Woodland City Council City Hall – Council Chambers 300 First Street Woodland, CA 95695

## JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SPECIAL/CLOSED SESSION

**APRIL 19, 2005** 

6:00 P.M.

### **CLOSED SESSION - CITY COUNCIL**

Council held a conference with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9. The name of the case is the County of Yolo versus City of Woodland. Present at the session were Mayor Rexroad, Vice Mayor Flory, Council Members Monroe, Peart and Pimentel, City Manager Kirkwood, Assistant City Manager Marler, and City Attorney Siprelle.

### CLOSED SESSION - REDEVELOPMENT AGENCY BOARD

The Agency Board held a conference with Legal Counsel regarding initiation of litigation pursuant to Government Code Subdivision (c) of Section 54956.9 and discussed one case. Present at this discussion were Chairperson Rexroad, Vice Chairperson Flory, Board Members Monroe, Peart and Pimentel, Executive Director Kirkwood, Assistant Director Marler, and City Attorney Siprelle.

The Agency Board held a conference with the Real Property Negotiator pursuant to Government Code Section 54956.8 and discussed the property bounded by Main, Cross, Sixth and East Streets and the area at Kentucky Avenue and East Street. The Agency Negotiators were Executive Director Richard Kirkwood and Agency Counsel Edward Quinn. The Negotiating Parties were City of Woodland, Various Property Owners and Union Pacific/Cal Northern Railroads. Under negotiations were price and terms of payment. Present at this discussion were Chairperson Rexroad, Vice Chairperson Flory, Board Members Monroe, Peart and Pimentel, Executive Director Kirkwood, Assistant Director Marler, and City Attorney Siprelle.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD REGULAR MEETING

7:00 P.M.



### CLOSED SESSION ANNOUNCEMENT-COUNCIL AND REDEVELOPMENT AGENCY BOARD

Mayor/Chairperson Rexroad announced that Council/Agency met in closed session at 6:00 p.m. to discuss Agency real property negotiations for the property bounded by Main, Cross, Sixth and East Street and the area at Kentucky Avenue and East Streets and no action was taken. In regard to the closed session regarding existing litigation of County of Yolo versus City of Woodland, the Agency Board received a report but took no action. In the one case of initiating litigation, the Agency gave direction to Legal Counsel.

### CALL TO ORDER

Mayor Rexroad called the joint regular meeting of the Council and Agency Board to order at 7:01 p.m.

### **PLEDGE OF ALLEGIANCE**

Mayor Rexroad invited those present to join in the Pledge of Allegiance.

### **ROLL CALL**

COUNCIL MEMBERS PRESENT: David Flory, Jeff Monroe, Neal Peart, Art Pimentel,

Matt Rexroad

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Rick Kirkwood, Phil Marler, Gary Wegener, Ana

Gonzales, George Ahlgren, Robert Bishop, Paul Miller, Cathy Lee, Charlie Wilts, Kathy Amen, Mark Dennis, Robert Thomas, Dan Gentry, Joan

Drayton, Carey Sullivan

### PUBLIC COMMENT

Suzanne Anderson, District 3 Supervisorial representative for the Yolo County Children and Families Commission, announced that the Commission will celebrate a 5 year anniversary and Council will be receiving invitations in the mail.



### COUNCIL/STAFF COMMENTS

Council Member Pimentel requested and Council concurred to place on a future Agenda a Resolution to recognize the Dia Los Niños Committee.

Vice Mayor Flory attended the Cap-to-Cap and delivered several packets of information to members of Congress. The Sacramento Municipal Utility District Directors were in attendance and he and Council Member Pimentel had the opportunity to talk with them. He was also involved with the CALCOG, which is part of SACOG and our blueprint plan was cited as one of the most successful and progressive plans in the State.

Council Member Peart said he and Council Member Pimentel had attended the SMUD Board meeting and requested our annexation to move forward. He feels they were very well received.

City Manager Kirkwood said that on April 15, 2005 our first monthly electronic newsletter had been distributed. It is accessible on the City WEB site, cityofwoodland.org.

### **PRESENTATIONS**

### CACHE CREEK CASINO TRAFFIC MITIGATION FUNDS

Member of the Board of Supervisors, Frank Sieferman and Paula Lorenzo from the Rumsey Band of Wintun Indians Tribal Council presented a check in the amount of \$478,000 to the City for traffic mitigation. Vice Mayor Flory thanked the Board of Supervisors and the Tribe for the funds to help the City with traffic concerns as a result of the Cache Creek Casino expansion.

### PROCLAMATION-75<sup>TH</sup> ANNIVERSARY OF CLARK FIELD

On a motion by Council Member Peart, seconded by Council Member Monroe, and carried unanimously, Council approved a Proclamation recognizing Clark Field's 75<sup>th</sup> Birthday.

