

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

MINUTES

**CITY COUNCIL
SPECIAL CLOSED SESSION**

JULY 8, 2008

5:00 P.M.

CLOSED SESSION-CITY COUNCIL

Council held a closed session for a conference with legal counsel concerning anticipated litigation and initiation of litigation pursuant to Subdivision (c) of Section 54956.9 regarding one case. Present at the session were Council Members Dote, Marble, and Monroe, Mayor Davies, and City Manager Deven. Vice Mayor Pimentel was absent. Council provided direction to staff on existing litigation regarding State Prisoner Release Program.

Council also held a closed session concerning Public Employee Appointment pursuant to Section 54957 regarding City Attorney. Present at the session were Council Members Dote, Marble, and Monroe, Mayor Davies, and City Manager Deven. Vice Mayor Pimentel was absent. Council provided direction to staff on Public Employee Appointment of City Attorney.

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

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

CLOSED SESSION ANNOUNCEMENT

Mayor Davies announced that Council held a closed session for a conference with legal counsel concerning anticipated litigation, initiation of litigation regarding one case. Council gave direction to the City Manager. Council



also discussed a Public Employee Appointment of the City Attorney, and Council gave direction to the City Manager.

PLEDGE OF ALLEGIANCE

Mayor Davies invited all in attendance to join in the Pledge of Allegiance led by Council Member Dote.

ROLL CALL

COUNCIL MEMBERS PRESENT: Martie Dote, William Marble, Jeff Monroe, Artemio Pimentel, Marlin Davies

COUNCIL MEMBER ABSENT: None

STAFF MEMBERS PRESENT: Evis Morales, Greg Meyer, Paul Hanson, Amber D'Amato, Kim McKinney, Dan Gentry, Carey Sullivan, Tod Reddish, Jamie McLeod, Devon Horne, Mark Deven, Ann Siprelle, Sue Vannucci

MINUTES

On motion by Council Member Marble, seconded by Council Member Pimentel and carried unanimously, Council adopted the minutes of the regular Council meeting of October 16, 2007, as prepared. Council Member Dote abstained.

COMMUNICATIONS – WRITTEN

Council received notification of a new beer and wine license for Simas Family Vineyard, 418 Buena Vista Way, Woodland.

Council received notification from Pacific Gas and Electric Company of two increases to electric rates. Vice Mayor Pimentel noted that P. G. & E. since November of 2006 P. G. & E. has raised rates 17 and 18 times.



COMMITTEE REPORTS

Council received the minutes of the Library Board of Trustees meeting of May 19, 2008.

Council received the minutes of the Water Resources Association meeting of January 28, 2008. Council Member Marble said at the Water Resources Association Board of Directors meeting of July 1, 2008 the Board discussed the County water Ordinances which have been placed on hold and there will be a public outreach process. The Board also discussed the floodSAFE Yolo program and there will be a presentation to Council on July 15 on the progress of the program.

COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Pimentel said on July 1 Woodland Community College received notice that the College has been accredited and Woodland Community College has become the 110th Community College in the State of California. As City liaison to the Woodland Access Video Enterprises, Channel 21 Board of Directors he asked Council to make some decisions in the near future about how committed the City is to WAVE and what should like to come out of the public television station.

Council Member Marble said he, Mayor Davies and City Manager Deven attended the 2 x 2 meeting with the Chamber of Commerce where Economic Development Manager Ross gave a presentation relating to the outreach program to be undertaken during the next year to local businesses. Representatives of both the City and the Chamber will jointly visit businesses. They also attended the 3x2x2 with representatives from Woodland Joint Unified School District and Woodland Community College. There were a number of items discussed related to safety of school children and what the City will be doing with crosswalks.

Council Member Dote attended the Clark Pacific soft opening at the old Spreckels property and observed them pouring 150 foot long double I-beam support systems.

City Manager Deven said a press release was issued today about cooling centers at the Leake Room of the Woodland Public Library, to remain open from today through Thursday, July 10, 2008 from 12:00 p.m. noon through 10:00 p.m. The National Weather Service has issued a special weather statement affecting the greater Sacramento Area.



