

MINUTES

CLOSED SESSION

SEPTEMBER 21, 2010

5:00 P.M.

CLOSED SESSION

At 5:03 p.m. Council held a Special Closed Session to confer with Real Property Negotiators pursuant to Section 54956.8 for the properties identified by Assessor's Parcel Numbers 042-03-012 and 027-36-010 and the property located at 42929 County Road 24. The Agency Negotiator was the City Manager and the negotiating parties, Mark Deven and OPDE US Corporation. Under negotiation were price and terms of payment. Present at this session were Mayor Pimentel, Vice Mayor Davies, Council Members Dote (arrived at 5:07), Marble and Monroe, City Manager Deven, City Attorney Morris, and Economic Development Manager Ross.

Council also held a conference with Labor Negotiators, pursuant to Section 54957.6. The Agency Designated Representatives were William Avery, Amy Buck and Christine Engel. The Employee Organizations were the Woodland Mid-Management Association; the Woodland City Employees' Association; and the Woodland Professional Firefighters' Association. Present at this session were Mayor Pimentel, Vice Mayor Davies, Council Members Dote, Marble and Monroe, City Manager Deven, City Attorney Morris, Human Resources Manager Buck Human Resources Analyst Engel.

REGULAR SESSION

6:00 P.M.

CALL TO ORDER

At 6:07 p.m. Mayor Pimentel called the Joint Regular Session of the City Council and the Woodland Redevelopment Agency Board to order.

CLOSED SESSION ANNOUNCEMENT

Mayor Pimentel announced that Council had met in closed session regarding real property negotiations and to discuss labor negotiations. Staff was given direction.



ROLL CALL

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Mark Deven, Andrew Morris, Sue Vannucci, Greg Meyer, Dan Bellini, Heather Muller, Kim McKinney, Lynn Johnson, Paul Siegel, Tod Reddish, Wendy Ross

PLEDGE OF ALLEGIANCE

Mayor Pimentel invited all in attendance to join in the Pledge of Allegiance led by City Attorney Andrew Morris.

COMMUNICATIONS-PUBLIC COMMENT

Christine Shewmaker, representing the League of Women Voters advised Council of an upcoming event they are sponsoring to be held on October 6, 2010 from 7:00 to 9:00 p.m. on "Climate Change and Water". Various experts in the field will be speaking.

Bette Racki asked about that the closure of the Brooks Pool during the winter for the water aerobics program. Citizens pay for the pool usage with taxes and fees. They want the funds from the additional sales tax measure to be used for the pool so the water aerobics participants can have their program. City Manager Deven said when the Council cut the necessary fund to balance the budget, one of the things omitted was adding back part-time staff required to supervise these programs. He and staff are working on this and advised Council it will take a couple of weeks to find the funds for this program.

Donna Horgan has been doing water aerobics and feels that this is a good way to exercise for those who need low impact methods. The program brought in \$115,000 and it went into the General Fund.

Vice Mayor Davies asked that the Lifeguard continue for those weeks until the funding is found. City Manager Deven said the closure was to take affect on October 1st and the funding should be cleared by that date.



COMMUNICATIONS–COUNCIL/STAFF STATEMENTS AND REQUESTS

Council Member Marble attended the League of California Cities Annual Conference as a delegate and one of the primary topics was transparency in government in light of the City of Bell scandal. Pension reform and stimulus fund usage and accounting were other issues discussed. A Resolution was passed relating to unfunded State mandates as was a Resolution on texting while driving. A great deal of discussion was held on Assembly Bill 32 and Senate Bill 375 but the delegation deferred those items.

He requested coordination of a presentation by Dr. Eric Mische, General Manager of the Woodland/Davis Clean Water Agency. The Water Resources Agency Board discussed a five county Memorandum of Understanding involving water to allow us to develop a Inter-Regional Water Management Plan.

Mayor Pimentel congratulated Council Member Marbel on his election to the League of California Cities Board of Directors.

MINUTES

On a motion by Council Member Marble, seconded by Council Member Dote and carried unanimously, Council approved the minutes of the September 1, 2009 and September 15, 2009 regular sessions; the October 6, 2009 joint Council, Redevelopment Agency Board, Woodland Finance Authority Board regular session; the October 20, 2009 regular session; and the October 27, 2009 special closed session of the Council.

COMMUNICATIONS – WRITTEN

Council received notice from Pacific Gas and Electric Company regarding a change in rates. Council Member Dote said P. G. & E. is charging users for a rate study they conducted.

COMMUNICATIONS - COMMITTEE REPORTS

Council received the minutes of the Yolo Emergency Communications Agency meetings of May 5, June 2 and July 15, 2010.

Council received the minutes of the Davis Woodland Surface Water Project Joint Powers Authority meeting of June 17, 2010.



CONSENT CALENDAR

On a motion by Council Member Monroe, seconded by Council Member Marble and carried unanimously, Council approved the following Consent Calendar item as presented:

MONTHLY STATUS REPORT – PUBLIC WORKS

Council received the Monthly Status Report from Public Works.