### PLANNING COMMISSION ANNUAL REPORT

David Sanders, Chairperson of the Planning Commission, presented the 2005 Planning Commission Work Program. Some of the highlights of the Plan are the Urban Limit Line/Agricultural Land Mitigation, Growth Rate General Plan



Amendment, implementation of the Sacramento Area Council of Governments Blueprint Principles, the Gateway Project Policy Review, the local California Environmental Quality Act Guidelines, standards for Tree Plans, Historical Building Design Standards, update of the Zoning Ordinance, the Floodplain update, work on the Bed and Breakfast Zoning Ordinance and Art in Public Places. Other projects this past year were Gibson Plaza Shopping Center, Eaglewood Apartments, California Lube Wash, Dutch Brothers Coffee, Acacia Glen Senior Apartments to be opened this summer, Hampton Inn and Suites has broken ground, Clark Pacific Conditional Use Permit and annexation is moving along, the Stonehaven project is in process. The Woodland Park Specific Plan EIR is before the City. They continue to work in the Spring Lake Specific Plan and Maps. A new project on the horizon is the Agriform Tank Farm for fertilizer storage.

### TREE COMMISSION ANNUAL WORK PLAN

Angie Dennie of the Tree Commission said some of the projects the Commission has been involved in are: the coordination with the Planning Commission on development of a Parking Lot Tree Shading Design and Maintenance Guideline document, the availability of vouchers for front yard trees, Arbor Day festivities, continuation of the Tree City USA designation, and a request from the Historical Preservation Commission to designate the Palm trees at the Library as landmark. An Urban Forestry Sub-Committee was formed to work on the development of an Urban Forest Master Plan, coordination of a Citywide celebration for Arbor Day, Tree City USA recertification and Growth Award, an annual Tree Friendly Award, enhancement of a partnership with the Woodland Tree Foundation, identification for public location of a specimen tree grove, City street tree rebate program, advertisement of Urban Forest activities, sample locations for trees which thrive in the City and completion of the parking lot tree shading and maintenance guideline document.

### **PUBLIC HEARINGS**

## APPEAL ON DENIAL OF BUSINESS LICENSE-CHRISTIAN MICHAEL'S TRUCKING, 1215 ARMFIELD AVENUE

Mark Dennis, Code Enforcement Officer, advised Council of the reasons for the denial of the Business License for Christian Michael's Trucking, 1215 Armfield Avenue. The business was located at the site and had no active business license on file. The trucking company then submitted an application for a license which was denied as the location is not zoned for that type of use.



Mayor Rexroad opened the Public Hearing ad 7:33 p.m.

Michelle Lyster, spoke on behalf of Michael Lyster, the appellant. The shop at 1215 Armfield was rented in February 2005. They do not store their trailers at the site, but store parts and tools. The trucks and trailers are stored on the Sierra Railroad site where they rent space.

Code Enforcement Officer Dennis said that entire area falls under the East Street District, Area D, including the railroad. He presented pictures taken this morning indicating the tractors and trailers are indeed parked at the 1215 Armfield site, as well as, the railroad properties. The house and lot on either site are being utilized also. There are seven trailers on the railroad property and two on the adjacent lot to the West. Ms. Lyster said she was not aware the railroad property is not an allowed use for trucks. They have a lease agreement from the railroad and they did not inform her of the restriction. She said they only have flatbed trailer and the ones on the West side are not theirs.

At 7:40 Mayor Rexroad closed the Public Hearing.

On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried unanimously, Council upheld the denial of the business license to Christian Michael's Trucking located at 1215 Armfield Avenue based on the type of use not being allowed per the zoning within the East Street District Area D.

## UTILITY RATE INCREASE; TALLY PROTEST BALLOTS; ADOPT PROPOSED INCREASE; SET INDEXING FACTOR

Director Wegener provided Council with the notification and outreach process, the implementation plan for the increase should it be successful, the identified need for the increase and the alternatives to consider. The City exceeded the requirements of the law in the noticing process in an effort to insure the citizens were properly notified.

The last rate increase was in 2001 and the costs have increased at a significantly higher pace than the Consumer Price Index. Operations and maintenance costs have also risen faster due to rising labor and non-labor costs at a rate of 5% rather than the 3% via the CPI. Additional laboratory testing and analysis for permit compliance, full allocation of indirect and overhead costs and personnel costs are some of the issues that have created the need for the increase in rates. Tertiary treatment requirements for our permit will add



approximately \$800,000 to the cost of the plant, as well as, an additional \$1.1 million in debt service annually. Flood protection for the plant and overflow ponds will cost \$1.7 million adding approximately \$120,000 in annual debt service to the rates. This flood protection is required by the permit. The State has determined there is a deficiency which is directly related to a shortage in staff.

The City is currently under a "cease and desist" order with an associated \$10,000 per day fine for non-compliance. Tertiary treatment is a higher level of treatment than presently in place. It includes primary treatment which is settlement ponds and discharge of the liquid. The secondary treatment is an activated sludge process where the bacteria eats down the sewage, which is what is currently in place. The tertiary treatment comes into play after primary and secondary treatment and is a very fine filtration on any remaining solids. The quality of the water following this treatment is significant and provides increased options for the City's permit limits. This fine filtration provides less particulate matter which allows the City to move away from the chlorine gas used at present as a disinfectant. The tertiary treatment allows the use of ultraviolet light which then kills the remaining bacteria. Two-thirds of the cost for the tertiary treatment, flood protection and ultraviolet would be paid by the rate increase with the remaining one-third by the development fees. The City is under mandate by the State Board to comply by April 2006. The cost for the tertiary treatment and the ultraviolet is approximately \$16 million; for the flood protection, about \$2 million.

