MINUTES

REGULAR SESSION

December 1, 2009

CALL TO ORDER

At 6:00 p.m. Mayor Davies called the regular meeting of the City Council to order.

PLEDGE OF ALLEGIANCE

Mayor Davies asked all in attendance to join in the Pledge of Allegiance led by Vice Mayor Pimentel.

ROLL CALL

COUNCIL MEMBERS PRESENT: Marlin Davies, Martie Dote, William

Marble (left the meeting at 6:22 p.m.),

Jeff Monroe, Art Pimentel

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Mark Deven, Andrew Morris, Sue

Vannucci, Doug Baxter, Carey Sullivan, Paul Siegel, Paul Hansen, Amber D'Amato, Sandra Briggs, Tod Reddish, Brent Meyer, Greg Meyer, Amber

D'Amato

MINUTES

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council adopted the minutes of the Special Reorganization session of July 1, 2008 and of the regular Council meetings of July 8 and July 15, 2008.



COMMUNICATIONS – WRITTEN

Council received notification from Pacific Gas and Electric of a rate increase of 5.0% for Tiers 1 and 2 and a decrease in Tiers 3, 4, and 5 to reflect Public Utilities Code Section 739.9 changes based on usage. Vice Mayor Pimentel said the increase at P. G. & E. 5% is not acceptable. They are also encouraging more usage of power.

Council received notification of a person-to-person transfer of an Alcoholic Beverage Control License for Applebee's Neighborhood Grill and Bar located at 1790 Fast Main Street.

Council received notification of a new on-sale Beer and Wine Alcoholic Beverage Control License for La Roca Restaurant, located at 737 East Street.

Council received notice of a new on-sale General Alcoholic Beverage Control License for Red Robin Burger and Spirits Emporium, located at Interstate 5 and County Road 102.

COMMUNICATIONS-COMMITTEE REPORTS

Council received the minutes of the Library Board of Trustees meeting of October 15, 2009.

COMMUNICATIONS-PUBLIC COMMENT

Bobby Harris said apartment dwellers cannot display political signage in our City. The City of Davis has a policy that allows such displays. Their Ordinance supersedes private property owner rights.

COMMUNICATIONS-COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Pimentel said the Rochdale Grange affordable housing project is moving ahead and he commended staff for working to assist in finalizing the application.

Council Member Dote said the Community Development Block Grant Sub-Committee held a meeting and discussed the criteria. There was a County-wide leadership meeting on community safety and the group looked at the San Jose model.

Council Member Monroe reminded everyone of the Annual Holiday Tree Lighting Ceremonies on Friday.



Council Member Marble announced he would be leaving the Council meeting shortly to attend an Association of California Water Agencies meeting. He attended the League of California Cities meeting on Strategic Planning and the group developed three goals for 2010: (1) protect local funds; (2) conduct reform of State Government and Financing; (3) protect economic and business development. He would like Council to add to the December 15, 2009 Agenda a provision for a constitutional amendment to prevent State raiding of local funding. Council concurred to so add to a future Agenda.

Council Member Marble said he would also attend to a future meeting Agenda the tobacco licensing and industrial corridor concerns.

Mayor Davies said there are public safety models that talk about suppression but does not talk about prevention or victims very well. There should be some County-wide focus on youth. It was a good start in the process. On November 21 there will be a flag football game with Police and Fire to raise money for food. He would like to have a bigger cup made for the winner and call it the Mayor's Cup. He will proceed and donate the Cup.

CONSENT CALENDAR

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

MEASURE E REPORT

Vice Mayor Pimentel said the staff report says we have less money than anticipated from Measure E by \$6 million and it does not show where that was reduced. Finance Officer D'Amato said the items were reduced on a percentage basis. Vice Mayor Pimentel indicated the community should be given specific information on the areas where items were reduced. Finance Officer D'Amato said there will be a spending plan update coming forth to Council on this issue soon.

Council received the Annual Measure E Report for Fiscal Year Ending June 30, 2010.

At the request of Council Member Monroe and with concurrence by the Council, the following item was removed form the Consent Calendar for discussion:

RESOLUTION 5063 - CONFLICT OF INTEREST CODE



Council Member Monroe said that some positions were missing from the Code update. Director Vannucci said these were positions that had been unfunded or eliminated from the City and will not be replaced.

Council adopted Resolution 5063, a "Resolution of the City Council of the City of Woodland Amending Conflict of Interest Code for Designated Positions and Incorporating by Reference the Fair Political Practices Commission Standard Model Conflict of Interest Code".

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

<u>PROJECT 97-24 - INTERSTATE 5/COUNTY ROAD 102 INTERCHANGE</u> IMPROVEMENTS

Council Member Dote said this project has been a long awaited one and is finally going forward. Vice Mayor Pimentel asked if this comes in low what the City would do then. Engineer Meyer said the alternates could then be done sooner.

Council approved the Plans and Specifications for the Interstate 5/County Road 102 Interchange Improvements Project 97-24; and authorized the bid advertisement.

On a motion by Council Member Dote, seconded by Vice Mayor Pimentel and carried unanimously, Council approved the preceding and succeeding Consent Calendar items as presented.