REPORTS OF THE CITY MANAGER

MEASURE E SPENDING PLAN

Finance Officer McKinney said the Measure E adopted spending plan allocated originally allocated \$67 million to various areas as approved by the voters in the advisory measures. Those divisions were reallocated when it was determined that the sales tax revenues would not be as expected. There are significant reductions in the anticipated revenues. The City assumes some moderate growth but the projections on sales tax is not anticipated to increase. The new projected revenue for the life of the tax is anticipated to be at \$48 million.

The advisory measures were approved allotting a minimum of \$30.2 million or 45% for road rehabilitation; funding for Community and Senior Center Phase II, Sports Park and renovation and improvements of parks, recreation facilities and pools; and funding for expansions of the Library, City Hall and the Opera House.

Factors considered and recommendations for the reallocation of the anticipated funds included:

Road Maintenance - no changes to the \$30.2 million guaranteed to road projects, thus 63% of total Measure E revenues;

Community Senior Center Phase II/Sports Park Phase I - no changes to the previous allocation to these projects. These projects were funded by issuance of external debt;

Opera House - recommended to be \$2.37 million, down from the \$2.8 million approved by Council in May 2008;



Rehabilitation for Parks/Facilities/Pools - reduced to \$3.75 million, a decrease of \$4.4 million from the 2008 allocation. Staff is recommending that the allocation to these projects be increased to \$5.9 million, with the difference coming from the Civic Center Expansion project;

Library Renovation - Completed in 2007-08 and 2008-09. The revised allocation to that project would have resulted in an allocation of \$222,000. Since the expenditures were already completed, the allocation was increased to reflect those amounts; the additional revenue was reallocated by reducing the Civic Center Expansion Project.

Sports Park other – was intended to pay for further expansion of the Community Sports Park. It is recommended that the allocation of ~\$2.47 million be applied to the Library Expansion Project;

Library Expansion - the revised assumption would have been reduced to \$1.7 million, \$2 million less than the 2008 update and other funding sources are not available. Staff is recommending that the allocation be increased by \$2.47 million for a total allocation of \$3.8 million.

Civic Center Expansion - originally intended to be funded through a combination of Major Projects Financing Plan and Measure E funds. The project was removed from funding in 2008. Staff is recommending that the allocation for this project, with the exception of the money already spent, be allocated instead to park facility rehabilitation projects.

Council is asked to consider two options: (1) review and approve the updated Measure E Spending Plan, which reduces estimated revenues down to \$48 million and alters the allocation of these resources among the various projects; or (2) review and approve the updated Measure E Spending Plan, which reduces estimated revenues down to \$48 million and does not change the methodology for allocation of these resources among the various projects.

Council Member Monroe asked if there is a fund to replace the fields at the sports parks as they age and City Manager Deven said there is not. Staff has recommended that these funds go to the Library expansion project. Council Member Monroe asked if the Library is expanded, what will be the maintenance and staff costs to manage that facility. City Manager Deven said until a strategy to fund that expansion is in place, the Library Project will not be funded and scheduled in the ten year Capital Improvement Project will not move forward.



Council Member Marble said it appears the completion of the Community and Senior Center and the Sports Park will be pushed out until 2015 and will be covered by Measure E funds at that time. Finance Officer McKinney agreed.

Vice Mayor Davies proposed that a contract was made with the community on roads, parks, the Library and the Opera House. Staff has done what they can do to determine actual available revenues and the City needs to slow down the expenditures in the Capital Improvement Program. We should set the fund aside to cover these programs and keep the money in abeyance for flexibility purposes.

Council Member Dote asked if there has been any feedback from the Opera House Board. City Manager Deven said the Board is looking at the proposed funds to see if they can maintain the project within the proposed funding allocation. The Opera House Board has put the project out to bid to determine if they have sufficient funds.

Council Member Marble asked if the Measure E report could come to Council for revision more often than the two year cycle presently in place. City Manager Deven said it could come more often and is already seen in the annual Capital Improvement Program reports. Council Member Marble said our projected revenues have gone from \$68 million to \$48 million. Should the economy continue to slide and we drop below \$48 million how will the City address that. City Manager Deven said at this time there is no plan in place. We need to keep our contract with the community but would need further internal discussion with staff should the revenues continue to decline. Council Member Marble would like to be flexible if the economy does continue to slide. We should have this back on the table in an effort to respond to that possibility and need to leave ourselves room to disengage the projects identified should that happen. We need to have the ability to shrink further if the need arises. City Manager Deven feels there is room to adjust if as needed because we have pushed many projects to the back end of the ten year plan so that we have money available before we spend it.