Vice Mayor Flory reminded Council that staff and Council have been challenging the Water Quality Board for several years on the new requirements they have placed on the City and the associated costs. Director Wegener said there was a hearing in February 2005 and the outcome has not yet been The tertiary treatment would give the City more options on the disposal of waste water in meeting other permit limits. There is a study underway on electrical conductivity and how the crops in the bypass may be affected by the water. The Regional Board has a low limit on the levels and how certain crops would be affected. There are approximately twelve out of five hundred Cities facing the same issues of this City. If we were discharging into the Sacramento River, our requirements would be different. The City needs to be proactive on issues that will affect the permit. One of those issues is the addition of homes and the draw on the groundwater tables. Our utility lines are in need of repair and replacement. Handling repairs on a planned, proactive basis rather than reacting to failures is less expensive. Some of our wells need upgrading as well.

There has been minimal feedback and low attendance at the several informational meetings. The proposed increases would be phased in over the



next four years. Some alternatives to assist in the process could be to have a monthly billing system and to consider low income subsidies such as Community Development Block Grant funds. It is recommended to move ahead with the bidding process in May or June as the City is subject to the \$10,000 per day fine for failure to comply. There is a current inflationary rate increase of 3% annually, which should be compared to the proposed increase.

Council Member Monroe asked about raising the water wells out of the flood plain and whether it is mandated. Director Wegener said there are six to eight to be raised two to three feet. Flood protection is mandated.

Mayor Rexroad asked about linking with regional municipal in Sacramento to handle our system. Director Wegener said there are many issues that would affect the viability of linking with them. Some of the factors to consider are the value of the land, transporting the sewage over and the fees for cost of connection, which is approximately \$4,000 per home. Right-of-way, eminent domain and plant expansion issues are also considerations.

Mayor Rexroad opened the Public Hearing.

Marcus Ullrich owns property in the downtown and has concerns about the impact on the small business persons. The cost to businesses will double and may affect their ability to maintain solvency. He requested spreading the increases over six years rather than three years as proposed. Conservation is another method of helping the cost. The City should provide someone to assist the businesses with a funding source to help with methods to save the water usage, thus reducing costs.

Armand Ruby said citizens get a great deal of service for the what they pay. Protests should be presented to the State rather than the City as we are mandated by the State to comply.

Art Johnston protests as he feels they far exceed the normal inflationary rise. Citizens have absorbed dramatic increases over the last three years and being asked to absorb more. In 2002 there was a 38% increase, in 2003 a 27% increase. By 2006 we will have an increase of 25%. The commercial properties should be paying more as should the new development. He is also concerned about a non-vote being a yes vote.

Michael Contreras said he tried to create the flier he distributed to the best of his ability but could not fit all of the information on it, such as the State mandates. He feels the increases should be phased out for a longer period of



time. There are numbers that should be looked at more closely. The citizens should not accept the rates as factual and do not understand the issues. He doesn't understand why we are compared to other Cities who have a higher income level. He suggested salary and benefit decreases of staff as a cost savings.

Ken Young said he appreciated the staff information provided but does not understand why the City did not act proactively fifteen years ago. Staff should look for grants.

Loretta Hansen said she pays extra for infrastructure, repairs and replacement of piping. It should be separate from the other portion.

Dudley Holman said the City has been actively addressing these issues for many years. The standards have been changed by the State, not the City.

Mayor Rexroad offered any citizens present one last opportunity to submit ballots prior to the closure of the Public Hearing as no further ballots will be accepted following such closure. Mayor Rexroad closed the Public Hearing.

Vice Mayor Flory said the Regional Water Quality Board has indicated the standards could very well change again.

Mayor Rexroad said while the ballots are tabulated. Council would move to the Consent Calendar items for consideration. Dudley Holman and Loretta Hansen will be poll watchers.

### **CONSENT CALENDAR**

Mayor Rexroad said the following item had been removed from the Agenda:

FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR SUBDIVISION 4650, HERITAGE UNIT 1, SPRING LAKE SPECIFIC PLAN AREA

Mayor Rexroad said a citizen has requested the following item be considered for discussion. Council concurred.

JOINT PROTEST DOCUMENT TO CALIFORNIA PUBLIC UTILITY COMMISSION REQUESTING EXEMPTION FROM PACIFIC GAS AND ELECTRIC'S ADVANCED METERING PROJECT



Council Member Peart requested the following item be removed from Consent for discussion. Council concurred.

## <u>COMMUNICATIONS SITE LEASE AGREEMENT WITH MetroPCS FOR</u> INSTALLATION AND OPERATION OF CELLULAR TOWER AT FIRE STATION #3

Council Member Peart asked about the 200 amp power supply and whether the City would be paying for that portion. Chief Diekman indicated the City will incur no costs and they will not be on our meter. The tower will be owned by the City at no cost.

On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried unanimously, Council authorized the City Manager to enter into a Communications Site Lease Agreement with MetroPCS California/Florida, Inc., for the installation and operation of wireless communication equipment at Fire Station #3, including the construction of a radio tower.