CAPITAL BUDGET EXECUTION REPORT

Council received the Capital Budget Execution Report from Community Development.

MONTHLY STATUS REPORT

Council received the Monthly Status Report from Community Development.

AB 1600 ANNUAL REPORT



Council reviewed and accepted the A. B. 1600 Annual Report for the year ending June 30-2009.

RESOLUTION 5062 - TREE CITY USA RECERTIFICATION

Council adopted Resolution 5062, "A Resolution of the City of Woodland Supporting the Application for Tree City U.S.A. Recertification"; authorized staff to submit the application packet that will recertify the City of Woodland as a Tree City USA.

RESOLUTION 5064 - GOLDEN HANDSHAKE PROGRAM

Council adopted "Resolution 5064 to Grant Another Designated Period for Two Years Additional Service Credit", for the Golden Handshake Program; authorized the City Clerk and the Mayor to sign related certifications.

<u>ACCESS EASEMENTS - FOUNDATION FOR EXCELLENCE AT WOODLAND</u> CHRISTIAN SCHOOL

Council granted two access easements to the Foundation for Excellence at Woodland Christian School for the property at the Southern end of Matmor Road, Assessor Parcel Numbers, 41-070-039 and 41-080-013.

PROJECT 09-26 - ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

Council approved the addition of the Energy Efficiency and Conservation Block Grant Project Capital Improvement Project 09-26 in the amount of \$508,700 to the Capital Budget for Fiscal Year 2010.

CITY MANAGER'S EMPLOYMENT AGREEMENT

Council approved the First Amendment to the City Manager's Employment Agreement to allow for the implementation of furloughs in a manner that is consistent with all other City employees.

At 6:22 p.m., Council Member Marble left the dais and exited the Chambers.



PUBLIC HEARINGS - COUNCIL

RESOLUTIONS 5065 AND 5066/ORDINANCE - FARM CREDIT WEST PROPERTY

Planner Hansen briefed the Council on the desired actions before them on the Farm Credit West General Plan Amendment and Rezone. Vice Mayor Pimentel asked if we are collecting fees on this project. Planner Hansen said they will be paying their associated fees for the project.

At 6:25 p.m., Mayor Davies opened the Public Hearing. With no comments heard, Mayor Davies closed the Public Hearing.

On a motion by Vice Mayor Pimentel, seconded by Council Member Dote and carried by the Members present, Council adopted Resolution 5065, a "Resolution of the City Council of the City of Woodland Adopting a Negative Declaration for the Rezoning of the Farm Credit West Property", Resolution 5066, a "Resolution of the City Council of the City of Woodland Amending the General Plan Land Use Diagram for the Farm Credit West Property"; and introduced, waived first reading and read by title only "An Ordinance of the City Council of the City of Woodland Approving the Rezoning of the Farm Credit West Property".

ORDINANCE - ZONING OF ILLEGAL USES AND BUSINESSES

City Attorney Morris said this proposed Ordinance would affect waste haulers and the operation of businesses for medical marijuana dispensing which is in violation of Federal law. The medical marijuana dispensaries would not qualify for a license under this Ordinance due to that violation of Federal law. It does not violate Proposition 215. This Ordinance says that any illegal businesses could not operate. Over 100 Cities have taken the option not to have these businesses. He cited the City of Claremont case. Our Ordinance complies with the law.

Vice Mayor Pimentel asked how the Ordinance would be enforced in relation to patients who might be using the dispensaries. City Attorney Morris said if it is a qualified patient they are immune from prosecution. The City is not planning on prosecuting if they are a qualified patient. Chief Sullivan said if they have an identification card in their possession they will not be prosecuted.

At 6:30 p.m., Mayor Davies opened the Public Hearing.



Richard Fogg wants the City to allow dispensaries. He can buy an illegal gun but not his medicine. It would be taxed and other shops that have related items could bring revenue.

Bernadette Murray said the report is not clear and talks about residential. She does not like the language because it states the business will not operate illegally. The language of the issue when presented is not transparent and did not touch on the real issue.

Jorel Difuntorum was Waste Management is the sole user vendor for our waste hauling and perhaps we should consider others. The medical marijuana users issue should be made easier not more difficult.

Bobby Harris said this Ordinance goes further than the dispensaries. It affects the qualified patients. This approach has been pushed down the City's throat by the State Police Officers and the Sheriffs. There are many issues that are not addressed. The law is not on the City's side and he will sue the City.

At 6:41 p.m., Mayor Davies closed the Public Hearing.

City Attorney Morris would like to propose a small amendment that the applicant has a business license under Section 13-1-21 to say that they would certify "to the best of their knowledge" that they were operating a business that was not illegal.

Mayor Davies asked for elaboration on what Proposition 215 mandates. City Attorney Morris said the law allows the cultivation and distribution. Our Ordinance would not prohibit that but it will prohibit a large growth.

Council Member Monroe said the Ordinance is to keep businesses that are illegal from operating.

