer Awareness Month.

#### JACK SLAVEN PARK

Interim Parks and Recreation Director Sullivan indicated that the new Neighborhood Park 2 in the Spring Lake area has been recommended for naming as the Slaven Park due to Mr. Slaven's outstanding contributions to the City of Woodland.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council named the new Spring Lake Neighborhood 2 Park as Jack Slaven Park.

### **CONSENT CALENDAR**

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

# RESOLUTION 5036 - BEEGHLY RANCH, SUBDIVISION 4793



Vice Mayor Pimentel asked why we are considering a reduced warranty period. Assistant City Manager Munowitch said normally we have one year following completion to release the Warranty Bond. This project is now approaching eighteen months since the project has been done. Vice Mayor Pimentel asked why this was delayed. Assistant City Manager Munowitch said this is only for the in tract development. Vice Mayor Pimentel said we are giving them six months and the standards were recently updated. This project was not included. City Attorney Morris said we are not obligated to reduce the period, but this should have been accepted several months ago. We can insist on the twelve month warranty if Council so chooses.

Council Member Monroe asked what an extension would cause. City Attorney Morris said the bond can be returned at the end of the warranty. Mayor Davies said the normal is one year. They have done great so far.

Vice Mayor Pimentel said the date of completion plus one year has already passed. There will be no warranty under this scenario.

On a motion by Council Member Monroe, seconded by Council Member Marble and carried, Council adopted Resolution 5036, "A Resolution of the City Council of the City of Woodland Partially Accepting Subdivision Improvements Constructed by Centex Homes", for Subdivision 4793, Beeghly Ranch as shown on Sheets 1 through 28 of the plans entitled "Plans for the Improvements of Beeghly Ranch" as approved by the City Engineer on June 28, 2006; authorized a reduced warranty period of six months for those improvements. Vice Mayor Pimentel voted to the negative.

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

# RESOLUTION 5045 - NON-TAXABLE TAX AND REVENUE ANTICIPATION NOTES FOR 2009-2010

Ken Dieker from Del Rio Advisors indicated the City will be participating on this alone this year and not within the pool. Council Member Marble said this would save us money.

On a motion by Council Member Marble, seconded by Council Member Monroe and carried unanimously, Council adopted Resolution 5045, a "Resolution of the City Council of the City of Woodland Authorizing the Issuance of 2009-2010 Tax and Revenue Anticipation Notes", not-to-exceed \$10 million; authorized the City Clerk, the Finance Officer and the Senior Accountant to make revisions to and sign financing documentation in connection with the issuance of



the TRAN; appointed the underwriting firm of Southwest Securities to market the notes, the law firm of Kronick, Moskovitz, Tiedemann and Girard as Bond Counsel, the law firm of Lofton and Jennings as Disclosure Council and Del Rio Advisors, LLC as Financial Advisor.

On a motion by Council Member Dote, seconded by Vice Mayor Pimentel and carried unanimously, Council approved the following Consent Calendar items:

### CAPITAL BUDGET EXECUTION REPORT

Council received the Capital Budget Execution Report from Community Development.

### MONTHLY STATUS REPORT - COMMUNITY DEVELOPMENT

Council received the Monthly Status Report from Community Development.

# MONTHLY STATUS REPORT - PARKS AND RECREATION

Council received the Monthly Status Report from Parks and Recreation.

#### TREASURER'S QUARTERLY INVESTMENT REPORT

Council received the Treasurer's Quarterly Investment Report for the months of April, May and June, 2009.

# PROJECT 06-09 - SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA)

Council approved the Plans and Specifications and authorized the bid advertisement for the Supervisory Control and Data Acquisition System Implementation, Project 06-09.

# YOLO COUNTY OFFICE OF EDUCATION FOR REGIONAL OCCUPATION PROGRAM FIRE SCIENCE ACADEMY

Council authorized the Fire Chief to enter into a Memorandum of Understanding with the Yolo County Office of Education for providing Fire



Science training as part of the Yolo Regional Occupational Program for the upcoming Fiscal Year, beginning July 1, 2009 through June 30, 2010.

# TYLER EDEN PUBLIC SOFTWARE PROGRAM

Council authorized the City Manager to enter into a Contract with Tyler Eden for the implementation of a Financial and Land Management Software System, including Electronic Timekeeping and Human Resources modules.