Council Member Pimentel requested the following item be removed from Consent for discussion. Council concurred.

## RENEWABLE ANNUAL AGREEMENT WITH CITY OF INGLEWOOD FOR PARKING CITATION PROCESSING

Council Member Pimentel asked about the cost to do this in-house. Chief Sullivan said it would be substantially more expensive to have qualified in-house prepared to operate the system. This is an electronic system that goes directly from the site to Inglewood and generates the forms. The \$2.00 fee is a convenience fee should the payment be made by debit or credit card for the citation. On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried unanimously, Council authorized the Police Department to enter into a renewable, annual Agreement with the City of Inglewood, California for parking citation processing services.

On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried unanimously, Council adopted the following Consent Calendar Items as presented:

### MONTHLY TREASURER'S REPORT – JANUARY 2005

Council received the Monthly Treasurer's Report for January 2005.



### MONTHLY STATUS REPORT - FIRE DEPARTMENT

Council received the Monthly Status Report from the Fire Department for February 2005.

## <u>USA PROPERTIES FUND-NOMINEE DEVELOPER FOR R-20 LAND DEDICATION</u> SITE

Council authorized the City Manager to select USA Properties Fund as the nominee developer who will develop the R-20 Land Dedication site in the Spring Lake Specific Plan area.

### **CLARK FIELD PLAQUE WORDING**

Council approved the language for a permanent bronze plaque honoring Charlie Clark that will be placed at Clark Field.

## RESOLUTION 4633-MEMORANDUM OF UNDERSTANDING WITH WOODLAND FIRE MID-MANAGEMENT EMPLOYEES

Council adopted Resolution 4633, "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Fire Mid-Management Employees".

### FEE DEFERRAL-WAYFARER CENTER PHASE II CONSTRUCTION PROJECT

Council approved a deferral of City Development Fees in the amount of \$76,670.50 for the Yolo Wayfarer Center's Phase II project located at 207 Fourth Street.

# PROJECT PROGRAMMING SUMMARY SHEET-SPRING LAKE SPECIFIC PLAN PACKAGE A BACKBONE INFRASTRUCTURE IMPROVEMENTS AND ACQUISITION AGREEMENTS, PROJECT 04-25

Council approved the Project Programming Summary Sheet for Spring Lake Backbone Infrastructure Package A Project 04-25.



## CONTRACT-WELL #24 IMPROVEMENTS; REVISIONS-PROJECT PROGRAMMING SUMMARY SHEET FOR WELLS 24 AND 26, PROJECT 00-23

Council authorized the City Manager to execute the Construction Contract for the above ground improvements to Water Well 24 if within the approved budget; authorized contingency expenditures of 10% for Water Well 24; authorized the City Engineer to execute a Contract Change Order to the Construction Contract for Water Well 26 in the amount of \$33,430.

### 2005 SUPPORTIVE HOUSING GRANT AND SUBRECIPIENT AGREEMENT

Council authorized the City Manager to execute a Conditioned Renewal Grant Agreement with the United States Department of Housing and Urban Development for a 2005 Supportive Housing Grant in the amount of \$175,151, and to enter into a Subrecipient Agreement with the project sponsor, Yolo Wayfarer Center.

### MINUTES

Council adopted the minutes of the Council Special Study Session of January 25, 2005 and the Regular meeting of February 1, 2005 as presented.

### COMMUNICATIONS - WRITTEN

Council received notification of an application for a person-to-person transfer of an Alcoholic Beverage Control License for The Oasis, located at 755 N. East Street.

Council received a letter from the Yolo County Homeless Coalition regarding the Yolo County General Plan and Affordable Housing Ordinance.

### COMMUNICATIONS - COMMITTEE REPORTS

Council received the minutes of the Commission on Aging meeting of February 8, 2005.

Council received the minutes of the Library Board of Trustees meetings of March 7, and March 21, 2005.

Council received the minutes of the Yolo County Communications Emergency Services Agency meeting of April 6, 2005.



### **ORDINANCES**

### ORDINANCE 1426-LATE SUBMISSION OF TRANSIENT OCCUPANCY TAX

On a motion by Council Member Monroe, seconded by Vice Mayor Flory and carried unanimously by roll call vote, Council adopted Ordinance 1426, "An Ordinance of the City of Woodland Amending Chapter 23, Section 23.54 of the Municipal Code Relating to Penalties for Failure to Remit Transient Occupancy Tax when Due and Chapter 23, Section 23.93 Relating to the Time and Manner of Collecting Assessments for the Woodland Visitor Attraction District". On roll called the vote was as follows:

AYES: Council Members Flory, Monroe, Peart, Pimentel, Rexroad

NOES: None ABSENT: None ABSTAIN: None

## ORDINANCE 1427-LATE SUBMISSION OR FAILURE TO SUBMIT BUSINESS LICENSE FEES

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously by roll call vote, Council adopted Ordinance 1427, "An Ordinance of the City of Woodland Amending Section 13-1-33 Relating to Penalties for Failure to Pay Business License Fees". On roll call the vote was as follows:

AYES: Council Members Flory, Monroe, Peart, Pimentel, Rexroad

NOES: None ABSENT: None ABSTAIN: None

### ORDINANCE 1428-CAMPAIGN CONTRIBUTION REPORTING FOR COMMITTEES

On a motion by Council Member Peart, seconded by Council Member Monroe and carried unanimously by roll call vote, Council adopted Ordinance 1428, "An Ordinance of the City of Woodland Amending Chapter 27, Article I, Sections 27-1-3(H), 27-1-5, and 27-1-6(F) of the Municipal Code Relating to Disclosure of Campaign Contributions". On roll call the vote was as follows:

AYES: Council Members Flory, Monroe, Peart, Pimentel, Rexroad

NOES: None ABSENT: None



ABSTAIN: None

## ORDINANCE 1429-DEVELOPMENT AGREEMENT/ORDINANCE 1430-REZONING PROPERTY-STONEHAVEN SUBDIVISION

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and carried, Council adopted Ordinance 1429, "An Ordinance of the City of Woodland, California, Approving a Development Agreement Between the City of Woodland and Centex Homes and Tony Evans", and Ordinance 1430, "An Ordinance of the City Council of the City of Woodland Rezoning the Stonehaven Subdivision Property (APN 027-610-76)". On roll call the vote was as follows:

AYES: Council Members Flory, Monroe, Peart, Rexroad

NOE: Council Member Pimentel

ABSENT: None ABSTAIN: None

### <u>CONSENT CALENDAR – (continued)</u>

JOINT PROTEST DOCUMENT TO CALIFORNIA PUBLIC UTILITY COMMISSION REQUESTING EXEMPTION FROM PACIFIC GAS AND ELECTRIC'S ADVANCED METERING PROJECT

Mayor Rexroad relinquished the gavel to Vice Mayor Flory and left the Chambers due to a possible conflict of interest on this item.

Ron Sharpe from Pacific Gas and Electric Governmental Relations advised Council of a letter from John Newman, P. G. & E. Public Affairs Director regarding Advanced Metering Infrastructure (AMI). These are high tech electric meters to improve demand response and urge customers to reduce their usage during high usage periods. Customers will be signaled to reduce such usage and there will be a financial incentive to participate. There will be a reduction of the need for meter readers as the usage will be transmitted via computerization. The Public Utility Commission has mandated that P. G. & E. implement the technology. He asked that the Council authorize staff to meet with P. G. & E. on the issue to receive input.

Council Member Pimentel asked why this issue has surfaced at this time. Mr. Sharpe said not only P. G. & E. is looking at the implementation, but are other power suppliers within the State are as well. It is a new technology and the cost has been prohibitive in the past. There is no Yolo County cost figure at this time. Council Member Monroe asked if this could be delayed until the



decision is made as to whether the City will be moving to Sacramento Municipal Utility District. Mr. Sharpe said the benefits will be immediate for the customers and the cost will be fairly small. The meters will be paid for by all P. G. & E. customers and SMUD would have to purchase them and make the determination as to whether they would participate in AMI. The technology would be on the entire system and will be phased in over a period of years. It is unclear which customers will be in the first phases.

Assistant City Manager Marler said the process would add from \$11 to \$21 million to the cost that SMUD would have to pay to acquire the system. SMUD has indicated that the meters to be installed by P. G. & E. would likely not be used by SMUD and is a waste of time and money to the rate payers during the annexation process. The County Board of Supervisors has approved the protest unanimously. The City of Davis will consider tomorrow morning and City of West Sacramento tomorrow evening. It is due to the California Public Utility Commission on Thursday. Any meetings with P. G. & E. would be after the fact. The protest asks the CPUC to prohibit installation of the AMI in the area under consideration for annexation to SMUD until a final decision is made regarding that annexation. As there is a five year deployment of the meters, the area under consideration for annexation to SMUD could be placed on the back end of that implementation so that no further expense is incurred.

William Marcus said installation should be delayed in Yolo County until a decision is made on the annexation. P. G. & E. should not interfere with the competitive process by spending millions on a process that SMUD does not intend to use.

On a motion by Council Member Pimentel, seconded by Council Member Peart, and carried, Council approved a joint "Protest of the County of Yolo and the Cities of Davis, Woodland and West Sacramento" requesting that the California Public Utility Commission consider the impacts on the current annexation process if the Advanced Metering Infrastructure process is approved; and authorized the Vice Mayor to sign the joint protest document on behalf of the City of Woodland.

Mayor Rexroad returned to the Chambers.



### **PUBLIC HEARINGS (continued)**

## <u>UTILITY RATE INCREASE; PROTEST BALLOTS; PROPOSED INCREASE; INDEXING FACTOR (continued)</u>

Deputy City Clerk Gonzalez indicated there were a total of 861 ballots. The total needed to defeat the increase would have been 7,224 ballots or 51%. The ballots have not been verified against the official list of property owners.

Council Member Pimentel said he and Council Member Peart had been part of the Sub-Committee. The Council does not want to raise fees to the community or themselves but must because of the State requirements for the water quality, tertiary requirements, as well as, the infrastructure repairs and replacements that are necessary. He urged application for Community Development Block Grants to assist those who need support on the fee increase and asked that the Finance Director bring a plan for application for these funds.