Council Member Dote said other Cities have laws to state some businesses are to be located a specified distance from others. Proposition 215 allows for the medicinal use but we cannot allow zoning that is illegal.

Vice Mayor Pimentel believes in State rights but we have the local control. He does not feel that this type of business should be allowed in our City.



On a motion by Council Member Monroe, seconded by Vice Mayor Pimentel and carried by the Members present, Council introduced, waived first reading and read by title only, "An Ordinance of the City Council of the City of Woodland, California to Amend Chapters 13 and 25 of the Woodland Municipal Code to Prohibit the Establishment and Operation of Businesses and Uses prohibited by State or Federal Law", with the amended language as presented by the City Attorney in Section 13-1-21, (3), to read, "A certification by the applicant that the operation of the business for which the application is sought will not constitute a violation of any state or federal law, or of this code, to the best of their knowledge; and".

REPORTS OF THE CITY MANAGER

COMMUNITY SERVICES AWARDS NOMINATING COMMITTEE

Director Vannucci explained the process for the presentation of the Community Service Awards in the Spring. Council will need to appoint the Committee for this process and should provide those names to the City Manager's Secretary as soon as possible.

ORDINANCE - NO SMOKING ON THE LIBRARY GROUNDS

Library Services Director Briggs would like the Library grounds to be considered a no smoking zone. Patrons must walk through areas where transients and others congregate and smoke. The Library has over 20,000 visitors per month. The most complaints she received are about the adults who stand in front of the Library and smoke.

Vice Mayor Pimentel would like no smoking on all City grounds and facilities. City Manager Deven said we could go further but there have not been any other complaints to his knowledge.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by the Members present, Council introduced, waived first reading and read by title only, "An Ordinance of the City of Woodland Amending Section 15-40 of the Woodland Municipal Code Relating to the Regulation and Prohibition of Smoking at Public Facilities", and to have staff look into further options to ban other areas from smoking.



WATER RATE ADVISORY COMMITTEE PLAN

Director Meyer said the public outreach has been very critical to provide as much exposure to this rate structure. It is always difficult to reach all individuals and various methods must be used to do so.

Council Member Monroe feels the strongest opponents of the rates increase should be asked to serve on this committee because when the see the real problem they may become supportive.

Council Member Dote asked if we have any municipal users in the agriculture industry. City Manager Deven said it would be a business that serves agriculture. Council Member Dote asked if there would be a facilitator for this group. Director Meyer said they will be considering about that option. The consultant will be attending and may act as facilitator.

Vice Mayor Pimentel feels that each Council Member should appoint five members to the Committee. One year is not enough for the term and it should be for two years minimum for continuity. The reappointment process should be considered as well.

Mayor Davies said there will be attrition and there should be overlapping terms. He had sent some ideas to the City Manager. He has concerns about the cost. He would like this to come back to the Council at their next meeting with the final plans.

Council Member Dote asked if this is going to be a short-term or ongoing Committee. Director Meyer said this may go forward and Council will need to look at that option.

The Committee will be increased to 25 members and Director Meyer said there will be an application process so that the Committee is not loaded with a certain spectrum. Mayor Davies said the Chamber of Commerce wants the industrial community to be included.

RESOLUTION 5067 - SOLE SOURCE FINDING OF SUPERVISORY CONTROL AND DATA ACQUISITION

Director Meyer said the project is going to bid but we need to look at the equipment that will be purchased and it needs to be specific.



Council Member Dote feels that Director Meyer is correct in pursuing a Sole Source for this equipment.

On a motion by Council Member Dote, seconded by Council Member Monroe and carried by the Members present, Council adopted the Findings pursuant to Public Contract Code Section 3400 (b) set forth by adoption of Resolution 5067, a "Resolution of the City Council of the City of Woodland Designating Certain Products, Brands or Services Pursuant to Public Contract Code Section 3400"; authorized the City to specify the designated SCADA equipment identified.

ORDINANCE

ORDINANCE - ENGINEERING STANDARDS

Engineer Meyer said adoption of these standards are an administrative function There is a Resolution that allows this but building it into the Ordinance will make it easier to find in the future and not require this to come back to the Council.

Vice Mayor Pimentel asked what Council is being asked to approve. Engineer Meyer said Council is being asked to authorize when to make these minor changes. The language changes that are a politically sensitive issue should all come back to Council. City Manager Deven said that Engineer Meyer could share with them what those changes will be if they wished. He is City Engineer and is bound by the Council policy or law to make these changes. Some of the concerns Council has expressed in the past have drawn this forward. This will be shared with the Infrastructure Committee.

Mayor Davies is concerned about the transparency. In the past the contractor had concerns about the specifications and changes being made that were not given to them. He wants an annual report on the changes.

Vice Mayor Pimentel said he would like the final documents be approved by the Council. The Council is ultimately responsible for the standards.

Council Member Dote would like to see the changed document but is not interested in the amount of detail. This item will need to return to Council.

<u>ADJOURN</u>

At 7:28 p.m., Mayor Davies adjourned the regular meeting of the Council.



Respectfully submitted,

SS: Sue Vannucci, Director of Administrative Services

Adopted by Council: October 5, 2010