PRESENTATION

2007-08 ANNUAL REPORT - PARKS AND RECREATION COMMISSION

John Murphy, Chair of the Parks and Recreation Commission, made a PowerPoint presentation on the annual work plan for the Commission. Some of the accomplishments for Fiscal Year 2007-08 included Phase II of the Woodland Community and Senior Center with a new Fitness and Aerobics building to be completed in November 2008, Woodland Community Sports Park Phase I with three lighted synthetic baseball/softball/soccer fields and one soccer only field, the Measure E/Proposition 50 irrigation project, the July 4th celebration, Spring Lake Specific Plan Neighborhood Park #2, Spring Lake Central Park (which was delayed because of the slowdown in home sales), the Urban Forest Master Plan, plaques at City Parks and the Cemetery Master Plan.

CONSENT CALENDAR

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

FILING OF ANNUAL TRANSPORTATION DEVELOPMENT ACT CLAIM

Council Member Marble asked about the \$2.1 million in TDA funds the City receives a year, the allocation coming to the City is diminishing because the allocation that is going to public transit is increasing. The staff report indicates \$250,000 is being spent for taxi service.

Director Meyer will e-mail information to Council. Woodland is only receiving \$500,000 for road development and maintenance for the 2008-09 cycle which is down from the year before.

Vice Mayor Pimentel said the Yolo County Transportation District was discussing the issue of doubling public transportation within the City of Woodland with two separate routes. Para-transit services are increasing. Yolo Bus will also be increasing this service, and para-transit service is very expensive. When a disabled person needs a ride, a special bus is sent to transport those individuals. A large portion is the City's cost of providing a taxi. Action taken with all Consent Calendar items.



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

AUGMENTATION TO SUN TRUST LEASE

RENEWAL OF CONTRACT WITH LABOR NEGOTIATOR

Council Member Dote requested that in renewing or extending contracts after a three-year cycle staff should do an Request for Proposals or a Request for Qualifications on the contracts to determine if the City is getting the best service. Action taken with all Consent Calendar items.

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

MONTHLY STATUS REPORT - COMMUNITY DEVELOPMENT

Council received the Monthly Status Report from the Community Development Department.

TREASURER'S INVESTMENT REPORT

Council received the Treasurer's Investment.

MONTHLY STATUS REPORT - FIRE DEPARTMENT

Council received the Monthly Status Report from the Fire Department.

MONTHLY STATUS REPORT - PARKS AND RECREATION DEPARTMENT

Council received the Monthly Status Report from the Parks and Recreation Department.

MONTHLY STATUS REPORT - PUBLIC WORKS DEPARTMENT

Council received the Monthly Status Report from the Public Works Department.



DELINQUENT GARBAGE/REFUSE ACCOUNTS

Council set a Public Hearing for July 15, 2008 to hear and approve the list of Waste Management delinquent refuse accounts and direct the Tax Collector of Yolo County to assess liens against real property to collect delinquent accounts.

QUARTERLY TECHNOLOGY SERVICES DIVISION REPORT

Council received the Quarterly Technology Report.

RESOLUTION 4935 - CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT TECHNICAL SERVICES AND LABOR COMPLIANCE

Council adopted Resolution 4935 reauthorizing the second year of a three-year consultant agreement with Willdan Associates for Technical and Labor Compliance Services for the Community Development Block Grant program, Home Investment Partnerships Program, and other housing programs and authorized the City Manager to execute the contract amendment for Fiscal Year 2008-2009.

RESOLUTION 4936 - TRANSPORTATION DEVELOPMENT ACT CLAIM

Council adopted Resolution 4936 entitled "Resolution Authorizing Filing of Annual Transportation Development Act Claim with the Sacramento Area Council of Governments."

RESOLUTION 4937 - AUGMENTATION TO SUN TRUST LEASE

Council adopted Resolution 4937 authorizing the Assistant Finance Director to augment an existing Lease Purchase Agreement between the City of Woodland and SunTrust Leasing Corporation for the acquisition of new City equipment. See comments preceding.