Vice Mayor Flory asked about financing for businesses as requested by Mr. Ullrich earlier in the meeting. There would be a base fee and the interest would roll back in three years to equal the fee, which would be a deferral of sorts. Director Wegener said separating residential from non-residential and the present value could be affected by the CPI. Vice Mayor Flory said there should be some kind of assurance that the City would receive those deferred amounts at some point. Mayor Rexroad said the fees would be with the property owner, not necessarily the business and would stay with the property even though the business may no longer be in operation. The fees could be placed as a lien against the property. Director Wegener said we could enact the rates and look at the businesses to set some process to assist them, such as a loan or fee deferral with a loan agreement.

Tom Gafney from Bartle Wells said that a bond sale is needed for sewer portion and cannot be phased. Security must be shown for those bonds and the bids will be going out in May or June. In terms of the water portion, it is difficult to justify one group getting a better rate than another. Increasing phasing should be done uniformly and some types of expenses should be dropped. One of those is the replacement program, and some of the steps could be deferred. However, that has been explores and there does not appear to be an acceptable method to defer at this time. Mayor Rexroad asked if one of the methods could be extending the point at which the City takes responsibility for the lines. Director Wegener said the responsibility point would be at the meter which is typically located at the property line. Mr. Gafney said the City cannot set a fee any higher that what the notice has already set. There is a maximum and to change the City would need to re-notice and go through the process again. The fees could be raised less than what was noticed, but not more.



Mayor Rexroad said notice has been given that the rate will be set at a certain amount but asked about the ceiling. Mr. Gafney said it is set for each year and we cannot exceed the maximum for that year.

Council Member Peart said there are methods the commercial sites can utilize to drop their bill, i.e., checking for leaky faucets and conservation could be handled by these individual businesses. Mayor Rexroad said the proposal by Mr. Ullrich cannot be allowed as the law does not permit the City to exceed the set cap in subsequent years to recoup the lesser amount in previous years.

Director Wegener said there is a conservation element included in the process. Mayor Rexroad asked about the Proposition 50 money that would be available for water meters. Director Wegener said a plan will be developed but it is not included in these figures. Beginning in 2011 the City must begin to read those meters in place and by 2025 the entire City must be metered.

On a motion by Council Member Pimentel, seconded by Vice Mayor Flory and carried unanimously, Council adopted the proposed Water and Waste Water rates with the first increases to be effective July 1, 2005; set the indexing factor based on the Construction Cost Index; commencing one year after the end of each respective, phase-in rate increase, use the previous calendar year's CCI change to adjust the rates for inflation; consider recommendation for the low-income funding for these increased rates with one possible source as that of the Community Development Block Grant funds, a report of which will return to Council for consideration at the May 3, 2005 meeting.

Mayor Rexroad said it is extremely costly to switch to a monthly billing cycle and asked for a report on the specific associated costs. This would be an administrative decision.

### **REPORTS**

## INTRODUCE ORDINANCE-TWENTY FOOT NO SMOKING RESTRICTION OUTSIDE PRIMARY ENTRANCES TO COMMERCIAL BUILDINGS

City Attorney Siprelle said the proposed Ordinance sets a no smoking area twenty feet from the primary entrance and exit to a commercial building.

Council Member Pimentel asked if the twenty feet continued inside the building. Chief Sullivan said the Department had been asked to look at any complications to enforcement. One concern is a main building entrance and then other entrances inside that building into individual businesses therein contained



and how the law would address the issue. Many sole proprietor businesses may not be prohibited from smoking inside their business because they have fewer five employees. If the entry requirement goes into the building, the sole proprietor would now be prohibited from smoking within their business. Council Member Pimentel asked if the Chief would be looking at smaller businesses and should smoking occur, would a citation then be issued. Chief Sullivan said they are seeking direction from Council. It may be on a complaint only basis but could be perceived as tolerance unless a complaint is received, which is not the preferable approach. Council Member Pimentel does to feel that drive thrus, coffee kiosks, and the like should be included in the Ordinance. He asked who would be responsible for the signage and the distribution of the Ordinance. Chief Sullivan said there should be some sort of notice requirement even though this language is becoming more universal throughout the State. He does not have direction on who would be the responsible for the associated costs. Mayor Rexroad said the group who had proposed the Ordinance language had indicated they would provide the signage. Chief Sullivan said they would be available at the Department but could create a conflict if they were distributing material and were the enforcement agency as well. It was suggested that copies be at the Community Development Department for distribution upon application for permits or renewals and at the Chamber of Commerce.

Council Member Monroe asked for clarification on the rear or secondary entrance allowing smoking. Chief Sullivan said it is possible to allow at this time unless the entrance is clearly understood that the alternate entrance is also a primary entrance. Another consideration is that many businesses have entrances that are less than twenty feet apart so they have an overlapping area of concern with this Ordinance.

City Manager Kirkwood said there many issues associated with this proposed Ordinance that need further clarification. He suggested a meeting with those who have proposed the Ordinance, request for input from the citizens and return with further recommendations and clarification.

Vice Mayor Flory does not feel the alleyway or rear entrances were to be included, but should be the main entrance. Council Member Pimentel feels there should be an education period.