# <u>RESOLUTIONS 5037 – 5044-MEMORANDA OF UNDERSTANDING FOR EMPLOYEE</u> ASSOCIATIONS

Council adopted Resolutions 5037 through 5044 approving the Memoranda of Understanding for the various employee units as follows:

Resolution 5037	-	Confidential Employees, term July 1, 2009-June 30, 2010
Resolution 5038	-	Woodland Police Professional Employees, term July 1, 2009-June 30, 2012
Resolution 5039	-	Woodland Police Supervisor Employees, term July 1, 2009-June 30, 2012
Resolution 5040	-	Woodland Mid-Management Professional Employees, term July 1, 2009-June 30, 2010
Resolution 5041	-	Woodland Police Mid-Management Employees, term July 1, 2009-June 30, 2012
Resolution 5042	-	Woodland Fire Mid-Management Employees, July 1, 2009-June 30, 2010
Resolution 5043	-	Woodland Professional Firefighters' Association, term July 1, 2009-June 30, 2012
Resolution 5044	-	Woodland City Employees' Association, term July 1, 2009-June 30, 2010



#### SACRAMENTO RIVER WATERSHED SANITARY SURVEY UPDATE

Council authorized the City Manager to execute a Memorandum of Understanding and any necessary amendments with the other municipal water purveyors on behalf of the City of Woodland and as contract lead on behalf of the Davis-Woodland Water Supply Project partners.

#### PROJECT 09-22 - WATER METER IMPLEMENTATION PHASE 2

Council awarded the Construction Contract to Teichert Construction in the amount of \$12,310,279; awarded a Construction Management Contract to Psomas Engineering, Inc. in an amount not-to-exceed \$2.98 million; authorized a Contract contingency in the amount of \$1.2 million; authorized the use of \$2.311 million in Water Enterprise funds, for Phase 2 Water Meter Implementation Project 09-22.

#### PUBLIC HEARING-COUNCIL

### RESOLUTION 5046 - COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

Manager Shallit said the Council is being asked to approve an amended Action Plan. It is the second loan that has come before us that is viable and is not used very often. In 2008-09, we made a \$60,000 loan to the City for the series street lighting that could not be fully used. Council Member Marble asked how this affects other CDBG programs that might be getting increased funding. Manager Shallit said there were no other applicants. Council Member Marble said if this were opened up for 30 days to others they might have more applications.

Vice Mayor Pimentel asked if for the last round of funding we will be reinstating this type of funding. Manager Shallit said if we set this money aside ad no one comes forward, it is not lost. Mayor Davies asked if the money is not allocated to this project and it will roll over to other projects, could it go to some of those other projects. Manager Shallit said it could be used for other projects. Mayor Davies dos not feel we should be in the banking business. There are many agencies that could get loans. Manager Shallit said these people do not have an adequate history or collateral in land and we would be using inventory as collateral.



Council Member Marble said he is not prepared to go forward with this until he is sure this is the best use of the funds.

Vice Mayor Pimentel said Council has discussed business development and the need to assist these businesses. We are involved in all kinds of loans already and this one is no different. It would not have come before us if staff had not felt it was important.

Council Member Marble said if this is to be a good process; it needs to be an open process so that anyone could participate, even if it is a 30 day window.

It was moved by Vice Mayor Pimentel and seconded by Council Member Dote to direct staff to provide for a 30 day window period to allow others to come forward with applications.

Council Member Monroe indicated he supports the way the recommendation is written. Council Member Dote said there could be a large group of applications. Manager Shallit said we did not have any others express an interest.

Vice Mayor Pimentel withdrew his previous motion and moved to approve the item as written. Council Member Dote seconded the motion. City Manager Deven reminded Council this is a Public Hearing and also the Small Business Development Center is working with individuals on this activity. The Center screens the applications and advises the City when someone qualifies. This business is going to grow and create viable jobs.

At 7:27 Mayor Davies opened the Public Hearing.

Troy Tandy of Refrigeration Innovation, LLC, said they did get funding of \$300,000 in private funds. They have increased their business and have paid back their loans. They are a risk because they are a new company. They are developing a product and they are not leveraging land because they do not have any at this time. This program is very good for helping in the City. Some businesses will use these funds and create more jobs. They will be doing this with or without the loan.

Mayor Davies closed the Public Hearing at 7:31.

Council Member Marble asked if 30 days is too much, could we open the process for two weeks.

In calling for the question to adopt a Resolution to reinstate the Micro-Loan Program by approving Resolution 5046, a "Resolution of the City Council of



the City of Woodland to Amend the Community Development Block Grant (CDBG) 2008-09 Action Plan to Include the Micro-Loan Program", Council approved the item as written. Mayor Davies voted to the negative.

### REPORTS OF THE CITY MANAGER

# **GREEN WASTE PROGRAM PHASE I SERVICES**

Analyst Childers said when the green waste program went into affect it was determined that there would be phases to the program. Citizens were asked in several formats as to their preference in remaining in Phase I or moving to Phase II. Of the 4,254 respondents, 52% wish to remain in Phase I while 48% wish to move to Phase II. The restrictions under our National Pollutant Discharge Elimination System permit are becomes more stringent and movement to Phase II will assist us in meeting the requirements of this permit.