RESOLUTION 4938 - YOLO COUNTY WASTE ADVISORY COMMITTEE

Council adopted Resolution 4938 approving the appointment of Roberta Childers as the City's representative on the Yolo County Waste Advisory Committee.



CITY TREASURER

Council appointed Amber D'Amato, Assistant Finance Director, as the City Treasurer, effective July 1, 2008.

RENEWAL OF CONTRACT WITH LABOR NEGOTIATOR

Council authorized the City Manager to execute a contract renewing the agreement between the City of Woodland and William Avery and Associates, Inc., for negotiations and consultant services in employer-employee relations effective July 1, 2008 through June 30, 2011. See comments preceding.

STATEMENT OF VOTES-JUNE 3, 2008 STATEWIDE DIRECT PRIMARY ELECTION

Council received the Statement of Votes for the Statewide Direct Primary Election held on June 3, 2008, re-electing Artemio Pimentel and Jeff Monroe and electing Martie Dote as Council Members.

RESOLUTIONS 4939, 4940 AND 4941 - SPRING LAKE LIGHTING AND LANDSCAPING DISTRICT

Council adopted Resolution 4939 initiating proceedings for the annual levy and collection of assessments for Spring Lake Landscaping and Lighting District; adopted Resolution 4940 preliminarily approving the Engineer's Report and the levy and collection of assessments for the Spring Lake Landscaping and Lighting District; and adopted Resolution 4941 declaring Council's intention to conduct a Public Hearing on July 15, 2008 on the matter of assessments for the Spring Lake Landscaping and Lighting District.

PUBLIC HEARINGS

RESOLUTIONS 4942, 4943 AND 4944 - GATEWAY LANDSCAPING AND LIGHTING DISTRICT FORMATION

Mayor Davies said the Council will conduct a public hearing for the Gateway Landscaping and Lighting District. He asked for any assessment



ballots that have not yet been presented to the City Clerk. There were no ballots submitted at that time.

At 6:29 p.m., Mayor Davies opened the Public Hearing.

Senior Accountant McKinney said pursuant to Assessment Law the City Council made a decision at the May 6, 2008 meeting to approve resolutions authorizing staff to send out ballots to property owners. Those ballots were mailed on May 13, and after the Public Hearing staff can determine whether the ballot process was successful. The City hired the firm of Koppel and Gruber Public Finance to assist the City with the process. Scott Koppel is present to answer any questions Council or members of the audience might have.

Vice Mayor Pimentel asked if the assessment amount will be sufficient to cover future landscaping costs. Accountant McKinney said the original Engineer's Report was set up to show a maximum assessment to do the landscaping and lighting for the district. The present the assessment is significantly lower because the landscape work has not been completed. There is an escalator so the maximum can increase by the CPI.

Mayor Davies invited questions and comments from the public. There being no comments Mayor Davies closed the Public Hearing.

City Clerk Vannucci said the two ballots received have been opened. One ballot is a "no, I do not approve" ballot from Costco. The second ballot is a "yes" vote from Woodland Development Company. It appears that the maximum annual assessment is adequate. The "yes" vote is 78,243 and the "no" vote is 45,045.

On a motion by Vice Mayor Pimentel, seconded by Council Member Dote and carried, Council adopted Resolution 4942 declaring the results of a property owner protest ballot proceeding for the City of Woodland Gateway Landscaping and Lighting District; adopted Resolution 4943 approving the Engineer's Report regarding the formation of the Gateway Landscaping and Lighting District and the levy and collection of annual assessment related thereto commencing with Fiscal Year 2008-09.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried unanimously, Council adopted Resolution 4944 ordering the formation of the Gateway Landscaping and Lighting District and the levy and collection of annual assessments related thereto commencing with Fiscal Year 2008-09.