City Manager Kirkwood suggested moving the first reading and holding the second reading until an opportunity to discuss further has been achieved. The Ordinance could be amended slightly on the second reading.

Steven Jensen from Yolo County Health Department Tobacco Education Program, said the Youth Coalition and Health Department staff are available to conduct the education on this proposed Ordinance and policy. There are signs



which have already been created and would be available for free at this time. The youth coalition was created through a funding grant. They make sure the signs are up and handle observations. Those businesses with less than five employees can allow smoking inside if they provide two break rooms, non-smoking and smoking with the smoking break room to have an outside ventilation system.

Larry Highfill said private enterprise has rights. He presented a listing of 300 signatures who oppose the Ordinance. His daughter owns a business on Main and they have provided containers for cigarette butts. The adoption of an Ordinance would disallow those containers. The survey that was taken is not an accurate picture of views because he was not asked. The statistics indicating that people die from second hand smoke is not from smoke inhaled by those who happen to walk by a business and are exposed. Those people who frequent his daughter's bar must be at least 21 years of age and are not children so sing that comparison is not accurate. Smoking is not illegal and you are targeting smokers as if it were illegal.

Toni Canton said the law is enforceable. The survey was sent out through the Chamber of Commerce newsletter and all of the 730 businesses should have received a copy. They received 103 back, which is a 14% return rate. There are many people in support of the proposal.

On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried, Council moved to introduce the Ordinance and hold the second reading within 60 to 90 days. Council added the prohibition to include children's play areas as part of the amended motion. Mayor Rexroad and Council Member Peart voted to the negative. City Manager Kirkwood indicated the Police Chief and staff will work with the Yolo County Health Department and the Youth Coalition to review the practical and implementation issues and outreach processes. A report and recommendations will be reviewed by the Chief for his recommendation and the item will return to Council within three months. Council Member Pimentel would like to be included in the discussions.

## WILD AND SCENIC DESIGNATION FOR CACHE CREEK; LETTER TO ASSEMBLY MEMBER WOLK ADDRESSING CONCERNS

Mayor Rexroad said there had been hearing on the proposed designation and the Bill had passed 8-2. It is now under consideration by the Committees. He urged Council to oppose unless amended. Council Member Pimentel asked if Assembly Member Wolk's staff had contacted the City in an effort to work with staff on issues. City Manager Kirkwood said the report had been faxed to her staff but there has been no meeting as yet. The flood protection for the City is



of concern as addressed in the drafted language prepared by the City Attorney. Mayor Rexroad said Assembly Member Wolk and the County Board of Supervisors were made aware of the item and the language included in the Communication.

Vice Mayor Flory had suggested that Assembly Member Wolk speak with Mayor Rexroad, she indicated she had done so and a contact person is needed. Mayor Rexroad said the contact person should have a firm understanding of what the Council's position is on the issue. Council Member Monroe asked if there is a request to for the State to contribute \$450,000 to a flood control study for that entire region. City Manager Kirkwood said Assembly Member Wolk is aware of that language. Additional attention could be brought to that language with a further request identifying those issues. Council Member Monroe would like it to become a formal request for a study of the entire tributary. Director Wegener said at the meeting on April 26<sup>th</sup> there will be further discussion the The Corps has indicated that an additional study must be flood issues. undertaken to determine the other possible options for off-stream storage, etc. They have estimated \$1-3 million to do a feasibility study. Council Member Monroe would like a study that addresses all options and does not want the designation placed on the Creek until that determination is made.

Dudley Holman said it is not in the City's best interest for any limitations to be placed on Cache Creek until the City has better idea of what our flood solution will include. We may be ruling out an area that would be crucial to that flood solution. He does not support the Wild and Scenic Designation.

Bob Schneider with Cache Creek Wild urged Council to support this designation. There was a recon study done on the West side tributaries in June 1994. It talked about one site that could house a dam which would be 11 miles up from the Cache Creek/Bear Creek tributary, would cost \$90 million and would solve 9% of the flood control problem. A 200 year flood protection is the only way the City would get State funding. The issue is public process and establishing the baseline data. The only feasible solution is setback levees down stream that will provide 200 year protection, additional habitat and recreational opportunities. This will then provide a vehicle for State and Federal money. There is a report of earthquakes in that area and is a very active region. There are many landslides in that area. The protection should be down stream. The designation will enhance the area, be good for tourism and the local economy. Mayor Rexroad asked if the Creek were made as it were before, there would be no water running through it during the Summer months. Mr. Schneider said they are not proposing to remove the existing dams. It is a good time to move forward on this at this time.



Lynnel Pollock representing the Cache Creek Preservation Coalition said their group opposes A. B. 1328 as currently written and urged opposition unless amended. The City needs to address their flood control issues. Their recommendations included that no dams would be built and the a collective effort with associated funding be undertaken. Additional meetings are being held and the Board of Supervisors has identified several issues. This should be a two year Bill to allow local collaboration. The watershed needs protection but there are many associated issues. The section of the Creek under consideration is already very well protected. Much of it is on Bureau of Land Management land, Fish and Game lands and Yolo County Parks land, with a very small portion in private ownership. The two major points are water rights and the potential for a Federal designation. There is widespread opposition by many entities and agencies.