Phase I consists of services through December of 2015 where the cost to residential customers would increase by \$1.09 per month with weekly cart collection, street pile collection during the leaf drop season and street sweeping. During non-leaf drop season, the street pile collection would be once per month.

Phase II would have no change in costs. The weekly cart, street pile collection and street sweeping would remain the same during leaf drop season. During non-leaf drop season the weekly cart collection would be in place, but no street collection would take place except for one pickup during pruning season on a schedule provided by the City. Street sweeping would take place weekly on arterials, collectors, parking lots and in Dog Gone and Dead Cat Alleys. Sweeping would also take place every other week in the City Tree Designated Area which is 52 curb miles bordered by Woodland Avenue, East Street, Gibson Road and West Street and monthly for the remainder of the City.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried unanimously, Council approved moving to Phase II of the Green Waste Program beginning January 1, 2010.

### COMMUNITY ORIENTED POLICING HIRING RECOVERY PROGRAM

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council authorized the Police Chief and the City Manager to accept the Community Oriented Policing Hiring Recovery Program grant award of \$836,190 to fund the personnel costs associated with three full time Police Officer positions at entry level for the next three years.



## 2009 BYRNE JUSTICE ASSISTANT GRANT AWARD

Vice Mayor Pimentel asked why we received the lowest amount and Chief Sullivan said it is based on our population and type of crimes. Mayor Davies said he has asked Chief Sullivan to look at the gang issue.

At 7:45 Vice Mayor Pimentel left the Chambers.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council authorized the Police Department to accept the Byrne Grant Award of \$56,197 for use in partial support of its Crime Prevention Program.

At 7:47 Vice Mayor Pimentel returned to the Chambers.

#### **ORDINANCE**

# <u>URGENCY ORDINANCE 1508 - MEDICINAL MARIJUANA DISPENSARIES AND</u> OTHER ILLEGAL LAND USES

City Attorney Morris said this Ordinance will last for 45 days only and allows us time to study the issue further.

Council Member Dote asked about illegal land uses and what they are. City Attorney Morris said we believe this is an illegal operation.

Doug Barr asked why this is item is considered an emergency. He wants Council to table this and consider at the next meeting as he will have further information to share with Council. He and his wife currently have a dispensary and have had it since 2006. Planning gave them the paperwork and they were allowed to operate at a previous location. He had cancer and this drug helps him. They are currently in litigation with the City. He wants to be sure everyone is educated about the topic. This is not a money making business. His wife has been in the medical field for 25 years. They want to have a physician involved to start a Collective in the City.

Cheri Barr owns a patient care business. She did a lot of research and knows more about the law than anyone here. She knows health care. She takes care of patients every day and knows about it well. She does not look at this as



an illegal drug. It is to help people. She does not know anything about the illegal side. There is no cure for her husband's illness and the only way he can get through this is with the help of this drug. A Doctor must provide a card that states they can use it for their health.

Bobby Harris said the City Attorney stated this is a template. City Attorney Morris said it s not a template but other Cities have done this before. Mr. Harris said this approach is a tag on and is distressing. Council is taking advice from the City Attorney that is supposed to be correct. The Ordinance needs to be addressed. He wants to work with the City Attorney to develop the Ordinance so that he can get it right. He does not want this to be adopted tonight.

On a motion by Council Member Monroe, seconded by Council Member Marble and carried unanimously, Council adopted Ordinance 1508, "An Interim Urgency Ordinance of the City of Woodland Establishing a Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries and Other Uses Illegal Under State or Federal Law Pursuant to Government Code Section 65858".

#### **ADJOURN**

At 8:10 p.m., Mayor Davies adjourned the joint regular meeting of the Council and Redevelopment Agency Board in memory of B. E. Giovannetti to reconvene in Closed Session.

#### CLOSED SESSION-REDEVELOPMENT AGENCY

At 8:17 p.m. the Agency Board held a conference with Real Property Negotiators, pursuant to Section 54956.8 on the properties located at 901, 917, 927, and 1000 Main Street, 1011 and 1021 Lincoln Avenue. The Agency Negotiator was the Executive Director and Negotiating Parties Mark Deven, the Robert Gillette Trust; the Robert and Devere Garner Trust, the Tom and Marilyn Fields Trust, the Stacey Hatten Trust, Brenda Cedarblade, the Donald Sharp Trust. Under negotiation were price and terms of payment. Present at this session were Chairperson Davies, Vice Chairperson Pimentel, Board Members Dote, Marble and Monroe, Executive Director Deven, City Attorney Morris, and Redevelopment Manager Shallit.

Respectfully submitted,

SS: Sue Vannucci, Director of Administrative Services

Adopted by Council: September 21, 2010