REPORTS OF THE CITY MANAGER

BOARDS, COMMISSIONS AND COMMITTEES

Director Vannucci said upon the seating of the new Council there is need to reassess the various Boards and Commissions upon which each of the Council Members have been serving and determine if there should be some changes. Council also needs to reaffirm any of the JPA representatives. Council has received a worksheet showing which Boards and Commissions Council members have previously served.

Mayor Davies said he reviewed with Council Members individually their current assignments. He removed himself from committees except the Yolo County Courthouse project and County/City 2 x 2. He suggested Council Member Dote become the alternate on the 3 x 2 x 2 with Woodland Community College and Woodland Joint Unified School District. The Spring Lake Specific Plan Committee will have some work to do right away, and currently several developers are having financial problems.

Council Member Marble said he and Council Member Dote should be on both Spring Lake Sub-Committees.

Council Member Dote would like to serve as an alternate on the Yolo County Transportation District Board.

Council concurred with the recommendations for appointments to the various Council boards and commissions and reconfirmed previous appointments to the JPA's.

LEAGUE ANNUAL CONFERENCE DELEGATES AND SACRAMENTO VALLEY DIVISION REPRESENTATIVES

On a motion by Council Member Monroe, seconded by Council Member Pimentel and carried unanimously, Council designated Council Member Marble as the voting delegate representing the City at the Annual Conference of the League of California Cities and Council Member Dote as alternate; designated Council Member Marble as representative and Council Member Dote as alternate to attend and represent the City at the League's Sacramento Valley Division meetings.



SMOKING IN AND AROUND NEW MULTI-UNIT RESIDENCES RECEIVING CITY FUNDING

Council Member Marble favors a non-smoking Ordinance but has an issue as to why the City would allow the smoking of medical marijuana and not allow smoking of tobacco. All smoking banned in the multi-unit facilities. City Manager Deven said the Ordinance shall include the probation of any kind of smoking in and around new multi-unit residences receiving City funding.

Council Member Monroe asked if the Ordinance indicated civil penalties only. City Attorney Siprelle said the violation could be an infraction as well. The violation is subject to administrative fines, civil action or a criminal infraction.

Council Member Monroe does not want apartment owners turning their neighbor into the Police which would be a waste of manpower.

Mayor Davies shares Council Member Monroe's concern because the Police do not have the resources and should not be in the business of enforcement. Enforcement should be by the landlords and the lease agreements, so the City does not have to play a role in enforcement.

City Attorney Siprelle said the City could exclude the infraction provision, but the Ordinance would still be subject to administrative penalties or which the Code Enforcement Officer could cite.

Vice Mayor Pimentel said the Ordinance is good and any developer receiving City funds should make their apartment complex smoke-free. Management of the apartment should use their controls to evict any tenants in violation of the ordinance. It would be unfair to adopt the ordinance and expect someone else to enforce it.

Mayor Davies said the Ordinance provides that the property owner may set aside property for a smoking area and he would only support the proposed Ordinance if Code Enforcement is the last official to enforce.

City Manager Deven said he and the City Attorney will review the Ordinance based on Council comments and present it for introduction on July 15, 2008.



DAVIS-WOODLAND BIKEWAY FEASIBILITY STUDY

City Manager Deven said the Council and the County has discussed the Bikeway Feasibility Study for some time. In 2001 the County completed a study regarding options for linking Davis and Woodland. The best way to position the project for possible funding from State, Federal and other regional transportation sources is to update the 2001 Feasibility Study. There is new information, such as the residents of Southeastern Woodland. A bike route alignment could help with the upgraded study to make the project more enhanced. The estimated cost of the study would be \$150,000 which would be shared at 40 percent each for Woodland and Davis (approximately \$60,000 for each City). The balance would be paid by Yolo County which would be \$30,000. The reason for the split is that the County paid for the 2001 feasibility study. Staff has proposed to fund Woodland's share from Measure E funds, as a borrowing and return the amount to Measure E over subsequent fiscal years based on the City's ten-year plan. The other alternate is to not go forward with funding for the feasibility study now and wait for staff to come up with some alternate funding. The other option is not to proceed with the project at this time.