Karyn Schultz does not want a dam and does want the designation to be made. The City cannot compare flood control to the need to protect this resource. She asked that Council remember the need to preserve this and how it will affect the City.

Lyle Smith feels this Bill does provide for permanent protection the wilderness and will not end up like the North Natomas. There will be down stream water rights. The dam is too unstable because of the earthquakes. There is no money to build a dam.

City Manager Kirkwood said there is a law in our Code that encourages a regional flood control project, with our objective to find one that is fundable. He asked for a definition of a regional flood control project and what it would look like. Council Member Monroe asked if we would be in conflict with our Code if we agree to the designation. City Manager Kirkwood said we do not know if there will be any flood protection on the Creek and if it would be in conflict with the designation. If so, it prohibits the City from achieving a regional flood protection.

Judy Tischer said this designation should not be held up by the hopes that we will achieve flood protection. Other solutions for flood protection will be found if this designation is put in place. Language could be put in the Bill that would help the City be satisfied with the outcome. Assembly Member Wolk is willing to make this work and to help the City. She supports the Federal legislation as well.

Kevin Wolf has been involved in the Creek and has worked with the County on the elimination of the gravel mining. Wild and Scenic status will tell everyone about the merits of the Creek. It will be the only stream in the Western side of the Central Valley with this designation. It will draw tourism into



the County. It does take away the possibility of building a dam. He has worked with the Congress to try and get money to look at the groundwater issues. All of the studies thus far indicate the dam is not possible. Setback levees are the answer and we may be able to get money for than method. Opposition to the Bill would likely be of detriment to the City receiving funds for the study. Council Member Monroe said the designation to preserve would draw of thousands via tourism to the area which would be more of a problem. In our effort to save it those coming to the area would leave garbage and waste. Mr. Wolf said rafters do not leave garbage.

Beth Wettergreen does not want this City to turn into a bedroom community for Sacramento. The Cache Creek Nature Preserve has been a rewarding site for the City and County. There is too much seismic activity in the area. It is not the right solution to flood control. We need setback levees.

Tim Ramirez said the area is very beautiful and he urged the support of the Bill. He feels that the support should be so noted on a plaque somewhere in the City. The dam will never be built. The designation will then focus the flood control onto the lower part of the Creek.

Martin Bernavage asked what is happening on the Creek now that the designation will prohibit. We have already spent a lot of money on flood studies. He asked what percentage of the County is now preserved for recreational use. We need to consider the legacy we leave and should preserve the Creek.

Vice Mayor Flory said Assembly Member Wolk has asked the Council for direction and that is what the letter is doing. She may make amendments and it would then return to the Council for further discussion and possible support. Mayor Rexroad feels the City should oppose unless amended and make our recommendations for amendment. All potential solutions should be on the table and this designation prevents any solution, regardless of whether the possibility of a dam is even feasible. The best people to work in this should be at the local level. Council Member Monroe said this watershed has not been studied and we should be asking Assembly Member Wolk to help with funds to conduct the study. Council Member Peart supports the letter as written. The Creek is protected at this time. The designation will change that protection already in place. Mayor Rexroad said we could eliminate the language relating to dams and that our position should be to oppose unless the language is amended.

On a motion by Council Member Peart, seconded by Council Member Pimentel, Council eliminated the language relating to dams, stated their position is to oppose the legislation unless the language is amended and nominated Vice Mayor Flory to represent the Council on this issue and meet with Assembly Member Wolk.



Director Wegener said they had met with Assembly Member Wolk's staff, but could not come to an agreement.

City Manager Kirkwood indicated the letter would be amended with the Sub-Committees recommendations and, if approved, will be forwarded to the Mayor for signature.

### STRATEGIC PLANNING RETREAT

City Manager Kirkwood reminded Council of the process for the May 5, 2005 Strategic Planning Retreat. Staff is preparing informational papers for the Council. The session will be from 5:00 to 9:00 p.m. at the Station #3 Training Center.

### FIRE DEPARTMENT CAPITAL CONSTRUCTION PROJECTS

City Manager Kirkwood said Council had asked for status on various capital projects in relation to the Fire Department. Council Member Peart said his concern is that we have several female Firefighters and our accommodations are not adequate to address those needs.

### NATIONAL RETAIL SHOPPING CENTER CONFERENCE

Vice Mayor Flory said the City of Roseville is sending a delegation to this Conference and will be hosting an evening to meet with representatives from various franchises and companies. It would be of benefit for some of our Council Members and the City Manager to attend this conference. On a motion by Vice Mayor Flory, seconded by Council Member Pimentel and carried, Council appointed Vice Mayor Flory, Council Member Pimentel and City Manager as the City Representatives to the event. Mayor Rexroad will also be attending as he has other business in the area during that time.

### **ANNOUCEMENT**

Mayor Rexroad indicated he had secured the Woodhaven Lanes for the Bowling for Commissioners event for the evening of May 26, 2005.



### **ADJOURNMENT**

Mayor Rexroad adjourned the regular meeting of the City Council.  Respectfully submitted,	
	Sue Vannucci, CMC, City Clerk