Mayor Pimentel said that when the City first proposed phases of construction on the Sports Park, Phase I was not completed because as one field that was left undone. Finance Officer McKinney said when we went out to bid the costs for the fields came in higher and the City could not finish the sixth field. Mayor Pimentel said we are reducing all of the other areas, but are proposing funding the expansion of the Library at 100% as an additional project, but are not completing the original Phase I of the Sports Park. We have no way of maintaining or replacing those fields which get a large amount of use. He also has issues with the Opera House but cannot change the allocation at this time.



Council Member Dote said these projects will need to go out to bid at some point and we need to have funds in place before we proceed. Council Member Monroe agreed and would like a fund to keep in place for upkeep of what we have at the Community and Senior Center. Vice Mayor Davies said if we use the funds for roads, we cannot maintain other facilities.

Council Member Dote said un-programmed reserve is a good idea. Finance Office McKinney said the road projects are programmed for the end of the Capital Improvement Program in 2016.

Council Member Monroe said there are many sources of funds for road projects, but not for the other projects. Council Member Marble would like staff to look at this further and return with a proposal for reserve funds using some of the anticipated income from Measure E.

Mayor Pimentel asked City Manager Deven to look at options. City Manager Deven said it appears that Council would like a \$2 million reserve. He will work with staff and return with an established reserve with a source. Mayor Pimentel is not comfortable with the expansion of the Library when other areas are being cut. Council Member Monroe agreed that we should not be expanding the Library without identified funds to maintain and staff the increased facility.

Bobby Harris congratulated Council for recommending the re-evaluation of the Measure E spending plan.

Ineke Dewit thanked the Council for consideration of keeping the Brooks Pool open. She asked why Measure E does not have funds identified to keep the pool open. She wants to use that money for that. Mayor Pimentel said there is some money for the Brooks Pool and there is a proposal of \$5.8 for the parks some of which is for the pool. City Manager Deven will provide a timeline for the funding of the Brooks Pool and when that funding will be in place.

PERSONNEL BOARD

On a motion by Council Member Dote, seconded by Council Member Monroe and carried unanimously, Council appointed Richard DeLiberty to the Personnel Board, effective immediately.



RESOLUTION 5139 - NEGOTIATION AGREEMENT WITH OPDE GROUP

Redevelopment Manager Ross said there have been discussions for a month or so regarding placement of a solar array on City property. It is important to move ahead with an Agreement now because there will be a change to the process beginning on October 1. The parcels under consideration are the Woodland Regional Park on County Road 102, Road 25 and Road 25A, the old Wastewater Treatment Plant on the Northwest corner of East Beamer Street and County Road 102, the recently retired Wastewater Treatment Plant ponds North of the current Wastewater Treatment Plant and a portion of the site leased to Pacific Coast Producers East of the Wastewater Treatment Plant/Gateway Shopping Center. The timeline is very important. The organization is prepared to move forward immediately. We need to do our due diligence to determine the sites best suited. She listed the opportunities and said there will be no cost to the City and the company has offered a deposit.

Council Member Marble said we are not endorsing the land but only entering into an Agreement. Manager Ross said we are only interested in pursuing the opportunity.

Vice Mayor Davies asked about the background, strength and stability of this company. We need to do our due diligence.

Bob Schneider is a Senior Policy Advisor from Tuleyome. Their Mission is to protect wild heritage, work on conservation, land stewardship, and do outreach. They strongly support solar capabilities but are concerned about the Woodland Regional Park site and wish it to be removed from the consideration.

Mary Ann Showers is Botanist from Davis and does not want the Woodland Regional Park to be used for the solar panels. There are plants in the Park that are endangered such as the Bird's Beak and the closeness of the property to Willow Slough will affect the Swainson's Hawk population should panels be installed.

Glen Husted, Board Member of Tuleyome, said they and have brought in \$75,000 of Federal funds. The City has promised to protect this site. This is a critical piece of land to the national heritage. There are endangered and rare species at this site.

Ellen Dean, Ph. D. from the University of California does plant identification for the entire State. She did a report for the City for free last year and distributed copies for the Council.



Vice Mayor Davies has not looked at the Regional Park to see if we could protect the property but also accommodate the solar panels. The parcel North of the City at Kentucky, Beamer and County Road 102 is part of our industrial area,

On a motion by Vice Mayor Davies, seconded by Council Member Marble and carried unanimously, Council adopted Resolution 5139, a "Resolution Authorizing the City Manager to Enter into an Exclusive Negotiating Agreement Associated with a Lease of Identified City Owned Parcels for a Photovoltaic Facility", with OPDE US Corporation (Developer), a photovoltaic facility developer and proceed with the initial steps in developing one or more solar power plants on identified City owned parcels and further, give the City Manager the authority to extend the term of the ENA consistent with the terms of the Agreement. The motion included removal of the parcel on Kentucky, E. Beamer, and County Road 102.

ADJOURN

At 7:24 p.m., Mayor Pimentel adjourned the regular meeting of the Council.

Respectfully submitted,

SS: Susan L. Vannucci, Director of
Administrative Services/City Clerk

Adopted by Council: January 18, 2010