Vice Mayor Pimentel urged Council to borrow the funds from Measure E because the project is both a transportation and safety issue.

Catherine Enberg is concerned about the sidewalks for pedestrians and bicyclists and the bike path accommodations. She said she planned to obtain information from trail studies done in Fort Collins, Colorado, Athens, Georgia, and trails in the Seattle area and how they have improved their downtowns to accommodate pedestrians and the bicyclists.

Petrea Marchand, Manager of Intergovernmental Affairs for Yolo County, said there was extensive staff discussion about how to divide the proportional funding for the Feasibility Study. Yolo County's reasons for requesting the City to share a larger burden is that the County paid for a larger share of the original Feasibility Study done in 2001, has put forth all of the matching funds, and pursued all of the grants for implementation of the number one priority in the study. County Roads 99, 29 and 99B were widened and the project is almost complete. The County is seeking a final \$1.1 million grant and is at the top of the list for funding that project. Since the County did do most of the work and contribute most of the matching funds for that project, the County is asking that the cities contribute more for the updated Feasibility Study. Yolo County is in an extremely difficult financial situation this year and does not have additional funds for the study. The County will be utilizing its consultant services contract for pursuing Federal funding for the project.



Mayor Davies asked what the timeline was for the study and the time required for the Council to take action. Ms. Marchand said the timeline is tight. Senator Boxer is chair of the Environment and Public Works Committee in Congress, and her District staff has indicated they will be seeking these applications in February of 2009. With the time it takes to go out to bid, complete the study and do extensive outreach the sooner the two Councils and the Board of Supervisors can agree to move forward the better. Davis and the Board of Supervisors have scheduled the item for their July 15 meetings.

Christine Shewmaker urged the Council to support the feasibility study for the dedicated bikeway between Woodland and Davis. With climate change, air quality, energy efficiency and conservation or personal health and enjoyment, a dedicated bike path between Woodland and Davis would serve all of the concerns. The draft Scoping Plan for AB 32, California Global Warming Solution Act was recently released. The initial goal was to reduce emissions to the 1990 levels by 2020, a 30% reduction. The State will be looking at municipalities to help with some of these efforts, and transportation is a major contributor to greenhouse gas (38-40%). There are many people who live in Woodland and work in Davis who would like to bike back and forth.

Council Member Monroe is supportive now of the concept and the idea. However, it would be a poor precedent to be using Measure E funds for the project. Council should take funds from reserves.

Council Member Dote said the County has provided the matching funds, the grant writing to finish the first part of the project, staffed and ran the whole study. She has an issue with using Measure E funds and prefers using reserves. There is also money available through the Department of Energy with HR 6 which has been appropriated, but the electric vehicle component is necessary.

Mayor Davies agrees that Measure E funds should not be used. The State could take \$750,000 to \$1.5 million from the General Fund over the next six months. There are issues with animal control, the COPS grant and other State issues to balance the State budget. Council should continue the matter to July 15, 2008.

City Manager Deven said Council could utilize the City's reserves. Another option is a specific payback. Council is going to have to make some mid-year adjustments, and staff might have to propose some service level reductions to achieve some of the priorities the Council and the community have identified.



Vice Mayor Pimentel said there is a direct impact on the General Fund with the State's actions, but there is no direct impact on Measure E funding. The best option was to borrow from Measure E with a specific payback period.

City Manager Deven said the time required to complete the Feasibility Study, do the due diligence on the different route alignments and public outreach means the study should start now to be completed by some time after the first of the year which is when funding packages need to be submitted for requests from the Federal government.

Mayor Davies asked staff to bring back a report on funding options at the July 15, 2008 Council meeting.

ADJOURNMENT

At 7:18 p.m., Mayor Davies adjourned the regular meeting of the Council.

Respectfully submitted,

ss: Sue Vannucci, Director
of Administrative Services

Transcribed by: Jean Kristensen, Deputy City Clerk

Adopted by Council: December 1, 2009